

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

INTRODUCED

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

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

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

16 (14) "VALUE-ADDED PROCESSED PRODUCTS" MEANS PRODUCTS
17 THAT ARE ALTERED FROM THEIR UNPROCESSED OR MINIMALLY PROCESSED
18 STATE THROUGH PRESERVATION TECHNIQUES, INCLUDING COOKING,
19 BAKING, OR CANNING.

20 **22-82.9-204. Healthy school meals for all program - created -**
21 **rules.** (1) (a) SUBJECT TO SUBSECTION (4) OF THIS SECTION, THERE IS
22 CREATED IN THE DEPARTMENT THE HEALTHY SCHOOL MEALS FOR ALL
23 PROGRAM THROUGH WHICH, BEGINNING IN THE 2023-24 BUDGET YEAR,
24 EACH SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE IN THE
25 PROGRAM SHALL OFFER ELIGIBLE MEALS, WITHOUT CHARGE, TO ALL
26 STUDENTS ENROLLED IN THE PUBLIC SCHOOLS SERVED BY THE
27 PARTICIPATING SCHOOL FOOD AUTHORITY AND RECEIVE REIMBURSEMENT

1 FOR THE MEALS AS DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

2 (b) THE AMOUNT OF THE REIMBURSEMENT PROVIDED THROUGH
3 THE PROGRAM TO EACH PARTICIPATING SCHOOL FOOD AUTHORITY FOR
4 EACH BUDGET YEAR IS EQUAL TO THE FEDERAL FREE REIMBURSEMENT
5 RATE MULTIPLIED BY THE TOTAL NUMBER OF ELIGIBLE MEALS THAT THE
6 PARTICIPATING SCHOOL FOOD AUTHORITY SERVES DURING THE
7 APPLICABLE BUDGET YEAR, MINUS THE TOTAL AMOUNT OF
8 REIMBURSEMENT FOR ELIGIBLE MEALS SERVED DURING THE APPLICABLE
9 BUDGET YEAR THAT THE SCHOOL FOOD AUTHORITY RECEIVES PURSUANT
10 TO THE NATIONAL SCHOOL BREAKFAST PROGRAM, THE NATIONAL SCHOOL
11 LUNCH PROGRAM, SECTIONS 22-54-123 AND 22-54-123.5, ARTICLE 82.7 OF
12 THIS TITLE 22, AND PART 1 OF THIS ARTICLE 82.9.

13 (c) THE DEPARTMENT SHALL DEVELOP PROCEDURES TO ALLOCATE
14 AND DISBURSE THE MONEY APPROPRIATED AS REIMBURSEMENTS
15 PURSUANT TO THIS SECTION AMONG PARTICIPATING SCHOOL FOOD
16 AUTHORITIES EACH BUDGET YEAR IN AN EQUITABLE MANNER AND IN
17 COMPLIANCE WITH THE REQUIREMENTS OF THE NATIONAL SCHOOL
18 BREAKFAST PROGRAM AND THE NATIONAL SCHOOL LUNCH PROGRAM.

19 (2) A SCHOOL FOOD AUTHORITY THAT CHOOSES TO PARTICIPATE
20 IN THE PROGRAM MUST ANNUALLY GIVE NOTICE OF PARTICIPATION TO THE
21 DEPARTMENT AS PROVIDED BY RULE OF THE STATE BOARD. AT A MINIMUM,
22 THE NOTICE MUST INCLUDE EVIDENCE THAT IT IS PARTICIPATING IN THE
23 COMMUNITY ELIGIBILITY PROVISION AS REQUIRED IN SUBSECTION (3) OF
24 THIS SECTION.

25 (3) IF THE UNITED STATES DEPARTMENT OF AGRICULTURE
26 CREATES THE OPTION FOR THE STATE, AS A WHOLE, TO PARTICIPATE IN THE
27 COMMUNITY ELIGIBLE PROVISION, THE DEPARTMENT SHALL PARTICIPATE

1 IN THE OPTION AND SHALL WORK WITH SCHOOL FOOD AUTHORITIES AND
2 THE NECESSARY STATE AND LOCAL DEPARTMENTS TO COLLECT DATA AND
3 IMPLEMENT THE COMMUNITY ELIGIBILITY PROVISION STATEWIDE. UNTIL
4 SUCH TIME AS COLORADO PARTICIPATES IN THE COMMUNITY ELIGIBILITY
5 PROVISION AS A STATE, EACH PARTICIPATING SCHOOL FOOD AUTHORITY,
6 AS A CONDITION OF PARTICIPATING IN THE PROGRAM, MUST MAXIMIZE THE
7 AMOUNT OF FEDERAL REIMBURSEMENT BY PARTICIPATING IN THE
8 COMMUNITY ELIGIBILITY PROVISION FOR ALL SCHOOLS THAT QUALIFY FOR
9 THE COMMUNITY ELIGIBILITY PROVISION AND THAT THE PARTICIPATING
10 SCHOOL FOOD AUTHORITY SERVES.

11 (4) (a) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF
12 THIS PART 2, THE DEPARTMENT SHALL APPLY TO THE FEDERAL SECRETARY
13 OF AGRICULTURE TO PARTICIPATE IN THE DEMONSTRATION PROJECT
14 OPERATED PURSUANT TO 42 U.S.C. SEC. 1758 (b)(15) FOR DIRECT
15 CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS, WITH THE
16 INTENT THAT THE DEMONSTRATION PROJECT IS IMPLEMENTED STATEWIDE
17 TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW. IF THE STATE IS
18 SELECTED TO PARTICIPATE IN THE DEMONSTRATION PROJECT, THE
19 DEPARTMENT SHALL COMPLY WITH ALL OF THE REQUIREMENTS OF THE
20 DEMONSTRATION PROJECT, INCLUDING ENTERING INTO AN AGREEMENT
21 WITH THE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING TO
22 ESTABLISH PROCEDURES BY WHICH A STUDENT MAY BE CERTIFIED,
23 WITHOUT FURTHER APPLICATION, AS MEETING THE ELIGIBILITY
24 REQUIREMENTS FOR FREE OR REDUCED-PRICE MEALS PURSUANT TO THE
25 NATIONAL SCHOOL BREAKFAST PROGRAM AND THE NATIONAL SCHOOL
26 LUNCH PROGRAM BASED ON INFORMATION COLLECTED BY THE
27 DEPARTMENT OF HEALTH CARE POLICY AND FINANCING IN IMPLEMENTING

1 THE MEDICAID PROGRAM.

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

8 (5) THE STATE BOARD SHALL PROMULGATE RULES AS NECESSARY
9 TO IMPLEMENT THE PROGRAM, INCLUDING RULES TO MAXIMIZE THE
10 AMOUNT OF FEDERAL FUNDING AVAILABLE TO IMPLEMENT THE PROGRAM.

11 **22-82.9-205. Local food purchasing grant - amount - advisory**
12 **committee - verification of invoices.** (1) (a) EACH PARTICIPATING
13 SCHOOL FOOD AUTHORITY THAT CREATES AN ADVISORY COMMITTEE AS
14 DESCRIBED IN SUBSECTION (3) OF THIS SECTION IS ELIGIBLE TO RECEIVE A
15 LOCAL FOOD PURCHASING GRANT PURSUANT TO THIS SECTION TO
16 PURCHASE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS.

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

21 (I) THE TOTAL AMOUNT SPENT IN PURCHASING ALL PRODUCTS
22 USED IN PREPARING MEALS AND HOW MUCH OF THAT TOTAL WAS
23 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
24 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

25 (II) THE TOTAL AMOUNT SPENT TO PURCHASE COLORADO GROWN,
26 RAISED, OR PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS
27 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE

1 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED;

2 (III) THE TOTAL AMOUNT SPENT TO PURCHASE VALUE-ADDED
3 PROCESSED PRODUCTS AND HOW MUCH OF THAT TOTAL WAS
4 ATTRIBUTABLE TO THE LOCAL FOOD PURCHASING GRANT THE
5 PARTICIPATING SCHOOL FOOD AUTHORITY RECEIVED; AND

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

8 (2) (a) SUBJECT TO THE PROVISIONS OF SUBSECTION (2)(b) OF THIS
9 SECTION, AT THE BEGINNING OF EACH BUDGET YEAR THE DEPARTMENT,
10 SUBJECT TO AVAILABLE APPROPRIATIONS, SHALL DISTRIBUTE TO EACH
11 PARTICIPATING SCHOOL FOOD AUTHORITY THAT IS ELIGIBLE TO RECEIVE A
12 GRANT PURSUANT TO THIS SECTION THE GREATER OF FIVE THOUSAND
13 DOLLARS OR AN AMOUNT EQUAL TO TWENTY-FIVE CENTS MULTIPLIED BY
14 THE NUMBER OF LUNCHESES THAT QUALIFIED AS AN ELIGIBLE MEAL THE
15 PARTICIPATING SCHOOL FOOD AUTHORITY SERVED TO STUDENTS IN THE
16 PRECEDING SCHOOL YEAR. THE PARTICIPATING SCHOOL FOOD AUTHORITY
17 SHALL USE THE MONEY RECEIVED PURSUANT TO THIS SECTION TO
18 PURCHASE ONLY COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
19 AND AS PROVIDED IN SUBSECTION (3)(b) OF THIS SECTION AND SHALL NOT
20 USE MORE THAN TWENTY-FIVE PERCENT OF THE AMOUNT RECEIVED TO
21 PURCHASE VALUE-ADDED PROCESSED PRODUCTS. IN ADDITION, A SCHOOL
22 FOOD AUTHORITY MAY USE UP TO TEN PERCENT OF THE MONEY RECEIVED
23 PURSUANT TO THIS SECTION TO PAY ALLOWABLE COSTS, AS IDENTIFIED BY
24 RULES OF THE STATE BOARD, INCURRED IN COMPLYING WITH THIS SECTION.

25 (b) AT THE BEGINNING OF EACH BUDGET YEAR, EACH
26 PARTICIPATING SCHOOL FOOD AUTHORITY SHALL SUBMIT TO THE
27 DEPARTMENT AN ESTIMATE OF THE AMOUNT IT EXPECTS TO SPEND TO

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

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

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

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

9 (4) THE DEPARTMENT SHALL ANNUALLY REQUIRE A SELECTED
10 GROUP OF PARTICIPATING SCHOOL FOOD AUTHORITIES THAT RECEIVED A
11 GRANT PURSUANT TO THIS SECTION IN THE PRECEDING BUDGET YEAR TO
12 SUBMIT TO THE DEPARTMENT A REPRESENTATIVE SAMPLE OF THE INVOICES
13 FOR THE PRODUCTS PURCHASED USING THE GRANT MONEY. NO LATER
14 THAN SEPTEMBER 1, 2024, AND NO LATER THAN SEPTEMBER 1 OF EACH
15 YEAR THEREAFTER, THE DEPARTMENT SHALL REVIEW THE INVOICES TO
16 VERIFY THAT THE PRODUCTS PURCHASED MET THE REQUIREMENTS
17 SPECIFIED IN THIS SECTION. IF THE DEPARTMENT FINDS THAT A
18 PARTICIPATING SCHOOL FOOD AUTHORITY USED A SIGNIFICANT PORTION
19 OF THE GRANT MONEY, AS DETERMINED BY RULE OF THE STATE BOARD, TO
20 PURCHASE PRODUCTS THAT DID NOT MEET THE REQUIREMENTS OF THIS
21 SECTION, THE PARTICIPATING SCHOOL FOOD AUTHORITY IS INELIGIBLE TO
22 RECEIVE A GRANT PURSUANT TO THIS SECTION FOR THE NEXT BUDGET
23 YEAR FOLLOWING THE BUDGET YEAR IN WHICH THE DEPARTMENT
24 COMPLETES THE REVIEW.

25 **22-82.9-206. School meals food preparation and service**
26 **employees - wage increase.** IN ADDITION TO THE AMOUNTS RECEIVED
27 PURSUANT TO SECTIONS 22-82.9-204 AND 22-82.9-205, A PARTICIPATING

1 SCHOOL FOOD AUTHORITY MAY RECEIVE THE GREATER OF THREE
2 THOUSAND DOLLARS OR AN AMOUNT EQUAL TO TWELVE CENTS
3 MULTIPLIED BY THE NUMBER OF SCHOOL LUNCHES THAT QUALIFY AS
4 ELIGIBLE MEALS THAT THE PARTICIPATING SCHOOL FOOD AUTHORITY
5 PROVIDED IN THE PREVIOUS BUDGET YEAR, SO LONG AS THE
6 PARTICIPATING SCHOOL FOOD AUTHORITY USES ONE HUNDRED PERCENT
7 OF THE AMOUNT RECEIVED PURSUANT TO THIS SECTION TO INCREASE
8 WAGES FOR INDIVIDUALS WHOM THE PARTICIPATING SCHOOL FOOD
9 AUTHORITY EMPLOYS TO DIRECTLY PREPARE AND SERVE FOOD FOR
10 SCHOOL MEALS. TO RECEIVE THE AMOUNT DESCRIBED IN THIS SECTION, A
11 PARTICIPATING SCHOOL FOOD AUTHORITY MUST SUBMIT DOCUMENTATION
12 TO THE DEPARTMENT AS REQUIRED BY RULES OF THE STATE BOARD TO
13 DEMONSTRATE THAT THE INCREASE IN WAGES USING THE AMOUNT
14 RECEIVED PURSUANT TO THIS SECTION IS IMPLEMENTED FOR THE BUDGET
15 YEAR IN WHICH THE AMOUNT IS RECEIVED.

16 **22-82.9-207. Local school food purchasing technical assistance**
17 **and education grant program - created - report.** (1) THERE IS
18 CREATED IN THE DEPARTMENT THE LOCAL SCHOOL FOOD PURCHASING
19 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM TO ISSUE A
20 GRANT TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND
21 MANAGE A GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF
22 COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING
23 SCHOOL FOOD AUTHORITIES AND TO ASSIST PARTICIPATING SCHOOL FOOD
24 AUTHORITIES IN PREPARING MEALS USING BASIC INGREDIENTS, WITH
25 MINIMAL RELIANCE ON PROCESSED PRODUCTS.

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

1 (a) TRAINING, TECHNICAL ASSISTANCE, AND PHYSICAL
2 INFRASTRUCTURE, AWARDED TO PARTICIPATING SCHOOL FOOD
3 AUTHORITIES, GROWER ASSOCIATIONS, OR OTHER ORGANIZATIONS THAT
4 AGGREGATE PRODUCTS FROM PRODUCERS FOR:

5 (I) PROFESSIONAL CONTRACTING SERVICES TO SUPPORT THE
6 DEVELOPMENT AND SUSTAINABILITY OF LOCAL AND REGIONAL FOOD
7 SYSTEMS;

8 (II) CHEF TRAINING ON FOOD HANDLING, MEAL PREPARATION
9 USING BASIC INGREDIENTS, AND PROCUREMENT PRACTICES, AND FOR
10 KITCHEN EQUIPMENT PURCHASES;

11 (III) GOOD AGRICULTURAL PRACTICES CERTIFICATION COSTS AND
12 GOOD HANDLING PRACTICES CERTIFICATION COSTS AND TRAINING ON
13 SELLING TO SCHOOLS; AND

14 (IV) CAPACITY BUILDING FOR LOCAL VALUE-ADDED PROCESSED
15 PRODUCTS; AND

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

17 (I) SCHOOLS TO ENGAGE FAMILIES AND COMMUNITIES AROUND THE
18 BENEFITS OF FARM-TO-SCHOOL AND WAYS TO SUPPORT FARM-TO-SCHOOL;
19 AND

20 (II) GROWER ASSOCIATIONS AND GROWERS TO COMMUNICATE TO
21 SCHOOLS AND SCHOOL COMMUNITIES ABOUT THE MULTIPLE BENEFITS OF
22 PURCHASING LOCAL PRODUCTS.

23 (3) THE NONPROFIT ORGANIZATION SHALL ANNUALLY REPORT TO
24 THE DEPARTMENT ON IMPLEMENTATION OF THE TECHNICAL ASSISTANCE
25 AND EDUCATION GRANT PROGRAM INCLUDING:

26 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS;

27 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED

1 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND

2 (c) THE TYPES OF EDUCATION AND OUTREACH CONDUCTED BY
3 PARTICIPATING SCHOOL FOOD AUTHORITIES AND OTHERS PURSUANT TO
4 SUBSECTION (2)(b) OF THIS SECTION.

5 **22-82.9-208. Report - audit.** (1) (a) ON OR BEFORE DECEMBER
6 1, 2024, AND ON OR BEFORE DECEMBER 1 EVERY TWO YEARS THEREAFTER,
7 THE DEPARTMENT SHALL PREPARE A REPORT CONCERNING THE
8 IMPLEMENTATION OF THE PROGRAM. AT A MINIMUM, THE REPORT MUST
9 DESCRIBE:

10 (I) THE INCREASE IN THE NUMBER OF STUDENTS WHO RECEIVE
11 FREE ELIGIBLE MEALS AS A RESULT OF IMPLEMENTATION OF THE PROGRAM;

12 (II) THE EFFECT OF THE USE OF LOCAL FOOD PURCHASING GRANTS
13 ON THE AMOUNT OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
14 PURCHASED BY PARTICIPATING SCHOOL FOOD AUTHORITIES AND INCLUDE
15 A COMPILATION OF THE INFORMATION REPORTED BY PARTICIPATING
16 SCHOOL FOOD AUTHORITIES PURSUANT TO SECTION 22-82.9-205 (1)(b);

17 (III) THE EFFECT OF THE DISTRIBUTION OF MONEY PURSUANT TO
18 SECTION 22-82.9-206 ON THE AMOUNT OF WAGES PAID TO INDIVIDUALS
19 WHO ARE EMPLOYED BY PUBLIC SCHOOLS TO PREPARE AND SERVE SCHOOL
20 MEALS; AND

21 (IV) A SUMMARY OF THE INFORMATION REPORTED BY THE
22 NONPROFIT ORGANIZATION PURSUANT TO SECTION 22-82.9-207 (3)
23 CONCERNING IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING
24 TECHNICAL ASSISTANCE AND EDUCATION GRANT PROGRAM.

25 (b) THE DEPARTMENT SHALL SUBMIT THE REPORT TO THE
26 EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE
27 SENATE; THE AGRICULTURE, LIVESTOCK, AND WATER COMMITTEE OF THE

1 HOUSE OF REPRESENTATIVES; AND THE AGRICULTURE AND NATURAL
2 RESOURCES COMMITTEE OF THE SENATE; OR ANY SUCCESSOR COMMITTEES.

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

6 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT
7 AUDITOR TO CONDUCT A BIENNIAL FINANCIAL AND PERFORMANCE AUDIT
8 OF THE IMPLEMENTATION OF THE PROGRAM, INCLUDING IMPLEMENTATION
9 OF SECTION 22-82.9-204, IMPLEMENTATION OF LOCAL FOOD PURCHASING
10 GRANTS PURSUANT TO SECTION 22-82.9-205, DISTRIBUTIONS FOR THE
11 INCREASE IN WAGES PURSUANT TO SECTION 22-82.9-206, AND
12 IMPLEMENTATION OF THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL
13 ASSISTANCE AND EDUCATION GRANT PROGRAM PURSUANT TO SECTION
14 22-82.9-207. THE AUDIT MUST BE COMPLETED BY DECEMBER 1, 2025, AND
15 BY DECEMBER 1 EVERY TWO YEARS THEREAFTER. THE DEPARTMENT
16 SHALL MAKE THE AUDIT EASILY ACCESSIBLE BY THE PUBLIC ON THE
17 DEPARTMENT WEBSITE.

18 **22-82.9-209. Program - funding.** SUBJECT TO SECTION
19 22-82.9-204 (3), BEGINNING WITH THE 2023-24 BUDGET YEAR AND FOR
20 EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL
21 APPROPRIATE TO THE DEPARTMENT, BY SEPARATE LINE ITEM IN THE
22 ANNUAL GENERAL APPROPRIATION BILL, THE AMOUNT NECESSARY TO
23 IMPLEMENT THE PROGRAM, INCLUDING THE AMOUNT REQUIRED TO
24 REIMBURSE SCHOOL FOOD AUTHORITIES FOR ELIGIBLE MEALS PROVIDED TO
25 STUDENTS PURSUANT TO SECTION 22-82.9-204, THE AMOUNT DISTRIBUTED
26 AS LOCAL FOOD PURCHASING GRANTS PURSUANT TO SECTION 22-82.9-205,
27 THE AMOUNT DISTRIBUTED PURSUANT TO SECTION 22-82.9-206 TO

1 INCREASE THE WAGES FOR STAFF WHO PREPARE AND SERVE SCHOOL
2 MEALS, AND AT LEAST FIVE MILLION DOLLARS ANNUALLY TO IMPLEMENT
3 THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
4 EDUCATION GRANT PROGRAM PURSUANT TO SECTION 22-82.9-207. THE
5 DEPARTMENT MAY EXPEND NOT MORE THAN ONE AND FIVE-TENTHS
6 PERCENT OF THE TOTAL AMOUNT ANNUALLY APPROPRIATED PURSUANT TO
7 THIS SECTION TO OFFSET THE DIRECT AND INDIRECT COSTS INCURRED BY
8 THE DEPARTMENT IN IMPLEMENTING THIS PART 2.

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

11 **22-82.9-101. Short title.** ~~This article shall be known and may be~~
12 ~~cited as~~ THE SHORT TITLE OF THIS PART 1 IS the "Child Nutrition School
13 Lunch Protection Program Act".

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

16 **22-82.9-103. Definitions.** As used in this ~~article~~ PART 1, unless
17 the context otherwise requires:

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

20 **22-82.9-105. Program funding.** (1) For each fiscal year, the
21 general assembly shall make an appropriation by separate line item in the
22 annual general appropriation bill to allow school food authorities to
23 provide lunches at no charge for children in state-subsidized early
24 childhood education programs administered by public schools or in
25 kindergarten through twelfth grade, participating in the school lunch
26 program, who would otherwise be required to pay a reduced price for
27 lunch. The appropriation to the department for the program must be in

1 addition to any appropriation made by the general assembly pursuant to
2 section 22-54-123 or 22-54-123.5 (1). The department may expend not
3 more than two percent of the money annually appropriated for the
4 program to offset the direct and indirect costs incurred by the department
5 in implementing the program pursuant to this ~~article 82.9~~ PART 1.

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

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

12 **22-82.9-107. No individual entitlement.** (1) ~~Nothing in this~~
13 ~~article shall be interpreted to~~ THIS PART 1 DOES NOT create a legal
14 entitlement to any participant to assistance provided pursuant to the
15 program.

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