

CHAPTER 382

EDUCATION - PUBLIC SCHOOLS

SENATE BILL 19-104

BY SENATOR(S) Holbert and Foote, Cooke, Crowder, Hisey, Priola, Rankin, Scott, Smallwood, Sonnenberg, Tate, Woodward;
also REPRESENTATIVE(S) Baisley and Gray, Buentello, Duran, Humphrey, Valdez D., Van Winkle.

AN ACT

CONCERNING THE ELIMINATION OF DUPLICATE REGULATION OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

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

SECTION 1. In Colorado Revised Statutes, **add** article 101 to title 22 as follows:

ARTICLE 101
Eliminate Duplicate Regulations

22-101-101. Elimination of duplicate regulations commission - creation - definition. (1) **THERE IS CREATED IN THE DEPARTMENT OF EDUCATION THE ELIMINATION OF DUPLICATE REGULATIONS COMMISSION, REFERRED TO IN THIS ARTICLE 101 AS THE "COMMISSION".**

(2) THE COMMISSION CONSISTS OF:

(a) THE COMMISSIONER OF EDUCATION, OR HIS OR HER DESIGNEE;

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF HUMAN SERVICES, OR HIS OR HER DESIGNEE;

(c) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR HIS OR HER DESIGNEE;

(d) THE DIRECTOR OF THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY, OR HIS OR HER DESIGNEE; AND

(e) AT LEAST THREE PRACTITIONERS, APPOINTED BY THE COMMISSIONER OF

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.

EDUCATION, WHOSE PROGRAMS ARE IN GOOD LICENSING STANDING WITH THE DEPARTMENT OF HUMAN SERVICES AND ARE OPERATED BY, OR ON BEHALF OF, A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

(3) FOR PURPOSES OF THIS ARTICLE 101, UNLESS THE CONTEXT OTHERWISE REQUIRES, "PROGRAM" MEANS A SCHOOL-AGED CHILD CARE PROGRAM THAT HOLDS A LICENSE PURSUANT TO PART 1 OF ARTICLE 6 OF TITLE 26, INCLUDING A BEFORE AND AFTER SCHOOL PROGRAM, DAY CAMP, SUMMER CAMP, EXTENDED DAY PROGRAM, OR PLAYGROUND PROGRAM, AND OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL.

22-101-102. Duties. (1) THE COMMISSION SHALL:

(a) ANALYZE AND IDENTIFY DUPLICATE REGULATIONS PROMULGATED BY THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY RELATING TO HEALTH AND SAFETY REQUIREMENTS FOR PROGRAMS, INCLUDING, WITHOUT LIMITATION, THE ACTIVE OVERSIGHT AND MONITORING OF SUCH PROGRAMS; AND

(b) IDENTIFY WHICH REGULATIONS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MAY BE ELIMINATED, REVISED, OR DELEGATED TO THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, OR THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY TO ELIMINATE DUPLICATE REGULATIONS AND ENSURE THE EFFICIENT REGULATION OF THE HEALTH AND SAFETY REQUIREMENTS FOR PROGRAMS.

(2) WHEN PERFORMING THE DUTIES IN SUBSECTION (1) OF THIS SECTION, THE COMMISSION SHALL:

(a) CONSIDER AND PRIORITIZE ORAL AND WRITTEN PUBLIC TESTIMONY;

(b) CONSIDER AND PRIORITIZE UPDATING REGULATIONS CONSISTENT WITH EVIDENCE-BASED RESEARCH REGARDING THE HEALTH AND SAFETY OF CHILDREN; AND

(c) CONSIDER AND PRIORITIZE UPDATING REGULATIONS TO ALIGN WITH REQUIREMENTS FOR FEDERAL FUNDING ELIGIBILITY.

(2) ON OR BEFORE JUNE 30, 2020, THE DEPARTMENT OF EDUCATION, THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY SHALL COMMENCE RESPECTIVE RULE-MAKING PROCEEDINGS CONSISTENT WITH THE OUTCOMES OF THE COMMISSION.

22-101-103. Repeal of article. THIS ARTICLE 101 IS REPEALED, EFFECTIVE JULY 1, 2021.

SECTION 2. 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 (August 2, 2019, if adjournment sine die is on May 3, 2019); 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 2020 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: May 31, 2019