



## Fiscal Note

### Legislative Council Staff

Nonpartisan Services for Colorado's Legislature

## HB 26-1259: DEPARTMENT OF EARLY CHILDHOOD CLEAN-UP

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**Prime Sponsors:**

Rep. Sirota  
Sen. Marchman; Bridges

**Fiscal Analyst:**

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**Published for:** House Education**Drafting number:** LLS 26-0564**Version:** Initial Fiscal Note**Date:** March 2, 2026**Fiscal note status:** This fiscal note reflects the introduced bill.

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### Summary Information

**Overview.** The bill makes a variety of changes and clarifications to the statutes governing the Colorado Department of Early Childhood.

**Types of impacts.** The bill is projected to affect the following areas on an ongoing basis:

- Minimal State Revenue
- Minimal State Workload
- Local Government
- School Districts

**Appropriations.** No appropriation is required.

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**Table 1**  
**State Fiscal Impacts**

| Type of Impact          | Budget Year<br>FY 2026-27 | Out Year<br>FY 2027-28 |
|-------------------------|---------------------------|------------------------|
| State Revenue           | \$0                       | \$0                    |
| State Expenditures      | \$0                       | \$0                    |
| Transferred Funds       | \$0                       | \$0                    |
| Change in TABOR Refunds | \$0                       | \$0                    |
| Change in State FTE     | 0.0 FTE                   | 0.0 FTE                |

## Summary of Legislation

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The bill makes the following changes to state law related to the Colorado Department of Early Childhood (CDEC):

- narrows the age range served by the Early Childhood Mental Health Consultant Program to prenatal to 6 years old, rather than the current range up to 8 years old; ends the annual program report after 2027; and delays the program's inclusion in the CDEC SMART Act by a year to 2028;
- requires that preschool providers, licensed facilities, and CDEC keep confidential identifying records regarding individual children and their relatives, unless released to the person of interest;
- requires the administration of preschool services for eligible children who are three years or younger and do not have disabilities to be effectuated by a school district or charter school, including making priority determinations in compliance with state law and CDEC rules;
- indefinitely continues a licensing exemption for informal child care provided in-home by family, friends, or neighbors, which currently repeals September 1, 2026;
- allows the use of the General Fund or State Education Fund for the Universal Preschool Program (UPK);
- clarifies that child care facilities approved by tribal government are exempt from licensing requirements;
- modifies the membership and duties for the Early Childhood Leadership Commission and CDEC Rules Advisory Committee;
- clarifies how counties determine family eligibility for benefits, and handle situations where a family is found ineligible for services; and
- makes a variety of technical changes to align statute with current practice.

## Background and Assumptions

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[House Bill 22-1295](#) required that the General Assembly transfer the FY 2022-23 funding amount associated with the Colorado Preschool Program (the predecessor to UPK) from either the General Fund or State Education Fund to the UPK Cash Fund. That amount then increases each year by inflation. [Senate Bill 23-216](#) changed this transfer to a direct appropriation and removed the requirement that it come from either the General Fund or State Education Fund.

To meet this requirement, the General Assembly appropriated:

- \$139.1 million General Fund in FY 2023-24;
- \$146.3 million General Fund in FY 2024-25, which included the inflationary increase of \$7.2 million, and
- \$146.3 million General Fund and \$3.7 million (the inflationary increase) from the UPK Cash Fund in FY 2025-26.

The bill restores initial language from HB 22-1295 requiring that this funding be paid from either the General Fund or State Education Fund. The fiscal note assumes this bill does not change overall state expenditures required under current law, and the funding source determination will be made each year by the General Assembly in the Long Bill.

## **State Revenue and Expenditures**

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The bill minimally increases workload for CDEC and the Behavioral Health Administration (BHA), as discussed below.

### **Department of Early Childhood**

The bill minimally impacts workload for CDEC, as the bill primarily aligns statute with current practices. Specifically, the bill codifies existing practice related to the age of children served by the Early Childhood Mental Health Consultant Program and the role of school districts in the administering UPK for three year olds, among other clarifications. Workload may minimally increase to ensure rules and guidance materials are up to date.

By continuing the licensing exemption for in-home child care, the bill prevents an increase in state revenue and expenditures to license informal in-home child care. The increase in resources that would otherwise be required has not been estimated, but costs would include licensing and enforcement staff, and legal costs to handle licensing violations and noncompliance.

### **Other State Agencies**

The bill minimally increases workload in the BHA to participate in the Early Childhood Leadership Commission, and for the Department of Law to provide legal support for any rule updates required. No change in appropriations is required.

## **Local Governments and School Districts**

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The bill minimally impacts workload for counties and school districts to ensure practices align with the bill's requirements. As noted above, the bill primarily aligns statute with current practice.

## **Effective Date**

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The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

## **State and Local Government Contacts**

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Behavioral Health Administration

Human Services

Counties

Information Technology

Early Childhood

Law

Education

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The revenue and expenditure impacts in this fiscal note represent changes from current law under the bill for each fiscal year. For additional information about fiscal notes, please visit the [General Assembly website](#).