

CHAPTER 382

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 21-1006

BY REPRESENTATIVE(S) Esgar and Will, Bennett, Caraveo, Duran, Exum, Froelich, Jodeh, Lontine, McCormick, Michaelson Jenet, Mullica, Ricks, Sandridge, Titone, Valdez A., Valdez D., Woodrow, Young, Bacon, Hooton, Kennedy, McCluskie, Snyder;
also SENATOR(S) Garcia and Hisey, Bridges, Ginal, Moreno, Priola, Simpson, Zenzinger.

AN ACT**CONCERNING FIFTH-DAY SCHOOL WEEK SUPPLEMENTAL ENRICHMENT PROGRAMS.**

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

SECTION 1. In Colorado Revised Statutes, **add** article 105 to title 22 as follows:

ARTICLE 105**Fifth-day Academic Enrichment and Support Grant Program**

22-105-101. Short title. THE SHORT TITLE OF THIS ARTICLE 105 IS THE "FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM ACT".

22-105-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT:

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

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

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

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

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

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

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

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

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT SUPPORTING COMMUNITY-BASED NONPROFIT ORGANIZATIONS AND ELIGIBLE RURAL SCHOOL DISTRICTS IN PROVIDING SUPPLEMENTAL ENRICHMENT PROGRAMMING THROUGH FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS WILL HELP ENSURE THAT DECLINES IN LEARNING ARE MINIMIZED AND THAT CHILDREN ARE IN A SAFE, SUPPORTIVE, AND ACADEMICALLY ENRICHING ENVIRONMENT WHEN NOT AT SCHOOL ON THE FIFTH DAY OF A FOUR-DAY SCHOOL WEEK.

22-105-103. Definitions. AS USED IN THIS ARTICLE 105, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

(4) "FUND" MEANS THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND CREATED IN SECTION 22-105-107.

(5) "GRANT PROGRAM" MEANS THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM CREATED IN THIS ARTICLE 105.

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

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

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

22-105-104. Fifth-day academic enrichment and support grant program - created - use of grants - rules. (1) THERE IS CREATED IN THE DEPARTMENT THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE COMMUNITY-BASED NONPROFIT ORGANIZATIONS AND ELIGIBLE RURAL SCHOOL DISTRICTS TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING AND RELATED ENRICHMENT ACTIVITIES AND SERVICES TO CHILDREN IN PRESCHOOL THROUGH HIGH SCHOOL WHO ATTEND A PUBLIC SCHOOL THAT OPERATES ON A FOUR-DAY WEEK.

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

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

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

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

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

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

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

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

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

(3) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT SHALL NOT IMPLEMENT OR ADMINISTER THE GRANT PROGRAM UNLESS THE GENERAL ASSEMBLY APPROPRIATES SUFFICIENT MONEY TO THE FUND FOR SUCH PURPOSES. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL AWARD GRANTS ON A THREE-YEAR GRANT CYCLE AS PROVIDED IN SECTION 22-105-105. GRANTS ARE PAID OUT OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND CREATED IN SECTION 22-105-107.

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

22-105-105. Grant program eligibility - application - criteria - awards.

(1) (a) TO BE ELIGIBLE TO RECEIVE A GRANT, A COMMUNITY-BASED ORGANIZATION MUST:

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

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

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

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

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

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

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

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

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

(b) A DESCRIPTION OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAM AND THE ORGANIZATION'S OR ELIGIBLE RURAL SCHOOL DISTRICT'S PROPOSED USES OF THE GRANT MONEY THAT ARE CONSISTENT WITH SECTION 22-105-104; AND

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

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

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

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

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

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

(III) THE GRANT RECIPIENT USING GRANT MONEY FOR PURPOSES SPECIFIED IN SECTION 22-105-104;

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

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

22-105-106. Reporting requirements. (1) ON OR BEFORE FEBRUARY 15 IN EACH FISCAL YEAR IN WHICH A GRANT IS AWARDED OR RENEWED, EACH ELIGIBLE COMMUNITY-BASED ORGANIZATION AND ELIGIBLE RURAL SCHOOL DISTRICT THAT RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION, IF APPLICABLE:

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

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

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

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

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

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

22-105-107. Fifth-day academic enrichment and support grant program

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

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

(3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY FROM THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL EXPEND MONEY FROM THE FUND FOR THE AWARD OR RENEWAL OF GRANTS PURSUANT TO THIS ARTICLE 105. THE DEPARTMENT MAY USE UP TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE PROGRAM TO PAY THE REASONABLE AND NECESSARY DIRECT AND INDIRECT COSTS THE DEPARTMENT INCURS TO ADMINISTER THE GRANT PROGRAM.

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

Approved: June 30, 2021