

CHAPTER 22

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 22-064

BY SENATOR(S) Zenzinger and Rankin, Bridges, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Simpson, Story, Winter, Fenberg;
 also REPRESENTATIVE(S) McKean and Kipp, Bird, Boesenecker, Cutter, Duran, Exum, Gray, Herod, Hooton, Jodeh, Lindsay, Lontine, McCluskie, McCormick, Mullica, Ricks, Sullivan, Titone, Valdez A., Valdez D., Van Beber, Young.

AN ACT

CONCERNING REQUIREMENTS FOR NEIGHBORHOOD YOUTH ORGANIZATIONS THAT PROVIDE SERVICES DESIGNED FOR THE DEVELOPMENT OF YOUTH.

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

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

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

(26) (a) ~~"Neighborhood youth organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age. These activities shall occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall occur in an environment in which youth have written parental or legal guardian consent to become a youth member of the neighborhood youth organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.~~ PROVIDES PROGRAMS AND SERVICES, AS DESCRIBED IN SECTION 26-6-103.7, TO CHILDREN, YOUTH, AND FAMILIES THROUGH COMPREHENSIVE WRAPAROUND SUPPORTS TO ENSURE POSITIVE GROWTH AND DEVELOPMENT DURING CHILDHOOD AND ADOLESCENCE, AND IS DESIGNED TO SERVE YOUTH AS YOUNG AS FIVE YEARS OF AGE WHO ARE ENROLLED IN KINDERGARTEN AND AS OLD AS EIGHTEEN YEARS OF AGE.

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.

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

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

SECTION 2. In Colorado Revised Statutes, 26-6-103.7, **amend** (3)(b), (3)(f), and (6); and **add** (2.5), (3)(h), (3)(i), (3.4), and (3.5) as follows:

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

(3) A neighborhood youth organization licensed pursuant to this section and operating in the state of Colorado shall have the following duties and responsibilities:

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

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

(h) 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; AND

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

(3.4) TO PROTECT THE SAFETY OF YOUTH MEMBERS, A NEIGHBORHOOD YOUTH ORGANIZATION MAY CREATE AN ELECTRONIC OR WRITTEN PROCESS TO RECORD THE DAILY ARRIVAL AND DEPARTURE TIMES OF YOUTH MEMBERS IN ORDER TO:

(a) TRACK ATTENDANCE;

(b) ASSESS THE IMPACT OF PROGRAMS AND SERVICES ON YOUTH MEMBERS; AND

(c) ENSURE THE NEIGHBORHOOD YOUTH ORGANIZATION OPERATES IN THE BEST INTEREST AND SAFETY OF YOUTH MEMBERS.

(3.5) (a) TO PROTECT THE SAFETY OF YOUTH MEMBERS, EACH NEIGHBORHOOD YOUTH ORGANIZATION SHALL MAINTAIN A COMPLETE SET OF RECORDS FOR YOUTH MEMBERS AND PERSONNEL. EACH NEIGHBORHOOD YOUTH ORGANIZATION SHALL MAINTAIN THE CONFIDENTIALITY OF THE FOLLOWING RECORDS, AND SUCH RECORDS ARE NOT SUBJECT TO REVIEW BY THE PUBLIC:

(I) INFORMATION IDENTIFYING A YOUTH MEMBER OR A YOUTH MEMBER'S FAMILY;

(II) SCHOLASTIC, HEALTH, AND SOCIAL OR PSYCHOLOGICAL RECORDS, WHICH ARE AVAILABLE ONLY TO THE YOUTH MEMBER TO WHOM THE RECORDS PERTAIN OR THE YOUTH MEMBER'S PARENT OR LEGAL GUARDIAN;

(III) PERSONAL REFERENCES FOR PERSONNEL AS REQUESTED BY THE STATE DEPARTMENT; AND

(IV) REPORTS AND RECORDS RECEIVED FROM OTHER AGENCIES, INCLUDING POLICE AND CHILD PROTECTION INVESTIGATION REPORTS.

(b) IF A CENTRAL ADMINISTRATIVE FACILITY RETAINS RECORDS IN A CENTRAL FILE FOR MORE THAN ONE NEIGHBORHOOD YOUTH ORGANIZATION, DUPLICATE COPIES OF THE INFORMATION DESCRIBED IN SUBSECTIONS (3)(e) AND (3.5)(a) OF THIS SECTION FOR YOUTH MEMBERS AND PERSONNEL MUST ALSO BE MAINTAINED AT THE NEIGHBORHOOD YOUTH ORGANIZATION LOCATION THAT THE YOUTH MEMBER ATTENDS AND TO WHICH THE STAFF MEMBER IS ASSIGNED.

(c) EACH NEIGHBORHOOD YOUTH ORGANIZATION OR CENTRAL ADMINISTRATIVE FACILITY SHALL MAINTAIN ALL REQUIRED RECORDS FOR AT LEAST THREE YEARS, INCLUDING CONFIDENTIAL RECORDS.

(d) NOTWITHSTANDING SUBSECTION (3.5)(a) OF THIS SECTION TO THE CONTRARY, EACH NEIGHBORHOOD YOUTH ORGANIZATION OR CENTRAL ADMINISTRATIVE FACILITY SHALL MAKE THE RECORDS OF PERSONNEL OR YOUTH MEMBERS AVAILABLE UPON REQUEST TO AUTHORIZED PERSONNEL OF THE STATE DEPARTMENT PURSUANT TO SECTION 19-1-307 (2)(j.7).

(e) NEIGHBORHOOD YOUTH ORGANIZATIONS SHALL COOPERATE WITH ALL STATE AND LOCAL INVESTIGATIONS REGARDING INCIDENTS, INCLUDING BUT NOT LIMITED TO LICENSING VIOLATIONS, CHILD ABUSE, AND INCIDENTS AFFECTING THE HEALTH, SAFETY, AND WELFARE OF YOUTH MEMBERS.

(f) RECORDS CONCERNING THE LICENSING OF NEIGHBORHOOD YOUTH ORGANIZATION FACILITIES AND AGENCIES ARE OPEN TO THE PUBLIC. A PERSON WHO WISHES TO REVIEW A RECORD MUST SUBMIT A WRITTEN REQUEST TO THE STATE DEPARTMENT.

(6) The governing board of each licensed neighborhood youth organization shall

adopt minimum standards for operating the licensed neighborhood youth organization, including but not limited to ~~standards concerning staff, staff training, health and safety, and mechanisms for assessing and enforcing the licensed neighborhood youth organization's compliance with the standards adopted~~ STANDARDS REGARDING OPERATIONS; HEALTH AND SAFETY; FINANCIAL RESPONSIBILITIES; AND PERSONNEL. THE PERSONNEL STANDARDS MUST ADDRESS EMPLOYEE AND VOLUNTEER SCREENING PRACTICES, TRAINING PRACTICES, INSURANCE COVERAGE, AND REGULAR ASSESSMENT PRACTICES FOR THE HEALTH AND SAFETY OF YOUTH, FACILITIES, AND CHILD ABUSE PREVENTION, WHICH MAY INCLUDE MANDATED REPORTING REQUIREMENTS, AUDITS, AND FEES.

SECTION 3. 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 17, 2022