

Proposition FF: Healthy School Meals for All

Placed on the ballot by the legislature • Passes with a majority vote

1 **Proposition FF proposes amending the Colorado statutes to:**

- 2 • create the Healthy School Meals for All program to provide access to free
3 meals for all public school students in Colorado; and
- 4 • pay for the program by increasing the taxes paid by households with incomes
5 of \$300,000 or more and by using additional federal funding for school meals.

6 **What Your Vote Means**

YES

7 A “yes” vote on
8 Proposition FF creates a
9 program to provide access to free meals to
10 all public school students in Colorado and
11 offer grants to schools related to the
12 provision of school meals. It also increases
13 taxes for households with over \$300,000 in
14 federal adjusted gross income by limiting
15 state income tax deductions.

NO

A “no” vote on Proposition FF means that the current method of funding school meals, which provides free meals to children from households with incomes below certain thresholds, will remain unchanged, and there will be no change to tax law.

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1 **Summary and Analysis for Proposition FF**

2 **What does the measure do?**

3 The measure creates the Healthy School Meals for All program (program) to
4 reimburse school meal providers for offering free school breakfasts and lunches to all
5 public school students, regardless of family income, beginning with the 2023-24
6 school year.

7 Beginning in the 2024-25 school year, the program will also provide grant funding to
8 school meal providers to:

- 9 • purchase products grown, raised, and processed in Colorado to include in school
10 meals;
- 11 • increase wages or provide stipends for employees who prepare and serve school
12 meals; and
- 13 • receive training, equipment, and technical assistance, via a nonprofit
14 organization, to help prepare healthy school meals using basic, nutritious
15 ingredients, and to support collaboration between schools, communities, and
16 local food growers.

17 The measure pays for the program by increasing taxes on households with more
18 than \$300,000 in adjusted gross income per year. It also requires the state and
19 school meal providers to participate in certain federal programs to bring in additional
20 federal funds.

21 **Who can participate in the program?**

22 Any school meal provider can participate in the program. A school meal provider
23 manages school food programs within its area, and may be a school district, charter
24 school, group representing several school districts or charter schools, or another
25 entity that participates in the National School Lunch Program. There are currently
26 183 school meal providers in Colorado.

27 Any student at a participating school who wishes to receive a school meal will be
28 able to do so for free under the measure. This includes students in early childhood
29 education programs administered by public schools.

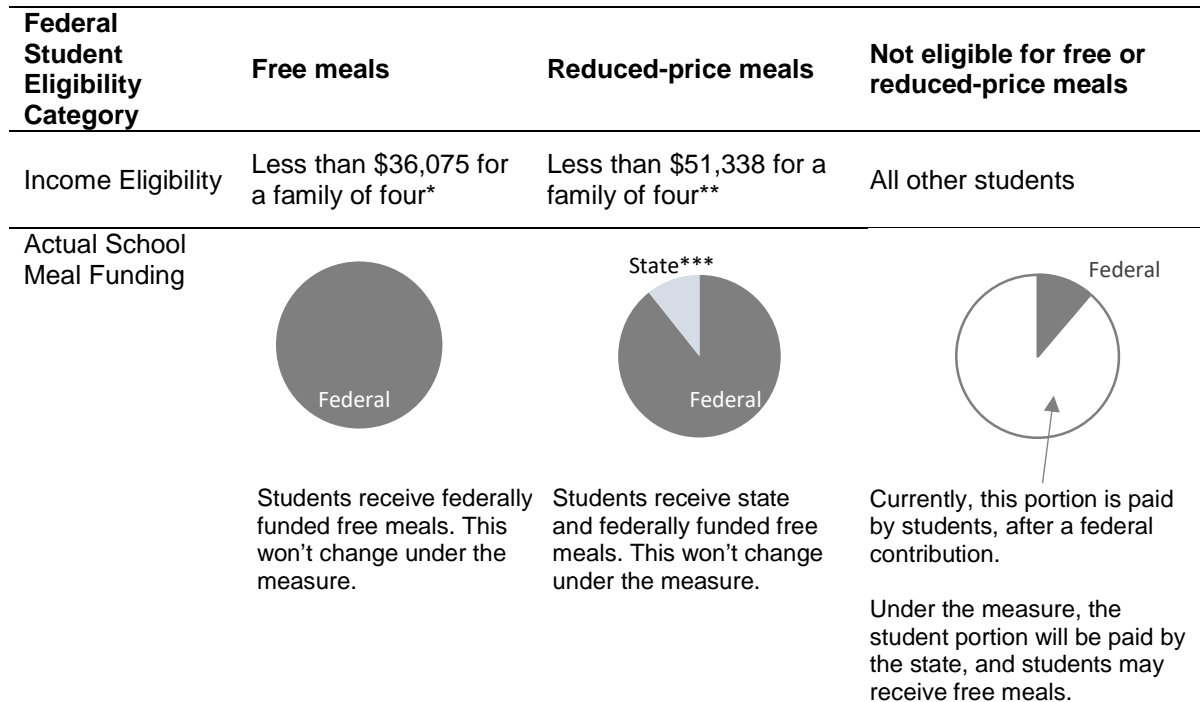
30 **Who pays for school meals now?**

31 Currently, schools receive money from the state and federal governments, as well as
32 payments from families, to pay for student meals. Federal programs, like the federal
33 School Breakfast Program and National School Lunch Program, reimburse school
34 meal providers for all or a portion of the cost of meals, based on a student's family
35 income. In Colorado, students eligible for reduced-price meals receive free meals
36 because the state covers the student's portion of the cost. As a result, some
37 students pay full price for a school meal and some eat for free, as shown in Figure 1.

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Figure 1
School Meal Reimbursements
Eligibility Categories and Funding Sources



4 *Less than 130% of federal poverty guideline; annual income for budget year 2022-23
 5 **Less than 185% of federal poverty guideline; annual income for budget year 2022-23
 6 *** This portion is paid by the federal government in the 2022-23 school year only. The state covered
 7 this portion before the pandemic, and will continue to do so in future years.

8 **Changes due to COVID-19.** In the spring of 2020, when the COVID-19 pandemic
 9 first disrupted the country's public education system, the federal government covered
 10 the cost to provide free school meals to all students. This temporary reimbursement
 11 recently ended, meaning that students who are not eligible for free or reduced-price
 12 meals have to pay for meals during the 2022-23 school year.

13 All students were able to receive free meals during the 2020-21 and 2021-22 school
 14 years. Approximately 355,000 students, or 40 percent of all Colorado students in
 15 kindergarten through twelfth grade, would have met family income criteria to be
 16 eligible for free school meals in Colorado had universal free school meals not been
 17 available.

18 **How is the new program funded?**

19 The new school meal program is funded through two sources: increased state
 20 income taxes for households with incomes of \$300,000 or above and increased
 21 federal funding.

22 **Increased state income tax revenue.** Beginning in tax year 2023, the measure
 23 increases state income taxes paid by households with at least \$300,000 in federal
 24 adjusted gross income by limiting the amount of money they can deduct from their

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1 Colorado taxable income. These households will be limited to \$12,000 in state
2 income tax deductions for single filers and to \$16,000 for joint filers. This will affect
3 an estimated 113,988 returns, or about 5 percent of returns filed in Colorado. The
4 limit applies to either the taxpayer's standard deduction or itemized deductions.
5 Expenses most often included in itemized deductions are charitable contributions,
6 state and local taxes, and mortgage interest.

7 The amount of additional taxes each household will owe depends on the amount of
8 deductions the household claims on its federal tax returns. For example, if a married
9 couple filing jointly claims the standard \$25,900 deduction on their federal income
10 taxes, they will pay an additional \$450 in state income taxes. If the couple claims
11 \$50,000 in itemized deductions, they will pay an additional \$1,547 in state income
12 taxes under the measure. Table 1 shows an example using the standard deduction
13 for a couple making \$375,000. For a more detailed breakdown, see the Fiscal
14 Impact Section below.

15 The measure is expected to increase income tax revenue to the state by
16 \$100.7 million in budget year 2023-24, the first full year the tax change will be in
17 effect. This money is not subject to the state's constitutional revenue limit.

18 **Table 1**
19 **Example of Income Tax Change Under Proposition FF**

Component	Current Law	Under Measure	Change
Adjusted Gross Income	\$375,000	\$375,000	
<i>minus</i>			
Standard Deduction*	\$25,900	\$25,900	
<i>equals</i>			
Federal Taxable Income	\$349,100	\$349,100	
<i>plus</i>			
Add Back (deductions - limit)	\$0	\$9,900**	
<i>equals</i>			
Colorado Taxable Income	\$349,100	\$359,000	
<i>multiplied by 4.55% equals</i>			
State Income Taxes	\$15,884	\$16,335	\$450

20 * This example uses the standard deduction (\$12,950 for a single taxpayer, \$25,900 for a joint filer in tax
21 year 2022). A taxpayer's actual deductions will determine the change in income taxes paid; itemized
22 deductions that exceed \$25,900 will result in higher state income taxes paid.

23 ** \$25,900 standard deduction minus \$16,000 limit for joint filers. This example assumes no other add
24 backs.

25 **Increased federal funding.** The measure requires school meal providers to
26 maximize their federal reimbursement by participating in certain federal programs,
27 which will increase federal funding and reduce the amount of state funds necessary
28 to support the new school meals program, as follows:

- 29 • First, the measure requires the state to participate in a federal project that makes
30 students receiving Medicaid automatically eligible for federally funded free school
31 meals.

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- 1 • Second, school meal providers will be required to participate in the federal
2 Community Eligibility Provision program, if eligible. This program allows schools
3 with a high number of students qualifying for free and reduced-price meals to
4 receive additional federal reimbursement, with some schools meeting the
5 requirements to provide free meals to all students.

6 **How will the program be monitored?**

7 Beginning in 2024, the Colorado Department of Education must submit a report every
8 two years to the state legislature on the implementation and progress of the school
9 meal and grant programs created by the measure. The department must also contract
10 with an independent auditor to conduct a financial and performance audit of the
11 program. The audit report must be easily accessible by the public.

For information on those issue committees that support or oppose the measures on the ballot at the November 8, 2022, election, go to the Colorado Secretary of State's elections center web site hyperlink for ballot and initiative information:

<http://www.sos.state.co.us/pubs/elections/Initiatives/InitiativesHome.html>

12 **Arguments For Proposition FF**

- 13 1) Research shows that children experiencing hunger have lower grades than
14 their peers, and are more likely to struggle with behavioral problems and
15 experience emotional, mental, and physical health issues. By providing
16 school meals to all students, the measure ensures that every child has
17 access to food and is not hungry in school.
- 18 2) Providing free meals to all students helps families at a time when many are
19 facing higher costs of living. The cost of school meals can be a significant
20 expense, and the measure removes tradeoffs for many families between
21 paying for meals and covering other necessary household expenses. The
22 current income threshold for free meals does not capture all students who
23 may face food insecurity, and even if a student can afford to bring or pay for a
24 meal, the measure will take a daily financial concern off of families' plates.
- 25 3) The measure removes a source of shame and embarrassment for students
26 who receive free meals. When some students receive free school meals and
27 others pay for their meal, it creates stigma and shame for the students who
28 receive the free meals or who have school meal debt that they cannot pay.
29 Feeling singled out causes many students to skip what may be their only
30 healthy and balanced meal of the day.

31 **Arguments Against Proposition FF**

- 32 1) The measure raises taxes on some households at a time when inflation is
33 high and the cost of living is increasing. Higher taxes mean that those
34 taxpayers will have less money to save or invest in the economy. Those
35 dollars are best used by individuals and families in a way that they see fit.

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- 1 2) The state should not pay to feed kids who can afford to purchase a school
2 meal or bring food from home. Feeding kids should be the role and
3 responsibility of the parents or caregivers, not the government. The measure
4 requires ongoing state funding, resources, and oversight for a program that is
5 not needed by all students.
- 6 3) Colorado schools are underfunded. If voters want to increase taxes to help
7 students, it would be better to give local school districts new funding to use in
8 a way that best serves their students, such as increasing teacher salaries or
9 providing additional educational materials and opportunities.

10 **Fiscal Impact for Proposition FF**

11 Proposition FF increases state revenue and spending beginning in state budget year
12 2022-23.

13 **State revenue.** By limiting state income tax deductions for taxpayers with at least
14 \$300,000 in adjusted gross income, the measure is expected to increase state
15 revenue by an estimated \$50.4 million in budget year 2022-23 (a half-year impact),
16 \$100.7 million in budget year 2023-24, \$104.2 million in budget year 2024-25, and by
17 increasing amounts in later years. The revenue generated is not subject to the state
18 constitutional revenue limit. Of the total annual amount, an estimated at \$3.7 million
19 in budget year 2022-23, and \$7.5 million in budget year 2023-24 will be deposited in
20 the State Education Fund as a result of increasing Colorado taxable income.

21 **State spending.** The measure is expected to increase state spending by an
22 estimated \$212,289 in budget year 2022-23 for administrative costs to set up the
23 new program, by up to \$115.3 million in budget year 2023-24 for school meal
24 reimbursements and administrative costs, and by between \$71.4 million and
25 \$101.4 million per year starting in the 2024-25 budget year when the new program is
26 fully operational.

27 This program will reimburse school meal providers for the cost of offering free meals
28 to all students (between \$48.5 million and \$78.5 million when fully implemented), and
29 provide grant funding to school meal providers to purchase Colorado grown food
30 (\$9.5 million), funding to increase wages for employees who prepare and serve
31 school meals (\$7.6 million), and grants to assist school food providers with the
32 promotion and utilization of local foods (\$5.0 million).

33 Costs to the state assume additional reimbursements from the federal government,
34 and will depend on the number of students who become eligible for federal meal
35 reimbursement as a result of the measure, as well as the school districts in which
36 they reside. Given this uncertainty, this analysis shows a wide range of potential
37 costs.

38 In addition, the Department of Revenue will have costs of \$209,855 in budget year
39 2023-24 and by \$98,292 in later years to administer the tax changes under the bill.
40 State spending is paid from the state General Fund.

41 **School district revenue and spending.** School districts will have additional
42 revenue from meal reimbursements, employee wage support payments, and local
43 food purchasing grants. The amount each district receives will depend on the
44 number of meals served and the components of the program in which a district

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1 chooses to participate. This revenue will be used to pay school district costs to
 2 provide meals to students and increase employee wages. School districts will also
 3 have additional workload to adjust to new data, documentation, and grant program
 4 requirements.

5 **Taxpayer impact.** Proposition FF will increase the amount of income tax owed by
 6 taxpayers who have over \$300,000 in federal taxable income. State law requires
 7 Legislative Council Staff to estimate the potential tax burden on affected taxpayers
 8 within specified income categories. Table 2 shows the expected change in tax
 9 burden based on data on income and income tax deductions claimed on 2019 tax
 10 returns. The actual impact on any given taxpayer with income above \$300,000 will
 11 depend on the deductions taken on their federal income tax returns. For taxpayers
 12 with incomes above \$400,000, the new limits on deductions will be applied in
 13 addition to the existing limits on deductions in state law.

Table 2
Estimated Impact on Taxpayers by Income Category

Income Category	Estimated Number of Taxpayers ¹	Total Change in Tax Burden	Average Change in Tax Burden
\$14,999 or less	394,516	No change	No change
\$15,000 to \$29,999	348,440	No change	No change
\$30,000 to \$39,999	234,632	No change	No change
\$40,000 to \$49,999	209,806	No change	No change
\$50,000 to \$69,999	328,119	No change	No change
\$70,000 to \$99,999	328,257	No change	No change
\$100,000 to \$149,999	319,212	No change	No change
\$150,000 to \$199,999	162,242	No change	No change
\$200,000 to \$249,999	85,851	No change	No change
<u>\$250,000 to \$499,999</u>	<u>118,749</u>		
\$250,000 - \$299,999	48,135	No change	No change
\$300,000 - \$499,999	70,614	+\$57.4 million	+\$813
\$500,000 to \$999,999	29,951	+\$27.7 million	+\$923
\$1,000,000 or more	13,423	+\$15.7 million	+\$1,166
Total	2,573,198	+\$100.7 million	
<i>Income under \$300,000</i>	<i>2,064,694</i>	<i>\$0</i>	<i>\$0</i>
<i>Income above \$300,000</i>	<i>113,988</i>	<i>+\$100.7 million</i>	<i>+\$884</i>

16 ¹ The estimated number of taxpayers counts joint filers as one taxpayer.

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3 meals for all public school students in Colorado; and
- 4 • pay for the program by increasing the taxes paid by households with incomes
5 of \$300,000 or more and by using additional federal funding for school meals.

6 **What Your Vote Means**

YES

7 A “yes” vote on
8 Proposition ? creates a

9 program to provide access to free meals to
10 all public school students in Colorado and
11 increases taxes for households with over
12 \$300,000 in federal adjusted gross income
13 by limiting state income tax deductions.

NO

A “no” vote on Proposition ?
means that levels of funding for
school meals under current law, which
provide free meals to children from
households with incomes below certain
thresholds, will remain unchanged, and
there will be no change to tax law.

1 **Summary and Analysis for Proposition ?**

2 **What does the measure do?**

3 The measure creates the Healthy School Meals for All program (program) to
4 reimburse school meal providers for offering free school breakfasts and lunches to all
5 public school students, regardless of family income, beginning with the 2023-24
6 school year.

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8 school meal providers to:

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14 organization, to help prepare healthy school meals using basic, nutritious
15 ingredients, and to support collaboration between schools, communities, and
16 local food growers.

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18 than \$300,000 in adjusted gross income per year. It also requires the state and
19 school meal providers to participate in certain federal programs to bring in additional
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23 manages school food programs within its area, and may be a school district, charter
24 school, group representing several school districts or charter schools, or another
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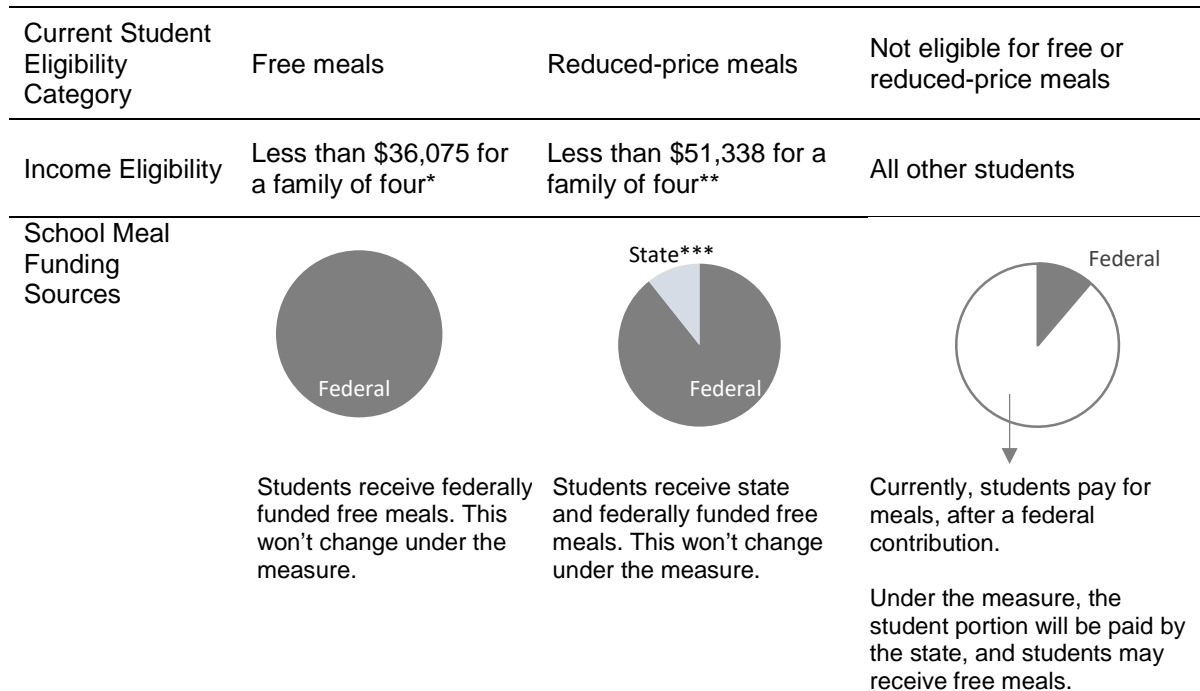
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 7 this portion before the pandemic, and will continue to do so in future years.

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 9 first disrupted the country's public education system, the federal government covered
 10 the cost to provide free school meals to all students. This temporary reimbursement
 11 ended in June 2022, meaning that students who are not eligible for free or
 12 reduced-price meals went back to paying for school meals at the start of the 2022-23
 13 school year.

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 10 claims \$50,000 in itemized deductions, it will pay an additional \$1,547 in state
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 30 with a high number of students qualifying for free and reduced-price meals to
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 32 requirements to provide free meals to all students.

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2 Beginning in 2024, the Colorado Department of Education must submit a report every
3 two years to the state legislature on the implementation and progress of the school
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11 school meals to all students, the measure ensures that every child has
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15 expense, and the measure removes tradeoffs for many families between
16 paying for meals and covering other necessary household expenses. The
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18 may face food insecurity, and even if a student can afford to bring or pay for a
19 meal, the measure will take a daily financial concern off of families' plates.
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32 meal or bring food from home. Feeding kids should be the role and
33 responsibility of the parents or caregivers, not the government. The measure
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35 not needed by all students.

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5 **Fiscal Impact for Proposition ?**

6 Proposition ? increases state revenue and spending beginning in state budget year
7 2022-23.

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9 \$300,000 in adjusted gross income, the measure is expected to increase state
10 revenue by an estimated \$50.4 million in budget year 2022-23 (a half-year impact),
11 \$100.7 million in budget year 2023-24, \$104.2 million in budget year 2024-25, and by
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13 state constitutional spending limits. Of the total annual amount, an estimated at
14 \$3.7 million in budget year 2022-23, and \$7.5 million in budget year 2023-24 will be
15 deposited in the State Education Fund as a result of increasing Colorado taxable
16 income.

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18 estimated \$212,289 in budget year 2022-23 for administrative costs to set up the
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21 \$101.4 million per year starting in the 2024-25 budget year when the new program is
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24 to all students (between \$48.5 million and \$78.5 million when fully implemented), and
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32 they reside. Given this uncertainty, this analysis shows a wide range of potential
33 costs.

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35 2023-24 and by \$98,292 in subsequent years to administer the tax changes under
36 the bill. State spending is paid from the state General Fund.

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38 revenue from meal reimbursements, employee wage support payments, and local
39 food purchasing grants. The amount each district receives will depend on the
40 number of meals served and the components of the program in which a district
41 chooses to participate. This revenue will be used to pay school district costs to
42 provide meals to students and increase employee wages. School districts will also
43 have additional workload to adjust to new data, documentation, and grant program
44 requirements.

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 2 taxpayers who have over \$300,000 in federal taxable income. State law requires
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 4 within specified income categories. Table 2 shows the expected change in tax
 5 burden based on data on income and income tax deductions claimed on 2019 tax
 6 returns. The actual impact on any given taxpayer with income above \$300,000 will
 7 depend on the deductions taken on their federal income tax returns. For taxpayers
 8 with incomes above \$400,000, the new limits on deductions will be applied in
 9 addition to the existing limits on deductions in state law.

10 Table 2 shows an average impact per taxpayer of \$39; however, the measure only
 11 impacts taxpayers with adjusted gross income of at least \$300,000. For taxpayers
 12 impacted by the measure, the average impact is \$884.

13 **Table 2**
 14 **Estimated Impact on Taxpayers by Income Category**

Income Category	Estimated Number of Taxpayers¹	Total Change in Tax Burden	Average Change in Tax Burden
\$14,999 or less	394,516	No change	No change
\$15,000 to \$29,999	348,440	No change	No change
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\$300,000 - \$499,999	70,614	\$57.4 million	\$813
\$500,000 to \$999,999	29,951	\$27.7 million	\$923
\$1,000,000 or more	13,423	\$15.7 million	\$1,166
Total	2,573,198	\$100.7 million	\$39²

15 ¹ The estimated number of taxpayers counts joint filers as one taxpayer.

16 ² Table 2 shows an average impact per taxpayer of \$39; however, the measure only impacts taxpayers
 17 with adjusted gross income of at least \$300,000. For taxpayers impacted by the measure, the average
 18 impact is estimated to be \$884.

Last Draft Comments from Interested Parties

Proposition FF Healthy School Meals for All

Marc Jacobson, representing Hunger Free Colorado:

Thank you for the opportunity to comment on the Blue Book draft and for the changes that OLLS has already made.

The Third Draft contains a factual error on page 6, line 27. The measure does not provide grants to nonprofits, but rather supports a nonprofit entity to provide grants to school districts, food growers, and others to assist school food providers with the promotion and utilization of local foods and the preparation of meals using from-scratch cooking. We suggest that on page 6, line 27, after the word “grants,” remove “to nonprofits” and leave the rest of the sentence.

In addition, we resubmit the comments previously supplied below that Hunger Free Colorado would like to see as changes to the Blue Book analysis:

In general, Hunger Free Colorado seeks to see consistency with language around how the proposition will be funded. The most accurate way to phrase this is: “limiting state income tax deductions **only** for households with over \$300,000 in federal adjusted gross income.” In several places, the draft uses partial or inconsistent language to explain this. See p. 1, lines 4-5, p. 1, lines 11-13, p. 2, lines 15—16, p. 3, line 17. In particular, the term “only” appears in the ballot title and allows the reader to better understand the measure.

Here are some additional comments and requests for edits:

On Page 1, lines 3 and 9, insert “healthy” before “meals.” This change is needed to capture key components of the measure including local procurement and technical assistance, both of which are included in the measure to give schools more access to healthy school meals.

On Page 1, line 10 in the YES section, insert “from locally grown food products” after “Colorado.” This key feature of the measure – that it requires school districts to contract with local food producers – is a primary result of a yes vote.

On Page 1, line 12 in the NO section, the statement that funding for school meals will remain unchanged is not factually accurate. The federal government has provided a one-time boost for additional funding for school meals that will end after the 22-23 school year and will change the level of funding. Instead of “remain unchanged” it would be accurate to say “decrease.”

On Page 3, line 9, delete “paying” and insert “having to pay.” This change is important because many families will not be able to pay for school meals. The term “paying” assumes families can and will pay. It is more accurate to say “having to pay” to capture the frame that if they want meals at school, they will have to pay for them.

On Page 3, line 11, delete “received” and insert “were able to receive.” This change is needed because all students did not receive a free meal, but all students were able to receive a free meal if they so chose.

Last Draft Comments from Interested Parties

On Page 5, line 13, insert “while investing in Colorado’s agricultural communities” after “plates.” This change is important because one of the strong reasons for the measure is its partnership with Colorado food producers to provide healthy food for school meals.

On Page 5, line 17, delete “may cause some” and insert “causes many.” This change more accurately reflects the impact of the stigma, and the data that shows increased participation when access to free school meals is available to all students.

On Page 6, line 42 and Page 7, line 2, remove the reference to “average impact per taxpayer of \$xx” which is misleading because only taxpayers with adjusted gross incomes over \$300,000 are impacted. A figure showing an average impact per taxpayer implies that all taxpayers are impacted when that is not the case.

Thank you for the opportunity to comment and do not hesitate to contact us at Hunger Free Colorado if you have any questions about why these edits are necessary.

Natalie Menten, representing herself:

Hello,

I’m commenting on the third draft for Healthy School Meals for All. In the Against section, it states the following:

3) Colorado schools are underfunded. If voters want to increase taxes to help students, it would be better to give local school districts new funding to use in a way that best serves their students, such as increasing teacher salaries or providing additional educational materials and opportunities.

I don't agree with the first sentence, "Colorado schools are underfunded." I think there are many others besides myself who would agree that blanket statement is inaccurate. It should be removed from the Against section.

Next, I'm suggesting a third bullet point on page one under the first section that says "exempt that money from the state's revenue limit, thereby reducing the amount of money collected above the limit that is returned to taxpayers".

The addition of the third bullet would align wording to what's present in the draft for #108 and is appropriate to add to Healthy School Meals for All.

Thanks,

Natalie Menten

Last Draft Comments from Interested Parties

Hunter Nelson, representing the Colorado Children's Campaign:

Hi there,

My name is Hunter Nelson, and I am a policy analyst with the Colorado Children's Campaign. I have one revision to provide to this draft: on page 3, lines 10-11, it states that free school meals ended in June 2022. The Keep Kids Fed Act that was passed at the federal level did include an extension of USDA's authority to issue Summer Nutrition waivers through September 30, 2022,

Best,

Hunter Nelson, MSW
Policy Analyst, Colorado Children's Campaign

**Proposition FF
Healthy School Meals for All
Contact List**

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**Proposition FF
Healthy School Meals for All
Contact List (Cont.)**

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**Proposition FF
Healthy School Meals for All**

1 **Ballot Title:**

2 SHALL STATE TAXES BE INCREASED \$100,727,820 ANNUALLY BY A CHANGE TO THE
3 COLORADO REVISED STATUTES THAT, TO SUPPORT HEALTHY MEALS FOR PUBLIC
4 SCHOOL STUDENTS, INCREASES STATE TAXABLE INCOME ONLY FOR INDIVIDUALS
5 WHO HAVE FEDERAL TAXABLE INCOME OF \$300,000 OR MORE BY LIMITING ITEMIZED
6 OR STANDARD STATE INCOME TAX DEDUCTIONS TO \$12,000 FOR SINGLE TAX RETURN
7 FILERS AND \$16,000 FOR JOINT TAX RETURN FILERS, AND, IN CONNECTION
8 THEREWITH, CREATING THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM TO
9 PROVIDE FREE SCHOOL MEALS TO STUDENTS IN PUBLIC SCHOOLS; PROVIDING
10 GRANTS FOR PARTICIPATING SCHOOLS TO PURCHASE COLORADO GROWN, RAISED,
11 OR PROCESSED PRODUCTS, TO INCREASE WAGES OR PROVIDE STIPENDS FOR
12 EMPLOYEES WHO PREPARE AND SERVE SCHOOL MEALS, AND TO CREATE PARENT
13 AND STUDENT ADVISORY COMMITTEES TO PROVIDE ADVICE TO ENSURE SCHOOL
14 MEALS ARE HEALTHY AND APPEALING TO ALL STUDENTS; AND CREATING A PROGRAM
15 TO ASSIST IN PROMOTING COLORADO FOOD PRODUCTS AND PREPARING SCHOOL
16 MEALS USING BASIC NUTRITIOUS INGREDIENTS WITH MINIMAL RELIANCE ON
17 PROCESSED PRODUCTS?

18 **Text of Measure:**

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

20 **SECTION 1.** In Colorado Revised Statutes, **add** part 2 to article 82.9 of title 22 as follows:

21 **PART 2**

22 **HEALTHY SCHOOL MEALS FOR ALL PROGRAM**

23 **22-82.9-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE "HEALTHY SCHOOL MEALS FOR ALL
24 ACT".

25 **22-82.9-202. Legislative declaration.** (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

26 (A) NO COLORADO CHILD SHOULD EXPERIENCE HUNGER, AND EVERY PUBLIC SCHOOL STUDENT
27 SHOULD BENEFIT FROM ACCESS TO HEALTHY, LOCALLY PROCURED, AND FRESHLY PREPARED MEALS
28 DURING THE SCHOOL DAY;

29 (B) HEALTHY SCHOOL MEALS ARE NECESSARY FOR ALL STUDENTS FOR EFFECTIVE LEARNING, AND
30 COLORADO'S INVESTMENT IN EDUCATION SHOULD INCLUDE HEALTHY SCHOOL MEALS FOR ALL
31 STUDENTS TO SUPPORT THE NOURISHMENT STUDENTS NEED TO ACHIEVE ACADEMIC SUCCESS;

32 (C) ACCESS TO HEALTHY SCHOOL MEALS SHOULD NOT CAUSE STIGMA OR STRESS FOR ANY STUDENT
33 SEEKING AN EDUCATION;

1 (D) COLORADO'S HEALTHY SCHOOL MEALS PROGRAM SHOULD SUPPORT COLORADO'S FOOD SYSTEMS,
2 INCLUDING LOCAL FARMERS AND RANCHERS;

3 (E) COLORADO'S HEALTHY SCHOOL MEALS PROGRAM MUST SUPPORT STUDENTS' NUTRITION AND
4 PROVIDE QUALITY MEALS TO BOOST THE HEALTH AND WELL-BEING OF COLORADO STUDENTS;

5 (F) DURING THE COVID-19 PANDEMIC, THE UNITED STATES DEPARTMENT OF AGRICULTURE EASED
6 PROGRAM RESTRICTIONS TO ALLOW FREE MEALS TO CONTINUE TO BE AVAILABLE TO ALL STUDENTS
7 UNIVERSALLY, ENSURING THAT ALL STUDENTS FACING HUNGER HAD ACCESS TO FOOD WHILE IN
8 SCHOOL; AND

9 (G) NOW THAT STRATEGIES EXIST TO PREVENT HUNGER FOR ALL STUDENTS DURING THE SCHOOL DAY,
10 IT IS IMPERATIVE THAT THE STATE EMBRACE THESE STRATEGIES TO MOVE TOWARD THE GOAL OF
11 ENDING CHILD HUNGER.

12 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STUDENTS
13 OF COLORADO AND THEIR FAMILIES TO ENACT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM TO
14 PROVIDE FREE MEALS IN PUBLIC SCHOOLS FOR ALL STUDENTS.

15 **22-82.9-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

16 (1) "COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS" MEANS ALL FRUITS, VEGETABLES,
17 GRAINS, MEATS, AND DAIRY PRODUCTS, EXCEPT LIQUID MILK, GROWN, RAISED, OR PRODUCED IN
18 COLORADO AND MINIMALLY PROCESSED PRODUCTS OR VALUE-ADDED PROCESSED PRODUCTS THAT
19 MEET THE STANDARDS FOR THE COLORADO PROUD DESIGNATION, AS ESTABLISHED BY THE COLORADO
20 DEPARTMENT OF AGRICULTURE, EVEN IF THE PRODUCT DOES NOT HAVE THE COLORADO PROUD
21 DESIGNATION.

22 (2) "COMMUNITY ELIGIBILITY PROVISION" MEANS THE FEDERAL PROGRAM CREATED IN 42 U.S.C. SEC.
23 1759A (A)(1)(F) THAT ALLOWS SCHOOL DISTRICTS TO CHOOSE TO RECEIVE FEDERAL SPECIAL
24 ASSISTANCE PAYMENTS FOR SCHOOL MEALS IN EXCHANGE FOR PROVIDING FREE SCHOOL MEALS TO
25 ALL STUDENTS ENROLLED IN ALL OR SELECTED SCHOOLS OF THE SCHOOL DISTRICT.

26 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED IN SECTION 24-1-115.
27

28 (4) "ELIGIBLE MEAL" MEANS A LUNCH OR BREAKFAST THAT MEETS THE NUTRITIONAL REQUIREMENTS
29 SPECIFIED IN 7 CFR 210.10, OR SUCCESSOR REGULATIONS, FOR THE NATIONAL SCHOOL LUNCH
30 PROGRAM OR THE NATIONAL SCHOOL BREAKFAST PROGRAM

31 (5) "FEDERAL FREE REIMBURSEMENT RATE" MEANS THE FREE REIMBURSEMENT RATE SET BY THE
32 UNITED STATES DEPARTMENT OF AGRICULTURE FOR MEALS THAT QUALIFY FOR REIMBURSEMENT
33 UNDER THE NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM.

34 (6) "IDENTIFIED STUDENT PERCENTAGE" MEANS THE PERCENTAGE OF A PUBLIC SCHOOL'S OR SCHOOL
35 DISTRICT'S STUDENT ENROLLMENT WHO ARE CERTIFIED AS ELIGIBLE FOR FREE MEALS BASED ON
36 DOCUMENTATION OF BENEFIT RECEIPT OR CATEGORICAL ELIGIBILITY AS DESCRIBED IN 7 CFR 245.6,
37 OR SUCCESSOR REGULATIONS.

- 1 (7) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN FABRICATED PRODUCTS; PRODUCTS
2 THAT RETAIN THEIR INHERENT CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND
3 DRIED PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT ARE HEATED,
4 COOKED, OR CANNED.
- 5 (8) "NATIONAL SCHOOL BREAKFAST PROGRAM" MEANS THE FEDERAL SCHOOL BREAKFAST PROGRAM
6 CREATED IN 42 U.S.C. SEC. 1773.
- 7 (9) "NATIONAL SCHOOL LUNCH PROGRAM" MEANS THE FEDERAL SCHOOL LUNCH PROGRAM CREATED
8 IN THE "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.
- 9 (10) "PARTICIPATING SCHOOL FOOD AUTHORITY" MEANS A SCHOOL FOOD AUTHORITY THAT CHOOSES
10 TO PARTICIPATE IN THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM.
- 11 (11) "PROGRAM" MEANS THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CREATED IN SECTION 22-
12 82.9-204.
- 13 (12) "SCHOOL FOOD AUTHORITY" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-32-120 (8).
- 14 (13) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO
15 SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.
- 16 (14) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS THAT ARE ALTERED FROM THEIR
17 UNPROCESSED OR MINIMALLY PROCESSED STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING
18 COOKING, BAKING, OR CANNING.
- 19 **22-82.9-204. Healthy school meals for all program - created rules.** (1) (A) THERE IS CREATED
20 IN THE DEPARTMENT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM THROUGH WHICH EACH SCHOOL
21 FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE PROGRAM:
- 22 (I) OFFERS ELIGIBLE MEALS, WITHOUT CHARGE, TO ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS
23 SERVED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY THAT PARTICIPATE IN THE NATIONAL SCHOOL
24 LUNCH PROGRAM OR NATIONAL SCHOOL BREAKFAST PROGRAM;
- 25 (II) RECEIVES REIMBURSEMENT FOR THE MEALS AS DESCRIBED IN SUBSECTION (1)(B) OF THIS SECTION;
- 26 (III) IS ELIGIBLE TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO SECTION 22-82.9-205,
27 SUBJECT TO SUBSECTION (4)(B) OF THIS SECTION;
- 28 (IV) IS ELIGIBLE TO RECEIVE FUNDING PURSUANT TO SECTION 22-82.9-206 TO INCREASE WAGES OR
29 PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS
30 TO DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS, SUBJECT TO SUBSECTION (4)(B) OF THIS
31 SECTION; AND
- 32 (V) IS ELIGIBLE TO RECEIVE ASSISTANCE THROUGH THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL
33 ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207, SUBJECT TO
34 SUBSECTION (4)(B) OF THIS SECTION.

1 (b) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH THE PROGRAM TO EACH PARTICIPATING
2 SCHOOL FOOD AUTHORITY FOR EACH BUDGET YEAR IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT
3 RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL FOOD
4 AUTHORITY SERVES DURING THE APPLICABLE BUDGET YEAR MINUS THE TOTAL AMOUNT OF
5 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED DURING THE APPLICABLE BUDGET YEAR THAT THE
6 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVES PURSUANT TO THE NATIONAL SCHOOL BREAKFAST
7 PROGRAM, THE NATIONAL SCHOOL LUNCH PROGRAM, SECTIONS 22-54-123 AND 22-54-123.5, ARTICLE
8 82.7 OF THIS TITLE 22, AND PART 1 OF THIS ARTICLE 82.9.

9 (c) THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE AND DISBURSE, BEGINNING IN THE
10 2023-24 BUDGET YEAR, THE MONEY APPROPRIATED AS REIMBURSEMENTS PURSUANT TO THIS SECTION
11 AMONG PARTICIPATING SCHOOL FOOD AUTHORITIES EACH BUDGET YEAR IN AN EQUITABLE MANNER AND
12 IN COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL SCHOOL BREAKFAST PROGRAM AND THE
13 NATIONAL SCHOOL LUNCH PROGRAM.

14 (2) A SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE PROGRAM MUST ANNUALLY
15 GIVE NOTICE OF PARTICIPATION TO THE DEPARTMENT AS PROVIDED BY RULE OF THE STATE BOARD. AT
16 A MINIMUM, THE NOTICE MUST INCLUDE EVIDENCE THAT THE SCHOOL FOOD AUTHORITY IS
17 PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION AS REQUIRED IN SUBSECTION (3) OF THIS
18 SECTION.

19 (3) IF THE UNITED STATES DEPARTMENT OF AGRICULTURE CREATES THE OPTION FOR THE STATE, AS A
20 WHOLE, TO PARTICIPATE IN THE COMMUNITY ELIGIBILITY PROVISION, THE DEPARTMENT SHALL
21 PARTICIPATE IN THE OPTION AND SHALL WORK WITH SCHOOL FOOD AUTHORITIES AND THE NECESSARY
22 STATE AND LOCAL DEPARTMENTS TO COLLECT DATA AND IMPLEMENT THE COMMUNITY ELIGIBILITY
23 PROVISION STATEWIDE. UNTIL SUCH TIME AS COLORADO PARTICIPATES IN THE COMMUNITY ELIGIBILITY
24 PROVISION AS A STATE, EACH PARTICIPATING SCHOOL FOOD AUTHORITY, AS A CONDITION OF
25 PARTICIPATING IN THE PROGRAM, MUST MAXIMIZE THE AMOUNT OF FEDERAL REIMBURSEMENT BY
26 PARTICIPATING IN THE COMMUNITY ELIGIBILITY PROVISION FOR ALL SCHOOLS THAT QUALIFY FOR THE
27 COMMUNITY ELIGIBILITY PROVISION AND THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVES.

28 (4) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS PART 2, THE DEPARTMENT SHALL
29 APPLY TO THE FEDERAL SECRETARY OF AGRICULTURE TO PARTICIPATE IN THE DEMONSTRATION
30 PROJECT OPERATED PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15) FOR DIRECT CERTIFICATION FOR
31 CHILDREN RECEIVING MEDICAID BENEFITS, WITH THE INTENT THAT THE DEMONSTRATION PROJECT IS
32 IMPLEMENTED STATEWIDE TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW. IF THE STATE IS
33 SELECTED TO PARTICIPATE IN THE DEMONSTRATION PROJECT, THE DEPARTMENT SHALL COMPLY WITH
34 ALL OF THE REQUIREMENTS OF THE DEMONSTRATION PROJECT, INCLUDING ENTERING INTO AN
35 AGREEMENT WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO ESTABLISH
36 PROCEDURES BY WHICH A STUDENT MAY BE CERTIFIED, WITHOUT FURTHER APPLICATION, AS MEETING
37 THE ELIGIBILITY REQUIREMENTS FOR FREE OR REDUCED-PRICE MEALS PURSUANT TO THE NATIONAL
38 SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM BASED ON INFORMATION
39 COLLECTED BY THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN IMPLEMENTING THE
40 MEDICAID PROGRAM.

41 (b) IMPLEMENTATION OF SECTIONS 22-82.9-205 TO 22-82.9-207 IS CONDITIONAL UPON THE STATE OF
42 COLORADO BEING CERTIFIED TO PARTICIPATE IN THE DEMONSTRATION PROJECT FOR DIRECT
43 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS THAT IS OPERATED PURSUANT TO 42
44 U.S.C. SEC. 1758 (b)(15).

1 (5) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE PROGRAM,
2 INCLUDING RULES TO MAXIMIZE THE AMOUNT OF FEDERAL FUNDING AVAILABLE TO IMPLEMENT THE
3 PROGRAM.

4 **22-82.9-205. Local food purchasing grant - amount - advisory committee - verification of**
5 **invoices.** (1) (a) SUBJECT TO SUBSECTION (5) OF THIS SECTION, EACH PARTICIPATING SCHOOL FOOD
6 AUTHORITY THAT CREATES AN ADVISORY COMMITTEE AS DESCRIBED IN SUBSECTION (3) OF THIS
7 SECTION IS ELIGIBLE TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION TO
8 PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS.

9 (b) ON OR BEFORE AUGUST 1 OF THE FIRST FULL BUDGET YEAR IN WHICH THIS SECTION IS EFFECTIVE
10 AS PROVIDED IN SUBSECTION (5) OF THIS SECTION AND ON OR BEFORE AUGUST 1 OF EACH BUDGET
11 YEAR THEREAFTER, EACH PARTICIPATING SCHOOL FOOD AUTHORITY SHALL TRACK AND REPORT TO THE
12 DEPARTMENT FOR THE PRECEDING BUDGET YEAR:

13 (i) THE TOTAL AMOUNT SPENT IN PURCHASING ALL PRODUCTS USED IN PREPARING MEALS AND HOW
14 MUCH OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
15 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

16 (ii) THE TOTAL AMOUNT SPENT TO PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
17 AND HOW MUCH OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
18 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

19 (iii) THE TOTAL AMOUNT SPENT TO PURCHASE VALUE-ADDED PROCESSED PRODUCTS AND HOW MUCH
20 OF THAT TOTAL WAS ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE PARTICIPATING
21 SCHOOL FOOD AUTHORITY RECEIVED; AND

22 (iv) THE TOTAL NUMBER OF ELIGIBLE MEALS THE PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED
23 TO STUDENTS.

24 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (2)(B) OF THIS SECTION, AT THE BEGINNING OF
25 EACH BUDGET YEAR THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL DISTRIBUTE
26 TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY THAT IS ELIGIBLE TO RECEIVE A GRANT PURSUANT
27 TO THIS SECTION THE GREATER OF FIVE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWENTY-FIVE
28 CENTS MULTIPLIED BY THE NUMBER OF LUNCHES THAT QUALIFIED AS AN ELIGIBLE MEAL THAT THE
29 PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE PRECEDING SCHOOL YEAR.
30 THE PARTICIPATING SCHOOL FOOD AUTHORITY SHALL USE THE MONEY RECEIVED PURSUANT TO THIS
31 SECTION TO PURCHASE ONLY COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS AND AS
32 PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION AND SHALL NOT USE MORE THAN TWENTY-FIVE
33 PERCENT OF THE AMOUNT RECEIVED TO PURCHASE VALUE-ADDED PROCESSED PRODUCTS. IN
34 ADDITION, A SCHOOL FOOD AUTHORITY MAY USE UP TO TEN PERCENT OF THE MONEY RECEIVED
35 PURSUANT TO THIS SECTION TO PAY ALLOWABLE COSTS, AS IDENTIFIED BY RULES OF THE STATE
36 BOARD, INCURRED IN COMPLYING WITH THIS SECTION.

37 (b) AT THE BEGINNING OF EACH BUDGET YEAR, EACH PARTICIPATING SCHOOL FOOD AUTHORITY SHALL
38 SUBMIT TO THE DEPARTMENT AN ESTIMATE OF THE AMOUNT IT EXPECTS TO SPEND TO PURCHASE
39 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS FOR THE BUDGET YEAR; A DESCRIPTION OF
40 THE ITEMS AND AMOUNTS IT EXPECTS TO PURCHASE; AND A LIST OF THE SUPPLIERS FROM WHICH IT

1 EXPECTS TO PURCHASE THE ITEMS. IF, BASED ON THE INFORMATION PROVIDED, THE DEPARTMENT
2 DETERMINES THAT A PARTICIPATING SCHOOL FOOD AUTHORITY IS UNLIKELY TO SPEND THE FULL
3 AMOUNT OF THE GRANT DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT SHALL
4 REDUCE THE AMOUNT OF THE GRANT ACCORDINGLY. THE DEPARTMENT SHALL DISTRIBUTE TO OTHER
5 PARTICIPATING SCHOOL FOOD AUTHORITIES THAT ARE ELIGIBLE TO RECEIVE GRANTS PURSUANT TO
6 THIS SECTION ANY AMOUNT THAT IS RETAINED PURSUANT TO THIS SUBSECTION (2)(b). THE
7 DEPARTMENT SHALL DISTRIBUTE THE ADDITIONAL AMOUNTS TO THE PARTICIPATING SCHOOL FOOD
8 AUTHORITIES FOR WHICH THE GRANT AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a) OF THIS
9 SECTION IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS, PRIORITIZED BASED ON THE HIGHEST
10 IDENTIFIED STUDENT PERCENTAGES AND GREATEST FINANCIAL NEED.

11 (3) (a) TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION, A PARTICIPATING
12 SCHOOL FOOD AUTHORITY MUST ESTABLISH AN ADVISORY COMMITTEE MADE UP OF STUDENTS AND
13 PARENTS OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS SERVED BY THE PARTICIPATING SCHOOL
14 FOOD AUTHORITY. IN SELECTING STUDENTS AND PARENTS TO SERVE ON THE ADVISORY COMMITTEE,
15 THE PARTICIPATING SCHOOL FOOD AUTHORITY SHALL ENSURE THAT THE MEMBERSHIP OF THE
16 ADVISORY COMMITTEE REFLECTS THE RACIAL, ETHNIC, AND SOCIOECONOMIC DEMOGRAPHICS OF THE
17 STUDENT POPULATION ENROLLED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY. THE ADVISORY
18 COMMITTEE SHALL ADVISE THE PARTICIPATING SCHOOL FOOD AUTHORITY CONCERNING THE SELECTION
19 OF FOODS TO ENSURE THAT MEALS ARE CULTURALLY RELEVANT, HEALTHY, AND APPEALING TO ALL
20 AGES OF THE STUDENT POPULATION.

21 (b) A PARTICIPATING SCHOOL FOOD AUTHORITY MAY USE UP TO TWELVE PERCENT OF THE AMOUNT
22 RECEIVED PURSUANT TO SUBSECTION (2) OF THIS SECTION TO SUPPORT IMPLEMENTATION OF THE
23 ADVISORY COMMITTEE REQUIRED IN SUBSECTION (3)(a) OF THIS SECTION.

24 (4) THE DEPARTMENT SHALL ANNUALLY REQUIRE A SELECTED GROUP OF PARTICIPATING SCHOOL FOOD
25 AUTHORITIES THAT RECEIVED A GRANT PURSUANT TO THIS SECTION IN THE PRECEDING BUDGET YEAR
26 TO SUBMIT TO THE DEPARTMENT A REPRESENTATIVE SAMPLE OF THE INVOICES FOR THE PRODUCTS
27 PURCHASED USING THE GRANT MONEY. NO LATER THAN SEPTEMBER 1 OF THE SECOND BUDGET YEAR
28 IN WHICH THIS SECTION IS EFFECTIVE AS PROVIDED IN SUBSECTION (5) OF THIS SECTION, AND NO LATER
29 THAN SEPTEMBER 1 OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL REVIEW THE INVOICES TO
30 VERIFY THAT THE PRODUCTS PURCHASED MET THE REQUIREMENTS SPECIFIED IN THIS SECTION. IF THE
31 DEPARTMENT FINDS THAT A PARTICIPATING SCHOOL FOOD AUTHORITY USED A SIGNIFICANT PORTION
32 OF THE GRANT MONEY, AS DETERMINED BY RULE OF THE STATE BOARD, TO PURCHASE PRODUCTS THAT
33 DID NOT MEET THE REQUIREMENTS OF THIS SECTION, THE PARTICIPATING SCHOOL FOOD AUTHORITY IS
34 INELIGIBLE TO RECEIVE A GRANT PURSUANT TO THIS SECTION FOR THE NEXT BUDGET YEAR FOLLOWING
35 THE BUDGET YEAR IN WHICH THE DEPARTMENT COMPLETES THE REVIEW.

36 (5) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF
37 COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT
38 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204
39 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS'
40 IDENTIFIED STUDENT PERCENTAGES.

41 **22-82.9-206. School meals food preparation and service employees - wage increase or**
42 **stipend.** (1) SUBJECT TO SUBSECTION (2) OF THIS SECTION, IN ADDITION TO THE AMOUNTS RECEIVED
43 PURSUANT TO SECTIONS 22-82.9-204 AND 22-82.9-205, A PARTICIPATING SCHOOL FOOD AUTHORITY
44 MAY RECEIVE THE GREATER OF THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWELVE CENTS

1 MULTIPLIED BY THE NUMBER OF SCHOOL LUNCHES THAT QUALIFY AS ELIGIBLE MEALS THAT THE
2 PARTICIPATING SCHOOL FOOD AUTHORITY PROVIDED IN THE PREVIOUS BUDGET YEAR, SO LONG AS THE
3 PARTICIPATING SCHOOL FOOD AUTHORITY USES ONE HUNDRED PERCENT OF THE AMOUNT RECEIVED
4 PURSUANT TO THIS SECTION TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE
5 PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE FOOD FOR
6 SCHOOL MEALS. TO RECEIVE THE AMOUNT DESCRIBED IN THIS SECTION, A PARTICIPATING SCHOOL
7 FOOD AUTHORITY MUST SUBMIT DOCUMENTATION TO THE DEPARTMENT AS REQUIRED BY RULES OF THE
8 STATE BOARD TO DEMONSTRATE THAT THE INCREASE IN WAGES OR PROVISION OF STIPENDS USING THE
9 AMOUNT RECEIVED PURSUANT TO THIS SECTION IS IMPLEMENTED FOR THE BUDGET YEAR IN WHICH THE
10 AMOUNT IS RECEIVED.

11 (2) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF
12 COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT
13 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204
14 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS'
15 IDENTIFIED STUDENT PERCENTAGES.

16 **22-82.9-207. Local school food purchasing technical assistance and education grant**
17 **program - created - report.** (1) SUBJECT TO SUBSECTION (4) OF THIS SECTION, THERE IS CREATED
18 IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION
19 GRANT PROGRAM TO ISSUE A GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND
20 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF COLORADO GROWN, RAISED, OR
21 PROCESSED PRODUCTS TO PARTICIPATING SCHOOL FOOD AUTHORITIES AND TO ASSIST PARTICIPATING
22 SCHOOL FOOD AUTHORITIES IN PREPARING MEALS USING BASIC INGREDIENTS, WITH MINIMAL RELIANCE
23 ON PROCESSED PRODUCTS.

24 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT ORGANIZATION MAY AWARD GRANTS
25 FOR:

26 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL INFRASTRUCTURE, AWARDED TO PARTICIPATING
27 SCHOOL FOOD AUTHORITIES, GROWER ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE
28 PRODUCTS FROM PRODUCERS FOR:

29 (i) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE DEVELOPMENT AND SUSTAINABILITY OF
30 LOCAL AND REGIONAL FOOD SYSTEMS;

31 (ii) CHEF TRAINING ON FOOD HANDLING, MEAL PREPARATION USING BASIC INGREDIENTS, AND
32 PROCUREMENT PRACTICES, AND FOR KITCHEN EQUIPMENT PURCHASES;

33 (iii) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND GOOD HANDLING PRACTICES
34 CERTIFICATION COSTS AND TRAINING ON SELLING TO SCHOOLS; AND

35 (iv) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED PRODUCTS; AND

36 (b) EDUCATION, OUTREACH, AND PROMOTION FOR:

37 (i) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES ON THE BENEFITS OF FARM-TO-SCHOOL AND
38 WAYS TO SUPPORT FARM-TO-SCHOOL; AND

1 (ii) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO SCHOOLS AND SCHOOL
2 COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF PURCHASING LOCAL PRODUCTS.

3 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO THE DEPARTMENT ON
4 IMPLEMENTATION OF THE TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM, INCLUDING:

5 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;

6 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED PURSUANT TO SUBSECTION (2)(a)
7 OF THIS SECTION; AND

8 (c) THE TYPES OF EDUCATION, OUTREACH, AND PROMOTION CONDUCTED BY PARTICIPATING SCHOOL
9 FOOD AUTHORITIES AND OTHERS PURSUANT TO SUBSECTION (2)(b) OF THIS SECTION.

10 (4) THIS SECTION IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER THE STATE OF
11 COLORADO IS CERTIFIED TO PARTICIPATE IN THE FEDERAL DEMONSTRATION PROJECT FOR DIRECT
12 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS AS PROVIDED IN SECTION 22-82.9-204
13 (4) AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN DETERMINING SCHOOL DISTRICTS'
14 IDENTIFIED STUDENT PERCENTAGES.

15 **22-82.9-208. Report - audit.** (1) (a) ON OR BEFORE DECEMBER 1, 2024, AND ON OR BEFORE
16 DECEMBER 1 EVERY TWO YEARS THEREAFTER, THE DEPARTMENT SHALL PREPARE A REPORT
17 CONCERNING THE IMPLEMENTATION OF SECTION 22-82.9-204 AND SECTIONS 22-82.9-205, 22-82.9-
18 206, AND 22-82.9-207, TO THE EXTENT THOSE SECTIONS ARE IN EFFECT AS PROVIDED IN SECTION 22-
19 82.9-204 (4)(b). AT A MINIMUM, THE REPORT MUST DESCRIBE:

20 (i) THE INCREASE IN THE NUMBER OF STUDENTS WHO RECEIVE FREE ELIGIBLE MEALS AS A RESULT OF
21 IMPLEMENTATION OF THE PROGRAM;

22 (ii) THE EFFECT OF THE USE OF LOCAL FOOD PURCHASING GRANTS ON THE AMOUNT OF COLORADO
23 GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING SCHOOL FOOD
24 AUTHORITIES AND INCLUDE A COMPILATION OF THE INFORMATION REPORTED BY PARTICIPATING
25 SCHOOL FOOD AUTHORITIES PURSUANT TO SECTION 22-82.9-205 (1)(b);

26 (iii) THE EFFECT OF THE DISTRIBUTION OF MONEY PURSUANT TO SECTION 22-82.9-206 ON THE AMOUNT
27 OF WAGES PAID OR THE AMOUNT OF STIPENDS PROVIDED TO INDIVIDUALS WHO ARE EMPLOYED BY
28 PUBLIC SCHOOLS TO PREPARE AND SERVE SCHOOL MEALS; AND

29 (iv) A SUMMARY OF THE INFORMATION REPORTED BY THE NONPROFIT ORGANIZATION PURSUANT TO
30 SECTION 22-82.9-207 (3) CONCERNING IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING
31 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM.

32 (b) THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
33 REPRESENTATIVES AND THE SENATE; THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE
34 HOUSE OF REPRESENTATIVES; AND THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE
35 SENATE; OR ANY SUCCESSOR COMMITTEES.

36 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(i), THE REQUIREMENT TO
37 SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (1) CONTINUES INDEFINITELY.

1 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT AUDITOR TO CONDUCT A BIENNIAL
2 FINANCIAL AND PERFORMANCE AUDIT OF THE IMPLEMENTATION OF THE PROGRAM, INCLUDING
3 IMPLEMENTATION OF SECTION 22-82.9-204 AND INCLUDING IMPLEMENTATION OF LOCAL FOOD
4 PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205, DISTRIBUTIONS FOR THE INCREASE IN
5 WAGES OR PROVISION OF STIPENDS PURSUANT TO SECTION 22-82.9-206, AND IMPLEMENTATION OF
6 THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM
7 PURSUANT TO SECTION 22-82.9-207, TO THE EXTENT SAID SECTIONS ARE IN EFFECT AS PROVIDED IN
8 SECTION 22-82.9-204 (4)(b). THE AUDIT OF THE TWO BUDGET YEARS IN EACH BIENNIAL CYCLE MUST
9 BE COMPLETED BY DECEMBER 1 OF THE FOLLOWING BUDGET YEAR. THE DEPARTMENT SHALL MAKE
10 THE AUDIT EASILY ACCESSIBLE BY THE PUBLIC ON THE DEPARTMENT WEBSITE.

11 **22-82.9-209. Program - Funding.** FOR THE 2023-24 BUDGET YEAR AND FOR EACH BUDGET YEAR
12 THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO THE DEPARTMENT, BY SEPARATE LINE
13 ITEM IN THE ANNUAL GENERAL APPROPRIATION BILL, THE AMOUNT NECESSARY TO IMPLEMENT THE
14 PROGRAM, INCLUDING THE AMOUNT REQUIRED TO REIMBURSE PARTICIPATING SCHOOL FOOD
15 AUTHORITIES FOR ELIGIBLE MEALS PROVIDED TO STUDENTS PURSUANT TO SECTION 22-82.9-204 AND
16 INCLUDING THE AMOUNT DISTRIBUTED AS LOCAL FOOD PURCHASING GRANTS PURSUANT TO SECTION
17 22-82.9-205, THE AMOUNT DISTRIBUTED PURSUANT TO SECTION 22-82.9-206 TO INCREASE THE
18 WAGES OR PROVIDE STIPENDS FOR STAFF WHO PREPARE AND SERVE SCHOOL MEALS, AND AT LEAST
19 FIVE MILLION DOLLARS ANNUALLY TO IMPLEMENT THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL
20 ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207, TO THE EXTENT
21 SAID SECTIONS ARE IN EFFECT AS PROVIDED IN SECTION 22-82.9-204 (4)(b). THE DEPARTMENT MAY
22 EXPEND NOT MORE THAN ONE AND FIVE-TENTHS PERCENT OF THE TOTAL AMOUNT ANNUALLY
23 APPROPRIATED PURSUANT TO THIS SECTION TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED
24 BY THE DEPARTMENT IN IMPLEMENTING THIS PART 2.

25 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-82.9-101 as follows: 22-82.9-101. Short
26 title. ~~This article shall be known and may be cited as the~~ THE SHORT TITLE OF THIS PART 1 is "Child
27 Nutrition School Lunch Protection Program Act".

28 **SECTION 3.** In Colorado Revised Statutes, 22-82.9-103, **amend** the introductory portion as
29 follows:

30 **22-82.9-103. Definitions.** As used in this ~~article~~ PART 1, unless the context otherwise requires:

31 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-105, **amend** (1) and (2) as follows:

32 **22-82.9-105. Program funding.** (1) For each fiscal year, the general assembly shall make an
33 appropriation by separate line item in the annual general appropriation bill to allow school food
34 authorities to provide lunches at no charge for children in state-subsidized early childhood
35 education programs administered by public schools or in kindergarten through twelfth grade,
36 participating in the school lunch program, who would otherwise be required to pay a reduced price
37 for lunch. The appropriation to the department for the program must be in addition to any
38 appropriation made by the general assembly pursuant to section 22-54-123 or 22-54-123.5 (1).
39 The department may expend not more than two percent of the money annually appropriated for
40 the program to offset the direct and indirect costs incurred by the department in implementing the
41 program pursuant to this ~~article 82.9~~ PART 1.

1 (2) The department is authorized to seek and accept gifts, grants, and donations from public and
2 private sources for the purposes of this ~~article~~ PART 1, but receipt of gifts, grants, and donations
3 ~~shall not be~~ ARE NOT a prerequisite to the implementation of the program.

4 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-107, **amend** (1) as follows:

5 **22-82.9-107. No individual entitlement.** (1) ~~Nothing in this article shall be interpreted to~~ THIS
6 PART 1 DOES NOT create a legal entitlement to any participant to assistance provided pursuant to
7 the program.

8 **SECTION 6.** In Colorado Revised Statutes, 39-22-104, **amend** (3)(p) introductory portion; and
9 **add** (3)(p.5) as follows:

10 **39-22-104. Income tax imposed on individuals, estates, and trusts - single rate - report -**
11 **legislative declaration - definitions - repeal.** (3) There shall be added to the federal taxable
12 income:

13 (p) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3)(P.5) OF THIS SECTION, for income tax years
14 commencing on or after January 1, 2022, for taxpayers who claim itemized deductions as defined
15 in section 63 (d) of the internal revenue code and who have federal adjusted gross income in the
16 income tax year equal to or exceeding four hundred thousand dollars:

17 (p.5) (I) FOR INCOME TAX YEARS COMMENCING ON OR AFTER JANUARY 1, 2023, FOR TAXPAYERS WHO
18 CLAIM ITEMIZED DEDUCTIONS AS DEFINED IN SECTION 63 (d) OF THE INTERNAL REVENUE CODE OR THE
19 STANDARD DEDUCTION AS DEFINED IN SECTION 63 (c) OF THE INTERNAL REVENUE CODE AND WHO HAVE
20 FEDERAL ADJUSTED GROSS INCOME IN THE INCOME TAX YEAR EQUAL TO OR EXCEEDING THREE
21 HUNDRED THOUSAND DOLLARS:

22 (A) FOR A TAXPAYER WHO FILES A SINGLE RETURN, THE AMOUNT BY WHICH THE ITEMIZED DEDUCTIONS
23 DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED,
24 OR THE STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (c) OF THE
25 INTERNAL REVENUE CODE EXCEEDS, TWELVE THOUSAND DOLLARS; AND

26 (B) FOR TAXPAYERS WHO FILE A JOINT RETURN, THE AMOUNT BY WHICH THE ITEMIZED DEDUCTIONS
27 DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (a) OF THE INTERNAL REVENUE CODE EXCEED,
28 OR THE STANDARD DEDUCTION DEDUCTED FROM GROSS INCOME UNDER SECTION 63 (c) OF THE
29 INTERNAL REVENUE CODE EXCEEDS, SIXTEEN THOUSAND DOLLARS.

30 (II) FOR THE 2023-24 STATE FISCAL YEAR AND STATE FISCAL YEARS THEREAFTER, THE GENERAL
31 ASSEMBLY SHALL ANNUALLY APPROPRIATE AN AMOUNT OF GENERAL FUND REVENUE AT LEAST EQUAL
32 TO THE AMOUNT OF REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE INCOME DESCRIBED
33 IN SUBSECTION (3)(p.5)(I) OF THIS SECTION, BUT NOT MORE THAN THE AMOUNT REQUIRED, TO FULLY
34 FUND THE DIRECT AND INDIRECT COSTS OF IMPLEMENTING THE HEALTHY SCHOOL MEALS FOR ALL
35 PROGRAM AS PROVIDED IN SECTION 22-82.9-209. THE PROVISIONS OF SUBSECTION (3)(p.5)(I) OF THIS
36 SECTION CONSTITUTE A VOTER-APPROVED REVENUE CHANGE, APPROVED BY THE VOTERS AT THE
37 STATEWIDE ELECTION IN NOVEMBER OF 2022, AND THE REVENUE GENERATED BY THIS VOTER-
38 APPROVED REVENUE CHANGE MAY BE COLLECTED, RETAINED, APPROPRIATED, AND SPENT WITHOUT
39 SUBSEQUENT VOTER APPROVAL, NOTWITHSTANDING ANY OTHER LIMITS IN THE STATE CONSTITUTION
40 OR LAW. THE ADDITION TO FEDERAL TAXABLE INCOME DESCRIBED IN SUBSECTION (3)(p.5)(I) OF THIS

1 SECTION DOES NOT APPLY FOR AN INCOME TAX YEAR THAT COMMENCES AFTER THE HEALTHY SCHOOL
2 MEALS FOR ALL PROGRAM, OR ANY SUCCESSOR PROGRAM, IS REPEALED. UPON REPEAL OF THE
3 HEALTHY SCHOOL MEALS FOR ALL PROGRAM, OR ANY SUCCESSOR PROGRAM, THE COMMISSIONER OF
4 EDUCATION SHALL PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR IN WRITING THAT THE PROGRAM IS
5 REPEALED.

6 **SECTION 7.** In Colorado Revised Statutes, 22-2-112, **add** (1)(v) as follows:

7 **22-2-112. Commissioner - duties report - legislative declaration - repeal.** (1) Subject to the
8 supervision of the state board, the commissioner has the following duties:

9 (v) UPON THE REPEAL OF PART 2 OF ARTICLE 82.9 OF THIS TITLE 22 AND IN ACCORDANCE WITH SECTION
10 39-22-104 (3)(p.5)(II), TO PROMPTLY NOTIFY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
11 REVENUE IN WRITING THAT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM IS REPEALED.

12 **SECTION 8. Refer to people under referendum.** At the election held on November 8, 2022, the
13 secretary of state shall submit this act by its ballot title to the registered electors of the state for
14 their approval or rejection. Each elector voting at the election may cast a vote either "Yes/For" or
15 "No/Against" on the following ballot title: "Shall state taxes be increased \$100,727,820 annually
16 by a change to the Colorado Revised Statutes that, to support healthy meals for public school
17 students, increases state taxable income only for individuals who have federal taxable income of
18 \$300,000 or more by limiting itemized or standard state income tax deductions to \$12,000 for
19 single tax return filers and \$16,000 for joint tax return filers, and, in connection therewith, creating
20 the healthy school meals for all program to provide free school meals to students in public schools;
21 providing grants for participating schools to purchase Colorado grown, raised, or processed
22 products, to increase wages or provide stipends for employees who prepare and serve school
23 meals, and to create parent and student advisory committees to provide advice to ensure school
24 meals are healthy and appealing to all students; and creating a program to assist in promoting
25 Colorado food products and preparing school meals using basic nutritious ingredients with
26 minimal reliance on processed products?" Except as otherwise provided in section 1-40-123,
27 Colorado Revised Statutes, if a majority of the electors voting on the ballot title vote "Yes/For",
28 then the act will become part of the Colorado Revised Statutes.