

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes all Committee and Floor
Amendments Adopted as of 3/23, Bill Not Yet Adopted on Second Reading*

LLS NO. 22-0025.11 Julie Pelegrin x2700

HOUSE BILL 22-1295

HOUSE SPONSORSHIP

Sirota and Garnett,

SENATE SPONSORSHIP

Buckner and Fenberg,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE DEPARTMENT OF EARLY CHILDHOOD, AND, IN**
102 **CONNECTION THEREWITH, ESTABLISHING THE DUTIES OF THE**
103 **DEPARTMENT OF EARLY CHILDHOOD AND THE EXECUTIVE**
104 **DIRECTOR OF THE DEPARTMENT, RELOCATING EARLY**
105 **CHILDHOOD PROGRAMS FROM THE DEPARTMENTS OF HUMAN**
106 **SERVICES AND EDUCATION TO THE DEPARTMENT OF EARLY**
107 **CHILDHOOD, ██████████ CREATING THE COLORADO UNIVERSAL**
108 **PRESCHOOL PROGRAM, AND MAKING AND ADJUSTING**
109 **APPROPRIATIONS.**

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

*Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Operations of the department of early childhood: The bill establishes the powers, functions, and responsibilities of the department of early childhood (department) and the executive director of the department (executive director) in overseeing and administering early childhood and family support programs and services (programs and services). The bill relocates most programs from the department of human services and the department of education to the department, effective July 1, 2022; the authority to operate a preschool program transfers July 1, 2023. The department may enter into memoranda of understanding and interagency agreements to allow the department of human services and the department of education to continue operating programs, as necessary, to accomplish the transfer of programs, personnel, property, records, information systems, and funding to the department over time without interruption of service. Any existing contracts, claims, and liabilities that pertain to the transferred programs and functions transfer to the department. The rules that pertain to a particular program or function that is transferred to the department remain in effect and apply to the department and to persons or entities affected by the programs and functions until the executive director repromulgates the rules. The department is authorized to accept, use, and administer federal money made available for the purpose of early childhood programs and services operated by the department.

Department rules (pgs 9-13): The bill authorizes the executive director to promulgate rules for the department and the programs administered by the department. The executive director must convene a 15-member rules advisory council (council) to provide consultation and advice with regard to the rules of the department and the programs administered by the department. The bill establishes the membership of the council to include a variety of persons who have experience with programs and services.

The bill requires the department to:

- Exercise specified functions and the bill specifies principles the department must follow in exercising the functions; (pgs 19-24)
- Develop and implement a single, unified electronic application for families to use to apply for all publicly funded early childhood programs and services the department administers. The application must be functional by July 1, 2023, for purposes of the Colorado universal preschool program (preschool program). (pgs 24-25)
- Work with local coordinating organizations, state and local agencies, and program providers to collect, share, manage,

use, and protect data pertaining to programs and services. The department must regularly inform the public of progress made in improving the delivery of programs and services. (pgs 25-29)

- Contract with a public or private entity to independently evaluate the department's governance and performance after the first 3 years of operation and to evaluate early childhood programs that were not transferred to the department and recommend whether to transfer those programs. By November 1, 2025, the independent evaluator must submit the report to the governor, the early childhood leadership commission, and committees of the general assembly. (pgs 29-31)
- Collaborate with other state departments to prepare an annual report concerning transitioning and implementing programs and services and cross-agency collaboration. The department shall include the report in its annual hearing pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". (pgs 31-33)

Local coordinating organization (pgs 33-52): The bill directs the department to solicit applications from local public entities and nonprofit organizations to serve as local coordinating organizations (LCOs) in communities throughout the state. The department must review the applications and, to the extent possible, select an LCO for every community in the state. If there is an area for which an LCO is not selected, the department will serve as the LCO until an organization is selected. An LCO is responsible for working with the families, program and service providers, and local governments in the community and with the department to increase access to, coordinate, and allocate funding for program and service providers in the community. The bill specifies the responsibilities of the LCO, including the requirement to adopt a community plan (plan), subject to approval by the department, to address specified issues, including:

- Assisting families in applying for programs and services;
- Recruiting and ensuring a mixed delivery system of public and private preschool program providers;
- Allocating funding among providers, based on parent choice, to maximize funding to meet community needs for programs and services;
- Supporting increased recruitment and retention of individuals in the early care and education workforce;
- Securing additional local resources and funding for programs and services; and
- Providing transparency concerning the amount of money

available for and used to support programs and services.

The LCO must submit the proposed plan to the department, and the department may require revisions before approving the plan.

The department shall enter into a coordinator agreement with each LCO that specifies the duties of the LCO in implementing the plan; other responsibilities the LCO must meet, including responsibilities concerning the preschool program; performance expectations that the LCO is to meet; and the duties of the department to support and assist the LCO. The term of the initial coordinator agreement is 3 years and subsequent agreements must have 3- to 5-year terms. At the conclusion of a coordinator agreement, the department must solicit and review LCO applications for the community and may select the same or a new organization to serve as the LCO. The bill specifies the department's duties concerning LCOs, including annually reviewing each LCO's performance.

Transfer of department of human services programs: Effective July 1, 2022, the bill transfers the authority for the following programs and functions from the department of human services to the department. The programs are relocated within the bill without substantive change, except as noted:

- Early childhood councils (pgs 52-63);
- Family resource centers (pgs 63-71);
- The child abuse prevention trust fund (pgs 71-80);
- The child care services and substance use disorder treatment pilot program (pgs 81-83);
- Early intervention services for infants and toddlers (pgs 83-108);
- The Colorado nurse home visitor program (pgs 108-122);
- Social-emotional learning programs grant program (pgs 122-128). The bill codifies the social-emotional learning programs grant program, currently operated by the department of human services as the incredible years program, to provide grants to operate programs for teachers and parents and directly for young children. The department shall administer the grant program in collaboration with an implementation partner that the department selects. The bill specifies the duties of the implementation partner, the grant application requirements, and the program and curriculum requirements a grantee must meet.
- The early childhood mental health consultation program (pgs 128-137);
- Emergency relief grant programs (pgs 137-158);
- The Colorado child care assistance program (CCCAP) (pgs 159-183). The bill requires the department, after consulting with county departments of human and social services and

child care providers and by July 1, 2025, to develop a calculation for provider rates that more accurately reflects the cost of child care, while still complying with federal law and procedures. The bill authorizes the executive director to adjust the percentage of the federal poverty rate used to determine eligibility for child care assistance in order to align eligibility across early care and education programs to the extent allowed by federal law. Effective July 1, 2023, a county shall not require a person who applies for child care assistance to participate in child support establishment, modification, or enforcement services. Beginning July 1, 2023, a county may give priority for services to a working family over a family enrolled in postsecondary education or workforce training only if the county does not have sufficient funding and has approval for the prioritization from the department. Each county shall pay providers for care in alignment with common private-market practices, and the department rules for payment policies must not be based on daily reimbursement rates and must incentivize providers to promote regular program attendance. The bill requires the executive director to adopt rules pertaining to children who are enrolled in both CCCAP and the preschool program to ensure funds may be blended or braided at the state and local levels and eligibility and authorization for services are aligned, to the extent practicable. Each county must enter into an annual performance contract with the department with regard to implementing CCCAP.

- Quality improvement initiatives for early childhood care and education programs (pgs 225-233);
- Colorado infant and toddler quality and availability grant program (pgs 233-237);
- Child care licensing (pgs 237-330). The bill transfers from the department of human services to the department the authority for licensing child care centers, family child care homes, and other facilities generally providing less than 24-hour care for children. The licensing authority is transferred without substantive change except for the creation of a public preschool provider license that is focused on ensuring the health and safety of children in public preschool classrooms. The authority for licensing residential and day treatment facilities and child placement agencies remains in the department of human services.
- Early childhood workforce development (pgs 330-335). The bill requires the department to create a plan for

recruiting, training, and retaining a well-compensated, well-prepared, high-quality early childhood workforce and specifies the issues to be addressed. The department must make the plan publicly available on the department's website and submit a copy to the early childhood leadership commission, the governor's office, and committees of the general assembly. The department must collaborate with other state departments to periodically review and assess the implementation of recruitment, preparation, professional development, and retention initiatives for the early childhood workforce.

Transfer of department of education programs: Effective July 1, 2022, the bill transfers responsibilities concerning early childhood workforce development, including the professional development information system, from the department of education to the department. Effective July 1, 2023, the bill moves the authority to operate a statewide preschool program from the department of education to the department.

Colorado universal preschool program (pgs 183-225): The bill creates the Colorado universal preschool program to provide 10 hours per week of preschool services for children in the year preceding eligibility for kindergarten, including children with disabilities (universal preschool services); preschool services for all 3-year-old children with disabilities and a limited number of other 3-year-old children who are in low-income families or meet qualifying factors; preschool services for children younger than 3 years of age in limited circumstances; and additional hours of preschool services in the year preceding eligibility for kindergarten (additional preschool services) for children who are in low-income families or meet qualifying factors.

The department shall administer the preschool program, which will begin enrolling students for the 2023-24 school year. The department shall work with the LCOs to make available throughout the state a mixed delivery system of public and private preschool providers to accommodate parent choice. The executive director shall, by rule, establish quality standards, as described in the bill, that preschool providers must meet. The department shall collaborate with the department of education through an interagency agreement to ensure all 3- and 4-year-old children with disabilities are served in accordance with federal and state requirements for children with disabilities.

The department shall implement a process of continuous evaluation and improvement for preschool providers and contract with an independent evaluator to measure the preschool program's success in improving the overall learning and school readiness of children who are served in the preschool program. The department shall publicly communicate the evaluation results and consider the results in reviewing the preschool quality standards; recruiting, training, and retaining a

high-quality early childhood workforce; and establishing goals for the preschool program.

The department shall annually establish per-child rates for universal preschool services; preschool services for children 3 years of age and, in limited circumstances, younger; and additional preschool services. The department shall by rule establish the formulas for determining the per-child rates, taking into account the cost of providing preschool services and variations in the cost resulting from regional differences and circumstances and from characteristics of children who enroll in the preschool program. In addition to distributing preschool program funding based on the per-child rates, the department may distribute funding to preschool providers to achieve specified purposes. The department shall distribute the funding to preschool providers throughout the fiscal year based on preschool enrollment, and each preschool provider shall use the funding only to pay the costs of providing preschool services.

In allocating the preschool funding, the department must prioritize funding for universal preschool services, including services for children with disabilities; preschool services for 3-year-old children with disabilities; and preschool services for other 3-year-old, and in limited circumstances younger, children up to a specified amount. The department may then allocate funding for additional preschool services, first for children who are in low-income families and meet qualifying factors, and for specified purposes.

Each preschool provider that is a school district or charter school shall provide preschool and special education local contribution amounts that are based on the school district's local share of 50% of its per pupil revenues and the number of children enrolled by the school district or charter school in preschool for the 2022-23 fiscal year and the number of 3-year-old children with disabilities that the school district or charter school annually enrolls in preschool. The department shall decrease the amount of preschool funding distributed to each school district and charter school based on the amount of the school district's or charter school's local contributions.

Funding for the preschool program is paid from money appropriated to the preschool programs cash fund (fund), which consists of a portion of the taxes collected on sales of cigarettes and other tobacco and nicotine products and other amounts that the general assembly transfers or appropriates to the fund. For the 2023-24 fiscal year and each fiscal year thereafter, the general assembly is required to transfer to the fund an amount equal to the state share of total program attributable to preschool enrollment for the 2022-23 fiscal year, increased annually by the rate of inflation, plus an amount necessary to ensure that all 3-year-old children with disabilities who are enrolled in the preschool program are funded at the per-child rate for the applicable fiscal year.

Beginning in January of 2024, the department shall include in its annual "SMART Act" report specified information concerning implementation of the preschool program and post the information on the department's website.

Conforming amendments (pgs 335-485): The bill makes substantive and technical conforming amendments to address the relocation of programs and functions to the department, including re-creating the provisions for licensing residential and day treatment facilities and child care placement agencies by the department of human services.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26.5-1-103
3 as follows:

4 **26.5-1-103. Definitions.** As used in this title 26.5, unless the
5 context otherwise requires:

6 (1) "Department" means the department of early childhood created
7 in section 26.5-1-104.

8 (2) ~~"Executive director" means the executive director of the~~
9 ~~department of early childhood.~~ "DEPARTMENT RULE" MEANS A RULE
10 PROMULGATED BY THE EXECUTIVE DIRECTOR AS AUTHORIZED IN SECTION
11 26.5-1-105.

12 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
13 THE DEPARTMENT OF EARLY CHILDHOOD.

14 (4) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY
15 SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO
16 IMPLEMENT A COMMUNITY PLAN FOR INCREASING ACCESS TO,
17 COORDINATING, AND ALLOCATING FUNDING FOR EARLY CHILDHOOD AND
18 FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED
19 COMMUNITY.

20 (5) "RULES ADVISORY COUNCIL" OR "COUNCIL" MEANS THE

1 COUNCIL CONVENED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION
2 26.5-1-105.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 26.5-1-105,
4 26.5-1-106, 26.5-1-107, 26.5-1-108, 26.5-1-109, 26.5-1-110, 26.5-1-111,
5 and 26.5-1-112 as follows:

6 **26.5-1-105. Powers and duties of the executive director - rules**
7 **- rules advisory council - repeal.** (1) (a) THE EXECUTIVE DIRECTOR IS

8 AUTHORIZED TO PROMULGATE, IN ACCORDANCE WITH THE "STATE
9 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, ALL RULES
10 FOR THE ADMINISTRATION OF THE DEPARTMENT AND FOR THE EXECUTION
11 AND ADMINISTRATION OF THE FUNCTIONS SPECIFIED IN SECTION
12 26.5-1-109 AND FOR THE PROGRAMS AND SERVICES SPECIFIED IN THIS
13 TITLE 26.5. IN PROMULGATING RULES, THE EXECUTIVE DIRECTOR SHALL,
14 TO THE GREATEST EXTENT POSSIBLE:

15 (I) REDUCE THE ADMINISTRATIVE BURDEN ON FAMILIES AND
16 PROVIDERS OF ACCESSING PROGRAMS AND SERVICES, IMPLEMENTING
17 PROGRAMS, AND PROVIDING SERVICES;

18 (II) DECREASE DUPLICATION AND CONFLICTS IN IMPLEMENTING
19 PROGRAMS AND PROVIDING SERVICES;

20 (III) INCREASE EQUITY IN ACCESS TO PROGRAMS AND SERVICES
21 AND IN CHILD AND FAMILY OUTCOMES;

22 (IV) INCREASE ADMINISTRATIVE EFFICIENCIES AMONG THE
23 PROGRAMS AND SERVICES PROVIDED BY THE DEPARTMENT; AND

24 (V) ENSURE THAT THE RULES ARE COORDINATED ACROSS
25 PROGRAMS AND SERVICES SO THAT PROGRAMS ARE IMPLEMENTED AND
26 SERVICES ARE PROVIDED WITH IMPROVED EASE OF ACCESS, QUALITY OF
27 FAMILY AND PROVIDER EXPERIENCE, AND EASE OF IMPLEMENTATION BY

1 STATE, LOCAL, AND TRIBAL AGENCIES.

2 (b) THE DEPARTMENT MAY ADOPT GUIDELINES AND PROCEDURES
3 TO ASSIST IN THE IMPLEMENTATION AND DELIVERY OF THE PROGRAMS AND
4 SERVICES THAT THE DEPARTMENT PROVIDES PURSUANT TO THIS TITLE
5 26.5. WHEN APPROPRIATE TO REDUCE POTENTIAL ADMINISTRATIVE
6 BURDEN, THE DEPARTMENT MAY DIFFERENTIATE IN THE ADOPTED
7 GUIDELINES AND PROCEDURES AMONG COMMUNITIES, INCLUDING
8 COMMUNITIES IN RURAL AREAS, BASED ON COMMUNITY CAPACITY AND
9 READINESS FOR IMPLEMENTING PROGRAMS AND DELIVERING SERVICES.

10 (2) (a) THE EXECUTIVE DIRECTOR SHALL CONVENE A RULES
11 ADVISORY COUNCIL FOR CONSULTATION AND ADVICE IN PROMULGATING
12 RULES FOR THE FUNCTIONS, PROGRAMS, AND SERVICES THAT THE
13 DEPARTMENT PROVIDES. TO ENSURE THAT THE COUNCIL IS
14 REPRESENTATIVE AND COLLABORATIVE AND EMBODIES A WIDE RANGE OF
15 PERSPECTIVES AND EXPERIENCE WITH REGARD TO EARLY CHILDHOOD AND
16 FAMILY SUPPORT PROGRAMS AND SERVICES, THE EXECUTIVE DIRECTOR
17 SHALL CONDUCT OUTREACH TO A WIDE RANGE OF EARLY CHILDHOOD
18 INDUSTRY ORGANIZATIONS AND PARTNERS AND SHALL PUBLICLY SOLICIT
19 APPLICATIONS FROM QUALIFIED AND INTERESTED INDIVIDUALS. THE
20 EXECUTIVE DIRECTOR SHALL APPOINT FIFTEEN PERSONS TO SERVE ON THE
21 COUNCIL, WHICH MUST INCLUDE AT LEAST ONE PERSON FROM EACH OF THE
22 FOLLOWING CATEGORIES:

23 (I) REPRESENTATIVES FROM PROGRAMMATICALLY DIVERSE
24 COMMUNITIES, INCLUDING:

25 (A) A REPRESENTATIVE FROM A SCHOOL-BASED PRESCHOOL
26 PROVIDER;

27 (B) A REPRESENTATIVE FROM A PRIVATE EARLY CHILDHOOD

1 PROVIDER, WHO MAY BE A HEAD START PROGRAM PROVIDER; AND

2 (C) A REPRESENTATIVE WHO PROVIDES CHILD CARE AS A
3 NONPARENTAL FAMILY MEMBER, FRIEND, OR NEIGHBOR;

4 (II) A REPRESENTATIVE OF COUNTY-LEVEL ADMINISTRATION OF
5 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;

6 (III) A REPRESENTATIVE OF A FOUNDATION, BUSINESS, OR EARLY
7 CHILDHOOD ADVOCACY ORGANIZATION;

8 (IV) A REPRESENTATIVE WHO IS AN EXPERT IN THE FUNDING FOR
9 AND RULES AND FEDERAL REGULATIONS CONCERNING EARLY CHILDHOOD
10 AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING THE LAWS,
11 RULES, AND REGULATIONS PERTAINING TO CHILDREN WITH DISABILITIES;

12 (V) A REPRESENTATIVE OF INSTITUTIONS OF HIGHER EDUCATION;

13 AND

14 (VI) AN EARLY CHILDHOOD HEALTH-CARE OR MENTAL
15 HEALTH-CARE PROFESSIONAL.

16 (b) AT LEAST EIGHT OF THE MEMBERS APPOINTED TO THE COUNCIL
17 MUST BE INCLUDED IN ONE OR MORE OF THE FOLLOWING CATEGORIES:

18 (I) PARENTS, FAMILIES, OR CAREGIVERS OF CHILDREN WHO ARE
19 ENROLLED IN A VARIETY OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL
20 PROGRAMS AND PUBLIC AND PRIVATE EARLY CHILDHOOD PROGRAMS;

21 (II) MEMBERS OF THE EARLY CHILDHOOD WORKFORCE, INCLUDING
22 EDUCATORS IN SCHOOL- AND COMMUNITY-BASED PROGRAMS; AND

23 (III) MEMBERS OF HISTORICALLY UNDERSERVED AND
24 UNDER-RESOURCED COMMUNITIES.

25 (c) IN APPOINTING MEMBERS OF THE COUNCIL, THE EXECUTIVE
26 DIRECTOR SHALL ENSURE THAT THE APPOINTED MEMBERS ARE FROM
27 REGIONS THROUGHOUT THE STATE, INCLUDING URBAN, SUBURBAN, AND

1 RURAL AREAS, AND, TO THE EXTENT PRACTICABLE, ARE DIVERSE WITH
2 REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, AGE, SEXUAL
3 ORIENTATION, GENDER IDENTITY, CULTURE, AND LANGUAGE.

4 (d) MEMBERS OF THE COUNCIL ARE APPOINTED TO SERVE
5 FOUR-YEAR TERMS AND MAY SERVE TWO CONSECUTIVE TERMS; EXCEPT
6 THAT, OF THE MEMBERS INITIALLY APPOINTED TO THE COUNCIL, THE
7 EXECUTIVE DIRECTOR SHALL APPOINT FIVE MEMBERS TO SERVE TWO-YEAR
8 TERMS, FIVE MEMBERS TO SERVE THREE-YEAR TERMS, AND FIVE MEMBERS
9 TO SERVE FOUR-YEAR TERMS. IF A VACANCY ARISES ON THE COUNCIL, THE
10 EXECUTIVE DIRECTOR SHALL APPOINT A PERSON TO FILL THE VACANCY
11 FOR THE REMAINDER OF THE UNEXPIRED TERM.

12 (e) THE EXECUTIVE DIRECTOR MAY CREATE ISSUE-SPECIFIC
13 SUBCOMMITTEES OF THE COUNCIL THAT MUST INCLUDE MEMBERS OF THE
14 COUNCIL AND MAY INCLUDE REPRESENTATIVES FROM OTHER STATE
15 AGENCIES, REPRESENTATIVES OF LOCAL AND TRIBAL AGENCIES OR OTHER
16 LOCAL LEADERS IN EARLY CHILDHOOD AND FAMILY SUPPORT ISSUES, AND
17 ISSUE EXPERTS.

18 (f) (I) THE COUNCIL SHALL MEET AS OFTEN AS REQUESTED BY THE
19 EXECUTIVE DIRECTOR. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
20 (2)(f)(II) OF THIS SECTION, A MEMBER OF THE COUNCIL AND A
21 NON-COUNCIL MEMBER WHO SERVES ON A SUBCOMMITTEE MAY RECEIVE
22 THE SAME PER DIEM COMPENSATION FOR ATTENDANCE AT COUNCIL OR
23 SUBCOMMITTEE MEETINGS AS IS PROVIDED FOR MEMBERS OF BOARDS AND
24 COMMISSIONS PURSUANT TO SECTION 12-20-103 (6) AND REIMBURSEMENT
25 FOR ANY EXPENSES NECESSARY TO SUPPORT THE MEMBER'S PARTICIPATION
26 AT A COUNCIL OR SUBCOMMITTEE MEETING, INCLUDING ANY REQUIRED
27 DEPENDENT OR ATTENDANT CARE AND, IF THE MEMBER RESIDES MORE

1 THAN FIFTY MILES FROM THE LOCATION OF THE COUNCIL OR
2 SUBCOMMITTEE MEETING, EXPENSES INCURRED IN TRAVELING TO AND
3 FROM THE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR
4 ATTENDANT TRAVEL, FOOD, AND LODGING.

5 (II) A MEMBER OF THE COUNCIL OR OF A SUBCOMMITTEE SHALL
6 NOT RECEIVE REIMBURSEMENT FOR EXPENSES OR PER DIEM
7 COMPENSATION IF THE MEMBER'S EMPLOYER COMPENSATES THE MEMBER
8 FOR TIME SPENT SERVING ON THE COUNCIL OR THE SUBCOMMITTEE.

9 (g) IF THE EXECUTIVE DIRECTOR DECIDES NOT TO FOLLOW THE
10 RECOMMENDATIONS OF THE COUNCIL WITH REGARD TO A RULE, THE
11 EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN EXPLANATION OF THE
12 RATIONALE FOR THE DECISION.

13 (h) THE COUNCIL IS A STATE PUBLIC BODY FOR PURPOSES OF THE
14 OPEN MEETINGS LAW SPECIFIED IN SECTION 24-6-402 AND IS SUBJECT TO
15 THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF
16 ARTICLE 72 OF TITLE 24.

17 (i) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2032.
18 BEFORE THE REPEAL, THIS SUBSECTION (2) IS SCHEDULED FOR REVIEW IN
19 ACCORDANCE WITH SECTION 2-3-1203.

20 **26.5-1-106. Transfer of functions - employees - property -**
21 **contracts.** (1) (a) (I) ON AND AFTER JULY 1, 2022, THE DEPARTMENT IS
22 RESPONSIBLE FOR EXECUTING, ADMINISTERING, PERFORMING, AND
23 ENFORCING THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS
24 VESTED BEFORE JULY 1, 2022, IN:

25 (A) THE OFFICE WITHIN THE DEPARTMENT OF HUMAN SERVICES
26 THAT IS RESPONSIBLE FOR EARLY CHILDHOOD PROGRAMS AND SERVICES;
27 AND

1 (B) THE DEPARTMENT OF EDUCATION CONCERNING EARLY
2 CHILDHOOD WORKFORCE DEVELOPMENT, INCLUDING THE PROFESSIONAL
3 DEVELOPMENT INFORMATION SYSTEM.

4 (II) THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS
5 CONCERNING A STATEWIDE PRESCHOOL PROGRAM ARE TRANSFERRED,
6 EFFECTIVE JULY 1, 2022, TO THE DEPARTMENT TO THE EXTENT NECESSARY
7 TO ESTABLISH AND AUTHORIZE ENROLLMENT IN THE COLORADO
8 UNIVERSAL PRESCHOOL PROGRAM, AS PROVIDED IN PART 2 OF ARTICLE 4
9 OF THIS TITLE 26.5 FOR THE 2023-24 SCHOOL YEAR, AND ARE FULLY
10 TRANSFERRED TO THE DEPARTMENT, EFFECTIVE JULY 1, 2023. THE
11 DEPARTMENT OF EDUCATION RETAINS SUCH RIGHTS, POWERS, DUTIES,
12 FUNCTIONS, AND OBLIGATIONS AS ARE NECESSARY TO OPERATE THE
13 EXISTING COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF
14 TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, FOR THE 2022-23 SCHOOL
15 YEAR.

16 (b) THE DEPARTMENT SHALL ENTER INTO MEMORANDA OF
17 UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE,
18 WITH THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF
19 EDUCATION TO PROVIDE FOR THE TIMELY TRANSFER OF POWERS, DUTIES,
20 PERSONNEL, PROPERTY, RECORDS, APPROPRIATIONS, AND OTHER FUNDING
21 AS NECESSARY TO ACCOMPLISH THE COMPLETE TRANSFER OF THE RIGHTS,
22 POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS TO THE DEPARTMENT AS
23 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

24 (c) THE RULES PERTAINING TO THE POWERS, DUTIES, FUNCTIONS,
25 AND OBLIGATIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO
26 SUBSECTION (1)(a) OF THIS SECTION THAT ARE ADOPTED BY THE
27 DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN

1 SERVICES, OR THE STATE BOARD OF EDUCATION AND ARE IN EFFECT AS OF
2 JULY 1, 2022, CONTINUE IN EFFECT AND APPLY TO THE DEPARTMENT AND
3 PERSONS OR ENTITIES LICENSED OR PROVIDING SERVICES PURSUANT TO
4 THIS TITLE 26.5 UNTIL REPLACED BY RULES ADOPTED BY THE EXECUTIVE
5 DIRECTOR PURSUANT TO SECTION 26.5-1-105.

6 (2) BEGINNING JULY 1, 2022, THE POSITIONS OF EMPLOYMENT IN
7 THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF
8 EDUCATION CONCERNING THE POWERS, DUTIES, AND FUNCTIONS
9 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO
10 THIS PART 1 AND DETERMINED BY THE EXECUTIVE DIRECTOR TO BE
11 NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE 26.5, INCLUDING
12 POSITIONS OF EMPLOYMENT RELATED TO TECHNOLOGY SUPPORT, ARE
13 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME
14 POSITIONS OF EMPLOYMENT IN THAT DEPARTMENT. THE EXECUTIVE
15 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH
16 THE ACTUAL DATE OF SAID TRANSFERS IN MEMORANDA OF
17 UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE,
18 ENTERED INTO BETWEEN THE DEPARTMENT OF EARLY CHILDHOOD AND THE
19 DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF EDUCATION,
20 AS APPLICABLE, PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

21 (3) BEGINNING JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL AND
22 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,
23 DOCUMENTS, RECORDS, AND INFORMATION SYSTEMS WITH THE
24 SUPPORTING HARDWARE, SOFTWARE, LICENSES, AND DATA, OF THE
25 DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION
26 PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO
27 THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 ARE

1 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME
2 THE PROPERTY OF SAID DEPARTMENT. THE EXECUTIVE DIRECTOR, OR THE
3 EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH THE ACTUAL DATE OF
4 SAID TRANSFERS IN MEMORANDA OF UNDERSTANDING, INTERAGENCY
5 AGREEMENTS, OR BOTH, AS APPROPRIATE, ENTERED INTO BETWEEN THE
6 DEPARTMENT OF EARLY CHILDHOOD AND THE DEPARTMENT OF HUMAN
7 SERVICES OR THE DEPARTMENT OF EDUCATION, AS APPLICABLE, PURSUANT
8 TO SUBSECTION (1)(b) OF THIS SECTION.

9 (4) EFFECTIVE JULY 1, 2022, IF THE DEPARTMENT OF HUMAN
10 SERVICES OR THE DEPARTMENT OF EDUCATION IS REFERRED TO OR
11 DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH
12 THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT
13 OF EARLY CHILDHOOD PURSUANT TO THIS PART 1, SUCH REFERENCE OR
14 DESIGNATION IS DEEMED TO APPLY TO THE DEPARTMENT OF EARLY
15 CHILDHOOD. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS
16 BEFORE JULY 1, 2022, IN CONNECTION WITH THE POWERS, DUTIES, AND
17 FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD
18 PURSUANT TO THIS PART 1 ARE HEREBY VALIDATED, WITH THE
19 DEPARTMENT OF EARLY CHILDHOOD SUCCEEDING TO ALL RIGHTS AND
20 OBLIGATIONS UNDER SAID CONTRACTS. ANY MONEY THAT WAS
21 PREVIOUSLY RECEIVED OR APPROPRIATED, AND REMAINS AVAILABLE, TO
22 SATISFY OBLIGATIONS INCURRED UNDER SAID CONTRACTS IS TRANSFERRED
23 AND FURTHER APPROPRIATED TO THE DEPARTMENT OF EARLY CHILDHOOD
24 FOR THE PAYMENT OF SAID OBLIGATIONS.

25 (5) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED, IF
26 A PROVISION OF LAW REFERS TO THE DEPARTMENT OF HUMAN SERVICES
27 WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN

1 SUBSECTION (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF
2 EDUCATION WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS
3 SPECIFIED IN SUBSECTION (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION, SAID
4 LAW IS CONSTRUED AS REFERRING TO THE DEPARTMENT OF EARLY
5 CHILDHOOD.

6 (6) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED,
7 ALL CLAIMS AND LIABILITIES, INCLUDING COSTS, RELATING TO THE
8 PERFORMANCE OF THE DEPARTMENT OF HUMAN SERVICES WITH REGARD
9 TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION
10 (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF EDUCATION WITH
11 REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION
12 (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION ARE TRANSFERRED TO AND
13 ASSUMED BY THE DEPARTMENT OF EARLY CHILDHOOD, EXCLUSIVELY
14 THROUGH THE DEPARTMENT OF EARLY CHILDHOOD, AND NO OTHER PUBLIC
15 ENTITY OR AGENCY IS RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS,
16 LIABILITIES, OR DAMAGES.

17 (7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S
18 DESIGNEE, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE,
19 GIFTS, GRANTS AND DONATIONS FOR ANY PURPOSE CONNECTED WITH THE
20 POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE STATE
21 TREASURER SHALL HOLD ANY PROPERTY SO GIVEN, BUT THE EXECUTIVE
22 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY DIRECT THE
23 DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT
24 WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS CREATED.

25 **26.5-1-107. Final agency action - administrative law judge -**
26 **authority of executive director - rules.** THE EXECUTIVE DIRECTOR MAY
27 APPOINT ONE OR MORE PERSONS TO SERVE AS ADMINISTRATIVE LAW

1 JUDGES FOR THE DEPARTMENT PURSUANT TO SECTION 24-4-105, AND
2 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, SUBJECT TO
3 APPROPRIATIONS MADE TO THE DEPARTMENT OF PERSONNEL. HEARINGS
4 CONDUCTED BY AN APPOINTED ADMINISTRATIVE LAW JUDGE ARE
5 CONSIDERED INITIAL DECISIONS OF THE DEPARTMENT THAT THE
6 EXECUTIVE DIRECTOR, OR AN EXECUTIVE DIRECTOR'S DESIGNEE, SHALL
7 REVIEW. IF EXCEPTIONS TO THE INITIAL DECISION ARE FILED PURSUANT TO
8 SECTION 24-4-105 (14)(a)(I), THE REVIEW MUST BE IN ACCORDANCE WITH
9 SECTION 24-4-105 (15); EXCEPT THAT THE DEPARTMENT MAY, AT ITS
10 DISCRETION, PERMIT A PARTY TO FILE AN AUDIO RECORDING IN LIEU OF A
11 WRITTEN TRANSCRIPT IF THE PARTY CANNOT AFFORD A WRITTEN
12 TRANSCRIPT. THE EXECUTIVE DIRECTOR MAY ADOPT RULES DELINEATING
13 THE CRITERIA AND PROCESS FOR FILING AN AUDIO RECORDING IN LIEU OF
14 A WRITTEN TRANSCRIPT. IN THE ABSENCE OF AN EXCEPTION FILED
15 PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE EXECUTIVE DIRECTOR
16 SHALL REVIEW THE INITIAL DECISION IN ACCORDANCE WITH A PROCEDURE
17 ADOPTED BY THE EXECUTIVE DIRECTOR. THE PROCEDURE MUST BE
18 CONSISTENT WITH FEDERAL MANDATES CONCERNING THE SINGLE STATE
19 AGENCY REQUIREMENT. REVIEW BY THE EXECUTIVE DIRECTOR IN
20 ACCORDANCE WITH SECTION 24-4-105 (15) OR THE PROCEDURE ADOPTED
21 BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION CONSTITUTES
22 FINAL AGENCY ACTION.

23 **26.5-1-108. Cooperation with federal government -**
24 **grants-in-aid - legislative intent.** (1) THE DEPARTMENT IS AUTHORIZED
25 TO ACCEPT, USE, AND ADMINISTER ALL MONEY AND PROPERTY GRANTED
26 OR MADE AVAILABLE TO THE STATE OR ANY STATE AGENCY FOR THE
27 PURPOSE OF THE EARLY CHILDHOOD PROGRAMS AND SERVICES THAT ARE

1 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 OR
2 SUBSEQUENTLY CREATED IN THIS TITLE 26.5 OR OTHER PROGRAMS AND
3 SERVICES THAT ARE COMPARABLE TO SAID PROGRAMS AND SERVICES,
4 EXCEPT ANY MONEY AND PROPERTY THAT IS GRANTED OR MADE
5 AVAILABLE TO ANOTHER SPECIFICALLY DESIGNATED AGENCY.

6 (2) IF IT IS NECESSARY TO EXECUTE A FORMAL AGREEMENT WITH
7 A FEDERAL AGENCY OR OFFICER AS A CONDITION PRECEDENT TO
8 RECEIVING FEDERAL MONEY OR PROPERTY PURSUANT TO SUBSECTION (1)
9 OF THIS SECTION, THE DEPARTMENT IS AUTHORIZED TO EXECUTE SUCH AN
10 AGREEMENT, WITH THE APPROVAL OF THE ATTORNEY GENERAL, SO LONG
11 AS THE AGREEMENT IS NOT INCONSISTENT WITH LAW.

12 (3) THE STATE TREASURER IS AUTHORIZED TO RECEIVE, AS
13 OFFICIAL CUSTODIAN, ANY MONEY THAT THE DEPARTMENT ACCEPTS
14 PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE STATE TREASURER
15 SHALL DISBURSE THE MONEY RECEIVED PURSUANT TO THIS SECTION UPON
16 THE ORDER OF THE EXECUTIVE DIRECTOR.

17 (4) BEGINNING WITH THE PRESENTATION MADE TO A JOINT
18 COMMITTEE OF REFERENCE PURSUANT TO THE "STATE MEASUREMENT FOR
19 ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART)
20 GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, IN THE 2023
21 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL ANNUALLY
22 INCLUDE IN THE PRESENTATION A REPORT THAT DETAILS THE TOTAL
23 AMOUNT OF FEDERAL MONEY THAT THE DEPARTMENT RECEIVED IN THE
24 PRIOR FISCAL YEAR, ACCOUNTING FOR HOW THE MONEY WAS USED,
25 SPECIFYING THE FEDERAL LAW OR REGULATION THAT GOVERNS THE USE
26 OF THE FEDERAL MONEY, IF ANY, AND PROVIDING INFORMATION
27 REGARDING ANY FLEXIBILITY THE DEPARTMENT HAS IN USING THE

1 FEDERAL MONEY. THE DEPARTMENT SHALL MAKE THE REPORT PUBLICLY
2 AVAILABLE FOLLOWING THE HEARING.

3 (5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE
4 RESPONSIBILITY FOR ADMINISTERING AND THE POWER TO EXPEND FEDERAL
5 MONEY PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS THAT ARE
6 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 TRANSFER
7 TO THE DEPARTMENT IN ACCORDANCE WITH THE MEMORANDA OF
8 UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE,
9 DESCRIBED IN SECTION 26.5-1-106 (1)(b).

10 **26.5-1-109. Department functions - operating principles.**

11 (1) THE DEPARTMENT SHALL EXECUTE THE FOLLOWING FUNCTIONS AND
12 OPERATE PROGRAMS AND PROVIDE SERVICES ASSOCIATED WITH THOSE
13 FUNCTIONS AS DESCRIBED IN THIS TITLE 26.5 AND AUTHORIZED BY
14 FEDERAL LAW:

15 (a) PROMOTE CHILD PHYSICAL, ORAL, AND BEHAVIORAL HEALTH
16 AND USE MULTIGENERATIONAL AND CULTURALLY AND LINGUISTICALLY
17 APPROPRIATE STRATEGIES TO SUPPORT CHILD AND PARENT OUTCOMES
18 THAT IMPROVE OVERALL FAMILY WELL-BEING;

19 (b) IDENTIFY AND ADDRESS CHILD AND FAMILY TRAUMA AND
20 SUPPORT A TRAUMA-INFORMED, AS DEFINED IN SECTION 19-1-103,
21 APPROACH TO EARLY CHILDHOOD;

22 (c) PROVIDE SUPPORT TO FAMILIES FOR HEALTHY EARLY
23 CHILDHOOD DEVELOPMENT;

24 (d) PROMOTE ACCESS TO QUALITY EARLY CHILDHOOD CARE AND
25 EDUCATION, INCLUDING MONITORING AND INCREASING THE CAPACITY OF
26 QUALITY EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS TO
27 SUPPORT THE AVAILABILITY OF SAID PROGRAMS FOR CHILDREN

1 THROUGHOUT THE STATE;

2 (e) PROMOTE AND SUPPORT ACCESS TO A COHERENT AND ALIGNED
3 SYSTEM OF PREPARATION AND ONGOING PROFESSIONAL DEVELOPMENT
4 OPPORTUNITIES FOR PERSONS WHO PROVIDE EARLY CHILDHOOD AND
5 FAMILY SUPPORT PROGRAMS AND SERVICES;

6 (f) SUPPORT STATE AND LOCAL INFRASTRUCTURE FOR PROVIDING
7 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES,
8 INCLUDING EARLY CHILDHOOD CARE AND EDUCATION AND PHYSICAL,
9 ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

10 (g) COLLABORATE FORMALLY AND INFORMALLY WITH ALL STATE
11 DEPARTMENTS AND LOCAL AND TRIBAL AGENCIES THAT ADMINISTER OR
12 OTHERWISE PROVIDE SUPPORT FOR EARLY CHILDHOOD AND FAMILY
13 SUPPORT PROGRAMS AND SERVICES TO ENSURE EFFECTIVE AND EFFICIENT
14 ADMINISTRATION OF SAID PROGRAMS AND SERVICES, INCLUDING
15 COMBINING AND COORDINATING THE FUNDING FOR SAID PROGRAMS AND
16 SERVICES THAT ARE UNDER THE JURISDICTION OF THE DEPARTMENT TO
17 THE FULLEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND
18 REGULATIONS, AND TO ENSURE CONSISTENCY IN THE EXPERIENCE OF
19 FAMILIES WHO BENEFIT FROM THESE PROGRAMS AND SERVICES AND
20 PROMOTE WHOLE-CHILD AND WHOLE-FAMILY WELL-BEING;

21 (h) COLLABORATE WITH OTHER STATE DEPARTMENTS AND LOCAL
22 AND TRIBAL AGENCIES TO SET, AND ASSESS ACHIEVEMENT OF, STATEWIDE
23 GOALS FOR QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY
24 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND
25 STATEWIDE GOALS FOR SUPPORT AND DEVELOPMENT OF THE WORKFORCE
26 THAT PROVIDES EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
27 SERVICES, INCLUDING PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE

1 FOR CHILDREN;

2 (i) COLLABORATE WITH OTHER STATE DEPARTMENTS, LOCAL, AND
3 TRIBAL AGENCIES, AND LOCAL COORDINATING ORGANIZATIONS TO SAFELY
4 COLLECT AND SHARE DATA, ELIMINATING DUPLICATION OF DATA
5 COLLECTION WHEN POSSIBLE, WHILE ENSURING PRIVACY AND SECURITY
6 FOR CHILDREN AND FAMILIES, TO ENABLE THE DEPARTMENT TO GAUGE THE
7 STATEWIDE QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY
8 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

9 (j) EVALUATE THE QUALITY OF EARLY CHILDHOOD AND FAMILY
10 SUPPORT PROGRAMS AND SERVICES THROUGHOUT THE STATE USING
11 IDENTIFIED OUTCOME METRICS AND PROVIDE SUPPORT FOR EARLY
12 CHILDHOOD PROVIDERS AND THE WORKFORCE THAT PROVIDES EARLY
13 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING
14 PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

15 (k) COLLABORATE WITH OTHER STATE DEPARTMENTS TO PROMOTE
16 THE OVERALL EFFECTIVENESS OF EARLY CHILDHOOD SYSTEMS IN THE
17 STATE BY JOINTLY IDENTIFYING METRICS THAT ALL DEPARTMENTS USE TO
18 MONITOR EARLY CHILDHOOD OUTCOMES THROUGHOUT THE STATE, WHICH
19 MUST INCLUDE OUTCOMES IN HEALTH, INCLUDING PHYSICAL,
20 SOCIAL-EMOTIONAL, AND DENTAL; LEARNING; AND OVERALL WELL-BEING;
21 AND

22 (l) SUPPORT INNOVATION IN METHODS AND STRATEGIES FOR
23 ACCESSING AND PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT
24 PROGRAMS AND SERVICES THROUGH RESEARCH AND REVIEW OF PROGRAMS
25 AND SYSTEMS IMPLEMENTED WITHIN COLORADO AND IN OTHER STATES
26 AND COUNTRIES.

27 (2) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)

1 OF THIS SECTION AND IMPLEMENTING THE PROGRAMS AND PROVIDING THE
2 SERVICES RELATED TO THOSE FUNCTIONS, THE DEPARTMENT SHALL
3 ENSURE TO THE GREATEST EXTENT POSSIBLE THAT:

4 (a) EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
5 SERVICES ARE:

6 (I) IMPLEMENTED AND PROVIDED ACROSS FUNCTIONS RATHER
7 THAN BEING SILOED AS INDIVIDUAL PROGRAMS, WHICH INCLUDES
8 PROVIDING A SEAMLESS APPLICATION EXPERIENCE FOR FAMILIES AND
9 PROVIDERS AS DESCRIBED IN SECTION 26.5-1-110, INCREASING THE
10 EFFICIENCY OF PROGRAMS AND SERVICES, AND REDUCING DUPLICATION
11 AND ADMINISTRATIVE BURDEN;

12 (II) DESIGNED WITH A FOCUS ON THE USER EXPERIENCE OF
13 FAMILIES, CHILDREN, PROVIDERS, AND OTHER END-USERS AND DESIGNED
14 TO SERVE THE WHOLE FAMILY AND THE WHOLE CHILD;

15 (III) AVAILABLE STATEWIDE AND PROVIDED ON AN EQUITABLE,
16 AFFORDABLE, AND CULTURALLY AND LINGUISTICALLY RESPONSIVE BASIS
17 TO ALL FAMILIES WHO CHOOSE TO USE THE PROGRAMS AND SERVICES;

18 (IV) WITH REGARD TO EARLY CHILDHOOD PROGRAMS AND
19 SERVICES, PROVIDED THROUGH CHILD CARE PROVIDERS; A MIXED
20 DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL
21 PROGRAM PROVIDERS; AND A DIVERSE WORKFORCE OF LICENSED,
22 VOLUNTARILY CREDENTIALLED, AND INFORMAL CHILDHOOD CAREGIVERS
23 AND EDUCATORS; AND

24 (V) WITH REGARD TO FAMILY SUPPORT PROGRAMS AND SERVICES,
25 PROVIDED THROUGH A MIXED DELIVERY SYSTEM OF PUBLIC AND PRIVATE
26 PROVIDERS AND A DIVERSE WORKFORCE; AND

27 (b) FUNDING FOR PROGRAMS AND SERVICES IS COMBINED AND

1 COORDINATED AT THE STATE LEVEL, WHEN POSSIBLE AND TO THE FULLEST
2 EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND REGULATIONS,
3 BEFORE DISTRIBUTION TO LOCAL AND TRIBAL AGENCIES, FAMILIES, AND
4 PROVIDERS; AND

5 (c) RESOURCES ARE USED WITH MAXIMUM EFFICIENCY TO ENSURE
6 THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND
7 SERVICE PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST
8 POSSIBLE LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE
9 LOWEST POSSIBLE LEVEL OF ADMINISTRATIVE BURDEN; AND

10 (d) THE DEPARTMENT WORKS IN PARTNERSHIP WITH FAMILIES,
11 PUBLIC AND PRIVATE PROVIDERS, AND LOCAL EARLY CHILDHOOD
12 COMMUNITIES.

13 (3) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)
14 OF THIS SECTION, THE DEPARTMENT SHALL COLLABORATE WITH THE
15 DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES,
16 PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND
17 FINANCING TO STRENGTHEN COORDINATION AND PROMOTE ALIGNMENT
18 AMONG EDUCATION, HIGHER EDUCATION, HUMAN SERVICES, HEALTH
19 CARE, AND MENTAL HEALTH CARE IN SERVING AND SUPPORTING CHILDREN,
20 FAMILIES, PROVIDERS, AND THE EARLY CHILDHOOD WORKFORCE.

21 **26.5-1-110. Unified application - child care, services, and**
22 **education.** (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE
23 USE OF A SINGLE, UNIFIED ELECTRONIC APPLICATION FOR FAMILIES TO USE
24 IN APPLYING FOR ALL PUBLICLY FUNDED EARLY CHILDHOOD PROGRAMS
25 AND SERVICES THAT THE DEPARTMENT ADMINISTERS. THE DEPARTMENT
26 SHALL DESIGN THE APPLICATION TO ENABLE EQUITABLE ACCESS;
27 STREAMLINE THE ENROLLMENT AND ELIGIBILITY-DETERMINATION PROCESS

1 FOR FAMILIES, PROVIDERS, AND STATE, LOCAL, AND TRIBAL AGENCIES;
2 AND MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS
3 SECTION. THE DEPARTMENT SHALL COLLABORATE WITH OTHER STATE,
4 LOCAL, AND TRIBAL AGENCIES AS NECESSARY IN DEVELOPING, AND
5 COLLECTING FEEDBACK CONCERNING, THE APPLICATION TO ENSURE THE
6 LEAST AMOUNT OF DUPLICATION FOR FAMILIES AND STATE, LOCAL, AND
7 TRIBAL AGENCIES. THE DEPARTMENT SHALL ENSURE THAT THE
8 APPLICATION IS FUNCTIONAL BY JULY 1, 2023, FOR FAMILIES SEEKING TO
9 ENROLL CHILDREN IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM
10 PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

11 (2) AT A MINIMUM, THE UNIFIED APPLICATION MUST:

12 (a) BE AVAILABLE IN MULTIPLE LANGUAGES;

13 (b) BE ACCESSIBLE ON MOBILE ELECTRONIC DEVICES AND
14 AVAILABLE IN PAPER COPY;

15 (c) COLLECT FROM FAMILIES ONLY THE MINIMUM INFORMATION
16 NECESSARY TO APPLY FOR PROGRAMS AND SERVICES AND ENABLE
17 FAMILIES TO APPLY FOR A SINGLE PROGRAM OR SERVICE OR FOR MULTIPLE
18 PROGRAMS AND SERVICES SIMULTANEOUSLY OR OVER TIME;

19 (d) ADHERE TO ALL STATE AND FEDERAL DATA PRIVACY AND
20 SECURITY LAWS AND REGULATIONS;

21 (e) REDUCE DUPLICATION IN AND THE COMPLEXITY OF THE
22 INFORMATION COLLECTED FROM PROVIDERS;

23 (f) INCLUDE CONSIDERATION OF ALL SOURCES FROM WHICH THE
24 APPLICANT MAY BE ELIGIBLE FOR FUNDING TO ENSURE THAT ALL OF THE
25 FUNDING FOR WHICH THE APPLICANT IS ELIGIBLE IS COMBINED AND
26 COORDINATED TO THE FULLEST EXTENT ALLOWED UNDER STATE AND
27 FEDERAL LAWS AND REGULATIONS IN PROVIDING THE PROGRAMS AND

1 SERVICES FOR WHICH THE APPLICANT IS APPLYING;

2 (g) ALLOW FOR CUSTOMIZATION AS MAY BE NECESSARY FOR
3 CERTAIN PROGRAMS OR SERVICES; AND

4 (h) COORDINATE WITH OTHER AGENCIES AND PROGRAMS, AS
5 APPROPRIATE, TO ENSURE APPROPRIATE REFERRAL OF CHILDREN AND
6 FAMILIES TO EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER
7 DEPARTMENTS.

8 **26.5-1-111. Data system - collection - analysis - cross-agency**
9 **agreements.** (1) THE DEPARTMENT SHALL WORK WITH LOCAL
10 COORDINATING ORGANIZATIONS, STATE AGENCIES, LOCAL AND TRIBAL
11 AGENCIES, AND PROVIDERS, AS NECESSARY, TO COLLECT, SHARE, MANAGE,
12 AND PROTECT QUALITATIVE AND QUANTITATIVE DATA PERTAINING TO
13 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. THE
14 DEPARTMENT SHALL REVIEW AND ANALYZE THE COLLECTED DATA TO
15 ASSESS:

16 (a) THE NEEDS OF CHILDREN AND FAMILIES FOR EARLY CHILDHOOD
17 AND FAMILY SUPPORT PROGRAMS;

18 (b) THE LOCAL AND STATEWIDE AVAILABILITY, CAPACITY, USE,
19 AND QUALITY OF, AND FUNDING SUPPORT FOR, EARLY CHILDHOOD AND
20 FAMILY SUPPORT PROGRAMS AND SERVICES;

21 (c) THE DEGREE TO WHICH THE DEPARTMENT AND LOCAL AND
22 TRIBAL AGENCIES ARE REDUCING INEQUITIES IN ACCESS TO AND USE OF
23 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND
24 IN CHILDHOOD OUTCOMES;

25 (d) THE CAPACITY, QUALITY, TRAINING, EDUCATION, EMPLOYMENT
26 STATUS, AND RETENTION OF AND COMPENSATION PROVIDED TO MEMBERS
27 OF THE WORKFORCE THAT SERVES EARLY CARE AND EDUCATION, EARLY

1 CHILDHOOD PROGRAMS AND SERVICES, AND FAMILY SUPPORT PROGRAMS
2 AND SERVICES;

3 (e) LONG-TERM OUTCOMES FOR CHILDREN SERVED BY EARLY
4 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING
5 CORRELATIONS TO SCHOOL READINESS AS ASSESSED PURSUANT TO
6 SECTION 22-7-1004 (2), TO ACADEMIC SUCCESS IN THIRD GRADE, AND TO
7 HIGH SCHOOL GRADUATION; AND

8 (f) OTHER MEASURES THAT INDICATE THE EFFECTIVENESS OF THE
9 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN
10 COLORADO IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS,
11 AND THE EARLY CHILDHOOD WORKFORCE.

12 (2) AT A MINIMUM, THE DEPARTMENT SHALL COLLECT DATA
13 PERTAINING TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
14 SERVICES THAT INCLUDES:

15 (a) THE NUMBER OF CHILDREN IN THE STATE WHO ARE ELIGIBLE TO
16 RECEIVE, AND THE NUMBER OF CHILDREN WHO ACTUALLY RECEIVE,
17 SERVICES THROUGH THE PROGRAMS ADMINISTERED BY THE DEPARTMENT;
18 THE DEMOGRAPHICS OF SAID CHILDREN, INCLUDING SOCIOECONOMIC
19 STATUS, RACE, ETHNICITY, LANGUAGE, AND DISABILITY; AND SAID
20 CHILDREN'S ELIGIBILITY FOR FUNDING AND USE OF EARLY CHILDHOOD AND
21 FAMILY SUPPORT PROGRAMS AND SERVICES;

22 (b) INFORMATION CONCERNING GROUPS OF CHILDREN WHO HAVE
23 HISTORICALLY ENCOUNTERED BARRIERS TO SCHOOL READINESS;

24 (c) INFORMATION THAT ENABLES THE DEPARTMENT, LOCAL
25 COORDINATING ORGANIZATIONS, AND LOCAL AND TRIBAL AGENCIES TO
26 ASSESS ON A CONTINUING BASIS THE NEEDS FOR EARLY CHILDHOOD AND
27 FAMILY SUPPORT PROGRAMS AND SERVICES IN AN AREA AND MAKE

1 DECISIONS CONCERNING THE PROVISION OF PROGRAMS AND SERVICES;

2 (d) THE DEMAND FOR EARLY CHILDHOOD AND FAMILY SUPPORT
3 PROGRAMS AND SERVICES AND THE EXISTENCE OF PROVIDERS IN AREAS
4 THROUGHOUT THE STATE, INCLUDING INFORMATION CONCERNING
5 PROGRAM CAPACITY, SUCH AS THE NUMBER OF AVAILABLE CLASSROOMS;
6 THE LOCAL AND STATEWIDE AVAILABILITY OF LOCALLY, STATE-, AND
7 FEDERALLY FUNDED ENROLLMENT POSITIONS AND VACANCIES IN THOSE
8 POSITIONS; AND THE NUMBER OF HOURS OF SERVICES RECEIVED BY
9 INDIVIDUAL CHILDREN AND PARENTS IN PROGRAMS;

10 (e) THE NUMBER OF EARLY CHILDHOOD PROGRAMS AT EACH
11 QUALITY LEVEL STATEWIDE AND IN SPECIFIC AREAS AND THE NUMBER AND
12 DEMOGRAPHICS OF CHILDREN SERVED IN EARLY CHILDHOOD PROGRAMS AT
13 EACH QUALITY LEVEL;

14 (f) DATA REGARDING THE EARLY CHILDHOOD WORKFORCE; AND

15 (g) THE COMBINATION AND COORDINATION OF LOCAL, STATE, AND
16 FEDERAL FUNDING FOR CHILDREN AND FAMILIES TO PROVIDE EARLY
17 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND THE
18 PROGRAMS AND SERVICES THAT ARE PROVIDED, INCLUDING USE OF MORE
19 THAN ONE PROGRAM OR SERVICE BY A SINGLE FAMILY.

20 (3) (a) THE DEPARTMENTS OF EARLY CHILDHOOD, HUMAN
21 SERVICES, EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH
22 CARE POLICY AND FINANCING SHALL ENTER INTO AGREEMENTS TO ENSURE
23 DATA PRIVACY AND SECURITY WITH REGARD TO SHARED EARLY
24 CHILDHOOD DATA. IN COLLECTING AND SHARING DATA, THE
25 DEPARTMENTS SHALL COORDINATE AND REQUIRE COLLECTION OF DATA IN
26 WAYS THAT IMPOSE THE LEAST POSSIBLE BURDEN ON FAMILIES AND
27 PROVIDERS, INCLUDING BY REDUCING REDUNDANCIES IN DATA

1 COLLECTION ACROSS PROGRAMS.

2 (b) THE DEPARTMENT SHALL USE INFORMATION DERIVED THROUGH
3 THE EARLY CHILDHOOD DATA SYSTEM TO, AT A MINIMUM, INFORM
4 PLANNING, LEVERAGE RESOURCE ALLOCATIONS, MAXIMIZE CHILDREN'S
5 ACCESS TO EARLY CHILDHOOD PROGRAMS AND SERVICES, AND SUPPORT
6 DATA-INFORMED DECISION MAKING.

7 (c) THE DEPARTMENT SHALL IDENTIFY AND PURSUE RESEARCH
8 OPPORTUNITIES TO PROVIDE INFORMATION TO SUPPORT NEW MEASURES
9 FOR IMPROVING THE SYSTEM OF EARLY CHILDHOOD AND FAMILY SUPPORT
10 PROGRAMS AND SERVICES IN THE STATE AND TO UNDERSTAND THE CAUSAL
11 EFFECTS OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
12 SERVICES THAT ARE PROVIDED.

13 (4) THE DEPARTMENT, THROUGH THE DEPARTMENT WEBSITE,
14 SHALL REGULARLY INFORM MEMBERS OF THE EARLY CHILDHOOD
15 COMMUNITY AND OTHER MEMBERS OF THE PUBLIC OF PROGRESS MADE IN
16 IMPROVING THE DELIVERY, QUALITY, ACCESS, AVAILABILITY, AND
17 CAPACITY OF EARLY CHILDHOOD PROGRAMS AND SERVICES. SPECIFICALLY,
18 THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE
19 ACHIEVEMENT OF BENCHMARKS IN SUCH AREAS AS INCREASING THE
20 NUMBER OF CHILDREN RECEIVING EARLY CHILDHOOD PROGRAMS AND
21 SERVICES, IMPROVING PRESCHOOL CLASSROOM QUALITY, ■■■ MEETING
22 PROGRAM QUALITY STANDARDS, AND IMPROVING SCHOOL READINESS, AND
23 SHALL PROVIDE INFORMATION CONCERNING THE RESULTS OF PRESCHOOL
24 PROGRAM EVALUATIONS COMPLETED PURSUANT TO SECTION 26.5-4-207.

25 **26.5-1-112. Transition review - program review - report -**
26 **repeal.** (1) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT
27 WITH A PUBLIC OR PRIVATE ENTITY TO ACT AS AN INDEPENDENT

1 EVALUATOR OF THE DEPARTMENT'S PERFORMANCE IN EXECUTING THE
2 FUNCTIONS IDENTIFIED IN SECTION 26.5-1-109 AND IN OPERATING
3 PROGRAMS AND PROVIDING SERVICES ASSOCIATED WITH THOSE FUNCTIONS
4 IN ACCORDANCE WITH THIS TITLE 26.5. THE INDEPENDENT EVALUATOR
5 SHALL COMPLETE A REVIEW OF THE OPERATIONS OF THE DEPARTMENT AND
6 THE PROGRAMS THAT TRANSITION FROM THE DEPARTMENT OF HUMAN
7 SERVICES AND THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT. AT
8 A MINIMUM, IN CONDUCTING THE REVIEW, THE INDEPENDENT EVALUATOR
9 SHALL EVALUATE AND MAKE RECOMMENDATIONS CONCERNING:

10 (I) WHETHER THE DEPARTMENT OPERATES THE PROGRAMS AND
11 PROVIDES THE SERVICES EFFICIENTLY AND ENSURES THAT THE PROGRAMS
12 AND SERVICES ARE:

13 (A) CHILD, FAMILY, AND COMMUNITY CENTERED AND SERVE THE
14 WHOLE CHILD AND WHOLE FAMILY;

15 (B) EQUITY DRIVEN;

16 (C) FOCUSED ON AND ACCOUNTABLE FOR ACHIEVING IDENTIFIED
17 OUTCOMES AND MAKING DATA-DRIVEN, OUTCOME-BASED DECISIONS;

18 (D) MEETING HIGH QUALITY STANDARDS;

19 (E) SERVING AND SUPPORTING THE EARLY CHILDHOOD
20 WORKFORCE; AND

21 (F) SUPPORTING A MIXED DELIVERY SYSTEM OF SCHOOL- AND
22 COMMUNITY-BASED PRESCHOOL PROGRAMS AND SUPPORTING CHILD CARE
23 PROVIDERS;

24 (II) THE EFFECTIVENESS AND EFFICIENCY OF THE GOVERNANCE
25 STRUCTURE AND ORGANIZATION OF THE DEPARTMENT;

26 (III) THE CROSS-AGENCY AGREEMENTS WITH OTHER DEPARTMENTS
27 THAT OPERATE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND

1 SERVICES AND THE EFFECTIVENESS OF THE AGREEMENTS IN SEAMLESSLY
2 PROVIDING SAID PROGRAMS AND SERVICES; AND

3 (IV) WHETHER THE PROGRAMS THAT THE DEPARTMENT OPERATES
4 WERE APPROPRIATE FOR TRANSITION OR WOULD BE BETTER OPERATED IN
5 ANOTHER DEPARTMENT PURSUANT TO A CROSS-AGENCY AGREEMENT.

6 (b) THE INDEPENDENT EVALUATOR, IN COORDINATION WITH THE
7 DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND
8 ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING, SHALL REVIEW
9 THE PROGRAMS AND SERVICES PERTAINING TO EARLY CHILDHOOD THAT
10 WERE NOT TRANSFERRED TO THE DEPARTMENT, INCLUDING THE FEDERAL
11 LAW AND REGULATIONS PERTAINING TO THOSE PROGRAMS AND SERVICES,
12 TO DETERMINE WHETHER THE PROGRAMS AND SERVICES SHOULD BE
13 TRANSFERRED TO AND OPERATED BY THE DEPARTMENT.

14 (c) NO LATER THAN NOVEMBER 1, 2025, THE INDEPENDENT
15 EVALUATOR SHALL SUBMIT A REPORT CONCERNING THE REVIEW OF
16 OPERATIONS PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND THE
17 REVIEW OF THE TRANSFER OF ADDITIONAL PROGRAMS AND SERVICES
18 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION TO THE DEPARTMENT;
19 THE GOVERNOR; THE EARLY CHILDHOOD LEADERSHIP COMMISSION; THE
20 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND
21 THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY
22 SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES
23 COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY
24 SUCCESSOR COMMITTEES.

25 (d) IN CONDUCTING THE REVIEWS AND MAKING
26 RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (1), THE
27 INDEPENDENT EVALUATOR SHALL SOLICIT INPUT THROUGH A PROCESS

1 THAT INCLUDES PARTICIPATION BY THE POPULATIONS SERVED BY THE
2 PROGRAMS; THE PROVIDERS AND MEMBERS OF THE WORKFORCE WORKING
3 IN THE PROGRAMS; LOCAL COORDINATING ORGANIZATIONS; STATE, LOCAL,
4 AND TRIBAL AGENCIES INVOLVED IN IMPLEMENTING THE PROGRAMS; AND
5 ANY OTHER RELEVANT EXPERTS.

6 (2) (a) THE DEPARTMENT, IN COLLABORATION WITH THE
7 DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES,
8 PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND
9 FINANCING SHALL PREPARE AN ANNUAL REPORT CONCERNING THE
10 PROGRESS MADE AND CHALLENGES ENCOUNTERED BY THE DEPARTMENT
11 OF EARLY CHILDHOOD IN TRANSITIONING AND IMPLEMENTING PROGRAMS
12 AND PROVIDING SERVICES AND BY THE DEPARTMENTS AS A GROUP IN
13 IMPLEMENTING CROSS-AGENCY COLLABORATION RELATED TO, AT A
14 MINIMUM:

15 (I) ADMINISTRATION OF PART C OF THE FEDERAL "INDIVIDUALS
16 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
17 AMENDED, AND COORDINATION WITH THE DEPARTMENT OF EDUCATION OF
18 THE TRANSITION OF CHILDREN FROM PART C TO PART B AS AGREED TO IN
19 THE INTERAGENCY OPERATING AGREEMENT DESCRIBED IN SECTION
20 26.5-3-404 (3) BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF
21 EDUCATION;

22 (II) IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING
23 DESCRIBED IN SECTION 26.5-4-206 BETWEEN THE DEPARTMENT AND THE
24 DEPARTMENT OF EDUCATION CONCERNING ADMINISTRATION OF SPECIAL
25 EDUCATION SERVICES FOR CHILDREN PRIOR TO KINDERGARTEN,
26 SPECIFICALLY IMPLEMENTATION OF PART B SECTION 619 AND PART C OF
27 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20

1 U.S.C. SEC. 1400 ET SEQ., AS AMENDED;

2 (III) ADMINISTRATION OF THE CHILD AND ADULT CARE FOOD
3 PROGRAM IN COLLABORATION WITH PROGRAMS ADMINISTERED BY THE
4 DEPARTMENT;

5 (IV) ADMINISTRATION OF THE SUPPLEMENTAL NUTRITION
6 PROGRAM FOR WOMEN, INFANTS, AND CHILDREN IN COLLABORATION WITH
7 PROGRAMS ADMINISTERED BY THE DEPARTMENT;

8 (V) OPERATION OF EARLY CHILDHOOD AND FAMILY SUPPORT
9 PROGRAMS AND SERVICES THAT THE DEPARTMENT ADMINISTERS,
10 INCLUDING AT A MINIMUM, DATA CONCERNING THE CHILDREN AND
11 FAMILIES SERVED AND THE USE, AVAILABILITY, AND CAPACITY OF
12 PROGRAMS THROUGHOUT THE STATE;

13 (VI) INTERACTION OF EARLY CHILDHOOD CARE, LEARNING, AND
14 SUPPORTS WITH THE PUBLIC KINDERGARTEN AND ELEMENTARY
15 EDUCATION SYSTEM TO ENSURE CHILDREN ENTER KINDERGARTEN READY
16 TO LEARN AND ARE BEHAVIORALLY AND ACADEMICALLY SUCCESSFUL;

17
18 (VII) ALIGNMENT OF THE OPERATION OF EARLY CHILDHOOD
19 PROGRAMS AND SERVICES WITH THE CHILD WELFARE SYSTEM OPERATED
20 BY THE DEPARTMENT OF HUMAN SERVICES AND LOCAL AGENCIES; AND

21 (VIII) THE USE OF PUBLIC FUNDING TO SUPPORT CHILD CARE.

22 (b) THE DEPARTMENT SHALL SUBMIT THE REPORT PREPARED
23 PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AS PART OF THE
24 PRESENTATION MADE TO A JOINT COMMITTEE OF REFERENCE PURSUANT TO
25 THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
26 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
27 TITLE 2, IN THE 2023 REGULAR LEGISLATIVE SESSION AND ANNUALLY

1 THEREAFTER. IN ADDITION, THE DEPARTMENT SHALL ANNUALLY SUBMIT
2 THE REPORT TO THE GOVERNOR; THE EARLY CHILDHOOD LEADERSHIP
3 COMMISSION; THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN
4 SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF
5 REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND THE HEALTH
6 AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF
7 THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING THE
8 REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO
9 SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (2) CONTINUES UNTIL
10 REPEALED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

11 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,
12 2028.

13 **SECTION 3.** In Colorado Revised Statutes, **add with amended**
14 **and relocated provisions**, articles 2, 3, 4, 5, and 6 of title 26.5 as
15 follows:

16 **ARTICLE 2**

17 **Local Infrastructure -**

18 **Early Childhood Programs and Services**

19 **PART 1**

20 **LOCAL COORDINATING ORGANIZATIONS**

21 **26.5-2-101. Legislative declaration.** (1) THE GENERAL
22 ASSEMBLY FINDS AND DECLARES THAT:

23 (a) LOCAL ENTITIES ARE BEST POSITIONED TO UNDERSTAND THE
24 VARYING NEEDS FOR EARLY CHILDHOOD PROGRAMS AND SERVICES THAT
25 ARISE IN THE WIDELY DIVERSE COMMUNITIES THROUGHOUT THE STATE;
26 AND

27 (b) EACH COMMUNITY REQUIRES LEADERSHIP BY LOCAL ENTITIES

1 THAT, ALONE OR IN PARTNERSHIP WITH THE STATE, CAN COORDINATE THE
2 RESOURCES AVAILABLE WITHIN THE COMMUNITY WITH STATE RESOURCES
3 TO PROVIDE THE TYPE AND LEVEL OF EARLY CHILDHOOD AND FAMILY
4 SUPPORT PROGRAMS AND SERVICES EACH COMMUNITY REQUIRES.

5 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT, TO BEST
6 SERVE THE FAMILIES AND CHILDREN IN ALL COMMUNITIES THROUGHOUT
7 THE STATE, THE DEPARTMENT SHALL SELECT AND WORK WITH LOCAL
8 COORDINATING ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE
9 STATE TO SUPPORT ACCESS TO AND EQUITABLE DELIVERY OF EARLY
10 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, IDENTIFY
11 GAPS IN SERVICE, FOSTER PARTNERSHIPS, CREATE ALIGNMENT AMONG THE
12 PUBLIC AND PRIVATE PROVIDERS AND AGENCIES WITHIN THE COMMUNITY
13 THAT SERVE FAMILIES AND CHILDREN, AND ESTABLISH A COMPREHENSIVE,
14 LOCALLY SUPPORTED PLAN FOR PROVIDING EARLY CHILDHOOD AND
15 FAMILY SUPPORT PROGRAMS AND SERVICES EQUITABLY WITHIN THE
16 COMMUNITY.

17 **26.5-2-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

19 (1) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR "STATE
20 PRESCHOOL PROGRAM" MEANS THE COLORADO UNIVERSAL PRESCHOOL
21 PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

22 (2) "COORDINATOR AGREEMENT" MEANS THE AGREEMENT THAT
23 THE DEPARTMENT ENTERS INTO WITH A LOCAL COORDINATING
24 ORGANIZATION AS DESCRIBED IN SECTION 26.5-2-105.

25 (3) "HEAD START AGENCY" MEANS THE LOCAL PUBLIC OR PRIVATE
26 NONPROFIT AGENCY DESIGNATED BY THE FEDERAL DEPARTMENT OF
27 HEALTH AND HUMAN SERVICES TO OPERATE A HEAD START PROGRAM

1 UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL "ECONOMIC
2 OPPORTUNITY ACT OF 1964", AS AMENDED.

3 (4) "LOCAL AND TRIBAL AGENCIES" MEANS COUNTY DEPARTMENTS
4 OF HUMAN OR SOCIAL SERVICES AND AGENCIES OF AN INDIAN TRIBE THAT
5 HAVE RESPONSIBILITY FOR FUNDING FOR EARLY CHILDHOOD AND FAMILY
6 SUPPORT PROGRAMS AND SERVICES, SCHOOL DISTRICTS, CHARTER
7 SCHOOLS THAT PARTICIPATE IN THE STATE PRESCHOOL PROGRAM, AND
8 HEAD START AGENCIES.

9 (5) "LOCAL COORDINATING ORGANIZATION" MEANS AN ENTITY
10 SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO
11 SUPPORT ACCESS TO AN EQUITABLE DELIVERY OF EARLY CHILDHOOD AND
12 FAMILY SUPPORT PROGRAMS AND SERVICES IN SPECIFIED COMMUNITIES
13 THROUGHOUT THE STATE.

14 (6) "MIXED DELIVERY SYSTEM" HAS THE SAME MEANING AS
15 PROVIDED IN SECTION 26.5-4-203.

16 (7) "PRESCHOOL PROVIDER" HAS THE SAME MEANING AS PROVIDED
17 IN SECTION 26.5-4-203.

18 (8) "PRESCHOOL SERVICES" MEANS PRESCHOOL SERVICES
19 PROVIDED THROUGH THE STATE PRESCHOOL PROGRAM IN THE SCHOOL
20 YEAR PRECEDING KINDERGARTEN ELIGIBILITY TO CHILDREN WHO ARE
21 FOUR OR FIVE YEARS OF AGE AND PRESCHOOL SERVICES PROVIDED
22 THROUGH THE STATE PRESCHOOL PROGRAM TO A LIMITED NUMBER OF
23 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER.

24 **26.5-2-103. Local coordinating organization - applications -**
25 **selection - rules.** (1) THE DEPARTMENT SHALL SOLICIT APPLICATIONS
26 FROM LOCAL PUBLIC ENTITIES AND COLORADO-BASED NONPROFIT
27 ORGANIZATIONS TO SERVE AS LOCAL COORDINATING ORGANIZATIONS IN

1 COMMUNITIES THROUGHOUT THE STATE. ENTITIES THAT MAY SUBMIT
2 APPLICATIONS INCLUDE, BUT ARE NOT LIMITED TO, COUNTY OR MUNICIPAL
3 GOVERNMENT AGENCIES, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE
4 SERVICES, EARLY CHILDHOOD COUNCILS, FAMILY RESOURCE CENTERS,
5 SPECIAL TAXING DISTRICTS, HEAD START GRANTEEES, LOCAL NONPROFIT
6 ORGANIZATIONS, CHARTER SCHOOL NETWORKS AND COLLABORATIVES,
7 AND OTHER PUBLIC INSTITUTIONS. ENTITIES MAY APPLY SINGLY OR IN
8 PARTNERSHIP WITH OTHER ENTITIES WITHIN THE COMMUNITY. THE
9 SOLICITATION AND SELECTION OF ENTITIES TO SERVE AS LOCAL
10 COORDINATING ORGANIZATIONS ARE NOT SUBJECT TO THE REQUIREMENTS
11 OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

12 (2) AN ENTITY THAT SEEKS TO SERVE AS A LOCAL COORDINATING
13 ORGANIZATION MUST APPLY TO THE DEPARTMENT IN ACCORDANCE WITH
14 DEPARTMENT RULES, IF ANY, PROCEDURES, AND TIMELINES. AT A
15 MINIMUM, THE APPLICATION MUST INCLUDE:

16 (a) THE PROPOSED BOUNDARIES OF THE COMMUNITY WITHIN
17 WHICH THE APPLICANT WOULD SERVE AS THE LOCAL COORDINATING
18 ORGANIZATION FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS
19 AND SERVICES PROVIDED TO CHILDREN AND FAMILIES WITHIN THE
20 COMMUNITY. THE DEPARTMENT MAY REQUIRE, AND SHALL WORK WITH
21 THE APPLICANT TO ENSURE, THAT THE APPLICANT'S PROPOSED
22 BOUNDARIES ALIGN WITH ONE OR MORE AREAS THAT THE DEPARTMENT
23 IDENTIFIES AS A COMMUNITY.

24 (b) EVIDENCE THAT THE APPLICANT HAS THE SUPPORT OF THE
25 LOCAL EARLY CHILDHOOD COMMUNITY IN APPLYING TO SERVE AS THE
26 LOCAL COORDINATING ORGANIZATION, WHICH MUST INCLUDE THE
27 SUPPORT OF FAMILIES, PROVIDERS, EARLY CHILDHOOD COUNCILS, LOCAL

1 AND TRIBAL AGENCIES, SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
2 LOCAL GOVERNMENTS WITHIN THE COMMUNITY;

3 (c) THE APPLICANT'S PLAN TO COORDINATE WITH, AT A MINIMUM,
4 THE FOLLOWING ENTITIES WITHIN THE PROPOSED COMMUNITY:

5 (I) ADMINISTRATIVE UNITS, AS DEFINED IN SECTION 22-20-103,
6 WHICH REMAIN RESPONSIBLE FOR OVERSEEING IMPLEMENTATION OF THE
7 PART B COMPONENT OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES
8 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED;

9 (II) EARLY CHILDHOOD COUNCILS;

10 (III) HEAD START AGENCIES; ■

11 (IV) FAMILY RESOURCE CENTERS, AS DEFINED IN SECTION
12 26.5-3-102; AND

13 (V) COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES IN
14 PROVIDING CHILD CARE SERVICES THROUGH THE COLORADO CHILD CARE
15 ASSISTANCE PROGRAM ESTABLISHED IN PART 1 OF ARTICLE 4 OF THIS TITLE
16 26.5;

17 (d) THE APPLICANT'S PROPOSED OPERATING MODEL FOR MEETING
18 THE DUTIES AND RESPONSIBILITIES OF A LOCAL COORDINATING
19 ORGANIZATION, INCLUDING, AT A MINIMUM, THE APPLICANT'S PERSONNEL
20 CAPACITY AND A PROPOSED BUDGET THAT REFLECTS THE ANTICIPATED
21 OPERATING AND OVERHEAD COSTS AND SOURCES OF FUNDING; AND

22 (e) IF THE APPLICANT IS A PRESCHOOL PROVIDER, THE APPLICANT'S
23 PLAN FOR ENSURING THAT SERVING AS THE LOCAL COORDINATING
24 ORGANIZATION DOES NOT RESULT IN AN UNFAIR ADVANTAGE TO THE
25 APPLICANT WITH REGARD TO ALLOCATIONS OF PRESCHOOL FUNDING
26 GENERALLY OR IN COORDINATING WITH THE OTHER PRESCHOOL PROVIDERS
27 IN THE COMMUNITY TO ENSURE THE AVAILABILITY OF A MIXED DELIVERY

1 SYSTEM AND THE ALLOCATION OF FUNDING AMONG PRESCHOOL
2 PROVIDERS BASED ON PARENT CHOICE.

3 (3) AN APPLICANT MAY INCLUDE IN THE APPLICATION A PROPOSAL
4 FOR SHARED RESPONSIBILITY WITH THE DEPARTMENT FOR DISTRIBUTING
5 AND ADMINISTERING PUBLIC FUNDING WITHIN THE COMMUNITY, IN WHICH
6 CASE THE APPLICANT MUST INCLUDE IN THE APPLICATION THE APPLICANT'S
7 HISTORY OF AND EXPERIENCE WITH DISTRIBUTING AND ADMINISTERING
8 PUBLIC FUNDING.

9 (4) THE DEPARTMENT, IN ACCORDANCE WITH DEPARTMENT RULES,
10 IF ANY, AND PROCEDURES, SHALL REVIEW EACH APPLICATION RECEIVED
11 PURSUANT TO THIS SECTION AND SELECT LOCAL COORDINATING
12 ORGANIZATIONS FOR COMMUNITIES THROUGHOUT THE STATE, ENSURING
13 THAT, TO THE EXTENT POSSIBLE, EVERY FAMILY IN THE STATE RESIDES
14 WITHIN A COMMUNITY FOR WHICH A LOCAL COORDINATING ORGANIZATION
15 IS SELECTED. IN SELECTING LOCAL COORDINATING ORGANIZATIONS FROM
16 AMONG THE APPLICATIONS RECEIVED, THE DEPARTMENT SHALL, AT A
17 MINIMUM, EVALUATE:

18 (a) THE APPLICANT'S CAPACITY TO SUPPORT FAMILIES IN APPLYING
19 FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

20 (b) THE APPLICANT'S CAPACITY TO EQUITABLY RECRUIT
21 PRESCHOOL PROVIDERS TO PARTICIPATE IN THE COLORADO UNIVERSAL
22 PRESCHOOL PROGRAM AND PROVIDE PRESCHOOL SERVICES THROUGH A
23 MIXED DELIVERY SYSTEM THAT, TO THE FULLEST EXTENT PRACTICABLE,
24 ACCOMMODATES PARENT CHOICE;

25 (c) THE DEMONSTRATED LEVEL OF SUPPORT FOR THE APPLICANT
26 WITHIN THE LOCAL EARLY CHILDHOOD COMMUNITY, THE FEASIBILITY AND
27 QUALITY OF THE APPLICANT'S PLAN TO COORDINATE WITH OTHER ENTITIES

1 WITHIN THE PROPOSED COMMUNITY, AND THE APPLICANT'S HISTORY, IF
2 ANY, OF COORDINATING WITH THOSE ENTITIES; AND

3 (d) THE QUALITY AND EFFICIENCY OF THE APPLICANT'S PROPOSED
4 OPERATING MODEL AND THE LIKELIHOOD THAT THE APPLICANT WILL HAVE
5 THE CAPACITY, EXPERIENCE, AND SUPPORT TO SUCCESSFULLY FULFILL THE
6 RESPONSIBILITIES AND DUTIES OF A LOCAL COORDINATING ORGANIZATION.

7 (5) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AND THE
8 DEPARTMENT SHALL ADOPT PROCEDURES AND TIMELINES AS NECESSARY
9 TO IMPLEMENT THIS PART 1, INCLUDING ADOPTING A PROCESS FOR
10 RECEIVING AND REVIEWING APPLICATIONS THAT RESULTS IN THE INITIAL
11 SELECTION OF LOCAL COORDINATING ORGANIZATIONS AS SOON AS
12 PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION. THE
13 DEPARTMENT SHALL ENTER INTO A COORDINATOR AGREEMENT WITH EACH
14 LOCAL COORDINATING ORGANIZATION IN ACCORDANCE WITH SECTION
15 26.5-2-105. BEFORE THE TERMINATION OR CONCLUSION OF A
16 COORDINATOR AGREEMENT, THE DEPARTMENT SHALL SOLICIT
17 APPLICATIONS FOR A LOCAL COORDINATING ORGANIZATION FOR THE
18 AFFECTED COMMUNITY PURSUANT TO THIS SECTION AND MAY RE-SELECT
19 THE SAME ENTITY TO SERVE AS A LOCAL COORDINATING ORGANIZATION.

20 **26.5-2-104. Local coordinating organization - community plan**
21 **- duties.** (1) (a) EACH LOCAL COORDINATING ORGANIZATION SHALL
22 ADOPT A COMMUNITY PLAN THAT FOSTERS EQUITABLE ACCESS FOR
23 FAMILIES TO, AND ROBUST PARTICIPATION BY PROVIDERS IN, EARLY
24 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES BY
25 INCREASING ACCESS TO, COORDINATING, AND ALLOCATING FUNDING FOR
26 SAID PROGRAMS AND SERVICES WITHIN THE COMMUNITY. THE COMMUNITY
27 PLAN MUST, AT A MINIMUM, ADDRESS:

1 (I) THE MANNER IN WHICH THE LOCAL COORDINATING
2 ORGANIZATION WILL ASSIST FAMILIES IN APPLYING FOR EARLY CHILDHOOD
3 AND FAMILY SUPPORT PROGRAMS AND SERVICES AND IN ENROLLING
4 CHILDREN WITH EARLY CARE AND EDUCATION PROVIDERS;

5 (II) THE MANNER IN WHICH THE LOCAL COORDINATING
6 ORGANIZATION WILL RECRUIT AND WORK WITH PROVIDERS TO ENSURE
7 THAT FAMILIES' NEEDS FOR SCHOOL- AND COMMUNITY-BASED PRESCHOOL
8 PROVIDERS, CHILD CARE, AND OTHER EARLY CHILDHOOD SERVICES WITHIN
9 THE COMMUNITY ARE MET TO THE FULLEST EXTENT POSSIBLE;

10 (III) THE METHOD BY WHICH THE LOCAL COORDINATING
11 ORGANIZATION WILL ENSURE THAT A MIXED DELIVERY SYSTEM OF
12 SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, BASED ON
13 PARENTAL CHOICE, IS AVAILABLE WITHIN THE COMMUNITY, INCLUDING
14 IDENTIFYING THE EXISTING SCHOOL- AND COMMUNITY-BASED PRESCHOOL
15 PROVIDERS IN THE COMMUNITY AND ESTABLISHING GOALS AND
16 BENCHMARKS FOR INCREASING THE AVAILABILITY OF PRESCHOOL
17 PROVIDERS AS NECESSARY TO BE RESPONSIVE TO FAMILY PREFERENCES;

18 (IV) A PLAN FOR WORKING WITH EARLY CARE AND EDUCATION
19 PROVIDERS TO INCREASE RECRUITMENT AND RETENTION OF INDIVIDUALS
20 IN THE EARLY CARE AND EDUCATION WORKFORCE AND TO INCREASE
21 COMPENSATION FOR THOSE INDIVIDUALS, WITH THE GOAL OF PROVIDING
22 A LIVING WAGE;

23 (V) A PLAN FOR COORDINATING THE SCHOOL- AND
24 COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE AVAILABLE WITHIN
25 THE COMMUNITY WITH THE OTHER AVAILABLE EARLY CHILDHOOD AND
26 FAMILY SUPPORT PROGRAMS AND SERVICES FOR CHILDREN WHO ENROLL
27 IN THE PRESCHOOL PROVIDERS AND THEIR FAMILIES;

1 (VI) A PLAN FOR COLLABORATING WITH OTHER LOCAL
2 COORDINATING ORGANIZATIONS TO PROVIDE FAMILIES ACCESS TO EARLY
3 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES DELIVERED
4 BY PROVIDERS IN OTHER COMMUNITIES;

5 (VII) A PLAN FOR THE ALLOCATION OF FUNDING AMONG SCHOOL-
6 AND COMMUNITY-BASED PRESCHOOL PROVIDERS AND OTHER EARLY CARE
7 AND EDUCATION PROVIDERS IN THE COMMUNITY, WITH THE GOAL OF
8 MAXIMIZING THE USE OF FUNDING TO MEET COMMUNITY NEEDS,
9 INCLUDING THE NEED FOR FULL-DAY SERVICES;

10 (VIII) IF THE LOCAL COORDINATING ORGANIZATION SHARES
11 RESPONSIBILITY WITH THE STATE FOR DISTRIBUTING PUBLIC FUNDING, THE
12 MANNER IN WHICH IT WILL, IN COORDINATION WITH LOCAL AND TRIBAL
13 AGENCIES, ENSURE THAT, TO THE EXTENT POSSIBLE, THE PUBLIC FUNDING
14 AVAILABLE TO FAMILIES IS COMBINED AND COORDINATED TO SEAMLESSLY
15 PROVIDE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
16 SERVICES;

17 (IX) THE LOCAL COORDINATING ORGANIZATION'S PLAN AND
18 STRATEGIES FOR IDENTIFYING, SOLICITING, AND SECURING, AS FEASIBLE,
19 ADDITIONAL LOCAL RESOURCES AND FUNDING TO SUPPORT EARLY
20 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE
21 COMMUNITY; AND

22 (X) THE MANNER IN WHICH THE LOCAL COORDINATING
23 ORGANIZATION, IN ACCORDANCE WITH DEPARTMENT REQUIREMENTS, WILL
24 ENSURE TRANSPARENCY WITHIN THE COMMUNITY CONCERNING THE
25 AMOUNT OF MONEY AVAILABLE FOR AND USED TO SUPPORT EARLY
26 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES FROM ALL
27 SOURCES, INCLUDING LOCAL PROPERTY TAX AND SALES TAX AND THE

1 MAINTENANCE OF EFFORT FOR CHILD CARE ASSISTANCE PROVIDED BY
2 COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES WITHIN THE
3 COMMUNITY.

4 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE
5 INITIAL COMMUNITY PLAN THAT A LOCAL COORDINATING ORGANIZATION
6 CREATES MAY BE LIMITED TO ADDRESSING PARTICIPATION IN THE
7 COLORADO UNIVERSAL PRESCHOOL PROGRAM AND THE NEEDS FOR,
8 ACCESS TO, AND ALLOCATION OF FUNDING FOR SCHOOL- AND
9 COMMUNITY-BASED PRESCHOOL PROVIDERS. WITH SUBSEQUENT
10 REVISIONS OF THE PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL
11 ADDRESS THE PROVISION AND COORDINATION OF ADDITIONAL EARLY
12 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE
13 COMMUNITY AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION.

14 (c) EACH LOCAL COORDINATING ORGANIZATION SHALL SUBMIT
15 THE INITIAL COMMUNITY PLAN TO THE DEPARTMENT PURSUANT TO
16 DEPARTMENT RULES, IF ANY, PROCEDURES, AND TIMELINES. THE
17 DEPARTMENT SHALL REVIEW THE COMMUNITY PLAN AND MAY REQUIRE
18 CHANGES BEFORE APPROVING THE COMMUNITY PLAN AS PROVIDED IN
19 SECTION 26.5-2-105.

20 (d) EACH LOCAL COORDINATING ORGANIZATION SHALL
21 REGULARLY REVIEW AND REVISE THE COMMUNITY PLAN TO ENSURE THE
22 PLAN CONTINUES TO ACCURATELY REFLECT THE EARLY CHILDHOOD AND
23 FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE COMMUNITY AND
24 IS RELEVANT AND EFFECTIVE IN MEETING FAMILIES' NEEDS FOR EARLY
25 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. IN
26 CREATING, REVIEWING, AND REVISING THE COMMUNITY PLAN, THE LOCAL
27 COORDINATING ORGANIZATION SHALL SOLICIT AND TAKE INTO ACCOUNT

1 INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE EARLY CHILDHOOD
2 AND FAMILY SUPPORT WORKFORCE, LOCAL EARLY CHILDHOOD COUNCILS,
3 LOCAL AND TRIBAL AGENCIES, LOCAL GOVERNMENTS, AND THE BUSINESS
4 COMMUNITY WITHIN THE COMMUNITY. THE LOCAL COORDINATING
5 ORGANIZATION SHALL RESUBMIT THE COMMUNITY PLAN TO THE
6 DEPARTMENT FOLLOWING EACH REVIEW. REVISIONS TO THE COMMUNITY
7 PLAN ARE SUBJECT TO APPROVAL BY THE DEPARTMENT AS PROVIDED IN
8 SECTION 26.5-2-105.

9 (2) EACH LOCAL COORDINATING ORGANIZATION SHALL IMPLEMENT
10 THE COMMUNITY PLAN AND SHALL:

11 (a) COORDINATE THE PROGRAM APPLICATION AND ENROLLMENT
12 PROCESS FOR EARLY CHILDHOOD PROGRAMS FOR BOTH FAMILIES AND
13 PROVIDERS AND ACROSS ALL PARTICIPATING ENTITIES WITHIN THE
14 COMMUNITY TO FACILITATE THE GREATEST PRACTICABLE DEGREE OF
15 FAMILY ACCESS TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;

16 (b) SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY
17 OF PRESCHOOL PROVIDERS IN THE COMMUNITY, PROVIDE UNIVERSAL
18 ACCESS, IN ALIGNMENT WITH FAMILY CHOICE, TO HIGH-QUALITY SCHOOL-
19 AND COMMUNITY-BASED PRESCHOOL PROVIDERS WITHIN THE COMMUNITY
20 FOR CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN;

21 (c) MANAGE A MIXED DELIVERY SYSTEM OF PRESCHOOL
22 PROVIDERS;

23 (d) ALLOCATE, IN COORDINATION WITH LOCAL AND TRIBAL
24 AGENCIES, WHEN APPLICABLE, LOCAL EARLY CHILDHOOD FUNDING AND
25 STATE PRESCHOOL PROGRAM FUNDING TO PUBLIC AND PRIVATE PROVIDERS
26 WITHIN THE COMMUNITY, BASED ON THE COMMUNITY PLAN, AND ENSURE,
27 TO THE GREATEST EXTENT POSSIBLE, THAT CHILDREN WHO, PURSUANT TO

1 DEPARTMENT RULES ADOPTED IN ACCORDANCE WITH SECTION 26.5-4-204
2 (4)(a), ARE IN LOW-INCOME FAMILIES AND MEET QUALIFYING FACTORS ARE
3 PRIORITIZED, AS DIRECTED BY THE DEPARTMENT, TO RECEIVE EARLY
4 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

5 (e) SUPPORT AND ENSURE THE AVAILABILITY OF HIGH-QUALITY
6 EARLY CHILDHOOD CARE AND EDUCATION FOR ALL CHILDREN, INCLUDING
7 SUPPORTING ACCESS TO TRAINING AND SUPPORT FOR MEMBERS OF THE
8 EARLY CHILDHOOD WORKFORCE;

9 (f) SUPPORT EARLY CHILDHOOD CAREGIVERS WHO ARE EXEMPT
10 FROM LICENSING PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 IN
11 ACCESSING FAMILY RESOURCES AND RESOURCES RELATED TO HEALTH AND
12 SAFETY, EARLY CHILDHOOD DEVELOPMENT, AND WORKFORCE
13 DEVELOPMENT;

14 (g) INCREASE OVER TIME THE CAPACITY OF HIGH-QUALITY EARLY
15 CHILD CARE AND EDUCATION PROGRAMS WITHIN THE COMMUNITY TO
16 BETTER MEET FAMILY AND COMMUNITY NEEDS;

17 (h) SUPPORT PUBLIC AND PRIVATE PROVIDERS IN RECRUITING,
18 DEVELOPING, AND RETAINING WITHIN THE COMMUNITY A QUALITY EARLY
19 CHILDHOOD WORKFORCE THAT IS CULTURALLY AND LINGUISTICALLY
20 RELEVANT TO THE COMMUNITY;

21 (i) WORK WITH PROVIDERS IN THE COMMUNITY TO ENSURE THE
22 COLLECTION AND REPORTING TO THE DEPARTMENT OF KEY SYSTEMS LEVEL
23 DATA, AS REQUIRED BY DEPARTMENT RULES, IN A MANNER THAT
24 MINIMIZES DUPLICATION AND THE BURDEN ON FAMILIES AND PROVIDERS
25 AND ENSURES COMPLIANCE WITH ALL APPLICABLE PRIVACY PROTECTIONS;

26 (j) COMPLY WITH DEPARTMENT RULES, IF ANY, IN IMPLEMENTING
27 THE COMMUNITY PLAN AND THE DUTIES DESCRIBED IN THIS SECTION;

1 (k) COMPLY WITH ANY STATUTORY AUDITING REQUIREMENTS
2 THAT APPLY TO THE LOCAL COORDINATING ORGANIZATION OR, IF THE
3 LOCAL COORDINATING ORGANIZATION IS NOT OTHERWISE REQUIRED BY
4 STATUTE TO UNDERGO AN ANNUAL FINANCIAL AUDIT, CONTRACT FOR THE
5 PERFORMANCE OF AN ANNUAL FINANCIAL AUDIT OF THE OPERATIONS OF
6 THE LOCAL COORDINATING ORGANIZATION BY AN INDEPENDENT AUDITOR;
7 AND

8 (l) COMPLY WITH ANY OTHER PROVISIONS INCLUDED IN THE
9 COORDINATOR AGREEMENT ENTERED INTO BETWEEN THE LOCAL
10 COORDINATING ORGANIZATION AND THE DEPARTMENT PURSUANT TO
11 SECTION 26.5-2-105 (1)(b).

12 (3) EACH LOCAL COORDINATING ORGANIZATION SHALL WORK WITH
13 ENTITIES WITHIN THE COMMUNITY, INCLUDING, AT A MINIMUM, THE
14 ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c), TO IMPLEMENT THE
15 COMMUNITY PLAN, WHICH MAY INCLUDE SUBCONTRACTING OR
16 PARTNERING WITH OR OTHERWISE DELEGATING RESPONSIBILITY TO ONE OR
17 MORE PUBLIC OR PRIVATE ENTITIES. THE LOCAL COORDINATING
18 ORGANIZATION REMAINS RESPONSIBLE TO THE DEPARTMENT FOR
19 IMPLEMENTING THE COMMUNITY PLAN, MEETING THE GOALS SPECIFIED IN
20 THE COMMUNITY PLAN AND THE COORDINATOR AGREEMENT, AND
21 MEETING ANY ADDITIONAL REQUIREMENTS IMPOSED BY THIS PART 1, BY
22 PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 CONCERNING THE COLORADO
23 UNIVERSAL PRESCHOOL PROGRAM, BY DEPARTMENT RULE, OR BY THE
24 COORDINATOR AGREEMENT.

25 **26.5-2-105. Department duties - coordinator agreements -**
26 **review.** (1) TO SUPPORT AND PROVIDE OVERSIGHT FOR THE STATEWIDE
27 SYSTEM OF LOCAL COORDINATING ORGANIZATIONS, THE DEPARTMENT

1 SHALL:

2 (a) SELECT ENTITIES TO SERVE AS LOCAL COORDINATING
3 ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE STATE AS PROVIDED
4 IN SECTION 26.5-2-103;

5 (b) ENTER INTO A COORDINATOR AGREEMENT WITH EACH LOCAL
6 COORDINATING ORGANIZATION THAT IS PARTIALLY BASED ON THE
7 COMMUNITY PLAN AND THAT SPECIFIES THE RESPECTIVE DUTIES OF THE
8 LOCAL COORDINATING ORGANIZATION AND THE DEPARTMENT IN
9 IMPLEMENTING THE COMMUNITY PLAN AND IN MEETING THE
10 REQUIREMENTS SPECIFIED IN THIS PART 1, IN PART 2 OF ARTICLE 4 OF THIS
11 TITLE 26.5 CONCERNING THE COLORADO UNIVERSAL PRESCHOOL
12 PROGRAM, AND IN DEPARTMENT RULE. THE COORDINATOR AGREEMENTS
13 ARE NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE",
14 ARTICLES 101 TO 112 OF TITLE 24. THE TERM OF THE INITIAL
15 COORDINATOR AGREEMENT FOR A LOCAL COORDINATING ORGANIZATION
16 IS THREE YEARS, AND SUBSEQUENT COORDINATOR AGREEMENTS MUST
17 HAVE TERMS OF AT LEAST THREE BUT NOT MORE THAN FIVE YEARS, AS
18 DETERMINED BY THE DEPARTMENT. THE COORDINATOR AGREEMENT, AT
19 A MINIMUM, MUST INCLUDE:

20 (I) EXPECTATIONS, TARGETS, AND BENCHMARKS, IN ALIGNMENT
21 WITH STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND
22 FAMILY SUPPORT PROGRAMS AND SERVICES IN COLORADO, THAT THE
23 LOCAL COORDINATING ORGANIZATION IS EXPECTED TO MEET IN
24 IMPLEMENTING THE COMMUNITY PLAN AND HOW THE DEPARTMENT AND
25 THE LOCAL COORDINATING ORGANIZATION WILL MEASURE SUCCESS IN
26 MEETING THE EXPECTATIONS, TARGETS, AND BENCHMARKS;

27 (II) IF THE LOCAL COORDINATING ORGANIZATION IS A PRESCHOOL

1 PROVIDER, EXPECTATIONS THAT THE LOCAL COORDINATING
2 ORGANIZATION MUST MEET IN ENSURING THE AVAILABILITY OF A MIXED
3 DELIVERY SYSTEM WITHIN THE COMMUNITY THAT SUPPORTS EQUITABLE
4 PARENT CHOICE AND IN ENSURING THAT THE ORGANIZATION IS NOT
5 UNFAIRLY ADVANTAGED IN ALLOCATING FUNDING AMONG PRESCHOOL
6 PROVIDERS BASED ON PARENT CHOICE;

7 (III) EXPECTATIONS THAT THE LOCAL COORDINATING
8 ORGANIZATION MUST MEET WITH REGARD TO COORDINATING WITH
9 ENTITIES WITHIN THE COMMUNITY, INCLUDING THE ENTITIES SPECIFIED IN
10 SECTION 26.5-2-103 (2)(c);

11 (IV) THE AMOUNT OF ADMINISTRATIVE COSTS THAT THE LOCAL
12 COORDINATING ORGANIZATION RECEIVES FROM THE DEPARTMENT AND
13 OTHER IDENTIFIED SOURCES DURING THE TERM OF THE COORDINATOR
14 AGREEMENT; AND

15 (V) THE MANNER IN WHICH THE LOCAL COORDINATING
16 ORGANIZATION WILL PROVIDE ACCOUNTABILITY AND TRANSPARENCY
17 CONCERNING THE AMOUNT AND PAYMENT OF ADMINISTRATIVE EXPENSES
18 AND, IF THE LOCAL COORDINATING ORGANIZATION IS DISTRIBUTING OR
19 ADMINISTERING PUBLIC MONEY, THE DISTRIBUTION AND USE OF THE
20 PUBLIC MONEY.

21 (c) REVIEW AND APPROVE THE COMMUNITY PLAN CREATED BY
22 EACH LOCAL COORDINATING ORGANIZATION, INCLUDING REVISIONS OF THE
23 COMMUNITY PLAN, AS PROVIDED IN SECTION 26.5-2-104 (1). BEFORE
24 APPROVING A COMMUNITY PLAN, THE DEPARTMENT MAY RETURN THE
25 PLAN TO THE LOCAL COORDINATING ORGANIZATION WITH CHANGES TO
26 ENSURE THE COMMUNITY PLAN IS FEASIBLE, MEETS THE REQUIREMENTS
27 SPECIFIED IN SECTION 26.5-2-104 (1), AND IS ALIGNED WITH THE

1 STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY
2 SUPPORT PROGRAMS AND SERVICES IN COLORADO.

3 (d) DISTRIBUTE AND ADMINISTER PUBLIC FUNDING FOR EARLY
4 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN
5 ACCORDANCE WITH COMMUNITY PLANS AND IN COORDINATION WITH
6 LOCAL AND TRIBAL AGENCIES, WHEN APPLICABLE; EXCEPT THAT THE
7 DEPARTMENT MAY DELEGATE ALL OR A PORTION OF THE RESPONSIBILITY
8 FOR DISTRIBUTING AND ADMINISTERING PUBLIC FUNDING TO A LOCAL
9 COORDINATING ORGANIZATION THROUGH THE ORGANIZATION'S
10 COORDINATOR AGREEMENT;

11 (e) SUPPORT LOCAL COORDINATING ORGANIZATIONS BY PROVIDING
12 FUNDING, TRAINING AND TECHNICAL ASSISTANCE, WHICH MAY BE
13 PROVIDED ONLINE, AND, UPON REQUEST, COLLABORATIVE SUPPORT AND
14 ASSISTANCE IN IMPLEMENTING THE COMMUNITY PLANS. THE DEPARTMENT
15 SHALL PRIORITIZE COMMUNITIES, INCLUDING RURAL COMMUNITIES, THAT
16 LACK FUNDING AND CAPACITY TO RECEIVE THE FUNDING AND SUPPORTS
17 DESCRIBED IN THIS SUBSECTION (1)(e).

18 (f) REVIEW THE OPERATIONS OF EACH LOCAL COORDINATING
19 ORGANIZATION, INCLUDING THE LOCAL COORDINATING ORGANIZATION'S
20 COMPLIANCE WITH THE COORDINATOR AGREEMENT AND IMPLEMENTATION
21 OF THE COMMUNITY PLAN, AS PROVIDED IN SUBSECTION (3) OF THIS
22 SECTION; AND

23 (g) IDENTIFY SUCCESSFUL STRATEGIES AND INNOVATIONS
24 IMPLEMENTED BY LOCAL COORDINATING ORGANIZATIONS THROUGHOUT
25 THE STATE AND PROVIDE INFORMATION, INCLUDING BY POSTING
26 INFORMATION ON THE DEPARTMENT WEBSITE, TO ASSIST LOCAL
27 COORDINATING ORGANIZATIONS IN REPLICATING AND ADAPTING THE

1 STRATEGIES AND INNOVATIONS IN THEIR COMMUNITIES.

2 (2) NOTWITHSTANDING THE REQUIREMENTS IMPOSED ON LOCAL
3 COORDINATING ORGANIZATIONS PURSUANT TO SECTION 26.5-2-104 (2), IF
4 NECESSARY TO ENABLE AN ORGANIZATION TO DEVELOP ITS CAPACITY TO
5 SERVE AS A LOCAL COORDINATING ORGANIZATION, THE DEPARTMENT MAY
6 SPECIFY IN THE ORGANIZATION'S COORDINATOR AGREEMENT THE DEGREE
7 TO WHICH THE ORGANIZATION MUST MEET THE REQUIREMENTS SPECIFIED
8 IN SECTION 26.5-2-104 (2), WITH THE EXPECTATION THAT THE
9 ORGANIZATION MUST FULLY MEET THE REQUIREMENTS WITHIN A
10 REASONABLE TIME, AS DETERMINED BY THE DEPARTMENT.

11 (3) (a) THE DEPARTMENT SHALL IMPLEMENT A REVIEW PROCESS
12 ESTABLISHED IN DEPARTMENT RULE BY WHICH THE DEPARTMENT AT LEAST
13 ANNUALLY REVIEWS THE PERFORMANCE OF EACH LOCAL COORDINATING
14 ORGANIZATION IN SERVING ITS COMMUNITY, INCLUDING IMPLEMENTING
15 THE APPROVED COMMUNITY PLAN, FULFILLING THE DUTIES SPECIFIED IN
16 SECTION 26.5-2-104, AND COMPLYING WITH THE COORDINATOR
17 AGREEMENT. IN IMPLEMENTING THE REVIEW PROCESS, THE DEPARTMENT
18 SHALL, AT A MINIMUM:

19 (I) COLLABORATE WITH THE LOCAL COORDINATING ORGANIZATION
20 TO ESTABLISH IN THE COORDINATOR AGREEMENT EXPECTATIONS,
21 TARGETS, AND BENCHMARKS FOR IMPLEMENTING THE APPROVED
22 COMMUNITY PLAN TO ENSURE THE PLAN IS IMPLEMENTED WITH FIDELITY
23 AND THE LOCAL COORDINATING ORGANIZATION IS MAKING PROGRESS
24 TOWARD ACHIEVING THE STATEWIDE GOALS FOR THE PROVISION OF EARLY
25 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES SET BY THE
26 DEPARTMENT;

27 (II) MEASURE THE LOCAL COORDINATING ORGANIZATION'S

1 ATTAINMENT OF THE EXPECTATIONS, TARGETS, AND BENCHMARKS AND
2 RECOMMEND IMPROVEMENTS AND CHANGES, INCLUDING REVISIONS TO
3 THE COMMUNITY PLAN, AS APPROPRIATE, TO ASSIST THE LOCAL
4 COORDINATING ORGANIZATION IN IMPROVING PERFORMANCE;

5 (III) ENSURE THAT THE LOCAL COORDINATING ORGANIZATION IS
6 COMPLYING WITH THE REQUIREMENTS SPECIFIED IN THE COORDINATOR
7 AGREEMENT AND WITH STATUTORY AND REGULATORY REQUIREMENTS
8 AND DEPARTMENT GUIDELINES, INCLUDING REQUIREMENTS AND
9 GUIDELINES CONCERNING DISTRIBUTION AND ADMINISTRATION OF
10 FUNDING, IF THE LOCAL COORDINATING ORGANIZATION IS RESPONSIBLE
11 FOR DISTRIBUTING AND ADMINISTERING FUNDING, AND DATA COLLECTION
12 AND SHARING, IN IMPLEMENTING THE APPROVED COMMUNITY PLAN AND
13 OVERSEEING AND COORDINATING EARLY CHILDHOOD AND FAMILY
14 SUPPORT PROGRAMS WITHIN THE COMMUNITY; AND

15 (IV) SOLICIT INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE
16 EARLY CHILDHOOD WORKFORCE, LOCAL AND TRIBAL AGENCIES, LOCAL
17 GOVERNMENTS, THE ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c),
18 AND OTHER INTERESTED PERSONS WITHIN THE COMMUNITY CONCERNING
19 THE PERFORMANCE OF THE LOCAL COORDINATING ORGANIZATION.

20 (b) IF THE DEPARTMENT AT ANY TIME DETERMINES THAT THE
21 LOCAL COORDINATING ORGANIZATION IS NOT MEETING THE
22 REQUIREMENTS OF THE COORDINATOR AGREEMENT OR IS NOT PERFORMING
23 AT THE LEVEL REQUIRED TO SUCCESSFULLY IMPLEMENT THE COMMUNITY
24 PLAN AND TO ENSURE THAT THE COMMUNITY SUBSTANTIALLY MEETS
25 LOCAL AND STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD
26 AND FAMILY SUPPORT PROGRAMS AND SERVICES, THE DEPARTMENT MAY
27 TERMINATE THE LOCAL COORDINATING ORGANIZATION'S COORDINATOR

1 AGREEMENT AND IMPLEMENT THE APPLICATION PROCESS FOR SELECTING
2 A NEW LOCAL COORDINATING ORGANIZATION FOR THE COMMUNITY AS
3 PROVIDED IN SECTION 26.5-2-103.

4 (c) THE DEPARTMENT AND A LOCAL COORDINATING ORGANIZATION
5 MAY, AT ANY TIME, AMEND THE COORDINATOR AGREEMENT OR THE
6 COMMUNITY PLAN TO CHANGE THE ROLE OF THE LOCAL COORDINATING
7 ORGANIZATION OR OTHER ASPECTS OF THE OVERSIGHT OF EARLY
8 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE
9 COMMUNITY.

10 (4) (a) FOR ANY AREA WITHIN THE STATE FOR WHICH A LOCAL
11 COORDINATING ORGANIZATION IS NOT SELECTED OR FOR WHICH THE
12 LOCAL COORDINATING ORGANIZATION IS NOT FULLY CAPABLE OF
13 IMPLEMENTING ALL ASPECTS OF THE COMMUNITY PLAN, THE DEPARTMENT
14 SHALL WORK WITH THE LOCAL COORDINATING ORGANIZATION, IF ANY,
15 AND THE FAMILIES, PROVIDERS, LOCAL GOVERNMENTS, AND LOCAL AND
16 TRIBAL AGENCIES IN THE AREA, AS NECESSARY, TO OVERSEE AND
17 COORDINATE THE AVAILABILITY AND PROVISION OF EARLY CHILDHOOD
18 AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE AREA UNTIL
19 SUCH TIME AS A LOCAL COORDINATING ORGANIZATION IS SELECTED OR IS
20 DEEMED CAPABLE OF IMPLEMENTING ALL ASPECTS OF THE COMMUNITY
21 PLAN. AT A MINIMUM, THE DEPARTMENT SHALL:

22 (I) ASSIST FAMILIES IN APPLYING FOR EARLY CHILDHOOD AND
23 FAMILY SUPPORT PROGRAMS AND SERVICES AND IN ENROLLING CHILDREN
24 WITH EARLY CARE AND EDUCATION PROVIDERS;

25 (II) ENSURE, TO THE EXTENT PRACTICABLE, THAT AN EQUITABLE
26 MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS IS AVAILABLE WITHIN
27 THE AREA, WHICH MAY INCLUDE CONTRACTING WITH PROVIDERS FOR THE

1 DELIVERY OF PRESCHOOL SERVICES;

2 (III) COMBINE AND COORDINATE CHILD CARE RESOURCES AND
3 FUNDING, IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, IN ORDER
4 TO CREATE A FULL DAY OF SERVICES FOR AS MANY CHILDREN AS POSSIBLE;
5 AND

6 (IV) ALLOCATE, DISTRIBUTE, AND ADMINISTER STATE FUNDING
7 AND COORDINATE WITH LOCAL AND TRIBAL AGENCIES AND LOCAL
8 GOVERNMENTS TO ALLOCATE, COMBINE, AND DISTRIBUTE LOCAL FUNDING
9 FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES
10 WITHIN THE AREA.

11 (b) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH THE
12 LOCAL COORDINATING ORGANIZATION FOR ANOTHER COMMUNITY TO
13 ASSIST IN FULFILLING THE DUTIES DESCRIBED IN SUBSECTION (4)(a) OF
14 THIS SECTION.

15 (c) IN AN AREA IDENTIFIED PURSUANT TO SUBSECTION (4)(a) OF
16 THIS SECTION, THE DEPARTMENT SHALL PROVIDE TRAINING, ASSISTANCE,
17 AND FUNDING TO ENTITIES IN THE AREA, WHICH MAY INCLUDE LOCAL AND
18 TRIBAL AGENCIES, LOCAL GOVERNMENTS, AND NONPROFIT
19 ORGANIZATIONS, TO DEVELOP THE CAPACITY FOR ONE OR MORE OF THE
20 ENTITIES TO SERVE AS THE LOCAL COORDINATING ORGANIZATION FOR THE
21 AREA. AS SOON AS PRACTICABLE, THE DEPARTMENT SHALL SOLICIT
22 APPLICATIONS AS PROVIDED IN SECTION 26.5-2-103 FOR AN ENTITY TO
23 SERVE AS THE LOCAL COORDINATING ORGANIZATION FOR THE AREA.

24 (5) THE EXECUTIVE DIRECTOR SHALL ESTABLISH BY RULE A
25 PROCESS BY WHICH AN APPLYING ENTITY THAT IS NOT SELECTED TO ACT
26 AS A LOCAL COORDINATING ORGANIZATION, OR A LOCAL COORDINATING
27 ORGANIZATION FOR WHICH THE COORDINATING AGREEMENT IS

1 TERMINATED, MAY APPEAL THE DECISION OF THE DEPARTMENT.

2 PART 2

3 EARLY CHILDHOOD COUNCILS

4 **26.5-2-201. [Formerly 26-6.5-101] Legislative declaration.**

5 (1) The general assembly hereby finds and declares that there is a critical
6 need to increase services for young children and their families, including
7 those families with members who are entering the workforce due to
8 Colorado's reform of the welfare system, making the transition off of
9 welfare, or needing child care assistance to avoid the welfare system. The
10 statewide need includes increasing and sustaining the quality,
11 accessibility, capacity, and affordability of services for children and their
12 parents to help parents raise their children to be successful at school, at
13 work, and in the community.

14 (2) Research demonstrates that there are positive outcomes for
15 young children and their families who receive quality, integrated child
16 care and related services in their early, preschool years, delivered through
17 a comprehensive early childhood system that includes quality care and
18 education, family support, health, and mental health programs.

19 (3) Providers of half-day preschool and full-day child care
20 services have to overcome barriers and inflexible requirements of the
21 various sources of funding in order to design and implement programs
22 that are more responsive to the needs of working families.

23 (4) Consideration of various state and federal funding sources
24 would allow for an integrated delivery system of quality programs for
25 young children and their families in Colorado's communities.

26 (5) An integrated delivery system would further enhance the
27 ability of the ~~state~~ department to identify the best practices relative to

1 increasing and sustaining quality and to meeting the diverse needs of
2 families seeking child care and other early childhood services.

3 (6) Distinctly local needs and conditions require that the state
4 design and integrate a system that has the flexibility to adapt to those
5 local needs.

6 (7) It is therefore in the state's best interest to establish a
7 comprehensive system of early childhood councils to increase and sustain
8 the availability, accessibility, capacity, and quality of early childhood
9 services throughout the state, as provided in this ~~part~~ PART 2.

10 **26.5-2-202. [Formerly 26-6.5-101.5] Definitions.** As used in this
11 ~~part~~ PART 2, unless the context otherwise requires:

12 ~~(1) Repealed.~~

13 ~~(2)~~ (1) "Council" or "early childhood council" means an early
14 childhood council identified or established locally in communities
15 throughout the state pursuant to ~~section 26-6.5-103 or 26-6.5-106~~
16 SECTION 26.5-2-203 OR 26.5-5-102 for the purpose of developing and
17 ultimately implementing a comprehensive system of early childhood
18 services to ensure the school readiness of children five years of age or
19 younger in the community.

20 ~~(3)~~ (2) "County department" means the county or district
21 department of human or social services.

22 ~~(4) to (6) Repealed.~~

23 ~~(6.5)~~ (3) "Early childhood education program" means a ~~licensed~~
24 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~
25 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that provides child care and
26 education to children five years of age or younger.

27 ~~(7) and (8) Repealed.~~

1 ~~(9) "State board" means the state board of human services~~
2 authorized to act in accordance with the provisions of section 26-1-107.

3 ~~(10) "State department" means the state department of human~~
4 services.

5 **26.5-2-203. [Formerly 26-6.5-103] Early childhood councils -**
6 **established - rules.** (1) There is hereby established a statewide integrated
7 system of early childhood councils to improve and sustain the availability,
8 accessibility, capacity, and quality of early childhood services for children
9 and families throughout the state. The councils ~~shall~~ have consistent
10 function and structure statewide and ~~shall be~~ ARE governed by the state
11 department of human services with input, cooperation, and support
12 services from the departments of HUMAN SERVICES, education, and public
13 health and environment.

14 (2) The statewide system of early childhood councils ~~shall consist~~
15 CONSISTS of existing early childhood councils, renamed through this part
16 + PART 2 as "early childhood councils", and new councils designated and
17 convened pursuant to this part + PART 2, subject to available
18 appropriations.

19 (3) For new councils or for existing councils or partnerships that
20 decide to reconfigure ~~under this part +~~ PURSUANT TO THIS PART 2, the
21 board or boards of county commissioners shall designate a convening
22 entity, which may include but is not limited to a local resource and
23 referral agency, a county department of human services or social services,
24 a local school district, a department of public health, or, PRIOR TO JULY 1,
25 2023, a Colorado preschool program council. The convening entity may
26 convene a council either as part of a single county or as part of a
27 multi-county regional network.

1 (4) The ~~state department~~ EXECUTIVE DIRECTOR shall determine by
2 rule the criteria necessary for establishing a single council for an area.

3 (5) Nothing in this ~~part 1 shall be construed as requiring~~ PART 2
4 REQUIRES an existing council to reconfigure or reconvene.

5 (6) Nothing in this ~~part 1 shall be construed as requiring~~ PART 2
6 REQUIRES a county to establish an early childhood council or to be a part
7 of a multi-county council.

8 **26.5-2-204. [Formerly 26-6.5-103.3] Early childhood councils**

9 **- applications - rules.** (1) A newly established or newly identified
10 council shall submit to the ~~state~~ department an application to become part
11 of the statewide system of early childhood councils. The ~~state~~ department
12 shall develop and distribute the application form and criteria and an
13 explanation of the process for joining the statewide system of early
14 childhood councils. The ~~state~~ department shall provide support for the
15 preparation of applications.

16 (2) A new council shall designate on its application the following
17 information:

18 (a) The intended service area;

19 (b) The counties to be involved in the council;

20 (c) Participating mandatory stakeholders;

21 (d) The entity that ~~shall serve~~ SERVES as the original fiscal agent
22 for the council; and

23 (e) The signatures of the chair or chairs of the board or boards of
24 county commissioners for the counties involved in the council, the legal
25 signatory for the counties, and the president of a school district board of
26 education involved in the council.

27 (3) An existing early childhood council seeking to be newly

1 identified as a council shall designate on its application a restatement of
2 the following information:

- 3 (a) The designated service area;
- 4 (b) Current members;
- 5 (c) Any additional stakeholders required to meet the membership
6 requirements of ~~section 26-6.5-103.5~~ SECTION 26.5-2-205;
- 7 (d) The designated fiscal agent; and
- 8 (e) Signatures of the current organization leadership, the fiscal
9 agent, the chair or chairs of the board or boards of county commissioners
10 of the counties involved in the council, and the president of a school
11 district board of education involved in the council.

12 (4) Each council shall develop a strategic plan based upon an
13 assessment of the early childhood needs in the designated service area
14 that includes:

- 15 (a) A council infrastructure, including a plan for hiring a council
16 director;
- 17 (b) A technical assistance plan and an annual budget for
18 developing a local early childhood system and infrastructure to improve
19 and coordinate early childhood services; and
- 20 (c) A plan for evaluating program performance and council
21 process and effectiveness as it relates to the council's strategic plan.

22 (5) The ~~state department~~ EXECUTIVE DIRECTOR shall promulgate
23 rules to define the standards for acceptance of applications made pursuant
24 to this section. Acceptance of an application ~~shall be~~ IS automatic if the
25 application is complete, the signatures are in order, and it meets the
26 standards set forth by the ~~state department~~ EXECUTIVE DIRECTOR pursuant
27 to this subsection (5).

1 **26.5-2-205. [Formerly 26-6.5-103.5] Early childhood councils**

2 **- membership.** (1) To the extent practicable, each council ~~shall~~ **MUST** be
3 representative of the various public and private stakeholders in the local
4 community who are committed to supporting the well-being of children
5 five years of age or younger.

6 (2) For the purposes of this ~~part~~ **PART 2**, each council, whether
7 newly established in a community or newly identified to serve as a
8 council, shall work toward consolidating and coordinating funding,
9 including the school-readiness quality improvement funding described in
10 ~~section 26-6.5-106~~ **SECTION 26.5-5-102**. Together, the councils
11 throughout the state shall serve to create a seamless system of early
12 childhood services representing collaboration among the various public
13 and private stakeholders for the effective delivery of early childhood
14 services to children five years of age or younger in a manner that is
15 responsive to local needs and conditions.

16 (3) (a) Each new council ~~shall consist~~ **CONSISTS** of members to be
17 approved initially by the convening entity as designated pursuant to
18 ~~section 26-6.5-103~~ **SECTION 26.5-2-203**. Each individual council shall
19 determine subsequent appointments and rules for rotation of terms.

20 (b) Early childhood council membership must include
21 representatives from the public and private stakeholders from early care
22 and education, family support, health, and mental health programs who
23 reflect local needs and cultural diversity. The membership of each early
24 childhood council must also represent the geographic diversity within the
25 county or counties involved in the council. Each council must include a
26 minimum of ten members with representation from each of the following
27 stakeholder groups within the council's service area:

1 (I) Local government, including but not limited to county
2 commissioners, city council members, local school district board
3 members, and local county departments of human or social services;

4 (II) Early care and education, including but not limited to licensed
5 and legally exempt child care providers, head start grantees, and district
6 preschool programs operating pursuant to article 28 of title 22, ~~C.R.S.~~ AS
7 IT EXISTS PRIOR TO JULY 1, 2023;

8 (III) Health care, including but not limited to local public health
9 agencies; health-care providers; supplemental food programs for women,
10 infants, and children as provided for in 42 U.S.C. sec. 1786; early
11 periodic screening and diagnosis and treatment programs as required by
12 federal law; and part B and part C of the federal "Individuals With
13 Disabilities Education Improvement Act of 2004", ~~42~~ 20 U.S.C. sec. 1400
14 et seq., as amended;

15 (IV) Parents of children five years of age or younger;

16 (V) Mental health care, including but not limited to community
17 mental health centers and local mental health-care providers;

18 (VI) Resource and referral agencies, including but not limited to
19 child care resource and referral agencies; AND

20 (VII) Family support and parent education, including but not
21 limited to home visitation programs, family resource centers, and income
22 assistance programs.

23 (c) In addition, each council may include, but is not limited to,
24 representation from any combination of the following stakeholder groups
25 within the council's service area:

26 (I) Child care associations;

27 (II) Medical and dental professionals;

- 1 (III) School district parent organizations;
- 2 (IV) Head start policy councils;
- 3 (V) A chamber or chambers of commerce;
- 4 (VI) Local businesses;
- 5 (VII) Faith-based and nonprofit organizations;
- 6 (VIII) Higher education institutions; and
- 7 (IX) Libraries.

8 (4) Each member of a council shall sign a memorandum of
9 understanding on behalf of the organization ~~he or she~~ THE MEMBER
10 represents to participate in and collaborate on the work of the council.

11 **26.5-2-206. [Formerly 26-6.5-103.7] Early childhood councils**

12 **- duties.** (1) Each early childhood council ~~shall have~~ HAS, at a minimum,
13 the following duties and functions:

14 (a) To apply for early childhood funding pursuant to ~~section~~
15 ~~26-6.5-104~~ SECTION 26.5-2-207;

16 (b) To increase and sustain the quality, accessibility, capacity, and
17 affordability of early childhood services for children five years of age or
18 younger and their parents. To this end, each council shall develop and
19 execute strategic plans to respond to local needs and conditions.

20 (c) To establish a local system of accountability to measure local
21 progress based on the needs and goals set for program performance;

22 (d) To report annually the results of the accountability
23 measurements defined in ~~paragraph (c) of this subsection (1)~~ SUBSECTION
24 (1)(c) OF THIS SECTION;

25 (e) To select a fiscal agent to disburse funds and serve as the
26 employer of the council director, once hired. The fiscal agent may or may
27 not be a county.

1 (f) To develop and implement a strategic plan as described in
2 ~~section 26-6.5-103.3~~ (4) SECTION 26.5-2-204 (4), including a
3 comprehensive evaluation and report; and

4 (g) To actively attempt to inform and include small or
5 under-represented early childhood service providers in early childhood
6 council activities and functions.

7 **26.5-2-207. [Formerly 26-6.5-104] Early childhood councils -**
8 **waivers - rules - funding - application.** (1) A local council may request
9 a waiver of any rule that would prevent a council from implementing
10 council projects. The local council shall submit the request to the early
11 childhood leadership commission created in PART 3 OF article 1 of THIS
12 title 26.5. The early childhood leadership commission shall consult with
13 the affected state agency in reviewing the request. The ~~state~~ department
14 or other affected state agency shall grant waivers upon recommendation
15 by the commission.

16 (2) (a) The ~~state department~~ EXECUTIVE DIRECTOR shall
17 promulgate rules to develop and distribute to councils the application
18 form and application process to be used by each council seeking to
19 receive council infrastructure, quality improvement, technical assistance,
20 and evaluation funding from the early childhood cash fund created in
21 ~~section 26-6.5-109~~ SECTION 26.5-2-209 and other funding sources
22 appropriated for early childhood services.

23 (b) THE DEPARTMENT SHALL, UPON RECEIPT, REVIEW applications
24 for early childhood funding from the early childhood cash fund
25 established in ~~section 26-6.5-109~~ SECTION 26.5-2-209 and other funding
26 sources appropriated for early childhood services. ~~shall be reviewed upon~~
27 ~~receipt by the state department.~~

1 (c) The ~~state~~ department is authorized to enter into a sole-source
2 contract with any council to increase and sustain the quality, accessibility,
3 capacity, and affordability of early childhood services for young children
4 and their parents.

5 **26.5-2-208. [Formerly 26-6.5-108] Evaluation.** (1) No later than
6 March 1, 2010, the ~~state~~ department shall, through a request for proposals
7 process, contract with a qualified individual or entity to prepare an
8 independent evaluation of the system of early childhood councils to
9 determine the effectiveness of the system in serving children and families
10 throughout the state. The evaluation ~~shall~~ MUST be completed no later
11 than October 1, 2010, and ~~shall~~ MUST be repeated every three years
12 thereafter.

13 (2) The evaluation ~~shall~~ MUST include the following:

14 (a) An aggregate evaluation of local evaluation plan data as
15 integrated and analyzed by the ~~state~~ department, including an evaluation
16 of the overall program performance and council process and
17 effectiveness;

18 (b) An evaluation of state program performance, including the
19 efficiency and effectiveness of the ~~state~~ department in meeting the needs
20 of the councils;

21 (c) An evaluation of the feasibility of combining the funding
22 sources available ~~under this part~~ PURSUANT TO THIS PART 2;

23 (d) An evaluation of the barriers to delivery of quality early
24 childhood services; and

25 (e) An evaluation of the impact of waivers issued pursuant to
26 ~~section 26-6.5-104~~ SECTION 26.5-2-207.

27 **26.5-2-209. [Formerly 26-6.5-109] Early childhood cash fund**

1 - **creation.** (1) There is ~~hereby~~ created in the state treasury the early
2 childhood cash fund, referred to in this ~~part~~ PART 2 as the "fund", that
3 ~~shall consist~~ CONSISTS of such ~~moneys~~ MONEY as may be appropriated to
4 the fund by the general assembly and credited to the fund pursuant to
5 subsection (2) of this section. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS
6 subject to annual appropriation by the general assembly for the direct and
7 indirect costs associated with the implementation of this ~~part~~ PART 2.

8 (2) The ~~state~~ department is authorized to seek and accept gifts,
9 grants, or donations from private and public sources for the purposes of
10 this ~~part~~ PART 2. All private and public ~~moneys~~ MONEY received
11 through gifts, grants, or donations ~~shall~~ MUST be transmitted to the state
12 treasurer, who shall credit the same to the fund. The ~~moneys~~ MONEY in
13 the fund ~~shall be~~ IS subject to annual appropriation by the general
14 assembly to the ~~state~~ department for the direct and indirect costs
15 associated with the implementation of this ~~part~~ PART 2.

16 (3) Any ~~moneys~~ MONEY in the fund not expended for the purposes
17 of this ~~part~~ PART 2 may be invested by the state treasurer as provided by
18 law. All interest and income derived from the investment and deposit of
19 ~~moneys~~ MONEY in the fund ~~shall~~ MUST be credited to the fund.

20 (4) The ~~state~~ department may expend up to, but not exceeding,
21 five percent of the ~~moneys~~ MONEY annually appropriated from the fund
22 to offset the costs incurred in implementing this ~~part~~ PART 2.

23 (5) Any unexpended and unencumbered ~~moneys~~ MONEY
24 remaining in the fund at the end of a fiscal year ~~shall remain~~ REMAINS in
25 the fund and ~~shall not be~~ IS NOT credited or transferred to the general fund
26 or another fund.

27

ARTICLE 3

1 **Family and Child Health and Well-being**

2 PART 1

3 FAMILY RESOURCE CENTERS

4 **26.5-3-101. [Formerly 26-18-101] Legislative declaration.**

5 (1) The general assembly hereby declares that Colorado needs healthy
6 and cohesive families at all income levels in order for the state to be
7 economically viable. A number of families in communities throughout
8 Colorado temporarily may not have access to the basic necessities of life
9 or to resources or services designed to promote individual development
10 and family growth.

11 (2) The general assembly further declares that many of Colorado's
12 vulnerable families, individuals, children, and youth do not necessarily
13 live in at-risk neighborhoods. ~~Such~~ THESE persons may not have
14 appropriate resources or sufficient income for adequate housing, health
15 care, or child care because the primary wage earners are unemployed OR
16 underemployed or work at jobs that pay minimum wage or less. Further,
17 many ~~such~~ OF THESE persons not only live in poverty but also experience
18 divorce OR domestic violence or are single parents. Children and youth
19 who are raised in vulnerable families experience an increased risk of
20 being abused, being illiterate, being undereducated, dropping out of
21 school, becoming teen parents, abusing drugs, and engaging in at-risk
22 behaviors, including but not limited to criminal activities. ~~Such~~ THESE
23 children and youth are often influenced by and ~~are~~ likely to repeat
24 behaviors that began with their parents.

25 (3) Therefore, the general assembly finds that it is appropriate to
26 establish a program to provide family resource centers in communities to
27 serve as a single point of entry for providing comprehensive, intensive,

1 integrated, and collaborative state and community-based services to
2 vulnerable families, individuals, children, and youth.

3 **26.5-3-102. [Formerly 26-18-102] Definitions.** As used in this
4 ~~article~~ PART 1, unless the context otherwise requires:

5 (1) "At-risk neighborhood" means an urban or rural neighborhood
6 or community in which there are incidences of poverty, unemployment
7 and underemployment, substance abuse, crime, school dropouts,
8 illiteracy, teen pregnancies and teen parents, domestic violence, or other
9 conditions that put families at risk.

10 (2) "Case management" means the process ~~whereby~~ THROUGH
11 WHICH a family advocate for the family resource center assesses a family's
12 need for services ~~in accordance with section 26-18-104 (2)~~ AS PROVIDED
13 IN SECTION 26.5-3-103 (2).

14 (3) "Community applicant" means ~~any~~ A local entity THAT IS
15 interested and willing to commit private and public resources to establish
16 a family resource center and ~~which~~ THAT applies for a family resource
17 center grant pursuant to ~~section 26-18-105~~ SECTION 26.5-3-104.
18 "Community applicant" includes, but is not limited to, ~~any~~ A state or local
19 governmental agency or governing body, a local private nonprofit agency,
20 a local board of education on a cost-shared basis, a local recreational
21 center, or a local child care agency.

22 ~~(3.5) Repealed.~~

23 (4) "Family resource center" means a unified single point of entry
24 where vulnerable families, individuals, children, and youth in
25 communities or within at-risk neighborhoods or participants in Colorado
26 works, pursuant to part 7 of article 2 of ~~this title~~ TITLE 26, can obtain
27 information, assessment of needs, and referral ~~to~~ FOR delivery of family

1 services described in ~~section 26-18-104 (2)~~ SECTION 26.5-3-103 (2) and
2 for which a grant is awarded to a community applicant ~~in accordance with~~
3 ~~section 26-18-105~~ PURSUANT TO SECTION 26.5-3-104.

4 (4.5) (5) "Family support and parent education" means a program
5 or service that promotes a family's positive and meaningful engagement
6 in its children's lives by providing an experiential and supportive adult
7 learning environment through which a primary caregiver can learn how
8 to create a safe, stable, and supportive family unit.

9 (5) (6) "Local advisory council" means the body that oversees the
10 operation of the family resource center ~~and which is~~ AS described in
11 ~~section 26-18-105 (1)(b)~~ SECTION 26.5-3-104 (1)(b).

12 (6) ~~Repealed.~~

13 (7) ~~"State department" means the department of human services~~
14 ~~created in section 26-1-105.~~

15 **26.5-3-103. [Formerly 26-18-104] Program created - repeal.**

16 (1) (a) There is established in the ~~prevention services division in the~~
17 ~~department of public health and environment~~ DEPARTMENT a family
18 resource center program. The purposes of the program are to provide
19 grants to community applicants for the creation of family resource centers
20 or to provide grants to family resource centers for the continued operation
21 of the centers through which services for vulnerable families, individuals,
22 children, and youth who live in communities or in at-risk neighborhoods
23 are accessible and coordinated through a single point of entry.

24 (a.5) ~~On July 1, 2013, the family resource center program is~~
25 ~~transferred to the department of human services. All program grants in~~
26 ~~existence as of July 1, 2013, shall continue to be valid through June 30,~~
27 ~~2015, and may be continued after said date.~~

1 (b) The ~~state~~ department shall operate the family resource center
2 program in accordance with the provisions of this ~~article~~ PART 1. In
3 addition, the ~~state~~ department may establish any other procedures
4 necessary to implement the program, including establishing the procedure
5 for submitting grant applications by community applicants seeking to
6 establish a family resource center or by a family resource center applying
7 for a grant for continued operation of a family resource center.

8 (c) (I) The family resource center program may receive direct
9 appropriations from the state general fund.

10 (II) Any ~~moneys received by~~ MONEY family resource centers
11 RECEIVE pursuant to the temporary assistance for needy families block
12 grant or from the family issues cash fund created in section 26-5.3-106
13 ~~shall~~ MUST be from funds directly disbursed by a county at the discretion
14 of the county.

15 (III) The ~~state~~ department may accept and expend any grants from
16 any public or private source for the purpose of making grants to
17 community applicants for the establishment or continued operation of
18 family resource centers and for the purpose of evaluating the
19 effectiveness of the family resource center program. This ~~article~~ PART 1
20 does not prohibit a family resource center from accepting and expending
21 funds received through an authorized contract, grants, or donations from
22 public or private sources.

23 (2) (a) Services ~~provided by~~ THAT a family resource center ~~shall~~
24 PROVIDES MUST be coordinated, and services should reflect the needs of
25 the community and the resources available to support such programs and
26 services. Services may be delivered directly to a family at the center by
27 center staff or by providers who contract with or have provider

1 agreements with the center. Any family resource center that provides
2 direct services shall comply with applicable state and federal laws and
3 regulations regarding the delivery of such services, unless required
4 waivers or exemptions have been granted by the appropriate governing
5 body.

6 (b) Each family resource center shall provide case management
7 by a family advocate who screens and assesses a family's needs and
8 strengths. The family advocate shall then assist the family with setting its
9 own goals and, together with the family, develop a written plan to pursue
10 the family's goals in working toward a greater level of self-reliance or in
11 attaining self-sufficiency. The plan shall MUST provide for the following:

12 (I) A negotiated agreement that includes reciprocal responsibilities
13 of the individual or family members and the personnel of each human
14 service agency providing services to the family;

15 (II) A commitment of resources as available and necessary to meet
16 the family's plan;

17 (III) The delivery of applicable services to the individual or
18 family, if feasible, or referral to an appropriate service provider;

19 (IV) The coordination of services;

20 (V) The monitoring of the progress of the family toward greater
21 self-reliance or self-sufficiency and an evaluation of services provided;

22 and

23 (VI) Assistance to the individual or family in applying for the
24 children's basic health plan, medical assistance benefits, or other benefits.

25 (c) In addition to services required by ~~paragraph (b) of this~~
26 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, the family resource
27 center may provide for the direct delivery of or referral to a provider of

1 the following six services:

2 (I) Early childhood care and education, including programs that
3 contribute to school readiness;

4 (II) Family support and parent education;

5 (III) Well-child checkups and basic health services;

6 (IV) Early intervention for identifying infants, toddlers, and
7 preschoolers who are developmentally disabled in order to provide
8 necessary services to such children;

9 (V) Before and after school care; AND

10 (VI) Programs for children and youth.

11 (d) A family resource center may also provide services, including,
12 but not limited to, the following:

13 (I) Additional educational programs, such as mentoring programs
14 for students in elementary, junior, and senior high schools; adult
15 education and family literacy programs; and educational programs that
16 link families with local schools and alternative educational programs,
17 including links with boards of cooperative services;

18 (II) Job skills training and self-sufficiency programs for adults and
19 youth;

20 (III) Social, health, mental health, and child welfare services and
21 housing, homeless, food and nutrition, domestic violence support,
22 recreation, and substance abuse services;

23 (IV) Outreach, education, and support programs, including
24 programs aimed at preventing teen pregnancies and school dropouts and
25 programs providing parent support and advocacy; AND

26 (V) Transportation services to obtain other services provided
27 pursuant to this subsection (2).

1 (e) ~~(Deleted by amendment, L. 2000, p. 583, § 4, effective May~~
2 ~~18, 2000.)~~

3 **26.5-3-104. [Formerly 26-18-105] Selection of centers - grants.**

4 (1) The ~~state~~ department may award a grant for the purpose of
5 establishing a family resource center based on a plan submitted to the
6 ~~state~~ department by the applicant or for the continued operation of a
7 family resource center. The plan ~~shall~~ MUST meet specific criteria ~~which~~
8 ~~the state~~ THAT THE department is ~~hereby~~ authorized to set, but the criteria
9 ~~shall~~ MUST include at least the following provisions:

10 (a) ~~That~~ Members of the community ~~will~~ participate in the
11 development and implementation of the family resource center;

12 (b) ~~That~~ The center ~~shall be~~ IS governed by a local advisory
13 council comprised of community representatives such as:

14 (I) Families living in the community;

15 (II) Local public or private service provider agencies;

16 (III) Local job skills training programs, if any;

17 (IV) Local governing bodies;

18 (V) Local businesses serving families in the community; and

19 (VI) Local professionals serving families in the community;

20 (c) ~~That~~ The advisory council ~~shall establish~~ ESTABLISHES rules
21 concerning the operation of the family resource center, including
22 provisions for staffing;

23 (d) ~~That services provided by~~ SERVICES the family resource center
24 ~~shall be~~ PROVIDES ARE coordinated and tailored to the specific needs of
25 individuals and families who live in the community;

26 (e) ~~That~~ The family resource center: ~~will:~~

27 (I) ~~Promote and support~~ PROMOTES AND SUPPORTS, AND DOES not

1 supplant, successful individual and family functioning and ~~increase~~
2 INCREASES the recognition of the importance of successful individuals
3 and families in the community;

4 (II) ~~Contribute~~ CONTRIBUTES to the strength of family ties;

5 (III) ~~Establish~~ ESTABLISHES programs that focus on the needs of
6 family members, such as preschool programs, family preservation
7 programs, and teenage pregnancy prevention programs, and ~~assist~~ ASSISTS
8 the individual or family in moving toward greater self-sufficiency;

9 (IV) ~~Recognize~~ RECOGNIZES the diversity of families within the
10 community;

11 (V) ~~Support~~ SUPPORTS family stability and unity;

12 (VI) ~~Treat~~ TREATS families as partners in providing services;

13 (VII) ~~Encourage~~ ENCOURAGES intergovernmental cooperation and
14 a community-based alliance between government and the private sector.
15 ~~Such~~ THIS cooperation may include, but ~~NEED~~ not be limited to, the
16 pooling of public and private funds available to state agencies upon
17 appropriation or transfer by the general assembly.

18 (VIII) ~~Provide~~ PROVIDES programs that reduce institutional
19 barriers related to categorical funding and eligibility requirements;

20 (IX) ~~Make~~ MAKES information regarding available resources and
21 services readily accessible to individuals and families; AND

22 (X) ~~Coordinate~~ COORDINATES efforts of public and private entities
23 to connect families to services and supports that encourage the
24 development of early childhood and other family support systems; and

25 (f) ~~That~~ The family resource center ~~shall coordinate~~ COORDINATES
26 the provision of services and ~~shall pool~~ POOLS the resources of providers
27 of services to aid in funding and operating the center.

1 and secondary prevention programs that are designed to prevent child
2 trauma and maltreatment before it occurs, lessen the occurrence of child
3 abuse and neglect, and mitigate the impacts of adverse childhood
4 experiences to reduce the need for state intervention through child
5 welfare actions and economic support for families experiencing poverty.

6 **26.5-3-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "BOARD" MEANS THE COLORADO CHILD ABUSE PREVENTION
9 BOARD CREATED IN SECTION 26.5-3-204.

10 (2) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

11 (3) "CHILD ABUSE" HAS THE MEANING AS PROVIDED FOR THE TERM
12 "ABUSE" IN SECTION 19-1-103 (1).

13 (4) "PREVENTION PROGRAM" MEANS A PROGRAM OF DIRECT CHILD
14 ABUSE PREVENTION SERVICES FOR A CHILD, PARENT, OR GUARDIAN AND
15 INCLUDES RESEARCH OR EDUCATION PROGRAMS RELATED TO THE
16 PREVENTION OF CHILD ABUSE. SUCH A PREVENTION PROGRAM MAY BE
17 CLASSIFIED AS A PRIMARY PREVENTION PROGRAM WHEN IT IS AVAILABLE
18 TO THE COMMUNITY ON A VOLUNTARY BASIS AND AS A SECONDARY
19 PREVENTION PROGRAM WHEN IT IS DIRECTED TOWARD GROUPS OF
20 INDIVIDUALS WHO HAVE BEEN IDENTIFIED AS HIGH RISK.

21 (5) "RECIPIENT" MEANS AND IS LIMITED TO A NONPROFIT OR
22 PUBLIC ORGANIZATION THAT RECEIVES A GRANT FROM THE TRUST FUND.

23 (6) "TRUST FUND" MEANS THE COLORADO CHILD ABUSE
24 PREVENTION TRUST FUND CREATED IN SECTION 26.5-3-206.

25 **26.5-3-204. [Formerly 19-3.5-103] Colorado child abuse**
26 **prevention board - creation - members - terms - vacancies.** (1) The
27 Colorado child abuse prevention board referred to in this article 3.5 as the

1 "board", is transferred to the DEPARTMENT OF EARLY CHILDHOOD FROM
2 THE department of human services. ~~from the department of public health~~
3 ~~and environment.~~ The board shall exercise its powers and duties as if
4 transferred by a **type 2** transfer. Persons appointed to the board continue
5 serving until completion of their terms and may be reappointed as
6 provided in this section.

7 (2) The board consists of ~~seventeen~~ NINETEEN members, with a
8 consideration for geographic diversity, as follows:

9 (a) One person from the department of human services' division
10 of child welfare, appointed by the executive director of the department of
11 human services;

12 (b) ~~THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY~~
13 ~~CHILDHOOD OR THE EXECUTIVE DIRECTOR'S DESIGNEE;~~

14 (c) The executive director of the department of public health and
15 environment or the executive director's designee;

16 (d) The commissioner of education or the commissioner's
17 designee;

18 (e) ~~Two~~ THREE persons appointed by the governor and confirmed
19 by the senate who are knowledgeable in the area of child abuse
20 prevention and represent some of the following areas: Law enforcement,
21 medicine, law, business, public policy, mental health, intimate partner
22 violence, early childhood education, ~~K-12~~ ELEMENTARY AND SECONDARY
23 education, reducing poverty and helping families gain economic stability,
24 the connection between housing instability and trauma, higher education,
25 research and program evaluation, and social work. In making
26 appointments to the board, the governor is encouraged to include
27 representation by at least one member who is a person with a disability,

1 as defined in section 24-34-301 (2.5), a family member of a person with
2 a disability, or a member of an advocacy group for persons with
3 disabilities, so long as the other requirements of this subsection ~~(2)(d)~~
4 ~~(2)(e)~~ are met.

5 (f) The executive director of the department of health care policy
6 and financing or the executive director's designee;

7 (g) The executive director of the department of local affairs or the
8 executive director's designee;

9 (h) The child protection ombudsman, as appointed pursuant to
10 section 19-3.3-102;

11 (i) Four appointees who represent county leadership, as either a
12 county commissioner or a director of public health or of human or social
13 services, as designated by statewide organizations representing county
14 commissioners, human services directors, and public health officials,
15 three of whom must have expertise in human services or child welfare
16 practice;

17 (j) Three members appointed by the executive director of the
18 department. ~~of human services.~~ Such appointees must be community
19 members with lived experience that ~~can~~ MAY include childhood history
20 of adverse childhood experiences or experience participating in
21 prevention, parenting, or family strengthening programs. One of the three
22 appointees must be a parent.

23 (k) One member who is a member of the senate and who is
24 appointed by the president of the senate and one member who is a
25 member of the house of representatives and who is appointed by the
26 speaker of the house of representatives.

27 (3) (a) Each appointed member of the board serves a term of three

1 years.

2 (b) The original appointing entity shall fill a vacancy on the board
3 for the balance of the board member's unexpired term.

4 (c) A board member, whether original or otherwise, may not serve
5 more than two consecutive terms.

6 (4) The board shall meet regularly and adopt its own rules of
7 procedure.

8 (5) Except as provided in section 2-2-326, members serve without
9 compensation but are entitled to reimbursement for actual and necessary
10 expenses incurred in the performance of their duties.

11 **26.5-3-205. [Formerly 19-3.5-104] Powers and duties of the**
12 **board.** (1) The board has the following powers and duties:

13 (a) To advise and make recommendations to the governor, state
14 agencies, and other relevant entities concerning the implementation of
15 and future revisions to any state plan developed to prevent child
16 maltreatment;

17 (b) To develop strategies and monitor efforts to achieve:

18 (I) Increases in child well-being and achievement;

19 (II) Increases in caregiver well-being and achievement;

20 (III) Increases in consistent high-quality caregiving;

21 (IV) Increases in safe, supportive neighborhoods and
22 communities; and

23 (V) Decreases in the incidence of child maltreatment and child
24 maltreatment fatalities;

25 (c) To assist public and private agencies in coordinating efforts on
26 behalf of families, including securing funding and additional investments
27 for services and programs, and improving access to these services for

1 children and their families;

2 (d) To provide for the coordination and exchange of information
3 concerning the establishment and maintenance of primary and secondary
4 prevention programs and to facilitate the exchange of information
5 between groups concerned with child maltreatment;

6 (e) (I) To identify opportunities for, and barriers to, the alignment
7 of standards, rules, policies, and procedures across programs and agencies
8 that support families. The board shall submit recommendations developed
9 pursuant to this subsection (1)(e)(I) to the department, ~~of human services,~~
10 which shall then include such recommendations as part of its presentation
11 to its committee of reference at a hearing held pursuant to section 2-7-203
12 (2)(a) of the "State Measurement for Accountable, Responsive, and
13 Transparent (SMART) Government Act" in January 2022.

14 (II) The board shall also provide ongoing recommendations on
15 changes to enhance the alignment and provision of services and supports
16 for families to prevent child trauma and maltreatment to appropriate
17 government and nonprofit agencies and policy boards.

18 (f) To collaborate with other relevant boards, commissions, and
19 councils that exist within the executive branch to address services and
20 supports for families;

21 (g) To promote academic research on the efficacy and
22 cost-effectiveness of child maltreatment prevention initiatives;

23 (h) To distribute money and make grant awards from the Colorado
24 child abuse prevention trust fund, created in ~~section 19-3.5-105~~ SECTION
25 26.5-3-206, in accordance with ~~section 19-3.5-106~~ SECTION 26.5-3-207
26 and for:

27 (I) The establishment, promotion, and maintenance of primary and

1 secondary child maltreatment prevention programs, including pilot
2 programs or services identified in the federal Title IV-E prevention
3 services clearinghouse and programs that are under evaluation for
4 purposes of petitioning the federal government for inclusion in the federal
5 Title IV-E prevention services clearinghouse;

6 (II) Programs to prevent child sexual abuse;

7 (III) Programs to reduce the occurrence of prenatal substance
8 exposure;

9 (IV) Programs to reduce the occurrence of other adverse
10 childhood experiences;

11 (V) Programs to reduce poverty or help families get out of
12 poverty;

13 (VI) Programs to create housing stability; and

14 (VII) Operational expenses of the board, including allowable
15 expenses pursuant to ~~section 19-3.5-103 (5)~~ SECTION 26.5-3-204 (5);

16 (i) To accept grants from the federal government, as well as to
17 solicit and accept contributions, grants, gifts, bequests, and donations
18 from individuals, private organizations, and foundations; and

19 (j) To exercise or perform any other powers or duties consistent
20 with the purposes for which the board was created and that are reasonably
21 necessary for the fulfillment of the board's responsibilities as set forth in
22 this section.

23 **26.5-3-206. [Formerly 19-3.5-105] Colorado child abuse**
24 **prevention trust fund - creation - source of funds.** (1) There is created
25 in the state treasury the Colorado child abuse prevention trust fund.
26 ~~referred to in this article 3.5 as the "trust fund"~~. The board shall
27 administer the trust fund, which consists of:

1 (a) Money transferred into the trust fund in accordance with
2 section 13-32-101 (5)(a)(I);

3 (b) Money collected by the board pursuant to ~~section 19-3.5-104~~
4 ~~(1)(i)~~ SECTION 26.5-3-205 (1)(i) from federal grants and other
5 contributions, grants, gifts, bequests, and donations. Such money must be
6 transmitted to the state treasurer, who shall credit the money to the trust
7 fund; and

8 (c) Any money appropriated to the trust fund by the state; and

9 (d) Reimbursement money received for prevention services and
10 programs identified in the federal Title IV-E PREVENTION SERVICES
11 clearinghouse pursuant to the federal "Family First Prevention Services
12 Act of 2018". Beginning July 1, 2021, the ~~state~~ department shall transmit
13 federal Title IV-E reimbursements for prevention services to the state
14 treasurer, who shall credit the reimbursements to the trust fund.

15 (2) The ~~trust fund~~ BOARD shall claim federal Title IV-E
16 reimbursement FOR THE TRUST FUND for all eligible grants for prevention
17 services on the federal Title IV-E prevention services clearinghouse.

18 (3) Money in the TRUST fund is subject to annual appropriation by
19 the general assembly. Any money remaining in the TRUST fund must not
20 be transferred to or revert to the general fund of the state at the end of any
21 fiscal year. Any interest earned on the investment or deposit of money in
22 the TRUST fund must also remain in the fund and must not be credited to
23 the general fund of the state.

24 **26.5-3-207. [Formerly 19-3.5-106] Disbursement of grants from**
25 **the trust fund - restrictions.** (1) Grants may be awarded to provide
26 money for the start-up, continuance, or expansion of primary or secondary
27 prevention programs, including pilot programs and educational programs

1 for professionals and the public, and to study and evaluate primary and
2 secondary prevention programs. In addition, grants may be awarded for
3 programs to prevent and reduce the occurrence of prenatal substance
4 exposure and an evidence-based or research-based child sexual abuse
5 prevention training model to prevent and reduce the occurrence of child
6 sexual abuse.

7 (2) The distribution of money credited to the trust fund by
8 reimbursement for prevention services and programs identified in the
9 federal Title IV-E prevention services clearinghouse must fund programs
10 and services that align with the state's prevention strategy, pursuant to the
11 federal "Family First Prevention Services Act of 2018", including
12 consideration of variable needs and resources across the state and
13 data-driven approaches, and be informed by the ~~state~~ department in
14 consultation with county departments OF HUMAN OR SOCIAL SERVICES and
15 other entities that deliver the eligible services or programs. Eligible
16 services or programs may include those under evaluation for the purposes
17 of petitioning the federal government for inclusion in the federal Title
18 IV-E prevention services clearinghouse; except that, if the service or
19 program at the time of federal review is rated to not meet criteria for
20 inclusion in the federal Title IV-E prevention services clearinghouse,
21 money credited to the trust fund by reimbursement for prevention services
22 must not be allocated for that purpose in the next fiscal year, unless there
23 is an evaluation of the service or program already underway that will
24 build substantial new evidence that has the potential to change the service
25 or program rating, or the service or program has been submitted to the
26 federal clearinghouse for re-review.

27 (3) The board has discretion to oversee the disbursement of money

1 from the trust fund to ensure its appropriate use and make
2 recommendations for the total grant amount to be awarded each year.

3 (4) The board shall not authorize any grant awards pursuant to
4 subsection (1) of this section for political, election, or lobbying purposes.

5 **26.5-3-208. [Formerly 19-3.5-107] Report - repeal of part.**

6 (1) The department of ~~human services~~ shall contract for an independent
7 evaluation of the trust fund, including administrative costs of operating
8 the trust fund and the cost-effectiveness and the impact of the grants on
9 reducing and preventing child abuse. The department of ~~human services~~
10 shall provide a report of the evaluation to the house of representatives and
11 senate health and human services committees, or any successor
12 committees, on or before November 1, 2026.

13 (2) This ~~article 3.5~~ PART 2 is repealed, effective July 1, 2027.

14 PART 3

15 CHILD CARE SERVICES AND

16 SUBSTANCE USE DISORDER TREATMENT

17 **26.5-3-301. [Formerly 26-6.9-101] Definitions.** As used in this
18 ~~article 6.9~~ PART 3, unless the context otherwise requires:

19 (1) "Facility" means an agency meeting the standards described
20 in section 27-81-106 (1) and approved pursuant to section 27-81-106.

21 (2) "Pilot program" means the child care services and substance
22 use disorder treatment pilot program created in this ~~article 6.9~~ PART 3.

23 **26.5-3-302. [Formerly 26-6.9-102] Child care services and**
24 **substance use disorder treatment pilot program - created - purposes**
25 **- eligibility - evaluation - funding - rules.** (1) (a) There is created in the
26 ~~state~~ department the child care services and substance use disorder
27 treatment pilot program. The ~~state~~ department shall administer the pilot

1 program as a two-generation initiative. The purpose of the pilot program
2 is to:

3 (I) Provide grants to enhance the existing child care resource and
4 referral programs to provide increased child care navigation capacity in
5 one rural pilot program site and one urban pilot program site to serve
6 pregnant and parenting women seeking or participating in substance use
7 disorder treatment; and

8 (II) Provide a grant to enhance the capacity of the existing child
9 care resource and referral program's centralized call center to serve
10 pregnant and parenting women seeking or participating in substance use
11 disorder treatment; and

12 (III) Provide implementation grants to pilot a regional mobile
13 child care model that is licensed in compliance with ~~article 6 of this title~~
14 ~~26~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or as defined in ~~section~~
15 ~~26-6-102~~ SECTION 26.5-5-303 and that serves children under five years of
16 age in at least three facilities that provide substance use disorder
17 treatment to parenting women. Applicants for mobile child care pilot
18 grants must demonstrate a commitment of sources of private money for
19 mobile child care to ensure that the mobile child care pilot model is an
20 initiative of a public-private partnership. The mobile child care pilot
21 model may be expanded to serve additional ages or additional regions
22 using gifts, grants, or donations from private or public sources that the
23 ~~state~~ department may seek, accept, and expend.

24 (b) The ~~state~~ department shall ensure that there is adequate
25 training, cross-training, technical assistance, data collection, and
26 evaluation for grants awarded pursuant to subsections (1)(a)(I), (1)(a)(II),
27 and (1)(a)(III) of this section.

1 INTERVENTION SERVICES FOR INFANTS AND TODDLERS

2 **26.5-3-401. [Formerly 27-10.5-701] Legislative declaration.**

3 (1) The general assembly hereby finds that:

4 (a) There is an urgent and substantial need to enhance the
5 development of infants and toddlers with disabilities, to minimize their
6 potential for developmental delay, and to recognize the significant brain
7 development that occurs during a child's first three years of life;

8 (b) The longer a child's developmental delays are not addressed,
9 the more developmental difficulties the child will experience in the
10 future, the less prepared the child will be for school, the more special
11 education needs the child is likely to have, and the more costly those
12 problems will be to address;

13 (c) The capacity of families to meet the special needs of their
14 infants and toddlers with disabilities needs to be supported and enhanced;

15 (d) Colorado's system for providing early intervention services to
16 eligible infants and toddlers from birth through two years of age with
17 significant developmental delays and disabilities relies on multiple
18 sources of funding;

19 (e) The early childhood and school readiness commission, which
20 was the successor of the child care commission, was created in the 2004
21 legislative session to study, review, and evaluate the development of
22 plans for creating a comprehensive early childhood system;

23 (f) The early childhood and school readiness commission
24 extensively studied and evaluated issues regarding early intervention
25 services for infants and toddlers who have delays in development and
26 learned that there is no coordinated system of payment for early
27 intervention services, resulting in the provision of disjunctive or

1 interrupted services to eligible children and inadequate reimbursement of
2 early intervention service providers;

3 (g) The early childhood and school readiness commission was
4 also informed that many eligible children are covered as dependents by
5 their parents' health-care plans, but some of the plans may deny benefits
6 for early intervention services, thereby eliminating a source of private
7 funds for the payment of early intervention services;

8 (h) Pursuant to part C of the federal "Individuals with Disabilities
9 Education Act", 20 U.S.C. sec. 1400 et seq., AS AMENDED, there is an
10 urgent and substantial need to facilitate the coordination of payment for
11 early intervention services from federal, state, local, and private sources,
12 including public medical assistance and private insurance coverage;

13 (i) Existing levels of local, state, federal, and private funding may
14 be more efficiently used, more children may be served, and a higher
15 quality of services may be provided if the existing early intervention
16 system is modified to create a more coherent and coordinated system of
17 payment for early intervention services;

18 (j) The involvement of a child's primary health-care provider and
19 other health-care providers is an essential component of effective
20 planning for the provision of early intervention services; and

21 (k) The provision of early intervention services is intended only
22 to meet the developmental needs of an infant or toddler and not to replace
23 other needed medical services that are recommended by the child's
24 primary health-care provider.

25 **26.5-3-402. [Formerly 27-10.5-702] Definitions - repeal.** As used
26 in this ~~part 7~~ PART 4, unless the context otherwise requires:

27 (1) "Administrative unit" means a school district, a board of

1 cooperative services, or the state charter school institute that is providing
2 educational services to exceptional children and that is responsible for the
3 local administration of the education of exceptional children pursuant to
4 article 20 of title 22. ~~C.R.S.~~

5 (2) "Carrier" has the same meaning as set forth in section
6 10-16-102 (8). ~~C.R.S.~~

7 (3) "Certified early intervention service broker" or "broker"
8 means:

9 (a) (I) **[Formerly 27-10.5-702 (3) as it exists until July 1, 2024]**
10 PRIOR TO JULY 1, 2024, a community-centered board or other entity
11 designated by the department of health care policy and financing pursuant
12 to section 25.5-10-209 ~~C.R.S.~~, to perform the duties and functions
13 specified in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular
14 designated service area. Notwithstanding the provisions of section
15 27-10.5-104 (4), if the department of health care policy and financing is
16 unable to designate a community-centered board or other entity to serve
17 as the broker for a particular designated service area, the department shall
18 serve as the broker for the designated service area and may contract
19 directly with early intervention service providers to provide early
20 intervention services to eligible children in the designated service area.

21 (II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

22 (b) **[Formerly 27-10.5-702 (3) as it will become effective July**
23 **1, 2024]** ~~"Certified early intervention service broker" or "broker" means~~
24 ON AND AFTER JULY 1, 2024, a case management agency or an entity, as
25 those terms are defined in section 25.5-6-1702, that has entered into a
26 contract with the department to perform the duties and functions specified
27 in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular defined service

1 area. Notwithstanding ~~the provisions of~~ section 27-10.5-104 (4), if there
2 is not a case management agency or an entity and the department is
3 unable to designate an organization to serve as the broker for a particular
4 defined service area, the department shall serve as the broker for the
5 defined service area and may contract directly with early intervention
6 service providers to provide early intervention services to eligible
7 children in the defined service area.

8 (4) "Child find" means the program component of IDEA that
9 requires states to find, identify, locate, evaluate, and serve all children
10 with disabilities, from birth to twenty-one years of age. Child find
11 includes:

12 (a) Part C child find, which is the program component of IDEA
13 that requires states to find, identify, locate, evaluate, and serve children
14 from birth through two years of age; and

15 (b) Part B child find, which is the program component of IDEA
16 that requires states to find, identify, locate, evaluate, and serve children
17 from three to twenty-one years of age.

18 (5) "Coordinated system of payment" means the policies and
19 procedures developed by the department, in cooperation with the
20 departments of education, health care policy and financing, and public
21 health and environment, AND WITH the division of insurance in the
22 department of regulatory agencies, private health insurance carriers, and
23 certified early intervention service brokers, to ensure that available public
24 and private sources of funds to pay for early intervention services for
25 eligible children are accessed and utilized in an efficient manner.

26 ~~(6) "Department" means the department of human services.~~

27 (6) "DEFINED SERVICE AREA" HAS THE SAME MEANING AS

1 PROVIDED IN SECTION 25.5-6-1702 (7).

2 (7) (a) "DESIGNATED SERVICE AREA" HAS THE SAME MEANING AS
3 SET FORTH IN SECTION 25.5-10-202.

4 (b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

5 ~~(6.5)~~ (8) "Early intervention evaluations" means evaluations
6 conducted pursuant to the early intervention program for infants and
7 toddlers under part C of the federal "~~Individuals with Disabilities~~
8 ~~Education Act~~", 20 U.S.C. sec. 1400 et seq. IDEA.

9 ~~(7)~~ (9) "Early intervention services" means services as defined by
10 the department in accordance with part C that are authorized through an
11 eligible child's IFSP and are provided to families at no cost or through the
12 application of a sliding fee schedule. Early intervention services, as
13 specified in an eligible child's IFSP, ~~shall~~ qualify as meeting the standard
14 for medically necessary services as used by private health insurance and
15 as used by public medical assistance, to the extent allowed pursuant to
16 section 25.5-1-124. ~~C.R.S.~~

17 ~~(8)~~ (10) "Early intervention state plan" means the state plan for a
18 comprehensive and coordinated system of early intervention services
19 required pursuant to part C.

20 ~~(9)~~ (11) "Eligible child" means an infant or toddler, from birth
21 through two years of age, who, as defined by the department in
22 accordance with part C, has significant delays in development or has a
23 diagnosed physical or mental condition that has a high probability of
24 resulting in significant delays in development or who is eligible for
25 services pursuant to section 27-10.5-102 (11)(c).

26 ~~(10)~~ (12) "Evaluation" means:

27 (a) For the purposes of part C child find, the procedures used to

1 determine a child's initial and continuing eligibility for part C child find,
2 including but not limited to:

3 (I) Determining the status of the child in each of the
4 developmental areas;

5 (II) Identifying the child's unique strengths and needs;

6 (III) Identifying any early intervention services that might serve
7 the child's needs; and

8 (IV) Identifying priorities and concerns of the family and any
9 resources to which the family has access.

10 (b) For the purposes of part B child find, the procedures used
11 under IDEA for children with disabilities to determine whether a child
12 has a disability and the nature and extent of special education and related
13 services that the child will need.

14 (13) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH
15 DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS
16 AMENDED, AND ITS IMPLEMENTING REGULATIONS, 34 CFR PART 300 AND
17 ALSO 34 CFR PART 303 AS IT PERTAINS TO CHILD FIND.

18 ~~(11)~~(14) "Individualized family service plan" or "IFSP" means a
19 written plan developed pursuant to 20 U.S.C. sec. 1436, AS AMENDED,
20 and 34 CFR 303.340, OR ANY SUCCESSOR REGULATION, that authorizes
21 the provision of early intervention services to an eligible child and the
22 child's family. An IFSP ~~shall serve~~ SERVES as the individualized plan,
23 pursuant to section 27-10.5-102 (20)(c), for a child from birth through
24 two years of age.

25 (15) "INFANTS AND TODDLERS" MEANS CHILDREN FROM BIRTH
26 THROUGH TWO YEARS OF AGE.

27 ~~(12)~~(16) "Multidisciplinary team" means the involvement of two

1 or more disciplines or professions in the provision of integrated and
2 coordinated services, including evaluation and assessment activities
3 defined in 34 CFR 303.321, OR ANY SUCCESSOR REGULATION, and
4 development of the child's IFSP.

5 ~~(13)~~ (17) "Part B" means the program component of IDEA that
6 requires states to find, identify, locate, evaluate, and serve children with
7 disabilities from three to twenty-one years of age.

8 ~~(14)~~ (18) "Part C" means the early intervention program for
9 infants and toddlers who are eligible for services under part C of ~~the~~
10 ~~federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400~~
11 ~~et seq.~~ IDEA.

12 ~~(15)~~ (19) "Private health insurance" means a health coverage plan,
13 as defined in section 10-16-102 (34), ~~C.R.S.~~, that is purchased by
14 individuals or groups to provide, deliver, arrange for, pay for, or
15 reimburse any of the costs of health-care services, as defined in section
16 10-16-102 (33), ~~C.R.S.~~, provided to a person entitled to receive benefits
17 or services under the health coverage plan.

18 ~~(16)~~ (20) "Public medical assistance" means medical services that
19 are provided by the state through the "Colorado Medical Assistance Act",
20 articles 4 to 6 of title 25.5, ~~C.R.S.~~, or the "Children's Basic Health Plan
21 Act", article 8 of title 25.5, ~~C.R.S.~~, or other public medical assistance
22 funding sources to qualifying individuals.

23 ~~(17)~~ (21) "Qualified early intervention service provider" or
24 "qualified provider" means a person or agency, as defined by the
25 department by rule in accordance with part C, who provides early
26 intervention services or early intervention evaluations and is listed on the
27 registry of early intervention service providers pursuant to ~~section~~

1 ~~27-10.5-708 (1)(a)~~ SECTION 26.5-3-408 (1). In the event of a shortage of
2 qualified early intervention evaluators, the department may contract with
3 an administrative unit to conduct early intervention evaluations if a
4 contract is entered between the department and the administrative unit,
5 including written consent of the director of special education, with
6 conditions for conducting and completing the evaluations, including
7 identification of staff, costs for services, timelines for contract
8 completion, and any other contract elements.

9 ~~(18)~~ (22) "Service coordination" means the activities carried out
10 by a service coordinator to coordinate evaluation and intake activities,
11 assist, and enable an eligible child and the eligible child's family to
12 receive the rights, procedural safeguards, and services that are authorized
13 to be provided under ~~the early intervention program~~ PART C.

14 ~~(19)~~ (23) "State interagency coordinating council" means the
15 council that is established pursuant to part C and appointed by the
16 governor to advise and assist the lead agency designated or established
17 under part C.

18 **26.5-3-403. [Formerly 27-10.5-703] Early intervention services**
19 **- administration - duties of department - rules.** (1) Subject to annual
20 appropriation from the general assembly, the department shall administer
21 early intervention services and shall coordinate early intervention services
22 with existing services provided to eligible ~~infants and toddlers from birth~~
23 ~~through two years of age~~ CHILDREN and their families.

24 (2) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules
25 ~~pursuant to section 27-10.5-103~~, as necessary for the implementation of
26 this ~~section~~ PART 4 and to ensure that all IDEA timelines and
27 requirements are met, including but not limited to administrative remedies

1 if the timelines and requirements are not met.

2 (3) In administering early intervention services, the department
3 shall perform the following duties:

4 (a) ~~To~~ Design early intervention services in a manner consistent
5 with part C;

6 (b) ~~To Develop and promulgate~~ rules, FOR PROMULGATION BY THE
7 EXECUTIVE DIRECTOR, after consultation with the state interagency
8 coordinating council;

9 (c) ~~To~~ Ensure eligibility determination for a child with disabilities
10 from birth through two years of age, based in part on information
11 received concerning the screening and evaluation;

12 (d) ~~To~~ Ensure that an individualized family service plan is
13 developed for infants and toddlers from birth through two years of age
14 who are eligible for early intervention services. The IFSP must be
15 developed in compliance with part C requirements, including the
16 mandatory IFSP meeting at which the family receives information
17 concerning the results of the initial early intervention evaluation. The
18 initial IFSP must be developed in collaboration with a representative from
19 an evaluation provider that participated in the child's evaluation. The
20 representative shall participate in the initial meeting for the development
21 of the child's IFSP.

22 (e) ~~To~~ Allocate ~~moneys~~ MONEY;

23 (f) (I) (A) **[Formerly 27-10.5-703 (3)(f) as it exists until July 1,**
24 **2024]** ~~To~~ PRIOR TO JULY 1, 2024, coordinate training and provide
25 technical assistance to community-centered boards, service providers, and
26 other constituents who are involved in the delivery of early intervention
27 services to ~~infants and toddlers from birth through two years of age~~

1 ELIGIBLE CHILDREN.

2 (B) THIS SUBSECTION (3)(f)(I) IS REPEALED, EFFECTIVE JULY 1,
3 2024.

4 (II) [Formerly 27-10.5-703 (3)(f) as it will become effective July
5 1, 2024] ~~To~~ ON AND AFTER JULY 1, 2024, coordinate training and provide
6 technical assistance to certified early intervention service brokers, service
7 providers, and other constituents who are involved in the delivery of early
8 intervention services to ~~infants and toddlers from birth through two years~~
9 ~~of age~~ ELIGIBLE CHILDREN;

10 (g) ~~To~~ Monitor and evaluate early intervention services provided
11 through this ~~part 7~~ PART 4;

12 (h) ~~To~~ Coordinate contracts, expenditures, and billing for early
13 intervention services provided through this ~~part 7~~ PART 4; and

14 (i) [Formerly 27-10.5-702 (3)(i) as it will become effective July
15 1, 2024] ~~To~~ ON AND AFTER JULY 1, 2024, certify early intervention
16 service brokers within a defined service area.

17 **26.5-3-404. [Formerly 27-10.5-704] Child find - responsibilities**
18 **- interagency operating agreements.** (1) The department ~~has~~ SHALL
19 PERFORM the following responsibilities and duties for ~~children from birth~~
20 ~~through two years of age~~ INFANTS AND TODDLERS who are referred for
21 early intervention services:

22 (a) ~~To~~ Develop and implement, in coordination with certified
23 early intervention service brokers, service agencies, governmental units,
24 and the departments of education, public health and environment, and
25 health care policy and financing, a statewide plan for public education,
26 outreach, and awareness efforts related to child find and the availability
27 of early intervention services;

1 (b) ~~To~~ Ensure that referrals from the community are accepted and
2 families are assisted in connecting with the appropriate agency for intake
3 and case management services, AS DEFINED IN SECTION 25.5-10-202;

4 (c) ~~To~~ Facilitate the implementation of early intervention
5 evaluations that are the responsibility of the department pursuant to this
6 ~~part 7~~ PART 4 and ~~to~~ implement an effective and collaborative system of
7 early intervention services. The department shall enter into any necessary
8 interagency operating agreements at the state ~~level and the local level~~ and
9 LOCAL LEVELS FOR SUCH FACILITATION AND IMPLEMENTATION.

10 (d) ~~To~~ Facilitate the implementation of part C child find and early
11 intervention evaluations, and the use of medicaid funds, the department
12 and entities that conduct early intervention evaluations may, when
13 appropriate, share information with the department of education, the
14 department of health care policy and financing, or other entities that
15 conduct early intervention evaluations, so long as each department or
16 local agency acts in compliance with the federal "Health Insurance
17 Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as
18 amended, and the federal "Family Educational Rights and Privacy Act of
19 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and
20 applicable guidelines adopted thereto.

21 (2) As of July 1, 2022, the department ~~of human services~~ shall
22 administer part C child find pursuant to this ~~part 7~~; ~~except that, on and~~
23 ~~after May 1, 2022, the department of human services shall administer the~~
24 ~~referral intake process for part C child find evaluations~~ PART 4.

25 (3) On or before July 1, 2022, the department shall establish a
26 state-level interagency operating agreement, referred to in this section as
27 the "agreement", with the department of ~~human services~~ EDUCATION

1 concerning the coordination of transitions of children from part C child
2 find to part B child find. In developing the agreement, the department and
3 the department of ~~human services~~ EDUCATION shall involve stakeholder
4 participation, including representatives from administrative units and part
5 C entities. The agreement must also include:

6 (a) The definition of a child who is potentially eligible for part B;

7 (b) The processes for a parent of a child to opt out of required
8 notifications;

9 (c) The required notification concerning a child who is potentially
10 eligible for part B;

11 (d) A process for resolving disputes between an administrative
12 unit and a part C entity concerning the satisfaction of agreement
13 requirements, including remedies and sanctions;

14 (e) A process for resolving disputes between the department and
15 the department of ~~human services~~ EDUCATION concerning systemic and
16 statewide issues related to agreement requirements;

17 (f) The development and delivery of standardized communication
18 materials for a parent of a child who is potentially eligible for part B,
19 including information concerning eligibility, referral, evaluation, and
20 service delivery;

21 (g) The development and delivery of standardized training for part
22 C and part B providers, including information concerning eligibility,
23 referral, evaluation, and service delivery for the programs;

24 (h) The process for transferring a child's assessment, IFSP, and
25 other necessary information to an administrative unit for consideration of
26 a part B evaluation and eligibility determination, if a parent has provided
27 written consent;

1 (i) (I) Processes to ensure timely notification to the administrative
2 unit if a child is potentially eligible for part B. At a minimum, timely
3 notification must occur not later than when a child is two years and six
4 months of age; except that timely notification must occur not later than
5 when a child is two years and three months of age if a child has a low
6 incidence diagnosis including, but not limited to, visual impairment,
7 including blindness; hearing impairment, including deafness; or
8 deaf-blind.

9 (II) If a child is determined to be eligible for part C when the child
10 is older than the ages described in subsection (3)(i)(I) of this section,
11 timely notification must occur not later than ten business days after the
12 eligibility determination.

13 (j) A process for including an administrative unit representative
14 in a transition conference for a child who transitions from part C to part
15 B;

16 (k) A process for including an early intervention services provider
17 in the development of an IEP, AS DEFINED IN SECTION 22-20-103 (15), if
18 requested by the parent of the child; and

19 (l) A process for timely transferring data that is required by law
20 between the department and the department of ~~human services~~
21 EDUCATION.

22 (4) The department and the department of ~~human services~~
23 EDUCATION shall review and revise the agreement to account for any
24 changes to state or federal law, as necessary. At a minimum, the
25 agreement must be reviewed once every five years. In the review and
26 revision of the agreement, the department and the department of ~~human~~
27 ~~services~~ EDUCATION shall involve stakeholder participation, including

1 representatives from administrative units and part C entities.

2 **26.5-3-405. [Formerly 27-10.5-705] Authorized services -**
3 **conditions of funding - purchases of services - rules - repeal.**

4 (1) (a) **[Formerly 27-10.5-705 (1) as it exists until July 1, 2024]** (I) The
5 ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as are necessary,
6 in accordance with this ~~part 7 and consistent with section 27-10.5-104.5,~~
7 PART 4, to implement, PRIOR TO JULY 1, 2024, the purchase of early
8 intervention services directly or through community-centered boards or
9 certified early intervention service brokers.

10 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

11 (b) **[Formerly 27-10.5-702 (1) as it will become effective July**
12 **1, 2024]** The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as
13 necessary, in accordance with this ~~part 7 and consistent with section~~
14 ~~27-10.5-104.5~~ PART 4, to implement, ON AND AFTER JULY 1, 2024, the
15 purchase of early intervention services directly or through certified early
16 intervention service brokers.

17 (2) (a) **[Formerly 27-10.5-705 (2) as it exists until July 1, 2024]**

18 (I) PRIOR TO JULY 1, 2024, community-centered boards, certified early
19 intervention service brokers, and service agencies receiving ~~moneys~~
20 MONEY pursuant to ~~section 27-10.5-708~~ SECTION 26.5-3-408 shall comply
21 with all of the provisions of this ~~article~~ PART 4 and the rules promulgated
22 pursuant to this ~~article~~ PART 4.

23 (II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

24 (b) **[Formerly 27-10.5-705 (2) as it will become effective July**
25 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service
26 brokers and service agencies receiving money pursuant to ~~section~~
27 ~~27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions

1 of this ~~article 10.5~~ PART 4 and the rules promulgated pursuant to this
2 ~~article 10.5~~ PART 4.

3 (3) [Formerly 27-10.5-705 (3) as it exists until July 1, 2024]

4 (a) PRIOR TO JULY 1, 2024, community-centered boards and certified
5 early intervention service brokers shall obtain or provide early
6 intervention services, subject to available appropriations, including but
7 not limited to:

8 (a) (I) Service coordination with families of eligible ~~infants and~~
9 ~~toddlers from birth through two years of age~~ CHILDREN. The purpose of
10 service and support coordination ~~shall be~~ IS to enable a family to utilize
11 service systems to meet its needs in an effective manner and increase the
12 family's confidence and competence. Service coordination is to be
13 rendered in an interagency context that emphasizes interagency
14 collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice
15 as to who ~~shall perform~~ PERFORMS certain facets of service coordination
16 as established in the family's individualized family service plan.

17 (b) (II) Coordination of early intervention services with local
18 agencies and other community resources at the local level to avoid
19 duplication and fragmentation of early intervention services. A
20 community-centered board shall:

21 (H) (A) Coordinate with the local interagency effort regarding
22 outreach, identification, screening, multidisciplinary assessment, and
23 eligibility determination for families served by the community-centered
24 board who requested the services;

25 (H) (B) Coordinate with the local family support services
26 program; and

27 (H) (C) Coordinate with other appropriate state agencies

1 providing programs for infants and toddlers.

2 (b) SUBSECTION (3)(a) OF THIS SECTION AND THIS SUBSECTION
3 (3)(b) ARE REPEALED, EFFECTIVE JULY 1, 2024.

4 (c) [Formerly 27-10.5-705 (3) as it will become effective July
5 1, 2024] ON AND AFTER JULY 1, 2024, certified early intervention service
6 brokers shall obtain or provide early intervention services, subject to
7 available appropriations, including but not limited to:

8 (a) (I) Service coordination with families of eligible ~~infants and~~
9 ~~toddlers from birth through two years of age~~ CHILDREN. The purpose of
10 service and support coordination ~~shall be~~ IS to enable a family to utilize
11 service systems to meet its needs in an effective manner and increase the
12 family's confidence and competence. Service coordination is to be
13 rendered in an interagency context that emphasizes interagency
14 collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice
15 as to who ~~shall perform~~ PERFORMS certain facets of service coordination
16 as established in the family's individualized family service plan.

17 (b) (II) Coordination of early intervention services with local
18 agencies and other community resources at the local level to avoid
19 duplication and fragmentation of early intervention services. A certified
20 early intervention service broker shall:

21 (H) (A) Coordinate with the local interagency effort regarding
22 outreach, identification, screening, multidisciplinary assessment, and
23 eligibility determination for families served by the certified early
24 intervention service broker who requested the services;

25 (H) (B) Coordinate with the local family support services
26 program; and

27 (H) (C) Coordinate with other appropriate state agencies

1 providing programs for infants and toddlers.

2 (4) The department is authorized to use up to three percent of the
3 amount of the appropriation for early intervention services for training
4 and technical assistance to ensure that the latest developments for early
5 intervention services are rapidly integrated into service provision
6 throughout the state.

7 **26.5-3-406. [Formerly 27-10.5-706] Coordinated system of**
8 **payment for early intervention services - duties of departments -**
9 **repeal.** (1) In order to implement the provisions of this ~~part 7~~ PART 4, the
10 department, as lead agency for part C, ~~shall be~~ IS responsible for the
11 following, subject to available appropriations:

12 (a) Establishing an early intervention state plan for a statewide,
13 comprehensive system of early intervention evaluations and early
14 intervention services in accordance with part C child find;

15 (b) Establishing an interagency operating agreement between the
16 department and the departments of education, health care policy and
17 financing, and public health and environment regarding the
18 responsibilities of each department to assist in the development and
19 implementation of a statewide, comprehensive system of early
20 intervention services and a coordinated system of payments for early
21 intervention services;

22 (c) Developing, in cooperation with the department of education,
23 the department of health care policy and financing, the department of
24 public health and environment, the division of insurance in the
25 department of regulatory agencies, private health insurance carriers, and
26 certified early intervention service brokers, a coordinated system of
27 payment of early intervention services using public and private moneys

1 MONEY;

2 (d) (I) **[Formerly 27-10.5-706 (1)(d) as it exists until July 1,**
3 **2024]** (A) PRIOR TO JULY 1, 2024, certifying community-centered boards
4 or other entities as determined by the department as early intervention
5 service brokers for early intervention services provided pursuant to this
6 ~~part 7 and~~ PART 4.

7 (B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,
8 2024.

9 (II) **[Formerly 27-10.5-706 (1)(d) as it will become effective**
10 **July 1, 2024]** ON AND AFTER JULY 1, 2024, certifying early intervention
11 service brokers for early intervention services provided pursuant to this
12 ~~part 7~~ PART 4; and

13 (e) Ensuring an appropriate allocation of payment responsibilities
14 for early intervention services among federal, state, local, and private
15 sources, including public medical assistance and private insurance
16 coverage.

17 (2) Any additional source of ~~moneys~~ MONEY that may become
18 available for the payment of early intervention services on or after July 1,
19 2008, as a result of the development and implementation of a statewide,
20 comprehensive system of early intervention services and a coordinated
21 system of payments for early intervention services ~~shall~~ MUST not replace
22 or reduce any other federal or state ~~moneys~~ MONEY available for the
23 payment of early intervention services on or before July 1, 2008.

24 (3) (a) **[Formerly 27-10.5-706 (3) as it exists until July 1,**
25 **2024]** (I) PRIOR TO JULY 1, 2024, nothing in this ~~part 7 shall be construed~~
26 ~~to inhibit, encumber, or control~~ PART 4 INHIBITS, ENCUMBERS, OR
27 CONTROLS the use of local ~~moneys~~ MONEY, including county grants,

1 revenues from local mill levies, and private grants and contributions, that
2 a community-centered board or county government may elect to allocate
3 for the benefit of eligible children.

4 (II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

5 (b) [Formerly 27-10.5-706 (3) as it will become effective July
6 1, 2024] ON AND AFTER JULY 1, 2024, nothing in this ~~part 7~~ PART 4
7 inhibits, encumbers, or controls the use of local money, including county
8 grants, revenues from local mill levies, and private grants and
9 contributions, that a certified early intervention service broker or county
10 government may elect to allocate for the benefit of eligible children.

11 (4) In developing a coordinated system of payment, the
12 department shall not directly or indirectly create a new entitlement for
13 early intervention services funded from the state general fund. However,
14 this subsection (4) ~~shall~~ DOES not prohibit any adjustments to public
15 medical assistance required by section 25.5-1-124. ~~C.R.S.~~

16 **26.5-3-407. [Formerly 27-10.5-707] Cooperation among state**
17 **agencies - implementing coordinated payment system - revisions to**
18 **rules.** (1) The departments of education, health care policy and
19 financing, and public health and environment shall cooperate with the
20 department to implement the provisions of this ~~part 7~~ PART 4 and each
21 department shall:

22 (a) ~~(I) Assign a representative in accordance with part C child find~~
23 ~~to advise and assist the department in the development and~~
24 ~~implementation of the early intervention services system.~~

25 ~~(II) This subsection (1)(a) is repealed, effective July 1, 2022.~~

26 ~~(b)~~ (a) Participate in the ongoing review of funding practices for
27 early intervention services ~~and~~ AND develop or revise procedures for a

1 coordinated system of payment for early intervention services;

2 (e) (b) Use uniform forms and procedures for billing the costs of
3 early intervention services to public medical assistance, as specified in the
4 "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, ~~C.R.S.~~;
5 or the "Children's Basic Health Plan Act", article 8 of title 25.5, ~~C.R.S.~~;
6 as appropriate, and private health insurance, as specified in part 1 of
7 article 16 of title 10; ~~C.R.S.~~;

8 (d) (c) Coordinate revisions to existing rules that are necessary to
9 implement this ~~part 7~~ PART 4; and

10 (e) (d) Perform other tasks and functions necessary for the
11 implementation of this ~~part 7~~ PART 4.

12 (2) The division of insurance in the department of regulatory
13 agencies shall provide assistance to the department related to the
14 requirements and implementation of section 10-16-104 (1.3) ~~C.R.S.~~, and
15 insurance laws and rules related to billing and claims handling.

16 (3) (a) ~~Any appropriation for the 2021-22 budget year to the~~
17 ~~department of human services for part C responsibilities that is in addition~~
18 ~~to an appropriation pursuant to House Bill 18-1333, enacted in 2018,~~
19 ~~must be allocated to the department of education to reimburse~~
20 ~~administrative units for their proportionate share of unfunded costs of part~~
21 ~~C evaluations during the 2021-22 state fiscal year.~~

22 (b) ~~This subsection (3) is repealed, effective July 1, 2023.~~

23 **26.5-3-408. [Formerly 27-10.5-708] Certified early intervention**
24 **service brokers - duties - payment for early intervention services -**
25 **fees - repeal. (1) (a) [Formerly 27-10.5-708 (1) as it exists until July 1,**
26 **2024] (I) PRIOR TO JULY 1, 2024, for each designated service area in the**
27 **state, the certified early intervention service broker for the area shall:**

1 ~~(a)~~ (A) Establish a registry of qualified early intervention service
2 providers to provide early intervention services to eligible children in the
3 designated service area. The certified early intervention service broker for
4 a designated service area may provide early intervention services directly
5 or may subcontract the provision of services to other qualified providers
6 on the registry.

7 ~~(b)~~ (B) Accept and process claims for reimbursement for early
8 intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART
9 4 by qualified providers;

10 ~~(c)~~ (C) Negotiate for the payment of early intervention services
11 provided to eligible children in the designated service area by qualified
12 providers, to the extent permissible ~~under~~ PURSUANT TO federal law; and

13 ~~(d)~~ (D) Ensure payment to a qualified provider for early
14 intervention services rendered by the qualified provider.

15 (II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

16 (b) **[Formerly 27-10.5-708 (1) as it will become effective July**
17 **1, 2024]** ON AND AFTER JULY 1, 2024, for each defined service area in the
18 state, the certified early intervention service broker for the area shall:

19 ~~(a)~~ (I) Establish a registry of qualified early intervention service
20 providers to provide early intervention services to eligible children in the
21 defined service area. The certified early intervention service broker for a
22 defined service area may provide early intervention services directly or
23 may subcontract the provision of services to other qualified providers on
24 the registry.

25 ~~(b)~~ (II) Accept and process claims for reimbursement for early
26 intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART
27 4 by qualified providers;

1 (e) (III) Negotiate for the payment of early intervention services
2 provided to eligible children in the defined service area by qualified
3 providers, to the extent permissible under federal law; and

4 (d) (IV) Ensure payment to a qualified provider for early
5 intervention services rendered by the qualified provider.

6 (2) Certified early intervention service brokers shall use
7 procedures and forms determined by the department to document the
8 provision or purchase of early intervention services on behalf of eligible
9 children. Invoices or insurance claims for early intervention services shall
10 be submitted based on the available funding source for each eligible child
11 and the reimbursement rate for the appropriate federal, state, local, or
12 private funding sources, including public medical assistance and private
13 health insurance.

14 (3) The department shall establish a schedule of fees to be charged
15 by certified early intervention service brokers for providing broker
16 services ~~under this part 7~~ PURSUANT TO THIS PART 4. In developing the fee
17 schedule, the department shall obtain input from certified early
18 intervention service brokers and shall consider the duties of brokers ~~under~~
19 ~~this part 7~~ PURSUANT TO THIS PART 4, the expenses incurred by brokers,
20 and the relevant market conditions.

21 (4) Use of a certified early intervention broker is voluntary; except
22 that private health insurance carriers that are included ~~under~~ PURSUANT
23 TO section 10-16-104 (1.3) ~~C.R.S.~~, are required to make payment in trust
24 ~~under section 27-10.5-709~~ PURSUANT TO SECTION 26.5-3-409. Nothing in
25 this ~~part 7~~ PART 4 prohibits a qualified provider of early intervention
26 services from directly billing the appropriate program of public medical
27 assistance or a participating provider, as defined in section 10-16-102

1 (46) ~~€:R:S.~~, or from directly billing a private health insurance carrier for
2 services rendered ~~under this part 7~~ PURSUANT TO THIS PART 4 for
3 insurance plans that are not included ~~under~~ PURSUANT TO section
4 10-16-104 (1.3). ~~€:R:S.~~

5 (5) To the extent requested by the department, certified early
6 intervention service brokers shall participate in ongoing reviews of
7 funding practices for early intervention services and the development or
8 revision of procedures for a coordinated system of payment for early
9 intervention services.

10 **26.5-3-409. [Formerly 27-10.5-709] Payment from private**
11 **health insurance for early intervention services - trust fund.**

12 (1) Private health insurance carriers that are required to make payment
13 of benefits for early intervention services for which coverage is required
14 pursuant to section 10-16-104 (1.3) ~~€:R:S.~~, shall pay benefits to the
15 department in trust for payment to a broker or provider for early
16 intervention services provided to an eligible child. Upon notification from
17 the department that a child is eligible, the child's private health insurance
18 carrier ~~shall have~~ HAS thirty days to make payment to the department.

19 (2) (a) When a private health insurance carrier makes payments
20 of benefits for an eligible child to the department in trust, ~~those moneys~~
21 ~~shall be~~ THE MONEY MUST BE deposited in the early intervention services
22 trust fund, which trust fund is ~~hereby~~ created in the state treasury. Except
23 as provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF
24 THIS SECTION, the principal of the trust fund ~~shall~~ MUST only be used to
25 pay certified early intervention service brokers or qualified early
26 intervention service providers for early intervention services provided to
27 the eligible child for whom the ~~moneys were~~ MONEY WAS paid to the

1 department in trust by the private health insurance carrier. Except as
2 provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF
3 THIS SECTION, the principal of the trust fund ~~shall~~ DOES not constitute
4 state fiscal year spending for purposes of section 20 of article X of the
5 state constitution, and ~~such moneys shall be~~ THE MONEY IS deemed
6 custodial funds that are not subject to appropriation by the general
7 assembly.

8 (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter,
9 the general assembly shall make appropriations to the department from
10 the principal of the early intervention services trust fund for the direct and
11 indirect costs of administering this section. Any ~~moneys~~ MONEY
12 appropriated to the department pursuant to this ~~paragraph (b) shall~~
13 ~~constitute~~ SUBSECTION (2)(b)(I) CONSTITUTES state fiscal year spending
14 for purposes of section 20 of article X of the state constitution.

15 (II) All interest derived from the deposit and investment of
16 ~~moneys~~ MONEY in the early intervention services trust fund ~~shall~~ MUST be
17 credited to the trust fund, may be appropriated to the department in
18 accordance with this ~~paragraph (b)~~ SUBSECTION (2)(b)(II), and ~~shall~~
19 ~~constitute~~ CONSTITUTES state fiscal year spending for purposes of section
20 20 of article X of the state constitution.

21 (c) Within ninety days after the department determines that a child
22 is no longer an eligible child for purposes of section 10-16-104 (1.3),
23 ~~C.R.S.~~, the department shall notify the carrier that the child is no longer
24 eligible and that the carrier is no longer required to provide the coverage
25 required by said section for that child. Any ~~moneys~~ MONEY deposited in
26 the trust fund on behalf of an eligible child that ~~are~~ IS not expended on
27 behalf of the child before the child becomes ineligible ~~shall~~ MUST be

1 returned to the carrier that made the payments in trust for the child.

2 (3) No later than March 1, 2009, and no later than April 1 each
3 year thereafter, the department shall provide a report to each private
4 health insurance carrier that has made payments of benefits for an eligible
5 child to the department in trust. The report ~~shall~~ MUST specify the total
6 amount of benefits paid to brokers or qualified providers for services
7 provided to the eligible child during the prior calendar year, including the
8 amount paid to each broker or qualified provider and the services
9 provided to the eligible child. The DEPARTMENT SHALL PROVIDE THE
10 report required by this subsection (3) ~~shall be provided~~ at least annually
11 and more often, as determined by the department and the carrier.

12 **26.5-3-410. [Formerly 27-10.5-710] Annual report -**
13 **cooperation from certified early intervention service brokers and**
14 **qualified providers.** (1) Notwithstanding section 24-1-136 (11)(a)(I), by
15 November 1, 2008, and by November 1 each year thereafter, the
16 department shall submit an annual report to the general assembly
17 regarding the various funding sources used for early intervention services,
18 the number of eligible children served, the average cost of early
19 intervention services, and any other information the department deems
20 appropriate. The department shall submit the report to the joint budget
21 committee as part of the department's annual budget request. The
22 department shall also submit the report to the health and human services
23 committees and the education committees of the senate and house of
24 representatives, or any successor committees.

25 (2) The department shall request, and certified early intervention
26 service brokers and qualified early intervention service providers shall
27 provide, information regarding early intervention services that the

1 department needs to prepare the annual report required by this section or
2 other required federal or state reports.

3 PART 5

4 COLORADO NURSE

5 HOME VISITOR PROGRAM

6 **26.5-3-501. [Formerly 26-6.4-101] Short title.** ~~This article shall~~
7 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 5 IS the
8 "Colorado Nurse Home Visitor Program Act".

9 **26.5-3-502. [Formerly 26-6.4-102] Legislative declaration.**
10 (1) The general assembly ~~hereby~~ finds that in order to adequately care for
11 their newborns and young children, new mothers may often benefit from
12 receiving professional assistance and information. Without such
13 assistance and information, a young mother may develop habits or
14 practices that are detrimental to her health and well-being and the health
15 and well-being of her child. The general assembly further finds that
16 inadequate prenatal care and inadequate care in infancy and early
17 childhood often inhibit a child's ability to learn and develop throughout
18 ~~his or her~~ THE CHILD'S childhood and may have lasting, adverse effects on
19 the child's ability to function as an adult. The general assembly recognizes
20 that implementation of a nurse home visitor program that provides
21 educational, health, and other resources for new young mothers during
22 pregnancy and the first years of their infants' lives has been proven to
23 significantly reduce the amount of drug, including nicotine, and alcohol
24 use and abuse by mothers, the occurrence of criminal activity committed
25 by mothers and their children under fifteen years of age, and the number
26 of reported incidents of child abuse and neglect. Such a program has also
27 been proven to reduce the number of subsequent births, increase the

1 length of time between subsequent births, and reduce the mother's need
2 for other forms of public assistance. It is the intent of the general
3 assembly that such a program be established for the state of Colorado,
4 beginning with a limited number of participants and expanding by the
5 year 2010 to be available to all low-income, first-time mothers in the state
6 who consent to receiving services.

7 (2) The general assembly further finds that, to implement such a
8 program efficiently and effectively and to promote the successful
9 implementation of partnerships between state public entities and the
10 private sector, responsibility for the program should be divided between
11 the ~~state~~ department, which ~~shall be~~ IS responsible for financial
12 administration of the program, and a health sciences facility at the
13 university of Colorado, which ~~shall be~~ IS responsible for programmatic
14 and clinical support, evaluation, and monitoring for the program, and
15 such other responsibilities as described in this ~~article~~ PART 5. It is the
16 intent of the general assembly that the ~~state~~ department and the health
17 sciences facility work collaboratively to share information in order to
18 promote efficient and effective program implementation; however,
19 neither entity is responsible for the other entity's statutorily prescribed
20 duties.

21 **26.5-3-503. [Formerly 26-6.4-103] Definitions.** As used in this
22 ~~article 6.4~~ PART 5, unless the context otherwise requires:

23 (1) "Entity" means any nonprofit, not-for-profit, or for-profit
24 corporation; religious or charitable organization; institution of higher
25 education; visiting nurse association; existing visiting nurse program;
26 county, district, or municipal public health agency; county department of
27 human or social services; political subdivision of the state; or other

1 governmental agency; or any combination thereof.

2 (2) "Health sciences facility" means the Anschutz medical campus
3 or a successor facility located at the university of Colorado health
4 sciences center that is selected by the president of the university of
5 Colorado pursuant to ~~section 26-6.4-105~~ SECTION 26.5-3-505 to assist the
6 ~~state board~~ EXECUTIVE DIRECTOR in administering the program.

7 (3) "Low-income" means an annual income that does not exceed
8 two hundred percent of the federal poverty line.

9 (4) "Master settlement agreement" means the master settlement
10 agreement, the smokeless tobacco master settlement agreement, and the
11 consent decree approved and entered by the court in the case denominated
12 *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*
13 *Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown &*
14 *Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco*
15 *Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
16 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
17 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the
18 city and county of Denver.

19 (5) "Nurse" means a person licensed as a professional nurse
20 pursuant to part 1 of article 255 of title 12 or accredited by another state
21 or voluntary agency that the state board of nursing has identified by rule
22 pursuant to section 12-255-107 (1)(a) as one whose accreditation may be
23 accepted in lieu of board approval.

24 (6) "Program" means the nurse home visitor program established
25 in this ~~article~~ PART 5.

26 (7) ~~"State board" means the state board of human services created~~
27 ~~in section 26-1-107.~~

1 ~~(8) "State department" means the state department of human~~
2 ~~services created in section 26-1-105.~~

3 **26.5-3-504. [Formerly 26-6.4-104] Nurse home visitor program**
4 **- created - rules.** (1) (a) There is established the nurse home visitor
5 program to provide regular, in-home, visiting nurse services to
6 low-income, first-time mothers, with their consent, during their
7 pregnancies and through their children's second birthday. The program
8 ~~shall provide~~ PROVIDES trained visiting nurses to help educate mothers on
9 the importance of nutrition and avoiding alcohol and drugs, including
10 nicotine, and to assist and educate mothers in providing general care for
11 their children and in improving health outcomes for their children. In
12 addition, visiting nurses may help mothers in locating assistance with
13 educational achievement and employment. Any assistance provided
14 through the program ~~shall be~~ IS provided only with the consent of the
15 low-income, first-time mother, and she may refuse further services at any
16 time.

17 ~~(b) The nurse home visitor program created in article 31 of title~~
18 ~~25 C.R.S., as it existed prior to July 1, 2013, is transferred to the state~~
19 ~~department of human services. All rules, orders, and awards of the state~~
20 ~~board of health concerning the nurse home visitor program adopted prior~~
21 ~~to July 1, 2013, continue to be effective until revised, amended, repealed,~~
22 ~~or nullified pursuant to law. All grants in existence as of July 1, 2013, are~~
23 ~~valid through June 30, 2014, and may be extended or renewed beyond~~
24 ~~said date.~~ THE NURSE HOME VISITOR PROGRAM, AS IT EXISTED PRIOR TO
25 JULY 1, 2022, IS TRANSFERRED TO THE DEPARTMENT OF EARLY
26 CHILDHOOD. ALL RULES, ORDERS, AND AWARDS OF THE STATE BOARD OF
27 HEALTH CONCERNING THE NURSE HOME VISITOR PROGRAM ADOPTED PRIOR

1 TO JULY 1, 2022, CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,
2 REPEALED, OR NULLIFIED PURSUANT TO LAW. ALL GRANTS IN EXISTENCE
3 AS OF JULY 1, 2022, ARE VALID THROUGH JUNE 30, 2023, AND MAY BE
4 EXTENDED OR RENEWED BEYOND SAID DATE.

5 (2) The program shall MUST be administered in communities
6 throughout the state by entities selected on a competitive basis by the
7 health sciences facility and approved by the ~~state board~~ EXECUTIVE
8 DIRECTOR. Any entity that seeks to administer the program shall submit
9 an application to the ~~state~~ department as provided in ~~section 26-6.4-106~~
10 SECTION 26.5-3-506. The entities selected pursuant to ~~section 26-6.4-107~~
11 SECTION 26.5-3-507 are expected to provide services to a minimum of one
12 hundred low-income, first-time mothers in the community in which the
13 entity administers the program; except that the ~~state board~~ EXECUTIVE
14 DIRECTOR may grant a waiver of this requirement if the population base
15 of the community does not have the capacity to enroll one hundred
16 eligible families. The ~~state board~~ EXECUTIVE DIRECTOR shall consult with
17 the health sciences facility prior to granting the waiver to ensure that the
18 entity can implement the program within the smaller community and
19 maintain compliance with the program requirements. A mother is eligible
20 to receive services through the program if she is pregnant with her first
21 child, or her first child is less than one month old, and her gross annual
22 income does not exceed two hundred percent of the federal poverty line.

23 (3) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate,
24 pursuant to the provisions of article 4 of title 24, ~~C.R.S.~~, rules to
25 implement the program. The ~~state board~~ EXECUTIVE DIRECTOR shall base
26 the rules establishing program training requirements, program protocols,
27 program management information systems, and program evaluation

1 requirements on research-based model programs that have been
2 implemented in one or more other states for a period of at least five years
3 and have shown significant reductions in:

4 (a) The occurrence among families receiving services through the
5 model program of infant behavioral impairments due to use of alcohol
6 and other drugs, including nicotine;

7 (b) The number of reported incidents of child abuse and neglect
8 among families receiving services through the model program;

9 (c) The number of subsequent pregnancies by mothers receiving
10 services through the model program;

11 (d) The receipt of public assistance by mothers receiving services
12 through the model program;

13 (e) Criminal activity engaged in by mothers receiving services
14 through the model program and their children.

15 (4) Notwithstanding the provisions of subsection (3) of this
16 section, the ~~board~~ EXECUTIVE DIRECTOR shall adopt rules pursuant to
17 which a nurse home visitation program that is in operation in the state as
18 of July 1, 1999, may qualify for participation in the program if it can
19 demonstrate that it has been in operation in the state for a minimum of
20 five years and that it has achieved a reduction in the occurrences specified
21 in subsection (3) of this section. Any program so approved is exempt
22 from the rules adopted regarding program training requirements, program
23 protocols, program management information systems, and program
24 evaluation requirements so long as the program continues to demonstrate
25 a reduction in the occurrences specified in subsection (3) of this section.

26 (5) The ~~state~~ department may propose to the ~~state-board~~
27 EXECUTIVE DIRECTOR rules concerning program applications ~~under~~

1 ~~section 26-6.4-106~~ PURSUANT TO SECTION 26.5-3-506. Any such proposal
2 shall MUST be made in consultation with the health sciences facility.

3 **26.5-3-505. [Formerly 26-6.4-105] Health sciences facility -**
4 **duties.** (1) The president of the university of Colorado shall identify a
5 facility at the university of Colorado health sciences center with the
6 knowledge and expertise necessary to:

7 (a) Assist the ~~state board~~ EXECUTIVE DIRECTOR by selecting and
8 presenting entities from among the applications submitted pursuant to
9 ~~section 26-6.4-106~~ SECTION 26.5-3-506;

10 (b) Provide programmatic and clinical support, evaluation, and
11 monitoring for the program, including nurse practice support and training,
12 clinical and programmatic technical assistance, compliance monitoring
13 and support, program development and implementation support, and
14 performance improvement monitoring and support, in communities
15 throughout the state;

16 (c) Cooperate with the ~~state~~ department in connection with the
17 ~~state~~ department's financial administration of the program; and

18 (d) Work with the state auditor's office as required in section
19 2-3-113 (4). ~~C.R.S.~~

20 ~~(1.5)~~ (2) The health sciences facility is not responsible for the
21 duties assigned to the ~~state~~ department with respect to the program ~~under~~
22 ~~section 26-6.4-107 (2)(a.5)~~ PURSUANT TO SECTION 26.5-3-507 (2)(b).

23 ~~(2)~~ (3) The health sciences facility shall perform the duties set
24 forth in subsection (1) of this section to ensure that the program is
25 implemented and operated according to the program training
26 requirements, protocols, management information systems, and
27 evaluation requirements established by DEPARTMENT rule. ~~of the state~~

1 ~~board~~. The health sciences facility shall evaluate overall program
2 implementation, operation, and effectiveness, and include that evaluation,
3 along with any recommendations concerning the program's selected
4 entities or changes in the program's implementation, operation, and
5 effectiveness, including program training requirements, protocols,
6 management information systems, or evaluation requirements, in the
7 annual report submitted to the ~~state~~ department pursuant to ~~section~~
8 ~~26-6.4-108~~ SECTION 26.5-3-508.

9 (3) (4) The ~~state~~ department shall compensate the health sciences
10 facility for the health sciences facility's actual costs incurred in
11 performing its duties ~~under this article~~ PURSUANT TO THIS PART 5, as
12 determined by the health sciences facility. Such duties and actual costs
13 ~~shall~~ MUST be included in the scope of work in the agreement between the
14 ~~state~~ department and the health sciences facility for implementation of
15 those duties and ~~shall~~ MUST include the costs incurred by any contractor
16 or subcontractor of the health sciences facility for those duties. Such
17 compensation ~~shall~~ MUST be paid out of the amount allocated for the
18 health sciences facility's costs, in accordance with the maximum
19 allocation of three percent of the amount annually allocated for the
20 program ~~under section 26-6.4-107 (2)~~ PURSUANT TO SECTION 26.5-3-507
21 (2).

22 **26.5-3-506. [Formerly 26-6.4-106] Program applications -**
23 **requirements.** (1) An entity that seeks to administer the program in a
24 community ~~shall~~ MUST submit an application to the ~~state~~ department in
25 accordance with DEPARTMENT rules adopted ~~by the state board~~, in
26 consultation with ~~the state department~~ and the health sciences facility. At
27 a minimum, the application must specify the basic elements and

1 procedures that the entity ~~shall~~ MUST use in administering the program.

2 Basic program elements must include the following:

3 (a) The specific training each nurse employed by the entity must
4 receive to provide home nursing services through the program, which
5 training must meet or exceed the visiting nurse training requirements
6 established by DEPARTMENT rule; ~~of the state board;~~

7 (b) The protocols the entity must follow in administering the
8 program, which protocols at a minimum must comply with the program
9 protocols established by DEPARTMENT rule; ~~of the state board;~~

10 (c) The management information system the entity must use in
11 administering the program, which at a minimum must comply with the
12 management information system requirements established by
13 DEPARTMENT rule; ~~of the state board;~~

14 (d) The reporting and evaluation system the entity must use in
15 measuring the effectiveness of the program in assisting low-income,
16 first-time mothers, which at a minimum must meet the reporting and
17 evaluation requirements specified by ~~rule of the state board~~ DEPARTMENT
18 RULE; AND

19 (e) An annual report to both the health sciences facility and the
20 community in which the entity administers the program that reports on the
21 effectiveness of the program within the community and is written in a
22 manner that is understandable for both the health sciences facility and
23 members of the community.

24 (2) Any program application submitted pursuant to this section
25 must demonstrate strong, bipartisan public support for and a long-time
26 commitment to operation of the program in the community.

27 (3) The ~~state~~ department shall initially review the applications

1 received pursuant to this section and submit to the health sciences facility
2 for review those applications that include the basic program elements as
3 required by ~~the rules adopted by the state board~~ DEPARTMENT RULES.
4 Following its review, the health sciences facility shall submit to the ~~state~~
5 ~~board~~ EXECUTIVE DIRECTOR a list of the applying entities that the health
6 sciences facility recommends to administer the program in communities
7 throughout the state.

8 **26.5-3-507. [Formerly 26-6.4-107] Selection of entities to**
9 **administer the program - grants - nurse home visitor program fund**
10 **- created.** (1) On receipt of the list of entities recommended by the health
11 sciences facility, the ~~state board~~ EXECUTIVE DIRECTOR shall select the
12 entities that will administer the program in communities throughout the
13 state. In selecting entities, the ~~state board~~ EXECUTIVE DIRECTOR shall give
14 special consideration to entities that are proposing to administer the
15 program as a collaborative effort among multiple entities.

16 (2) (a) The EXECUTIVE DIRECTOR SHALL SPECIFY THE AMOUNTS OF
17 THE GRANTS THAT entities selected to operate the program shall receive.
18 ~~grants in amounts specified by the state board.~~ The grants may include
19 operating costs and additional amounts for training and development of
20 any infrastructure, including but not limited to development of the
21 information management system necessary to administer the program.
22 The ~~state board~~ EXECUTIVE DIRECTOR shall determine the number of
23 entities selected and the number of communities in which the program is
24 implemented based on the ~~moneys~~ MONEY available in the nurse home
25 visitor program fund created in ~~paragraph (b) of this subsection (2)~~
26 SUBSECTION (2)(c) OF THIS SECTION.

27 ~~(a.5)~~ (b) Except as otherwise provided in ~~section 26-6.4-108~~

1 SECTION 26.5-3-508, the ~~state~~ department is responsible for financial
2 administration of this ~~article~~ PART 5, which includes compensating the
3 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION
4 26.5-3-505 (4); paying grants to entities selected to administer the
5 program; monitoring financial, contractual, and regulatory compliance;
6 providing medicaid financing oversight; managing accounting and
7 budgeting; and, in cooperation with the health sciences facility, managing
8 grant applications as set forth in ~~section 26-6.4-106~~ SECTION 26.5-3-506.
9 The ~~state~~ department shall also cooperate with the health sciences
10 facility's administration of programmatic and clinical support, evaluation,
11 and monitoring of the program. The ~~state~~ department is not responsible
12 for any duties assigned to the health sciences facility with respect to the
13 program, as described in ~~section 26-6.4-105~~ SECTION 26.5-3-505.

14 (b) (c) (I) Grants awarded pursuant to subsection (2)(a) of this
15 section are payable from the nurse home visitor program fund, which
16 fund is hereby created in the state treasury. The nurse home visitor
17 program fund, referred to in this section as the "fund", is administered by
18 the ~~state~~ department and consists of money transferred ~~thereto~~ TO THE
19 FUND by the state treasurer from money received pursuant to the master
20 settlement agreement in the amount described in ~~subsection (2)(d)~~
21 SUBSECTION (2)(e) of this section. In addition, the state treasurer shall
22 credit to the fund any public or private gifts, grants, or donations received
23 by the ~~state~~ department to implement the program, including any money
24 received from the United States federal government for the program. The
25 fund is subject to annual appropriation by the general assembly to the
26 ~~state~~ department for grants to entities for operation of the program. The
27 ~~state~~ department may retain the amount needed to pay for the program's

1 share of the ~~state~~ department's indirect costs, as calculated under the
2 federally approved cost allocation plan. In addition, the ~~state~~ department
3 may retain a total of up to five percent of the amount annually
4 appropriated from the fund for the program, in order to compensate the
5 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION
6 26.5-3-505 (4), as set forth in the scope of work in the agreement between
7 the ~~state~~ department and the health sciences facility, and to compensate
8 the ~~state~~ department for the actual costs the ~~state~~ department incurs in
9 implementing ~~subsection (2)(a.5)~~ SUBSECTION (2)(b) of this section, as
10 determined by the ~~state~~ department; except that the portion of the costs to
11 compensate the ~~state~~ department for implementing ~~subsection (2)(a.5)~~
12 SUBSECTION (2)(b) of this section ~~shall~~ MUST not exceed two percent of
13 the amount annually appropriated from the fund for the program, and the
14 portion of such costs to compensate the health sciences facility ~~under~~
15 ~~section 26-6.4-105 (3)~~ PURSUANT TO SECTION 26.5-3-505 (4), as set forth
16 in the scope of work in the contract between the ~~state~~ department and the
17 health sciences facility, ~~shall~~ MUST not exceed three percent of the
18 amount annually appropriated from the fund for the program. In addition,
19 if the total amount annually appropriated from the fund for the program
20 exceeds nineteen million dollars, the ~~state~~ department and the health
21 sciences facility shall assess whether a smaller percentage of the
22 appropriated funds exceeding nineteen million dollars is adequate to
23 cover their actual costs and shall jointly submit to the general assembly
24 a report articulating their conclusions on this subject. The actual costs of
25 the ~~state~~ department include ~~state~~ department personnel and operating
26 costs and any necessary transfers to the department of health care policy
27 and financing for administrative costs incurred for the medicaid program

1 associated with the program. The actual costs of the health sciences
2 facility include the facility's own actual program costs and those of its
3 contractors and subcontractors. Any costs for time studies required to
4 obtain medicaid reimbursement for the program may be paid from
5 program funds and are not subject to the five percent limit in this section.
6 Notwithstanding section 24-36-114, all interest derived from the deposit
7 and investment of money in the fund ~~shall~~ MUST be credited to the fund.
8 Except as otherwise provided in ~~subsection (2)(b)(II)~~ SUBSECTION
9 (2)(c)(II) of this section, all unexpended and unencumbered money in the
10 fund at the end of any fiscal year remains in the fund and ~~shall~~ MUST not
11 be transferred to the general fund or any other fund.

12 (II) On July 1, 2020, the state treasurer shall transfer four million
13 two hundred thirty-seven thousand three hundred seventy-five dollars
14 from the fund to the general fund.

15 ~~(e)~~ (d) It is the intent of the general assembly that general fund
16 ~~moneys~~ MONEY not be appropriated for implementation of the program.

17 ~~(d)(f)~~ (e) Pursuant to section 24-75-1104.5 (1.7)(a), ~~€:R:S.;~~ and
18 except as otherwise provided in section 24-75-1104.5 (5), ~~€:R:S.;~~ for the
19 2016-17 fiscal year and for each fiscal year thereafter so long as the state
20 receives ~~moneys~~ MONEY pursuant to the master settlement agreement, the
21 state treasurer shall transfer to the fund twenty-six and seven-tenths of the
22 master settlement agreement ~~moneys~~ MONEY received by the state, other
23 than attorney fees and costs, during the preceding fiscal year. The transfer
24 ~~shall~~ MUST be from ~~moneys~~ MONEY credited to the tobacco litigation
25 settlement cash fund created in section 24-22-115. ~~€:R:S.~~

26 ~~(II) and (III) Repealed.~~

27 **26.5-3-508. [Formerly 26-6.4-108] Annual program review -**

1 **audit.** (1) The health sciences facility shall annually prepare and submit
2 to the ~~state~~ department a report including an evaluation of the
3 implementation of the program, the results achieved by the program based
4 on the annual reports submitted by the administering entities pursuant to
5 ~~section 26-6.4-106 (1)(e)~~ SECTION 26.5-3-506 (1)(e), the extent to which
6 the program serves medicaid-eligible persons and provides services that
7 may be provided in part through medicaid funding, and any
8 recommendations concerning changes to the program, including any
9 changes that may be appropriate to enable the program to receive and
10 maximize medicaid funding. Each program contractor and subcontractor
11 and each entity that administers the program shall work with the health
12 sciences facility and the ~~state~~ department to prepare the reports required
13 ~~under~~ PURSUANT TO this section and section 2-3-113 (2). ~~C.R.S.~~ Any
14 entity that is administering the program is subject to a reduction in or
15 cessation of funding if the ~~state board~~ EXECUTIVE DIRECTOR, based on
16 recommendations from the health sciences facility, determines that the
17 entity is not operating the program in accordance with the program
18 requirements established by DEPARTMENT rule ~~of the state board~~ or is
19 operating the program in such a manner that the program does not
20 demonstrate positive results.

21 (2) The state auditor's office, pursuant to section 2-3-113, ~~C.R.S.~~,
22 shall audit each entity administering the program to determine whether
23 the entity is administering the program in compliance with the program
24 requirements and in an effective manner. The audit ~~shall~~ MUST be
25 conducted and reported in accordance with ~~the provisions of~~ section
26 2-3-113. ~~C.R.S.~~

27

PART 6

1 SOCIAL-EMOTIONAL LEARNING PROGRAMS

2 **26.5-3-601. Legislative declaration.** (1) THE GENERAL
3 ASSEMBLY FINDS AND DECLARES THAT:

4 (a) YOUNG CHILDREN FROM LOW-INCOME FAMILIES OFTEN
5 STRUGGLE TO ACHIEVE THE SAME OUTCOMES AS THEIR PEERS FROM
6 HIGHER-INCOME FAMILIES BECAUSE THEY RARELY HAVE ACCESS TO THE
7 SAME SUPPORTS, PARTICULARLY THOSE SUPPORTS WITH A FOCUS ON THE
8 DEVELOPMENT OF SOCIAL-EMOTIONAL SKILLS LIKE EMOTION REGULATION,
9 PRO-SOCIAL COMMUNICATION, AND PROBLEM SOLVING;

10 (b) EXPOSURE TO POVERTY, A STRESSFUL HOME ENVIRONMENT,
11 AND DELAYS IN THE DEVELOPMENT OF BEHAVIORAL AND ACADEMIC
12 SKILLS AT A YOUNG AGE ARE STRONG PREDICTORS OF LATER ACADEMIC
13 CHALLENGES, HEALTH ISSUES, BEHAVIOR PROBLEMS, SUBSTANCE ABUSE,
14 LOWER EDUCATIONAL ATTAINMENT, LOWER RATES OF EMPLOYMENT, TEEN
15 PARENTHOOD, AND THE LIKELY RECURRENCE OF THESE RISK FACTORS FOR
16 THE NEXT GENERATION OF CHILDREN;

17 (c) RESEARCH DEMONSTRATES THAT THE OPPORTUNITY TO
18 SUPPORT POSITIVE DEVELOPMENT EXPERIENCES DURING EARLY
19 CHILDHOOD USING EVIDENCE-BASED INTERVENTIONS THAT SUPPORT
20 SENSITIVE AND RESPONSIVE CAREGIVER-CHILD INTERACTIONS ARE LINKED
21 TO CHILDREN'S ACADEMIC AND SOCIAL COMPETENCE; AND

22 (d) HELPING TEACHERS AND PARENTS LEARN WHEN AND HOW TO
23 USE THESE EVIDENCE-BASED INTERVENTIONS HAS DEMONSTRATED
24 REDUCTIONS IN PARENTAL DEPRESSION AND INCREASES IN PARENTAL
25 SELF-CONFIDENCE; INCREASES IN POSITIVE FAMILY COMMUNICATION AND
26 PROBLEM SOLVING; INCREASES IN CHILDREN'S APPROPRIATE COGNITIVE
27 PROBLEM-SOLVING STRATEGIES AND IN THE USE OF PRO-SOCIAL CONFLICT

1 MANAGEMENT STRATEGIES WITH PEERS; REDUCTIONS IN CONDUCT
2 PROBLEMS AT HOME AND CONDUCT PROBLEMS IN SCHOOL THAT OFTEN
3 LEAD TO SUSPENSION AND EXPULSION; AND INCREASES IN CHILDREN'S
4 POSITIVE AFFECT AND COOPERATION, POSITIVE INTERACTIONS WITH PEERS,
5 SCHOOL READINESS, AND ENGAGEMENT WITH SCHOOL ACTIVITIES.

6 (2) (a) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN
7 THE BEST INTERESTS OF THE STATE TO AUTHORIZE THE DEPARTMENT TO
8 IMPLEMENT PROVEN, EVIDENCE-BASED, TWO-GENERATION PREVENTION
9 PROGRAMS TO TEACH TEACHERS AND PARENTS STRATEGIES AND SKILLS TO
10 CONNECT WITH ALL CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE
11 CHALLENGING BEHAVIORS; TO PROMOTE CHILDREN'S SOCIAL COMPETENCE;
12 TO REDUCE BEHAVIOR PROBLEMS; AND TO PROVIDE PROGRAMMING TO
13 CHILDREN TO HELP THEM LEARN PROBLEM-SOLVING AND
14 EMOTION-CONTROL SKILLS. THE GOALS OF PROVIDING THESE PROGRAMS
15 ARE TO STRENGTHEN TEACHER-CHILD AND PARENT-CHILD RELATIONSHIPS
16 AND PROMOTE CHILD BEHAVIORAL CHANGE, INCLUDING SELF-REGULATION
17 AND DECREASED AGGRESSIVE BEHAVIOR AND IMPULSIVITY.

18 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO IMPLEMENT
19 THESE PROGRAMS EFFICIENTLY AND EFFECTIVELY AND TO PROMOTE
20 SUCCESSFUL PARTNERSHIPS BETWEEN STATE AGENCIES AND THE PRIVATE
21 SECTOR, IT IS APPROPRIATE TO DIVIDE RESPONSIBILITY FOR THE PROGRAMS
22 BETWEEN THE DEPARTMENT, WHICH IS RESPONSIBLE FOR FINANCIAL
23 ADMINISTRATION OF THE PROGRAMS, AND AN IMPLEMENTATION PARTNER,
24 WHICH IS RESPONSIBLE FOR PROGRAMMATIC AND CLINICAL SUPPORT,
25 EVALUATION, AND MONITORING FOR THE PROGRAMS, AND SUCH OTHER
26 RESPONSIBILITIES AS MAY BE DESCRIBED IN THIS PART 6. IT IS THE INTENT
27 OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE

1 IMPLEMENTATION PARTNER WORK COLLABORATIVELY TO SHARE
2 INFORMATION AS NECESSARY TO PROMOTE EFFICIENT AND EFFECTIVE
3 PROGRAM IMPLEMENTATION.

4 **26.5-3-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

6 (1) "ENTITY" MEANS AN INDIVIDUAL LOCAL IMPLEMENTATION
7 SITE, SUCH AS A PROVIDER OF EARLY CHILDHOOD SERVICES; A SCHOOL
8 DISTRICT, AS DEFINED IN SECTION 22-7-1003, OR A CHARTER SCHOOL, AS
9 DEFINED IN SECTION 22-60.5-102; A COMMUNITY MENTAL HEALTH
10 CENTER; ANY OTHER GOVERNMENTAL AGENCY; OR ANY COMBINATION OF
11 THESE ENTITIES.

12 (2) "GRANT PROGRAM" MEANS THE SOCIAL-EMOTIONAL LEARNING
13 PROGRAMS GRANT PROGRAM CREATED IN SECTION 26.5-3-603.

14 (3) "IMPLEMENTATION PARTNER" MEANS A PRIVATE ENTITY THAT
15 HAS EXTENSIVE EXPERIENCE AND EXPERTISE IN EARLY CHILD CARE
16 PROGRAMMING OF THE TYPE DESCRIBED IN SECTION 26.5-3-603 AND IN
17 IMPLEMENTATION SCIENCE AND WITH WHICH THE DEPARTMENT
18 CONTRACTS PURSUANT TO SECTION 26.5-3-603 (2) TO ASSIST IN
19 IMPLEMENTING THE GRANT PROGRAM.

20 (4) "SOCIAL-EMOTIONAL LEARNING PROGRAM" MEANS AN
21 EVIDENCE-BASED, TWO-GENERATION PROGRAM THAT PROVIDES TRAINING
22 FOR TEACHERS AND PARENTS IN STRATEGIES AND SKILLS FOR CONNECTING
23 WITH ALL YOUNG CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE
24 CHALLENGING BEHAVIORS, AND FOR TEACHING AND PROMOTING THE
25 DEVELOPMENT OF SOCIAL COMPETENCE AND EMOTIONAL
26 SELF-MONITORING AND SELF-MANAGEMENT IN YOUNG CHILDREN; AND
27 PROVIDES DIRECT PROGRAMMING FOR YOUNG CHILDREN IN PROBLEM

1 SOLVING, ANGER CONTROL, SELF-MONITORING OF EMOTIONS, SUCCEEDING
2 IN SCHOOL, AND MAKING FRIENDS.

3 **26.5-3-603. Social-emotional learning programs grant**
4 **program - created - implementation partner - application - selection**
5 **- funding - rules.** (1) THE SOCIAL-EMOTIONAL LEARNING PROGRAMS

6 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE DEPARTMENT
7 SHALL ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH AN
8 IMPLEMENTATION PARTNER SELECTED PURSUANT TO SUBSECTION (2) OF
9 THIS SECTION. SUBJECT TO ANNUAL APPROPRIATIONS, THE DEPARTMENT
10 SHALL AWARD GRANTS TO ENTITIES THAT APPLY PURSUANT TO
11 SUBSECTION (3) OF THIS SECTION TO PROVIDE SOCIAL-EMOTIONAL
12 LEARNING PROGRAMS FOR YOUNG CHILDREN AND THEIR PARENTS IN
13 COMMUNITIES THROUGHOUT THE STATE. THE EXECUTIVE DIRECTOR IS
14 AUTHORIZED TO PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE
15 GRANT PROGRAM.

16 (2) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS
17 SECTION, THE DEPARTMENT SHALL INITIATE A FORMAL REQUEST FOR
18 PROPOSALS PROCESS TO SELECT AND CONTRACT WITH A
19 COLORADO-BASED, PRIVATE, NONPROFIT ORGANIZATION TO SERVE AS AN
20 IMPLEMENTATION PARTNER. THE IMPLEMENTATION PARTNER SHALL:

21 (a) ASSIST THE DEPARTMENT IN SELECTING FROM AMONG
22 APPLICANTS THOSE ENTITIES THAT RECEIVE GRANTS TO PROVIDE
23 SOCIAL-EMOTIONAL LEARNING PROGRAMS PURSUANT TO THIS PART 6;

24 (b) PERFORM COMMUNITY READINESS ASSESSMENTS AND PROVIDE
25 TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF
26 SOCIAL-EMOTIONAL LEARNING PROGRAMS BY THE ENTITIES THAT RECEIVE
27 GRANTS;

1 (c) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT
2 RECOMMENDATIONS FOR THE SELECTED ENTITIES TO ENSURE
3 HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF
4 SOCIAL-EMOTIONAL LEARNING PROGRAMS;

5 (d) PROVIDE TO THE DEPARTMENT SITE-SPECIFIC AND STATEWIDE
6 PROCESS AND OUTCOMES EVALUATIONS OF SOCIAL-EMOTIONAL LEARNING
7 PROGRAMS AND THE GRANT PROGRAM AS DESCRIBED IN THIS SECTION;

8 (e) ASSIST THE DEPARTMENT WITH THE FINANCIAL
9 ADMINISTRATION OF GRANTS PURSUANT TO THIS PART 6 AND WORK WITH
10 THE OFFICE OF THE STATE AUDITOR AS REQUIRED;

11 (f) ANNUALLY PROVIDE TO EACH ENTITY THAT RECEIVES MONEY
12 THROUGH THE GRANT PROGRAM A DETAILED DATA REPORT OF THE
13 ENTITY'S IMPLEMENTATION OF THE SOCIAL-EMOTIONAL LEARNING
14 PROGRAMS THAT INCLUDES AN ASSESSMENT OF THE PROGRAM'S SUCCESS
15 IN ACHIEVING POSITIVE OUTCOMES FOR CHILDREN AND THEIR FAMILIES
16 AND IDENTIFICATION OF AREAS FOR PRACTICE IMPROVEMENT; AND

17 (g) ANNUALLY PREPARE AND SUBMIT TO THE DEPARTMENT AN
18 EVALUATION OF THE OUTCOMES OF THE SOCIAL-EMOTIONAL LEARNING
19 PROGRAMS THAT ENTITIES IMPLEMENT USING MONEY RECEIVED THROUGH
20 THE GRANT PROGRAM.

21 (3) AN ENTITY THAT SEEKS GRANT MONEY TO IMPLEMENT OR
22 EXPAND A SOCIAL-EMOTIONAL LEARNING PROGRAM MUST SUBMIT AN
23 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH DEPARTMENT
24 RULES AND PROCEDURES. AT A MINIMUM, THE APPLICATION MUST:

25 (a) IDENTIFY THE SOCIAL-EMOTIONAL LEARNING PROGRAM
26 CURRICULUM THAT THE ENTITY WILL USE, WHICH MUST:

27 (I) INCLUDE COMPONENTS THAT PROVIDE A CURRICULUM FOR

1 PARENTS, TEACHERS, AND PRESCHOOL- AND KINDERGARTEN-AGE
2 CHILDREN;

3 (II) BE IDENTIFIED BY THE UNIVERSITY OF COLORADO AS A
4 PROVEN, EVIDENCE-BASED INTERVENTION TO SUPPORT HEALTHY YOUTH
5 DEVELOPMENT; AND

6 (III) HAVE BEEN PREVIOUSLY IMPLEMENTED WITH SUCCESS BY
7 EARLY CHILDHOOD PROGRAM PROVIDERS IN COLORADO; AND

8 (b) SPECIFY WHETHER THE ENTITY HAS PREVIOUSLY PROVIDED
9 SOCIAL-EMOTIONAL LEARNING PROGRAMS AND, IF SO, THE DEMOGRAPHICS
10 OF THE CHILDREN AND FAMILIES SERVED. AN APPLICANT THAT HAS NOT
11 PREVIOUSLY PROVIDED SOCIAL-EMOTIONAL LEARNING PROGRAMS MUST
12 WORK WITH THE IMPLEMENTATION PARTNER TO COMPLETE A COMMUNITY
13 READINESS ASSESSMENT BEFORE SUBMITTING AN APPLICATION OR WITHIN
14 THREE MONTHS AFTER SUBMITTING THE APPLICATION.

15 (4) THE DEPARTMENT SHALL WORK WITH THE IMPLEMENTATION
16 PARTNER TO REVIEW AND SELECT GRANTEES FROM AMONG THE APPLYING
17 ENTITIES. IN ADDITION TO ANY OTHER SELECTION CRITERIA THAT MAY BE
18 IDENTIFIED IN RULES OF THE DEPARTMENT, THE DEPARTMENT SHALL BASE
19 SELECTION OF GRANTEES ON THE APPLICANT'S USE OF A CURRICULUM THAT
20 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS
21 SECTION AND ON THE APPLICANT'S SERVICE TO UNDER-RESOURCED
22 CHILDREN AND FAMILIES WHO HAVE A CLEARLY IDENTIFIED NEED OR THE
23 OUTCOME OF THE COMMUNITY READINESS ASSESSMENT. THE DEPARTMENT
24 SHALL PAY THE GRANTS AWARDED THROUGH THE PROGRAM FROM MONEY
25 APPROPRIATED FOR THE PROGRAM PURSUANT TO SUBSECTION (5) OF THIS
26 SECTION.

27 (5) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE

1 MONEY TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM. THE
2 GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE GRANT PROGRAM
3 FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501.
4 THE DEPARTMENT MAY EXPEND A PORTION OF THE AMOUNT
5 APPROPRIATED PURSUANT TO THIS SUBSECTION (5) TO PAY THE COSTS
6 INCURRED IN IMPLEMENTING THE GRANT PROGRAM, INCLUDING THE COSTS
7 INCURRED IN CONTRACTING WITH THE IMPLEMENTATION PARTNER.

8 PART 7

9 EARLY CHILDHOOD MENTAL HEALTH

10 CONSULTATION PROGRAM

11 **26.5-3-701. [Formerly 26-6.5-401] Definitions.** As used in this
12 ~~part 4~~ PART 7, unless the context otherwise requires:

13 ~~(1) "Department" means the state department of human services.~~

14 ~~(2)~~ (1) "Mental health consultant" means an early childhood
15 mental health consultant who is funded by appropriations allocated or
16 awarded to the department for the program and who meets the
17 qualifications outlined in the program designed and developed pursuant
18 to this ~~part 4~~ PART 7.

19 ~~(3)~~ (2) "Program" means the statewide voluntary program of early
20 childhood mental health consultation designed, implemented, and
21 operated by the department pursuant to this ~~part 4~~ PART 7.

22 **26.5-3-702. [Formerly 26-6.5-402] Early childhood mental**
23 **health consultation - statewide program - creation - purpose - rules.**

24 (1) (a) On or before July 1, 2022, the department shall design,
25 implement, and operate the statewide voluntary program of early
26 childhood mental health consultation to expand and enhance current
27 practices across the state. The department, through the program, shall

1 support mental health in a variety of settings, including but not limited to
2 early child care and learning, elementary schools, home visitation, child
3 welfare, public health, and health care, including settings providing
4 prenatal and postpartum care.

5 (b) In designing and developing the program, the department shall
6 work in consultation with the national center of excellence for infant and
7 early childhood mental health consultation funded by the United States
8 department of health and human services; nationally recognized entities
9 that support implementation of sustainable systems or programs that focus
10 on promoting the social, emotional, and behavioral outcomes of young
11 children; and key stakeholders in the state, including mental health
12 professionals, nonprofit organizations with expertise in mental health,
13 organizations representing parents of children who would benefit from
14 early childhood mental health consultation, hospitals and other
15 health-care provider organizations with expertise working with children
16 facing behavioral health and other challenges to optimal growth and
17 development, early child care and education providers, and clinicians with
18 expertise in infant and early childhood mental health.

19 (c) The department shall coordinate with community-based
20 organizations to ensure the effective implementation of the program and
21 model of consultation established pursuant to ~~section 26-6.5-403~~ SECTION
22 26.5-3-703, as well as support the availability of resources across the state
23 to support the program and the mental health consultants in the program
24 in their work.

25 (d) The ~~department~~ EXECUTIVE DIRECTOR may promulgate rules
26 for the design, implementation, and operation of the program.

27 (2) The purpose of the program is to:

1 (a) Increase the number of qualified and appropriately trained
2 mental health consultants throughout the state who will consult with
3 professionals working with children across a diversity of settings, as well
4 as other adults, including family members, who directly interact with and
5 care for children;

6 (b) Support and provide guidance and training, through visits with
7 mental health consultants in the program, to families, expecting families,
8 caregivers, and providers across a diversity of settings in addressing the
9 healthy social-emotional developmental needs of children and families
10 during the prenatal period through eight years of age;

11 (c) Develop a defined model of consultation that is rooted in
12 diversity, equity, and inclusion for the state pursuant to ~~section~~
13 ~~26-6.5-403~~ SECTION 26.5-3-703 that includes qualifications and
14 competencies for mental health consultants, job expectations, expected
15 outcomes, and guidance on ratios between mental health consultants in
16 the program and the settings they support; and

17 (d) Develop and maintain a statewide professional development
18 plan pursuant to ~~section 26-6.5-404~~ SECTION 26.5-3-704 that assists the
19 mental health consultants in meeting the expectations and developing the
20 competencies set forth in the model of consultation established pursuant
21 to ~~section 26-6.5-403~~ SECTION 26.5-3-703;

22 (3) Nothing in this ~~part 4~~ PART 7 creates or expands the regulatory
23 authority of the department over mental health professionals who are not
24 funded by appropriations made to the department for the program
25 pursuant to this ~~part 4~~ PART 7.

26 **26.5-3-703. [Formerly 26-6.5-403] Model of early childhood**
27 **mental health consultation - standards and guidelines - qualifications.**

1 (1) On or before July 1, 2022, the department shall design and develop,
2 in consultation with the stakeholders listed in ~~section 26-6.5-402 (1)(b)~~
3 SECTION 26.5-3-702 (1)(b), a model of consultation for the program that
4 includes qualifications for mental health consultants, job expectations,
5 expected outcomes, and guidance on ratios between mental health
6 consultants and the settings they support, referred to in this section as "the
7 model". The model must include standards and guidelines to ensure the
8 program is implemented effectively, with primary consideration given to
9 evidence-based services. The standards and guidelines must include:

10 (a) Clear qualifications for mental health consultants in the
11 program, including, at a minimum, expertise in adult and child mental
12 health theory, practice, and services; early childhood, child development,
13 and family systems; knowledge of, and skills to address, circumstances
14 that affect children's behavior and mental health; knowledge of
15 developmental science and milestones; knowledge of a consultative
16 model of practice; and available resources and services to children and
17 families to alleviate family stress;

18 (b) Expectations for the placement of regional consultants that
19 will most effectively meet local community need for mental health
20 consultants in the program. The department shall periodically conduct an
21 open and competitive selection process for the placement of any publicly
22 funded mental health consultants in the program.

23 (c) Guidance concerning the scope of work that mental health
24 consultants in the program may provide to professionals working with
25 young children and families, including guidance on appropriate referrals,
26 training, coaching, prevention, and any other appropriate services;

27 (d) Methods to increase the availability of bilingual or

1 multilingual mental health consultants in the program and otherwise
2 ensure the cultural competency of mental health consultants in the
3 program and ensure that the consultant population reflects an array of
4 characteristics and backgrounds and is reflective of the diversity of the
5 providers, children, and families being served;

6 (e) Guidance on the diverse settings in which and types of
7 providers with whom mental health consultants in the program may work
8 to meet the varied needs of children and families from prenatal through
9 eight years of age. The model must include provisions that ensure that
10 mental health consultants in the program may work with a diversity of
11 professionals and caregivers, including but not limited to early child care
12 and education teachers and providers, elementary school teachers and
13 administrators, home visitors, child welfare caseworkers, public health
14 professionals, and health-care professionals, including settings providing
15 prenatal and postpartum care.

16 (f) Anticipated outcomes that the program and mental health
17 consultants in the program should achieve, including:

18 (I) Promoting social-emotional growth and development of
19 children;

20 (II) Providing guidance to professionals and caregivers to
21 effectively understand and support children's positive behavior and
22 development;

23 (III) Understanding the effects of trauma and adversity, including
24 oppression, prejudice, discrimination, racism, and gender inequity, on the
25 developing brain to ultimately reduce challenging behaviors and increase
26 positive early experiences;

27 (IV) Promoting high-quality interactions and relationships

1 between children and adults;

2 (V) Supporting the mental health and well-being of adults who
3 care for children;

4 (VI) Connecting and referring children, families, and providers to
5 programs, resources, and supports that will assist them in their
6 development and success while addressing barriers to accessing such
7 resources and supports;

8 (VII) Supporting equitable, inclusive outcomes for the diverse
9 providers, children, and families throughout the state; and

10 (g) Guidance on appropriate ratios of mental health consultants
11 and the settings they support, as well as caseload expectations.

12 **26.5-3-704. [Formerly 26-6.5-404] Statewide professional**
13 **development plan for early childhood mental health consultants.**

14 (1) On or before July 1, 2022, the department shall develop a statewide
15 professional development plan to support mental health consultants in the
16 program in meeting the expectations set forth in the model of consultation
17 described in ~~section 26-6.5-403~~ SECTION 26.5-3-703, referred to in this
18 section as "the plan". In developing the plan, the department shall work
19 collaboratively, to the extent practicable, with the national center of
20 excellence for infant and early childhood mental health consultation
21 funded by the United States department of health and human services.
22 The department may implement the plan in partnership with nonprofits,
23 institutions of higher education, and credentialing programs focused on
24 infant and early childhood mental health.

25 (2) The plan must include, at a minimum, training related to:

26 (a) Trauma and trauma-informed practices and interventions;

27 (b) Adverse childhood experiences;

1 (c) The science of resilience and interventions to promote
2 resilience;

3 (d) Child development through eight years of age;

4 (e) Caregiver substance use and effective family interventions;

5 (f) Impact of inequity and bias on children, families, caregivers,
6 mental health consultants, and providers, and strategies to mitigate such
7 impact;

8 (g) Sensory processing issues;

9 (h) The needs of children with developmental delays and
10 disabilities, including children born prematurely or with special
11 health-care needs, and special education law;

12 (i) Colorado's child protection and foster care system;

13 (j) Occupational therapy, speech therapy, physical therapy, and
14 mental health therapy;

15 (k) Other public and private supports and services;

16 (l) Early childhood social-emotional development and family
17 systems;

18 (m) Early childhood mental health diagnosis and effective
19 treatment models; and

20 (n) Consultation as a model of adult learning.

21 (3) The plan must also:

22 (a) Allow mental health consultants in the program to access
23 regionally appropriate and culturally responsive programs to best link
24 them to the children and families in their communities and their unique
25 needs;

26 (b) Include strategies for mental health consultants in the program
27 to establish individualized coaching as requested by teachers, caregivers,

1 and families; and

2 (c) Provide opportunities for regular support meetings between
3 mental health consultants in the program; supervisors, including reflective
4 supervisors; and peer mental health consultants. The support meetings
5 must include reflections on the practice impact of attitudes and values.

6 **26.5-3-705. [Formerly 26-6.5-405] Statewide qualifications and**
7 **competencies for early childhood mental health consultants.** The
8 department shall ensure that each mental health consultant funded
9 through the program meets the qualifications and competencies outlined
10 in the program as designed and developed pursuant to this ~~part 4~~ PART 7.

11 **26.5-3-706. [Formerly 26-6.5-406] Data collection - reporting.**

12 (1) On or before July 1, 2023, the department shall develop a statewide
13 data collection and information system to analyze implementation data
14 and selected outcomes to identify areas for improvement, promote
15 accountability, and provide insights to continually improve child and
16 program outcomes. The data collection and information system, and any
17 related processes, must place the least burden possible on the mental
18 health consultants in the program. In selecting the implementation data
19 and outcomes, the department shall incorporate the variability across
20 diverse settings and populations.

21 (2) Notwithstanding section 24-1-136 (11)(a)(I), the department
22 shall, beginning in 2023 and continuing every two years thereafter, in its
23 presentation to the joint budget committee of the general assembly, as
24 well as its presentation to its committee of reference at the hearing held
25 pursuant to section 2-7-203 (2)(a) of the "State Measurement for
26 Accountable, Responsive, and Transparent (SMART) Government Act"
27 in January 2027, report on the following issues:

1 (a) A gap analysis of the available number of mental health
2 consultants and the unmet need in the type of settings in which mental
3 health consultants practice in accordance with the program; and

4 (b) Identified adjustments to better meet mental health consultant
5 caseload, with the department identifying a target number of needed
6 consultants in the program.

7 (3) On or before August 1, 2026, the department shall contract
8 with an independent third party to conduct an evaluation, using standard
9 evaluation measures, of the program and its impact on early childhood
10 and program outcomes across the state. The department shall present the
11 results of the evaluation as part of its presentation to its committee of
12 reference at the hearing held pursuant to section 2-7-203 (2)(a) of the
13 "State Measurement for Accountable, Responsive, and Transparent
14 (SMART) Government Act" in January 2027.

15 **26.5-3-707. [Formerly 26-6.5-407] Funding support.** The
16 department and the department of health care policy and financing shall
17 explore funding options for the program and improving access to mental
18 health consultants, including access to various funding sources, as well
19 as the children's basic health plan, article 8 of title 25.5, and the state
20 medical assistance program, articles 4 to 6 of title 25.5. On or before
21 January 1, 2023, the departments shall report on any identified funding
22 options to the joint budget committee of the general assembly as
23 necessary thereafter, in accordance with section 24-1-136.

24 PART 8

25 EMERGENCY RELIEF GRANT PROGRAMS

26 **26.5-3-801. [Formerly 26-6-801] Legislative declaration.**

27 (1) The general assembly finds and declares that:

1 (a) Colorado's economic recovery depends on its workforce
2 having access to stable, high-quality, and affordable child care.
3 Supporting the ability of Colorado's workforce to return to work during
4 and after the COVID-19 public health emergency is estimated to have an
5 economic enabling effect of more than four billion four hundred million
6 dollars in income.

7 (b) The COVID-19 public health emergency has significantly
8 impacted Colorado's child care sector by reducing child care provider
9 revenues while at the same time increasing expenses. Child care provider
10 operating costs have increased to include additional daily cleaning, daily
11 health monitoring, supplying personal protective equipment for child care
12 workers, and lower staff-to-child ratios to allow for sufficient physical
13 distancing.

14 (c) In Colorado, this additional cost burden has forced ten percent
15 of the state's child care providers to close their doors since March 2020.
16 Almost three-quarters of all child care providers indicate they have or will
17 engage in layoffs, furloughs, or pay cuts. For minority-owned or operated
18 child care providers, this figure is even higher. More than twenty-five
19 percent of existing child care providers report that closure is imminent
20 without some kind of financial intervention.

21 (d) Child care providers generate revenue primarily through
22 enrollment and tuition fees and the business model depends on full
23 enrollment;

24 (e) At every stage of the COVID-19 public health emergency,
25 parents have been faced with the difficult choice to pull their children
26 from child care, either due to health concerns or because the economic
27 recession has impacted their ability to afford it. Statewide, enrollment in

1 child care for children less than five years of age has decreased by
2 thirty-nine percent since the COVID-19 public health emergency began.

3 (f) Colorado faces other ongoing threats to the child care sector's
4 sustainability, including high turnover and low pay in the child care
5 profession, as well as the prohibitively expensive cost of opening and
6 operating a child care program;

7 (g) More than half of Coloradans live in a "child care desert",
8 where there are more than three children less than five years of age for
9 each single available child care opening. Some rural areas completely
10 lack licensed child care providers. Statewide, Colorado faces a dramatic
11 shortage of at least thirty-nine thousand spots for infants and toddlers.

12 (h) Most child care in Colorado is owned or operated by women,
13 and more than forty percent of our child care workforce is composed of
14 women of color. Furthermore, throughout the COVID-19 public health
15 emergency, women of color have been more likely to be on the front lines
16 as essential workers and are more likely to lose their jobs.

17 (i) Despite women's steadily increasing labor participation rates
18 and earning trajectories over the past twenty-five years, the COVID-19
19 public health emergency threatens to set back a generation of progress.
20 When women exit the workforce, they face more barriers than men do to
21 return, and their future earning potential and path to retirement security
22 suffers.

23 (j) Women have been disproportionately impacted by the
24 COVID-19 public health emergency: Almost one hundred seventy-nine
25 thousand women left Colorado's labor force between February and May
26 2020, compared to eighty-eight thousand men. Nationally, four times as
27 many women as men dropped out of the labor force in September 2020

1 alone. The impact of this trend on the United States' economy and the
2 well-being of women and families is estimated to amount to
3 approximately sixty-four million five hundred thousand dollars in lost
4 income and economic activity.

5 (2) (a) Therefore, the general assembly finds it is a matter of
6 statewide concern that we take immediate action to save and protect our
7 child care infrastructure, including offering a wide range of child care
8 options, including but not limited to public and private child care centers,
9 day care centers, school-age child care centers, before- and after-school
10 programs, nursery schools, kindergartens, preschools, church day care
11 centers, day camps, summer camps, facilities for children with intellectual
12 and developmental disabilities, and other facilities described in ~~section~~
13 ~~26-6-102(5)~~ SECTION 26.5-5-303. Supporting this mixed delivery of child
14 care enables the state to invest in its children's futures, advance gender
15 equity in the home and the workplace, and rebuild an economy that works
16 for all Coloradans. When Colorado families have access to child care,
17 everyone benefits.

18 (b) The general assembly further finds that, to assist the state's
19 workforce in returning to work and maintaining employment without
20 facing the difficult choice between working and accessing quality child
21 care, it is critical that the state allocate and quickly distribute funding to
22 existing and new child care providers throughout the state.

23 **26.5-3-802. [Formerly 26-6-802] Child care sustainability grant**
24 **program - created - timeline and criteria - grant awards - definitions.**

25 (1) As used in this section, unless the context otherwise requires:

26 (a) "Child care provider" means a child care center, as defined in
27 ~~section 26-6-102(5)~~ SECTION 26.5-5-303, or a family child care home, as

1 defined in ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that holds an open
2 license in good standing with the ~~state~~ department.

3 (b) "Eligible entity" means a licensed child care provider or a
4 neighborhood youth organization, as defined in ~~section 26-6-102 (26)~~
5 SECTION 26.5-5-303, that is open and operating.

6 (c) "Grant program" means the child care sustainability grant
7 program created in subsection (2) of this section.

8 (d) "Open and operating" means an eligible entity that is actively
9 providing services or care for children and that has updated its operational
10 status with the ~~state department's~~ DIVISION WITHIN THE DEPARTMENT THAT
11 IS RESPONSIBLE FOR child care licensing and administration. ~~unit.~~

12 (2) The child care sustainability grant program is created in the
13 ~~state~~ department. The purpose of the grant program is to address the
14 extent to which reduced enrollment and increased costs are impacting the
15 sustainability of licensed child care in Colorado, including licensed child
16 care capacity and quality level. The grant program will provide financial
17 support to eligible entities, including those that are in danger of closing.

18 (3) The ~~state~~ department shall create a process for soliciting,
19 vetting, awarding, and monitoring grants, pursuant to the sole source
20 procurement authority specified in section 24-103-205.

21 (4) (a) The ~~state~~ department shall develop a formula to allocate
22 money from the grant program to all eligible entities. The key criteria for
23 a grant award to an eligible entity is the eligible entity's licensed child
24 care capacity. In determining grant awards, the department shall also take
25 into consideration the criteria set forth in subsection (4)(b) of this section.
26 The ~~state~~ department is responsible for communicating important dates
27 and the criteria for grant awards to eligible entities in the state.

1 (b) The ~~state~~ department shall consider, at a minimum:

2 (I) Awarding grants to a wide array of eligible entities of varying
3 types and sizes;

4 (II) Ensuring that the grant money goes directly to eligible entities
5 located in a variety of regions throughout the state;

6 (III) Requiring that the eligible entity has provided written
7 commitment to submit any reports required by the ~~state~~ department;

8 (IV) Supporting, as much as possible, eligible entities that are not
9 already fully supported through existing state or federal funds, such as the
10 head start program, as defined in ~~section 26-2-802.5 (4)~~ SECTION
11 26.5-4-103; ~~or the Colorado preschool program, created in article 28 of~~
12 ~~title 22;~~ and

13 (V) Considering an eligible entity's quality rating through the
14 Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION
15 26.5-5-101.

16 (5) The department shall determine grant award amounts for
17 eligible entities as soon as possible.

18 ~~(6) Repealed.~~

19 **26.5-3-803. [Formerly 26-6-803] Emerging and expanding child**
20 **care grant program - created - timeline and criteria - grant awards**
21 **- definitions.** (1) As used in this section, unless the context otherwise
22 requires:

23 (a) "Child care center" has the same meaning as set forth in
24 ~~section 26-6-102 (5)~~ SECTION 26.5-5-303.

25 (b) "Child care desert" means a community or area in the state
26 where there are more than three children less than five years of age for
27 each single available child care slot.

1 (c) "Child care provider" or "provider" means a child care center
2 or a family child care home that holds an open license in good standing
3 with the ~~state~~ department.

4 (d) "Early childhood council" means an early childhood council
5 identified or established locally in communities throughout the state
6 pursuant to ~~section 26-6.5-103 or 26-6.5-106~~ SECTION 26.5-2-203.

7 (e) "Eligible entity" means a licensed child care provider that is
8 open and operating or an applicant actively pursuing a child care provider
9 license through the ~~state~~ department's child care licensing and
10 administration unit. "Eligible entity" includes family, friends, or
11 neighbors who provide license-exempt child care pursuant to ~~this article~~
12 ~~6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~, but who are actively obtaining
13 a license through the ~~state department's~~ DIVISION WITHIN THE
14 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and
15 administration. ~~unit~~.

16 (f) "Expansion" means licensed child care capacity expansion, by
17 any means, for an existing licensed child care provider.

18 (g) "Family child care home" has the same meaning as set forth
19 in ~~section 26-6-102 (13)~~ SECTION 26.5-5-303.

20 (h) "Grant program" means the emerging and expanding child
21 care grant program created in subsection (2) of this section.

22 (i) "Open and operating" means a child care provider that is
23 actively providing care for children and that has updated its operational
24 status with the ~~state~~ department's child care licensing and administration
25 unit.

26 (2) (a) The emerging and expanding child care grant program is
27 created in the ~~state~~ department. The purpose of the grant program is to

1 expand access and availability of licensed child care throughout the state.

2 (b) An award from the grant program may be used for costs
3 associated with expanding an open and operating child care center or
4 family child care home or to assist an eligible entity with start up of a new
5 child care center or family child care home. Costs may include, but are
6 not limited to, staff training, background check fees, cleaning supplies,
7 educational supplies, and capital and facility improvement costs.

8 (3) The ~~state~~ department shall create a process for soliciting,
9 vetting, awarding, and monitoring grants through statewide early
10 childhood councils.

11 (4) (a) ~~On or before January 2, 2021, the state~~ THE department
12 shall develop an application process for an eligible entity to follow when
13 requesting a grant from the grant program. The application must include
14 the award criteria set forth in subsection (4)(c) of this section and any
15 applicable timelines established by the ~~state~~ department. The ~~state~~
16 department shall award grants to an eligible entity based on the eligible
17 entity's need as well as the application criteria set forth in subsection
18 (4)(c) of this section.

19 (b) A grant award must range from at least three thousand dollars
20 to no more than two hundred thousand dollars. In awarding a grant, the
21 ~~state~~ department shall use the applicant's existing or proposed licensed
22 child care capacity, as well as the applicant's need, as key criteria in
23 determining the amount of the grant award and shall prioritize making
24 multiple smaller grant awards.

25 (c) In determining grant awards, the ~~state~~ department shall
26 consider eligible entities located in a child care desert. The ~~state~~
27 department shall also consider eligible entities that have or are actively

1 pursuing:

2 (I) A fiscal agreement with the Colorado child care assistance
3 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE
4 4 OF THIS TITLE 26.5;

5 (II) A commitment to engaging in quality improvement activities
6 through the Colorado shines system, established in ~~section 26-6.5-106 (5)~~
7 SECTION 26.5-5-101, within eighteen months of receipt of their grant
8 award;

9 (III) A memorandum of understanding in place with their early
10 childhood council to ensure support from the council; and

11 (IV) An application to the ~~state department's~~ DIVISION WITHIN THE
12 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and
13 administration ~~unit~~ and are working with their licensing specialist to
14 determine capital or facility improvement or expansion needs and
15 opportunities.

16 (d) Eligible entities that are applying for a grant award shall:

17 (I) Provide assurance to the ~~state~~ department that zoning, fire, and,
18 if applicable, health approval are underway prior to receiving grant
19 funding; and

20 (II) Provide a written commitment to submit any reports required
21 by the ~~state~~ department to demonstrate progress toward successful
22 licensing or expansion through the ~~state department's~~ DIVISION WITHIN
23 THE DEPARTMENT THAT IS RESPONSIBLE FOR licensing and administration.
24 ~~unit~~.

25 (5) On or before January 31, 2021, or as soon as practicable after
26 December 7, 2020, the ~~state~~ department shall begin the grant award
27 process to eligible entities.

1 ~~(6) Repealed.~~

2 **26.5-3-804. [Formerly 26-6-804] Employer-based child care**
3 **facility grant program - created - timeline and criteria - eligibility -**
4 **grant awards - reports - definitions - repeal.** (1) As used in this
5 section, unless the context otherwise requires:

6 (a) "Child care center" has the same meaning as set forth in
7 ~~section 26-6-102~~ SECTION 26.5-5-303.

8 (b) "Child care desert" means a community or area in the state
9 where there are more than three children less than five years of age for
10 each available child care slot.

11 (c) "Eligible entity" means a Colorado employer or multiple
12 employers.

13 (d) "Grant program" means the employer-based child care facility
14 grant program created in subsection (2) of this section.

15 (2) There is created in the department the employer-based child
16 care facility grant program. The purpose of the grant program is to
17 provide eligible entities with money to construct, remodel, renovate, or
18 retrofit a child care center on the site or near to the site of the eligible
19 entity's property to provide licensed child care services to the eligible
20 entity's employees, thus supporting the eligible entity's workforce
21 participation and providing safe, stable, and quality care for the eligible
22 entity's employees' children.

23 (3) The department shall solicit and review grant applications
24 from eligible entities beginning on or before June 30, 2021, and begin to
25 award grants no later than September 1, 2021. Each application must
26 include, at a minimum:

27 (a) A business plan that includes:

1 (I) A description of the construction, renovation, remodeling, or
2 retrofitting of a child care center on-site or near to the site of the eligible
3 entity;

4 (II) A commitment to provide a financial match, as described in
5 subsection (4) of this section;

6 (III) A description of how the eligible entity will address the
7 particular child care needs among the eligible entity's employees, such as
8 nontraditional-hour care or infant and toddler care;

9 (IV) A description of how the eligible entity will financially
10 sustain the child care center beyond the grant period;

11 (V) The estimated total cost and budget for the construction,
12 renovation, remodeling, or retrofitting of the child care center;

13 (VI) If the eligible entity leases the space to be renovated,
14 remodeled, retrofitted, or have a new facility constructed on the property,
15 a copy of a current, valid lease that contains specific authorizations from
16 the property owner to make the requested alterations to the property or a
17 written statement from the landlord expressing consent to the requested
18 alterations;

19 (VII) Written assurance that the eligible entity will connect its
20 employees to resources describing available public early childhood care
21 and education assistance; and

22 (VIII) Any other components the department requires to
23 adequately assess the grant application, including a commitment
24 regarding the duration of time the eligible entity seeks to occupy the space
25 to be renovated, remodeled, retrofitted, or constructed;

26 (b) Written assurance that the eligible entity will obtain a child
27 care license pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF

1 THIS TITLE 26.5; and

2 (c) Written assurance that the employees of the eligible entity will
3 have first priority for open slots at the child care center before those slots
4 are offered to nonemployees.

5 (4) Eligible entities must provide a financial match to a grant
6 award as follows:

7 (a) A for-profit employer shall provide a fifty percent match; and

8 (b) A nonprofit or government employer shall provide a
9 twenty-five percent match.

10 (5) In determining grant awards for the grant program, the
11 department shall consider applicants that might require waiver of child
12 care licensing rules in the following areas:

13 (a) A location that prevents the applicant from offering child care
14 programs on the ground floor; and

15 (b) A location that prevents the applicant from providing an
16 outdoor space.

17 (6) In determining grant awards for the grant program, the
18 department shall prioritize:

19 (a) Applicants that serve a high percentage of employees with
20 wages below the area's median income;

21 (b) Applications with plans to meet the level four standard of the
22 Colorado shines quality rating and improvement system, pursuant to
23 ~~section 26-6.5-106 (5)~~ SECTION 26.5-5-101;

24 (c) Applications with a stated commitment to and a business plan
25 for a well-compensated child care staff;

26 (d) Applications with a plan for innovative models, such as
27 co-ops, hubs, or microcenters;

1 (e) Applicants with a plan to serve children in child care deserts
2 or in regions with low child care capacity;

3 (f) Applicants with staff that represent or reflect the linguistic and
4 cultural diversity of the families living or working in their community,
5 including dual-language learners; and

6 (g) Applicants whose primary industry and area of business is
7 other than child care.

8 (7) The department shall provide grantees with information and
9 referrals to services that support implementation of quality care,
10 including:

11 (a) Training for teachers and directors on quality child care,
12 including linguistically and culturally competent care, child development,
13 and program improvement; and

14 (b) Public early childhood assistance programs for families,
15 including, but not limited to:

16 (I) Child care subsidies;

17 (II) Preschool and early childhood education assistance; and

18 (III) Child nutrition programs.

19 (8) On or before January 30, 2023, and on or before January 30,
20 2024, the department shall report progress on the grant program as part
21 of its "State Measurement for Accountable, Responsive, and Transparent
22 (SMART) Government Act" hearing required by section 2-7-203. At a
23 minimum, the report must include:

24 (a) The number of eligible entities that received a grant through
25 the grant program;

26 (b) The number of children and families that received child care
27 services as a result of the grants, reported in aggregate and by grantee;

1 (c) The number of early childhood educators and staff hired as a
2 result of the grant program;

3 (d) The Colorado shines quality rating of each grantee;

4 (e) Any innovative approaches that were used as a result of the
5 grant program that may be replicated by other employers; and

6 (f) Any other relevant information about the grant program,
7 including the industry type of the entity and geographic region served by
8 the entity.

9 (9) This section is repealed, effective July 1, 2024.

10 **26.5-3-805. [Formerly 26-6-805] Early care and education**
11 **recruitment and retention grant and scholarship program - created**
12 **- criteria and eligibility - grant and scholarship awards - reports -**
13 **rules - definitions.** (1) As used in this section, unless the context
14 otherwise requires:

15 (a) "Early childhood educator" means an individual who holds an
16 early childhood professional credential or qualification.

17 (b) "Eligible entity" is any entity described in subsection (3) of
18 this section.

19 (c) "Program" means the early care and education recruitment and
20 retention grant and scholarship program created in subsection (2) of this
21 section.

22 (2) There is created in the department the early care and education
23 recruitment and retention grant and scholarship program. The department
24 shall administer, directly or by contract, the program. The purposes of the
25 program are to:

26 (a) Increase the number of individuals throughout the state who
27 are qualified to serve as early childhood educators, including qualified

1 multilingual and culturally competent educators, in programs licensed by
2 the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF
3 THIS TITLE 26.5 that serve children five years of age or younger; and

4 (b) Retain early childhood educators who are working in programs
5 licensed by the department that serve children five years of age or
6 younger.

7 (3) The department shall establish a process for eligible entities
8 to apply for a grant that aligns with the purposes of the program. Entities
9 that are eligible to apply for a grant from the program include, but are not
10 limited to:

11 (a) Nonprofit entities that administer or plan to administer
12 scholarship programs that are aligned with the purposes of the program;

13 (b) Early child care and education programs licensed by the
14 department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS
15 TITLE 26.5 and that are serving children five years of age or younger; and

16 (c) Institutions of higher education that administer scholarship
17 programs that are aligned with the purposes of the program.

18 (4) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules
19 regarding criteria, timelines, and the administration of the program
20 pursuant to the requirements outlined in this section.

21 (5) The department shall seek and accept applications from
22 eligible entities to award program grant money for eligible purposes. The
23 department shall coordinate with the department of higher education to
24 ensure effective administration of program grant money awarded to state
25 public institutions of higher education. Eligible expenditures of grant or
26 scholarship money by recipients include:

27 (a) Administration by a nonprofit entity of a scholarship program

1 up to a fixed dollar amount or percentage of grant proceeds, as
2 determined and published by the department;

3 (b) Payment of tuition, fees, and materials, including books and
4 any other materials as determined by the department, for courses that lead
5 to a degree or credential or for other formal training, any of which results
6 in a recipient who was not qualified to become qualified as an early
7 childhood educator in a child care program licensed pursuant to ~~part 1 of~~
8 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children
9 five years of age or younger;

10 (c) Payment of tuition, fees, and materials, including books and
11 any other materials as determined by the department, for a recipient who
12 is already credentialed as an early childhood educator for courses that
13 lead to a degree or a higher level credential or for other formal training,
14 any of which results in the recipient being eligible for a higher level
15 credential in the department's professional development information
16 system or a higher degree or qualification that results in longer retention
17 of the recipient in a child care program licensed pursuant to ~~part 1 of this~~
18 ~~article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children five
19 years of age or younger;

20 (d) Payment for costs associated with a credentialed early
21 childhood educator earning a coaching, formal trainer, mentorship, or
22 professional development certification that allows the early childhood
23 educator to serve as a trainer or mentor of other current or potential early
24 childhood educators pursuing programming that leads to a credential;

25 (e) Payments to licensed providers to cover paid release time for
26 individuals, substitutes, and program costs to allow eligible individuals
27 to pursue programs, course work, credentials, degrees, and other formal

1 training that increases the number of qualified early childhood educators
2 or retains current early childhood educators in child care programs
3 licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF
4 ARTICLE 5 OF THIS TITLE 26.5;

5 (f) Payments to licensed providers, schools, community colleges,
6 institutions of higher education, early childhood councils, or other local
7 nonprofit entities to cover the costs of "grow-your-own" programs that
8 support current parents, staff, or local community members to meet
9 qualifications to serve as an early childhood educator to complete
10 appropriate programs, certifications, or training that results in participants
11 being able to serve as qualified early childhood educators in child care
12 programs licensed by the department pursuant to ~~part 1 of this article 6~~
13 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5;

14 (g) Payments to licensed providers to cover the costs of promoting
15 teachers to coaching and mentorship roles with the intent of increasing
16 access to coaching and professional learning communities and to provide
17 flexibility in scheduling for early childhood educators;

18 (h) Raises, bonuses, and other financial incentives, including loan
19 forgiveness provided by licensed early childhood educator programs or
20 through scholarship programs, for current or potential early childhood
21 educators to reward progress toward qualifications that allow the
22 individual to serve as an early childhood educator in an early child care
23 and education program licensed by the department pursuant to ~~part 1 of~~
24 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, or to improve
25 retention of early childhood educators in early child care and education
26 programs licensed by the department pursuant to ~~part 1 of this article 6~~
27 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5; and

1 (i) Payments for registered apprenticeships for work-based
2 learning opportunities for individuals interested in entering the field of
3 early child care and education, serving children five years of age or
4 younger, so that they can receive on-the-job training, classroom
5 instruction, and financial rewards for gains in skills and earn credentials,
6 credits, or higher education degrees. Any such apprenticeship program
7 must create pathways into the early child care and education profession.
8 The department, in consultation with the department of labor and
9 employment, the department of higher education, and the department of
10 education, shall:

11 (I) Define and establish eligibility criteria for eligible entities to
12 receive money to implement apprenticeships;

13 (II) Establish program standards for formally recognized early
14 childhood apprenticeship programs. These standards must address
15 expectations for employer involvement; on-the-job training, credit, and
16 credential attainment; ensuring the availability of relevant training and
17 classroom instruction; rewards for skills gains; and support for local
18 implementation; and

19 (III) Add monetary awards for the following uses of early
20 childhood apprenticeships, as appropriate:

21 (A) Supporting existing apprenticeship programs or the creation
22 of new apprenticeship programs by making money available to eligible
23 entities;

24 (B) Supporting existing apprenticeship programs by expanding
25 their reach to serve more apprentices;

26 (C) Technical assistance relating to establishing the partnerships
27 necessary to create apprenticeships;

- 1 (D) Money for the recruitment of mentor teachers;
- 2 (E) Incentives for program participants;
- 3 (F) Financial rewards for skills gained in the apprenticeship
- 4 program;
- 5 (G) Incentives for department-licensed providers to participate in
- 6 apprenticeships;
- 7 (H) Money to cover the costs of classroom training and
- 8 instruction;
- 9 (I) Money to cover the costs of earning a credential; and
- 10 (J) Money to support on-the-job training.

11 (6) (a) As part of participating in the program, the department
12 shall require each eligible entity, as described in subsection (3) of this
13 section, that receives grant program money to report program outcomes
14 to the department, as applicable, including, but not limited to, the
15 increase, as a result of the program, in the number of individuals
16 credentialed to teach or who receive a higher level credential to teach at
17 early child care and education programs licensed by the department
18 pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5
19 that serve children five years of age or younger, as well as information
20 relating to retention of early childhood educators as a result of the
21 program.

22 (b) So long as the department is awarding grant and scholarship
23 money pursuant to this part 8, the department shall summarize and post,
24 at least every two years, the information described in subsection (6)(a) of
25 this section on the portion of the department's website relating to early
26 childhood education.

27 **26.5-3-806. [Formerly 26-6-806] Child care teacher salary**

1 **grant program - created - timeline - criteria and eligibility - grant**
2 **awards - reports - definitions.** (1) As used in this section, unless the
3 context otherwise requires:

4 (a) "CCCAP" means the Colorado child care assistance program
5 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS
6 TITLE 26.5.

7 (b) "Child care center" has the same meaning as set forth in
8 ~~section 26-6-102~~ SECTION 26.5-5-303.

9 (c) "Eligible entity" means a child care center licensed pursuant
10 to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or a
11 family child care home that has the following components:

12 (I) Authorization to serve families pursuant to CCCAP; and

13 (II) A quality rating of at least a level three pursuant to the
14 Colorado shines quality rating and improvement system established in
15 ~~section 26-6.5-106~~ SECTION 26.5-5-101.

16 (d) "Family child care home" has the same meaning as set forth
17 in ~~section 26-6-102~~ SECTION 26.5-5-303.

18 (e) "Grant program" means the child care teacher salary grant
19 program created in subsection (2) of this section.

20 (2) There is created in the department the child care teacher salary
21 grant program. The purpose of the grant program is to allow eligible
22 entities to apply for a grant to increase the salaries of its early childhood
23 educators.

24 (3) The department shall solicit and review applications from
25 eligible entities. Each application must, at a minimum, include:

26 (a) A description of the number of early childhood educators
27 proposed to receive a salary increase;

1 (b) Verification that the eligible entity has had a quality rating of
2 at least level three under the Colorado shines quality rating and
3 improvement system during the past twelve months and specification of
4 that quality rating level;

5 (c) Verification that the eligible entity is authorized to administer
6 subsidies under CCCAP;

7 (d) Verification that the eligible entity is actively serving families
8 that are subsidized through CCCAP; and

9 (e) Written attestation the money received from the grant program
10 will only be used to increase salaries of early childhood educators, as
11 specified in subsection (4) of this section.

12 (4) The department shall establish the percentage of salary
13 increase for each early childhood educator, based on the number of
14 applications and available appropriations.

15 **26.5-3-807. [Formerly 26-6-807] Community innovation and**
16 **resilience for care and learning equity (CIRCLE) grant program -**
17 **created - criteria - definitions.** (1) As used in this section, unless the
18 context otherwise requires:

19 (a) "Child care center" has the same meaning as set forth in
20 ~~section 26-6-102~~ SECTION 26.5-5-303.

21 (b) "Eligible entity" includes any one of the following:

22 (I) A child care center or family child care home that is eligible to
23 receive federal child care and development block grant funding pursuant
24 to 42 U.S.C. sec. 9858;

25 (II) A local early childhood council, as defined in ~~section~~
26 ~~26-6.5-101.5~~ SECTION 26.5-2-202; or

27 (III) Any other community-based or education-based entity or

1 government agency approved by the department and that proposes grant
2 activities described in subsection (2) of this section.

3 (c) "Family child care home" has the same meaning as set forth in
4 ~~section 26-6-102~~ SECTION 26.5-5-303.

5 (d) "Grant program" means the community innovation and
6 resilience for care and learning equity (CIRCLE) grant program created
7 in subsection (2) of this section.

8 (2) There is created in the department the community innovation
9 and resilience for care and learning equity (CIRCLE) grant program. The
10 purpose of the grant program is to address systemic challenges for early
11 care and learning providers that have worsened as a result of the
12 economic, social, and health impacts of the COVID-19 public health
13 emergency and to promote innovation to improve outcomes for children
14 and families.

15 (3) An eligible entity may apply for a grant from the grant
16 program for the following purposes:

17 (a) Improving the affordability of child care for families whose
18 children are not served by the Colorado child care assistance program,
19 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS
20 TITLE 26.5, including, but not limited to, any of the following approaches:

21 (I) Tuition subsidies or scholarships;

22 (II) Developing public-private partnerships; or

23 (III) Employer-based cost-sharing approaches;

24 (b) Increasing access to child care for children from birth to three
25 years of age;

26 (c) Strengthening business practices of child care programs;

27 (d) Ensuring equitable access for children, including children with

- 1 special needs and dual-language learner children; or
- 2 (e) Other approaches to improve early childhood transitions,
3 workforce preparation, affordability, outcomes, or innovative practices.
- 4 (4) The department shall solicit and review applications from
5 eligible entities. Each application must include, at a minimum:
- 6 (a) A description of the activities for which the eligible entity will
7 use the grant money;
- 8 (b) A description of any partnerships that an eligible entity intends
9 to establish to carry out its grant activities;
- 10 (c) A description of how the activities listed in subsection (4)(a)
11 of this section will achieve the purposes of the grant program; and
- 12 (d) A detailed budget to carry out the activities listed in subsection
13 (4)(a) of this section.

14 **PART 9**

15 **FAMILY STRENGTHENING HOME VISITING PROGRAMS**

16 **26.5-3-901. Legislative declaration.** (1) **THE GENERAL**
17 **ASSEMBLY FINDS AND DECLARES THAT:**

18 (a) **TRADITIONAL METHODS OF DELIVERING**
19 **FAMILY-STRENGTHENING SERVICE PROGRAMS, WHICH OFTEN REQUIRE**
20 **PARENTS AND THEIR CHILDREN TO TRAVEL TO A PROGRAM SITE TO ACCESS**
21 **SERVICES DELIVERED SIMULTANEOUSLY TO MULTIPLE FAMILIES, OFTEN**
22 **CREATE BARRIERS, SUCH AS LIMITED ACCESS TO TRANSPORTATION OR**
23 **CREATION OF A STIGMA AROUND RECEIVING SERVICES, THAT PREVENT**
24 **FAMILIES, ESPECIALLY LOW-INCOME FAMILIES, FROM RECEIVING THE**
25 **BENEFITS OF THE SERVICES;**

26 (b) **EVIDENCE DEMONSTRATES THAT VOLUNTARY, HIGH-QUALITY,**
27 **EVIDENCE-BASED PROGRAMS THAT DELIVER FAMILY-STRENGTHENING**

1 SUPPORT SERVICES HELP PARENTS AND OTHER CAREGIVERS DEVELOP THE
2 SKILLS AND CONFIDENCE NEEDED TO PROMOTE THEIR CHILDREN'S
3 HEALTHY DEVELOPMENT AND LEARNING;

4 (c) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT IS
5 SUCCESSFULLY USED TO DELIVER A WIDE ARRAY OF HIGH-QUALITY,
6 VOLUNTARY FAMILY-STRENGTHENING SUPPORT SERVICES AND THAT
7 ENABLES FAMILIES TO OVERCOME BARRIERS TO ACCESS BECAUSE THE
8 SERVICES ARE DELIVERED IN THE HOME OR OTHER CONVENIENT SETTINGS,
9 WHICH ARE OFTEN SELECTED BY THE FAMILY;

10 (d) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT CAN
11 BE LEVERAGED TO PROVIDE HIGH-QUALITY, VOLUNTARY,
12 FAMILY-STRENGTHENING SUPPORT SERVICES TO MORE COLORADO
13 FAMILIES WHO HAVE FEWER RESOURCES AND ARE EXPOSED TO RISK
14 FACTORS THAT MAY LEAD TO POOR OUTCOMES IN CHILD DEVELOPMENT.
15 USING HOME VISITING TO PROVIDE THESE SERVICES RESULTS IN A STRONG
16 RETURN ON INVESTMENT BY IMPROVING SCHOOL READINESS AND HELPING
17 COLORADO'S CHILDREN REACH THEIR FULL POTENTIAL.

18 (e) FAMILY-STRENGTHENING SUPPORT SERVICES THAT ARE
19 DELIVERED THROUGH HOME VISITING HAVE ALSO DEMONSTRATED
20 IMPROVED FAMILY AND CHILD OUTCOMES BY PROMOTING SOLID
21 PARENT-CHILD RELATIONSHIPS, IMPROVING CHILD AND PARENTAL
22 SOCIAL-EMOTIONAL AND PHYSICAL HEALTH, IMPROVING FAMILY
23 ECONOMIC SECURITY, IDENTIFYING DEVELOPMENTAL DELAYS EARLY,
24 PROVIDING TIMELY CHILD WELFARE INTERVENTION SERVICES, AND
25 PREVENTING TRAUMA AND TOXIC STRESS.

26 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT
27 AUTHORIZING GRANT PROGRAMS TO SUPPORT HOME VISITING PROGRAMS

1 THAT DELIVER HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING
2 SUPPORT SERVICES IS ONE OF THE BEST STRATEGIES AVAILABLE TO
3 SUPPORT PARENTS AND OTHER CAREGIVERS IN PREPARING CHILDREN FOR
4 FUTURE SUCCESS AND ENSURE ALL COLORADO CHILDREN ARE READY TO
5 LEARN WHEN THEY ARRIVE AT SCHOOL.

6 **26.5-3-902. Definition.** AS USED IN THIS PART 9, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES, "HOME VISITING" MEANS A
8 TWO-GENERATION DELIVERY STRATEGY THAT IS DESIGNED TO OVERCOME
9 BARRIERS TO ACCESSING SERVICES BY PROVIDING A COMPREHENSIVE
10 ARRAY OF VOLUNTARY, EVIDENCE-BASED, FAMILY-STRENGTHENING
11 SERVICES TO A FAMILY IN A LOCATION USUALLY SELECTED BY THE FAMILY
12 THAT IS CONGRUENT WITH THE SERVICES BEING PROVIDED, WHICH
13 LOCATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAMILY'S
14 HOME, A HEALTH CARE SETTING, OR A FAMILY RESOURCE CENTER.

15 **26.5-3-903. Family-strengthening grant programs - authorized**
16 **requirements - implementation partner - rules.** (1) THE DEPARTMENT
17 IS AUTHORIZED TO OPERATE GRANT PROGRAMS TO SUPPORT LOCAL
18 PROVIDERS IN DELIVERING HIGH-QUALITY, VOLUNTARY,
19 FAMILY-STRENGTHENING SUPPORT SERVICES USING HOME VISITING
20 STRATEGIES THAT ARE DESIGNED TO OVERCOME THE ACCESS BARRIERS
21 OFTEN CREATED BY TRADITIONAL DELIVERY STRATEGIES. THE EXECUTIVE
22 DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT GRANT
23 PROGRAMS AS AUTHORIZED IN THIS SECTION.

24 (2) ANY GRANT PROGRAMS THAT THE DEPARTMENT OPERATES
25 PURSUANT TO THIS SECTION MUST BE DESIGNED TO AWARD GRANTS TO
26 FAMILY SUPPORT SERVICES PROVIDERS THAT PROVIDE A CONTINUUM OF
27 HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES

1 THAT:

2 (a) SERVE FAMILIES AT SOME POINT DURING THE PERIOD THAT

3 EXTENDS FROM PREGNANCY THROUGH THE CHILD'S ENROLLMENT IN EARLY

4 ELEMENTARY SCHOOL GRADES;

5 (b) ARE EVIDENCE-BASED AND HAVE DEMONSTRATED SIGNIFICANT

6 POSITIVE OUTCOMES IN ONE OR MORE OF THE FOLLOWING AREAS:

7 (I) CHILD DEVELOPMENT AND SCHOOL READINESS;

8 (II) FAMILY ECONOMIC SELF-SUFFICIENCY;

9 (III) MATERNAL AND CHILD HEALTH;

10 (IV) REDUCTIONS IN CHILD MALTREATMENT;

11 (V) FAMILY LINKAGES AND REFERRALS TO RESOURCES; AND

12 (VI) POSITIVE PARENTING PRACTICES; AND

13 (c) ARE DELIVERED USING A HOME VISITING STRATEGY TO PROVIDE

14 FAMILY SERVICES THAT IS BASED ON A NATIONAL MODEL FOR HOME

15 VISITING SERVICES OR HAS BEEN OTHERWISE PROVEN EFFECTIVE IN

16 OVERCOMING BARRIERS TO ACCESSING SERVICES;

17 (3) IN IMPLEMENTING A FAMILY-STRENGTHENING GRANT PROGRAM

18 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH AN

19 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS BASED ON A

20 NATIONAL MODEL FOR DELIVERING FAMILY-STRENGTHENING SERVICES,

21 THE DEPARTMENT SHALL CONTRACT WITH A LOCAL PUBLIC OR PRIVATE

22 ENTITY THAT IS CERTIFIED, OR OTHERWISE AUTHORIZED, TO LEAD IN

23 IMPLEMENTING THE NATIONAL MODEL IN THE STATE, TO ACT AS THE

24 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS NOT BASED ON A

25 NATIONAL MODEL, THE DEPARTMENT SHALL ISSUE A REQUEST FOR

26 PROPOSALS TO SELECT AN IMPLEMENTATION PARTNER. THE PUBLIC OR

27 PRIVATE ENTITY THAT THE DEPARTMENT SELECTS MUST, AT A MINIMUM,

1 HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE WITH HOME VISITING
2 AND THE TYPES OF FAMILY-STRENGTHENING SERVICES THAT MEET THE
3 PURPOSE OF THE GRANT PROGRAM. THE DUTIES OF AN IMPLEMENTATION
4 PARTNER MAY BE ESTABLISHED BY DEPARTMENT RULE AND MAY VARY
5 BASED ON THE PURPOSE OF A PARTICULAR GRANT PROGRAM, BUT MUST, AT
6 A MINIMUM, INCLUDE:

7 (a) ASSISTING THE DEPARTMENT IN REVIEWING APPLICATIONS AND
8 SELECTING GRANTEEES; AND

9 (b) WORKING WITH APPLICANTS TO COMPLETE A COMMUNITY
10 READINESS ASSESSMENT WHEN NEEDED.

11 (4) THIS PART 9 DOES NOT APPLY TO NOR AFFECT
12 IMPLEMENTATION OF THE "COLORADO NURSE HOME VISITOR PROGRAM
13 ACT", PART 5 OF THIS ARTICLE 3.

14 **ARTICLE 4**

15 **Child Care and Education**

16 **PART 1**

17 **COLORADO CHILD CARE ASSISTANCE PROGRAM**

18 **26.5-4-101. [Formerly 26-2-801] Short title.** ~~This part 8 shall be~~
19 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 1 IS THE
20 "Colorado Child Care Assistance Program Act".

21 **26.5-4-102. [Formerly 26-2-802] Legislative declaration.**

22 (1) The general assembly hereby finds and declares that:

23 (a) The state's policies in connection with the provision of child
24 care assistance and the effective delivery of such assistance are critical to
25 the ultimate success of any welfare reform program;

26 (b) Children in low-income families who receive services through
27 a child care assistance program need and deserve the same access to a

1 broad range of child care providers as do children in families who do not
2 need assistance;

3 (c) It is critical to provide low- to moderate-income families with
4 access to high-quality, affordable child care that fosters healthy child
5 development and school readiness, while at the same time promotes
6 family self-sufficiency and attachment to the workforce; and

7 (d) Individual counties play a vital role in administering the child
8 care assistance program and have local knowledge of their individual
9 community needs.

10 (2) Therefore, the general assembly hereby finds and declares that
11 it is in the best interests of the state to:

12 (a) Adopt the Colorado child care assistance program set forth in
13 this ~~part 8~~ PART 1;

14 (b) Adopt a consistent, statewide plan for child care provider
15 reimbursement rates with a goal of ~~a floor of the seventy-fifth percentile~~
16 ~~of each county's market rate~~ PAYMENT RATES THAT ADEQUATELY COVER
17 THE COST OF QUALITY CHILD CARE to facilitate and increase access to
18 high-quality child care for low-income families;

19 (c) Achieve parity across counties in the state with regard to the
20 CCCAP program and funding allocation.

21 **26.5-4-103. [Formerly 26-2-802.5] Definitions.** As used in this
22 ~~part 8~~ PART 1, unless the context otherwise requires:

23 (1) "Child care assistance program" or "CCCAP" means the
24 Colorado child care assistance program established in this ~~part 8~~ PART 1.

25 (2) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" MEANS THE
26 STATE PRESCHOOL PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 4.

27 ~~(2)~~(3) "Early care and education provider" means a school district

1 or provider that is licensed pursuant to ~~part 1 of article 6 of this title~~ PART
2 3 OF ARTICLE 5 OF THIS TITLE 26.5 or that participates in the Colorado
3 preschool program pursuant to article 28 of title 22, ~~C.R.S.~~ AS IT EXISTS
4 PRIOR TO JULY 1, 2023, OR THE COLORADO UNIVERSAL PRESCHOOL
5 PROGRAM PURSUANT TO PART 2 OF THIS ARTICLE 4.

6 ~~(3) "Early childhood council" means an early childhood council~~
7 ~~established pursuant to part 1 of article 6.5 of this title.~~

8 (4) "ENROLLMENT CONTRACT" MEANS A CONTRACTUAL
9 AGREEMENT DIRECTLY WITH A PROVIDER OR NETWORK THAT ASSURES A
10 SPECIFIED NUMBER OF CHILD CARE SERVICE ENROLLMENTS WILL BE MADE
11 AVAILABLE TO SERVE A SPECIFIED NUMBER OF CHILDREN WHO QUALIFY
12 FOR CHILD CARE ASSISTANCE. ENROLLMENT CONTRACTS ARE AN
13 ALLOWABLE USE OF FEDERAL CHILD CARE FUNDS.

14 ~~(4)~~ (5) "Head start program" means a program operated by a local
15 public or private nonprofit agency designated by the federal department
16 of health and human services to operate a head start program ~~under~~
17 PURSUANT TO the provisions of Title V of the federal "Economic
18 Opportunity Act of 1964", as amended.

19 ~~(5)~~ (6) "High-quality early childhood program" means a program
20 that is operated by a provider with a fiscal agreement through CCCAP
21 and that is in the top three levels of the state's quality rating and
22 improvement system, is accredited by a ~~state~~ department-approved
23 accrediting body, or is an early head start or head start program that meets
24 federal standards.

25 ~~(6)~~ (7) "Participant" means a participant, as defined in section
26 26-2-703 (15), in the Colorado works program.

27 ~~(7)~~ (8) "Provider" means a child care provider licensed pursuant

1 to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5
2 that has a ~~fiscal agreement with the county~~ AN AGREEMENT OR
3 ENROLLMENT CONTRACT to participate in the child care assistance
4 program.

5 (8) (9) "Regular ~~daily~~ provider reimbursement rate" means the
6 base ~~daily~~ rate paid for child care and excludes any additional payment
7 for ~~absences, holidays, and other~~ additional fees that are included in the
8 reimbursement paid to providers.

9 (9) "~~Tiered reimbursement~~" means a pay structure that reflects an
10 ~~increased rate of reimbursement for high-quality early childhood~~
11 ~~programs that receive CCCAP moneys.~~

12 (10) "Works program" means the Colorado works program
13 established pursuant to part 7 of ~~this article~~ ARTICLE 2 OF TITLE 26.

14 **26.5-4-104. [Formerly 26-2-803] Provider rates.** (1) (a) ~~The~~
15 ~~state department, in consultation with the counties, shall contract every~~
16 ~~three years for a market rate study of provider rates that account for~~
17 ~~quality of care, age group, and type of care for each county as~~
18 ~~recommended by the early childhood leadership commission created in~~
19 ~~section 26.5-1-302. Notwithstanding the provisions of section 24-1-136~~
20 ~~(11)(a)(I), copies of the study must be provided to the joint budget~~
21 ~~committee on or before January 2, 2024, and on or before January 2 every~~
22 ~~three years thereafter~~ NO LATER THAN JULY 1, 2025, AND AT LEAST EVERY
23 THREE YEARS THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH
24 COUNTY DEPARTMENTS AND CHILD CARE PROVIDERS, SHALL DEVELOP THE
25 CALCULATION OF PROVIDER RATES WITH THE GOAL OF EVENTUALLY
26 ENSURING THE PROVIDER RATES MORE ACCURATELY REFLECT THE COST OF
27 CHILD CARE RATHER THAN FAMILIES' ABILITY TO PAY. THE DEPARTMENT

1 MAY CONTRACT FOR ASSISTANCE IN DEVELOPING THE CALCULATION. THE
2 CALCULATION MUST ACCOUNT FOR THE COST OF QUALITY CARE AND MAY
3 VARY BY AGE GROUP, REGION, AND TYPE OF CARE. THE DEPARTMENT
4 MUST ENSURE THAT THE CALCULATION OF PROVIDER RATES COMPLIES
5 WITH FEDERAL REGULATIONS AND, IF REQUIRED BY FEDERAL LAW, MUST
6 OBTAIN APPROVAL BEFORE CHANGING THE CALCULATION OF OR PROCESS
7 FOR SETTING THE PROVIDER RATES.

8 (b) AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF
9 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL CONVENE A WORKING
10 GROUP OF COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES AND
11 CHILD CARE PROVIDERS TO DISCUSS PROVIDER RATES AND THE PROVIDER
12 RATE CALCULATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

13 (2) ~~On or before July 1, 2016, the state-established provider~~
14 ~~reimbursement rates for each county must include a system of tiered~~
15 ~~reimbursement for providers that enroll children participating in CCCAP~~
16 THE DEPARTMENT SHALL ESTABLISH THE PROVIDER RATES BASED ON THE
17 CALCULATION DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION
18 AND SHALL UPDATE THE RATES ON A REGULAR BASIS.

19 (3) ~~On or before July 1, 2016, the state board shall promulgate~~
20 ~~rules related to the structure of tiered reimbursement~~ THE DEPARTMENT
21 SHALL PROVIDE AN EXPLANATION OF THE CALCULATION OF THE PROVIDER
22 RATES TO THE JOINT BUDGET COMMITTEE ON OR BEFORE NOVEMBER 1,
23 2024, AND ON OR BEFORE NOVEMBER 1 EVERY THREE YEARS THEREAFTER.

24 **26.5-4-105. [Formerly 26-2-804] Funding - allocation -**
25 **maintenance of effort - rules.** (1) Starting with the 2018-19 state fiscal
26 year, ~~or when the rules required by subsection (2)(a) of this section are~~
27 ~~established, whichever is later,~~ and subject to available appropriations,

1 annually the ~~state~~ department shall establish the amount of each county's
2 block grant for CCCAP. The block grant ~~shall~~ MUST be based upon each
3 county's percentage of the estimated total number of children eligible to
4 participate in CCCAP times the appropriate reimbursement rate for each
5 county as determined by the state required by ~~section 26-2-803~~ SECTION
6 26.5-4-104. Counties are only required to spend the state CCCAP
7 allocation and the maintenance of effort for that allocation.

8 (2) (a) The DEPARTMENT MAY ADJUST THE amount of each
9 county's block grant determined by subsection (1) of this section. ~~may be~~
10 ~~adjusted by the state department. The state department~~ THE EXECUTIVE
11 DIRECTOR shall, in consultation with the counties, adopt rules regarding
12 adjustments to the amount of a block grant, and the rules must address the
13 following factors:

- 14 (I) The cost of living;
- 15 (II) The cost of high-quality early childhood programs;
- 16 (III) The cost of programs;
- 17 (IV) The regional market rates ~~for CCCAP~~ OR COSTS FOR CHILD
18 CARE;
- 19 (V) Drastic economic changes; and
- 20 (VI) Geographic differences within a county.

21 (b) The ~~state~~ department may make an adjustment to the amount
22 of a block grant authorized by rules promulgated pursuant to subsection
23 (2)(a) of this section.

24 (3) The money in a county block grant allocated to a county
25 pursuant to this section must only be used for the provision of child care
26 services ~~under~~ PURSUANT TO DEPARTMENT rules promulgated by the state
27 ~~board~~ pursuant to this ~~part 8~~ PART 1.

1 (4) Money transferred from the county block grant temporary
2 assistance for needy families program pursuant to section 26-2-714 (7) to
3 the child care development fund may be used for child care quality
4 improvement activities as identified in the federal "Child Care and
5 Development Block Grant Act of 2014", 42 U.S.C. sec. ~~9858(e)~~ 9858e,
6 as amended.

7 (5) For state fiscal year 2005-06 and for each state fiscal year
8 thereafter, each county is required to meet a level of county spending for
9 CCCAP that is equal to the county's proportionate share of the total
10 county funds set forth in the annual general appropriation act for CCCAP
11 for that state fiscal year. The level of county spending is known as the
12 county's maintenance of effort for CCCAP for that state fiscal year. For
13 any state fiscal year, the ~~state~~ department is authorized to adjust a county's
14 maintenance of effort, reflected as a percentage of the total county funds
15 set forth in the annual general appropriation act for CCCAP for that state
16 fiscal year, so that the percentage equals the county's proportionate share
17 of the total state and federal funds appropriated for CCCAP for that state
18 fiscal year. For any state fiscal year, the sum of all counties' maintenance
19 of effort must be equal to or greater than the total county funds set forth
20 in the general appropriation act for the state fiscal year 1996-97 for
21 employment-related child care.

22 **26.5-4-106. [Formerly 26-2-805] Services - eligibility -**
23 **assistance provided - waiting lists - rules - exceptions from**
24 **cooperating with child support establishment - repeal.** (1) Subject to
25 available appropriations and pursuant to DEPARTMENT rules promulgated
26 ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a county
27 shall provide child care assistance to a participant or any person or family

1 whose income is not more than one hundred eighty-five percent of the
2 federal poverty level. Subject to available appropriations and ~~only~~ as
3 necessary to comply with federal law ~~the state board~~ OR TO ALIGN
4 ELIGIBILITY ACROSS EARLY CARE AND EDUCATION PROGRAMS
5 SPECIFICALLY TO MEET THE EARLY CARE AND EDUCATION NEEDS OF
6 SIMILAR POPULATIONS AND AS ALLOWED BY FEDERAL REGULATIONS, THE
7 EXECUTIVE DIRECTOR BY RULE may adjust the percentage of the federal
8 poverty level used to determine child care assistance eligibility ~~by~~
9 ~~promulgating a rule~~ AND SHALL REVISE INCOME AND VERIFICATION
10 REQUIREMENTS THAT PROMOTE ALIGNMENT AND SIMPLIFICATION.

11 (2) (a) ~~Beginning July 1, 2018, or when the rules required by~~
12 ~~section 26-2-804 (2)(a) are established, whichever is later,~~ A county may
13 provide child care assistance for any family whose income at initial
14 determination exceeds the requirements of subsection (1) of this section
15 but does not exceed the maximum federal level for eligibility for services
16 of eighty-five percent of the state median income for a family of the same
17 size if it

18 ~~(H)~~ is serving all eligible families who have applied for CCCAP
19 and whose income level is below that requirement. ~~and~~

20 ~~(H) Uses only local money to serve such families.~~

21 (b) If, during a participant's, person's, or family's twelve-month
22 eligibility period, the participant's, person's, or family's income rises to or
23 above the level set by ~~the state board~~ DEPARTMENT rule at which the
24 county may deny such participant, person, or family child care assistance,
25 the county shall continue providing the current CCCAP subsidy until that
26 participant's, person's, or family's next twelve-month redetermination.

27 (c) If, at the time of a participant's, person's, or family's

1 twelve-month eligibility redetermination, the participant's, person's, or
2 family's income rises to or above the level set by ~~the state board~~
3 DEPARTMENT RULE at which the county may deny child care assistance,
4 or if that income level rises above the maximum federal eligibility level
5 of eighty-five percent of the state median income for a family of the same
6 size, the county shall immediately notify the participant, person, or family
7 that it is no longer eligible for CCCAP.

8 ~~(d) and (e) Repealed.~~

9 (3) (a) Subject to available appropriations, pursuant to rules
10 promulgated by ~~the state board~~ for implementation of this ~~part 8~~ PART 1,
11 and except as provided for in ~~paragraph (b) of this subsection (3)~~ IN
12 SUBSECTION (3)(b) OF THIS SECTION, a county shall provide child care
13 assistance for a family transitioning off the works program due to
14 employment or job training without requiring the family to apply for
15 low-income child care but shall redetermine the family's eligibility within
16 ~~six~~ TWELVE months after the transition.

17 (b) A family that transitions off the works program must not be
18 automatically transitioned to CCCAP pursuant to ~~paragraph (a) of this~~
19 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION if either of the
20 following conditions apply:

21 (I) The family is leaving the works program due to a violation of
22 program requirements as defined in part 7 of ~~this article~~ ARTICLE 2 OF
23 TITLE 26 OR by DEPARTMENT rule; of the state board, or by policy of a
24 county department; or

25 (II) The family is leaving the works program due to employment
26 and will be at an income level that exceeds the ~~county-adopted~~ income
27 eligibility limit for the ~~county's~~ CCCAP.

1 (c) ~~At the county's discretion, a family that transitions off the~~
2 ~~works program, is eligible for CCCAP, and resides in a county that has~~
3 ~~families on its waiting list may be added to the waiting list or be provided~~
4 ~~child care assistance without first being added to the waiting list.~~

5 (4) (a) (I) A recipient of child care assistance through CCCAP
6 ~~shall be~~ IS responsible for paying a portion of ~~his or her~~ THE RECIPIENT'S
7 child care costs based upon the recipient's income and the formula
8 developed by DEPARTMENT rule. ~~of the state board.~~

9 ~~(H) After promulgation of rules by the state board, subject to~~
10 ~~available appropriations, and upon notification to counties by the state~~
11 ~~department that the relevant human services case management systems,~~
12 ~~including the Colorado child care automated tracking system, are capable~~
13 ~~of accommodating this subparagraph (H), on or before July 1, 2016, the~~
14 ~~formula must include a tiered reduced copayment structure for children~~
15 ~~attending high-quality care.~~

16 ~~(HH) (II) Notwithstanding the provisions of subparagraph (H) of~~
17 ~~this paragraph (a), Upon notification to counties by the state department~~
18 ~~that the relevant human services case management systems, including the~~
19 ~~Colorado child care automated tracking system, are capable of~~
20 ~~accommodating this subparagraph (HH) SUBSECTION (4)(a)(II), for a~~
21 ~~family living at or below one hundred percent of the federal poverty level,~~
22 ~~the family copayment responsibility must be restricted to no more than~~
23 ~~one percent of the family's gross monthly income as determined based on~~
24 ~~one month of income.~~

25 ~~(IV) (III) Pursuant to DEPARTMENT rules promulgated by the state~~
26 ~~board and upon notification to counties by the state department that the~~
27 ~~relevant human services case management systems, including the~~

1 Colorado child care automated tracking system, are capable of
2 accommodating this ~~subparagraph (IV)~~ SUBSECTION (4)(a)(III), income
3 received during the past thirty days must be used in determining the
4 copayment, unless on a case-by-case basis the prior thirty-day period does
5 not provide an accurate indication of anticipated income, in which case
6 a county can require evidence of up to twelve of the most recent months
7 of income. A family may also provide evidence of up to twelve of the
8 most recent months of income if it chooses to do so if such evidence more
9 accurately reflects an ability to afford the required family copayment.

10 (b) The ~~state board~~ EXECUTIVE DIRECTOR BY RULE shall establish,
11 and ~~periodically revise, by rule~~ AT LEAST EVERY FIVE YEARS REVIEW AND
12 REVISE, AS APPROPRIATE, a copayment schedule so that the copayment
13 gradually increases as the family income approaches self-sufficiency
14 income levels. This revised copayment schedule should allow families to
15 retain a portion of ~~its~~ THEIR increases in income.

16 (c) A participant who is employed shall pay a portion of ~~his or her~~
17 THE PARTICIPANT'S income for child care assistance under CCCAP. The
18 participant's required copayment ~~under~~ PURSUANT TO the provisions of
19 this ~~paragraph (c)~~ SUBSECTION (4)(c) must be determined by a formula
20 established by DEPARTMENT rule ~~of the state board~~ that takes into
21 consideration the factors set forth in ~~paragraphs (a) and (b) of this~~
22 ~~subsection (4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION.

23 (5) (a) On and after July 1, 2014, and except as otherwise
24 provided in ~~paragraph (a.5) or (a.7) of this subsection (5)~~ SUBSECTION
25 (5)(b) OR (5)(c) OF THIS SECTION, a county may require a person who
26 receives child care assistance pursuant to this section and who is not
27 otherwise a participant to apply, pursuant to section 26-13-106 (2), for

1 child support establishment, modification, and enforcement services
2 related to any support owed by obligors to their children and to cooperate
3 with the delegate child support enforcement unit to receive these services;
4 except that a person is not required to submit a written application for
5 child support establishment, modification, and enforcement services if the
6 person shows good cause to the county implementing the Colorado child
7 care assistance program for not receiving these services.

8 ~~(a.5)~~ (b) A county shall not require an applicant who is a teen
9 parent, as defined by DEPARTMENT rule, ~~of the state board,~~ and who is not
10 otherwise a participant to submit a written application for child support
11 establishment, modification, and enforcement services as a condition of
12 receiving child care assistance ~~under~~ PURSUANT TO this section until the
13 teen parent has graduated from high school or successfully completed a
14 high school equivalency examination. After the teen parent has been
15 determined eligible for child care assistance and ~~his or her~~ THE TEEN
16 PARENT'S chosen child care provider is receiving subsidy payments, a
17 county may require the teen parent to regularly attend, at no cost and at
18 a location and time most convenient to the teen parent, information
19 sessions with the county child support staff focused on understanding the
20 benefits of child support to the child, the family as a whole, and the
21 benefits of two-parent engagement in a child's life. Once a person who
22 receives child care assistance pursuant to this section no longer meets the
23 definition of a teen parent or has either graduated from high school or
24 successfully completed a high school equivalency examination, the
25 county may require that person to cooperate with child support
26 establishment and enforcement as a condition of continued receipt of
27 child care assistance. ~~Nothing in this section prevents~~ THIS SECTION DOES

1 NOT PREVENT a teen parent from establishing child support.

2 ~~(a.7)~~ (c) (I) A county shall not require an applicant to submit a
3 written application for child support establishment, modification, and
4 enforcement services as a condition of receiving child care assistance or
5 to establish good cause for not cooperating with child support
6 establishment as a condition of receiving child care assistance if the
7 applicant:

8 (A) Submits a statement that ~~he or she~~ THE APPLICANT is a victim
9 of domestic violence, as defined in section 18-6-800.3 (1) ~~€:R:S.;~~ and in
10 part 8 of article 6 of title 18; ~~€:R:S.;~~ or a victim of a sexual offense, as
11 described in part 4 of article 3 of title 18, ~~€:R:S.;~~ section 18-6-301,
12 ~~€:R:S.;~~ or section 18-6-302; ~~€:R:S.;~~ or a victim of harassment, as
13 described in section 18-9-111; ~~€:R:S.;~~ or a victim of stalking, as
14 described in section 18-3-602; ~~€:R:S.;~~

15 (B) Indicates in that statement that ~~he or she~~ THE APPLICANT fears
16 for his or her safety or the safety of ~~his or her~~ THE APPLICANT'S children
17 if the applicant were to pursue child support enforcement pursuant to
18 section 26-13-106 (2); and

19 (C) Submits evidence that ~~he or she~~ THE APPLICANT is a victim of
20 domestic violence, a sexual offense, harassment, or stalking as described
21 in ~~sub-subparagraph (A) of this subparagraph~~ (F) SUBSECTION (5)(c)(I)(A)
22 OF THIS SECTION.

23 (II) For purposes of ~~sub-subparagraph (C) of subparagraph (F) of~~
24 ~~this paragraph~~ ~~(a.7)~~ SUBSECTION (5)(c)(I)(C) OF THIS SECTION, sufficient
25 evidence includes, but is not limited to, evidence identified for
26 participation in the address confidentiality program included in section
27 24-30-2105 (3)(c)(I) to (3)(c)(IV), ~~€:R:S.;~~ or from a "victim's advocate",

1 as defined in section 13-90-107 (1)(k)(II), ~~C.R.S.~~, from whom the
2 applicant has sought assistance.

3 (III) A county may provide information about the importance of
4 establishing child support to a victim of domestic violence, a sexual
5 offense, harassment, or stalking who chooses not to engage in child
6 support establishment or to pursue a good cause waiver from cooperation.

7 ~~(b)~~ (d) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
8 rules for the implementation of this subsection (5), including but not
9 limited to rules establishing good cause for not receiving these services;
10 ~~and~~ rules for the imposition of sanctions upon a person who fails, without
11 good cause as determined by the county implementing the Colorado child
12 care assistance program, to apply for child support enforcement services
13 or to cooperate with the delegate child support enforcement unit as
14 required by this subsection (5); ~~The state board shall revise its~~ AND rules
15 regarding the option of counties to make cooperation with child support
16 establishment and enforcement a condition of receiving child care
17 assistance for teen parents and for victims of domestic violence, sexual
18 offense, harassment, or stalking.

19 ~~(c)~~ (e) (I) On July 1, 2017, and every July 1 thereafter through
20 July 1, 2025, each county department shall report to the ~~state~~ department
21 information related to teen parents in the Colorado child care assistance
22 program. The ~~state board~~ EXECUTIVE DIRECTOR shall establish, by rule,
23 criteria to be reported annually by each county, including but not limited
24 to:

25 (A) The total number of cases in each county that are receiving
26 services from a county child support services office that involve custodial
27 parties who are nineteen years of age or younger and the number of

1 children being served;

2 (B) The total number of teen parents in each county that are
3 receiving Colorado child care assistance;

4 (C) For each teen parent receiving child care assistance in the
5 county, longitudinal data indicating whether paternity has been
6 established and whether child support has been established for the child
7 and reported for the child from birth to age four;

8 (D) For each teen parent receiving child care assistance in the
9 county, longitudinal data indicating whether the teen parent achieved
10 economic self-sufficiency and avoided becoming a Colorado works
11 participant while in school and reported for the child from the child's birth
12 to age four;

13 (E) For each teen parent receiving child care assistance in the
14 county, longitudinal data indicating the total amount and the percentage
15 of child support collected for the benefit of the child and reported for the
16 child from birth to age four.

17 (II) The reports filed with the ~~state~~ department as a result of this
18 ~~paragraph (c)~~ SUBSECTION (5)(e) are public records available for public
19 inspection.

20 ~~(d)~~ (f) Upon notification that the relevant ~~human services~~ case
21 management systems are capable of accommodating the provisions in
22 ~~paragraphs (a.5) and (a.7) of this subsection (5)~~ SUBSECTIONS (5)(b) AND
23 (5)(c) OF THIS SECTION, the ~~state~~ department is required to start tracking
24 counties' compliance with ~~paragraphs (a.5) and (a.7) of this subsection (5)~~
25 SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION. The ~~state~~ department
26 shall notify counties when the ~~human services~~ case management systems
27 are functional and when the tracking of compliance will begin.

1 (g) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

2 ~~(6) Repealed.~~

3 (6) EFFECTIVE JULY 1, 2023, A COUNTY SHALL NOT REQUIRE A
4 PERSON WHO APPLIES FOR CHILD CARE ASSISTANCE PURSUANT TO THIS
5 SECTION TO PARTICIPATE IN CHILD SUPPORT ESTABLISHMENT,
6 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT
7 OWED BY OBLIGORS TO THEIR CHILDREN OR TO COOPERATE WITH THE
8 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS A CONDITION OF
9 RECEIVING CHILD CARE ASSISTANCE SERVICES. THIS SUBSECTION (6) DOES
10 NOT PROHIBIT A COUNTY FROM EDUCATING APPLICANTS ABOUT THE
11 BENEFITS OF CHILD SUPPORT AND CHILD SUPPORT ESTABLISHMENT,
12 MODIFICATION, AND ENFORCEMENT SERVICES, AND HOW TO ENGAGE IN
13 THE CHILD SUPPORT PROCESS.

14 (7) (a) For a family with a child who is enrolled in both CCCAP
15 and a head start program OR, AS SOON AS PRACTICABLE AFTER JULY 1,
16 2023, BOTH CCCAP AND THE COLORADO UNIVERSAL PRESCHOOL
17 PROGRAM, the family's CCCAP eligibility redetermination must occur no
18 sooner than the end of the last month of the child's first full twelve-month
19 program year of enrollment in the head start OR COLORADO UNIVERSAL
20 PRESCHOOL program. Child care assistance program eligibility
21 redetermination for a child enrolled in both programs must occur once
22 every twelve months thereafter.

23 ~~(b) to (d) Repealed.~~

24 ~~(e)~~ (b) Notwithstanding the provisions of section 26-1-127 (2)(a),
25 a family that receives child care assistance pursuant to this ~~part 8~~ PART 1
26 is not required to report income or activity changes during the
27 twelve-month eligibility period; except that, within the twelve-month

1 eligibility period, a family is required to report a change in income if the
2 family's income exceeds eighty-five percent of the state median income.
3 ~~If a family no longer participates in the activity under which it was made~~
4 ~~eligible in the child care case, the family shall report that change within~~
5 ~~four weeks from the time it ceased participating in the eligible activity.~~

6 (f) (c) A parent must not be determined ineligible to receive child
7 care assistance pursuant to this ~~part 8~~ PART 1 as a result of:

8 (I) Taking maternity leave;

9 (II) Being a separated spouse or parent under a validly issued
10 temporary order for parental responsibilities or child custody where the
11 other spouse or parent has disqualifying financial resources;

12 (III) Each instance of nontemporary job loss for less than ninety
13 days; or

14 (IV) A temporary break in eligible activity, as defined by
15 DEPARTMENT rule. ~~of the state board.~~

16 ~~(g) and (h) Repealed.~~

17 (i) (d) Subject to available appropriations and pursuant to
18 DEPARTMENT rules promulgated by the state board for the implementation
19 of this ~~part 8~~ PART 1, a parent who is enrolled in a postsecondary
20 education program or a workforce training program is eligible for
21 CCCAP for at least any two years of the postsecondary education or
22 workforce training program, provided all other CCCAP eligibility
23 requirements are met during those two years. ON AND AFTER JULY 1,
24 2023, a county may ONLY give priority for services to a working family
25 over a family enrolled in postsecondary education or workforce training
26 IF THE COUNTY DOES NOT HAVE SUFFICIENT FUNDING AND HAS RECEIVED
27 APPROVAL FROM THE DEPARTMENT BEFORE IMPLEMENTING THE

1 PRIORITIZATION.

2 (f) (e) To provide continuous child care with the least disruption
3 to the child, ~~the hours authorized for the provision of child care through~~
4 ~~CCCAP must include authorized hours for the child that promote~~
5 continuous, consistent, and regular care and must not be linked directly
6 to a parent's employment, education, or workforce training schedule.
7 Pursuant to DEPARTMENT rules, ~~promulgated by the state board,~~ the
8 ~~number of hours authorized for~~ AMOUNT OF child care AUTHORIZED
9 should be based on ~~the number of hours the parent is participating in an~~
10 ~~eligible activity and the PARENT'S AND child's needs for CHILD care.~~

11 (8) Pursuant to DEPARTMENT rules ~~promulgated by the state board~~
12 and upon notification to counties by the state department that the relevant
13 ~~human services~~ case management systems, including the Colorado child
14 care automated tracking system, are capable of accommodating this
15 subsection (8), income received during the past thirty days must be used
16 in determining eligibility unless, on a case-by-case basis, the prior
17 thirty-day period does not provide an accurate indication of anticipated
18 income, in which case a county can require evidence of up to twelve of
19 the most recent months of income. A family may also provide evidence
20 of up to twelve of the most recent months of income if it chooses to do so
21 if such evidence more accurately reflects a family's current income level.

22 (9) A county has the authority to develop a voucher system for
23 families enrolled in CCCAP through which they can secure relative or
24 unlicensed child care.

25 (10) An early care and education provider or county may conduct
26 a pre-eligibility determination for child care assistance for a family to
27 facilitate the determination process. The early care and education provider

1 shall submit its pre-eligibility documentation to the county for final
2 determination of eligibility for child care assistance. The early care and
3 education provider or county may provide services to the family prior to
4 final determination of eligibility, and the county shall reimburse a
5 provider for such services only if the county determines the family is
6 eligible for services and there is no need to place the family on a waiting
7 list. If the family is found ineligible for services, the county shall not
8 reimburse the early care and education provider for any services provided
9 during the period between its pre-eligibility determination and the
10 county's final determination of eligibility.

11 (11) A provider OR A LOCAL COORDINATING ORGANIZATION, AS
12 DEFINED IN SECTION 26.5-2-102, may accept a family's CCCAP
13 application and submit it to the county on behalf of a family seeking child
14 care assistance.

15 (12) Each county:

16 (a) Upon notification to counties by the ~~state~~ department that the
17 relevant ~~human services~~ case management systems, including the
18 Colorado child care automated tracking system, are capable of
19 accommodating this ~~paragraph (a)~~ SUBSECTION (12)(a), and pursuant to
20 DEPARTMENT rules, ~~promulgated by the state board~~, in addition to regular
21 ~~daily~~ provider reimbursement rates, shall ~~reimburse providers according~~
22 ~~to the following schedule:~~ PAY PROVIDERS FOR CARE IN ALIGNMENT WITH
23 COMMON PRACTICES IN THE PRIVATE MARKET FOR CHILD CARE. THE
24 DEPARTMENT RULES GOVERNING PAYMENT POLICIES MUST ALLOW DAILY
25 REIMBURSEMENT RATES ONLY FOR DROP-IN CHILD CARE, BACK-UP CHILD
26 CARE, AND CARE THAT IS COMMONLY PAID ON A DAILY REIMBURSEMENT
27 BASIS IN THE CHILD CARE MARKET AND MUST INCENTIVIZE PROVIDERS TO

1 PROMOTE REGULAR PROGRAM ATTENDANCE.

2 ~~(I) For providers in the first level of the state department's quality~~
3 ~~rating and improvement system, for no fewer than six absences or~~
4 ~~holidays per year;~~

5 ~~(II) For providers in the second level of the state department's~~
6 ~~quality rating and improvement system, for no fewer than ten absences or~~
7 ~~holidays per year; and~~

8 ~~(III) For providers in the top three levels of the state department's~~
9 ~~quality rating and improvement system, for no fewer than fifteen absences~~
10 ~~or holidays per year.~~

11 (b) Shall maintain a current and accurate waiting list of parents
12 who have inquired about securing a CCCAP subsidy and are likely to be
13 eligible for CCCAP based on self-reported income and job, education, or
14 workforce training activity if families are not able to be served at the time
15 of application due to funding concerns. Counties may enroll families off
16 waiting lists according to local priorities and may require an applicant to
17 restate ~~his or her~~ THE APPLICANT'S intention to be kept on the waiting list
18 every six months in order to maintain ~~his or her~~ THE APPLICANT'S place on
19 the waiting list.

20 (c) Shall post eligibility, authorization, and administration policies
21 and procedures so they are easily accessible and readable to a layperson.
22 The policies must be sent to the ~~state~~ department for compilation.

23 (d) May use its CCCAP allocation to provide ~~direct~~ ENROLLMENT
24 contracts or grants to early care and education providers: ~~for a~~
25 ~~county-determined number of CCCAP slots for a twelve-month period~~ TO
26 SUPPORT IMPLEMENTATION OF THE LOCAL COMMUNITY PLAN DESCRIBED
27 IN SECTION 26.5-2-104; to increase the supply and improve the quality of

1 child care for infants and toddlers, children with disabilities, after-hours
2 care, and children in underserved neighborhoods; TO PROVIDE STABILITY
3 FOR THE EARLY CHILDHOOD SECTOR; AND TO IMPROVE ALIGNMENT WITH
4 THE PROVISION OF ADDITIONAL PRESCHOOL SERVICES, AS DEFINED IN
5 SECTION 26.5-4-203, TO WORKING FAMILIES WHO NEED ADDITIONAL CARE;

6 (e) Subject to available appropriations and pursuant to
7 DEPARTMENT rules, ~~promulgated by the state board for the~~
8 ~~implementation of this part 8~~, and upon notification to counties by the
9 ~~state~~ department that the relevant ~~human services~~ case management
10 systems, including the Colorado child care automated tracking system, are
11 capable of accommodating this subsection (12)(e), ~~must determine that~~
12 ~~a recipient of benefits from the food assistance program established in~~
13 ~~part 3 of this article 2 is eligible for CCCAP if he or she meets all other~~
14 ~~CCCAP eligibility criteria and may~~ SHALL use eligibility determination
15 information from other public assistance programs and systems to
16 determine CCCAP eligibility, INCLUDING ELIGIBILITY DETERMINATION
17 INFORMATION USED FOR CHILDREN PARTICIPATING IN THE COLORADO
18 UNIVERSAL PRESCHOOL PROGRAM; and

19 (f) ~~Subject to available capacity to raise federal or state funding,~~
20 ~~Shall~~ prioritize child care assistance for certified foster parents, certified
21 kinship foster parents, noncertified kinship care providers that provide
22 care for children with an open child welfare case who are in the legal
23 custody of a county department, and noncertified kinship care providers
24 that provide care for children with an open child welfare case who are not
25 in the legal custody of a county department.

26 (13) FOR CHILDREN WHO ARE ENROLLED IN BOTH CCCAP AND THE
27 COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE EXECUTIVE DIRECTOR

1 SHALL ADOPT RULES AS NECESSARY TO ENSURE:

2 (a) FUNDS MAY BE BLENDED OR BRAIDED AT THE STATE AND
3 LOCAL LEVEL TO ENSURE FAMILIES CAN SEAMLESSLY ACCESS EARLY
4 CHILDHOOD EDUCATION AND SERVICES AND PROVIDERS FACE THE FEWEST
5 POSSIBLE SYSTEMS TO NAVIGATE TO SECURE PAYMENT FOR SERVICES; AND

6 (b) ELIGIBILITY AND AUTHORIZATION FOR SERVICES FOR THE
7 PORTIONS OF BOTH PROGRAMS THAT ARE TARGETED TO SIMILAR
8 POPULATIONS ARE ALIGNED TO THE GREATEST EXTENT PRACTICABLE AS
9 ALLOWED BY FEDERAL REGULATIONS, INCLUDING ENSURING THE STATE
10 TAKES MAXIMUM ADVANTAGE OF FLEXIBILITY IN FEDERAL REGULATIONS
11 TO ENSURE THAT CHILDREN WHO ARE ELIGIBLE FOR BOTH PROGRAMS CAN
12 SEAMLESSLY ACCESS THE LENGTH AND QUALITY OF PROGRAMMING THAT
13 PARENTS, CHILDREN, AND FAMILIES NEED.

14 ~~(13)~~ (14) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
15 rules for the implementation of this ~~part 8~~ PART 1.

16 **26.5-4-107. [Formerly 26-2-805.5] Exemptions - requirements.**

17 (1) Notwithstanding any provision of ~~section 26-2-805~~ SECTION
18 26.5-4-106 to the contrary, an exempt family child care home provider,
19 as defined in ~~section 26-6-102~~ (12) SECTION 26.5-5-303, is not eligible to
20 receive child care assistance ~~moneys~~ MONEY through CCCAP if ~~he or she~~
21 THE PROVIDER fails to meet the criteria established in ~~section 26-6-120~~
22 SECTION 26.5-5-326.

23 (2) As a prerequisite to entering into a valid CCCAP contract with
24 a county office or to being a party to any other payment agreement for the
25 provision of care for a child whose care is funded in whole or in part with
26 ~~moneys~~ MONEY received on the child's behalf from publicly funded state
27 child care assistance programs, an exempt family child care home

1 provider shall sign an attestation that affirms ~~he or she~~ THE PROVIDER, and
2 any qualified adult residing in the exempt family child care home, has not
3 been determined to be insane or mentally incompetent by a court of
4 competent jurisdiction and a court has not entered, pursuant to part 3 or
5 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or 27-65-127,
6 ~~C.R.S.~~, an order specifically finding that the mental incompetency or
7 insanity is of such a degree that the provider cannot safely operate an
8 exempt family child care home.

9 **26.5-4-108. [Formerly 26-2-806] No individual entitlement.**

10 (1) Nothing in this ~~part 8~~ PART 1 or any rules promulgated pursuant to
11 this ~~part 8~~ PART 1 shall be interpreted to create a legal entitlement in any
12 person to child care assistance.

13 (2) No county may create or shall be deemed to create a legal
14 entitlement in any person to assistance ~~under~~ PURSUANT TO this ~~part 8~~
15 PART 1.

16 **26.5-4-109. [Formerly 26-2-809] Colorado child care assistance**

17 **program - reporting requirements.** (1) On or before December 1,
18 2016, and on or before December 1 each year thereafter, the ~~state~~
19 department shall prepare a report on CCCAP. Notwithstanding section
20 24-1-136 (11)(a)(I), the ~~state~~ department shall provide the report to the
21 public health care and human services committee of the house of
22 representatives and the health and human services committee of the
23 senate, or any successor committees. The report must include, at a
24 minimum, the following information related to benchmarks of success for
25 CCCAP:

26 (a) The number of children and families served through CCCAP
27 statewide and by county;

1 (b) The average length of time that parents remain in the
2 workforce while receiving CCCAP subsidies, even when their income
3 increases;

4 (c) The average number of months of uninterrupted, continuous
5 care for children enrolled in CCCAP;

6 (d) The number and percent of all children enrolled in CCCAP
7 who receive care at each level of the state's quality and improvement
8 rating system;

9 (e) The average length of time a family is authorized for a
10 CCCAP subsidy, disaggregated by recipients' eligible activities, such as
11 job search, employment, workforce training, and postsecondary
12 education;

13 (f) The number of families on each county's wait list as of
14 November 1 of each year, as well as the average length of time each
15 family remains on the wait list in each county;

16 (g) The number of families and children statewide and by county
17 that exit CCCAP due to their family incomes exceeding the eligibility
18 limits;

19 (h) The number of families and children statewide and by county
20 that reenter CCCAP within two years of exiting due to their family
21 incomes exceeding the eligibility limits; and

22 (i) An estimate of unmet need for CCCAP in each county and
23 throughout the state based on estimates of the number of children and
24 families who are likely to be eligible for CCCAP in each county but who
25 are not enrolled in CCCAP.

26 **26.5-4-110. Performance contracts.** (1) (a) EACH COUNTY,
27 EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO

1 AN ANNUAL PERFORMANCE CONTRACT WITH THE DEPARTMENT THAT
2 IDENTIFIES THE COUNTY'S OR GROUP OF COUNTIES' DUTIES AND
3 RESPONSIBILITIES IN IMPLEMENTING THE CHILD CARE ASSISTANCE
4 PROGRAM. THE PERFORMANCE CONTRACT MUST INCLUDE, BUT NEED NOT
5 BE LIMITED TO, REQUIREMENTS AND PROVISIONS THAT ADDRESS THE
6 COUNTY'S OR GROUP OF COUNTIES' DUTY TO ADMINISTER AND IMPLEMENT
7 THE CHILD CARE ASSISTANCE PROGRAM USING FAIR AND OBJECTIVE
8 CRITERIA.

9 (b) A COUNTY OR GROUP OF COUNTIES MAY BE SANCTIONED FOR
10 NOT MEETING ANY OBLIGATION UNDER THE PERFORMANCE CONTRACT.
11 THE SANCTIONS MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT
12 AND MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT
13 ALLOCATION.

14 (2) THE PERFORMANCE CONTRACT MUST SET FORTH THE
15 CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ELECT THAT IT OR
16 ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES'
17 ADMINISTRATION AND IMPLEMENTATION OF THE CHILD CARE ASSISTANCE
18 PROGRAM.

19 (3) IF THE DEPARTMENT AND THE COUNTY OR GROUP OF COUNTIES
20 ARE UNABLE TO REACH AGREEMENT ON THE CONTRACT, EITHER PARTY
21 MAY REQUEST THE EXECUTIVE DIRECTOR TO CONSIDER THE MATTER, AND
22 THE EXECUTIVE DIRECTOR SHALL SCHEDULE THE MATTER FOR A HEARING
23 WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST. THE EXECUTIVE
24 DIRECTOR SHALL ISSUE A DECISION ON THE MATTER, WHICH IS BINDING ON
25 ALL PARTIES. IF NECESSARY TO ASSURE SERVICES ARE AVAILABLE WITHIN
26 THE COUNTY OR GROUP OF COUNTIES, THE DEPARTMENT MAY ENTER INTO
27 A TEMPORARY AGREEMENT WITH THE COUNTY OR GROUP OF COUNTIES OR

1 WITH ANOTHER PUBLIC OR PRIVATE AGENT UNTIL THE EXECUTIVE
2 DIRECTOR RESOLVES THE MATTER.

3 PART 2

4 COLORADO UNIVERSAL PRESCHOOL PROGRAM

5 **26.5-4-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
6 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT".

7 **26.5-4-202. Legislative declaration.** (1) (a) THE GENERAL
8 ASSEMBLY FINDS AND DECLARES THAT:

9 (I) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS
10 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN
11 1988, AND FULL-DAY KINDERGARTEN, ADOPTED IN 2019;

12 (II) SINCE ESTABLISHING THE COLORADO PRESCHOOL PROGRAM,
13 COLORADO HAS STEADILY INCREASED ITS INVESTMENT IN HIGH-QUALITY
14 PRESCHOOL PROGRAMMING, SECURING A SIGNIFICANT RETURN ON
15 INVESTMENT BY IMPROVING CHILD OUTCOMES YEAR OVER YEAR BY
16 EXPANDING ACCESS TO PRESCHOOL FOR CHILDREN IN LOW-INCOME
17 FAMILIES AND THOSE WHO ARE AT RISK OF ENTERING KINDERGARTEN
18 WITHOUT BEING PREPARED TO LEARN;

19 (III) STATE AND NATIONAL RESEARCH DEMONSTRATE THE
20 POSITIVE AND LONG- AND SHORT-TERM IMPACTS OF HIGH-QUALITY
21 PRESCHOOL, INCLUDING IMPROVED EARLY LITERACY, REDUCED GRADE
22 RETENTION, DECREASED PROBABILITY OF DEVELOPING A SIGNIFICANT
23 READING DEFICIENCY, IMPROVED PERFORMANCE ON STATEWIDE
24 STANDARDS-BASED ASSESSMENTS, AND INCREASED RATE OF HIGH SCHOOL
25 GRADUATION;

26 (IV) RESEARCH DEMONSTRATES THAT ECONOMICALLY
27 DISADVANTAGED CHILDREN DERIVE GREATER BENEFITS FROM PRESCHOOL

1 PROGRAMS IN STATES THAT OFFER UNIVERSAL PROGRAMS THAN IN STATES
2 THAT OFFER PRESCHOOL PROGRAMS SPECIFICALLY FOR ECONOMICALLY
3 DISADVANTAGED CHILDREN.

4 (V) IN THE 2020 GENERAL ELECTION, THE VOTERS OF COLORADO
5 APPROVED PROPOSITION EE BY A NEARLY TWO-TO-ONE MARGIN,
6 ESTABLISHING A DEDICATED SOURCE OF FUNDING FOR STATEWIDE,
7 VOLUNTARY, UNIVERSAL PRESCHOOL PROGRAMMING FOR CHILDREN IN THE
8 YEAR PRECEDING KINDERGARTEN AND FOR ADDITIONAL PRESCHOOL
9 PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN
10 WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED
11 TO LEARN. WITH THE PASSAGE OF THIS MEASURE, COLORADO VOTERS IN
12 RURAL, URBAN, AND SUBURBAN COMMUNITIES HAVE DEMONSTRATED
13 THEIR STRONG COMMITMENT TO EXPANDING ACCESS TO QUALITY
14 PRESCHOOL FOR CHILDREN REGARDLESS OF THEIR ECONOMIC
15 CIRCUMSTANCES.

16 (VI) CREATING A STATEWIDE, MIXED DELIVERY SYSTEM OF
17 PRESCHOOL PROVIDERS TO MAKE PRESCHOOL PROGRAMMING
18 UNIVERSALLY AVAILABLE TO CHILDREN THROUGHOUT COLORADO
19 COMPOUNDS THE BENEFITS FOR CHILDREN WHO ARE IN LOW-INCOME
20 FAMILIES AND INCREASES THE ULTIMATE SOCIAL AND ECONOMIC BENEFITS
21 OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR THE STATE AS A WHOLE.

22 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
23 BEST INTERESTS OF THE STATE AND CONSISTENT WITH THE WILL OF THE
24 VOTERS OF COLORADO TO ESTABLISH THE COLORADO UNIVERSAL
25 PRESCHOOL PROGRAM TO PROVIDE HIGH-QUALITY, VOLUNTARY
26 PRESCHOOL PROGRAMMING THROUGH A MIXED DELIVERY SYSTEM FOR
27 CHILDREN THROUGHOUT THE STATE IN THE YEAR PRECEDING

1 KINDERGARTEN ENROLLMENT AND TO PROVIDE FOR ADDITIONAL
2 PRESCHOOL SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES
3 OR WHO MEET IDENTIFIED QUALIFYING FACTORS.

4 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
5 THAT:

6 (I) IN 2000, THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF
7 THE STATE CONSTITUTION, WHICH REQUIRES THE GENERAL ASSEMBLY TO
8 ANNUALLY INCREASE, BY AT LEAST THE RATE OF INFLATION, THE
9 STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC
10 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR PUBLIC
11 EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE;

12 (II) IN THE 2001-02 FISCAL YEAR AND IN EVERY FISCAL YEAR
13 SINCE, THE INCREASES TO STATEWIDE BASE PER PUPIL FUNDING HAVE
14 AUTOMATICALLY APPLIED TO FUNDING FOR PRESCHOOL SERVICES
15 PROVIDED BY SCHOOL DISTRICTS, BECAUSE THE FUNDING FOR PRESCHOOL
16 SERVICES HAS BEEN CALCULATED THROUGH THE SCHOOL FINANCE
17 FORMULA ESTABLISHED IN ARTICLE 54 OF TITLE 22, WHICH APPLIES TO
18 FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION;

19 (III) TO EFFECTIVELY AND EFFICIENTLY PROVIDE PRESCHOOL
20 SERVICES THROUGH A MIXED DELIVERY SYSTEM OF SCHOOL- AND
21 COMMUNITY-BASED PRESCHOOL PROVIDERS, AND TO ENSURE THAT
22 FUNDING CALCULATIONS ACCOUNT FOR THE UNIQUE STANDARDS AND
23 FEATURES OF PRESCHOOL PROGRAMS, STATE FUNDING FOR PRESCHOOL
24 SERVICES, INCLUDING PRESCHOOL SERVICES FOR CHILDREN WITH
25 DISABILITIES, MUST BE APPROPRIATED AND ALLOCATED SEPARATELY FROM
26 THE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION,
27 AND, BEGINNING IN THE 2023-24 FISCAL YEAR, THE STATEWIDE BASE PER

1 PUPIL FUNDING AMOUNT SET ANNUALLY FOR PUBLIC ELEMENTARY AND
2 SECONDARY EDUCATION WILL NO LONGER APPLY TO FUNDING FOR
3 PRESCHOOL SERVICES;

4 (IV) TO CONTINUE TO MEET THE INTENT OF SECTION 17(1) OF
5 ARTICLE IX OF THE STATE CONSTITUTION WITH REGARD TO FUNDING FOR
6 PRESCHOOL SERVICES, IT IS APPROPRIATE FOR THE DEPARTMENT OF EARLY
7 CHILDHOOD TO ESTABLISH A PER-CHILD CONSTITUTIONAL COMPLIANCE
8 RATE FOR THE 2023-24 FISCAL YEAR THAT EQUALS THE PORTION OF THE
9 STATEWIDE BASE PER PUPIL FUNDING AMOUNT ESTABLISHED FOR THE
10 2023-24 FISCAL YEAR THAT APPLIES TO THE NUMBER OF HOURS OF
11 UNIVERSAL PRESCHOOL SERVICES PROVIDED TO AN ELIGIBLE CHILD, AND
12 TO INCREASE THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE
13 ANNUALLY BY THE RATE OF INFLATION.

14 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT, BY
15 ESTABLISHING A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE AND
16 ENSURING THAT THE PER-CHILD RATE THAT THE DEPARTMENT ANNUALLY
17 ESTABLISHES FOR UNIVERSAL PRESCHOOL SERVICES AND FOR PRESCHOOL
18 SERVICES PROVIDED TO CHILDREN WHO ARE THREE YEARS OF AGE OR
19 YOUNGER MEETS OR EXCEEDS THE PER-CHILD CONSTITUTIONAL
20 COMPLIANCE RATE, FUNDING FOR THE COLORADO UNIVERSAL PRESCHOOL
21 PROGRAM SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF
22 SECTION 17 (1) OF ARTICLE IX OF THE STATE CONSTITUTION.

23 (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
24 THAT:

25 (I) IN APPROVING PROPOSITION EE, THE VOTERS SUPPORTED
26 FUNDING FOR TEN HOURS OF HIGH-QUALITY PRESCHOOL PROGRAMMING
27 FOR ALL COLORADO CHILDREN IN THE YEAR PRECEDING KINDERGARTEN

1 ENROLLMENT, AS WELL AS ADDITIONAL PRESCHOOL PROGRAMMING FOR
2 CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING
3 PREPARED TO LEARN, INCLUDING CHILDREN IN LOW-INCOME FAMILIES;

4 (II) RESEARCH DEMONSTRATES THAT PARTICIPATING IN
5 HIGH-QUALITY PRESCHOOL PROGRAMS HELPS TO ENSURE THAT CHILDREN
6 IN LOW-INCOME FAMILIES ARE ABLE TO ENTER KINDERGARTEN ON PAR
7 WITH THEIR PEERS IN HIGHER-INCOME FAMILIES; AND

8 (III) FOR THE PRESCHOOL PROGRAM TO SERVE CHILDREN
9 EQUITABLY, THE STATE MUST INVEST IN ADDITIONAL HOURS OF
10 PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES, IN
11 ADDITION TO FUNDING THE TEN HOURS OF UNIVERSAL PRESCHOOL
12 SERVICES.

13 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
14 BEST INTERESTS OF THE STATE TO ALLOCATE THE AMOUNT APPROPRIATED
15 FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO PROVIDE
16 ADEQUATE FUNDING FOR BOTH A HIGH-QUALITY UNIVERSAL PRESCHOOL
17 PROGRAM AND ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN
18 LOW-INCOME FAMILIES.

19 (4) THE GENERAL ASSEMBLY RECOGNIZES THE REQUIREMENT OF
20 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
21 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, TO PROVIDE EDUCATIONAL
22 SERVICES TO EVERY THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY,
23 IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.
24 THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17
25 OF ARTICLE IX OF THE STATE CONSTITUTION, MEETING THE OBLIGATION OF
26 SERVING ALL THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES
27 THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IS AN

1 IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL
2 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
3 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
4 STATE CONSTITUTION.

5 **26.5-4-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
6 CONTEXT OTHERWISE REQUIRES:

7 (1) "ADDITIONAL PRESCHOOL SERVICES" MEANS HOURS OF
8 PRESCHOOL SERVICES PROVIDED TO A CHILD IN THE YEAR PRECEDING
9 ENROLLMENT IN KINDERGARTEN THAT ARE IN ADDITION TO THE
10 UNIVERSAL PRESCHOOL SERVICES THE CHILD RECEIVES.

11 (2) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS:

12 (a) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
13 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL
14 AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A
15 CHARTER SCHOOL AUTHORIZED BY THE COLORADO SCHOOL FOR THE DEAF
16 AND THE BLIND PURSUANT TO SECTION 22-80-102 (4)(b);

17 (b) AUTHORIZED IN ITS CHARTER CONTRACT TO PROVIDE
18 PRESCHOOL SERVICES; AND

19 (c) LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE
20 26.5 TO OPERATE AS A PRESCHOOL PROVIDER.

21 (3) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING AS
22 PROVIDED IN SECTION 22-20-103.

23 (4) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR
24 "PRESCHOOL PROGRAM" MEANS THE PROGRAM ESTABLISHED WITHIN THE
25 DEPARTMENT PURSUANT TO SECTION 26.5-4-204, AND INCLUDES ALL
26 PARTICIPATING PRESCHOOL PROVIDERS.

27 (5) "COMMUNITY PLAN" MEANS THE COMMUNITY PLAN ADOPTED

1 BY A LOCAL COORDINATING ORGANIZATION PURSUANT TO SECTION
2 26.5-2-104.

3 (6) "ECEA" MEANS THE "EXCEPTIONAL CHILDREN'S
4 EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, AND ITS IMPLEMENTING
5 RULES.

6 (7) "ELIGIBLE CHILD" MEANS A CHILD WHO IS ELIGIBLE TO RECEIVE
7 PRESCHOOL SERVICES AS PROVIDED IN SECTION 26.5-4-204 (3).

8 (8) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES
9 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS
10 IMPLEMENTING REGULATIONS.

11 (9) "INDIVIDUALIZED EDUCATION PROGRAM" HAS THE SAME
12 MEANING AS PROVIDED IN SECTION 22-20-103.

13 (10) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN
14 THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR
15 STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD
16 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE
17 SUCCESSOR INDEX.

18 (11) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY
19 SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO
20 IMPLEMENT A COMMUNITY PLAN FOR EARLY CHILDHOOD AND FAMILY
21 SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED COMMUNITY.

22 (12) "MIXED DELIVERY SYSTEM" MEANS A SYSTEM FOR
23 DELIVERING PRESCHOOL SERVICES THROUGH A COMBINATION OF SCHOOL-
24 AND COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE FUNDED BY A
25 COMBINATION OF PUBLIC AND PRIVATE MONEY.

26 (13) "PARENT" HAS THE SAME MEANING AS PROVIDED IN SECTION
27 22-20-103.

1 (14) "PRESCHOOL PROVIDER" MEANS ANY OF THE FOLLOWING
2 ENTITIES THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS
3 TITLE 26.5:

4 (I) A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION
5 26.5-5-303;

6 (II) A CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303;

7 (III) A SCHOOL DISTRICT LICENSED TO OPERATE AS A PUBLIC
8 PRESCHOOL PROVIDER;

9 (IV) A CHARTER SCHOOL LICENSED TO OPERATE AS A PUBLIC
10 PRESCHOOL PROVIDER; OR

11 (V) A HEAD START PROGRAM.

12 (15) "QUALIFYING FACTOR" MEANS A CHILD OR FAMILY
13 CIRCUMSTANCE, AS IDENTIFIED BY DEPARTMENT RULE PURSUANT TO
14 SECTION 26.5-4-204 (4)(a)(II), THAT MAY NEGATIVELY IMPACT A CHILD'S
15 COGNITIVE, ACADEMIC, SOCIAL, PHYSICAL, OR BEHAVIORAL HEALTH OR
16 DEVELOPMENT.

17 (16) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
18 PURSUANT TO ARTICLE 30 OF TITLE 22 THAT PROVIDES PRESCHOOL
19 SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS
20 TITLE 26.5 AS A PRESCHOOL PROVIDER; OR A BOARD OF COOPERATIVE
21 SERVICES ORGANIZED PURSUANT TO ARTICLE 5 OF TITLE 22 THAT
22 PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF
23 ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER.

24 (17) "UNIVERSAL PRESCHOOL SERVICES" MEANS TEN HOURS OF
25 PRESCHOOL SERVICES PER WEEK MADE AVAILABLE, AT NO CHARGE, TO
26 CHILDREN IN THE STATE DURING THE SCHOOL YEAR PRECEDING THE
27 SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN

1 KINDERGARTEN.

2 **26.5-4-204. Colorado universal preschool program - created**
3 **- eligibility - rules - workforce development plan.** (1) THERE IS

4 CREATED IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL
5 PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PRESCHOOL
6 PROGRAM IN ACCORDANCE WITH THIS PART 2 AND SHALL ENSURE THAT,
7 FOR THE 2023-24 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER,
8 FAMILIES MAY ENROLL THEIR CHILDREN IN PRESCHOOL PROVIDERS THAT
9 RECEIVE FUNDING THROUGH THE PRESCHOOL PROGRAM. THE PURPOSES OF
10 THE PRESCHOOL PROGRAM ARE:

11 (a) TO PROVIDE CHILDREN IN COLORADO ACCESS TO VOLUNTARY,
12 HIGH-QUALITY, UNIVERSAL PRESCHOOL SERVICES FREE OF CHARGE IN THE
13 SCHOOL YEAR BEFORE A CHILD ENROLLS IN KINDERGARTEN;

14 (b) TO PROVIDE ACCESS TO ADDITIONAL PRESCHOOL SERVICES IN
15 THE SCHOOL YEAR BEFORE KINDERGARTEN ELIGIBILITY FOR CHILDREN IN
16 LOW-INCOME FAMILIES AND CHILDREN WHO LACK OVERALL LEARNING
17 READINESS DUE TO QUALIFYING FACTORS;

18 (c) TO PROVIDE ACCESS TO PRESCHOOL SERVICES FOR CHILDREN
19 WHO ARE THREE YEARS OF AGE, OR IN LIMITED CIRCUMSTANCES YOUNGER
20 THAN THREE YEARS OF AGE, AND ARE CHILDREN WITH DISABILITIES, ARE
21 IN LOW-INCOME FAMILIES, OR LACK OVERALL LEARNING READINESS DUE
22 TO QUALIFYING FACTORS; AND

23 (d) TO ESTABLISH QUALITY STANDARDS FOR PUBLICLY FUNDED
24 PRESCHOOL PROVIDERS THAT PROMOTE CHILDREN'S EARLY LEARNING AND
25 DEVELOPMENT, SCHOOL READINESS, AND HEALTHY BEGINNINGS.

26 (2) FOR THE 2023-24 SCHOOL YEAR AND EACH SCHOOL YEAR
27 THEREAFTER, SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY

1 OF PRESCHOOL PROVIDERS, PARENTS THROUGHOUT THE STATE MAY
2 ENROLL THEIR CHILDREN, FREE OF CHARGE, IN TEN HOURS PER WEEK OF
3 PUBLICLY FUNDED PRESCHOOL SERVICES FOR THE SCHOOL YEAR
4 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILDREN ARE ELIGIBLE TO
5 ENROLL IN KINDERGARTEN. THE DEPARTMENT, WORKING WITH LOCAL
6 COORDINATING ORGANIZATIONS, SHALL IDENTIFY AND RECRUIT
7 PRESCHOOL PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE
8 COLORADO UNIVERSAL PRESCHOOL PROGRAM. IN IDENTIFYING AND
9 RECRUITING PRESCHOOL PROVIDERS, THE DEPARTMENT AND LOCAL
10 COORDINATING ORGANIZATIONS SHALL, TO THE EXTENT PRACTICABLE,
11 ESTABLISH A MIXED DELIVERY SYSTEM IN COMMUNITIES THROUGHOUT THE
12 STATE THAT ENABLES PARENTS TO SELECT PRESCHOOL PROVIDERS FOR
13 THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR
14 RESPECTIVE COMMUNITIES.

15 (3) (a) FOR THE 2023-24 SCHOOL YEAR AND FOR EACH SCHOOL
16 YEAR THEREAFTER:

17 (I) SUBJECT TO THE AVAILABILITY AND CAPACITY OF PRESCHOOL
18 PROVIDERS, EVERY CHILD IN THE STATE MAY RECEIVE TEN HOURS OF
19 PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, DURING THE SCHOOL
20 YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO
21 ENROLL IN KINDERGARTEN.

22 (II) PURSUANT TO IDEA AND ECEA, EVERY CHILD WHO IS THREE
23 OR FOUR YEARS OF AGE AND IS A CHILD WITH DISABILITIES MUST BE
24 OFFERED PRESCHOOL SERVICES IN ACCORDANCE WITH THE CHILD'S
25 INDIVIDUALIZED EDUCATION PROGRAM.

26 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS
27 THREE YEARS OF AGE, IS NOT ELIGIBLE TO ENROLL IN KINDERGARTEN IN

1 THE NEXT SCHOOL YEAR, AND ■ IS IN A LOW-INCOME FAMILY OR MEETS
2 AT LEAST ONE QUALIFYING FACTOR MAY RECEIVE THE NUMBER OF HOURS
3 OF PRESCHOOL SERVICES ESTABLISHED BY DEPARTMENT RULE.

4 (IV) SUBJECT TO AVAILABLE APPROPRIATIONS, A COMMUNITY IN
5 WHICH A SCHOOL DISTRICT OPERATED A DISTRICT PRESCHOOL PROGRAM
6 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,
7 2023, WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE,
8 MAY CONTINUE TO PROVIDE PRESCHOOL SERVICES FOR THE NUMBER OF
9 HOURS ESTABLISHED BY DEPARTMENT RULE FOR THE SAME NUMBER OF
10 CHILDREN UNDER THREE YEARS OF AGE THAT RECEIVED PRESCHOOL
11 SERVICES IN THE 2022-23 SCHOOL YEAR, SO LONG AS EACH CHILD WHO
12 RECEIVES THE PRESCHOOL SERVICES IS IN A LOW-INCOME FAMILY OR
13 MEETS AT LEAST ONE QUALIFYING FACTOR.

14 (V) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS IN
15 A LOW-INCOME FAMILY OR WHO MEETS AT LEAST ONE QUALIFYING FACTOR
16 MAY RECEIVE ADDITIONAL PRESCHOOL SERVICES FOR THE NUMBER OF
17 HOURS ESTABLISHED BY DEPARTMENT RULE IN THE SCHOOL YEAR
18 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL
19 IN KINDERGARTEN.

20 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(a) OF
21 THIS SECTION TO THE CONTRARY:

22 (I) THE STATE SHALL PROVIDE TO EACH THREE- OR
23 FOUR-YEAR-OLD CHILD WITH A DISABILITY WHOSE PARENT ENROLLS THE
24 CHILD IN THE PRESCHOOL PROGRAM AN EDUCATIONAL PROGRAM IN
25 ACCORDANCE WITH IDEA AND ECEA AND THE CHILD'S INDIVIDUALIZED
26 EDUCATION PROGRAM; AND

27 (II) FOR A SCHOOL YEAR IN WHICH FEDERAL MONEY IS PROVIDED

1 TO THE STATE TO FUND PRESCHOOL, OTHER THAN FEDERAL MONEY
2 PROVIDED THROUGH IDEA, THE EXECUTIVE DIRECTOR MAY ALLOCATE
3 SAID FUNDING TO PROVIDE THE NUMBER OF HOURS OF PRESCHOOL
4 SERVICES ALLOWED UNDER FEDERAL LAW FOR ALL CHILDREN DEFINED AS
5 ELIGIBLE UNDER FEDERAL LAW.

6 (4) (a) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO
7 IMPLEMENT THE PRESCHOOL PROGRAM, WHICH MUST INCLUDE:

8 (I) THE LEVEL OF INCOME THAT IDENTIFIES A FAMILY AS BEING
9 LOW-INCOME FOR PURPOSES OF IDENTIFYING CHILDREN WHO ARE THREE
10 YEARS OF AGE OR YOUNGER AND ARE ELIGIBLE FOR PRESCHOOL SERVICES
11 AND PRIORITIZING FUNDING FOR THOSE ADDITIONAL PRESCHOOL SERVICES.
12 THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, ENSURE
13 THAT THE INCOME ELIGIBILITY REQUIREMENTS FOR OTHER PUBLICLY
14 FUNDED CHILD CARE PROGRAMS ARE ALIGNED WITH THE INCOME LEVEL
15 SET PURSUANT TO THIS SUBSECTION (4)(a)(I).

16 (II) THE QUALIFYING FACTORS THAT A CHILD MUST MEET TO BE
17 ELIGIBLE TO RECEIVE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE
18 DIRECTOR SHALL ENSURE THAT THE QUALIFYING FACTORS ARE REVIEWED
19 AND, AS NECESSARY, REVISED AT LEAST EVERY FIVE YEARS. THE PURPOSE
20 OF THE QUALIFYING FACTORS IS TO IDENTIFY CHILDREN WHO ARE AT RISK
21 OF ENTERING KINDERGARTEN WITHOUT BEING READY FOR SCHOOL. THE
22 QUALIFYING FACTORS MUST INCLUDE IDENTIFICATION AS A
23 DUAL-LANGUAGE LEARNER OR A CHILD WITH DISABILITIES AND MAY
24 INCLUDE SUCH OTHER FACTORS AS THE DEPARTMENT MAY IDENTIFY.

25 (III) THE NUMBER OF HOURS OF PRESCHOOL SERVICES THAT AN
26 ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(III) OR
27 (3)(a)(IV) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN

1 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN
2 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED
3 EDUCATION PROGRAM;

4 (IV) THE NUMBER OF HOURS OF ADDITIONAL PRESCHOOL SERVICES
5 THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION
6 (3)(a)(V) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN
7 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN
8 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED
9 EDUCATION PROGRAM;

10 (V) PRESCHOOL QUALITY STANDARDS, AS PROVIDED IN SECTION
11 26.5-4-205;

12 (VI) THE FORMULAS FOR SETTING THE PER-CHILD RATES FOR
13 UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR
14 CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE
15 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN
16 SUBSECTIONS (3)(a)(III) AND (3)(a)(IV) OF THIS SECTION, AND FOR
17 ADDITIONAL PRESCHOOL SERVICES, AS PROVIDED IN SECTION 26.5-4-208;
18 AND

19 (VII) SUCH OTHER RULES AS ARE REQUIRED IN THIS PART 2 OR AS
20 MAY BE NECESSARY TO IMPLEMENT THE PRESCHOOL PROGRAM.

21 (b) IN ADOPTING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE
22 EXTENT POSSIBLE:

23 (I) ALIGN ALL RULES PERTAINING TO FUNDING AND PRESCHOOL
24 PROVIDER REQUIREMENTS TO FACILITATE COMBINING AND COORDINATING
25 FEDERAL, STATE, PRESCHOOL PROGRAM, AND CHILD CARE FUNDING TO THE
26 GREATEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAW AND
27 REGULATION; AND

1 (II) ALIGN PRESCHOOL QUALITY STANDARDS AND REQUIREMENTS
2 WITH THE CHILD CARE LICENSING REQUIREMENTS AND LICENSING
3 REQUIREMENTS FOR SCHOOL DISTRICT AND CHARTER SCHOOL PRESCHOOL
4 PROGRAMS, AS PROVIDED IN PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, TO
5 REDUCE CONFLICTS AND DUPLICATION.

6 (5) IN DEVELOPING A PLAN FOR RECRUITING, TRAINING, AND
7 RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY
8 STATEWIDE EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION
9 26.5-6-101, THE DEPARTMENT SHALL ENSURE THAT THE PLAN
10 SPECIFICALLY ADDRESSES STRATEGIES FOR BUILDING AND SUPPORTING
11 THE PRESCHOOL WORKFORCE, ESPECIALLY WITH RESPECT TO:

12 (a) SIMPLIFYING THE PROCESS FOR ATTAINING CREDENTIALS,
13 MEETING QUALIFICATIONS, AND DEMONSTRATING PROFESSIONAL
14 COMPETENCIES;

15 (b) MINIMIZING REGULATORY AND ADMINISTRATIVE BARRIERS TO
16 ENTRY, INCLUDING BARRIERS FACED BY INDIVIDUALS WHO SPEAK
17 LANGUAGES OTHER THAN ENGLISH;

18 (c) INCREASING DIVERSITY IN THE PRESCHOOL WORKFORCE;

19 (d) ESTABLISHING GOALS FOR INCREASING THE QUALIFICATIONS OF
20 PRESCHOOL TEACHERS OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING
21 THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE
22 DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH
23 SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS
24 EMPLOYED BY PRESCHOOL PROVIDERS; AND

25 (e) RECRUITING, COMPENSATING, PROVIDING CONTINUING
26 PROFESSIONAL DEVELOPMENT FOR, AND RETAINING INDIVIDUALS IN THE
27 PRESCHOOL WORKFORCE, INCLUDING STRATEGIES FOR ACHIEVING THE

1 GOAL OF COMPENSATING THOSE INDIVIDUALS AT A LIVING WAGE.

2 **26.5-4-205. Quality standards - evaluation - support.**

3 (1)(a) THE DEPARTMENT SHALL DEVELOP AND THE EXECUTIVE DIRECTOR
4 SHALL ESTABLISH BY RULE THE QUALITY STANDARDS THAT EACH
5 PRESCHOOL PROVIDER MUST MEET TO RECEIVE FUNDING THROUGH THE
6 COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE QUALITY STANDARDS
7 MUST, AT A MINIMUM, ADDRESS THE ISSUES SPECIFIED IN THIS SECTION
8 AND MUST REFLECT NATIONAL AND COMMUNITY-INFORMED BEST
9 PRACTICES WITH REGARD TO SCHOOL READINESS, ACADEMIC AND
10 COGNITIVE DEVELOPMENT, HEALTHY ENVIRONMENTS, SOCIAL-EMOTIONAL
11 LEARNING, AND CHILD AND FAMILY OUTCOMES. THE DEPARTMENT AND
12 THE EXECUTIVE DIRECTOR SHALL WORK WITH FAMILIES, EDUCATORS, AND
13 PROGRAM ADMINISTRATORS TO REVIEW AND, AS NECESSARY, REVISE THE
14 QUALITY STANDARDS AT LEAST EVERY FIVE YEARS TO ENSURE THE
15 STANDARDS CONTINUE TO REFLECT NATIONAL BEST PRACTICES AND MEET
16 THE OTHER REQUIREMENTS SPECIFIED IN THIS SECTION. IN DEVELOPING,
17 REVIEWING, REVISING, AND ADOPTING THE QUALITY STANDARDS, THE
18 DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL CONSIDER, AT A
19 MINIMUM:

20 (I) THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL
21 PROVIDERS PARTICIPATING IN THE COLORADO PRESCHOOL PROGRAM
22 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,
23 2023;

24 (II) NATIONALLY ACCEPTED STANDARDS FOR PRESCHOOL
25 PROGRAMS;

26 (III) THE CHILD CARE LICENSING REQUIREMENTS ESTABLISHED
27 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 WITH WHICH

1 PRESCHOOL PROVIDERS ARE REQUIRED TO COMPLY; AND

2 (IV) THE NEED TO ENSURE THE AVAILABILITY OF PRESCHOOL
3 SERVICES FOR ELIGIBLE CHILDREN THROUGHOUT THE STATE WHILE
4 MAINTAINING THE QUALITY OF THE PRESCHOOL PROVIDERS.

5 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS
6 SECTION, THE DEPARTMENT SHALL ENSURE THAT EACH PRESCHOOL
7 PROVIDER THAT PARTICIPATES IN THE PRESCHOOL PROGRAM MEETS THE
8 QUALITY STANDARDS ESTABLISHED BY RULE IN ACCORDANCE WITH THIS
9 SECTION. THE DEPARTMENT MAY WORK WITH A LOCAL COORDINATING
10 ORGANIZATION TO ENSURE THAT A PRESCHOOL PROVIDER MEETS THE
11 QUALITY STANDARDS. THE DEPARTMENT MAY PROHIBIT A PRESCHOOL
12 PROVIDER THAT FAILS TO MEET ONE OR MORE OF THE QUALITY STANDARDS
13 FROM PARTICIPATING IN THE PRESCHOOL PROGRAM.

14 (II) IF NECESSARY TO ENSURE THE AVAILABILITY OF A MIXED
15 DELIVERY SYSTEM WITHIN A COMMUNITY, THE DEPARTMENT MAY ALLOW
16 A PRESCHOOL PROVIDER THAT DOES NOT MEET THE QUALITY STANDARDS
17 TO PARTICIPATE IN THE PRESCHOOL PROGRAM FOR A LIMITED TIME WHILE
18 WORKING TOWARD COMPLIANCE WITH THE QUALITY STANDARDS; EXCEPT
19 THAT EACH PRESCHOOL PROVIDER MUST MEET ALL QUALITY STANDARDS
20 RELATING TO HEALTH AND SAFETY AS A CONDITION OF PARTICIPATING IN
21 THE PRESCHOOL PROGRAM.

22 (2) AT A MINIMUM, THE QUALITY STANDARDS ESTABLISHED IN
23 RULE MUST INCLUDE:

24 (a) THE MINIMUM NUMBERS OF CONTACT HOURS OF
25 INSTRUCTIONAL SERVICES PER SCHOOL YEAR FOR UNIVERSAL PRESCHOOL
26 SERVICES FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN THREE YEARS
27 OF AGE AND YOUNGER, AND FOR ADDITIONAL PRESCHOOL SERVICES. THE

1 MINIMUM NUMBER OF CONTACT HOURS OF INSTRUCTIONAL SERVICES
2 ESTABLISHED IN RULE FOR UNIVERSAL PRESCHOOL SERVICES MUST NOT BE
3 LESS THAN THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR.

4 (b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE
5 ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE
6 PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS
7 AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING,
8 INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND
9 CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY;

10 (c) THE MAXIMUM ALLOWABLE EDUCATOR-TO-CHILD RATIOS AND
11 GROUP SIZES, ALIGNED WITH NATIONAL BEST PRACTICES. THE
12 DEPARTMENT, BY RULE, MAY IMPLEMENT A WAIVER PROCESS TO ALLOW
13 A PRESCHOOL PROVIDER THAT IMPLEMENTS A NATIONALLY RECOGNIZED
14 PRESCHOOL PROGRAM MODEL TO IMPLEMENT THE EDUCATOR-TO-CHILD
15 RATIOS AND GROUP SIZES THAT SUPPORT THE INSTRUCTIONAL PRACTICES
16 OF THE MODEL, SO LONG AS THE PRESCHOOL PROVIDER MEETS THE
17 NATIONAL STANDARDS FOR THE MODEL OR IS ACCREDITED TO PROVIDE THE
18 MODEL.

19 (d) QUALIFICATIONS FOR PRESCHOOL TEACHERS. THE QUALITY
20 STANDARDS MUST NOT REQUIRE PRESCHOOL TEACHERS TO BE LICENSED
21 PURSUANT TO ARTICLE 60.5 OF TITLE 22 AND MUST ALLOW A PRESCHOOL
22 PROVIDER TO EMPLOY A NONLICENSED PRESCHOOL TEACHER AS LONG AS
23 THE TEACHER MEETS OTHER QUALIFICATIONS ESTABLISHED IN
24 DEPARTMENT RULE. THE DEPARTMENT SHALL WORK WITH THE
25 DEPARTMENT OF EDUCATION TO ENSURE THAT A PRESCHOOL EDUCATOR
26 MAY MEET THE QUALIFICATIONS FOR PRESCHOOL EDUCATORS BY
27 DEMONSTRATING COMPLIANCE WITH THE QUALIFICATIONS FOR AN EARLY

1 CHILDHOOD TEACHING LICENSE ENDORSEMENT PROVIDED BY THE
2 DEPARTMENT OF EDUCATION.

3 (e) REQUIREMENTS FOR CONTINUING PROFESSIONAL DEVELOPMENT
4 FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER, WHICH MUST BE
5 FOCUSED ON IMPROVING TEACHER-CHILD INTERACTIONS AND QUALITY OF
6 INSTRUCTION, INCLUDING IMPROVING FIDELITY IN IMPLEMENTING
7 EVIDENCE-BASED CURRICULA AND STUDENT OUTCOMES, AND MAY ALLOW
8 FOR TRAINING IN EARLY LANGUAGE AND LITERACY DEVELOPMENT AND
9 THE SCIENCE OF READING THAT IS APPROPRIATE FOR EARLY CHILDHOOD
10 EDUCATION AND COMPARABLE TO THE TRAINING REQUIRED FOR EARLY
11 GRADE TEACHERS PURSUANT TO THE "COLORADO READ ACT", PART 12
12 OF ARTICLE 7 OF TITLE 22. THE DEPARTMENT SHALL WORK WITH THE
13 DEPARTMENT OF EDUCATION TO ALLOW, TO THE FULLEST EXTENT
14 POSSIBLE, A TEACHER WHO IS LICENSED BY THE DEPARTMENT OF
15 EDUCATION TO USE THE PROFESSIONAL DEVELOPMENT REQUIRED TO
16 RENEW THE TEACHING LICENSE TO ALSO MEET THE PROFESSIONAL
17 DEVELOPMENT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR
18 TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER.

19 (f) STANDARDS FOR PRESCHOOL SERVICES THAT, AT A MINIMUM,
20 ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT
21 GUIDELINES ACROSS ALL EARLY CHILDHOOD DOMAINS APPROVED BY THE
22 EARLY CHILDHOOD LEADERSHIP COMMISSION AND WITH THE COLORADO
23 ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION
24 PURSUANT TO SECTION 22-7-1005, ARE CULTURALLY INCLUSIVE, AND ARE
25 SUPPORTED BY THE DEPARTMENT IN IMPLEMENTATION;

26 (g) STANDARDS FOR INSTRUCTIONAL PRACTICE THAT, AT A
27 MINIMUM, MUST ENSURE THAT THE INSTRUCTIONAL PRACTICE

1 IMPLEMENTED BY PRESCHOOL PROVIDERS:

2 (I) PROMOTES LEARNING THROUGH DEVELOPMENTALLY
3 APPROPRIATE PRACTICES THAT INCLUDE A MIX OF STRUCTURED ACTIVITIES
4 AND PLAY; AND

5 (II) INCREASES AND SUPPORTS LEARNING USING INSTRUCTIONAL
6 PRACTICES THAT BUILD ON PREVIOUS LEARNING AND INCLUDE A FOCUS ON
7 AGE-APPROPRIATE CLASSROOM ENVIRONMENTS AND ONGOING INFORMAL
8 ASSESSMENTS OF LEARNING;

9 (h) LIMITATIONS ON THE USE OF, AND REQUIRED PROCEDURES FOR,
10 OUT-OF-SCHOOL SUSPENSION AND EXPULSION IN ACCORDANCE WITH
11 SECTION 22-33-106.1. IN ADDITION, TO REDUCE THE USE OF
12 EXCLUSIONARY DISCIPLINE, THE STANDARDS MUST REFLECT BEST
13 PRACTICES IN EARLY CHILDHOOD MENTAL HEALTH, INCLUDING
14 PROMOTING ACCESS TO EARLY CHILDHOOD MENTAL HEALTH
15 CONSULTATION.

16 (i) STANDARDS FOR FAMILY AND COMMUNITY ENGAGEMENT TO
17 ENSURE THAT THE PRESCHOOL PROVIDER ENGAGES WITH PARENTS AND
18 NEIGHBORHOOD LEADERS IN A FORMAL AND MEANINGFUL WAY,
19 INCLUDING SEEKING INPUT FOR POLICY AND PROGRAMMING DECISIONS;

20 (j) REQUIREMENTS FOR SERVING CHILDREN WHO ARE DUAL
21 LANGUAGE LEARNERS, WHICH MUST, AT A MINIMUM, INCLUDE:

22 (I) IDENTIFYING, SCREENING, AND ASSESSING CHILDREN IN THEIR
23 HOME LANGUAGES;

24 (II) COMMUNICATING WITH CHILDREN'S PARENTS IN THEIR HOME
25 LANGUAGES; AND

26 (III) USING TEACHING STRATEGIES THAT HAVE BEEN SHOWN TO
27 MEET THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS;

1 (k) REQUIREMENTS FOR OFFERING VOLUNTARY VISION, HEARING,
2 DENTAL, AND HEALTH SCREENINGS, AND, UPON PARENT REQUEST,
3 REFERRALS TO APPROPRIATE HEALTH PROVIDERS FOR CHILDREN WHO ARE
4 ENROLLED BY A PRESCHOOL PROVIDER; AND

5 (l) REQUIREMENTS FOR PROVIDING VOLUNTARY DEVELOPMENTAL
6 SCREENINGS, WHICH MUST, AT A MINIMUM, INCLUDE THE USE OF VALID
7 AND RELIABLE SCREENING TOOLS THAT ARE DEVELOPMENTALLY,
8 CULTURALLY, AND LINGUISTICALLY APPROPRIATE.

9 (3) (a) USING THE PROCEDURES SPECIFIED IN SUBSECTION (3)(b)
10 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A RESOURCE BANK OF
11 PRESCHOOL CURRICULA FOR USE BY PRESCHOOL PROVIDERS. THE
12 RESOURCE BANK MAY INCLUDE ONLY CURRICULA THAT, AT A MINIMUM:

13 (I) ARE SUPPORTED BY EVIDENCE THAT USE OF THE CURRICULA
14 IMPROVES STUDENT OUTCOMES;

15 (II) ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY
16 RELEVANT, AND LINGUISTICALLY RESPONSIVE TO COMMUNITIES BEING
17 SERVED;

18 (III) PROMOTE LITERACY, AS DEVELOPMENTALLY APPROPRIATE,
19 BASED ON THE SCIENCE OF READING BY PROVIDING LANGUAGE
20 DEVELOPMENT, INCLUDING SPEECH SOUNDS, VOCABULARY, GRAMMAR,
21 AND USE, AND PROVIDING DEVELOPMENTALLY APPROPRIATE INSTRUCTION
22 TO SUPPORT CHILDREN'S SUCCESS IN EARLY ELEMENTARY GRADES WHEN
23 RECEIVING INSTRUCTION PURSUANT TO THE "COLORADO READ ACT",
24 PART 12 OF ARTICLE 7 OF TITLE 22, IN THE AREAS OF PHONEMIC
25 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,
26 INCLUDING ORAL SKILLS; AND READING COMPREHENSION; AND

27 (IV) ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND

1 DEVELOPMENT GUIDELINES APPROVED BY THE EARLY CHILDHOOD
2 LEADERSHIP COMMISSION.

3 (b) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
4 PROCEDURE FOR IDENTIFYING THE CURRICULA IT INCLUDES IN THE
5 RESOURCE BANK OF PRESCHOOL CURRICULA. AT A MINIMUM, THE
6 PROCEDURE MUST INCLUDE:

7 (I) SOLICITING THROUGH PUBLIC NOTICE, ACCEPTING, AND
8 PROMPTLY REVIEWING CURRICULA FROM PRESCHOOL PROVIDERS AND
9 FROM PUBLISHERS;

10 (II) EVALUATING THE CURRICULA THAT THE DEPARTMENT
11 IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON THE CRITERIA
12 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ANY ADDITIONAL
13 CRITERIA SPECIFIED IN DEPARTMENT RULE;

14 (III) PROVIDING NOTICE TO PRESCHOOL PROVIDERS AND
15 PUBLISHERS THAT SUBMIT CURRICULA CONCERNING WHETHER THE
16 SUBMITTED CURRICULA WAS INCLUDED IN THE RESOURCE BANK AND, IF
17 EXCLUDED FROM THE RESOURCE BANK, THE REASONS FOR EXCLUSION;
18 AND

19 (IV) REVIEWING THE RESOURCE BANK AT LEAST EVERY THREE
20 YEARS TO UPDATE THE RESOURCE BANK AND ADD CURRICULA WHEN
21 APPROPRIATE. IN REVIEWING AND UPDATING THE RESOURCE BANK, THE
22 DEPARTMENT SHALL, AT A MINIMUM, COMPLY WITH THE PROCEDURES
23 DESCRIBED IN SUBSECTIONS (3)(b)(I) TO (3)(b)(III) OF THIS SECTION.

24 (c) THE DEPARTMENT SHALL MAKE THE RESOURCE BANK
25 ACCESSIBLE TO THE PUBLIC THROUGH THE DEPARTMENT WEBSITE.

26 **26.5-4-206. Preschool special education services - department**
27 **collaboration - memorandum of understanding.** (1) THE DEPARTMENT

1 SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION THROUGH A
2 MEMORANDUM OF UNDERSTANDING AS DESCRIBED IN SUBSECTION (2) OF
3 THIS SECTION TO ENSURE ALL CHILDREN WITH DISABILITIES ARE SERVED
4 EQUITABLY IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, ENSURE
5 ACCESS TO CLASSROOMS THAT MEET THE INDIVIDUAL NEEDS OF CHILDREN
6 WITH DISABILITIES BASED ON THEIR INDIVIDUALIZED EDUCATION
7 PROGRAMS, AND ENSURE THAT PRESCHOOL PROVIDERS OPERATE IN
8 ACCORDANCE WITH FEDERAL AND STATE LAW CONCERNING EDUCATION
9 FOR PRESCHOOL-AGE CHILDREN WITH DISABILITIES. IN COLLABORATING
10 PURSUANT TO THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF
11 EDUCATION SHALL, AT A MINIMUM:

- 12 (a) SUPPORT LOCAL IMPLEMENTATION OF BEST PRACTICES;
- 13 (b) CREATE TRAINING FOR PRESCHOOL PROVIDERS CONCERNING
14 THE LEGAL OBLIGATIONS FOR SERVING CHILDREN WITH DISABILITIES,
15 INCLUDING THE RESPONSIBILITIES AND OBLIGATIONS OF ADMINISTRATIVE
16 UNITS SPECIFIED IN IDEA AND ECEA; AND
- 17 (c) COLLABORATE TO ENSURE PRESCHOOL SERVICES DELIVERED
18 THROUGH THE PRESCHOOL PROGRAM TO CHILDREN WITH DISABILITIES ARE
19 DELIVERED IN COMPLIANCE WITH IDEA AND ECEA.

20 (2) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
21 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT, AT A
22 MINIMUM:

- 23 (a) DEFINES THE ROLES AND RESPONSIBILITIES OF BOTH
24 DEPARTMENTS, ADMINISTRATIVE UNITS AS DEFINED IN SECTION 22-20-103,
25 AND PRESCHOOL PROVIDERS, RECOGNIZING THAT THE DEPARTMENT OF
26 EDUCATION IS THE IDENTIFIED AGENCY RESPONSIBLE FOR COMPLIANCE
27 WITH THE PART B COMPONENT OF IDEA, AS DESCRIBED IN SECTION

1 22-20-103 (4)(b);

2 (b) DESCRIBES DATA COLLECTION AND SHARING RESPONSIBILITIES
3 IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND TIMELINES, ENSURING
4 THAT ALL CRITICAL DATA CAN BE DISAGGREGATED, WHILE ADHERING TO
5 REQUIREMENTS FOR PROTECTING PERSONALLY IDENTIFIABLE
6 INFORMATION;

7 (c) DESCRIBES EACH DEPARTMENT'S ROLE IN HELPING PRESCHOOL
8 PROVIDERS AND COMMUNITIES PROVIDE INCLUSIVE, INDIVIDUALIZED,
9 MEANINGFUL, CULTURALLY RELEVANT, LINGUISTICALLY RELEVANT,
10 ACTIVE, AND PARTICIPATORY LEARNING FOR ALL CHILDREN WITH
11 DISABILITIES, IN ACCORDANCE WITH EACH CHILD'S INDIVIDUALIZED
12 EDUCATION PROGRAM;

13 (d) ESTABLISHES PROCEDURES FOR HOLDING ALL PRESCHOOL
14 PROVIDERS ACCOUNTABLE FOR PROVIDING ACCESS AND SUPPORTS FOR
15 CHILDREN WITH DISABILITIES;

16 (e) RECOMMENDS TRAINING PROGRAMS FOR PRESCHOOL
17 PROVIDERS IN WORKING WITH CHILDREN WITH DISABILITIES;

18 (f) WITH REGARD TO PRESCHOOL PROGRAM RULES, ESTABLISHES
19 PROCESSES TO:

20 [REDACTED]
21 (I) ENSURE THAT PRESCHOOL PROGRAM REQUIREMENTS ARE IN
22 COMPLIANCE WITH AND DO NOT CONFLICT WITH IDEA AND ECEA; AND

23 [REDACTED]
24 (II) ENSURE PRESCHOOL PROGRAM RULES ADDRESS ALL LEGAL
25 REQUIREMENTS FOR THE PROVISION OF PRESCHOOL SERVICES TO ELIGIBLE
26 CHILDREN WITH DISABILITIES.

27 **26.5-4-207. Preschool program evaluation and improvement**

1 **process - independent evaluator.** (1) THE DEPARTMENT SHALL DEVELOP
2 AND IMPLEMENT A PROCESS FOR CONTINUOUS EVALUATION AND
3 IMPROVEMENT OF PRESCHOOL PROVIDERS WHO PARTICIPATE IN THE
4 COLORADO UNIVERSAL PRESCHOOL PROGRAM. AT A MINIMUM, THE
5 PROCESS MUST INCLUDE A REQUIREMENT THAT PRESCHOOL PROVIDERS
6 USE ASSESSMENT AND CONTINUOUS IMPROVEMENT STRATEGIES THAT:

7 (a) ARE IMPLEMENTED THROUGH A COORDINATED SYSTEM THAT
8 INCLUDES THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE;
9 CURRICULUM; PROFESSIONAL DEVELOPMENT; DEVELOPMENTALLY
10 APPROPRIATE, AGE-APPROPRIATE, AND WHOLE-CHILD ASSESSMENT THAT
11 MAY BE BASED ON OBSERVATIONAL ASSESSMENTS OF CHILDREN'S
12 DEVELOPMENT AND CLASSROOM-BASED TEACHER-CHILD INTERACTIONS;
13 AND DATA COLLECTION;

14 (b) SUPPORT BOTH CONTINUOUS PROGRAM IMPROVEMENT AND THE
15 DEPARTMENT'S INDEPENDENT EVALUATION OF THE PRESCHOOL PROGRAM
16 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;

17 (c) ARE DESIGNED TO INFORM CURRICULUM IMPLEMENTATION,
18 PROFESSIONAL DEVELOPMENT, TEACHER SUPPORTS, AND RESOURCE
19 ALLOCATION; AND

20 (d) ARE APPROPRIATE FOR USE WITH YOUNG CHILDREN AND FOR
21 THE PURPOSES FOR WHICH THEY ARE USED.

22 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT
23 EVALUATOR TO MEASURE THE SUCCESS OF THE COLORADO UNIVERSAL
24 PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL
25 READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH
26 THE PRESCHOOL PROGRAM. IN EVALUATING THE SUCCESS OF THE
27 PRESCHOOL PROGRAM, THE DEPARTMENT SHALL ENSURE THE

1 INDEPENDENT EVALUATOR HAS ACCESS TO THE NECESSARY DATA TO
2 MEASURE IMMEDIATE AND LONG-TERM CHILD OUTCOMES AND TO PROVIDE
3 RECOMMENDATIONS TO IMPROVE TEACHING AND LEARNING, ASSESS
4 PROFESSIONAL DEVELOPMENT INPUTS AND OUTCOMES, AND IMPROVE
5 TEACHER-CHILD INTERACTIONS. THE DEPARTMENT SHALL TAKE INTO
6 ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE
7 INDEPENDENT EVALUATOR IN IMPLEMENTING THE PROCESS FOR
8 CONTINUOUS EVALUATION AND IMPROVEMENT DESCRIBED IN SUBSECTION
9 (1) OF THIS SECTION.

10 (3) THE DEPARTMENT SHALL COMMUNICATE THE EVALUATIONS
11 AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR TO FAMILIES,
12 COMMUNITIES, PRESCHOOL PROVIDERS, LOCAL COORDINATING
13 ORGANIZATIONS, THE STATE BOARD OF EDUCATION, AND THE GENERAL
14 ASSEMBLY, AS APPROPRIATE, TO INFORM AND IMPROVE EARLY CHILDHOOD
15 TEACHING AND EDUCATION AND POLICY-MAKING RELATED TO EARLY
16 CHILDHOOD EDUCATION.

17 (4) THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE
18 EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR
19 IN REVIEWING AND REVISING THE PRESCHOOL QUALITY STANDARDS
20 PURSUANT TO SECTION 26.5-4-205; THE PLAN FOR RECRUITING, TRAINING,
21 AND RETAINING A HIGH-QUALITY EARLY CHILDHOOD WORKFORCE
22 PURSUANT TO SECTION 26.5-6-101; AND THE STATE GOALS FOR
23 IMPLEMENTING THE PRESCHOOL PROGRAM.

24 **26.5-4-208. Preschool provider funding - per-child rates - local**
25 **contribution - distribution and use of money - definitions - repeal.**

26 (1) (a) THE DEPARTMENT, IN ACCORDANCE WITH THE INTENT SPECIFIED
27 IN SECTION 26.5-4-202 (3), SHALL ANNUALLY ESTABLISH THE PER-CHILD

1 RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES
2 FOR CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE
3 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN
4 SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV), AND FOR ADDITIONAL
5 PRESCHOOL SERVICES. IN ESTABLISHING THE PER-CHILD RATES, THE
6 DEPARTMENT, AT A MINIMUM, SHALL ENSURE THAT THE PER-CHILD RATE
7 FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES IS AT LEAST
8 EQUAL TO THE GREATER OF THE PER-CHILD RATE FOR UNIVERSAL
9 PRESCHOOL SERVICES OR THE STATE PER PUPIL PRESCHOOL FUNDING RATE
10 FOR CHILDREN WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR, AS
11 DEFINED IN SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT SHALL
12 ADOPT ONE OR MORE FORMULAS FOR ANNUALLY SETTING THE PER-CHILD
13 RATES, WHICH FORMULAS MUST, AT A MINIMUM, TAKE INTO ACCOUNT:

14 (I) THE COST OF PROVIDING PRESCHOOL SERVICES THAT MEET THE
15 QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO
16 SECTION 26.5-4-205 (2);

17 (II) THE RESPONSIBILITIES OF THE STATE AND ADMINISTRATIVE
18 UNITS TO MEET THE SPECIAL EDUCATION FUNDING MAINTENANCE OF
19 EFFORT REQUIREMENTS SPECIFIED IN IDEA;

20 (III) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES
21 THAT RESULT FROM REGIONAL DIFFERENCES AND CIRCUMSTANCES, WHICH
22 MAY INCLUDE DIFFICULTIES IN ACHIEVING ECONOMIES OF SCALE IN RURAL
23 AREAS AND IN RECRUITING AND RETAINING PRESCHOOL EDUCATORS; AND

24 (IV) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES
25 THAT RESULT FROM THE CHARACTERISTICS OF CHILDREN, WHICH MUST
26 INCLUDE A CHILD'S IDENTIFICATION AS A CHILD IN A LOW-INCOME FAMILY,
27 AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A CHILD'S

1 IDENTIFICATION AS A DUAL LANGUAGE LEARNER.

2 (b) IN ESTABLISHING THE FORMULAS DESCRIBED IN SUBSECTION
3 (1)(a) OF THIS SECTION AND ANNUALLY SETTING THE PER-CHILD RATES,
4 THE DEPARTMENT MUST CONSIDER STRATEGIES TO MITIGATE THE EFFECT
5 OF PRESCHOOL FUNDING ON THE AVAILABILITY OF CHILD CARE SERVICES
6 FOR INFANTS AND TODDLERS WITHIN COMMUNITIES AND AREAS IN THE
7 STATE.

8 (c) IN ESTABLISHING THE FORMULA FOR ADDITIONAL PRESCHOOL
9 SERVICES, IN ADDITION TO THE CONSIDERATIONS SPECIFIED IN SUBSECTION
10 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE AMOUNT OF
11 LOCAL FUNDING AVAILABLE TO ASSIST FAMILIES WITHIN A COMMUNITY
12 BASED ON THE COMMUNITY PLAN OR AVAILABLE WITHIN AN AREA THAT
13 DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. A PRESCHOOL
14 PROVIDER IS PROHIBITED FROM CHARGING A FEE FOR ADDITIONAL
15 PRESCHOOL SERVICES TO A FAMILY THAT PARTICIPATES IN THE PRESCHOOL
16 PROGRAM THAT EXCEEDS THE AMOUNT CHARGED TO FAMILIES THAT DO
17 NOT RECEIVE ADDITIONAL PRESCHOOL SERVICES.

18 (d) IN ADDITION TO DISTRIBUTING FUNDING BASED ON THE
19 PER-CHILD RATES ESTABLISHED PURSUANT TO SUBSECTION (1)(a) OF THIS
20 SECTION, THE DEPARTMENT MAY BY RULE DISTRIBUTE FUNDING TO
21 ACHIEVE A SPECIFIED PURPOSE, WHICH MAY INCLUDE FUNDING FOR
22 ADMINISTRATIVE UNITS TO PROVIDE SPECIAL EDUCATION SERVICES
23 THROUGH THE PRESCHOOL PROGRAM AND FUNDING FOR MEASURES
24 RELATED TO RECRUITING, TRAINING, AND RETAINING PRESCHOOL
25 EDUCATORS. THE DEPARTMENT MAY CHOOSE TO DISTRIBUTE FUNDING
26 PURSUANT TO THIS SUBSECTION (1)(d) ONLY AFTER THE DEPARTMENT
27 ALLOCATES THE AMOUNTS NECESSARY TO FUND PRESCHOOL SERVICES FOR

1 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, UP TO
2 THE AMOUNTS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND TO
3 FULLY FUND UNIVERSAL PRESCHOOL SERVICES FOR ALL ELIGIBLE
4 CHILDREN WHO ENROLL.

5 (e) IN ESTABLISHING THE FORMULAS AND OTHER DISTRIBUTION
6 AMOUNTS, THE DEPARTMENT SHALL CONSULT WITH THE RULES ADVISORY
7 COUNCIL, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND
8 MEMBERS OF THE EARLY CHILDHOOD COMMUNITY, INCLUDING PARENTS OF
9 PRESCHOOL-AGE CHILDREN, PRESCHOOL EDUCATORS, PRESCHOOL
10 PROVIDERS, EARLY CHILDHOOD COUNCILS, SCHOOL DISTRICTS, CHARTER
11 SCHOOLS, REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN
12 SERVICES AND SOCIAL SERVICES, LOCAL COORDINATING ORGANIZATIONS,
13 AND INDIVIDUALS WITH FINANCIAL EXPERTISE IN PUBLIC AND PRIVATE
14 FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES.

15 (2) BEFORE FINALIZING THE PER-CHILD RATES IN A FISCAL YEAR,
16 THE DEPARTMENT SHALL:

17 (a) (I) ENSURE THAT THE PER-CHILD RATES FOR UNIVERSAL
18 PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH
19 DISABILITIES, AND FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO
20 ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION
21 26.5-4-204 (3)(a)(III) AND (3)(a)(IV) MEET OR EXCEED THE
22 CONSTITUTIONAL COMPLIANCE RATE FOR THE APPLICABLE FISCAL YEAR,
23 AS DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

24 (II) FOR THE 2023-24 FISCAL YEAR, THE CONSTITUTIONAL
25 COMPLIANCE RATE IS FORTY PERCENT OF THE STATEWIDE BASE PER PUPIL
26 FUNDING THAT THE GENERAL ASSEMBLY ESTABLISHES IN SECTION
27 22-54-104 (5)(a) FOR THE 2023-24 FISCAL YEAR. FOR THE 2024-25 FISCAL

1 YEAR AND EACH FISCAL YEAR THEREAFTER, THE CONSTITUTIONAL
2 COMPLIANCE RATE IS THE 2023-24 FISCAL YEAR CONSTITUTIONAL
3 COMPLIANCE RATE INCREASED ANNUALLY, BEGINNING IN THE 2024-25
4 FISCAL YEAR, BY THE RATE OF INFLATION.

5 (b) COMPARE THE AMOUNT OF FUNDING THAT THE PER-CHILD
6 RATES DIRECT TOWARD UNIVERSAL PRESCHOOL SERVICES WITH THE
7 AMOUNT OF FUNDING THE RATES DIRECT TOWARD ADDITIONAL PRESCHOOL
8 SERVICES AND PREPARE AN ANALYSIS OF THE EFFICACY OF THE BALANCE
9 BETWEEN FUNDING FOR UNIVERSAL PRESCHOOL SERVICES AND
10 ADDITIONAL PRESCHOOL SERVICES IN OPTIMIZING SUPPORT FOR CHILDREN
11 IN LOW-INCOME FAMILIES AND CHILDREN WHO MEET QUALIFYING FACTORS
12 WHILE ENSURING HIGH-QUALITY UNIVERSAL PRESCHOOL SERVICES. THE
13 DEPARTMENT SHALL MAKE THE ANALYSIS AVAILABLE TO THE PUBLIC.

14 (c) CONSIDER THE IMPACT ON THE LEVEL OF FUNDING FOR
15 PRESCHOOL PROVIDERS AS A RESULT OF THE PER-CHILD RATES AND THE
16 LEVELS OF ENROLLMENT AS COMPARED TO PREVIOUS STATE FISCAL YEARS,
17 INCLUDING STATE FISCAL YEARS PRECEDING THE 2023-24 STATE FISCAL
18 YEAR. THE DEPARTMENT MAY CONSIDER A SPECIFIED PURPOSE
19 DISTRIBUTION AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO
20 REDUCE ANY IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL
21 PROVIDERS.

22 (3) (a) BEGINNING IN THE 2023-24 FISCAL YEAR AND FOR EACH
23 FISCAL YEAR THEREAFTER, THE DEPARTMENT, WORKING WITH LOCAL
24 COORDINATING ORGANIZATIONS AS PROVIDED IN EACH LOCAL
25 COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT WITH THE
26 DEPARTMENT, SHALL DISTRIBUTE THE FUNDING APPROPRIATED TO THE
27 DEPARTMENT FOR PRESCHOOL SERVICES FROM THE PRESCHOOL PROGRAMS

1 CASH FUND AND ANY AMOUNT RECEIVED PURSUANT TO SECTION
2 26.5-4-209 (2). THE DEPARTMENT AND LOCAL COORDINATING
3 ORGANIZATIONS, AS APPLICABLE, SHALL BASE THE AMOUNTS DISTRIBUTED
4 ON THE PER-CHILD RATES AND ANY SPECIAL PURPOSE DISTRIBUTIONS
5 ESTABLISHED FOR THE APPLICABLE FISCAL YEAR PURSUANT TO
6 SUBSECTION (1) OF THIS SECTION. AT THE START OF EACH FISCAL YEAR,
7 THE DEPARTMENT, AND LOCAL COORDINATING ORGANIZATIONS AS
8 APPLICABLE, SHALL DISTRIBUTE A PORTION OF THE FUNDING TO
9 PRESCHOOL PROVIDERS BASED ON THE NUMBERS AND TYPES OF ELIGIBLE
10 CHILDREN EXPECTED TO ENROLL IN PRESCHOOL AS ESTIMATED IN THE
11 COMMUNITY PLANS OR AS ESTIMATED BY THE DEPARTMENT FOR AN AREA
12 THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. THE
13 DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS
14 APPLICABLE, SHALL CONTINUE DISTRIBUTING PORTIONS OF THE FUNDING
15 PERIODICALLY THROUGHOUT THE SCHOOL YEAR AND SHALL ADJUST THE
16 AMOUNTS DISTRIBUTED BASED ON THE ACTUAL NUMBERS AND TYPES OF
17 ELIGIBLE CHILDREN ENROLLED BY PRESCHOOL PROVIDERS.

18 (b) THE DEPARTMENT SHALL ENSURE THAT FUNDING IS ALLOCATED
19 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS
20 OF AGE OR YOUNGER, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS
21 SECTION, FOR CHILDREN WITH DISABILITIES, AND FOR ALL ELIGIBLE
22 CHILDREN WHO ENROLL IN UNIVERSAL PRESCHOOL SERVICES, INCLUDING
23 CHILDREN WITH DISABILITIES, BEFORE FUNDING IS ALLOCATED FOR
24 ADDITIONAL PRESCHOOL SERVICES OR FOR SPECIFIED PURPOSES AS
25 DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION. IN ALLOCATING
26 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN,
27 THE DEPARTMENT SHALL FIRST ALLOCATE FUNDING FOR ADDITIONAL

1 PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME
2 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN
3 ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR THE
4 REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

5 (c) (I) (A) IN DISTRIBUTING FUNDING FOR PRESCHOOL SERVICES
6 PURSUANT TO THIS SECTION FOR THE 2023-24 FISCAL YEAR AND EACH
7 FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL ENSURE THAT THE
8 AMOUNT OF FUNDING REQUIRED TO PROVIDE PRESCHOOL SERVICES TO ALL
9 THREE-YEAR-OLD CHILDREN WITH DISABILITIES WHO ENROLL IN THE
10 PRESCHOOL PROGRAM IS ANNUALLY DISTRIBUTED TO THE ENROLLING
11 PRESCHOOL PROVIDERS AND THE AMOUNT DESCRIBED IN SUBSECTION
12 (3)(c)(I)(B) OF THIS SECTION IS DISTRIBUTED TO PROVIDE PRESCHOOL
13 SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR
14 YOUNGER, AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND
15 (3)(a)(IV).

16 (B) TO PROVIDE SERVICES FOR ELIGIBLE CHILDREN WHO ARE
17 THREE YEARS OF AGE OR YOUNGER, THE DEPARTMENT SHALL ANNUALLY
18 DISTRIBUTE THE AMOUNT ALLOTTED FOR THE 2022-23 FISCAL YEAR TO
19 PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR
20 YOUNGER THROUGH THE "COLORADO PRESCHOOL PROGRAM ACT",
21 ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, CALCULATED
22 AS AN AMOUNT EQUAL TO THE NUMBER OF CHILDREN THREE YEARS OF AGE
23 OR YOUNGER ENROLLED BY EACH SCHOOL DISTRICT FOR THE 2022-23
24 FISCAL YEAR MULTIPLIED BY THE PER PUPIL FUNDING, AS DESCRIBED IN
25 SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE, FOR THE
26 ENROLLING SCHOOL DISTRICT FOR THE 2022-23 FISCAL YEAR.

27 (II) THE DEPARTMENT AND LOCAL COORDINATING

1 ORGANIZATIONS, AS APPLICABLE, SHALL DISTRIBUTE THE FUNDING FOR
2 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR
3 YOUNGER AS DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION
4 ONLY TO PRESCHOOL PROVIDERS THAT ARE SCHOOL DISTRICTS OR
5 CHARTER SCHOOLS FOR THE ELIGIBLE CHILDREN WHO ARE THREE YEARS
6 OF AGE AND YOUNGER WHOM THE SCHOOL DISTRICT OR CHARTER SCHOOL
7 ENROLLS IN ACCORDANCE WITH THE PRESCHOOL PROGRAM; EXCEPT THAT,
8 IN A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY SPECIFICALLY
9 APPROPRIATES AN AMOUNT TO PROVIDE PRESCHOOL SERVICES FOR
10 CHILDREN THREE YEARS OF AGE OR YOUNGER WHO DO NOT HAVE
11 DISABILITIES THAT EXCEEDS THE AMOUNT DESCRIBED IN SUBSECTION
12 (3)(c)(I)(B) OF THIS SECTION, THE DEPARTMENT MAY DISTRIBUTE IN
13 ACCORDANCE WITH THE APPLICABLE COMMUNITY PLANS ALL OR ANY
14 PORTION OF THE EXCESS APPROPRIATION AMOUNT TO COMMUNITY-BASED
15 PRESCHOOL PROVIDERS. A SCHOOL DISTRICT MAY DISTRIBUTE ALL OR A
16 PORTION OF THE AMOUNT RECEIVED PURSUANT TO THIS SUBSECTION
17 (3)(c)(II) TO A HEAD START AGENCY OR COMMUNITY-BASED PRESCHOOL
18 PROVIDER THAT PROVIDES PRESCHOOL SERVICES PURSUANT TO A
19 CONTRACT WITH THE SCHOOL DISTRICT.

20 (III) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(c)(I)
21 OF THIS SECTION TO THE CONTRARY, IN A FISCAL YEAR IN WHICH THE
22 AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND
23 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR
24 YOUNGER IS MORE THAN IS REQUIRED TO FULLY FUND THE NUMBER OF
25 SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL
26 SERVICES, THE DEPARTMENT MAY DISTRIBUTE THE EXCESS AMOUNT TO
27 FUND UNIVERSAL PRESCHOOL SERVICES, ADDITIONAL PRESCHOOL

1 SERVICES, OR SPECIAL PURPOSE DISTRIBUTIONS IN ACCORDANCE WITH THIS
2 SECTION.

3 (IV) IN A FISCAL YEAR IN WHICH THE AMOUNT DESCRIBED IN
4 SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND PRESCHOOL SERVICES
5 FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER IS LESS
6 THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE
7 CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE
8 DEPARTMENT SHALL FIRST PROVIDE FUNDING FOR THE ELIGIBLE CHILDREN
9 WITH DISABILITIES AND ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME
10 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN
11 PROVIDE FUNDING FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN
12 LOW-INCOME FAMILIES. IF ANY AMOUNT OF THE APPROPRIATION
13 DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION REMAINS, THE
14 DEPARTMENT, WORKING WITH THE RULES ADVISORY COUNCIL, THE LOCAL
15 COORDINATING ORGANIZATIONS, AND ANY OTHER INTERESTED PERSONS,
16 SHALL ESTABLISH THE PRIORITY FOR DISTRIBUTING THE FUNDING AMONG
17 THE REMAINING ELIGIBLE CHILDREN.

18 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
19 THE CONTRARY, IF THE FUNDING THAT A PRESCHOOL PROVIDER THAT IS A
20 SCHOOL DISTRICT OR A CHARTER SCHOOL RECEIVES PURSUANT TO THIS
21 SECTION FOR ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM
22 FOR THE 2023-24 FISCAL YEAR, CALCULATED AS THE PER-CHILD RATES FOR
23 THE 2023-24 FISCAL YEAR MULTIPLIED BY THE NUMBER OF ELIGIBLE
24 CHILDREN THE PRESCHOOL PROVIDER ENROLLS FOR THE 2023-24 FISCAL
25 YEAR, IS LESS THAN THE AMOUNT OF FUNDING ALLOTTED FOR THE 2022-23
26 FISCAL YEAR FOR THE CHILDREN THE PRESCHOOL PROVIDER ENROLLED
27 THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO

1 JULY 1, 2023, CALCULATED AS FIFTY PERCENT OF THE PRESCHOOL
2 PROVIDER'S PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3)
3 OR (3.5), WHICHEVER IS APPLICABLE, FOR THE 2022-23 FISCAL YEAR
4 MULTIPLIED BY THE NUMBER OF CHILDREN THE PRESCHOOL PROVIDER
5 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM AND
6 DIRECTLY SERVED FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT
7 SHALL DISTRIBUTE TO THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL
8 YEAR AN AMOUNT EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

9 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
10 CONTRARY, IF THE FUNDING THAT A COMMUNITY-BASED PRESCHOOL
11 PROVIDER RECEIVES PURSUANT TO THIS SECTION FOR ELIGIBLE CHILDREN
12 ENROLLED IN THE PRESCHOOL PROGRAM FOR THE 2023-24 FISCAL YEAR,
13 CALCULATED AS THE PER-CHILD RATES FOR THE 2023-24 FISCAL YEAR
14 MULTIPLIED BY THE NUMBER OF ELIGIBLE CHILDREN THE PRESCHOOL
15 PROVIDER ENROLLS FOR THE 2023-24 FISCAL YEAR, IS LESS THAN THE
16 AMOUNT OF FUNDING THE COMMUNITY-BASED PRESCHOOL PROVIDER
17 RECEIVED FOR THE 2022-23 FISCAL YEAR PURSUANT TO A CONTRACT WITH
18 A SCHOOL DISTRICT OR CHARTER SCHOOL TO INDIRECTLY SERVE CHILDREN
19 THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLED THROUGH THE
20 COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023,
21 FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO
22 THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR AN AMOUNT
23 EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

24 (c) ANY AMOUNT DISTRIBUTED PURSUANT TO THIS SUBSECTION (4)
25 IS IN ADDITION TO THE AMOUNT CALCULATED FOR THE PRESCHOOL
26 PROVIDER FOR THE 2023-24 FISCAL YEAR PURSUANT TO THIS SECTION.

27 (d) THE DEPARTMENT SHALL COLLECT, AND PRESCHOOL

1 PROVIDERS SHALL PROVIDE, THE INFORMATION REQUIRED TO IMPLEMENT
2 THIS SUBSECTION (4), WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO:

3 (I) A SCHOOL DISTRICT'S PER PUPIL FUNDING AMOUNT
4 CALCULATED FOR THE 2022-23 FISCAL YEAR PURSUANT TO SECTION
5 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE;

6 (II) THE NUMBER OF PUPILS THAT A PRESCHOOL PROVIDER
7 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS
8 PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR; AND

9 (III) THE AMOUNTS PAID BY SCHOOL DISTRICTS AND CHARTER
10 SCHOOLS TO COMMUNITY-BASED PRESCHOOL PROVIDERS PURSUANT TO
11 CONTRACTS ENTERED INTO FOR THE 2022-23 FISCAL YEAR IN ACCORDANCE
12 WITH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY
13 1, 2023.

14 (e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

15 ■ ■

16 (5) A PRESCHOOL PROVIDER THAT RECEIVES FUNDING DISTRIBUTED
17 PURSUANT TO THIS SECTION SHALL USE THE MONEY ONLY TO PAY THE
18 COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO ELIGIBLE
19 CHILDREN ENROLLED BY THE PRESCHOOL PROVIDER OR BY A
20 SUBCONTRACTED PRESCHOOL PROVIDER AS AUTHORIZED FOR A SCHOOL
21 DISTRICT IN SUBSECTION (3)(c)(II) OF THIS SECTION. COSTS OF PROVIDING
22 PRESCHOOL SERVICES INCLUDE:

23 (a) TEACHER AND PARAPROFESSIONAL SALARIES AND BENEFITS;

24 (b) THE COST OF PROVIDING TO TEACHERS AND
25 PARAPROFESSIONALS ANY PROFESSIONAL DEVELOPMENT ACTIVITIES
26 ASSOCIATED WITH THE PRESCHOOL SERVICES;

27 (c) THE COSTS INCURRED IN PURCHASING SUPPLIES AND

1 MATERIALS USED IN PROVIDING THE PRESCHOOL SERVICES;

2 (d) ANY ADDITIONAL COSTS THAT A PRESCHOOL PROVIDER WOULD

3 NOT HAVE INCURRED BUT FOR THE SERVICES PROVIDED IN CONJUNCTION

4 WITH THE PRESCHOOL SERVICES; AND

5 (e) A REASONABLE ALLOCATION OF OVERHEAD COSTS AS

6 PROVIDED BY DEPARTMENT RULE.

7 (6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT

8 OTHERWISE REQUIRES:

9 (a) "DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT" HAS

10 THE SAME MEANING AS PROVIDED IN SECTION 22-54-103.

11 (b) "FUNDED PUPIL COUNT" HAS THE SAME MEANING AS PROVIDED

12 IN SECTION 22-54-103.

13 (c) "ONLINE PUPIL ENROLLMENT" HAS THE SAME MEANING AS

14 PROVIDED IN SECTION 22-54-103.

15 (d) "STATE AVERAGE PER PUPIL FUNDING AMOUNT" MEANS THE

16 STATEWIDE TOTAL AMOUNT OF PER PUPIL FUNDING, AS DESCRIBED IN

17 SECTION 22-54-104 (3) OR (3.5), CALCULATED FOR ALL SCHOOL DISTRICTS

18 FOR THE 2022-23 BUDGET YEAR DIVIDED BY THE STATEWIDE TOTAL

19 FUNDED PUPIL COUNT, MINUS THE STATEWIDE TOTAL DISTRICT EXTENDED

20 HIGH SCHOOL PUPIL ENROLLMENT AND THE STATEWIDE TOTAL ONLINE

21 PUPIL ENROLLMENT, FOR THE 2022-23 BUDGET YEAR.

22 (e) "STATE PER PUPIL PRESCHOOL FUNDING RATE FOR CHILDREN

23 WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR" MEANS AN AMOUNT

24 EQUAL TO THE STATE'S SHARE PERCENTAGE OF STATEWIDE TOTAL

25 PROGRAM FUNDING FOR ALL SCHOOL DISTRICTS CALCULATED PURSUANT

26 TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22,

27 FOR THE 2022-23 BUDGET YEAR MULTIPLIED BY THE STATE AVERAGE PER

1 PUPIL FUNDING AMOUNT FOR THE 2022-23 BUDGET YEAR.

2 **26.5-4-209. Preschool programs cash fund - created - use.**

3 (1) (a) [Formerly 24-22-118 (3)(a)] The preschool programs cash fund
4 is hereby created in the state treasury. The fund consists of money
5 credited to the fund pursuant to ~~subsection (2) of this section and~~ SECTION
6 24-22-118 (2), money transferred to the fund pursuant to section
7 39-28-116 (6), MONEY ANNUALLY TRANSFERRED TO THE FUND AS
8 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, AND ANY ADDITIONAL
9 MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
10 FUND. The state treasurer shall credit all interest and income derived from
11 the deposit and investment of money in the preschool programs cash fund
12 to the fund. The general assembly shall annually appropriate money in the
13 preschool programs cash fund to ~~a designated department for the purposes~~
14 ~~set forth in this subsection (3)~~ THE DEPARTMENT TO IMPLEMENT THE
15 PRESCHOOL PROGRAM.

16 (b) (I) FOR THE 2023-24 FISCAL YEAR, THE GENERAL ASSEMBLY
17 SHALL TRANSFER TO THE PRESCHOOL PROGRAMS CASH FUND FROM THE
18 GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17
19 OF ARTICLE IX OF THE STATE CONSTITUTION AN AMOUNT EQUAL TO THE
20 DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF TOTAL
21 PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR THE
22 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET
23 STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE
24 AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION
25 OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR
26 ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED
27 WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT,

1 AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND
2 THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES
3 RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL
4 CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE
5 2022-23 BUDGET YEAR.

6 (II) FOR THE 2024-25 FISCAL YEAR AND FOR EACH FISCAL YEAR
7 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY TRANSFER TO
8 THE PRESCHOOL PROGRAMS CASH FUND FROM THE GENERAL FUND OR THE
9 STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE
10 STATE CONSTITUTION AN AMOUNT EQUAL TO THE AMOUNT DESCRIBED IN
11 SUBSECTION (1)(b)(I) OF THIS SECTION INCREASED ANNUALLY, BEGINNING
12 IN THE 2024-25 FISCAL YEAR, BY THE RATE OF INFLATION.

13 (2) IN ADDITION TO THE MONEY APPROPRIATED FROM THE FUND,
14 THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE
15 GIFTS, GRANTS, AND DONATIONS TO IMPLEMENT THE PRESCHOOL
16 PROGRAM.

17 (3) (a) [Formerly 24-22-118 (3)(b)] A designated The department
18 shall prioritize ~~its~~ THE use of money APPROPRIATED from the preschool
19 programs cash fund to ~~expand and enhance the Colorado preschool~~
20 ~~program or any successor program in order to offer at least ten hours per~~
21 ~~week of voluntary preschool free of charge to every child in Colorado~~
22 ~~during the last year of preschool before his or her entry to kindergarten~~
23 PROVIDE FUNDING FOR TEN HOURS OF VOLUNTARY PRESCHOOL SERVICES
24 PER WEEK, AT NO CHARGE, TO COLORADO CHILDREN DURING THE SCHOOL
25 YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO
26 ENROLL IN KINDERGARTEN, TO PROVIDE FUNDING FOR PRESCHOOL
27 SERVICES FOR CHILDREN WITH DISABILITIES, AND TO PROVIDE FUNDING

1 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS
2 OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND
3 (3)(a)(IV).

4 (b) The ~~designated~~ department shall use ~~the~~ money remaining in
5 the preschool programs cash fund after the ~~use identified in subsection~~
6 ~~(3)(b)(I)~~ USES DESCRIBED IN SUBSECTION (3)(a) of this section to provide
7 additional preschool ~~programming for low-income families and children~~
8 ~~at risk of entering kindergarten without being school ready~~ SERVICES FOR
9 CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET AT LEAST
10 ONE QUALIFYING FACTOR.

11 (4) **[Formerly 24-22-118 (3)(d)]** In furtherance of the purposes set
12 forth in ~~subsection (3)(b)~~ SUBSECTION (3) of this section and ~~in order~~ to
13 meet an expansion of ~~current preschool populations, a designated~~
14 PRESCHOOL POPULATIONS, IN ADDITION TO THE USE DESCRIBED IN
15 SUBSECTION (3)(b) OF THIS SECTION, THE department may use money
16 REMAINING in the fund AFTER MEETING THE USES DESCRIBED IN
17 SUBSECTION (3)(a) OF THIS SECTION to ensure the availability of quality,
18 voluntary ~~mixed-delivery~~ preschool SERVICES PROVIDED THROUGH A
19 MIXED DELIVERY SYSTEM by means the department deems appropriate
20 including:

21 (a) Recruiting, training, and retaining early childhood education
22 professionals;

23 (b) Expanding or improving the staff, facilities, equipment,
24 technology, and physical infrastructure of ~~preschool programs offered by~~
25 ~~licensed providers so as~~ PRESCHOOL PROVIDERS to increase preschool
26 access;

27 (c) Parent and family outreach to facilitate timely and effective

1 enrollment; and

2 (d) Such other uses as are consistent with and further the purpose
3 of ~~this section~~ THE PRESCHOOL PROGRAM.

4 (5) [~~Formerly 24-22-118 (3)(e)~~] The ~~designated~~ department may
5 use money appropriated from the preschool programs cash fund for the
6 ADMINISTRATIVE costs of ~~a third-party entity that administers the program~~
7 ~~established on behalf of the designated department in accordance with~~
8 ~~this subsection (3)~~ LOCAL COORDINATING ORGANIZATIONS.

9 **26.5-4-210. Reporting.** (1) BEGINNING WITH THE HEARING HELD
10 IN JANUARY OF 2025 AS PART OF THE ANNUAL HEARING HELD PURSUANT
11 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
12 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
13 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND
14 EFFECTIVENESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN
15 THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

16 (a) THE NUMBER OF ELIGIBLE CHILDREN SERVED BY PRESCHOOL
17 PROVIDERS, SPECIFYING:

18 (I) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ONLY
19 UNIVERSAL PRESCHOOL SERVICES;

20 (II) THE NUMBER OF ELIGIBLE CHILDREN WITH DISABILITIES WHO
21 RECEIVED PRESCHOOL SERVICES;

22 (III) THE NUMBER OF ELIGIBLE CHILDREN THREE YEARS OF AGE
23 AND YOUNGER WHO RECEIVED PRESCHOOL SERVICES;

24 (IV) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED
25 ADDITIONAL PRESCHOOL SERVICES;

26 (V) THE NUMBER AND PERCENTAGE OF ELIGIBLE CHILDREN
27 ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME

1 FAMILIES AND WHO MET ONE OR MORE QUALIFYING FACTORS, INCLUDING
2 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET; AND

3 (VI) THE DEMOGRAPHICS OF THE ELIGIBLE CHILDREN ENROLLED
4 IN THE PRESCHOOL PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE,
5 ETHNICITY, DISABILITY, AND INCOME;

6 (b) THE NUMBER OF CHILDREN WHO WERE ELIGIBLE TO RECEIVE
7 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES BUT DID NOT DUE TO
8 INSUFFICIENT FUNDING AND THE AMOUNT THAT WOULD HAVE FULLY
9 FUNDED ADDITIONAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN;

10 (c) THE NUMBER OF ELIGIBLE CHILDREN WHO DID NOT ENROLL IN
11 PRESCHOOL PROVIDERS;

12 (d) THE EXTENT TO WHICH A MIXED DELIVERY SYSTEM OF
13 PRESCHOOL PROVIDERS IS AVAILABLE AND THE ENROLLMENT CAPACITY OF
14 THE MIXED DELIVERY SYSTEM THROUGHOUT THE STATE;

15 (e) THE AMOUNT OF FUNDING DISTRIBUTED TO PRESCHOOL
16 PROVIDERS THROUGH THE PRESCHOOL PROGRAM, IN TOTAL AND
17 DISAGGREGATED BY COMMUNITIES WITH LOCAL COORDINATING
18 ORGANIZATIONS AND AREAS OF THE STATE THAT DO NOT HAVE LOCAL
19 COORDINATION ORGANIZATIONS;

20 (f) THE PER-CHILD RATES ESTABLISHED PURSUANT TO SECTION
21 26.5-4-208 (1) FOR UNIVERSAL PRESCHOOL SERVICES, PRESCHOOL
22 SERVICES FOR CHILDREN WITH DISABILITIES, PRESCHOOL SERVICES FOR
23 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AND
24 ADDITIONAL PRESCHOOL SERVICES FOR THE FISCAL YEAR WITH AN
25 EXPLANATION OF THE FORMULAS FOR DETERMINING THE PER-CHILD RATES;

26 (g) OF THE AMOUNT APPROPRIATED FROM THE PRESCHOOL
27 PROGRAMS CASH FUND, THE AMOUNT, EXPRESSED AS A DOLLAR AMOUNT

1 AND A PERCENTAGE OF THE TOTAL APPROPRIATION, THAT:

2 (I) WAS DISTRIBUTED TO FUND UNIVERSAL PRESCHOOL SERVICES;

3 (II) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR

4 CHILDREN WITH DISABILITIES;

5 (III) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR

6 ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER;

7 (IV) WAS DISTRIBUTED TO FUND ADDITIONAL PRESCHOOL

8 SERVICES;

9 (V) WAS DISTRIBUTED FOR SPECIFIED PURPOSES PURSUANT TO

10 SECTION 26.5-4-208 (1)(d) WITH AN EXPLANATION OF EACH SPECIFIED

11 PURPOSE AND THE PRESCHOOL PROVIDERS OR COMMUNITIES THAT

12 RECEIVED THE DISTRIBUTIONS;

13 (VI) IS ATTRIBUTABLE TO EACH WEIGHTING FACTOR, IF ANY,

14 INCLUDED IN THE FORMULAS CREATED PURSUANT TO SECTION 26.5-4-208

15 (1); AND

16 (VII) WAS SPENT ON ADMINISTRATIVE EXPENSES OF THE

17 DEPARTMENT AND EACH LOCAL COORDINATING ORGANIZATION;

18 (h) THE NUMBER OF ELIGIBLE CHILDREN FOR WHOM ADDITIONAL

19 PRESCHOOL SERVICES OR OTHER FULL-DAY PRESCHOOL SERVICES WERE

20 PROVIDED USING RESOURCES OTHER THAN THE MONEY DISTRIBUTED

21 THROUGH THE PRESCHOOL PROGRAM AND THE SOURCES OF THOSE

22 RESOURCES;

23 (i) QUANTITATIVE DATA, AND QUALITATIVE DATA IF AVAILABLE,

24 INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE,

25 DEMONSTRATING THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN

26 IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN

27 WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM,

1 INCLUDING THE RESULTS OF THE INDEPENDENT EVALUATION CONDUCTED
2 PURSUANT TO SECTION 26.5-4-207 (2);

3 (j) THE CHANGES, IF ANY, IN THE AVAILABILITY OF CHILD CARE FOR
4 INFANTS AND TODDLERS, STATEWIDE AND WITHIN COMMUNITIES OR
5 AREAS, FOLLOWING IMPLEMENTATION OF THE PRESCHOOL PROGRAM;

6 (k) ANY OTHER INFORMATION THAT INDICATES THE
7 EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN SERVING ELIGIBLE
8 CHILDREN THROUGHOUT THE STATE; AND

9 (l) ANY RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY
10 CHANGES TO IMPROVE THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM.

11 (2) THE DEPARTMENT MAY REQUEST AND LOCAL COORDINATING
12 ORGANIZATIONS AND PRESCHOOL PROVIDERS SHALL PROVIDE
13 INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE
14 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

15 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE
16 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT
17 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

18 **PART 3**

19 **KINDERGARTEN READINESS ONLINE PILOT PROGRAM**

20 **26.5-4-301. Legislative declaration.** (1) THE GENERAL
21 ASSEMBLY FINDS AND DECLARES THAT:

22 (a) ALL CHILDREN IN THE YEAR BEFORE THEY ARE ELIGIBLE TO
23 ENROLL IN KINDERGARTEN SHOULD HAVE ACCESS TO SOCIAL-EMOTIONAL
24 AND ACADEMIC SUPPORTS THAT ARE IMPORTANT FOR SCHOOL READINESS;

25 (b) THE STATE SHOULD PROVIDE A WIDE RANGE OF CHOICES FOR
26 FAMILIES TO ACCESS KINDERGARTEN READINESS SUPPORTS, INCLUDING
27 THE OPTION FOR ONLINE KINDERGARTEN READINESS PROGRAMS; AND

1 (c) TO RECEIVE STATE FUNDING, AN ONLINE KINDERGARTEN
2 READINESS PROGRAM SHOULD DEMONSTRATE STRONG EVIDENCE OF
3 EFFECTIVENESS IN TEACHING A DIVERSE ARRAY OF CHILDREN, PROVIDE
4 EVIDENCE-BASED ONLINE CURRICULUM, INCORPORATE FAMILY
5 ENGAGEMENT, AND UNDERGO PERIODIC EVALUATION TO MEASURE
6 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

7 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO BEST
8 SERVE ALL FAMILIES, IT IS APPROPRIATE FOR THE STATE TO SUPPORT AN
9 ONLINE KINDERGARTEN READINESS PILOT PROGRAM AS A CHOICE FOR
10 PARENTS WHO SEEK TO ACCESS ACADEMIC AND READINESS SUPPORT
11 SERVICES FOR THEIR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN
12 ELIGIBILITY.

13 **26.5-4-302. Online kindergarten readiness pilot program -**
14 **created- survey - provider selection - funding.** (1) THERE IS CREATED
15 IN THE DEPARTMENT THE ONLINE KINDERGARTEN READINESS PILOT
16 PROGRAM, REFERRED TO IN THIS PART 3 AS THE "PILOT PROGRAM", TO
17 PROVIDE FUNDING FOR A VOLUNTARY, ONLINE KINDERGARTEN READINESS
18 PROGRAM THAT SERVES CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR
19 KINDERGARTEN ENROLLMENT. THE PURPOSES OF THE PILOT PROGRAM ARE
20 TO:

21 (a) HELP ENSURE THAT, IN THE YEAR BEFORE ELIGIBILITY FOR
22 KINDERGARTEN ENROLLMENT, CHILDREN RECEIVE PERSONALIZED, ONLINE
23 SUPPORT IN READING, MATHEMATICS, AND SCIENCE THAT IS
24 DEVELOPMENTALLY APPROPRIATE;

25 (b) PROVIDE TRAINING FOR PARENTS AND OTHER FAMILY MEMBERS
26 TO HELP THEM ASSIST THEIR CHILDREN IN LEARNING; AND

27 (c) RAISE THE LEVEL OF KINDERGARTEN READINESS FOR ALL

1 CHILDREN, INCLUDING CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

2 (2) THE DEPARTMENT SHALL CONDUCT A STATEWIDE SURVEY TO
3 DETERMINE THE NUMBER OF FAMILIES WHO WOULD BE INTERESTED IN
4 PARTICIPATING IN THE PILOT PROGRAM. THE DEPARTMENT SHALL COMPILE
5 AND SUBMIT THE RESULTS OF THE SURVEY BY DECEMBER 1, 2022, TO THE
6 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE OFFICE
7 OF STATE PLANNING AND BUDGETING.

8 (3) (a) THE DEPARTMENT SHALL ISSUE A REQUEST FOR
9 INFORMATION FOR A PROVIDER TO MAKE AN ONLINE KINDERGARTEN
10 READINESS PROGRAM AVAILABLE TO FAMILIES STATEWIDE. AT A
11 MINIMUM, A PROVIDER MUST DEMONSTRATE:

12 (I) THE ABILITY TO PROVIDE TECHNOLOGY TO FAMILIES THAT
13 CHOOSE TO PARTICIPATE IN THE ONLINE PROGRAM BUT DO NOT HAVE THE
14 APPROPRIATE TECHNOLOGY TO BE ABLE TO DO SO;

15 (II) THE USE OF A CURRICULUM THAT IS DEVELOPMENTALLY
16 APPROPRIATE AND EVIDENCE BASED AND HAS DEMONSTRATED
17 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN;

18 (III) STRONG EVIDENCE OF THE EFFECTIVENESS OF THE PROVIDER'S
19 ONLINE KINDERGARTEN READINESS PROGRAM OVERALL IN PREPARING
20 CHILDREN TO LEARN IN KINDERGARTEN AND IN DEVELOPING STRONG
21 SOCIAL-EMOTIONAL SKILLS IN CHILDREN WHO PARTICIPATE IN THE
22 PROGRAM; AND

23 (IV) AN EFFECTIVE PLAN FOR RECRUITING FAMILIES FROM DIVERSE
24 BACKGROUNDS IN ALL GEOGRAPHIC AREAS OF THE STATE TO
25 VOLUNTARILY ENROLL IN THE PROGRAM.

26 (b) BY MAY 1, 2023, BASED ON THE RESPONSES TO THE REQUEST
27 FOR INFORMATION, THE DEPARTMENT, SUBJECT TO AVAILABLE

1 APPROPRIATIONS FOR THE 2023-24 FISCAL YEAR, MAY SELECT AND
2 CONTRACT WITH A SINGLE PROVIDER TO PROVIDE AN ONLINE
3 KINDERGARTEN READINESS PROGRAM. AT A MINIMUM, THE CONTRACT
4 MUST REQUIRE THE PROVIDER TO PROVIDE STATEWIDE NOTICE OF THE
5 AVAILABILITY OF THE ONLINE KINDERGARTEN READINESS PROGRAM AND
6 BEGIN ENROLLING FAMILIES, FREE OF CHARGE, FOR THE 2023-24 SCHOOL
7 YEAR.

8 **26.5-4-303. Reporting.** (1) BEGINNING WITH THE HEARING HELD
9 IN JANUARY OF 2025, AS PART OF THE ANNUAL HEARING HELD PURSUANT
10 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
11 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
12 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION OF
13 THE PILOT PROGRAM, INCLUDING:

14 (a) THE NUMBER OF CHILDREN ENROLLED IN THE PILOT PROGRAM
15 FOR THE PRECEDING FISCAL YEAR;

16 (b) THE NUMBER AND PERCENTAGE OF CHILDREN ENROLLED IN THE
17 PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET
18 ONE OR MORE OF THE QUALIFYING FACTORS ESTABLISHED IN DEPARTMENT
19 RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), INCLUDING
20 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET;

21 (c) THE DEMOGRAPHICS OF THE CHILDREN ENROLLED IN THE PILOT
22 PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY,
23 DISABILITY, AND INCOME;

24 (d) QUANTITATIVE AND, TO THE EXTENT AVAILABLE, QUALITATIVE
25 DATA, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE
26 AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PILOT PROGRAM
27 IN IMPROVING THE OVERALL LEARNING AND KINDERGARTEN READINESS OF

1 CHILDREN ENROLLED IN THE PILOT PROGRAM; AND

2 (e) ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE
3 THE EFFECTIVENESS OF THE PILOT PROGRAM IN PREPARING CHILDREN TO
4 LEARN IN KINDERGARTEN.

5 (2) THE DEPARTMENT MAY REQUEST AND THE PROVIDER SHALL
6 PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE
7 THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

8 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE
9 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT
10 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

11 **26.5-4-304. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
12 JULY 1, 2029.

13 **ARTICLE 5**

14 **Quality Improvement Initiatives**

15 **PART 1**

16 **QUALITY IMPROVEMENT**

17 **26.5-5-101. Colorado shines quality rating and improvement**
18 **system - created.** (1) [Formerly 26-6.5-106 (5)] The Colorado shines
19 quality rating and improvement system, referred to in this ~~section~~ PART 1
20 as the "Colorado shines system", ~~shall~~ IS CREATED IN THE DEPARTMENT
21 TO measure the level of preparedness of and quality of services provided
22 by an early childhood education program to prepare children to enter
23 elementary school. The Colorado shines system ~~shall~~ MUST:

24 (a) Measure and support the elements of quality of an early
25 childhood education program, including, but not limited to:

26 (I) The quality of the learning environment;

27 (II) The quality of adult-child interactions;

- 1 (III) Adult-to-child ratios;
- 2 (IV) Provider training and education, including recognized
3 credentials through the state department's voluntary credentialing system
4 developed pursuant to ~~section 26-6.5-107~~ SECTION 26.5-6-102; and
- 5 (V) Parent-involvement activities at the early care and education
6 facility;
- 7 (b) Be variable to inform parents, counties, and other purchasers
8 of early childhood education about the level of quality at an early
9 childhood education program in a simple and easy-to-understand manner;
- 10 (c) Be supported by statistically valid research as a reliable
11 measure of quality of an early childhood education program;
- 12 (d) Include a quality improvement plan that facilitates goal setting
13 and planning related to improving program quality over time; and
- 14 (e) Have demonstrated effectiveness at improving the level of
15 quality of early childhood education programs in geographically diverse
16 Colorado communities.

17 (2) THE DEPARTMENT SHALL PERIODICALLY REVIEW AND REVISE
18 THE QUALITY STANDARDS ESTABLISHED FOR THE COLORADO SHINES
19 SYSTEM WITH THE GOAL OF ALIGNING THOSE STANDARDS WITH THE
20 QUALITY STANDARDS ESTABLISHED PURSUANT TO SECTION 26.5-4-205 FOR
21 PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO UNIVERSAL
22 PRESCHOOL PROGRAM.

23 **26.5-5-102. School-readiness quality improvement program -**
24 **created - rules.** (1) [Formerly 26-6.5-106 (3)] On and after July 1,
25 2018, and continuing thereafter subject to sufficient and available federal
26 funding, there is created the school-readiness quality improvement
27 program, referred to in this section as the "program", which is

1 administered by the department as part of the Colorado shines quality
2 ~~rating and improvement~~ system. The state department shall award
3 school-readiness quality improvement funding to eligible early childhood
4 councils identified or established throughout the state pursuant to ~~section~~
5 ~~26-6.5-103~~ SECTION 26.5-2-203. THE DEPARTMENT SHALL AWARD
6 school-readiness quality improvement funding ~~shall be awarded~~ to
7 improve the school readiness of children five years of age and younger
8 who are enrolled in early childhood education programs. THE
9 DEPARTMENT SHALL AWARD school-readiness quality improvement
10 funding ~~shall be awarded~~ to eligible early childhood councils based upon
11 ON allocations made at the discretion of the state department and subject
12 to available funding. Nothing in this section or in any rules promulgated
13 pursuant to this section creates a legal entitlement in any early childhood
14 council to school-readiness quality improvement funding. Money
15 awarded must be used to improve the school readiness of children, five
16 years of age and younger, cared for in early childhood education
17 programs.

18 (2) [Formerly 26-6.5-106 (3.5)] Communities throughout the state
19 that do not have an early childhood council may identify an existing early
20 childhood council in another community or establish a new early
21 childhood council pursuant to ~~sections 26-6.5-103.3 and 26-6.5-103.5~~
22 SECTIONS 26.5-2-204 AND 26.5-2-205 to work toward the development
23 and implementation of a comprehensive early childhood system to ensure
24 the school readiness of young children in the community.

25 (3) [Formerly 26-6.5-106 (4)] (a) An early childhood council
26 seeking school-readiness quality improvement funding from the state
27 department pursuant to this section ~~shall~~ MUST apply directly to the state

1 department in the manner specified by DEPARTMENT rule. ~~of the state~~
2 ~~board~~. An early childhood council applying for school-readiness quality
3 improvement funding pursuant to this section ~~shall~~ MUST develop and
4 submit a school-readiness plan to improve the school readiness of
5 children in the community as described in ~~subsection (6)~~ SUBSECTION (5)
6 of this section and shall meet any additional eligibility requirements
7 specified by DEPARTMENT rule. ~~of the state board~~.

8 (b) Early childhood councils that receive school-readiness quality
9 improvement funding pursuant to this section shall prioritize the
10 distribution of the money to participating early childhood education
11 programs that serve children five years of age or younger with risk factors
12 associated with not being school ready, including but not limited to
13 children living in low-income families, as specified by DEPARTMENT rule.
14 ~~of the state board~~.

15 (4) [Formerly 26-6.5-106 (4.5)] (a) The ~~state~~ department may
16 provide technical assistance and financial incentives to:

17 (I) Programs that are rated in the Colorado shines system at a level
18 one or two to support the programs in advancing to a level three or higher
19 quality level; and

20 (II) Programs that are rated in the Colorado shines system at a
21 level three, four, or five to support the programs in maintaining a high
22 quality level or advancing to a higher quality level.

23 (b) The early childhood council may support the ~~state~~ department
24 with the assistance described in ~~subsection (4.5)(a)~~ SUBSECTION (4)(a) of
25 this section by providing local community outreach and engagement
26 strategies.

27 (5) [Formerly 26-6.5-106 (6)] Each early childhood council

1 seeking to apply for school-readiness quality improvement funding
2 pursuant to this section shall MUST prepare and submit to the state
3 department a three-year school-readiness plan that outlines strategies to
4 improve the school readiness of children. The school-readiness plan, at
5 a minimum, must include:

6 (a) A narrative that demonstrates the need to improve quality and
7 increase the capacity for early childhood education programs in its service
8 area;

9 (b) A plan that describes how the early childhood council will
10 target and recruit programs that are rated in the Colorado shines system
11 at a level one or higher. The early childhood council must target and
12 recruit programs to increase the access and availability of quality child
13 care for children participating in the Colorado child care assistance
14 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE
15 4 OF THIS TITLE 26.5. If the early childhood council received
16 school-readiness quality improvement funding prior to the 2020-21 fiscal
17 year, the early childhood council shall amend the three-year school
18 readiness plan to comply with the requirements of this section.

19 (c) Strategies developed jointly with community partners to
20 include, at a minimum, county departments of human or social services
21 to target school-readiness quality improvement funding to improve the
22 level of quality at participating early childhood education programs.

23 (d) ~~(Deleted by amendment, L. 2018.)~~

24 (6) [Formerly 26-6.5-106 (7)] (a) The ~~state board~~ EXECUTIVE
25 DIRECTOR shall promulgate rules for the implementation of this section,
26 including but not limited to rules that:

27 (I) Specify the procedure by which an early childhood council

1 may apply for school-readiness quality improvement funding pursuant to
2 the program; and

3 (II) Specify the manner in which school-readiness quality
4 improvement funding is distributed to early childhood councils, ensuring
5 an equitable distribution between rural and urban communities; and

6 (III) Identify any additional eligibility requirements for early
7 childhood councils seeking school-readiness quality improvement
8 funding.

9 (b) At a minimum, the rules promulgated pursuant to this
10 ~~subsection (7)~~ SUBSECTION (6) must identify a specific and measurable
11 level of improvement in the Colorado shines system that an early
12 childhood education program must achieve within each Colorado shines
13 rating cycle in order to continue receiving school-readiness quality
14 improvement funding, as well as the eligibility criteria for continued
15 participation in the program. IN ADDITION, THE DEPARTMENT BY RULE
16 MAY REQUIRE PRESCHOOL PROVIDERS TO ATTAIN WITHIN A COLORADO
17 SHINES RATING CYCLE SPECIFIC AND MEASURABLE IMPROVEMENT ON THE
18 QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PURSUANT
19 TO SECTION 26.5-4-205.

20 (7) [Formerly 26-6.5-106 (8)] (a) The school-readiness quality
21 improvement program is funded using federal child care development
22 fund money or other federal or state money annually appropriated for the
23 program. The ~~state~~ department shall allocate the money to the eligible
24 early childhood councils for distribution to early childhood education
25 programs, as provided in this section.

26 (b) If money is required to match the federal child care
27 development funds, such matching money may be from, but need not be

1 limited to, general fund money appropriated by the general assembly,
2 local money, or private matching money. The general assembly is not
3 obligated to appropriate general fund money if private matching money
4 is not available or later becomes unavailable.

5 (c) The ~~state~~ department is authorized to enter into a sole-source
6 contract with an organization to provide the following:

7 (I) Quality rating assessments;

8 (II) Technical assistance for early childhood education programs;

9 (III) Community infrastructure and resource development for
10 improving the quality of early childhood education;

11 (IV) Parent and consumer education on the importance of quality
12 early childhood education; and

13 (V) Professional development activities.

14 (8) **[Formerly 26-6.5-106 (9)]** (a) Each early childhood council
15 shall submit a report to the ~~state~~ department on or before August 15,
16 2019, and on or before August 15 each year thereafter. The report must
17 address the quality improvement of the participating early childhood
18 education programs and the overall effectiveness of the Colorado shines
19 system ~~at~~ IN preparing children with identified risk factors for school. At
20 a minimum, the report must address:

21 (I) The number of early childhood education programs and
22 children who participated in the Colorado shines system, including the
23 number of children five years of age or younger served as a result of the
24 school-readiness quality improvement funding in home-based programs
25 and in center-based programs;

26 (II) The baseline quality ratings of each participating early
27 childhood education program for each Colorado shines rating cycle;

1 (III) An analysis and explanation of the quality improvement
2 strategies undertaken at each early childhood education program;

3 (IV) The barriers to quality improvement that were encountered;
4 and

5 (V) Any other data required by the ~~state~~ department.

6 (b) (I) ~~Notwithstanding section 24-1-136 (11)(a)(I),~~ On or before
7 December 1, 2019, and on or before December 1 every three years
8 thereafter, the ~~state~~ department, or any private entity with which the ~~state~~
9 department is authorized to contract for this purpose, shall submit a
10 consolidated statewide report, based upon the reports prepared and
11 submitted by the early childhood councils, addressing the items set forth
12 in ~~subsection (9)(a)~~ SUBSECTION (8)(a) of this section to the early
13 childhood and school readiness legislative commission and to the
14 members of the education committees of the house of representatives and
15 the senate, ~~of the general assembly,~~ or any successor ~~committee~~
16 COMMITTEES.

17 (II) Notwithstanding section 24-1-136 (11)(a)(I), the report
18 required in ~~subsection (9)(b)(I)~~ SUBSECTION (8)(b)(I) of this section
19 continues indefinitely.

20 (c) Reporting early childhood councils, as well as the ~~state~~
21 department or any private entity with which it may contract for reporting
22 purposes, may draw upon the evaluations and studies prepared by a
23 nationally recognized research firm to report on the school readiness of
24 children in quality-rated early childhood education programs.

25 (d) Each early childhood council shall work with state and local
26 agencies, such as school districts, to support efforts to track, through high
27 school graduation, the future academic performance of children who

1 receive services from early childhood education programs that receive
2 funding pursuant to this section.

3 **26.5-5-103. [Formerly 26-6.5-104.5.] Quality evaluation and**
4 **improvement of early childhood care and education programs - use**
5 **of Colorado works money.** Counties are urged to partner with for-profit
6 or not-for-profit organizations that evaluate the quality of early childhood
7 care and education programs in the early childhood councils and assign
8 ratings ~~thereto~~ in an effort to assess the success of such programs and to
9 improve the ultimate delivery of early childhood care and education.
10 Counties so partnering are further encouraged to match private
11 investments in such early childhood care and education programs with
12 county block grant ~~moneys~~ MONEY for Colorado works pursuant to part
13 7 of article 2 of ~~this title~~ TITLE 26 and federal child care development
14 funds in an effort to improve the overall quality of those programs.
15 Counties so partnering are further encouraged to expend local funds to
16 promote the objectives of this part 1 and improve the delivery of early
17 childhood services, including the continuation of those funding sources
18 developed to support pilot site agency activities.

19 PART 2

20 COLORADO INFANT AND TODDLER QUALITY

21 AND AVAILABILITY GRANT PROGRAM

22 **26.5-5-201. [Formerly 26-6.7-101] Short title.** ~~This article shall~~
23 ~~be known and may be cited as the~~ THE SHORT TITLE OF THIS PART 2 IS THE
24 "Colorado Infant and Toddler Quality and Availability Grant Program".

25 **26.5-5-202. [Formerly 26-6.7-102] Definitions.** As used in this
26 ~~article 6.7~~ PART 2, unless the context otherwise requires:

27 (1) "Colorado child care assistance program" or "CCCAP" means

1 the Colorado child care assistance program created in ~~part 8 of article 2~~
2 ~~of this title 26~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5.

3 ~~(1.3)~~ (2) "Colorado shines system" means the Colorado shines
4 quality rating and improvement system established in ~~section 26-6.5-106~~
5 SECTION 26.5-5-101.

6 ~~(2)~~ (3) "County department" means a county or district department
7 of human or social services.

8 ~~(3)~~ (4) "Early childhood council" means an early childhood
9 council established pursuant to ~~part 1 of article 6.5 of this title~~ PART 2 OF
10 ARTICLE 2 OF THIS TITLE 26.5.

11 ~~(4)~~ (5) "Early childhood education program" means a licensed
12 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~
13 ~~PART 3 OF THIS ARTICLE 5~~ that provides child care and education to infants
14 and toddlers living in low-income families.

15 ~~(5)~~ (6) "Grant program" means the Colorado infant and toddler
16 quality and availability grant program created in ~~section 26-6.7-103~~
17 SECTION 26.5-5-203.

18 ~~(6) Repealed.~~

19 **26.5-5-203. [Formerly 26-6.7-103] Colorado infant and toddler**
20 **quality and availability grant program - creation.** Subject to available
21 appropriations, there is hereby created in the state department the
22 Colorado infant and toddler quality and availability grant program. Grants
23 are awarded through the Colorado shines system to improve quality in
24 licensed infant and toddler care and increase the number of low-income
25 infants and toddlers served through high-quality early childhood
26 education programs, as well as promote voluntary family partnerships, as
27 determined for the Colorado shines system. A program is considered

1 "high quality" if it is rated in the top three levels of the state's Colorado
2 shines system. Early childhood councils may apply for money through the
3 state department, which administers the program as part of the Colorado
4 shines system. An early childhood education program that is within the
5 service area of an early childhood council may apply to the early
6 childhood council for money that would allow the program to increase the
7 number of infants and toddlers living in low-income families served
8 through high-quality early childhood education programs.

9 **26.5-5-204. [Formerly 26-6.7-104] Eligibility for grants -**
10 **applications - deadlines.** (1) The state department shall develop an
11 application process and issue a request for proposals for the grant
12 program, including notification of available money to early childhood
13 councils, eligibility criteria, proposal requirements, and award criteria.

14 (2) An applicant to the grant program is eligible for a grant award
15 pursuant to this ~~article 6.7~~ PART 2 if:

16 (a) The application is made by an early childhood council and
17 includes strategies developed jointly with community partners, including,
18 at a minimum, county departments of human or social services. If an early
19 childhood council serves more than one county, it may submit a single
20 application for the counties that make up its designated service area.

21 (b) The early childhood education programs to which the grant
22 money will be distributed have achieved a quality rating pursuant to the
23 Colorado shines system of at least a level two, or are licensed programs
24 with a demonstrated hardship that are actively working toward achieving
25 a Colorado shines system level two rating, and have fiscal agreements
26 with CCCAP;

27 (c) The early childhood council demonstrates a need and provides

1 a plan to improve quality and increase the capacity for early childhood
2 education programs that serve infants and toddlers three years of age or
3 younger in its designated service area. The early childhood education
4 programs may be home-based or center-based.

5 (d) The applicant meets any other criteria set forth in the
6 application process developed pursuant to this section.

7 (e) ~~(Deleted by amendment, L. 2018.)~~

8 (3) Subject to available appropriations, the ~~state~~ department shall
9 review applications and determine which applicants will receive grants
10 and the amount of each grant.

11 **26.5-5-205. [Formerly 26-6.7-105] Reporting requirements.**

12 (1) No later than August 15 each year, an early childhood council that
13 ~~received the~~ RECEIVES A grant shall provide the ~~state~~ department with an
14 annual report concerning the outcomes of the grant. The report must
15 include, at a minimum:

16 (a) A summary of data received from early childhood education
17 programs that received grant money;

18 (b) The number of infants and toddlers under three years of age
19 served because of the grant program in home-based programs and the
20 number served in center-based programs;

21 (c) The length of time services were provided;

22 (d) A detailed description of quality improvements made using
23 grant ~~moneys~~ MONEY;

24 (e) A description of how the grantee's program met the stated
25 outcomes in its application;

26 (f) A summary of the number of jobs created through the grant
27 program; and

1 (g) Any other data required by the ~~state~~ department.
2 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
3 December 1, 2014, and each December 1 thereafter, the ~~state~~ department
4 shall provide a written report on the grant program to the public health
5 care and human services committee of the house of representatives and
6 the health and human services committee of the senate, or any successor
7 committees. The report must include a summary of the data received
8 pursuant to subsection (1) of this section, the total amount of grants and
9 grant ~~moneys~~ MONEY awarded, and the total increase in the number of
10 infants and toddlers under three years of age served by the grant program.

11 PART 3

12 CHILD CARE LICENSING

13 **26.5-5-301. [Formerly 26-6-101] Short title.** ~~This part shall be~~
14 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 3 IS the "Child
15 Care Licensing Act".

16 **26.5-5-302. [Formerly 26-6-101.4] Legislative declaration**
17 **concerning the protections afforded by regulation.** (1) The general
18 assembly finds and declares that increasing numbers of children in
19 Colorado are spending a significant portion of their day in care settings
20 outside their own homes. ~~In addition, some children are placed in~~
21 ~~facilities for residential care for their protection and well-being.~~ The
22 general assembly finds that regulation and licensing of child care facilities
23 contribute to a safe and healthy environment for children. The provision
24 of such environment affords benefits to children, their families, their
25 communities, and the larger society. The general assembly acknowledges
26 that there is a need to balance accessibility and quality of care when
27 regulating child care facilities. It is the intent of the general assembly that

1 those who regulate and those who are regulated work together to meet the
2 needs of the children, their families, and the child care industry.

3 (2) In balancing the needs of children and their families with the
4 needs of the child care industry, the general assembly also recognizes the
5 financial demands with which the department of human services is faced
6 in its attempt to ensure a safe and sanitary environment for those children
7 of the state of Colorado who are in child care facilities. In an effort to
8 reduce the risk to children outside their homes while recognizing the
9 financial constraints placed upon the department, it is the intent of the
10 general assembly that the limited resources available be focused primarily
11 on those child care facilities that have demonstrated that children in their
12 care may be at higher risk pursuant to ~~section 26-6-107~~ SECTION
13 26.5-5-316.

14 **26.5-5-303. [Formerly 26-6-102] Definitions - repeal.** As used
15 in this ~~article 6~~ PART 3, unless the context otherwise requires:

16 (1) "Affiliate of a licensee" means:

17 (a) Any person or entity that owns more than five percent of the
18 ownership interest in the business operated by the licensee or the
19 applicant for a license; or

20 (b) Any person who is directly responsible for the care and
21 welfare of children served; or

22 (c) Any executive, officer, member of the governing board, or
23 employee of a licensee; or

24 (d) A relative of a licensee, which relative provides care to
25 children at the licensee's facility or is otherwise involved in the
26 management or operations of the licensee's facility.

27 (2) "Application" means a declaration of intent to obtain or

1 continue a license ~~or certificate~~ for a child care facility. ~~or a child~~
2 ~~placement agency.~~

3 (3) "Certificate" means a legal document granting permission to
4 operate a foster care home or a kinship foster care home.

5 (4) "Certification" means the process by which a county
6 department of human or social services, a child placement agency, or a
7 federally recognized tribe pursuant to applicable federal law approves the
8 operation of a foster care home.

9 (5) (3) (a) (I) [Formerly 26-6-102 (5) as it exists until July 1,
10 2024] "Child care center", PRIOR TO JULY 1, 2024, means a facility, by
11 whatever name known, that is maintained for the whole or part of a day
12 for the care of five or more children, unless otherwise specified in this
13 subsection (5)(a) SUBSECTION (3)(a)(I), who are eighteen years of age or
14 younger and who are not related to the owner, operator, or manager
15 thereof, whether the facility is operated with or without compensation for
16 such care and with or without stated educational purposes. The term
17 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD
18 care centers, school-age child care centers, before- and after-school
19 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND
20 summer camps ~~and centers for developmentally disabled children and~~
21 ~~those facilities that give twenty-four-hour care for children~~ and includes
22 those facilities for children under six years of age with stated educational
23 purposes operated in conjunction with a public, private, or parochial
24 college or a private or parochial school; except that the term does not
25 apply to any kindergarten maintained in connection with a public, private,
26 or parochial elementary school system of at least six grades. ~~or operated~~
27 ~~as a component of a school district's preschool program operated pursuant~~

1 to article 28 of title 22. The term also includes ~~respite child care centers~~
2 ~~the provide care for three or more children or youth, as defined in~~
3 ~~subsection (33.5) of this section.~~

4 (b) (II) The term does not include any facility licensed as a family
5 ~~child care home, a foster care home, or a specialized group facility that is~~
6 ~~licensed to provide care for three or more children pursuant to subsection~~
7 ~~(36) of this section but that is providing care for three or fewer children~~
8 ~~who are determined to have a developmental disability by a~~
9 ~~community-centered board or who are diagnosed with a serious emotional~~
10 ~~disturbance.~~ THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1,
11 2024.

12 (a) (b) [Formerly 26-6-102 (5) as it becomes effective July 1,
13 2024] "Child care center", ON AND AFTER JULY 1, 2024, means a facility,
14 by whatever name known, that is maintained for the whole or part of a
15 day for the care of five or more children, unless otherwise specified in
16 this ~~subsection (5)(a)~~ SUBSECTION (3)(b), who are eighteen years of age
17 or younger and who are not related to the owner, operator, or manager
18 thereof, whether the facility is operated with or without compensation for
19 such care and with or without stated educational purposes. The term
20 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD
21 care centers, school-age child care centers, before- and after-school
22 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND
23 summer camps, ~~and centers for developmentally disabled children and~~
24 ~~those facilities that give twenty-four-hour care for children~~, and includes
25 those facilities for children under six years of age with stated educational
26 purposes operated in conjunction with a public, private, or parochial
27 college or a private or parochial school; except that the term does not

1 apply to any kindergarten maintained in connection with a public, private,
2 or parochial elementary school system of at least six grades. ~~or operated~~
3 ~~as a component of a school district's preschool program operated pursuant~~
4 ~~to article 28 of title 22. The term also includes respite child care centers~~
5 ~~that provide care for three or more children or youth, as defined in~~
6 ~~subsection (33.5) of this section.~~

7 (b) ~~The term does not include any facility licensed as a family~~
8 ~~child care home, a foster care home, or a specialized group facility that is~~
9 ~~licensed to provide care for three or more children pursuant to subsection~~
10 ~~(36) of this section, but that is providing care for three or fewer children~~
11 ~~who are determined to have an intellectual and developmental disability~~
12 ~~by a case management agency, as defined in section 25.5-6-1702, or who~~
13 ~~are diagnosed with a serious emotional disturbance.~~

14 (6) (4) "Child care provider", as used in ~~section 26-6-119~~ SECTION
15 26.5-5-325, means a licensee, or an affiliate of a licensee, when the
16 licensee holds a license to operate a family child care home pursuant to
17 this ~~part~~ PART 3.

18 (7) ~~"Child placement agency" means any corporation, partnership,~~
19 ~~association, firm, agency, institution, or person unrelated to the child~~
20 ~~being placed, who places, who facilitates placement for a fee, or who~~
21 ~~arranges for placement, for care of any child under the age of eighteen~~
22 ~~years with any family, person, or institution. A child placement agency~~
23 ~~may place, facilitate placement, or arrange for the placement of a child for~~
24 ~~the purpose of adoption, treatment, or foster care. The natural parents or~~
25 ~~guardian of any child who places said child for care with any facility~~
26 ~~licensed as a "family child care home" or "child care center" as defined~~
27 ~~by this section shall not be deemed a child placement agency.~~

1 ~~(8)~~ (5) (a) "Children's resident camp" means a facility operating
2 for three or more consecutive twenty-four-hour days during one or more
3 seasons of the year for the care of five or more children. The facility ~~shall~~
4 ~~have~~ HAS as its purpose a group living experience offering education and
5 recreational activities in an outdoor environment. The recreational
6 experiences may occur at the permanent camp premises or on trips off the
7 premises.

8 (b) A children's resident camp ~~shall serve~~ SERVES children who
9 have completed kindergarten or are six years of age or older through
10 children younger than nineteen years of age; except that a person nineteen
11 years of age or twenty years of age may attend a children's resident camp
12 if, within six months prior to attending the children's resident camp, ~~he or~~
13 ~~she~~ THE PERSON has attended or has graduated from high school.

14 ~~(9) "Cradle care home" means a facility that is certified by a child~~
15 ~~placement agency for the care of a child, or children in the case of~~
16 ~~multiple-birth siblings, who is twelve months of age or younger, in a~~
17 ~~place of residence for the purpose of providing twenty-four-hour family~~
18 ~~care for six months or less in anticipation of a voluntary relinquishment~~
19 ~~of the child or children pursuant to article 5 of title 19, C.R.S., or while~~
20 ~~a county prepares an expedited permanency plan for an infant in its~~
21 ~~custody.~~

22 ~~(10) (a) (I) "Day treatment center" means a facility that:~~

23 ~~(A) Except as provided in subparagraph (II) of this paragraph (a),~~
24 ~~provides less than twenty-four-hour care for groups of five or more~~
25 ~~children who are three years of age or older, but less than twenty-one~~
26 ~~years of age; and~~

27 ~~(B) Provides a structured program of various types of~~

1 psycho-social and behavioral treatment to prevent or reduce the need for
2 placement of the child out of the home or community.

3 ~~(H) Nothing in this subsection (10) prohibits a day treatment~~
4 ~~center from allowing a person who reaches twenty-one years of age after~~
5 ~~the commencement of an academic year from attending an educational~~
6 ~~program at the day treatment center through the end of the semester in~~
7 ~~which the twenty-first birthday occurs or until the person completes the~~
8 ~~educational program, whichever comes first.~~

9 ~~(b) "Day treatment center" shall not include special education~~
10 ~~programs operated by a public or private school system or programs that~~
11 ~~are licensed by other rules of the department for less than~~
12 ~~twenty-four-hour care of children, such as a child care center.~~

13 ~~(11) "Department" or "state department" means the state~~
14 ~~department of human services.~~

15 ~~(12)(6) "Exempt family child care home provider" means a family~~
16 ~~child care home provider who is exempt from certain provisions of this~~
17 ~~part 1 pursuant to section 26-6-103 (1)(i) PART 3 PURSUANT TO SECTION~~
18 ~~26.5-5-304 (1)(f).~~

19 ~~(13) (7) "Family child care home" means a facility for child care~~
20 ~~OPERATED WITH OR WITHOUT COMPENSATION OR EDUCATIONAL PURPOSES~~
21 ~~in a place of residence of a family or person for the purpose of providing~~
22 ~~less than twenty-four-hour care for children under the age of eighteen~~
23 ~~years who are not related to the head of such home. "Family child care~~
24 ~~home" may include infant-toddler child care homes, large child care~~
25 ~~homes, experienced provider child care homes, and such other types of~~
26 ~~family child care homes designated by rules of the state board pursuant~~
27 ~~to section 26-6-106 (2)(p) DEPARTMENT RULES PURSUANT TO SECTION~~

1 26.5-5-314 (2)(n), as the ~~state board~~ EXECUTIVE DIRECTOR deems
2 necessary and appropriate.

3 ~~(14)~~ "Foster care home" means a home that is certified by a county
4 department or a child placement agency pursuant to section 26-6-106.3,
5 or a federally recognized tribe pursuant to applicable federal law, for
6 child care in a place of residence of a family or person for the purpose of
7 providing twenty-four-hour family foster care for a child under the age of
8 twenty-one years. A foster care home may include foster care for a child
9 who is unrelated to the head of the home or foster care provided through
10 a kinship foster care home but does not include noncertified kinship care,
11 as defined in section 19-1-103. The term includes any foster care home
12 receiving a child for regular twenty-four-hour care and any home
13 receiving a child from any state-operated institution for child care or from
14 any child placement agency, as defined in subsection (7) of this section.
15 "Foster care home" also includes those homes licensed by the department
16 of human services pursuant to section 26-6-104 that receive neither
17 money from the counties nor children placed by the counties.

18 ~~(14.5)~~ (8) "Governing body" means the individual, partnership,
19 corporation, or association in which the ultimate authority and legal
20 responsibility is vested for the administration and operation of a child
21 care facility.

22 ~~(15)~~ (9) "Guardian" means a person who is entrusted by law with
23 the care of a child under eighteen years of age.

24 ~~(16)~~ (10) "Guest child care facility" means a facility operated by
25 a ski area, as that term is defined in section 33-44-103 (6), ~~C.R.S.~~, where
26 children are cared for:

27 (a) While parents or persons in charge of such child are

1 patronizing the ski area;

2 (b) Fewer than ten total hours per day;

3 (c) Fewer than ten consecutive days per year; and

4 (d) Fewer than forty-five days in a calendar year, with thirty or
5 fewer of such forty-five days occurring in either the winter or summer
6 months.

7 ~~(17) "Homeless youth shelter" means a facility that, in addition to
8 other services it may provide, provides services and mass temporary
9 shelter for a period of three days or more to youths who are at least eleven
10 years of age, or older, and who otherwise are homeless youth as that term
11 is defined in section 26-5.7-102 (2).~~

12 ~~(18) (11) "ICON" means the computerized database of court
13 records known as the integrated Colorado online network used by the
14 state judicial department.~~

15 ~~(19) "Kin" may be a relative of the child, a person ascribed by the
16 family as having a family-like relationship with the child, or a person that
17 has a prior significant relationship with the child. These relationships take
18 into account cultural values and continuity of significant relationships
19 with the child.~~

20 ~~(20) (12) "Kindergarten" means any facility providing an
21 educational program for children only for the year preceding their
22 entrance to the first grade, whether such facility is called a kindergarten,
23 nursery school, preschool, or any other name.~~

24 ~~(21) "Kinship foster care home" means a foster care home that is
25 certified by a county department or a licensed child placement agency
26 pursuant to section 26-6-106.3 or a federally recognized tribe pursuant to
27 applicable federal law as having met the foster care certification~~

1 requirements and where the foster care of the child is provided by kin.
2 Kinship foster care providers are eligible for foster care reimbursement.
3 A kinship foster care home provides twenty-four-hour foster care for a
4 child or youth under the age of twenty-one years.

5 (22) (13) "License" means a legal document issued pursuant to
6 this ~~part~~ PART 3 granting permission to operate a child care facility. ~~or~~
7 ~~child placement agency~~. A license may be in the form of a provisional,
8 probationary, permanent, or time-limited license.

9 (22.5) (14) "Licensee" means the entity or individual to which a
10 license is issued and that has the legal capacity to enter into an agreement
11 or contract, assume obligations, incur and pay debts, sue and be sued in
12 its own right, and be held responsible for its actions. A licensee may be
13 a governing body.

14 (23) (15) "Licensing" means ~~except as otherwise provided in~~
15 ~~subsection (14) of this section~~, the process by which the department
16 approves a facility ~~or agency~~ for the purpose of conducting business as a
17 child care facility. ~~or child placement agency~~.

18 (24) "Medical foster care" means ~~a program of foster care that~~
19 ~~provides home-based care for medically fragile children and youth who~~
20 ~~would otherwise be confined to a hospital or institutional setting and~~
21 ~~includes, but is not limited to, the following:~~

- 22 (a) ~~Infants impacted by prenatal drug and alcohol abuse;~~
- 23 (b) ~~Children with developmental disabilities which require~~
24 ~~ongoing medical intervention;~~
- 25 (c) ~~Children and youth diagnosed with acquired immune~~
26 ~~deficiency syndrome or human immunodeficiency virus;~~
- 27 (d) ~~Children with a failure to thrive or other nutritional disorders;~~

1 and

2 ~~(c) Children dependent on technology such as respirators,~~
3 ~~tracheotomy tubes, or ventilators in order to survive.~~

4 ~~(25)~~ (16) (a) "Negative licensing action" means a final agency
5 action resulting in the denial of an application, the imposition of fines, or
6 the suspension or revocation of a license issued pursuant to this ~~part 1~~
7 PART 3 or the demotion of such a license to a probationary license.

8 (b) ~~For the purposes of this subsection (25)~~ AS USED IN THIS
9 SUBSECTION (16), "final agency action" means the determination made by
10 the department, after AN opportunity for A hearing, to deny, suspend,
11 revoke, or demote to probationary status a license issued pursuant to this
12 ~~part 1~~ PART 3 or an agreement between the department and the licensee
13 concerning the demotion of such a license to a probationary license.

14 ~~(26)~~ (17) (a) "Neighborhood youth organization" means a
15 nonprofit organization that is designed to serve youth as young as six
16 years of age and as old as eighteen years of age and that operates
17 primarily during times of the day when school is not in session and
18 provides research-based, age-appropriate, and character-building
19 activities designed exclusively for the development of youth from six to
20 eighteen years of age. These activities ~~shall~~ MUST occur primarily in a
21 facility leased or owned by the neighborhood youth organization. The
22 activities ~~shall~~ MUST occur in an environment in which youth have written
23 parental or legal guardian consent to become a youth member of the
24 neighborhood youth organization and to arrive at and depart from the
25 primary location of the activity on their own accord, without supervision
26 by a parent, legal guardian, or organization.

27 (b) A neighborhood youth organization ~~shall~~ DOES not include

1 faith-based centers, organizations or programs operated by state or city
2 parks or special districts, or departments or facilities that are currently
3 licensed as child care centers. ~~as defined in subsection (5) of this section.~~

4 ~~(27) "Out-of-home placement provider consortium" means a~~
5 ~~group of service providers that are formally organized and managed to~~
6 ~~achieve the goals of the county, group of counties, or mental health~~
7 ~~agency contracting for additional services other than treatment-related or~~
8 ~~child maintenance services.~~

9 (18) "OCCASIONAL CARE" MEANS CARE OF CHILDREN, WITH OR
10 WITHOUT COMPENSATION, THAT IS PROVIDED ON AN INFREQUENT AND
11 IRREGULAR BASIS WITH NO APPARENT PATTERN.

12 ~~(28)~~ (19) "Person" means any corporation, partnership,
13 association, firm, agency, institution, or individual.

14 ~~(29)~~ (20) "Place of residence" means the place or abode where a
15 person actually lives and provides child care.

16 (21) "PUBLIC PRESCHOOL PROVIDER" MEANS A SCHOOL DISTRICT,
17 OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO ARTICLE 30.5 OF TITLE
18 22, THAT PROVIDES A PRESCHOOL PROGRAM.

19 ~~(30)~~ (22) "Public services short-term child care facility" means a
20 facility that is operated by or for a county department of human or social
21 services or a court and that provides care for a child:

22 (a) While the child's parent or the person in charge of the child is
23 conducting business with the county department of human or social
24 services or participating in court proceedings;

25 (b) Fewer than ten total hours per day;

26 (c) Fewer than fifteen consecutive days per year; and

27 (d) Fewer than forty-five days in a calendar year.

1 ~~(30.3) "Qualified individual" means a trained professional or~~
2 ~~licensed clinician, as defined in the federal "Family First Prevention~~
3 ~~Services Act". "Qualified individual" must be approved to serve as a~~
4 ~~qualified individual according to the state plan. "Qualified individual"~~
5 ~~must not be an interested party or participant in the juvenile court~~
6 ~~proceeding and must be free of any personal or business relationship that~~
7 ~~would cause a conflict of interest in evaluating the child, juvenile, or~~
8 ~~youth and making recommendations concerning the child's, juvenile's, or~~
9 ~~youth's placement and therapeutic needs, according to the federal Title~~
10 ~~IV-E state plan or any waiver in accordance with 42 U.S.C. sec. 675a.~~

11 ~~(30.5) "Qualified residential treatment program" means a licensed~~
12 ~~and accredited program that has a trauma-informed treatment model that~~
13 ~~is designed to address the child's or youth's needs, including clinical~~
14 ~~needs, as appropriate, of children and youth with serious emotional or~~
15 ~~behavioral disorders or disturbances in accordance with the federal~~
16 ~~"Family First Prevention Services Act", 42 U.S.C. 672 (k)(4), and is able~~
17 ~~to implement the treatment identified for the child or youth by the~~
18 ~~assessment of the child or youth required in section 19-1-115 (4)(c)(I).~~

19 ~~(31) (23) "Related" means any of the following relationships by~~
20 ~~blood, marriage, or adoption: Parent, grandparent, brother, sister,~~
21 ~~stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.~~

22 ~~(32) (24) "Relative" means any of the following relationships by~~
23 ~~blood, marriage, or adoption: Parent, grandparent, son, daughter,~~
24 ~~grandson, granddaughter, brother, sister, stepparent, stepbrother,~~
25 ~~stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.~~

26 ~~(33) "Residential child care facility" means a facility licensed by~~
27 ~~the state department pursuant to this part 1 to provide twenty-four-hour~~

1 group care and treatment for five or more children operated under private,
2 public, or nonprofit sponsorship. "Residential child care facility" includes
3 community-based residential child care facilities, qualified residential
4 treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,
5 and therapeutic residential child care facilities as defined in rule by the
6 state board, and psychiatric residential treatment facilities as defined in
7 section 25.5-4-103 (19.5). A residential child care facility may be eligible
8 for designation by the executive director of the state department pursuant
9 to article 65 of title 27. A child who is admitted to a residential child care
10 facility must be:

11 (a) Five years of age or older but less than eighteen years of age;

12 or

13 (b) Less than twenty-one years of age and placed by court order
14 or voluntary placement; or

15 (c) Accompanied by a parent if less than five years of age.

16 (33.5) "Respite child care center" means a facility for the purpose
17 of providing temporary twenty-four-hour group care for three or more
18 children or youth who are placed in certified foster care homes or
19 approved noncertified kinship care homes, and children or youth with
20 open cases through a regional accountable entity. A respite child care
21 center is not a treatment facility, but rather its primary purpose is
22 providing recreational activities, peer engagement, and skill development
23 to the children and youth in its care. A respite child care center serves
24 children and youth from five years of age to twenty-one years of age. A
25 respite child care center may offer care for only part of a day. For
26 purposes of this subsection (33.5), "respite child care" means an alternate
27 form of care to enable caregivers to be temporarily relieved of caregiving

1 responsibilities.

2 (34) (25) "Routine medications", as used in ~~section 26-6-119~~
3 SECTION 26.5-5-325, means any prescribed oral, topical, or inhaled
4 medication, or unit dose epinephrine, that is administered pursuant to
5 ~~section 26-6-119~~ SECTION 26.5-5-325.

6 (35) ~~"Secure residential treatment center" means a facility~~
7 ~~operated under private ownership that is licensed by the department~~
8 ~~pursuant to this part 1 to provide twenty-four-hour group care and~~
9 ~~treatment in a secure setting for five or more children or persons up to the~~
10 ~~age of twenty-one years over whom the juvenile court retains jurisdiction~~
11 ~~pursuant to section 19-2.5-103 (6) who are committed by a court pursuant~~
12 ~~to an adjudication of delinquency or pursuant to a determination of guilt~~
13 ~~of a delinquent act or having been convicted as an adult and sentenced for~~
14 ~~an act that would be a crime if committed in Colorado, or in the~~
15 ~~committing jurisdiction, to be placed in a secure facility.~~

16 (35.5) (26) "Sibling" means one or more individuals having one
17 or both parents in common.

18 (36) (a) ~~"Specialized group facility" means a facility sponsored~~
19 ~~and supervised by a county department or a licensed child placement~~
20 ~~agency for the purpose of providing twenty-four-hour care for three or~~
21 ~~more children, but fewer than twelve children, whose special needs can~~
22 ~~best be met through the medium of a small group. A child who is~~
23 ~~admitted to a specialized group facility must be:~~

24 (I) ~~At least seven years of age or older but less than eighteen years~~
25 ~~of age;~~

26 (II) ~~Less than twenty-one years of age and placed by court order~~
27 ~~or voluntary placement; or~~

1 ~~(HH) Accompanied by a parent or legal guardian if less than seven~~
2 ~~years of age.~~

3 ~~(b) "Specialized group facility" includes specialized group homes~~
4 ~~and specialized group centers.~~

5 ~~(37)~~ (27) "Substitute child care provider" means a person who
6 provides temporary care for a child or children in a licensed child care
7 facility, including a child care center and a family child care home.

8 ~~(37.5)~~ (28) "Substitute placement agency" means any corporation,
9 partnership, association, firm, agency, or institution that places or that
10 facilitates or arranges placement of short-term or long-term substitute
11 child care providers in licensed child care facilities providing less than
12 twenty-four-hour care.

13 ~~(38)~~ (29) "Supervisory employee" means, ~~for purposes of section~~
14 ~~26-6-103.5~~ AS USED IN SECTION 26.5-5-307:

15 (a) A person directly responsible for managing a guest child care
16 facility and the employees of the facility; or

17 (b) A person directly responsible for managing a public services
18 short-term child care facility and the employees of the facility.

19 ~~(39) "Therapeutic foster care" means a program of foster care that~~
20 ~~incorporates treatment for the special physical, psychological, or~~
21 ~~emotional needs of a child placed with specially trained foster parents, but~~
22 ~~does not include medical foster care.~~

23 ~~(40) "Treatment foster care" means a clinically effective~~
24 ~~alternative to residential treatment facilities that combines the treatment~~
25 ~~technologies typically associated with more restrictive settings with a~~
26 ~~nurturing and individualized family environment.~~

27 ~~(41)~~ (30) "Youth member" means a youth who is six years of age

1 through eighteen years of age whose parent or legal guardian has
2 provided written consent for the youth to participate in the activities of a
3 neighborhood youth organization and who pays the required dues of the
4 neighborhood youth organization.

5 **26.5-5-304. [Formerly 26-6-103] Application of part -**
6 **definition - repeal.** (1) This ~~part~~ PART 3 does not apply to:

7 (a) Special schools or classes operated primarily for religious
8 instruction or for a single skill-building purpose, AS DEFINED IN
9 DEPARTMENT RULE;

10 (b) A child care facility ~~which~~ THAT is approved, certified, or
11 licensed by any other state agency, or by a federal government department
12 or agency, ~~which~~ THAT has standards for operation of the facility and
13 inspects or monitors the facility;

14 (c) Facilities operated in connection with a church, shopping
15 center, or business where children are cared for during short periods of
16 time while parents, persons in charge of such children, or employees of
17 the church, shopping center, or business whose children are being cared
18 for at such location are attending church services at such location or
19 shopping, patronizing, or working on the premises of any such business;

20 (d) Occasional care of children that has no apparent pattern and
21 occurs with or without compensation;

22 (e) The care of a child by a person in ~~his or her~~ THE PERSON'S
23 private residence when the parent, guardian, or other person having legal
24 custody of such child gives ~~his~~ consent to such care and when the person
25 giving such care is not regularly engaged in the business of giving such
26 care; OR

27 ~~(f) Juvenile courts;~~

1 ~~(g) Repealed.~~

2 ~~(h) Nursing homes which have children as residents.~~

3 ~~(i)~~ (f) (I) An individual who provides less than twenty-four-hour
4 child care in a place of residence when one of the following conditions is
5 met:

6 (A) The children being cared for are related ~~as defined in section~~
7 ~~26-6-102 (31) and (32)~~, to the caregiver, are children who are related to
8 each other as siblings ~~as defined in section 26-6-102 (35.5)~~, from a single
9 family that is unrelated to the caregiver, or a combination of such
10 children; or

11 (B) There are no more than four children being cared for, with no
12 more than two children under two years of age from multiple families,
13 regardless of the children's relation to the caregiver.

14 ~~(f.5)~~ (II) An individual providing child care in a place of residence
15 authorized pursuant to ~~subsection (1)(i)(I)~~ SUBSECTION (1)(f)(I) of this
16 section shall notify the parents of the children in the individual's care that
17 the individual is operating under a legal license exemption and that the
18 state has not verified the health and safety of the care setting or performed
19 background checks on the individual or anyone else residing in the
20 residence.

21 ~~(f.7)~~ (III) On or before July 1, 2021, and every year thereafter, the
22 department shall report the number of complaints filed against child care
23 providers who are claiming an exemption from licensing pursuant to
24 ~~subsection (1)(i)(I)(B)~~ SUBSECTION (1)(f)(I)(B) of this section.

25 ~~(H)~~ (IV) This ~~subsection (1)(i)~~ SUBSECTION (1)(f) is repealed,
26 effective September 1, 2026.

27 (2) ~~For purposes of~~ AS USED IN this section, "short periods of

1 time" means fewer than three hours in any twenty-four-hour period.

2 (3) A licensee or governing body that HAS HAD ITS LICENSE
3 SUSPENDED PURSUANT TO SECTION 24-4-104 OR has received a final
4 agency action resulting in the suspension or revocation of a license issued
5 pursuant to this ~~part~~ PART 3 is prohibited from operating pursuant to
6 subsection (1) of this section, except when the children being cared for
7 are related as defined in section 26-6-102 (31) and (32), to the caregiver.

8 ~~(4) Repealed.~~

9 ~~(5)~~ (4) The department shall provide education and information
10 in an accessible manner on the state licensing website for child care
11 providers who are exempt pursuant to this section but are interested in
12 becoming a licensed child care provider.

13 ~~(6)~~ (5) On or before December 31, 2021, and ongoing thereafter,
14 the department shall report on the portion of its state child care provider
15 website that is accessible to families, and in an accessible and prominent
16 manner, the name and location of any child care provider who is
17 operating outside the exemptions described in this section and to whom
18 one or more cease-and-desist orders have been issued. If more than one
19 cease-and-desist order has been issued to the same provider, the website
20 must include the total number of such orders. This requirement for
21 website posting for child care providers who are operating outside the
22 exemptions described in this section must be made public by electronic
23 means, in a consumer-friendly and easily accessible format, organized by
24 provider, and include the date or dates of the cease-and-desist order or
25 orders.

26 **26.5-5-305. Public preschool provider - licensing - rules.**

27 PUBLIC PRESCHOOL PROVIDERS ARE SUBJECT TO THE REQUIREMENTS OF

1 THIS PART 3. BECAUSE OF THE UNIQUE CIRCUMSTANCES PRESENTED BY
2 PRESCHOOL CLASSROOMS PROVIDED BY SCHOOL DISTRICTS AND CHARTER
3 SCHOOLS, WHICH CIRCUMSTANCES DO NOT ARISE IN CLASSROOMS FOR
4 OLDER CHILDREN AND YOUTH, THE DEPARTMENT SHALL LICENSE PUBLIC
5 PRESCHOOL PROVIDERS ONLY TO PROTECT THE HEALTH AND SAFETY OF
6 CHILDREN IN PUBLIC PRESCHOOL CLASSROOMS. NOTWITHSTANDING ANY
7 PROVISION OF THIS PART 3 TO THE CONTRARY, LICENSING FOR PUBLIC
8 PRESCHOOL PROVIDERS MUST FOCUS ONLY ON THOSE ASPECTS OF THE
9 PRESCHOOL PROGRAM AND ENVIRONMENT THAT AFFECT CHILDREN'S
10 HEALTH AND SAFETY AND ARE NOT ALREADY ACTIVELY REGULATED BY
11 OTHER FEDERAL OR STATE AGENCIES OR DEPARTMENTS. THE DEPARTMENT
12 SHALL ALIGN ANY REQUIREMENTS FOR THE LICENSE RELATED TO
13 QUALIFICATIONS OR CREDENTIALING OF PROGRAM STAFF WITH THE
14 REQUIREMENTS FOR AN EARLY CHILDHOOD ENDORSEMENT FOR A LICENSE
15 ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5
16 OF TITLE 22.

17 **26.5-5-306. [Formerly 26-6-103.3] Substitute child care**
18 **providers - substitute placement agency - licensing - rules.**

19 (1) Substitute placement agencies are subject to the requirements of this
20 ~~part 1. The state~~ PART 3. THE department shall license substitute
21 placement agencies to place or facilitate or arrange for the placement of
22 short-term and long-term substitute child care providers in licensed
23 facilities providing less than twenty-four-hour care.

24 (2) ~~The state board~~ EXECUTIVE DIRECTOR shall promulgate rules
25 for substitute placement agencies and substitute child care providers. At
26 a minimum, ~~state board~~ THE rules must require that the substitute child
27 care provider demonstrate that ~~he or she~~ THE PROVIDER has the training

1 and certification for the child care license type and position in which the
2 substitute child care provider is placed. Pursuant to ~~section 26-6-107~~
3 ~~(1)(a)(I)(C)~~ SECTION 26.5-5-316 (1)(a)(I)(C), each substitute child care
4 provider shall pay for and submit to a fingerprint-based criminal history
5 record check and a review of the records and reports of child abuse or
6 neglect maintained by the state department OF HUMAN SERVICES to
7 determine whether the substitute child care provider has been found to be
8 responsible in a confirmed report of child abuse or neglect. When the
9 results of a fingerprint-based criminal history record check or any other
10 records check performed on a person pursuant to this subsection (2)
11 reveal a record of arrest without a disposition, the ~~state board~~
12 DEPARTMENT RULES shall require that person to submit to a name-based
13 criminal history record check, as defined in section 22-2-119.3 (6)(d). The
14 substitute placement agency shall not place a substitute child care
15 provider who is convicted of any of the crimes specified in ~~section~~
16 ~~26-6-104 (7) or section 26-6-108~~ SECTION 26.5-5-309 (4) OR 26.5-5-317.

17 **26.5-5-307. [Formerly 26-6-103.5] Application of part - guest**
18 **child care facilities - public services short-term child care facilities -**
19 **definition.** (1) Guest child care facilities and public services short-term
20 child care facilities ~~shall be~~ ARE subject only to the requirements of this
21 section and ~~shall~~ ARE otherwise ~~be~~ excluded from the requirements of this
22 ~~part~~ PART 3. Each guest child care facility and each public services
23 short-term child care facility shall post a notice in bold print and in plain
24 view on the premises of the child care facility. The notice ~~shall~~ MUST
25 specify the telephone number and address of the appropriate division
26 within the ~~state~~ department for investigating child care facility complaints
27 and ~~shall~~ MUST state that any complaint about the guest child care

1 facility's or the public services short-term child care facility's compliance
2 with these requirements should be directed to such division.

3 (2) A person or entity shall not operate a guest child care facility
4 or a public services short-term child care facility unless the following
5 requirements are met:

6 (a) The guest child care facility or public services short-term child
7 care facility is inspected not less frequently than one time per year by the
8 department of public health and environment, and it conforms to the
9 sanitary standards prescribed by such department under the provisions of
10 section 25-1.5-101 (1)(h); ~~C.R.S.~~;

11 (b) The guest child care facility or public services short-term child
12 care facility is inspected not less frequently than one time per year by the
13 local fire department, and it conforms to the fire prevention and
14 protection requirements of the local fire department in the locality of the
15 facility, or in lieu thereof, the division of labor standards and statistics;

16 (c) The guest child care facility or public services short-term child
17 care facility retains, on the premises at all times, the records of the
18 inspections required by ~~paragraphs (a) and (b) of this subsection (2)~~
19 ~~SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION~~ for the current calendar
20 year and the immediately preceding calendar year;

21 (d) The guest child care facility or public services short-term child
22 care facility retains, on the premises at all times, a record of children
23 cared for over the course of the current calendar year and the immediately
24 preceding calendar year;

25 (e) At least one supervisory employee ~~as that term is defined in~~
26 ~~section 26-6-102 (38)~~; is on duty at the guest child care facility or public
27 services short-term child care facility at all times when the facility is

1 operating;

2 (f) (I) The guest child care facility or public services short-term
3 child care facility requires all supervisory employees of the guest child
4 care facility or public services short-term child care facility and applicants
5 for supervisory employee positions at the guest child care facility or
6 public services short-term child care facility to obtain a fingerprint-based
7 criminal history check utilizing the Colorado bureau of investigation and,
8 for supervisory employees hired on or after August 10, 2011, the federal
9 bureau of investigation and requests the ~~state~~ department to ascertain
10 whether the person being investigated has been convicted of any of the
11 criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION
12 26.5-5-309 (4)(a)(I) or whether the person has been determined to have
13 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~
14 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care
15 facility or public services short-term child care facility prohibits the hiring
16 of any such person as a supervisory employee or terminates the
17 employment of any such person as a supervisory employee upon
18 confirmation of such a criminal history;

19 (H) ~~(Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~
20 ~~560, § 1, effective August 10, 2011.)~~

21 (HH) (II) The guest child care facility or public services short-term
22 child care facility requests the ~~state~~ department to access records and
23 reports of child abuse or neglect to determine whether the supervisory
24 employee or applicant for a supervisory employee position has been
25 found to be responsible in a confirmed report of child abuse or neglect
26 and the guest child care facility or public services short-term child care
27 facility prohibits the hiring of any such person as a supervisory employee

1 or terminates the employment of any such person as a supervisory
2 employee. Information shall be made available pursuant to section
3 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF
4 HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

5 ~~(IV)~~ (III) (A) The guest child care facility or public services
6 short-term child care facility requests the ~~state~~ department to obtain a
7 comparison search on the ICON system at the state judicial department
8 with the name and date of birth information and any other available
9 source of criminal history information that the ~~state~~ department
10 determines is appropriate, whether or not the criminal history background
11 check confirms a criminal history, in order to determine the crime or
12 crimes, if any, for which the supervisory employee or applicant for a
13 supervisory employee position was arrested or convicted and the
14 disposition thereof; and

15 (B) The guest child care facility or public services short-term child
16 care facility requests the ~~state~~ department to obtain such information
17 concerning the supervisory employee or applicant for a supervisory
18 employee position from any other recognized database, if any, that is
19 accessible on a statewide basis as set forth by rules promulgated by the
20 ~~state board~~ EXECUTIVE DIRECTOR;

21 ~~(V)~~ (IV) When the results of a fingerprint-based criminal history
22 record check or any other records check performed pursuant to this
23 subsection (2)(f) reveal a record of arrest without a disposition, the guest
24 child care facility or public services short-term child care facility shall
25 require the supervisory employee or applicant for a supervisory employee
26 position to submit to a name-based criminal history record check, as
27 defined in section 22-2-119.3 (6)(d);

1 (g) (I) The guest child care facility or public services short-term
2 child care facility requires all other employees of the guest child care
3 facility or public services short-term child care facility to obtain a
4 fingerprint-based criminal history check utilizing the Colorado bureau of
5 investigation and, for employees hired on or after August 10, 2011, the
6 federal bureau of investigation and requests the ~~state~~ department to
7 ascertain whether the person being investigated has been convicted of any
8 of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION
9 26.5-5-309 (4)(a)(I) or whether the person has been determined to have
10 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~
11 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care
12 facility or public services short-term child care facility terminates the
13 employment of any such person as an employee upon confirmation of
14 such a criminal history;

15 ~~(H) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~
16 ~~560, § 1, effective August 10, 2011.)~~

17 ~~(HH) (II) The guest child care facility or public services short-term~~
18 ~~child care facility requests the ~~state~~ department to access records and~~
19 ~~reports of child abuse or neglect to determine whether the employee has~~
20 ~~been found to be responsible in a confirmed report of child abuse or~~
21 ~~neglect and the guest child care facility or public services short-term child~~
22 ~~care facility terminates the employment of any such person. Information~~
23 ~~shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and~~
24 ~~rules promulgated by the state board OF HUMAN SERVICES pursuant to~~
25 ~~section 19-3-313.5 (4). ~~C.R.S.~~~~

26 ~~(IV) (III) (A) The guest child care facility or public services~~
27 ~~short-term child care facility requests the ~~state~~ department to obtain a~~

1 comparison search on the ICON system at the state judicial department
2 with the name and date of birth information and any other available
3 source of criminal history information that the ~~state~~ department
4 determines is appropriate, whether or not the criminal history background
5 check confirms a criminal history, in order to determine the crime or
6 crimes, if any, for which the employee was arrested or convicted and the
7 disposition thereof; and

8 (B) The guest child care facility or public services short-term child
9 care facility requests the ~~state~~ department to obtain such information
10 concerning the employee from any other recognized database, if any, that
11 is accessible on a statewide basis as set forth by rules promulgated by the
12 ~~state board~~ EXECUTIVE DIRECTOR; and

13 (h) The guest child care facility or public services short-term child
14 care facility maintains the following employee-to-child ratios at all times
15 when the facility is operating:

16 (I) One child care facility employee for every five children ages
17 six weeks to eighteen months;

18 (II) One child care facility employee for every five children ages
19 twelve months to thirty-six months;

20 (III) One child care facility employee for every seven children
21 ages twenty-four months to thirty-six months;

22 (IV) One child care facility employee for every eight children ages
23 two and one-half years to three years;

24 (V) One child care facility employee for every ten children ages
25 three years to four years;

26 (VI) One child care facility employee for every twelve children
27 ages four years to five years;

1 (VII) One child care facility employee for every fifteen children
2 ages five years of age and older; and

3 (VIII) One child care facility employee for every ten children in
4 a mixed age group, ages two and one-half years to six years.

5 ~~(2.5)~~(3) In addition to the requirements specified in subsection (2)
6 of this section, a public services short-term child care facility shall ensure
7 that at least one employee is on duty at the facility at all times when the
8 facility is operating who holds a current department-approved first aid
9 and safety certificate that includes certification in cardiopulmonary
10 resuscitation training for all ages of children.

11 ~~(3)~~ (4) (a) If the guest child care facility or public services
12 short-term child care facility refuses to hire a supervisory employee or
13 terminates the employment of a supervisory employee as a result of
14 information disclosed in an investigation of the supervisory employee or
15 applicant ~~therefor pursuant to paragraph (f) of subsection (2)~~ FOR A
16 SUPERVISORY POSITION PURSUANT TO SUBSECTION (2)(f) of this section,
17 the guest child care facility or public services short-term child care
18 facility shall not be subject to civil liability for such refusal to hire.

19 (b) If the guest child care facility or public services short-term
20 child care facility terminates the employment of an employee as a result
21 of the information disclosed in an investigation of the employee pursuant
22 to ~~paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section, the
23 guest child care facility or public services short-term child care facility
24 shall not be subject to civil liability for such termination of employment.

25 ~~(4)~~ (5) A guest child care facility employee or supervisory
26 employee applicant who has obtained a fingerprint-based criminal history
27 check pursuant to ~~paragraph (f) or (g) of subsection (2)~~ SUBSECTION (2)(f)

1 OR (2)(g) of this section, or pursuant to ~~subsection (5)~~ SUBSECTION (6) of
2 this section, ~~shall not be~~ IS NOT required to obtain a new fingerprint-based
3 criminal history check if ~~he or she~~ the EMPLOYEE OR APPLICANT returns
4 to a guest child care facility to work in subsequent seasons. The ~~state~~
5 department shall maintain the results of the initial background check and
6 receive subsequent notification of activity on the record for the purpose
7 of redetermining, if necessary, whether the employee or supervisory
8 employee applicant has been convicted of any of the criminal offenses
9 specified in ~~section 26-6-104 (7)(a)(f)~~ SECTION 26.5-5-309 (4)(a)(I), or
10 whether the employee or supervisory employee applicant has a pattern of
11 misdemeanor convictions as described in ~~section 26-6-108 (8)(b)~~ SECTION
12 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the
13 ~~state~~ department for information concerning subsequent convictions, if
14 any, prior to rehiring such employee.

15 ~~(5) (6)~~ The requirements of ~~paragraphs (f) and (g) of subsection~~
16 ~~(2)~~ SUBSECTIONS (2)(f) AND (2)(g) of this section ~~shall~~ DO not apply to
17 those employees of guest child care facilities concerning whom criminal
18 history background checks were conducted on or after July 1, 2001, and
19 before July 1, 2002, for purposes of state child care licensure
20 requirements.

21 ~~(6) (7)~~ For purposes of AS USED IN this section, a "guest child care
22 facility" does not include a ski school. ~~For purposes of AS USED IN this~~
23 section, "ski school" means a school located at the ski area in which the
24 guest child care facility is located for purposes of teaching children how
25 to ski or snowboard.

26 ~~(7) (8)~~ The ~~state department shall have the authority~~ DEPARTMENT
27 IS AUTHORIZED to receive, respond to, and investigate any complaint

1 concerning compliance with the requirements set forth in this ~~part~~ PART
2 3 for a guest child care facility or a public services short-term child care
3 facility.

4 **26.5-5-308. [Formerly 26-6-103.7] Application of part -**
5 **neighborhood youth organizations - rules - licensing - duties and**
6 **responsibilities - definitions.** (1) Notwithstanding any provision of this
7 ~~part~~ PART 3 to the contrary, a neighborhood youth organization that is
8 not otherwise licensed to operate under this ~~part~~ PART 3 may obtain a
9 neighborhood youth organization license pursuant to this section. A
10 neighborhood youth organization that obtains a license pursuant to this
11 section ~~shall be~~ IS subject only to the requirements of this section and
12 ~~shall~~ IS otherwise be exempt from the requirements of this ~~part~~ PART 3.

13 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
14 to establish a neighborhood youth organization license, including but not
15 limited to the fee required to apply for and obtain the license. The rules
16 shall not concern staff-to-youth ratios.

17 (3) A neighborhood youth organization licensed pursuant to this
18 section and operating in the state of Colorado ~~shall have~~ HAS the
19 following duties and responsibilities:

20 (a) To inform a parent or legal guardian of the requirements of
21 this subsection (3) and to post a notice in bold print and in plain view on
22 the premises of the facility in which the neighborhood youth organization
23 operates that lists the following information:

- 24 (I) The requirements of this subsection (3); and
25 (II) The telephone number and address of the appropriate division
26 within the ~~state~~ department for investigating complaints concerning a
27 neighborhood youth organization, with the instruction that any complaint

1 regarding the neighborhood youth organization's compliance with these
2 requirements be directed to that division;

3 (b) Prior to admitting an interested youth member into the
4 neighborhood youth organization, to require the youth member's parent
5 or legal guardian to sign a statement authorizing the youth member to
6 arrive and depart from the organization without supervision by a parent,
7 A legal guardian, or the organization;

8 (c) To establish a process to receive and resolve complaints from
9 parents or legal guardians;

10 (d) To establish a process to report known or suspected child
11 abuse or neglect to appropriate authorities pursuant to section 19-3-304;
12 ~~C.R.S.~~;

13 (e) To maintain, either at the neighborhood youth organization or
14 at a central administrative facility, records for each youth member
15 admitted into the neighborhood youth organization containing, at a
16 minimum, the following information:

17 (I) The youth member's full name;

18 (II) The youth member's date of birth;

19 (III) The name, address, and telephone number of a parent or legal
20 guardian of the youth member;

21 (IV) The name and telephone number of at least one emergency
22 contact person for the youth member; and

23 (V) A parent's or legal guardian's written authorization for the
24 youth member to attend the neighborhood youth organization;

25 (f) To require a youth member's parent or legal guardian to sign
26 a statement authorizing the neighborhood youth organization to provide
27 transportation prior to field trips or to and from the neighborhood youth

1 organization; and

2 (g) To follow the requirements specified in subsection (4) of this
3 section for a fingerprint-based or other criminal history record check of
4 each employee and volunteer who works with or will work with youth
5 members five or more days in a calendar month.

6 (4) A licensed neighborhood youth organization shall require all
7 employees and volunteers who work directly with or will work directly
8 with youth members five or more days in a calendar month to obtain,
9 prior to employment, and every two years thereafter, one of the following:

10 (a) A fingerprint-based criminal history records check utilizing the
11 Colorado bureau of investigation and request the ~~state~~ department to
12 ascertain whether the person being investigated has been convicted of
13 felony child abuse as specified in section 18-6-401 ~~C.R.S.~~, or a felony
14 offense involving unlawful sexual behavior as defined in section
15 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization shall not hire
16 a person as an employee or approve a person as a volunteer after
17 confirmation of such a criminal history.

18 (b) A federal bureau of investigation fingerprint-based criminal
19 history records check utilizing the Colorado bureau of investigation if the
20 employee, volunteer, or applicant has resided in the state of Colorado less
21 than two years. The neighborhood youth organization shall request the
22 ~~state~~ department to ascertain whether the person being investigated has
23 been convicted of felony child abuse as specified in section 18-6-401
24 ~~C.R.S.~~, or a felony offense involving unlawful sexual behavior as defined
25 in section 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization
26 shall not hire a person as an employee or approve a person as a volunteer
27 after confirmation of such a criminal history.

1 (c) A comparison search by the ~~state~~ department on the ICON
2 system of the state judicial department or a comparison search on any
3 other database that is recognized on a statewide basis by using the name,
4 date of birth, and social security number information that the ~~state~~
5 department determines is appropriate to determine whether the person
6 being investigated has been convicted of felony child abuse as specified
7 in section 18-6-401 ~~€R.S.~~, or a felony offense involving unlawful sexual
8 behavior as defined in section 16-22-102 (9). ~~€R.S.~~ The neighborhood
9 youth organization shall not hire a person as an employee or approve a
10 person as a volunteer after confirmation of such a criminal history.

11 (d) A separate background check by a private entity regulated as
12 a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that
13 ~~shall~~ MUST disclose, at a minimum, sexual offenders and felony
14 convictions and include a social security number trace, a national criminal
15 file check, and a state or county criminal file search. The separate
16 background check ~~shall~~ MUST ascertain whether the person being
17 investigated has been convicted of felony child abuse as specified in
18 section 18-6-401 ~~€R.S.~~, or a felony offense involving unlawful sexual
19 behavior as defined in section 16-22-102 (9). ~~€R.S.~~ The neighborhood
20 youth organization shall not hire a person as an employee or approve a
21 person as a volunteer after confirmation of such a criminal history.

22 (5) A person who visits or takes part in the activities of a licensed
23 neighborhood youth organization but who is not required to obtain a
24 criminal history record check pursuant to subsection (4) of this section
25 ~~shall~~ MUST at all times be under the supervision of an employee or
26 volunteer who has been hired or approved after obtaining a criminal
27 history record check pursuant to subsection (4) of this section.

1 (6) The governing board of each licensed neighborhood youth
2 organization shall adopt minimum standards for operating the licensed
3 neighborhood youth organization, including but not limited to standards
4 concerning staff, staff training, health and safety, and mechanisms for
5 assessing and enforcing the licensed neighborhood youth organization's
6 compliance with the standards adopted.

7 (7) The ~~state department shall have the authority~~ DEPARTMENT IS
8 AUTHORIZED to receive, respond to, and investigate any complaint
9 concerning compliance with the requirements set forth in this section for
10 a licensed neighborhood youth organization.

11 (8) A licensed neighborhood youth organization ~~shall not be~~ IS
12 NOT required to obtain or keep on file immunization records for youth
13 members participating in the organization's activities.

14 (9) As used in this section, unless the context otherwise requires:

15 (a) "Employee" means a paid employee of a neighborhood youth
16 organization who is eighteen years of age or older.

17 (b) "Volunteer" means a person who volunteers ~~his or her~~
18 assistance to a neighborhood youth organization and who is eighteen
19 years of age or older.

20 **26.5-5-309. [Formerly 26-6-104] Licenses - definition - rules.**

21 (1) ~~(a)~~ Except as otherwise SPECIFICALLY provided in ~~paragraph (b) of~~
22 ~~this subsection (1) or elsewhere in this part †~~ IN THIS PART 3, a person
23 shall not operate an agency or facility defined in this ~~part †~~ PART 3
24 without first being licensed by the ~~state~~ department to operate or maintain
25 ~~such~~ THE agency or facility and paying the prescribed fee. ~~Except as~~
26 ~~otherwise provided in paragraph (c) of this subsection (1), any~~ A license
27 issued by the ~~state~~ department is permanent unless otherwise revoked or

1 suspended pursuant to ~~section 26-6-108~~ SECTION 26.5-5-317.

2 ~~(b) A person operating a foster care home is not required to~~
3 ~~obtain a license from the state department to operate the foster care home~~
4 ~~if the person holds a certificate issued pursuant to section 26-6-106.3 to~~
5 ~~operate the home from any county department or a child placement~~
6 ~~agency licensed under the provisions of this part 1. A certificate is~~
7 ~~considered a license for the purpose of this part 1, including but not~~
8 ~~limited to the investigation and criminal history background checks~~
9 ~~required under sections 26-6-106.3 and 26-6-107.~~

10 ~~(c) (I) On and after July 1, 2002, and contingent upon the time~~
11 ~~lines for implementation of the computer "trails" enhancements, child~~
12 ~~placement agencies that certify foster care homes shall be licensed~~
13 ~~annually until the implementation of any risk-based schedule for the~~
14 ~~renewal of child placement agency licenses pursuant to subparagraph (H)~~
15 ~~of this paragraph (c). The state board shall promulgate rules specifying~~
16 ~~the procedural requirements associated with the renewal of such child~~
17 ~~placement agency licenses. Such rules shall include requirements that the~~
18 ~~state department conduct assessments of the child placement agency.~~

19 ~~(H) (A) On and after January 1, 2004, and upon the functionality~~
20 ~~of the computer "trails" enhancements, the state department may~~
21 ~~implement a schedule for relicensing of child placement agencies that~~
22 ~~certify foster care homes that is based on risk factors such that child~~
23 ~~placement agencies with low risk factors shall renew their licenses less~~
24 ~~frequently than child placement agencies with higher risk factors.~~

25 ~~(B) Prior to January 1, 2004, and contingent upon the time lines~~
26 ~~for implementation of the computer "trails" enhancements, the state~~
27 ~~department shall create classifications of child placement agency licenses~~

1 that certify foster care homes that are based on risk factors as those
2 factors are established by rule of the state board.

3 (HH) On and after July 1, 2021, all residential child care facilities
4 must be licensed annually. The state board shall promulgate rules
5 specifying the procedural requirements associated with the license
6 renewal for residential child care facilities. The rules must include a
7 requirement that the state department conduct assessments of the
8 residential child care facility.

9 (d) Repealed.

10 (2) No person shall receive or accept a child under eighteen years
11 of age for placement, or place any child either temporarily or permanently
12 in a home, other than with persons related to the child, without first
13 obtaining a license as a child placement agency from the department, and
14 paying the fee prescribed therefor.

15 (2.5) (Deleted by amendment, L. 96, p. 254, § 5, effective July 1,
16 1996.)

17 (3) (2) THE DEPARTMENT MAY ISSUE a provisional license ONCE
18 for a period of six months ~~may be issued once~~ to an applicant for an
19 original license, permitting the applicant to operate a family child care
20 home ~~foster care home~~, or child care center if the applicant is temporarily
21 unable to conform to all standards required under this ~~part~~ PART 3, upon
22 proof by the applicant that the applicant is attempting to conform to ~~such~~
23 THE standards or to comply with any other requirements. The applicant
24 has the right to appeal any standard that the applicant believes presents an
25 undue hardship or has been applied too stringently by the department.
26 Upon the filing of an appeal, the department shall proceed in the manner
27 prescribed for licensee appeals in ~~section 26-6-106~~ (3) SECTION

1 26.5-5-314 (5).

2 ~~(4)~~ (3) (a) The department shall not issue a license for a child care
3 center ~~residential child care facility, or secure residential treatment center~~
4 until the facilities to be operated or maintained by the applicant or
5 licensee are approved by the department of public health and environment
6 as conforming to the sanitary standards prescribed by ~~the~~ SAID department
7 pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to
8 fire prevention and protection requirements of local fire departments in
9 the locality of the facility or, in lieu thereof, of the division of labor
10 standards and statistics IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

11 (b) A child care center that provides child care exclusively to
12 school-age children and operates on the property of a school district,
13 district charter school, or institute charter school may satisfy any fire or
14 radon inspection requirement required by law by providing a copy of a
15 satisfactory fire or radon inspection report of the property of a school
16 district, district charter school, or institute charter school where the child
17 care is provided if the fire or radon inspection report was completed
18 within the preceding twelve months. The department shall not require a
19 duplicate fire or radon inspection if a satisfactory fire or radon inspection
20 report of the property was completed within the preceding twelve months.

21 ~~(5) No person shall send or bring into this state any child for the~~
22 ~~purposes of foster care or adoption without sending notice of the pending~~
23 ~~placement and receiving the consent of the department or its designated~~
24 ~~agent to the placement. The notice shall contain:~~

25 (a) ~~The name and the date and place of birth of the child;~~

26 (b) ~~The identity and address or addresses of the parents or legal~~
27 ~~guardian;~~

1 ~~(c) The identity and address of the person sending or bringing the~~
2 ~~child;~~

3 ~~(d) The name and address of the person to or with which the~~
4 ~~sending person proposes to send, bring, or place the child;~~

5 ~~(e) A full statement of the reasons for the proposed action and~~
6 ~~evidence of the authority pursuant to which the placement is proposed to~~
7 ~~be made.~~

8 ~~(6) The state board of human services shall establish rules and~~
9 ~~regulations for the approval of foster care homes and child care centers~~
10 ~~that provide twenty-four-hour care of children between eighteen and~~
11 ~~twenty-one years of age for whom the county department is financially~~
12 ~~responsible and when placed in foster care by the county department.~~

13 ~~(6.5) On and after July 1, 2005, and subject to designation as a~~
14 ~~qualified accrediting entity as required by the "Intercountry Adoption Act~~
15 ~~of 2000", 42 U.S.C. sec. 14901 et seq., the state department may license~~
16 ~~and accredit a child placement agency for purposes of providing adoption~~
17 ~~services for convention adoptions pursuant to the "Intercountry Adoption~~
18 ~~Act of 2000", 42 U.S.C. sec. 14901 et seq. The state board of human~~
19 ~~services may adopt rules consistent with federal law governing the~~
20 ~~procedures for adverse actions regarding accreditation, which procedures~~
21 ~~may vary from the procedures set forth in the "State Administrative~~
22 ~~Procedure Act", article 4 of title 24. C.R.S.~~

23 ~~(7)(a)(f) (4) (a) (I) The state department shall not issue a license~~
24 ~~to operate a family child care home a foster care home, OR a child care~~
25 ~~center a residential child care facility, a secure residential treatment~~
26 ~~center, or a child placement agency, and any license or certificate issued~~
27 ~~prior to August 7, 2006, shall be revoked or suspended, if the applicant~~

1 for the license, ~~or certificate~~, an affiliate of the applicant, a person
2 employed by the applicant, or a person who resides with the applicant at
3 the facility has been convicted of:

4 (A) Child abuse, as specified in section 18-6-401; ~~€R.S.~~;

5 (B) A crime of violence, as defined in section 18-1.3-406; ~~€R.S.~~;

6 (C) Any offenses involving unlawful sexual behavior, as defined
7 in section 16-22-102 (9); ~~€R.S.~~;

8 (D) Any felony, the underlying factual basis of which has been
9 found by the court on the record to include an act of domestic violence,
10 as defined in section 18-6-800.3; ~~€R.S.~~;

11 ~~(D.5)~~ (E) Any felony involving physical assault, battery, or a
12 drug-related offense within the five years preceding the date of
13 application for a license; ~~or certificate~~;

14 ~~(E)~~ (F) A pattern of misdemeanor convictions, as defined by
15 DEPARTMENT rule, ~~of the state board~~, within the ten years immediately
16 preceding the date of submission of the application;

17 ~~(F)~~ (G) Any offense in any other state, the elements of which are
18 substantially similar to the elements of any one of the offenses described
19 in ~~sub-subparagraphs (A) to (E) of this subparagraph (F)~~ SUBSECTION
20 (4)(a)(I)(A) TO (4)(a)(I)(F) OF THIS SECTION.

21 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS
22 SUBSECTION (4)(a), "convicted" means a conviction by a jury or by a court
23 and ~~shall also include~~ ALSO INCLUDES a deferred judgment and sentence
24 agreement, a deferred prosecution agreement, a deferred adjudication
25 agreement, an adjudication, and a plea of guilty or nolo contendere.

26 ~~(III) Any applicant, licensee, or employee of the applicant or~~
27 ~~licensee who meets the definition of a department employee or an~~

1 independent contractor, as those terms are defined in section 27-90-111,
2 or who works for a contracting agency, as defined in section 27-90-111,
3 and who will have direct contact with vulnerable persons, as defined in
4 section 27-90-111 (2)(c), is required to submit to a state and national
5 fingerprint-based criminal history record check in the same manner as
6 required pursuant to section 27-90-111 (9); except that the state
7 department shall not bear the cost of such criminal history record check
8 required by this subsection (7)(a)(III). The state department may also
9 conduct a comparison search on the Colorado state courts public access
10 system to determine the crime or crimes for which the individual having
11 direct contact with vulnerable persons was arrested or convicted and the
12 disposition of such crime or crimes. The criminal history record check
13 required by this subsection (7)(a)(III) must be submitted to the state
14 department prior to the individual having direct contact with vulnerable
15 persons, and an applicant, licensee, or employee of an applicant or
16 licensee must not be allowed to have direct contact with vulnerable
17 persons if he or she does not meet the requirements set forth in this
18 subsection (7) and in section 27-90-111 (9).

19 (b) The DEPARTMENT SHALL DETERMINE THE convictions
20 identified in paragraph (a) of this subsection (7) shall be determined
21 SUBSECTION (4)(a) OF THIS SECTION according to the records of the
22 Colorado bureau of investigation, the ICON system at the state judicial
23 department, or any other source, as set forth in section 26-6-107
24 (1)(a)(I.5) SECTION 26.5-5-316 (1)(a)(II). A certified copy of the judgment
25 of a court of competent jurisdiction of such conviction, deferred judgment
26 and sentence agreement, deferred prosecution agreement, or deferred
27 adjudication agreement shall be IS prima facie evidence of such THE

1 conviction or agreement. ~~No~~ THE DEPARTMENT SHALL NOT ISSUE A
2 license ~~or certificate~~ to operate a family child care home ~~a foster care~~
3 ~~home~~, OR a child care center ~~a residential child care facility~~, a secure
4 residential child care facility, or a child placement agency shall be issued
5 if the state department has a certified court order from another state
6 indicating that the person applying for ~~such a~~ THE license ~~or certificate~~
7 has been convicted of child abuse or any unlawful sexual offense against
8 a child under a law of any other state or the United States, or the state
9 department has a certified court order from another state that the person
10 applying for the license ~~or certificate~~ has entered into a deferred judgment
11 or deferred prosecution agreement in another state as to child abuse or
12 any sexual offense against a child.

13 ~~(7.5) (a) No later than January 1, 2004, the state board shall~~
14 ~~promulgate rules that require all current and prospective employees of a~~
15 ~~county department who in their position have direct contact with any~~
16 ~~child in the process of being placed, or who has been placed, in foster~~
17 ~~care to submit a set of fingerprints for purposes of obtaining a~~
18 ~~fingerprint-based criminal history record check, unless the person has~~
19 ~~already submitted a set of fingerprints. The check must be conducted in~~
20 ~~the same manner as provided in subsection (7) of this section and in~~
21 ~~section 26-6-107 (1)(a). The person's employment is conditional upon a~~
22 ~~satisfactory criminal background check and subject to the same grounds~~
23 ~~for denial or dismissal as set forth in subsection (7) of this section and in~~
24 ~~section 26-6-107 (1)(a). The costs for the fingerprint-based criminal~~
25 ~~history record check must be borne by the applicant.~~

26 (b) When the results of a fingerprint-based criminal history record
27 check performed pursuant to this subsection (7.5) reveal a record of arrest

1 without a disposition, the state department shall require the person to
2 submit to a name-based criminal history record check, as defined in
3 section 22-2-119.3 (6)(d). The costs for the name-based criminal history
4 record check must be borne by the applicant.

5 (8) (5) The state department shall not issue a license to operate
6 any AN agency or facility defined in this part + PART 3 if the person
7 applying for such THE license or an affiliate of the applicant, a person
8 employed by the applicant, or a person who resides with the applicant at
9 the facility,

10 (a) has been determined to be insane or mentally incompetent by
11 a court of competent jurisdiction and should a court enter A COURT HAS
12 ENTERED, pursuant to part 3 or part 4 of article 14 of title 15 C.R.S., or
13 section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding
14 that the mental incompetency or insanity is of such a degree that the
15 applicant is incapable of operating a family child care home foster care
16 home, OR child care center. or child placement agency, The record of such
17 THE determination and entry of such order being THE ORDER ARE
18 conclusive evidence thereof OF THE DETERMINATION.

19 (b) (Deleted by amendment, L. 2006, p. 725, § 3, effective August
20 7, 2006.)

21 (9) The state department is strongly encouraged to examine and
22 report to the general assembly on the benefits of licensing any private,
23 nonprofit child placement agency that is dedicated to serving the special
24 needs of foster care children through services delivered by specialized
25 foster care parents in conjunction with and supported by staff of the child
26 placement agency. Such child placement agencies examined shall be able
27 to:

- 1 (a) Offer the following services:
- 2 ~~(I) Provision of educated, skilled, and experienced foster care~~
3 ~~parents;~~
- 4 ~~(II) Social work support for the foster care child and foster care~~
5 ~~family;~~
- 6 ~~(III) Twenty-four-hour, on-call availability;~~
- 7 ~~(IV) Monthly foster care parent support group meetings;~~
- 8 ~~(V) On-going educational and networking opportunities for any~~
9 ~~foster care family;~~
- 10 ~~(VI) Individualized treatment plans developed through team~~
11 ~~collaboration;~~
- 12 ~~(VII) Professional and family networking opportunities; and~~
- 13 ~~(VIII) Respite support and reimbursement;~~
- 14 (b) Provide a form of specialized foster care including, but not
15 limited to, the following types of care:
- 16 ~~(I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~
17 ~~22, 2003.)~~
- 18 ~~(II) Medical foster care;~~
- 19 ~~(III) Respite foster care;~~
- 20 ~~(IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~
21 ~~22, 2003.)~~
- 22 ~~(V) Therapeutic foster care;~~
- 23 ~~(VI) Developmentally disabled foster care; and~~
- 24 ~~(VII) Treatment foster care.~~
- 25 (6) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
26 SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND
27 EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST

1 COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD
2 EDUCATOR CREDENTIALING COMPLIANCE REQUIREMENTS. THE STATE
3 AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS
4 ACROSS THE AGENCIES TO REDUCE THE ADMINISTRATIVE AND PAPERWORK
5 BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS.
6 THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF
7 PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING
8 REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND
9 PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

10 **26.5-5-310. [Formerly 26-6-104.5 (1) to (3)] Compliance with**
11 **local government zoning regulations - notice to local governments -**
12 **provisional licensure - rules.** (1) (a) The department shall require any
13 child care facility seeking licensure pursuant to ~~section 26-6-104~~ SECTION
14 26.5-5-309 to comply with any applicable zoning and land use
15 development regulations of the municipality, city and county, or county
16 where the facility is situated. Failure to comply with applicable zoning
17 and land use regulations constitutes grounds for the denial of a license to
18 a facility.

19 (b) Notwithstanding subsection (1)(a) of this section to the
20 contrary, the availability of safe, affordable, and licensed family child
21 care homes is a matter of statewide concern. Therefore, permitting
22 fragmented regulation among jurisdictions impedes and infringes upon
23 the department's appropriate and consistent licensing and regulation of
24 family child care homes throughout the state. Accordingly, local
25 governing authorities shall treat family child care homes as residential
26 property use in the application of local regulations, including zoning, land
27 use development, fire and life safety, sanitation, and building codes.

1 Local governing authorities shall not impose any additional regulations
2 governing family child care homes that do not also apply to other
3 residential properties, provided that the foregoing does not restrict an
4 authority's ability to prohibit, on a case-by-case basis, the operation in
5 immediately adjacent residences of two or more large family child care
6 homes, as that term is defined by DEPARTMENT rules ~~by the department~~
7 ~~that governs~~ THAT GOVERN the operation of family child care homes, or
8 to manage the flow of traffic and parking related to adjacent large family
9 child care homes. Residential use of property for zoning purposes
10 includes all forms of residential zoning and, specifically, although not
11 exclusively, single-family residential zoning.

12 (2) The department shall assure that timely written notice is
13 provided to the municipality, city and county, or county where a child
14 care facility is situated, including the address of the facility and the
15 population and number of persons to be served by the facility, when any
16 of the following occurs:

17 (a) A person applies for a license to operate a child care facility
18 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309; OR

19 (b) A license is granted to operate a child care facility pursuant to
20 ~~section 26-6-104~~; or SECTION 26.5-5-309.

21 ~~(c) A change is made in the license of a residential child care~~
22 ~~facility, specialized group facility, homeless youth shelter, or secure~~
23 ~~residential treatment center.~~

24 ~~(d) (Deleted by amendment, L. 2006, p. 727, § 4, effective August~~
25 ~~7, 2006.)~~

26 (3) Notwithstanding any other provision of law, in the event of a
27 zoning or other delay or dispute between a child care facility and the

1 municipality, city and county, or county where the facility is situated, the
2 department may grant a provisional license to the facility for up to six
3 months pending resolution of the delay or dispute.

4 **26.5-5-311. [Formerly 26-6-105] Fees - when original**
5 **applications, reapplications, and renewals for licensure are required**
6 **- creation of child care licensing cash fund - rules.** (1) (a) The state
7 department is hereby authorized to establish, pursuant to rules
8 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR, permanent,
9 time-limited, and provisional license fees and fees for continuation ~~or~~
10 ~~renewal, whichever is applicable,~~ of a license for the following types of
11 child care arrangements:

12 (I) Family child care homes, including any special type of family
13 child care home designated by DEPARTMENT rules ~~of the state board~~
14 pursuant to ~~section 26-6-106 (2)(p)~~ SECTION 26.5-5-314 (2)(n), but
15 excluding homes certified by county departments or child placement
16 agencies;

17 (II) Child care centers;

18 ~~(III) Secure residential treatment centers;~~

19 ~~(IV) Residential child care facilities;~~

20 ~~(V) Child placement agencies;~~

21 ~~(VI) Repealed.~~

22 ~~(VII) Homeless youth shelters;~~

23 ~~(VIII) Day treatment centers;~~

24 ~~(IX) Specialized group facilities;~~

25 ~~(X)~~ (III) Children's resident camps; and

26 ~~(XI)~~ (IV) Substitute placement agencies.

27 (b) The state department may also establish fees pursuant to rules

1 promulgated by the ~~state board of human services~~ EXECUTIVE DIRECTOR
2 for the following situations:

3 (I) Issuance of a duplicate license;

4 (II) Change of license due to an increase in licensing capacity or
5 a change in the age of children served;

6 (III) Obtaining the criminal record of an applicant and any person
7 living with or employed by the applicant, which may include costs
8 associated with the taking of fingerprints;

9 (IV) Checking the records and reports of child abuse or neglect
10 maintained by the state department OF HUMAN SERVICES for an owner,
11 employee, or resident of a facility or agency or an applicant for a license
12 to operate a facility or agency;

13 (V) Filing of appeals;

14 (VI) Duplication of licensing records for the public;

15 (VII) Duplication of licensing records in electronic format for the
16 public; AND

17 ~~(VIII) Accrediting a child placement agency for purposes of~~
18 ~~providing adoption services for convention adoptions pursuant to the~~
19 ~~"Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq.;~~

20 ~~(IX) (VIII) Insufficient funds payment and collection of overdue~~
21 ~~fees and fines. and~~

22 ~~(X) Collection of fees for scanning of adoption records pursuant~~
23 ~~to section 19-5-307. C.R.S.~~

24 (c) The fees established pursuant to this subsection (1) ~~shall~~ MUST
25 not exceed the direct and indirect costs incurred by the department. The
26 ~~division involved in licensing child care facilities~~ DEPARTMENT shall
27 develop and implement an objective and systematic approach for setting,

1 monitoring, and revising child care licensing fees by developing and
2 using an ongoing method to track all direct and indirect costs associated
3 with child care inspection licensing, developing a methodology to assess
4 the relationship between licensing costs and fees, and annually
5 reassessing costs and fees and reporting the results to the ~~state board~~
6 EXECUTIVE DIRECTOR. In developing a fee schedule, the department
7 should consider the licensed capacity of facilities and the time needed to
8 license facilities.

9 (2) (a) The fees specified in subsection (1) of this section ~~shall~~
10 MUST be paid when application is made for any license ~~or when renewal~~
11 ~~of a child placement agency license is sought and shall not be~~ IS SOUGHT
12 AND ARE NOT subject to refund. Applications for licenses ~~shall be~~ ARE
13 required in the situations that are set forth in ~~paragraph (b) of this~~
14 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and ~~shall~~ MUST be
15 made on forms prescribed by the ~~state~~ department. Each completed
16 application ~~shall~~ MUST set forth such information as required by the ~~state~~
17 department. All licenses ~~shall~~ continue in force until revoked,
18 surrendered, or expired.

19 (b) (I) An original application and fee are required:

20 (A) When an individual, partnership, corporation, or association
21 plans to open a child care center OR children's resident camp; ~~secure~~
22 ~~residential treatment center, residential child care facility, homeless youth~~
23 ~~shelter, day treatment center, specialized group facility, or child~~
24 ~~placement agency;~~

25 (B) When the child care center OR children's resident camp ~~secure~~
26 ~~residential treatment center, residential child care facility, homeless youth~~
27 ~~shelter, day treatment center, or specialized group facility~~ plans to move

1 the center or facility to a different building at a different location;

2 (C) When the management or governing body of a child care
3 center OR children's resident camp ~~secure residential treatment center,~~
4 ~~residential child care facility, homeless youth shelter, day treatment~~
5 ~~center, specialized group facility, or child placement agency~~ is acquired
6 by a different individual, association, partnership, or corporation;

7 ~~(C.5)~~ (D) When a change occurs in the operating entity of a child
8 care center OR children's resident camp ~~secure residential treatment~~
9 ~~center, residential child care facility, homeless youth shelter, day~~
10 ~~treatment center, specialized group facility, or child placement agency~~
11 resulting in a new federal employee identification number; except that, if
12 the reason for the issuance of a new federal employee identification
13 number is solely due to a change in the corporate structure of the
14 operating entity and either the management or governing body of the
15 entity remains the same as originally licensed and the entity is operating
16 in the same facility or facilities as originally licensed, the state department
17 shall treat the entity's status as a renewal and assess the applicable
18 renewal fee. Only newly hired employees ~~shall be~~ ARE required to
19 undergo criminal background checks as required in ~~section 26-6-107~~
20 SECTION 26.5-5-316.

21 ~~(D)~~ (E) When a family or person plans to open a family child care
22 home, including any special type of family child care home designated by
23 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~
24 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n);

25 ~~(E)~~ (F) When a family or person who operates a family child care
26 home, including any special type of family child care home designated by
27 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~

1 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n),
2 moves to a new residence.

3 (II) THE DEPARTMENT MAY REQUIRE AND RECEIVE a reapplication
4 and fee ~~shall be required and received by the state department~~ in the
5 manner specified in DEPARTMENT rules. ~~promulgated by the state board.~~
6 ~~An individual, partnership, corporation, or association seeking to renew~~
7 ~~a child placement agency license shall submit a reapplication and fee to~~
8 ~~the state department as specified in rules promulgated by the state board.~~

9 (3) ~~Nothing in this section shall prevent any~~ THIS SECTION DOES
10 NOT PREVENT A city or city and county from imposing ~~additional~~ fees IN
11 ADDITION to those FEES specified under this section.

12 (4) THE DEPARTMENT SHALL TRANSMIT all fees collected pursuant
13 to this section ~~shall be transmitted~~ to the state treasurer, who shall credit
14 the ~~same~~ FEES to the child care licensing cash fund, which is hereby
15 created. The general assembly shall make annual appropriations from the
16 child care licensing cash fund for expenditures incurred by the department
17 in the performance of its duties under this ~~part~~ PART 3. THE TREASURER
18 SHALL CREDIT TO THE FUND all interest derived from the deposit and
19 investment of ~~moneys~~ MONEY in the fund. ~~shall be credited to the fund.~~
20 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~
21 MONEY in the fund ~~shall remain therein and shall not be~~ REMAINS IN THE
22 FUND AND IS NOT credited or transferred to the general fund or any other
23 fund.

24 **26.5-5-312. [Formerly 26-6-105.5] Application forms - criminal**
25 **sanctions for perjury.** (1) (a) (I) All applications for the licensure of a
26 child care facility ~~or the certification of a foster care home~~ pursuant to
27 this ~~part~~ PART 3 MUST include the notice to the applicant that is set

1 forth in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS
2 SECTION.

3 (II) Every application used in the state of Colorado for
4 employment with a child care provider or facility ~~shall~~ MUST include the
5 notice to the applicant that is set forth in ~~paragraph (b) of this subsection~~
6 ~~(1)~~ SUBSECTION (1)(b) OF THIS SECTION.

7 (b) Each application described in ~~paragraph (a) of this subsection~~
8 ~~(1)~~ ~~shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST contain the following
9 notice to the applicant:

10 Any applicant who knowingly or willfully makes a false
11 statement of any material fact or thing in this application is
12 ~~guilty of~~ COMMITS perjury in the second degree as defined
13 in section 18-8-503, Colorado Revised Statutes, and, upon
14 conviction thereof, shall be punished accordingly.

15 (2) Any person applying for the licensure of a child care facility
16 ~~or the certification of a foster care home~~ pursuant to this ~~part 1~~ PART 3 or
17 any person applying to work at such a facility as an employee who
18 knowingly or willfully makes a false statement of any material fact or
19 thing in the application is ~~guilty of~~ COMMITS perjury in the second degree
20 as defined in section 18-8-503, C.R.S., and, upon conviction thereof, ~~shall~~
21 MUST be punished accordingly.

22 (3) ~~Every application for certification or licensure as a foster care~~
23 ~~home shall provide notice to the applicant that the applicant may be~~
24 ~~subject to immediate revocation of certification or licensure or other~~
25 ~~negative licensing action as set forth in this section, section 26-6-107.7,~~
26 ~~and as described by rule of the state board.~~

27 **26.5-5-313. [Formerly 26-6-105.7] Applications - materials**

1 **waivers - appeals - rules.** (1) A child care center that is subject to the
2 licensing requirements of this ~~part~~ PART 3 is also subject to the
3 provisions of this section.

4 (2) (a) The department shall make available to licensed child care
5 centers and include with every application form for licensure information
6 concerning the manner in which a child care center may apply for a
7 waiver to use certain materials in its program and curriculum. The waiver
8 request ~~shall~~ MUST be included in a center's application for licensure or,
9 in the case of a licensed child care center, may be submitted at any time.

10 (b) A child care center seeking a waiver for the use of certain
11 materials ~~shall~~ MUST adopt a policy that:

12 (I) Ensures that instructors in the child care center are trained in
13 the use of the materials in a way that provides reasonable safety
14 provisions for use by children; and

15 (II) Requires parental notification of the use of the materials in the
16 child care center and the potential safety risks associated with the
17 materials. The policy ~~shall~~ MUST require the child care center to obtain
18 signed parental consent forms acknowledging awareness of the risks in
19 using the materials in the child care center.

20 (3) If a licensed child care center receives notice of a violation
21 pursuant to this ~~part~~ PART 3, information concerning the waiver and
22 appeal process described in this section ~~shall~~ MUST be included in the
23 notification to the child care center.

24 (4) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
25 for the implementation of this section, including:

26 (a) The requirements for the granting of a waiver request, ~~which~~
27 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the

1 department make a decision on the waiver request and notify the child
2 care center of its decision no later than sixty calendar days after receipt
3 of the request;

4 (b) The requirements for the denial of a waiver request, ~~which~~
5 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the
6 department make a decision on the waiver request and notify the child
7 care center of its decision no later than sixty calendar days after receipt
8 of the request; AND

9 (c) The process by which a child care center may appeal a denial
10 of a waiver request, which process ~~shall include, but need not be limited~~
11 ~~to~~ MUST, AT A MINIMUM, PROVIDE THAT:

12 (I) ~~That~~ Upon the receipt of a denial of a waiver request, a child
13 care center has up to forty-five calendar days to appeal the denial decision
14 to the department;

15 (II) ~~That~~ The department shall act upon the appeal within
16 forty-five calendar days;

17 (III) ~~That~~ The department shall provide notice of its decision on
18 the appeal within ten calendar days after its decision to the appealing
19 child care center; and

20 (IV) ~~That~~ The appealing child care center has the right to meet in
21 person with department personnel concerning the appeal. ~~but that the~~
22 ~~entire appeals process shall last no more than one hundred calendar days~~
23 ~~after the date of the notice of denial of the waiver request.~~

24 (5) Whenever practicable, the department shall use the same
25 inspector for:

26 (a) Multiple visits to a single child care center seeking a waiver
27 pursuant to this section; or

1 (b) Multiple visits to two or more individually licensed child care
2 centers that are wholly owned, operated, and controlled by a common
3 ownership group.

4 (6) The department shall not post a denial of a waiver made
5 pursuant to this section on its website until the appeal is final.

6 **26.5-5-314. [Formerly 26-6-106] Standards for facilities and**
7 **agencies - rules - definition.** (1) (a) The department shall prescribe and
8 publish standards for licensing. The standards must be applicable to the
9 various types of facilities and agencies for child care regulated and
10 licensed by this part 1; ~~except that the department shall prescribe and~~
11 ~~publish separate standards for the licensing of child placement agencies~~
12 ~~operating for the purpose of adoptive placement and adoption-related~~
13 ~~services~~ PART 3. The department shall seek the advice and assistance of
14 persons representative of the various types of child care facilities and
15 agencies in establishing the standards, including the advice and assistance
16 of the department of public safety and councils and associations
17 representing fire marshals and building code officials in the promulgation
18 of any rules related to adequate fire protection and prevention, as allowed
19 in subsection (2)(e) of this section, in a family child care home. The
20 standards must be established by rules promulgated by the ~~state board of~~
21 ~~human services~~ EXECUTIVE DIRECTOR and be issued, published, and
22 become effective only in conformity with article 4 of title 24.

23 (b) ~~(Deleted by amendment, L. 96, p. 258, § 7, effective July 1,~~
24 ~~1996.)~~

25 (2) THE standards prescribed by ~~such~~ DEPARTMENT rules are
26 restricted to:

27 (a) The operation and conduct of the facility or agency and the

1 responsibility it assumes for child care;

2 (b) The character, suitability, and qualifications of the applicant
3 for a license and of other persons directly responsible for the care and
4 welfare of children served, including whether an affiliate of the licensee
5 has ever been the subject of a negative licensing action;

6 (c) The general financial ability and competence of the applicant
7 for a license to provide necessary care for children and to maintain
8 prescribed standards;

9 (d) The number of individuals or staff required to ~~insure~~ ENSURE
10 adequate supervision and care of children served;

11 (e) (I) The appropriateness, safety, cleanliness, and general
12 adequacy of the premises, including maintenance of adequate fire
13 protection and prevention and health standards in conformance with state
14 laws and municipal ordinances, to provide for the physical comfort, care,
15 well-being, and safety of the children served.

16 (II) A child care center that provides child care exclusively to
17 school-age children and operates on the property of a school district,
18 district charter school, or institute charter school may satisfy any fire or
19 radon inspection requirement required by law by providing a copy of a
20 satisfactory fire or radon inspection report of the property of a school
21 district, district charter school, or institute charter school where the child
22 care is provided if the fire or radon inspection report was completed
23 within the preceding twelve months. The department shall not require a
24 duplicate fire or radon inspection if a satisfactory fire or radon inspection
25 report of the property was completed within the preceding twelve months.

26 (III) The department shall require an annual inspection of
27 playground facilities on the property where a child care center operates.

1 For purposes of a playground facility inspection, the department shall
2 accept as satisfactory proof of valid certification of the playground
3 facility, certification, or a copy of certification, from an individual who
4 is licensed or certified to perform playground safety inspections through
5 the national recreation and park association, or other nationally
6 recognized playground facility safety organization. The department shall
7 not require a duplicate inspection if a satisfactory inspection report was
8 completed within the preceding twelve months.

9 (f) Keeping of records for food, clothing, equipment, and
10 individual supplies;

11 (g) Provisions to safeguard the legal rights of children served;

12 (h) Maintenance of records pertaining to the admission, progress,
13 health, and discharge of children;

14 (i) Filing of reports with the department;

15 (j) Discipline of children;

16 ~~(k) Standards for the short-term confinement of a child in defined~~
17 ~~emergency situations. An emergency situation means any situation where~~
18 ~~the child is determined to be a danger to himself or others and to be~~
19 ~~beyond control, all other reasonable means to calm the child have failed,~~
20 ~~and the child's welfare or the welfare of those around the child demand~~
21 ~~that the child be confined for a period not to exceed two hours. Standards~~
22 ~~for such short-term confinement shall include:~~

23 ~~(I) Definition of emergency purposes for the short-term~~
24 ~~confinement in accordance with this paragraph (k);~~

25 ~~(II) Duration and frequency of the confinement;~~

26 ~~(III) Facility staff requirements;~~

27 ~~(IV) Criteria for the short-term placement of a child in the~~

1 ~~short-term confinement room;~~
2 ~~(V) Documentation and review of the confinement;~~
3 ~~(VI) Review and biannual inspection by the department of the~~
4 ~~short-term confinement facility;~~
5 ~~(VII) Physical requirements for the short-term confinement room;~~
6 ~~(VIII) Certification or approval from the department prior to the~~
7 ~~establishment of the short-term confinement room;~~
8 ~~(IX) A neutral fact finder to determine if the child's situation~~
9 ~~merits short-term confinement;~~
10 ~~(X) At a minimum, a fifteen minute checking and review by staff~~
11 ~~of a child placed in short-term confinement;~~
12 ~~(XI) Review by staff of any confinement subsequent to each~~
13 ~~period of such confinement;~~
14 ~~(XII) Daily review of the use of the short-term confinement~~
15 ~~rooms; and~~
16 ~~(XIII) Revocation or suspension of licensure for failure to comply~~
17 ~~with the standards set forth in this paragraph (k).~~
18 ~~(l) Standards for security in secure residential treatment centers~~
19 ~~and residential child care facilities provided through the physical~~
20 ~~environment and staffing. Such standards shall include, but not be limited~~
21 ~~to: the following:~~
22 ~~(I) Locked doors;~~
23 ~~(II) Fencing;~~
24 ~~(III) The staff requirements to ensure security;~~
25 ~~(IV) Inspections;~~
26 ~~(V) Physical requirements for program space and for secure~~
27 ~~sleeping of the residents in the secure residential treatment center or~~

1 residential child care facility;

2 (VI) Other security considerations that are necessary to protect the
3 residents of the secure residential treatment center or residential child care
4 facility or the public.

5 (m) (k) Standards for the appropriateness, safety, and adequacy of
6 transportation services of children to and from child care centers;

7 (n) (l) Except as provided for in paragraph (n.5) of this subsection
8 (2) OTHERWISE PROVIDED IN SUBSECTION (2)(m) OF THIS SECTION,
9 provisions that ensure that family child care homes ~~foster care homes~~, and
10 child care centers verify, in accordance with part 9 of article 4 of title 25,
11 ~~€R.S.~~, that each child has received appropriate immunizations against
12 contagious diseases as follows:

13 (I) Children up to twenty-four months of age ~~shall be~~ ARE required
14 to be immunized in accordance with the "Infant Immunization Act", part
15 17 of article 4 of title 25; ~~€R.S.~~;

16 (II) Children over twenty-four months of age ~~shall be~~ ARE
17 required to be immunized in accordance with part 9 of article 4 of title 25;
18 ~~€R.S.~~;

19 (n.5) (m) Provisions that allow any child care center that allows
20 any child to enroll and attend the center on a short-term basis of up to
21 fifteen days in a fifteen-consecutive-day period, no more than twice in a
22 calendar year, with each fifteen-consecutive-day period separated by at
23 least sixty days, to do so without obtaining verification of immunization
24 for that child, as provided for in section 25-4-902. ~~€R.S.~~ Any child care
25 center that chooses to allow children to enroll and attend on a short-term
26 basis pursuant to the provisions of this ~~paragraph (n.5)~~ SUBSECTION
27 (2)(m) shall provide notification to all parents that the child care center

1 allows children to enroll and attend on a short-term basis without
2 obtaining proof of immunization; AND

3 ~~(o) Standards for adoption agencies that may include but need not~~
4 ~~be limited to:~~

5 ~~(I) Specific criteria and minimum credentials, qualifications,~~
6 ~~training, and education of staff necessary for each of the types of adoption~~
7 ~~for which an applicant may seek to be licensed, including but not limited~~
8 ~~to:~~

9 ~~(A) Traditional adoptions with adopting parents who are~~
10 ~~unknown;~~

11 ~~(B) Family adoptions, including stepparent and grandparent~~
12 ~~adoptions;~~

13 ~~(C) Interstate adoptions;~~

14 ~~(D) International adoptions;~~

15 ~~(E) Identified or designated adoptions; and~~

16 ~~(F) Special needs adoptions;~~

17 ~~(H) The continuing education requirements necessary to maintain~~
18 ~~the adoption agency's license, taking into account the type and specialty~~
19 ~~of such agency's license;~~

20 ~~(HH) The operation and conduct of the agency and the~~
21 ~~responsibility it assumes in adoption cases;~~

22 ~~(IV) The character, suitability, and qualifications of the applicant~~
23 ~~for a license and for all direct service staff employed or contracted with~~
24 ~~by the agency;~~

25 ~~(V) The general financial ability and competence of the applicant~~
26 ~~for license, either original or renewal, to provide necessary services for~~
27 ~~the adoption of children and to maintain prescribed standards;~~

1 ~~(VI) Proper maintenance of records; and~~
2 ~~(VII) Provisions to safeguard the legal rights of children served;~~
3 ~~(p) (n) Rules governing different types of family child care homes~~
4 ~~as that term is defined in section 26-6-102 (13); as well as any other types~~
5 ~~of family child care homes that may by necessity be established by rule~~
6 ~~of the state board EXECUTIVE DIRECTOR.~~

7 ~~(q) (I) Standards for the training of foster care parents, which must~~
8 ~~include, at a minimum:~~

9 ~~(A) Twenty-seven hours of initial training, consisting of at least~~
10 ~~twelve hours of training prior to the placement of a child and completion~~
11 ~~of the remaining training within three months after such placement;~~

12 ~~(B) Twenty hours per year of continuing training for foster care~~
13 ~~parents;~~

14 ~~(C) In addition to the hours described in subsection (2)(q)(I)(B)~~
15 ~~of this section, twelve hours per year for foster care parents providing~~
16 ~~therapeutic foster care;~~

17 ~~(D) Training concerning individualized education programs as~~
18 ~~defined in section 22-20-103 (15). C.R.S. The departments of human~~
19 ~~services and education shall ensure coordination between local county~~
20 ~~departments of human or social services and local school districts or~~
21 ~~administrative units to make such training available upon the request of~~
22 ~~a foster parent.~~

23 ~~(E) The training described in section 19-7-104.~~

24 ~~(H) The training described in subparagraph (I) of this paragraph~~
25 ~~(q) may include, but shall not be limited to, in-home training.~~

26 ~~(H) The department shall consult with county departments and~~
27 ~~child placement agencies in prescribing such standards in order to insure~~

1 a more uniform application throughout the state.

2 (IV) ~~The hours of training prior to the placement of a child that is~~
3 ~~described in sub-subparagraph (A) of subparagraph (I) of this paragraph~~
4 ~~(q) may be completed within four months after such placement if such~~
5 ~~placement was an emergency placement, as such term shall be defined by~~
6 ~~rule of the state board.~~

7 (r) ~~Initial and ongoing training of providers of foster care services~~
8 ~~in facilities licensed and certified pursuant to this part 1 including~~
9 ~~orientation and prelicensing training for child placement agency staff;~~

10 (s) ~~Standards for the training of providers of cradle care home~~
11 ~~services that shall be substantially similar to the training required of~~
12 ~~adoptive parents prior to adopting an infant, including ongoing training~~
13 ~~hours appropriate to the services provided.~~

14 (2.3) (3) (a) ~~For purposes of this subsection (2.3) AS USED IN THIS~~
15 ~~SUBSECTION (3), "program" means child care offered by a child care~~
16 ~~center that holds a license pursuant to this part 1 PART 3, provides child~~
17 ~~care exclusively to school-age children, and operates on the property of~~
18 ~~a school district, district charter school, or institute charter school,~~
19 ~~referred to in this subsection (2.3) SUBSECTION (3) as "school property".~~

20 (b) When an agency or entity performs an inspection required by
21 law for a program, the agency or entity shall provide a copy of the
22 inspection report to the appropriate official of the school district, district
23 charter school, or institute charter school where the child care center
24 operates.

25 (c) If all of the requirements in section 22-1-119.5 and any
26 additional DEPARTMENT rules ~~of the state board~~ are met, a school-age
27 child enrolled in a program on school property may possess and

1 self-administer medication for asthma, a food allergy, or anaphylaxis. The
2 ~~state board~~ EXECUTIVE DIRECTOR may adopt additional rules for programs
3 on school property concerning the authority to possess and self-administer
4 medication for asthma, a food allergy, or anaphylaxis.

5 ~~(2.6)~~ (4) If all of the requirements in section 22-1-119.5 and any
6 additional DEPARTMENT rules ~~of the state board~~ are met, a child enrolled
7 in a large child care center, as defined by rule promulgated by the ~~state~~
8 ~~board~~ EXECUTIVE DIRECTOR, may possess and self-administer medication
9 for asthma, a food allergy, or anaphylaxis. The ~~state board~~ EXECUTIVE
10 DIRECTOR may adopt additional rules concerning the authority to possess
11 and self-administer medication for asthma, a food allergy, or anaphylaxis.

12 ~~(3)~~ (5) Any applicant or person licensed to operate a child care
13 facility or agency under the provisions of this ~~part~~ PART 3 has the right
14 to appeal any standard that, in ~~his or her~~ THE APPLICANT'S OR PERSON'S
15 opinion, works an undue hardship or when, in ~~his or her~~ THE APPLICANT'S
16 OR PERSON'S opinion, a standard has been too stringently applied by
17 representatives of the department. The department shall designate a panel
18 of persons representing various state and local governmental agencies
19 with an interest in and concern for children to hear such appeal and to
20 make recommendations to the department. The membership of the
21 appeals review panel ~~shall~~ MUST include, but need not be limited to, a
22 representative from child care providers, a representative from a local
23 early childhood council or local child care resource and referral agency,
24 a state-level early childhood representative with early care and education
25 expertise, and a parent representative. THE EXECUTIVE DIRECTOR OR THE
26 EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT all members to the
27 appeals review panel. ~~shall be appointed by the executive director or his~~

1 or her designee and shall MEMBERS OF THE APPEALS REVIEW PANEL serve
2 terms of no more than three years. Representatives to the appeals review
3 panel may serve successive terms.

4 (4) The state board may promulgate rules to regulate the operation
5 of out-of-home placement provider consortia. The regulation shall not
6 include licensure of out-of-home placement provider consortia.

7 (5) The state board shall promulgate rules to define the
8 requirements for licensure for a licensed host family home serving
9 homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this
10 title.

11 (6)(a) A county director of human or social services, or his or her
12 designee, may approve, at his or her discretion, a waiver of non-safety
13 licensing standards for kinship foster care. A waiver may only be
14 approved if:

15 (I) It concerns non-safety licensing standards, as set forth by rule
16 of the state board pursuant to paragraph (d) of this subsection (6);

17 (II) The safety and well-being of the child or children receiving
18 care is not compromised; and

19 (III) The waiver request is in writing.

20 (b) In addition to an approved waiver of non-safety licensing
21 standards, a county director of human or social services, or his or her
22 designee, may limit or restrict a license issued to a kinship foster care
23 entity or require that entity to enter into a compliance agreement to ensure
24 the safety and well-being of the child or children in that entity's care.

25 (c) A kinship foster care entity may not appeal a denial of a
26 waiver requested pursuant to paragraph (a) of this subsection (6).

27 (d) The state board shall promulgate rules concerning the waiver

1 of non-safety licensing standards for kinship foster care. The rules shall
2 include, but need not be limited to, a listing of non-safety licensing
3 standards that may not be waived and circumstances in which waivers do
4 not apply. The state board shall also define by rule the meaning of
5 "kinship foster care" for the purposes of this subsection (6).

6 (7) (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
7 rules concerning standards for licensing early care and education
8 programs that facilitate the recruitment and retention of Colorado's early
9 childhood educator workforce as described in ~~section 26-6-122~~ SECTION
10 26.5-6-103.

11 **26.5-5-315. [Formerly 26-6-106.2] Staffing during emergency**
12 **circumstances - definitions.** (1) During an emergency circumstance, a
13 child care center may permit an employee who has successfully
14 completed criminal background check requirements but is not a qualified
15 caregiver to supervise children for not more than two hours while the
16 child care center secures a qualified caregiver.

17 (2) Notwithstanding subsection (1) of this section, a large child
18 care center, as defined by DEPARTMENT rule ~~promulgated by the state~~
19 ~~board~~, or a child care center that operates on the property of a school
20 district, district charter school, or institute charter school, may permit an
21 employee of the child care center or an employee of the school district,
22 district charter school, or institute charter school who has successfully
23 completed criminal background check requirements but is not a qualified
24 caregiver to supervise children for an amount of time that is reasonably
25 necessary to address an emergency circumstance.

26 (3) During an emergency circumstance, a child care center shall
27 maintain the staff-to-child ratio required by ~~department~~ rule OF THE

1 EXECUTIVE DIRECTOR.

2 (4) As used in this section, unless the context otherwise requires,
3 "emergency circumstance" includes, but is not limited to, illness, death,
4 accident, law enforcement action, road closure, hazardous weather,
5 emergency bodily function, child elopement, or providing emergency
6 attention or care to a child.

7 **26.5-5-316. Investigations and inspections - local authority -**
8 **reports - rules.** (1) (a) (I) (A) [Formerly 26-6-107 (1)] The state
9 department shall investigate and pass on each original application for a
10 license, each application for a permanent or time-limited license
11 following the issuance of a probationary or provisional license, and each
12 application for renewal, to operate a facility or an agency prior to granting
13 ~~such~~ THE license or renewal. As part of ~~such~~ THE investigation, the state
14 department shall require each individual, including but not limited to the
15 applicant, any owner, employee, newly hired employee, licensee, and any
16 adult who is eighteen years of age and older who resides in the licensed
17 facility to obtain a fingerprint-based criminal history record check by
18 reviewing any record that is used to assist the state department in
19 ascertaining whether the person being investigated has been convicted of
20 any of the criminal offenses specified in ~~section 26-6-104 (7)~~ SECTION
21 26.5-5-309 (4) or any other felony. The ~~state board~~ EXECUTIVE DIRECTOR
22 shall promulgate rules that define and identify what the criminal history
23 record check entails.

24 (B) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR
25 pursuant to this subsection (1)(a)(I) must allow an exemption from the
26 fingerprint-based criminal history record check and the check of the
27 records and reports of child abuse or neglect maintained by the state

1 department OF HUMAN SERVICES for those out-of-state employees working
2 in Colorado at a children's resident camp in a temporary capacity for a
3 camp that is in operation for fewer than ninety days. Each person so
4 exempted from fingerprinting and the check of the records and reports of
5 child abuse or neglect maintained by the state department OF HUMAN
6 SERVICES shall sign a statement that affirmatively states that ~~he or she~~ THE
7 PERSON has not been convicted of any charge of child abuse, unlawful
8 sexual offense, or any felony. Prospective employers of ~~such~~ exempted
9 persons shall conduct reference checks of the prospective employees in
10 order to verify previous work history and shall conduct personal
11 interviews with each ~~such~~ prospective employee.

12 (C) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR
13 pursuant to this subsection (1)(a)(I) must require the fingerprint-based
14 criminal history record check in all circumstances, other than those
15 identified in subsection (1)(a)(I)(B) ~~or (1)(a)(I)(C.7)~~ OR (1)(a)(I)(D) of
16 this section, to include a fingerprint-based criminal history record check
17 utilizing the records of the Colorado bureau of investigation and the
18 federal bureau of investigation and, for any new owner, new applicant,
19 newly hired employee, new licensee, or individual who begins residing
20 in the licensed facility. As part of the investigation, the records and
21 reports of child abuse or neglect maintained by the state department OF
22 HUMAN SERVICES must be accessed to determine whether the owner,
23 applicant, employee, newly hired employee, licensee, or individual who
24 resides in the licensed facility being investigated has been found to be
25 responsible in a confirmed report of child abuse or neglect. Information
26 is made available pursuant to section 19-1-307 (2)(j) and rules
27 promulgated by the state board OF HUMAN SERVICES pursuant to section

1 19-3-313.5 (4). Except as provided for in subsection ~~(1)(a)(I)(C.7)~~ IN
2 SUBSECTION (1)(a)(I)(D) of this section, any change in ownership of a
3 licensed facility or the addition of a new resident adult or newly hired
4 employee to the licensed facility requires a new investigation as provided
5 for in this section.

6 ~~(C.5) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163,
7 p. 562, § 3, effective August 10, 2011.)~~

8 ~~(C.7)~~ (D) ~~Where~~ WHEN two or more individually licensed
9 facilities are wholly owned, operated, and controlled by a common
10 ownership group or school district, a fingerprint-based criminal history
11 record check and a check of the records and reports of child abuse or
12 neglect maintained by the STATE department OF HUMAN SERVICES,
13 completed for one of the licensed facilities of the common ownership
14 group or school district pursuant to this section for any individual for
15 whom such a check is required under this ~~part~~ † PART 3 may satisfy the
16 record check requirement for any other licensed facility under the same
17 common ownership group or school district. A new fingerprint-based
18 criminal history record check or new check of the records and reports of
19 child abuse or neglect maintained by the STATE department OF HUMAN
20 SERVICES is not required of such an individual if the common ownership
21 group or school district maintains a central records management system
22 for employees of all its licensed facilities; takes action as required
23 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 when informed of the
24 results of a fingerprint-based criminal history record check or check of
25 the records and reports of child abuse or neglect maintained by the STATE
26 department OF HUMAN SERVICES that requires action pursuant to this ~~part~~
27 † PART 3; and informs the department whenever an additional licensed

1 facility comes under or is no longer under its ownership or control.

2 ~~(D)~~ (E) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
3 rules to implement this ~~subparagraph (F)~~ SUBSECTION (1)(a)(I).

4 ~~(1.5)~~ (II) Rules promulgated by the ~~state board~~ EXECUTIVE
5 DIRECTOR pursuant to subsection (1)(a)(I) of this section must also
6 include:

7 (A) A comparison search on the ICON system at the state judicial
8 department with the name and date of birth information and any other
9 available source of criminal history information that the ~~state~~ department
10 determines is appropriate for each circumstance in which the ~~CBF~~
11 fingerprint check CONDUCTED BY THE COLORADO BUREAU OF
12 INVESTIGATION either does not confirm a criminal history or confirms a
13 criminal history, in order to determine the crime or crimes for which the
14 person was arrested or convicted and the disposition thereof;

15 (B) Any other recognized database, if any, that is accessible on a
16 statewide basis as set forth by DEPARTMENT rules; ~~promulgated by the~~
17 ~~state board~~; and

18 (C) When the results of an investigation performed pursuant to
19 subsection (1)(a)(I) of this section or this ~~subsection (1)(a)(1.5)~~
20 SUBSECTION (1)(a)(II) reveal a record of arrest without a disposition, a
21 name-based criminal history record check, as defined in section
22 22-2-119.3 (6)(d).

23 ~~(H)~~ (III) If the operator of a facility or agency refuses to hire an
24 applicant as a result of information disclosed in the investigation of the
25 applicant pursuant to ~~subparagraph (F) of this paragraph (a)~~ SUBSECTION
26 (1)(a)(I) OF THIS SECTION, the employer ~~shall not be~~ IS NOT subject to civil
27 liability for such refusal to hire. If a former employer of the applicant

1 releases information requested by the prospective employer pertaining to
2 the applicant's former performance, the former employer shall not be IS
3 NOT subject to civil liability for the information given.

4 ~~(a.5) An applicant for certification as a foster care home shall~~
5 ~~provide the child placement agency or the county department from whom~~
6 ~~the certification is sought with a list of all the prior child placement~~
7 ~~agencies and county departments to which the applicant had previously~~
8 ~~applied, and a release of information from such child placement agencies~~
9 ~~and county departments to which the applicant had previously applied, to~~
10 ~~obtain information about the application and any certification given by~~
11 ~~such child placement agencies and county departments. A child placement~~
12 ~~agency or county department from whom the certification is sought shall~~
13 ~~conduct a reference check of the applicant and any adult resident of the~~
14 ~~foster care home by contacting all of the child placement agencies and~~
15 ~~county departments identified by the applicant before issuing the~~
16 ~~certification for that foster care home. Child placement agencies and~~
17 ~~county departments shall be held harmless for information released, in~~
18 ~~good faith, to other child placement agencies or county departments.~~

19 ~~(a.7) (I) For all applicants applying to be a foster care home or~~
20 ~~kinship foster care home, regardless of reimbursement, the county~~
21 ~~department or child placement agency shall require each adult who is~~
22 ~~eighteen years of age or older and who resides in the home to obtain a~~
23 ~~fingerprint-based criminal history record check through the Colorado~~
24 ~~bureau of investigation and the federal bureau of investigation. The~~
25 ~~applicant must provide the county department or child placement agency~~
26 ~~with the addresses where the applicant and any adult residing in the home~~
27 ~~has lived in the preceding five years, including addresses from other~~

1 ~~states. The county department or the child placement agency shall~~
2 ~~conduct the following background checks of the applicant or an adult~~
3 ~~residing in the home:~~

4 ~~(A) A fingerprint-based criminal history record check to~~
5 ~~determine if the applicant or adult residing in the home has been~~
6 ~~convicted of any of the crimes listed in section 26-6-106.3(5)(a);~~

7 ~~(B) A check of the ICON system at the state judicial department~~
8 ~~to determine the status or disposition of any pending criminal charges~~
9 ~~brought against the applicant or adult who resides in the home that were~~
10 ~~identified by the fingerprint-based criminal history record check through~~
11 ~~the Colorado bureau of investigation and the federal bureau of~~
12 ~~investigation;~~

13 ~~(C) A check of the state department's automated database for~~
14 ~~information to determine if the applicant or adult who resides in the home~~
15 ~~has been identified as having a finding of child abuse or neglect and~~
16 ~~whether such finding has been determined to present an unsafe placement~~
17 ~~for a child;~~

18 ~~(D) A check against the state's sex offender registry and against~~
19 ~~the national sex offender public registry operated by the United States~~
20 ~~department of justice that checks names and addresses in the registries~~
21 ~~and the interactive database system for Colorado to determine if the~~
22 ~~applicant or adult who resides at the home is a registered sex offender;~~
23 ~~and~~

24 ~~(E) When the results of a fingerprint-based criminal history record~~
25 ~~check performed pursuant to this subsection (1)(a.7)(I) reveal a record of~~
26 ~~arrest without a disposition, a name-based criminal history record check,~~
27 ~~as defined in section 22-2-119.3 (6)(d).~~

1 ~~(H) In addition to the fingerprint-based criminal history record~~
2 ~~check, the county department or child placement agency shall contact the~~
3 ~~appropriate entity in each state in which the applicant or any adult~~
4 ~~residing in the home has resided within the preceding five years to~~
5 ~~determine whether the individual has been found to be responsible in a~~
6 ~~confirmed report of child abuse or neglect.~~

7 ~~(HH) The screening request in Colorado for criminal history record~~
8 ~~checks through the Colorado bureau of investigation and the federal~~
9 ~~bureau of investigation shall be made pursuant to section 19-1-307~~
10 ~~(2)(k.5), C.R.S., rules promulgated by the state board pursuant to section~~
11 ~~19-3-313.5, C.R.S., and 42 U.S.C. sec. 671 (a)(20).~~

12 ~~(IV) An investigation pursuant to this paragraph (a.7) shall be~~
13 ~~conducted for any new resident adult whenever the adult is added to the~~
14 ~~foster care home or kinship care home. Information obtained from any~~
15 ~~state records of abuse or neglect shall not be used for any purpose other~~
16 ~~than conducting the investigation for placement or certification.~~

17 ~~(b) (I) When the state department county department, or child~~
18 ~~placement agency DEPARTMENT is able to certify that the applicant or~~
19 ~~licensee is competent and will operate adequate facilities to care for~~
20 ~~children under the requirements of this part 1 PART 3 and that standards~~
21 ~~are being met and will be complied with, it shall issue the license for~~
22 ~~which applied. The state department shall inspect or cause to be inspected~~
23 ~~the facilities to be operated by an applicant for an original license before~~
24 ~~the license is granted and shall thereafter inspect or cause to be inspected~~
25 ~~the facilities of all licensees that, during the period of licensure, have~~
26 ~~been found to be the subject of complaints or to be out of compliance~~
27 ~~with the standards set forth in section 26-6-106 SECTION 26.5-5-314 and~~

1 ~~the DEPARTMENT rules of the state department~~ or that otherwise appear to
2 be placing children at risk. The ~~state~~ department may make such other
3 inspections as it deems necessary to ensure that the requirements of this
4 ~~article~~ PART 3 are being met and that the health, safety, and welfare of the
5 children being placed are protected. ~~If, as a result of an inspection of a~~
6 ~~certified foster care home, the state department determines that any child~~
7 ~~residing in such foster care home is subject to an immediate and direct~~
8 ~~threat to his or her safety and welfare as defined by rules promulgated by~~
9 ~~the state board or that a substantial violation of a fundamental standard~~
10 ~~of care warrants immediate action, the state department may require a~~
11 ~~county department to immediately remove such child from the foster care~~
12 ~~home.~~

13 (II) ~~The state board~~ EXECUTIVE DIRECTOR shall adopt rules
14 concerning the on-site public availability of the most recent inspection
15 report results of child care center facilities and family child care home
16 facilities, when requested. ~~The state board~~ EXECUTIVE DIRECTOR shall
17 also adopt rules concerning a requirement that all facilities licensed under
18 this ~~part 1~~ PART 3 post their licenses and information regarding the
19 procedures for filing a complaint under this ~~part 1~~ PART 3 directly with the
20 ~~state~~ department, which rules ~~shall~~ MUST require that each such facility
21 display its license and complaint procedures in a prominent and
22 conspicuous location at all times during operational hours of the facility.
23 ~~except that such rules shall not require foster care homes to post their~~
24 ~~licenses and such rules shall not require foster care homes and child~~
25 ~~placement agencies to post information regarding the procedures for~~
26 ~~filing a complaint under this part 1 directly with the state department. The~~
27 ~~state board shall adopt rules requiring foster care homes to make their~~

1 licenses available to their patrons for inspection, upon request, and
2 requiring foster care homes and child placement agencies to make the
3 information concerning the filing of complaints available to their patrons
4 for inspection, upon request.

5 (III) If, as a result of an inspection of a licensed child care center
6 facility or family child care home facility, the state department determines
7 that there were no serious violations of any of the standards prescribed
8 and published by the state department or any of the provisions of this part
9 † PART 3, within twenty days after completing the inspection the state
10 department shall send a written notice to such THE facility indicating such
11 fact. Within ten days after receipt of such THE written notice, the licensee
12 shall provide a copy of the written notice to the parents and legal
13 guardians of the children cared for at the child care center facility or
14 family child care home facility.

15 ~~(1.5) Repealed.~~

16 (2) [Formerly 26-6-107.5 (1)] When the state department receives
17 a serious complaint about a child care facility licensed pursuant to this
18 part † PART 3 alleging the immediate risk of health or safety of the
19 children cared for in such facility, the state department shall respond to
20 THE COMPLAINT and conduct an on-site investigation concerning such THE
21 complaint within forty-eight hours of AFTER its receipt.

22 (3) (a) (I) [Formerly 26-6-107 (2)] Except as otherwise provided
23 in subparagraph (II) of this paragraph (a), the state SUBSECTION (3)(a)(II)
24 OF THIS SECTION, THE department may authorize or contract with any
25 county department, the county department of health, or any other publicly
26 or privately operated organization that has a declared interest in children
27 and experience working with children or on behalf of children to

1 investigate and inspect the facilities applying for an original or renewal
2 license or applying for a permanent license following the issuance of a
3 probationary or provisional license under this ~~part~~ PART 3 and may
4 accept reports on such investigations and inspections from such agencies
5 or organizations as a basis for such licensing. When contracting for
6 investigations and inspections, the ~~state~~ department shall assure that the
7 contractor is qualified by training and experience and has no conflict of
8 interest with respect to the facilities to be inspected.

9 (II) The ~~state~~ department shall not authorize or contract with any
10 county department, the county department of health, or any other publicly
11 or privately operated organization that has a declared interest in children
12 and experience working with children or on behalf of children for
13 investigations and inspections described in ~~subparagraph (I) of this~~
14 ~~paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION of any facilities that
15 provide twenty-four-hour care and are licensed pursuant to this ~~part~~
16 PART 3.

17 (b) A city, county, or city and county may impose and enforce
18 higher standards and requirements for facilities licensed under this ~~part~~
19 ~~part~~ PART 3 than the standards and requirements specified under this ~~part~~
20 PART 3.

21 (4) **[Formerly 26-6-107 (3)]** Every facility licensed under this ~~part~~
22 ~~part~~ PART 3 shall keep and maintain such records as the department may
23 prescribe pertaining to the admission, progress, health, and discharge of
24 children under the care of the facility, and shall report relative thereto to
25 the department whenever called for, upon forms prescribed by the
26 department. THE FACILITY AND THE DEPARTMENT SHALL KEEP all records
27 regarding children and all facts learned about children and their relatives

1 shall be kept confidential. both by the facility and the department.

2 **26.5-5-317. [Formerly 26-6-108] Denial of license - suspension**
3 **- revocation - probation - refusal to renew license - fines.** (1) When an
4 application for a license has been denied by the department, the
5 department shall notify the applicant in writing of the denial by mailing
6 a notice to ~~him or her~~ THE APPLICANT at the address shown on the
7 application. Any applicant ~~believing himself or herself~~ WHO IS aggrieved
8 by the denial may pursue the remedy for review as provided in ~~subsection~~
9 ~~(3)~~ **SUBSECTION (9)** of this section if ~~he or she~~ THE APPLICANT, within
10 thirty days after receiving the notice, petitions the department to set a date
11 and place for hearing, affording ~~him or her~~ THE APPLICANT an opportunity
12 to be heard in person or by counsel. All hearings on the denial of licenses
13 shall be conducted in conformity with the provisions and procedures
14 specified in article 4 of title 24, ~~€R.S.~~, as in the case of the suspension
15 and revocation of licenses.

16 (2) The department may deny an application, or suspend, revoke,
17 or make probationary the license of any facility regulated and licensed
18 under this ~~part~~ PART 3 or assess a fine against the licensee pursuant to
19 ~~section 26-6-114~~ SECTION 26.5-5-323 ~~should~~ IF the licensee, an affiliate
20 of the licensee, a person employed by the licensee, or a person who
21 resides with the licensee at the facility:

22 (a) ~~Be~~ IS convicted of any felony, other than those offenses
23 specified in ~~section 26-6-104~~ (7) SECTION 26.5-5-309 (4), or child abuse,
24 as specified in section 18-6-401, ~~€R.S.~~, the record of conviction being
25 conclusive evidence thereof, notwithstanding section 24-5-101; ~~€R.S.~~,
26 or have entered into a deferred judgment agreement or a deferred
27 prosecution agreement to any felony, other than those offenses specified

1 in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4) OR child abuse, as
2 specified in section 18-6-401; ~~€R.S.~~, or should the department have a
3 certified court order from another state indicating that the applicant,
4 licensee, person employed by the licensee, or any person residing with the
5 licensee has been convicted of a felony, other than those offenses
6 specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4), under a law of
7 any other state or the United States or has entered into a deferred
8 judgment agreement or a deferred prosecution agreement in another state
9 as to a felony, other than those offenses specified in ~~section 26-6-104 (7)~~
10 SECTION 26.5-5-309 (4); or

11 ~~(a.5)~~ (b) ~~Be~~ IS convicted of third degree assault, as described in
12 section 18-3-204; ~~€R.S.~~; any misdemeanor, the underlying factual basis
13 of which has been found by the court on the record to include an act of
14 domestic violence, as defined in section 18-6-800.3; ~~€R.S.~~; the violation
15 of a protection order, as described in section 18-6-803.5; ~~€R.S.~~; any
16 misdemeanor offense of child abuse as defined in section 18-6-401;
17 ~~€R.S.~~; or any misdemeanor offense in any other state, the elements of
18 which are substantially similar to the elements of any one of the offenses
19 described in this ~~paragraph (a.5)~~ SUBSECTION (2)(b). ~~For purposes of this~~
20 ~~paragraph (a.5), "convicted" shall have~~ AS USED IN THIS SUBSECTION
21 (2)(b), "CONVICTED" HAS the same meaning as set forth in ~~section~~
22 ~~26-6-104 (7)(a)(H)~~ SECTION 26.5-5-309 (4)(a)(II).

23 ~~(b)~~ (c) ~~Be~~ IS determined to be insane or mentally incompetent by
24 a court of competent jurisdiction and, ~~should a court enter~~ IF A COURT
25 ENTERS, pursuant to part 3 or part 4 of article 14 of title 15, ~~€R.S.~~; or
26 section 27-65-109 (4) or 27-65-127, ~~€R.S.~~; an order specifically finding
27 that the mental incompetency or insanity is of such a degree that the

1 licensee is incapable of operating a family child care home ~~foster care~~
2 ~~home~~, or child care center, the record of such determination and entry of
3 such order being conclusive evidence thereof; or

4 ~~(e)~~ (d) ~~Use~~ USES any controlled substance, as defined in section
5 18-18-102 (5), ~~C.R.S.~~, including retail marijuana, or ~~consume~~ CONSUMES
6 any alcoholic beverage during the operating hours of the facility or ~~be~~ IS
7 under the influence of a controlled substance or alcoholic beverage during
8 the operating hours of the facility; or

9 ~~(e.5)~~ (e) ~~Be~~ IS convicted of unlawful use of a controlled substance
10 as specified in section 18-18-404; ~~C.R.S.~~, unlawful distribution,
11 manufacturing, dispensing, sale, or possession of a controlled substance
12 as specified in section 18-18-403.5 OR 18-18-405; ~~or 18-18-405.5, C.R.S.~~,
13 or unlawful offenses relating to marijuana or marijuana concentrate as
14 specified in section 18-18-406; ~~C.R.S.~~; or

15 ~~(d)~~ (f) Consistently ~~fail~~ FAILS to maintain standards prescribed and
16 published by the department; or

17 ~~(e)~~ (g) ~~Furnish or make~~ FURNISHES OR MAKES any misleading or
18 any false statement or report to the department; or

19 ~~(f)~~ (h) ~~Refuse~~ REFUSES to submit to the department any reports or
20 ~~refuse~~ REFUSES to make available to the department any records required
21 by it in making investigation of the facility for licensing purposes; or

22 ~~(g)~~ (i) ~~Fail or refuse~~ FAILS OR REFUSES to submit to an
23 investigation or inspection by the department or to admit authorized
24 representatives of the department at any reasonable time for the purpose
25 of investigation or inspection; or

26 ~~(h)~~ (j) ~~Fail~~ FAILS to provide, maintain, equip, and keep in safe and
27 sanitary condition premises established or used for child care pursuant to

1 standards prescribed by the department of public health and environment
2 and the department of human services or by ordinances or regulations
3 applicable to the location of such facility; or

4 (†) (k) Willfully or deliberately ~~violate~~ VIOLATES any of the
5 provisions of this ~~part~~ PART 3 OR ANY OF THE STANDARDS PRESCRIBED
6 AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 3; or

7 (‡) (l) ~~Fail~~ FAILS to maintain financial resources adequate for the
8 satisfactory care of children served in regard to upkeep of premises and
9 provision for personal care, medical services, clothing, and other
10 essentials in the proper care of children; or

11 (✕) (m) ~~Be~~ IS charged with the commission of an act of child
12 abuse or an unlawful sexual offense, as specified in section 18-3-411 (1),
13 C.R.S., if:

14 (I) Such individual has admitted committing the act or offense and
15 the admission is documented or uncontroverted; or

16 (II) The administrative law judge finds that such charge is
17 supported by substantial evidence; or

18 (†) (n) ~~Admit~~ ADMITS to an act of child abuse or if substantial
19 evidence is found that the licensee, person employed by the licensee, or
20 person who resides with the licensee in the licensed facility has
21 committed an act of child abuse. ~~For the purposes of this paragraph (†) AS~~
22 ~~USED IN THIS~~ SUBSECTION (2)(n), "child abuse" has the same meaning as
23 that ascribed to the term "abuse" or "child abuse or neglect" in section
24 19-1-103 (1); C.R.S.; or

25 (‡) (o) ~~Be~~ IS the subject of a negative licensing action. ~~or~~

26 (n) ~~Misuse any public funds that are provided to any foster care~~
27 ~~home or any child placement agency that places or arranges for placement~~

1 of a child in foster care for the purposes of providing foster care services,
2 child placement services related to the provision of foster care, or any
3 administrative costs related to the provision of such foster care services
4 or such foster-care-related child placement services. The state board shall
5 promulgate rules defining the term "misuse", which rules shall take into
6 account similar definitions in federal law and may include references to
7 relevant circulars of the federal office of management and budget.

8 (2.2) (3) The state department may deny an application to renew
9 a license based on the grounds set forth in subsection (2) of this section.
10 The denial is effective upon the expiration of the existing license. The
11 existing license shall not DOES NOT continue in effect even though the
12 applicant for renewal files a request for hearing or appeal.

13 (2.3) (4) The state department may deny an application for a child
14 care facility license pursuant to this part 1 if such PART 3 IF THE applicant
15 is a relative affiliate of a licensee as described in section 26-6-102 (1)(d),
16 of a child care facility licensed pursuant to this part 1 PART 3, which
17 licensee is the subject of a previous negative licensing action or is the
18 subject of a pending investigation by the state department that may result
19 in a negative licensing action.

20 (2.4) The state department may deny an application for a child
21 placement agency license pursuant to this part 1 if such applicant is a
22 relative affiliate of a licensee as described in section 26-6-102 (1)(d), of
23 a child placement agency licensed pursuant to this part 1, which licensee
24 is the subject of a previous negative licensing action or is the subject of
25 a pending investigation by the state department that may result in a
26 negative licensing action.

27 (2.5) (5) (a) (I) The state department shall deny an application for

1 a license under the circumstances described in ~~section 26-6-104 (7)~~
2 SECTION 26.5-5-309 (4). The state department shall revoke or suspend a
3 license previously issued if:

4 (A) The licensee, person employed by the licensee, or person
5 residing with the licensee is thereafter convicted or if it is later discovered
6 that the licensee, person employed by the licensee, or person residing with
7 the licensee had previously been convicted of any of the criminal offenses
8 set forth in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4); or

9 (B) The department has a certified court order from another state
10 indicating that the licensee, person employed by the licensee, or person
11 residing with the licensee is thereafter convicted of, or if it is later
12 discovered that the licensee, person employed by the licensee, or person
13 residing with the licensee had previously been convicted of a criminal
14 offense under a law of any other state or of the United States that is
15 similar to any of the criminal offenses set forth in ~~section 26-6-104 (7)~~
16 SECTION 26.5-5-309 (4); or

17 (C) The licensee, an affiliate of the licensee, a person employed
18 by the licensee, or a person who resides with the licensee at the facility
19 has been determined to be insane or mentally incompetent by a court of
20 competent jurisdiction ~~and, should a court enter~~ AND THE COURT HAS
21 ENTERED pursuant to part 3 or part 4 of article 14 of title 15 ~~€:R.S.~~, or
22 section 27-65-109 (4) or 27-65-127, ~~€:R.S.~~, an order specifically finding
23 that the mental incompetency or insanity is of such a degree that the
24 licensee is incapable of operating a family child care home ~~foster care~~
25 ~~home~~, or child care center, the record of ~~such~~ THE determination and entry
26 of ~~such~~ THE order being conclusive evidence thereof.

27 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS

1 SUBSECTION (5)(a), "convicted" means a conviction by a jury or by a court
2 and ~~shall also include~~ INCLUDES a deferred judgment and sentence
3 agreement, a deferred prosecution agreement, a deferred adjudication
4 agreement, an adjudication, and a plea of guilty or nolo contendere.

5 (b) A certified copy of the judgment of a court of competent
6 jurisdiction of such conviction or deferred judgment and sentence
7 agreement, deferred prosecution agreement, deferred adjudication
8 agreement, or a certified court order from another state indicating such an
9 agreement from another state ~~shall be~~ IS prima facie evidence of such
10 conviction or agreement.

11 ~~(2.6)~~ (6) The ~~state~~ department shall deny an application for an
12 entity licensed under this ~~article~~ PART 3 and shall revoke the license of an
13 entity licensed under this ~~article~~ PART 3 if the entity cultivates marijuana
14 pursuant to the authority in section 16 of article XVIII of the state
15 constitution.

16 ~~(2.7)~~ (7) The department may assess fines, pursuant to the
17 provisions of ~~section 26-6-114~~ SECTION 26.5-5-323, against a licensee or
18 a person employed by the licensee who willfully and deliberately or
19 consistently violates the standards prescribed and published by the
20 department or the provisions of this ~~part~~ PART 3.

21 ~~(2.9)~~ (8) The DEPARTMENT SHALL DETERMINE THE EXISTENCE OF
22 convictions identified in this section ~~shall be determined~~ according to the
23 records of the Colorado bureau of investigation, the ICON system at the
24 state judicial department, or any other source, as set forth in ~~section~~
25 ~~26-6-107 (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(II).

26 ~~(3)~~ (9) The department shall suspend or revoke a license only in
27 conformity with the provisions and procedures specified in article 4 of

1 title 24, C.R.S., and after a hearing thereon as provided in said article 4;
2 except that AN ADMINISTRATIVE LAW JUDGE [REDACTED] SHALL CONDUCT all
3 hearings under this ~~part 1 shall be conducted by an administrative law~~
4 ~~judge of the department who shall render his or her recommendation to~~
5 ~~PART 3 AND ISSUE AN INITIAL DECISION.~~ The executive director of the
6 ~~department of human services who shall render~~ SHALL REVIEW THE
7 ~~INITIAL DECISION AND ISSUE~~ the final decision of the department. ~~and no~~
8 ~~licensee shall be~~ A LICENSEE IS NOT entitled to a right to cure any of the
9 charges described in ~~paragraph (a), (b), (c), or (k)(I) of subsection (2)~~
10 ~~SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) of this section.~~ No such
11 ~~hearing shall~~ A HEARING DOES NOT prevent or delay any injunctive
12 proceedings instituted under the provisions of ~~section 26-6-111~~ SECTION
13 26.5-5-320.

14 (4) ~~The provisions of paragraph (c) of subsection (2) of this~~
15 ~~section shall not apply to foster care homes, unless such use or~~
16 ~~consumption impairs the licensee's ability to properly care for children.~~

17 (5) ~~Only upon the request of a county department, a child~~
18 ~~placement agency licensed pursuant to this part 1 that places or arranges~~
19 ~~for placement of a child in foster care may certify the home of a relative~~
20 ~~of the child placed therein as a foster care home.~~

21 **26.5-5-318. [Formerly 26-6-108.5] Notice of negative licensing**
22 **action - filing of complaints.** (1) (a) When a child care center facility or
23 family child care home facility licensed pursuant to this ~~part 1~~ PART 3 has
24 been notified by the department of a negative licensing action or the
25 imposition of a fine pursuant to ~~section 26-6-108 (2) and (2.7)~~ SECTION
26 26.5-5-317 (2) AND (7), it shall, within ten days after receipt of the notice,
27 provide the department with the names and mailing addresses of the

1 parents or legal guardians of each child cared for at the child care center
2 facility or family child care home facility. The department shall maintain
3 the confidentiality of the names and mailing addresses provided to it
4 pursuant to this subsection (1).

5 (b) Within twenty days after receipt of the names and addresses
6 of parents and legal guardians pursuant to ~~paragraph (a) of this subsection~~
7 ~~(1) SUBSECTION (1)(a) OF THIS SECTION~~, the department shall send a
8 written notice to each ~~such~~ parent or legal guardian identifying the
9 negative licensing action or the fine imposed and providing a description
10 of the basis for the action as it relates to the impact on the health, safety,
11 and welfare of the children in the care of the facility. ~~Such notice shall be~~
12 ~~sent~~ THE DEPARTMENT SHALL SEND THE NOTICE to the parents and legal
13 guardians by first-class mail.

14 (c) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
15 concerning the assessment of a fine against a licensee that is equal to the
16 direct and indirect costs associated with the mailing of the notice
17 described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF
18 THIS SECTION against the facility.

19 (d) ~~Nothing in this subsection (1) precludes the state~~ THIS
20 SUBSECTION (1) DOES NOT PRECLUDE THE department or a county
21 department of human or social services from notifying parents of serious
22 violations of any of the standards prescribed and published by the
23 department or any of the provisions of this ~~part 1~~ PART 3 that could
24 impact the health, safety, or welfare of a child cared for at the facility or
25 home.

26 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
27 requiring child care center facilities and family child care home facilities

1 to provide written notice to the parents and legal guardians of the children
2 cared for in such facilities of the procedures by which to file a complaint
3 against the facility or an employee of the facility with the ~~division of child~~
4 ~~care in the department~~. Such rules shall specify what DEPARTMENT. THE
5 RULES MUST SPECIFY THE information the notice shall MUST contain, but
6 shall MUST require that the notice include the current mailing address and
7 telephone number of the ~~division of child care in~~ APPROPRIATE DIVISION
8 WITHIN the department.

9 (3) The department shall track and record complaints made to the
10 department that are brought against family child care homes and shall
11 identify which complaints were brought against licensed family child care
12 homes, ~~as defined in section 26-6-102 (13)~~, unlicensed family child care
13 homes, or legally exempt family child care homes. ~~as defined in section~~
14 ~~26-6-102 (12)~~.

15 **26.5-5-319. [Formerly 26-6-109] Institutes.**

16 (1) ~~Repealed.~~

17 (2) The department is authorized to hold institutes and programs
18 for licensees under this ~~part 1 in order~~ PART 3 to assist in the improvement
19 of standards and practices of facilities operated and maintained by
20 licensees and in the more efficient and practical administration and
21 enforcement of this ~~part 1~~ PART 3. In conducting ~~such~~ institutes and
22 programs, the department may request the assistance of health, education,
23 and fire safety officials.

24 **26.5-5-320. [Formerly 26-6-111] Injunctive proceedings.** The
25 department, in the name of the people of the state of Colorado, through
26 the attorney general of the state, must apply for an injunction in any court
27 of competent jurisdiction to enjoin any person from operating any facility

1 without a license that is required to be licensed under this ~~part~~ PART 3.
2 If the person does not have a valid license pursuant to this ~~part~~ PART 3,
3 the person's license has been revoked pursuant to ~~section 26-6-108~~
4 SECTION 26.5-5-317, or the person does not meet the licensing exemption
5 criteria set forth in ~~section 26-6-103~~ SECTION 26.5-5-304, yet provides
6 child care, and has a pattern of providing such child care without a valid
7 license as required by this ~~part~~ PART 3, and despite having received
8 notification from the department that the person or facility is in violation
9 of the law, then ~~such~~ THE person is providing unlicensed and illegal child
10 care. At the time the department applies for an injunction, the department
11 shall notify law enforcement of the injunction proceedings. If it is
12 established that the defendant has been or is so operating ~~such~~ THE facility
13 without a valid license, the court shall enter a decree enjoining the
14 defendant from further operating the facility unless and until the person
15 obtains a license ~~therefor~~ TO OPERATE THE FACILITY. In case of violation
16 of any injunction issued pursuant to this section, the court may summarily
17 try and punish the offender for contempt of court. Such injunctive
18 proceedings are in addition to and not in lieu of the penalty provided in
19 ~~section 26-6-112~~ SECTION 26.5-5-321.

20 **26.5-5-321. [Formerly 26-6-112] Penalty - short title.** (1) On or
21 after July 1, 2021, any person violating any provision of this ~~part~~ PART
22 3, intentionally making any false statement or report to the department or
23 to any agency delegated by the department to make an investigation or
24 inspection pursuant to the provisions of this ~~part~~ PART 3, or violating a
25 cease-and-desist order that is not cured ~~is guilty of~~ COMMITS a petty
26 offense and, upon conviction, shall be punished by a fine of up to five
27 hundred dollars, a sentence of up to ten days in jail, or both.

1 (2) The short title of this section is the "Elle Matthews Act for
2 Increased Safety in Child Care".

3 **26.5-5-322. [Formerly 26-6-113] Periodic review of licensing**
4 **rules and procedures - legislative declaration.** (1) The general
5 assembly finds that changes in demographics and economic trends in
6 Colorado have increased the need for high-quality and affordable child
7 care. The general assembly also recognizes that the provision of child
8 care in this state and in the nation is a rapidly growing industry subject to
9 many changes. The general assembly further finds that there is a need for
10 continuing comprehensive review of the rules ~~and regulations~~ and the
11 licensing procedures governing child care centers AND family child care
12 homes ~~and foster care homes~~ that includes the adequate and full
13 participation of parents, consumers, child care providers, and interested
14 persons. The general assembly finds that such a review with the goal of
15 identifying problems in the fragmentation and lack of uniformity of
16 standards in the licensing process would benefit the state and result in
17 improvements in the regulation of this industry that is so vital to the
18 health and well-being of the state's children and citizens.

19 (2) ~~Beginning with fiscal year 1995-1996, an initial~~
20 ~~comprehensive rule and regulation review shall be conducted in~~
21 ~~conjunction with the performance audit required by section 26-6-107~~
22 ~~(1.5), and, at least every fifth fiscal year thereafter~~ BY JULY 1, 2023, AND
23 AT LEAST EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL
24 CONDUCT a comprehensive review of the licensing rules ~~and regulations~~
25 for child care centers AND family child care homes ~~and foster care homes~~
26 and the procedures relating to and governing child care centers AND
27 family child care homes, ~~and foster care homes shall be conducted by the~~

1 ~~department~~, including procedures for the review of backgrounds of
2 employees and owners. In conducting such periodic review, the
3 department shall consult with parents and consumers of child care, child
4 care providers, the department of public health and environment, THE
5 DEPARTMENT OF HUMAN SERVICES, experts in the child care field, and
6 other interested parties throughout the state. The periodic review ~~shall~~
7 MUST include an examination of the rules ~~and regulations~~ applicable to
8 child care centers AND family child care homes, ~~and foster care homes~~,
9 the process of licensing such facilities, uniformity of standards or lack
10 thereof in the licensing process, statewide standardization of
11 investigations and enforcement of licensing by the department,
12 duplication and conflicts in ~~regulations~~ RULES, requirements, or
13 procedures between the department and the department of public health
14 and environment, and recommendations for streamlining and unifying the
15 licensing process. ~~Said review shall~~ THE REVIEW MUST also include an
16 examination of ~~regulations~~ RULES and procedures regarding the general
17 physical and mental health of employees and owners. At the conclusion
18 of each review, the department shall report its findings and conclusions
19 and its recommendations for administrative changes and for legislation
20 to the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
21 CHILDHOOD and the executive director of the department of public health
22 and environment.

23 **26.5-5-323. [Formerly 26-6-114] Civil penalties - fines - child**
24 **care cash fund - created.** (1) In addition to any other penalty otherwise
25 provided by law, including ~~section 26-6-112~~ SECTION 26.5-5-321, any
26 person violating any provision of this ~~part~~ PART 3 or intentionally
27 making any false statement or report to the department or to any agency

1 delegated by the department to make an investigation or inspection under
2 the provisions of this ~~part~~ PART 3 may be assessed a civil penalty up to
3 a maximum of ten thousand dollars as follows:

- 4 (a) Two hundred ~~and~~ fifty dollars a day for the first day;
- 5 (b) Five hundred dollars a day for the second day; and
- 6 (c) One thousand dollars a day for the third and subsequent days.

7 ~~(2) Repealed.~~

8 ~~(3)~~ (2) Each day in which a person is in violation of any provision
9 of this ~~part~~ PART 3 may constitute a separate offense.

10 ~~(4)~~ (3) The department may assess a civil penalty in conformity
11 with the provisions and procedures specified in article 4 of title 24;
12 ~~C.R.S.~~; except that all hearings conducted pursuant to this section ~~shall~~
13 ~~MUST be before an administrative law judge, of the department, who shall~~
14 ~~render his or her recommendation to~~ WHO SHALL ISSUE AN INITIAL
15 DECISION. The executive director ~~of the department who render~~ SHALL
16 REVIEW THE INITIAL DECISION AND ISSUE the final decision of the
17 department.

18 ~~(5)~~ (4) The DEPARTMENT SHALL TRANSMIT THE fines collected
19 pursuant to this section, ~~section 26-6-108 (2) and (2.7), and section~~
20 ~~26-6-108.5 (1)(c) shall be transmitted~~ SECTION 26.5-5-317 (2) AND (7),
21 AND SECTION 26.5-5-318 (1)(c) to the state treasurer, who shall credit the
22 same to the child care cash fund, which fund is hereby created in the state
23 treasury. THE STATE TREASURER SHALL CREDIT TO THE FUND all interest
24 derived from the deposit and investment of ~~moneys in the fund shall be~~
25 ~~credited to the fund~~ MONEY IN THE FUND. At the end of any fiscal year, all
26 unexpended and unencumbered ~~moneys~~ MONEY in the fund ~~shall remain~~
27 ~~therein~~ REMAINS IN THE FUND and ~~shall~~ is not be credited or transferred

1 to the general fund or any other fund. ~~Moneys~~ MONEY in the child care
2 cash fund ~~are hereby~~ IS continuously appropriated to the department to
3 fund activities related to the improvement of the quality of child care in
4 the state of Colorado.

5 **26.5-5-324. [Formerly 26-6-116] Child care resource and**
6 **referral system - created.** ~~(1)~~ The ~~state~~ department shall design and
7 develop a child care resource and referral system, referred to in this
8 section as the "system", to assist in promoting availability, accessibility,
9 and quality of child care services in Colorado. The executive director, or
10 ~~his or her designee,~~ shall have the authority THE EXECUTIVE DIRECTOR'S
11 DESIGNEE, IS AUTHORIZED, within available appropriations, to designate
12 a public or private entity ~~that shall be~~ TO BE responsible for the
13 administration of the system, and may enter into a contract with the
14 administering entity for ~~such~~ THIS purpose. The executive director shall
15 designate or redesignate ~~such~~ AN administering entity on a biennial basis.

16 ~~(2) Repealed.~~

17 **26.5-5-325. [Formerly 26-6-119] Family child care homes -**
18 **administration of routine medications - parental direction - rules.**

19 (1) The delegation of nursing tasks by a registered nurse pursuant to
20 section 12-255-131 ~~shall not be~~ IS NOT required for the administration of
21 routine medications by a child care provider to children cared for in
22 family child care homes licensed pursuant to this ~~part~~ PART 3, subject
23 to the following conditions:

24 (a) The parent of the child cared for in the licensed family child
25 care home has daily physical contact with the child care provider that
26 actually administers the routine medication;

27 (b) The child care provider has successfully completed a

1 medication administration instructional program that is approved by the
2 state department;

3 (c) Routine medications are administered in compliance with rules
4 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR pursuant to
5 subsection (2) of this section;

6 (d) If the routine medication involves the administration of unit
7 dose epinephrine, the administration is accompanied by a written protocol
8 by the prescribing health-care professional that identifies the factors for
9 determining the need for the administration of the medication and is
10 limited to emergency situations; and

11 (e) If the routine medication involves the administration of a
12 nebulized inhaled medication, the administration is accompanied by a
13 written protocol by the prescribing health-care professional that identifies
14 the factors for determining the need for the administration of the
15 medication.

16 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
17 concerning the medically acceptable procedures and standards to be
18 followed by child care providers administering routine medications to
19 children cared for in family child care homes.

20 **26.5-5-326. [Formerly 26-6-120] Exempt family child care**
21 **home providers - fingerprint-based criminal history record check -**
22 **child care assistance program money - temporary care - rules -**
23 **definitions.** (1) (a) (I) An exempt family child care home provider who
24 provides care for a child and an individual who provides care for a child
25 who is related to the individual, referred to collectively in this section as
26 a "qualified provider", ~~shall be~~ IS subject to a fingerprint-based criminal
27 history record check, referred to in this section as an "FCC", as provided

1 in this section and the rules authorized in ~~section 26-6-107 (1)(a)(I) and~~
2 ~~(1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(I) AND (1)(a)(II), if the child's care
3 is funded in whole or in part with ~~moneys~~ MONEY received on the child's
4 behalf from the publicly funded Colorado child care assistance program.
5 The provisions of this section ~~shall~~ apply to exempt family child care
6 home providers or individuals who provide care to a related child who
7 receive ~~moneys~~ MONEY from the publicly funded Colorado child care
8 assistance program pursuant to contracts or other payment agreements
9 entered into or renewed on or after May 25, 2006.

10 (II) Each adult eighteen years of age or older who resides with a
11 qualified provider where the care is provided, referred to in this section
12 as a "qualified adult", ~~shall be~~ IS subject to the FCC required pursuant to
13 this section.

14 (III) The FCC required for a qualified provider or qualified adult
15 pursuant to this section ~~shall~~ MUST include a fingerprint-based criminal
16 history records check utilizing the records of the Colorado bureau of
17 investigation and, for qualified providers or qualified adults applying for
18 child care assistance program ~~moneys~~ MONEY on or after August 10,
19 2011, the federal bureau of investigation. As part of the FCC, the ~~state~~
20 department shall access the records and reports of child abuse or neglect
21 maintained by the state department OF HUMAN SERVICES to determine
22 whether the subject of the FCC has been found to be responsible in a
23 confirmed report of child abuse or neglect. Information shall be made
24 available pursuant to section 19-1-307 (2)(j), ~~C.R.S.~~, and rules
25 promulgated by the state board OF HUMAN SERVICES pursuant to section
26 19-3-313.5 (4). ~~C.R.S.~~

27 (IV) The FCC required pursuant to this section ~~shall be~~ IS a

1 prerequisite to the issuance or renewal of a contract for receipt of ~~moneys~~
2 MONEY under the Colorado child care assistance program as provided in
3 ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. The
4 ~~state~~ department shall not issue or renew a contract for payment of
5 ~~moneys~~ MONEY under the Colorado child care assistance program to a
6 qualified provider who fails to submit to the FCC or fails to submit
7 fingerprints for a qualified adult.

8 (b) A qualified provider shall notify the county with whom ~~he or~~
9 ~~she~~ THE QUALIFIED PROVIDER has contracted pursuant to the Colorado
10 child care assistance program upon any change of circumstances that
11 results in the presence of a new qualified adult. A new qualified adult is
12 required to undergo an FCC as provided in this section, even if the
13 Colorado child care assistance program contract is not subject to renewal
14 when the qualified adult moves into the residence where the care is
15 provided.

16 (c) A qualified provider or qualified adult who undergoes an FCC
17 shall, with submittal of ~~his or her~~ fingerprints, pay to the state department
18 a fee established by ~~rule of the state board pursuant to subsection (5)~~
19 DEPARTMENT RULE PURSUANT TO SUBSECTION (6) of this section to offset
20 the costs associated with processing the FCC through the Colorado
21 bureau of investigation and the federal bureau of investigation.

22 ~~(1.5)~~ (2) (a) When the results of an FCC performed pursuant to
23 subsection (1) of this section reveal a record of arrest without a
24 disposition, the ~~state~~ department shall require that person to submit to a
25 name-based criminal history record check, as defined in section
26 22-2-119.3 (6)(d).

27 (b) A person who undergoes a name-based criminal history record

1 check shall pay to the state department a fee established by ~~rule of the~~
2 ~~state board pursuant to subsection (5)~~ DEPARTMENT RULE PURSUANT TO
3 SUBSECTION (6) of this section to offset the costs associated with
4 performing the name-based criminal history record check.

5 ~~(2)~~ (3) THE DEPARTMENT OR A COUNTY DEPARTMENT SHALL NOT
6 ISSUE OR RENEW a contract to provide ~~moneys~~ MONEY TO A QUALIFIED
7 PROVIDER under the Colorado child care assistance program pursuant to
8 ~~part 8 of article 2 of this title shall not be issued or renewed by the state~~
9 ~~department or a county department to a qualified provider~~ PART 1 OF
10 ARTICLE 4 OF THIS TITLE 26.5 if the qualified provider or a qualified adult
11 has been convicted of:

12 (a) Child abuse, as described in section 18-6-401; ~~C.R.S.;~~

13 (b) A crime of violence, as defined in section 18-1.3-406; ~~C.R.S.;~~

14 (c) Any felony offense involving unlawful sexual behavior, as
15 defined in section 16-22-102 (9); ~~C.R.S.;~~

16 (d) Any felony, the underlying factual basis of which has been
17 found by the court on the record to include an act of domestic violence,
18 as defined in section 18-6-800.3; ~~C.R.S.;~~

19 (e) Any felony involving physical assault, battery, or a
20 drug-related offense within the five years preceding the date of the FCC;
21 or

22 (f) Any offense in any other state, the elements of which are
23 substantially similar to the elements of any one of the offenses described
24 in ~~paragraphs (a) to (c) of this subsection (2)~~ SUBSECTIONS (3)(a) TO
25 (3)(e) OF THIS SECTION.

26 ~~(3)~~ (4) The state department or a county department shall not issue
27 or renew a contract to provide money pursuant to the Colorado child care

1 assistance program pursuant to ~~part 8 of article 2 of this title 26~~ PART 1 OF
2 ARTICLE 4 OF THIS TITLE 26.5 to a qualified provider if the qualified
3 provider or a qualified adult:

4 (a) Has a pattern of misdemeanor or petty offense convictions
5 occurring within the ten years preceding submission of the application,
6 including petty offense convictions pursuant to ~~section 26-6-112~~ SECTION
7 26.5-5-321. The ~~state board~~ EXECUTIVE DIRECTOR shall define by rule
8 what constitutes a pattern of misdemeanor or petty offense convictions.

9 (b) Has been determined to be insane or mentally incompetent by
10 a court of competent jurisdiction and a court has entered, pursuant to part
11 3 or 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or
12 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental
13 incompetency or insanity is of such a degree that the qualified provider
14 cannot safely operate a child care home. The record of ~~such~~ THE
15 determination and entry of ~~such~~ THE order ~~shall be~~ ARE conclusive
16 evidence thereof. A qualified provider shall sign an attestation affirming
17 the lack of such a finding prior to entering into or renewing a contract for
18 ~~moneys~~ MONEY under the Colorado child care assistance program,
19 pursuant to ~~section 26-2-805.5 (2)~~ SECTION 26.5-4-107 (2).

20 ~~(4)~~ (5) A qualified provider who has submitted to an FCC by the
21 Colorado bureau of investigation and the federal bureau of investigation
22 may, pending the receipt of the results of the FCC, continue to receive
23 ~~moneys~~ MONEY from the Colorado child care assistance program.

24 ~~(5)~~ (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
25 rules to establish the amount of the fee to collect from a qualified
26 provider or qualified adult who is subject to an FCC pursuant to
27 subsection (1) of this section or a name-based criminal history record

1 check pursuant to ~~subsection (1.5)~~ SUBSECTION (2) of this section. The
2 state department is authorized to collect the fee at the time of the FCC or
3 name-based criminal history record check.

4 **26.5-5-327. [Formerly 26-6-121 (3)]. Unique student identifying**
5 **numbers - rules.** (3) ~~Following adoption of the protocols, the state board~~
6 THE EXECUTIVE DIRECTOR shall promulgate rules pursuant to the "~~State~~
7 ~~Administrative Procedure Act~~", article 4 of title 24, C.R.S., as necessary
8 for the assignment of uniquely identifying student numbers to students
9 receiving CHILDREN WHO RECEIVE early childhood education services.
10 ~~The state board shall collaborate with the state board of education in~~
11 ~~promulgating any necessary rules to ensure that they do not conflict with~~
12 ~~any rules promulgated by the state board of education pursuant to section~~
13 ~~22-2-134, C.R.S.~~ AT A MINIMUM, THE RULES MUST INCLUDE CHILDREN
14 WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY SUBSIDIZED EARLY
15 CHILDHOOD SERVICES, INCLUDING BUT NOT LIMITED TO SERVICES
16 PROVIDED THROUGH THE CHILD CARE DEVELOPMENT BLOCK GRANT, THE
17 COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND HEAD START.

18 ARTICLE 6

19 Early Childhood Workforce

20 **26.5-6-101. Plan for early childhood workforce development.**
21 (1) THE DEPARTMENT, IN PARTNERSHIP WITH THE EARLY CHILDHOOD
22 LEADERSHIP COMMISSION, SHALL DEVELOP A PLAN FOR RECRUITING,
23 TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED,
24 HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE. IN
25 DEVELOPING THE PLAN, THE DEPARTMENT AND THE COMMISSION SHALL
26 WORK WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND
27 LABOR AND EMPLOYMENT AND WITH ORGANIZATIONS THAT HAVE

1 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE. AT A
2 MINIMUM, THE PLAN MUST:

3 (a) TAKE INTO ACCOUNT EXISTING EARLY CHILDHOOD WORKFORCE
4 QUALIFICATION PATHWAYS AND CREATE A SIMPLIFIED PROCESS FOR
5 PERSONS IN THE WORKFORCE TO ATTAIN CREDENTIALS AND MEET
6 QUALIFICATIONS;

7 (b) ENSURE THE ABILITY TO OVERCOME ANY REGULATORY AND
8 SYSTEMIC BARRIERS FOR ENTRY INTO THE EARLY CHILDHOOD WORKFORCE
9 BY ADDRESSING ADMINISTRATIVE AND POLICY BARRIERS TO ENTRY,
10 INCLUDING ADDRESSING BARRIERS FACED BY INDIVIDUALS WHO SPEAK
11 LANGUAGES OTHER THAN ENGLISH;

12 (c) ADDRESS STRATEGIES FOR RECRUITING AND PROVIDING
13 INCENTIVES FOR DIVERSE, NONTRADITIONAL WORKFORCE MEMBERS, SUCH
14 AS HIGH SCHOOL STUDENTS, TEACHERS FROM OTHER COUNTRIES, AND
15 PARENTS, AND REDUCING BARRIERS THAT PREVENT THESE INDIVIDUALS
16 FROM JOINING THE EARLY CHILDHOOD WORKFORCE;

17 (d) PROMOTE A COHERENT AND ALIGNED SYSTEM OF PREPARATION
18 AND ONGOING PROFESSIONAL DEVELOPMENT FOR INDIVIDUALS IN THE
19 EARLY CHILDHOOD WORKFORCE;

20 (e) SIMPLIFY THE REQUIREMENTS AN INDIVIDUAL MUST MEET TO
21 ENTER THE EARLY CHILDHOOD WORKFORCE, CLEARLY ARTICULATE THE
22 COMPETENCIES THAT MEMBERS OF THE EARLY CHILDHOOD WORKFORCE
23 ARE EXPECTED TO ACHIEVE OVER TIME, ALIGN THE SYSTEM OF
24 PROFESSIONAL LEARNING AND DEVELOPMENT FOR EARLY CHILDHOOD
25 SERVICES, AND REDUCE REGULATORY BARRIERS WHEN POSSIBLE TO
26 PROMOTE ATTAINMENT OF THESE COMPETENCIES THROUGH IDENTIFIED
27 PROFESSIONAL DEVELOPMENT PARTNERS, INCLUDING INSTITUTIONS OF

1 HIGHER EDUCATION;

2 (f) ESTABLISH GOALS FOR INCREASING THE QUALIFICATIONS OF
3 MEMBERS OF THE EARLY CHILDHOOD WORKFORCE OVER TIME, INCLUDING
4 STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED
5 ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR
6 BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING
7 CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS;

8

9 (g) ADDRESS STRATEGIES FOR INCREASING THE COMPENSATION
10 FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE WITH THE GOAL
11 OF ENSURING THAT ALL INDIVIDUALS IN THE EARLY CHILDHOOD
12 WORKFORCE RECEIVE A LIVING WAGE; AND

13 (h) ADDRESS OTHER SUSTAINABLE AND EVIDENCE-BASED
14 STRATEGIES TO RECRUIT, PREPARE, COMPENSATE, PROVIDE CONTINUING
15 PROFESSIONAL DEVELOPMENT FOR, AND RETAIN MEMBERS OF THE EARLY
16 CHILDHOOD WORKFORCE.

17 (2) THE DEPARTMENT SHALL MAKE THE PLAN PUBLICLY
18 AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SHALL SUBMIT A COPY
19 OF THE PLAN AND ANY SUBSEQUENT REVISIONS TO THE PLAN TO THE
20 EARLY CHILDHOOD LEADERSHIP COMMISSION, TO THE GOVERNOR'S OFFICE,
21 AND TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR
22 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION
23 AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE
24 SENATE, OR ANY SUCCESSOR COMMITTEES.

25 (3) THE DEPARTMENT, WORKING WITH THE DEPARTMENTS OF
26 EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT, SHALL
27 PERIODICALLY REVIEW AND ASSESS THE IMPLEMENTATION OF

1 RECRUITMENT, PREPARATION, PROFESSIONAL DEVELOPMENT, AND
2 RETENTION INITIATIVES FOR THE EARLY CHILDHOOD WORKFORCE. IN
3 REVIEWING THESE INITIATIVES, THE DEPARTMENT SHALL SOLICIT
4 FEEDBACK FROM, AT A MINIMUM, INDIVIDUALS IN THE EARLY CHILDHOOD
5 WORKFORCE, FAMILIES, EARLY CARE AND EDUCATION PROVIDERS, THE
6 EARLY CHILDHOOD LEADERSHIP COMMISSION, AND ORGANIZATIONS WITH
7 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE.

8 **26.5-6-102. [Formerly 26-6.5-107] Voluntary child care**
9 **credentialing system - rules.** The ~~state~~ department shall develop and
10 maintain a statewide voluntary child care credentialing system that
11 recognizes the training and educational achievements of persons
12 providing early childhood care and education. The use of the voluntary
13 child care credentialing system must include but need not be limited to the
14 early childhood councils ESTABLISHED PURSUANT TO PART 2 OF ARTICLE
15 2 OF THIS TITLE 26.5. The voluntary child care credentialing system is a
16 multi-tiered system of graduated credentials that reflects the increased
17 training, education, knowledge, skills, and competencies of persons
18 working in early childhood care and education services in the various
19 councils. The voluntary child care credentialing system must award credit
20 for the education and training of persons working in early childhood care
21 and education concerning the prevention of child sexual abuse. ~~Such~~ THIS
22 education and training includes understanding healthy child development,
23 creating safe environments for children, recognizing signs of abuse and
24 problematic behaviors, and responsible methods of response to
25 disclosures or concerns of abuse or potential abuse. The ~~state board~~
26 EXECUTIVE DIRECTOR shall promulgate such rules as are necessary for the
27 statewide implementation of the voluntary child care credentialing

1 system.

2 **26.5-6-103. [Formerly 26-6-122] Pathways to the classroom**
3 **and retention strategies for early childhood educators - standards -**
4 **alignment across agencies - report - rules.** (1) The ~~state board~~
5 EXECUTIVE DIRECTOR shall promulgate rules establishing standards for
6 licensing that allow an early care and education program to be licensed
7 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 for a period of time
8 determined by the ~~state board if a state-board-approved number~~
9 EXECUTIVE DIRECTOR, IF A NUMBER, AS SPECIFIED IN DEPARTMENT RULE,
10 of aspiring early childhood educators in the program are pursuing a
11 state-agency-approved early childhood credential and other quality,
12 safety, and supervision conditions are met.

13 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
14 that allow an early childhood educator to earn points toward an early
15 childhood credential that meets child care licensing standards based on
16 the candidate's prior experience and demonstrated competency. The
17 licensing pathway must also include ways in which a candidate in a
18 second career or changing careers can earn points or credits for prior
19 experience and competencies that apply toward the qualifications for an
20 early childhood educator credential. The standards and credential
21 awarding process may use validated tools to award points for
22 demonstrated competencies.

23 (3) The ~~state~~ department and the department of education shall
24 align, to the extent possible, the state's early childhood professional
25 credential, department of education educator licensing, and child care
26 program licensing ~~in order~~ to make the requirements as consistent and
27 clear as possible to educators and providers. The alignment process must

1 include examining strategies that support reciprocity for early childhood
2 educator credentials or qualifications earned outside of Colorado.

3 ~~(4) The state department and the department of education shall~~
4 ~~streamline all paperwork that licensed early care and education programs~~
5 ~~and early childhood educators must complete to meet child care licensing~~
6 ~~and early childhood educator credentialing compliance requirements. The~~
7 ~~state agencies shall identify ways to share information and reports across~~
8 ~~the agencies in order to reduce the administrative and paperwork burden~~
9 ~~on early care and education programs and educators. The streamlining~~
10 ~~process must include a systems scan of programs and initiatives,~~
11 ~~identification of overlapping reporting requirements, and ways to reduce~~
12 ~~the administrative and paperwork burden on programs and educators.~~

13 ~~(5) (4) Notwithstanding section 24-1-136 (11)(a)(I), no later than~~
14 ~~January 31, 2022, and no later than January 31 each year thereafter, the~~
15 ~~state department shall prepare a written report concerning Colorado's~~
16 ~~current supply of qualified early childhood educators.~~

17 ~~(6) (5) The state department, the department of higher education,~~
18 ~~and the department of education shall develop resources to support local~~
19 ~~communities to increase concurrent enrollment opportunities for high~~
20 ~~school students or other nontraditional students to earn higher education~~
21 ~~credits and degrees that allow them to serve as early childhood educators~~
22 ~~and shall support career pathways for high school students earning~~
23 ~~college credits toward becoming early childhood educators, including~~
24 ~~concurrent enrollment, career and technical education, the ASCENT~~
25 ~~program, and other career pathways.~~

26 **SECTION 4.** In Colorado Revised Statutes, 26.5-1-104, **repeal**
27 (5) as follows:

1 **26.5-1-104. Department of early childhood - created -**
2 **executive director - powers, duties, and functions.** (5) ~~The executive~~
3 ~~director shall establish a work group to identify programs and services~~
4 ~~that may be addressed in subsequent transition phases and develop a~~
5 ~~continuing, comprehensive plan for transitioning programs and services~~
6 ~~to the department, which must include consideration of the fiscal impact~~
7 ~~of transitioning the programs and services.~~

8 **SECTION 5.** In Colorado Revised Statutes, 24-75-1401, **amend**
9 (3) as follows:

10 **24-75-1401. Indirect costs excess recovery fund - creation -**
11 **departmental accounts - use of fund - definitions - repeal.** (3) (a) Each
12 account of the indirect costs excess recovery fund is subject to annual
13 appropriation for indirect costs by its corresponding department for the
14 sole purpose of paying any indirect costs incurred by agencies within the
15 department during a fiscal year that exceed their actual indirect cost
16 collections for the fiscal year.

17 (b) (I) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,
18 FOR THE 2022-23 STATE FISCAL YEAR, A PORTION OF THE AMOUNT
19 CREDITED TO THE ACCOUNT CREATED FOR THE DEPARTMENT OF HUMAN
20 SERVICES IN THE INDIRECT COSTS EXCESS RECOVERY FUND MAY BE USED
21 FOR INDIRECT COSTS BILLED TO THE DEPARTMENT OF EARLY CHILDHOOD.

22 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

23 **SECTION 6.** In Colorado Revised Statutes, 22-2-112, **add** (8) as
24 follows:

25 **22-2-112. Commissioner - duties - report - legislative**
26 **declaration.** (8) NOTWITHSTANDING ANY PROVISION OF SECTION
27 22-2-111 TO THE CONTRARY, THE COMMISSIONER SHALL ENSURE THAT THE

1 DEPARTMENT OF EDUCATION COOPERATES WITH THE DEPARTMENT OF
2 EARLY CHILDHOOD AS PROVIDED IN SECTION 26.5-1-111 IN SHARING,
3 MANAGING, AND PROTECTING QUALITATIVE AND QUANTITATIVE DATA
4 NEEDED TO MEASURE LONGITUDINAL OUTCOMES OF EARLY CHILDHOOD
5 PROGRAMS AND SERVICES.

6 **SECTION 7.** In Colorado Revised Statutes, **recreate and**
7 **reenact, with amendments,** 22-28-113 as follows:

8 **22-28-113. Repeal of article.** THIS ARTICLE 28 IS REPEALED,
9 EFFECTIVE JULY 1, 2023.

10 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-112, **amend**
11 (1)(a) as follows:

12 **22-30.5-112. Charter schools - financing - guidelines -**
13 **definitions - repeal.** (1) (a) (I) (A) PRIOR TO JULY 1, 2023, for purposes
14 of the "Public School Finance Act of 1994", article 54 of this title, pupils
15 enrolled in a charter school ~~shall be~~ ARE included in the pupil enrollment,
16 the online pupil enrollment, or the preschool program enrollment,
17 whichever is applicable, of the school district that granted its charter. The
18 school district that granted its charter shall report to the department the
19 number of pupils included in the school district's pupil enrollment, the
20 school district's online pupil enrollment, and the school district's
21 preschool program enrollment that are actually enrolled in each charter
22 school.

23 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,
24 2023.

25 (II) ON AND AFTER JULY 1, 2023, FOR PURPOSES OF THE "PUBLIC
26 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, PUPILS
27 ENROLLED IN A CHARTER SCHOOL ARE INCLUDED IN THE PUPIL

1 ENROLLMENT OR THE ONLINE PUPIL ENROLLMENT, WHICHEVER IS
2 APPLICABLE, OF THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER. THE
3 SCHOOL DISTRICT THAT GRANTED ITS CHARTER SHALL REPORT TO THE
4 DEPARTMENT THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT'S
5 PUPIL ENROLLMENT AND THE SCHOOL DISTRICT'S ONLINE PUPIL
6 ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

7 **SECTION 9.** In Colorado Revised Statutes, 22-54-103, **amend**
8 (1.5)(c)(II), (5.5), (7)(e)(I) introductory portion, (10)(d), (10)(f), and (14);
9 and **add** (7)(f) and (9.5)(c) as follows:

10 **22-54-103. Definitions.** As used in this article 54, unless the
11 context otherwise requires:

12 (1.5) (c) For purposes of subsection (1.5)(a)(VI) of this section:

13 (II) (A) "District pupil enrollment" means, FOR THE 2021-22 AND
14 2022-23 BUDGET YEARS, the pupil enrollment of the district, as
15 determined in accordance with subsection (10) of this section, minus the
16 number of pupils enrolled in the Colorado preschool program pursuant to
17 article 28 of this title 22 and the number of three-year-old or four-year-old
18 pupils with disabilities receiving educational programs pursuant to article
19 20 of this title 22.

20 (B) "DISTRICT PUPIL ENROLLMENT" MEANS, FOR THE 2023-24
21 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE PUPIL
22 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH
23 SUBSECTION (10) OF THIS SECTION.

24 (5.5) (a) "District percentage of at-risk pupils" means, FOR
25 BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the number of
26 at-risk pupils in the district, as determined in accordance with subsection
27 (1.5) of this section, divided by the pupil enrollment of the district, as

1 determined in accordance with subsection (10) of this section; except that
2 pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in
3 the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE
4 22, AS IT EXISTS PRIOR TO JULY 1, 2023, and the number of three-year-old
5 or four-year-old pupils with disabilities receiving educational programs
6 pursuant to article 20 of this ~~title~~ TITLE 22.

7 (b) "DISTRICT PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE
8 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE
9 NUMBER OF AT-RISK PUPILS IN THE DISTRICT, AS DETERMINED IN
10 ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE
11 PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE
12 WITH SUBSECTION (10) OF THIS SECTION.

13 (7) "Funded pupil count" means:

14 (e) (I) For budget years commencing on and after July 1, 2009,
15 BUT PRIOR TO JULY 1, 2023, the district's online pupil enrollment for the
16 applicable budget year plus the district's preschool program enrollment
17 for the applicable budget year plus the district's supplemental
18 kindergarten enrollment for the applicable budget year plus the district's
19 extended high school pupil enrollment for the applicable budget year, plus
20 the greater of:

21 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
22 2023, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE
23 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN
24 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S
25 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET
26 YEAR, PLUS THE GREATER OF:

27 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE

1 BUDGET YEAR; OR

2 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
3 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
4 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

5 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
7 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

8 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
9 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
10 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

11 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
12 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
13 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

14 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
15 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A
16 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
17 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
18 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
19 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE
20 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL
21 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO
22 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
23 22-54-104.

24 (III) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
25 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
26 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
27 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR

1 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUBSECTION
2 (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR ACCOUNTABLE
3 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE
4 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
5 THE STATE CONSTITUTION.

6 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
7 CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR
8 THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S
9 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
10 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE
11 ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
12 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY
13 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
14 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
15 ORIGINALLY AUTHORIZING DISTRICT.

16 (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7)(f)
17 TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET
18 YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A
19 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
20 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE
21 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

22 (VI) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
23 THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL
24 ENROLLMENT PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION FOR A
25 DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL
26 PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S
27 PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16

1 BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY
2 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS
3 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE
4 PURSUANT TO THIS SUBSECTION (7)(f)(VI) DOES NOT AFFECT OR CHANGE
5 THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR
6 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE
7 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,
8 2019.

9 (9.5) (c) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE JULY 1,
10 2023.

11 (10) (d) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1,
12 2023, a three- or four-year-old pupil with a disability receiving an
13 educational program under the "Exceptional Children's Educational Act",
14 article 20 of this title, shall be counted as a half-day pupil.

15 (II) Notwithstanding any provision of this subsection (10) to the
16 contrary, for budget years commencing on or after July 1, 2005, BUT
17 PRIOR TO JULY 1, 2023, a district may choose to determine the number of
18 three- and four-year-old pupils with disabilities enrolled and receiving
19 educational programs under the "Exceptional Children's Educational
20 Act", article 20 of this ~~title~~ TITLE 22, as of November 1 within the
21 applicable budget year or the school date nearest said date, rather than on
22 the pupil enrollment count day, as evidenced by the actual attendance of
23 such pupils on November 1 or the school date nearest said date. The
24 "pupil enrollment" of the district ~~shall~~ MUST include the number of pupils
25 so enrolled who ~~shall be~~ ARE counted as half-day pupils.

26 (III) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS
27 THEREAFTER, A DISTRICT SHALL NOT INCLUDE A THREE- OR

1 FOUR-YEAR-OLD PUPIL WITH A DISABILITY WHO IS RECEIVING AN
2 EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S
3 EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, BUT IS NOT ENROLLED
4 IN KINDERGARTEN, IN THE DISTRICT'S PUPIL ENROLLMENT, BUT SHALL
5 CERTIFY TO THE DEPARTMENT THE NUMBER OF SAID THREE- AND
6 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE RECEIVING AN
7 EDUCATIONAL PROGRAM FROM THE DISTRICT FOR PURPOSES OF RECEIVING
8 FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22. ■ ■

9 (f) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2023, in
10 certifying the district's pupil enrollment to the state board pursuant to the
11 provisions of section 22-54-112, the district shall specify the number of
12 pupils enrolled in kindergarten through twelfth grade, specifying those
13 who are enrolled as full-time pupils and those who are enrolled as less
14 than full-time pupils; the number of expelled pupils receiving educational
15 services pursuant to section 22-33-203; the number of pupils enrolled in
16 the district's preschool program; the number of pupils receiving
17 educational programs under the "Exceptional Children's Educational
18 Act", article 20 of this title 22; the number of at-risk pupils; and the
19 number of English language learner pupils.

20 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
21 THEREAFTER, IN CERTIFYING THE DISTRICT'S PUPIL ENROLLMENT TO THE
22 STATE BOARD PURSUANT TO THE PROVISIONS OF SECTION 22-54-112, THE
23 DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS ENROLLED IN
24 KINDERGARTEN THROUGH TWELFTH GRADE, SPECIFYING THOSE WHO ARE
25 ENROLLED AS FULL-TIME PUPILS AND THOSE WHO ARE ENROLLED AS LESS
26 THAN FULL-TIME PUPILS; THE NUMBER OF EXPELLED PUPILS RECEIVING
27 EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; THE NUMBER

1 OF AT-RISK PUPILS; THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS;
2 AND THE NUMBER OF PUPILS RECEIVING EDUCATIONAL PROGRAMS UNDER
3 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
4 TITLE 22, WHO ARE ENROLLED IN KINDERGARTEN THROUGH TWELFTH
5 GRADE.

6 (14) (a) "Statewide average percentage of at-risk pupils" means,
7 FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the total number
8 of at-risk pupils in all districts, as determined in accordance with
9 subsection (1.5) of this section, divided by the pupil enrollment of all
10 districts, as determined in accordance with subsection (10) of this section;
11 except that pupil enrollment ~~shall~~ DOES not include the number of pupils
12 enrolled in the Colorado preschool program pursuant to article 28 of this
13 title and the number of three-year-old or four-year-old pupils with
14 disabilities receiving educational programs pursuant to article 20 of this
15 title.

16 (b) "STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS"
17 MEANS, FOR THE 2023 BUDGET YEAR AND EACH BUDGET YEAR
18 THEREAFTER, THE TOTAL NUMBER OF AT-RISK PUPILS IN ALL DISTRICTS, AS
19 DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION,
20 DIVIDED BY THE PUPIL ENROLLMENT OF ALL DISTRICTS, AS DETERMINED IN
21 ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

22 **SECTION 10.** In Colorado Revised Statutes, 22-54-108, **amend**
23 **(3)(b)(I); and add (3)(b)(V) as follows:**

24 **22-54-108. Authorization of additional local revenues.**
25 **(3) (b) (I) Except as otherwise provided in subparagraphs (II), (III), and**
26 **(IV) of this paragraph (b) SUBSECTIONS (3)(b)(II), (3)(b)(III), (3)(b)(IV),**
27 **AND (3)(b)(V) OF THIS SECTION, the total additional local property tax**

1 revenues that may be received pursuant to elections held pursuant to this
2 section shall MUST not exceed under any circumstances twenty percent of
3 the district's total program, as determined pursuant to section 22-54-104
4 (2), or two hundred thousand dollars, whichever is greater.

5 (V) (A) ON AND AFTER JULY 1, 2023, AND SUBJECT TO THE
6 PROVISIONS OF SUBSECTION (3)(b)(V)(B) OF THIS SECTION, THE TOTAL
7 ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT MAY BE RECEIVED
8 PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT
9 EXCEED UNDER ANY CIRCUMSTANCES: TWENTY-FIVE PERCENT OF THE
10 DISTRICT'S TOTAL PROGRAM PLUS THE AMOUNT OF FUNDING THE DISTRICT
11 RECEIVES FOR CHILDREN ENROLLED IN THE COLORADO UNIVERSAL
12 PRESCHOOL PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF TITLE 26.5
13 OR TWO HUNDRED THOUSAND DOLLARS, WHICHEVER IS GREATER; PLUS AN
14 AMOUNT EQUAL TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX
15 REVENUE THAT THE DISTRICT COULD HAVE GENERATED FOR THE 2001-02
16 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION
17 22-54-107.5, THE DISTRICT SUBMITTED A QUESTION TO AND RECEIVED
18 APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN ELECTION
19 HELD IN NOVEMBER 2001.

20 (B) REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104
21 (5)(g), FOR PURPOSES OF THIS SUBSECTION (3)(b)(V), A DISTRICT'S TOTAL
22 PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO SECTION 22-54-104
23 (2).

24 **SECTION 11.** In Colorado Revised Statutes, 22-54-108, **amend**
25 (3)(b)(I) and (3)(b)(IV)(C); and **add** (3)(b)(V) as follows:

26 **22-54-108. Authorization of additional local revenues -**
27 **definition.** (3) (b) (I) Except as otherwise provided in subparagraphs (H);

1 ~~(HH), and (IV) of this paragraph (b)~~ SUBSECTIONS (3)(b)(II), (3)(b)(III),
2 (3)(b)(IV), AND (3)(b)(V) OF THIS SECTION, the total additional local
3 property tax revenues that may be received pursuant to elections held
4 pursuant to this section ~~shall~~ MUST not exceed under any circumstances
5 twenty percent of the district's total program, as determined pursuant to
6 section 22-54-104 (2), or two hundred thousand dollars, whichever is
7 greater.

8 (IV) (C) For purposes of this ~~subparagraph (IV)~~ SUBSECTION
9 (3)(b)(IV) AND SUBSECTION (3)(b)(V) OF THIS SECTION, a "small rural
10 district" is a district in Colorado that the department of education
11 determines is rural, based on the geographic size of the district and the
12 distance of the district from the nearest large, urbanized area, and that
13 enrolls fewer than one thousand students in kindergarten through twelfth
14 grade.

15 (V) (A) ON AND AFTER JULY 1, 2023, AND SUBJECT TO THE
16 PROVISIONS OF SUBSECTION (3)(b)(V)(B) OF THIS SECTION, THE TOTAL
17 ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A SMALL RURAL
18 DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO
19 THIS SECTION MUST NOT EXCEED UNDER ANY CIRCUMSTANCES: THIRTY
20 PERCENT OF THE DISTRICT'S TOTAL PROGRAM PLUS THE AMOUNT OF
21 FUNDING THE DISTRICT RECEIVES FOR CHILDREN ENROLLED IN THE
22 COLORADO UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF
23 ARTICLE 4 OF TITLE 26.5 OR TWO HUNDRED THOUSAND DOLLARS,
24 WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE MAXIMUM
25 DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE SMALL RURAL
26 DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN
27 ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE SMALL

1 RURAL DISTRICT SUBMITTED A QUESTION TO AND RECEIVED APPROVAL OF
2 THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN ELECTION HELD IN
3 NOVEMBER 2001.

4 (B) REGARDLESS OF THE APPLICABILITY OF SECTION 22-54-104
5 (5)(g), FOR PURPOSES OF THIS SUBSECTION (3)(b)(V), A SMALL RURAL
6 DISTRICT'S TOTAL PROGRAM IS THE AMOUNT CALCULATED PURSUANT TO
7 SECTION 22-54-104 (2).

8 **SECTION 12.** In Colorado Revised Statutes, 22-54-108.5, **repeal**
9 (2)(c) as follows:

10 **22-54-108.5. Authorization of additional local revenues for**
11 **full-day kindergarten - definitions.** (2) A district that obtains voter
12 approval pursuant to this section to impose an additional mill levy to fund
13 excess full-day kindergarten program costs in the district shall:

14 (c) ~~Not be authorized to serve children through a full-day~~
15 ~~kindergarten component of the district's preschool program established~~
16 ~~pursuant to article 28 of this title.~~

17 **SECTION 13.** In Colorado Revised Statutes, 22-54-112, **amend**
18 (2)(a) and (2)(c) as follows:

19 **22-54-112. Reports to the state board.** (2) (a) (I) FOR BUDGET
20 YEARS COMMENCING PRIOR TO JULY 1, 2023, on or before November 10
21 of each year, the secretary of the board of education of each district shall
22 certify to the state board the pupil enrollment, the online pupil enrollment,
23 the extended high school pupil enrollment, and the preschool program
24 enrollment of the district taken in the preceding October or previously in
25 November.

26 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
27 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE

1 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL
2 CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT, THE ONLINE PUPIL
3 ENROLLMENT, AND THE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT OF
4 THE DISTRICT TAKEN IN THE PRECEDING OCTOBER.

5 (III) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
6 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE
7 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL
8 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND
9 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN
10 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER
11 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
12 TITLE 22, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN
13 NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART
14 1 OF ARTICLE 20 OF THIS TITLE 22.

15 (c) (I) On or before November 10 of each year, the secretary of the
16 state charter school institute board shall certify to the state board the pupil
17 enrollment and the online pupil enrollment of each institute charter school
18 taken in the preceding October.

19 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
20 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE
21 SECRETARY OF THE STATE CHARTER SCHOOL INSTITUTE BOARD SHALL
22 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND
23 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN
24 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER
25 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
26 TITLE 22, FROM EACH INSTITUTE CHARTER SCHOOL, AS DETERMINED IN THE
27 PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF

1 DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE
2 22.

3 **SECTION 14.** In Colorado Revised Statutes, 22-54-126, **amend**
4 (1)(a) as follows:

5 **22-54-126. Declining enrollment districts with new charter**
6 **schools - additional aid - definitions - repeal.** (1) As used in this
7 section, unless the context otherwise requires:

8 (a) (I) (A) "Declining enrollment district" means, FOR BUDGET
9 YEARS COMMENCING PRIOR TO JULY 1, 2023, a district whose funded pupil
10 count is greater than the sum of the district's pupil enrollment, preschool
11 program enrollment, and online pupil enrollment.

12 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,
13 2023.

14 (II) "DECLINING ENROLLMENT DISTRICT" MEANS, FOR THE 2023-24
15 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT WHOSE
16 FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL
17 ENROLLMENT AND ONLINE PUPIL ENROLLMENT.

18 **SECTION 15.** In Colorado Revised Statutes, 22-55-102, **amend**
19 (10) as follows:

20 **22-55-102. Definitions.** As used in this article 55, unless the
21 context otherwise requires:

22 (10) "Preschool programs" includes, but is not limited to, the
23 Colorado preschool program created pursuant to section 22-28-104, AS IT
24 EXISTS PRIOR TO JULY 1, 2023, AND THE COLORADO UNIVERSAL
25 PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF TITLE 26.5.

26 **SECTION 16.** In Colorado Revised Statutes, 22-55-106, **amend**
27 (1)(b); and **add** (1)(c) as follows:

1 FAMILIES, THEIR COMMUNITIES, AND THE LARGER SOCIETY. IT IS THE
2 INTENT OF THE GENERAL ASSEMBLY THAT THOSE WHO REGULATE AND
3 THOSE WHO ARE REGULATED WORK TOGETHER TO MEET THE NEEDS OF THE
4 CHILDREN, YOUTH, THEIR FAMILIES, FOSTER CARE PROVIDERS, CHILD
5 PLACEMENT AGENCIES, AND RESIDENTIAL AND DAY TREATMENT CHILD
6 CARE FACILITIES.

7 (2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES
8 WITH THE NEEDS OF CHILD PLACEMENT AGENCIES AND THE RESIDENTIAL
9 AND DAY TREATMENT CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY
10 ALSO RECOGNIZES THE FINANCIAL DEMANDS THE DEPARTMENT OF HUMAN
11 SERVICES FACES IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY
12 ENVIRONMENT FOR CHILDREN OF THE STATE OF COLORADO WHO ARE IN
13 FOSTER CARE WITH CHILD PLACEMENT AGENCIES OR IN RESIDENTIAL AND
14 DAY TREATMENT CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE
15 RISK TO CHILDREN PLACED OUTSIDE THEIR HOMES WHILE RECOGNIZING
16 THE FINANCIAL CONSTRAINTS PLACED ON THE DEPARTMENT, IT IS THE
17 INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES
18 AVAILABLE ARE FOCUSED PRIMARILY ON RESIDENTIAL AND DAY
19 TREATMENT CHILD CARE FACILITIES AND AGENCIES THAT HAVE
20 DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK.

21 **26-6-903. Definitions.** AS USED IN THIS PART 9, UNLESS THE
22 CONTEXT OTHERWISE REQUIRES:

23 (1) "AFFILIATE OF A LICENSEE" MEANS:

24 (a) A PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF
25 THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE
26 OR THE APPLICANT FOR A LICENSE; OR

27 (b) A PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND

1 WELFARE OF CHILDREN SERVED; OR

2 (c) AN EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD,
3 OR EMPLOYEE OF A LICENSEE; OR

4 (d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE
5 TO CHILDREN AT THE LICENSEE'S FACILITY OR AGENCY OR IS OTHERWISE
6 INVOLVED IN THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S
7 FACILITY OR AGENCY.

8 (2) "APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN
9 OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY
10 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

11 (3) "CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING
12 PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE
13 HOME.

14 (4) "CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY
15 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT
16 AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE
17 FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME.

18 (5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER
19 NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR-HOUR CARE FOR
20 FIVE OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN THIS
21 SUBSECTION (5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR
22 MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR
23 WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED
24 EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO,
25 FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES,
26 DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE
27 RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

1 (6) "CHILD PLACEMENT AGENCY" OR "AGENCY" MEANS A
2 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION,
3 OR PERSON UNRELATED TO THE CHILD BEING PLACED, WHO PLACES,
4 FACILITATES PLACEMENT FOR A FEE, OR ARRANGES FOR PLACEMENT FOR
5 CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE WITH A FAMILY, PERSON,
6 OR INSTITUTION. A CHILD PLACEMENT AGENCY MAY PLACE, FACILITATE
7 PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE
8 PURPOSE OF ADOPTION, FOSTER CARE, TREATMENT FOSTER CARE, OR
9 THERAPEUTIC FOSTER CARE. THE NATURAL PARENTS OR GUARDIAN OF A
10 CHILD WHO PLACE THE CHILD FOR CARE WITH A FACILITY LICENSED AS A
11 FAMILY CHILD CARE HOME OR CHILD CARE CENTER, AS DEFINED IN SECTION
12 26.5-5-303, ARE NOT A CHILD PLACEMENT AGENCY.

13 (7) "CRADLE CARE HOME" MEANS A FACILITY THAT IS CERTIFIED
14 BY A CHILD PLACEMENT AGENCY FOR THE CARE OF A CHILD, OR CHILDREN
15 IN THE CASE OF MULTIPLE-BIRTH SIBLINGS, WHO IS TWELVE MONTHS OF
16 AGE OR YOUNGER, IN A PLACE OF RESIDENCE FOR THE PURPOSE OF
17 PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR SIX MONTHS OR LESS
18 IN ANTICIPATION OF A VOLUNTARY RELINQUISHMENT OF THE CHILD OR
19 CHILDREN, PURSUANT TO ARTICLE 5 OF TITLE 19, OR WHILE A COUNTY
20 PREPARES AN EXPEDITED PERMANENCY PLAN FOR AN INFANT IN ITS
21 CUSTODY.

22 (8) (a) (I) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

23 (A) EXCEPT AS PROVIDED IN SUBSECTION (8)(a)(II) OF THIS
24 SECTION, PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF
25 FIVE OR MORE CHILDREN WHO ARE THREE YEARS OF AGE OR OLDER, BUT
26 LESS THAN TWENTY-ONE YEARS OF AGE; AND

27 (B) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF

1 PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE
2 THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR
3 COMMUNITY.

4 (II) NOTHING IN THIS SUBSECTION (8) PROHIBITS A DAY
5 TREATMENT CENTER FROM ALLOWING A PERSON WHO REACHES
6 TWENTY-ONE YEARS OF AGE AFTER THE COMMENCEMENT OF AN
7 ACADEMIC YEAR FROM ATTENDING AN EDUCATIONAL PROGRAM AT THE
8 DAY TREATMENT CENTER THROUGH THE END OF THE SEMESTER IN WHICH
9 THE TWENTY-FIRST BIRTHDAY OCCURS OR UNTIL THE PERSON COMPLETES
10 THE EDUCATIONAL PROGRAM, WHICHEVER COMES FIRST.

11 (b) "DAY TREATMENT CENTER" DOES NOT INCLUDE SPECIAL
12 EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL
13 SYSTEM OR PROGRAMS THAT ARE LICENSED BY THE DEPARTMENT OF
14 EARLY CHILDHOOD FOR LESS THAN TWENTY-FOUR-HOUR CARE OF
15 CHILDREN, SUCH AS A CHILD CARE CENTER.

16 (9) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE
17 DEPARTMENT OF HUMAN SERVICES.

18 (10) "FOSTER CARE HOME" MEANS A HOME THAT IS CERTIFIED BY
19 A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY PURSUANT TO
20 SECTION 26-6-910, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO
21 APPLICABLE FEDERAL LAW, FOR CHILD CARE IN A PLACE OF RESIDENCE OF
22 A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING
23 TWENTY-FOUR-HOUR FAMILY FOSTER CARE FOR A CHILD UNDER THE AGE
24 OF TWENTY-ONE YEARS. A FOSTER CARE HOME MAY INCLUDE FOSTER
25 CARE FOR A CHILD WHO IS UNRELATED TO THE HEAD OF THE HOME OR
26 FOSTER CARE PROVIDED THROUGH A KINSHIP FOSTER CARE HOME BUT
27 DOES NOT INCLUDE NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION

1 19-1-103. THE TERM INCLUDES A FOSTER CARE HOME THAT RECEIVES A
2 CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND A HOME THAT
3 RECEIVES A CHILD FROM A STATE-OPERATED INSTITUTION FOR CHILD CARE
4 OR FROM A CHILD PLACEMENT AGENCY. "FOSTER CARE HOME" ALSO
5 INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT PURSUANT TO
6 SECTION 26-6-905 THAT RECEIVE NEITHER MONEY FROM THE COUNTIES
7 NOR CHILDREN PLACED BY THE COUNTIES.

8 (11) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,
9 CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND
10 LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND
11 OPERATION OF A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY
12 OR A CHILD PLACEMENT AGENCY.

13 (12) "GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW
14 WITH THE CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE.

15 (13) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN
16 ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND
17 MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO
18 YOUTHS WHO ARE AT LEAST ELEVEN YEARS OF AGE OR OLDER AND WHO
19 OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION
20 26-5.7-102 (2).

21 (14) "ICON" MEANS THE COMPUTERIZED DATABASE OF COURT
22 RECORDS KNOWN AS THE INTEGRATED COLORADO ONLINE NETWORK USED
23 BY THE STATE JUDICIAL DEPARTMENT.

24 (15) "KIN" MEANS A RELATIVE OF THE CHILD, A PERSON ASCRIBED
25 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,
26 OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE
27 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES

1 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

2 (16) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME
3 THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A LICENSED CHILD
4 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910 OR A FEDERALLY
5 RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW AS HAVING
6 MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE
7 FOSTER CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE
8 PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP
9 FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A
10 CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

11 (17) "LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO
12 THIS PART 9 GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY
13 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A
14 LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY,
15 PERMANENT, OR TIME-LIMITED LICENSE.

16 (18) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A
17 LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN
18 AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS,
19 SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS
20 ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

21 (19) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN
22 SUBSECTION (10) OF THIS SECTION, THE PROCESS BY WHICH THE
23 DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF
24 CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD
25 CARE FACILITY OR CHILD PLACEMENT AGENCY.

26 (20) "MEDICAL FOSTER CARE" MEANS A PROGRAM OF FOSTER CARE
27 THAT PROVIDES HOME-BASED CARE FOR MEDICALLY FRAGILE CHILDREN

1 AND YOUTH WHO WOULD OTHERWISE BE CONFINED TO A HOSPITAL OR
2 INSTITUTIONAL SETTING AND INCLUDES, BUT IS NOT LIMITED TO:

3 (a) INFANTS IMPACTED BY PRENATAL DRUG AND ALCOHOL ABUSE;

4 (b) CHILDREN WITH DEVELOPMENTAL DISABILITIES THAT REQUIRE
5 ONGOING MEDICAL INTERVENTION;

6 (c) CHILDREN AND YOUTH DIAGNOSED WITH ACQUIRED IMMUNE
7 DEFICIENCY SYNDROME OR HUMAN IMMUNODEFICIENCY VIRUS;

8 (d) CHILDREN WITH A FAILURE TO THRIVE OR OTHER NUTRITIONAL
9 DISORDERS; AND

10 (e) CHILDREN DEPENDENT ON TECHNOLOGY SUCH AS RESPIRATORS,
11 TRACHEOTOMY TUBES, OR VENTILATORS TO SURVIVE.

12 (21) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY
13 ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF
14 FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED
15 PURSUANT TO THIS PART 9 OR THE DEMOTION OF SUCH A LICENSE TO A
16 PROBATIONARY LICENSE.

17 (b) AS USED IN THIS SUBSECTION (21), "FINAL AGENCY ACTION"
18 MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER THE
19 OPPORTUNITY FOR A HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE
20 TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 9
21 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE
22 CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY
23 LICENSE.

24 (22) "OUT-OF-HOME PLACEMENT PROVIDER CONSORTIUM" MEANS
25 A GROUP OF SERVICE PROVIDERS THAT ARE FORMALLY ORGANIZED AND
26 MANAGED TO ACHIEVE THE GOALS OF THE COUNTY, GROUP OF COUNTIES,
27 OR MENTAL HEALTH AGENCY CONTRACTING FOR ADDITIONAL SERVICES

1 OTHER THAN TREATMENT-RELATED OR CHILD MAINTENANCE SERVICES.

2 (23) "PERSON" MEANS A CORPORATION, PARTNERSHIP,
3 ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR INDIVIDUAL.

4 (24) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE
5 A PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

6 (25) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
7 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
8 PREVENTION SERVICES ACT". A "QUALIFIED INDIVIDUAL" MUST BE
9 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE
10 STATE PLAN. A "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
11 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST
12 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD
13 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR
14 YOUTH OR MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,
15 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS
16 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN
17 ACCORDANCE WITH 42 U.S.C. SEC. 675a.

18 (26) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
19 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
20 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR
21 YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF
22 CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL
23 DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL
24 "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. 672 (k)(4), AND
25 IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR
26 YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH REQUIRED IN
27 SECTION 19-1-115 (4)(e)(I).

1 (27) "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS
2 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, BROTHER,
3 SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, UNCLE, AUNT, NIECE,
4 NEPHEW, OR COUSIN.

5 (28) "RELATIVE" MEANS ANY OF THE FOLLOWING RELATIONSHIPS
6 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON,
7 DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER,
8 STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER,
9 UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

10 (29) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY
11 LICENSED BY THE STATE DEPARTMENT PURSUANT TO THIS PART 9 TO
12 PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT FOR FIVE OR
13 MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT
14 SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES
15 COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED
16 RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102
17 (2); SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT
18 FACILITIES AS DEFINED IN SECTION 25.5-4-103 (19.5). A RESIDENTIAL
19 CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE
20 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE
21 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE
22 FACILITY MUST BE:

23 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS
24 OF AGE; OR

25 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT
26 ORDER OR VOLUNTARY PLACEMENT; OR

27 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

1 (30) "RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR
2 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A
3 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC
4 RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND
5 HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A
6 GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE
7 RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR
8 HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME.

9 (31) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE
10 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE
11 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED
12 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,
13 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL
14 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A
15 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING
16 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT
17 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER
18 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE
19 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY
20 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (31), "RESPITE CHILD
21 CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO
22 BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES.

23 (32) "SECURE RESIDENTIAL TREATMENT CENTER" MEANS A
24 FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE
25 DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR
26 GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE OR MORE
27 CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE YEARS OVER

1 WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION
2 19-2.5-103 (6) WHO ARE COMMITTED BY A COURT, PURSUANT TO AN
3 ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF
4 GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT
5 AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN
6 COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A
7 SECURE FACILITY.

8 (33) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR
9 BOTH PARENTS IN COMMON.

10 (34) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY
11 SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED
12 CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING
13 TWENTY-FOUR-HOUR CARE FOR THREE OR MORE CHILDREN, BUT FEWER
14 THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET
15 THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO
16 A SPECIALIZED GROUP FACILITY MUST BE:

17 (I) AT LEAST SEVEN YEARS OF AGE OR OLDER BUT LESS THAN
18 EIGHTEEN YEARS OF AGE;

19 (II) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY
20 COURT ORDER OR VOLUNTARY PLACEMENT; OR

21 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS
22 THAN SEVEN YEARS OF AGE.

23 (b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP
24 HOMES AND SPECIALIZED GROUP CENTERS.

25 (35) "THERAPEUTIC FOSTER CARE" MEANS A PROGRAM OF FOSTER
26 CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL,
27 PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH

1 SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL
2 FOSTER CARE.

3 (36) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE
4 ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES
5 THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE
6 RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY
7 ENVIRONMENT.

8 **26-6-904. Applicability of part.** (1) THIS PART 9 DOES NOT
9 APPLY TO:

10 (a) A CHILD CARE FACILITY THAT IS APPROVED, CERTIFIED, OR
11 LICENSED BY ANOTHER STATE AGENCY OR BY A FEDERAL GOVERNMENT
12 DEPARTMENT OR AGENCY THAT HAS STANDARDS FOR OPERATION OF THE
13 FACILITY AND INSPECTS OR MONITORS THE FACILITY;

14 (b) OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT
15 PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION;

16 (c) JUVENILE COURTS; OR

17 (d) NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

18 (2) A LICENSEE OR GOVERNING BODY FOR WHICH THE LICENSE IS
19 SUSPENDED PURSUANT TO SECTION 24-4-104 OR THAT HAS RECEIVED A
20 FINAL AGENCY ACTION RESULTING IN THE REVOCATION OF A LICENSE
21 ISSUED PURSUANT TO THIS PART 9 IS PROHIBITED FROM OPERATING,
22 EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED TO THE
23 CAREGIVER.

24 **26-6-905. Licenses - out-of-state notices and consent -**
25 **demonstration pilot program - definition - rules.** (1) (a) EXCEPT AS
26 OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION OR
27 ELSEWHERE IN THIS PART 9, A PERSON SHALL NOT OPERATE A RESIDENTIAL

1 OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY
2 WITHOUT FIRST BEING LICENSED BY THE STATE DEPARTMENT TO OPERATE
3 OR MAINTAIN THE FACILITY OR AGENCY AND PAYING THE PRESCRIBED FEE.
4 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION,
5 A LICENSE THAT THE STATE DEPARTMENT ISSUES IS PERMANENT UNLESS
6 OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-914.

7 (b) A PERSON OPERATING A FOSTER CARE HOME IS NOT REQUIRED
8 TO OBTAIN A LICENSE FROM THE STATE DEPARTMENT TO OPERATE THE
9 FOSTER CARE HOME IF THE PERSON HOLDS A CERTIFICATE ISSUED
10 PURSUANT TO SECTION 26-6-910 TO OPERATE THE HOME FROM A COUNTY
11 DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE
12 PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR
13 THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE
14 INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED
15 UNDER SECTIONS 26-6-910 AND 26-6-912.

16 (c) (I) ON AND AFTER JULY 1, 2002, AND CONTINGENT UPON THE
17 TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS"
18 ENHANCEMENTS, CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER
19 CARE HOMES MUST BE LICENSED ANNUALLY UNTIL THE IMPLEMENTATION
20 OF ANY RISK-BASED SCHEDULE FOR THE RENEWAL OF CHILD PLACEMENT
21 AGENCY LICENSES PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.
22 THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE
23 PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF CHILD
24 PLACEMENT AGENCY LICENSES. THE RULES MUST INCLUDE THE
25 REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF
26 THE CHILD PLACEMENT AGENCY.

27 (II) (A) ON AND AFTER JANUARY 1, 2004, AND UPON THE

1 FUNCTIONALITY OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE
2 DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD
3 PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED
4 ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK
5 FACTORS MUST RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD
6 PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

7 (B) PRIOR TO JANUARY 1, 2004, AND CONTINGENT UPON THE TIME
8 LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS,
9 THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD
10 PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT
11 ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY
12 RULE OF THE STATE BOARD.

13 (III) ON AND AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE
14 FACILITIES MUST BE LICENSED ANNUALLY. THE STATE BOARD SHALL
15 PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS
16 ASSOCIATED WITH THE LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE
17 FACILITIES. THE RULES MUST INCLUDE A REQUIREMENT THAT THE STATE
18 DEPARTMENT CONDUCT ASSESSMENTS OF THE RESIDENTIAL CHILD CARE
19 FACILITY.

20 (2) A PERSON SHALL NOT RECEIVE OR ACCEPT A CHILD UNDER
21 EIGHTEEN YEARS OF AGE FOR PLACEMENT, OR PLACE A CHILD EITHER
22 TEMPORARILY OR PERMANENTLY IN A HOME, OTHER THAN WITH PERSONS
23 RELATED TO THE CHILD, WITHOUT FIRST OBTAINING A LICENSE AS A CHILD
24 PLACEMENT AGENCY FROM THE DEPARTMENT, AND PAYING THE FEE
25 PRESCRIBED FOR THE LICENSE.

26 (3) THE DEPARTMENT MAY ISSUE A ONE-TIME PROVISIONAL
27 LICENSE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL

1 LICENSE FOR A FOSTER CARE HOME, PERMITTING THE APPLICANT TO
2 OPERATE THE FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY
3 UNABLE TO CONFORM TO ALL STANDARDS REQUIRED UNDER THIS PART 9,
4 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO
5 CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER
6 REQUIREMENTS. THE APPLICANT HAS THE RIGHT TO APPEAL ANY
7 STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP
8 OR HAS BEEN APPLIED TOO STRINGENTLY BY THE DEPARTMENT. UPON THE
9 FILING OF AN APPEAL, THE DEPARTMENT SHALL PROCEED IN THE MANNER
10 PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

11 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A
12 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY UNTIL THE
13 FACILITIES THAT THE APPLICANT OR LICENSEE WILL OPERATE OR MAINTAIN
14 ARE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND
15 ENVIRONMENT AS CONFORMING TO THE SANITARY STANDARDS
16 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-101
17 (1)(h) AND UNLESS THE FACILITIES CONFORM TO FIRE PREVENTION AND
18 PROTECTION REQUIREMENTS OF LOCAL FIRE DEPARTMENTS IN THE
19 LOCALITY OF THE FACILITY OR, IN LIEU THEREOF, OF THE DIVISION OF
20 LABOR STANDARDS AND STATISTICS.

21 (5) A PERSON SHALL NOT SEND OR BRING INTO THIS STATE A CHILD
22 FOR THE PURPOSES OF FOSTER CARE OR ADOPTION WITHOUT SENDING
23 NOTICE OF THE PENDING PLACEMENT AND RECEIVING THE CONSENT OF THE
24 DEPARTMENT, OR ITS DESIGNATED AGENT, TO THE PLACEMENT. THE
25 NOTICE MUST CONTAIN:

- 26 (a) THE NAME AND THE DATE AND PLACE OF BIRTH OF THE CHILD;
- 27 (b) THE IDENTITY AND ADDRESS OR ADDRESSES OF THE PARENTS

1 OR LEGAL GUARDIAN;

2 (c) THE IDENTITY AND ADDRESS OF THE PERSON SENDING OR
3 BRINGING THE CHILD;

4 (d) THE NAME AND ADDRESS OF THE PERSON TO OR WITH WHOM
5 THE SENDING PERSON PROPOSES TO SEND, BRING, OR PLACE THE CHILD;

6 (e) A FULL STATEMENT OF THE REASONS FOR THE PROPOSED
7 ACTION AND EVIDENCE OF THE AUTHORITY PURSUANT TO WHICH THE
8 PLACEMENT IS PROPOSED TO BE MADE.

9 (6) THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH
10 RULES FOR THE APPROVAL OF FOSTER CARE HOMES AND CHILD CARE
11 CENTERS THAT PROVIDE TWENTY-FOUR-HOUR CARE OF CHILDREN
12 BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE
13 COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED
14 IN FOSTER CARE BY THE COUNTY DEPARTMENT.

15 (7) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS
16 A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY
17 ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE
18 DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY
19 FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTIONAL
20 ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000",
21 42 U.S.C. SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY
22 ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE
23 PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH
24 PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE
25 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

26 (8) (a) (I) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO
27 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A

1 CHILD PLACEMENT AGENCY, AND ANY LICENSE OR CERTIFICATE ISSUED
2 PRIOR TO AUGUST 7, 2006, IS REVOKED OR SUSPENDED IF THE APPLICANT
3 FOR THE LICENSE OR CERTIFICATE, AN AFFILIATE OF THE APPLICANT, A
4 PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH
5 THE APPLICANT AT THE FACILITY HAS BEEN CONVICTED OF:

6 (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

7 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

8 (C) ANY OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
9 DEFINED IN SECTION 16-22-102 (9);

10 (D) ANY FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
11 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
12 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

13 (E) ANY FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
14 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
15 APPLICATION FOR A LICENSE OR CERTIFICATE;

16 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
17 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
18 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

19 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH
20 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
21 OFFENSES DESCRIBED IN SUBSECTIONS (8)(a)(I)(A) TO (8)(a)(I)(F) OF THIS
22 SECTION.

23 (II) AS USED IN THIS SUBSECTION (8)(a), "CONVICTED" MEANS A
24 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED
25 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
26 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
27 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

1 (III) AN APPLICANT, LICENSEE, OR EMPLOYEE OF THE APPLICANT
2 OR LICENSEE WHO MEETS THE DEFINITION OF A DEPARTMENT EMPLOYEE
3 OR AN INDEPENDENT CONTRACTOR, AS THOSE TERMS ARE DEFINED IN
4 SECTION 27-90-111, OR WHO WORKS FOR A CONTRACTING AGENCY, AS
5 DEFINED IN SECTION 27-90-111, AND WHO WILL HAVE DIRECT CONTACT
6 WITH VULNERABLE PERSONS, AS DEFINED IN SECTION 27-90-111 (2)(e), IS
7 REQUIRED TO SUBMIT TO A STATE AND NATIONAL FINGERPRINT-BASED
8 CRIMINAL HISTORY RECORD CHECK IN THE SAME MANNER AS REQUIRED
9 PURSUANT TO SECTION 27-90-111 (9); EXCEPT THAT THE STATE
10 DEPARTMENT SHALL NOT BEAR THE COST OF THE CRIMINAL HISTORY
11 RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III). THE STATE
12 DEPARTMENT MAY ALSO CONDUCT A COMPARISON SEARCH ON THE
13 COLORADO STATE COURTS PUBLIC ACCESS SYSTEM TO DETERMINE THE
14 CRIME OR CRIMES FOR WHICH THE INDIVIDUAL HAVING DIRECT CONTACT
15 WITH VULNERABLE PERSONS WAS ARRESTED OR CONVICTED AND THE
16 DISPOSITION OF SUCH CRIME OR CRIMES. THE CRIMINAL HISTORY RECORD
17 CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III) MUST BE SUBMITTED TO
18 THE STATE DEPARTMENT PRIOR TO THE INDIVIDUAL HAVING DIRECT
19 CONTACT WITH VULNERABLE PERSONS, AND AN APPLICANT, LICENSEE, OR
20 EMPLOYEE OF AN APPLICANT OR LICENSEE MUST NOT BE ALLOWED TO
21 HAVE DIRECT CONTACT WITH VULNERABLE PERSONS IF HE OR SHE DOES
22 NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8) AND IN
23 SECTION 27-90-111 (9).

24 (b) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS
25 IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION ACCORDING TO THE
26 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON
27 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS

1 SET FORTH IN SECTION 26-6-912 (1)(a)(II). A CERTIFIED COPY OF THE
2 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION,
3 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED
4 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS
5 PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT. A LICENSE OR
6 CERTIFICATE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE
7 FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY SHALL NOT
8 BE ISSUED IF THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER
9 FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE
10 LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF CHILD ABUSE OR ANY
11 UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY
12 OTHER STATE OR THE UNITED STATES OR THE STATE DEPARTMENT HAS A
13 CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON
14 APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A
15 DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN
16 ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A
17 CHILD.

18 (9) (a) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD
19 SHALL PROMULGATE RULES THAT REQUIRE ALL CURRENT AND
20 PROSPECTIVE EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR
21 POSITION HAVE DIRECT CONTACT WITH A CHILD IN THE PROCESS OF BEING
22 PLACED OR WHO HAS BEEN PLACED IN FOSTER CARE TO SUBMIT A SET OF
23 FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED
24 CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY
25 SUBMITTED A SET OF FINGERPRINTS. THE CHECK MUST BE CONDUCTED IN
26 THE SAME MANNER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND
27 IN SECTION 26-6-912 (1)(a). THE PERSON'S EMPLOYMENT IS CONDITIONAL

1 UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND SUBJECT TO
2 THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH IN
3 SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE
4 COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
5 MUST BE BORNE BY THE APPLICANT.

6 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
7 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (9)
8 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE
9 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED
10 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
11 (6)(d). THE COSTS FOR THE NAME-BASED CRIMINAL HISTORY RECORD
12 CHECK MUST BE BORNE BY THE APPLICANT.

13 (10) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO
14 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY,
15 FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY IF THE PERSON
16 APPLYING FOR THE LICENSE OR AN AFFILIATE OF THE APPLICANT, A PERSON
17 EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE
18 APPLICANT AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR
19 MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND,
20 IF THE COURT ENTERS, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF
21 TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER
22 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS
23 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A
24 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE
25 HOME, OR CHILD PLACEMENT AGENCY, THE RECORD OF SUCH
26 DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE
27 EVIDENCE THEREOF.

1 (11) THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO
2 EXAMINE AND REPORT TO THE GENERAL ASSEMBLY ON THE BENEFITS OF
3 LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS
4 DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN
5 THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN
6 CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT
7 AGENCY. THE CHILD PLACEMENT AGENCIES EXAMINED MUST BE ABLE TO:

8 (a) OFFER THE FOLLOWING SERVICES:

9 (I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER
10 CARE PARENTS;

11 (II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND
12 FOSTER CARE FAMILY;

13 (III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

14 (IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

15 (V) ONGOING EDUCATIONAL AND NETWORKING OPPORTUNITIES
16 FOR ANY FOSTER CARE FAMILY;

17 (VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH
18 TEAM COLLABORATION;

19 (VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES;

20 AND

21 (VIII) RESPITE SUPPORT AND REIMBURSEMENT;

22 (b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING,
23 BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:

24 (I) MEDICAL FOSTER CARE;

25 (II) RESPITE FOSTER CARE;

26 (III) THERAPEUTIC FOSTER CARE;

27 (IV) DEVELOPMENTALLY DISABLED FOSTER CARE; AND

1 (V) TREATMENT FOSTER CARE.

2 **26-6-906. Compliance with local government zoning**
3 **regulations - notice to local governments - provisional licensure -**

4 **repeal.** (1) THE DEPARTMENT SHALL REQUIRE A RESIDENTIAL OR DAY
5 TREATMENT CHILD CARE FACILITY SEEKING A LICENSE PURSUANT TO
6 SECTION 26-6-905 TO COMPLY WITH ANY APPLICABLE ZONING AND LAND
7 USE DEVELOPMENT REGULATIONS OF THE MUNICIPALITY, CITY AND
8 COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO
9 COMPLY WITH APPLICABLE ZONING AND LAND USE REGULATIONS
10 CONSTITUTES GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

11 (2) THE DEPARTMENT SHALL ENSURE THAT TIMELY WRITTEN
12 NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR
13 COUNTY WHERE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY
14 IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE
15 POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY,
16 WHEN ANY OF THE FOLLOWING OCCURS:

17 (a) A PERSON APPLIES FOR A LICENSE TO OPERATE A FACILITY
18 PURSUANT TO SECTION 26-6-905;

19 (b) A LICENSE IS GRANTED TO OPERATE A FACILITY PURSUANT TO
20 SECTION 26-6-905; OR

21 (c) A CHANGE IS MADE IN THE LICENSE OF A FACILITY.

22 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
23 CONTRARY, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE
24 BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR
25 COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT
26 A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO SIX MONTHS PENDING
27 RESOLUTION OF THE DELAY OR DISPUTE.

1 (4) (a) (I) PRIOR TO JULY 1, 2024, THE PROVISIONS OF THIS
2 SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO
3 THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO
4 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9
5 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE
6 DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY BY A COMMUNITY
7 CENTERED BOARD OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

8 (II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

9 (b) ON AND AFTER JULY 1, 2024, THE PROVISIONS OF THIS SECTION
10 DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS
11 PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO
12 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9
13 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE
14 DETERMINED TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL
15 DISABILITY BY A CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION
16 25.5-6-1702, OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

17 **26-6-907. Fees - when original applications, reapplications,**
18 **and renewals for licensure are required - creation of child welfare**
19 **licensing cash fund.** (1) (a) THE STATE DEPARTMENT IS AUTHORIZED TO
20 ESTABLISH, PURSUANT TO RULES PROMULGATED BY THE STATE BOARD,
21 PERMANENT, TIME-LIMITED, AND PROVISIONAL LICENSE FEES AND FEES
22 FOR CONTINUATION OR RENEWAL, WHICHEVER IS APPLICABLE, OF A
23 LICENSE FOR THE FOLLOWING TYPES OF CHILD CARE ARRANGEMENTS:

- 24 (I) SECURE RESIDENTIAL TREATMENT CENTERS;
- 25 (II) RESIDENTIAL CHILD CARE FACILITIES, INCLUDING ANY SPECIAL
26 TYPE OF RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY RULE OF THE
27 STATE BOARD;

1 (III) CHILD PLACEMENT AGENCIES, INCLUDING ANY SPECIAL TYPE
2 OF FOSTER CARE HOME THE CHILD PLACEMENT AGENCY IS AUTHORIZED TO
3 CERTIFY BY RULE OF THE STATE BOARD;

4 (IV) HOMELESS YOUTH SHELTERS;

5 (V) DAY TREATMENT CENTERS;

6 (VI) SPECIALIZED GROUP FACILITIES; AND

7 (VII) RESPITE CHILD CARE CENTERS.

8 (b) THE STATE DEPARTMENT MAY ALSO ESTABLISH FEES PURSUANT
9 TO RULES PROMULGATED BY THE STATE BOARD FOR THE FOLLOWING
10 SITUATIONS:

11 (I) ISSUANCE OF A DUPLICATE LICENSE;

12 (II) CHANGE OF LICENSE DUE TO AN INCREASE IN LICENSING
13 CAPACITY OR A CHANGE IN THE AGE OF CHILDREN SERVED;

14 (III) OBTAINING THE CRIMINAL RECORD OF AN APPLICANT AND
15 ANY PERSON LIVING WITH OR EMPLOYED BY THE APPLICANT, WHICH MAY
16 INCLUDE COSTS ASSOCIATED WITH THE TAKING OF FINGERPRINTS;

17 (IV) CHECKING THE RECORDS AND REPORTS OF CHILD ABUSE OR
18 NEGLECT MAINTAINED BY THE STATE DEPARTMENT FOR AN OWNER,
19 EMPLOYEE, OR RESIDENT OF A FACILITY OR AGENCY OR AN APPLICANT FOR
20 A LICENSE TO OPERATE A FACILITY OR AGENCY;

21 (V) FILING OF APPEALS;

22 (VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC;

23 (VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC
24 FORMAT FOR THE PUBLIC;

25 (VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES
26 OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS
27 PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C.

1 SEC. 14901 ET SEQ.;

2 (IX) INSUFFICIENT FUNDS PAYMENT AND COLLECTION OF OVERDUE
3 FEES AND FINES; AND

4 (X) COLLECTION OF FEES FOR SCANNING OF ADOPTION RECORDS
5 PURSUANT TO SECTION 19-5-307.

6 (c) THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1)
7 MUST NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE
8 DEPARTMENT. THE DIVISION RESPONSIBLE FOR LICENSING FACILITIES AND
9 AGENCIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND
10 SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING
11 LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO
12 TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH FACILITY AND
13 AGENCY LICENSING, INSPECTION, AND MONITORING; DEVELOPING A
14 METHODOLOGY TO ASSESS THE RELATIONSHIP BETWEEN LICENSING COSTS
15 AND FEES; AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING
16 THE RESULTS TO THE STATE BOARD. IN DEVELOPING A FEE SCHEDULE, THE
17 DEPARTMENT SHOULD CONSIDER THE LICENSED CAPACITY OF FACILITIES
18 AND THE TIME NEEDED TO LICENSE FACILITIES.

19 (2) (a) AN APPLICANT SHALL PAY THE FEES SPECIFIED IN
20 SUBSECTION (1) OF THIS SECTION WHEN APPLYING FOR ISSUANCE,
21 CONTINUANCE, OR RENEWAL OF A LICENSE. FEES ARE NOT SUBJECT TO
22 REFUND. AN APPLICATION FOR A LICENSE IS REQUIRED IN THE SITUATIONS
23 THAT ARE SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION AND MUST BE
24 MADE ON FORMS PRESCRIBED BY THE STATE DEPARTMENT. EACH
25 COMPLETED APPLICATION MUST SET FORTH THE INFORMATION REQUIRED
26 BY THE STATE DEPARTMENT. ALL LICENSES CONTINUE IN FORCE UNTIL
27 REVOKED, SURRENDERED, OR EXPIRED.

1 (b) (I) AN ORIGINAL APPLICATION AND FEE ARE REQUIRED:

2 (A) WHEN AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR
3 ASSOCIATION PLANS TO OPEN A FOSTER CARE HOME OR A RESIDENTIAL OR
4 DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY;

5 (B) WHEN A FACILITY OR FOSTER CARE HOME PLANS TO MOVE TO
6 A DIFFERENT BUILDING AT A DIFFERENT LOCATION;

7 (C) WHEN THE MANAGEMENT OR GOVERNING BODY OF A FACILITY
8 OR AGENCY IS ACQUIRED BY A DIFFERENT INDIVIDUAL, ASSOCIATION,
9 PARTNERSHIP, OR CORPORATION; AND

10 (D) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A
11 FACILITY OR AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE
12 IDENTIFICATION NUMBER; EXCEPT THAT, IF THE REASON FOR THE ISSUANCE
13 OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO
14 A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING FACILITY OR
15 AGENCY AND EITHER THE MANAGEMENT OR GOVERNING BODY OF THE
16 FACILITY OR AGENCY REMAINS THE SAME AS ORIGINALLY LICENSED AND
17 THE FACILITY OR AGENCY IS OPERATING IN THE SAME BUILDING OR
18 BUILDINGS AS ORIGINALLY LICENSED, THE STATE DEPARTMENT SHALL
19 TREAT THE FACILITY'S OR AGENCY'S STATUS AS A RENEWAL AND ASSESS
20 THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES ARE
21 REQUIRED TO UNDERGO CRIMINAL BACKGROUND CHECKS AS REQUIRED IN
22 SECTION 26-6-912.

23 (II) A REAPPLICATION AND FEE ARE REQUIRED AND MUST BE
24 RECEIVED BY THE STATE DEPARTMENT IN THE MANNER SPECIFIED IN RULES
25 PROMULGATED BY THE STATE BOARD. AN INDIVIDUAL, PARTNERSHIP,
26 CORPORATION, OR ASSOCIATION SEEKING TO RENEW A FACILITY OR
27 AGENCY LICENSE MUST SUBMIT A REAPPLICATION AND FEE TO THE STATE

1 DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

2 (3) THIS SECTION DOES NOT PREVENT A CITY OR CITY AND COUNTY
3 FROM IMPOSING FEES IN ADDITION TO THOSE FEES SPECIFIED IN THIS
4 SECTION.

5 (4) (a) THE DEPARTMENT SHALL TRANSMIT ALL FEES COLLECTED
6 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL
7 CREDIT THE SAME TO THE CHILD WELFARE LICENSING CASH FUND CREATED
8 IN SUBSECTION (4)(b) OF THIS SECTION. THE GENERAL ASSEMBLY SHALL
9 MAKE ANNUAL APPROPRIATIONS FROM THE CHILD WELFARE LICENSING
10 CASH FUND FOR EXPENDITURES INCURRED BY THE DEPARTMENT IN THE
11 PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 9.

12 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE
13 LICENSING CASH FUND, CREATED PURSUANT TO SECTION 26-6-105 (4), AS
14 IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO LICENSING
15 FEES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS
16 RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD
17 WELFARE LICENSING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE
18 STATE TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST
19 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO
20 THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND
21 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT
22 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
23 FUND.

24 **26-6-908. Application forms - criminal sanctions for perjury.**

25 (1) (a) (I) ALL APPLICATIONS FOR THE LICENSURE OF CHILD PLACEMENT
26 AGENCY OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR
27 THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9

1 MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN
2 SUBSECTION (1)(b) OF THIS SECTION.

3 (II) EVERY APPLICATION USED IN THE STATE OF COLORADO FOR
4 EMPLOYMENT WITH A FACILITY OR AGENCY MUST INCLUDE THE NOTICE TO
5 THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

6 (b) EACH APPLICATION DESCRIBED IN SUBSECTION (1)(a) OF THIS
7 SECTION MUST CONTAIN THE FOLLOWING NOTICE TO THE APPLICANT:

8 ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A
9 FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN
10 THIS APPLICATION COMMITS PERJURY IN THE SECOND
11 DEGREE AS DEFINED IN SECTION 18-8-503, COLORADO
12 REVISED STATUTES, AND, UPON CONVICTION THEREOF,
13 SHALL BE PUNISHED ACCORDINGLY.

14 (2) A PERSON APPLYING FOR THE LICENSURE OF A FACILITY OR
15 AGENCY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO
16 THIS PART 9, OR A PERSON APPLYING TO WORK AT A FACILITY OR AGENCY
17 AS AN EMPLOYEE, WHO KNOWINGLY OR WILLFULLY MAKES A FALSE
18 STATEMENT OF ANY MATERIAL FACT OR THING IN THE APPLICATION
19 COMMITS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION
20 18-8-503 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
21 ACCORDINGLY.

22 (3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A
23 FOSTER CARE HOME MUST PROVIDE NOTICE TO THE APPLICANT THAT THE
24 APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF
25 CERTIFICATION OR LICENSURE OR OTHER NEGATIVE LICENSING ACTION AS
26 SET FORTH IN THIS SECTION (3) AND SECTION 26-6-913 AND AS DESCRIBED
27 BY RULE OF THE STATE BOARD.

1 **26-6-909. Standards for facilities and agencies - rules.** (1) THE
2 DEPARTMENT SHALL PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING.
3 THE STANDARDS MUST BE APPLICABLE TO CHILD PLACEMENT AGENCIES
4 AND THE VARIOUS TYPES OF RESIDENTIAL AND DAY TREATMENT CHILD
5 CARE FACILITIES REGULATED AND LICENSED BY THIS PART 9; EXCEPT THAT
6 THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH SEPARATE STANDARDS
7 FOR THE LICENSING OF CHILD PLACEMENT AGENCIES OPERATING FOR THE
8 PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES.
9 THE DEPARTMENT SHALL SEEK THE ADVICE AND ASSISTANCE OF PERSONS
10 REPRESENTATIVE OF THE VARIOUS TYPES OF FACILITIES AND AGENCIES IN
11 ESTABLISHING THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE
12 OF THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS
13 REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE
14 PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION
15 AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION.
16 THE STANDARDS MUST BE ESTABLISHED BY RULES PROMULGATED BY THE
17 STATE BOARD AND BE ISSUED, PUBLISHED, AND BECOME EFFECTIVE ONLY
18 IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

19 (2) STANDARDS PRESCRIBED BY STATE BOARD RULES PURSUANT
20 TO THIS SECTION ARE RESTRICTED TO:

21 (a) THE OPERATION AND CONDUCT OF THE FACILITY OR AGENCY
22 AND THE RESPONSIBILITY IT ASSUMES FOR CHILD CARE;

23 (b) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE
24 APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE
25 FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER
26 AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A
27 NEGATIVE LICENSING ACTION;

1 (c) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE
2 APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN
3 AND TO MAINTAIN PRESCRIBED STANDARDS;

4 (d) THE NUMBER OF INDIVIDUALS OR STAFF REQUIRED TO ENSURE
5 ADEQUATE SUPERVISION AND CARE OF CHILDREN SERVED;

6 (e) (I) THE APPROPRIATENESS, SAFETY, CLEANLINESS, AND
7 GENERAL ADEQUACY OF THE PREMISES, INCLUDING MAINTENANCE OF
8 ADEQUATE FIRE PROTECTION AND PREVENTION AND HEALTH STANDARDS
9 IN CONFORMANCE WITH STATE LAWS AND MUNICIPAL ORDINANCES, TO
10 PROVIDE FOR THE PHYSICAL COMFORT, CARE, WELL-BEING, AND SAFETY OF
11 THE CHILDREN SERVED.

12 (II) A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO
13 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL
14 DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL
15 MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED
16 BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE OR RADON
17 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT
18 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD
19 CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS
20 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE DEPARTMENT
21 SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A
22 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS
23 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

24 (f) KEEPING OF RECORDS FOR FOOD, CLOTHING, EQUIPMENT, AND
25 INDIVIDUAL SUPPLIES;

26 (g) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN
27 SERVED;

- 1 (h) MAINTENANCE OF RECORDS PERTAINING TO THE ADMISSION,
2 PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN;
- 3 (i) FILING OF REPORTS WITH THE DEPARTMENT;
- 4 (j) DISCIPLINE OF CHILDREN;
- 5 (k) STANDARDS FOR SECLUSION OF A CHILD IN ACCORDANCE WITH
6 ARTICLE 20 OF THIS TITLE 26. STANDARDS FOR SECLUSION MUST INCLUDE:
- 7 (I) THE BASIS FOR THE USE OF SECLUSION IN ACCORDANCE WITH
8 SECTION 26-20-103;
- 9 (II) DURATION AND FREQUENCY OF THE SECLUSION;
- 10 (III) FACILITY STAFF REQUIREMENTS;
- 11 (IV) CRITERIA FOR THE SHORT-TERM PLACEMENT OF A CHILD IN
12 SECLUSION;
- 13 (V) DOCUMENTATION AND REVIEW OF THE SECLUSION;
- 14 (VI) REVIEW AND BIENNIAL INSPECTION BY THE DEPARTMENT OF
15 THE SECLUSION ROOM OR AREA;
- 16 (VII) PHYSICAL REQUIREMENTS FOR THE SECLUSION ROOM OR
17 AREA;
- 18 (VIII) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT
19 PRIOR TO THE ESTABLISHMENT OF THE SECLUSION ROOM OR AREA;
- 20 (IX) A NEUTRAL FACT FINDER TO DETERMINE IF THE CHILD'S
21 SITUATION MERITS SECLUSION;
- 22 (X) AT A MINIMUM, A FIFTEEN-MINUTE CHECKING AND REVIEW BY
23 STAFF OF A CHILD PLACED IN SECLUSION;
- 24 (XI) REVIEW BY STAFF OF ANY SECLUSION SUBSEQUENT TO EACH
25 PERIOD OF SECLUSION;
- 26 (XII) DAILY REVIEW OF THE USE OF THE SECLUSION ROOMS OR
27 AREAS; AND

1 (XIII) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO
2 COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (2)(k).

3 (l) STANDARDS FOR SECURITY IN SECURE RESIDENTIAL TREATMENT
4 CENTERS AND RESIDENTIAL CHILD CARE FACILITIES PROVIDED THROUGH
5 THE PHYSICAL ENVIRONMENT AND STAFFING. THE STANDARDS MUST
6 INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

7 (I) LOCKED DOORS;

8 (II) FENCING;

9 (III) STAFF REQUIREMENTS TO ENSURE SECURITY;

10 (IV) INSPECTIONS;

11 (V) PHYSICAL REQUIREMENTS FOR PROGRAM SPACE AND FOR
12 SECURE SLEEPING OF THE RESIDENTS IN THE SECURE RESIDENTIAL
13 TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY; AND

14 (VI) OTHER SECURITY CONSIDERATIONS THAT ARE NECESSARY TO
15 PROTECT THE RESIDENTS OF THE SECURE RESIDENTIAL TREATMENT
16 CENTER OR RESIDENTIAL CHILD CARE FACILITY OR THE PUBLIC.

17 (m) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND
18 ADEQUACY OF TRANSPORTATION SERVICES OF CHILDREN TO AND FROM
19 FACILITIES;

20 (n) EXCEPT AS PROVIDED IN SUBSECTION (2)(o) OF THIS SECTION,
21 PROVISIONS THAT ENSURE THAT FOSTER CARE HOMES AND CHILD CARE
22 CENTERS VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25,
23 THAT EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST
24 CONTAGIOUS DISEASES AS FOLLOWS:

25 (I) CHILDREN UP TO TWENTY-FOUR MONTHS OF AGE ARE REQUIRED
26 TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT IMMUNIZATION
27 ACT", PART 17 OF ARTICLE 4 OF TITLE 25;

1 (II) CHILDREN OVER TWENTY-FOUR MONTHS OF AGE ARE
2 REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4
3 OF TITLE 25;

4 (o) PROVISIONS THAT ALLOW A FACILITY THAT ALLOWS A CHILD TO
5 ENROLL AND ATTEND THE FACILITY ON A SHORT-TERM BASIS OF UP TO
6 FIFTEEN DAYS IN A FIFTEEN-CONSECUTIVE-DAY PERIOD, NO MORE THAN
7 TWICE IN A CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY
8 PERIOD SEPARATED BY AT LEAST SIXTY DAYS, TO DO SO WITHOUT
9 OBTAINING VERIFICATION OF IMMUNIZATION FOR THAT CHILD, AS
10 PROVIDED IN SECTION 25-4-902. A FACILITY THAT CHOOSES TO ALLOW
11 CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO
12 THE PROVISIONS OF THIS SUBSECTION (2)(o) SHALL PROVIDE NOTIFICATION
13 TO ALL PARENTS THAT THE FACILITY ALLOWS CHILDREN TO ENROLL AND
14 ATTEND ON A SHORT-TERM BASIS WITHOUT OBTAINING PROOF OF
15 IMMUNIZATION.

16 (p) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE, BUT
17 NEED NOT BE LIMITED TO:

18 (I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS,
19 QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR
20 EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO
21 BE LICENSED, INCLUDING, BUT NOT LIMITED TO:

22 (A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE
23 UNKNOWN;

24 (B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND
25 GRANDPARENT ADOPTIONS;

26 (C) INTERSTATE ADOPTIONS;

27 (D) INTERNATIONAL ADOPTIONS;

- 1 (E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND
- 2 (F) SPECIAL NEEDS ADOPTIONS;
- 3 (II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO
- 4 MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE
- 5 TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;
- 6 (III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE
- 7 RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;
- 8 (IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE
- 9 APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED
- 10 OR CONTRACTED WITH BY THE AGENCY;
- 11 (V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE
- 12 APPLICANT FOR A LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE
- 13 NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN
- 14 PRESCRIBED STANDARDS;
- 15 (VI) PROPER MAINTENANCE OF RECORDS; AND
- 16 (VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN
- 17 SERVED;
- 18 (q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS,
- 19 WHICH MUST INCLUDE, AT A MINIMUM:
- 20 (A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF
- 21 AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A
- 22 CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE
- 23 MONTHS AFTER SUCH PLACEMENT;
- 24 (B) TWENTY HOURS PER YEAR OF CONTINUING TRAINING;
- 25 (C) IN ADDITION TO THE HOURS DESCRIBED IN SUBSECTION
- 26 (2)(q)(I)(B) OF THIS SECTION, TWELVE HOURS PER YEAR FOR FOSTER CARE
- 27 PARENTS PROVIDING THERAPEUTIC FOSTER CARE;

1 (D) TRAINING CONCERNING INDIVIDUALIZED EDUCATION
2 PROGRAMS, AS DEFINED IN SECTION 22-20-103 (15). THE DEPARTMENTS
3 OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION
4 BETWEEN LOCAL COUNTY DEPARTMENTS AND LOCAL SCHOOL DISTRICTS
5 OR ADMINISTRATIVE UNITS TO MAKE SUCH TRAINING AVAILABLE UPON THE
6 REQUEST OF A FOSTER PARENT.

7 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

8 (II) THE TRAINING DESCRIBED IN SUBSECTION (2)(q)(I) OF THIS
9 SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IN-HOME TRAINING.

10 (III) THE DEPARTMENT SHALL CONSULT WITH COUNTY
11 DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING THE
12 TRAINING STANDARDS IN ORDER TO ENSURE A MORE UNIFORM
13 APPLICATION THROUGHOUT THE STATE.

14 (IV) THE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A
15 CHILD DESCRIBED IN SUBSECTION (2)(q)(I)(A) OF THIS SECTION MAY BE
16 COMPLETED WITHIN FOUR MONTHS AFTER THE PLACEMENT IF THE
17 PLACEMENT WAS AN EMERGENCY PLACEMENT, AS DEFINED BY RULE OF
18 THE STATE BOARD.

19 (r) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE
20 SERVICES IN FACILITIES AND AGENCIES LICENSED AND CERTIFIED
21 PURSUANT TO THIS PART 9, INCLUDING ORIENTATION AND PRELICENSING
22 TRAINING FOR CHILD PLACEMENT AGENCY STAFF; AND

23 (s) STANDARDS FOR THE TRAINING OF PROVIDERS OF CRADLE CARE
24 HOME SERVICES THAT MUST BE SUBSTANTIALLY SIMILAR TO THE TRAINING
25 REQUIRED OF ADOPTIVE PARENTS PRIOR TO ADOPTING AN INFANT,
26 INCLUDING ONGOING TRAINING HOURS APPROPRIATE TO THE SERVICES
27 PROVIDED.

1 (3) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY
2 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN
3 A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY MAY POSSESS
4 AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR
5 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES
6 CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER
7 MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

8 (4) AN APPLICANT OR PERSON LICENSED TO OPERATE A FACILITY
9 OR AGENCY UNDER THE PROVISIONS OF THIS PART 9 HAS THE RIGHT TO
10 APPEAL ANY STANDARD THAT, IN THE APPLICANT'S OR PERSON'S OPINION,
11 CREATES AN UNDUE HARDSHIP OR WHEN, IN THE APPLICANT'S OR PERSON'S
12 OPINION, A STANDARD HAS BEEN TOO STRINGENTLY APPLIED BY
13 REPRESENTATIVES OF THE DEPARTMENT. THE DEPARTMENT SHALL
14 DESIGNATE A PANEL OF PERSONS REPRESENTING VARIOUS STATE AND
15 LOCAL GOVERNMENTAL AGENCIES WITH AN INTEREST IN AND CONCERN
16 FOR CHILDREN TO HEAR THE APPEAL AND TO MAKE RECOMMENDATIONS TO
17 THE DEPARTMENT. THE MEMBERSHIP OF THE APPEALS REVIEW PANEL MUST
18 INCLUDE, BUT NEED NOT BE LIMITED TO, A REPRESENTATIVE FROM A
19 TWENTY-FOUR-HOUR CHILD CARE FACILITY; A REPRESENTATIVE FROM A
20 LICENSED CHILD PLACEMENT AGENCY; A REPRESENTATIVE WITH CHILD
21 PLACEMENT EXPERIENCE FROM A COUNTY DEPARTMENT; AND A
22 REPRESENTATIVE FROM AT LEAST ONE OTHER STATE DEPARTMENT, OR
23 FROM THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR
24 CHILD WELFARE, WHO HAS EDUCATION AND EXPERTISE IN
25 TRAUMA-INFORMED CARE AND CHILD WELFARE. THE EXECUTIVE
26 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT ALL
27 MEMBERS TO THE APPEALS REVIEW PANEL. REPRESENTATIVES TO THE

1 APPEALS REVIEW PANEL SERVE TERMS OF NO MORE THAN THREE YEARS
2 AND MAY SERVE SUCCESSIVE TERMS.

3 (5) THE STATE BOARD MAY PROMULGATE RULES TO REGULATE THE
4 OPERATION OF OUT-OF-HOME PLACEMENT PROVIDER CONSORTIA. THE
5 REGULATION SHALL NOT INCLUDE LICENSING OF OUT-OF-HOME
6 PLACEMENT PROVIDER CONSORTIA.

7 (6) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
8 REQUIREMENTS FOR LICENSURE FOR A LICENSED HOST FAMILY HOME
9 SERVING HOMELESS YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT",
10 ARTICLE 5.7 OF THIS TITLE 26.

11 (7) (a) A COUNTY DIRECTOR, OR THE COUNTY DIRECTOR'S
12 DESIGNEE, MAY APPROVE, AT THE COUNTY DIRECTOR'S DISCRETION, A
13 WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER
14 CARE. A WAIVER MAY BE APPROVED ONLY IF:

15 (I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET
16 FORTH BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (7)(d) OF
17 THIS SECTION;

18 (II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN
19 RECEIVING CARE IS NOT COMPROMISED; AND

20 (III) THE WAIVER REQUEST IS IN WRITING.

21 (b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY
22 LICENSING STANDARDS, A COUNTY DIRECTOR OF HUMAN OR SOCIAL
23 SERVICES, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY LIMIT OR RESTRICT
24 A LICENSE ISSUED TO A KINSHIP FOSTER CARE ENTITY OR REQUIRE THAT
25 ENTITY TO ENTER INTO A COMPLIANCE AGREEMENT TO ENSURE THE
26 SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN IN THAT ENTITY'S
27 CARE.

1 (c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF
2 A WAIVER REQUESTED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

3 (d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
4 THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER
5 CARE. THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A LISTING
6 OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE WAIVED AND
7 CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE STATE BOARD
8 SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP FOSTER CARE" FOR
9 THE PURPOSES OF THIS SUBSECTION (7).

10 (8) THE EXECUTIVE DIRECTOR HAS THE POWER TO DIRECT THE
11 ADMINISTRATION OR MONITORING OF MEDICATIONS TO PERSONS IN
12 FACILITIES PURSUANT TO SECTION 25-1.5-301 (2)(e).

13 **26-6-910. Certification and annual recertification of foster**
14 **care homes by county departments and licensed child placement**
15 **agencies - background and reference check requirements - definition.**

16 (1) THIS SECTION APPLIES TO FOSTER CARE HOMES, INCLUDING KINSHIP
17 FOSTER CARE HOMES, CERTIFIED BY COUNTY DEPARTMENTS OR LICENSED
18 CHILD PLACEMENT AGENCIES. EXCEPT AS OTHERWISE PROVIDED IN
19 SUBSECTION (4) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO
20 FOSTER CARE HOMES THAT ARE LICENSED BY THE STATE DEPARTMENT
21 PURSUANT TO THE REQUIREMENTS OF SECTION 26-6-905 AND THAT DO NOT
22 RECEIVE MONEY FROM THE COUNTIES OR CHILDREN PLACED BY THE
23 COUNTIES. A FOSTER CARE HOME LICENSED BY THE STATE DEPARTMENT
24 MUST UNDERGO ALL OF THE BACKGROUND CHECKS AND REQUIREMENTS
25 SET FORTH IN SECTION 26-6-905 OR AS OTHERWISE STATED IN THIS PART
26 9.

27 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A

1 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A
2 CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF
3 THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE
4 OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND
5 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED PURSUANT TO THIS
6 SECTION AND SECTION 26-6-912. EACH CERTIFICATE MUST BE IN THE FORM
7 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT
8 THE PERSON OPERATING THE FOSTER CARE HOME IS A SUITABLE PERSON TO
9 OPERATE A FOSTER CARE HOME OR PROVIDE CARE FOR A CHILD, AND
10 CONTAIN ANY OTHER INFORMATION THAT THE STATE DEPARTMENT
11 REQUIRES. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH
12 CERTIFICATE SHALL NOTIFY THE STATE DEPARTMENT ABOUT THE
13 CERTIFICATION IN A METHOD AND TIME FRAME AS SET BY RULE ADOPTED
14 BY THE STATE BOARD.

15 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY
16 DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY, MAY RECEIVE FOR
17 CARE A CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY
18 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT
19 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD
20 PLACEMENT AGENCY.

21 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
22 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO
23 LICENSED AS A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION
24 26.5-5-303, BY THE DEPARTMENT OF EARLY CHILDHOOD SO LONG AS THE
25 LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO SEPARATE
26 LICENSING ENTITIES.

27 (5) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO AN

1 APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT OR
2 A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF
3 THIS PART 9 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR
4 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE
5 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

6 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
7 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
8 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
9 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
10 CONVICTED OF:

11 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

12 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

13 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
14 DEFINED IN SECTION 16-22-102 (9);

15 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
16 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
17 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

18 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
19 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
20 APPLICATION FOR A CERTIFICATE;

21 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
22 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS PRECEDING THE DATE
23 OF THE APPLICATION FOR THE CERTIFICATE; OR

24 (VII) AN OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH
25 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
26 OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS
27 SECTION;

1 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
2 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY
3 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, THE EMPLOYEE,
4 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE
5 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
6 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE
7 FEDERAL BUREAU OF INVESTIGATION;

8 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
9 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON
10 WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS
11 HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE
12 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR
13 A CHILD;

14 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
15 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
16 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
17 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
18 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
19 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX
20 OFFENDER; AND

21 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
22 HISTORY RECORD CHECK OR ANY OTHER RECORD CHECK PERFORMED
23 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST
24 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR LICENSED CHILD
25 PLACEMENT AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A
26 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
27 22-2-119.3 (6)(d).

1 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY
2 LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL NOT ISSUE
3 A CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER
4 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE
5 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE
6 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

7 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
8 SUBSECTION (5)(a) OF THIS SECTION AS VERIFIED THROUGH A
9 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED
10 CRIMINAL HISTORY RECORD CHECK, IF NECESSARY, AND A CHECK OF THE
11 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

12 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
13 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
14 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO
15 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

16 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
17 REGISTRY CREATED PURSUANT TO SECTION 16-22-110 OR IS A REGISTERED
18 SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A CHECK OF THE
19 NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED
20 STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS PROVISION DOES NOT
21 APPLY TO AN ADULT RESIDENT WHO HAS BEEN PLACED IN THE FOSTER
22 CARE FACILITY OR HOME FOR TREATMENT UNDER AN ADULT CHILD
23 WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KNOWN
24 NAMES AND ADDRESSES OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO
25 RESIDES AT THE FACILITY OR THE HOME IN THE INTERACTIVE DATABASE
26 SYSTEM FOR COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC
27 REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND

1 ADDRESSES.

2 (7) AS USED IN THIS SECTION, "CONVICTED" MEANS A CONVICTION
3 BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND
4 SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A
5 DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF
6 GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A
7 DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN
8 DIVERSION, AS DEFINED IN SECTION 19-2.5-102, AND DOES NOT APPLY TO
9 A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN
10 AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT
11 DIVERSION PROGRAM, AS DESCRIBED IN SECTION 19-3-310.

12 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBSECTIONS (5)(a) AND
13 (6)(a) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE
14 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL
15 BUREAU OF INVESTIGATION AND THE ICON SYSTEM AT THE STATE
16 JUDICIAL DEPARTMENT. THE SCREENING REQUEST IN COLORADO MUST BE
17 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY
18 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.
19 671 (a)(20). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
20 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND
21 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
22 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A
23 CONVICTION OR AGREEMENT.

24 (b) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
25 AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE
26 HOME OR A KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR
27 THE COUNTY DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER

1 STATE INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

2 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
3 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER STATE OR
4 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY
5 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN
6 SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION; OR

7 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
8 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
9 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE
10 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES
11 DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION.

12 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, A
13 PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY
14 A COUNTY DEPARTMENT OR BY A LICENSED CHILD PLACEMENT AGENCY IF
15 THE PERSON IS A RELATIVE OF AN EMPLOYEE OF THE CHILD WELFARE
16 DIVISION OR UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER
17 CARE HOME OR A RELATIVE OF AN OWNER, OFFICER, EXECUTIVE, MEMBER
18 OF THE GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT
19 AGENCY CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN
20 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT
21 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9)
22 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR
23 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER
24 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UNLESS OTHERWISE
25 PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO
26 WHICH THE APPLICATION IS REFERRED MAY CERTIFY AND SUPERVISE A
27 FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY

1 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN
2 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT
3 OF THE TWO COUNTY DEPARTMENTS.

4 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9,
5 AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR
6 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
7 PART 9 OR A RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER, OR
8 EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN PROPERTY
9 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN
10 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
11 FOSTER CARE HOME.

12 (11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
13 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD
14 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT
15 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE
16 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE
17 STANDARDS REQUIRED UNDER THIS PART 9 UPON PROOF BY THE APPLICANT
18 THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR
19 TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A
20 RIGHT TO APPEAL TO THE STATE DEPARTMENT ANY STANDARD THAT THE
21 APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN
22 APPLIED TOO STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED
23 CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE
24 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE
25 APPEALS IN SECTION 26-6-909 (4).

26 **26-6-911. Foster care - kinship care - rules applying generally**
27 **- rule-making.** (1) THE STATE BOARD SHALL PROMULGATE RULES THAT

1 APPLY TO FOSTER CARE GENERALLY, REGARDLESS OF WHETHER THE
2 FOSTER CARE IS PROVIDED BY A FOSTER CARE HOME CERTIFIED BY A
3 COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY, AND TO
4 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. THE STATE BOARD SHALL
5 DEVELOP THE RULES IN CONSULTATION WITH THE STATE DEPARTMENT,
6 COUNTY DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH
7 EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.

8 (2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF
9 THIS SECTION MUST INCLUDE THE FOLLOWING:

10 (a) USING THE STATE DEPARTMENT'S AUTOMATED DATABASE, THE
11 PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS AND CHILD
12 PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE WHEN THE
13 STATE DEPARTMENT HAS IDENTIFIED A CONFIRMED REPORT OF CHILD
14 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103, THAT INVOLVES A
15 FOSTER CARE HOME, AS WELL AS THE SUSPENSION OF ANY FURTHER
16 PLACEMENTS IN THE FOSTER CARE HOME UNTIL THE INVESTIGATION IS
17 CONCLUDED;

18 (b) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD
19 LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE
20 PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE
21 FOSTER PARENTS;

22 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL
23 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
24 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS
25 SPECIFIED IN SECTION 26-6-910 (5) AND (6) HAVE BEEN COMPLETED FOR
26 ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED
27 BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND ANY ADULT

1 RESIDENT OF THE FOSTER CARE HOME, PRIOR TO PLACING A CHILD IN
2 FOSTER CARE WITH THAT PERSON;

3 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
4 PLACEMENT AGENCY SHALL TAKE IF A DISQUALIFYING FACTOR IS FOUND
5 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
6 26-6-910 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5);

7 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE
8 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE
9 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT
10 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY
11 ACTIONS;

12 (f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
13 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
14 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND
15 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
16 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
17 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND
18 SHALL INSPECT THE ENTIRE PREMISES OF THE FOSTER CARE HOME,
19 INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF THE
20 FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
21 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
22 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
23 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
24 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
25 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

26 (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER
27 CARE PARENTS BY A LICENSED HEALTH-CARE PROFESSIONAL THAT

1 REQUIRE A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL
2 ABILITY TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE
3 LICENSED HEALTH-CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN
4 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A
5 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF
6 A CERTIFICATE MUST BE CONDITIONED ON THE SATISFACTORY REPORT OF
7 A LICENSED MENTAL HEALTH PRACTITIONER.

8 (h) THE COMMUNICATION REQUIREMENTS THAT MUST BE
9 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME
10 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS
11 SET FORTH IN SECTION 26-6-910 (4).

12 (3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT
13 ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR
14 CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER
15 CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS
16 WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME.
17 AFTER CONDUCTING THE REVIEW, THE STATE DEPARTMENT SHALL
18 RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS
19 SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF THESE PERSONS
20 BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

21 **26-6-912. Investigations and inspections - local authority -**
22 **reports - rules.** (1) (a) (I) (A) THE STATE DEPARTMENT SHALL
23 INVESTIGATE AND PASS ON EACH APPLICATION FOR ISSUANCE OF A
24 LICENSE, EACH APPLICATION FOR A PERMANENT OR TIME-LIMITED LICENSE
25 FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE,
26 AND EACH APPLICATION FOR RENEWAL OF A LICENSE TO OPERATE A
27 FACILITY OR AN AGENCY PRIOR TO GRANTING THE LICENSE OR RENEWAL.

1 AS PART OF THE INVESTIGATION, THE STATE DEPARTMENT SHALL REQUIRE
2 EACH INDIVIDUAL, INCLUDING BUT NOT LIMITED TO THE APPLICANT, AN
3 OWNER, AN EMPLOYEE, A NEWLY HIRED EMPLOYEE, A LICENSEE, AND AN
4 ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND RESIDES IN THE
5 LICENSED FACILITY, TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY
6 RECORD CHECK BY REVIEWING ANY RECORD THAT IS USED TO ASSIST THE
7 STATE DEPARTMENT IN ASCERTAINING WHETHER THE PERSON BEING
8 INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES
9 SPECIFIED IN SECTION 26-6-905 (8) OR ANY OTHER FELONY. THE STATE
10 BOARD SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE
11 CRIMINAL HISTORY RECORD CHECK ENTAILS.

12 (B) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
13 THIS SUBSECTION (1)(a)(I) MUST REQUIRE THE FINGERPRINT-BASED
14 CRIMINAL HISTORY RECORD CHECK IN ALL CIRCUMSTANCES, OTHER THAN
15 THOSE IDENTIFIED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, TO
16 INCLUDE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
17 THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
18 FEDERAL BUREAU OF INVESTIGATION AND TO APPLY TO ANY NEW OWNER,
19 NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL
20 WHO BEGINS RESIDING IN THE LICENSED FACILITY. AS PART OF THE
21 INVESTIGATION, THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT
22 MAINTAINED BY THE STATE DEPARTMENT MUST BE ACCESSED TO
23 DETERMINE WHETHER THE OWNER, APPLICANT, EMPLOYEE, NEWLY HIRED
24 EMPLOYEE, LICENSEE, OR INDIVIDUAL WHO RESIDES IN THE LICENSED
25 FACILITY BEING INVESTIGATED HAS BEEN FOUND TO BE RESPONSIBLE IN A
26 CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. INFORMATION IS MADE
27 AVAILABLE PURSUANT TO SECTION 19-1-307 (2)(j) AND RULES

1 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5
2 (4). EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION,
3 ANY CHANGE IN OWNERSHIP OF A LICENSED FACILITY OR AGENCY OR
4 ADDITION OF A NEW RESIDENT ADULT OR NEWLY HIRED EMPLOYEE TO THE
5 LICENSED FACILITY REQUIRES A NEW INVESTIGATION AS PROVIDED IN THIS
6 SECTION.

7 (C) WHEN TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE
8 WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP
9 GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY
10 RECORD CHECK AND A CHECK OF THE RECORDS AND REPORTS OF CHILD
11 ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT, COMPLETED FOR
12 ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR
13 SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR AN INDIVIDUAL FOR
14 WHOM THE CHECK IS REQUIRED PURSUANT TO THIS PART 9, MAY SATISFY
15 THE RECORD CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY
16 UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A
17 NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR NEW
18 CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT
19 MAINTAINED BY THE DEPARTMENT IS NOT REQUIRED OF SUCH AN
20 INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT
21 MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES
22 OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT
23 TO SECTION 26-6-905 WHEN INFORMED OF THE RESULTS OF A
24 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR CHECK OF THE
25 RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE
26 DEPARTMENT THAT REQUIRES ACTION PURSUANT TO THIS PART 9; AND
27 INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED

1 FACILITY COMES UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR
2 CONTROL.

3 (D) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
4 THIS SUBSECTION (1)(a)(I).

5 (II) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
6 SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE :

7 (A) A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE
8 JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION
9 AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION
10 THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE FOR EACH
11 CIRCUMSTANCE IN WHICH THE COLORADO BUREAU OF INVESTIGATION
12 FINGERPRINT CHECK EITHER DOES NOT CONFIRM A CRIMINAL HISTORY OR
13 CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR
14 CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CONVICTED AND THE
15 DISPOSITION THEREOF;

16 (B) ANY OTHER RECOGNIZED DATABASE THAT IS ACCESSIBLE ON
17 A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE
18 BOARD; AND

19 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED
20 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION
21 (1)(a)(II) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
22 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
23 22-2-119.3 (6)(d).

24 (III) IF THE OPERATOR OF A FACILITY OR AGENCY REFUSES TO HIRE
25 AN APPLICANT AS A RESULT OF INFORMATION DISCLOSED IN THE
26 INVESTIGATION OF THE APPLICANT PURSUANT TO SUBSECTION (1)(a)(I) OF
27 THIS SECTION, THE FACILITY OR AGENCY IS NOT SUBJECT TO CIVIL

1 LIABILITY FOR THE REFUSAL TO HIRE. IF A FORMER EMPLOYER OF THE
2 APPLICANT RELEASES INFORMATION REQUESTED BY THE FACILITY OR
3 AGENCY PERTAINING TO THE APPLICANT'S FORMER PERFORMANCE, THE
4 FORMER EMPLOYER IS NOT SUBJECT TO CIVIL LIABILITY FOR THE
5 INFORMATION GIVEN.

6 (b) AN APPLICANT FOR CERTIFICATION AS A FOSTER CARE HOME
7 SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY
8 DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT WITH A LIST OF
9 ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS
10 TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, AND A RELEASE OF
11 INFORMATION FROM THE CHILD PLACEMENT AGENCIES AND COUNTY
12 DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, TO
13 OBTAIN INFORMATION ABOUT THE APPLICATION AND ANY CERTIFICATION
14 GIVEN BY THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS.
15 A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE
16 CERTIFICATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE
17 APPLICANT AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME BY
18 CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY
19 DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE
20 CERTIFICATION FOR THAT FOSTER CARE HOME. CHILD PLACEMENT
21 AGENCIES AND COUNTY DEPARTMENTS ARE HELD HARMLESS FOR
22 INFORMATION RELEASED, IN GOOD FAITH, TO OTHER CHILD PLACEMENT
23 AGENCIES OR COUNTY DEPARTMENTS.

24 (c) (I) FOR ALL APPLICANTS APPLYING TO BE A FOSTER CARE HOME
25 OR KINSHIP FOSTER CARE HOME, REGARDLESS OF REIMBURSEMENT, THE
26 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REQUIRE
27 EACH ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES

1 IN THE HOME TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY
2 RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND
3 THE FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT MUST PROVIDE
4 THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY WITH THE
5 ADDRESSES WHERE THE APPLICANT AND ANY ADULT RESIDING IN THE
6 HOME HAVE LIVED IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES
7 FROM OTHER STATES. THE COUNTY DEPARTMENT OR THE CHILD
8 PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING BACKGROUND
9 CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE HOME:

10 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
11 DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN
12 CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-910 (5)(a);

13 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
14 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING
15 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO
16 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED
17 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF
18 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

19 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
20 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT
21 WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF
22 CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN
23 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

24 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
25 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
26 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
27 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM

1 FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES
2 IN THE HOME IS A REGISTERED SEX OFFENDER; AND

3 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
4 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION
5 (1)(c)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
6 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
7 22-2-119.3 (6)(d).

8 (II) IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY
9 RECORD CHECK, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
10 SHALL CONTACT THE APPROPRIATE ENTITY IN EACH STATE IN WHICH THE
11 APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS RESIDED WITHIN
12 THE PRECEDING FIVE YEARS TO DETERMINE WHETHER THE INDIVIDUAL HAS
13 BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE
14 OR NEGLECT.

15 (III) THE SCREENING REQUEST IN COLORADO FOR CRIMINAL
16 HISTORY RECORD CHECKS THROUGH THE COLORADO BUREAU OF
17 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION MUST BE
18 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY
19 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.
20 671 (a)(20).

21 (IV) THE DEPARTMENT MUST CONDUCT AN INVESTIGATION
22 PURSUANT TO THIS SUBSECTION (1)(c) FOR ANY NEW RESIDENT ADULT
23 WHENEVER THE ADULT IS ADDED TO THE FOSTER CARE HOME OR KINSHIP
24 CARE HOME. THE DEPARTMENT SHALL NOT USE INFORMATION OBTAINED
25 FROM STATE RECORDS OF ABUSE OR NEGLECT FOR ANY PURPOSE OTHER
26 THAN CONDUCTING THE INVESTIGATION FOR PLACEMENT OR
27 CERTIFICATION.

1 (d) (I) WHEN THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR
2 CHILD PLACEMENT AGENCY IS ABLE TO CERTIFY THAT THE APPLICANT OR
3 LICENSEE IS COMPETENT AND WILL OPERATE ADEQUATE FACILITIES TO
4 CARE FOR CHILDREN PURSUANT TO THE REQUIREMENTS OF THIS PART 9
5 AND THAT STANDARDS ARE BEING MET AND WILL BE COMPLIED WITH, IT
6 SHALL ISSUE THE LICENSE FOR WHICH THE APPLICANT OR LICENSEE
7 APPLIED. THE STATE DEPARTMENT SHALL INSPECT OR CAUSE TO BE
8 INSPECTED THE FACILITIES TO BE OPERATED BY AN APPLICANT FOR AN
9 ORIGINAL LICENSE BEFORE THE LICENSE IS GRANTED AND SHALL
10 THEREAFTER INSPECT OR CAUSE TO BE INSPECTED THE FACILITIES OF ALL
11 LICENSEES THAT, DURING THE PERIOD OF LICENSURE, HAVE BEEN FOUND
12 TO BE THE SUBJECT OF COMPLAINTS OR TO BE OUT OF COMPLIANCE WITH
13 THE STANDARDS SET FORTH IN SECTION 26-6-909 AND THE RULES OF THE
14 STATE DEPARTMENT, OR THAT OTHERWISE APPEAR TO BE PLACING
15 CHILDREN AT RISK. THE STATE DEPARTMENT MAY MAKE SUCH OTHER
16 INSPECTIONS AS IT DEEMS NECESSARY TO ENSURE THAT THE
17 REQUIREMENTS OF THIS PART 9 ARE BEING MET AND THAT THE HEALTH,
18 SAFETY, AND WELFARE OF THE CHILDREN BEING PLACED ARE PROTECTED.
19 IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME,
20 THE STATE DEPARTMENT DETERMINES THAT A CHILD RESIDING IN THE
21 FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO
22 THE CHILD'S SAFETY AND WELFARE AS DEFINED BY RULES PROMULGATED
23 BY THE STATE BOARD OR THAT A SUBSTANTIAL VIOLATION OF A
24 FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE
25 STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO
26 IMMEDIATELY REMOVE THE CHILD FROM THE FOSTER CARE HOME.

27 (II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE

1 ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT
2 RESULTS OF FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO
3 ADOPT RULES CONCERNING A REQUIREMENT THAT ALL FACILITIES
4 LICENSED PURSUANT TO THIS PART 9 POST THEIR LICENSES AND
5 INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT
6 PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE DEPARTMENT,
7 WHICH RULES MUST REQUIRE THAT EACH FACILITY DISPLAY ITS LICENSE
8 AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS
9 LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY;
10 EXCEPT THAT THE RULES MUST NOT REQUIRE FOSTER CARE HOMES TO POST
11 THEIR LICENSES AND THE RULES MUST NOT REQUIRE FOSTER CARE HOMES
12 AND CHILD PLACEMENT AGENCIES TO POST INFORMATION REGARDING THE
13 PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9
14 DIRECTLY WITH THE STATE DEPARTMENT. THE STATE BOARD SHALL ADOPT
15 RULES REQUIRING FOSTER CARE HOMES TO MAKE THEIR LICENSES
16 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST, AND
17 REQUIRING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO
18 MAKE THE INFORMATION CONCERNING THE FILING OF COMPLAINTS
19 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST.

20 (e) NOTWITHSTANDING ANY PROVISION OF THIS PART 9 TO THE
21 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO AN INTERAGENCY
22 AGREEMENT OR A MEMORANDUM OF UNDERSTANDING, OR BOTH, AS
23 NECESSARY TO COMPLETE THE CRIMINAL HISTORY RECORD CHECKS AND
24 OTHER BACKGROUND CHECKS REQUIRED IN THIS SECTION.

25 (2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
26 (2)(a)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY AUTHORIZE OR
27 CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF

1 HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION
2 THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING
3 WITH CHILDREN OR ON BEHALF OF CHILDREN TO INVESTIGATE AND INSPECT
4 THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR
5 APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A
6 PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 9 AND
7 MAY ACCEPT REPORTS ON THE INVESTIGATIONS AND INSPECTIONS FROM
8 THE AGENCIES OR ORGANIZATIONS AS A BASIS FOR LICENSING. WHEN
9 CONTRACTING FOR INVESTIGATIONS AND INSPECTIONS, THE STATE
10 DEPARTMENT SHALL ENSURE THAT THE CONTRACTOR IS QUALIFIED BY
11 TRAINING AND EXPERIENCE AND HAS NO CONFLICT OF INTEREST WITH
12 RESPECT TO THE FACILITIES TO BE INSPECTED.

13 (II) THE STATE DEPARTMENT SHALL NOT AUTHORIZE OR CONTRACT
14 WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR
15 ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS
16 A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH
17 CHILDREN OR ON BEHALF OF CHILDREN FOR INVESTIGATIONS AND
18 INSPECTIONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION OF ANY
19 FACILITIES THAT PROVIDE TWENTY-FOUR-HOUR CARE AND ARE LICENSED
20 PURSUANT TO THIS PART 9.

21 (b) A CITY, COUNTY, OR CITY AND COUNTY MAY IMPOSE AND
22 ENFORCE HIGHER STANDARDS AND REQUIREMENTS FOR FACILITIES
23 LICENSED PURSUANT TO THIS PART 9 THAN THE STANDARDS AND
24 REQUIREMENTS SPECIFIED PURSUANT TO THIS PART 9.

25 (3) EVERY FACILITY AND AGENCY LICENSED PURSUANT TO THIS
26 PART 9 SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE DEPARTMENT
27 MAY PRESCRIBE PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND

1 DISCHARGE OF CHILDREN UNDER THE CARE OF THE FACILITY OR AGENCY
2 AND SHALL REPORT RELATIVE THERETO TO THE DEPARTMENT WHENEVER
3 CALLED FOR, UPON FORMS PRESCRIBED BY THE DEPARTMENT. BOTH THE
4 FACILITY OR AGENCY AND THE DEPARTMENT SHALL KEEP CONFIDENTIAL
5 ALL RECORDS REGARDING CHILDREN AND ALL FACTS LEARNED ABOUT
6 CHILDREN AND THEIR RELATIVES.

7 (4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT
8 SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY
9 DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.

10 (5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT
11 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL
12 COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD
13 CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN
14 WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT IN
15 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET
16 FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE
17 OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL
18 REPORTS BASED ON THEIR SITE VISITS.

19 (6) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS
20 COMPLAINT ABOUT A FACILITY OR AGENCY LICENSED PURSUANT TO THIS
21 PART 9 ALLEGING THE IMMEDIATE RISK TO THE HEALTH OR SAFETY OF THE
22 CHILDREN CARED FOR IN THE FACILITY, THE STATE DEPARTMENT SHALL
23 RESPOND TO THE COMPLAINT AND CONDUCT AN ON-SITE INVESTIGATION
24 CONCERNING THE COMPLAINT WITHIN FORTY-EIGHT HOURS AFTER ITS
25 RECEIPT.

26 **26-6-913. Revocation of certification of foster care home -**
27 **emergency procedures - due process.** NOTWITHSTANDING ANY OTHER

1 PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT
2 IMMEDIATELY TO REVOKE THE CERTIFICATION OF A COUNTY-CERTIFIED
3 FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO
4 BELIEVE THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO
5 AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE
6 OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF
7 CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS
8 PURSUANT TO THIS SECTION, A DUE PROCESS HEARING SHALL BE HELD
9 WITHIN FIVE DAYS AFTER THE ACTION AND CONDUCTED AS THE HEARING
10 WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24.

11 **26-6-914. Denial of license - suspension - revocation -**
12 **probation - refusal to renew license - fines - definitions.** (1) WHEN THE
13 DEPARTMENT HAS DENIED AN APPLICATION FOR A LICENSE, THE
14 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE DENIAL BY
15 MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON THE
16 APPLICATION. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL MAY
17 PURSUE THE REMEDY FOR REVIEW AS PROVIDED IN SUBSECTION (10) OF
18 THIS SECTION IF THE APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING
19 THE NOTICE, PETITIONS THE DEPARTMENT TO SET A DATE AND PLACE FOR
20 HEARING, AFFORDING THE APPLICANT AN OPPORTUNITY TO BE HEARD IN
21 PERSON OR BY COUNSEL. ALL HEARINGS ON THE DENIAL OF LICENSES
22 SHALL BE CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND
23 PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AS IN THE CASE OF THE
24 SUSPENSION AND REVOCATION OF LICENSES.

25 (2) THE DEPARTMENT MAY DENY AN APPLICATION, OR SUSPEND,
26 REVOKE, OR MAKE PROBATIONARY THE LICENSE, OF ANY FACILITY OR
27 AGENCY REGULATED AND LICENSED PURSUANT TO THIS PART 9 OR ASSESS

1 A FINE AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921 IF THE
2 LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE
3 LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY
4 OR AGENCY:

5 (a) IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES
6 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN
7 SECTION 18-6-401, THE RECORD OF CONVICTION BEING CONCLUSIVE
8 EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, OR HAVE
9 ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED
10 PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES
11 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN
12 SECTION 18-6-401, OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER
13 FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE,
14 PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE
15 LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE
16 OFFENSES SPECIFIED IN SECTION 26-6-905 (8), UNDER A LAW OF ANOTHER
17 STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED
18 JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN
19 ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED
20 IN SECTION 26-6-905 (8); OR

21 (b) IS CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN
22 SECTION 18-3-204; ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS
23 OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN
24 ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3; THE
25 VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION
26 18-6-803.5; ANY MISDEMEANOR OFFENSE OF CHILD ABUSE, AS DEFINED IN
27 SECTION 18-6-401; OR ANY MISDEMEANOR OFFENSE IN ANOTHER STATE,

1 THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS
2 OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS SUBSECTION (2)(b). AS
3 USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS THE SAME MEANING
4 AS SET FORTH IN SECTION 26-6-905 (8)(a)(II).

5 (c) IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY
6 A COURT OF COMPETENT JURISDICTION AND, A COURT HAS ENTERED,
7 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION
8 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE
9 MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE
10 LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE
11 RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING
12 CONCLUSIVE EVIDENCE THEREOF; OR

13 (d) USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION
14 18-18-102 (5), INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY
15 ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY
16 OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE
17 OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE
18 FACILITY OR AGENCY; OR

19 (e) IS CONVICTED OF UNLAWFUL USE OF A CONTROLLED
20 SUBSTANCE AS SPECIFIED IN SECTION 18-18-404; UNLAWFUL
21 DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A
22 CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-403.5 OR
23 18-18-405; OR UNLAWFUL OFFENSES RELATING TO MARIJUANA OR
24 MARIJUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406; OR

25 (f) CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED
26 AND PUBLISHED BY THE DEPARTMENT; OR

27 (g) FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE

1 STATEMENT OR REPORT TO THE DEPARTMENT; OR

2 (h) REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR
3 REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS
4 REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY
5 FOR LICENSING PURPOSES; OR

6 (i) FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR
7 INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED
8 REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR
9 THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

10 (j) FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND
11 SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE
12 PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC
13 HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES
14 OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF
15 SUCH FACILITY; OR

16 (k) WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE
17 PROVISIONS OF THIS PART 9 OR ANY OF THE STANDARDS PRESCRIBED AND
18 PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 9; OR

19 (l) FAILS TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE
20 SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF
21 PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES,
22 CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

23 (m) IS CHARGED WITH THE COMMISSION OF AN ACT OF CHILD
24 ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION
25 18-3-411 (1), IF:

26 (I) THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR
27 OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

1 (II) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE CHARGE IS
2 SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

3 (n) ADMITS TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL
4 EVIDENCE IS FOUND THAT THE LICENSEE, PERSON EMPLOYED BY THE
5 LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE IN THE LICENSED
6 FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE. AS USED
7 IN THIS SUBSECTION (2)(n), "CHILD ABUSE" HAS THE SAME MEANING AS
8 THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN
9 SECTION 19-1-103 (1).

10 (o) IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR

11 (p) MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER
12 CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES
13 FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF
14 PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED
15 TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS
16 RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR
17 FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES. THE STATE BOARD
18 SHALL PROMULGATE RULES DEFINING THE TERM "MISUSE", WHICH RULES
19 MUST TAKE INTO ACCOUNT SIMILAR DEFINITIONS IN FEDERAL LAW AND
20 MAY INCLUDE REFERENCES TO RELEVANT CIRCULARS OF THE FEDERAL
21 OFFICE OF MANAGEMENT AND BUDGET.

22 (3) THE STATE DEPARTMENT MAY DENY AN APPLICATION TO
23 RENEW A LICENSE BASED ON THE GROUNDS SET FORTH IN SUBSECTION (2)
24 OF THIS SECTION. THE DENIAL IS EFFECTIVE UPON THE EXPIRATION OF THE
25 EXISTING LICENSE. THE EXISTING LICENSE DOES NOT CONTINUE IN EFFECT
26 EVEN THOUGH THE APPLICANT FOR RENEWAL FILES A REQUEST FOR
27 HEARING OR APPEAL.

1 (4) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A
2 FACILITY OR AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT
3 IS A RELATIVE AFFILIATE OF A LICENSEE OF A FACILITY OR AGENCY
4 LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF
5 A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING
6 INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A
7 NEGATIVE LICENSING ACTION.

8 (5) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A
9 CHILD PLACEMENT AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE
10 APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A CHILD
11 PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH
12 LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR
13 IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT
14 THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

15 (6) (a) (I) THE STATE DEPARTMENT SHALL DENY AN APPLICATION
16 FOR A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION
17 26-6-905 (8). THE STATE DEPARTMENT SHALL REVOKE OR SUSPEND A
18 LICENSE PREVIOUSLY ISSUED IF:

19 (A) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR
20 PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED, OR IF IT
21 IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE
22 LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY
23 BEEN CONVICTED, OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN
24 SECTION 26-6-905 (8); OR

25 (B) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM
26 ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY
27 THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER

1 CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON
2 EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE
3 HAD PREVIOUSLY BEEN CONVICTED OF, A CRIMINAL OFFENSE UNDER A LAW
4 OF ANOTHER STATE OR OF THE UNITED STATES THAT IS SIMILAR TO ANY
5 OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

6 (C) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON
7 EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE
8 LICENSEE AT THE FACILITY OR AGENCY HAS BEEN DETERMINED TO BE
9 INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT
10 JURISDICTION AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART
11 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN
12 ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR
13 INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF
14 OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION
15 AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

16 (II) AS USED IN THIS SUBSECTION (6)(a), "CONVICTED" MEANS A
17 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED
18 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
19 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
20 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

21 (b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
22 COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND
23 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
24 DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER
25 FROM ANOTHER STATE INDICATING AN AGREEMENT FROM ANOTHER STATE,
26 IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.

27 (7) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A

1 FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 AND SHALL
2 REVOKE THE LICENSE OF A FACILITY OR AGENCY LICENSED PURSUANT TO
3 THIS PART 9 IF THE FACILITY OR AGENCY CULTIVATES MARIJUANA
4 PURSUANT TO THE AUTHORITY IN SECTION 16 OF ARTICLE XVIII OF THE
5 STATE CONSTITUTION.

6 (8) THE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE
7 PROVISIONS OF SECTION 26-6-921, AGAINST A LICENSEE OR A PERSON
8 EMPLOYED BY THE LICENSEE WHO WILLFULLY AND DELIBERATELY OR
9 CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY
10 THE DEPARTMENT OR THE PROVISIONS OF THIS PART 9.

11 (9) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS
12 IDENTIFIED IN THIS SECTION ACCORDING TO THE RECORDS OF THE
13 COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE
14 JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION
15 26-6-912 (1)(a)(II).

16 (10) THE DEPARTMENT SHALL SUSPEND OR REVOKE A LICENSE
17 ONLY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED
18 IN ARTICLE 4 OF TITLE 24, AND AFTER A HEARING THEREON AS PROVIDED
19 IN SAID ARTICLE 4; EXCEPT THAT ALL HEARINGS UNDER THIS PART 9 MUST
20 BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT,
21 WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR
22 OF THE DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE
23 DEPARTMENT, AND NO LICENSEE IS ENTITLED TO A RIGHT TO CURE ANY OF
24 THE CHARGES DESCRIBED IN SUBSECTION (2)(a), (2)(c), (2)(d), OR
25 (2)(m)(I) OF THIS SECTION. THE HEARING SHALL NOT PREVENT OR DELAY
26 ANY INJUNCTIVE PROCEEDINGS INSTITUTED PURSUANT TO THE PROVISIONS
27 OF SECTION 26-6-918.

1 (11) THE PROVISIONS OF SUBSECTION (2)(d) OF THIS SECTION DO
2 NOT APPLY TO FOSTER CARE HOMES, UNLESS SUCH USE OR CONSUMPTION
3 IMPAIRS THE LICENSEE'S ABILITY TO PROPERLY CARE FOR CHILDREN.

4 (12) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
5 PART 9 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER
6 CARE MAY CERTIFY THE HOME OF A RELATIVE OF THE CHILD PLACED
7 THEREIN AS A FOSTER CARE HOME ONLY UPON THE REQUEST OF A COUNTY
8 DEPARTMENT.

9 **26-6-915. Notice of negative licensing action - filing of**
10 **complaints.** (1) (a) WHEN A FACILITY OR AGENCY LICENSED PURSUANT
11 TO THIS PART 9 HAS BEEN NOTIFIED BY THE DEPARTMENT OF A NEGATIVE
12 LICENSING ACTION OR THE IMPOSITION OF A FINE PURSUANT TO SECTION
13 26-6-914 (2) AND (8), IT SHALL, WITHIN TEN DAYS AFTER RECEIVING THE
14 NOTICE, PROVIDE THE DEPARTMENT WITH THE NAMES AND MAILING
15 ADDRESSES OF THE PARENTS OR LEGAL GUARDIANS OF EACH CHILD CARED
16 FOR AT THE FACILITY OR AGENCY. THE DEPARTMENT SHALL MAINTAIN THE
17 CONFIDENTIALITY OF THE NAMES AND MAILING ADDRESSES PROVIDED TO
18 IT PURSUANT TO THIS SUBSECTION (1).

19 (b) WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND
20 ADDRESSES OF PARENTS AND LEGAL GUARDIANS PURSUANT TO
21 SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL SEND A
22 WRITTEN NOTICE TO EACH SUCH PARENT OR LEGAL GUARDIAN
23 IDENTIFYING THE NEGATIVE LICENSING ACTION OR THE FINE IMPOSED AND
24 PROVIDING A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES
25 TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN
26 IN THE CARE OF THE FACILITY OR AGENCY. THE DEPARTMENT SHALL SEND
27 THE NOTICE TO THE PARENTS AND LEGAL GUARDIANS BY FIRST-CLASS

1 MAIL.

2 (c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
3 THE ASSESSMENT OF A FINE AGAINST A LICENSEE THAT IS EQUAL TO THE
4 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE MAILING OF THE
5 NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

6 (d) THIS SUBSECTION (1) DOES NOT PRECLUDE THE STATE
7 DEPARTMENT OR A COUNTY DEPARTMENT FROM NOTIFYING PARENTS OR
8 LEGAL GUARDIANS OF SERIOUS VIOLATIONS OF ANY OF THE STANDARDS
9 PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR ANY OF THE
10 PROVISIONS OF THIS PART 9 THAT COULD IMPACT THE HEALTH, SAFETY, OR
11 WELFARE OF A CHILD CARED FOR AT THE FACILITY OR HOME.

12 (2) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING
13 FACILITIES AND AGENCIES TO PROVIDE WRITTEN NOTICE TO THE PARENTS
14 AND LEGAL GUARDIANS OF THE CHILDREN CARED FOR IN THE FACILITIES
15 AND AGENCIES OF THE PROCEDURES BY WHICH TO FILE A COMPLAINT
16 AGAINST THE FACILITY OR AGENCY OR AN EMPLOYEE OF THE FACILITY OR
17 AGENCY WITH THE DIVISION WITHIN THE DEPARTMENT THAT IS
18 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING. THE RULES MUST
19 SPECIFY THE INFORMATION THAT THE NOTICE MUST CONTAIN AND MUST
20 REQUIRE THAT THE NOTICE INCLUDE THE CURRENT MAILING ADDRESS AND
21 TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT THAT IS
22 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING.

23 **26-6-916. Institutes.** THE DEPARTMENT MAY HOLD INSTITUTES
24 AND PROGRAMS FOR LICENSEES UNDER THIS PART 9 TO ASSIST IN THE
25 IMPROVEMENT OF STANDARDS AND PRACTICES OF FACILITIES OPERATED
26 AND MAINTAINED BY LICENSEES AND IN THE MORE EFFICIENT AND
27 PRACTICAL ADMINISTRATION AND ENFORCEMENT OF THIS PART 9. IN

1 CONDUCTING THE INSTITUTES AND PROGRAMS, THE DEPARTMENT MAY
2 REQUEST THE ASSISTANCE OF HEALTH, EDUCATION, AND FIRE SAFETY
3 OFFICIALS.

4 **26-6-917. Acceptance of federal grants.** THE DEPARTMENT IS
5 AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF
6 FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH
7 THE PROVISIONS OF THIS PART 9. THE EXECUTIVE DIRECTOR OF THE
8 DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO
9 DIRECT THE DISPOSITION OF ANY GRANTS SO ACCEPTED IN CONFORMITY
10 WITH THE TERMS AND CONDITIONS UNDER WHICH THEY ARE GIVEN.

11 **26-6-918. Injunctive proceedings.** THE DEPARTMENT, IN THE
12 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE
13 ATTORNEY GENERAL OF THE STATE, MUST APPLY FOR AN INJUNCTION IN
14 ANY COURT OF COMPETENT JURISDICTION TO ENJOIN A PERSON FROM
15 OPERATING A FACILITY OR AGENCY WITHOUT A LICENSE THAT IS REQUIRED
16 TO BE LICENSED PURSUANT TO THIS PART 9. IF THE PERSON DOES NOT HAVE
17 A VALID LICENSE PURSUANT TO THIS PART 9, THE PERSON'S LICENSE HAS
18 BEEN REVOKED PURSUANT TO SECTION 26-6-914, OR THE PERSON DOES
19 NOT MEET THE LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION
20 26-6-904, YET PROVIDES CHILD CARE AND HAS A PATTERN OF PROVIDING
21 THE CHILD CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 9,
22 AND DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT
23 THAT THE PERSON, FACILITY OR AGENCY IS IN VIOLATION OF THE LAW,
24 THEN THE PERSON, FACILITY, OR AGENCY IS PROVIDING UNLICENSED AND
25 ILLEGAL CHILD CARE. AT THE TIME THE DEPARTMENT APPLIES FOR AN
26 INJUNCTION, THE DEPARTMENT SHALL NOTIFY LAW ENFORCEMENT OF THE
27 INJUNCTION PROCEEDINGS. IF IT IS ESTABLISHED THAT THE DEFENDANT

1 HAS BEEN OR IS OPERATING THE FACILITY OR AGENCY WITHOUT A VALID
2 LICENSE, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT
3 FROM FURTHER OPERATING THE FACILITY UNLESS AND UNTIL THE PERSON
4 OBTAINS A LICENSE AS REQUIRED BY THIS PART 9. IN CASE OF A VIOLATION
5 OF AN INJUNCTION ISSUED PURSUANT TO THIS SECTION, THE COURT MAY
6 SUMMARILY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT.
7 INJUNCTIVE PROCEEDINGS PURSUANT TO THIS SECTION ARE IN ADDITION
8 TO AND NOT IN LIEU OF THE PENALTY PROVIDED IN SECTION 26-6-919.

9 **26-6-919. Penalty.** ON OR AFTER JULY 1, 2021, A PERSON
10 VIOLATING ANY PROVISION OF THIS PART 9, INTENTIONALLY MAKING A
11 FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO AN AGENCY
12 DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR
13 INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9, OR VIOLATING
14 A CEASE-AND-DESIST ORDER THAT IS NOT CURED IS GUILTY OF A PETTY
15 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF UP TO
16 FIVE HUNDRED DOLLARS, A SENTENCE OF UP TO TEN DAYS IN JAIL, OR
17 BOTH.

18 **26-6-920. Periodic review of licensing regulations and**
19 **procedures.** AT LEAST EVERY FIVE YEARS, THE DEPARTMENT SHALL
20 CONDUCT A COMPREHENSIVE REVIEW OF THE LICENSING RULES FOR
21 FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES AND THE
22 PROCEDURES RELATING TO AND GOVERNING FOSTER CARE HOMES AND
23 AGENCIES, INCLUDING PROCEDURES FOR THE REVIEW OF BACKGROUNDS OF
24 EMPLOYEES AND OWNERS. IN CONDUCTING THE PERIODIC REVIEW, THE
25 DEPARTMENT SHALL CONSULT WITH FOSTER CARE PROVIDERS, CHILD
26 PLACEMENT AGENCIES, COUNTY DEPARTMENTS, THE DEPARTMENT OF
27 PUBLIC HEALTH AND ENVIRONMENT, AND OTHER INTERESTED PARTIES

1 THROUGHOUT THE STATE. THE PERIODIC REVIEW MUST INCLUDE AN
2 EXAMINATION OF THE RULES APPLICABLE TO FOSTER CARE HOMES AND
3 CHILD PLACEMENT AGENCIES; THE PROCESS OF LICENSING FOSTER CARE
4 HOMES AND CHILD PLACEMENT AGENCIES; UNIFORMITY OF STANDARDS OR
5 LACK THEREOF IN THE LICENSING PROCESS; STATEWIDE STANDARDIZATION
6 OF INVESTIGATIONS AND ENFORCEMENT OF LICENSING BY THE
7 DEPARTMENT; DUPLICATION AND CONFLICTS IN RULES, REQUIREMENTS, OR
8 PROCEDURES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF
9 PUBLIC HEALTH AND ENVIRONMENT; AND RECOMMENDATIONS FOR
10 STREAMLINING AND UNIFYING THE LICENSING PROCESS. THE REVIEW MUST
11 ALSO INCLUDE AN EXAMINATION OF RULES AND PROCEDURES REGARDING
12 THE GENERAL PHYSICAL AND MENTAL HEALTH OF FOSTER CARE
13 PROVIDERS, EMPLOYEES, AND OWNERS. AT THE CONCLUSION OF EACH
14 REVIEW, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND CONCLUSIONS
15 AND ITS RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES AND FOR
16 LEGISLATION TO THE STATE BOARD.

17 **26-6-921. Civil penalties - fines - child welfare cash fund -**
18 **created.** (1) IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED
19 BY LAW, INCLUDING SECTION 26-6-919, A PERSON WHO VIOLATES ANY
20 PROVISION OF THIS PART 9 OR INTENTIONALLY MAKES A FALSE STATEMENT
21 OR REPORT TO THE DEPARTMENT OR TO ANY AGENCY DELEGATED BY THE
22 DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO
23 THE PROVISIONS OF THIS PART 9 MAY BE ASSESSED A CIVIL PENALTY UP TO
24 A MAXIMUM OF TEN THOUSAND DOLLARS, AS FOLLOWS:

- 25 (a) TWO HUNDRED AND FIFTY DOLLARS A DAY FOR THE FIRST DAY;
26 (b) FIVE HUNDRED DOLLARS A DAY FOR THE SECOND DAY; AND
27 (c) ONE THOUSAND DOLLARS A DAY FOR THE THIRD AND

1 SUBSEQUENT DAYS.

2 (2) EACH DAY IN WHICH A PERSON IS IN VIOLATION OF ANY
3 PROVISION OF THIS PART 9 MAY CONSTITUTE A SEPARATE OFFENSE.

4 (3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY IN
5 CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN
6 ARTICLE 4 OF TITLE 24; EXCEPT THAT ALL HEARINGS CONDUCTED
7 PURSUANT TO THIS SECTION MUST BE BEFORE AN ADMINISTRATIVE LAW
8 JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO
9 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHO SHALL RENDER THE
10 FINAL DECISION OF THE DEPARTMENT.

11 (4) (a) THE DEPARTMENT SHALL TRANSMIT FINES COLLECTED
12 PURSUANT TO THIS SECTION, SECTION 26-6-914 (2) AND (8), AND SECTION
13 26-6-915 (1)(c) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
14 TO THE CHILD WELFARE CASH FUND, CREATED IN SUBSECTION (4)(b) OF
15 THIS SECTION.

16 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE CASH
17 FUND, CREATED PURSUANT TO SECTION 26-6-114 (5), AS IT EXISTED PRIOR
18 TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO FINES AND CIVIL PENALTIES
19 COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE
20 FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE
21 CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY.
22 THE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT
23 AND INVESTMENT OF MONEY IN THE CHILD WELFARE CASH FUND TO THE
24 FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND
25 UNENCUMBERED MONEY IN THE CHILD WELFARE CASH FUND REMAINS IN
26 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND
27 OR ANY OTHER FUND. MONEY IN THE CHILD WELFARE CASH FUND IS

1 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND ACTIVITIES
2 RELATED TO THE IMPROVEMENT OF THE QUALITY OF CHILD CARE IN THE
3 STATE OF COLORADO.

4 **26-6-922. Child placement agencies - information sharing -**
5 **investigations by state department - recovery of money - rule-making.**

6 (1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A
7 CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED
8 TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF
9 THIS PART 9 OR A RULE OF THE STATE BOARD, IT SHALL COMMUNICATE THE
10 INFORMATION TO THE STATE DEPARTMENT. A COUNTY DEPARTMENT
11 SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE
12 DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT
13 AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD
14 PLACEMENT AGENCY.

15 (2) UPON RECEIVING A REQUEST FOR INVESTIGATION OF A CHILD
16 PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE
17 DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON
18 CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY
19 DEPARTMENT. THE STATE DEPARTMENT SHALL INCLUDE IN ITS REPORT TO
20 THE COUNTY DEPARTMENT THE CHILD PLACEMENT AGENCY'S RESPONSE,
21 IF ANY, TO THE FINDINGS.

22 (3) THE STATE DEPARTMENT SHALL PROVIDE TO COUNTY
23 DEPARTMENTS AND AFFECTED CHILD PLACEMENT AGENCIES DIRECT
24 ACCESS TO INFORMATION CONCERNING THE RESULTS OF AN
25 INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST THE
26 AFFECTED CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE
27 SERVICES IN COLORADO.

1 (4) (a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE
2 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER
3 FEDERAL AGENCIES AND WITH COUNTY DEPARTMENTS, SHALL SEEK
4 RECOVERY FROM A CHILD PLACEMENT AGENCY OF ANY PUBLIC FUNDS
5 THAT THE CHILD PLACEMENT AGENCY HAS MISUSED, AS THE TERM
6 "MISUSE" IS DEFINED BY RULES PROMULGATED PURSUANT TO SECTION
7 26-6-914 (2)(p).

8 (b) A COUNTY AND CHILD PLACEMENT AGENCY THAT ENTERS INTO
9 A CONTRACT FOR THE PROVISION OF FOSTER CARE SERVICES SHALL
10 INCLUDE A PROVISION IN THE CONTRACT THAT RECOGNIZES A RIGHT OF
11 THE STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY
12 FUNDS MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD
13 SUBSEQUENT PAYMENTS. THE PROVISION IN THE CONTRACT MUST PROVIDE
14 FOR AN APPEAL OF THE DECISION TO RECOVER OR WITHHOLD THE FUNDS.
15 THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE
16 PROCEDURES FOR THE APPEAL, WHICH RULES MUST REQUIRE, AT A
17 MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT AGENCY.

18 **SECTION 18.** In Colorado Revised Statutes, 2-3-113, **amend**
19 (1)(a) as follows:

20 **2-3-113. Programs that receive tobacco settlement money -**
21 **program review - definitions.** (1) As used in this section:

22 (a) "Health sciences facility" has the meaning set forth in ~~section~~
23 ~~26-6.4-103 (2), C.R.S.~~ SECTION 26.5-3-503. For purposes of this section,
24 "health sciences facility" includes any contractor or subcontractor
25 engaged by the health sciences facility to assist in the implementation and
26 monitoring of the nurse home visitor program established ~~under article~~
27 ~~6.4 of title 26, C.R.S.~~ PURSUANT TO PART 5 OF ARTICLE 3 OF TITLE 26.5.

1 **SECTION 19.** In Colorado Revised Statutes, 2-3-1203, **repeal**
2 (14)(a)(V); and **add** (16)(a)(VII) and (23) as follows:

3 **2-3-1203. Sunset review of advisory committees - legislative**
4 **declaration - definition - repeal.** (14) (a) The following statutory
5 authorizations for the designated advisory committees are scheduled for
6 repeal on September 1, 2023:

7 (V) ~~The early childhood leadership commission created in section~~
8 ~~26.5-1-302;~~

9 (16) (a) The following statutory authorizations for the designated
10 advisory committees will repeal on September 1, 2025:

11 (VII) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED
12 IN SECTION 26.5-1-302.

13 (23) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE
14 DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON JULY 1, 2032:

15 (I) THE RULES ADVISORY COUNCIL OF THE DEPARTMENT OF EARLY
16 CHILDHOOD CONVENED PURSUANT TO SECTION 26.5-1-105 (2).

17 (b) THIS SUBSECTION (23) IS REPEALED, EFFECTIVE JULY 1, 2034.

18 **SECTION 20.** In Colorado Revised Statutes, 8-3.7-103, **amend**
19 (3) introductory portion as follows:

20 **8-3.7-103. Colorado office of new Americans - creation - duties**
21 **- report.** (3) As funding allows, the ONA shall promote integration
22 activities among immigrants by using a model similar to the family
23 resource center program set forth in ~~article 18 of title 26~~ PART 1 OF
24 ~~ARTICLE 3 OF TITLE 26.5~~ with the goal of implementing immigrant support
25 through community-based initiatives and nonprofit organizations where
26 immigrants and immigrant families can access formal and informal
27 support to promote their health, economic well-being, and integration.

1 The activities ~~shall~~ MUST include, but NEED not be limited to:

2 **SECTION 21.** In Colorado Revised Statutes, 10-16-104, **amend**
3 (1.3)(a)(III), (1.3)(a)(VI), and (1.3)(d.5)(I) as follows:

4 **10-16-104. Mandatory coverage provisions - definitions -**
5 **rules. (1.3) Early intervention services. (a)** As used in this subsection
6 (1.3), unless the context otherwise requires:

7 (III) "Eligible child" means an infant or toddler, from birth
8 through two years of age, who is an eligible dependent and who, as
9 defined by the department pursuant to ~~section 27-10.5-702 (9), C.R.S.,~~
10 SECTION 26.5-3-402 (11) has significant delays in development or has a
11 diagnosed physical or mental condition that has a high probability of
12 resulting in significant delays in development or who is eligible for
13 services pursuant to section 27-10.5-102 (11)(c). ~~C.R.S.~~

14 (VI) "Qualified early intervention service provider" or "qualified
15 provider" means a person or agency, as defined by the division in
16 accordance with part C, who provides early intervention services and is
17 listed on the registry of early intervention service providers pursuant to
18 ~~section 27-10.5-708 (1)(a), C.R.S.~~ SECTION 26.5-3-408 (1).

19 (d.5) (I) Upon notice from the department of ~~human services~~
20 EARLY CHILDHOOD pursuant to ~~section 27-10.5-709 (1), C.R.S.,~~ SECTION
21 26.5-3-409 (1) that a child is eligible for early intervention services, the
22 carrier shall submit payment of benefits for the eligible child in
23 accordance with this ~~subparagraph (I)~~ SUBSECTION (1.3)(d.5)(I) and
24 ~~section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1). If the eligible
25 child is covered by a grandfathered health benefit plan, the carrier shall
26 submit payment in the amount specified in ~~sub-subparagraph (B) of~~
27 ~~subparagraph (H) of paragraph (b) of this subsection (1.3)~~ SUBSECTION

1 (1.3)(b)(II)(B) OF THIS SECTION, as adjusted annually pursuant to said
2 ~~sub-subparagraph~~ SUBSECTION. If the eligible child is covered by any
3 other policy or contract subject to this subsection (1.3), the carrier shall
4 submit payment in an amount that equals the approximate value of the
5 number of early intervention services or visits specified by the
6 commissioner pursuant to ~~sub-subparagraph (A) of subparagraph (H) of~~
7 ~~paragraph (b) of this subsection (1.3)~~ SUBSECTION (1.3)(b)(II)(A) OF THIS
8 SECTION.

9 **SECTION 22.** In Colorado Revised Statutes, 12-245-208, **amend**
10 (1)(a) as follows:

11 **12-245-208. Provisional license - fees.** (1) (a) The board may
12 issue a provisional license to an applicant who has completed a
13 post-graduate degree that meets the educational requirements for
14 licensure in section 12-245-304, 12-245-404, 12-245-504, 12-245-604,
15 or 12-245-804, as applicable, and who is working in a residential child
16 care facility as defined in ~~section 26-6-102(33)~~ SECTION 26-6-903 under
17 the supervision of a licensee.

18 **SECTION 23.** In Colorado Revised Statutes, 12-255-127, **amend**
19 (1)(l) as follows:

20 **12-255-127. Exclusions.** (1) This part 1 does not prohibit:

21 (l) The administration of medications by child care providers to
22 children cared for in family child care homes pursuant to ~~section 26-6-119~~
23 SECTION 26.5-5-325;

24 **SECTION 24.** In Colorado Revised Statutes, 13-1-127, **amend**
25 (1)(a.5) as follows:

26 **13-1-127. Entities - school districts - legislative declaration -**
27 **representation - definitions.** (1) As used in this section, unless the

1 context otherwise requires:

2 (a.5) "Corporate licensed child placement agency" means an entity
3 that places, or arranges for placement of, the care of any child with any
4 family, person, or institution other than persons related to said child and
5 that is licensed by the department of human services pursuant to ~~section~~
6 ~~26-6-104, C.R.S.~~, SECTION 26-6-905 as a child placement agency.

7 **SECTION 25.** In Colorado Revised Statutes, 13-3-113, **amend**
8 (5)(d) as follows:

9 **13-3-113. "Family-friendly Courts Act". (5) Grant**
10 **applications - duties of judicial districts.** (d) The judicial districts that
11 are selected by the state court administrator to provide family-friendly
12 court services that provide child care services shall meet the licensing
13 requirements for child care facilities set forth in ~~part 1 of article 6 of title~~
14 ~~26, C.R.S.~~ PART 3 OF ARTICLE 5 OF TITLE 26.5, and all child care licensing
15 rules promulgated by the ~~state board of human services in connection~~
16 ~~therewith~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
17 CHILDHOOD.

18 **SECTION 26.** In Colorado Revised Statutes, 13-20-1201, **amend**
19 (9) as follows:

20 **13-20-1201. Definitions.** As used in this part 12, unless the
21 context otherwise requires:

22 (9) "Youth-related activity or program" means an event, program,
23 service, or any other enterprise that involves participation by a minor,
24 including but not limited to youth programs, educational programs, and
25 religious activities operated by an individual or organization that provides
26 activities, services, trips, or events for minors with adults who are placed
27 in positions of responsibility, trust, or supervision over the participating

1 minors, regardless of the particular location, length, goals, or format of
2 the activities, services, trips, or events. "Youth-related activity or
3 program" includes transportation, lodging, and unscheduled activities
4 provided in relation to any activities, services, trips, or events when a
5 youth-related activity or program employee, agent, or volunteer is
6 responsible for the supervision of the participating minors. "Youth-related
7 activity or program" also includes an educational program operated by an
8 educational entity for students in kindergarten through twelfth grade, or
9 any portion thereof; a district preschool program ~~as described in section~~
10 ~~22-28-103~~, under the supervision of the educational entity or its
11 employees or agents; or before- and after-school activities conducted
12 under the supervision of the educational entity or its employees or agents.

13 **SECTION 27.** In Colorado Revised Statutes, 13-32-101, **amend**
14 (5)(a)(I) as follows:

15 **13-32-101. Docket fees in civil actions - judicial stabilization**
16 **cash fund - justice center cash fund - justice center maintenance fund**
17 **- created - report - legislative declaration.** (5) (a) Each fee collected
18 pursuant to subsection (1)(a) or (1)(a.5) of this section must be
19 transmitted to the state treasurer and divided as follows:

20 (I) Fifteen dollars must be deposited in the Colorado child abuse
21 prevention trust fund created in ~~section 19-3.5-105~~ SECTION 26.5-3-206;

22 **SECTION 28.** In Colorado Revised Statutes, 16-11.3-103,
23 **amend** (2)(g)(II) as follows:

24 **16-11.3-103. Duties of the commission - mission - staffing -**
25 **report - definition.** (2) The commission has the following duties:

26 (g) (II) ~~For purposes of~~ AS USED IN this subsection (2)(g),
27 "facility" means a residential child care facility, specialized group facility,

1 foster care home, ~~family child care home~~, or any other facility subject
2 LICENSED PURSUANT to ~~the Colorado "Child Care Licensing Act", part 1~~
3 ~~of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD
4 CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5;
5 noncertified kinship care providers that provide care for children with an
6 open child welfare case who are in the legal custody of a county
7 department; or a facility or community placement, as described in section
8 19-2.5-1502, for a juvenile committed to the custody of the department
9 of human services. "Facility" does not include any adult detention or
10 correctional facility.

11 **SECTION 29.** In Colorado Revised Statutes, 19-1-103, **amend**
12 (24), (64), (67), (73), and (86); and **repeal** (18), (22), (109), (115), and
13 (142) as follows:

14 **19-1-103. Definitions.** As used in this title 19 or in the specified
15 portion of this title 19, unless the context otherwise requires:

16 (18) ~~"Board", as used in article 3.5 of this title 19, means the~~
17 ~~Colorado child abuse prevention board created in section 19-3.5-103.~~

18 (22) ~~"Child abuse", as used in article 3.5 of this title 19, means~~
19 ~~any act that reasonably may be construed to fall under the definition of~~
20 ~~abuse or child abuse or neglect in subsection (1) of this section.~~

21 (24) "Child care center" means a child care center licensed and
22 approved pursuant to ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26
23 OR PART 3 OF ARTICLE 5 OF TITLE 26.5. If the facility is located in another
24 state, the department of human services OR THE DEPARTMENT OF EARLY
25 CHILDHOOD, AS APPROPRIATE, shall designate, upon certification, that an
26 appropriate available space does not exist in a child care facility in this
27 state, and the facility must be licensed or approved as required by law in

1 that state.

2 (64) "Family child care home" means a family child care home
3 licensed and approved pursuant to ~~article 6 of title 26~~ PART 3 OF ARTICLE
4 5 OF TITLE 26.5. If ~~such~~ THE facility is located in another state, the
5 department of ~~human services~~ EARLY CHILDHOOD shall designate, upon
6 certification, that an appropriate available space does not exist in a facility
7 in this state. An out-of-state family child care home must be licensed or
8 approved as required by law in that state.

9 (67) "Foster care home" means a foster care home certified
10 pursuant to PART 9 OF article 6 of title 26.

11 (73) "Group care facilities and homes" means places other than
12 foster family care homes providing care for small groups of children.
13 Group care facilities and homes are licensed as provided in ~~article 6 of~~
14 ~~title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26 or meet the requirements of
15 section 25.5-10-214.

16 (86) "Institutional abuse", as used in part 3 of article 3 of this title
17 19, means any case of abuse, as defined in subsection (1) of this section,
18 that occurs in any public or private facility in the state that provides child
19 care out of the home, supervision, or maintenance. "Institutional abuse"
20 includes an act or omission that threatens the life, health, or welfare of a
21 child or a person who is younger than twenty-one years of age who is
22 under the continuing jurisdiction of the court pursuant to this title 19.
23 "Institutional abuse" does not include abuse that occurs in any public,
24 private, or parochial school system, including any preschool operated in
25 connection with said system; except that, to the extent the school system
26 provides extended day services, abuse that occurs while such services are
27 provided is institutional abuse. ~~For the purposes of~~ AS USED IN this

1 subsection (86), "facility" means a residential child care facility,
2 specialized group facility, foster care home, ~~family child care home~~, or
3 any other facility ~~subject LICENSED PURSUANT to the Colorado "Child~~
4 ~~Care Licensing Act"~~, ~~part 1 of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF
5 TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF
6 ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide
7 care for children with an open child welfare case who are in the legal
8 custody of a county department of human or social services; or a facility
9 or community placement, as described in section 19-2.5-1502, for a
10 juvenile committed to the custody of the department of human services.
11 "Facility" does not include any adult detention or correctional facility.

12 (109) ~~"Prevention program", as used in article 3.5 of this title 19,~~
13 ~~means a program of direct child abuse prevention services to a child,~~
14 ~~parent, or guardian and includes research or education programs related~~
15 ~~to the prevention of child abuse. Such a prevention program may be~~
16 ~~classified as a primary prevention program when it is available to the~~
17 ~~community on a voluntary basis and as a secondary prevention program~~
18 ~~when it is directed toward groups of individuals who have been identified~~
19 ~~as high risk.~~

20 (115) ~~"Recipient", as used in article 3.5 of this title 19, means and~~
21 ~~is limited to a nonprofit or public organization that receives a grant from~~
22 ~~the trust fund created in section 19-3.5-105.~~

23 (142) ~~"Trust fund", as used in article 3.5 of this title 19, means the~~
24 ~~Colorado child abuse prevention trust fund created in section 19-3.5-105.~~

25 **SECTION 30.** In Colorado Revised Statutes, 19-1-307, **amend**
26 (2) introductory portion, (2)(e.5)(I) introductory portion, (2)(e.5)(I)(K),
27 (2)(j), (2)(j.5), (2)(j.7), (2)(j.8), (2)(k), (2)(k.5), (2)(l), (2)(m) introductory

1 portion, (2)(m)(I), (2)(r), (2)(s), (2)(y), and (2.5)(a) as follows:

2 **19-1-307. Dependency and neglect records and information -**
3 **access - fee - rules - records and reports fund - misuse of information**
4 **- penalty - adult protective services data system check. (2) Records**
5 **and reports - access to certain persons - agencies.** Except as set forth
6 in section 19-1-303, only the following persons or agencies shall have
7 access to child abuse or neglect records and reports:

8 (e.5) (I) A mandatory reporter specified in this subsection
9 (2)(e.5)(I) who is and continues to be officially and professionally
10 involved in the ongoing care of the child who was the subject of the
11 report, but only with regard to information that the mandatory reporter has
12 a need to know in order to fulfill ~~his or her~~ THE MANDATORY REPORTER'S
13 professional and official role in maintaining the child's safety. A county
14 department shall request written affirmation from a mandatory reporter
15 stating that the reporter continues to be officially and professionally
16 involved in the ongoing care of the child who was the subject of the
17 report and describing the nature of the involvement, unless the county
18 department has actual knowledge that the mandatory reporter continues
19 to be officially and professionally involved in the ongoing care of the
20 child who was the subject of the report. This subsection (2)(e.5)(I) applies
21 to:

22 (K) Social workers or workers with any facility or agency that is
23 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART~~
24 ~~9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

25 (j) The state department of human services OR DEPARTMENT OF
26 EARLY CHILDHOOD or a county or district department of human or social
27 services or a child placement agency investigating an applicant for a

1 license to operate a child care facility or agency pursuant to ~~section~~
2 ~~26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, when the applicant, as a
3 requirement of the license application, has given written authorization to
4 the licensing authority to obtain information contained in records or
5 reports of child abuse or neglect. Access to the records and reports of
6 child abuse or neglect granted to the named department or agencies must
7 serve only as the basis for further investigation.

8 (j.5) The ~~state department of human services~~, DEPARTMENT OF
9 EARLY CHILDHOOD, or a county or district department of human or social
10 services investigating an exempt family child care home provider
11 pursuant to ~~section 26-6-120~~ SECTION 26.5-5-326, as a prerequisite to
12 issuance or renewal of a contract or any payment agreement to receive
13 money for the care of a child from publicly funded state child care
14 assistance programs. Access to the records and reports of child abuse or
15 neglect granted to the named department or agencies must serve only as
16 the basis for further investigation.

17 (j.7) The ~~state department of human services~~ DEPARTMENT OF
18 EARLY CHILDHOOD investigating an applicant for an employee or
19 volunteer position with, or an employee or volunteer of, a licensed
20 neighborhood youth organization pursuant to ~~section 26-6-103.7 (4)~~,
21 ~~C.R.S.~~ SECTION 26.5-5-308, when the applicant, employee, or volunteer
22 has given written authorization to the ~~state department of human services~~
23 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child
24 abuse or neglect;

25 (j.8) The ~~state department of human services~~ OR DEPARTMENT OF
26 EARLY CHILDHOOD investigating any person required to submit to a
27 background check pursuant to section 26-6-705 (2), when the person has

1 given written authorization to the state department of human services OR
2 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child
3 abuse or neglect;

4 (k) The state department of human services OR DEPARTMENT OF
5 EARLY CHILDHOOD, when requested in writing by any operator of a
6 facility or agency that is licensed by the state department of human
7 services pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR DEPARTMENT
8 OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-5-316, to check records
9 or reports of child abuse or neglect for the purpose of screening an
10 applicant for employment or a current employee. Any ~~such~~ operator who
11 requests ~~such~~ information concerning an individual who is neither a
12 current employee nor an applicant for employment commits a class 2
13 misdemeanor and shall be punished as provided in section 18-1.3-501.
14 Within ten days ~~of~~ AFTER the operator's request, the state department of
15 human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the
16 date of the report of the incident, the location of investigation, the type of
17 abuse and neglect, and the county ~~which~~ THAT investigated the incident
18 contained in the confirmed reports of child abuse and neglect. Any ~~such~~
19 operator who releases any information obtained under this subsection
20 (2)(k) to any other person ~~shall be deemed to have violated~~ VIOLATES the
21 provisions of subsection (4) of this section and ~~shall be~~ IS subject to the
22 penalty therefor.

23 (k.5) The state department of human ~~services~~ OR DEPARTMENT OF
24 EARLY CHILDHOOD, when requested in writing by a qualified county
25 department, individual, or child placement agency approved to conduct
26 home study investigations and reports pursuant to section 19-5-207.5
27 (2)(b)(I) for purposes of screening a prospective adoptive parent or any

1 adult residing in the home under section 19-5-207 (2.5)(c), or
2 investigating a prospective foster care parent, kinship care parent, or an
3 adult residing in the home under ~~section 26-6-107 (1)(a.7), C.R.S.~~
4 SECTION 26-6-912 (1)(c). Within ten days after the request, the state
5 department of human services OR DEPARTMENT OF EARLY CHILDHOOD
6 shall provide the date of the report of the incident, the location of
7 investigation, the type of abuse and neglect, and the county that
8 investigated the incident contained in the confirmed reports of child abuse
9 or neglect. The county department, individual, or child placement agency
10 ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of
11 this section. With respect to screening a prospective adoptive parent, any
12 employee of the county department or the child placement agency or any
13 individual who releases any information obtained ~~under this paragraph~~
14 ~~(k.5)~~ PURSUANT TO THIS SUBSECTION (2)(k.5) to any person other than the
15 adoption court ~~shall be deemed to have violated~~ VIOLATES the provisions
16 of subsection (4) of this section and ~~shall be~~ IS subject to THE penalty
17 therefor.

18 (l) The state department of human services OR DEPARTMENT OF
19 EARLY CHILDHOOD, when requested in writing by the department of
20 education to check records or reports of child abuse or neglect for the
21 purpose of aiding the department of education in its investigation of an
22 allegation of abuse by an employee of a school district in this state.
23 Within ten days of the department of education's request, the state
24 department of human services OR DEPARTMENT OF EARLY CHILDHOOD
25 shall provide the date of the report of the incident, the location of
26 investigation, the type of abuse or neglect, and the county ~~which~~ THAT
27 investigated the incident contained in the confirmed reports of child abuse

1 or neglect. The department of education ~~shall be~~ IS subject to the fee
2 assessment established in subsection (2.5) of this section. Any employee
3 of the department of education who releases any information obtained
4 under this ~~paragraph (f)~~ SUBSECTION (2)(1) to any person not authorized
5 to receive ~~such~~ THE information pursuant to the provisions of section
6 22-32-109.7 C.R.S., or any member of the board of education of a school
7 district who releases ~~such~~ THE information obtained pursuant to said
8 section ~~shall be deemed to have violated~~ VIOLATES the provisions of
9 subsection (4) of this section and ~~shall be~~ IS subject to the penalty ~~therefor~~
10 FOR THE VIOLATION.

11 (m) The DEPARTMENT OF EARLY CHILDHOOD, state department of
12 human services, and ~~the~~ county departments of human or social services,
13 for the following purposes:

14 (I) Screening any person who seeks employment with, is currently
15 employed by, or ~~who~~ volunteers for service with the DEPARTMENT OF
16 EARLY CHILDHOOD, state department of human services, department of
17 health care policy and financing, or a county department of human or
18 social services, if the person's responsibilities include direct contact with
19 children;

20 (r) The ~~state department of human services~~ DEPARTMENT OF
21 EARLY CHILDHOOD investigating an applicant for a supervisory employee
22 position or an employee of a guest child care facility or a public services
23 short-term child care facility pursuant to ~~section 26-6-103.5, C.R.S.~~
24 SECTION 26.5-5-307, when the applicant or employee, as a requirement of
25 application for employment, has given written authorization to the ~~state~~
26 ~~department of human services~~ DEPARTMENT OF EARLY CHILDHOOD to
27 check records or reports of child abuse or neglect;

1 (s) The state department of human services OR THE DEPARTMENT
2 OF EARLY CHILDHOOD investigating a prospective CASA volunteer for the
3 CASA program when the prospective CASA volunteer has given written
4 authorization to the CASA program to check any records or reports of
5 child abuse or neglect pursuant to section 19-1-205 (3)(a.5);

6 (y) The state department of human services OR DEPARTMENT OF
7 EARLY CHILDHOOD, when requested in writing by an individual to check
8 records or reports of child abuse or neglect for the purpose of screening
9 that individual when ~~such~~ THAT individual's responsibilities include care
10 of children, treatment of children, supervision of children, or
11 unsupervised contact with children.

12 (2.5) **Fee - rules - records and reports fund.** (a) Any person or
13 agency provided information from the state department of human services
14 OR DEPARTMENT OF EARLY CHILDHOOD pursuant to subsections (2)(i),
15 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and any child placement
16 agency must be assessed a fee that is established and collected by the state
17 department of human services pursuant to parameters set forth in rule
18 established by the state board of human services OR THE DEPARTMENT OF
19 EARLY CHILDHOOD PURSUANT TO PARAMETERS SET FORTH IN RULE
20 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
21 EARLY CHILDHOOD, WHICHEVER IS APPLICABLE. At a minimum, the rules
22 must include a provision requiring the state department of human services
23 OR DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE, to provide notice
24 of the fee to interested persons and the maximum fee amount that the
25 department shall not exceed without the express approval of the state
26 board of human services OR EXECUTIVE DIRECTOR OF THE DEPARTMENT
27 OF EARLY CHILDHOOD, AS APPLICABLE. The fee established must not

1 exceed the direct and indirect costs of administering subsections (2)(i),
2 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and the direct and indirect
3 costs of administering section 19-3-313.5 (3) and (4).

4 **SECTION 31.** In Colorado Revised Statutes, 19-2.5-1511,
5 **amend** (3)(c)(II) as follows:

6 **19-2.5-1511. Juvenile detention services and facilities to be**
7 **provided by department of human services - education - expenses -**
8 **definition.** (3) (c) (II) ~~For the purpose of~~ AS USED IN this subsection
9 (3)(c), "total district enrollment" means:

10 (A) FOR THE 2022-23 BUDGET YEAR, the total of the pupil
11 enrollment in the school district, plus the district online enrollment, the
12 district preschool program enrollment, and the pupil enrollment in each
13 institute charter school that is located within the school district, as
14 determined in accordance with article 54 of title 22;

15 (B) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS
16 THEREAFTER, THE TOTAL OF THE PUPIL ENROLLMENT IN THE SCHOOL
17 DISTRICT, PLUS THE DISTRICT ONLINE ENROLLMENT AND THE PUPIL
18 ENROLLMENT IN EACH INSTITUTE CHARTER SCHOOL THAT IS LOCATED
19 WITHIN THE SCHOOL DISTRICT, AS DETERMINED IN ACCORDANCE WITH
20 ARTICLE 54 OF TITLE 22.

21 **SECTION 32.** In Colorado Revised Statutes, 19-3-304, **amend**
22 (2)(m), (2)(ll), and (2)(mm); and **add** (2)(nn) as follows:

23 **19-3-304. Persons required to report child abuse or neglect.**
24 (2) Persons required to report such abuse or neglect or circumstances or
25 conditions include any:

26 (m) Social worker or worker in any facility or agency that is
27 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S.~~ PART

1 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;

2 (ll) Officials or employees of county departments of health,
3 human services, or social services; and

4 (mm) Naturopathic doctor registered under article 250 of title 12;
5 AND

6 (nn) EMPLOYEES OF THE DEPARTMENT OF EARLY CHILDHOOD.

7 **SECTION 33.** In Colorado Revised Statutes, 19-3-308, **amend**
8 (4)(a.5)(I) introductory portion as follows:

9 **19-3-308. Action upon report of intrafamilial, institutional, or**
10 **third-party abuse - investigations - child protection team - rules -**
11 **report.** (4.5) (a.5) (I) The state department shall adopt rules that specify
12 that, prior to notice of an investigation being sent to the parents or legal
13 guardians of children cared for at a child care center, as that term is
14 defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903 OR 26.5-5-303,
15 or a family child care home, as that term is defined in ~~section 26-6-102~~
16 ~~(13), C.R.S.~~ SECTION 26.5-5-303, which children were not involved in the
17 incident being investigated, the state department or the county department
18 shall ensure that:

19 **SECTION 34.** In Colorado Revised Statutes, 19-3-406, **amend**
20 (4.5)(a)(I) and (8)(b) as follows:

21 **19-3-406. Fingerprint-based criminal history record check -**
22 **providers of emergency placement for children - use of criminal**
23 **justice records - definitions - rules.** (4.5) (a) If a relative or other
24 person was not disqualified as an emergency placement based upon the
25 fingerprint-based criminal history record check and the child was placed
26 in an emergency placement with such person, the county department shall
27 perform the following additional background checks of the relative or

1 other person:

2 (I) A check of the ICON system at the state judicial department
3 pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION 26-6-910 (5)(b) to
4 determine the status or disposition of any criminal charges;

5 (8) (b) The county department shall notify the Colorado bureau of
6 investigation within five calendar days after submitting the request for a
7 fingerprint-based criminal history record check when the county
8 department intends to accept an application for foster care certification
9 from that person so that the flagging and automatic notification to the
10 county department of new arrests pursuant to ~~paragraph (a) of this~~
11 ~~subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION occurs for that person
12 and continues through the duration of the individual's foster care
13 certification. The county department shall use the same fingerprints
14 received under this subsection (8) and any updated fingerprint-based
15 criminal history record check results from the automatic notification as
16 a substitute for meeting the fingerprint requirements for a person who is
17 applying for foster care certification pursuant to ~~section 26-6-106.3,~~
18 ~~C.R.S.~~ SECTION 26-9-910.

19 **SECTION 35.** In Colorado Revised Statutes, 19-3-508, **amend**
20 (8) as follows:

21 **19-3-508. Neglected or dependent child - disposition -**
22 **concurrent planning.** (8) When entering a decree placing the child in
23 the legal custody of a relative or placing the child in the legal custody of
24 a county department for placement in a foster care home, the court shall
25 ensure that the child's placement at the time of the hearing is in the best
26 interests of the child and shall inquire about documentation that the
27 county department or a licensed child placement agency has adequately

1 screened the foster care provider or the family member who is seeking to
2 care for the child and any adult residing in that home and that all of the
3 criminal history record checks and other background checks have been
4 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION
5 26-6-910 or 19-3-407.

6 **SECTION 36.** In Colorado Revised Statutes, 19-3-605, **amend**
7 (3)(b) as follows:

8 **19-3-605. Request for placement with family members.**

9 (3) (b) Whether the child's placement at the time of the hearing is a safe
10 and potentially permanent placement for the child, including
11 documentation that a county department or a licensed child placement
12 agency has adequately screened the family member who is seeking to care
13 for the child and any adult residing in the home and that all of the
14 criminal history record checks and other background checks have been
15 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION
16 26-6-910 or ~~section~~ 19-3-407;

17 **SECTION 37.** In Colorado Revised Statutes, 19-3.3-103, **amend**
18 (1)(a)(II)(D), (1)(a.5)(I), (3), and (5) as follows:

19 **19-3.3-103. Office of the child protection ombudsman - powers**
20 **and duties - access to information - confidentiality - testimony -**
21 **judicial review - definitions.** (1) The ombudsman has the following
22 duties, at a minimum:

23 (a) (II) (D) The ombudsman must have access to all information,
24 records, or documents described in subsection (1)(a)(II)(A) of this section
25 created in an investigation of an event or incident described in subsection
26 (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the
27 state from any entity, including but not limited to a coroner's office, law

1 enforcement agency, hospital, court, the office of state registrar of vital
2 statistics described in section 25-2-103, and a state-licensed out-of-home
3 placement provider, as defined in ~~section 26-6-102~~ SECTION 26-5-104.

4 (a.5) (I) Notwithstanding any provision of this section to the
5 contrary, the ombudsman may self-initiate an independent and impartial
6 investigation and ongoing review of the safety and well-being of an
7 unaccompanied immigrant child who lives in a state-licensed residential
8 child care facility, as defined in ~~section 26-6-102~~ SECTION 26-6-903, and
9 who is in the custody of the office of refugee resettlement of the federal
10 department of health and human services as set forth in 8 U.S.C. sec.
11 1232 et seq. The ombudsman may seek resolution of such investigation
12 and ongoing review, which may include, but need not be limited to,
13 referring an investigation and ongoing review to the state department or
14 appropriate agency or entity and making a recommendation for action
15 relating to an investigation and ongoing review.

16 (3) The ombudsman, employees of the office, and any persons
17 acting on behalf of the office shall comply with all state and federal
18 confidentiality laws that govern the DEPARTMENT OF EARLY CHILDHOOD,
19 THE state department, or a county department with respect to the treatment
20 of confidential information or records and the disclosure of such
21 information and records.

22 (5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the
23 ombudsman shall act independently OF THE DIVISION WITHIN THE
24 DEPARTMENT OF EARLY CHILDHOOD THAT IS RESPONSIBLE FOR CHILD
25 CARE, of the divisions within the state department that are responsible for
26 child welfare OR youth services, ~~or child care~~, of the county departments
27 of human or social services, and of all judicial agencies, including, but

1 not limited to, the office of the child's representative, the office of the
2 respondent parents' counsel, the office of state public defender, the office
3 of alternate defense counsel, and the office of attorney regulation counsel.
4 Any recommendations made by the ombudsman or positions taken by the
5 ombudsman do not reflect those of the DEPARTMENT OF EARLY
6 CHILDHOOD, state department, judicial department, or ~~of the~~ county
7 departments of human or social services.

8 **SECTION 38.** In Colorado Revised Statutes, 19-5-205.5, **amend**
9 (2)(a) as follows:

10 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**
11 **- authority for state department to select agencies - legislative**
12 **declaration.** (2) (a) The department is authorized to select nonpublic,
13 licensed child placement agencies authorized to handle adoptions or
14 nonpublic agencies that meet the qualifying criteria to be licensed child
15 placement agencies pursuant to ~~article 6 of title 26, C.R.S.~~ PART 9 OF
16 ARTICLE 6 OF TITLE 26, and any implementing rules ~~or regulations~~
17 promulgated by the department for the provision of services to individuals
18 seeking assistance in nonpublic agency interstate or foreign adoption
19 cases pursuant to this part 2. The department shall, by rule, establish
20 qualifying criteria by which such nonpublic agencies ~~shall be~~ ARE
21 selected for this purpose.

22 **SECTION 39.** In Colorado Revised Statutes, 19-5-213.5, **amend**
23 (3)(a) as follows:

24 **19-5-213.5. Unauthorized advertising for adoption purposes**
25 **- exceptions - penalty - definitions.** (3) Subsection (2) of this section
26 does not apply to:

27 (a) An employee of the state department of human services, a

1 county department of human or social services, or a child placement
2 agency that is licensed pursuant to ~~part 1 of article 6 of title 26~~ PART 9 OF
3 ARTICLE 6 OF TITLE 26 who is acting within the scope of ~~his or her~~ THE
4 EMPLOYEE'S employment to place a child for adoption or in foster care;

5 **SECTION 40.** In Colorado Revised Statutes, 19-7-103, **amend**
6 (1) as follows:

7 **19-7-103. Access to extracurricular activities - legislative**
8 **declaration - rules.** (1) The general assembly finds and declares that it
9 is important for youth in foster care, excluding those in the custody of the
10 division of youth services or a state mental hospital, to have increased
11 access to normative, developmentally appropriate extracurricular
12 activities to help prepare them for independence. Foster parents and group
13 home parents or group center administrators shall make a reasonable
14 effort to allow a youth in their care to participate in extracurricular,
15 cultural, educational, work-related, and personal enrichment activities.
16 The department of human services shall promulgate rules for the
17 implementation of this section. The rules must address policies, including
18 but not limited to waiver of any fingerprint-based criminal history records
19 checks for community entities, excluding all individuals required to
20 obtain a fingerprint-based criminal history records check pursuant to
21 ~~section 26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, providing
22 extracurricular activities and guidelines for determining in what situations
23 it is appropriate to waive fingerprint-based criminal history records
24 checks, to allow youth in foster care, excluding those in the custody of the
25 division of youth services or a state mental hospital, who are twelve years
26 of age and older to participate in age-appropriate extracurricular
27 enrichment, social activities, and activities designed to assist those youth

1 to make the transition to independence, build life skills, and enhance
2 opportunities to make positive connections.

3 **SECTION 41.** In Colorado Revised Statutes, 22-2-139, **amend**
4 (2) introductory portion and (2)(a) as follows:

5 **22-2-139. Memorandum of understanding - notification of risk**
6 **- rules.** (2) Beginning August 15, 2010, a state-licensed day treatment
7 facility, facility school, or hospital licensed or certified pursuant to
8 section 25-3-101 ~~C.R.S.~~, that is transferring a student to a public school
9 shall notify the appropriate school district child welfare education liaison,
10 designated pursuant to section 22-32-138 (2)(a), of the pending
11 enrollment in a public school of a student who:

12 (a) Is transferring to a public school from a state-licensed day
13 treatment facility licensed by the department of human services pursuant
14 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined
15 in section 22-2-402 (1), or hospital, licensed or certified pursuant to
16 section 25-3-101; ~~C.R.S.~~; and

17 **SECTION 42.** In Colorado Revised Statutes, 22-2-402, **amend**
18 (3) as follows:

19 **22-2-402. Definitions.** As used in this part 4, unless the context
20 otherwise requires:

21 (3) "Facility" means a day treatment center, residential child care
22 facility, or other facility licensed by the department of human services
23 pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 or a hospital
24 licensed by the department of public health and environment pursuant to
25 section 25-1.5-103. ~~C.R.S.~~

26 **SECTION 43.** In Colorado Revised Statutes, 22-2-409, **amend**
27 (1) introductory portion and (1)(a) as follows:

1 **22-2-409. Notification of risk.** (1) Beginning August 15, 2010,
2 a state-licensed day treatment facility, facility school, or hospital licensed
3 or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall notify the
4 appropriate child welfare education liaison, designated pursuant to section
5 22-32-138 (2)(a), of a student who:

6 (a) Is transferring to a public school from a state-licensed day
7 treatment facility licensed by the department of human services pursuant
8 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined
9 in section 22-2-402 (1), or hospital licensed or certified pursuant to
10 section 25-3-101; ~~C.R.S.~~; and

11 **SECTION 44.** In Colorado Revised Statutes, 22-7-1202, **amend**
12 (1)(b) as follows:

13 **22-7-1202. Legislative declaration.** (1) The general assembly
14 finds that:

15 (b) Colorado has prioritized early learning through its investments
16 in the Colorado preschool program, established in 1988, IN THE
17 COLORADO UNIVERSAL PRESCHOOL PROGRAM ESTABLISHED IN 2022, and
18 full-day kindergarten, and the general assembly recognizes that these
19 investments can best be leveraged by adopting policies that support a
20 continuum of learning from preschool through third grade and beyond;

21 **SECTION 45.** In Colorado Revised Statutes, 22-11-104, **amend**
22 (1) as follows:

23 **22-11-104. Rules - college and career readiness achievement**
24 **standards.** (1) The state board shall promulgate rules pursuant to the
25 "State Administrative Procedure Act", article 4 of title 24, as required in
26 this article 11 and may promulgate such additional rules as it finds
27 necessary for the implementation of this article 11, including but not

1 limited to rules establishing a numbering system to uniquely identify
2 individual students, including students enrolled PRIOR TO JULY 1, 2023,
3 in the Colorado preschool program created pursuant to section 22-28-104,
4 AS IT EXISTS PRIOR TO JULY 1, 2023.

5 **SECTION 46.** In Colorado Revised Statutes, 22-11-305, **amend**
6 (4)(b) and (4)(c) as follows:

7 **22-11-305. Accredited with priority improvement plan - school**
8 **district or institute - plan contents - adoption.** (4) An early childhood
9 learning needs assessment must determine the extent to which:

10 (b) Children are enrolled in publicly funded early learning and
11 development programs within the school district or in private early
12 learning and development programs that participate in the Colorado
13 shines quality rating and improvement system established in ~~section~~
14 ~~26-6.5-106~~ SECTION 26.5-5-101;

15 (c) The school district and the district public schools work with an
16 early childhood council established pursuant to ~~part 1 of article 6.5 of title~~
17 ~~26~~ PART 2 OF ARTICLE 2 OF TITLE 26.5 or early childhood community
18 agencies existing within the school district;

19 **SECTION 47.** In Colorado Revised Statutes, 22-11-405, **amend**
20 (4.5)(b) and (4.5)(c) as follows:

21 **22-11-405. School priority improvement plan - contents.**
22 (4.5) An early childhood learning needs assessment must determine the
23 extent to which:

24 (b) Children are enrolled in publicly funded early learning and
25 development programs within the neighborhood of the public school or
26 in private early learning and development programs that participate in the
27 school-readiness quality improvement program created in ~~section~~

1 ~~26-6.5-106~~ SECTION 26.5-5-102 and are located within the neighborhood
2 of the public school; except that a public school must include this
3 information in the early childhood learning needs assessment only if the
4 information is readily available to the public school;

5 (c) The public school works with an early childhood council
6 established pursuant to ~~part 1 of article 6.5 of title 26~~ PART 2 OF ARTICLE
7 2 OF TITLE 26.5 or early childhood community agencies existing within
8 the neighborhood of the public school;

9 **SECTION 48.** In Colorado Revised Statutes, 22-20-103, **amend**
10 (12.3), (12.7), and (13.3) as follows:

11 **22-20-103. Definitions - repeal.** As used in this part 1, unless the
12 context otherwise requires:

13 (12.3) "Facility" means a day treatment center, residential child
14 care facility, or other facility licensed by the department of human
15 services pursuant to ~~section 26-6-104, C.R.S.~~, SECTION 26-6-905 or a
16 hospital licensed by the department of public health and environment
17 pursuant to section 25-1.5-103. ~~C.R.S.~~

18 (12.7) "Foster home" has the same meaning as a "foster care
19 home" as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903 and must be
20 licensed by the state department of human services or certified by a
21 county department of human or social services or certified by a child
22 placement agency as defined in ~~section 26-6-102 (7)~~ SECTION 26-6-903.

23 (13.3) "Group home" means a congregate care facility licensed by
24 the department of human services pursuant to ~~section 26-6-104, C.R.S.~~
25 SECTION 26-6-905.

26 **SECTION 49.** In Colorado Revised Statutes, 22-20-118.5,
27 **amend** (1), (2) introductory portion, (2)(e), (2)(l), and (3) as follows:

1 **22-20-118.5. Child find - responsibilities - interagency**
2 **operating agreements.** (1) As of July 1, 2022, the department of ~~human~~
3 ~~services~~ EARLY CHILDHOOD shall administer part C child find pursuant to
4 ~~part 7 of article 10.5 of title 27~~ PART 4 OF ARTICLE 3 OF TITLE 26.5; except
5 that, ~~on and after~~ BEGINNING May 1, 2022, AND CONTINUING UNTIL JULY
6 1, 2022, the department of human services shall administer the referral
7 intake process for part C child find evaluations.

8 (2) On or before July 1, 2022, the department shall establish a
9 state-level interagency operating agreement, referred to in this section as
10 the "agreement", with the department of ~~human services~~ EARLY
11 CHILDHOOD concerning the coordination of transitions of children from
12 part C child find to part B child find. In developing the agreement, the
13 department and the department of ~~human services~~ EARLY CHILDHOOD
14 shall involve stakeholder participation, including representatives from
15 administrative units and part C entities. The agreement must also include:

16 (e) A process for resolving disputes between the department and
17 the department of ~~human services~~ EARLY CHILDHOOD concerning systemic
18 and statewide issues related to agreement requirements;

19 (l) A process for timely transferring data that is required by law
20 between the department and the department of ~~human services~~ EARLY
21 CHILDHOOD.

22 (3) The department and the department of ~~human services~~ EARLY
23 CHILDHOOD shall review and revise the agreement to account for any
24 changes to state or federal law, as necessary. At a minimum, the
25 agreement must be reviewed once every five years. In the review and
26 revision of the agreement, the department and the department of ~~human~~
27 ~~services~~ EARLY CHILDHOOD shall involve stakeholder participation,

1 including representatives from administrative units and part C entities.

2 **SECTION 50.** In Colorado Revised Statutes, 22-28-103, **amend**
3 the introductory portion and (2) as follows:

4 **22-28-103. Definitions.** As used in this ~~article~~ ARTICLE 28, unless
5 the context otherwise requires:

6 (2) "Child care agency" means a facility defined as a child care
7 center pursuant to the provisions of ~~section 26-6-102(5), C.R.S.~~ SECTION
8 26.5-5-303.

9 **SECTION 51.** In Colorado Revised Statutes, 22-28-108, **amend**
10 (1)(a) as follows:

11 **22-28-108. Criteria for district preschool programs.**

12 (1)(a) The department shall establish basic program standards for district
13 preschool programs using nationally accepted standards for preschool
14 programs and requiring compliance with the Colorado rules for ~~child care~~
15 ~~centers~~ PUBLIC PRESCHOOL PROVIDERS promulgated by the ~~department of~~
16 ~~human services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
17 CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

18 **SECTION 52.** In Colorado Revised Statutes, 22-28-111, **amend**
19 (1)(b) as follows:

20 **22-28-111. Coordination of district preschool program with**
21 **extended day services.** (1) (b) Any extended day services provided
22 pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS
23 SECTION, regardless of whether provided by a school district, head start
24 agency, or public or private child care agencies, ~~shall~~ MUST meet the
25 appropriate standards for licensing established by the department of
26 ~~human services~~ EARLY CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~
27 SECTION 26.5-5-314.

1 **SECTION 53.** In Colorado Revised Statutes, 22-33-106.1,
2 **amend** (1)(b)(I) as follows:

3 **22-33-106.1. Suspension - expulsion - preschool through**
4 **second grade - definitions.** (1) As used in this section, unless the
5 context otherwise requires:

6 (b) "Enrolling entity" means:

7 (I) A community-based preschool program that includes students
8 who are funded through the "Colorado Preschool Program Act", article
9 28 of this title 22, AS IT EXISTS PRIOR TO JULY 1, 2023, OR THROUGH THE
10 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT", PART 2 OF ARTICLE
11 4 OF TITLE 26.5, or students who are funded with state or federal money
12 to educate children with disabilities;

13 **SECTION 54.** In Colorado Revised Statutes, 22-51-102, **amend**
14 (2.5)(a) as follows:

15 **22-51-102. Definitions.** As used in this article 51, unless the
16 context otherwise requires:

17 (2.5) "Facility" means any of the following facilities that operates
18 a facility school:

19 (a) A day treatment center, residential child care facility, or other
20 facility licensed by the department of human services pursuant to ~~section~~
21 ~~26-6-104, C.R.S.~~ SECTION 26-6-905;

22 **SECTION 55.** In Colorado Revised Statutes, 22-100-101, **amend**
23 (4) as follows:

24 **22-100-101. Definitions.** As used in this article 100, unless the
25 context otherwise requires:

26 (4) "Participating provider" means a school district, charter
27 school, board of cooperative services that operates a public school, or

1 ~~residential child care center~~ RESIDENTIAL OR DAY TREATMENT CHILD CARE
2 FACILITY AS defined in ~~section 26-6-102 (5)~~ SECTION 26-6-903 that
3 participates in the federal "Richard B. Russell National School Lunch
4 Act", 42 U.S.C. sec. 1751 et seq., ~~AS AMENDED~~, and that has been selected
5 by the department to participate in the school food purchasing program
6 pursuant to section 22-100-102 (2)(b).

7 **SECTION 56.** In Colorado Revised Statutes, 24-1-120, **amend**
8 (4) introductory portion; and **repeal** (10) as follows:

9 **24-1-120. Department of human services - creation.** (4) Unless
10 otherwise transferred to the DEPARTMENT OF EARLY CHILDHOOD,
11 department of health care policy and financing, or the department of
12 public health and environment, the department of human services shall
13 exercise the following powers and perform the following duties:

14 (10) ~~The powers, duties, and functions of the Colorado child~~
15 ~~abuse prevention board, created in section 19-3.5-103, are transferred by~~
16 ~~a type 2 transfer to the department of human services.~~

17 **SECTION 57.** In Colorado Revised Statutes, **amend** 24-1-120.5
18 as follows:

19 **24-1-120.5. Department of early childhood - creation.**

20 (1) There is created the department of early childhood, the head of which
21 is the executive director of the department of early childhood, which
22 office is created. The governor shall appoint the executive director, with
23 the consent of the senate, and the executive director serves at the pleasure
24 of the governor. The reappointment of an executive director after an
25 initial election of a governor is subject to the provisions of section
26 24-20-109.

27 (2) The early childhood leadership commission created in part 3

1 of article 1 of title 26.5 and its powers, duties, and functions are
2 transferred by a **type 2** transfer to the department of early childhood.

3 (3) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO
4 CHILD ABUSE PREVENTION BOARD, CREATED IN SECTION 26.5-3-204, ARE
5 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY
6 CHILDHOOD.

7 (4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE
8 COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 1
9 OF ARTICLE 4 OF TITLE 26.5 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO
10 THE DEPARTMENT OF EARLY CHILDHOOD.

11 **SECTION 58.** In Colorado Revised Statutes, 24-1.9-102, **amend**
12 (1)(a.5) as follows:

13 **24-1.9-102. Memorandum of understanding - local-level**
14 **interagency oversight groups - individualized service and support**
15 **teams - coordination of services for children and families -**
16 **requirements - waiver.** (1) (a.5) In addition to the parties specified in
17 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,
18 the memorandums of understanding entered into pursuant to this
19 subsection (1) may include family resource centers created pursuant to
20 ~~article 18 of title 26, C.R.S.~~ PART 1 OF ARTICLE 3 OF TITLE 26.5.

21 **SECTION 59.** In Colorado Revised Statutes, 24-4-105, **amend**
22 (14)(a)(I) as follows:

23 **24-4-105. Hearings and determinations - repeal.** (14) (a) For
24 the purpose of a decision by an agency that conducts a hearing or an
25 initial decision by an administrative law judge or a hearing officer, the
26 record must include: All pleadings, applications, evidence, exhibits, and
27 other papers presented or considered, matters officially noticed, rulings

1 upon exceptions, any findings of fact and conclusions of law proposed by
2 any party, and any written brief filed. The agency, administrative law
3 judge, or hearing officer may permit oral argument. The agency, the
4 administrative law judge, or the hearing officer shall not receive or
5 consider ex parte material or representation of any kind offered without
6 notice. The agency, an administrative law judge, or hearing officer, with
7 the consent of all parties, may eliminate or summarize any part of the
8 record where this may be done without affecting the decision. In any case
9 in which the agency has conducted the hearing, the agency shall prepare,
10 file, and serve upon each party its decision. In any case in which an
11 administrative law judge or a hearing officer has conducted the hearing,
12 the administrative law judge or the hearing officer shall prepare and file
13 an initial decision that the agency shall serve upon each party, except
14 where all parties with the consent of the agency have expressly waived
15 their right to have an initial decision rendered by such administrative law
16 judge or hearing officer. Each decision and initial decision must include
17 a statement of findings and conclusions upon all the material issues of
18 fact, law, or discretion presented by the record and the appropriate order,
19 sanction, relief, or denial. An appeal to the agency must be made as
20 follows:

21 (I) With regard to initial decisions regarding agency action by the
22 department of health care policy and financing, THE DEPARTMENT OF
23 EARLY CHILDHOOD, the state department of human services, or county
24 department of human or social services, or any contractor acting for any
25 such department, under section 26-1-106 (1)(a), **26.5-1-107**, or
26 25.5-1-107, by filing exceptions within fifteen days after service of the
27 initial decision upon the parties, unless extended by the department of

1 health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD,
2 or the state department of human services, as applicable, or unless a
3 review has been initiated in accordance with this subsection (14)(a)(I)
4 upon motion of the applicable department within fifteen days after service
5 of the initial decision. In the event a party fails to file an exception within
6 fifteen days, the applicable department may allow, upon a showing of
7 good cause by the party, for an extension of up to an additional fifteen
8 days to reconsider the final agency action.

9 **SECTION 60.** In Colorado Revised Statutes, 24-22-118, **amend**
10 (2)(d)(III), (2)(e)(IV), and (2)(f)(IV) as follows:

11 **24-22-118. Revenue from nicotine products and additional**
12 **tobacco taxes - 2020 tax holding fund - preschool programs cash fund**
13 **- creation - definitions.** (2) The state treasurer shall transfer the money
14 in the 2020 tax holding fund as follows:

15 (d) For the fiscal year commencing on July 1, 2023:

16 (III) The remainder to the preschool programs cash fund created
17 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

18 (e) For each fiscal year commencing on or after July 1, 2024, but
19 before July 1, 2027:

20 (IV) The remainder to the preschool programs cash fund created
21 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

22 (f) For each fiscal year commencing on or after July 1, 2027:

23 (IV) The remainder to the preschool programs cash fund created
24 in ~~subsection (3) of this section~~ SECTION 26.5-4-209.

25 **SECTION 61.** In Colorado Revised Statutes, 24-75-1104.5,
26 **amend** (1.7) introductory portion, (1.7)(a), and (3) as follows:

27 **24-75-1104.5. Use of settlement money - programs.**

1 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of
2 this section, and except that disputed payments received by the state in the
3 2015-16 fiscal year or in any year thereafter are excluded from the
4 calculation of allocations ~~under~~ PURSUANT TO this subsection (1.7), for
5 the 2016-17 fiscal year and for each fiscal year thereafter, the following
6 programs, services, and funds ~~shall~~ receive the following specified
7 percentages of the total amount of settlement ~~moneys~~ MONEY received by
8 the state in the preceding fiscal year:

9 (a) The Colorado nurse home visitor program created in ~~article 6.4~~
10 ~~of title 26, C.R.S., shall receive~~ PART 5 OF ARTICLE 3 OF TITLE 26.5
11 RECEIVES twenty-six and seven-tenths percent of the settlement ~~moneys~~
12 MONEY;

13 (3) Notwithstanding subsection (1.7) of this section, for purposes
14 of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104
15 (2), 25.5-6-805 (2), 25.5-8-105 (3), ~~26-6.4-107 (2)(d)(f), 26.5-3-507~~
16 ~~(2)(e)~~, 26-6.8-102 (2)(d), and 28-5-709 (2)(a), settlement ~~moneys~~ MONEY
17 received and allocated by the state pursuant to subsection (1.7) of this
18 section during the same fiscal year ~~are~~ IS deemed to be ~~moneys~~ MONEY
19 received for or during the preceding fiscal year.

20 **SECTION 62.** In Colorado Revised Statutes, 24-101-105, **amend**
21 (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and **add**
22 (1)(a)(XVI) as follows:

23 **24-101-105. Application of this code.** (1) (a) This code ~~shall~~
24 ~~apply~~ APPLIES to all publicly funded contracts entered into by all
25 governmental bodies of the executive branch of this state; except that this
26 code ~~shall~~ DOES not apply to:

27 (XIV) Annuities; and

1 (XV) Real property or interest in real property; AND

2 (XVI) THE DEPARTMENT OF EARLY CHILDHOOD IN SOLICITING AND
3 SELECTING ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS
4 PURSUANT TO SECTION 26.5-2-103 AND COORDINATING AGREEMENTS
5 ENTERED INTO PURSUANT TO SECTION 26.5-2-105.

6 **SECTION 63.** In Colorado Revised Statutes, 25-1.5-101, **amend**
7 (1)(h) as follows:

8 **25-1.5-101. Powers and duties of department - laboratory cash**
9 **fund - report - dispensation of payments under contracts with**
10 **grantees - definitions - repeal.** (1) The department has, in addition to all
11 other powers and duties imposed upon it by law, the powers and duties
12 provided in this section as follows:

13 (h) To establish and enforce sanitary standards for the operation
14 and maintenance of orphanages, day care nurseries, foster homes, family
15 care homes, summer camps for children, lodging houses, guest child care
16 facilities ~~as defined in section 26-6-102(16), C.R.S.,~~ AND public services
17 short-term child care facilities ~~as defined in section 26-6-102(30), C.R.S.,~~
18 SECTION 26.5-5-303, hotels, public conveyances and stations, schools,
19 factories, workshops, industrial and labor camps, recreational resorts and
20 camps, swimming pools, public baths, mobile home parks, and other
21 buildings, centers, and places used for public gatherings;

22 **SECTION 64.** In Colorado Revised Statutes, 25-1.5-103, **amend**
23 (2) introductory portion and (2)(a.3)(I) as follows:

24 **25-1.5-103. Health facilities - powers and duties of department**
25 **- limitations on rules promulgated by department - definitions.**

26 (2) ~~For purposes of this section~~ AS USED IN THIS SECTION, unless the
27 context otherwise requires:

1 (a.3) "Behavioral health entity" means a facility or provider
2 organization engaged in providing community-based health services,
3 which may include behavioral health disorder services, alcohol use
4 disorder services, or substance use disorder services, including crisis
5 stabilization, acute or ongoing treatment, or community mental health
6 center services as described in section 27-66-101 (2) and (3), but does not
7 include:

8 (I) Residential child care facilities, as defined in ~~section 26-6-102~~
9 ~~(33)~~ SECTION 26-6-903; or

10 **SECTION 65.** In Colorado Revised Statutes, 25-1.5-301, **amend**
11 (2)(e) and (2)(f) as follows:

12 **25-1.5-301. Definitions.** As used in this part 3, unless the context
13 otherwise requires:

14 (2) "Facility" means:

15 (e) Residential child care facilities for children as defined in
16 ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903;

17 (f) Secure residential treatment centers as defined in ~~section~~
18 ~~26-6-102 (35), C.R.S.~~ SECTION 26-6-903;

19 **SECTION 66.** In Colorado Revised Statutes, 25-4-901, **amend**
20 (2)(a), (2)(b)(I), (2)(b)(I.5), and (3) as follows:

21 **25-4-901. Definitions.** As used in this part 9, unless the context
22 otherwise requires:

23 (2) (a) "School" means, except as otherwise provided in ~~paragraph~~
24 ~~(b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, a public,
25 private, or parochial nursery school, day care center, child care facility or
26 child care center as defined in ~~section 26-6-102 (5), C.R.S.;~~ SECTION
27 26-6-903 OR ~~26.5-5-303,~~ 26.5-5-303, family child care home, foster care home,

1 head start program, kindergarten, elementary or secondary school through
2 grade twelve, or college or university.

3 (b) "School" does not include:

4 (I) A public services short-term child care facility as defined in
5 ~~section 26-6-102 (30), C.R.S.~~ SECTION 26.5-5-303;

6 (I.5) A guest child care facility, as defined in ~~section 26-6-102~~
7 ~~(16), C.R.S.~~ SECTION 26.5-5-303, or a ski school as defined in ~~section~~
8 ~~26-6-103.5 (6), C.R.S.~~ section 26.5-5-307 (7); or

9 (3) "Student" means any person enrolled in a Colorado school or
10 child care center as defined in subsection (2) of this section. "Student"
11 does not include a child who enrolls and attends a licensed child care
12 center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26.5-5-303,
13 which is located at a ski area, for up to fifteen days or less in a
14 fifteen-consecutive-day period, no more than twice in a calendar year,
15 with each fifteen-consecutive-day period separated by at least sixty days.

16 **SECTION 67.** In Colorado Revised Statutes, 25-27.5-102,
17 **amend** (6.3) as follows:

18 **25-27.5-102. Definitions - repeal.** As used in this article 27.5,
19 unless the context otherwise requires:

20 (6.3) "Qualified early intervention service provider" has the
21 meaning set forth in ~~section 27-10.5-702, C.R.S.~~ SECTION 26.5-3-402.

22 **SECTION 68.** In Colorado Revised Statutes, 25-27.6-102,
23 **amend** (6)(a) as follows:

24 **25-27.6-102. Definitions.** As used in this article 27.6, unless the
25 context otherwise requires:

26 (6) "Behavioral health entity" means a facility or provider
27 organization engaged in providing community-based health services,

1 which may include behavioral health disorder services, alcohol use
2 disorder services, or substance use disorder services, including crisis
3 stabilization, acute or ongoing treatment, or community mental health
4 center services as described in section 27-66-101 (2) and (3), but does not
5 include:

6 (a) Residential child care facilities, as defined in ~~section 26-6-102~~
7 ~~(33)~~ SECTION 26-6-903; or

8 **SECTION 69.** In Colorado Revised Statutes, 25.5-1-124, **amend**
9 (1), (2), (3), and (5)(a) as follows:

10 **25.5-1-124. Early intervention payment system - participation**
11 **by state department - rules - definitions.** (1) The state department shall
12 participate in the development and implementation of the coordinated
13 system of payment for early intervention services authorized pursuant to
14 ~~part 7 of article 10.5 of title 27, C.R.S.~~, PART 4 OF ARTICLE 3 OF TITLE 26.5
15 and part C of the federal "Individuals with Disabilities Education Act",
16 20 U.S.C. sec. 1400 et seq., as amended.

17 (2) The state department shall ensure that the early intervention
18 services and payments for recipients of medical assistance ~~under this title~~
19 PURSUANT TO THIS TITLE 25.5 are integrated into the coordinated early
20 intervention payment system developed pursuant to ~~part 7 of article 10.5~~
21 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. To the extent
22 necessary to achieve the coordinated payment system and coverage of
23 those early intervention services ~~under this title~~ PURSUANT TO THIS TITLE
24 25.5, the state department shall amend the state plan for medical
25 assistance or seek the necessary federal authorization, promulgate rules,
26 and modify the billing system for medical assistance to facilitate the
27 coordinated payment system.

1 (3) The state department shall also make any modifications
2 necessary to the "Children's Basic Health Plan Act", article 8 of this title
3 TITLE 25.5, including promulgating rules, to ensure that the children's
4 basic health plan is integrated into the coordinated early intervention
5 payment system developed pursuant to ~~part 7 of article 10.5 of title 27,~~
6 ~~C.R.S. PART 4 OF ARTICLE 3 OF TITLE 26.5.~~

7 (5) (a) As used in this section, unless the context otherwise
8 requires, "early intervention services" means those services defined as
9 early intervention services by the department of ~~human services~~ EARLY
10 CHILDHOOD in accordance with ~~section 27-10.5-702 (7), C.R.S., SECTION~~
11 ~~26.5-3-402~~ (9) that are determined, through negotiation between the
12 state department and the department of ~~human services~~ EARLY
13 CHILDHOOD, to be medically necessary under medical assistance and
14 cost-effective. After negotiating the scope of early intervention services
15 to be covered under medical assistance, the state department and the
16 department of ~~human services~~ EARLY CHILDHOOD shall submit to the joint
17 budget committee of the general assembly, as part of each department's
18 annual budget request, a proposal for the scope of coverage of early
19 intervention services under medical assistance, including the anticipated
20 costs of such coverage and whether the payment of such costs through
21 medical assistance is cost-effective.

22 **SECTION 70.** In Colorado Revised Statutes, 25.5-4-103, **amend**
23 (19.5) as follows:

24 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
25 and 6 of this title 25.5, unless the context otherwise requires:

26 (19.5) "Psychiatric residential treatment facility" means a facility
27 that is licensed as a residential child care facility, as defined in ~~section~~

1 ~~26-6-102(33)~~ SECTION 26-6-903, that is not a hospital, and that provides
2 inpatient psychiatric services for individuals who are less than twenty-one
3 years of age under the direction of a physician licensed pursuant to article
4 240 of title 12, and that meets any other requirement established in rule
5 by the state board.

6 **SECTION 71.** In Colorado Revised Statutes, 25.5-10-209,
7 **amend** (2)(d) and (2)(f) as follows:

8 **25.5-10-209. Community-centered boards - designation -**
9 **purchase of services and supports - performance audits - Colorado**
10 **local government audit law - public disclosure of board**
11 **administration and operations - repeal.** (2) Once a
12 community-centered board has been designated pursuant to this section,
13 it shall, subject to available appropriations:

14 (d) Determine eligibility and develop an individualized plan for
15 each person who receives services or supports pursuant to section
16 25.5-10-211; except that, for a child from birth through two years of age,
17 eligibility determination and development of an individualized family
18 service plan are made pursuant to the provisions of ~~part 7 of article 10.5~~
19 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

20 (f) Obtain or provide early intervention services and supports
21 pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART
22 4 OF ARTICLE 3 OF TITLE 26.5;

23 **SECTION 72.** In Colorado Revised Statutes, 25.5-10-211,
24 **amend** (2)(a), (2)(b)(II), (4)(a), and (4)(c) as follows:

25 **25.5-10-211. Eligibility determination - individualized plan -**
26 **periodic review - rules - repeal.** (2) (a) Following intake and
27 assessment, pursuant to subsection (2)(b) of this section, the designated

1 community-centered board or the case management agency chosen by the
2 person shall develop an individualized plan as provided by rules
3 promulgated by the state board. The designated community-centered
4 board shall develop an individualized family service plan for a child with
5 disabilities from birth through two years of age pursuant to ~~section~~
6 ~~27-10.5-703~~ SECTION 26.5-3-403.

7 (b) (II) The designated community-centered board shall develop
8 an individualized plan for persons eligible for other programs, as defined
9 in section 25.5-10-202, and for a child with disabilities from birth through
10 two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

11 (4) (a) Each person receiving services must receive periodic and
12 adequate reviews to ascertain whether the services and supports specified
13 in ~~his or her~~ THE PERSON'S individualized plan have been provided,
14 determine the appropriateness of current services and supports, identify
15 whether the outcomes specified in the person's individualized plan have
16 been achieved, and modify and revise current services or supports to meet
17 the identified needs and preferences of the person receiving services. The
18 designated community-centered board shall develop modifications or
19 revisions to the individualized family service plan for a child with
20 disabilities from birth through two years of age pursuant to ~~section~~
21 ~~27-10.5-703, C.R.S.~~ SECTION 26.5-3-403.

22 (c) A person's individualized plan must be reviewed at least
23 annually; except that an individualized family service plan for a child
24 with disabilities from birth through two years of age must be reviewed as
25 required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF
26 ARTICLE 3 OF TITLE 26.5.

27 **SECTION 73.** In Colorado Revised Statutes, 25.5-10-212,

1 **amend** (1) introductory portion as follows:

2 **25.5-10-212. Procedure for resolving disputes over eligibility,**
3 **modification of services or supports, and termination of services or**
4 **supports.** (1) Every state or local service agency receiving state ~~moneys~~
5 MONEY pursuant to section 25.5-10-206 shall adopt a procedure for the
6 resolution of disputes arising between the service agency and any
7 recipient of, or applicant for, services or supports authorized ~~under~~
8 PURSUANT TO section 25.5-10-206. Procedures for the resolution of
9 disputes regarding early intervention services must comply with IDEA
10 and with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF
11 TITLE 26.5. The procedures must be consistent with rules promulgated by
12 the state board pursuant to article 4 of title 24 ~~C.R.S.~~, and must apply to
13 the following disputes:

14 **SECTION 74.** In Colorado Revised Statutes, 25.5-10-219,
15 **amend** (1) and (2) as follows:

16 **25.5-10-219. Right to individualized plan or individualized**
17 **family service plan - repeal.** (1) Each person receiving services ~~shall~~
18 MUST have an individualized plan, an individualized family service plan,
19 or a similar plan specified by the state department that qualifies as an
20 individualized plan that is developed by the person's interdisciplinary
21 team. The individualized family service plan for a child with disabilities
22 from birth through two years of age shall be developed in compliance
23 with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE
24 26.5.

25 (2) Pursuant to section 25.5-10-211, the individualized plan for
26 each person who receives services or supports shall be reviewed at least
27 annually and modified as necessary or appropriate; except that an

1 individualized family service plan for a child with disabilities from birth
2 through two years of age shall be reviewed as required pursuant to ~~part~~
3 ~~7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. A
4 review ~~shall consist~~ CONSISTS of, but is not limited to, the determination
5 by the interdisciplinary team as to whether the needs and preferences of
6 the person receiving services or supports are accurately reflected in the
7 plan, whether the services and supports provided pursuant to the plan are
8 appropriate to meet the person's needs and preferences, and what actions
9 are necessary for the plan to be achieved.

10 **SECTION 75.** In Colorado Revised Statutes, 26-1-107, **amend**
11 (6)(e) as follows:

12 **26-1-107. State board of human services - rules.** (6) The state
13 board shall:

14 (e) Adopt rules and regulations for the purpose of establishing
15 guidelines for the placement of children from locations outside of
16 Colorado into this state for foster care or adoption pursuant to section
17 19-5-203 ~~C.R.S.~~, or ~~section 26-6-104~~ OR ~~26-6-905~~ or the terms of the
18 "Interstate Compact on Placement of Children" as set forth in part 18 of
19 article 60 of title 24; ~~C.R.S.~~;

20 **SECTION 76.** In Colorado Revised Statutes, 26-1-111, **amend**
21 (2)(d)(II)(C) and (2)(f); and **repeal** (2)(t) as follows:

22 **26-1-111. Activities of the state department under the**
23 **supervision of the executive director - cash fund - report - rules -**
24 **statewide adoption resource registry.** (2) The state department, under
25 the supervision of the executive director, shall:

26 (d) (II) (C) For fiscal year 2003-04 and each fiscal year thereafter,
27 after the amounts described in ~~sub-subparagraph (A) or (B) of this~~

1 ~~subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS
2 SECTION are set aside, the total amount of ~~moneys~~ MONEY remaining shall
3 be transmitted to the state treasurer, who shall credit the same to the
4 excess federal Title IV-E reimbursements cash fund, which fund is hereby
5 created and referred to in this ~~sub-subparagraph (C)~~ SUBSECTION
6 (2)(d)(II)(C) as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS
7 subject to annual appropriation by the general assembly to the state
8 department for allocation to counties to help defray the costs of
9 performing administrative functions related to obtaining federal
10 reimbursement ~~moneys~~ MONEY available under the Title IV-E program.
11 In addition, the general assembly may annually appropriate ~~moneys~~
12 MONEY in the fund to the DEPARTMENT OF EARLY CHILDHOOD FOR
13 ALLOCATION TO THE COUNTIES FOR THE PROVISION OF CHILD CARE
14 ASSISTANCE, AS DESCRIBED IN SECTION 26.5-4-105, AND TO THE state
15 department for allocation to the counties for the provision of assistance,
16 as defined in section 26-2-703 (2); ~~child care assistance, as described in~~
17 ~~section 26-2-805~~, social services, as defined in section 26-2-103 (11); and
18 child welfare services, as defined in section 26-5-101 (3). For fiscal year
19 2004-05, and in subsequent years if so specified by the general assembly
20 in the annual appropriations act, the counties shall expend the ~~moneys~~
21 MONEY allocated by the DEPARTMENT OF EARLY CHILDHOOD FOR THE
22 PROVISION OF CHILD CARE ASSISTANCE AND BY THE state department for
23 the provision of assistance, ~~child care assistance~~, social services, and
24 child welfare services pursuant to this ~~sub-subparagraph (C)~~ SUBSECTION
25 (2)(d)(II)(C) in a manner that will be applied toward the state's
26 maintenance of historic effort as specified in section 409 (a)(7) of the
27 federal "Social Security Act", as amended. Any ~~moneys~~ MONEY in the

1 fund not expended for the purposes specified in this ~~sub-subparagraph (C)~~
2 SUBSECTION (2)(d)(II)(C) may be invested by the state treasurer as
3 provided by law. THE STATE TREASURER SHALL CREDIT all interest and
4 income derived from the investment and deposit of ~~moneys~~ MONEY in the
5 fund ~~shall be credited~~ to the fund. Any unexpended and unencumbered
6 ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~shall~~
7 ~~remain~~ REMAINS in the fund and ~~shall not be~~ IS NOT credited or transferred
8 or revert to the general fund or another fund.

9 (f) Designate child placement agencies licensed pursuant to ~~article~~
10 ~~6 of this title~~ PART 9 OF ARTICLE 6 OF THIS TITLE 26 or county departments
11 to act as agents of the state department for the purpose of authorizing
12 child care placement as set forth in section 26-1-107 (6)(e) and county
13 departments to serve as agents of the state department in the performance
14 of certain public assistance and welfare and related activities in the
15 county;

16 (t) ~~Administer early childhood programs in accordance with~~
17 ~~statute and rule and, where applicable, review applications submitted by~~
18 ~~entities to receive funding through the programs, award grants based on~~
19 ~~the applications, or in the case of the nurse home visitor program,~~
20 ~~applications selected by the health sciences center, and notify the state~~
21 ~~board of the grants awarded and the amounts of the grants. Participation~~
22 ~~in an early childhood program administered by the state department is~~
23 ~~voluntary. The early childhood programs are not designed or intended to~~
24 ~~interfere with the rights of parents to raise their children.~~

25 **SECTION 77.** In Colorado Revised Statutes, 26-1-122, **amend**
26 (6)(a) and (6)(c) as follows:

27 **26-1-122. County appropriations and expenditures -**

1 **advancements - procedures.** (6) (a) Notwithstanding any other
2 provision of this section, the board of county commissioners in each
3 county of this state shall annually appropriate as provided by law such
4 funds as ~~shall be~~ ARE necessary to defray the county's maintenance of
5 effort requirement for the Colorado works program, created in part 7 of
6 article 2 of this ~~title~~ TITLE 26, and the Colorado child care assistance
7 program, created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF
8 TITLE 26.5, including the costs allocated to the administration of each, and
9 shall include in the tax levy for such county the sums appropriated for that
10 purpose. The county's maintenance of effort requirement for the Colorado
11 works program for state fiscal year 1997-98 and for state fiscal years
12 thereafter ~~shall be~~ IS the targeted spending level identified in section
13 26-2-714 (6). Such appropriation ~~shall~~ MUST be based upon the county
14 social services budget prepared by the county department pursuant to
15 section 26-1-124, after taking into account state advancements provided
16 for in this section.

17 (c) The state department shall establish rules concerning what
18 ~~shall constitute~~ CONSTITUTES administrative costs and program costs for
19 the Colorado works program. THE EXECUTIVE DIRECTOR OF THE
20 DEPARTMENT OF EARLY CHILDHOOD, IN COORDINATION WITH COUNTY
21 DEPARTMENTS, SHALL ESTABLISH RULES CONCERNING WHAT CONSTITUTES
22 ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO CHILD
23 CARE ASSISTANCE PROGRAM. The state treasurer shall make advancements
24 to county departments for the costs of administering the Colorado works
25 program and the Colorado child care assistance program from funds
26 appropriated or made available for such purpose, upon authorization of
27 THE DEPARTMENT OF EARLY CHILDHOOD OR the state department, AS

1 APPLICABLE; except that in no event shall THE DEPARTMENT OF EARLY
2 CHILDHOOD OR the state department authorize expenditures greater than
3 the annual appropriation by the general assembly for such administrative
4 costs of the county departments. As funds are advanced, adjustment shall
5 be made from subsequent monthly payments for those purposes.

6 **SECTION 78.** In Colorado Revised Statutes, 26-1-124, **amend**
7 (2) as follows:

8 **26-1-124. County social services budget.** (2) Before such
9 budget is adopted by the board of county commissioners, it ~~shall~~ MUST be
10 submitted by the county board to the state department for review. The
11 state department SHALL review THE BUDGET IN CONSULTATION WITH THE
12 DEPARTMENT OF EARLY CHILDHOOD AND shall include IN THE REVIEW an
13 assessment as to whether the county budget includes adequate funding for
14 the county's maintenance of effort for the Colorado works program
15 created in part 7 of article 2 of this title TITLE 26 and the Colorado child
16 care assistance program created in ~~part 8 of article 2 of this title~~ PART 1
17 OF ARTICLE 4 OF TITLE 26.5.

18 **SECTION 79.** In Colorado Revised Statutes, 26-1-127, **amend**
19 (1), (1.5), (2)(a), and (3) as follows:

20 **26-1-127. Fraudulent acts.** (1) Any person who obtains or any
21 person who willfully aids or abets another to obtain public assistance or
22 vendor payments or medical assistance as defined in this title 26 OR CHILD
23 CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to
24 which the person is not entitled or in an amount greater than that to which
25 the person is justly entitled or payment of any forfeited installment grants
26 or benefits to which the person is not entitled or in a greater amount than
27 that to which the person is entitled, by means of a willfully false

1 statement or representation, or by impersonation, or by any other
2 fraudulent device, commits the crime of theft, which crime is classified
3 in accordance with section 18-4-401 (2) and which crime is punished as
4 provided in section 18-1.3-401 if the crime is classified as a felony, or
5 section 18-1.3-501 if the crime is classified as a misdemeanor. To the
6 extent not otherwise prohibited by state or federal law, any person
7 violating the provisions of this subsection (1) is disqualified from
8 participation in the public assistance program under PURSUANT TO article
9 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a
10 recipient is found to have committed an intentional program violation for
11 one year for a first offense, two years for a second offense, and
12 permanently for a third or subsequent offense. Such disqualification is
13 mandatory and is in addition to any other penalty imposed by law.

14 (1.5) To the extent not otherwise prohibited by state or federal
15 law, any person against whom a county department of social services, or
16 the state department, OR THE DEPARTMENT OF EARLY CHILDHOOD, obtains
17 a civil judgment in a state or federal court of record in this state based on
18 allegations that the person obtained or willfully aided and abetted another
19 to obtain public assistance or vendor payments or medical assistance as
20 defined in this title 26 OR CHILD CARE ASSISTANCE AS DESCRIBED IN PART
21 1 OF ARTICLE 4 OF TITLE 26.5 to which the person is not entitled or in an
22 amount greater than that to which the person is justly entitled or payment
23 of any forfeited installment grants or benefits to which the person is not
24 entitled or in a greater amount than that to which the person is entitled, by
25 means of a willfully false statement or representation, or by
26 impersonation, or by any other fraudulent device, is disqualified from
27 participation in the public assistance program under PURSUANT TO article

1 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a
2 recipient is found to have committed an intentional program violation for
3 one year for a first incident, two years for a second incident, and
4 permanently for a third or subsequent incident. Such disqualification is
5 mandatory and is in addition to any other remedy available to a judgment
6 creditor.

7 (2) (a) If, at any time during the continuance of public assistance
8 ~~under~~ PURSUANT TO this title 26 OR CHILD CARE ASSISTANCE PURSUANT
9 TO PART 1 OF ARTICLE 4 OF TITLE 26.5, the recipient ~~thereof~~ acquires any
10 property or receives any increase in income or property, or both, in excess
11 of that declared at the time of determination or redetermination of
12 eligibility or if there is any other change in circumstances affecting the
13 recipient's eligibility, it shall be the duty of the recipient to notify the
14 county department within thirty days in writing or take steps to secure
15 county assistance to prepare such notification in writing of the acquisition
16 of such property, receipt of such income, or change in such
17 circumstances; and any recipient of such public assistance who knowingly
18 fails to do so commits a petty offense and shall be punished as provided
19 in section 18-1.3-503. If such property or income is received infrequently
20 or irregularly and does not exceed a total value of ninety dollars in any
21 calendar quarter, such property or income ~~shall be~~ IS excluded from the
22 thirty-day written reporting requirement but ~~shall be~~ MUST BE reported at
23 the time of the next redetermination of eligibility of a recipient.

24 (3) Any recipient or vendor who falsifies any report required
25 ~~under~~ PURSUANT TO this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5
26 commits a petty offense and ~~shall be~~ IS punished as provided in section
27 18-1.3-503.

1 **SECTION 80.** In Colorado Revised Statutes, 26-1-201, **amend**
2 (1)(h) as follows:

3 **26-1-201. Programs administered - services provided -**
4 **department of human services.** (1) This section specifies the programs
5 to be administered and the services to be provided by the department of
6 human services. These programs and services include the following:

7 (h) The "~~Child Care Licensing Act~~" as specified in article 6 of this
8 title "FOSTER CARE, RESIDENTIAL, **DAY TREATMENT, AND AGENCY**
9 LICENSING ACT", PART 9 OF ARTICLE 6 OF THIS TITLE 26;

10 **SECTION 81.** In Colorado Revised Statutes, 26-2-703, **amend**
11 (4) as follows:

12 **26-2-703. Definitions.** As used in this part 7, unless the context
13 otherwise requires:

14 (4) "Colorado child care assistance program" means the state
15 program of child care assistance implemented pursuant to the provisions
16 of ~~part 8 of this article and rules of the state board~~ PART 1 OF ARTICLE 4
17 OF TITLE 26.5 AND RULES OF THE EXECUTIVE DIRECTOR OF THE
18 DEPARTMENT OF EARLY CHILDHOOD.

19 **SECTION 82.** In Colorado Revised Statutes, 26-2-706.6, **amend**
20 (6) as follows:

21 **26-2-706.6. Payments and services under Colorado works -**
22 **rules.** (6) **Child care assistance.** Subject to available appropriations and
23 pursuant to rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF
24 THE DEPARTMENT OF EARLY CHILDHOOD, a county may provide child care
25 assistance to a participant pursuant to the provisions of ~~part 8 of this~~
26 ~~article and rules promulgated by the state board for implementation of~~
27 ~~said part 8~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES PROMULGATED

1 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD
2 FOR IMPLEMENTATION OF SAID PART 1.

3 **SECTION 83.** In Colorado Revised Statutes, 26-2-714, **amend**
4 (9)(d) as follows:

5 **26-2-714. County block grants formula - use of money - rules.**

6 (9) (d) A county may make a transfer authorized by ~~paragraph (a) of this~~
7 ~~subsection (9)~~ SUBSECTION (9)(a) OF THIS SECTION, within the limitations
8 imposed by state and federal law on such transfers, in order to fund
9 various programs for the improvement of child care. ~~Such~~ THE transfers
10 may be used for minor remodeling of licensed child care facilities or
11 facilities legally exempt from licensing requirements pursuant to ~~section~~
12 ~~26-6-103 (1)~~ SECTION 26.5-5-304, including but not limited to physical
13 modifications for the purpose of licensure or accreditation, construction
14 or improvement of fencing or other safety and security fixtures or other
15 uses not prohibited under 42 U.S.C. sec. 1397d.

16 **SECTION 84.** In Colorado Revised Statutes, 26-2-715, **amend**
17 (1)(a) introductory portion, (1)(a)(I), and (2) as follows:

18 **26-2-715. Performance contracts.** (1) (a) Each county, either
19 acting singly or with a group of counties, shall enter into an annual
20 performance contract with the state department that shall identify the
21 county's or group of counties' duties and responsibilities in implementing
22 the works program. ~~and the Colorado child care assistance program;~~
23 ~~described in part 8 of this article.~~ The performance contract shall MUST
24 include but NEED not be limited to:

25 (I) Requirements and provisions that address the county's or group
26 of counties' duty to administer and implement the works program ~~and the~~
27 ~~Colorado child care assistance program~~ using fair and objective criteria;

1 (2) The performance contract shall set forth the circumstances
2 under which the state department may elect that it or its agent assume the
3 county's or group of counties' administration and implementation of the
4 works program. ~~and the Colorado child care assistance program.~~

5 **SECTION 85.** In Colorado Revised Statutes, 26-5-101, **amend**
6 (4.7) as follows:

7 **26-5-101. Definitions.** As used in this article 5, unless the context
8 otherwise requires:

9 (4.7) "Former foster care youth" means a youth at least eighteen
10 years of age but younger than twenty-one years of age who was formerly
11 in the legal custody or legal authority of a county department and who
12 was placed in a certified or noncertified kinship care placement, as
13 defined in ~~section 26-6-102 (21)~~; SECTION 26-6-903, a certified or
14 licensed facility, or a foster care home, as defined in ~~section 26-6-102~~
15 ~~(14)~~ SECTION 26-6-903, and certified pursuant to PART 9 OF article 6 of
16 this title 26.

17 **SECTION 86.** In Colorado Revised Statutes, 26-5-102, **amend**
18 (3)(a) as follows:

19 **26-5-102. Provision of child welfare services - system reform**
20 **goals - out-of-home placements for children and youth with**
21 **intellectual and developmental disabilities - rules - definition.**

22 (3) (a) On or before August 1, 2018, the state department shall develop
23 a program to serve children and youth with intellectual and
24 developmental disabilities who are placed by county departments of
25 human or social services in a licensed out-of-home setting, as defined in
26 ~~section 26-6-102 (33)~~ SECTION 26-6-903, and children or youth committed
27 to or in the custody of the state department.

1 **SECTION 87.** In Colorado Revised Statutes, 26-5-104, **amend**
2 (6.2)(c) as follows:

3 **26-5-104. Funding of child welfare services provider contracts**
4 **- funding mechanism review - fund - report - rules - definitions -**
5 **repeal.** (6.2) As used in this section, unless the context otherwise
6 requires:

7 (c) "Licensed out-of-home placement provider" means a licensed
8 residential child care facility, a child placement agency, a secure
9 residential treatment center, a psychiatric residential treatment facility, a
10 qualified residential treatment program, or therapeutic foster care, as
11 defined in ~~section 26-6-102~~ SECTION 26-6-903.

12 **SECTION 88.** In Colorado Revised Statutes, 26-5.3-106, **amend**
13 (1.5) as follows:

14 **26-5.3-106. State's savings - cash fund created - use of money**
15 **in fund - plan required.** (1.5) All ~~moneys~~ MONEY in the fund ~~shall be~~
16 IS subject to annual appropriation by the general assembly and shall be
17 used for the purposes set forth in the plan for improving the child welfare
18 system in the state, developed in accordance with subsection (2) of this
19 section, for the implementation of the emergency assistance program
20 established pursuant to section 26-5.3-104 and for the family resource
21 center program established pursuant to ~~section 26-18-104~~ SECTION
22 26.5-3-103. Federal funds received by the state for the emergency
23 assistance program shall be used only for such program and not for any
24 other purpose. In accordance with section 24-36-114, ~~C.R.S.~~, all interest
25 derived from the deposit and investment of ~~moneys~~ MONEY in the fund
26 ~~shall~~ MUST be credited to the general fund. It is the general assembly's
27 intent that no additional state or county general fund ~~moneys shall be~~

1 MONEY IS used to finance the implementation of the plan established in
2 accordance with subsection (2) of this section.

3 **SECTION 89.** In Colorado Revised Statutes, 26-5.7-102, **amend**
4 (3) and (3.5) as follows:

5 **26-5.7-102. Definitions.** As used in this article 5.7, unless the
6 context otherwise requires:

7 (3) "Homeless youth shelter" means a facility that is licensed
8 pursuant to ~~section 26-6-104~~ SECTION 26-6-905.

9 (3.5) "Licensed host family home" means a home that meets the
10 requirements established by the state board by rule pursuant to ~~section~~
11 ~~26-6-106 (5)~~ SECTION 26-6-909 (6).

12 **SECTION 90.** In Colorado Revised Statutes, 26-6-704, **amend**
13 (2)(b) as follows:

14 **26-6-704. Temporary care assistance program - limitations on**
15 **duration of delegation - approved temporary caregiver.** (2) (b) (I) A
16 minor subject to the power of attorney that delegates temporary care
17 responsibility of the minor to an approved temporary caregiver is not
18 deemed placed in a foster care home, as defined in ~~section 26-6-102 (14)~~
19 SECTION 26-6-903, and the approved temporary caregiver is not deemed
20 to be providing foster care nor be subject to the licensing requirements of
21 foster care.

22 (II) Nothing in this section disqualifies an approved temporary
23 caregiver from being or becoming a foster care home certified by a county
24 department or private agency pursuant to ~~section 26-6-106.3~~ SECTION
25 26-6-910.

26 **SECTION 91.** In Colorado Revised Statutes, 26-6-705, **amend**
27 (2)(a)(I) as follows:

1 **26-6-705. Approval of temporary caregiver - background**
2 **check - training.** (2) (a) A child placement agency operating a temporary
3 care assistance program shall require an applicant to become an approved
4 temporary caregiver and any other person who resides in the applicant's
5 home and is eighteen years of age or older to submit to the following
6 background checks:

7 (I) A fingerprint-based criminal history record check through the
8 Colorado bureau of investigation and the federal bureau of investigation
9 in the same manner as described in ~~section 26-6-107 (1)(a)(I)(C)~~ SECTION
10 26-6-912 (1)(a)(I)(B);

11 **SECTION 92.** In Colorado Revised Statutes, 26-7-102, **amend**
12 (4) as follows:

13 **26-7-102. Definitions.** As used in this article 7, unless the context
14 otherwise requires:

15 (4) "Child placement agency" means any entity that, pursuant to
16 the requirements in ~~section 26-6-102 (7)~~ SECTION 26-6-903, may place,
17 facilitate placement, or arrange for the placement of an eligible child or
18 youth for the purpose of adoption, treatment, or foster care. Only eligible
19 children or youth who are placed by a county department or through a
20 child placement agency that is designated as a nonprofit entity and
21 licensed by the state department are eligible to receive benefits pursuant
22 to this article 7.

23 **SECTION 93.** In Colorado Revised Statutes, 26.5-1-303, **amend**
24 (1)(d) and (2)(a) as follows:

25 **26.5-1-303. Early childhood leadership commission - duties.**
26 (1) In addition to any other duties specified in law, the commission has
27 the following duties:

1 (d) To consider and recommend waivers from state regulations on
2 behalf of early childhood councils as provided in ~~section 26-6.5-104 (1)~~
3 SECTION 26.5-2-207;

4 (2) In fulfilling its duties, the commission shall collaborate, at a
5 minimum, with:

6 (a) Members of the early childhood councils established pursuant
7 to ~~section 26-6.5-103~~ SECTION 26.5-2-203; and

8 **SECTION 94.** In Colorado Revised Statutes, **amend** 26.5-1-304
9 as follows:

10 **26.5-1-304. Repeal of part.** This part 3 is repealed, effective
11 ~~September 1, 2023~~ SEPTEMBER 1, 2025. Before its repeal, the commission
12 is subject to review in accordance with section 2-3-1203.

13 **SECTION 95.** In Colorado Revised Statutes, 27-10.5-102,
14 **amend** (12) and (30); and **repeal** (17.5) as follows:

15 **27-10.5-102. Definitions - repeal.** As used in this article 10.5,
16 unless the context otherwise requires:

17 (12) "Early intervention services and supports" means services
18 described in and provided pursuant to ~~part 7 of this article~~ PART 4 OF
19 ARTICLE 3 OF TITLE 26.5, including education, training, and assistance in
20 child development, parent education, therapies, and other activities for
21 infants and toddlers and their families that are designed to meet the
22 developmental needs of infants and toddlers including, but not limited to,
23 cognition, speech, communication, physical, motor, vision, hearing,
24 social-emotional, and self-help skills.

25 (17.5) ~~"IDEA" means the federal "Individuals with Disabilities~~
26 ~~Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as~~
27 ~~amended, and its implementing regulations, 34 CFR part 303.~~

1 (30) "Services and supports" means one or more of the following:
2 Education, training, therapies, identification of natural supports, and other
3 activities provided to:

4 (a) Enable persons with intellectual and developmental disabilities
5 to make responsible choices, exert greater control over their lives,
6 experience presence and inclusion in their communities, develop their
7 competencies and talents, maintain relationships, foster a sense of
8 belonging, and experience personal security and self-respect; AND

9 ~~(b) Enhance child development and healthy parent-child and~~
10 ~~family interaction for eligible infants and toddlers and their families~~
11 ~~pursuant to part 7 of this article; and~~

12 (c) Enable families who choose or desire to maintain a family
13 member with an intellectual and developmental disability at home to
14 obtain support and to enjoy a typical lifestyle.

15 **SECTION 96.** In Colorado Revised Statutes, 27-10.5-103, **repeal**
16 (1)(b) and (2)(j) as follows:

17 **27-10.5-103. Duties of the executive director - rules -**
18 **definition.** (1) In order to implement the provisions of this article 10.5,
19 the executive director shall carry out the following duties, subject to
20 available appropriations:

21 ~~(b) Conduct appropriate part C child find activities as described~~
22 ~~in section 27-10.5-704. Part C child find activities conducted by the~~
23 ~~department include, but need not be limited to, early intervention~~
24 ~~evaluations, case management, referrals to public education systems or~~
25 ~~other community resources, implementation of state-level interagency~~
26 ~~operating agreements, and public outreach and awareness of early~~
27 ~~intervention evaluations and services.~~

1 (2) In accordance with section 24-4-103, and in coordination with
2 the requirements of article 10 of title 25.5, the department shall adopt
3 such rules as are necessary to carry out the provisions and purposes of this
4 article 10.5, including but not limited to the following:

5 (j) ~~Child find activities, as described in section 27-10.5-704.~~

6 **SECTION 97.** In Colorado Revised Statutes, 27-10.5-104, **repeal**
7 (1)(a), (3), and (5)(b) as follows:

8 **27-10.5-104. Authorized services and supports - conditions of**
9 **funding - purchase of services and supports - boards of county**
10 **commissioners - appropriation - repeal.** (1) Subject to annual
11 appropriations by the general assembly, the department shall provide or
12 purchase, pursuant to subsection (4) of this section, authorized services
13 and supports from community-centered boards or service agencies for
14 persons who have been determined to be eligible for such services and
15 supports pursuant to section 27-10.5-106, and as specified in the eligible
16 person's individualized plan. Those services and supports may include,
17 but need not be limited to, the following:

18 (a) ~~Early intervention services and supports that offer infants and~~
19 ~~toddlers and their families services and supports to enhance child~~
20 ~~development in the areas of cognition, speech, communication, physical,~~
21 ~~motor, vision, hearing, social-emotional development, and self-help~~
22 ~~skills; parent-child or family interaction; and early identification,~~
23 ~~screening, and assessment services that are provided pursuant to part 7 of~~
24 ~~this article;~~

25 (3) ~~Service and support coordination shall be purchased pursuant~~
26 ~~to part 7 of this article.~~

27 (5) (b) ~~The department is authorized to use up to three percent of~~

1 the appropriation allocated for early intervention services and supports for
2 training and technical assistance to ensure that the latest developments for
3 early intervention services and supports are rapidly integrated into service
4 provision throughout the state.

5 **SECTION 98.** In Colorado Revised Statutes, 27-10.5-105,
6 **amend (1)(c) and (1)(e) and amend as they exist until July 1, 2024,** (1)
7 introductory portion and (1)(a); and as follows:

8 **27-10.5-105. Case management agencies - purchase of services**
9 **and supports.** (1) Once a community-centered board has been
10 designated pursuant to section 25.5-10-209, ~~C.R.S.~~, it shall, subject to
11 available appropriations:

12 (a) Determine eligibility and develop an individualized plan for
13 each person who receives services or supports pursuant to section
14 25.5-10-211; ~~C.R.S.~~; except that, for a child from birth through two years
15 of age, eligibility determination and development of an individualized
16 family service plan shall be made pursuant to ~~part 7 of this article~~ PART
17 4 OF ARTICLE 3 OF TITLE 26.5;

18 (c) Obtain or provide early intervention services and supports
19 pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

20 (e) Pursuant to ~~section 27-10.5-704~~ SECTION 26.5-3-404,
21 collaborate with the department OF EARLY CHILDHOOD as it develops and
22 implements a statewide plan for public education outreach and awareness
23 efforts related to part C child find and the availability of early
24 intervention services.

25 **SECTION 99.** In Colorado Revised Statutes, 27-10.5-105,
26 **amend as it will become effective July 1, 2024,** (1)(a) as follows:

27 **27-10.5-105. Case management agencies - purchase of services**

1 **and supports.** (1) Once a case management agency has been designated
2 pursuant to section 25.5-6-1703, it shall, subject to available
3 appropriations:

4 (a) Determine eligibility and develop an individualized plan for
5 each person who receives long-term services or supports pursuant to
6 section 25.5-6-1704; except that, for a child from birth through two years
7 of age, eligibility determination and development of an individualized
8 family service plan must be made pursuant to ~~part 7 of this article 10.5~~
9 PART 4 OF ARTICLE 3 OF TITLE 26.5;

10 **SECTION 100.** In Colorado Revised Statutes, 27-10.5-107,
11 **amend** (1) introductory portion as follows:

12 **27-10.5-107. Procedure for resolving disputes over eligibility,**
13 **modification of services or supports, and termination of services or**
14 **supports.** (1) Every state or local service agency receiving state ~~moneys~~
15 MONEY pursuant to section 27-10.5-104 or ~~section 25.5-10-105 C.R.S.;~~
16 shall adopt a procedure for the resolution of disputes arising between the
17 service agency and any recipient of, or applicant for, services or supports
18 authorized ~~under~~ PURSUANT TO section 27-10.5-104 or ~~section~~
19 ~~25.5-10-105. C.R.S. Procedures for the resolution of disputes regarding~~
20 ~~early intervention services shall be in compliance with IDEA.~~ The
21 procedures ~~shall~~ MUST be consistent with rules promulgated by the
22 department pursuant to article 4 of title 24 ~~C.R.S.;~~ and ~~shall~~ MUST be
23 applicable to the following disputes:

24 **SECTION 101.** In Colorado Revised Statutes, 27-60-113, **amend**
25 (2) as follows:

26 **27-60-113. Out-of-home placement for children and youth**
27 **with mental or behavioral needs - rules - report - legislative**

1 **declaration - repeal.** (2) On or before August 1, 2021, the state
2 department shall develop a program to provide emergency resources to
3 licensed providers to help remove barriers such providers face in serving
4 children and youth whose behavioral or mental health needs require
5 services and treatment in a residential child care facility. Any such
6 licensed provider shall meet the requirements of a qualified residential
7 treatment program, as defined in section 26-5.4-102, a psychiatric
8 residential treatment facility, as defined in ~~section 26-5.4-103 (19.5)~~
9 ~~SECTION 25.5-4-103 (19.5)~~, or therapeutic foster care, as defined in
10 ~~section 26-6-102 (39)~~ SECTION 26-6-903.

11 **SECTION 102.** In Colorado Revised Statutes, 27-65-102, **amend**
12 (1.5)(a) and (18) as follows:

13 **27-65-102. Definitions.** As used in this article 65, unless the
14 context otherwise requires:

15 (1.5) "Behavioral health entity" means a facility or provider
16 organization engaged in providing community-based health services,
17 which may include behavioral health disorder services, alcohol use
18 disorder services, or substance use disorder services, including crisis
19 stabilization, acute or ongoing treatment, or community mental health
20 center services as described in section 27-66-101 (2) and (3), but does not
21 include:

22 (a) Residential child care facilities as defined in ~~section 26-6-102~~
23 ~~(33)~~ SECTION 26-6-903; or

24 (18) "Residential child care facility" means a facility licensed by
25 the state department of human services pursuant to ~~article 6 of title 26,~~
26 ~~C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 to provide group care and
27 treatment for children as such facility is defined in ~~section 26-6-102 (33);~~

1 ~~C.R.S.~~ SECTION 26-6-903. A residential child care facility may be eligible
2 for designation by the executive director of the department of human
3 services pursuant to this ~~article~~ ARTICLE 65.

4 **SECTION 103.** In Colorado Revised Statutes, 27-66-101, **amend**
5 (1.5)(a) as follows:

6 **27-66-101. Definitions.** As used in this article 66, unless the
7 context otherwise requires:

8 (1.5) "Behavioral health entity" means a facility or provider
9 organization engaged in providing community-based health services,
10 which may include behavioral health disorder services, alcohol use
11 disorder services, or substance use disorder services, including crisis
12 stabilization, acute or ongoing treatment, or community mental health
13 center services as described in subsections (2) and (3) of this section, but
14 does not include:

15 (a) Residential child care facilities as defined in ~~section 26-6-102~~
16 ~~(33)~~ SECTION 26-6-903; or

17 **SECTION 104.** In Colorado Revised Statutes, **amend** 27-66-110
18 as follows:

19 **27-66-110. Trauma-informed care standards of approval.** The
20 office of behavioral health shall establish care standards and an approval
21 process that a qualified residential treatment program, as defined in
22 ~~section 26-6-102 (30.5)~~ SECTION 26-6-903, must meet to ensure that
23 qualified residential treatment programs have a trauma-informed
24 treatment model that addresses the needs of children and youth with
25 serious emotional or behavioral health disorders or disturbances.

26 **SECTION 105.** In Colorado Revised Statutes, 27-80-121, **amend**
27 (1) introductory portion as follows:

1 **27-80-121. Perinatal substance use data linkage project -**
2 **center for research into substance use disorder prevention,**
3 **treatment, and recovery support strategies - report.** (1) The center for
4 research into substance use disorder prevention, treatment, and recovery
5 support strategies established in section 27-80-118, referred to in this
6 section as the "center", in partnership with an institution of higher
7 education and the state substance abuse trend and response task force
8 established in section 18-18.5-103, may conduct a statewide perinatal
9 substance use data linkage project that uses ongoing collection, analysis,
10 interpretation, and dissemination of data for the planning,
11 implementation, and evaluation of public health actions to improve
12 outcomes for families impacted by substance use during pregnancy. The
13 data linkage project shall utilize data from the medical assistance
14 program, articles 4 to 6 of title 25.5; the electronic prescription drug
15 monitoring program created in part 4 of article 280 of title 12; the
16 Colorado TRAILS system, as defined in section 16-20.5-102 (10); the
17 Colorado immunization information system, created pursuant to section
18 25-4-2401, et seq.; the Colorado child care assistance program, created
19 in ~~part 8 of article 2 of title 26~~ PART 1 OF ARTICLE 4 OF TITLE 26.5; the
20 office of behavioral health in the department of human services; and birth
21 and death records to examine the following:

22 **SECTION 106.** In Colorado Revised Statutes, 27-81-102, **amend**
23 (3.5)(a) as follows:

24 **27-81-102. Definitions.** As used in this article 81, unless the
25 context otherwise requires:

26 (3.5) "Behavioral health entity" means a facility or provider
27 organization engaged in providing community-based health services,

1 which may include behavioral health disorder services, alcohol use
2 disorder services, or substance use disorder services, including crisis
3 stabilization, acute or ongoing treatment, or community mental health
4 center services as described in section 27-66-101 (2) and (3), but does not
5 include:

6 (a) Residential child care facilities as defined in ~~section 26-6-102~~
7 ~~(33)~~ SECTION 26-6-903; or

8 **SECTION 107.** In Colorado Revised Statutes, 27-90-111, **amend**
9 (11.5)(b) as follows:

10 **27-90-111. Employment of personnel - screening of applicants**
11 **- disqualifications from employment - contracts - rules - definitions.**

12 (11.5) (b) If the contracting agency is also licensed pursuant to ~~section~~
13 ~~26-6-104~~ SECTION 26-6-905 and has conducted a criminal history record
14 check pursuant to ~~section 26-6-104 (7)(a)(HH)~~ SECTION 26-6-905
15 (8)(a)(III) for its employees who will have direct contact with vulnerable
16 persons as a result of the contract, the department may accept such
17 criminal history record check to satisfy the requirements of this
18 subsection (11.5).

19 **SECTION 108.** In Colorado Revised Statutes, 38-33.3-106.5,
20 **amend** (1)(k)(I) as follows:

21 **38-33.3-106.5. Prohibitions contrary to public policy -**
22 **patriotic, political, or religious expression - emergency vehicles - fire**
23 **prevention - renewable energy generation devices - affordable**
24 **housing - drought prevention measures - child care - definitions.**

25 (1) Notwithstanding any provision in the declaration, bylaws, or rules
26 and regulations of the association to the contrary, an association shall not
27 prohibit any of the following:

1 (k) (I) The operation of a family child care home, as defined in
2 ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that is licensed ~~under part 1~~
3 ~~of article 6 of title 26~~ PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5.

4 **SECTION 109.** In Colorado Revised Statutes, 39-1-102, **amend**
5 (15.5)(a)(II) introductory portion as follows:

6 **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,
7 unless the context otherwise requires:

8 (15.5) (a) "School" means:

9 (II) An institution that is licensed as a child care center pursuant
10 to ~~article 6 of title 26, C.R.S.~~, PART 3 OF ARTICLE 5 OF TITLE 26.5 that is:

11 **SECTION 110.** In Colorado Revised Statutes, 39-3-110, **amend**
12 (1) introductory portion and (1)(a) as follows:

13 **39-3-110. Property - integral part of child care center -**
14 **charitable purposes - exemption - limitations.** (1) Property, real and
15 personal, ~~which~~ THAT is owned and used solely and exclusively for
16 strictly charitable purposes and not for private gain or corporate profit
17 ~~shall~~ MUST be exempt from the levy and collection of property tax if such
18 property is used as an integral part of a child care center:

19 (a) Which is licensed pursuant to ~~article 6 of title 26, C.R.S.~~ PART
20 3 OF ARTICLE 5 OF TITLE 26.5;

21 **SECTION 111.** In Colorado Revised Statutes, 39-3-112, **amend**
22 (1)(b) as follows:

23 **39-3-112. Residential property - orphanage - low-income**
24 **elderly or individuals with disabilities - homeless or abused -**
25 **low-income households - charitable purposes - exemption -**
26 **limitations - definitions.** (1) As used in this section, unless the context
27 otherwise requires:

1 (b) "Family service facility" means a facility ~~which~~ THAT is
2 operated as a residential facility for single-parent families; ~~which~~ THAT
3 houses only such families, exclusive of necessary housing facilities for
4 resident managerial personnel; ~~which~~ THAT provides, in addition to
5 housing, counseling in such areas as career development, parenting skills,
6 and financial budgeting; and ~~which~~ THAT is a child care center licensed
7 pursuant to ~~the provisions of section 26-6-104, C.R.S.~~ SECTION
8 26.5-5-309.

9 **SECTION 112.** In Colorado Revised Statutes, 39-22-119, **amend**
10 (3) as follows:

11 **39-22-119. Expenses related to child care - credits against state**
12 **tax.** (3) The child care expenses credits allowed under subsections (1)
13 and (1.7) of this section shall not be allowed to a resident individual who
14 is receiving child care assistance from the ~~state department of human~~
15 ~~services~~ DEPARTMENT OF EARLY CHILDHOOD except to the extent of the
16 taxpayer's unreimbursed out-of-pocket expenses that result in a federal
17 credit for child care expenses.

18 **SECTION 113.** In Colorado Revised Statutes, 39-22-121, **amend**
19 (2) introductory portion, (2)(a), (6.5) introductory portion, and (6.5)(a)
20 introductory portion as follows:

21 **39-22-121. Credit for child care facilities - repeal.**
22 (2) Monetary contributions to promote child care in the state ~~shall~~ MUST
23 include the following types of contributions:

24 (a) Donating money for the establishment or operation of a child
25 care facility that uses the donation to provide child care, a child care
26 program that is not a child care facility but provides child care services
27 similar to those provided by a child care center, as defined in ~~section~~

1 ~~26-6-102 (5)~~ SECTIONS 26-6-903 AND 26.5-5-303, or any other program
2 that received donations for which a credit was allowed to the donor
3 pursuant to this section for any income tax year that ended before January
4 1, 2004, in the state;

5 (6.5) ~~For the purposes of~~ AS USED IN this section, "child care
6 facility" means:

7 (a) Any facility required to be licensed pursuant to ~~part 1 of article~~
8 ~~6 of title 26, C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF
9 ARTICLE 5 OF TITLE 26.5 and ~~shall~~ MUST include, but is not limited to:

10 **SECTION 114.** In Colorado Revised Statutes, 39-22-517, **amend**
11 (1) and (2) as follows:

12 **39-22-517. Tax credit for child care center investments.**

13 (1) With respect to taxable years commencing on or after January 1,
14 1992, there ~~shall be~~ IS allowed to any person operating a child care center
15 LICENSED PURSUANT TO SECTION 26-6-905 OR 26.5-5-309, family child
16 care home LICENSED PURSUANT TO SECTION 26.5-5-309, or foster care
17 home licensed pursuant to ~~the provisions of section 26-6-104, C.R.S.~~
18 SECTION 26-6-905 a credit against the tax imposed by this ~~article~~ ARTICLE
19 22 in the amount of twenty percent of the taxpayer's annual investment in
20 tangible personal property to be used in such child care center, family
21 child care home, or foster care home. Such credit ~~shall be~~ IS in addition
22 to any credit for which the taxpayer may be eligible pursuant to ~~the~~
23 ~~provisions of~~ section 39-22-507.5 or **section** 39-22-507.6.

24 (2) With respect to taxable years commencing on or after July 1,
25 1992, there ~~shall be~~ IS allowed to any sole proprietorship, partnership,
26 limited liability corporation, subchapter S corporation, or regular
27 corporation ~~which~~ THAT provides child care facilities ~~which~~ that are

1 incidental to their business and are licensed pursuant to ~~section 26-6-104,~~
2 ~~C.R.S.~~, SECTION 26-6-905 OR 26.5-5-309 for the use of its employees a
3 credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of
4 ten percent of the taxpayer's annual investment in tangible personal
5 property to be used in such child care facilities. Such credit ~~shall be~~ IS in
6 addition to any credit for which the taxpayer may be eligible pursuant to
7 the provisions of section 39-22-507.5 or ~~section~~ 39-22-507.6.

8 **SECTION 115.** In Colorado Revised Statutes, 39-28-116, **amend**
9 (6) as follows:

10 **39-28-116. Minimum price for cigarettes.** (6) In its annual June
11 forecast, legislative council staff shall report an estimate for the current
12 state fiscal year of the additional sales tax revenue that is attributable to
13 the applicable minimum price set forth in this section. On June 30 of the
14 fiscal year, the state treasurer shall transfer an amount equal to
15 seventy-three percent of the legislative council staff estimate from the
16 general fund to the preschool programs cash fund created in ~~section~~
17 ~~24-22-118 (3)(a)~~ SECTION 26.5-4-209.

18 **SECTION 116.** In Colorado Revised Statutes, 42-1-102, **amend**
19 (88.5)(b)(II) as follows:

20 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
21 unless the context otherwise requires:

22 (88.5) (b) "School vehicle" does not include:

23 (II) A motor vehicle that is owned by or under contract to a child
24 care center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903
25 OR 26.5-5-303, and that is used for the transportation of children who are
26 served by the child care center.

27 **SECTION 117.** In Colorado Revised Statutes, 42-4-236, **amend**

1 (1)(a) as follows:

2 **42-4-236. Child restraint systems required - definitions -**
3 **exemptions.** (1) As used in this section, unless the context otherwise
4 requires:

5 (a) "Child care center" means a facility required to be licensed
6 under the "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY
7 LICENSING ACT", PART 9 OF ARTICLE 6 OF TITLE 26, OR THE "Child Care
8 Licensing Act", ~~part 1 of article 6 of title 26, C.R.S.~~ PART 3 OF ARTICLE
9 5 OF TITLE 26.5.

10 **SECTION 118.** In Colorado Revised Statutes, **repeal** 22-2-134;
11 22-2-134.5; and part 3 of article 6.2 of title 26.

12 **SECTION 119.** In Colorado Revised Statutes, **repeal** article 3.5
13 of title 19; 24-22-118 (3); part 8 of article 2, parts 1 and 8 of article 6,
14 article 6.4, parts 1 and 4 of article 6.5, article 6.7, article 6.9, and article
15 18 of title 26; and part 7 of article 10.5 of title 27.

16 **SECTION 120.** In Colorado Revised Statutes, **repeal, as they**
17 **will become effective July 1, 2024,** 26-6-102 (5)(a); 26-6-104.5 (4);
18 27-10.5-702 (3); 27-10.5-703 (3)(f), (3)(g), (3)(h), and (3)(i); 27-10.5-705
19 (1), (2), (3) introductory portion, (3)(b) introductory portion, and
20 (3)(b)(I); 27-10.5-706 (1)(d) and (3); and 27-10.5-708 (1) introductory
21 portion, (1)(a), and (1)(c).

22 **SECTION 121. Appropriation - adjustments to 2022 long bill.**

23 (1) To implement this act, all of the appropriations made in the annual
24 general appropriation act for the 2022-23 state fiscal year to the
25 department of human services for use by the office of early childhood are
26 reduced to zero, and all of the related FTE are reduced to zero.

27 (2) All of the anticipated amount of federal funds received for the

1 2022-23 state fiscal year by the department of human services for use by
2 the office of early childhood included in the annual general appropriation
3 act for the 2022-23 state fiscal year are reduced to \$0, and all of the
4 related FTE are reduced to zero.

5 (3) To implement this act, all of the appropriations made in the
6 annual general appropriation act for the 2022-23 state fiscal year to the
7 department of early childhood are reduced to \$0, and all of the related
8 FTE are reduced to zero.

9 (4) To implement this act, appropriations made in the annual
10 general appropriation act for the 2022-23 state fiscal year to the
11 department of human services for use by the executive director's office
12 are adjusted as follows:

13 (a) The appropriation for health, life, and dental is decreased by
14 \$1,255,561, which consists of \$385,885 general fund, \$3,362 from the
15 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S.,
16 \$617,510 from various sources of cash funds, and \$248,804 federal funds
17 from child care development funds;

18 (b) The appropriation for short-term disability is decreased by
19 \$8,072, which consists of \$3,656 general fund, \$283 from the marijuana
20 tax cash fund created in section 39-28.8-501 (1), C.R.S., \$2,781 from
21 various sources of cash funds, and \$1,352 federal funds from child care
22 development funds;

23 (c) The appropriation for S.B. 04-257 amortization equalization
24 disbursement is decreased by \$225,005, which consists of \$121,777
25 general fund, \$29,943 from the marijuana tax cash fund created in section
26 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and
27 \$46,851 federal funds from child care development funds;

1 (d) The appropriation for S.B. 06-235 amortization equalization
2 disbursement is decreased by \$225,005, which consists of \$121,777
3 general fund, \$29,943 from the marijuana tax cash fund created in section
4 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and
5 \$46,851 federal funds from child care development funds;

6 (e) The appropriation for salary survey is decreased by \$155,063,
7 which consists of \$79,987 general fund and \$75,076 federal funds from
8 child care development funds; and

9 (f) The appropriation for shift differential is decreased by
10 \$113,658, which consists of \$41,594 from various sources of cash funds
11 and \$72,064 federal funds from child care development funds.

12 (5) (a) To implement this act, appropriations made in the annual
13 general appropriation act for the 2022-23 state fiscal year to the
14 department of human services are decreased as follows:

	Total Funds	General Fund	Reappropriated Funds
1	(1) Executive Director's Office		
2	\$97,507	\$4,418	\$93,089
3	39,280	2,204	37,076
4	66,234	3,839	62,395
5	398,449	11,803	386,646
6	25,790	0	25,790
7			
8	3,653	212	3,441
9	(2) Administration and Finance		
10	(A) Administration		
11	1,232,916	220,382	1,012,534
12	25,309	2,019	23,290
13	(B) Information Technology		
14	9,771	328	9,443
15	12,029	380	11,649
16	31,514	0	31,514
17	660	20	640
18	1,763,376	39,053	1,724,323
19	37,195	2,762	34,433
20	21,197	1,722	19,475
21	(C) Operations		
22	8,906	608	8,298
23	300,029	22,117	277,912
24	497	30	467
25	(D) Special Purpose		
26	1,304	100	1,204
27			
28			
29	8,898	822	8,076
30	\$4,084,514	\$312,819	\$3,771,695

1 (b) For purposes of subsection (5)(a) of this section, the decreased
2 reappropriated funds are all from indirect cost recoveries.

3 (6) (a) To implement this act, appropriations made from
4 reappropriated funds in the annual general appropriation act for the
5 2022-23 state fiscal year to the department of human services are
6 increased by \$1,405,214 as follows:

7 **(1) Executive Director's Office**

8 **(A) General Administration**

9 Personal Services \$97,507

10 Operating Expenses \$39,280

11 **(2) Administration and Finance**

12 **(A) Administration**

13 Personal Services \$1,232,916

14 Operating Expenses \$25,309

15 **(D) Special Purpose**

16 Injury Prevention \$1,304

17 HIPPA \$8,898

18 (b) The reappropriated funds specified in subsection (6)(a) of this
19 section are funds received by the department of human services from the
20 department of early childhood.

21 (7) (a) To implement this act, the appropriation made in the annual
22 general appropriation act for the 2022-23 state fiscal year to the
23 department of health care policy and financing for use by department of
24 human services Medicaid-funded programs for division of community
25 and family support, early intervention services is decreased by
26 \$4,063,691. This appropriation is from the general fund, which is subject
27 to the "(M)" notation as defined in the annual general appropriation act

1 for the same fiscal year.

2 (b) The decrease of the appropriation in subsection (7)(a) of this
3 section is based on the assumption that the anticipated amount of federal
4 funds received for the 2022-23 state fiscal year by the department of
5 health care policy and financing for division of community and family
6 support, early intervention services will decrease by \$4,063,691.

7 (c) For the 2022-23 state fiscal year, \$4,063,691 is appropriated to
8 the department of health care policy and financing for use by the
9 executive director's office, transfers to/from other departments. This
10 appropriation is from the general fund, which is subject to the "(M)"
11 notation as defined in the annual general appropriation act for the same
12 fiscal year. To implement this act, the department may use this
13 appropriation for transfer to the department of early childhood for early
14 intervention services.

15 (d) For the 2022-23 state fiscal year, the general assembly
16 anticipates that the department of health care policy and financing will
17 receive \$4,063,691 in federal funds for transfer to the department of early
18 childhood for early intervention services to implement this act. The
19 appropriation in subsection (7)(c) of this section is based on the
20 assumption that the department will receive this amount of federal funds.

21 (8) To implement this act, the general fund appropriation made in
22 the annual general appropriation act for the 2022-23 state fiscal year to
23 the governor - lieutenant governor - state planning and budgeting for use
24 by the office of the governor, special purpose for legal services is
25 decreased by \$177,426.

26 (9) To implement this act, the appropriation from reappropriated
27 funds made in the annual general appropriation act for the 2022-23 state

1 fiscal year to the department of education for appropriated sponsored
2 programs is decreased by \$651,922, and the related FTE is decreased by
3 6.0 FTE.

4 (10) (a) Section 24-75-112, C.R.S., provides definitions in order
5 to specify the purposes of certain line items of appropriation in subsection
6 (10)(c) of this section.

7 (b) Section 24-75-108 and section 2 of the annual general
8 appropriation act for the 2022-23 state fiscal year apply to the
9 appropriations in subsection (10)(c) of this section as if the appropriations
10 were included in the act.

11 (c)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	PART III						
2	DEPARTMENT OF EARLY CHILDHOOD						
3							
4	(1) EXECUTIVE DIRECTOR'S OFFICE						
5	(A) General Administration						
6	Personal Services	3,201,419		2,144,852		27,542 ^a	1,029,025 ^b
7		(30.4 FTE)					
8	Health, Life, and Dental	1,561,561		591,885		700,872 ^c	268,804 ^d
9	Short-term Disability	11,866		6,509		3,817 ^c	1,540 ^d
10	S.B. 04-257 Amortization						
11	Equalization Disbursement	336,601		205,700		78,515 ^c	52,386 ^d
12	S.B. 06-235 Supplemental						
13	Amortization Equalization						
14	Disbursement	336,601		205,700		78,515 ^c	52,386 ^d
15	Salary Survey	155,063		79,987			75,076 ^d

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Shift Differential	113,658			41,594 ^e		72,064 ^d
2	Workers' Compensation	66,234	3,839			62,395 ^e	
3	Operating Expenses	43,427	30,442		405 ^a	467 ^e	12,113 ^f
4	Legal Services	694,159	307,513			386,646 ^e	
5	Administrative Law Judge						
6	Services	25,790				25,790 ^e	
7	Payment to Risk						
8	Management and Property						
9	Funds	3,653	212			3,441 ^e	
10	Vehicle Lease Payments	8,906	608			8,298 ^e	
11	Capital Outlay	86,800	86,800				
12	Capitol Complex Leased						
13	Space	300,029	22,117			277,912 ^e	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operational Support Contract						
2	with the Department of						
3	Human Services	1,405,214		229,945		1,175,269 ^e	
4		8,350,981					

6 ^a These amounts shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S.

7 ^b Of this amount, \$887,363 shall be from Child Care Development Funds and \$141,662(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with
8 Disabilities Education Act.

9 ^c Of these amounts, \$714,753 shall be from various cash funds, \$125,029 shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S., and \$63,531
10 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

11 ^d These amounts shall be from Child Care Development Funds.

12 ^e These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

13 ^f Of this amount, \$11,775 shall be from Child Care Development Funds and \$338(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities
14 Education Act.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(B) Information Technology Systems						
2	Information Technology						
3	Contracts and Equipment	5,021,705	3,948,984			72,721 ^a	1,000,000 ^b
4	Payments to OIT	1,763,376	39,053			1,724,323 ^a	
5	CORE Operations	37,195	2,762			34,433 ^a	
6	Child Care Automated						
7	Tracking System	4,259,933					4,259,933 ^b
8		<u>11,082,209</u>					

9

10 ^a These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

11 ^b These amounts shall be from Child Care Development Funds.

12

13 style="text-align: right;">19,433,190

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APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(2) PARTNERSHIPS AND COLLABORATIONS						
2	Personal Services	1,149,447		225,762			923,685 ^a
3	(9.5 FTE)						
4	Operating Expenses	211,706		44,496			167,210 ^a
5	Local Coordinating						
6	Organizations	5,273,021					5,273,021 ^a
7	Early Childhood Councils ¹	3,331,173					3,331,173 ^a
8	Child Care Resource and						
9	Referrals	2,489,666					2,489,666 ^a
10	Family Resource Centers	1,161,578		1,161,578			
11	Indirect Cost Assessment	148,886					148,886 ^a
12				13,765,477			

13

14 ^a These amounts shall be from Child Care Development Funds.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	(3) EARLY LEARNING ACCESS AND QUALITY						
2	Personal Services	8,962,932		625,330	500,110 ^a		7,837,492 ^b
3		(50.4 FTE)					
4	Operating Expenses	803,174			10,800 ^a		792,374 ^b
5	Capital Outlay	62,000			49,600 ^a		12,400 ^b
6	Child Care Assistance						
7	Program	157,916,576		28,790,460	15,064,026(I) ^c		114,062,090 ^d
8	Intrastate Child Care						
9	Assistance Program						
10	Redistribution	500,000					500,000 ^b
11	Child Care Assistance						
12	Program Stimulus -						
13	Eligibility Expansion and						
14	Infant and Toddler Care						
15	Reimbursement	25,970,215					25,970,215 ^b

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Workforce Recruitment and						
2	11,551,160						11,551,160 ^b
3	Professional Development						
4	7,217,451						7,217,451 ^b
5	Early Childhood Quality and						
6	24,909,892		3,043,243				21,866,649 ^b
7	Local Capacity Building						
8	17,319,546						17,319,546 ^b
9	3,162,248						3,162,248 ^b
10		258,375,194					

12 ^a These amounts shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S.

13 ^b These amounts shall be from Child Care Development Funds.

14 ^c This amount shall be from local funds and reflects the local share of the costs of administering the Child Care Assistance Program and the local share of child care subsidies. The (L)

15 notation and the (I) notation apply to this amount.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	^d Of this amount, \$113,962,090 shall be from Child Care Development Funds and \$100,000 shall be from the Title XX Social Services Block Grant.						
3							
4	(4) COMMUNITY AND FAMILY SUPPORT						
5	Personal Services	4,213,192	2,135,321		378,689 ^a		1,699,182 ^b
6		(25.8 FTE)					
7	Operating Expenses	332,341	185,233		52,188 ^c		94,920 ^d
8	Early Intervention	79,446,457	54,770,474		10,516,016(I) ^e	8,127,382 ^f	6,032,585(I) ^g
9	Home Visiting	26,790,628	597,969		24,429,322 ^h		1,763,337(I) ⁱ
10	Child Maltreatment						
11	Prevention	13,425,660	7,941,046		1,346,216 ^j		4,138,398(I) ^k
12	Early Childhood Mental						
13	Health Services ²	6,188,456	1,333,541				4,854,915 ^l
14	Social-Emotional Learning						
15	Programs Grants	777,926			777,926 ^m		

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Child Care Services and						
2	Substance Use Disorder						
3	Treatment Pilot Program	500,000	500,000				
4	Indirect Cost Assessment	500,314			112,047 ⁿ		388,267 ^o
5		132,174,974					

^a Of this amount, \$198,861 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$90,452 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S., \$88,267 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$1,109(I) shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

^b Of this amount, \$131,066 shall be from Child Care Development Funds, \$1,407,469(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act, \$95,779(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$64,868(I) reflects funds anticipated to be received pursuant to the Community-based Child Abuse Prevention Grant fund.

^c Of this amount, \$29,084 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$20,254 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$2,850 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 ^d Of this amount, \$35,902 shall be from Child Care Development Funds, \$32,944(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities
2 Education Act, \$21,024(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$5,050(I) reflects funds anticipated to be received
3 pursuant to the Community-based Child Abuse Prevention Grant fund.

4 ^e This amount shall be from shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount
5 is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed
6 by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

7 ^f This amount shall be from Medicaid funds transferred from the Department of Health Care Policy and Financing.

8 ^g This amount reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

9 ^h This amount shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., which is received as a damage award and, as such, does not constitute
10 fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

11 ⁱ This amount shall be from the Maternal, Infant and Early Childhood Home Visiting Grant program.

12 ^j Of this amount, \$1,074,400(I)(L) shall be from local funds and \$271,816 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.

13 ^k Of this amount, \$3,390,000 reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$748,398(I) reflects funds anticipated to be received
14 pursuant to the Community-based Child Abuse Prevention Grant fund.

15 ^l This amount shall be from Child Care Development Funds.

16 ^m This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	ⁿ This amount shall be from various sources of cash funds.						
2	^o Of this amount, \$75,732 shall be from Child Care Development Funds and \$312,535(I) shall be from various sources of federal funds.						
3							
4	(5) LICENSING AND ADMINISTRATION						
5	Personal Services	9,460,393		2,403,584		1,052,212 ^a	6,004,597 ^b
6		(59.1 FTE)					
7	Operating Expenses	1,037,528		14,619		265,915 ^c	756,994 ^d
8	Background Investigation						
9	Unit	1,524,812				1,524,812 ^e	
10		(12.5 FTE)					
11	Indirect Cost Assessment	189,687				89,981 ^f	99,706 ^b
12		<u>12,212,420</u>					

13

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 ^a Of this amount, \$1,042,212 shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S. and \$10,000(I) shall be from the Child Care Cash Fund created
3 in Section 26.5-5-323 (4), C.R.S. The Child Care Cash Fund amount is shown for informational purposes as it is continuously appropriated for activities related to the improvement of
4 the quality of child care in Colorado, pursuant to Section 26.5-5-323 (4), C.R.S.

5 ^b These amounts shall be from Child Care Development Funds.

6 ^c This amount shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S.

7 ^d Of this amount, \$606,994 shall be from Child Care Development Funds and \$150,000(I) shall be from Title IV-E of the Social Security Act. The amount from Title IV-E of the
8 Social Security Act is reflected pursuant to Section 26-1-111 (2)(d)(II)(B), C.R.S., and shall be used in determining the amount to be deposited to the Excess Federal Title IV-E
9 Reimbursements Cash Fund pursuant to Section 26-1-111 (2)(d)(II)(C), C.R.S.

10 ^e Of this amount, \$1,143,273 shall be from the Records and Reports Fund created in Section 19-1-307 (2.5), C.R.S. and \$381,539 shall be from the Child Care Licensing Cash Fund
11 created in Section 26.5-5-311 (4), C.R.S.

12 ^f This amount shall be from various sources of cash funds.

13

14 **TOTALS PART III**

(EARLY CHILDHOOD)	\$435,961,255	111,679,564	57,101,120 ^a	11,899,077	255,281,494 ^b
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APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 ^a Of this amount, \$26,665,551 contains an (I) notation and is included for informational purposes only.

3 ^b Of this amount, \$14,914,387 contains an (I) notation and is included for informational purposes only.

4 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

5 **1** Department of Early Childhood, Partnerships and Collaborations, Early Childhood Councils -- It is the General Assembly's intent that these funds be allocated
6 to existing Early Childhood Councils.

7 **2** Department of Early Childhood, Community and Family Support, Early Childhood Mental Health Services -- It is the General Assembly's intent that this
8 appropriation be used for the purpose of supporting early childhood mental health specialists in each community mental health center.

1 (11) For the 2022-23 state fiscal year, \$76,400 is appropriated to
2 the department of education for use by the management and
3 administration. This appropriation is from the general fund. To implement
4 this act, the division may use this appropriation for information
5 technology services.

6 (12) For the 2022-23 state fiscal year, \$118,284 is appropriated to
7 the department of law. This appropriation is from reappropriated funds
8 received from the department of early childhood under subsection (10)(c)
9 of this section and is based on an assumption that the department of law
10 will require an additional 0.7 FTE. To implement this act, the department
11 of law may use this appropriation to provide legal services for the
12 department of early childhood.

13 **SECTION 122. Effective date.** This act takes effect July 1, 2022;
14 except that this section 117, sections 1, 2, and 118 of this act, and part 1
15 of article 2 of title 26.5 added in section 3 of this act take effect upon
16 passage.

17 **SECTION 123. Safety clause.** The general assembly hereby
18 finds, determines, and declares that this act is necessary for the immediate
19 preservation of the public peace, health, or safety.