

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREMENDED

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

LLS NO. 22-0367.01 Julie Pelegrin x2700

SENATE BILL 22-087

SENATE SPONSORSHIP

Pettersen and Fields,

HOUSE SPONSORSHIP

Gonzales-Gutierrez and Michaelson Jenet,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING PROVIDING HEALTHY MEALS TO PUBLIC SCHOOL**
102 **STUDENTS.**

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 healthy school meals for all program (program) in the department of education (department) to reimburse school food authorities for free meals provided to students who are not eligible for free or reduced-price meals under the federal school meals programs. The program begins operating in the 2023-24 budget year, subject to the state being selected to participate in the federal demonstration project to use

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.*

medicaid eligibility to identify students who are eligible for the federal school meals programs (demonstration project).

A school food authority that chooses to participate in the program (participating school food authority) must:

- Provide free meals to all students enrolled in the public schools that the participating school food authority serves;
- Provide to the department annual notice of participation; and
- Maximize the amount of federal reimbursement by participating in the federal community eligibility provision to identify students who are eligible for the federal school meals programs.

The amount of reimbursement distributed pursuant to the program is equal to the federal free reimbursement rate multiplied by the total number of meals served, minus any other federal or state reimbursement the school food authority receives for providing meals.

The bill requires the department to:

- Participate in the federal community eligibility provision for the state as a whole, if that option is available; and
- Apply to participate in the demonstration project.

Under the bill, a participating school food authority that creates a parent and student committee to advise on food purchasing (advisory committee) is eligible to receive a local food purchasing grant (grant) to purchase Colorado grown, raised, or processed products for school meals. Each eligible participating school food authority must comply with reporting requirements. The bill establishes the amount of the grants, limits on how the grant money may be spent, and the required membership of the advisory committee. The department must annually review a sample of the invoices for purchases made using grant money to ensure compliance with purchasing requirements.

Under the bill, a participating school food authority may receive an additional amount to increase the wages for individuals employed to prepare and serve food.

The bill creates the local school food purchasing technical assistance and education grant program (grant program), under which a statewide nonprofit organization distributes grants to promote the purchase of Colorado grown, raised, or processed products by participating school food authorities and to assist participating school food authorities in preparing meals using basic ingredients rather than processed products. The nonprofit organization must report annually to the department concerning implementation of the grant program.

The department must submit to committees of the general assembly a biennial report concerning implementation of the program. The department must contract with an independent auditor to conduct a biennial financial and performance audit of the program. The report and

1 RANCHERS;

2 (e) COLORADO'S HEALTHY SCHOOL MEALS PROGRAM MUST
3 SUPPORT STUDENT'S NUTRITION AND PROVIDE QUALITY MEALS TO BOOST
4 THE HEALTH AND WELL-BEING OF COLORADO STUDENTS;

5 (f) DURING THE COVID-19 PANDEMIC, THE UNITED STATES
6 DEPARTMENT OF AGRICULTURE EASED PROGRAM RESTRICTIONS TO ALLOW
7 FREE MEALS TO CONTINUE TO BE AVAILABLE TO ALL STUDENTS
8 UNIVERSALLY, ENSURING THAT ALL STUDENTS FACING HUNGER HAD
9 ACCESS TO FOOD WHILE IN SCHOOL; AND

10 (g) NOW THAT STRATEGIES EXIST TO PREVENT HUNGER FOR ALL
11 STUDENTS DURING THE SCHOOL DAY, IT IS IMPERATIVE THAT THE STATE
12 EMBRACE THESE STRATEGIES TO MOVE TOWARD THE GOAL OF ENDING
13 CHILD HUNGER.

14 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
15 BEST INTERESTS OF THE STUDENTS OF COLORADO AND THEIR FAMILIES TO
16 ENACT THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM TO PROVIDE FREE
17 MEALS IN PUBLIC SCHOOLS FOR ALL STUDENTS.

18 **22-82.9-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS"
21 MEANS ALL FRUITS, VEGETABLES, GRAINS, MEATS, AND DAIRY PRODUCTS,
22 EXCEPT LIQUID MILK, GROWN, RAISED, OR PRODUCED IN COLORADO AND
23 MINIMALLY PROCESSED PRODUCTS OR VALUE-ADDED PROCESSED
24 PRODUCTS THAT MEET THE STANDARDS FOR THE COLORADO PROUD
25 DESIGNATION, AS ESTABLISHED BY THE COLORADO DEPARTMENT OF
26 AGRICULTURE, EVEN IF THE PRODUCT DOES NOT HAVE THE COLORADO
27 PROUD DESIGNATION.

1 (2) "COMMUNITY ELIGIBILITY PROVISION" MEANS THE FEDERAL
2 PROGRAM CREATED IN 42 U.S.C. SEC. 1759a (a)(1)(F) THAT ALLOWS
3 SCHOOL DISTRICTS TO CHOOSE TO RECEIVE FEDERAL SPECIAL ASSISTANCE
4 PAYMENTS FOR SCHOOL MEALS IN EXCHANGE FOR PROVIDING FREE
5 SCHOOL MEALS TO ALL STUDENTS ENROLLED IN ALL OR SELECTED
6 SCHOOLS OF THE SCHOOL DISTRICT.

7 (3) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
8 CREATED IN SECTION 24-1-115.

9 (4) "ELIGIBLE MEAL" MEANS A LUNCH OR BREAKFAST THAT MEETS
10 THE NUTRITIONAL REQUIREMENTS SPECIFIED IN 7 CFR 210.10, OR
11 SUCCESSOR REGULATIONS, FOR THE NATIONAL SCHOOL LUNCH PROGRAM
12 OR THE NATIONAL SCHOOL BREAKFAST PROGRAM.

13 (5) "FEDERAL FREE REIMBURSEMENT RATE" MEANS THE FREE
14 REIMBURSEMENT RATE SET BY THE UNITED STATES DEPARTMENT OF
15 AGRICULTURE FOR MEALS THAT QUALIFY FOR REIMBURSEMENT UNDER THE
16 NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL
17 LUNCH PROGRAM.

18 (6) "IDENTIFIED STUDENT PERCENTAGE" MEANS THE PERCENTAGE
19 OF A PUBLIC SCHOOL'S OR SCHOOL DISTRICT'S STUDENT ENROLLMENT WHO
20 ARE CERTIFIED AS ELIGIBLE FOR FREE MEALS BASED ON DOCUMENTATION
21 OF BENEFIT RECEIPT OR CATEGORICAL ELIGIBILITY AS DESCRIBED IN 7 CFR
22 245.6, OR SUCCESSOR REGULATIONS.

23 (7) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN
24 FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT
25 CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED
26 PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT
27 ARE HEATED, COOKED, OR CANNED.

1 (8) "NATIONAL SCHOOL BREAKFAST PROGRAM" MEANS THE
2 FEDERAL SCHOOL BREAKFAST PROGRAM CREATED IN 42 U.S.C. SEC. 1773.

3 (9) "NATIONAL SCHOOL LUNCH PROGRAM" MEANS THE FEDERAL
4 SCHOOL LUNCH PROGRAM CREATED IN THE "RICHARD B. RUSSELL
5 NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.

6 (10) "PARTICIPATING SCHOOL FOOD AUTHORITY" MEANS A SCHOOL
7 FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE HEALTHY
8 SCHOOL MEALS FOR ALL PROGRAM.

9 (11) "PROGRAM" MEANS THE HEALTHY SCHOOL MEALS FOR ALL
10 PROGRAM CREATED IN SECTION 22-82.9-204.

11 (12) "RURAL SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT IN
12 COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL,
13 BASED ON THE GEOGRAPHIC SIZE OF THE SCHOOL DISTRICT AND THE
14 DISTANCE OF THE SCHOOL DISTRICT FROM THE NEAREST LARGE,
15 URBANIZED AREA.

16 (13) "SCHOOL FOOD AUTHORITY" HAS THE SAME MEANING AS
17 PROVIDED IN SECTION 22-32-120 (8).

18 (14) "STATE BOARD" MEANS THE STATE BOARD OF EDUCATION
19 CREATED AND EXISTING PURSUANT TO SECTION 1 OF ARTICLE IX OF THE
20 STATE CONSTITUTION.

21 (15) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS
22 THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED
23 STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,
24 BAKING, OR CANNING.

25 **22-82.9-204. Healthy school meals for all program - created -**
26 **rules.** (1) (a) SUBJECT TO SUBSECTION (4) OF THIS SECTION, THERE IS
27 CREATED IN THE DEPARTMENT THE HEALTHY SCHOOL MEALS FOR ALL

1 PROGRAM THROUGH WHICH EACH SCHOOL FOOD AUTHORITY THAT
2 CHOOSES TO PARTICIPATE IN THE PROGRAM SHALL OFFER ELIGIBLE MEALS,
3 WITHOUT CHARGE, TO ALL STUDENTS ENROLLED IN THE PUBLIC SCHOOLS
4 SERVED BY THE PARTICIPATING SCHOOL FOOD AUTHORITY THAT
5 PARTICIPATE IN THE NATIONAL SCHOOL LUNCH PROGRAM OR NATIONAL
6 SCHOOL BREAKFAST PROGRAM AND RECEIVE REIMBURSEMENT FOR THE
7 MEALS AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION. THE
8 PROGRAM IS EFFECTIVE BEGINNING IN THE FIRST FULL BUDGET YEAR AFTER
9 THE STATE OF COLORADO IS CERTIFIED TO PARTICIPATE IN THE
10 DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION FOR CHILDREN
11 RECEIVING MEDICAID BENEFITS AS PROVIDED IN SUBSECTION (4) OF THIS
12 SECTION AND BEGINS INCLUDING MEDICAID DIRECT CERTIFICATION IN
13 DETERMINING SCHOOL DISTRICTS' IDENTIFIED STUDENT PERCENTAGES.

14 (b) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH
15 THE PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR
16 EACH BUDGET YEAR IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT
17 RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE
18 PARTICIPATING SCHOOL FOOD AUTHORITY SERVES DURING THE
19 APPLICABLE BUDGET YEAR, MINUS THE TOTAL AMOUNT OF
20 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED DURING THE APPLICABLE
21 BUDGET YEAR THAT THE SCHOOL FOOD AUTHORITY RECEIVES PURSUANT
22 TO THE NATIONAL SCHOOL BREAKFAST PROGRAM, THE NATIONAL SCHOOL
23 LUNCH PROGRAM, SECTIONS 22-54-123 AND 22-54-123.5, ARTICLE 82.7 OF
24 THIS TITLE 22, AND PART 1 OF THIS ARTICLE 82.9.

25 (c) THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE
26 AND DISBURSE THE MONEY APPROPRIATED AS REIMBURSEMENTS
27 PURSUANT TO THIS SECTION AMONG PARTICIPATING SCHOOL FOOD

1 AUTHORITIES EACH BUDGET YEAR IN AN EQUITABLE MANNER AND IN
2 COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL SCHOOL
3 BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM.

4 (2) A SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE
5 IN THE PROGRAM MUST ANNUALLY GIVE NOTICE OF PARTICIPATION TO THE
6 DEPARTMENT AS PROVIDED BY RULE OF THE STATE BOARD. AT A MINIMUM,
7 THE NOTICE MUST INCLUDE EVIDENCE THAT IT IS PARTICIPATING IN THE
8 COMMUNITY ELIGIBILITY PROVISION AS REQUIRED IN SUBSECTION (3) OF
9 THIS SECTION.

10 (3) IF THE UNITED STATES DEPARTMENT OF AGRICULTURE
11 CREATES THE OPTION FOR THE STATE, AS A WHOLE, TO PARTICIPATE IN THE
12 COMMUNITY ELIGIBLE PROVISION, THE DEPARTMENT SHALL PARTICIPATE
13 IN THE OPTION AND SHALL WORK WITH SCHOOL FOOD AUTHORITIES AND
14 THE NECESSARY STATE AND LOCAL DEPARTMENTS TO COLLECT DATA AND
15 IMPLEMENT THE COMMUNITY ELIGIBILITY PROVISION STATEWIDE. UNTIL
16 SUCH TIME AS COLORADO PARTICIPATES IN THE COMMUNITY ELIGIBILITY
17 PROVISION AS A STATE, EACH PARTICIPATING SCHOOL FOOD AUTHORITY,
18 AS A CONDITION OF PARTICIPATING IN THE PROGRAM, MUST MAXIMIZE THE
19 AMOUNT OF FEDERAL REIMBURSEMENT BY PARTICIPATING IN THE
20 COMMUNITY ELIGIBILITY PROVISION FOR ALL SCHOOLS THAT QUALIFY FOR
21 THE COMMUNITY ELIGIBILITY PROVISION AND THAT THE PARTICIPATING
22 SCHOOL FOOD AUTHORITY SERVES.

23 (4) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
24 THIS PART 2, THE DEPARTMENT SHALL APPLY TO THE FEDERAL SECRETARY
25 OF AGRICULTURE TO PARTICIPATE IN THE DEMONSTRATION PROJECT
26 OPERATED PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15) FOR DIRECT
27 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS, WITH THE

1 INTENT THAT THE DEMONSTRATION PROJECT IS IMPLEMENTED STATEWIDE
2 TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW. IF THE STATE IS
3 SELECTED TO PARTICIPATE IN THE DEMONSTRATION PROJECT, THE
4 DEPARTMENT SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THE
5 DEMONSTRATION PROJECT, INCLUDING ENTERING INTO AN AGREEMENT
6 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO
7 ESTABLISH PROCEDURES BY WHICH A STUDENT MAY BE CERTIFIED,
8 WITHOUT FURTHER APPLICATION, AS MEETING THE ELIGIBILITY
9 REQUIREMENTS FOR FREE OR REDUCED-PRICE MEALS PURSUANT TO THE
10 NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL
11 LUNCH PROGRAM BASED ON INFORMATION COLLECTED BY THE
12 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN IMPLEMENTING
13 THE MEDICAID PROGRAM.

14 (b) IMPLEMENTATION OF THE PROGRAM, INCLUDING THE
15 PROVISIONS OF THIS SECTION AND SECTIONS 22-82.9-205 TO 22-82.9-207,
16 IS CONDITIONAL UPON THE STATE OF COLORADO BEING CERTIFIED TO
17 PARTICIPATE IN THE DEMONSTRATION PROJECT FOR DIRECT CERTIFICATION
18 FOR CHILDREN RECEIVING MEDICAID BENEFITS THAT IS OPERATED
19 PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15).

20 (5) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
21 TO IMPLEMENT THE PROGRAM, INCLUDING RULES TO MAXIMIZE THE
22 AMOUNT OF FEDERAL FUNDING AVAILABLE TO IMPLEMENT THE PROGRAM.

23 **22-82.9-205. Local food purchasing grant - amount - advisory**
24 **committee - verification of invoices.** (1) (a) EACH PARTICIPATING
25 SCHOOL FOOD AUTHORITY THAT CREATES AN ADVISORY COMMITTEE AS
26 DESCRIBED IN SUBSECTION (3) OF THIS SECTION IS ELIGIBLE TO RECEIVE A
27 LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION TO

1 PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS.

2 (b) ON OR BEFORE AUGUST 1 OF EACH BUDGET YEAR IN WHICH A
3 SCHOOL FOOD AUTHORITY PARTICIPATES IN THE PROGRAM, THE
4 PARTICIPATING SCHOOL FOOD AUTHORITY SHALL TRACK AND REPORT TO
5 THE DEPARTMENT FOR THE PRECEDING BUDGET YEAR:

6 (I) THE TOTAL AMOUNT SPENT IN PURCHASING ALL PRODUCTS
7 USED IN PREPARING MEALS AND HOW MUCH OF THAT TOTAL WAS
8 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
9 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

10 (II) THE TOTAL AMOUNT SPENT TO PURCHASE COLORADO GROWN,
11 RAISED, OR PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS
12 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
13 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

14 (III) THE TOTAL AMOUNT SPENT TO PURCHASE VALUE-ADDED
15 PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS
16 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
17 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED; AND

18 (IV) THE TOTAL NUMBER OF ELIGIBLE MEALS THE PARTICIPATING
19 SCHOOL FOOD AUTHORITY PROVIDED TO STUDENTS.

20 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (2)(c) OF THIS
21 SECTION, AT THE BEGINNING OF EACH BUDGET YEAR THE DEPARTMENT,
22 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL DISTRIBUTE TO EACH
23 PARTICIPATING SCHOOL FOOD AUTHORITY THAT IS ELIGIBLE TO RECEIVE A
24 GRANT PURSUANT TO THIS SECTION THE GREATER OF FIVE THOUSAND
25 DOLLARS OR:

26 (I) FOR SCHOOL FOOD AUTHORITIES THAT ARE RURAL SCHOOL
27 DISTRICTS AND OTHER SCHOOL FOOD AUTHORITIES THAT HAVE AN

1 IDENTIFIED STUDENT PERCENTAGE OF FIFTY PERCENT OR HIGHER, AN
2 AMOUNT EQUAL TO TWENTY CENTS MULTIPLIED BY THE NUMBER OF
3 LUNCHES THAT QUALIFIED AS AN ELIGIBLE MEAL THE PARTICIPATING
4 SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE PRECEDING
5 SCHOOL YEAR;

6 (II) FOR SCHOOL FOOD AUTHORITIES THAT ARE NOT RURAL SCHOOL
7 DISTRICTS AND HAVE AN IDENTIFIED STUDENT PERCENTAGE OF AT LEAST
8 TWENTY PERCENT BUT LESS THAN FIFTY PERCENT, AN AMOUNT EQUAL TO
9 TEN CENTS MULTIPLIED BY THE NUMBER OF LUNCHES THAT QUALIFIED AS
10 AN ELIGIBLE MEAL THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY
11 SERVED TO STUDENTS IN THE PRECEDING SCHOOL YEAR; AND

12 (III) FOR SCHOOL FOOD AUTHORITIES THAT ARE NOT RURAL
13 SCHOOL DISTRICTS AND HAVE AN IDENTIFIED STUDENT PERCENTAGE THAT
14 IS LESS THAN TWENTY PERCENT, AN AMOUNT EQUAL TO FIVE CENTS
15 MULTIPLIED BY THE NUMBER OF LUNCHES THAT QUALIFIED AS AN ELIGIBLE
16 MEAL THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO
17 STUDENTS IN THE PRECEDING SCHOOL YEAR.

18 (b) A PARTICIPATING SCHOOL FOOD AUTHORITY SHALL USE THE
19 MONEY RECEIVED PURSUANT TO THIS SECTION TO PURCHASE ONLY
20 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS AND AS PROVIDED
21 IN SUBSECTION (3)(b) OF THIS SECTION AND SHALL NOT USE MORE THAN
22 TWENTY-FIVE PERCENT OF THE AMOUNT RECEIVED TO PURCHASE
23 VALUE-ADDED PROCESSED PRODUCTS. IN ADDITION, A SCHOOL FOOD
24 AUTHORITY MAY USE UP TO TEN PERCENT OF THE MONEY RECEIVED
25 PURSUANT TO THIS SECTION TO PAY ALLOWABLE COSTS, AS IDENTIFIED BY
26 RULES OF THE STATE BOARD, INCURRED IN COMPLYING WITH THIS SECTION.

27 (c) AT THE BEGINNING OF EACH BUDGET YEAR, EACH

1 PARTICIPATING SCHOOL FOOD AUTHORITY SHALL SUBMIT TO THE
2 DEPARTMENT AN ESTIMATE OF THE AMOUNT IT EXPECTS TO SPEND TO
3 PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS FOR THE
4 BUDGET YEAR; A DESCRIPTION OF THE ITEMS AND AMOUNTS IT EXPECTS TO
5 PURCHASE; AND A LIST OF THE SUPPLIERS FROM WHICH IT EXPECTS TO
6 PURCHASE THE ITEMS. IF, BASED ON THE INFORMATION PROVIDED, THE
7 DEPARTMENT DETERMINES THAT A PARTICIPATING SCHOOL FOOD
8 AUTHORITY IS UNLIKELY TO SPEND THE FULL AMOUNT OF THE GRANT
9 DESCRIBED IN SUBSECTION (2)(a) OF THIS SECTION, THE DEPARTMENT
10 SHALL REDUCE THE AMOUNT OF THE GRANT ACCORDINGLY. THE
11 DEPARTMENT SHALL DISTRIBUTE TO OTHER PARTICIPATING SCHOOL FOOD
12 AUTHORITIES THAT ARE ELIGIBLE TO RECEIVE GRANTS PURSUANT TO THIS
13 SECTION ANY AMOUNT THAT IS RETAINED PURSUANT TO THIS SUBSECTION
14 (2)(c). THE DEPARTMENT SHALL DISTRIBUTE THE ADDITIONAL AMOUNTS
15 TO THE PARTICIPATING SCHOOL FOOD AUTHORITIES FOR WHICH THE GRANT
16 AMOUNT CALCULATED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION
17 IS LESS THAN TWENTY-FIVE THOUSAND DOLLARS, PRIORITIZED BASED ON
18 THE HIGHEST IDENTIFIED STUDENT PERCENTAGES AND GREATEST
19 FINANCIAL NEED.

20 (3) (a) TO RECEIVE A LOCAL FOOD PURCHASING GRANT PURSUANT
21 TO THIS SECTION, A PARTICIPATING SCHOOL FOOD AUTHORITY MUST
22 ESTABLISH AN ADVISORY COMMITTEE MADE UP OF STUDENTS AND
23 PARENTS OF STUDENTS ENROLLED IN THE PUBLIC SCHOOLS SERVED BY THE
24 PARTICIPATING SCHOOL FOOD AUTHORITY. IN SELECTING STUDENTS AND
25 PARENTS TO SERVE ON THE ADVISORY COMMITTEE, THE PARTICIPATING
26 SCHOOL FOOD AUTHORITY SHALL ENSURE THAT THE MEMBERSHIP OF THE
27 ADVISORY COMMITTEE REFLECTS THE RACIAL, ETHNIC, AND

1 SOCIOECONOMIC DEMOGRAPHICS OF THE STUDENT POPULATION ENROLLED
2 BY THE PARTICIPATING SCHOOL FOOD AUTHORITY. THE ADVISORY
3 COMMITTEE SHALL ADVISE THE PARTICIPATING SCHOOL FOOD AUTHORITY
4 CONCERNING THE SELECTION OF FOODS TO ENSURE THAT MEALS ARE
5 CULTURALLY RELEVANT, HEALTHY, AND APPEALING TO ALL AGES OF THE
6 STUDENT POPULATION.

7 (b) A PARTICIPATING SCHOOL FOOD AUTHORITY MAY USE UP TO
8 TWELVE PERCENT OF THE AMOUNT RECEIVED PURSUANT TO SUBSECTION
9 (2) OF THIS SECTION TO SUPPORT IMPLEMENTATION OF THE ADVISORY
10 COMMITTEE REQUIRED IN SUBSECTION (3)(a) OF THIS SECTION.

11 (4) THE DEPARTMENT SHALL ANNUALLY REQUIRE A SELECTED
12 GROUP OF PARTICIPATING SCHOOL FOOD AUTHORITIES THAT RECEIVED A
13 GRANT PURSUANT TO THIS SECTION IN THE PRECEDING BUDGET YEAR TO
14 SUBMIT TO THE DEPARTMENT A REPRESENTATIVE SAMPLE OF THE INVOICES
15 FOR THE PRODUCTS PURCHASED USING THE GRANT MONEY. NO LATER
16 THAN SEPTEMBER 1 OF THE SECOND BUDGET YEAR IN WHICH THE
17 PROGRAM IS IMPLEMENTED, AND NO LATER THAN SEPTEMBER 1 OF EACH
18 YEAR THEREAFTER, THE DEPARTMENT SHALL REVIEW THE INVOICES TO
19 VERIFY THAT THE PRODUCTS PURCHASED MET THE REQUIREMENTS
20 SPECIFIED IN THIS SECTION. IF THE DEPARTMENT FINDS THAT A
21 PARTICIPATING SCHOOL FOOD AUTHORITY USED A SIGNIFICANT PORTION
22 OF THE GRANT MONEY, AS DETERMINED BY RULE OF THE STATE BOARD, TO
23 PURCHASE PRODUCTS THAT DID NOT MEET THE REQUIREMENTS OF THIS
24 SECTION, THE PARTICIPATING SCHOOL FOOD AUTHORITY IS INELIGIBLE TO
25 RECEIVE A GRANT PURSUANT TO THIS SECTION FOR THE NEXT BUDGET
26 YEAR FOLLOWING THE BUDGET YEAR IN WHICH THE DEPARTMENT
27 COMPLETES THE REVIEW.

1 **22-82.9-206. School meals food preparation and service**
2 **employees - wage increase or stipend.** IN ADDITION TO THE AMOUNTS
3 RECEIVED PURSUANT TO SECTIONS 22-82.9-204 AND 22-82.9-205, A
4 PARTICIPATING SCHOOL FOOD AUTHORITY MAY RECEIVE THE GREATER OF
5 THREE THOUSAND DOLLARS OR AN AMOUNT EQUAL TO SIX CENTS
6 MULTIPLIED BY THE NUMBER OF SCHOOL LUNCHES THAT QUALIFY AS
7 ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY
8 PROVIDED IN THE PREVIOUS BUDGET YEAR, SO LONG AS THE
9 PARTICIPATING SCHOOL FOOD AUTHORITY USES ONE HUNDRED PERCENT
10 OF THE AMOUNT RECEIVED PURSUANT TO THIS SECTION TO INCREASE
11 WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS WHOM THE PARTICIPATING
12 SCHOOL FOOD AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE
13 FOOD FOR SCHOOL MEALS. TO RECEIVE THE AMOUNT DESCRIBED IN THIS
14 SECTION, A PARTICIPATING SCHOOL FOOD AUTHORITY MUST SUBMIT
15 DOCUMENTATION TO THE DEPARTMENT AS REQUIRED BY RULES OF THE
16 STATE BOARD TO DEMONSTRATE THAT THE INCREASE IN WAGES OR
17 PROVISION OF STIPENDS USING THE AMOUNT RECEIVED PURSUANT TO THIS
18 SECTION IS IMPLEMENTED FOR THE BUDGET YEAR IN WHICH THE AMOUNT
19 IS RECEIVED.

20 **22-82.9-207. Local school food purchasing technical assistance**
21 **and education grant program - created - report.** (1) THERE IS
22 CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING
23 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A
24 GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND
25 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF
26 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING
27 SCHOOL FOOD AUTHORITIES AND TO ASSIST PARTICIPATING SCHOOL FOOD

1 AUTHORITIES IN PREPARING MEALS USING BASIC INGREDIENTS, WITH
2 MINIMAL RELIANCE ON PROCESSED PRODUCTS.

3 (2) SUBJECT TO AVAILABLE APPROPRIATIONS, THE NONPROFIT
4 ORGANIZATION MAY AWARD GRANTS FOR:

5 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL
6 INFRASTRUCTURE, AWARDED TO PARTICIPATING SCHOOL FOOD
7 AUTHORITIES, GROWER ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT
8 AGGREGATE PRODUCTS FROM PRODUCERS FOR:

9 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE
10 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD
11 SYSTEMS;

12 (II) CHEF TRAINING ON FOOD HANDLING, MEAL PREPARATION
13 USING BASIC INGREDIENTS, AND PROCUREMENT PRACTICES, AND FOR
14 KITCHEN EQUIPMENT PURCHASES;

15 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND
16 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON
17 SELLING TO SCHOOLS; AND

18 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED
19 PRODUCTS; AND

20 (b) EDUCATION, OUTREACH, AND PROMOTION FOR:

21 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE
22 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;
23 AND

24 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO
25 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF
26 PURCHASING LOCAL PRODUCTS.

27 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO

1 THE DEPARTMENT ON IMPLEMENTATION OF THE TECHNICAL ASSISTANCE
2 AND EDUCATION GRANT PROGRAM INCLUDING:

- 3 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;
- 4 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED
5 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND
- 6 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY
7 PARTICIPATING SCHOOL FOOD AUTHORITIES AND OTHERS PURSUANT TO
8 SUBSECTION (2)(b) OF THIS SECTION.

9 **22-82.9-208. Report - audit.** (1) (a) ON OR BEFORE DECEMBER
10 1 OF THE SECOND BUDGET YEAR IN WHICH THE PROGRAM IS IMPLEMENTED,
11 AND ON OR BEFORE DECEMBER 1 EVERY TWO YEARS THEREAFTER, THE
12 DEPARTMENT SHALL PREPARE A REPORT CONCERNING THE
13 IMPLEMENTATION OF THE PROGRAM. AT A MINIMUM, THE REPORT MUST
14 DESCRIBE:

- 15 (I) THE INCREASE IN THE NUMBER OF STUDENTS WHO RECEIVE
16 FREE ELIGIBLE MEALS AS A RESULT OF IMPLEMENTATION OF THE PROGRAM;
- 17 (II) THE EFFECT OF THE USE OF LOCAL FOOD PURCHASING GRANTS
18 ON THE AMOUNT OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
19 PURCHASED BY PARTICIPATING SCHOOL FOOD AUTHORITIES AND INCLUDE
20 A COMPILATION OF THE INFORMATION REPORTED BY PARTICIPATING
21 SCHOOL FOOD AUTHORITIES PURSUANT TO SECTION 22-82.9-205 (1)(b);
- 22 (III) THE EFFECT OF THE DISTRIBUTION OF MONEY PURSUANT TO
23 SECTION 22-82.9-206 ON THE AMOUNT OF WAGES PAID OR THE AMOUNT OF
24 STIPENDS PROVIDED TO INDIVIDUALS WHO ARE EMPLOYED BY PUBLIC
25 SCHOOLS TO PREPARE AND SERVE SCHOOL MEALS; AND
- 26 (IV) A SUMMARY OF THE INFORMATION REPORTED BY THE
27 NONPROFIT ORGANIZATION PURSUANT TO SECTION 22-82.9-207 (3)

1 CONCERNING IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING
2 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM.

3 (b) THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE
4 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
5 SENATE; THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE
6 HOUSE OF REPRESENTATIVES; AND THE AGRICULTURE AND NATURAL
7 RESOURCES COMMITTEE OF THE SENATE; OR ANY SUCCESSOR COMMITTEES.

8 (c) NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136
9 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT REQUIRED IN THIS
10 SUBSECTION (1) CONTINUES INDEFINITELY.

11 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT
12 AUDITOR TO CONDUCT A BIENNIAL FINANCIAL AND PERFORMANCE AUDIT
13 OF THE IMPLEMENTATION OF THE PROGRAM, INCLUDING IMPLEMENTATION
14 OF SECTION 22-82.9-204, IMPLEMENTATION OF LOCAL FOOD PURCHASING
15 GRANTS PURSUANT TO SECTION 22-82.9-205, DISTRIBUTIONS FOR THE
16 INCREASE IN WAGES OR PROVISION OF STIPENDS PURSUANT TO SECTION
17 22-82.9-206, AND IMPLEMENTATION OF THE LOCAL SCHOOL FOOD
18 PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM
19 PURSUANT TO SECTION 22-82.9-207. THE AUDIT OF THE TWO BUDGET
20 YEARS IN EACH BIENNIAL CYCLE MUST BE COMPLETED BY DECEMBER 1 OF
21 THE FOLLOWING BUDGET YEAR. THE DEPARTMENT SHALL MAKE THE AUDIT
22 EASILY ACCESSIBLE BY THE PUBLIC ON THE DEPARTMENT WEBSITE.

23 **22-82.9-209. Program - funding.** BEGINNING WITH THE FIRST
24 BUDGET YEAR IN WHICH THE PROGRAM TAKES EFFECT AND FOR EACH
25 BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE
26 TO THE DEPARTMENT, BY SEPARATE LINE ITEM IN THE ANNUAL GENERAL
27 APPROPRIATION BILL, THE AMOUNT NECESSARY TO IMPLEMENT THE

1 PROGRAM, INCLUDING THE AMOUNT REQUIRED TO REIMBURSE SCHOOL
2 FOOD AUTHORITIES FOR ELIGIBLE MEALS PROVIDED TO STUDENTS
3 PURSUANT TO SECTION 22-82.9-204, THE AMOUNT DISTRIBUTED AS LOCAL
4 FOOD PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205, THE
5 AMOUNT DISTRIBUTED PURSUANT TO SECTION 22-82.9-206 TO INCREASE
6 THE WAGES OR PROVIDE STIPENDS FOR STAFF WHO PREPARE AND SERVE
7 SCHOOL MEALS, AND AT LEAST TWO MILLION FIVE HUNDRED THOUSAND
8 DOLLARS ANNUALLY TO IMPLEMENT THE LOCAL SCHOOL FOOD
9 PURCHASING TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM
10 PURSUANT TO SECTION 22-82.9-207. THE DEPARTMENT MAY EXPEND NOT
11 MORE THAN ONE AND FIVE-TENTHS PERCENT OF THE TOTAL AMOUNT
12 ANNUALLY APPROPRIATED PURSUANT TO THIS SECTION TO OFFSET THE
13 DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT IN
14 IMPLEMENTING THIS PART 2.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 22-82.9-101
16 as follows:

17 **22-82.9-101. Short title.** ~~This article shall be known and may be~~
18 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Child Nutrition School
19 Lunch Protection Program Act".

20 **SECTION 3.** In Colorado Revised Statutes, 22-82.9-103, **amend**
21 the introductory portion as follows:

22 **22-82.9-103. Definitions.** As used in this ~~article~~ PART 1, unless
23 the context otherwise requires:

24 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-105, **amend**
25 (1) and (2) as follows:

26 **22-82.9-105. Program funding.** (1) For each fiscal year, the
27 general assembly shall make an appropriation by separate line item in the

1 annual general appropriation bill to allow school food authorities to
2 provide lunches at no charge for children in state-subsidized early
3 childhood education programs administered by public schools or in
4 kindergarten through twelfth grade, participating in the school lunch
5 program, who would otherwise be required to pay a reduced price for
6 lunch. The appropriation to the department for the program must be in
7 addition to any appropriation made by the general assembly pursuant to
8 section 22-54-123 or 22-54-123.5 (1). The department may expend not
9 more than two percent of the money annually appropriated for the
10 program to offset the direct and indirect costs incurred by the department
11 in implementing the program pursuant to this ~~article 82.9~~ PART 1.

12 (2) The department is authorized to seek and accept gifts, grants,
13 and donations from public and private sources for the purposes of this
14 ~~article~~ PART 1, but receipt of gifts, grants, and donations ~~shall not be~~ ARE
15 NOT a prerequisite to the implementation of the program.

16 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-107, **amend**
17 (1) as follows:

18 **22-82.9-107. No individual entitlement.** (1) ~~Nothing in this~~
19 ~~article shall be interpreted to~~ THIS PART 1 DOES NOT create a legal
20 entitlement to any participant to assistance provided pursuant to the
21 program.

22 **SECTION 6. Safety clause.** The general assembly hereby finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety.