A BILL FOR AN ACT

CONCERNING PROGRAMS RELATING TO NONCURRICULAR TIME DURING THE SCHOOL DAY.

Bill Summary

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

The bill creates the time-to-eat task force (task force) in the department of education (department) to evaluate Colorado school districts' and other states' policies regarding scheduled lunch time (time-to-eat policies) and repeals the task force, effective January 1, 2025. The bill creates the safe and healthy play grant program in the department to assist schools in implementing programs that support social
and emotional learning through play.

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

SECTION 1. Legislative declaration. (1) The general assembly finds that:

(a) Research shows that it is important for students in kindergarten through twelfth grade to have access to healthy school meals to promote learning;

(b) Colorado invested in students by establishing the healthy school meals for all program in 2022, which ensures all students have access to healthy school lunches. School lunches provide students with essential daily nutrients and, for many students, help reduce the impact of food insecurity.

(c) Eating high-quality meals with fresh and whole produce and using eating utensils require more time than grab-and-go food items;

(d) The American Academy of Pediatrics and the Center for Disease Control and Prevention recommend that students have at least twenty minutes of seated lunch time;

(e) If students do not have adequate time to eat meals, their concentration is impeded, their behavior is often negatively impacted, and the meal they were not given adequate time to finish will likely be thrown away;

(f) Colorado schools, and the people who work in schools, play a vital role in a student's well-being and should be included in any decision made regarding school meal time;

(g) Schools report that play time, when scheduled before lunch, results in less food waste and higher consumption of milk, fruits, and
vegetables, and may result in fewer behavioral problems; and

(h) Children today play 50% less than their parents did as children. However, play is a critical element in healthy brain development and emotional regulation as it is through play that children learn how to interact with the world around them.

(2) Therefore, the general assembly finds and declares that Colorado must evaluate and improve its schools' meal time policies and prioritize school programs that support students' social and emotional learning through play.

SECTION 2. In Colorado Revised Statutes, add 22-2-150 as follows:

22-2-150. Time-to-eat task force - purpose - membership - report - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "Task force" means the time-to-eat task force created in subsection (2) of this section.

(b) "Time-to-eat policy" means a policy focused on ensuring students have adequate time to eat lunch during the allotted school lunch time.

(2) There is created in the Department of Education the time-to-eat task force.

(3) (a) The purpose of the task force is to evaluate Colorado school districts' time-to-eat policies using a sample of policies that are representative of all school districts and are diverse with respect to school district size, demographics, and the number of students eligible for free or reduced-price lunch under the federal "Richard B. Russell National School Lunch Program."
Act", 42 U.S.C. Sec. 1751 et seq. in evaluating the time-to-eat policies, the task force shall consider school districts that:

(I) Have increased seated lunch time and the associated outcomes;

(II) Schedule recess before seated lunchtime and the associated outcomes;

(III) Have not changed or increased the school districts' time-to-eat policies and the associated outcomes; and

(IV) Have utilized various types of food service models, including multiple food service lines and grab-and-go stations, and the associated costs and outcomes.

(b) To determine the associated outcomes of the evaluation topics specified in subsection (3)(a) of this section, the task force shall consider the school districts':

(I) Food waste;

(II) Academic performance and behavioral outcomes;

(III) Meal quality and food choices offered;

(IV) Number of students eating school meals and student satisfaction with the meals served; and

(V) Challenges and barriers in implementing longer lunch time periods, including systemic disparities.

(c) The task force shall also evaluate existing research and studies on time-to-eat policies focused on Colorado and other states, assess unique models for including lunch time as instructional time, and assess state policies with mandated seated lunch time.

(d) The department of education shall provide the task
FORCE WITH DATA COLLECTED ON THE AMOUNT OF TIME SCHOOL
DISTRICTS PROVIDE FOR MEAL TIME AND RECESS, IF AVAILABLE.

(4) THE TASK FORCE CONSISTS OF:

(a) THE COMMISSIONER OF EDUCATION OR THE COMMISSIONER OF
EDUCATION'S DESIGNEE;

(b) THE FOLLOWING MEMBERS, APPOINTED BY THE COMMISSIONER
OF EDUCATION:

(I) A DEPARTMENT OF EDUCATION STAFF MEMBER;

(II) TWO FOOD SERVICE DIRECTORS, ONE OF WHOM IS A
REGISTERED DIETITIAN AND AT LEAST ONE OF WHOM IS A MEMBER OF A
STATEWIDE SCHOOL NUTRITION ASSOCIATION;

(III) TWO SCHOOL NUTRITION STAFF MEMBERS WHO SERVE AND
PREPARE SCHOOL MEALS, ONE OF WHOM MUST BE EMPLOYED BY AN
ELEMENTARY SCHOOL;

(IV) EITHER A SCHOOL SUPERINTENDENT OR A REPRESENTATIVE
OF CENTRAL ADMINISTRATION;

(V) TWO SCHOOL ADMINISTRATORS WITH EXPERTISE IN
SCHEDULING, ONE OF WHOM MUST BE EMPLOYED BY AN ELEMENTARY
SCHOOL AND HAVE KNOWLEDGE ON SCHOOL OPERATIONS; AND

(VI) A SCHOOL-BASED MENTAL HEALTH PROFESSIONAL WITH
EXPERIENCE WORKING WITH STUDENTS WITH DISABILITIES;

(c) THE FOLLOWING MEMBERS APPOINTED BY THE GOVERNOR:

(I) A REPRESENTATIVE FROM THE STATE BOARD OF EDUCATION;

AND

(II) AN INDIVIDUAL FROM A UNIVERSITY OR RESEARCH
ORGANIZATION WITH EXPERTISE IN TIME-TO-EAT RESEARCH;

(d) THE FOLLOWING MEMBERS, APPOINTED BY THE PRESIDENT OF
THE SENATE:

(I) AN ELEMENTARY SCHOOLTEACHER; AND

(II) TWO SCHOOL BOARD MEMBERS;

(e) THE FOLLOWING MEMBERS, APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES:

(I) AN INDIVIDUAL FROM A LABOR ORGANIZATION REPRESENTING TEACHERS; AND

(II) A REPRESENTATIVE OF A STATEWIDE NONPROFIT ORGANIZATION THAT DIRECTLY PROVIDES TECHNICAL ASSISTANCE TO SCHOOL MEAL PROGRAMS ACROSS THE STATE;

(f) TWO PARENTS OF SCHOOL-AGED CHILDREN, ONE OF WHOM MUST BE THE PARENT OF AN ELEMENTARY SCHOOL STUDENT, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE PRESIDENT OF THE SENATE;

(g) TWO PUBLIC SCHOOL STUDENTS, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE PRESIDENT OF THE SENATE. IN MAKING THE APPOINTMENTS, THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND PRESIDENT OF THE SENATE MUST CONSIDER STUDENTS INVOLVED IN STUDENT ADVOCACY PROGRAMS.

(h) TWO INDIVIDUALS FROM COMMUNITY-BASED ORGANIZATIONS FOCUSED ON K-12 POLICIES OR K-12 EDUCATION, ONE APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND ONE APPOINTED BY THE PRESIDENT OF THE SENATE.

(5) ON OR BEFORE JUNE 30, 2024, THE APPOINTING AUTHORITIES SHALL MAKE TASK FORCE APPOINTMENTS. THE APPOINTMENTS MUST BE REPRESENTATIVE OF DIFFERENT GRADE LEVELS, GEOGRAPHIC REGIONS, DEMOGRAPHICS, AND SCHOOLS WITH VARIOUS FREE AND REDUCED-PRICE
LUNCH ELIGIBILITY.

(6) A VACANCY MUST BE FILLED BY THE APPOINTING AUTHORITY AS SOON AS POSSIBLE BUT WITHIN FOURTEEN DAYS AFTER THE VACANCY.

(7) THE TASK FORCE SHALL MEET AT LEAST FOUR BUT NO MORE THAN FIVE TIMES FROM JULY 2024 THROUGH NOVEMBER 2024. MEETINGS MUST BE OPEN TO THE PUBLIC AND ALLOW TIME FOR PUBLIC COMMENT.

(8) TASK FORCE MEMBERS SERVE WITHOUT COMPENSATION; EXCEPT THAT TASK FORCE MEMBERS SPECIFIED IN SUBSECTIONS (4)(f) AND (4)(g) OF THIS SECTION MUST RECEIVE PER DIEM COMPENSATION. ALL TASK FORCE MEMBERS MAY BE REIMBURSED FOR EXPENSES INCURRED WHILE PERFORMING THE TASK FORCE MEMBERS' DUTIES.

(9) UPON THE REQUEST OF THE CHAIR OF THE TASK FORCE, THE DEPARTMENT OF EDUCATION MUST PROVIDE STAFF ASSISTANCE, MEETING SPACE, OR AUDIO-VISUAL COMMUNICATION TECHNOLOGY TO THE TASK FORCE AS NECESSARY FOR THE PERFORMANCE OF ITS DUTIES.

(10) THE DEPARTMENT OF EDUCATION SHALL CONTRACT WITH A THIRD-PARTY ENTITY WITH EXPERTISE IN TASK FORCE FACILITATION AND STAKEHOLDER INPUT TO ASSIST WITH THE ADMINISTRATION OF THE TASK FORCE AND DRAFTING THE REPORT PURSUANT TO SUBSECTION (11) OF THIS SECTION.

(11) ON OR BEFORE DECEMBER 1, 2024, THE TASK FORCE SHALL SUBMIT A REPORT TO THE STATE BOARD OF EDUCATION AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES, DETAILING ITS FINDINGS REGARDING THE TOPICS DETAILED IN SUBSECTION (1) OF THIS SECTION. AT A MINIMUM, THE REPORT MUST CONTAIN:

(a) FINDINGS FROM THE EVALUATION AND OUTCOMES;
(b) Findings from studies on Colorado and on other states; and

c) Recommendations for school districts to implement time-to-eat policies that allow for increased time to eat. These recommendations must ensure:

(I) Increased positive outcomes for students, including nutritional outcomes; and

(II) Compliance with federal instruction time and other relevant policies.

(12) This section is repealed, effective January 1, 2025.

SECTION 3. In Colorado Revised Statutes, add 22-2-151 as follows:

22-2-151. Safe and healthy play grant program - fund - creation - report - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Fund" means the safe and healthy play grant program fund created in subsection (8) of this section.

(b) "Grant Program" means the safe and healthy play grant program created in subsection (2) of this section.

(2) There is created in the department of education the safe and healthy play grant program to provide money to under-resourced school districts and schools in order to contract and partner with a community organization that provides school programming that supports social or emotional learning through play.

(3) (a) School districts may apply for the grant program if the school district meets the eligibility requirements detailed
IN SUBSECTION (3)(b) OF THIS SECTION. SCHOOLS MAY APPLY FOR THE
GRANT PROGRAM IF THE SCHOOL MEETS THE ELIGIBILITY REQUIREMENTS
DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION.

(b) TO BE ELIGIBLE FOR A GRANT, A SCHOOL DISTRICT MUST
CONSIST OF SCHOOLS THAT HAVE FIFTY PERCENT OR MORE STUDENTS WHO
ARE ELIGIBLE FOR FREE OR REDUCED-PRICE LUNCH UNDER THE "RICHARD
B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(c) TO BE ELIGIBLE FOR A GRANT, A SCHOOL MUST HAVE FIFTY
PERCENT OR MORE STUDENTS WHO ARE ELIGIBLE FOR FREE OR
REDUCED-PRICE LUNCH UNDER THE "RICHARD B. RUSSELL NATIONAL
SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

(4) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM
AND, SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL AWARD GRANTS AS
PROVIDED IN SUBSECTION (6) OF THIS SECTION. GRANTS MUST BE PAID OUT
OF THE SAFE AND HEALTHY PLAY GRANT PROGRAM FUND CREATED IN
SUBSECTION (8) OF THIS SECTION. THE DEPARTMENT MAY PROMULGATE
RULES NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(5) AN ELIGIBLE SCHOOL DISTRICT OR SCHOOL SHALL APPLY FOR
A GRANT IN THE FORM AND MANNER PRESCRIBED BY THE DEPARTMENT. AT
A MINIMUM, AN ELIGIBLE SCHOOL DISTRICT OR SCHOOL SHALL INCLUDE
THE FOLLOWING INFORMATION WHEN APPLYING FOR A GRANT THROUGH
THE GRANT PROGRAM:

(a) A DESCRIPTION OF THE ELIGIBLE SCHOOL DISTRICT'S OR
SCHOOL'S NEED FOR THE GRANT;

(b) HOW THE ELIGIBLE SCHOOL DISTRICT OR SCHOOL INTENDS TO
USE THE GRANT MONEY TO INCORPORATE SOCIAL OR EMOTIONAL
LEARNING PLAY-TIME PROGRAMMING INTO THE SCHOOL DAY;
(c) The community organization the eligible school district or school intends to contract or partner with to implement the programming;

(d) The amount of money needed in order to fully implement school programming that supports social or emotional learning through play. The amount of money requested for each school must not exceed twenty thousand dollars; and

(e) If the grant applicant is a school district, which schools the grant money will be used for.

(6) (a) The department shall review the applications received pursuant to this section and award grants on a first come, first served basis. Grants awarded must not exceed twenty thousand dollars per school.

(b) The department shall distribute the grant money within thirty days after the department awards the grants.

(7) A school district or school awarded a grant through the grant program must use the grant money for social or emotional learning play-time programming.

(8) There is created in the state treasury the safe and healthy play grant program fund. The fund consists of money transferred or appropriated to it and any other money that may be made available by the general assembly. The money in the fund is continuously appropriated to the department for the direct and indirect costs associated with implementing the grant program. Any amount remaining in the fund at the end of a fiscal year must remain in the fund and not be credited or
TRANSFERRED TO THE GENERAL FUND OR TO ANY OTHER FUND.

(9) BEGINNING JANUARY 2025, AND IN JANUARY OF EACH YEAR THEREAFTER, THE DEPARTMENT SHALL INCLUDE AS PART OF ITS "SMART ACT" HEARING, REQUIRED BY SECTION 2-7-203, INFORMATION CONCERNING THE SCHOOL DISTRICTS THAT RECEIVED GRANTS THROUGH THE GRANT PROGRAM IN THE PREVIOUS YEAR, INCLUDING:

(a) HOW THE SCHOOL DISTRICT USED THE GRANT MONEY TO IMPLEMENT PLAY-TIME PROGRAMMING DURING THE SCHOOL DAY THAT SUPPORTS SOCIAL OR EMOTIONAL LEARNING;

(b) THE AMOUNT OF MONEY AWARDED TO THE SCHOOL DISTRICT THROUGH THE GRANT PROGRAM; AND

(c) THE EFFECTS OF IMPLEMENTING THE PROGRAMMING ON:

(I) STUDENT ATTENDANCE;

(II) STUDENT SAFETY AND INCLUSIVENESS;

(III) STUDENT INTERACTIONS WITH TEACHERS AND OTHER SCHOOL FACULTY MEMBERS AND PEERS;

(IV) THE AMOUNT OF CLASSROOM INSTRUCTIONAL TIME;

(V) THE NUMBER OF BULLYING AND DISCIPLINARY INCIDENTS; AND

(VI) CHANGES IN PHYSICAL ACTIVITY LEVELS AMONG STUDENTS.

SECTION 4. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.