

**First Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO**

**INTRODUCED**

LLS NO. 21-0588.01 Brita Darling x2241

**HOUSE BILL 21-1006**

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**HOUSE SPONSORSHIP**

**Esgar and Will,**

**SENATE SPONSORSHIP**

**Garcia and Hisey,**

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**House Committees**  
Education

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FIFTH-DAY SCHOOL WEEK SUPPLEMENTAL EDUCATIONAL**  
102 **PROGRAMS.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

The bill creates the fifth-day academic enrichment and support grant program (program) to award grants on a 3-year cycle to one or more eligible community-based nonprofit organizations (organizations) to provide supplemental educational programs to full-day kindergarten through high school-aged children on the fifth day of the week for children in schools that have a 4-day school week.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.

To be eligible for a grant, organizations must, in part, have experience providing before- and after-school programs, serve a majority of children from low-income families, and have a relationship or partnership with a local school district that serves children in the program.

The state board of education (state board) awards program grants in a 3-year grant cycle, with an initial grant and automatic renewal of the grant for 2 years as set forth in the bill. The amount of the initial and renewal grants is determined by the state board based on the number of children served in the program and other criteria specified in the bill.

Grants must be used for one or more of the purposes specified in the bill, including to provide supplemental educational programming to support students' academic development on the fifth day of a 4-day school week, to provide meals for students attending the program, and to acquire educational materials and necessary technology to provide supplemental educational programming.

The state board shall promulgate rules to establish the program, including the application process and deadlines.

Grantees are required to report annually to the department of education (department) on the use of the grant money, with the department reporting to certain committees of the general assembly.

The bill creates a fund from which to pay program grants, consisting of money appropriated or transferred to the fund by the general assembly.

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1     *Be it enacted by the General Assembly of the State of Colorado:*

2             **SECTION 1.** In Colorado Revised Statutes, **add** article 104 to  
3 title 22 as follows:

4                             **ARTICLE 104**

5             **Fifth-day Academic Enrichment and Support Grant Program**

6             **22-104-101. Short title.** THE SHORT TITLE OF THIS ARTICLE 104 IS  
7 THE "FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT  
8 PROGRAM ACT".

9             **22-104-102. Legislative declaration.** (1) THE GENERAL  
10 ASSEMBLY FINDS THAT:

11             (a) COLORADO HAS MORE SCHOOLS ON A FOUR-DAY SCHOOL WEEK  
12 THAN ANY OTHER STATE IN THE COUNTRY;

1           (b) ONE HUNDRED ELEVEN OF COLORADO'S ONE HUNDRED  
2 SEVENTY-EIGHT SCHOOL DISTRICTS ARE ON A FOUR-DAY SCHOOL WEEK,  
3 REPRESENTING MORE THAN EIGHTY THOUSAND CHILDREN;

4           (c) MANY SCHOOL DISTRICTS MADE THE DECISION TO MOVE TO A  
5 FOUR-DAY SCHOOL WEEK TO ADDRESS BUDGET CONCERNS AND RECOGNIZE  
6 THE NEED FOR ADDITIONAL STATE SUPPORT AND INVESTMENT IN  
7 KINDERGARTEN-THROUGH-TWELFTH-GRADE FUNDING IN ORDER TO MOVE  
8 TOWARD A RETURN TO A FIVE-DAY SCHOOL WEEK;

9           (d) HOWEVER, THERE IS LITTLE RESEARCH ON THE BENEFITS OR  
10 COSTS OF A FOUR-DAY SCHOOL WEEK TO CHILDREN AND LEARNING;

11           (e) FREQUENTLY, WITHOUT SUPPLEMENTAL EDUCATIONAL  
12 PROGRAMMING AND WHILE AT HOME WITHOUT PARENTS OFTEN FOR MORE  
13 THAN TEN HOURS AT A TIME, MANY CHILDREN ARE TASKED WITH TAKING  
14 CARE OF SIBLINGS AND MANY GO WITHOUT WELL-BALANCED MEALS OR  
15 SNACKS DURING THAT TIME; AND

16           (f) FURTHER, LOW-INCOME PARENTS AND PARENTS WHO DO NOT  
17 HAVE A FLEXIBLE WORK SCHEDULE OR TIME OFF FROM WORK SPEND TIME  
18 IN THE WORKDAY WORRYING ABOUT CHILDREN AT HOME, WITH LITTLE  
19 ABILITY TO PROVIDE OR PAY FOR SUPERVISION WHEN CHILDREN ARE NOT  
20 IN SCHOOL DURING THE WORKWEEK.

21           (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
22 SUPPORTING COMMUNITY-BASED NONPROFIT ORGANIZATIONS IN  
23 PROVIDING SUPPLEMENTAL EDUCATIONAL PROGRAMMING THROUGH  
24 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS IN THE  
25 COMMUNITY WILL HELP ENSURE THAT DECLINES IN LEARNING ARE  
26 MINIMIZED AND THAT CHILDREN ARE IN A SAFE, SUPPORTIVE, AND  
27 ACADEMICALLY ENRICHING ENVIRONMENT WHEN NOT AT SCHOOL ON THE

1 FIFTH DAY OF A FOUR-DAY SCHOOL WEEK.

2 **22-104-103. Definitions.** AS USED IN THIS ARTICLE 104, UNLESS  
3 THE CONTEXT OTHERWISE REQUIRES:

4 (1) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION  
5 CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

6 (2) "ELIGIBLE COMMUNITY-BASED ORGANIZATION" MEANS A  
7 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT MEETS THE  
8 ELIGIBILITY CRITERIA SET FORTH IN SECTION 22-104-105.

9 (3) "FUND" MEANS THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
10 SUPPORT GRANT PROGRAM FUND CREATED IN SECTION 22-104-107.

11 (4) "GRANT PROGRAM" MEANS THE FIFTH-DAY ACADEMIC  
12 ENRICHMENT AND SUPPORT GRANT PROGRAM CREATED IN THIS ARTICLE  
13 104.

14 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN  
15 A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO  
16 LAW.

17 (6) "STATE BOARD OF EDUCATION" OR "STATE BOARD" MEANS THE  
18 STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO  
19 SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

20 **22-104-104. Fifth-day academic enrichment and support grant**  
21 **program - created - use of grants - rules.** (1) THERE IS CREATED IN THE  
22 DEPARTMENT THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
23 GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE COMMUNITY-BASED  
24 NONPROFIT ORGANIZATIONS TO PROVIDE SUPPLEMENTAL EDUCATIONAL  
25 PROGRAMMING AND RELATED SERVICES TO CHILDREN IN FULL-DAY  
26 KINDERGARTEN THROUGH HIGH SCHOOL WHO ARE UP TO EIGHTEEN YEARS  
27 OF AGE.

1           (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH  
2 THE GRANT PROGRAM FOR ONE OR MORE OF THE FOLLOWING PURPOSES:

3           (a) TO PROVIDE SUPPLEMENTAL EDUCATIONAL PROGRAMMING TO  
4 SUPPORT STUDENTS' ACADEMIC DEVELOPMENT ON THE FIFTH DAY OF A  
5 FOUR-DAY SCHOOL WEEK WHEN STUDENTS ARE NOT IN SCHOOL;

6           (b) TO PROVIDE SUPPLEMENTAL EDUCATIONAL PROGRAMMING TO  
7 SUPPORT STUDENTS' ACADEMIC DEVELOPMENT IN AFTER-SCHOOL  
8 PROGRAMMING, SO LONG AS THE COMMUNITY-BASED ORGANIZATION  
9 PROVIDING THE AFTER-SCHOOL PROGRAMMING ALSO PROVIDES  
10 PROGRAMMING ON THE FIFTH DAY OF A FOUR-DAY SCHOOL WEEK.

11          (c) TO PROVIDE MEALS FOR STUDENTS ATTENDING THE  
12 SUPPLEMENTAL EDUCATIONAL PROGRAMMING;

13          (d) TO ACQUIRE EDUCATIONAL MATERIALS AND NECESSARY  
14 TECHNOLOGY TO PROVIDE SUPPLEMENTAL EDUCATIONAL PROGRAMMING;

15          (e) TO BUILD RELATIONSHIPS WITH AND PARTNER WITH SCHOOL  
16 DISTRICTS AND CONDUCT OUTREACH TO STUDENTS AND FAMILIES;

17          (f) FOR STAFF AND ADMINISTRATIVE SUPPORT TO IMPLEMENT  
18 SUPPLEMENTAL EDUCATIONAL PROGRAMMING; OR

19          (g) FOR OTHER APPROPRIATE USES RELATED TO A FIFTH-DAY  
20 PROGRAM AS DETERMINED BY THE STATE BOARD.

21          (3) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM.  
22 SUBJECT TO AVAILABLE APPROPRIATIONS, BEGINNING IN THE 2021-22  
23 STATE FISCAL YEAR, THE STATE BOARD SHALL AWARD GRANTS ON A  
24 THREE-YEAR GRANT CYCLE AS PROVIDED IN SECTION 22-104-105. GRANTS  
25 ARE PAID OUT OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
26 GRANT PROGRAM FUND CREATED IN SECTION 22-104-107.

27          (4) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN

1 ACCORDANCE WITH THIS ARTICLE 104. PURSUANT TO ARTICLE 4 OF TITLE  
2 24, THE STATE BOARD SHALL PROMULGATE SUCH RULES AS ARE REQUIRED  
3 IN THIS ARTICLE 104 AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY  
4 TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES MUST  
5 SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS AND THE FORM OF  
6 THE APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY,  
7 THE AMOUNT OF THE GRANT BASED ON THE NUMBER OF CHILDREN SERVED  
8 AND AVAILABLE MONEY IN THE FUND, AND THE PROCESS FOR THE  
9 AUTOMATIC RENEWAL OF THE GRANT PURSUANT TO SECTION 22-104-105.

10 **22-104-105. Grant program eligibility - application - criteria**  
11 **- awards.** (1) TO BE ELIGIBLE TO RECEIVE A GRANT, A  
12 COMMUNITY-BASED ORGANIZATION MUST:

13 (a) BE A NONPROFIT ORGANIZATION WITH EXPERIENCE IN  
14 PROVIDING BEFORE- AND AFTER-SCHOOL PROGRAMS FOR CHILDREN OR  
15 OTHER SUPPLEMENTAL EDUCATIONAL PROGRAMMING TO SCHOOL-AGED  
16 CHILDREN;

17 (b) HAVE A RELATIONSHIP OR PARTNERSHIP WITH A LOCAL SCHOOL  
18 DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK IN WHICH THE  
19 NONPROFIT ORGANIZATION PROVIDES OR WILL PROVIDE SUPPLEMENTAL  
20 EDUCATIONAL PROGRAMMING AND SUPPORTS FOR CHILDREN AND FAMILIES  
21 IN THE SCHOOL DISTRICT;

22 (c) SERVE CHILDREN IN FULL-DAY KINDERGARTEN THROUGH HIGH  
23 SCHOOL WHO ARE UNDER EIGHTEEN YEARS OF AGE; AND

24 (d) SERVE A MAJORITY OF CHILDREN WHO QUALIFY FOR FREE OR  
25 REDUCED-PRICE MEALS UNDER THE FEDERAL "RICHARD B. RUSSELL  
26 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR WHOSE  
27 FAMILIES ARE AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL

1 POVERTY LEVEL.

2 (2) TO RECEIVE A GRANT, AN ELIGIBLE COMMUNITY-BASED  
3 ORGANIZATION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN  
4 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. AT A  
5 MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

6 (a) EVIDENCE THAT THE COMMUNITY-BASED ORGANIZATION  
7 MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SUBSECTION (1) OF  
8 THIS SECTION; AND

9 (b) A DESCRIPTION OF THE ELIGIBLE COMMUNITY-BASED  
10 ORGANIZATION'S FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
11 PROGRAM AND THE ORGANIZATION'S PROPOSED USES OF THE GRANT  
12 MONEY THAT ARE CONSISTENT WITH SECTION 22-104-104.

13 (3) (a) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS  
14 RECEIVED PURSUANT TO THIS SECTION TO DETERMINE ELIGIBILITY UNDER  
15 THE GRANT PROGRAM. THE STATE BOARD SHALL AWARD GRANTS ON A  
16 THREE-YEAR GRANT CYCLE TO ELIGIBLE COMMUNITY-BASED  
17 ORGANIZATIONS IN THE ORDER QUALIFYING APPLICATIONS ARE RECEIVED.  
18 THE STATE BOARD SHALL DETERMINE THE AMOUNT OF THE GRANTS. THE  
19 AMOUNT OF THE INITIAL AND RENEWAL GRANTS IS BASED ON THE NUMBER  
20 OF CHILDREN SERVED IN THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
21 SUPPORT PROGRAM; EXCEPT THAT THE GRANT AWARD AMOUNT MAY BE  
22 CAPPED, INCREASED, OR DECREASED BASED ON THE NUMBER AND AGE OF  
23 CHILDREN SERVED IN THE PROGRAM, THE NUMBER OF GRANTEEES IN THE  
24 PROGRAM, AVAILABLE APPROPRIATIONS, AND ANY OTHER RELEVANT  
25 CRITERIA AS DETERMINED BY THE STATE BOARD.

26 (b) THE STATE BOARD SHALL ENSURE THAT THE AMOUNT OF  
27 GRANTS AWARDED OVER THE THREE-YEAR GRANT CYCLE TO A GRANTEE

1 AND THE AUTOMATIC RENEWAL PROCESS ARE DESIGNED TO ACHIEVE  
2 PREDICTABILITY FOR GRANTEES AND FOSTER SUSTAINABLE FIFTH-DAY  
3 ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS.

4 (c) EACH GRANT HAS AN INITIAL TERM OF ONE YEAR WITH  
5 AUTOMATIC RENEWAL ANNUALLY FOR TWO ADDITIONAL YEARS, SUBJECT  
6 TO AVAILABLE APPROPRIATIONS, AND CONTINGENT ON THE FOLLOWING:

7 (I) THE GRANT RECIPIENT CONTINUING TO SERVE CHILDREN IN A  
8 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAM;

9 (II) THE GRANT RECIPIENT CONTINUING TO MEET THE ELIGIBILITY  
10 REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION;

11 (III) THE GRANT RECIPIENT USING GRANT MONEY FOR PURPOSES  
12 SPECIFIED IN SECTION 22-104-104;

13 (IV) SUCCESSFUL IMPLEMENTATION OF SUPPLEMENTAL  
14 EDUCATIONAL PROGRAMMING AND DATA ASSOCIATED WITH IMPROVED  
15 ACADEMIC OUTCOMES FOR PARTICIPATING CHILDREN; AND

16 (V) ANY OTHER REASONABLE CRITERIA FOR RENEWAL OF THE  
17 GRANT, AS DETERMINED BY THE STATE BOARD.

18 **22-104-106. Reporting requirements.** (1) ON OR BEFORE  
19 FEBRUARY 15, 2022, AND ON OR BEFORE FEBRUARY 15 EACH YEAR  
20 THEREAFTER IN WHICH A GRANT IS AWARDED OR RENEWED, EACH ELIGIBLE  
21 COMMUNITY-BASED ORGANIZATION THAT RECEIVES A GRANT THROUGH  
22 THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT  
23 A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

24 (a) THE NUMBER OF CHILDREN SERVED IN THE FIFTH-DAY  
25 ACADEMIC ENRICHMENT AND SUPPORT PROGRAM DURING THE YEAR AND  
26 NONIDENTIFYING INFORMATION CONCERNING THE AGE AND ECONOMIC  
27 STATUS OF THE CHILDREN;



1 (b) A DESCRIPTION OF THE ELIGIBLE COMMUNITY-BASED  
2 ORGANIZATION'S RELATIONSHIP OR PARTNERSHIP WITH A LOCAL SCHOOL  
3 DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK AND THAT IS THE  
4 SCHOOL DISTRICT OF CHILDREN PARTICIPATING IN THE ACADEMIC  
5 ENRICHMENT AND SUPPORT PROGRAM;

6 (c) A DESCRIPTION OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
7 SUPPORT PROGRAM AND THE SUPPLEMENTAL EDUCATIONAL  
8 PROGRAMMING PROVIDED TO CHILDREN IN THE PROGRAM; AND

9 (d) THE USES OF THE GRANT MONEY DURING THE GRANT TERM.

10 (2) ON OR BEFORE APRIL 1, 2022, AND ON OR BEFORE APRIL 1  
11 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,  
12 THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF INFORMATION  
13 PROVIDED BY THE ELIGIBLE COMMUNITY-BASED ORGANIZATIONS THAT  
14 RECEIVED A GRANT TO THE EDUCATION COMMITTEES OF THE SENATE AND  
15 THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND  
16 TO THE JOINT BUDGET COMMITTEE ON THE GRANT PROGRAM. THE REPORT  
17 MUST ALSO INCLUDE THE TOTAL NUMBER OF CHILDREN SERVED BY THE  
18 GRANT PROGRAM AND THE UNENCUMBERED BALANCE IN THE FUND.

19 (3) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE  
20 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE  
21 INDEFINITELY.

22 **22-104-107. Fifth-day academic enrichment and support grant**  
23 **program fund.** (1) THERE IS CREATED IN THE STATE TREASURY THE  
24 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND.  
25 THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY  
26 APPROPRIATE OR TRANSFER TO THE FUND.

27 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND

1 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
2 FUND TO THE FUND.

3 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
4 MONEY FROM THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
5 GRANT PROGRAM FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT  
6 PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT  
7 SHALL EXPEND MONEY FROM THE FUND FOR THE AWARD OR RENEWAL OF  
8 GRANTS PURSUANT TO THIS ARTICLE 104. THE DEPARTMENT MAY USE UP  
9 TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE  
10 PROGRAM TO PAY THE REASONABLE AND NECESSARY DIRECT AND  
11 INDIRECT COSTS THE DEPARTMENT INCURS TO ADMINISTER THE GRANT  
12 PROGRAM.

13 **SECTION 2. Safety clause.** The general assembly hereby finds,  
14 determines, and declares that this act is necessary for the immediate  
15 preservation of the public peace, health, or safety.