

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Joint Budget Committee Members
FROM JBC Staff
DATE March 21, 2024
SUBJECT Potential Legislation Packet 17

This packet includes bill drafts and related memos for the Committee’s consideration. Each individual item has page numbers but also a packet page number to help navigate the whole document. The page numbers below refer to the packet page number.

POTENTIAL LEGISLATION

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Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/20/24

DRAFT

LLS NO. 24-1103.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Certified Community Behavioral Health Clinics
DEADLINES: File by: 3/22/2024

A BILL FOR AN ACT

101 **CONCERNING APPLYING FOR THE FEDERAL CERTIFIED COMMUNITY**
102 **BEHAVIORAL HEALTH CLINIC PLANNING, DEVELOPMENT, AND**
103 **IMPLEMENTATION GRANT.**

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. No later than February 1, 2025, the bill requires the department of health care policy and financing (HCPF), in collaboration with the behavioral health administration in the department of human services (BHA), to:

- Submit an application to the federal substance abuse and

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

mental health services administration (SAMHSA) for a certified community behavioral health clinic planning, development, and implementation grant (grant); and

- Submit a report to the joint budget committee on the status of the grant application.

The bill requires HCPF and the BHA to work with the joint budget committee to determine how to proceed with the grant if, during the grant application process, there are substantial changes to federal funding that would negatively affect the state of Colorado.

If HCPF is awarded the grant, the bill requires the BHA to promulgate rules necessary to certify community behavioral health clinics in accordance with the guidelines established by SAMHSA.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-4-403.2 as
3 follows:

4 **25.5-4-403.2. Certified community behavioral health clinic -**
5 **application.** (1) (a) NO LATER THAN FEBRUARY 1, 2025, THE STATE
6 DEPARTMENT, IN COLLABORATION WITH THE BEHAVIORAL HEALTH
7 ADMINISTRATION IN THE DEPARTMENT OF HUMAN SERVICES, SHALL:

8 (I) SUBMIT AN APPLICATION TO THE FEDERAL SUBSTANCE ABUSE
9 AND MENTAL HEALTH SERVICES ADMINISTRATION FOR A CERTIFIED
10 COMMUNITY BEHAVIORAL HEALTH CLINIC PLANNING, DEVELOPMENT, AND
11 IMPLEMENTATION GRANT. THE GRANT APPLICATION MUST:

12 (A) ADDRESS THE FEEDBACK THE STATE DEPARTMENT RECEIVED
13 FROM THE FEDERAL SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
14 ADMINISTRATION AFTER THE STATE DEPARTMENT'S PREVIOUS GRANT
15 APPLICATION, INCLUDING HOW THE STATE WILL ESTABLISH A PROSPECTIVE
16 PAYMENT SYSTEM RATE FOR BEHAVIORAL HEALTH SERVICES PROVIDED BY
17 CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINICS IN ACCORDANCE
18 WITH THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID GUIDANCE;
19 AND

1 (B) BE STRUCTURED IN ACCORDANCE WITH THE DEMONSTRATION
2 PROGRAM ESTABLISHED BY SECTION 223 OF THE FEDERAL "PROTECTING
3 ACCESS TO MEDICAID ACT OF 2014", 42 U.S.C. SEC. 1396a; AND

4 (II) SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE ON THE
5 STATUS OF THE GRANT APPLICATION DESCRIBED IN SUBSECTION (1)(a)(I)
6 OF THIS SECTION.

7 (b) THE STATE DEPARTMENT AND BEHAVIORAL HEALTH
8 ADMINISTRATION SHALL WORK WITH THE JOINT BUDGET COMMITTEE TO
9 DETERMINE HOW TO PROCEED WITH THE GRANT IF, DURING THE GRANT
10 APPLICATION PROCESS, THERE ARE SUBSTANTIAL CHANGES TO FEDERAL
11 FUNDING THAT WOULD NEGATIVELY AFFECT THE STATE OF COLORADO.

12 **SECTION 2.** In Colorado Revised Statutes, **add** 27-50-109 as
13 follows:

14 **27-50-109. Certified community behavioral health clinics -**
15 **rules.** IF THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IS
16 AWARDED THE CERTIFIED COMMUNITY BEHAVIORAL HEALTH CLINIC
17 PLANNING, DEVELOPMENT, AND IMPLEMENTATION GRANT AFTER APPLYING
18 PURSUANT TO SECTION 25.5-4-403.2, THE BEHAVIORAL HEALTH
19 ADMINISTRATION SHALL PROMULGATE RULES NECESSARY TO CERTIFY
20 COMMUNITY BEHAVIORAL HEALTH CLINICS IN ACCORDANCE WITH THE
21 GUIDELINES ESTABLISHED BY THE FEDERAL SUBSTANCE ABUSE AND
22 MENTAL HEALTH SERVICES ADMINISTRATION.

23 **SECTION 3. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/21/24

DRAFT

LLS NO. 24-1141.01 Pierce Lively x2059

HOUSE BILL

HOUSE SPONSORSHIP

Bird and Taggart,

SENATE SPONSORSHIP

Bridges and Zenzinger,

BILL TOPIC: State Employee Reserve Fund Transfer General Fund

A BILL FOR AN ACT

101 **CONCERNING THE TRANSFER OF THIRTY-ONE MILLION ONE HUNDRED**
102 **SIXTY THOUSAND DOLLARS FROM THE STATE EMPLOYEE**
103 **RESERVE FUND TO THE GENERAL FUND.**

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 bill requires the state treasurer to transfer \$31,160,000 from the state employee reserve fund to the general fund on June 30, 2024.

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

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

2 **SECTION 1.** In Colorado Revised Statutes, 24-50-104, **add**
3 (1)(j)(III)(G) as follows:

4 **24-50-104. Job evaluation and compensation - state employee**
5 **reserve fund - created - study - report - definitions - repeal.** (1) **Total**
6 **compensation philosophy.** (j) (III) (G) ON JUNE 30, 2024, THE STATE
7 TREASURER SHALL TRANSFER THIRTY-ONE MILLION ONE HUNDRED SIXTY
8 THOUSAND DOLLARS FROM THE FUND TO THE GENERAL FUND.

9 **SECTION 2. Safety clause.** The general assembly finds,
10 determines, and declares that this act is necessary for the immediate
11 preservation of the public peace, health, or safety or for appropriations for
12 the support and maintenance of the departments of the state and state
13 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/20/24

DRAFT

LLS NO. 24-1093.01 Shelby Ross x4510

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Health-Care Billing for Indigent Patients
DEADLINES: File by: 3/22/2024

A BILL FOR AN ACT

101 **CONCERNING HEALTH-CARE BILLING FOR INDIGENT PATIENTS, AND, IN**
102 **CONNECTION THEREWITH, REPEALING THE COLORADO**
103 **INDIGENT CARE PROGRAM, CREATING THE HOSPITAL**
104 **DISCOUNTED CARE ADVISORY COMMITTEE, AND**
105 **DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.**

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 bill repeals the Colorado indigent care program on July 1, 2025, and makes conforming amendments.

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Dashes through the words indicate deletions from existing law.*

For purposes of comprehensive primary care services, current law defines an "uninsured or medically indigent patient" as a patient whose yearly family income is below 200% of the federal poverty line (FPL). The bill requires the patient's annual household income to be at or below 200% of the FPL.

Beginning February 1, 2026, and each February 1 thereafter, the bill requires the executive director of the department of health care policy and financing (state department) to prepare and submit an annual report to the general assembly, the joint budget committee, the governor, and the medical services board concerning the status of the primary care fund.

The bill creates the hospital discounted care advisory committee in the state department to advise the state department on the operations and policies of health-care billing for indigent patients. The bill repeals the advisory committee on September 1, 2029.

No later than July 1, 2025, the bill requires the state medical board, in consultation with the Colorado healthcare affordability and sustainability enterprise, to promulgate rules concerning the policy for qualification for disproportionate share hospital payments.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 25.5-3-113 as
3 follows:

4 **25.5-3-113. Repeal of part.** THIS PART 1 IS REPEALED, EFFECTIVE
5 JULY 1, 2025.

6 **SECTION 2.** In Colorado Revised Statutes, 25.5-3-301, **amend**
7 (3)(a) as follows:

8 **25.5-3-301. Definitions.** As used in this part 3, unless the context
9 otherwise requires:

10 (3) "Uninsured or medically indigent patient" means a patient
11 receiving services from a qualified provider:

12 (a) Whose ~~yearly family~~ ANNUAL HOUSEHOLD income is AT OR
13 below two hundred percent of the federal poverty ~~line~~ GUIDELINE; and

14 **SECTION 3.** In Colorado Revised Statutes, 25.5-3-302, **amend**
15 (2) and (3) as follows:

1 **25.5-3-302. Annual allocation - primary care services -**
2 **qualified provider - rules.** (2) (a) A qualified provider shall annually
3 submit to the state department information sufficient to establish the
4 provider's eligibility status AS SPECIFIED IN RULE BY THE STATE BOARD. A
5 qualified provider ~~except for a provider specified in paragraph (a) of~~
6 ~~subsection (1) of this section,~~ shall ~~provide~~ SUBMIT an annual report
7 APPLICATION FOR MONEY that includes the total number of patients
8 served, the number of uninsured or medically indigent patients served
9 WHO HAVE AN ANNUAL HOUSEHOLD INCOME AT OR BELOW TWO HUNDRED
10 PERCENT OF THE FEDERAL POVERTY GUIDELINE, and the number of
11 patients served who are enrolled in the medical assistance program,
12 articles 4, 5, and 6 of this ~~title~~ TITLE 25.5, or the children's basic health
13 plan, article 8 of this ~~title~~. ~~A community health center specified in~~
14 ~~paragraph (a) of subsection (1) of this section shall annually provide to~~
15 ~~the state department the number of uninsured or medically indigent~~
16 ~~patients served~~ TITLE 25.5.

17 (b) Each ~~eligible~~ qualified provider shall annually develop and
18 submit to the state department documentation regarding the quality
19 assurance program in place at the provider's facility to ensure that quality
20 comprehensive primary care services are being provided. ~~All qualified~~
21 ~~providers shall submit to the state department the information required~~
22 ~~under this section, as specified in rule by the state board.~~ THE STATE
23 DEPARTMENT MAY, THROUGH STATE BOARD RULE, EXEMPT A COMMUNITY
24 HEALTH CENTER FROM THE REPORTING REQUIREMENTS DESCRIBED IN THIS
25 SUBSECTION (2)(b).

26 (c) The data regarding the number of patients served ~~shall~~ MUST
27 be verified by an outside entity. For purposes of this part 3, the number

1 of patients served is the number of unduplicated users of health-care
2 services and is not the number of visits by a patient.

3 (3) (a) The state department shall make annual direct allocations
4 of the total amount of money annually appropriated by the general
5 assembly to the primary care fund pursuant to section 24-22-117 (2)(b),
6 ~~C.R.S.~~, minus three percent for the administrative costs of the program,
7 to all ~~eligible~~ qualified providers.

8 (b) ~~An eligible~~ A qualified provider's allocation ~~shall be~~ is based
9 on the number of uninsured or medically indigent patients served by the
10 provider in proportion to the total number of uninsured or medically
11 indigent patients served by all ~~eligible~~ qualified providers in the previous
12 calendar year.

13 (c) The state department shall establish a schedule for allocating
14 the ~~moneys~~ MONEY in the primary care fund for ~~eligible~~ qualified
15 providers. The disbursement of ~~moneys~~ MONEY in the primary care fund
16 to ~~eligible~~ qualified providers ~~under~~ PURSUANT TO this part 3 ~~are~~ is
17 exempt from the provisions of the "Procurement Code", articles 101 to
18 112 of title 24. ~~C.R.S.~~

19 **SECTION 4.** In Colorado Revised Statutes, **add** 25.5-3-304 as
20 follows:

21 **25.5-3-304. Primary care fund.** (1) BEGINNING FEBRUARY 1,
22 2026, AND EACH FEBRUARY 1 THEREAFTER, THE EXECUTIVE DIRECTOR
23 SHALL PREPARE AND SUBMIT AN ANNUAL REPORT TO THE HOUSE OF
24 REPRESENTATIVES HEALTH AND HUMAN SERVICES COMMITTEE AND THE
25 SENATE HEALTH AND HUMAN SERVICES COMMITTEE, OR THEIR SUCCESSOR
26 COMMITTEES; THE JOINT BUDGET COMMITTEE; THE GOVERNOR; AND THE
27 STATE BOARD CONCERNING THE STATUS OF THE PRIMARY CARE FUND. AT

1 A MINIMUM, THE REPORT MUST INCLUDE:

2 (a) THE NUMBER OF UNINSURED OR MEDICALLY INDIGENT
3 PATIENTS SERVED WHO HAVE AN ANNUAL HOUSEHOLD INCOME AT OR
4 BELOW TWO HUNDRED PERCENT OF THE FEDERAL POVERTY GUIDELINE;

5 (b) THE ALLOCATION OF MONEY TO QUALIFIED PROVIDERS;

6 (c) THE STATE DEPARTMENT'S RECOMMENDATIONS CONCERNING
7 THE PRIMARY CARE FUND; AND

8 (d) THE INFORMATION PRESENTED BY THE STATE DEPARTMENT TO
9 THE GENERAL ASSEMBLY PURSUANT TO SECTION 25.5-3-505 (6).

10 **SECTION 5.** In Colorado Revised Statutes, **add** 25.5-3-507 as
11 follows:

12 **25.5-3-507. Hospital discounted care advisory committee -**
13 **repeal.** (1) THE HOSPITAL DISCOUNTED CARE ADVISORY COMMITTEE IS
14 CREATED IN THE STATE DEPARTMENT. THE ADVISORY COMMITTEE
15 CONSISTS OF THE FOLLOWING MEMBERS, APPOINTED BY THE EXECUTIVE
16 DIRECTOR:

17 (a) THREE MEMBERS WHO ARE HEALTH-CARE CONSUMERS, OF
18 WHOM NO MORE THAN TWO MEMBERS MAY BE EMPLOYED BY A
19 HEALTH-CARE CONSUMER ADVOCACY ORGANIZATION;

20 (b) ONE MEMBER WHO IS A REPRESENTATIVE OF THE STATE
21 DEPARTMENT;

22 (c) ONE MEMBER WHO IS A REPRESENTATIVE OF A SAFETY NET
23 HOSPITAL FOR WHICH THE PERCENT OF MEDICAID-ELIGIBLE INPATIENT
24 DAYS RELATIVE TO THE HOSPITAL'S TOTAL INPATIENT DAYS IS EQUAL TO
25 OR GREATER THAN ONE STANDARD DEVIATION ABOVE THE MEAN;

26 (d) ONE MEMBER WHO IS A REPRESENTATIVE OF A HOSPITAL IN A
27 RURAL AREA;

1 (e) ONE MEMBER WHO IS A REPRESENTATIVE OF A HOSPITAL IN AN
2 URBAN AREA;

3 (f) ONE MEMBER WHO IS A REPRESENTATIVE OF A STATEWIDE
4 ORGANIZATION OF HOSPITALS;

5 (g) ONE MEMBER WHO IS A REPRESENTATIVE OF LICENSED
6 HEALTH-CARE PROFESSIONALS WHO PROVIDE SERVICES TO PATIENTS IN A
7 HOSPITAL SETTING;

8 (h) ONE MEMBER WHO IS A REPRESENTATIVE OF AN ORGANIZATION
9 OF COLORADO COMMUNITY HEALTH CENTERS OR A REPRESENTATIVE OF
10 A COLORADO COMMUNITY HEALTH CENTER, AS DEFINED IN 42 U.S.C. SEC.
11 254b; AND

12 (i) ONE MEMBER WHO IS A REPRESENTATIVE OF AN ORGANIZATION
13 OF SAFETY-NET HEALTH PROVIDERS OR A SAFETY-NET HEALTH PROVIDER
14 THAT IS NOT A COMMUNITY HEALTH CENTER.

15 (2) ADVISORY COMMITTEE MEMBERS SERVE THREE-YEAR TERMS.
16 OF THE MEMBERS INITIALLY APPOINTED TO THE ADVISORY COMMITTEE,
17 THE EXECUTIVE DIRECTOR SHALL APPOINT SIX MEMBERS FOR TWO-YEAR
18 TERMS AND FIVE MEMBERS FOR THREE-YEAR TERMS. IN THE EVENT OF A
19 VACANCY ON THE ADVISORY COMMITTEE, THE EXECUTIVE DIRECTOR
20 SHALL APPOINT A SUCCESSOR TO FILL THE UNEXPIRED PORTION OF THE
21 TERM FOR THE MEMBER.

22 (3)(a) THE EXECUTIVE DIRECTOR SHALL DESIGNATE A MEMBER TO
23 SERVE AS CHAIR OF THE ADVISORY COMMITTEE. THE ADVISORY
24 COMMITTEE SHALL MEET AT LEAST TWICE EACH YEAR AND AS NECESSARY
25 AT THE CALL OF THE CHAIR.

26 (b) MEMBERS OF THE ADVISORY COMMITTEE SERVE WITHOUT
27 COMPENSATION OR REIMBURSEMENT OF EXPENSES.

1 (4) THE ADVISORY COMMITTEE SHALL ADVISE THE STATE
2 DEPARTMENT ON THE OPERATIONS AND POLICIES OF THIS PART 5 AND
3 MAKE RECOMMENDATIONS TO THE STATE BOARD REGARDING
4 PROMULGATING RULES PURSUANT TO THIS PART 5.

5 (5) THIS SECTION IS REPEALED, EFFECTIVE SEPTEMBER 1, 2029.
6 PRIOR TO THE REPEAL, THE ADVISORY COMMITTEE IS SCHEDULED FOR
7 REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

8 **SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **add**
9 (20)(a)(V) as follows:

10 **2-3-1203. Sunset review of advisory committees - legislative**
11 **declaration - definition - repeal.** (20) (a) The following statutory
12 authorizations for the designated advisory committees will repeal on
13 September 1, 2029:

14 (V) THE HOSPITAL DISCOUNTED CARE ADVISORY COMMITTEE
15 CREATED IN SECTION 25.5-3-507.

16 **SECTION 7.** In Colorado Revised Statutes, 25.5-4-402.4, **amend**
17 (2)(d)(I), (4)(a) introductory portion, (4)(a)(I), (4)(g), (5)(b)(II), and
18 (5)(b)(VI)(D) as follows:

19 **25.5-4-402.4. Hospitals - healthcare affordability and**
20 **sustainability fee - Colorado healthcare affordability and**
21 **sustainability enterprise - federal waiver - fund created - reports -**
22 **rules - legislative declaration - repeal.** (2) **Legislative declaration.** The
23 general assembly hereby finds and declares that:

24 (d) The Colorado healthcare affordability and sustainability
25 enterprise provides business services to hospitals when, in exchange for
26 payment of healthcare affordability and sustainability fees by hospitals,
27 it:

1 (I) Obtains federal matching money and returns both the
2 healthcare affordability and sustainability fee and the federal matching
3 money to hospitals to increase reimbursement rates to hospitals for
4 providing medical care under the state medical assistance program, ~~and~~
5 ~~the Colorado indigent care program~~ INCLUDING DISPROPORTIONATE
6 SHARE HOSPITAL PAYMENTS PURSUANT TO 42 U.S.C. SEC. 1396r-4, and to
7 increase the number of individuals covered by public medical assistance;
8 and

9 (4) **Healthcare affordability and sustainability fee.** (a) For the
10 fiscal year commencing July 1, 2017, and for each fiscal year thereafter,
11 the enterprise is authorized to charge and collect a healthcare affordability
12 and sustainability fee, as described in 42 CFR 433.68 (b), on outpatient
13 and inpatient services provided by all licensed or certified hospitals,
14 referred to in this section as "hospitals", for the purpose of obtaining
15 federal financial participation under the state medical assistance program
16 as described in this article 4 and articles 5 and 6 of this title 25.5, referred
17 to in this section as the "state medical assistance program", ~~and the~~
18 ~~Colorado indigent care program described in part 1 of article 3 of this title~~
19 ~~25.5, referred to in this section as the "Colorado indigent care program"~~
20 INCLUDING DISPROPORTIONATE SHARE HOSPITAL PAYMENTS PURSUANT TO
21 42 U.S.C. SEC. 1396r-4. If the amount of healthcare affordability and
22 sustainability fee revenue collected exceeds the federal net patient
23 revenue-based limit on the amount of such fee revenue that may be
24 collected, requiring repayment to the federal government of excess
25 federal matching money received, hospitals that received such excess
26 federal matching money ~~shall be~~ ARE responsible for repaying the excess
27 federal money and any associated federal penalties to the federal

1 government. The enterprise shall use the healthcare affordability and
2 sustainability fee revenue to:

3 (I) Provide a business service to hospitals by increasing
4 reimbursement to hospitals for providing: ~~medical care under:~~

5 (A) MEDICAL CARE UNDER the state medical assistance program;
6 and

7 (B) ~~The Colorado indigent care program~~ HOSPITAL FINANCIAL
8 ASSISTANCE PROGRAMS FOR CARE PROVIDED TO UNINSURED PATIENTS;

9 (g) (I) The state board shall promulgate any rules pursuant to the
10 "State Administrative Procedure Act", article 4 of title 24, necessary for
11 the administration and implementation of this section. Prior to submitting
12 any proposed rules concerning the administration or implementation of
13 the healthcare affordability and sustainability fee to the state board, the
14 enterprise shall consult with the state board on the proposed rules as
15 specified in subsection (7)(d) of this section.

16 (II) NO LATER THAN JULY 1, 2025, THE STATE BOARD, IN
17 CONSULTATION WITH THE ENTERPRISE, SHALL PROMULGATE RULES
18 CONCERNING THE POLICY FOR QUALIFICATION FOR DISPROPORTIONATE
19 SHARE HOSPITAL PAYMENTS. SUBJECT TO THE REQUIREMENTS UNDER
20 FEDERAL LAW, THE DISPROPORTIONATE SHARE HOSPITAL PAYMENT POLICY
21 MUST DIRECT FUNDING TO HOSPITALS SERVING A GREATER PROPORTION OF
22 MEDICAID AND UNINSURED PATIENTS COMPARED TO OTHER HOSPITALS
23 AND OFFERING FINANCIAL ASSISTANCE TO LOWER-INCOME COLORADANS.

24 (5) **Healthcare affordability and sustainability fee cash fund.**

25 (b) All money in the fund is subject to federal matching as authorized
26 under federal law and, subject to annual appropriation by the general
27 assembly, shall be expended by the enterprise for the following purposes:

1 (II) To increase hospital reimbursements ~~under the Colorado~~
2 ~~indigent care program~~ THROUGH DISPROPORTIONATE SHARE HOSPITAL
3 PAYMENTS to up to one hundred percent of the hospital's ~~costs of~~
4 ~~providing medical care under the program~~ HOSPITAL-SPECIFIC
5 DISPROPORTIONATE SHARE HOSPITAL LIMIT;

6 (VI) To pay the enterprise's actual administrative costs of
7 implementing and administering this section, including but not limited to
8 the following costs:

9 (D) The enterprise's personal services and operating costs related
10 to personnel, consulting services, and for review of hospital costs
11 necessary to implement and administer the increases in inpatient and
12 outpatient hospital payments made pursuant to subsection (5)(b)(I) of this
13 section, ~~increases in the Colorado indigent care program~~
14 DISPROPORTIONATE SHARE HOSPITAL payments made pursuant to
15 subsection (5)(b)(II) of this section, and quality incentive payments made
16 pursuant to subsection (5)(b)(III) of this section;

17 **SECTION 8.** In Colorado Revised Statutes, 6-20-102, **amend**
18 (1)(n) as follows:

19 **6-20-102. Limits on facility fees - rules - definitions.**

20 (1) **Definitions.** As used in this section, unless the context otherwise
21 requires:

22 (n) "Payer type" means commercial insurers; medicare; the
23 medical assistance program established pursuant to articles 4 to 6 of title
24 25.5; individuals who self-pay; OR a financial assistance plan. ~~or the~~
25 ~~"Colorado Indigent Care Program", established in part 1 of article 3 of~~
26 ~~title 25.5.~~

27 **SECTION 9.** In Colorado Revised Statutes, 6-20-203, **amend** (4)

1 introductory portion, (5)(b), and (5)(c) as follows:

2 **6-20-203. Limitations on collection actions - definition.**

3 (4) Beginning September 1, 2022, if a medical creditor collecting on a
4 debt for hospital services bills or initiates collection activities and it is
5 later determined that the patient should have been screened pursuant to
6 section 25.5-3-503 and is determined to be a qualified patient, as defined
7 in section 25.5-3-501 (5), or it is determined that the patient's bill is
8 eligible for reimbursement through a public health-care coverage
9 program, ~~or the Colorado indigent care program~~, the medical creditor
10 shall:

11 (5) Beginning September 1, 2022, a medical creditor collecting on
12 a debt for hospital services shall not sell a medical debt to another party
13 unless, prior to the sale, the medical debt seller has entered into a legally
14 binding written agreement with the medical debt buyer of the debt
15 pursuant to which:

16 (b) The debt is returnable to or recallable by the medical debt
17 seller upon a determination that the patient should have been screened
18 pursuant to section 25.5-3-502 and is eligible for discounted care pursuant
19 to section 25.5-3-503 or that the bill underlying the medical debt is
20 eligible for reimbursement through a public health-care coverage
21 program; ~~or the Colorado indigent care program~~; and

22 (c) If it is determined that the patient should have been screened
23 pursuant to section 25.5-3-502 and is eligible for discounted care pursuant
24 to section 25.5-3-503 or that the bill underlying the medical debt is
25 eligible for reimbursement through a public health-care coverage program
26 ~~or the Colorado indigent care program~~ and the debt is not returned to or
27 recalled by the medical debt seller, the medical debt buyer shall adhere to

1 procedures that must be specified in the agreement that ensures the
2 patient will not pay, and has no obligation to pay, the medical debt buyer
3 and the medical creditor together more than the patient is personally
4 responsible for paying.

5 **SECTION 10.** In Colorado Revised Statutes, 10-16-407, **amend**
6 (3)(c)(I) as follows:

7 **10-16-407. Information to enrollees.** (3) (c) (I) Each enrollee
8 who participates in a limited health benefit plan shall sign the following
9 statement of understanding indicating his or her understanding of the
10 limitations of the plan:

11 **STATEMENT OF UNDERSTANDING**

12 I, _____, understand that I am enrolling
13 in a limited health benefit plan that contains a total
14 maximum annual amount of benefits available to me and
15 my covered dependents each plan year for basic health care
16 services. The total maximum annual benefit amount is
17 ____.

18 I understand that once I receive the total maximum
19 amount of benefits under the limited health benefit plan in
20 a plan year, I am fully responsible for paying out-of-pocket
21 for the costs or charges for any health care services I or my
22 covered dependents receive during the remaining portion
23 of the plan year.

24 I understand that I may exhaust my total annual
25 maximum benefit amount while I am or a covered
26 dependent is undergoing treatment for an illness or injury
27 and that I will be responsible for paying the costs of

1 treatment provided after I have exhausted my benefits
2 under the limited health benefit plan.

3 I understand that if I exhaust my total annual
4 maximum benefit amount in a plan year, I or my covered
5 dependent may or may not be eligible for the state
6 Medicaid program ~~the Colorado Indigent Care Program~~, or
7 other public programs, and that it is solely my choice and
8 responsibility to investigate my options and eligibility for
9 participation in any public program.

10 Signature of Enrollee: Date

11 **SECTION 11.** In Colorado Revised Statutes, 17-26-104.5,
12 **amend** (1.3) introductory portion as follows:

13 **17-26-104.5. Medical visits - charge to persons in custody -**
14 **provider charges - state hospital in Pueblo.** (1.3) A provider of
15 medical care that receives any state money, including, but not limited to,
16 providers that receive money from the medical assistance program
17 established in articles 4, 5, and 6 of title 25.5, ~~C.R.S., or the Colorado~~
18 ~~indigent care program established in part 1 of article 3 of title 25.5,~~
19 ~~C.R.S.,~~ shall charge a county for medical care provided to a person in
20 custody in a county jail:

21 **SECTION 12.** In Colorado Revised Statutes, 23-21-501, **amend**
22 (1)(f) as follows:

23 **23-21-501. Legislative declaration.** (1) The general assembly
24 hereby finds and declares that:

25 (f) ~~Subject to the provisions of section 25.5-3-102 (2), C.R.S., the~~
26 ~~authority to be created pursuant to this part 5 to operate the university of~~
27 ~~Colorado university hospital by receiving its assets and operating~~

1 ~~obligations shall continue to subsidize the costs of delivering medically~~
2 ~~indigent care in excess of the state reimbursement for the medically~~
3 ~~indigent.~~ Consistent with the university of Colorado university hospital's
4 past policy and performance, the authority will make every reasonable
5 effort to continue the hospital's historic commitment to the provision of
6 uncompensated care and shall allocate and invest its resources with a
7 view to maximizing the hospital's long-term ability to provide
8 uncompensated care.

9 **SECTION 13.** In Colorado Revised Statutes, 23-21-504, **amend**
10 (1) as follows:

11 **23-21-504. Mission of the authority - obligation to provide**
12 **uncompensated care - action of the board of directors.** (1) The
13 mission of the authority shall be the operation of university hospital as a
14 state of the art teaching and research hospital providing comprehensive
15 medical care, including tertiary care, and patient care of limited
16 availability. The authority shall also provide space and facilities as
17 necessary for the operation of the clinical programs of the health sciences
18 schools at the health sciences center together with the university of
19 Colorado psychiatric hospital. ~~and, subject to the provisions of section~~
20 ~~25.5-3-102 (2), C.R.S., the provision of medical care to those eligible for~~
21 ~~payment assistance through any program for the benefit of the medically~~
22 ~~indigent. For every three dollars of moneys appropriated by the general~~
23 ~~assembly that is distributed to the authority for the state medically~~
24 ~~indigent program, the authority shall provide four dollars worth of~~
25 ~~medically indigent care.~~

26 **SECTION 14.** In Colorado Revised Statutes, 24-1-119.5, **repeal**
27 (4) as follows:

1 **24-1-119.5. Department of health care policy and financing -**
2 **creation.** (4) ~~The powers, duties, and functions of the department of~~
3 ~~health care policy and financing include the powers, duties, and functions~~
4 ~~relating to the "Colorado Indigent Care Program", as specified in part 1~~
5 ~~of article 3 of title 25.5.~~

6 **SECTION 15.** In Colorado Revised Statutes, 24-75-302.5, **repeal**
7 (6) as follows:

8 **24-75-302.5. Controlled maintenance - trust fund - legislative**
9 **declaration.** (6) (a) ~~Notwithstanding any provision of this section to the~~
10 ~~contrary, on February 1, 2006, the state treasurer and the controller shall~~
11 ~~transfer three million one hundred forty-four thousand one hundred~~
12 ~~sixty-two dollars from the interest earned on the principal of the trust fund~~
13 ~~balance to the general fund to be used to increase the general fund~~
14 ~~appropriation for safety net provider payments for private hospitals under~~
15 ~~the Colorado indigent care program created in part 1 of article 3 of title~~
16 ~~25.5, C.R.S.~~

17 (b) ~~If, on February 1, 2006, there is not sufficient interest earned~~
18 ~~on the principal of the trust fund to make the transfer required by~~
19 ~~paragraph (a) of this subsection (6), the state treasurer and controller shall~~
20 ~~transfer the available interest as of February 1, 2006, and shall transfer the~~
21 ~~remaining interest due as the interest accrues.~~

22 **SECTION 16.** In Colorado Revised Statutes, 24-102-206, **amend**
23 (6) as follows:

24 **24-102-206. Contract performance outside the United States**
25 **or Colorado - notice - penalty.** (6) ~~Nothing in this section shall be~~
26 ~~construed to apply~~ APPLIES to any contract to which the state is a party
27 under medicare, the "Colorado Medical Assistance Act", articles 4 to 6 of

1 title 25.5, ~~C.R.S.~~, OR the "Children's Basic Health Plan Act", article 8 of
2 title 25.5. ~~C.R.S.~~, or the "Colorado Indigent Care Program", part 1 of
3 article 3 of title 25.5, ~~C.R.S.~~

4 **SECTION 17.** In Colorado Revised Statutes, 24-106-103, **amend**
5 (2) as follows:

6 **24-106-103. Centralized contract management system -**
7 **personal services contracts - legislative declaration - definitions.**

8 (2) This section ~~shall apply~~ APPLIES to any personal services contract to
9 which the state is a party the value of which exceeds one hundred
10 thousand dollars with the exception of any contract to which the state is
11 a party under medicare, the "Colorado Medical Assistance Act", articles
12 4 to 6 of title 25.5, OR the "Children's Basic Health Plan Act", article 8 of
13 title 25.5. ~~or the "Colorado Indigent Care Program", part 1 of article 3 of~~
14 ~~title 25.5.~~

15 **SECTION 18.** In Colorado Revised Statutes, 24-106-107, **amend**
16 (5) as follows:

17 **24-106-107. Monitoring of vendor performance - definitions.**

18 (5) Notwithstanding ~~any other provision of this section~~ ~~nothing in~~ TO THE
19 CONTRARY, this section ~~shall be construed to~~ DOES NOT apply to any
20 contract to which the state is a party under medicare, the "Colorado
21 Medical Assistance Act", articles 4 to 6 of title 25.5, OR the "Children's
22 Basic Health Plan Act", article 8 of title 25.5. ~~or the "Colorado Indigent~~
23 ~~Care Program", part 1 of article 3 of title 25.5.~~

24 **SECTION 19.** In Colorado Revised Statutes, 25-23-102, **repeal**
25 (5)(c) as follows:

26 **25-23-102. Definitions.** As used in this article 23, unless the
27 context otherwise requires:

1 (5) "Underserved population" includes, but is not limited to:

2 (c) ~~Individuals eligible for medical services pursuant to the~~
3 ~~Colorado indigent care program set forth in part 1 of article 3 of title 25.5,~~
4 ~~C.R.S.;~~

5 **SECTION 20.** In Colorado Revised Statutes, 25-37-113, **amend**
6 (1) introductory portion and (1)(d) as follows:

7 **25-37-113. Article inapplicable - when.** (1) ~~This article shall~~
8 ~~ARTICLE 37 DOES not apply to:~~

9 (d) A contract between a health-care provider and the state or
10 federal government or their agencies for health-care services provided
11 through a program for workers' compensation, medicaid, medicare, OR the
12 children's basic health plan provided for in article 8 of title 25.5; ~~C.R.S.;~~
13 ~~or the Colorado indigent care program created in part 1 of article 3 of title~~
14 ~~25.5, C.R.S.;~~

15 **SECTION 21.** In Colorado Revised Statutes, 25.5-1-128, **amend**
16 (1)(b) introductory portion and (2); and **repeal** (1)(b)(III) as follows:

17 **25.5-1-128. Provider payments - compliance with state fiscal**
18 **requirements - rules - definitions.** (1) (b) The executive director may
19 promulgate rules to exempt a provider who provides services through a
20 program as described in ~~paragraph (a) of this subsection (1)~~ SUBSECTION
21 (1)(a) OF THIS SECTION for any program the state department is authorized
22 by law to administer, including, but not limited to:

23 (III) ~~The "Colorado Indigent Care Program", part 1 of article 3 of~~
24 ~~this title;~~

25 (2) As used in this section, unless the context otherwise provides,
26 "provider" means a health-care provider; a mental health-care provider;
27 a pharmacist; a home health agency; ~~a general provider as defined in~~

1 ~~section 25.5-3-103 (3)~~ A GENERAL HOSPITAL, BIRTH CENTER, OR
2 COMMUNITY CLINIC LICENSED OR CERTIFIED BY THE DEPARTMENT OF
3 PUBLIC HEALTH AND ENVIRONMENT PURSUANT TO SECTION 25-1.5-103
4 (1)(a)(I) OR (1)(a)(II); A FEDERALLY QUALIFIED HEALTH CENTER, AS
5 DEFINED IN THE FEDERAL "SOCIAL SECURITY ACT", 42 U.S.C. SEC 1395x
6 (aa)(4); A RURAL HEALTH CLINIC, AS DEFINED IN THE FEDERAL "SOCIAL
7 SECURITY ACT", 42 U.S.C. SEC. 1395x (aa)(2); A HEALTH MAINTENANCE
8 ORGANIZATION ISSUED A CERTIFICATE OF AUTHORITY PURSUANT TO
9 SECTION 10-16-402; A school district as defined in section 25.5-5-318
10 (1)(a); or any other entity that provides health care, health-care
11 coordination, outreach, enrollment, or administrative support services to
12 recipients through fee-for-service, the primary care physician program, a
13 managed care entity, a behavioral health organization, a medical home,
14 or any system of care that coordinates health care or services as defined
15 and authorized through rules promulgated by the state board or by the
16 executive director.

17 **SECTION 22.** In Colorado Revised Statutes, 25.5-1-201, **repeal**
18 (1)(b) as follows:

19 **25.5-1-201. Programs to be administered by the department**
20 **of health care policy and financing.** (1) The state department shall
21 administer the following programs and perform the following functions:

22 (b) ~~The "Colorado Indigent Care Program", as specified in part 1~~
23 ~~of article 3 of this title;~~

24 **SECTION 23.** In Colorado Revised Statutes, 25.5-1-303, **repeal**
25 (1)(b) as follows:

26 **25.5-1-303. Powers and duties of the board - scope of authority**
27 **- rules.** (1) The board shall have the authority set forth in subsection (3)

1 of this section over the following programs administered by the state
2 department:

3 (b) ~~The "Colorado indigent care program", as specified in part 1~~
4 ~~of article 3 of this title;~~

5 **SECTION 24.** In Colorado Revised Statutes, 25.5-3-501, **repeal**
6 (4) as follows:

7 **25.5-3-501. Definitions.** As used in this part 5, unless the context
8 otherwise requires:

9 (4) ~~"Non-CICP health-care services" means health-care services~~
10 ~~provided in a health-care facility for which reimbursement under the~~
11 ~~Colorado indigent care program, established in part 1 of this article 3, is~~
12 ~~not available.~~

13 **SECTION 25.** In Colorado Revised Statutes, 25.5-3-502, **amend**
14 (1)(a); and **repeal** (1)(b) as follows:

15 **25.5-3-502. Requirement to screen patients for eligibility for**
16 **public health-care programs and discounted care - rules.**

17 (1) Beginning September 1, 2022, a health-care facility shall screen,
18 unless a patient declines, each uninsured patient for eligibility for:

19 (a) Public health insurance programs including but not limited to
20 medicare; the state medical assistance program, articles 4, 5, and 6 of this
21 title 25.5; emergency medicaid; and the children's basic health plan,
22 article 8 of this title 25.5; AND

23 (b) ~~Discounted care through the Colorado indigent care program,~~
24 ~~established in part 1 of this article 3, if the patient receives a service~~
25 ~~eligible for reimbursement through the program; and~~

26 **SECTION 26.** In Colorado Revised Statutes, 25.5-3-505, **amend**
27 (2)(i) and (3) as follows:

1 **25.5-3-505. Health-care facility reporting requirements -**
2 **agency enforcement - report - rules.** (2) No later than April 1, 2022,

3 the state board shall promulgate rules necessary for the administration and
4 implementation of this part 5. At a minimum, the rules must:

5 (i) Create a ~~single~~ uniform application that a health-care facility
6 ~~shall~~ MUST use when screening a patient for eligibility for ~~the Colorado~~
7 ~~indigent care program and~~ discounted care, as described in section
8 25.5-3-502; and

9 (3) In promulgating rules pursuant to this section, the state
10 department shall

11 ~~(a) Align the processes of qualifying for and appealing denials of~~
12 ~~eligibility for the Colorado indigent care program with discounted care,~~
13 ~~as described in section 25.5-3-502; and~~

14 ~~(b)~~ consider potential limitations relating to the federal
15 "Emergency Medical Treatment and Labor Act", 42 U.S.C. sec. 1395dd.

16 **SECTION 27.** In Colorado Revised Statutes, 25.5-4-402.8,
17 **amend** (1)(d) as follows:

18 **25.5-4-402.8. Hospital transparency report - definitions.**

19 (1) As used in this section, unless the context otherwise requires:

20 (d) "Major payer group" includes commercial insurers, medicare,
21 medicaid, individuals who self-pay, AND a financial assistance plan. ~~and~~
22 ~~the "Colorado Indigent Care Program", established in part 1 of article 3~~
23 ~~of this title 25.5.~~

24 **SECTION 28.** In Colorado Revised Statutes, 25.5-4-417, **amend**
25 (5) as follows:

26 **25.5-4-417. Provider fee - medicaid providers - state plan**
27 **amendment - rules - definitions.** (5) To the extent authorized by federal

1 law, the state department shall distribute the provider fee and any
2 associated federal financial participation either to a local government that
3 has certified payment to qualified providers within the local government
4 or directly to the qualified providers. The state department shall establish
5 reimbursement methods to distribute the provider fee and associated
6 federal financial participation to qualified providers. The state department
7 may alter reimbursement methods to qualified providers participating
8 under the state's medical assistance program ~~and Colorado indigent care~~
9 ~~program~~ to the extent necessary to meet the federal requirements and to
10 obtain federal approval of the provider fee. The state department shall
11 work with a statewide association of hospitals on changes to
12 reimbursement methods or provider fees that impact hospital providers.
13 The state department shall work with a statewide association of home
14 health-care agencies on changes to reimbursement methods or provider
15 fees that impact home health-care agencies.

16 **SECTION 29.** In Colorado Revised Statutes, 25.5-8-102, **amend**
17 (2) as follows:

18 **25.5-8-102. Legislative declaration.** (2) The general assembly
19 further finds and declares that the coordination and consolidation of
20 funding sources currently available to provide services to uninsured
21 children such as ~~the Colorado indigent care program pursuant to part 1 of~~
22 ~~article 3 of this title~~, the children's basic health plan and other children's
23 health programs would efficiently and effectively meet the health-care
24 needs of uninsured children and would help to reduce the volume of
25 uncompensated care in the state.

26 **SECTION 30.** In Colorado Revised Statutes, 26-1-105.5, **amend**
27 (1)(b) as follows:

1 **26-1-105.5. Transfer of functions - employees - property -**
2 **records.** (1) (b) ~~On and after July 1, 2006, the provisions of This section~~
3 ~~shall~~ DOES not apply to the functions, employees, and property transferred
4 ~~under the provisions of~~ PURSUANT TO sections 24-1-119.5 ~~C.R.S.~~, and
5 25.5-1-105 ~~C.R.S.~~, concerning the "Colorado Medical Assistance Act"
6 ~~the Colorado indigent care program~~, and the treatment program for
7 high-risk pregnant women.

8 **SECTION 31.** In Colorado Revised Statutes, 26-2-103, **amend**
9 (11)(b) as follows:

10 **26-2-103. Definitions.** As used in this article 2 and article 1 of
11 this title 26, unless the context otherwise requires:

12 (11) (b) "Social services" does not include medicaid services
13 unless those services are delegated to the state department. "Social
14 services" does not include medical services covered by the old age
15 pension health and medical care program OR the children's basic health
16 plan. ~~or the Colorado indigent care program.~~ "Social services" does not
17 include child care assistance provided through the Colorado child care
18 assistance program pursuant to part 1 of article 4 of title 26.5.

19 **SECTION 32.** In Colorado Revised Statutes, 29-28-103, **amend**
20 (1)(a) as follows:

21 **29-28-103. Powers of governing body - medicaid provider fee**
22 **authorization.** (1) (a) The governing body of a local government may
23 impose a provider fee on health services provided by qualified providers
24 for the purpose of obtaining federal financial participation under the
25 state's medical assistance program, articles 4 to 6 of title 25.5. ~~C.R.S., and~~
26 ~~the Colorado indigent care program, article 3 of title 25.5, C.R.S.~~ The
27 provider fee ~~shall~~ MUST be used only to sustain or increase

1 reimbursements for providing medical care under the state's medical
2 assistance program and to low-income populations.

3 **SECTION 33. Act subject to petition - effective date.** This act
4 takes effect July 1, 2025; except that, if a referendum petition is filed
5 pursuant to section 1 (3) of article V of the state constitution against this
6 act or an item, section, or part of this act within the ninety-day period
7 after final adjournment of the general assembly, then the act, item,
8 section, or part will not take effect unless approved by the people at the
9 general election to be held in November 2024 and, in such case, will take
10 effect July 1, 2025, or on the date of the official declaration of the vote
11 thereon by the governor, whichever is later.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/21/24

DRAFT

LLS NO. 24-1084.01 Jacob Baus x2173

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Accelerated Concurrent Enrollment Prog Mod

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO REDUCE THE COST OF THE ACCELERATING**
102 **STUDENTS THROUGH CONCURRENT ENROLLMENT 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. Under current law, the accelerating students through concurrent enrollment (ASCENT) program is available

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

to all qualified students who are designated to participate by their local education provider. The bill:

- Starting in the 2025-26 state fiscal year, caps the number of qualified students who participate in the ASCENT program at the number of qualified students who participated in the ASCENT program in the 2024-25 state fiscal year; and
- Creates additional eligibility requirements to participate in the ASCENT program.

The bill requires the department of education to submit a report to the education committees of the house and the senate and the joint budget committee regarding the ASCENT program.

Under current law, the district's total program formula includes funding for a district's extended high school pupil enrollment, determined by the district's number of pupils who are concurrently enrolled in a postsecondary course multiplied by a dollar amount that annually increases. Starting in the 2024-25 state fiscal year, the bill amends the district's extended high school funding formula to cap the dollar amount that is multiplied by the district's ASCENT program students within the district's extended high school funding formula.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-35-108, **amend**
 3 (1)(a) introductory portion, (1)(b), (2)(a)(III), (3), and (4); and **add**
 4 (2)(a)(V), (2)(a)(VI), (2)(c), and (7) as follows:

5 **22-35-108. Accelerating students through concurrent**
 6 **enrollment program - objectives - non-tuition expenses - rules.**

7 (1) (a) There is established the accelerating students through concurrent
 8 enrollment program which is available to all qualified students who are
 9 designated by their enrolling local education providers pursuant to
 10 subsection (2)(a) of this section. The objectives of the ASCENT program
 11 are to:

12 (b) Notwithstanding any provision of this article 35 to the
 13 contrary, a qualified student who is designated by a THE STUDENT'S local
 14 education provider to be an ASCENT program participant pursuant to

1 subsection (2) of this section may concurrently enroll in postsecondary
2 courses, including academic courses and career and technical education
3 courses, in the year directly following the year in which the qualified
4 student was enrolled in the twelfth grade of the local education provider.

5 (2) (a) A local education provider may designate a qualified
6 student as an ASCENT program participant if the qualified student:

7 (III) Has been accepted into a postsecondary degree program at an
8 institution of higher education; and

9 (V) HAS COMPLETED AND SUBMITTED A FREE APPLICATION FOR
10 FEDERAL STUDENT AID OR A COLORADO APPLICATION FOR STATE
11 FINANCIAL AID; AND

12 (VI) HAS SATISFIED ANY OTHER SELECTION CRITERIA ESTABLISHED
13 BY THE BOARD'S GUIDELINES, PURSUANT TO SUBSECTION (4) OF THIS
14 SECTION.

15 (c) FOR THE 2025-26 STATE FISCAL YEAR, AND EACH STATE FISCAL
16 YEAR THEREAFTER, THE LOCAL EDUCATION PROVIDER SHALL NOT
17 DESIGNATE A TOTAL NUMBER OF ASCENT PROGRAM PARTICIPANTS THAT
18 IS GREATER THAN THE TOTAL NUMBER OF ASCENT PROGRAM
19 PARTICIPANTS THAT IT DESIGNATED IN THE 2024-25 STATE FISCAL YEAR.

20 (3) ~~A local education provider may include each qualified student~~
21 ~~whom the local education provider designates to participate in the~~
22 ~~ASCENT program pursuant to this section~~ THE LOCAL EDUCATION
23 PROVIDER OF A QUALIFIED STUDENT WHO IS DESIGNATED BY THE LOCAL
24 EDUCATION PROVIDER AS AN ASCENT PROGRAM PARTICIPANT MAY
25 INCLUDE THE STUDENT in the district's funded pupil count, or, in the case
26 of a qualified student enrolled in an institute charter school, in the funded
27 pupil count of the school's accounting district, as provided in section

1 22-54-103 (7).

2 (4) The board shall establish guidelines as necessary for the
3 administration of the ASCENT program, INCLUDING SELECTION CRITERIA
4 THAT THE LOCAL EDUCATION PROVIDER MAY USE TO DESIGNATE
5 QUALIFIED STUDENTS AS ASCENT PROGRAM PARTICIPANTS.

6 (7) ON OR BEFORE DECEMBER 1, 2024, THE DEPARTMENT SHALL
7 SUBMIT A REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF
8 REPRESENTATIVES AND THE SENATE, OR THEIR SUCCESSOR COMMITTEES,
9 AND THE JOINT BUDGET COMMITTEE, CONCERNING RECOMMENDATIONS TO
10 IMPROVE THE ASCENT PROGRAM. AT A MINIMUM, THE REPORT MUST
11 INCLUDE:

12 (a) A SAMPLE-BASED ANALYSIS OF THE EXPENDITURES REQUIRED
13 OF LOCAL EDUCATION PROVIDERS TO OFFER THE ASCENT PROGRAM,
14 INCLUDING INFORMATION REGARDING THE AMOUNT PAID FOR STUDENT
15 TUITION; FEES; TEXTBOOKS; TRANSPORTATION; STUDENT SUPPORT
16 SERVICES, INCLUDING COUNSELING; AND ANY OTHER EXPENDITURES
17 REQUIRED OF LOCAL EDUCATION PROVIDERS FOR GENERAL OVERHEAD.
18 THE REPORT MUST INCLUDE INFORMATION FROM A SAMPLE OF SCHOOLS
19 THAT DESIGNATED ASCENT PROGRAM PARTICIPANTS DURING THE
20 2023-24 BUDGET YEAR AND RECOMMENDATIONS FOR FUTURE DATA
21 COLLECTIONS REGARDING ASCENT PROGRAM EXPENDITURES.

22 (b) INFORMATION PROVIDED BY DISTRICTS TO THE DEPARTMENT
23 REGARDING ASCENT PROGRAM SERVICES AND EXPENDITURES THAT HAVE
24 THE GREATEST EFFECT; AND

25 (c) RECOMMENDED CHANGES TO IMPROVE THE ASCENT
26 PROGRAM, INCLUDING AN ESTIMATE OF HOW THE RECOMMENDATIONS
27 WOULD IMPROVE OUTCOMES BASED ON THE OBJECTIVES STATED

1 PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION.

2 **SECTION 2.** In Colorado Revised Statutes, 22-54-104, **amend**
3 (4.7)(b); **repeal** (4.7)(c); and **add** (4.7)(d) as follows:

4 **22-54-104. District total program - definitions - repeal.**

5 (4.7) (b) (I) ~~Subject to the provisions of paragraph (c) of this subsection~~
6 ~~(4.7), for~~ FOR the 2010-11 budget year and budget years thereafter
7 THROUGH THE 2023-24 BUDGET YEAR, the dollar amount set forth in
8 ~~paragraph (a) of this subsection (4.7) shall~~ SUBSECTION (4.7)(a) OF THIS
9 SECTION MUST be increased by the percentage by which the statewide base
10 per pupil funding for that budget year, as specified in ~~paragraph (a) of~~
11 ~~subsection (5)~~ SUBSECTION (5)(a) of this section, is increased over the
12 statewide base per pupil funding for the 2007-08 budget year, as specified
13 in ~~subparagraph (XIV) of paragraph (a) of subsection (5)~~ SUBSECTION
14 (5)(a)(XIV) of this section. The amount ~~shall~~ MUST be rounded to the
15 nearest dollar.

16 (II) THIS SUBSECTION (4.7)(b) IS REPEALED, EFFECTIVE JULY 1,
17 2026.

18 (c) ~~In any budget year in which the provisions of subsection (5)(g)~~
19 ~~of this section apply, the department of education shall calculate a~~
20 ~~district's reduction amount for extended high school funding by~~
21 ~~multiplying the budget stabilization factor calculated for the applicable~~
22 ~~budget year pursuant to subsection (5)(g)(H)(A) of this section by the~~
23 ~~amount of the district's extended high school funding calculated pursuant~~
24 ~~to subsection (4.7)(b) of this section for the applicable budget year. A~~
25 ~~district's extended high school funding for the applicable budget year~~
26 ~~shall be the greater of:~~

27 (I) ~~The district's extended high school funding calculated for the~~

1 applicable budget year pursuant to paragraph (b) of this subsection (4.7)
 2 minus the district's reduction amount calculated for the applicable budget
 3 year pursuant to this paragraph (c) for extended high school funding; or
 4 (H) ~~An amount equal to the base per pupil funding amount~~
 5 ~~specified in paragraph (a) of subsection (5) of this section for the~~
 6 ~~applicable budget year multiplied by the district's extended high school~~
 7 ~~pupil enrollment for the applicable budget year.~~

8 (d) FOR THE 2024-25 BUDGET YEAR AND EACH BUDGET YEAR
 9 THEREAFTER, THE DOLLAR AMOUNT SET FORTH IN SUBSECTION (4.7)(a) OF
 10 THIS SECTION MUST BE INCREASED BY THE PERCENTAGE BY WHICH THE
 11 STATEWIDE BASE PER PUPIL FUNDING FOR THAT BUDGET YEAR, AS
 12 SPECIFIED IN SUBSECTION (5)(a) OF THIS SECTION, IS INCREASED OVER THE
 13 STATEWIDE BASE PER PUPIL FUNDING FOR THE 2007-08 BUDGET YEAR, AS
 14 SPECIFIED IN SUBSECTION (5)(a)(XIV) OF THIS SECTION; EXCEPT THAT THE
 15 DOLLAR AMOUNT THAT IS MULTIPLIED BY THE NUMBER OF FULL-TIME
 16 EQUIVALENT STUDENTS INCLUDED IN THE DISTRICT'S EXTENDED HIGH
 17 SCHOOL PUPIL ENROLLMENT WHO ARE THE DISTRICT'S ASCENT PROGRAM
 18 PARTICIPANTS MUST NOT INCREASE OR EXCEED THE DOLLAR AMOUNT
 19 DURING THE 2023-24 BUDGET YEAR. THE AMOUNT MUST BE ROUNDED TO
 20 THE NEAREST DOLLAR.

21 **SECTION 3.** In Colorado Revised Statutes, 22-54-104, **amend**
 22 (4.7)(a) as follows:

23 **22-54-104. District total program - definitions - repeal.**

24 (4.7) (a) For the ~~2009-10~~ 2024-25 budget year and budget years
 25 thereafter, a district's extended high school funding shall be determined
 26 in accordance with the following formula:

27 (District extended high school pupil enrollment x \$6,135,

1 or an amount determined pursuant to ~~paragraph (b) of this~~
2 ~~subsection (4.7)~~ SUBSECTION (4)(d) OF THIS SECTION).

3 **SECTION 4. Appropriation - adjustments to 2024 long bill.** (1) To
4 implement this act, the cash funds appropriation from the state education fund
5 created in section 17 (4)(a) of article IX of the state constitution made in the
6 annual general appropriation act for the 2024-25 fiscal year to the department
7 of education for extended high school is decreased by \$1,081,762.

8 (2) For the 2024-25 state fiscal year, \$45,600 is appropriated to the
9 department of education. This appropriation is from the general fund. To
10 implement this act, the department may use this appropriation for an ASCENT
11 program study.

12 **SECTION 5. Effective date.** This act takes effect upon passage;
13 except that section 3 of this act takes effect July 1, 2024.

14 **SECTION 6. Safety clause.** The general assembly finds,
15 determines, and declares that this act is necessary for the immediate
16 preservation of the public peace, health, or safety or for appropriations for
17 the support and maintenance of the departments of the state and state
18 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/19/24

DRAFT

LLS NO. 24-1083.01 Anna Petrini x5497

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Cap Districts Early High School Graduation Pilot

A BILL FOR AN ACT

101 **CONCERNING REVISING THE FOURTH-YEAR INNOVATION PILOT**
102 **PROGRAM, AND, IN CONNECTION THEREWITH, LIMITING LOCAL**
103 **EDUCATION PROVIDER PARTICIPATION AND ADDING PROGRAM**
104 **EVALUATION REQUIREMENTS.**

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. Current law creates the fourth-year innovation pilot program (pilot program) in the department of higher education (department) to disburse state funding to postsecondary

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

education and training programs on behalf of low-income students who graduate early from a participating high school.

The bill limits pilot program participation to local education providers or groups of providers participating in the 2023-24 school year but it does not cap the number of students who may receive postsecondary education scholarships through the pilot program.

Current law requires the department to annually report to the department of education, the governor's office of state planning and budgeting, the joint budget committee, and the education committees of the general assembly certain information about the pilot program. The bill adds a final evaluation component of the pilot program's data from each student cohort, the pilot program's outcomes and cost-effectiveness, and recommendations about any next steps beyond the pilot phase.

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

2 **SECTION 1.** In Colorado Revised Statutes, 23-3.3-1303, **amend**
3 (1)(b) as follows:

4 **23-3.3-1303. Fourth-year innovation pilot program - creation**
5 **- eligibility - award of state funding - commission policies.** (1) (b) The
6 pilot program is limited to local education providers or a group of
7 providers, with the first cohort of graduates graduating early during the
8 2021-22 school year and the last cohort of graduates graduating early
9 during the 2025-26 school year. ~~Each year of the program,~~ A local
10 education provider or a group of local education providers may apply to
11 the department to participate in the pilot program; EXCEPT THAT THE
12 COMMISSION SHALL NOT APPROVE ADDITIONAL LOCAL EDUCATION
13 PROVIDERS OR GROUPS OF PROVIDERS AS PILOT PROGRAM PARTICIPANTS
14 BEYOND THOSE PARTICIPATING IN THE 2023-24 SCHOOL YEAR. PRIOR TO
15 THE 2024-25 SCHOOL YEAR, a school or local education provider approved
16 by the department may be added to an existing group of local education
17 providers. The commission shall select pilot program participants,
18 including a mix of urban, suburban, and rural local education providers.

1 In the pilot program application, the applicant or applicants shall indicate
2 which high schools are participating in the pilot program. With approval
3 of the charter school, a school district that is selected to participate in the
4 pilot program may also include a charter school authorized by the school
5 district as one of its designated high schools.

6 **SECTION 2.** In Colorado Revised Statutes, 23-3.3-1305, **add** (4)
7 and (5) as follows:

8 **23-3.3-1305. Reporting requirements.** (4) ON OR BEFORE
9 NOVEMBER 1, 2026, THE DEPARTMENT, IN COLLABORATION WITH THE
10 DEPARTMENT OF EDUCATION, SHALL SUBMIT A FINAL EVALUATION TO THE
11 GOVERNOR'S OFFICE OF STATE PLANNING AND BUDGETING, THE JOINT
12 BUDGET COMMITTEE, AND THE EDUCATION COMMITTEES OF THE HOUSE OF
13 REPRESENTATIVES AND OF THE SENATE, OR THEIR SUCCESSOR
14 COMMITTEES, WHICH MUST BE POSTED TO THE DEPARTMENT'S WEBSITE
15 AND INCLUDE, AT A MINIMUM, THE FOLLOWING:

16 (a) ANALYSIS OF ALL THE DATA COLLECTED PURSUANT TO THE
17 ANNUAL REPORTING REQUIREMENTS OF THIS SECTION TO ASSESS THE
18 IMPACTS AND OUTCOMES OF THE PILOT PROGRAM ON THE STUDENT
19 COHORTS PARTICIPATING IN THE PILOT PROGRAM;

20 (b) OBJECTIVE MEASURES OF CHANGES IN STUDENT BEHAVIOR
21 RESULTING FROM IMPLEMENTATION OF THE PILOT PROGRAM, INCLUDING
22 WHETHER A STUDENT ENROLLED IN A PARTICIPATING SCHOOL IS:

23 (I) MORE LIKELY TO GRADUATE EARLY; AND

24 (II) MORE LIKELY TO ENROLL IN A POSTSECONDARY PROGRAM, IF
25 THE STUDENT GRADUATED EARLY;

26 (c) ANALYSIS OF THE COST-EFFECTIVENESS OF THE PILOT
27 PROGRAM, INCLUDING THE IMPACT ON THE STATE BUDGET OF THE PILOT

1 PROGRAM'S INCENTIVES FOR SCHOOL DISTRICTS AND STUDENTS WHEN
2 STUDENTS GRADUATE FROM HIGH SCHOOL A SINGLE SEMESTER OR A YEAR
3 EARLY;

4 (d) OTHER INFORMATION RELEVANT TO THE COSTS, BENEFITS,
5 SUCCESSES, AND CHALLENGES OF THE PILOT PROGRAM; AND

6 (e) RECOMMENDATIONS CONCERNING THE FEASIBILITY AND
7 ADVISABILITY OF CONTINUING THE PILOT PROGRAM BEYOND THE PILOT
8 STAGE AND CHANGES, IF ANY, THAT ARE NEEDED TO CONTINUE THE
9 PROGRAM BEYOND THE PILOT STAGE.

10 (5) (a) THE DEPARTMENT, IN COLLABORATION WITH THE
11 DEPARTMENT OF EDUCATION, MAY REQUEST, AND PARTICIPATING LOCAL
12 EDUCATION PROVIDERS SHALL PROVIDE, DATA NECESSARY TO COMPLETE
13 THE FINAL EVALUATION REQUIRED IN SUBSECTION (4) OF THIS SECTION.

14 (b) STUDENT DATA COLLECTED PURSUANT TO SUBSECTION (4) OF
15 THIS SECTION AND THIS SUBSECTION (5) MUST BE DISAGGREGATED BY
16 GENDER, GRADE LEVEL, ETHNICITY, DISABILITY, ENGLISH LANGUAGE
17 LEARNER STATUS, FREE AND REDUCED-PRICE LUNCH STATUS, AND
18 HOUSING STATUS TO THE MAXIMUM EXTENT POSSIBLE IN COMPLIANCE
19 WITH THE "COLORADO PRIVACY ACT", ESTABLISHED PURSUANT TO PART
20 13 OF ARTICLE 1 OF TITLE 6; THE FEDERAL "FAMILY EDUCATIONAL RIGHTS
21 AND PRIVACY RIGHTS ACT OF 1974", 20 U.S.C. SEC. 1232g; AND THE
22 "STUDENT DATA TRANSPARENCY AND SECURITY ACT" CREATED
23 PURSUANT TO ARTICLE 16 OF TITLE 22. THE DEPARTMENT AND THE
24 DEPARTMENT OF EDUCATION SHALL MAINTAIN STRICT STANDARDS FOR
25 STUDENT DATA PRIVACY; COMPLY WITH STANDARDS FOR REPORTING DATA
26 FOR A STUDENT WITH AN ACCOMMODATION PURSUANT TO SECTION 504 OF
27 THE FEDERAL "REHABILITATION ACT OF 1973", 29 U.S.C. SEC. 701 ET

1 SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS, OR A STUDENT
2 WITH AN INDIVIDUALIZED EDUCATION PLAN; AND SHALL NOT PUBLICLY
3 REPORT INDIVIDUAL STUDENT DATA FOR ANY PURPOSE.

4 **SECTION 3. Act subject to petition - effective date.** This act
5 takes effect at 12:01 a.m. on the day following the expiration of the
6 ninety-day period after final adjournment of the general assembly; except
7 that, if a referendum petition is filed pursuant to section 1 (3) of article V
8 of the state constitution against this act or an item, section, or part of this
9 act within such period, then the act, item, section, or part will not take
10 effect unless approved by the people at the general election to be held in
11 November 2024 and, in such case, will take effect on the date of the
12 official declaration of the vote thereon by the governor.

MEMORANDUM



JOINT BUDGET COMMITTEE

TO Members of the Joint Budget Committee
 FROM Amanda Bickel, JBC Staff (303-866-4960)
 DATE March 21, 2024
 SUBJECT Appropriation clause for Healthy School Meals for All bill (1081.02)

The bill that includes changes for the Healthy School Meals for All Program is attached. This bill does not yet include an appropriation clause, due to the need to integrate the clause with the introduced Long Bill. **Staff requests to add the appropriation clause prior to introduction, or, if necessary due to technical timing issues, as an amendment in the House Appropriations Committee.** The tables below show the components of the appropriation clause for FY 2023-24 and FY 2024-25.

| FY 2023-24 APPROPRIATION - UPDATED FOR OSPB MARCH FORECAST | | | | | | |
|-----------------------------------------------------------------------|----------------------|------------------------------------------|------------------------------------------|----------------------|----------------------------------------------------------------------|----------------------------------------|
| | BASE APPROP | REVISED APPROPRIATION, CURRENT LAW | CHANGE (SUPPLEMENTAL IN LONG BILL) | CHANGE IN NEW LEG | ADDITIONAL CHANGE IN BILL TO RENAME GFE ACCOUNT TO CF | TOTAL FISCAL IMPACT IN HSMA BILL |
| HSMA Administration, including one-time contract support | 268,088 | 368,088 | 100,000 | | | 0 |
| Centrally-appropriated admin | 71,019 | 71,019 | 0 | | | 0 |
| Meal Reimbursements | 115,017,752 | 171,017,752 | 56,000,000 | | | 0 |
| | | | | | | 0 |
| Total | \$115,356,859 | \$171,456,859 | \$56,100,000 | \$0 | \$ 0 | \$0 |
| General Fund | 0 | 15,456,859 | 15,456,859 | (15,456,859) | | (15,456,859) |
| General Fund Exempt (HSMA)* | 115,356,859 | 156,000,000 | 40,643,141 | | (156,000,000) | (156,000,000) |
| Cash Funds – new HSMA cash fund | | | | | 156,000,000 | 156,000,000 |
| Cash Funds - State Ed Fund | | | | 15,456,859 | | 15,456,859 |
| * \$42.7M FY 2022-23 and \$113.3 FY 2023-24, OSPB March 2024 forecast | | | | | | |

MARCH 21, 2024

| FY 2024-25 APPROPRIATION - UPDATED FOR OSPB MARCH FORECAST | | | | | |
|------------------------------------------------------------|----------------------------|-------------------------------------------------------------------------|--------------------------------------------------------------------------|-------------------------------------------------------------------------------|-----------------------|
| | CURRENT LAW (LONG BILL) | ELIMINATE GRANT PROGRAMS AND USE STATE EDUCATION FUND | ADDITIONAL CHANGE IN BILL TO RENAME GFE ACCOUNT TO CASH FUND | ADDITIONAL CHANGE IN BILL TO RESTORE OLD LOCAL FOOD PROGRAM | REVISED TOTAL |
| HSMA Administration | 737,732 | (95,908) | | | (\$95,908) |
| Temporary Administration Support | 150,000 | 0 | | | 0 |
| Centrally-appropriated (subject to adjustment) | 71,551 | 0 | | | 0 |
| Meal Reimbursements | 137,483,812 | 0 | | | 0 |
| Local Food Purchasing Grant | 5,000,000 | (5,000,000) | | | (5,000,000) |
| Local Food TA Grant | 5,000,000 | (5,000,000) | | | (5,000,000) |
| Wage Distributions | 8,400,000 | (8,400,000) | | | (8,400,000) |
| Restore OLD local school purchasing bill | | | | 675,729 | 675,729 |
| Total | \$156,843,095 | (\$18,495,908) | \$0 | \$675,729 | (\$17,820,179) |
| General Fund | 40,643,095 | (40,643,095) | | | (40,643,095) |
| General Fund Exempt (HSMA)* | 116,200,000 | 0 | (116,200,000) | | (116,200,000) |
| Cash Funds – new HSMA cash fund | | | 116,200,000 | | 116,200,000 |
| Cash Funds - State Ed Fund | 0 | 22,147,187 | | 675,729 | 22,822,916 |
| FTE impacts | | (1.0) | | 0.4 | (0.6) |
| *OSPB Mar 2024 Forecast | | | | | |

Additional notes about this bill:

- Because this is a substantive bill that has moved very quickly, the Committee should be prepared that amendments are possible.
- The Department of Education has noted that it may require some additional funds in its base budget (not in this bill) related to HSMA work. The Long Bill has added \$150,000 for FY 2024-25 (pending an anticipated FY 2025-26 request). Staff understands that a further increase in the range of \$50,000 may be requested for FY 2024-25 to ensure the Department can access adequate support for modeling HSMA program costs. Staff would also treat this as additional one-time support, pending a more complete analysis of needs for FY 2025-26.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/21/24

DRAFT

LLS NO. 24-1081.02 Alana Rosen x2606

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: School Food Programs
DEADLINES: File by: 3/22/2024

A BILL FOR AN ACT

101 **CONCERNING MEASURES TO SUPPORT CERTAIN SCHOOL FOOD**
102 **PROGRAMS IN THE DEPARTMENT OF EDUCATION.**

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 bill requires the department of education (department) to apply to the United States department of agriculture for a statewide community eligibility provision if the department determines participation in a statewide community eligibility provision will maximize federal funding.

The bill requires the department to annually establish options for,

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

and communicate the options to, school food authorities to maximize federal funding. A school food authority that chooses an option other than those established by the department will not receive healthy school meals for all program funding and must use other eligible funding sources to cover the costs of serving free meals to all students at the schools of the school food authority.

The bill delays the implementation of the local food purchasing grant, the wage increase or stipend program for school meals food preparation and service employees (wage increase or stipend program), and the local school food purchasing technical assistance and education grant program until the 2025-26 budget year.

The bill requires the department to create a policy for school food authorities to maximize the collection of household income application forms for the national school lunch program to increase federal funding for the program. School food authorities that choose to participate in the program shall apply the policy to maximize the collection of household income application forms.

The bill creates the healthy school meals for all program technical advisory group (advisory group). As soon as practicable, the department shall convene the advisory group. The advisory group shall collaborate with school districts, the office of state planning and budgeting, and other interested parties to:

- Identify ways to maximize federal reimbursements;
- Reduce costs of the program;
- Review cost-savings options, including minimizing food waste;
- Strengthen the long-term resiliency of the healthy school meals for all cash fund;
- Create model revenue scenarios;
- Provide options and recommendations to balance program revenues and expenditures; and
- Draft a report with legislative and administrative recommendations and submit it to the education committees of the house of representatives and the senate, or any successor committees; the joint budget committee; the state board of education; and the governor.

On January 1, 2024, the local school food purchasing program (purchasing program) and the local school food purchasing technical assistance and education grant program (grant program) repealed. The bill recreates the purchasing program and the grant program, and extends the programs until July 1, 2026.

The bill eliminates the authorization for department expenditures in excess of the appropriated amount to participating school food authorities for the wage increase or stipend program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-82.9-202, **add** (3)
3 as follows:

4 **22-82.9-202. Legislative declaration.** (3) THE GENERAL
5 ASSEMBLY FURTHER DECLARES THAT FOR PURPOSES OF SECTION 17 OF
6 ARTICLE IX OF THE STATE CONSTITUTION, HEALTHY SCHOOL MEALS ARE
7 AN ESSENTIAL COMPONENT TO STUDENT LEARNING. FREE HEALTHY
8 SCHOOL MEALS ARE AN IMPORTANT COMPONENT OF AN ACCOUNTABLE
9 EDUCATION PROGRAM TO MEET STATE ACADEMIC STANDARDS AND MAY
10 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND
11 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

12 **SECTION 2.** In Colorado Revised Statutes, 22-82.9-203, **add**
13 (11.5) as follows:

14 **22-82.9-203. Definitions.** As used in this part 2, unless the
15 context otherwise requires:

16 (11.5) "PROVISIONAL PROGRAMS" MEANS ALTERNATIVE OPTIONS
17 THROUGH THE NATIONAL SCHOOL LUNCH PROGRAM AND NATIONAL
18 SCHOOL BREAKFAST PROGRAM TO IMPROVE ACCESS TO FREE MEALS AND
19 TO SIMPLIFY MEAL COUNTING AND CLAIMS PROCEDURES.

20 **SECTION 3.** In Colorado Revised Statutes, 22-82.9-204, **amend**
21 (2), (3), and (4)(b); and **add** (6) and (7) as follows:

22 **22-82.9-204. Healthy school meals for all program - created -**
23 **advisory group - report - rules - definition - repeal.** (2) A school food
24 authority that chooses to participate in the program must annually give
25 notice of participation to the department as provided by rule of the state
26 board. At a minimum, the notice must include evidence that the school

1 food authority is participating in the community eligibility provision as
2 required in subsection (3) of this section. PROVISIONAL PROGRAMMING IF
3 DEEMED NECESSARY BY THE DEPARTMENT. THE DEPARTMENT MAY
4 REQUIRE SCHOOL FOOD AUTHORITY MODIFICATIONS TO THE PROGRAM
5 THROUGHOUT THE YEAR TO MAXIMIZE A SCHOOL FOOD AUTHORITY'S
6 FEDERAL REIMBURSEMENTS AS DEEMED NECESSARY BY THE DEPARTMENT.

7 (3) (a) If the United States department of agriculture creates the
8 option for the state, as a whole, to participate in the community eligibility
9 provision, the department shall participate in the option and shall work
10 with school food authorities and the necessary state and local departments
11 to collect data and implement the community eligibility provision
12 statewide, IF THE DEPARTMENT DETERMINES PARTICIPATION IN THE
13 STATEWIDE COMMUNITY ELIGIBILITY PROVISION MAXIMIZES FEDERAL
14 FUNDING. Until such time as Colorado participates in the community
15 eligibility provision as a state, each participating school food authority,
16 as a condition of participating in the program, must maximize the amount
17 of federal reimbursement by THE SCHOOL FOOD AUTHORITY RECEIVES,
18 INCLUDING, BUT NOT LIMITED TO, participating in PROVISIONAL
19 PROGRAMS, INCLUDING the community eligibility provision for all schools
20 that qualify, for the community eligibility provision and that the
21 participating school food authority serves SUBJECT TO DETERMINATION BY
22 THE DEPARTMENT THAT THE SCHOOL FOOD AUTHORITY'S PARTICIPATION
23 MAXIMIZES FEDERAL REIMBURSEMENT.

24 (b) ANNUALLY, THE DEPARTMENT SHALL ESTABLISH OPTIONS FOR,
25 AND COMMUNICATE THE OPTIONS TO, EACH SCHOOL FOOD AUTHORITY TO
26 MAXIMIZE FEDERAL FUNDING. A SCHOOL FOOD AUTHORITY THAT CHOOSES
27 AN OPTION OTHER THAN THE OPTIONS ESTABLISHED BY THE DEPARTMENT

1 SHALL NOT RECEIVE HEALTHY SCHOOL MEALS FOR ALL PROGRAM FUNDING
2 AND MUST USE OTHER ELIGIBLE FUNDING SOURCES TO COVER THE COSTS
3 OF SERVING FREE MEALS TO ALL STUDENTS AT THE SCHOOLS OF THE
4 SCHOOL FOOD AUTHORITY.

5 (4) (b) SUBJECT TO AVAILABLE APPROPRIATIONS, implementation
6 of sections 22-82.9-205 to 22-82.9-207 is ~~conditional upon the state of~~
7 ~~Colorado being certified to participate in the demonstration project for~~
8 ~~direct certification for children receiving medicaid benefits that is~~
9 ~~operated pursuant to 42 U.S.C. sec. 1758 (b)(15)~~ EFFECTIVE BEGINNING
10 IN THE 2025-26 BUDGET YEAR.

11 (6) (a) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL
12 CREATE A POLICY FOR SCHOOL FOOD AUTHORITIES TO MAXIMIZE THE
13 COLLECTION OF HOUSEHOLD INCOME APPLICATION FORMS FOR THE
14 NATIONAL SCHOOL LUNCH PROGRAM TO INCREASE FEDERAL FUNDING FOR
15 THE PROGRAM.

16 (b) SCHOOL FOOD AUTHORITIES THAT CHOOSE TO PARTICIPATE IN
17 THE PROGRAM SHALL COMPLY WITH THE POLICY DESCRIBED IN
18 SUBSECTION (6)(a) OF THIS SECTION TO MAXIMIZE THE COLLECTION OF
19 HOUSEHOLD INCOME APPLICATION FORMS FOR THE NATIONAL SCHOOL
20 LUNCH PROGRAM.

21 (7) (a) THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM
22 TECHNICAL ADVISORY GROUP IS CREATED IN THE DEPARTMENT. AS SOON
23 AS PRACTICABLE, THE DEPARTMENT SHALL CONVENE THE ADVISORY
24 GROUP AND THE ADVISORY GROUP SHALL COLLABORATE WITH SCHOOL
25 DISTRICTS, THE OFFICE OF STATE PLANNING AND BUDGETING, AND OTHER
26 INTERESTED PARTIES TO:

27 (I) IDENTIFY WAYS TO MAXIMIZE FEDERAL REIMBURSEMENTS;

- 1 (II) REDUCE COSTS OF THE PROGRAM;
- 2 (III) REVIEW COST-SAVINGS OPTIONS, INCLUDING MINIMIZING
- 3 FOOD WASTE;
- 4 (IV) STRENGTHEN THE LONG-TERM RESILIENCY OF THE HEALTHY
- 5 SCHOOL MEALS FOR ALL CASH FUND;
- 6 (V) CREATE MODEL REVENUE SCENARIOS;
- 7 (VI) PROVIDE OPTIONS AND RECOMMENDATIONS FOR BALANCING
- 8 PROGRAM REVENUES AND EXPENDITURES IN THE MANNER MOST
- 9 EQUITABLE FOR STUDENTS AND SCHOOL FOOD AUTHORITIES; AND
- 10 (VII) DRAFT A REPORT PURSUANT TO SUBSECTION (7)(d) OF THIS
- 11 SECTION WITH LEGISLATIVE AND ADMINISTRATIVE RECOMMENDATIONS.
- 12 (b) (I) THE ADVISORY GROUP SHALL SOLICIT INPUT FROM
- 13 STAKEHOLDERS AND THE PUBLIC TO DIRECT THE ADVISORY GROUP'S WORK.
- 14 (II) LEGISLATIVE COUNCIL STAFF AND JOINT BUDGET COMMITTEE
- 15 STAFF SHALL PROVIDE TECHNICAL SUPPORT TO THE ADVISORY GROUP.
- 16 (III) THE DEPARTMENT SHALL COLLABORATE WITH THE ADVISORY
- 17 GROUP TO OBTAIN THE CONTRACTUAL SERVICES NECESSARY FOR THE
- 18 ADVISORY GROUP'S WORK.
- 19 (c) IN JUNE 2024 AND SEPTEMBER 2024, THE ADVISORY GROUP
- 20 SHALL SUBMIT A STATUS REPORT TO THE JOINT BUDGET COMMITTEE ON
- 21 THE PROGRESS OF THE ADVISORY GROUP'S WORK.
- 22 (d) (I) ON OR BEFORE DECEMBER 1, 2024, THE ADVISORY GROUP
- 23 SHALL SUBMIT A REPORT SUMMARIZING THE ADVISORY GROUP'S WORK
- 24 DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION TO THE EDUCATION
- 25 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
- 26 ANY SUCCESSOR COMMITTEES; THE JOINT BUDGET COMMITTEE; THE STATE
- 27 BOARD; AND THE GOVERNOR.

1 (II) IN DECEMBER 2024, THE DEPARTMENT SHALL PRESENT THE
2 ADVISORY GROUP'S REPORT DESCRIBED IN SUBSECTION (7)(d)(I) OF THIS
3 SECTION TO THE JOINT BUDGET COMMITTEE.

4 (III) IN JANUARY 2025, THE DEPARTMENT SHALL INCLUDE AS PART
5 OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
6 SECTION 2-7-203 INFORMATION CONCERNING THE PROGRAM AND THE
7 REPORT DESCRIBED IN SUBSECTION (7)(d)(I) OF THIS SECTION.

8 (e) AS USED IN THIS SUBSECTION, UNLESS THE CONTEXT
9 OTHERWISE REQUIRES, "HEALTHY SCHOOL MEALS FOR ALL PROGRAM
10 TECHNICAL ADVISORY GROUP" OR "ADVISORY GROUP" MEANS THE
11 HEALTHY SCHOOL MEALS FOR ALL PROGRAM TECHNICAL ADVISORY GROUP
12 CREATED IN THIS SUBSECTION (7).

13 (f) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2025.

14 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-205, **amend**
15 (5) as follows:

16 **22-82.9-205. Local food purchasing grant - amount - advisory**
17 **committee - verification of invoices.** (5) SUBJECT TO AVAILABLE
18 APPROPRIATIONS, this section is effective beginning in the ~~first full budget~~
19 ~~year after the state of Colorado is certified to participate in the federal~~
20 ~~demonstration project for direct certification for children receiving~~
21 ~~medicaid benefits as provided in section 22-82.9-204 (4) and begins~~
22 ~~including medicaid direct certification in determining school districts'~~
23 ~~identified student percentages~~ 2025-26 BUDGET YEAR.

24 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-206, **amend**
25 (2) as follows:

26 **22-82.9-206. School meals food preparation and service**
27 **employees - wage increase or stipend.** (2) SUBJECT TO AVAILABLE

1 APPROPRIATIONS, this section is effective beginning in the first full budget
2 year after the state of Colorado is certified to participate in the federal
3 demonstration project for direct certification for children receiving
4 medicaid benefits as provided in section 22-82.9-204 (4) and begins
5 including medicaid direct certification in determining school districts'
6 identified student percentages 2025-26 BUDGET YEAR.

7 **SECTION 6.** In Colorado Revised Statutes, 22-82.9-207, **amend**
8 (4) as follows:

9 **22-82.9-207. Local school food purchasing technical assistance**
10 **and education grant program - created - report.** (4) SUBJECT TO
11 AVAILABLE APPROPRIATIONS, this section is effective beginning in the
12 first full budget year after the state of Colorado is certified to participate
13 in the federal demonstration project for direct certification for children
14 receiving medicaid benefits as provided in section 22-82.9-204 (4) and
15 begins including medicaid direct certification in determining school
16 districts' identified student percentages 2025-26 BUDGET YEAR.

17 **SECTION 7.** In Colorado Revised Statutes, 22-82.9-208, **amend**
18 (2) as follows:

19 **22-82.9-208. Report - audit.** (2) (a) The department shall
20 contract with an independent auditor to conduct a biennial financial and
21 performance audit of the implementation of the program, including
22 implementation of section 22-82.9-204 and ~~including~~ implementation of
23 local food purchasing grants pursuant to section 22-82.9-205,
24 distributions for the increase in wages or provision of stipends pursuant
25 to section 22-82.9-206, and implementation of the local school food
26 purchasing technical assistance and education grant program pursuant to
27 section 22-82.9-207, to the extent said sections are in effect as provided

1 in section 22-82.9-204 (4)(b). BEGINNING DECEMBER 1, 2027, the audit
2 of the two budget years in each biennial cycle must be completed by
3 December 1 of the following budget year. The department shall make the
4 audit easily accessible by the public on the department website.

5 (b) ANY APPROPRIATION TO THE DEPARTMENT FOR PURPOSES OF
6 AN AUDIT THAT IS NOT EXPENDED IN A BUDGET YEAR IS FURTHER
7 APPROPRIATED TO THE DEPARTMENT THROUGH THE CLOSE OF THE
8 FOLLOWING BUDGET YEAR FOR THE SAME PURPOSES.

9 **SECTION 8.** In Colorado Revised Statutes, **amend** 22-82.9-209
10 as follows:

11 **22-82.9-209. Program - funding.** (1) For the 2023-24 budget
12 year and for each budget year thereafter, the general assembly shall
13 appropriate to the department, by separate line items in the annual general
14 appropriation bill, the amount necessary to implement the program,
15 including the amount required to reimburse participating school food
16 authorities for eligible meals provided to students pursuant to section
17 22-82.9-204, and including the amount distributed as local food
18 purchasing grants pursuant to section 22-82.9-205, SUBJECT TO
19 AVAILABLE APPROPRIATIONS, AND the amount distributed pursuant to
20 section 22-82.9-206 to increase the wages or provide stipends for staff
21 who prepare and serve school meals, ~~and at least five million dollars~~
22 ~~annually to implement the local school food purchasing technical~~
23 ~~assistance and education grant program pursuant to section 22-82.9-207,~~
24 ~~to the extent said sections are in effect as provided in section 22-82.9-204~~
25 ~~(4)(b)~~ SUBJECT TO AVAILABLE APPROPRIATIONS. The department may
26 expend not more than one and five-tenths percent of the total amount
27 annually appropriated pursuant to this section to offset the direct and

1 indirect costs incurred by the department in implementing this part 2.

2 (2) FOR THE 2023-24 BUDGET YEAR AND THE 2024-25 BUDGET
3 YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE
4 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
5 THE STATE CONSTITUTION TO COVER PROGRAM COSTS FOR WHICH THERE
6 IS NOT SUFFICIENT MONEY IN THE HEALTHY SCHOOL MEALS FOR ALL CASH
7 FUND.

8 **SECTION 9.** In Colorado Revised Statutes, 22-82.9-210, **amend**
9 (1)(a), (2), (3)(a) introductory portion, (3)(b), (4)(a), (5), and (6); and
10 **repeal** (7) as follows:

11 **22-82.9-210. Healthy school meals for all program cash fund**
12 **- creation - uses - reporting requirements - definitions.** (1) As used in
13 this section, unless the context otherwise requires:

14 (a) ~~"Account"~~ "CASH FUND" means the healthy school meals for
15 all program ~~general fund exempt account~~ CASH FUND created in this
16 section.

17 (2) The healthy school meals for all program ~~general fund exempt~~
18 ~~account is hereby created in the general fund.~~ The ~~account~~ CASH FUND IS
19 CREATED IN THE STATE TREASURY. THE CASH FUND consists of healthy
20 school meals for all program revenue deposited in the ~~account~~ CASH FUND
21 in accordance with subsection (4)(a) of this section. The state treasurer
22 shall credit all interest and income derived from the deposit and
23 investment of money in the healthy school meals for all program ~~general~~
24 ~~fund exempt account to the account~~ CASH FUND TO THE CASH FUND.

25 (3) (a) Subject to annual appropriation by the general assembly,
26 the department may expend money from the ~~account~~ CASH FUND for the
27 following purposes:

1 (b) Money in the ~~account shall~~ CASH FUND MUST only be used for
2 the purposes described in subsections (3)(a)(II) and (3)(a)(IV) of this
3 section if the sum of the annual tax year revenue recorded in the ~~account~~
4 CASH FUND and the balance in the ~~account~~ CASH FUND, as calculated
5 pursuant to subsection (4) of this section, is greater than, or is anticipated
6 to be greater than, the annual expenditure anticipated to be required for
7 the purposes described in subsections (3)(a)(I), (3)(a)(III), and (3)(a)(V)
8 of this section.

9 (4) (a) The department of revenue shall, on a monthly basis,
10 record revenues and deposit money to the ~~account~~ CASH FUND in a manner
11 that is aligned with exempt revenues determined pursuant to subsection
12 (4)(b) of this section.

13 (b) The department of revenue shall, on a monthly basis, report
14 the amount of program revenue identified from tax returns to the office
15 of state planning and budgeting and the legislative council staff. The
16 office of state planning and budgeting shall calculate the amount of
17 healthy school meals for all program revenue both projected to be
18 received and actually received by the department of revenue based on
19 income tax return data and other relevant factors. The office of state
20 planning and budgeting shall also identify, in collaboration with the
21 department of revenue, the revenue to be recorded and deposited on a
22 monthly basis by the department of revenue in the ~~account~~ CASH FUND
23 pursuant to subsection (4)(a) of this section, and the total revenue to be
24 recorded and deposited by the department of revenue in the ~~account~~ CASH
25 FUND for the fiscal year.

26 (5) If the department determines that there is an insufficient
27 amount of money in the ~~account~~ CASH FUND to provide for an expenditure

1 authorized by the annual appropriation from the ~~account~~ CASH FUND for
2 the purposes described in subsections (3)(a)(I) and (3)(a)(III) of this
3 section, the department may make the expenditure from the general fund.

4 (6) In its annual submission of the state department's budget
5 request to the joint budget committee, the office of state planning and
6 budgeting shall report:

7 (a) The total amount of expenditures from the ~~account~~ CASH FUND
8 made pursuant to subsection (3) of this section; and

9 ~~(7) (a) Pursuant to section 24-75-201 (2)(c), any unrestricted~~
10 ~~balance remaining in the account at the end of any fiscal year shall not be~~
11 ~~designated as a part of the general fund surplus.~~

12 ~~(b) Pursuant to section 24-75-201.1 (2)(c), appropriations for~~
13 ~~expenditures from the account shall be excluded from the basis for the~~
14 ~~calculation of the general fund reserve.~~

15 **SECTION 10.** In Colorado Revised Statutes, **add** part 3 to article
16 82.9 of title 22 as follows:

17 **PART 3**

18 **LOCAL SCHOOL FOOD**

19 **PURCHASING PROGRAMS**

20 **22-82.9-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS"
23 MEANS ALL FRUITS, VEGETABLES, GRAINS, MEATS, AND DAIRY PRODUCTS,
24 EXCEPT LIQUID MILK, GROWN OR RAISED IN COLORADO, AND MINIMALLY
25 PROCESSED PRODUCTS OR VALUE-ADDED PROCESSED PRODUCTS THAT
26 MEET THE STANDARDS FOR THE COLORADO PROUD DESIGNATION,
27 ESTABLISHED BY THE COLORADO DEPARTMENT OF AGRICULTURE, EVEN IF

1 THE PRODUCT DOES NOT HAVE THE COLORADO PROUD DESIGNATION.

2 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
3 CREATED PURSUANT TO SECTION 24-1-115.

4 (3) "LOCAL SCHOOL FOOD PURCHASING PROGRAM" OR
5 "PURCHASING PROGRAM" MEANS THE LOCAL SCHOOL FOOD PURCHASING
6 PROGRAM CREATED IN SECTION 22-82.9-302.

7 (4) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN
8 FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT
9 CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED
10 PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT
11 ARE HEATED, COOKED, OR CANNED.

12 (5) "NATIONAL SCHOOL LUNCH PROGRAM" MEANS THE FEDERAL
13 SCHOOL LUNCH PROGRAM CREATED IN THE "RICHARD B. RUSSELL
14 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., AS
15 AMENDED.

16 (6) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT;
17 DISTRICT CHARTER SCHOOL; INSTITUTE CHARTER SCHOOL; BOARD OF
18 COOPERATIVE SERVICES; COLORADO SCHOOL FOR THE DEAF AND THE
19 BLIND, ESTABLISHED IN SECTION 22-80-102; APPROVED FACILITY SCHOOL
20 OR FACILITY, AS DEFINED IN SECTION 22-2-402; OR RESIDENTIAL OR DAY
21 TREATMENT CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903, THAT
22 PARTICIPATES IN THE FEDERAL NATIONAL SCHOOL LUNCH PROGRAM AND
23 THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN THE
24 LOCAL SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION
25 22-82.9-302 (2)(b).

26 (7) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
27 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE

1 STATE CONSTITUTION.

2 (8) "TECHNICAL ASSISTANCE AND EDUCATION PROGRAM" MEANS
3 THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
4 EDUCATION GRANT PROGRAM CREATED PURSUANT TO SECTION
5 22-82.9-303.

6 (9) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS
7 THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED
8 STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,
9 BAKING, OR CANNING.

10 **22-82.9-302. Local school food purchasing program - creation**

11 **- rules.** (1) THE LOCAL SCHOOL FOOD PURCHASING PROGRAM IS CREATED
12 IN THE DEPARTMENT TO REIMBURSE PARTICIPATING PROVIDERS FOR THE
13 PURCHASE OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
14 PURSUANT TO THIS SECTION.

15 (2)(a) A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, INSTITUTE
16 CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES, THE COLORADO
17 SCHOOL FOR THE DEAF AND THE BLIND, AN APPROVED FACILITY SCHOOL
18 OR FACILITY, OR A RESIDENTIAL CHILD CARE FACILITY MAY APPLY TO THE
19 DEPARTMENT TO PARTICIPATE IN THE PURCHASING PROGRAM TO RECEIVE
20 REIMBURSEMENT FOR PURCHASE OF COLORADO GROWN, RAISED, OR
21 PROCESSED PRODUCTS PURSUANT TO THIS SECTION.

22 (b)(I) THE DEPARTMENT SHALL SELECT PARTICIPATING PROVIDERS
23 THAT SERVED FEWER THAN TWO MILLION ONE HUNDRED FIFTY THOUSAND
24 SCHOOL LUNCHES IN THE 2023-24 SCHOOL YEAR. THE DEPARTMENT SHALL
25 CREATE A FORM FOR PARTICIPATING PROVIDERS TO TRACK AND REPORT
26 THE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED.

27 (II) THE DEPARTMENT SHALL GIVE PREFERENCE TO APPLICANTS

1 THAT:

2 (A) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR
3 FOOD AND AGRICULTURAL EDUCATION;

4 (B) HAVE A KITCHEN WITH THE ABILITY TO STORE, PREPARE, AND
5 SERVE LOCAL FOOD PRODUCTS;

6 (C) HAVE GREATER THAN TWENTY-FIVE PERCENT OF THEIR
7 STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE LUNCH PURSUANT TO
8 THE NATIONAL SCHOOL LUNCH PROGRAM;

9 (D) SERVED FEWER THAN ONE MILLION TWO HUNDRED FIFTY
10 THOUSAND SCHOOL LUNCHES IN THE 2023-24 SCHOOL YEAR COUNT; AND

11 (E) SATISFY ANY OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED
12 BY THE DEPARTMENT.

13 (III) TO THE EXTENT POSSIBLE, IN SELECTING PARTICIPATING
14 PROVIDERS, THE DEPARTMENT SHALL ENSURE DIVERSITY IN GEOGRAPHIC
15 LOCATION AND DISTRICT PUPIL COUNT.

16 (c) ON OR BEFORE AUGUST 1 OF THE YEAR FOLLOWING THE
17 PARTICIPATING PROVIDER'S APPLICATION, THE PARTICIPATING PROVIDER
18 SHALL TRACK AND REPORT TO THE DEPARTMENT FOR THE SCHOOL YEAR
19 IN WHICH IT APPLIED, AND FOR THE 2023-24 SCHOOL YEAR, THE TOTAL
20 AMOUNT OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS IT
21 PURCHASED FOR STUDENT MEALS AND THE TOTAL NUMBER OF LUNCHES
22 THAT IT PROVIDED TO STUDENTS.

23 (3) (a) IN OCTOBER 2024, THE DEPARTMENT SHALL REIMBURSE
24 EACH PARTICIPATING PROVIDER PARTICIPATING IN THE PURCHASING
25 PROGRAM FIVE CENTS FOR EVERY SCHOOL LUNCH THAT THE
26 PARTICIPATING PROVIDER PREPARED IN THE 2023-24 SCHOOL YEAR;
27 EXCEPT THAT A PARTICIPATING PROVIDER IS NOT REIMBURSED FOR THE

1 AMOUNT OF VALUE-ADDED PROCESSED PRODUCTS THAT EXCEEDS
2 TWENTY-FIVE PERCENT OF THE TOTAL OF THE COLORADO GROWN, RAISED,
3 OR PROCESSED PRODUCTS IT PURCHASED.

4 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, THE
5 MAXIMUM AMOUNT OF REIMBURSEMENTS THAT MAY BE AWARDED IN ANY
6 YEAR IS FIVE HUNDRED THOUSAND DOLLARS.

7 (4) REIMBURSEMENT PAYMENTS MADE PURSUANT TO THIS SECTION
8 ACCRUE TO THE PARTICIPATING PROVIDER'S NONPROFIT SCHOOL FOOD
9 ACCOUNT.

10 (5) (a) THE STATE BOARD IS AUTHORIZED TO ADOPT RULES TO
11 IMPLEMENT THE PURCHASING PROGRAM.

12 (b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE
13 PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY.

14 (c) THE DEPARTMENT SHALL CREATE, DISTRIBUTE, AND COLLECT
15 PRODUCER AND PARTICIPATING PROVIDER SURVEYS REQUIRED PURSUANT
16 TO SECTION 22-82.9-304.

17 (6) IF IN ANY STATE BUDGET YEAR THE DEPARTMENT DOES NOT
18 EXPEND OR ENCUMBER THE FULL AMOUNT OF THE APPROPRIATION FOR THE
19 PURCHASING PROGRAM, UP TO FIVE PERCENT OF THE APPROPRIATION IS
20 AVAILABLE TO THE DEPARTMENT IN THE NEXT STATE BUDGET YEAR TO
21 PAY FOR THE EVALUATION REQUIRED PURSUANT TO SECTION 22-82.9-304.

22 **22-82.9-303. Local school food purchasing technical assistance**
23 **and education grant program - creation - report.** (1) THE LOCAL
24 SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION
25 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE
26 TECHNICAL ASSISTANCE AND EDUCATION PROGRAM IS TO ISSUE A GRANT
27 TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND MANAGE A

1 GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF COLORADO GROWN,
2 RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING PROVIDERS.

3 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT
4 ORGANIZATION MAY AWARD GRANTS FOR THE FOLLOWING:

5 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL
6 INFRASTRUCTURE GRANTS TO PARTICIPATING PROVIDERS, GROWER
7 ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT AGGREGATE PRODUCTS
8 FROM PRODUCERS FOR:

9 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE
10 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD
11 SYSTEMS;

12 (II) CHEF TRAINING ON FOOD HANDLING AND PROCUREMENT
13 PRACTICES AND SMALL KITCHEN EQUIPMENT PURCHASES;

14 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND
15 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON
16 SELLING TO SCHOOLS; AND

17 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED
18 PRODUCTS; AND

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

20 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE
21 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;
22 AND

23 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO
24 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF
25 PURCHASING LOCAL PRODUCTS.

26 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO
27 THE DEPARTMENT ON THE TECHNICAL ASSISTANCE AND EDUCATION

1 PROGRAM, INCLUDING:

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

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

5 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY
6 PARTICIPATING PROVIDERS AND OTHERS PURSUANT TO SUBSECTION (2)(b)
7 OF THIS SECTION.

8 **22-82.9-304. Evaluation - report.** (1) ON OR BEFORE DECEMBER
9 1, 2025, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE EDUCATION
10 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, THE
11 HOUSE OF REPRESENTATIVES AGRICULTURE, WATER, AND NATURAL
12 RESOURCES COMMITTEE, THE SENATE AGRICULTURE AND NATURAL
13 RESOURCES COMMITTEE, OR THEIR SUCCESSOR COMMITTEES, ON THE
14 EFFECT OF THE PURCHASING PROGRAM ON THE AMOUNT OF COLORADO
15 GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED BY PARTICIPATING
16 PROVIDERS, INCLUDING:

17 (a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING
18 PROVIDERS;

19 (b) THE DOLLAR AMOUNT SPENT ON COLORADO GROWN, RAISED,
20 OR PROCESSED PRODUCTS DURING THE PURCHASING PROGRAM, INCLUDING
21 LOCAL PURCHASING DATA FROM THE 2023-24 SCHOOL YEAR, THAT THE
22 PARTICIPATING PROVIDER INCLUDED IN THE APPLICATION TO THE
23 PURCHASING PROGRAM;

24 (c) PRODUCT CATEGORIES PURCHASED;

25 (d) NUMBER OF COLORADO PRODUCERS OR BUSINESSES
26 PARTICIPATING BY PARTICIPATING PROVIDER AND IN TOTAL;

27 (e) ECONOMIC EFFECT ON PARTICIPATING PROVIDERS, PRODUCERS,

1 AND ECONOMIES; AND

2 (f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER
3 SURVEYS.

4 **22-82.9-305. Program funding - state education fund.**

5 PURCHASING NUTRITIOUS FOODS FROM COLORADO'S FOOD SYSTEMS,
6 INCLUDING LOCAL FARMERS AND RANCHERS, SUPPORTS STUDENTS'
7 NUTRITION AND PROVIDES QUALITY MEALS TO BOOST THE HEALTH AND
8 WELL-BEING OF COLORADO STUDENTS, AND IS AN IMPORTANT COMPONENT
9 OF AN ACCOUNTABLE EDUCATION PROGRAM TO MEET STATE ACADEMIC
10 STANDARDS, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
11 EDUCATION FUND CREATED SECTION 17 (4) OF ARTICLE IX OF THE STATE
12 CONSTITUTION.

13 **22-82.9-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
14 JULY 1, 2026.

15 **SECTION 11.** In Colorado Revised Statutes, 24-75-109, **amend**
16 (1)(f) as follows:

17 **24-75-109. Controller may allow expenditures in excess of**
18 **appropriations - limitations - appropriations for subsequent fiscal**
19 **year restricted - repeal.** (1) For the purpose of closing the state's books,
20 and subject to the provisions of this section, the controller may, on or
21 after May 1 of any fiscal year and before the forty-fifth day after the close
22 thereof, upon approval of the governor, allow any department, institution,
23 or agency of the state, including any institution of higher education, to
24 make an expenditure in excess of the amount authorized by an item of
25 appropriation for such fiscal year if:

26 (f) The overexpenditure is by the department of education for
27 ~~either:~~

1 ~~(I) Providing reimbursements to a participating school food~~
2 ~~authority for offering eligible meals without charge, pursuant to section~~
3 ~~22-82.9-204 (1)(b); or~~

4 ~~(H) Distributing money to a participating school food authority to~~
5 ~~increase wages or provide stipends for individuals whom the participating~~
6 ~~school food authority employs to directly prepare and serve food for~~
7 ~~school meals, pursuant to section 22-82.9-206 (1). PROVIDING~~
8 ~~REIMBURSEMENTS TO A PARTICIPATING SCHOOL FOOD AUTHORITY FOR~~
9 ~~OFFERING ELIGIBLE MEALS WITHOUT CHARGE, PURSUANT TO SECTION~~
10 ~~22-82.9-204 (1)(b).~~

11 **SECTION 12.** In Colorado Revised Statutes, 24-75-201, **repeal**
12 **(2)(c)** as follows:

13 **24-75-201. General fund - general fund surplus - custodial**
14 **money.** ~~(2) (c) Any unrestricted balance remaining in the healthy school~~
15 ~~meals for all program general fund exempt account created in section~~
16 ~~22-82.9-210 (2) at the end of any fiscal year shall not be designated as~~
17 ~~part of the general fund surplus.~~

18 **SECTION 13.** In Colorado Revised Statutes, 24-75-201.1, **repeal**
19 **(2)(e)** as follows:

20 **24-75-201.1. Restriction on state appropriations - legislative**
21 **declaration - definitions.** ~~(2) The basis for the calculation of the reserve~~
22 ~~as specified in this section includes all appropriations for expenditure~~
23 ~~from the general fund for such fiscal year, except for any appropriations~~
24 ~~for:~~

25 ~~(e) Expenditures from the healthy school meals for all program~~
26 ~~general fund exempt account created in section 22-82.9-210 (2).~~

27 **SECTION 14. Safety clause.** The general assembly finds,

1 determines, and declares that this act is necessary for the immediate
2 preservation of the public peace, health, or safety or for appropriations for
3 the support and maintenance of the departments of the state and state
4 institutions.

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

DRAFT
3/21/24

DRAFT

LLS NO. 24-1104.01 Anna Petrini x5497

COMMITTEE BILL

Joint Budget Committee

BILL TOPIC: Higher Education Support Homeless Youth

A BILL FOR AN ACT

101 **CONCERNING POSTSECONDARY EDUCATION SUPPORT FOR STUDENTS**
102 **EXPERIENCING HOUSING DISRUPTIONS IN HIGH SCHOOL, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN 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 bill requires all Colorado public institutions of higher education (institutions) to provide financial assistance to a Colorado resident student (qualifying student) who is between the ages of 17 and 26 and who has experienced homelessness in the state at any time during high school. The institutions shall provide

*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words indicate deletions from existing law.*

financial assistance to cover the remaining balance of the qualifying student's total cost of attendance in excess of the amount of any private, state, or federal financial assistance received by the student. Subject to available appropriations, the bill requires the Colorado commission on higher education to provide institutions money to cover 50% of the remaining balance of financial assistance for qualifying students.

The institutions are required to designate an employee to serve as a liaison to qualifying and prospective qualifying students. The institutions shall notify qualifying students of their eligibility for remaining balance financial assistance.

The bill requires the department of higher education (department) to add one employee as a navigator to provide guidance to prospective qualifying students when selecting institutions and completing applications for admission and financial aid. The bill requires the department to enter into a data-sharing agreement with the department of education in order to identify prospective qualifying students.

The bill clarifies student eligibility to participate in the foster youth financial assistance program.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 15 to article
3 3.3 of title 23 as follows:

4 **PART 15**

5 **FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS**

6 **EXPERIENCING HOMELESSNESS**

7 **23-3.3-1501. Definitions.** AS USED IN THIS PART, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "COST OF ATTENDANCE" HAS THE SAME MEANING AS SET
10 FORTH IN SECTION 23-3.3-1002.

11 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF HIGHER
12 EDUCATION CREATED IN SECTION 24-1-114.

13 (3) "FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS
14 EXPERIENCING HOMELESSNESS" OR "FINANCIAL ASSISTANCE PROGRAM"
15 MEANS THE FINANCIAL ASSISTANCE PROGRAM FOR STUDENTS

1 EXPERIENCING HOMELESSNESS CREATED IN SECTION 23-3.3-1502.

2 (4) "INSTITUTION OF HIGHER EDUCATION" OR "INSTITUTION"
3 MEANS A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
4 SECTION 23-18-102 (10)(a); LOCAL DISTRICT COLLEGE, AS DEFINED IN
5 SECTION 23-71-102; OR AREA TECHNICAL COLLEGE, AS DEFINED IN
6 SECTION 23-60-103.

7 (5) "QUALIFYING STUDENT" MEANS A RESIDENT OF COLORADO
8 WHO HAS BEEN ACCEPTED FOR ENROLLMENT AT AN INSTITUTION OF
9 HIGHER EDUCATION AND WHO:

10 (a) HAS BEEN IDENTIFIED BY DESIGNATED SCHOOL PERSONNEL AS
11 A HOMELESS CHILD OR YOUTH PURSUANT TO SECTION 725 OF THE FEDERAL
12 "McKINNEY-VENTO HOMELESS ASSISTANCE ACT", 42 U.S.C. SEC.
13 11434a WHILE RESIDING IN COLORADO AT ANY TIME BETWEEN THE START
14 OF NINTH GRADE AND THE END OF TWELFTH GRADE; AND

15 (b) WILL BE SEVENTEEN YEARS OF AGE OR OLDER BUT UNDER
16 TWENTY-SEVEN YEARS OF AGE AT THE TIME OF FINANCIAL ASSISTANCE
17 RECEIPT.

18 **23-3.3-1502. Financial aid for students who have experienced**
19 **homelessness - creation - purpose - rules.** (1) (a) THE FINANCIAL
20 ASSISTANCE PROGRAM FOR STUDENTS EXPERIENCING HOMELESSNESS IS
21 CREATED IN THE DEPARTMENT. THE PURPOSE OF THE PROGRAM IS TO
22 INCREASE ACCESS TO POSTSECONDARY EDUCATION FOR STUDENTS WHO
23 HAVE EXPERIENCED HOMELESSNESS DURING HIGH SCHOOL.

24 (b) BEGINNING IN THE 2024-25 ACADEMIC YEAR, EACH
25 INSTITUTION OF HIGHER EDUCATION IN THE STATE SHALL PROVIDE
26 FINANCIAL ASSISTANCE TO A QUALIFYING STUDENT FOR THE REMAINING
27 BALANCE OF THE STUDENT'S TOTAL COST OF ATTENDANCE IN EXCESS OF

1 THE AMOUNT OF ANY PRIVATE, STATE, OR FEDERAL FINANCIAL ASSISTANCE
2 RECEIVED BY THE QUALIFYING STUDENT DURING THE FIRST ONE HUNDRED
3 THIRTY-TWO SEMESTER CREDIT HOURS OR ONE HUNDRED NINETY-EIGHT
4 QUARTER CREDIT HOURS THAT THE QUALIFYING STUDENT IS ENROLLED IN
5 THE FINANCIAL ASSISTANCE PROGRAM.

6 (c) IN ORDER TO RECEIVE THE REMAINING BALANCE OF FINANCIAL
7 ASSISTANCE, THE QUALIFYING STUDENT MUST:

8 (I) COMPLETE THE FREE APPLICATION FOR FEDERAL STUDENT AID
9 OR THE COLORADO APPLICATION FOR STATE FINANCIAL AID, INCLUDING,
10 IF APPLICABLE, ACKNOWLEDGING PAST OR CURRENT EXPERIENCE OF
11 HOMELESSNESS;

12 (II) REQUEST THE FINANCIAL ASSISTANCE IN ACCORDANCE WITH
13 POLICIES SET FORTH BY THE INSTITUTION;

14 (III) BE ENROLLED IN COURSES LEADING TOWARD THE QUALIFYING
15 STUDENT'S FIRST BACHELOR'S DEGREE, ASSOCIATE DEGREE, OR
16 CERTIFICATE OF COMPLETION AT AN ACCREDITED INSTITUTION OF HIGHER
17 EDUCATION; AND

18 (IV) REMAIN IN SATISFACTORY ACADEMIC STANDING IN
19 ACCORDANCE WITH THE ACADEMIC POLICIES OF THE INSTITUTION AND
20 MAKE PROGRESS TOWARD THE COMPLETION OF THE REQUIREMENTS OF THE
21 EDUCATIONAL PROGRAM IN WHICH THE QUALIFYING STUDENT IS
22 ENROLLED.

23 (2) THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY TO THE
24 COMMISSION TO COVER FIFTY PERCENT OF THE COST OF PROVIDING THE
25 REMAINING BALANCE OF FINANCIAL ASSISTANCE TO QUALIFYING
26 STUDENTS. SUBJECT TO AVAILABLE APPROPRIATIONS, THE COMMISSION
27 SHALL PROVIDE FUNDING TO AN INSTITUTION EQUAL TO FIFTY PERCENT OF

1 THE REMAINING BALANCE OF FINANCIAL ASSISTANCE PROVIDED BY THE
2 INSTITUTION.

3 (3) (a) THE COMMISSION SHALL PROMULGATE RULES NECESSARY
4 FOR THE ADMINISTRATION OF THIS SECTION.

5 (b) EACH INSTITUTION SHALL ADOPT POLICIES FOR THE
6 ADMINISTRATION OF THE FINANCIAL ASSISTANCE PROGRAM.

7 **23-3.3-1503. Financial assistance program for students**
8 **experiencing homelessness - program liaison - program navigator -**
9 **data-sharing.** (1) EACH INSTITUTION SHALL DESIGNATE ONE EMPLOYEE
10 AS A LIAISON TO SERVE AS A POINT OF CONTACT FOR QUALIFYING
11 STUDENTS AND PROSPECTIVE QUALIFYING STUDENTS. THE LIAISON MAY
12 HAVE OTHER DUTIES UNRELATED TO WORK AS THE LIAISON. THE LIAISON
13 SHALL PROVIDE QUALIFYING STUDENTS AND PROSPECTIVE QUALIFYING
14 STUDENTS WITH INFORMATION REGARDING APPLICATION ASSISTANCE,
15 FINANCIAL ASSISTANCE, SUPPORT SERVICES, AND OTHER RESOURCES AND
16 ASSISTANCE THAT ARE AVAILABLE. EACH INSTITUTION SHALL PUBLICIZE
17 THE AVAILABILITY OF THE FINANCIAL ASSISTANCE PROGRAM FOR
18 STUDENTS EXPERIENCING HOMELESSNESS ON THE INSTITUTION'S WEBSITE
19 AND NOTIFY QUALIFYING STUDENTS OF THEIR ELIGIBILITY.

20 (2) (a) THE DEPARTMENT SHALL EMPLOY AT LEAST ONE FULL-TIME
21 EQUIVALENT POSITION AS A NAVIGATOR FOR STUDENTS EXPERIENCING
22 HOMELESSNESS TO SUPPORT SCHOOL DISTRICTS' HOMELESS EDUCATION
23 LIAISONS, DESCRIBED IN SECTION 22-33-103.5 (7), DESIGNATED HIGH
24 SCHOOL PERSONNEL, AND PROSPECTIVE QUALIFYING STUDENTS IN
25 APPLYING FOR AND ENROLLING IN INSTITUTIONS OF HIGHER EDUCATION.
26 THE NAVIGATOR SHALL WORK WITH SCHOOL DISTRICTS' HOMELESS
27 EDUCATION LIAISONS AND HIGH SCHOOL COUNSELORS OR OTHER

1 DESIGNATED PERSONNEL TO SUPPORT THE IDENTIFICATION OF
2 PROSPECTIVE QUALIFYING STUDENTS. THE NAVIGATOR SHALL PROVIDE
3 SUPPORT TO SCHOOL DISTRICTS' HOMELESS EDUCATION LIAISONS,
4 DESIGNATED HIGH SCHOOL PERSONNEL, AND PROSPECTIVE QUALIFYING
5 STUDENTS IN SELECTING INSTITUTIONS AND PROGRAMS IN WHICH THE
6 PROSPECTIVE QUALIFYING STUDENT MAY WANT TO ENROLL. THE
7 NAVIGATOR SHALL, AT THE REQUEST OF A PROSPECTIVE QUALIFYING
8 STUDENT, ASSIST THE PROSPECTIVE QUALIFYING STUDENT WITH THE
9 COMPLETION OF AN INSTITUTION'S APPLICATION FOR ADMISSION, THE FREE
10 APPLICATION FOR FEDERAL STUDENT AID, OR THE COLORADO APPLICATION
11 FOR STATE FINANCIAL AID.

12 (b) EACH INSTITUTION SHALL PROVIDE THE NAVIGATOR WITH THE
13 CONTACT INFORMATION FOR THE INSTITUTION'S LIAISON DESIGNATED
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION.

15 (3) THE DEPARTMENT SHALL ENTER INTO A DATA-SHARING
16 AGREEMENT WITH THE DEPARTMENT OF EDUCATION TO SHARE
17 PERSONALLY IDENTIFIABLE STUDENT INFORMATION FOR THE PURPOSE OF
18 IDENTIFYING AND SUPPORTING PROSPECTIVE QUALIFYING STUDENTS. AT
19 A MINIMUM, THE DATA-SHARING AGREEMENT MUST ENSURE THAT THE
20 EXCHANGE OF INFORMATION IS CONDUCTED IN COMPLIANCE WITH THE
21 "COLORADO PRIVACY ACT", PART 13 OF ARTICLE 1 OF TITLE 6; THE
22 FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY RIGHTS ACT OF
23 1974", 20 U.S.C. SEC. 1232g, AS AMENDED; AND THE "STUDENT DATA
24 TRANSPARENCY AND SECURITY ACT", ARTICLE 16 OF TITLE 22. THE
25 DEPARTMENTS SHALL MAINTAIN STRICT STANDARDS FOR STUDENT DATA
26 PRIVACY AND SHALL NOT PUBLICLY REPORT INDIVIDUAL STUDENT DATA
27 FOR ANY PURPOSE.

1 **SECTION 2.** In Colorado Revised Statutes, 23-3.3-1401, **amend**
2 (1)(d)(I), (2)(a), and (5)(a) as follows:

3 **23-3.3-1401. Financial aid for students who have been in**
4 **out-of-home placement - institution liaisons - navigators - definitions.**

5 (1) As used in this section, unless the context otherwise requires:

6 (d) "Qualifying student" means a resident of Colorado who has
7 been accepted for enrollment at an institution of higher education who:

8 (I) Has been ~~placed~~ in foster care, as defined in section 19-1-103,
9 in Colorado at any time on or after the student's thirteenth birthday; or

10 (2) (a) Beginning in the 2022-23 academic year, each institution
11 of higher education in the state shall provide financial assistance to a
12 qualifying student for the remaining balance of the student's total cost of
13 attendance in excess of the amount of any private, state, or federal
14 financial assistance received by the student, referred to in this section as
15 "remaining balance financial assistance", during the first one hundred
16 thirty-two semester hours or one hundred ninety-eight quarter hours that
17 the student is enrolled ~~at the institution~~ IN THE FINANCIAL ASSISTANCE
18 PROGRAM CREATED PURSUANT TO THIS PART 14.

19 (5) (a) Each institution shall designate one employee as a liaison
20 to serve as a direct point of contact with the institution for qualifying
21 students and prospective qualifying students. The liaison may have other
22 duties unrelated to work as the liaison. The liaison shall provide
23 qualifying students and prospective qualifying students with information
24 regarding application assistance, financial assistance, support services,
25 and other resources and assistance available to qualifying students and
26 prospective qualifying students. EACH INSTITUTION SHALL PUBLICIZE THE
27 AVAILABILITY OF FINANCIAL ASSISTANCE PURSUANT TO THIS PART 14 ON

1 THE INSTITUTION'S WEBSITE AND NOTIFY QUALIFYING STUDENTS OF THEIR
2 ELIGIBILITY.

3 **SECTION 3.** In Colorado Revised Statutes, 22-33-103.5, **amend**
4 (8)(b); and **add** (8)(c) as follows:

5 **22-33-103.5. Attendance of homeless children and youth -**
6 **definitions. (8) Credit accrual and college readiness. (b) Counseling**
7 ~~shall~~ **MUST** be provided to a homeless child or youth and to an
8 unaccompanied homeless child or youth to assist the homeless child or
9 youth and unaccompanied homeless child or youth by advising, preparing,
10 and improving access to postsecondary options. COUNSELING MUST
11 INCLUDE PROVIDING PROSPECTIVE QUALIFYING STUDENTS WITH
12 INFORMATION ABOUT THE FINANCIAL ASSISTANCE PROGRAM FOR
13 STUDENTS EXPERIENCING HOMELESSNESS CREATED IN SECTION
14 23-3.3-1502.

15 (c) TO FACILITATE DATA SHARING BETWEEN THE DEPARTMENT
16 AND THE DEPARTMENT OF HIGHER EDUCATION PURSUANT TO SECTION
17 23-3.3-1503 (3), EACH SCHOOL DISTRICT IN THE STATE SHALL PROVIDE THE
18 DEPARTMENT WITH DATA IDENTIFYING PROSPECTIVE QUALIFYING
19 STUDENTS BY DECEMBER 1, 2024, AND EACH DECEMBER 1 THEREAFTER,
20 FOR THE PURPOSE OF IDENTIFYING AND SUPPORTING PROSPECTIVE
21 QUALIFYING STUDENTS FOR THE FINANCIAL ASSISTANCE PROGRAM FOR
22 STUDENTS EXPERIENCING HOMELESSNESS CREATED IN SECTION
23 23-3.3-1502. THE DEPARTMENT SHALL PROVIDE THE SCHOOL DISTRICT
24 DATA IDENTIFYING PROSPECTIVE QUALIFYING STUDENTS TO THE
25 DEPARTMENT OF HIGHER EDUCATION BY JANUARY 2, 2025, AND EACH
26 JANUARY 2 THEREAFTER.

27 **SECTION 4. Appropriations. (1)** For the 2024-25 state fiscal

1 year, \$1,668,381 is appropriated to the department of higher education.
2 This appropriation is from the general fund and is based on an assumption
3 that the department will require an additional 1.8 FTE. To implement this
4 act, the department may use this appropriation for postsecondary
5 assistance for students who experienced homelessness during high school.

6 (2) For the 2024-25 state fiscal year, \$26,055 is appropriated to
7 the department of education for use by the office of dropout prevention
8 and student reengagement. This appropriation is from the general fund
9 and is based on an assumption that the office will require an additional
10 0.2 FTE. To implement this act, the office may use this appropriation for
11 the homeless student scholarship program.

12 **SECTION 5. Safety clause.** The general assembly finds,
13 determines, and declares that this act is necessary for the immediate
14 preservation of the public peace, health, or safety or for appropriations for
15 the support and maintenance of the departments of the state and state
16 institutions.