

CHAPTER 287

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 09-123

BY SENATOR(S) Williams, Sandoval, Bacon, Boyd, Foster, Gibbs, Groff, Hudak, Newell, Shaffer B., Tapia;
also REPRESENTATIVE(S) Todd, Solano, Apuan, Casso, Fischer, Kefalas, Labuda, Massey, Merrifield, Middleton, Roberts,
Ryden, Scanlan, Schafer S., Summers, Carroll T.

AN ACT

**CONCERNING A PILOT PROGRAM TO REDUCE THE DROPOUT RATE OF ADOLESCENT STUDENTS, AND
MAKING AN APPROPRIATION IN CONNECTION THEREWITH.**

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 82.3**Healthy Choices Dropout Prevention Pilot Program**

22-82.3-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AT-RISK SCHOOL" MEANS A SCHOOL THAT ENROLLS STUDENTS IN THE SIXTH, SEVENTH, AND EIGHTH GRADES AND MEETS THE FOLLOWING CRITERIA:

(a) (I) THE ANNUAL STUDENT ABSENTEE RATE FOR THE SCHOOL AVERAGES AT LEAST FIFTEEN DAYS PER STUDENT; AND

(II) THE SCHOOL IS LOCATED IN A SCHOOL DISTRICT IN WHICH AT LEAST THIRTY-FIVE PERCENT OF STUDENTS FAILED TO GRADUATE FROM HIGH SCHOOL IN THE ACADEMIC YEAR PRECEDING APPLICATION FOR THE PROGRAM, AS DETERMINED BY THE DEPARTMENT; OR

(b) (I) AT LEAST SIXTY PERCENT OF THE STUDENTS ENROLLED IN THE SCHOOL ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH UNDER THE FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(II) THE ANNUAL STUDENT ABSENTEE RATE FOR THE SCHOOL AVERAGES AT LEAST TWELVE DAYS PER STUDENT; AND

(III) THE SCHOOL IS LOCATED IN A SCHOOL DISTRICT IN WHICH AT LEAST THIRTY PERCENT OF STUDENTS FAILED TO GRADUATE FROM HIGH SCHOOL IN THE ACADEMIC YEAR PRECEDING APPLICATION FOR THE PROGRAM, AS DETERMINED BY THE DEPARTMENT.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION.

(3) "COORDINATED SCHOOL HEALTH TEAM" MEANS A GROUP OF PERSONS WHO WORK COLLABORATIVELY TO COORDINATE PROGRAMS, SERVICES, AND RESOURCES RELATING TO THE HEALTH OF STUDENTS IN A SCHOOL.

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

(5) "FUND" MEANS THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM FUND CREATED PURSUANT TO SECTION 22-82.3-107.

(6) "MENTAL HEALTH COUNSELOR" MEANS A PERSON WHO:

(a) POSSESSES A DEGREE OR LICENSE IN RECOGNITION OF HIS OR HER COMPLETION OF A PROGRAM OF SPECIALIZED TRAINING IN MENTAL HEALTH COUNSELING; OR

(b) SATISFIES THE MINIMUM REQUIREMENTS ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (d).

(7) "PROFESSIONAL NUTRITIONIST OR DIETICIAN" MEANS A PERSON WHO:

(a) POSSESSES A DEGREE OR LICENSE IN RECOGNITION OF HIS OR HER COMPLETION OF A PROGRAM OF SPECIALIZED TRAINING IN NUTRITION OR DIET; OR

(b) SATISFIES THE MINIMUM REQUIREMENTS ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (c).

(8) "PROGRAM" MEANS THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM CREATED IN SECTION 22-82.3-102.

(9) "RECIPIENT SCHOOL" MEANS AN AT-RISK SCHOOL THAT THE COMMISSIONER OR HIS OR HER DESIGNEE SELECTS TO RECEIVE A GRANT FROM THE PROGRAM PURSUANT TO SECTION 22-82.3-103 (4).

(10) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT, INCLUDING A CHARTER SCHOOL. "SCHOOL" DOES NOT MEAN AN INSTITUTE CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-502 (6).

(11) "SCHOOL NURSE" MEANS A PERSON WHO IS LICENSED TO PRACTICE AS A NURSE PURSUANT TO THE PROVISIONS OF ARTICLE 38 OF TITLE 12, C.R.S., AND IS EMPLOYED AS A NURSE BY A SCHOOL OR SCHOOL DISTRICT.

(12) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-82.3-102. Healthy choices dropout prevention pilot program - creation.

THERE IS HEREBY CREATED IN THE DEPARTMENT THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM. THE OBJECTIVE OF THE PROGRAM IS TO PROVIDE SERVICES TO ENHANCE THE ACADEMIC ACHIEVEMENT AND PHYSICAL AND MENTAL HEALTH OF ADOLESCENT STUDENTS AND THEREBY IMPROVE STUDENT ATTENDANCE AND REDUCE THE NUMBER OF STUDENTS WHO FAIL TO GRADUATE FROM HIGH SCHOOL. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

22-82.3-103. Program application process - standard application form - selection of grant recipients.

(1) A SCHOOL DISTRICT THAT INCLUDES ONE OR MORE AT-RISK SCHOOLS MAY APPLY ON BEHALF OF ONE OR MORE OF THE AT-RISK SCHOOLS OF THE SCHOOL DISTRICT. IN APPLYING FOR A GRANT FROM THE PROGRAM, A SCHOOL DISTRICT SHALL CONFORM TO THE PROCEDURES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (a).

(2) IN ACCORDANCE WITH THE RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (b), THE DEPARTMENT SHALL DEVELOP A STANDARD APPLICATION FORM FOR A SCHOOL DISTRICT TO USE IN APPLYING ON BEHALF OF AN AT-RISK SCHOOL TO RECEIVE A GRANT FROM THE PROGRAM. THE DEPARTMENT SHALL MAKE THE STANDARD APPLICATION FORM ELECTRONICALLY AVAILABLE TO THE PUBLIC.

(3) EACH SCHOOL DISTRICT THAT APPLIES ON BEHALF OF AN AT-RISK SCHOOL FOR A GRANT FROM THE PROGRAM SHALL USE THE STANDARD APPLICATION FORM DEVELOPED BY THE DEPARTMENT PURSUANT TO SUBSECTION (2) OF THIS SECTION. IN SUBMITTING THE STANDARD APPLICATION FORM, THE SCHOOL DISTRICT SHALL PROVIDE ALL THE INFORMATION REQUESTED ON THE FORM AS WELL AS ANY OTHER INFORMATION THAT THE DEPARTMENT MAY REQUEST.

(4) UPON RECEIVING AN APPLICATION FROM A SCHOOL DISTRICT, THE DEPARTMENT SHALL SUBMIT THE APPLICATION TO THE COMMISSIONER. THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL REVIEW EACH APPLICATION AND, SUBJECT TO THE RECEIPT OF SUFFICIENT GIFTS, GRANTS, OR DONATIONS PURSUANT TO SECTION 22-82.3-107 (4), DETERMINE AND ANNOUNCE ON OR BEFORE JUNE 1, 2010, AND ON OR BEFORE JUNE 1 EACH YEAR THEREAFTER, WHICH AT-RISK SCHOOLS SHALL RECEIVE GRANTS AND THE AMOUNT OF THE GRANT THAT EACH RECIPIENT SCHOOL SHALL RECEIVE. PURSUANT TO THIS DETERMINATION, THE DEPARTMENT SHALL TRANSFER THE GRANT TO THE RECIPIENT SCHOOL DISTRICT, AND, EXCEPT AS PERMITTED BY SECTION 22-82.3-106 (2) OR (3), THE SCHOOL DISTRICT SHALL DISTRIBUTE THE ENTIRE AMOUNT OF THE GRANT TO THE RECIPIENT SCHOOL.

22-82.3-104. Eligibility for grants - grant amounts - selection criteria and procedures. (1) THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL AWARD GRANTS FROM THE PROGRAM ONLY TO SCHOOLS THAT SATISFY THE MINIMUM STANDARDS DESCRIBED IN SECTION 22-82.3-105.

(2) IN SELECTING SCHOOLS TO RECEIVE GRANTS FROM THE PROGRAM AND IN

DETERMINING THE AMOUNT OF THE GRANT TO BE AWARDED TO EACH RECIPIENT SCHOOL, THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL USE THE CRITERIA AND PROCEDURES ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (2).

22-82.3-105. Minimum standards for eligibility. (1) TO BE ELIGIBLE TO RECEIVE A GRANT FROM THE PROGRAM, A SCHOOL SHALL SATISFY THE MINIMUM STANDARDS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION. THE APPLICABILITY OF THE STANDARDS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION IS LIMITED TO THEIR USE IN DETERMINING ELIGIBILITY FOR A GRANT FROM THE PROGRAM. A PROVISION OF SUBSECTION (2) OR (3) OF THIS SECTION SHALL NOT BE INTERPRETED TO REQUIRE A SCHOOL TO ADOPT ANY STANDARD OTHER THAN FOR THE PURPOSE OF MAKING THE SCHOOL ELIGIBLE TO RECEIVE A GRANT FROM THE PROGRAM.

(2) EACH RECIPIENT SCHOOL SHALL BE AN AT-RISK SCHOOL.

(3) EACH RECIPIENT SCHOOL SHALL HAVE A COORDINATED SCHOOL HEALTH TEAM.

22-82.3-106. Permissible uses of grants. (1) EXCEPT AS DESCRIBED IN SUBSECTIONS (2) AND (3) OF THIS SECTION, A RECIPIENT SCHOOL SHALL USE THE GRANT MONEYS RECEIVED FROM THE PROGRAM ONLY TO PROVIDE ACTIVITIES TO STUDENTS IN THE SIXTH, SEVENTH, AND EIGHTH GRADES. A RECIPIENT SCHOOL SHALL PROVIDE THE ACTIVITIES DURING TIMES OUTSIDE OF THE REGULAR SCHOOL DAY, AND THE ACTIVITIES SHALL INCLUDE THE FOLLOWING:

(a) OPPORTUNITIES FOR PHYSICAL EXERCISE;

(b) ACADEMIC ASSISTANCE, INCLUDING TUTORIAL SERVICES IN READING, WRITING, MATHEMATICS, AND SCIENCE;

(c) NUTRITION COUNSELING, WHICH SHALL BE PROVIDED BY A PROFESSIONAL NUTRITIONIST OR DIETICIAN AND INCLUDE COMMUNICATION WITH STUDENTS' PARENTS REGARDING TECHNIQUES FOR HEALTHY PREPARATION OF MEALS;

(d) MENTAL HEALTH COUNSELING PROVIDED BY A PROFESSIONAL MENTAL HEALTH COUNSELOR; AND

(e) HEALTH EDUCATION PROVIDED BY A SCHOOL NURSE OR OTHER PROFESSIONAL HEALTH EDUCATOR.

(2) A RECIPIENT SCHOOL OR A SCHOOL DISTRICT OF A RECIPIENT SCHOOL MAY USE THE GRANT MONEYS RECEIVED FROM THE PROGRAM TO GATHER, RECORD, AND ASSEMBLE DATA FOR THE PURPOSE OF PREPARING THE REPORTS DESCRIBED IN SECTION 22-82.3-109 (2).

(3) A RECIPIENT SCHOOL OR A SCHOOL DISTRICT OF A RECIPIENT SCHOOL MAY USE THE GRANT MONEYS RECEIVED FROM THE PROGRAM TO CONTRACT WITH ONE OR MORE PRIVATE ENTITIES FOR THE PROVISION OF ONE OR MORE OF THE SERVICES DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

22-82.3-107. Healthy choices dropout prevention pilot program fund - creation - administrative costs. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM FUND. THE FUND SHALL CONSIST OF:

(a) ANY GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT FOR THE FUND PURSUANT TO SUBSECTION (4) OF THIS SECTION; AND

(b) ANY OTHER MONEYS THAT THE DEPARTMENT MAY DIRECT TO THE FUND PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(2) THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THE PROGRAM PURSUANT TO THE PROVISIONS OF THIS ARTICLE. OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND, THE DEPARTMENT MAY EXPEND NO MORE THAN TWO PERCENT TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE PROGRAM PURSUANT TO THIS ARTICLE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ALL UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2019, SHALL BE TRANSFERRED TO THE GENERAL FUND.

(4) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND.

(5) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT MAY, AT ITS DISCRETION, DIRECT OTHER MONEYS TO FUND THE PROGRAM.

22-82.3-108. Reports. (1) NOT LATER THAN JULY 30, 2015, AND NOT LATER THAN JULY 30 EACH YEAR THEREAFTER, EACH SCHOOL DISTRICT THAT INCLUDES AN AT-RISK SCHOOL THAT RECEIVED A GRANT FROM THE PROGRAM DURING THE PRECEDING FISCAL YEAR SHALL PREPARE AND SUBMIT TO THE DEPARTMENT A REPORT THAT DESCRIBES THE USE OF THE GRANT MONEYS.

(2) (a) NOT LATER THAN JANUARY 30, 2016, AND NOT LATER THAN JANUARY 30 EACH YEAR THEREAFTER, THE DEPARTMENT SHALL PREPARE AND SUBMIT TO THE EDUCATION AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT DESCRIBES THE ACTIVITIES CARRIED OUT UNDER THIS ARTICLE AND THAT

EVALUATES THE EFFECTIVENESS OF THE PROGRAM.

(b) THE REPORT PREPARED BY THE DEPARTMENT PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (2) SHALL, AT A MINIMUM, INCLUDE THE FOLLOWING:

(I) THE TOTAL NUMBER OF AT-RISK SCHOOLS THAT RECEIVED MONEYS AWARDED AS GRANTS UNDER THE PROGRAM;

(II) THE AMOUNT OF MONEYS AWARDED TO EACH AT-RISK SCHOOL THAT RECEIVED A GRANT UNDER THE PROGRAM;

(III) INFORMATION DEMONSTRATING THE DEPARTMENT'S COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE AND ANY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109; AND

(IV) STATISTICAL EVIDENCE OR OTHER INFORMATION TO ASSIST THE COMMITTEES IN EVALUATING THE EFFECTIVENESS OF THE PROGRAM, WITH ATTENTION GIVEN TO THE EXTENT TO WHICH THE PROGRAM ACHIEVED THE OBJECTIVES OF THE PROGRAM AS DESCRIBED IN SECTION 22-82.3-102. THE STATISTICAL EVIDENCE OR OTHER INFORMATION SHALL, AT A MINIMUM, INCLUDE DATA INDICATING THE EXTENT TO WHICH THE PROGRAM HAS IMPROVED THE ACADEMIC ACHIEVEMENT, PHYSICAL AND MENTAL HEALTH, ATTENDANCE, AND GRADUATION RATES OF STUDENTS IN AT-RISK SCHOOLS THAT RECEIVED GRANT MONEYS UNDER THE PROGRAM.

22-82.3-109. Program - rules. (1) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING POLICIES AND PROCEDURES FOR THE ADMINISTRATION OF THE PROGRAM, INCLUDING BUT NOT LIMITED TO:

(a) PROCEDURES BY WHICH A SCHOOL DISTRICT MAY APPLY FOR A GRANT FROM THE PROGRAM ON BEHALF OF AN AT-RISK SCHOOL PURSUANT TO SECTION 22-82.3-103 (1);

(b) MINIMUM REQUIREMENTS FOR THE STANDARD APPLICATION FORM DEVELOPED BY THE DEPARTMENT PURSUANT TO SECTION 22-82.3-103 (2). AT A MINIMUM, EACH APPLICATION SUBMITTED TO THE DEPARTMENT BY A SCHOOL DISTRICT ON BEHALF OF AN AT-RISK SCHOOL SHALL INCLUDE:

(I) INFORMATION THAT IS SUFFICIENT TO DEMONSTRATE THAT THE SCHOOL IS AN AT-RISK SCHOOL;

(II) A WRITTEN CONFIRMATION THAT THE AT-RISK SCHOOL FOR WHICH THE SCHOOL DISTRICT IS APPLYING FOR A GRANT FROM THE PROGRAM HAS SATISFIED THE MINIMUM STANDARDS DESCRIBED IN SECTION 22-82.3-105, WHICH CONFIRMATION SHALL BE SIGNED BY:

(A) THE SCHOOL DISTRICT'S DIRECTOR OF FOOD AND NUTRITION, IF ANY;

(B) THE SCHOOL DISTRICT'S SUPERINTENDENT; AND

(C) THE CHAIR OF THE COORDINATED SCHOOL HEALTH TEAM OF THE AT-RISK

SCHOOL OR THE SCHOOL DISTRICT; AND

(III) A PROPOSAL INDICATING HOW THE AT-RISK SCHOOL PLANS TO USE THE GRANT AWARDED UNDER THE PROGRAM. THE PROPOSAL SHALL ENSURE THAT THE ENTIRE AMOUNT OF THE GRANT AWARDED UNDER THE PROGRAM SHALL BE USED FOR THE PURPOSES DESCRIBED IN SECTION 22-82.3-106.

(c) MINIMUM REQUIREMENTS FOR A PERSON TO MEET THE DEFINITION OF A PROFESSIONAL NUTRITIONIST OR DIETICIAN; AND

(d) MINIMUM REQUIREMENTS FOR A PERSON TO MEET THE DEFINITION OF A MENTAL HEALTH COUNSELOR.

(2) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING CRITERIA AND PROCEDURES FOR THE COMMISSIONER OR HIS OR HER DESIGNEE TO USE IN SELECTING AT-RISK SCHOOLS TO RECEIVE GRANTS UNDER THE PROGRAM AND IN DETERMINING THE AMOUNT OF THE GRANT TO BE AWARDED TO EACH RECIPIENT SCHOOL. THE CRITERIA AND PROCEDURES SHALL ENSURE, TO THE MAXIMUM EXTENT PRACTICABLE, THAT:

(a) RURAL, URBAN, AND SUBURBAN AT-RISK SCHOOLS ARE CONSIDERED FOR RECEIVING GRANTS FROM THE PROGRAM;

(b) LARGE, MEDIUM, AND SMALL AT-RISK SCHOOLS ARE CONSIDERED FOR RECEIVING GRANTS FROM THE PROGRAM; AND

(c) THE AMOUNT OF THE GRANT AWARDED TO EACH RECIPIENT SCHOOL IS REASONABLY COMMENSURATE WITH THE SIZE OF THE STUDENT POPULATION AT THE SCHOOL.

22-82.3-110. Repeal of article. THIS ARTICLE IS REPEALED, EFFECTIVE JULY 1, 2019.

SECTION 2. Appropriation. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, management and administration, administration and centrally-appropriated line items, for legal services, for the fiscal year beginning July 1, 2009, the sum of seven hundred fifty-one dollars (\$751), or so much thereof as may be necessary, for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of education, assistance to public schools, grant programs, distributions, and other assistance, summer and after-school programs, for the fiscal year beginning July 1, 2009, the sum of seven thousand four hundred seventy-seven dollars (\$7,477) and 0.1 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of law, for the fiscal year beginning July 1, 2009, the sum of seven hundred fifty-one dollars (\$751), or so much thereof as may be necessary, for the

provision of legal services to the department of education related to the implementation of this act. Said sum shall be from reappropriated funds received from the department of education out of the appropriation made in subsection (1) of this section.

SECTION 3. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 5, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed against this act or an item, section, or part of this act within such period, then the act, item, section, or part, if approved by the people, shall take effect on the date of the official declaration of the vote thereon by proclamation of the governor.

Approved: May 21, 2009