

CHAPTER 97

**EDUCATION - PUBLIC SCHOOLS**

**HOUSE BILL 20-1300**

BY REPRESENTATIVE(S) Buentello and Pelton, Buckner, Caraveo, Cutter, Duran, Esgar, Exum, Gonzales-Gutierrez, Jackson, Jaquez Lewis, Kennedy, Kipp, Lontine, McCluskie, McLachlan, Melton, Michaelson Jenet, Mullica, Roberts, Titone, Valdez A., Valdez D., Woodrow, Young;  
also SENATOR(S) Bridges and Coram, Crowder, Danielson, Fields, Ginal, Moreno, Sonnenberg, Story, Tate, Todd, Garcia.

**AN ACT**

**CONCERNING TECHNICAL CHANGES TO THE LOCAL SCHOOL FOOD PURCHASING PROGRAM.**

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

**SECTION 1.** In Colorado Revised Statutes, 22-100-102, **amend** (2)(a), (2)(b), and (3); and **add** (6) as follows:

**22-100-102. Local school food purchasing program - creation - rules - report.** (2) (a) ~~On or before December 1, 2019, and on or before December 1 of any year thereafter,~~ A school district, charter school, board of cooperative services that operates a public school, or residential child care center may apply to the department on a form developed by the department to participate in the school food purchasing program to receive reimbursement for the purchase of Colorado grown, raised, or processed products pursuant to this section.

(b) (I) ~~On or before March 1, 2020, and on or before each March 1 thereafter, the department shall select participating providers.~~ The department shall select participating providers that, in the previous year for which numbers are available, the total number of lunches provided by all participating providers was ~~seven~~ TEN million or fewer, AND NO PARTICIPATING PROVIDER MAY HAVE PROVIDED MORE THAN TWO MILLION ONE HUNDRED FIFTY THOUSAND SCHOOL LUNCHES IN THE PREVIOUS YEAR.

(II) The department shall give preference to applicants that:

~~(A)~~ (A) Demonstrate a commitment to local purchasing or food and agricultural education;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

~~(H)~~ (B) Have a kitchen with the ability to store, prepare, and serve local food products;

~~(H)~~ (C) Have greater than twenty-five percent of ~~its~~ THEIR students eligible for free or reduced-price lunch pursuant to the provisions of the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq.; ~~and~~

(D) SERVED FEWER THAN ONE MILLION TWO HUNDRED FIFTY THOUSAND SCHOOL LUNCHES IN THE PREVIOUS YEAR'S COUNT; AND

~~(V)~~ (E) Satisfy any other eligibility requirements established by the ~~state board of education by rule~~ DEPARTMENT.

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

(3) (a) (I) In October 2020 and each October thereafter, the department shall reimburse each participating provider participating in the school food purchasing program as of the previous December 1 ~~for the amount spent for meals for students on Colorado grown, raised, or processed products, up to the maximum incentive established pursuant to subsection (3)(b) of this section;~~ FIVE CENTS FOR EVERY SCHOOL LUNCH THAT THE PARTICIPATING PROVIDER PROVIDED IN THE PREVIOUS SCHOOL YEAR; except that a participating provider shall not be reimbursed for the amount of value-added processed products that exceeds twenty-five percent of the total of the Colorado grown, raised, or processed products it purchased.

(II) Notwithstanding the provisions of subsection (3)(a)(I) of this section, the maximum amount of reimbursements that may be awarded in any year is five hundred thousand dollars. ~~If the total of all eligible reimbursements as calculated under subsection (3)(a)(I) of this section exceeds five hundred thousand dollars, each participating provider's reimbursement amount must be reduced proportionately.~~

(b) ~~Each participating provider is entitled to be reimbursed for an amount up to the number of school lunches provided by the participating provider as reported to the department pursuant to subsection (2) of this section, divided by the total number of lunches reported by all participating providers, multiplied by the total appropriation for the school food purchasing program for participating providers.~~

(6) IF IN ANY FISCAL YEAR THE DEPARTMENT DOES NOT EXPEND OR ENCUMBER THE FULL AMOUNT OF THE APPROPRIATION FOR THE SCHOOL FOOD PURCHASING PROGRAM, UP TO FIVE PERCENT OF THE APPROPRIATION IS AVAILABLE TO THE DEPARTMENT IN THE NEXT FISCAL YEAR TO PAY FOR THE EVALUATION REQUIRED BY SECTION 22-100-104 (1)(e).

**SECTION 2. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: March 27, 2020