

CHAPTER 332

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 10-1131

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also SENATOR(S) Gibbs, Bacon, Hodge, Hudak, Morse, Newell, Sandoval, Schwartz, Steadman, Tochtrop, Whitehead, Williams.

AN ACT

**CONCERNING MEASURES TO IMPROVE COLORADO YOUTHS' KNOWLEDGE OF THE ENVIRONMENT,
AND, IN CONNECTION THEREWITH, CREATING THE COLORADO KIDS OUTDOORS GRANT PROGRAM.**

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

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

(a) From the arid high plains of the eastern slope, through the stunning grandeur of the Rocky Mountains, to the fruitful river valleys of the western slope and the rocky deserts of the northwest and southwest corners of the state, Colorado boasts an amazing array of ecosystems and stunning, undeveloped, natural areas;

(b) Too many of the youth who grow up in Colorado lack opportunities to experience the natural areas of the state and spend most of their time in highly developed urban areas with little access to the open spaces and natural environments for which Colorado is famous;

(c) Providing Colorado's youth with quality opportunities to directly experience the natural areas of Colorado can improve their overall academic performance, raise their self-esteem, and increase their sense of personal responsibility and community involvement;

(d) Greater access to outdoor activities in a natural environment can also promote healthy habits and increased levels of activity and can reduce childhood obesity and the symptoms of attention deficit hyperactivity disorder;

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

(e) Promoting sportsmen's activities and recreations, including hunting and fishing, creates opportunities for youth to interact with their parents, provides circumstances in which to develop positive social and behavioral traits, and expands youths' understanding of the important role sportsmen play in wildlife and habitat conservation;

(f) Many youth lack an understanding of the opportunities that are unique to persons in Colorado for developing careers and life skills relating to natural resources and the science, agricultural, and recreational outdoor industries that operate in the state; and

(g) Greater understanding of and engagement with the environment can give students a greater sense of their responsibility as future stewards of the environment and better prepare them to address the challenges and opportunities of making decision that impact the health of the environment, the success of Colorado's communities, and the vitality of the state's economy.

(2) The general assembly concludes, therefore, that enacting the Colorado kids outdoors grant program and directing the department of education to adopt a state plan for environmental education is necessary in order to:

(a) Help ensure greater coordination and cooperation among state agencies and private organizations in providing to Colorado's youth high-quality experiences in Colorado's vast range of natural environments and a greater understanding of and appreciation for the complex ecosystems of the state; and

(b) Improve statewide access to environmental education and raise awareness for the need for and benefits of outdoor experiences as part of the broad scope of public education provided by the state.

SECTION 2. Part 1 of article 33 of title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

24-33-109.5. Colorado kids outdoors grant program - created - definitions - fund created - rules - report - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "ADVISORY COUNCIL" MEANS THE COLORADO KIDS OUTDOORS ADVISORY COUNCIL CREATED IN SUBSECTION (4) OF THIS SECTION.

(b) "ELIGIBLE ENTITY" MEANS:

(I) A SCHOOL DISTRICT; A BOARD OF COOPERATIVE SERVICES CREATED PURSUANT TO ARTICLE 5 OF TITLE 22, C.R.S.; A DISTRICT CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, C.R.S.; AN INSTITUTE CHARTER SCHOOL AUTHORIZED BY THE STATE CHARTER SCHOOL INSTITUTE PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, C.R.S., OR AN APPROVED FACILITY SCHOOL AS DEFINED IN SECTION 22-2-402 (1), C.R.S.; OR

(II) A NONPROFIT ORGANIZATION OR AN AGENCY OF THE STATE OR A LOCAL GOVERNMENT, WHICH ORGANIZATION OR AGENCY PROVIDES OUTDOOR ACTIVITIES

FOR YOUTH THAT EMPHASIZE THE ENVIRONMENT AND EXPERIENTIAL, FIELD-BASED LEARNING.

(c) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES.

(d) "FUND" MEANS THE COLORADO KIDS OUTDOORS GRANT PROGRAM FUND CREATED IN SUBSECTION (6) OF THIS SECTION.

(e) "GRANT PROGRAM" MEANS THE COLORADO KIDS OUTDOORS GRANT PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

(2) THERE IS HEREBY CREATED IN THE OFFICE OF THE EXECUTIVE DIRECTOR THE COLORADO KIDS OUTDOORS GRANT PROGRAM TO FUND OPPORTUNITIES FOR COLORADO YOUTH TO PARTICIPATE IN OUTDOOR ACTIVITIES IN THE STATE, INCLUDING BUT NOT LIMITED TO PROGRAMS THAT EMPHASIZE THE ENVIRONMENT AND EXPERIENTIAL, FIELD-BASED LEARNING. THE GRANT PROGRAM SHALL BE FUNDED THROUGH PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS RECEIVED BY THE DEPARTMENT OF NATURAL RESOURCES FOR SAID PURPOSE PURSUANT TO SUBSECTION (6) OF THIS SECTION. IN ADDITION, THE EXECUTIVE DIRECTOR MAY USE MONEYS RECEIVED BY THE DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSES OF SECTION 24-33-109 (2) TO MAKE AWARDS THROUGH THE GRANT PROGRAM TO ELIGIBLE ENTITIES THAT PROVIDE OUTDOOR ACTIVITIES THAT MEET THE CRITERION SPECIFIED IN SUBPARAGRAPH (V) OF PARAGRAPH (b) OF SUBSECTION (3) OF THIS SECTION. THE GRANT PROGRAM SHALL NOT RECEIVE APPROPRIATIONS OF GENERAL FUND MONEYS.

(3) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF THIS TITLE, TO IMPLEMENT THE GRANT PROGRAM. AT A MINIMUM, THE RULES SHALL SPECIFY:

(a) THE PROCEDURES, TIMELINES, AND FORM FOR APPLYING FOR A GRANT; AND

(b) CRITERIA FOR SELECTING GRANT RECIPIENTS, WHICH CRITERIA SHALL ADDRESS, AT A MINIMUM:

(I) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH WHO RESIDE IN THE METROPOLITAN, URBAN, AND RURAL AREAS OF THE STATE;

(II) ENCOURAGING YOUTH TO PARTICIPATE WITH THEIR PARENTS OR LEGAL GUARDIANS IN OUTDOOR ACTIVITIES;

(III) PROVIDING OUTDOOR ACTIVITIES FOR YOUTH FROM LOW-INCOME FAMILIES;

(IV) WHETHER THE OUTDOOR ACTIVITY WILL OCCUR IN A STATE PARK, A NATIONAL PARK OR MONUMENT, COUNTY OPEN SPACE, OR SOME OTHER NATURAL AREA OF THE STATE THAT IS EITHER DEVELOPED FOR OUTDOOR RECREATIONAL ACTIVITIES OR UNDEVELOPED; AND

(V) WHETHER THE OUTDOOR ACTIVITY IS DESIGNED TO FOSTER AN INTEREST IN AND A SENSE OF STEWARDSHIP TOWARD THE NATURAL RESOURCES OF THE STATE BY

PROVIDING SUMMER JOBS FOR YOUTH INTERESTED IN CAREERS IN NATURAL RESOURCES OR PROVIDING OTHER CAREER DEVELOPMENT OPPORTUNITIES; EXCEPT THAT THIS CRITERION IS APPLICABLE ONLY TO GRANTS AWARDED FROM MONEYS RECEIVED BY THE DEPARTMENT OF NATURAL RESOURCES FOR THE PURPOSES OF SECTION 24-33-109 (2).

(4) (a) THERE IS HEREBY CREATED THE COLORADO KIDS OUTDOORS ADVISORY COUNCIL TO ASSIST THE EXECUTIVE DIRECTOR IN IMPLEMENTING THE GRANT PROGRAM. THE ADVISORY COUNCIL SHALL CONSIST OF SEVEN MEMBERS AS FOLLOWS:

(I) THE FOLLOWING EX OFFICIO MEMBERS OR THEIR DESIGNEES:

(A) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

(B) THE COMMISSIONER OF EDUCATION;

(C) THE EXECUTIVE DIRECTOR OF THE GREAT OUTDOORS COLORADO PROGRAM;

(D) THE DIRECTOR OF THE DIVISION OF PARKS AND OUTDOOR RECREATION IN THE DEPARTMENT OF NATURAL RESOURCES; AND

(E) THE DIRECTOR OF THE DIVISION OF WILDLIFE IN THE DEPARTMENT OF NATURAL RESOURCES; AND

(II) TWO PERSONS WITH EXPERTISE IN OUTDOOR RECREATION AND ENVIRONMENTAL EDUCATION, ONE OF WHOM IS APPOINTED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF NATURAL RESOURCES AND ONE OF WHOM IS APPOINTED BY THE COMMISSIONER OF EDUCATION.

(b) THE APPOINTED MEMBERS OF THE ADVISORY COUNCIL SHALL SERVE VOLUNTARILY AND WITHOUT REIMBURSEMENT FOR EXPENSES. EACH APPOINTED MEMBER SHALL SERVE AT THE PLEASURE OF THE APPOINTING AUTHORITY AND FOR A TWO-YEAR TERM. IF A VACANCY ARISES IN AN APPOINTED POSITION, THE APPROPRIATE APPOINTING AUTHORITY SHALL APPOINT A PERSON WHO MEETS THE CRITERIA SPECIFIED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF THIS SUBSECTION (4) TO FILL THE VACANCY.

(c) THE ADVISORY COUNCIL SHALL HAVE THE FOLLOWING DUTIES:

(I) TO REVIEW GRANT APPLICATIONS RECEIVED BY THE OFFICE OF THE EXECUTIVE DIRECTOR AND MAKE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR FOR GRANT AWARDS;

(II) TO ASSIST THE EXECUTIVE DIRECTOR IN ESTABLISHING THE CRITERIA FOR AWARDING GRANTS THROUGH THE GRANT PROGRAM; AND

(III) TO OTHERWISE ADVISE THE EXECUTIVE DIRECTOR CONCERNING IMPLEMENTATION OF THE GRANT PROGRAM.

(d) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2020. PRIOR TO SAID REPEAL, THE ADVISORY COUNCIL SHALL BE REVIEWED AS PROVIDED IN SECTION 2-3-1203, C.R.S.

(5) AN ELIGIBLE ENTITY THAT SEEKS A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT AN APPLICATION TO THE OFFICE OF THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH RULES PROMULGATED BY THE EXECUTIVE DIRECTOR. SUBJECT TO THE AVAILABILITY OF FUNDING, THE EXECUTIVE DIRECTOR SHALL SELECT GRANT RECIPIENTS, SPECIFYING THE AMOUNT TO BE AWARDED, TAKING INTO ACCOUNT THE RECOMMENDATIONS OF THE ADVISORY COUNCIL AND THE CRITERIA ESTABLISHED IN RULE.

(6) (a) THE DEPARTMENT OF NATURAL RESOURCES IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE IMPLEMENTATION OF THE GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT OF NATURAL RESOURCES MAY NOT ACCEPT A GIFT, GRANT, OR DONATION FOR THE GRANT PROGRAM THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT OF NATURAL RESOURCES SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE COLORADO KIDS OUTDOORS GRANT PROGRAM FUND, WHICH FUND IS HEREBY CREATED. THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT OF NATURAL RESOURCES FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

(b) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS SECTION MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED TO THE FUND. THE DEPARTMENT OF NATURAL RESOURCES MAY EXPEND UP TO TWO PERCENT OF THE MONEYS ANNUALLY CREDITED TO THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

(7) ON OR BEFORE FEBRUARY 1, 2011, AND ON OR BEFORE FEBRUARY 1 EACH YEAR THEREAFTER IN WHICH THE EXECUTIVE DIRECTOR AWARDS GRANTS PURSUANT TO THE GRANT PROGRAM, THE EXECUTIVE DIRECTOR SHALL SUBMIT TO THE AGRICULTURE, LIVESTOCK, AND NATURAL RESOURCES COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEE, THE AGRICULTURE AND NATURAL RESOURCES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT SUMMARIZING THE FOLLOWING INFORMATION FOR THE PRECEDING FISCAL YEAR:

(a) THE AMOUNT RECEIVED FOR IMPLEMENTATION OF THE GRANT PROGRAM AND THE SOURCES OF SAID AMOUNT;

(b) THE ELIGIBLE ENTITIES THAT RECEIVED GRANTS AND THE AMOUNTS AWARDED TO EACH RECIPIENT; AND

(c) THE ACTIVITIES FUNDED WITH THE GRANT AWARDS.

SECTION 3. 2-3-1203 (3), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

2-3-1203. Sunset review of advisory committees. (3) The following dates are the dates for which the statutory authorization for the designated advisory committees is scheduled for repeal:

(gg) JULY 1, 2020: THE COLORADO KIDS OUTDOORS ADVISORY COUNCIL CREATED PURSUANT TO SECTION 24-33-109.5, C.R.S.

SECTION 4. Part 1 of article 2 of title 22, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

22-2-138. State environmental education plan - fund created. (1) SUBJECT TO THE PROVISIONS OF SUBSECTION (3) OF THIS SECTION, THE DEPARTMENT, IN CONSULTATION WITH THE DEPARTMENT OF NATURAL RESOURCES, SHALL DEVELOP AND THE STATE BOARD SHALL ADOPT A STATE PLAN FOR ENVIRONMENTAL EDUCATION. AT A MINIMUM, THE STATE PLAN FOR ENVIRONMENTAL EDUCATION SHALL ADDRESS STRENGTHENING THE REACH AND COORDINATION OF ENVIRONMENTAL EDUCATION IN PUBLIC SCHOOLS AND PROVIDING TO EDUCATORS PROFESSIONAL DEVELOPMENT IN ENVIRONMENTAL EDUCATION. THE DEPARTMENT SHALL ENSURE THAT THE STATE PLAN FOR ENVIRONMENTAL EDUCATION COMPLIES WITH ANY REQUIREMENTS IMPOSED BY FEDERAL LAW OR BY REGULATIONS ADOPTED BY THE FEDERAL DEPARTMENT OF EDUCATION.

(2)(a) THE DEPARTMENT IS AUTHORIZED TO SEEK, ACCEPT, AND EXPEND PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS FOR THE IMPLEMENTATION OF THIS SECTION; EXCEPT THAT THE DEPARTMENT MAY NOT ACCEPT A GIFT, GRANT, OR DONATION FOR THE IMPLEMENTATION OF THIS SECTION THAT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS SECTION OR ANY OTHER LAW OF THE STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE STATE ENVIRONMENTAL EDUCATION FUND, WHICH FUND IS HEREBY CREATED AND REFERRED TO IN THIS SECTION AS THE "FUND". THE MONEYS IN THE FUND ARE CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS SECTION.

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

(3) THE DEPARTMENT SHALL IMPLEMENT THE PROVISIONS OF SUBSECTION (1) OF THIS SECTION ONLY IF THE DEPARTMENT RECEIVES PUBLIC OR PRIVATE GIFTS, GRANTS, OR DONATIONS IN AN AMOUNT IT DEEMS SUFFICIENT TO OFFSET THE COSTS INCURRED IN CREATING AND ADOPTING THE STATE PLAN FOR ENVIRONMENTAL

EDUCATION.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 27, 2010