

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

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 21-0588.01 Brita Darling x2241

HOUSE BILL 21-1006

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A BILL FOR AN ACT

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

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.

SENATE
3rd Reading Unamended
May 19, 2021

SENATE
Amended 2nd Reading
May 18, 2021

HOUSE
3rd Reading Unamended
April 8, 2021

HOUSE
Amended 2nd Reading
April 7, 2021

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 ENRICHMENT
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;

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; AND

21 (g) WHILE SCHOOL DISTRICTS ARE OPERATING ON A FOUR-DAY
22 SCHOOL WEEK, SUPPLEMENTAL ENRICHMENT PROGRAMMING AND RELATED
23 ENRICHMENT ACTIVITIES CAN HELP PROVIDE STUDENTS WITH THE
24 SUPPORTS THEY NEED.

25 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT
26 SUPPORTING COMMUNITY-BASED NONPROFIT ORGANIZATIONS AND
27 ELIGIBLE RURAL SCHOOL DISTRICTS IN PROVIDING SUPPLEMENTAL

1 ENRICHMENT PROGRAMMING THROUGH FIFTH-DAY ACADEMIC
2 ENRICHMENT AND SUPPORT PROGRAMS WILL HELP ENSURE THAT
3 DECLINES IN LEARNING ARE MINIMIZED AND THAT CHILDREN ARE IN A
4 SAFE, SUPPORTIVE, AND ACADEMICALLY ENRICHING ENVIRONMENT WHEN
5 NOT AT SCHOOL ON THE FIFTH DAY OF A FOUR-DAY SCHOOL WEEK.

6 **22-104-103. Definitions.** AS USED IN THIS ARTICLE 104, UNLESS
7 THE CONTEXT OTHERWISE REQUIRES:

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

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

13 (3) "ELIGIBLE RURAL SCHOOL DISTRICT" MEANS A SCHOOL
14 DISTRICT THAT THE DEPARTMENT DETERMINES IS RURAL, BASED ON THE
15 GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE DISTANCE OF THE
16 SCHOOL DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
17 MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SECTION
18 22-104-105.

19 (4) "FUND" MEANS THE FIFTH-DAY ACADEMIC ENRICHMENT AND
20 SUPPORT GRANT PROGRAM FUND CREATED IN SECTION 22-104-107.

21 (5) "GRANT PROGRAM" MEANS THE FIFTH-DAY ACADEMIC
22 ENRICHMENT AND SUPPORT GRANT PROGRAM CREATED IN THIS ARTICLE
23 104.

24 (6) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN
25 A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO
26 LAW.

27 (7) "STATE BOARD OF EDUCATION" OR "STATE BOARD" MEANS THE

1 STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO
2 SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

3 **22-104-104. Fifth-day academic enrichment and support grant**
4 **program - created - use of grants - rules.** (1) THERE IS CREATED IN THE
5 DEPARTMENT THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT
6 GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE COMMUNITY-BASED
7 NONPROFIT ORGANIZATIONS AND ELIGIBLE RURAL SCHOOL DISTRICTS TO
8 PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING AND RELATED
9 ENRICHMENT ACTIVITIES AND SERVICES TO CHILDREN IN PRESCHOOL
10 THROUGH HIGH SCHOOL WHO ATTEND A PUBLIC SCHOOL THAT OPERATES
11 ON A FOUR-DAY WEEK.

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

14 (a) TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING TO
15 SUPPORT STUDENTS' ACADEMIC AND SOCIAL AND EMOTIONAL
16 DEVELOPMENT ON THE FIFTH DAY OF A FOUR-DAY SCHOOL WEEK WHEN
17 STUDENTS ARE NOT IN SCHOOL;

18 (b) TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING TO
19 SUPPORT STUDENTS' ACADEMIC AND SOCIAL AND EMOTIONAL
20 DEVELOPMENT IN AFTER-SCHOOL PROGRAMMING, SO LONG AS THE
21 COMMUNITY-BASED ORGANIZATION PROVIDING THE AFTER-SCHOOL
22 PROGRAMMING ALSO PROVIDES PROGRAMMING ON THE FIFTH DAY OF A
23 FOUR-DAY SCHOOL WEEK.

24 (c) TO PROVIDE MEALS FOR STUDENTS ATTENDING THE
25 SUPPLEMENTAL ENRICHMENT PROGRAMMING AND THE COSTS ASSOCIATED
26 WITH PROVIDING TRANSPORTATION TO AND FROM PROGRAMMING;

27 (d) TO ACQUIRE EDUCATIONAL MATERIALS AND NECESSARY

1 TECHNOLOGY TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING;

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

4 (f) FOR STAFF AND ADMINISTRATIVE SUPPORT TO IMPLEMENT
5 SUPPLEMENTAL ENRICHMENT PROGRAMMING; █

6 (g) TO MAKE NEEDED ACCOMMODATIONS FOR STUDENTS WITH
7 DISABILITIES; OR

8 (h) FOR OTHER APPROPRIATE USES RELATED TO A FIFTH-DAY
9 PROGRAM AS DETERMINED BY THE STATE BOARD.

10 (3) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE
11 GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT SHALL NOT IMPLEMENT
12 OR ADMINISTER THE GRANT PROGRAM UNLESS THE GENERAL ASSEMBLY
13 APPROPRIATES SUFFICIENT MONEY TO THE FUND FOR SUCH PURPOSES.

14 SUBJECT TO AVAILABLE APPROPRIATIONS, █ THE STATE BOARD SHALL
15 AWARD GRANTS ON A THREE-YEAR GRANT CYCLE AS PROVIDED IN SECTION
16 22-104-105. GRANTS ARE PAID OUT OF THE FIFTH-DAY ACADEMIC
17 ENRICHMENT AND SUPPORT GRANT PROGRAM FUND CREATED IN SECTION
18 22-104-107.

19 █ (4) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD
20 SHALL PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS ARTICLE 104
21 AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE
22 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME
23 FRAMES FOR APPLYING FOR GRANTS AND THE FORM OF THE APPLICATION,
24 THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, THE AMOUNT OF THE
25 GRANT BASED ON THE NUMBER OF CHILDREN SERVED AND AVAILABLE
26 MONEY IN THE FUND, AND THE PROCESS FOR THE AUTOMATIC RENEWAL OF
27 THE GRANT PURSUANT TO SECTION 22-104-105.

1 **22-104-105. Grant program eligibility - application - criteria**

2 - **awards.** (1) (a) TO BE ELIGIBLE TO RECEIVE A GRANT, A
3 COMMUNITY-BASED ORGANIZATION MUST:

4 (I) BE A NONPROFIT ORGANIZATION WITH EXPERIENCE IN
5 PROVIDING BEFORE- AND AFTER-SCHOOL PROGRAMS FOR CHILDREN OR
6 OTHER SUPPLEMENTAL ENRICHMENT PROGRAMMING TO SCHOOL-AGED
7 CHILDREN;

8 (II) HAVE A RELATIONSHIP OR PARTNERSHIP WITH A LOCAL
9 SCHOOL DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK IN
10 WHICH THE NONPROFIT ORGANIZATION PROVIDES OR WILL PROVIDE
11 SUPPLEMENTAL ENRICHMENT PROGRAMMING AND SUPPORTS FOR
12 CHILDREN AND FAMILIES IN THE SCHOOL DISTRICT;

13 (III) SERVE CHILDREN IN PRESCHOOL THROUGH HIGH SCHOOL WHO
14 ATTEND PUBLIC SCHOOL IN A SCHOOL DISTRICT THAT OPERATES ON A
15 FOUR-DAY WEEK; AND

16 (IV) SERVE A MAJORITY OF CHILDREN WHO QUALIFY FOR FREE OR
17 REDUCED-PRICE MEALS UNDER THE FEDERAL "RICHARD B. RUSSELL
18 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR WHOSE
19 FAMILIES ARE AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL
20 POVERTY LEVEL.

21 (b) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ELIGIBLE RURAL
22 SCHOOL DISTRICT MUST BE OPERATING ON A FOUR-DAY SCHOOL WEEK:

23 (I) HAVE NO ELIGIBLE COMMUNITY-BASED ORGANIZATION THAT
24 MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SECTION 22-104-105
25 OPERATING WITHIN THE RURAL SCHOOL DISTRICT'S BOUNDARIES; AND

26 (II) SERVE A MAJORITY OF CHILDREN WHO QUALIFY FOR FREE OR
27 REDUCED-PRICE MEALS UNDER THE FEDERAL "RICHARD B. RUSSELL

1 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR WHOSE
2 FAMILIES ARE AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL
3 POVERTY LEVEL.

4 (2) TO RECEIVE A GRANT, AN ELIGIBLE COMMUNITY-BASED
5 ORGANIZATION OR ELIGIBLE RURAL SCHOOL DISTRICT SHALL SUBMIT AN
6 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH RULES
7 PROMULGATED BY THE STATE BOARD. AT A MINIMUM, THE APPLICATION
8 MUST INCLUDE THE FOLLOWING:

9 (a) EVIDENCE THAT THE COMMUNITY-BASED ORGANIZATION OR
10 ELIGIBLE RURAL SCHOOL DISTRICT MEETS THE ELIGIBILITY REQUIREMENTS
11 SET FORTH IN SUBSECTION (1) OF THIS SECTION;

12 (b) A DESCRIPTION OF THE FIFTH-DAY ACADEMIC ENRICHMENT
13 AND SUPPORT PROGRAM AND THE ORGANIZATION'S OR ELIGIBLE RURAL
14 SCHOOL DISTRICT'S PROPOSED USES OF THE GRANT MONEY THAT ARE
15 CONSISTENT WITH SECTION 22-104-104; AND

16 (c) A DESCRIPTION OF HOW THE NEEDS OF STUDENTS WITH
17 DISABILITIES WILL BE ADDRESSED AND ACCOMMODATED.

18 (3) (a) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS
19 RECEIVED PURSUANT TO THIS SECTION TO DETERMINE ELIGIBILITY UNDER
20 THE GRANT PROGRAM. THE STATE BOARD SHALL AWARD GRANTS ON A
21 THREE-YEAR GRANT CYCLE IN THE ORDER QUALIFYING APPLICATIONS
22 ARE RECEIVED. THE STATE BOARD SHALL DETERMINE THE AMOUNT OF THE
23 GRANTS. THE AMOUNT OF THE INITIAL AND RENEWAL GRANTS IS BASED ON
24 THE NUMBER OF CHILDREN SERVED IN THE FIFTH-DAY ACADEMIC
25 ENRICHMENT AND SUPPORT PROGRAM; EXCEPT THAT THE GRANT AWARD
26 AMOUNT MAY BE CAPPED, INCREASED, OR DECREASED BASED ON THE
27 NUMBER AND AGE OF CHILDREN SERVED IN THE PROGRAM, THE NUMBER

1 OF GRANTEES IN THE PROGRAM, AVAILABLE APPROPRIATIONS, AND ANY
2 OTHER RELEVANT CRITERIA AS DETERMINED BY THE STATE BOARD.

3 (b) THE STATE BOARD SHALL ENSURE THAT THE AMOUNT OF
4 GRANTS AWARDED OVER THE THREE-YEAR GRANT CYCLE TO A GRANTEE
5 AND THE AUTOMATIC RENEWAL PROCESS ARE DESIGNED TO ACHIEVE
6 PREDICTABILITY FOR GRANTEES AND FOSTER SUSTAINABLE FIFTH-DAY
7 ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS.

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

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

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

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

17 (IV) SUCCESSFUL IMPLEMENTATION OF SUPPLEMENTAL
18 ENRICHMENT PROGRAMMING AND DATA ASSOCIATED WITH IMPROVED
19 ACADEMIC OUTCOMES FOR PARTICIPATING CHILDREN; AND

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

22 **22-104-106. Reporting requirements.** (1) ON OR BEFORE
23 FEBRUARY 15 IN EACH FISCAL YEAR IN WHICH A GRANT IS AWARDED OR
24 RENEWED, EACH ELIGIBLE COMMUNITY-BASED ORGANIZATION AND
25 ELIGIBLE RURAL SCHOOL DISTRICT THAT RECEIVES A GRANT THROUGH THE
26 GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A
27 MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION, IF

1 **APPLICABLE:**

2 (a) THE NUMBER OF CHILDREN SERVED IN THE FIFTH-DAY
3 ACADEMIC ENRICHMENT AND SUPPORT PROGRAM DURING THE YEAR AND
4 NONIDENTIFYING INFORMATION CONCERNING THE AGE AND ECONOMIC
5 STATUS OF THE CHILDREN;

6 (b) A DESCRIPTION OF THE ELIGIBLE COMMUNITY-BASED
7 ORGANIZATION'S RELATIONSHIP OR PARTNERSHIP WITH A LOCAL SCHOOL
8 DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK AND THAT IS THE
9 SCHOOL DISTRICT OF CHILDREN PARTICIPATING IN THE ACADEMIC
10 ENRICHMENT AND SUPPORT PROGRAM;

11 (c) A DESCRIPTION OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND
12 SUPPORT PROGRAM AND THE SUPPLEMENTAL **ENRICHMENT** PROGRAMMING
13 PROVIDED TO CHILDREN IN THE PROGRAM; AND

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

15 (2) ON OR BEFORE **APRIL 1** IN EACH FISCAL YEAR IN WHICH A
16 **GRANT IS AWARDED** FOR THE DURATION OF THE GRANT PROGRAM, THE
17 DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF INFORMATION
18 **PROVIDED TO THE DEPARTMENT BY GRANT RECIPIENTS TO THE EDUCATION**
19 **COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR**
20 ANY SUCCESSOR COMMITTEES, AND TO THE JOINT BUDGET COMMITTEE ON
21 THE GRANT PROGRAM. THE REPORT MUST ALSO INCLUDE THE TOTAL
22 NUMBER OF CHILDREN SERVED BY THE GRANT PROGRAM AND THE
23 UNENCUMBERED BALANCE IN THE FUND.

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

27 **22-104-107. Fifth-day academic enrichment and support grant**

1 **program fund.** (1) THERE IS CREATED IN THE STATE TREASURY THE
2 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND.
3 THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY
4 APPROPRIATE OR TRANSFER TO THE FUND.

5 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND
6 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE
7 FUND TO THE FUND.

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

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