

First Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 25-0750.04 Pierce Lively x2059

SENATE BILL 25-214

SENATE SPONSORSHIP

Bridges and Amabile, Kirkmeyer

HOUSE SPONSORSHIP

Sirota and Taggart, Bird

Senate Committees
Appropriations

House Committees

A BILL FOR AN ACT

101 CONCERNING REIMBURSEMENTS FOR ELIGIBLE MEALS PROVIDED
102 THROUGH THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM,
103 AND, IN CONNECTION THEREWITH, MAKING AND REDUCING AN
104 APPROPRIATION.

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/>.)

Joint Budget Committee. The healthy school meals for all program (program) reimburses participating school food authorities for meals that those authorities provide to students without charge. **Section**

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

2 of the bill allows for the amount of these reimbursements to be modified in 2 different scenarios. First, if a referred measure that would, beginning with the 2026 state income tax year, increase state taxes annually by at least \$90 million in connection with the program is not approved by the voters voting on the referred measure at the 2025 statewide election, the department of education (department) is required to only provide reimbursements to participating school food authorities for meals served at eligible sites. Eligible sites are those that either:

- Qualify for the community eligibility provision program, as that program exists on November 15, 2025; or
- Is identified as an eligible site by the department based on the amount that the general assembly appropriates for the purpose of providing reimbursements to a participating school food authority for offering eligible meals without charge and the percentage of a site's student enrollment who are certified as eligible for free meals based on documentation of benefit receipt or categorical eligibility as described in federal rule, or any successor regulations.

Second, if the department, in consultation with the office of state planning and budgeting, determines that the amount that the general assembly appropriated for the purpose of providing reimbursements to a participating school food authority is less than the costs of the department providing those reimbursements, the department may request a supplemental appropriation or an overexpenditure. If that request is rejected, the department may determine a prorated reimbursement amount for the reimbursements that the department provides through the program to each participating school food authority for the remainder of that budget year.

Under current law, if the department determines that there is an insufficient amount of money in the healthy school meals for all program cash fund (fund) for the department to provide reimbursements to a participating school food authority for offering eligible meals without charge, the department may make an expenditure from the general fund to provide those reimbursements. **Sections 4 and 6** limit this expenditure authority to fiscal years commencing on or before July 1, 2024.

Additionally, under current law, the general assembly is required to appropriate money from the state education fund to cover program costs for which there is not sufficient money in the fund for state fiscal years 2023-24 and 2024-25. **Section 3** allows the general assembly to appropriate money from the state education fund into state fiscal year 2025-26. **Section 4** requires the department, on January 15, 2027, in consultation with the office of state planning and budgeting, to report to the joint budget committee on whether there is a sufficient balance in the fund for:

- The state treasurer to transfer an amount from the fund to

the state education fund equal to the total amount of expenditures from the state education fund for the program for state fiscal years 2022-23, 2023-24, 2024-25, and 2025-26 minus the amount of additional tax revenue deposited in the state education fund as a result of the increase in state income tax generated in connection with voter approval of the program for those same fiscal years; and

- The department to provide reimbursements to a participating school food authority for offering eligible meals without charge.

Section 8 decreases the appropriation for school meal reimbursements provided through the program from the general fund by \$42,240,242 and increases the appropriation from the state education fund by \$8,119,271 for the same purpose.

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

2 **SECTION 1. Legislative declaration.** The general assembly
3 finds and declares that, in the event of unanticipated federal action,
4 changes in the amount of tax revenue collected in connection with the
5 Healthy School Meals for All program, or changes in the utilization of the
6 Healthy School Meals for All program it is the general assembly's intent
7 to prioritize reimbursing the cost of meals served for those students who
8 are certified as eligible for free meals based on documentation of benefit
9 receipt or categorical eligibility as described in 7 CFR 245.9 (f)(1)(iii)
10 and by those schools that participate in the federal community eligibility
11 provision program created in 42 U.S.C. sec. 1759a (a)(1)(F).

12 **SECTION 2.** In Colorado Revised Statutes, 22-82.9-204, **amend**
13 (1)(a)(I), (1)(a)(II), (1)(b), and (2); and **add** (1)(b.3) and (1)(b.5) as
14 follows:

15 **22-82.9-204. Healthy school meals for all program - created -**
16 **advisory group - report - rules - definition - repeal.** (1) (a) There is
17 created in the department the healthy school meals for all program

1 through which each school food authority that chooses to participate in
2 the program:

3 (I) Offers eligible meals, without charge, to all students enrolled
4 in the public schools THAT ARE served by the participating school food
5 authority, ~~that~~ participate in the national school lunch program or national
6 school breakfast program, AND FOR WHICH THE DEPARTMENT MAY
7 REIMBURSE THE PARTICIPATING SCHOOL FOOD AUTHORITY PURSUANT TO
8 SUBSECTION (1)(b) OR (1)(b.3) OF THIS SECTION;

9 (II) Receives reimbursement for the meals as described in
10 ~~subsection (1)(b) of this section~~ THIS SUBSECTION (1);

11 (b) (I) FOR ELIGIBLE MEALS SERVED BEFORE JANUARY 1, 2026, the
12 amount of the reimbursement provided through the program to each
13 participating school food authority for each budget year, is equal to the
14 federal free reimbursement rate multiplied by the total number of eligible
15 meals that the participating school food authority serves during the
16 applicable budget year minus the total amount of reimbursement for
17 eligible meals served during the applicable budget year that the
18 participating school food authority receives pursuant to the national
19 school breakfast program, the national school lunch program, sections
20 22-54-123 and 22-54-123.5, article 82.7 of this title 22, and part 1 of this
21 article 82.9.

22 (II) (A) NOTWITHSTANDING ANY LAW TO THE CONTRARY, IF A
23 REFERRED MEASURE THAT WOULD, BEGINNING WITH THE 2026 STATE
24 INCOME TAX YEAR, INCREASE STATE TAXES ANNUALLY BY AT LEAST
25 NINETY MILLION DOLLARS IN CONNECTION WITH THE HEALTHY SCHOOL
26 MEALS FOR ALL PROGRAM IS APPROVED BY THE VOTERS VOTING ON THE
27 REFERRED MEASURE AT THE STATEWIDE ELECTION HELD ON NOVEMBER

1 4, 2025, FOR ELIGIBLE MEALS SERVED ON OR AFTER JANUARY 1, 2026, THE
2 AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH THE PROGRAM TO
3 EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR EACH BUDGET YEAR
4 IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT RATE MULTIPLIED BY
5 THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL
6 FOOD AUTHORITY SERVES DURING THE APPLICABLE BUDGET YEAR MINUS
7 THE TOTAL AMOUNT OF REIMBURSEMENT FOR ELIGIBLE MEALS SERVED
8 DURING THE APPLICABLE BUDGET YEAR THAT THE PARTICIPATING SCHOOL
9 FOOD AUTHORITY RECEIVES PURSUANT TO THE NATIONAL SCHOOL
10 BREAKFAST PROGRAM, THE NATIONAL SCHOOL LUNCH PROGRAM,
11 SECTIONS 22-54-123 AND 22-54-123.5, ARTICLE 82.7 OF THIS TITLE 22,
12 AND PART 1 OF THIS ARTICLE 82.9.

13 (B) IF A REFERRED MEASURE THAT WOULD, BEGINNING WITH THE
14 2026 STATE INCOME TAX YEAR, INCREASE STATE TAXES ANNUALLY BY AT
15 LEAST NINETY MILLION DOLLARS IN CONNECTION WITH THE HEALTHY
16 SCHOOL MEALS FOR ALL PROGRAM IS NOT APPROVED BY THE VOTERS
17 VOTING ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD
18 ON NOVEMBER 4, 2025, THIS SUBSECTION (1)(b)(II) IS REPEALED,
19 EFFECTIVE JULY 1, 2026.

20 (b.3) (I) IF A REFERRED MEASURE THAT WOULD, BEGINNING WITH
21 THE 2026 STATE INCOME TAX YEAR, INCREASE STATE TAXES ANNUALLY BY
22 AT LEAST NINETY MILLION DOLLARS IN CONNECTION WITH THE HEALTHY
23 SCHOOL MEALS FOR ALL PROGRAM IS NOT APPROVED BY THE VOTERS
24 VOTING ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD
25 ON NOVEMBER 4, 2025, FOR ELIGIBLE MEALS SERVED ON OR AFTER
26 JANUARY 1, 2026, THE DEPARTMENT SHALL ONLY REIMBURSE
27 PARTICIPATING SCHOOL FOOD AUTHORITIES FOR MEALS SERVED AT

1 ELIGIBLE SITES.

2 (II) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH
3 THE PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR
4 EACH BUDGET YEAR FOR ELIGIBLE MEALS SERVED AT ELIGIBLE SITES ON OR
5 AFTER JANUARY 1, 2026, IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT
6 RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE
7 PARTICIPATING SCHOOL FOOD AUTHORITY SERVES AT ELIGIBLE SITES
8 DURING THE APPLICABLE BUDGET YEAR MINUS THE TOTAL AMOUNT OF
9 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED AT ELIGIBLE SITES DURING
10 THE APPLICABLE BUDGET YEAR THAT THE PARTICIPATING SCHOOL FOOD
11 AUTHORITY RECEIVES PURSUANT TO THE NATIONAL SCHOOL BREAKFAST
12 PROGRAM, THE NATIONAL SCHOOL LUNCH PROGRAM, SECTIONS 22-54-123
13 AND 22-54-123.5, ARTICLE 82.7 OF THIS TITLE 22, AND PART 1 OF THIS
14 ARTICLE 82.9.

15 (III) AS USED IN THIS SUBSECTION (1)(b.3), UNLESS THE CONTEXT
16 OTHERWISE REQUIRES, "ELIGIBLE SITE" MEANS A SITE THAT, FOR THE
17 SCHOOL YEAR DURING THE RELEVANT BUDGET YEAR:

18 (A) QUALIFIES FOR THE COMMUNITY ELIGIBILITY PROVISION
19 PROGRAM, AS THAT PROGRAM EXISTS ON NOVEMBER 15, 2025; OR

20 (B) IS IDENTIFIED AS AN ELIGIBLE SITE BY THE DEPARTMENT BASED
21 ON THE AMOUNT THAT THE GENERAL ASSEMBLY APPROPRIATES FOR THE
22 PURPOSE OF PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL
23 FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE
24 PURSUANT TO THIS SUBSECTION (1) AND THE PERCENTAGE OF A SITE'S
25 STUDENT ENROLLMENT WHO ARE CERTIFIED AS ELIGIBLE FOR FREE MEALS
26 BASED ON DOCUMENTATION OF BENEFIT RECEIPT OR CATEGORICAL
27 ELIGIBILITY AS DESCRIBED IN 7 CFR 245.9 (f)(1)(iii) OR ANY SUCCESSOR

1 REGULATIONS.

2 (IV) IF A REFERRED MEASURE THAT WOULD, BEGINNING WITH THE
3 2026 STATE INCOME TAX YEAR, INCREASE STATE TAXES ANNUALLY BY AT
4 LEAST NINETY MILLION DOLLARS IN CONNECTION WITH THE HEALTHY
5 SCHOOL MEALS FOR ALL PROGRAM IS APPROVED BY THE VOTERS VOTING
6 ON THE REFERRED MEASURE AT THE STATEWIDE ELECTION HELD ON
7 NOVEMBER 4, 2025, THIS SUBSECTION (1)(b.3) IS REPEALED, EFFECTIVE
8 JULY 1, 2026.

9 (b.5) (I) IF THE DEPARTMENT, IN CONSULTATION WITH THE OFFICE
10 OF STATE PLANNING AND BUDGETING, ESTIMATES, FOR ANY BUDGET YEAR,
11 THAT THE AMOUNT THAT THE GENERAL ASSEMBLY APPROPRIATED FOR THE
12 PURPOSE OF PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL
13 FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE
14 PURSUANT TO THIS SUBSECTION (1) AFTER JANUARY 1, 2026, WILL BE LESS
15 THAN THE COSTS OF THE DEPARTMENT PROVIDING THOSE
16 REIMBURSEMENTS, THE DEPARTMENT SHALL PROVIDE NOTICE OF THIS
17 ESTIMATION TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
18 ASSEMBLY AND THE EXECUTIVE COMMITTEE OF THE LEGISLATIVE COUNCIL
19 OF THE GENERAL ASSEMBLY. IN ADDITION TO THE NOTICE DESCRIBED IN
20 THIS SUBSECTION (1)(b.5)(I), THE DEPARTMENT MAY SUBMIT A
21 SUPPLEMENTAL APPROPRIATION REQUEST TO THE JOINT BUDGET
22 COMMITTEE OR A REQUEST FOR AN OVEREXPENDITURE IN ACCORDANCE
23 WITH SECTION 24-75-111.

24 (II) (A) AS SOON AS PRACTICABLE AFTER THE DEPARTMENT
25 SUBMITS A REQUEST FOR A SUPPLEMENTAL APPROPRIATION PURSUANT TO
26 SUBSECTION (1)(b.5)(I) OF THIS SECTION, THE JOINT BUDGET COMMITTEE
27 OF THE GENERAL ASSEMBLY SHALL INFORM THE DEPARTMENT WHETHER

1 IT WILL APPROVE OR REJECT THE DEPARTMENT'S REQUEST. IF THE JOINT
2 BUDGET COMMITTEE INDICATES THAT IT WILL REJECT THE DEPARTMENT'S
3 REQUEST, THE DEPARTMENT MAY DETERMINE A PRORATED, REDUCED
4 REIMBURSEMENT AMOUNT FOR THE REIMBURSEMENTS THAT THE
5 DEPARTMENT PROVIDES PURSUANT TO SUBSECTION (1)(b) OR (1)(b.3) OF
6 THIS SECTION AS APPLICABLE FOR THE REMAINDER OF THAT BUDGET YEAR.

7 (B) IF, WITHIN THIRTY DAYS OF THE DEPARTMENT SUBMITTING A
8 REQUEST FOR AN OVEREXPENDITURE PURSUANT TO SUBSECTION (1)(b.5)(I)
9 OF THIS SECTION, THE DEPARTMENT'S REQUEST HAS NOT BEEN GRANTED,
10 THE DEPARTMENT MAY DETERMINE A PRORATED, REDUCED
11 REIMBURSEMENT AMOUNT FOR THE REIMBURSEMENTS THAT THE
12 DEPARTMENT PROVIDES PURSUANT TO SUBSECTION (1)(b) OR (1)(b.3) OF
13 THIS SECTION AS APPLICABLE FOR THE REMAINDER OF THAT BUDGET YEAR.

14 (C) BEFORE PROVIDING THE PRORATED, REDUCED
15 REIMBURSEMENT AMOUNTS DESCRIBED IN SUBSECTIONS (1)(b.5)(II)(A)
16 AND (1)(b.5)(II)(B) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE
17 TIMELY WRITTEN NOTICE TO EACH PARTICIPATING SCHOOL FOOD
18 AUTHORITY.

19 (2) A school food authority that chooses to participate in the
20 program must annually give notice of participation to the department as
21 provided by rule of the state board. At a minimum, the notice must
22 include evidence that the school food authority is participating in
23 provisional programming if deemed necessary by the department. ~~The~~
24 ~~department may require school food authority modifications to the~~
25 ~~program throughout the year to maximize a school food authority's federal~~
26 ~~reimbursements as deemed necessary by the department.~~

27 **SECTION 3.** In Colorado Revised Statutes, 22-82.9-209, **amend**

1 (2) as follows:

2 **22-82.9-209. Program - funding.** (2) (a) For the 2023-24 budget
3 year and the 2024-25 budget year, the general assembly shall appropriate
4 money from the state education fund created in section 17 (4) of article
5 IX of the state constitution to cover program costs for which there is not
6 sufficient money in the healthy school meals for all cash fund.

7 (b) FOR THE 2025-26 BUDGET YEAR, THE GENERAL ASSEMBLY MAY
8 APPROPRIATE MONEY FROM THE STATE EDUCATION FUND CREATED IN
9 SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION TO COVER
10 PROGRAM COSTS FOR WHICH THERE IS NOT SUFFICIENT MONEY IN THE
11 HEALTHY SCHOOL MEALS FOR ALL CASH FUND.

12 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-211, **amend**
13 (3)(a)(I) and (5); and **add** (8) as follows:

14 **22-82.9-211. Healthy school meals for all program cash fund**
15 **- creation - uses - reporting requirements - definitions - repeal.**

16 (3) (a) Subject to annual appropriation by the general assembly, the
17 department may expend money from the cash fund for the following
18 purposes:

19 (I) Providing reimbursements to a participating school food
20 authority for offering eligible meals without charge pursuant to ~~section~~
21 ~~22-82.9-204 (1)(b)~~ SECTION 22-82.9-204 (1);

22 (5) (a) FOR FISCAL YEARS COMMENCING ON OR BEFORE JULY 1,
23 2024, if the department determines that there is an insufficient amount of
24 money in the cash fund to provide for an expenditure authorized by the
25 annual appropriation from the cash fund for the purposes described in
26 subsection (3)(a)(I) of this section, the department may make the
27 expenditure from the general fund.

1 (b) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2026.

2 (8) (a) ON OR BEFORE JANUARY 15, 2027, THE DEPARTMENT, IN
3 CONSULTATION WITH THE OFFICE OF STATE PLANNING AND BUDGETING,
4 SHALL REPORT TO THE JOINT BUDGET COMMITTEE OF THE GENERAL
5 ASSEMBLY ON WHETHER THERE IS A SUFFICIENT BALANCE IN THE CASH
6 FUND FOR:

7 (I) THE STATE TREASURER TO TRANSFER AN AMOUNT FROM THE
8 CASH FUND TO THE STATE EDUCATION FUND EQUAL TO THE TOTAL
9 AMOUNT OF EXPENDITURES FROM THE STATE EDUCATION FUND FOR THE
10 PURPOSES OF SUBSECTION (3) OF THIS SECTION MINUS THE AMOUNT OF
11 ADDITIONAL TAX REVENUE DEPOSITED IN THE STATE EDUCATION FUND AS
12 A RESULT OF SECTION 39-22-104 (3)(p.5) FOR STATE FISCAL YEARS
13 2022-23, 2023-24, 2024-25, AND 2025-26; AND

14 (II) THE DEPARTMENT TO PROVIDE REIMBURSEMENTS TO A
15 PARTICIPATING SCHOOL FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS
16 WITHOUT CHARGE PURSUANT TO SECTION 22-82.9-204 (1).

17 (b) THIS SUBSECTION (8) IS REPEALED, EFFECTIVE JULY 1, 2027.

18 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-208, **amend**
19 (1)(a)(II) as follows:

20 **22-82.9-208. Report - audit.** (1) (a) On or before December 1,
21 2024, and on or before December 1 every two years thereafter, the
22 department shall prepare a report concerning the implementation of
23 section 22-82.9-204 and sections 22-82.9-205, 22-82.9-206, and
24 22-82.9-207, to the extent those sections are in effect as provided in
25 section 22-82.9-204 (4)(b). At a minimum, the report must describe:

26 (II) The effect of the use of local food purchasing grants on the
27 amount of Colorado grown, raised, or processed products purchased by

1 participating school food authorities and include a compilation of the
2 information reported by participating school food authorities pursuant to
3 ~~section 22-82.9-205 (1)(b)~~ SECTION 22-82.9-205 (1);

4 **SECTION 6.** In Colorado Revised Statutes, 24-75-109, **amend**
5 (1)(f) and (5) as follows:

6 **24-75-109. Controller may allow expenditures in excess of**
7 **appropriations - limitations - appropriations for subsequent fiscal**
8 **year restricted - repeal.** (1) For the purpose of closing the state's books,
9 and subject to the provisions of this section, the controller may, on or
10 after May 1 of any fiscal year and before the forty-fifth day after the close
11 thereof, upon approval of the governor, allow any department, institution,
12 or agency of the state, including any institution of higher education, to
13 make an expenditure in excess of the amount authorized by an item of
14 appropriation for such fiscal year if:

15 (f) The overexpenditure is by the department of education for
16 providing reimbursements to a participating school food authority for
17 offering eligible meals without charge, pursuant to ~~section 22-82.9-204~~
18 ~~(1)(b)~~ SECTION 22-82.9-204 (1), FOR STATE FISCAL YEARS COMMENCING
19 ON OR BEFORE JULY 1, 2024; or

20 (5) The limitation on general fund appropriations and the
21 requirement for a general fund reserve contained in section 24-75-201.1
22 shall not apply to overexpenditures from the general fund for medicaid
23 programs allowed pursuant to subsection (1)(a) of this section ~~to~~
24 ~~overexpenditures by the department of education allowed pursuant to~~
25 ~~subsection (1)(f) of this section~~ or to supplemental general fund
26 appropriations for medicaid programs enacted pursuant to subsection (4)
27 of this section. Overexpenditures for all other purposes allowed pursuant

1 to subsection (1) of this section and supplemental general fund
2 appropriations for all other purposes enacted pursuant to subsection (4)
3 of this section shall be considered appropriations for the fiscal year in
4 which the overexpenditure was allowed and shall accordingly be subject
5 to the limitations and requirements of section 24-75-201.1.

6 **SECTION 7. Effective date.** This act takes effect upon passage;
7 except that section 24-75-109 (5), Colorado Revised Statutes, as amended
8 in section 6 of this act, takes effect July 1, 2025.

9 **SECTION 8. Appropriation - adjustments to 2025 long bill.**

10 (1) To implement this act, appropriations made in the annual general
11 appropriation act for the 2025-26 state fiscal year to the department of
12 education for use by school district operations are adjusted as follows:

13 (a) The general fund appropriation for school meal
14 reimbursements is decreased by \$42,240,242; and

15 (b) The cash funds appropriation from the state education fund
16 created in section 17 (4)(a) of article IX of the state constitution for
17 school meal reimbursements is increased by \$8,119,271.

18 **SECTION 9. Safety clause.** The general assembly finds,
19 determines, and declares that this act is necessary for the immediate
20 preservation of the public peace, health, or safety or for appropriations for
21 the support and maintenance of the departments of the state and state
22 institutions.