

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

ENGROSSED

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

LLS NO. 24-0869.01 Jacob Baus x2173

HOUSE BILL 24-1331

HOUSE SPONSORSHIP

Taggart and Bacon,

SENATE SPONSORSHIP

Kirkmeyer and Bridges,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

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

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 out-of-school time program grant program (grant program) to provide grants to eligible 501 (c)(3) nonprofit organizations to provide academic enrichment and related services to

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

HOUSE
Amended 2nd Reading
April 20, 2024

public school students during times when school is not in session.

The department of education (department) is required to administer the grant program, and the state board of education is required to award grants, subject to available appropriations. The general assembly is required to appropriate \$5 million to the department in the 2024-25, 2025-26, and 2026-27 state fiscal years for the grant program.

Grants must be used for the purposes specified in the bill.

Grantees are required to annually report to the department, and the department is required to annually provide a report to the education committees of the house of representatives and the senate.

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

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

4 **ARTICLE 105.5**

5 **Out-of-School Time Program Grant Program**

6 **22-105.5-101. Short title.** THE SHORT TITLE OF THIS ARTICLE
7 105.5 IS THE "OUT-OF-SCHOOL TIME PROGRAM GRANT PROGRAM ACT".

8 **22-105.5-102. Legislative declaration.** (1) THE GENERAL
9 ASSEMBLY FINDS THAT HIGH-QUALITY OUT-OF-SCHOOL TIME PROGRAMS
10 PROVIDE ACADEMIC ENRICHMENT IN READING, LANGUAGE ARTS,
11 MATHEMATICS, AND SCIENCE, AND PROVIDE PROGRAMS AND SERVICES
12 THAT ARE DESIGNED TO REINFORCE AND COMPLEMENT SCHOOL-BASED
13 ACADEMIC PROGRAMS IN A SAFE AND HEALTHY ENVIRONMENT FOR
14 STUDENTS.

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

19 **22-105.5-103. Definitions.** AS USED IN THIS ARTICLE 105.5,
20 UNLESS THE CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

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

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

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

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

26 (b) PROVIDES AFFORDABLE AND COMPREHENSIVE ACADEMIC
27 ENRICHMENT AND RELATED SERVICES DURING TIMES WHEN SCHOOL IS NOT

1 IN SESSION, INCLUDING BEFORE SCHOOL, AFTER SCHOOL, SEASONAL
2 BREAKS, STAFF IN-SERVICE DAYS, STAFF CONFERENCE DAYS, OR THE FIFTH
3 DAY OF THE WEEK IF THE PROGRAM SERVES STUDENTS WHO ARE ENROLLED
4 IN A PUBLIC SCHOOL THAT OPERATES ON A FOUR-DAY WEEK.

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

8 **22-105.5-104. Out-of-school time program grant program -**
9 **created - use of grants - funding - rules - repeal.** (1) THERE IS CREATED
10 IN THE DEPARTMENT THE OUT-OF-SCHOOL TIME PROGRAM GRANT
11 PROGRAM TO PROVIDE GRANTS TO ELIGIBLE ENTITIES THAT PROVIDE
12 OUT-OF-SCHOOL TIME PROGRAMS THAT ARE AFFORDABLE AND
13 COMPREHENSIVE TO STUDENTS WHO ARE ENROLLED IN A PUBLIC SCHOOL.

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

17 (a) ACADEMIC ENRICHMENT;

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

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

23 (d) PROGRAMS AND SERVICES THAT PROVIDE A WELL-ROUNDED
24 EDUCATION AND ARE DESIGNED TO REINFORCE AND COMPLEMENT
25 SCHOOL-BASED ACADEMIC PROGRAMS, INCLUDING YOUTH DEVELOPMENT
26 ACTIVITIES, ART, MUSIC, OUTDOOR PROGRAMS, RECREATIONAL PROGRAMS,
27 TECHNOLOGY EDUCATION PROGRAMS, PHYSICAL HEALTH ACTIVITIES, AND

1 SOCIAL AND EMOTIONAL WELLNESS SERVICES; AND

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

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

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

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

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

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

22 **22-105.5-105. Grant program eligibility - application - criteria**
23 **- awards.** (1) TO BE ELIGIBLE TO RECEIVE A GRANT, AN ENTITY:

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

1 ENRICHMENT AND RELATED SERVICES TO STUDENTS IN THE STATE; AND

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

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

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

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

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

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

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

27 (b) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE BOARD

1 SHALL PRIORITIZE AWARDING GRANTS TO ELIGIBLE ENTITIES THAT:

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

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

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

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

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

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

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

23 **22-105.5-106. Reporting requirements.** (1) ON OR BEFORE
24 JULY 1, 2025, AND ON OR BEFORE JULY 1 EACH YEAR THEREAFTER IN
25 WHICH A GRANT IS AWARDED, EACH GRANTEE SHALL SUBMIT A REPORT TO
26 THE DEPARTMENT. AT A MINIMUM, THE REPORT MUST INCLUDE THE
27 FOLLOWING INFORMATION:

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

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

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

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

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

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

27 (3) THE DEPARTMENT SHALL NOT CONTINUE TO PROVIDE GRANT

1 FUNDING TO THE GRANT RECIPIENT UNLESS THE GRANT RECIPIENT
2 COMPLIES WITH THE REPORTING REQUIREMENTS PURSUANT TO THIS
3 SECTION.

4 (4) THE DEPARTMENT SHALL CONDUCT A THOROUGH EVALUATION
5 OF THE GRANT PROGRAM, INCLUDING, AT A MINIMUM, ACADEMIC
6 OUTCOMES, ATTENDANCE OUTCOMES, AND OTHER OUTCOME DATA
7 PROVIDED BY GRANTEEES PURSUANT TO THIS SECTION. IN CONDUCTING THE
8 EVALUATION, THE DEPARTMENT SHALL USE STUDENT-LEVEL DATA ON THE
9 ACADEMIC PERFORMANCE INDICATORS, INCLUDING, AT A MINIMUM, STATE
10 ASSESSMENT PERFORMANCE SCORES, ATTENDANCE DATA, AND OTHER
11 DATA AS NECESSARY.

12 (5) ON OR BEFORE MARCH 31, 2026, AND ON OR BEFORE MARCH
13 31 EACH YEAR THEREAFTER FOR THE DURATION OF THE GRANT PROGRAM,
14 THE DEPARTMENT SHALL SUBMIT A SUMMARIZED REPORT OF INFORMATION
15 PROVIDED BY THE ELIGIBLE ENTITIES THAT RECEIVED A GRANT TO THE
16 EDUCATION COMMITTEES OF THE SENATE AND THE HOUSE OF
17 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES.

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

27 (7) NOTWITHSTANDING SECTION 24-1-136 (11)(a)(I), THE

1 REPORTING REQUIREMENTS SET FORTH IN THIS SECTION CONTINUE
2 INDEFINITELY.

3 **SECTION 2. Appropriation.** For the 2024-25 state fiscal year,
4 \$3,500,000 is appropriated to the department of education. This
5 appropriation is from the general fund. To implement this act, the
6 department may use this appropriation as follows:

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

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

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

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