

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

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 21-0588.01 Brita Darling x2241

**HOUSE BILL 21-1006**

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**HOUSE SPONSORSHIP**

**Esgar and Will,**

**SENATE SPONSORSHIP**

**Garcia and Hisey,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101 **CONCERNING FIFTH-DAY SCHOOL WEEK SUPPLEMENTAL ENRICHMENT**  
102 **PROGRAMS.**

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**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>.)*

The bill creates the fifth-day academic enrichment and support grant program (program) to award grants on a 3-year cycle to one or more eligible community-based nonprofit organizations (organizations) to provide supplemental educational programs to full-day kindergarten through high school-aged children on the fifth day of the week for children in schools that have a 4-day school week.

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.



1 (b) ONE HUNDRED ELEVEN OF COLORADO'S ONE HUNDRED  
2 SEVENTY-EIGHT SCHOOL DISTRICTS ARE ON A FOUR-DAY SCHOOL WEEK,  
3 REPRESENTING MORE THAN EIGHTY THOUSAND CHILDREN;

4 (c) MANY SCHOOL DISTRICTS MADE THE DECISION TO MOVE TO A  
5 FOUR-DAY SCHOOL WEEK TO ADDRESS BUDGET CONCERNS AND RECOGNIZE  
6 THE NEED FOR ADDITIONAL STATE SUPPORT AND INVESTMENT IN  
7 KINDERGARTEN-THROUGH-TWELFTH-GRADE FUNDING IN ORDER TO MOVE  
8 TOWARD A RETURN TO A FIVE-DAY SCHOOL WEEK;

9 (d) HOWEVER, THERE IS LITTLE RESEARCH ON THE BENEFITS OR  
10 COSTS OF A FOUR-DAY SCHOOL WEEK TO CHILDREN AND LEARNING;

11 (e) FREQUENTLY, WITHOUT SUPPLEMENTAL ENRICHMENT  
12 PROGRAMMING AND WHILE AT HOME WITHOUT PARENTS OFTEN FOR MORE  
13 THAN TEN HOURS AT A TIME, MANY CHILDREN ARE TASKED WITH TAKING  
14 CARE OF SIBLINGS AND MANY GO WITHOUT WELL-BALANCED MEALS OR  
15 SNACKS DURING THAT TIME; ■

16 (f) FURTHER, LOW-INCOME PARENTS AND PARENTS WHO DO NOT  
17 HAVE A FLEXIBLE WORK SCHEDULE OR TIME OFF FROM WORK SPEND TIME  
18 IN THE WORKDAY WORRYING ABOUT CHILDREN AT HOME, WITH LITTLE  
19 ABILITY TO PROVIDE OR PAY FOR SUPERVISION WHEN CHILDREN ARE NOT  
20 IN SCHOOL DURING THE WORKWEEK; AND

21 (g) WHILE SCHOOL DISTRICTS ARE OPERATING ON A FOUR-DAY  
22 SCHOOL WEEK, SUPPLEMENTAL ENRICHMENT PROGRAMMING AND RELATED  
23 ENRICHMENT ACTIVITIES CAN HELP PROVIDE STUDENTS WITH THE  
24 SUPPORTS THEY NEED.

25 (2) THEREFORE, THE GENERAL ASSEMBLY DECLARES THAT  
26 SUPPORTING COMMUNITY-BASED NONPROFIT ORGANIZATIONS IN  
27 PROVIDING SUPPLEMENTAL ENRICHMENT PROGRAMMING THROUGH

1 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS IN THE  
2 COMMUNITY WILL HELP ENSURE THAT DECLINES IN LEARNING ARE  
3 MINIMIZED AND THAT CHILDREN ARE IN A SAFE, SUPPORTIVE, AND  
4 ACADEMICALLY ENRICHING ENVIRONMENT WHEN NOT AT SCHOOL ON THE  
5 FIFTH DAY OF A FOUR-DAY SCHOOL WEEK.

6 **22-104-103. Definitions.** AS USED IN THIS ARTICLE 104, UNLESS  
7 THE CONTEXT OTHERWISE REQUIRES:

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

10 (2) "ELIGIBLE COMMUNITY-BASED ORGANIZATION" MEANS A  
11 COMMUNITY-BASED NONPROFIT ORGANIZATION THAT MEETS THE  
12 ELIGIBILITY CRITERIA SET FORTH IN SECTION 22-104-105.

13 (3) "FUND" MEANS THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
14 SUPPORT GRANT PROGRAM FUND CREATED IN SECTION 22-104-107.

15 (4) "GRANT PROGRAM" MEANS THE FIFTH-DAY ACADEMIC  
16 ENRICHMENT AND SUPPORT GRANT PROGRAM CREATED IN THIS ARTICLE  
17 104.

18 (5) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT, OTHER THAN  
19 A LOCAL COLLEGE DISTRICT, ORGANIZED AND EXISTING PURSUANT TO  
20 LAW.

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

24 **22-104-104. Fifth-day academic enrichment and support grant**  
25 **program - created - use of grants - rules.** (1) THERE IS CREATED IN THE  
26 DEPARTMENT THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
27 GRANT PROGRAM TO PROVIDE GRANTS TO ELIGIBLE COMMUNITY-BASED

1 NONPROFIT ORGANIZATIONS TO PROVIDE SUPPLEMENTAL ENRICHMENT  
2 PROGRAMMING AND RELATED ENRICHMENT ACTIVITIES AND SERVICES TO  
3 CHILDREN IN PRESCHOOL THROUGH HIGH SCHOOL WHO ARE UP TO  
4 EIGHTEEN YEARS OF AGE AND WHO ATTEND A PUBLIC SCHOOL THAT  
5 OPERATES ON A FOUR-DAY WEEK.

6 (2) GRANT RECIPIENTS SHALL USE THE MONEY RECEIVED THROUGH  
7 THE GRANT PROGRAM FOR ONE OR MORE OF THE FOLLOWING PURPOSES:

8 (a) TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING TO  
9 SUPPORT STUDENTS' ACADEMIC AND SOCIAL AND EMOTIONAL  
10 DEVELOPMENT ON THE FIFTH DAY OF A FOUR-DAY SCHOOL WEEK WHEN  
11 STUDENTS ARE NOT IN SCHOOL;

12 (b) TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING TO  
13 SUPPORT STUDENTS' ACADEMIC AND SOCIAL AND EMOTIONAL  
14 DEVELOPMENT IN AFTER-SCHOOL PROGRAMMING, SO LONG AS THE  
15 COMMUNITY-BASED ORGANIZATION PROVIDING THE AFTER-SCHOOL  
16 PROGRAMMING ALSO PROVIDES PROGRAMMING ON THE FIFTH DAY OF A  
17 FOUR-DAY SCHOOL WEEK.

18 (c) TO PROVIDE MEALS FOR STUDENTS ATTENDING THE  
19 SUPPLEMENTAL ENRICHMENT PROGRAMMING AND THE COSTS ASSOCIATED  
20 WITH PROVIDING TRANSPORTATION TO AND FROM PROGRAMMING;

21 (d) TO ACQUIRE EDUCATIONAL MATERIALS AND NECESSARY  
22 TECHNOLOGY TO PROVIDE SUPPLEMENTAL ENRICHMENT PROGRAMMING;

23 (e) TO BUILD RELATIONSHIPS WITH AND PARTNER WITH SCHOOL  
24 DISTRICTS AND CONDUCT OUTREACH TO STUDENTS AND FAMILIES;

25 (f) FOR STAFF AND ADMINISTRATIVE SUPPORT TO IMPLEMENT  
26 SUPPLEMENTAL ENRICHMENT PROGRAMMING;

27 (g) TO MAKE NEEDED ACCOMMODATIONS FOR STUDENTS WITH

1     DISABILITIES; OR

2             (h) FOR OTHER APPROPRIATE USES RELATED TO A FIFTH-DAY  
3 PROGRAM AS DETERMINED BY THE STATE BOARD.

4             (3) THE DEPARTMENT SHALL IMPLEMENT AND ADMINISTER THE  
5 GRANT PROGRAM; EXCEPT THAT THE DEPARTMENT SHALL NOT IMPLEMENT  
6 OR ADMINISTER THE GRANT PROGRAM UNLESS THE GENERAL ASSEMBLY  
7 APPROPRIATES SUFFICIENT MONEY TO THE FUND FOR SUCH PURPOSES.  
8 SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD SHALL  
9 AWARD GRANTS ON A THREE-YEAR GRANT CYCLE AS PROVIDED IN SECTION  
10 22-104-105. GRANTS ARE PAID OUT OF THE FIFTH-DAY ACADEMIC  
11 ENRICHMENT AND SUPPORT GRANT PROGRAM FUND CREATED IN SECTION  
12 22-104-107.

13             (4) PURSUANT TO ARTICLE 4 OF TITLE 24, THE STATE BOARD  
14 SHALL PROMULGATE SUCH RULES AS ARE REQUIRED IN THIS ARTICLE 104  
15 AND SUCH ADDITIONAL RULES AS MAY BE NECESSARY TO IMPLEMENT THE  
16 GRANT PROGRAM. AT A MINIMUM, THE RULES MUST SPECIFY THE TIME  
17 FRAMES FOR APPLYING FOR GRANTS AND THE FORM OF THE APPLICATION,  
18 THE TIME FRAMES FOR DISTRIBUTING GRANT MONEY, THE AMOUNT OF THE  
19 GRANT BASED ON THE NUMBER OF CHILDREN SERVED AND AVAILABLE  
20 MONEY IN THE FUND, AND THE PROCESS FOR THE AUTOMATIC RENEWAL OF  
21 THE GRANT PURSUANT TO SECTION 22-104-105.

22             **22-104-105. Grant program eligibility - application - criteria**  
23 **- awards.** (1) TO BE ELIGIBLE TO RECEIVE A GRANT, A  
24 COMMUNITY-BASED ORGANIZATION MUST:

25             (a) BE A NONPROFIT ORGANIZATION WITH EXPERIENCE IN  
26 PROVIDING BEFORE- AND AFTER-SCHOOL PROGRAMS FOR CHILDREN OR  
27 OTHER SUPPLEMENTAL ENRICHMENT PROGRAMMING TO SCHOOL-AGED

1 CHILDREN;

2 (b) HAVE A RELATIONSHIP OR PARTNERSHIP WITH A LOCAL SCHOOL  
3 DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK IN WHICH THE  
4 NONPROFIT ORGANIZATION PROVIDES OR WILL PROVIDE SUPPLEMENTAL  
5 ENRICHMENT PROGRAMMING AND SUPPORTS FOR CHILDREN AND FAMILIES  
6 IN THE SCHOOL DISTRICT;

7 (c) SERVE CHILDREN IN PRESCHOOL THROUGH HIGH SCHOOL WHO  
8 ARE UNDER EIGHTEEN YEARS OF AGE AND WHO ATTEND A PUBLIC SCHOOL  
9 IN A SCHOOL DISTRICT THAT OPERATES ON A FOUR-DAY WEEK; AND

10 (d) SERVE A MAJORITY OF CHILDREN WHO QUALIFY FOR FREE OR  
11 REDUCED-PRICE MEALS UNDER THE FEDERAL "RICHARD B. RUSSELL  
12 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ., OR WHOSE  
13 FAMILIES ARE AT OR BELOW TWO HUNDRED PERCENT OF THE FEDERAL  
14 POVERTY LEVEL.

15 (2) TO RECEIVE A GRANT, AN ELIGIBLE COMMUNITY-BASED  
16 ORGANIZATION MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN  
17 ACCORDANCE WITH RULES PROMULGATED BY THE STATE BOARD. AT A  
18 MINIMUM, THE APPLICATION MUST INCLUDE THE FOLLOWING:

19 (a) EVIDENCE THAT THE COMMUNITY-BASED ORGANIZATION  
20 MEETS THE ELIGIBILITY REQUIREMENTS SET FORTH IN SUBSECTION (1) OF  
21 THIS SECTION; ■

22 (b) A DESCRIPTION OF THE ELIGIBLE COMMUNITY-BASED  
23 ORGANIZATION'S FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
24 PROGRAM AND THE ORGANIZATION'S PROPOSED USES OF THE GRANT  
25 MONEY THAT ARE CONSISTENT WITH SECTION 22-104-104; AND

26 (c) A DESCRIPTION OF HOW THE NEEDS OF STUDENTS WITH  
27 DISABILITIES WILL BE ADDRESSED AND ACCOMMODATED.

1           (3) (a) THE DEPARTMENT SHALL REVIEW THE APPLICATIONS  
2 RECEIVED PURSUANT TO THIS SECTION TO DETERMINE ELIGIBILITY UNDER  
3 THE GRANT PROGRAM. THE STATE BOARD SHALL AWARD GRANTS ON A  
4 THREE-YEAR GRANT CYCLE TO ELIGIBLE COMMUNITY-BASED  
5 ORGANIZATIONS IN THE ORDER QUALIFYING APPLICATIONS ARE RECEIVED.  
6 THE STATE BOARD SHALL DETERMINE THE AMOUNT OF THE GRANTS. THE  
7 AMOUNT OF THE INITIAL AND RENEWAL GRANTS IS BASED ON THE NUMBER  
8 OF CHILDREN SERVED IN THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
9 SUPPORT PROGRAM; EXCEPT THAT THE GRANT AWARD AMOUNT MAY BE  
10 CAPPED, INCREASED, OR DECREASED BASED ON THE NUMBER AND AGE OF  
11 CHILDREN SERVED IN THE PROGRAM, THE NUMBER OF GRANTEES IN THE  
12 PROGRAM, AVAILABLE APPROPRIATIONS, AND ANY OTHER RELEVANT  
13 CRITERIA AS DETERMINED BY THE STATE BOARD.

14           (b) THE STATE BOARD SHALL ENSURE THAT THE AMOUNT OF  
15 GRANTS AWARDED OVER THE THREE-YEAR GRANT CYCLE TO A GRANTEE  
16 AND THE AUTOMATIC RENEWAL PROCESS ARE DESIGNED TO ACHIEVE  
17 PREDICTABILITY FOR GRANTEES AND FOSTER SUSTAINABLE FIFTH-DAY  
18 ACADEMIC ENRICHMENT AND SUPPORT PROGRAMS.

19           (c) EACH GRANT HAS AN INITIAL TERM OF ONE YEAR WITH  
20 AUTOMATIC RENEWAL ANNUALLY FOR TWO ADDITIONAL YEARS, SUBJECT  
21 TO AVAILABLE APPROPRIATIONS, AND CONTINGENT ON THE FOLLOWING:

22           (I) THE GRANT RECIPIENT CONTINUING TO SERVE CHILDREN IN A  
23 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT PROGRAM;

24           (II) THE GRANT RECIPIENT CONTINUING TO MEET THE ELIGIBILITY  
25 REQUIREMENTS SET FORTH IN SUBSECTION (1) OF THIS SECTION;

26           (III) THE GRANT RECIPIENT USING GRANT MONEY FOR PURPOSES  
27 SPECIFIED IN SECTION 22-104-104;



1 (IV) SUCCESSFUL IMPLEMENTATION OF SUPPLEMENTAL  
2 ENRICHMENT PROGRAMMING AND DATA ASSOCIATED WITH IMPROVED  
3 ACADEMIC OUTCOMES FOR PARTICIPATING CHILDREN; AND

4 (V) ANY OTHER REASONABLE CRITERIA FOR RENEWAL OF THE  
5 GRANT, AS DETERMINED BY THE STATE BOARD.

6 **22-104-106. Reporting requirements.** (1) ON OR BEFORE  
7 FEBRUARY 15 IN EACH FISCAL YEAR IN WHICH A GRANT IS AWARDED OR  
8 RENEWED, EACH ELIGIBLE COMMUNITY-BASED ORGANIZATION THAT  
9 RECEIVES A GRANT THROUGH THE GRANT PROGRAM SHALL SUBMIT A  
10 REPORT TO THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE  
11 THE FOLLOWING INFORMATION:

12 (a) THE NUMBER OF CHILDREN SERVED IN THE FIFTH-DAY  
13 ACADEMIC ENRICHMENT AND SUPPORT PROGRAM DURING THE YEAR AND  
14 NONIDENTIFYING INFORMATION CONCERNING THE AGE AND ECONOMIC  
15 STATUS OF THE CHILDREN;

16 (b) A DESCRIPTION OF THE ELIGIBLE COMMUNITY-BASED  
17 ORGANIZATION'S RELATIONSHIP OR PARTNERSHIP WITH A LOCAL SCHOOL  
18 DISTRICT THAT OPERATES ON A FOUR-DAY SCHOOL WEEK AND THAT IS THE  
19 SCHOOL DISTRICT OF CHILDREN PARTICIPATING IN THE ACADEMIC  
20 ENRICHMENT AND SUPPORT PROGRAM;

21 (c) A DESCRIPTION OF THE FIFTH-DAY ACADEMIC ENRICHMENT AND  
22 SUPPORT PROGRAM AND THE SUPPLEMENTAL ENRICHMENT PROGRAMMING  
23 PROVIDED TO CHILDREN IN THE PROGRAM; AND

24 (d) THE USES OF THE GRANT MONEY DURING THE GRANT TERM.

25 (2) ON OR BEFORE APRIL 1 IN EACH FISCAL YEAR IN WHICH A  
26 GRANT IS AWARDED FOR THE DURATION OF THE GRANT PROGRAM, THE  
27 DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF INFORMATION

1 PROVIDED BY THE ELIGIBLE COMMUNITY-BASED ORGANIZATIONS THAT  
2 RECEIVED A GRANT TO THE EDUCATION COMMITTEES OF THE SENATE AND  
3 THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND  
4 TO THE JOINT BUDGET COMMITTEE ON THE GRANT PROGRAM. THE REPORT  
5 MUST ALSO INCLUDE THE TOTAL NUMBER OF CHILDREN SERVED BY THE  
6 GRANT PROGRAM AND THE UNENCUMBERED BALANCE IN THE FUND.

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

10 **22-104-107. Fifth-day academic enrichment and support grant**  
11 **program fund.** (1) THERE IS CREATED IN THE STATE TREASURY THE  
12 FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT GRANT PROGRAM FUND.  
13 THE FUND CONSISTS OF MONEY THAT THE GENERAL ASSEMBLY MAY  
14 APPROPRIATE OR TRANSFER TO THE FUND.

15 (2) THE STATE TREASURER SHALL CREDIT ALL INTEREST AND  
16 INCOME DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE  
17 FUND TO THE FUND.

18 (3) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE  
19 MONEY FROM THE FIFTH-DAY ACADEMIC ENRICHMENT AND SUPPORT  
20 GRANT PROGRAM FUND TO THE DEPARTMENT TO IMPLEMENT THE GRANT  
21 PROGRAM. SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT  
22 SHALL EXPEND MONEY FROM THE FUND FOR THE AWARD OR RENEWAL OF  
23 GRANTS PURSUANT TO THIS ARTICLE 104. THE DEPARTMENT MAY USE UP  
24 TO FIVE PERCENT OF THE MONEY ANNUALLY APPROPRIATED FOR THE  
25 PROGRAM TO PAY THE REASONABLE AND NECESSARY DIRECT AND  
26 INDIRECT COSTS THE DEPARTMENT INCURS TO ADMINISTER THE GRANT  
27 PROGRAM.

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