

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REENGROSSED

*This Version Includes All Amendments
Adopted in the House of Introduction*

LLS NO. 22-0134.01 Alana Rosen x2606

SENATE BILL 22-064

SENATE SPONSORSHIP

Zenzinger and Rankin, Bridges, Cooke, Coram, Fenberg, Fields, Garcia, Gardner, Ginal, Gonzales, Hansen, Hisey, Jaquez Lewis, Kirkmeyer, Lee, Lundeen, Moreno, Pettersen, Simpson, Story, Winter, Woodward

HOUSE SPONSORSHIP

McKean and Kipp,

Senate Committees
Education

House Committees
Public & Behavioral Health & Human Services

A BILL FOR AN ACT

101 **CONCERNING REQUIREMENTS FOR NEIGHBORHOOD YOUTH**
102 **ORGANIZATIONS THAT PROVIDE SERVICES DESIGNED FOR THE**
103 **DEVELOPMENT OF YOUTH.**

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>.)

Under current law, a neighborhood youth organization (NYO) serves youth as young as 6 years of age and as old as 18 years of age. The bill lowers the minimum age of a youth member to 5 years of age.

The bill permits an NYO to create an electronic or written process to record the daily arrival and departure times of youth members in order

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

SENATE
3rd Reading Unamended
February 14, 2022

SENATE
Amended 2nd Reading
February 11, 2022

to track attendance, assess the impact of programs and services on youth members, and ensure an NYO operates in the best interest and safety of youth members.

The bill requires that an NYO's programs and services must occur primarily in a facility the NYO leases or owns or has been granted use of or access to.

The bill requires an NYO to offer programs and services that are evidence- or research-based, age-appropriate, and foster supportive relationships with peers and adults while offering character and leadership development, academic supports, job skills training, behavioral health supports, health and nutrition services, and other critical resources and services that a community identifies as necessary. An NYO serves all children, youth, and families, but with a focus on programs and services that ensure affordable access for low-income populations.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26-6-102, **amend**
3 (26)(a) and (41); and **add** (26.5) as follows:

4 **26-6-102. Definitions.** As used in this article 6, unless the context
5 otherwise requires:

6 (26) (a) "Neighborhood youth organization" means a nonprofit
7 organization that ~~is designed to serve youth as young as six years of age~~
8 ~~and as old as eighteen years of age and that operates primarily during~~
9 ~~times of the day when school is not in session and provides~~
10 ~~research-based, age-appropriate, and character-building activities~~
11 ~~designed exclusively for the development of youth from six to eighteen~~
12 ~~years of age. These activities shall occur primarily in a facility leased or~~
13 ~~owned by the neighborhood youth organization. The activities shall occur~~
14 ~~in an environment in which youth have written parental or legal guardian~~
15 ~~consent to become a youth member of the neighborhood youth~~
16 ~~organization and to arrive at and depart from the primary location of the~~
17 ~~activity on their own accord, without supervision by a parent, legal~~

1 ~~guardian, or organization.~~ PROVIDES PROGRAMS AND SERVICES, AS
2 DESCRIBED IN SECTION 26-6-103.7, TO CHILDREN, YOUTH, AND FAMILIES
3 THROUGH COMPREHENSIVE WRAPAROUND SUPPORTS TO ENSURE POSITIVE
4 GROWTH AND DEVELOPMENT DURING CHILDHOOD AND ADOLESCENCE,
5 AND IS DESIGNED TO SERVE YOUTH AS YOUNG AS FIVE YEARS OF AGE WHO
6 ARE ENROLLED IN KINDERGARTEN AND AS OLD AS EIGHTEEN YEARS OF
7 AGE.

8 (26.5) "NONPROFIT ORGANIZATION" MEANS AN ORGANIZATION
9 THAT IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (c)(3) OF THE
10 FEDERAL "INTERNAL REVENUE CODE OF 1986", 26 U.S.C. SEC. 501, AS
11 AMENDED.

12 (41) "Youth member" means a youth who is ~~six~~ FIVE years of age
13 AND ENROLLED IN KINDERGARTEN OR WHO IS OLDER THAN FIVE YEARS OF
14 AGE AND UP TO ~~through~~ eighteen years of age whose parent or legal
15 guardian has provided written consent for the youth to participate in the
16 activities of a neighborhood youth organization. ~~and who pays the~~
17 ~~required dues of the neighborhood youth organization.~~

18 **SECTION 2.** In Colorado Revised Statutes, 26-6-103.7, **amend**
19 (3)(b), (3)(f), and (6); and **add** (2.5), (3)(e.5), (3)(h), (3)(i), (3.5), and
20 (9)(c) as follows:

21 **26-6-103.7. Application of part - neighborhood youth**
22 **organizations - rules - licensing - duties and responsibilities -**
23 **definitions.** (2.5) THE NEIGHBORHOOD YOUTH ORGANIZATION'S
24 PROGRAMS AND SERVICES MUST OCCUR PRIMARILY IN A FACILITY THE
25 NEIGHBORHOOD YOUTH ORGANIZATION LEASES OR OWNS OR HAS BEEN
26 GRANTED USE OF OR ACCESS TO.

27 (3) A neighborhood youth organization licensed pursuant to this

1 section and operating in the state of Colorado shall have the following
2 duties and responsibilities:

3 (b) Prior to admitting an interested youth member into the
4 neighborhood youth organization, to require the youth member's parent
5 or legal guardian to sign a statement authorizing the youth member to
6 ~~arrive and depart from the organization without supervision by a parent,~~
7 ~~legal guardian, or the organization~~ PARTICIPATE IN THE PROGRAMS AND
8 SERVICES OF THE NEIGHBORHOOD YOUTH ORGANIZATION;

9 (e.5) TO PROTECT THE SAFETY OF YOUTH MEMBERS, A
10 NEIGHBORHOOD YOUTH ORGANIZATION MAY CREATE AN ELECTRONIC OR
11 WRITTEN PROCESS TO RECORD THE DAILY ARRIVAL AND DEPARTURE TIMES
12 OF YOUTH MEMBERS IN ORDER TO:

13 (I) TRACK ATTENDANCE;

14 (II) ASSESS THE IMPACT OF PROGRAMS AND SERVICES ON YOUTH
15 MEMBERS; AND

16 (III) ENSURE THE NEIGHBORHOOD YOUTH ORGANIZATION
17 OPERATES IN THE BEST INTEREST AND SAFETY OF YOUTH MEMBERS;

18 (f) To require a youth member's parent or legal guardian to sign
19 a statement authorizing the neighborhood youth organization to provide
20 transportation prior to field trips or to and from the neighborhood youth
21 organization; ~~and~~

22 (h) TO OFFER PROGRAMS AND SERVICES THAT ARE EVIDENCE- OR
23 RESEARCH-BASED, AGE-APPROPRIATE, AND FOSTER SUPPORTIVE
24 RELATIONSHIPS WITH PEERS AND ADULTS WHILE OFFERING CHARACTER
25 AND LEADERSHIP DEVELOPMENT, ACADEMIC SUPPORTS, JOB SKILLS
26 TRAINING, BEHAVIORAL HEALTH SUPPORTS, HEALTH AND NUTRITION
27 SERVICES, AND OTHER CRITICAL RESOURCES AND SERVICES THAT A

1 COMMUNITY IDENTIFIES AS NECESSARY; AND

2 (i) TO SERVE ALL CHILDREN, YOUTH, AND FAMILIES, BUT WITH A
3 FOCUS ON PROGRAMS AND SERVICES THAT ENSURE AFFORDABLE ACCESS
4 FOR LOW-INCOME POPULATIONS.

5 (3.5) (a) TO PROTECT THE SAFETY OF YOUTH MEMBERS, EACH
6 NEIGHBORHOOD YOUTH ORGANIZATION SHALL CREATE A DATA SYSTEM TO
7 MANAGE INDIVIDUAL YOUTH MEMBER PERSONALLY IDENTIFIABLE
8 INFORMATION THAT THE NEIGHBORHOOD YOUTH ORGANIZATION
9 COLLECTS. THE GOVERNING BOARD OF EACH LICENSED NEIGHBORHOOD
10 YOUTH ORGANIZATION SHALL DEVELOP A DETAILED DATA SECURITY PLAN
11 FOR YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION THAT
12 INCLUDES:

13 (I) GUIDANCE FOR AUTHORIZING ACCESS TO THE DATA SYSTEM;

14 (II) PRIVACY COMPLIANCE STANDARDS;

15 (III) PRIVACY AND SECURITY AUDITS;

16 (IV) SECURITY BREACH PLANNING, NOTICE, AND PROCEDURES;

17 (V) CONSEQUENCES FOR SECURITY BREACHES;

18 (VI) YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION
19 RETENTION AND DESTRUCTION POLICIES, WHICH MUST INCLUDE SPECIFIC
20 REQUIREMENTS FOR IDENTIFYING WHEN AND HOW THE YOUTH MEMBER
21 PERSONALLY IDENTIFIABLE INFORMATION WILL BE DESTROYED; AND

22 (VII) STAFF TRAINING REGARDING THE POLICIES.

23 (b) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT:

24 (I) SELL YOUTH MEMBER PERSONALLY IDENTIFIABLE
25 INFORMATION;

26 (II) USE OR SHARE YOUTH MEMBER PERSONALLY IDENTIFIABLE
27 INFORMATION FOR PURPOSES OF TARGETED ADVERTISING TO YOUTH

1 MEMBERS; OR

2 (III) USE YOUTH MEMBER PERSONALLY IDENTIFIABLE
3 INFORMATION TO CREATE A PERSONAL PROFILE OF A YOUTH MEMBER
4 OTHER THAN FOR SUPPORTING THE PURPOSES AUTHORIZED BY THE
5 NEIGHBORHOOD YOUTH ORGANIZATION.

6 (c) A NEIGHBORHOOD YOUTH ORGANIZATION MAY USE OR
7 DISCLOSE THE YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION
8 TO:

9 (I) ENSURE LEGAL OR REGULATORY COMPLIANCE OR TO TAKE
10 PRECAUTIONS AGAINST LIABILITY;

11 (II) RESPOND TO OR PARTICIPATE IN THE JUDICIAL PROCESS;

12 (III) PROTECT THE SAFETY OF OTHER YOUTH MEMBERS; OR

13 (IV) INVESTIGATE A MATTER RELATED TO PUBLIC SAFETY.

14 (d) THE PARENT OF A YOUTH MEMBER ENROLLED IN A
15 NEIGHBORHOOD YOUTH ORGANIZATION HAS THE RIGHT:

16 (I) TO INSPECT AND REVIEW THE YOUTH MEMBER PERSONALLY
17 IDENTIFIABLE INFORMATION OF THE PARENT'S CHILD;

18 (II) TO REQUEST FROM THE NEIGHBORHOOD YOUTH
19 ORGANIZATIONS A PAPER OR ELECTRONIC COPY OF THE YOUTH MEMBER
20 PERSONALLY IDENTIFIABLE INFORMATION OF THE PARENT'S CHILD; AND

21 (III) TO REQUEST CORRECTIONS TO FACTUALLY INACCURATE
22 YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED
23 BY THE NEIGHBORHOOD YOUTH ORGANIZATION. AFTER RECEIVING A
24 REQUEST FOR CORRECTION THAT DOCUMENTS THE FACTUAL INACCURACY,
25 THE NEIGHBORHOOD YOUTH ORGANIZATION THAT MAINTAINS THE YOUTH
26 MEMBER PERSONALLY IDENTIFIABLE INFORMATION SHALL CORRECT THE
27 FACTUAL INACCURACY AND CONFIRM THE CORRECTION TO THE PARENT

1 WITHIN A REASONABLE AMOUNT OF TIME.

2 (6) The governing board of each licensed neighborhood youth
3 organization shall adopt minimum standards for operating the licensed
4 neighborhood youth organization, including but not limited to ~~standards~~
5 ~~concerning staff, staff training, health and safety, and mechanisms for~~
6 ~~assessing and enforcing the licensed neighborhood youth organization's~~
7 ~~compliance with the standards adopted~~ STANDARDS REGARDING
8 OPERATIONS; HEALTH AND SAFETY; FINANCIAL RESPONSIBILITIES; AND
9 PERSONNEL. THE PERSONNEL STANDARDS MUST ADDRESS EMPLOYEE AND
10 VOLUNTEER SCREENING PRACTICES, TRAINING PRACTICES, INSURANCE
11 COVERAGE, AND REGULAR ASSESSMENT PRACTICES FOR THE HEALTH AND
12 SAFETY OF YOUTH, FACILITIES, AND CHILD ABUSE PREVENTION, WHICH
13 MAY INCLUDE MANDATED REPORTING REQUIREMENTS, AUDITS, AND FEES.

14 (9) As used in this section, unless the context otherwise requires:

15 (c) "YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION"
16 MEANS INFORMATION THAT, ALONE OR IN COMBINATION, PERSONALLY
17 IDENTIFIES AN INDIVIDUAL YOUTH MEMBER OR THE YOUTH MEMBER'S
18 PARENT OR FAMILY, AND THAT IS COLLECTED, MAINTAINED, GENERATED,
19 OR INFERRED BY A NEIGHBORHOOD YOUTH ORGANIZATION. AT A
20 MINIMUM, "YOUTH MEMBER PERSONALLY IDENTIFIABLE INFORMATION"
21 INCLUDES THE INFORMATION COLLECTED PURSUANT TO SUBSECTION (3)(e)
22 OF THIS SECTION.

23 **SECTION 3. Safety clause.** The general assembly hereby finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety.