A BILL FOR AN ACT

CONCERNING A PILOT PROGRAM TO REDUCE THE DROPOUT RATE OF ADOLESCENT STUDENTS, AND MAKING AN APPROPRIATION THEREFOR.

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Creates the healthy choices dropout prevention pilot program (program) in the department of education (department) to reduce the dropout rate of adolescent students in certain public schools. Requires the department to administer the program. Requires the department to develop a standard application form for a school district to use in applying on behalf of a school for a grant from the program. Requires the
commissioner of education (commissioner) or his or her designee to review each application and announce which schools shall receive grants and the amount of the grant that each recipient school shall receive. Requires a school to satisfy certain minimum standards to be eligible to receive a grant from the program. Specifies the permissible uses of grant moneys. Permits a school that receives grant moneys, or the school district of such a school, to contract with a private entity for the provision of services under the program.

Creates the healthy choices dropout prevention pilot program fund (fund) in the state treasury. Allows the department to use a percentage of the moneys appropriated to the fund to offset the direct and indirect costs of implementing the program.

Requires the department to report to the education and the health and human services committees of the general assembly concerning the activities carried out under the program and the effectiveness of the program. Requires a school district that includes a school that receives a grant from the program to report to the department concerning the school's use of the grant moneys.

Requires the state board of education (state board) to promulgate rules establishing policies and procedures for the administration of the program. Requires the state board to promulgate rules establishing criteria and procedures for the commissioner or his or her designee to use in selecting schools to receive grants from the program and in determining the amount of the grant each recipient school shall receive.

Sets a date upon which the program repeals.

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

SECTION 1. Title 22, Colorado Revised Statutes, is amended by the addition of a new article to read:

ARTICLE 82.3

Healthy Choices Dropout Prevention Pilot Program

22-82.3-101. Definitions. As used in this article, unless the context otherwise requires:

(1) "AT-RISK SCHOOL" MEANS A SCHOOL THAT ENROLLS STUDENTS IN THE SIXTH, SEVENTH, AND EIGHTH GRADES AND MEETS THE FOLLOWING CRITERIA:

(a) (I) AT LEAST FORTY PERCENT OF THE STUDENTS ENROLLED IN
THE SCHOOL HAVE A BODY MASS INDEX THAT CORRELATES TO AT LEAST
THE EIGHTY-FIFTH PERCENTILE OF STUDENTS OF THE SAME AGE, AS
DETERMINED BY A BODY MASS INDEX CALCULATOR USED BY THE CENTERS
FOR DISEASE CONTROL AND PREVENTION IN THE UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR
AGENCY;

(II) THE ANNUAL STUDENT ABSENTEE RATE FOR THE SCHOOL
AVERAGES AT LEAST FIFTEEN DAYS PER STUDENT; AND

(III) THE SCHOOL IS LOCATED IN A SCHOOL DISTRICT IN WHICH AT
LEAST THIRTY-FIVE PERCENT OF STUDENTS FAILED TO GRADUATE FROM
HIGH SCHOOL IN THE ACADEMIC YEAR PRECEDING APPLICATION FOR THE
PROGRAM, AS DETERMINED BY THE DEPARTMENT; OR

(b) (I) AT LEAST SIXTY PERCENT OF THE STUDENTS ENROLLED IN
THE SCHOOL ARE ELIGIBLE FOR FREE OR REDUCED-COST LUNCH UNDER THE
FEDERAL "NATIONAL SCHOOL LUNCH ACT", 42 U.S.C. SEC. 1751 ET SEQ.;

(II) AT LEAST THIRTY PERCENT OF THE STUDENTS ENROLLED IN
THE SCHOOL HAVE A BODY MASS INDEX THAT CORRELATES TO AT LEAST
THE EIGHTY-FIFTH PERCENTILE OF STUDENTS OF THE SAME AGE, AS
DETERMINED BY A BODY MASS INDEX CALCULATOR USED BY THE CENTERS
FOR DISEASE CONTROL AND PREVENTION IN THE UNITED STATES
DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR
AGENCY;

(III) THE ANNUAL STUDENT ABSENTEE RATE FOR THE SCHOOL
AVERAGES AT LEAST TWELVE DAYS PER STUDENT; AND

(IV) THE SCHOOL IS LOCATED IN A SCHOOL DISTRICT IN WHICH AT
LEAST THIRTY PERCENT OF STUDENTS FAILED TO GRADUATE FROM HIGH
SCHOOL IN THE ACADEMIC YEAR PRECEDING APPLICATION FOR THE
PROGRAM, AS DETERMINED BY THE DEPARTMENT.

(2) "COMMISSIONER" MEANS THE COMMISSIONER OF EDUCATION.

(3) "COORDINATED SCHOOL HEALTH TEAM" MEANS A GROUP OF PERSONS WHO WORK COLLABORATIVELY TO COORDINATE PROGRAMS, SERVICES, AND RESOURCES RELATING TO THE HEALTH OF STUDENTS IN A SCHOOL.

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF EDUCATION CREATED AND EXISTING PURSUANT TO SECTION 24-1-115, C.R.S.

(5) "FUND" MEANS THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM FUND CREATED PURSUANT TO SECTION 22-82.3-107.

(6) "MENTAL HEALTH COUNSELOR" MEANS A PERSON WHO:

(a) POSSESS A DEGREE OR LICENSE IN RECOGNITION OF HIS OR HER COMPLETION OF A PROGRAM OF SPECIALIZED TRAINING IN MENTAL HEALTH COUNSELING; OR

(b) SATISFIES THE MINIMUM REQUIREMENTS ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (d).

(7) "PROFESSIONAL NUTRITIONIST OR DIETICIAN" MEANS A PERSON WHO:

(a) POSSESS A DEGREE OR LICENSE IN RECOGNITION OF HIS OR HER COMPLETION OF A PROGRAM OF SPECIALIZED TRAINING IN NUTRITION OR DIET; OR

(b) SATISFIES THE MINIMUM REQUIREMENTS ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (c).

(8) "PROGRAM" MEANS THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM CREATED IN SECTION 22-82.3-102.
(9) "RECIPIENT SCHOOL" MEANS AN AT-RISK SCHOOL THAT THE
COMMISSIONER OR HIS OR HER DESIGNEE SELECTS TO RECEIVE A GRANT
FROM THE PROGRAM PURSUANT TO SECTION 22-82.3-103 (4).

(10) "SCHOOL" MEANS A PUBLIC SCHOOL OF A SCHOOL DISTRICT,
INCLUDING A CHARTER SCHOOL. "SCHOOL" DOES NOT MEAN AN INSTITUTE
CHARTER SCHOOL AS DEFINED IN SECTION 22-30.5-502 (6).

(11) "SCHOOL NURSE" MEANS A PERSON WHO IS LICENSED TO
PRACTICE AS A NURSE PURSUANT TO THE PROVISIONS OF ARTICLE 38 OF
TITLE 12, C.R.S., AND IS EMPLOYED AS A NURSE BY A SCHOOL OR SCHOOL
DISTRICT.

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

22-82.3-102. Healthy choices dropout prevention pilot
program - creation. THERE IS HEREBY CREATED IN THE DEPARTMENT
THE HEALTHY CHOICES DROPOUT PREVENTION PILOT PROGRAM. THE
OBJECTIVE OF THE PROGRAM IS TO PROVIDE SERVICES TO ENHANCE THE
ACADEMIC ACHIEVEMENT AND PHYSICAL AND MENTAL HEALTH OF
ADOLESCENT STUDENTS AND THEREBY IMPROVE STUDENT ATTENDANCE
AND REDUCE THE NUMBER OF STUDENTS WHO FAIL TO GRADUATE FROM
HIGH SCHOOL. THE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN
ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

22-82.3-103. Program application process - standard
application form - selection of grant recipients. (1) IN IMPLEMENTING
THE PROGRAM, SUBJECT TO AVAILABLE APPROPRIATIONS, THE
DEPARTMENT SHALL SOLICIT AN APPLICATION FROM EACH SCHOOL
DISTRICT THAT INCLUDES ONE OR MORE AT-RISK SCHOOLS. A SCHOOL
DISTRICT THAT INCLUDES ONE OR MORE AT-RISK SCHOOLS MAY APPLY ON
BEHALF OF ONE OR MORE OF THE AT-RISK SCHOOLS OF THE SCHOOL
DISTRICT. THE DEPARTMENT AND SCHOOL DISTRICTS SHALL CONFORM TO
THE PROCEDURES ESTABLISHED BY RULES PROMULGATED BY THE STATE
BOARD PURSUANT TO SECTION 22-82.3-109 (1) (a).

(2) IN ACCORDANCE WITH THE RULES PROMULGATED BY THE
STATE BOARD PURSUANT TO SECTION 22-82.3-109 (1) (b), THE
DEPARTMENT SHALL DEVELOP A STANDARD APPLICATION FORM FOR A
SCHOOL DISTRICT TO USE IN APPELLING ON BEHALF OF AN AT-RISK SCHOOL
TO RECEIVE A GRANT FROM THE PROGRAM. THE DEPARTMENT SHALL
MAKE THE STANDARD APPLICATION FORM ELECTRONICALLY AVAILABLE
TO THE PUBLIC.

(3) EACH SCHOOL DISTRICT THAT APPLIES ON BEHALF OF AN
AT-RISK SCHOOL FOR A GRANT FROM THE PROGRAM SHALL USE THE
STANDARD APPLICATION FORM DEVELOPED BY THE DEPARTMENT
PURSUANT TO SUBSECTION (2) OF THIS SECTION. IN SUBMITTING THE
STANDARD APPLICATION FORM, THE SCHOOL DISTRICT SHALL PROVIDE ALL
THE INFORMATION REQUESTED ON THE FORM AS WELL AS ANY OTHER
INFORMATION THAT THE DEPARTMENT MAY REQUEST.

(4) UPON RECEIVING AN APPLICATION FROM A SCHOOL DISTRICT,
THE DEPARTMENT SHALL SUBMIT THE APPLICATION TO THE
COMMISSIONER. THE COMMISSIONER OR HIS OR HER DESIGNEE SHALL
REVIEW EACH APPLICATION AND DETERMINE AND ANNOUNCE ON OR
BEFORE JUNE 1, 2010, AND ON OR BEFORE JUNE 1 EACH YEAR
THEREAFTER, WHICH AT-RISK SCHOOLS SHALL RECEIVE GRANTS AND THE
AMOUNT OF THE GRANT THAT EACH RECIPIENT SCHOOL SHALL RECEIVE.
PURSUANT TO THIS DETERMINATION, THE DEPARTMENT SHALL TRANSFER
THE GRANT TO THE RECIPIENT SCHOOL DISTRICT, AND, EXCEPT AS
PERMITTED BY SECTION 22-82.3-106 (2) OR (3), THE SCHOOL DISTRICT
SHALL DISTRIBUTE THE ENTIRE AMOUNT OF THE GRANT TO THE RECIPIENT
SCHOOL.

22-82.3-104. Eligibility for grants - grant amounts - selection
criteria and procedures. (1) The commissioner or his or her
designee shall award grants from the program only to schools
that satisfy the minimum standards described in section
22-82.3-105.

(2) In selecting schools to receive grants from the
program and in determining the amount of the grant to be
awarded to each recipient school, the commissioner or his or her
designee shall use the criteria and procedures established by
rules promulgated by the state board pursuant to section
22-82.3-109 (2).

22-82.3-105. Minimum standards for eligibility. (1) To be
eligible to receive a grant from the program, a school shall
satisfy the minimum standards described in subsections (2), (3),
and (4) of this section. The applicability of the standards
described in subsections (2), (3), and (4) of this section is limited
to their use in determining eligibility for a grant from the
program. A provision of subsection (2), (3), or (4) of this section
shall not be interpreted to require a school to adopt any
standard other than for the purpose of making the school
eligible to receive a grant from the program.

(2) Each recipient school shall be an at-risk school.

(3) Each recipient school shall administer a system by
WHICH THE RECIPIENT SCHOOL MEASURES AND RECORDS THE BODY MASS INDEX OF EACH STUDENT IN THE SCHOOL EACH YEAR USING A BODY MASS INDEX CALCULATOR RECOMMENDED BY THE CENTERS FOR DISEASE CONTROL AND PREVENTION IN THE UNITED STATES DEPARTMENT OF HEALTH AND HUMAN SERVICES, OR ANY SUCCESSOR AGENCY.

(4) EACH RECIPIENT SCHOOL SHALL HAVE A COORDINATED SCHOOL HEALTH TEAM.

22-82.3-106. Permissible uses of grants. (1) Except as described in subsections (2) and (3) of this section, a recipient school shall use the grant monies received from the program only to provide activities to students in the sixth, seventh, and eighth grades. A recipient school shall provide the activities during times outside of the regular school day, and the activities shall include the following:

(a) Opportunities for physical exercise;

(b) Academic assistance, including tutorial services in reading, writing, mathematics, and science;

(c) Nutrition counseling, which shall be provided by a professional nutritionist or dietician and include communication with students' parents regarding techniques for healthy preparation of meals;

(d) Mental health counseling provided by a professional mental health counselor; and

(e) Health education provided by a school nurse or other professional health educator.

(2) A recipient school or a school district of a recipient school may use the grant monies received from the program to
GATHER, RECORD, AND ASSEMBLE DATA FOR THE PURPOSE OF PREPARING
THE REPORTS DESCRIBED IN SECTION 22-82.3-109 (2).

(3) A RECIPIENT SCHOOL OR A SCHOOL DISTRICT OF A RECIPIENT
SCHOOL MAY USE THE GRANT MONEYS RECEIVED FROM THE PROGRAM TO
CONTRACT WITH ONE OR MORE PRIVATE ENTITIES FOR THE PROVISION OF
ONE OR MORE OF THE SERVICES DESCRIBED IN SUBSECTION (1) OF THIS
SECTION.

22-82.3-107. Healthy choices dropout prevention pilot
program fund - creation - administrative costs. (1) There is hereby
created in the state treasury the healthy choices dropout
prevention pilot program fund. The fund shall consist of:

(a) Any moneys appropriated to the fund from the general
fund;

(b) Any moneys appropriated to the fund from the
Colorado comprehensive health education fund created in
section 22-25-109;

(c) Any gifts, grants, or donations received by the
department for the fund pursuant to subsection (4) of this
section; and

(d) Any other moneys that the department may direct to
the fund pursuant to subsection (5) of this section.

(2) The moneys in the fund shall be subject to annual
appropriation by the general assembly for the direct and
indirect costs associated with the implementation of the
program pursuant to the provisions of this article. Of the
moneys annually appropriated from the fund, the department
may expend no more than two percent to offset the direct and

INDIRECT COSTS INCURRED BY THE DEPARTMENT IN IMPLEMENTING THE
PROGRAM PURSUANT TO THIS ARTICLE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSE
OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS
PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE
INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND SHALL BE CREDITED
TO THE FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS
REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN
THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE
GENERAL FUND OR ANOTHER FUND; EXCEPT THAT ALL UNEXPENDED AND
UNENCUMBERED MONEYS REMAINING IN THE FUND AS OF JUNE 30, 2019,
SHALL BE TRANSFERRED TO THE GENERAL FUND.

(4) THE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS,
GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES FOR THE
PURPOSES OF THIS ARTICLE; EXCEPT THAT THE DEPARTMENT SHALL NOT
ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS
THAT ARE INCONSISTENT WITH THIS ARTICLE OR ANY OTHER LAW OF THE
STATE. THE DEPARTMENT SHALL TRANSMIT ALL PRIVATE AND PUBLIC
MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS TO THE
STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE
RECEIPT OF GIFTS, GRANTS, AND DONATIONS SHALL NOT BE A
PREREQUISITE FOR THE IMPLEMENTATION OF THE PROGRAM.

(5) TO THE EXTENT PERMITTED BY LAW, THE DEPARTMENT MAY,
AT ITS DISCRETION, DIRECT OTHER MONEYS TO FUND THE PROGRAM.

22-82.3-108. Reports. (1) NOT LATER THAN JULY 30, 2015, AND
NOT LATER THAN JULY 30 EACH YEAR THEREAFTER, EACH SCHOOL
DISTRICT THAT INCLUDES AN AT-RISK SCHOOL THAT RECEIVED A GRANT
FROM THE PROGRAM DURING THE PRECEDING FISCAL YEAR SHALL PREPARE
AND SUBMIT TO THE DEPARTMENT A REPORT THAT DESCRIBES THE USE OF
THE GRANT MONEYS.

(2)(a) Not later than January 30, 2016, and not later than
January 30 each year thereafter, the department shall prepare
and submit to the education and the health and human services
committees of the house of representatives and the senate, or
any successor committees, a report that describes the activities
carried out under this article and that evaluates the
effectiveness of the program.

(b) The report prepared by the department pursuant to
paragraph (a) of this subsection (2) shall, at a minimum, include
the following:

(I) The total number of at-risk schools that received
moneys awarded as grants under the program;

(II) The amount of moneys awarded to each at-risk school
that received a grant under the program;

(III) Information demonstrating the department's
compliance with the provisions of this article and any rules
promulgated by the state board pursuant to section 22-82.3-109;
and

(IV) Statistical evidence or other information to assist
the committees in evaluating the effectiveness of the program,
with attention given to the extent to which the program
achieved the objectives of the program as described in section
22-82.3-102. The statistical evidence or other information shall,
at a minimum, include data indicating the extent to which the
PROGRAM HAS IMPROVED THE ACADEMIC ACHIEVEMENT, PHYSICAL AND
MENTAL HEALTH, ATTENDANCE, AND GRADUATION RATES OF STUDENTS IN
AT-RISK SCHOOLS THAT RECEIVED GRANT MONEYS UNDER THE PROGRAM.

22-82.3-109. Program - rules. (1) The state board shall
promulgate rules pursuant to the "State Administrative
Procedure Act", article 4 of title 24, C.R.S., establishing policies
and procedures for the administration of the program, including
but not limited to:

(a) procedures by which the department shall solicit and
collect applications from school districts on behalf of at-risk
schools;

(b) minimum requirements for the standard application
form developed by the department pursuant to section
22-82.3-103 (2). At a minimum, each application submitted to the
department by a school district on behalf of an at-risk school
shall include:

(I) information that is sufficient to demonstrate that the
school is an at-risk school;

(II) a written confirmation that the at-risk school for
which the school district is applying for a grant from the
program has satisfied the minimum standards described in
section 22-82.3-105, which confirmation shall be signed by:

(A) the school district's director of food and nutrition,
if any;

(B) the school district's superintendent; and

(C) the chair of the coordinated school health team of
the at-risk school or the school district; and

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(III) A PROPOSAL INDICATING HOW THE AT-RISK SCHOOL PLANS TO
USE THE GRANT AWARDED UNDER THE PROGRAM. THE PROPOSAL SHALL
ENSURE THAT THE ENTIRE AMOUNT OF THE GRANT AWARDED UNDER THE
PROGRAM SHALL BE USED FOR THE PURPOSES DESCRIBED IN SECTION
22-82.3-106.

(c) MINIMUM REQUIREMENTS FOR A PERSON TO MEET THE
DEFINITION OF A PROFESSIONAL NUTRITIONIST OR DIETICIAN; AND
(d) MINIMUM REQUIREMENTS FOR A PERSON TO MEET THE
DEFINITION OF A MENTAL HEALTH COUNSELOR.

(2) THE STATE BOARD SHALL PROMULGATE RULES PURSUANT TO
THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24,
C.R.S., ESTABLISHING CRITERIA AND PROCEDURES FOR THE
COMMISSIONER OR HIS OR HER DESIGNEE TO USE IN SELECTING AT-RISK
SCHOOLS TO RECEIVE GRANTS UNDER THE PROGRAM AND IN DETERMINING
THE AMOUNT OF THE GRANT TO BE AWARDED TO EACH RECIPIENT SCHOOL.
THE CRITERIA AND PROCEDURES SHALL ENSURE, TO THE MAXIMUM
EXTENT PRACTICABLE, THAT:

(a) RURAL, URBAN, AND SUBURBAN AT-RISK SCHOOLS ARE
CONSIDERED FOR RECEIVING GRANTS FROM THE PROGRAM;
(b) LARGE, MEDIUM, AND SMALL AT-RISK SCHOOLS ARE
CONSIDERED FOR RECEIVING GRANTS FROM THE PROGRAM; AND
(c) THE AMOUNT OF THE GRANT AWARDED TO EACH RECIPIENT
SCHOOL IS REASONABLY COMMENSURATE WITH THE SIZE OF THE STUDENT
POPULATION AT THE SCHOOL.

22-82.3-110. Repeal of article. This article is repealed,
effective July 1, 2019.

SECTION 2. 22-25-109 (1), Colorado Revised Statutes, is
amended to read:

22-25-109. Colorado comprehensive health education fund - creation - acceptance of funds. (1) There is hereby created in the state treasury the Colorado comprehensive health education fund, which fund shall be made up of moneys transferred thereto from the state public school fund pursuant to section 22-54-114, if any, as well as any moneys received by the department of education pursuant to subsection (2) of this section. The moneys in such the fund shall be subject to annual appropriation by the general assembly to the department of education for the purpose of carrying out the provisions of this article AND THE PROVISIONS OF ARTICLE 82.3 OF THIS TITLE.

SECTION 3. Appropriation. In addition to any other appropriation, for the fiscal year beginning July 1, 2010, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the healthy choices dropout prevention pilot program fund, created in section 22-82.3-107, Colorado Revised Statutes, the sum of ____________ dollars ($______), and such sum, or so much thereof as may be necessary is further appropriated to the department of education, for the implementation of the healthy choices dropout prevention pilot program, created in section 22-82.3-102, Colorado Revised Statutes.

SECTION 4. Act subject to petition - effective date. This act shall take effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly that is allowed for submitting a referendum petition pursuant to article V, section 1 (3) of the state constitution, (August 4, 2009, if adjournment sine die is on May 6, 2009); except that, if a referendum petition is filed
against this act or an item, section, or part of this act within such period,
then the act, item, section, or part, if approved by the people, shall take
effect on the date of the official declaration of the vote thereon by
proclamation of the governor.