

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

REREVISED

*This Version Includes All Amendments
Adopted in the Second House*

LLS NO. 24-1081.02 Alana Rosen x2606

HOUSE BILL 24-1390

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SENATE
3rd Reading Unamended
April 5, 2024

101

CONCERNING MEASURES TO SUPPORT CERTAIN SCHOOL FOOD
PROGRAMS IN THE DEPARTMENT OF EDUCATION, AND, IN
CONNECTION THEREWITH, MAKING AND REDUCING AN
APPROPRIATION.

SENATE
Amended 2nd Reading
April 4, 2024

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/>.)

HOUSE
3rd Reading Unamended
April 1, 2024

Joint Budget Committee. The bill requires the department of education (department) to apply to the United States department of agriculture for a statewide community eligibility provision if the

HOUSE
Amended 2nd Reading
March 28, 2024

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.

department determines participation in a statewide community eligibility provision will maximize federal funding.

The bill requires the department to annually establish options for, and communicate the options to, school food authorities to maximize federal funding. A school food authority that chooses an option other than those established by the department will not receive healthy school meals for all program funding and must use other eligible funding sources to cover the costs of serving free meals to all students at the schools of the school food authority.

The bill delays the implementation of the local food purchasing grant, the wage increase or stipend program for school meals food preparation and service employees (wage increase or stipend program), and the local school food purchasing technical assistance and education grant program until the 2025-26 budget year.

The bill requires the department to create a policy for school food authorities to maximize the collection of household income application forms for the national school lunch program to increase federal funding for the program. School food authorities that choose to participate in the program shall apply the policy to maximize the collection of household income application forms.

The bill creates the healthy school meals for all program technical advisory group (advisory group). As soon as practicable, the department shall convene the advisory group. The advisory group shall collaborate with school districts, the office of state planning and budgeting, and other interested parties to:

- Identify ways to maximize federal reimbursements;
- Reduce costs of the program;
- Review cost-savings options, including minimizing food waste;
- Strengthen the long-term resiliency of the healthy school meals for all cash fund;
- Create model revenue scenarios;
- Provide options and recommendations to balance program revenues and expenditures; and
- Draft a report with legislative and administrative recommendations and submit it to the education committees of the house of representatives and the senate, or any successor committees; the joint budget committee; the state board of education; and the governor.

On January 1, 2024, the local school food purchasing program (purchasing program) and the local school food purchasing technical assistance and education grant program (grant program) repealed. The bill recreates the purchasing program and the grant program, and extends the programs through the 2024-25 budget year.

The bill eliminates the authorization for department expenditures

in excess of the appropriated amount to participating school food authorities for the wage increase or stipend program.

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

2 **SECTION 1.** In Colorado Revised Statutes, 22-82.9-202, **add** (3)

3 as follows:

4 **22-82.9-202. Legislative declaration.** (3) THE GENERAL
5 ASSEMBLY FURTHER DECLARES THAT FOR PURPOSES OF SECTION 17 OF
6 ARTICLE IX OF THE STATE CONSTITUTION, HEALTHY SCHOOL MEALS ARE
7 AN ESSENTIAL COMPONENT TO STUDENT LEARNING. FREE HEALTHY
8 SCHOOL MEALS ARE AN IMPORTANT COMPONENT OF AN ACCOUNTABLE
9 EDUCATION PROGRAM TO MEET STATE ACADEMIC STANDARDS AND MAY
10 THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND
11 CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

12 **SECTION 2.** In Colorado Revised Statutes, 22-82.9-203, **add**
13 (11.5) as follows:

14 **22-82.9-203. Definitions.** As used in this part 2, unless the
15 context otherwise requires:

16 (11.5) "PROVISIONAL PROGRAMS" MEANS ALTERNATIVE OPTIONS
17 THROUGH THE NATIONAL SCHOOL LUNCH PROGRAM AND NATIONAL
18 SCHOOL BREAKFAST PROGRAM TO IMPROVE ACCESS TO FREE MEALS AND
19 TO SIMPLIFY MEAL COUNTING AND CLAIMS PROCEDURES.

20 **SECTION 3.** In Colorado Revised Statutes, 22-82.9-204, **amend**
21 (2), (3), and (4)(b); and **add** (6) and (7) as follows:

22 **22-82.9-204. Healthy school meals for all program - created -**
23 **advisory group - report - rules - definition - repeal.** (2) A school food
24 authority that chooses to participate in the program must annually give
25 notice of participation to the department as provided by rule of the state

1 board. At a minimum, the notice must include evidence that the school
2 food authority is participating in the community eligibility provision as
3 required in subsection (3) of this section PROVISIONAL PROGRAMMING IF
4 DEEMED NECESSARY BY THE DEPARTMENT. THE DEPARTMENT MAY
5 REQUIRE SCHOOL FOOD AUTHORITY MODIFICATIONS TO THE PROGRAM
6 THROUGHOUT THE YEAR TO MAXIMIZE A SCHOOL FOOD AUTHORITY'S
7 FEDERAL REIMBURSEMENTS AS DEEMED NECESSARY BY THE DEPARTMENT.

8 (3) (a) If the United States department of agriculture creates the
9 option for the state, as a whole, to participate in the community eligibility
10 provision, the department shall participate in the option and shall work
11 with school food authorities and the necessary state and local departments
12 to collect data and implement the community eligibility provision
13 statewide, IF THE DEPARTMENT DETERMINES PARTICIPATION IN THE
14 STATEWIDE COMMUNITY ELIGIBILITY PROVISION MAXIMIZES FEDERAL
15 FUNDING. Until such time as Colorado participates in the community
16 eligibility provision as a state, each participating school food authority,
17 as a condition of participating in the program, must maximize the amount
18 of federal reimbursement by THE SCHOOL FOOD AUTHORITY RECEIVES,
19 INCLUDING, BUT NOT LIMITED TO, participating in PROVISIONAL
20 PROGRAMS, INCLUDING the community eligibility provision for all schools
21 that qualify, for the community eligibility provision and that the
22 participating school food authority serves SUBJECT TO DETERMINATION BY
23 THE DEPARTMENT THAT THE SCHOOL FOOD AUTHORITY'S PARTICIPATION
24 MAXIMIZES FEDERAL REIMBURSEMENT.

25 (b) ANNUALLY, THE DEPARTMENT SHALL ESTABLISH OPTIONS FOR,
26 AND COMMUNICATE THE OPTIONS TO, EACH SCHOOL FOOD AUTHORITY TO
27 MAXIMIZE FEDERAL FUNDING. A SCHOOL FOOD AUTHORITY THAT CHOOSES

1 AN OPTION OTHER THAN THE OPTIONS ESTABLISHED BY THE DEPARTMENT
2 SHALL NOT RECEIVE HEALTHY SCHOOL MEALS FOR ALL PROGRAM FUNDING
3 AND MUST USE OTHER ELIGIBLE FUNDING SOURCES TO COVER THE COSTS
4 OF SERVING FREE MEALS TO ALL STUDENTS AT THE SCHOOLS OF THE
5 SCHOOL FOOD AUTHORITY.

6 (4) (b) SUBJECT TO AVAILABLE APPROPRIATIONS, implementation
7 of sections 22-82.9-205 to 22-82.9-207 is ~~conditional upon the state of~~
8 ~~Colorado being certified to participate in the demonstration project for~~
9 ~~direct certification for children receiving medicaid benefits that is~~
10 ~~operated pursuant to 42 U.S.C. sec. 1758 (b)(15)~~ EFFECTIVE BEGINNING
11 IN THE 2025-26 BUDGET YEAR.

12 (6) (a) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT SHALL
13 CREATE A POLICY FOR SCHOOL FOOD AUTHORITIES TO MAXIMIZE THE
14 COLLECTION OF HOUSEHOLD INCOME APPLICATION FORMS FOR THE
15 NATIONAL SCHOOL LUNCH PROGRAM TO INCREASE FEDERAL FUNDING FOR
16 THE PROGRAM.

17 (b) SCHOOL FOOD AUTHORITIES THAT CHOOSE TO PARTICIPATE IN
18 THE PROGRAM SHALL COMPLY WITH THE POLICY DESCRIBED IN
19 SUBSECTION (6)(a) OF THIS SECTION TO MAXIMIZE THE COLLECTION OF
20 HOUSEHOLD INCOME APPLICATION FORMS FOR THE NATIONAL SCHOOL
21 LUNCH PROGRAM.

22 (7) (a) THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM
23 TECHNICAL ADVISORY GROUP IS CREATED IN THE DEPARTMENT. AS SOON
24 AS PRACTICABLE, THE DEPARTMENT SHALL CONVENE THE ADVISORY
25 GROUP AND THE ADVISORY GROUP SHALL COLLABORATE WITH SCHOOL
26 DISTRICTS, THE OFFICE OF STATE PLANNING AND BUDGETING, A
27 REPRESENTATIVE FROM THE DEPARTMENT OF AGRICULTURE, AND A

1 REPRESENTATIVE FROM A STATEWIDE ORGANIZATION FOCUSED ON FOOD
2 INSECURITY AND ENDING HUNGER TO:

3 (I) IDENTIFY WAYS TO MAXIMIZE FEDERAL REIMBURSEMENTS;
4 (II) REDUCE COSTS OF THE PROGRAM;
5 (III) REVIEW COST-SAVINGS OPTIONS, INCLUDING MINIMIZING
6 FOOD WASTE;
7 (IV) STRENGTHEN THE LONG-TERM RESILIENCY OF THE HEALTHY
8 SCHOOL MEALS FOR ALL CASH FUND;
9 (V) CREATE MODEL REVENUE SCENARIOS;
10 (VI) PROVIDE OPTIONS AND RECOMMENDATIONS FOR BALANCING
11 PROGRAM REVENUES AND EXPENDITURES IN THE MANNER MOST
12 EQUITABLE FOR STUDENTS AND SCHOOL FOOD AUTHORITIES; AND
13 (VII) DRAFT A REPORT PURSUANT TO SUBSECTION (7)(d) OF THIS
14 SECTION WITH LEGISLATIVE AND ADMINISTRATIVE RECOMMENDATIONS.

15 (b) (I) THE ADVISORY GROUP SHALL SOLICIT INPUT FROM
16 STAKEHOLDERS AND THE PUBLIC TO DIRECT THE ADVISORY GROUP'S WORK.

17 (II) LEGISLATIVE COUNCIL STAFF AND JOINT BUDGET COMMITTEE
18 STAFF SHALL PROVIDE TECHNICAL SUPPORT TO THE ADVISORY GROUP.

19 (III) THE DEPARTMENT SHALL COLLABORATE WITH THE ADVISORY
20 GROUP TO OBTAIN THE CONTRACTUAL SERVICES NECESSARY FOR THE
21 ADVISORY GROUP'S WORK.

22 (c) IN JUNE 2024 AND SEPTEMBER 2024, THE ADVISORY GROUP
23 SHALL SUBMIT A STATUS REPORT TO THE JOINT BUDGET COMMITTEE ON
24 THE PROGRESS OF THE ADVISORY GROUP'S WORK.

25 (d) (I) ON OR BEFORE DECEMBER 1, 2024, THE ADVISORY GROUP
26 SHALL SUBMIT A REPORT SUMMARIZING THE ADVISORY GROUP'S WORK
27 DESCRIBED IN SUBSECTION (7)(a) OF THIS SECTION TO THE EDUCATION

1 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR
2 ANY SUCCESSOR COMMITTEES; THE JOINT BUDGET COMMITTEE; THE STATE
3 BOARD; AND THE GOVERNOR.

4 (II) IN DECEMBER 2024, THE DEPARTMENT SHALL PRESENT THE
5 ADVISORY GROUP'S REPORT DESCRIBED IN SUBSECTION (7)(d)(I) OF THIS
6 SECTION TO THE JOINT BUDGET COMMITTEE.

7 (III) IN JANUARY 2025, THE DEPARTMENT SHALL INCLUDE AS PART
8 OF ITS PRESENTATION DURING ITS "SMART ACT" HEARING REQUIRED BY
9 SECTION 2-7-203 INFORMATION CONCERNING THE PROGRAM AND THE
10 REPORT DESCRIBED IN SUBSECTION (7)(d)(I) OF THIS SECTION.

11 (e) AS USED IN THIS SUBSECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES, "HEALTHY SCHOOL MEALS FOR ALL PROGRAM
13 TECHNICAL ADVISORY GROUP" OR "ADVISORY GROUP" MEANS THE
14 HEALTHY SCHOOL MEALS FOR ALL PROGRAM TECHNICAL ADVISORY GROUP
15 CREATED IN THIS SUBSECTION (7).

16 (f) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2025.

17 **SECTION 4.** In Colorado Revised Statutes, 22-82.9-205, amend
18 (5) as follows:

19 **22-82.9-205. Local food purchasing grant - amount - advisory**
20 **committee - verification of invoices.** (5) SUBJECT TO AVAILABLE
21 APPROPRIATIONS, this section is effective beginning in the ~~first full budget~~
22 ~~year after the state of Colorado is certified to participate in the federal~~
23 ~~demonstration project for direct certification for children receiving~~
24 ~~medicaid benefits as provided in section 22-82.9-204 (4) and begins~~
25 ~~including medicaid direct certification in determining school districts'~~
26 ~~identified student percentages~~ 2025-26 BUDGET YEAR.

27 **SECTION 5.** In Colorado Revised Statutes, 22-82.9-206, amend

1 (2) as follows:

2 **22-82.9-206. School meals food preparation and service**
3 **employees - wage increase or stipend.** (2) SUBJECT TO AVAILABLE
4 APPROPRIATIONS, this section is effective beginning in the first full budget
5 year after the state of Colorado is certified to participate in the federal
6 demonstration project for direct certification for children receiving
7 medicaid benefits as provided in section 22-82.9-204 (4) and begins
8 including medicaid direct certification in determining school districts'
9 identified student percentages 2025-26 BUDGET YEAR.

10 **SECTION 6.** In Colorado Revised Statutes, 22-82.9-207, amend
11 (4) as follows:

12 **22-82.9-207. Local school food purchasing technical assistance**
13 **and education grant program - created - report.** (4) SUBJECT TO
14 AVAILABLE APPROPRIATIONS, this section is effective beginning in the
15 first full budget year after the state of Colorado is certified to participate
16 in the federal demonstration project for direct certification for children
17 receiving medicaid benefits as provided in section 22-82.9-204 (4) and
18 begins including medicaid direct certification in determining school
19 districts' identified student percentages 2025-26 BUDGET YEAR.

20 **SECTION 7.** In Colorado Revised Statutes, 22-82.9-208, amend
21 (2) as follows:

22 **22-82.9-208. Report - audit.** (2) (a) The department shall
23 contract with an independent auditor to conduct a biennial financial and
24 performance audit of the implementation of the program, including
25 implementation of section 22-82.9-204 and including implementation of
26 local food purchasing grants pursuant to section 22-82.9-205,
27 distributions for the increase in wages or provision of stipends pursuant

1 to section 22-82.9-206, and implementation of the local school food
2 purchasing technical assistance and education grant program pursuant to
3 section 22-82.9-207, to the extent said sections are in effect as provided
4 in section 22-82.9-204 (4)(b). BEGINNING DECEMBER 1, 2027, the audit
5 of the two budget years in each biennial cycle must be completed by
6 December 1 of the following budget year. The department shall make the
7 audit easily accessible by the public on the department website.

8 (b) ANY APPROPRIATION TO THE DEPARTMENT FOR PURPOSES OF
9 AN AUDIT THAT IS NOT EXPENDED IN A BUDGET YEAR IS FURTHER
10 APPROPRIATED TO THE DEPARTMENT THROUGH THE CLOSE OF THE
11 FOLLOWING BUDGET YEAR FOR THE SAME PURPOSES.

12 **SECTION 8.** In Colorado Revised Statutes, **amend** 22-82.9-209
13 as follows:

14 **22-82.9-209. Program - funding.** (1) For the 2023-24 budget
15 year and for each budget year thereafter, the general assembly shall
16 appropriate to the department, by separate line items in the annual general
17 appropriation bill, the amount necessary to implement the program,
18 including the amount required to reimburse participating school food
19 authorities for eligible meals provided to students pursuant to section
20 22-82.9-204, and including the amount distributed as local food
21 purchasing grants pursuant to section 22-82.9-205, SUBJECT TO
22 AVAILABLE APPROPRIATIONS, AND the amount distributed pursuant to
23 section 22-82.9-206 to increase the wages or provide stipends for staff
24 who prepare and serve school meals, ~~and at least five million dollars~~
25 ~~annually to implement the local school food purchasing technical~~
26 ~~assistance and education grant program pursuant to section 22-82.9-207,~~
27 ~~to the extent said sections are in effect as provided in section 22-82.9-204~~

1 (4)(b) SUBJECT TO AVAILABLE APPROPRIATIONS. The department may
2 expend not more than one and five-tenths percent of the total amount
3 annually appropriated pursuant to this section to offset the direct and
4 indirect costs incurred by the department in implementing this part 2.

5 (2) FOR THE 2023-24 BUDGET YEAR AND THE 2024-25 BUDGET
6 YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE MONEY FROM THE
7 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
8 THE STATE CONSTITUTION TO COVER PROGRAM COSTS FOR WHICH THERE
9 IS NOT SUFFICIENT MONEY IN THE HEALTHY SCHOOL MEALS FOR ALL CASH
10 FUND.

11 **SECTION 9.** In Colorado Revised Statutes, 22-82.9-210, **add (8)**
12 and (9) as follows:

13 **22-82.9-210. Healthy school meals for all program general**
14 **fund exempt account - creation - uses - reporting requirements -**
15 **definitions - repeal.** (8) ON JULY 1, 2024, THE STATE TREASURER SHALL
16 TRANSFER THE BALANCE OF THE ACCOUNT TO THE HEALTHY SCHOOL
17 MEALS FOR ALL PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211.

18 (9) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

19 **SECTION 10.** In Colorado Revised Statutes, **add 22-82.9-211** as
20 follows:

21 **22-82.9-211. Healthy school meals for all program cash fund**
22 **- creation - uses - reporting requirements - definitions.** (1) AS USED
23 IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

24 (a) "CASH FUND" MEANS THE HEALTHY SCHOOL MEALS FOR ALL
25 PROGRAM CASH FUND CREATED IN THIS SECTION.

26 (b) "HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE"
27 MEANS THE REVENUE GENERATED BY THE ADDITION TO FEDERAL TAXABLE

1 INCOME IN SECTION 39-22-104 (3)(p.5), WHICH REVENUE IS A
2 VOTER-APPROVED REVENUE CHANGE.

3 (2) THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CASH FUND
4 IS CREATED IN THE STATE TREASURY. THE CASH FUND CONSISTS OF
5 HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE DEPOSITED IN THE
6 CASH FUND IN ACCORDANCE WITH SUBSECTION (4)(a) OF THIS SECTION.
7 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
8 FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE CASH FUND TO THE
9 CASH FUND.

10 (3) (a) SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL
11 ASSEMBLY, THE DEPARTMENT MAY EXPEND MONEY FROM THE CASH FUND
12 FOR THE FOLLOWING PURPOSES:

13 (I) PROVIDING REIMBURSEMENTS TO A PARTICIPATING SCHOOL
14 FOOD AUTHORITY FOR OFFERING ELIGIBLE MEALS WITHOUT CHARGE
15 PURSUANT TO SECTION 22-82.9-204 (1)(b);

16 (II) AWARDING LOCAL FOOD PURCHASING GRANTS PURSUANT TO
17 SECTION 22-82.9-205;

18 (III) DISTRIBUTING MONEY TO A PARTICIPATING SCHOOL FOOD
19 AUTHORITY TO INCREASE WAGES OR PROVIDE STIPENDS FOR INDIVIDUALS
20 WHOM THE PARTICIPATING SCHOOL FOOD AUTHORITY EMPLOYS TO
21 DIRECTLY PREPARE AND SERVE FOOD FOR SCHOOL MEALS PURSUANT TO
22 SECTION 22-82.9-206 (1);

23 (IV) AWARDING LOCAL SCHOOL FOOD PURCHASING TECHNICAL
24 ASSISTANCE AND EDUCATION GRANTS PURSUANT TO SECTION 22-82.9-207;
25 AND

26 (V) THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE
27 PROGRAMS DESCRIBED IN THIS SUBSECTION (3)(a), SO LONG AS THESE

1 COSTS DO NOT EXCEED ONE AND FIVE-TENTHS PERCENT OF THE TOTAL
2 AMOUNT THE GENERAL ASSEMBLY ANNUALLY APPROPRIATES IN THE SAME
3 FISCAL YEAR FOR THE OTHER PURPOSES DESCRIBED IN THIS SUBSECTION
4 (3)(a).

5 (b) MONEY IN THE CASH FUND SHALL NOT BE USED FOR THE
6 PURPOSES DESCRIBED IN SUBSECTIONS (3)(a)(II), (3)(a)(III), AND
7 (3)(a)(IV) OF THIS SECTION IF THE SUM OF THE ANNUAL TAX YEAR
8 REVENUE RECORDED IN THE CASH FUND AND THE BALANCE IN THE CASH
9 FUND, AS CALCULATED PURSUANT TO SUBSECTION (4) OF THIS SECTION, IS
10 LESS THAN, OR IS ANTICIPATED TO BE LESS THAN, THE ANNUAL
11 EXPENDITURE ANTICIPATED TO BE REQUIRED FOR THE PURPOSES
12 DESCRIBED IN SUBSECTIONS (3)(a)(I) AND (3)(a)(V) OF THIS SECTION.

13 (4) (a) THE DEPARTMENT OF REVENUE SHALL, ON A MONTHLY
14 BASIS, RECORD REVENUES AND DEPOSIT MONEY IN THE CASH FUND IN A
15 MANNER THAT IS ALIGNED WITH EXEMPT REVENUES DETERMINED
16 PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION.

17 (b) THE DEPARTMENT OF REVENUE SHALL, ON A MONTHLY BASIS,
18 REPORT THE AMOUNT OF HEALTHY SCHOOL MEALS FOR ALL PROGRAM
19 REVENUE IDENTIFIED FROM TAX RETURNS TO THE OFFICE OF STATE
20 PLANNING AND BUDGETING AND THE LEGISLATIVE COUNCIL STAFF. THE
21 OFFICE OF STATE PLANNING AND BUDGETING SHALL CALCULATE THE
22 AMOUNT OF HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE BOTH
23 PROJECTED TO BE RECEIVED AND ACTUALLY RECEIVED BY THE
24 DEPARTMENT OF REVENUE BASED ON INCOME TAX RETURN DATA AND
25 OTHER RELEVANT FACTORS. THE OFFICE OF STATE PLANNING AND
26 BUDGETING SHALL ALSO IDENTIFY, IN COLLABORATION WITH THE
27 DEPARTMENT OF REVENUE, THE REVENUE TO BE RECORDED AND

1 DEPOSITED ON A MONTHLY BASIS BY THE DEPARTMENT OF REVENUE IN THE
2 CASH FUND PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, AND THE
3 TOTAL REVENUE TO BE RECORDED AND DEPOSITED BY THE DEPARTMENT
4 OF REVENUE IN THE CASH FUND FOR THE FISCAL YEAR.

5 (c) THE AMOUNT OF HEALTHY SCHOOL MEALS FOR ALL PROGRAM
6 REVENUE IDENTIFIED BY THE OFFICE OF STATE PLANNING AND BUDGETING
7 FOR EACH FISCAL YEAR MUST INCLUDE ADJUSTMENTS FOR ESTIMATION
8 ERRORS DISCOVERED FOR ALL PRIOR FISCAL YEARS. THE OFFICE SHALL
9 NOTIFY THE DEPARTMENT OF REVENUE AND THE LEGISLATIVE COUNCIL
10 STAFF OF THE GENERAL ASSEMBLY OF THE ADJUSTMENT AMOUNTS.

11 (d) ON DECEMBER 1, 2024, AND EVERY DECEMBER 1 THEREAFTER,
12 THE OFFICE OF STATE PLANNING AND BUDGETING SHALL REPORT THE
13 AMOUNT OF HEALTHY SCHOOL MEALS FOR ALL PROGRAM REVENUE
14 RECEIVED BY THE DEPARTMENT OF REVENUE IN THE PREVIOUS TAX YEAR
15 BASED ON INCOME TAX RETURN DATA AND OTHER RELEVANT FACTORS.
16 THE GENERAL ASSEMBLY SHALL CONSIDER THIS REPORT WHEN
17 ESTIMATING THE AMOUNT OF MONEY TO APPROPRIATE FOR THE PURPOSES
18 SPECIFIED IN SUBSECTION (3) OF THIS SECTION IN THE NEXT FISCAL YEAR.

19 (5) IF THE DEPARTMENT DETERMINES THAT THERE IS AN
20 INSUFFICIENT AMOUNT OF MONEY IN THE CASH FUND TO PROVIDE FOR AN
21 EXPENDITURE AUTHORIZED BY THE ANNUAL APPROPRIATION FROM THE
22 CASH FUND FOR THE PURPOSES DESCRIBED IN SUBSECTION (3)(a)(I) OF THIS
23 SECTION, THE DEPARTMENT MAY MAKE THE EXPENDITURE FROM THE
24 GENERAL FUND.

25 (6) IN ITS ANNUAL SUBMISSION OF THE STATE DEPARTMENT'S
26 BUDGET REQUEST TO THE JOINT BUDGET COMMITTEE, THE OFFICE OF STATE
27 PLANNING AND BUDGETING SHALL REPORT:

1 (a) THE TOTAL AMOUNT OF EXPENDITURES FROM THE CASH FUND
2 MADE PURSUANT TO SUBSECTION (3) OF THIS SECTION; AND

3 (b) THE TOTAL AMOUNT OF EXPENDITURES FROM THE GENERAL
4 FUND MADE PURSUANT TO SUBSECTION (5) OF THIS SECTION.

5 (7) ON JULY 1, 2024, THE STATE TREASURER SHALL TRANSFER THE
6 BALANCE FROM THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM GENERAL
7 FUND EXEMPT ACCOUNT DEFINED IN SECTION 22-82.9-210 TO THE CASH
8 FUND PURSUANT TO SECTION 22-82.9-210 (8).

10 **SECTION 11.** In Colorado Revised Statutes, **add** part 3 to article
11 82.9 of title 22 as follows:

PART 3

LOCAL SCHOOL FOOD

PURCHASING PROGRAMS

15 **22-82.9-301. Definitions.** AS USED IN THIS PART 3, UNLESS THE
16 CONTEXT OTHERWISE REQUIRES:

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

24 (2) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION
25 CREATED PURSUANT TO SECTION 24-1-115.

26 (3) "LOCAL SCHOOL FOOD PURCHASING PROGRAM" OR
27 "PURCHASING PROGRAM" MEANS THE LOCAL SCHOOL FOOD PURCHASING

1 PROGRAM CREATED IN SECTION 22-82.9-302.

2 (4) "MINIMALLY PROCESSED PRODUCTS" MEANS RAW OR FROZEN
3 FABRICATED PRODUCTS; PRODUCTS THAT RETAIN THEIR INHERENT
4 CHARACTER, SUCH AS SHREDDED CARROTS OR DICED ONIONS; AND DRIED
5 PRODUCTS, SUCH AS BEANS, BUT DOES NOT INCLUDE ANY PRODUCTS THAT
6 ARE HEATED, COOKED, OR CANNED.

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

11 (6) "PARTICIPATING PROVIDER" MEANS A SCHOOL DISTRICT;
12 DISTRICT CHARTER SCHOOL; INSTITUTE CHARTER SCHOOL; BOARD OF
13 COOPERATIVE SERVICES; COLORADO SCHOOL FOR THE DEAF AND THE
14 BLIND, ESTABLISHED IN SECTION 22-80-102; APPROVED FACILITY SCHOOL
15 OR FACILITY, AS DEFINED IN SECTION 22-2-402; OR RESIDENTIAL OR DAY
16 TREATMENT CHILD CARE FACILITY, AS DEFINED IN SECTION 26-6-903, THAT
17 PARTICIPATES IN THE FEDERAL NATIONAL SCHOOL LUNCH PROGRAM AND
18 THAT HAS BEEN SELECTED BY THE DEPARTMENT TO PARTICIPATE IN THE
19 LOCAL SCHOOL FOOD PURCHASING PROGRAM PURSUANT TO SECTION
20 22-82.9-302 (2)(b).

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

24 (8) "TECHNICAL ASSISTANCE AND EDUCATION PROGRAM" MEANS
25 THE LOCAL SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND
26 EDUCATION GRANT PROGRAM CREATED PURSUANT TO SECTION
27 22-82.9-303.

5 22-82.9-302. Local school food purchasing program - creation

6 - **rules.** (1) THE LOCAL SCHOOL FOOD PURCHASING PROGRAM IS CREATED
7 IN THE DEPARTMENT TO REIMBURSE PARTICIPATING PROVIDERS FOR THE
8 PURCHASE OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS
9 PURSUANT TO THIS SECTION.

10 (2)(a) A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, INSTITUTE
11 CHARTER SCHOOL, BOARD OF COOPERATIVE SERVICES, THE COLORADO
12 SCHOOL FOR THE DEAF AND THE BLIND, AN APPROVED FACILITY SCHOOL
13 OR FACILITY, OR A RESIDENTIAL CHILD CARE FACILITY MAY APPLY TO THE
14 DEPARTMENT TO PARTICIPATE IN THE PURCHASING PROGRAM TO RECEIVE
15 REIMBURSEMENT FOR PURCHASE OF COLORADO GROWN, RAISED, OR
16 PROCESSED PRODUCTS PURSUANT TO THIS SECTION.

17 (b) (I) THE DEPARTMENT SHALL SELECT PARTICIPATING PROVIDERS
18 THAT SERVED FEWER THAN TWO MILLION ONE HUNDRED FIFTY THOUSAND
19 SCHOOL LUNCHES IN THE 2023-24 SCHOOL YEAR. THE DEPARTMENT SHALL
20 CREATE A FORM FOR PARTICIPATING PROVIDERS TO TRACK AND REPORT
21 THE COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS PURCHASED.

22 (II) THE DEPARTMENT SHALL GIVE PREFERENCE TO APPLICANTS
23 THAT:

24 (A) DEMONSTRATE A COMMITMENT TO LOCAL PURCHASING OR
25 FOOD AND AGRICULTURAL EDUCATION:

26 (B) HAVE A KITCHEN WITH THE ABILITY TO STORE, PREPARE, AND
27 SERVE LOCAL FOOD PRODUCTS:

1 (C) HAVE GREATER THAN TWENTY-FIVE PERCENT OF THEIR
2 STUDENTS ELIGIBLE FOR FREE OR REDUCED PRICE LUNCH PURSUANT TO
3 THE NATIONAL SCHOOL LUNCH PROGRAM;

4 (D) SERVED FEWER THAN ONE MILLION TWO HUNDRED FIFTY
5 THOUSAND SCHOOL LUNCHES IN THE 2023-24 SCHOOL YEAR COUNT; AND

6 (E) SATISFY ANY OTHER ELIGIBILITY REQUIREMENTS ESTABLISHED
7 BY THE DEPARTMENT.

11 (c) ON OR BEFORE AUGUST 1 OF THE YEAR FOLLOWING THE
12 PARTICIPATING PROVIDER'S APPLICATION, THE PARTICIPATING PROVIDER
13 SHALL TRACK AND REPORT TO THE DEPARTMENT FOR THE SCHOOL YEAR
14 IN WHICH IT APPLIED, AND FOR THE 2023-24 SCHOOL YEAR, THE TOTAL
15 AMOUNT OF COLORADO GROWN, RAISED, OR PROCESSED PRODUCTS IT
16 PURCHASED FOR STUDENT MEALS AND THE TOTAL NUMBER OF LUNCHES
17 THAT IT PROVIDED TO STUDENTS.

27 (b) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, THE

1 MAXIMUM AMOUNT OF REIMBURSEMENTS THAT MAY BE AWARDED IN ANY
2 YEAR IS FIVE HUNDRED THOUSAND DOLLARS.

3 (4) REIMBURSEMENT PAYMENTS MADE PURSUANT TO THIS SECTION
4 ACCRUE TO THE PARTICIPATING PROVIDER'S NONPROFIT SCHOOL FOOD
5 ACCOUNT.

6 (5) (a) THE STATE BOARD IS AUTHORIZED TO ADOPT RULES TO
7 IMPLEMENT THE PURCHASING PROGRAM.

8 (b) THE DEPARTMENT IS AUTHORIZED TO MONITOR THE
9 PURCHASING PROGRAM TO ENSURE PROGRAM INTEGRITY.

10 (c) THE DEPARTMENT SHALL CREATE, DISTRIBUTE, AND COLLECT
11 PRODUCER AND PARTICIPATING PROVIDER SURVEYS REQUIRED PURSUANT
12 TO SECTION 22-82.9-304.

13 (6) IF IN ANY STATE BUDGET YEAR THE DEPARTMENT DOES NOT
14 EXPEND OR ENCUMBER THE FULL AMOUNT OF THE APPROPRIATION FOR THE
15 PURCHASING PROGRAM, UP TO FIVE PERCENT OF THE APPROPRIATION IS
16 AVAILABLE TO THE DEPARTMENT IN THE NEXT STATE BUDGET YEAR TO
17 PAY FOR THE EVALUATION REQUIRED PURSUANT TO SECTION 22-82.9-304.

18 **22-82.9-303. Local school food purchasing technical assistance
19 and education grant program - creation - report.** (1) THE LOCAL
20 SCHOOL FOOD PURCHASING TECHNICAL ASSISTANCE AND EDUCATION
21 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE
22 TECHNICAL ASSISTANCE AND EDUCATION PROGRAM IS TO ISSUE A GRANT
23 TO A STATEWIDE NONPROFIT ORGANIZATION TO DEVELOP AND MANAGE A
24 GRANT PROGRAM TO ASSIST WITH THE PROMOTION OF COLORADO GROWN,
25 RAISED, OR PROCESSED PRODUCTS TO PARTICIPATING PROVIDERS.

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

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

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

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

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

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

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

25 (a) THE NUMBER AND TYPES OF ENTITIES RECEIVING GRANTS:

26 (b) THE NUMBER, TYPES, AND PURPOSES OF THE GRANTS AWARDED
27 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION; AND

13 (a) NAMES AND DEMOGRAPHIC DATA OF PARTICIPATING
14 PROVIDERS;

15 (b) THE DOLLAR AMOUNT SPENT ON COLORADO GROWN, RAISED,
16 OR PROCESSED PRODUCTS DURING THE PURCHASING PROGRAM, INCLUDING
17 LOCAL PURCHASING DATA FROM THE 2023-24 SCHOOL YEAR, THAT THE
18 PARTICIPATING PROVIDER INCLUDED IN THE APPLICATION TO THE
19 PURCHASING PROGRAM;

20 (c) PRODUCT CATEGORIES PURCHASED;

21 (d) NUMBER OF COLORADO PRODUCERS OR BUSINESSES
22 PARTICIPATING BY PARTICIPATING PROVIDER AND IN TOTAL:

23 (e) ECONOMIC EFFECT ON PARTICIPATING PROVIDERS, PRODUCERS,
24 AND ECONOMIES; AND

25 (f) QUALITATIVE PRODUCER AND PARTICIPATING PROVIDER
26 SURVEYS

27 22-82.9-305. Program funding - state education fund.

1 PURCHASING NUTRITIOUS FOODS FROM COLORADO'S FOOD SYSTEMS,
2 INCLUDING LOCAL FARMERS AND RANCHERS, SUPPORTS STUDENTS'
3 NUTRITION AND PROVIDES QUALITY MEALS TO BOOST THE HEALTH AND
4 WELL-BEING OF COLORADO STUDENTS, AND IS AN IMPORTANT COMPONENT
5 OF AN ACCOUNTABLE EDUCATION PROGRAM TO MEET STATE ACADEMIC
6 STANDARDS, AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
7 EDUCATION FUND CREATED SECTION 17 (4) OF ARTICLE IX OF THE STATE
8 CONSTITUTION.

9 **22-82.9-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
10 JULY 1, 2026.

11 **SECTION 12.** In Colorado Revised Statutes, 24-75-109, amend
12 (1)(f) as follows:

13 **24-75-109. Controller may allow expenditures in excess of
14 appropriations - limitations - appropriations for subsequent fiscal
15 year restricted - repeal.** (1) For the purpose of closing the state's books,
16 and subject to the provisions of this section, the controller may, on or
17 after May 1 of any fiscal year and before the forty-fifth day after the close
18 thereof, upon approval of the governor, allow any department, institution,
19 or agency of the state, including any institution of higher education, to
20 make an expenditure in excess of the amount authorized by an item of
21 appropriation for such fiscal year if:

22 (f) The overexpenditure is by the department of education for
23 either:

24 (I) ~~Providing reimbursements to a participating school food~~
25 ~~authority for offering eligible meals without charge, pursuant to section~~
26 ~~22-82.9-204 (1)(b); or~~

27 (II) ~~Distributing money to a participating school food authority to~~

1 increase wages or provide stipends for individuals whom the participating
2 school food authority employs to directly prepare and serve food for
3 school meals, pursuant to section 22-82.9-206 (1). PROVIDING
4 REIMBURSEMENTS TO A PARTICIPATING SCHOOL FOOD AUTHORITY FOR
5 OFFERING ELIGIBLE MEALS WITHOUT CHARGE, PURSUANT TO SECTION
6 22-82.9-204 (1)(b).

7 **SECTION 13.** In Colorado Revised Statutes, 24-75-201, **amend**
8 (2)(c) as follows:

9 **24-75-201. General fund - general fund surplus - custodial**
10 **money - repeal.** (2) (c) (I) Any unrestricted balance remaining in the
11 healthy school meals for all program general fund exempt account created
12 in section 22-82.9-210 (2) at the end of any fiscal year shall not be
13 designated as part of the general fund surplus.

14 (II) THIS SUBSECTION (2)(c) IS REPEALED, EFFECTIVE JULY 1, 2025.

15 **SECTION 14.** In Colorado Revised Statutes, 24-75-201.1,
16 **amend** (2)(e) as follows:

17 **24-75-201.1. Restriction on state appropriations - legislative**
18 **declaration - definitions - repeal.** (2) The basis for the calculation of
19 the reserve as specified in this section includes all appropriations for
20 expenditure from the general fund for such fiscal year, except for any
21 appropriations for:

22 (e) (I) Expenditures from the healthy school meals for all program
23 general fund exempt account created in section 22-82.9-210 (2).

24 (II) THIS SUBSECTION (2)(e) IS REPEALED, EFFECTIVE JULY 1, 2025.

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 **SECTION 15. Appropriation to the department of education for the fiscal year beginning July 1, 2024. Amend as added by House Bill 24-1430 section 2, Part IV (1)(A),**

2 (3)(D)(1), (3)(D)(2), and the affected totals, and **repeal** Footnote 17, as follows:

3 **Section 2. Appropriation.**

4 **PART IV**

5 **DEPARTMENT OF EDUCATION**

6 **(1) MANAGEMENT AND ADMINISTRATION**

7 **(A) Administration and Centrally-Appropriated Line Items**

9 State Board of Education	575,805	575,805			
10		(2.5 FTE)			
11 General Department and					
12 Program Administration	6,532,726	3,204,516	188,595 ^a	3,139,615 ^b	
13		(23.9FTE)	(2.1 FTE)	(19.9 FTE)	
14 Grants Administration	564,452	389,513	174,939 ^c		
15 Health, Life, and Dental	9,686,767	4,025,403	1,462,109 ^d	968,342 ^e	3,230,913(I)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Short-term Disability	93,966	38,115		12,790 ^d	9,834 ^e	33,227(I)
2	Paid Family Medical Leave						
3	Insurance	265,629	96,798	1,277 ^f	38,371 ^d	29,501 ^e	99,682(I)
4					39,648 ^d		
5	Unfunded Liability						
6	Amortization Equalization						
7	Disbursement	6,264,374	2,498,466	42,478 ^f	852,690 ^d	655,574 ^e	2,215,166(I)
8					895,168 ^d		
9	Salary Survey	2,167,677	778,984	20,500 ^f	311,459 ^d	240,788 ^e	815,946(I)
10					331,959 ^d		
11	Step Pay	2,163,729	908,997		312,360 ^d	205,099 ^e	737,273(I)
12	PERA Direct Distribution	1,304,359	963,385	6,335 ^f	188,732 ^d	145,907 ^e	
13					195,067 ^d		

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Temporary Employees						
2	Related to Authorized						
3	Leave	29,961		29,961			
4	Workers' Compensation	334,121		160,533		43,601 ^d	11,291 ^e
5	Legal Services	1,324,188		818,348		443,603 ^d	62,237 ^e
6	Administrative Law Judge						
7	Services	209,603				209,603 ^g	
8	Payment to Risk						
9	Management and Property						
10	Funds	821,832		821,832			
11	Capitol Complex Leased						
12	Space	1,053,714		300,308		191,776 ^d	95,888 ^h
13	CORE Operations	66,377		33,185		25,715 ⁱ	7,477 ^j
14		33,459,280					
15							

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$

1 ^a This amount shall be from general education development program fees.

2 ^b Of this amount, \$2,270,195 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., and \$869,420
 3 shall be from statewide indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

4 ^c Of this amount, \$91,134 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$48,734 shall be from the Marijuana Tax Cash Fund
 5 created in Section 39-28.8-501 (1), C.R.S., \$27,096 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S. \$4,459 shall be from the Public School Capital
 6 Construction Assistance Fund created in Section 22-43.7-104 (1), C.R.S., and \$3,516 shall be from the Start Smart Nutrition Program Fund created in Section 22-82.7-105 (1), C.R.S.
 7 Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section
 8 20 of Article X of the State Constitution.

9 ^d Of these amounts, \$1,228,130 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$1,098,482(I) shall be from the Educator
 10 Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., \$597,456 shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1),
 11 C.R.S., \$486,345 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S., \$186,980 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501
 12 (1), C.R.S., \$70,590 SHALL BE FROM THE HEALTHY SCHOOL MEALS FOR ALL PROGRAM CASH FUND CREATED IN SECTION 22-82.9-211 (2), C.R.S., \$44,739 shall be from general education
 13 development program fees, and \$215,359 shall be from various sources of cash funds. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State
 14 Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$

1 ^e Of these amounts, \$2,042,122 shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S., \$62,237 is
 2 estimated to be transferred from the Division of Public School Capital Construction Assistance line item appropriation in the School District Operations section of this department,
 3 \$37,047 is estimated to be transferred from the Department of Regulatory Agencies from the Reading Services for the Blind Cash Fund and Disabled Telephone Users Fund in the Public
 4 Utilities Commission, \$36,506 is estimated to be from Medicaid funds transferred from the Department of Health Care Policy and Financing from the Transfer to the Department of
 5 Education for Public School Health Services Administration line item in the Executive Director's Office, and \$150,661 shall be from various sources of reappropriated funds.

6 ^f These amounts shall be from the Healthy School Meals for All Program General Fund Exempt Account created in Section 22-82.9-210 (3), C.R.S.

7 ^g Of this amount, \$171,874(I) shall be from the Educator Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., and \$37,729 shall be from the State Education Fund created
 8 in Section 17 (4)(a) of Article IX of the State Constitution. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education Fund are not subject
 9 to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

10 ^h This amount shall be transferred from the Division of Public School Capital Construction Assistance line item appropriation in the School District Operations section of this department.

11 ⁱ Of this amount, it is estimated that \$9,616 shall be from the State Education Fund created in Section 17 (4)(a) of Article IX of the State Constitution, \$6,155(I) shall be from the Educator
 12 Licensure Cash Fund created in Section 22-60.5-112 (1)(a), C.R.S., \$4,442 shall be from the Public School Capital Construction Assistance Fund created in Section 22-43.7-104 (1),
 13 C.R.S., \$3,515 shall be from the Early Literacy Fund created in Section 22-7-1210 (1), C.R.S., \$1,602 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1),
 14 C.R.S., and \$385 shall be from general education development program fees. Pursuant to Section 17 (3) of Article IX of the State Constitution, appropriations from the State Education
 15 Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

16 ^j This amount shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

		APPROPRIATION FROM					
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1							
2	(3) SCHOOL DISTRICT OPERATIONS						
3	(D) Nutrition						
4	(1) Healthy School Meals for All Program						
5	Program Administration ¹⁷						
6	ADMINISTRATION	887,732	95,908	791,824 ^a			
7		791,824			791,824 ^a		
8		(3.2 FTE)	(1.0 FTE)				
9					(3.2 FTE)		
10	School Meal						
11	Reimbursements	137,483,812	22,146,226	115,337,586*			
12					137,483,812 ^a		
13	Local Food Purchasing						
14	Grant	5,000,000	5,000,000				

							APPROPRIATION FROM
	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$	\$
1	Local Food Technical						
2	Assistance Grant	5,000,000		5,000,000			
3	Wage Distributions	8,400,000		8,400,000			
4		<u>156,771,544</u>					
5		138,275,636					
6							

^a These amounts of these amounts, \$116,129,410 shall be from the Healthy School Meals for All Program General Fund Exempt Account, CASH FUND, created in Section 22-82.9-211 (2), C.R.S., and \$22,146,226 shall be from the State Education Fund created in Section 17 (4)(A) of Article IX of the State Constitution.

10	(2) Other Nutrition Program					
11	Federal Nutrition Programs	156,775,300		104,973		156,670,327(I)
12			(0.9 FTE)			(16.1 FTE)
13	State Match for School					
14	Lunch Program	2,472,644			2,472,644 ^a	

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
			\$	\$	\$	\$	\$
1	Child Nutrition School						
2	Lunch Protection Program	841,460			841,460 ^b		
3	Start Smart Nutrition						
4	Program	296,484			296,484 ^c		
5	LOCAL SCHOOL FOOD						
6	PURCHASING PROGRAMS	675,729			675,729 ^b		
7					(0.4 FTE)		
8	Summer Electronics						
9	Benefits Transfer for						
10	Children	447,870	223,935				223,935(I)
11			(0.9 FTE)				(0.8 FTE)
12		160,833,758					
13		161,509,487					
14							

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

^a This amount shall be from the State Public School Fund created in Section 22-54-114 (1), C.R.S., from interest and income earned on the investment of money in the Public School Fund that is credited to the State Public School Fund pursuant to Section 22-41-102 (3)(g), C.R.S.

appropriations from the State Education Fund are not subject to the limitation on fiscal year spending set forth in Section 20 of Article X of the State Constitution.

^c This amount shall be from the Start Smart Nutrition Program Fund created in Section 22-82.7-105 (1), C.R.S.

TOTALS PART IV

(EDUCATION)	\$7,440,497,346	\$3,338,057,203	\$1,363,480,333^a	±764,077,511^b	\$104,652,889^c	\$870,229,410^d
	\$7,422,677,167	\$3,297,415,069	\$1,247,280,333^a	\$1,903,099,466^b		

^a This amount shall be from the General Fund Exempt Account created in Section 24-77-103.6 (2), C.R.S.

^b Of this amount, \$5,432,434 contains an (I) notation.

^c Of this amount, \$43,900,000 contains an (I) notation.

APPROPRIATION FROM						
ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^d This amount contains an (I) notation.

2

3 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

4

5 17 Department of Higher Education, School District Operations, Nutrition, Healthy School Meals for All, Program Administration -- Of the amount appropriated
 6 in this line item, up to \$400,000, if not expended prior to the close of the 2024-25 state fiscal year, remains available for expenditure until the close of the
 7 2025-26 state fiscal year.

1 **SECTION 16. Repeal and reenact, with amendments, as**
2 **enacted by House Bill 24-1430, section 16, as follows:**

3 **SECTION 16. Appropriation to the department of education**
4 **for the fiscal year beginning July 1, 2023.** In Session Laws of Colorado
5 **2023, amend** section 7 (1) introductory portion, (1)(f), and **add** (1)(h) of
6 **chapter 89, (SB 23-221), as follows:**

7 **Section 7. Appropriation.** (1) For the 2023-24 state fiscal year,
8 \$171,439,107 is appropriated to the department of education. Of this
9 appropriation, \$156,000,000 is from the healthy school meals for all
10 program general fund exempt account and \$15,439,107 is from the
11 **general fund.** STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF
12 ARTICLE IX OF THE STATE CONSTITUTION. To implement this act, the
13 department may use this appropriation as follows:

14 (f) \$171,000,000 for school meal reimbursements; and
15 (h) \$100,000 for consulting support, which amount, if not
16 expended prior to the close of the 2023-24 state fiscal year, remains
17 available for expenditure until the close of the 2024-25 state fiscal year.

18 **SECTION 17. Effective date.** This act takes effect upon passage;
19 except that sections 15 and 16 of this act take effect only if House Bill
20 24-1430 becomes law, in which case sections 15 and 16 take effect upon
21 the effective date of this act or House Bill 24-1430, whichever is later.

22 **SECTION 18. Safety clause.** The general assembly finds,
23 determines, and declares that this act is necessary for the immediate
24 preservation of the public peace, health, or safety or for appropriations for
25 the support and maintenance of the departments of the state and state
26 institutions.