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HOUSE BILL 25-1061

BY REPRESENTATIVE(S) Taggart and Bacon, Bird, Boesenecker, Brown, Carter, Clifford, Duran, English, Feret, Gonzalez R., Joseph, Lindsay, Phillips, Ricks, Rutinel, Sirota, Stewart K., Titone, McCluskie; also SENATOR(S) Amabile and Kirkmeyer, Bridges, Catlin, Cutter, Daugherty, Exum, Jodeh, Kipp, Lundeen, Michaelson Jenet, Mullica, Roberts, Snyder, Wallace, Weissman, Coleman.

CONCERNING CREATING A GRANT PROGRAM FOR THE DEVELOPMENT OF
COMMUNITY SCHOOLYARDS, AND, IN CONNECTION THEREWITH,
MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 24-32-135 as follows:

24-32-135. Community schoolyards grant program - creation - report - rules - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "CAPITAL CONSTRUCTION AND IMPROVEMENT GRANT PROGRAM" OR "CONSTRUCTION PROGRAM" MEANS THE CAPITAL CONSTRUCTION AND

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

IMPROVEMENT GRANT PROGRAM CREATED IN SUBSECTION (2)(a)(II) OF THIS SECTION THAT IS PART OF THE COMMUNITY SCHOOLYARDS GRANT PROGRAM.

(b) "COMMUNITY SCHOOLYARD" MEANS A PARK-LIKE ENVIRONMENT LOCATED AT AN ELEMENTARY OR SECONDARY SCHOOL THAT STRENGTHENS LOCAL ECOLOGICAL SYSTEMS, PROVIDES A WIDE RANGE OF HANDS-ON LEARNING RESOURCES, ENHANCES HEALTH AND WELL-BEING FOR STUDENTS AND COMMUNITY MEMBERS, AND FOSTERS NATURE-PLAY AND SOCIAL OPPORTUNITIES FOR STUDENTS AND COMMUNITY MEMBERS.

(c) "COMMUNITY SCHOOLYARDS GRANT PROGRAM" OR "GRANT PROGRAM" MEANS THE COMMUNITY SCHOOLYARDS GRANT PROGRAM CREATED IN SUBSECTION (2)(a) OF THIS SECTION, WHICH CONSISTS OF TWO GRANT PROGRAMS: THE PLANNING AND DESIGN GRANT PROGRAM CREATED IN SUBSECTION (2)(a)(I) OF THIS SECTION AND THE CAPITAL CONSTRUCTION AND IMPROVEMENT GRANT PROGRAM CREATED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

(d) "COMMUNITY-USE PARTNER" MEANS A PARTNER THAT ENTERS INTO A COMMUNITY-USE AGREEMENT WITH AN ELIGIBLE APPLICANT AND THE PARTNERSHIP COMPLIES WITH THE REQUIREMENTS SET FORTH IN SUBSECTION (2)(d) OF THIS SECTION.

(e) "ELIGIBLE APPLICANT" MEANS A LOCAL GOVERNMENT OR A SCHOOL DISTRICT.

(f) "GRANT RECIPIENT" MEANS AN ELIGIBLE APPLICANT THAT THE DIVISION SELECTS TO RECEIVE MONEY THROUGH THE GRANT PROGRAM.

(g) "LOCAL GOVERNMENT" MEANS A MUNICIPALITY, A COUNTY, SPECIAL DISTRICTS, AND OTHER POLITICAL SUBDIVISIONS AND STATE AGENCIES.

(h) "PLANNING AND DESIGN GRANT PROGRAM" OR "PLANNING PROGRAM" MEANS THE PLANNING AND DESIGN GRANT PROGRAM CREATED IN SUBSECTION (2)(a)(I) OF THIS SECTION THAT IS PART OF THE COMMUNITY SCHOOLYARDS GRANT PROGRAM.

(2)(a) THE COMMUNITY SCHOOLYARDS GRANT PROGRAM IS CREATED IN THE DIVISION. THE COMMUNITY SCHOOLYARDS GRANT PROGRAM IS A

TWO-PART GRANT PROGRAM THAT INCLUDES:

(I) THE PLANNING AND DESIGN GRANT PROGRAM, WHICH AWARDS UP TO ONE HUNDRED FIFTY THOUSAND DOLLARS TO EACH GRANT RECIPIENT SELECTED BY THE DIVISION FOR THE PLANNING AND DESIGN OF A COMMUNITY SCHOOLYARD; AND

(II) THE CAPITAL CONSTRUCTION AND IMPROVEMENT GRANT PROGRAM, WHICH AWARDS UP TO EIGHT HUNDRED FIFTY THOUSAND DOLLARS TO EACH GRANT RECIPIENT SELECTED BY THE DIVISION FOR THE CAPITAL CONSTRUCTION OF A COMMUNITY SCHOOLYARD.

(b) THE PURPOSE OF THE COMMUNITY SCHOOLYARDS GRANT PROGRAM IS TO ADDRESS INEQUITIES IN UNDERSERVED AND UNDERFUNDED SCHOOLS AND COMMUNITIES, SPECIFICALLY COMMUNITIES SOCIALLY OR ECONOMICALLY AFFECTED BY THE DEVELOPMENT, PROCESSING, OR ENERGY CONVERSION OF MINERALS AND MINERAL FUELS SUBJECT TO TAXATION PURSUANT TO ARTICLE 29 OF TITLE 39, BY:

(I) MAKING COMMUNITY SCHOOLYARDS ACCESSIBLE TO THE BROADER COMMUNITY OUTSIDE OF SCHOOL HOURS;

(II) IMPROVING PHYSICAL ACTIVITY AND MENTAL HEALTH OPPORTUNITIES FOR STUDENTS AND COMMUNITY MEMBERS; AND

(III) INCORPORATING NATURAL LANDSCAPES, NATURAL PLAYGROUNDS, AND RECREATIONAL SPACES THAT PROMOTE ADAPTATION; SUSTAINABILITY; RESILIENCE; AND HANDS-ON LEARNING ACROSS SUBJECT MATTERS, INCLUDING SCIENCE, TECHNOLOGY, ENGINEERING, ARTS, AND MATHEMATICS.

(c) FOR THE PLANNING PROGRAM AND THE CONSTRUCTION PROGRAM, THE DIVISION SHALL CONSIDER ELIGIBLE APPLICANTS WHOSE APPLICATIONS CONTAIN THE FOLLOWING MATERIALS:

(I) DOCUMENTATION OF A COMMUNITY-USE AGREEMENT BETWEEN THE ELIGIBLE APPLICANT AND A COMMUNITY-USE PARTNER THAT ENABLES THE COMMUNITY SCHOOLYARD TO SERVE AS A COMMUNITY FACILITY OUTSIDE OF SCHOOL HOURS. THE COMMUNITY-USE AGREEMENT MUST INCLUDE, AT A MINIMUM, THE FOLLOWING:

(A) A DEFINITION OF THE ROLES AND RESPONSIBILITIES OF THE ELIGIBLE APPLICANT AND THE COMMUNITY-USE PARTNER IN THE OPERATION, USE, SAFETY, AND MAINTENANCE OF THE COMMUNITY SCHOOLYARD;

(B) CONSIDERATION OF LIABILITY ISSUES FOR COMMUNITY USE OF THE COMMUNITY SCHOOLYARD;

(C) A DEFINITION OF THE HOURS OF OPERATION FOR COMMUNITY USE OF THE COMMUNITY SCHOOLYARD; AND

(D) DOCUMENTATION OF THE COMMUNITY USE OF THE COMMUNITY SCHOOLYARD;

(II) DOCUMENTATION OF A PARTNERSHIP BETWEEN THE ELIGIBLE APPLICANT AND A COMMUNITY-BASED ORGANIZATION WITH EXPERTISE IN OUTDOOR LEARNING SPACES OR OUTDOOR EDUCATION SPACES THAT HAS EXPERIENCE WORKING WITH LOCAL EDUCATION PROVIDERS;

(III) DOCUMENTATION OF THE AMOUNT OF MATCHING FUNDS OR IN-KIND CONTRIBUTIONS THAT THE ELIGIBLE APPLICANT INTENDS TO PROVIDE TO AUGMENT GRANT MONEY RECEIVED FROM THE GRANT PROGRAM AND THE ANTICIPATED AMOUNT AND SOURCE OF ANY MATCHING FUNDS OR IN-KIND CONTRIBUTIONS; AND

(IV) A DEMONSTRATION OF THE NEED FOR A COMMUNITY SCHOOLYARD THAT USES A NATIONALLY RECOGNIZED INTERACTIVE MAP TO HELP IDENTIFY THE TOP LOCATIONS TO BUILD A COMMUNITY SCHOOLYARD.

(d)(I) A LOCAL GOVERNMENT THAT IS AN ELIGIBLE APPLICANT MUST ENTER INTO A COMMUNITY-USE AGREEMENT WITH A COMMUNITY-USE PARTNER THAT INCLUDES, BUT IS NOT LIMITED TO, A SCHOOL OF A SCHOOL DISTRICT, A SCHOOL DISTRICT, A DISTRICT CHARTER SCHOOL, AN INSTITUTE CHARTER SCHOOL, THE STATE CHARTER SCHOOL INSTITUTE, OR A BOARD OF COOPERATIVE SERVICES CREATED AND OPERATED PURSUANT TO ARTICLE 5 OF TITLE 22.

(II) A SCHOOL DISTRICT THAT IS AN ELIGIBLE APPLICANT MUST ENTER INTO A COMMUNITY-USE AGREEMENT WITH A COMMUNITY-USE PARTNER THAT IS A LOCAL GOVERNMENT.

(e) THE DIVISION MAY CONSULT WITH THE STATE BOARD OF THE GREAT OUTDOORS COLORADO TRUST FUND ESTABLISHED PURSUANT TO SECTION 6 OF ARTICLE XXVII OF THE STATE CONSTITUTION, THE OUTDOOR EQUITY BOARD CREATED IN SECTION 33-9-203, THE ENVIRONMENTAL JUSTICE ADVISORY BOARD CREATED IN SECTION 25-1-134 (2), AND THE PUBLIC SCHOOL CAPITAL CONSTRUCTION ASSISTANCE BOARD CREATED IN SECTION 22-43.7-106 REGARDING THE GRANT PROGRAM.

(3) (a) ON OR BEFORE JANUARY 15, 2026, THE DIVISION SHALL IMPLEMENT A TIMELINE FOR THE PLANNING PROGRAM, WHICH MUST INCLUDE:

(I) ANNOUNCING THE PLANNING PROGRAM;

(II) ACCEPTING APPLICATIONS FROM ELIGIBLE APPLICANTS AND REVIEWING APPLICATIONS IN A TIMELY MANNER;

(III) SELECTING THE GRANT RECIPIENTS;

(IV) DISTRIBUTING GRANT MONEY TO THE GRANT RECIPIENTS; AND

(V) ESTABLISHING REPORTING TIMELINES AND REQUIREMENTS FOR THE GRANT RECIPIENTS OF THE PLANNING PROGRAM. GRANT RECIPIENTS SHALL REPORT, AT A MINIMUM, THE FOLLOWING TO THE DIVISION:

(A) THE AMOUNT OF MONEY RECEIVED FROM THE PLANNING PROGRAM;

(B) THE NUMBER OF STUDENTS AFFECTED BY THE GRANT; AND

(C) A DESCRIPTION OF HOW THE GRANT MONEY WAS SPENT.

(b) GRANT RECIPIENTS OF THE PLANNING PROGRAM SHALL DEVELOP PROFESSIONAL PLAN, DESIGN, AND CONSTRUCTION DOCUMENTS THROUGH A COMMUNITY-CENTERED PARTICIPATORY DESIGN PROCESS IN COLLABORATION WITH STUDENTS, EDUCATORS, AND COMMUNITY MEMBERS. THE PLANNING AND DESIGN DOCUMENTS FOR THE COMMUNITY SCHOOLYARD MUST INCLUDE:

(I) ECOLOGICAL, CLIMATE, AND BIODIVERSITY GOALS;

(II) EDUCATION AND HEALTH GOALS;

(III) RECREATION GOALS;

(IV) ACCESSIBILITY, SAFETY, AND LICENSING STANDARDS;

(V) THE NUMBER OF STUDENTS ENROLLED AT EACH SCHOOL SERVED BY THE GRANT;

(VI) THE TOTAL ACREAGE SIZE OF THE SCHOOL PROPERTY;

(VII) THE ACREAGE SIZE OF THE PROPOSED COMMUNITY SCHOOLYARD;

(VIII) A CONCEPT PLAN DRAWING OF THE PROPOSED COMMUNITY SCHOOLYARD DESIGN, WHICH MUST INCORPORATE DESIGN FEATURES THAT CREATE HEALTHY AND ENVIRONMENTALLY SOUND SPACES. DESIGN FEATURES MAY INCLUDE:

(A) FOOD AND POLLINATOR GARDENS;

(B) NATURAL PLAYGROUNDS, INCLUDING NATURAL AND NATURE-BASED ELEMENTS, INCLUDING ROCK GARDENS, SAND BOXES, STUMP LOGS, STREAMS, LIVING PLANTS, AND OTHER FEATURES THAT ARE INTEGRATED WITH THE OUTDOOR LANDSCAPE AND VEGETATION;

(C) STORMWATER MANAGEMENT;

(D) TRADITIONAL PLAYGROUND EQUIPMENT;

(E) CLIMATE-APPROPRIATE NON-INVASIVE PLANTS AND VEGETATION;

(F) WALKING TRAILS;

(G) SHADE TREES;

(H) OUTDOOR CLASSROOMS WITH CHALKBOARDS, TABLES, SINKS, AND LARGE SITTING AREAS FOR TEACHERS TO LEAD OUTDOOR LESSONS; OR

(I) CALM SPACES FOR CHILDREN;

(IX) IDENTIFICATION OF COMMUNITY PARTNERS, INCLUDING NONPROFIT ORGANIZATIONS OR DESIGN PROFESSIONALS THAT HAVE EXPERTISE IN OUTDOOR LEARNING SPACES OR OUTDOOR EDUCATION SPACES; AND

(X) A PLAN FOR THE LONG-TERM MAINTENANCE OF THE COMMUNITY SCHOOLYARD.

(c) THE COMMUNITY-BASED ORGANIZATION DESCRIBED IN SUBSECTION (2)(c)(II) OF THIS SECTION IS ENCOURAGED TO PROVIDE TECHNICAL ASSISTANCE TO THE GRANT RECIPIENT TO HELP FACILITATE THE COMMUNITY-CENTERED PARTICIPATORY DESIGN PROCESS TO PLAN AND DESIGN PARK-LIKE SPACES, OUTDOOR LEARNING SPACES, OR OUTDOOR EDUCATION SPACES WITH STUDENTS, EDUCATORS, AND COMMUNITY MEMBERS, AS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

(4) (a) ON OR BEFORE JANUARY 15, 2026, THE DIVISION SHALL IMPLEMENT A TIMELINE FOR THE CONSTRUCTION PROGRAM, WHICH MUST INCLUDE:

(I) ANNOUNCING THE CONSTRUCTION PROGRAM;

(II) ACCEPTING APPLICATIONS FROM ELIGIBLE APPLICANTS;

(III) SELECTING THE GRANT RECIPIENTS;

(IV) DISTRIBUTING GRANT MONEY TO THE GRANT RECIPIENTS; AND

(V) ESTABLISHING REPORTING TIMELINES AND REQUIREMENTS FOR THE GRANT RECIPIENTS OF THE CONSTRUCTION PROGRAM. GRANT RECIPIENTS MUST REPORT, AT A MINIMUM, THE FOLLOWING TO THE DIVISION:

(A) THE NUMBER OF STUDENTS AFFECTED BY THE GRANT;

(B) A DESCRIPTION OF HOW THE GRANT MONEY WAS SPENT; AND

(C) THE ESTABLISHMENT OF A COMMUNITY-USE AGREEMENT, AS DESCRIBED IN SUBSECTION (2)(c)(I) OF THIS SECTION, FOR COMMUNITY

ACCESS AND USE OF THE COMMUNITY SCHOOLYARD OUTSIDE OF SCHOOL HOURS.

(b) IF THE PROPOSED COMMUNITY SCHOOLYARD CONSTRUCTION PROJECT EXCEEDS ONE MILLION DOLLARS, THE GRANT RECIPIENT MUST HAVE A MINIMUM OF TWENTY-FIVE PERCENT OF THE TOTAL CONSTRUCTION BUDGET AVAILABLE AS MATCHING FUNDS AT THE TIME OF THE GRANT AWARD. THE TOTAL CONSTRUCTION BUDGET MAY INCLUDE IN-KIND CONTRIBUTIONS.

(c) ELIGIBLE APPLICANTS WHO DID NOT APPLY TO THE PLANNING PROGRAM MAY APPLY TO THE CONSTRUCTION PROGRAM AND MUST SUBMIT THE PROFESSIONAL PLAN, DESIGN, AND CONSTRUCTION DOCUMENTS DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION TO THE DIVISION DURING THE CONSTRUCTION PROGRAM APPLICATION PERIOD DESCRIBED IN SUBSECTION (4)(a)(II) OF THIS SECTION. ELIGIBLE APPLICANTS MUST PROVIDE EVIDENCE THAT THE PROFESSIONAL PLAN, DESIGN, AND CONSTRUCTION DOCUMENTS WERE CREATED THROUGH A COMMUNITY-CENTERED PARTICIPATORY DESIGN PROCESS IN COLLABORATION WITH STUDENTS, EDUCATORS, AND COMMUNITY MEMBERS. THE ELIGIBLE APPLICANT MUST PROVIDE DOCUMENTATION OF A COMMUNITY-USE AGREEMENT WITH A COMMUNITY-USE PARTNER.

(5) ON OR BEFORE JANUARY 15, 2028, THE DIVISION SHALL COMPILE A REPORT SUMMARIZING THE GRANT RECIPIENT REPORTS FROM THE PLANNING PROGRAM RECEIVED PURSUANT TO SUBSECTION (3)(a)(V) OF THIS SECTION AND THE CONSTRUCTION PROGRAM PURSUANT TO SUBSECTION (4)(a)(V) OF THIS SECTION. THE DIVISION SHALL SUBMIT THE REPORT TO THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND SENATE; THE HOUSE OF REPRESENTATIVES TRANSPORTATION, HOUSING, AND LOCAL GOVERNMENT COMMITTEE; AND THE SENATE LOCAL GOVERNMENT AND HOUSING COMMITTEE, OR THEIR SUCCESSOR COMMITTEES.

(6) THE DIVISION MAY ADOPT RULES TO CARRY OUT THE PURPOSES OF THIS SECTION.

(7) (a) FOR THE 2025-26 FISCAL YEAR, THE DEPARTMENT OF LOCAL AFFAIRS SHALL USE TWO MILLION DOLLARS FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5) OR THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110 FOR

PURPOSES OF THIS SECTION.

(b) FOR THE 2026-27 FISCAL YEAR, THE DEPARTMENT OF LOCAL AFFAIRS SHALL USE TWO MILLION DOLLARS FROM THE LOCAL GOVERNMENT MINERAL IMPACT FUND CREATED IN SECTION 34-63-102 (5) OR THE LOCAL GOVERNMENT SEVERANCE TAX FUND CREATED IN SECTION 39-29-110 FOR PURPOSES OF THIS SECTION.

(c) OF THE TOTAL FUNDS DESCRIBED IN SUBSECTIONS (7)(a) AND (7)(b) OF THIS SECTION, THE DIVISION MAY USE UP TO FIVE PERCENT OF THE FUNDS IT RECEIVES FOR THE GRANT PROGRAM TO PAY FOR THE DIRECT AND INDIRECT COSTS OF ADMINISTERING THE GRANT PROGRAM.

(8) THIS SECTION IS REPEALED, EFFECTIVE JANUARY 1, 2030.

SECTION 2. Appropriation. For the 2025-26 state fiscal year, \$50,000 is appropriated to the department of local affairs for use by the division of local government. This appropriation is from reappropriated funds from the local government severance tax fund created in section 39-29-110 (1)(a)(I), C.R.S., and the local government mineral impact fund created in section 34-63-102 (5)(a)(I), C.R.S., that are continuously appropriated to the department of local affairs, and is based on an assumption that the division will require an additional 0.4 FTE. To implement this act, the division may use this appropriation for program costs related to field services.

SECTION 3. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in

November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO