

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 24-0655.02 Alana Rosen x2606

SENATE BILL 24-078

SENATE SPONSORSHIP

Marchman and Priola,

HOUSE SPONSORSHIP

Joseph and McLachlan,

Senate Committees

Education
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING INCLUDING OUTDOOR NATURE-BASED PRESCHOOL**
102 **PROGRAMS AS A TYPE OF CHILD CARE CENTER IN THE**
103 **DEPARTMENT OF EARLY CHILDHOOD FOR LICENSING-RELATED**
104 **MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN**
105 **APPROPRIATION.**

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>.)

The bill includes outdoor nature-based preschool programs (outdoor programs) as a type of licensed child care center (center) in the

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.

SENATE
Amended 2nd Reading
April 25, 2024

department of early childhood (department) for licensing-related matters. No later than December 31, 2025, the executive director of the department shall promulgate rules for centers operating as outdoor programs. The rules must include, but are not limited to:

- Land-use agreement requirements for outdoor programs operating on public or private land;
- Policies for site-specific alternate shelter plans;
- Policies for site-specific risk mitigation plans;
- Policies for site-specific emergency and disaster preparedness plans;
- Policies for site-specific evacuation plans; and
- Policies and procedures for outdoor programs to opt out of certain department requirements through the site-specific risk mitigation plan.

The bill requires the department to provide training to licensing staff who oversee outdoor program site inspections and to outdoor program operators and staff.

The department shall collaborate with local fire departments on fire prevention and protection requirements for outdoor programs. The department shall collaborate with the department of public health and environment on sanitary standards for outdoor programs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) It is a priority of the state of Colorado to provide all Colorado
5 children access to high-quality early education;

6 (b) Early childhood education can come in many forms;

7 (c) Coloradans recognize the benefits of nature in education and
8 education in nature;

9 (d) Learning in nature has existed for decades;

10 (e) Learning in nature offers children health benefits and helps
11 provide skills children need in school to succeed; and

12 (f) There are physical, cognitive, and social developmental
13 benefits that occur with nature-based learning compared to what children

1 experience and learn in traditional indoor educational environments.

2 (2) The general assembly finds, therefore, that:

3 (a) Outdoor nature-based preschool programs provide an
4 immersive approach, putting nature at the heart of the educational
5 program for children;

6 (b) Outdoor nature-based preschool programs seek to restore
7 children's interaction with nature; and

8 (c) Colorado has a rich and wondrous outdoor landscape that will
9 offer extensive opportunities for children to learn in nature.

10 **SECTION 2.** In Colorado Revised Statutes, 26.5-5-303, **amend**
11 (3); and **add** (18.5) as follows:

12 **26.5-5-303. Definitions.** As used in this part 3, unless the context
13 otherwise requires:

14 (3) (a) "Child care center" means a facility, by whatever name
15 known, that is maintained for the whole or part of a day for the care of
16 five or more children, unless otherwise specified in this subsection (3),
17 who are eighteen years of age or younger and who are not related to the
18 owner, operator, or manager thereof, whether the facility is operated with
19 or without compensation for such care and with or without stated
20 educational purposes. The term includes, but is not limited to, facilities
21 commonly known as child care centers, school-age child care centers,
22 before- and after-school programs, kindergartens, preschools, OUTDOOR
23 NATURE-BASED PRESCHOOL PROGRAMS, day camps, and summer camps,
24 and includes those facilities for children under six years of age with stated
25 educational purposes operated in conjunction with a public, private, or
26 parochial college or a private or parochial school; except that the term
27 does not apply to any kindergarten maintained in connection with a

1 public, private, or parochial elementary school system of at least six
2 grades.

3 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a) OF
4 THIS SECTION, A CHILD CARE CENTER THAT OPERATES AS AN OUTDOOR
5 NATURE-BASED PRESCHOOL PROGRAM SERVES CHILDREN WHO ARE AT
6 LEAST THREE YEARS OF AGE BUT UNDER EIGHT YEARS OF AGE.

7 (18.5) "OUTDOOR NATURE-BASED PRESCHOOL PROGRAM" OR
8 "OUTDOOR PROGRAM" MEANS A FULL-DAY OR PARTIAL-DAY OUTDOOR
9 NATURE-BASED PRESCHOOL PROGRAM FOR CHILDREN WHO ARE AT LEAST
10 THREE YEARS OF AGE BUT UNDER EIGHT YEARS OF AGE THAT OPERATES AT
11 LEAST FIFTY PERCENT OF THE OUTDOOR PROGRAM'S OPERATING HOURS
12 OUTDOORS IN A DEPARTMENT-APPROVED OUTDOOR NATURAL SPACE.

13 **SECTION 3.** In Colorado Revised Statutes, **add** 26.5-5-330 as
14 follows:

15 **26.5-5-330. Outdoor nature-based preschool programs - child**
16 **care centers - rules - definition.** (1) NO LATER THAN DECEMBER 31,
17 2025, THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR CHILD
18 CARE CENTERS THAT OPERATE AS OUTDOOR NATURE-BASED PRESCHOOL
19 PROGRAMS. RULES PROMULGATED PURSUANT TO THIS SECTION MUST
20 INCLUDE, BUT ARE NOT LIMITED TO:

21 (a) LAND-USE AGREEMENT REQUIREMENTS FOR OUTDOOR
22 PROGRAMS OPERATING ON PUBLIC OR PRIVATE LAND;

23 (b) POLICIES FOR SITE-SPECIFIC ALTERNATIVE SHELTER PLANS. AN
24 ALTERNATIVE SHELTER MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A
25 COVERED PAVILION, BUILDING, TARP, OR VEHICLE. FOR EMERGENCY
26 CIRCUMSTANCES, OUTDOOR PROGRAMS ARE NOT REQUIRED TO SEEK
27 ALTERNATIVE SHELTER IN LICENSED CHILD CARE CENTER BUILDINGS.

1 (c) POLICIES FOR SITE-SPECIFIC RISK MITIGATION PLANS;

2 (d) POLICIES FOR SITE-SPECIFIC EMERGENCY AND DISASTER
3 PREPAREDNESS PLANS;

4 (e) POLICIES FOR SITE-SPECIFIC EVACUATION PLANS; AND

5 (f) POLICIES AND PROCEDURES FOR OUTDOOR PROGRAMS TO OPT
6 OUT OF CERTAIN DEPARTMENT REQUIREMENTS THROUGH THE
7 SITE-SPECIFIC RISK MITIGATION PLAN DESCRIBED IN SUBSECTION (1)(c) OF
8 THIS SECTION. THE POLICIES AND PROCEDURES MUST INCLUDE GUIDANCE
9 ON THE DEPARTMENTAL EVALUATION AND APPROVAL OF THE
10 SITE-SPECIFIC RISK MITIGATION PLAN BASED ON THE GEOGRAPHIC
11 LOCATION OF THE OUTDOOR PROGRAM, THE AGES OF THE CHILDREN
12 PARTICIPATING, AND THE ABILITY OF THE OUTDOOR PROGRAM TO
13 DEMONSTRATE ADEQUATE SAFETY MEASURES TO PROTECT CHILDREN.

14 (2) (a) THE DEPARTMENT SHALL PROVIDE TRAINING TO LICENSING
15 STAFF WHO OVERSEE SITE INSPECTIONS FOR OUTDOOR PROGRAMS. THE
16 TRAINING MUST INCLUDE INFORMATION ON HOW TO:

17 (I) INTERPRET SITE-SPECIFIC PLANS;

18 (II) CONDUCT INSPECTIONS OF SITE-SPECIFIC OUTDOOR PROGRAMS;

19 (III) COMMUNICATE WITH LOCAL FIRE DEPARTMENTS THAT
20 INSPECT OUTDOOR PROGRAMS; AND

21 (IV) COMMUNICATE WITH THE DEPARTMENT OF PUBLIC HEALTH
22 AND ENVIRONMENT STAFF WHO INSPECT OUTDOOR PROGRAMS.

23 (b) BEGINNING DECEMBER 1, 2026, THE DEPARTMENT SHALL
24 PROVIDE TRAINING TO OUTDOOR PROGRAM OPERATORS AND STAFF ON
25 HOW TO IMPLEMENT AND OPERATE OUTDOOR PROGRAMS IN COLORADO.
26 THE DEPARTMENT SHALL COLLABORATE WITH EXISTING OUTDOOR
27 PROGRAMS TO CREATE AND IMPLEMENT THE TRAINING USING A

1 BENEFIT-RISK ASSESSMENT.

2 (3) THE DEPARTMENT SHALL COLLABORATE WITH:

3 (a) LOCAL FIRE DEPARTMENTS ON FIRE PREVENTION AND
4 PROTECTION REQUIREMENTS FOR OUTDOOR PROGRAMS; AND

5 (b) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON
6 SANITARY STANDARDS FOR OUTDOOR PROGRAMS.

7 (4) FOR THE 2024-25 FISCAL YEAR, AND EACH FISCAL YEAR
8 THEREAFTER THROUGH THE 2026-27 FISCAL YEAR, THE GENERAL
9 ASSEMBLY SHALL APPROPRIATE THIRTY THOUSAND DOLLARS FROM THE
10 CHILD CARE LICENSING CASH FUND CREATED IN SECTION 26.5-5-311 (4) TO
11 THE DEPARTMENT TO IMPLEMENT THE OUTDOOR PROGRAM.

12 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
13 REQUIRES, "BENEFIT-RISK ASSESSMENT" MEANS A PROCESS TO IDENTIFY
14 HAZARDS AND RISKS FOR PLAY ELEMENTS IN OUTDOOR NATURE-BASED
15 PRESCHOOL PROGRAMS AND THE CREATION OF A PLAN TO MITIGATE A
16 CHILD'S RISK OF INJURY WHILE MAINTAINING DEVELOPMENTAL BENEFITS
17 FOR CHILDREN.

18 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-101, **amend**
19 (1)(h) as follows:

20 **25-1.5-101. Powers and duties of department - laboratory cash**
21 **fund - office of suicide prevention - suicide prevention coordination**
22 **cash fund - report - dispensation of payments under contracts with**
23 **grantees - definitions.** (1) The department has, in addition to all other
24 powers and duties imposed upon it by law, the powers and duties
25 provided in this section as follows:

26 (h) To establish and enforce sanitary standards for the operation
27 and maintenance of orphanages, day care nurseries, foster homes, family

1 care homes, summer camps for children, lodging houses, OUTDOOR
2 NATURE-BASED PRESCHOOL PROGRAMS, guest child care facilities and
3 public services short-term child care facilities as defined in section
4 26.5-5-303, hotels, public conveyances and stations, schools, factories,
5 workshops, industrial and labor camps, recreational resorts and camps,
6 swimming pools, public baths, mobile home parks, and other buildings,
7 centers, and places used for public gatherings;

8 **SECTION 5. Appropriation.** (1) For the 2024-25 state fiscal
9 year, \$179,569 is appropriated to the department of early childhood for
10 use by the licensing and administration division. This appropriation
11 consists of \$149,569 from the general fund and \$30,000 from the child
12 care licensing cash fund created in section 26.5-5-311 (4), C.R.S. To
13 implement this act, the division may use this appropriation as follows:

14 (a) \$145,451, which consists of \$121,151 general fund and
15 \$24,300 from the child care licensing cash fund, for personal services,
16 which amount is based on an assumption that the division will require an
17 additional 1.8 FTE; and

18 (b) \$34,118, which consists of \$28,418 from the general fund and
19 \$5,700 from the child care licensing cash fund, for operating expenses.

20 (2) For the 2024-25 state fiscal year, \$35,341 is appropriated to
21 the department of public health and environment for use by the division
22 of environmental health and sustainability. This appropriation is from
23 the general fund and is based on an assumption that the division will
24 require an additional 0.4 FTE. To implement this act, the division may
25 use this appropriation for environmental health programs.

26 **SECTION 6. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2024 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.