

CHAPTER 234

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 24-1331

BY REPRESENTATIVE(S) Taggart and Bacon, Amabile, Bird, Boesenecker, Clifford, deGruy Kennedy, Duran, Hamrick, Hernandez, Herod, Lieder, Lindsay, Lukens, Mabrey, Martinez, Marvin, McLachlan, Ortiz, Ricks, Rutinel, Story, Velasco, Vigil, Willford, Young, McCluskie;
 also SENATOR(S) Kirkmeyer and Bridges, Baisley, Buckner, Cutter, Exum, Fields, Gardner, Gonzales, Hinrichsen, Lundeen, Michaelson Jenet, Mullica, Priola, Rich, Roberts, Simpson, Will, Winter F., Zenzinger, Fenberg.

AN ACT

CONCERNING THE CREATION OF A GRANT PROGRAM FOR ELIGIBLE NONPROFIT ORGANIZATIONS TO PROVIDE OUT-OF-SCHOOL TIME PROGRAMS TO STUDENTS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** article 105.5 to title 22 as follows:

ARTICLE 105.5
Out-of-School Time Program Grant Program

22-105.5-101. Short title. THE SHORT TITLE OF THIS ARTICLE 105.5 IS THE "OUT-OF-SCHOOL TIME PROGRAM GRANT PROGRAM ACT".

22-105.5-102. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT HIGH-QUALITY OUT-OF-SCHOOL TIME PROGRAMS PROVIDE ACADEMIC ENRICHMENT IN READING, LANGUAGE ARTS, MATHEMATICS, AND SCIENCE, AND PROVIDE PROGRAMS AND SERVICES THAT ARE DESIGNED TO REINFORCE AND COMPLEMENT SCHOOL-BASED ACADEMIC PROGRAMS IN A SAFE AND HEALTHY ENVIRONMENT FOR STUDENTS.

(2) THEREFORE, THE GENERAL ASSEMBLY DECLARES IT NECESSARY TO SUPPORT HIGH-QUALITY OUT-OF-SCHOOL TIME PROGRAMS AS AN INVESTMENT IN THE ACADEMIC ENRICHMENT AND WELL-BEING OF THE CHILDREN OF OUR STATE.

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.

22-105.5-103. Definitions. AS USED IN THIS ARTICLE 105.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ACADEMIC ENRICHMENT" MEANS SUPPLEMENTARY PROGRAMMING AND SERVICES DESIGNED TO IMPROVE OR ENHANCE A STUDENT'S ACADEMIC SUCCESS IN READING, LANGUAGE ARTS, MATHEMATICS, AND SCIENCE.

(2) "AFFORDABLE" MEANS AVAILABLE TO STUDENTS AT A RATE DETERMINED BY A SCALE BASED ON THE STUDENT'S HOUSEHOLD INCOME. THE SCALE MAY RANGE FROM NO COST TO NO MORE THAN ONE HUNDRED DOLLARS PER FISCAL YEAR PER STUDENT.

(3) "COMPREHENSIVE" MEANS AVAILABLE TO STUDENTS, AT A MINIMUM:

(a) FOUR DAYS PER CALENDAR WEEK DURING THE SCHOOL YEAR, TOTALING NO LESS THAN TEN HOURS DURING THE CALENDAR WEEK, EXCEPT DURING A WINTER SEASONAL BREAK; AND

(b) NO LESS THAN AN AVERAGE OF TWENTY-FIVE HOURS PER CALENDAR WEEK DURING THE SUMMER SEASONAL BREAK.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115.

(5) "ELIGIBLE ENTITY" MEANS AN ENTITY THAT MEETS THE ELIGIBILITY CRITERIA SET FORTH IN SECTION 22-105.5-105.

(6) "GRANT PROGRAM" MEANS THE OUT-OF-SCHOOL TIME PROGRAM GRANT PROGRAM CREATED PURSUANT TO SECTION 22-105.5-104.

(7) "OUT-OF-SCHOOL TIME PROGRAM" MEANS A PROGRAM THAT:

(a) IS AVAILABLE TO STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL IN KINDERGARTEN THROUGH TWELFTH GRADE; AND

(b) PROVIDES AFFORDABLE AND COMPREHENSIVE ACADEMIC ENRICHMENT AND RELATED SERVICES DURING TIMES WHEN SCHOOL IS NOT IN SESSION, INCLUDING BEFORE SCHOOL, AFTER SCHOOL, SEASONAL BREAKS, STAFF IN-SERVICE DAYS, STAFF CONFERENCE DAYS, OR THE FIFTH DAY OF THE WEEK IF THE PROGRAM SERVES STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL THAT OPERATES ON A FOUR-DAY WEEK.

(8) "STATE BOARD OF EDUCATION" OR "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE STATE CONSTITUTION.

22-105.5-104. Out-of-school time program grant program - created - use of grants - funding - rules - repeal. (1) THERE IS CREATED IN THE DEPARTMENT THE OUT-OF-SCHOOL TIME PROGRAM GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE ENTITIES THAT PROVIDE OUT-OF-SCHOOL TIME PROGRAMS THAT ARE AFFORDABLE AND COMPREHENSIVE TO STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL.

(2) A GRANT RECIPIENT SHALL USE MONEY RECEIVED THROUGH THE GRANT PROGRAM TO IMPLEMENT THE FOLLOWING, WHICH MUST BE EVIDENCE-INFORMED AND HIGH-QUALITY:

(a) ACADEMIC ENRICHMENT;

(b) OPPORTUNITIES FOR DEVELOPMENT IN LITERACY, SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, AND OTHER SUBJECT MATTERS FOR STUDENTS AND FAMILIES;

(c) A SAFE LEARNING ENVIRONMENT AND RESOURCES TO INCREASE STUDENT ENGAGEMENT IN SCHOOL AND REDUCE CHRONIC ABSENTEEISM;

(d) PROGRAMS AND SERVICES THAT PROVIDE A WELL-ROUNDED EDUCATION AND ARE DESIGNED TO REINFORCE AND COMPLEMENT SCHOOL-BASED ACADEMIC PROGRAMS, INCLUDING YOUTH DEVELOPMENT ACTIVITIES, ART, MUSIC, OUTDOOR PROGRAMS, RECREATIONAL PROGRAMS, TECHNOLOGY EDUCATION PROGRAMS, PHYSICAL HEALTH ACTIVITIES, AND SOCIAL AND EMOTIONAL WELLNESS SERVICES; AND

(e) OPPORTUNITIES TO DEVELOP MEANINGFUL WORKFORCE READINESS AND LIFE SKILLS.

(3) (a) THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL AWARD GRANTS AS PROVIDED IN SECTION 22-105.5-105.

(c) (I) FOR THE 2024-25, 2025-26, AND 2026-27 STATE FISCAL YEARS, THE GENERAL ASSEMBLY SHALL APPROPRIATE THREE MILLION FIVE HUNDRED THOUSAND DOLLARS IN EACH STATE FISCAL YEAR FROM THE GENERAL FUND TO THE DEPARTMENT FOR PURPOSES OF THIS SECTION.

(II) THIS SUBSECTION (3)(c) IS REPEALED, EFFECTIVE JULY 1, 2029.

(4) THE DEPARTMENT SHALL IMPLEMENT THE GRANT PROGRAM IN ACCORDANCE WITH THIS ARTICLE 105.5. THE STATE BOARD MAY PROMULGATE RULES AS MAY BE NECESSARY TO IMPLEMENT THE GRANT PROGRAM, WHICH MAY INCLUDE RULES THAT SPECIFY THE TIME FRAMES FOR APPLYING FOR GRANTS AND THE FORM OF THE APPLICATION, THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, AND THE AMOUNT OF THE GRANT BASED ON THE NUMBER OF STUDENTS SERVED AND AVAILABLE MONEY, INCLUDING CIRCUMSTANCES WHEN A RECIPIENT RECEIVES ADDITIONAL MONEY.

22-105.5-105. Grant program eligibility - application - criteria - awards.

(1) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY:

(a) MUST BE A NONPROFIT ORGANIZATION THAT IS EXEMPT FROM TAXATION PURSUANT TO SECTION 501 (c)(3) OF THE FEDERAL "INTERNAL REVENUE CODE OF 1986", AS AMENDED, WITH AT LEAST FIVE YEARS' EXPERIENCE PROVIDING

AFFORDABLE AND COMPREHENSIVE ACADEMIC ENRICHMENT AND RELATED SERVICES TO STUDENTS IN THE STATE; AND

(b) MAY, BUT IS NOT REQUIRED TO, HAVE A PARTNERSHIP WITH A SCHOOL DISTRICT IN WHICH THE ENTITY WILL PROVIDE AFFORDABLE AND COMPREHENSIVE ACADEMIC ENRICHMENT AND RELATED SERVICES TO STUDENTS.

(2) TO RECEIVE A GRANT, AN ELIGIBLE ENTITY MUST SUBMIT AN APPLICATION TO THE DEPARTMENT. AT A MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

(a) EVIDENCE THAT THE ENTITY MEETS THE ELIGIBILITY REQUIREMENTS DESCRIBED IN SUBSECTION (1) OF THIS SECTION;

(b) EVIDENCE OF THE ENTITY'S EXPERIENCE AND ABILITY TO PROVIDE AFFORDABLE AND COMPREHENSIVE ACADEMIC ENRICHMENT AND RELATED SERVICES;

(c) INFORMATION CONCERNING HOW THE ENTITY WILL PROVIDE ACADEMIC ENRICHMENT AND RELATED SERVICES, INCLUDING A SPECIFIC PLAN TO PROVIDE ADDITIONAL PROGRAMMING AND SERVICES IN SCIENCE OR SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS, TO STUDENTS ACCORDING TO STUDENTS' DEMONSTRATED NEEDS IN ORDER TO IMPROVE ACADEMIC SUCCESS AND OUTCOMES; AND

(d) INFORMATION CONCERNING THE STUDENTS THAT THE ELIGIBLE ENTITY CURRENTLY SERVES, OR WILL BE ABLE TO SERVE, AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

(3)(a) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS RECEIVED PURSUANT TO THIS SECTION TO DETERMINE ELIGIBILITY FOR THE GRANT PROGRAM, AND, SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL AWARD GRANTS TO ELIGIBLE ENTITIES.

(b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL PRIORITIZE AWARDING GRANTS TO ELIGIBLE ENTITIES THAT:

(I) DEMONSTRATE THAT THE ENTITY CURRENTLY SERVES, OR WILL BE ABLE TO SERVE WITH THE GRANT AWARD, STUDENTS WHO ARE STRUGGLING IN SCHOOL AND IN NEED OF ACADEMIC ENRICHMENT;

(II) DEMONSTRATE EXPERIENCE IN PROVIDING ACADEMIC ENRICHMENT TO STUDENTS;

(III) CURRENTLY SERVE, OR WILL BE ABLE TO SERVE WITH THE GRANT AWARD, STUDENTS WHO QUALIFY FOR FREE OR REDUCED-PRICE MEALS PURSUANT TO THE FEDERAL "RICHARD B. RUSSELL NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(IV) CURRENTLY SERVE, OR WILL BE ABLE TO SERVE WITH THE GRANT AWARD, STUDENTS WHO ARE ENGLISH LANGUAGE LEARNERS;

(V) HAVE A PRIMARY MISSION TO PROVIDE AN OUT-OF-SCHOOL TIME PROGRAM TO STUDENTS; AND

(VI) CURRENTLY SERVE, OR WILL BE ABLE TO SERVE WITH THE GRANT AWARD, STUDENTS AT NO COST IF THE STUDENT'S FAMILY IS UNABLE TO AFFORD THE PROGRAM BASED ON THE STUDENT'S HOUSEHOLD INCOME.

(c) THE STATE BOARD SHALL AWARD GRANTS TO ELIGIBLE ENTITIES FOR A PERIOD DETERMINED BY THE STATE BOARD. THE STATE BOARD SHALL DETERMINE THE AMOUNT OF THE GRANTS BASED ON THE NUMBER OF STUDENTS SERVED IN THE OUT-OF-SCHOOL TIME PROGRAM.

22-105.5-106. Reporting requirements. (1) ON OR BEFORE JULY 1, 2025, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER IN WHICH A GRANT IS AWARDED, EACH GRANTEE SHALL SUBMIT A REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE FOLLOWING INFORMATION:

(a) THE UNIQUE STUDENT IDENTIFIER THAT IS ASSIGNED PURSUANT TO SECTION 22-16-105 (1) OR THE NAME, DATE OF BIRTH, AND ENROLLED SCHOOL FOR EACH STUDENT WHO PARTICIPATES OR PARTICIPATED IN THE OUT-OF-SCHOOL TIME PROGRAM DURING THE PRECEDING YEAR;

(b) THE TOTAL NUMBER OF HOURS FOR EACH STUDENT WHO PARTICIPATES OR PARTICIPATED IN THE OUT-OF-SCHOOL TIME PROGRAM DURING THE PRECEDING YEAR;

(c) A DETAILED DESCRIPTION OF HOW AND WHEN THE GRANT RECIPIENT USED THE GRANT AWARD, INCLUDING BEFORE SCHOOL, AFTER SCHOOL, SEASONAL BREAKS, STAFF IN-SERVICE DAYS, STAFF CONFERENCE DAYS, OR THE FIFTH DAY OF THE WEEK IF THE PROGRAM SERVES STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL THAT OPERATES ON A FOUR-DAY WEEK;

(d) MEASURES OF PERFORMANCE, INCLUDING STUDENT ATTENDANCE; EARNED ON-TIME GRADE LEVEL PROMOTION; EVIDENCE OF INCREASED FAMILY ENGAGEMENT IN THE STUDENT'S EDUCATION; EVIDENCE OF INCREASED ENGAGEMENT IN SCHOOL, INCLUDING ASSIGNMENT COMPLETION; AND IMPROVED SOCIAL AND EMOTIONAL SKILLS; AND

(e) EVIDENCE OF STUDENT ACADEMIC ACHIEVEMENT, IN READING, LANGUAGE ARTS, MATHEMATICS, AND SCIENCE.

(2) AN ELIGIBLE ENTITY THAT RECEIVES A GRANT FROM THE GRANT PROGRAM MAY ENTER INTO A DATA-SHARING AGREEMENT WITH THE DEPARTMENT, SCHOOL DISTRICT, OR A SCHOOL TO COLLECT DATA RELEVANT FOR THE REPORTING REQUIREMENTS PURSUANT TO THIS SECTION.

(3) THE DEPARTMENT SHALL NOT CONTINUE TO PROVIDE GRANT FUNDING TO THE GRANT RECIPIENT UNLESS THE GRANT RECIPIENT COMPLIES WITH THE REPORTING REQUIREMENTS PURSUANT TO THIS SECTION.

(4) THE DEPARTMENT SHALL CONDUCT A THOROUGH EVALUATION OF THE GRANT PROGRAM, INCLUDING, AT A MINIMUM, ACADEMIC OUTCOMES, ATTENDANCE

OUTCOMES, AND OTHER OUTCOME DATA PROVIDED BY GRANTEE PURSUANT TO THIS SECTION. IN CONDUCTING THE EVALUATION, THE DEPARTMENT SHALL USE STUDENT-LEVEL DATA ON THE ACADEMIC PERFORMANCE INDICATORS, INCLUDING, AT A MINIMUM, STATE ASSESSMENT PERFORMANCE SCORES, ATTENDANCE DATA, AND OTHER DATA AS NECESSARY.

(5) ON OR BEFORE MARCH 31, 2026, AND ON OR BEFORE MARCH 31 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM, THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF INFORMATION PROVIDED BY THE ELIGIBLE ENTITIES THAT RECEIVED A GRANT TO THE EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

(6) THE ELIGIBLE ENTITY AND THE DEPARTMENT, SCHOOL DISTRICT, OR SCHOOL THAT SHARES DATA PURSUANT TO SUBSECTION (2) OF THIS SECTION, AND THE DEPARTMENT IN PRODUCING THE REPORT PURSUANT TO SUBSECTION (5) OF THIS SECTION, SHALL COMPLY WITH ALL FEDERAL AND STATE LAWS REGARDING THE PROTECTION OF STUDENT DATA, INCLUDING THE FEDERAL "FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT OF 1974", 20 U.S.C. 1232g, AS AMENDED, AND THE "STUDENT DATA TRANSPARENCY AND SECURITY ACT", ARTICLE 16 OF THIS TITLE 22.

(7) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE INDEFINITELY.

SECTION 2. Appropriation. (1) For the 2024-25 state fiscal year, \$3,500,000 is appropriated to the department of education. This appropriation is from the general fund. To implement this act, the department may use this appropriation as follows:

(a) \$57,031 for use by management and administration for grants administration, which amount is based on an assumption that the division will require an additional 0.6 FTE;

(b) \$26,520 for use by management and administration for information technology services; and

(c) \$3,416,449 for use by student pathways for the out-of-school time grant program, which amount is based on an assumption that the division will require an additional 1.3 FTE.

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

Approved: May 23, 2024