

**Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO**

REVISED

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

LLS NO. 22-0025.11 Julie Pelegrin x2700

HOUSE BILL 22-1295

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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.*

SENATE
Amended 2nd Reading
April 12, 2022

HOUSE
3rd Reading Unamended
March 25, 2022

HOUSE
Amended 2nd Reading
March 24, 2022

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 (c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1,
11 2024. BEFORE THE REPEAL, THIS SUBSECTION (1) IS SCHEDULED FOR
12 REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

13 (2) (a) THE EXECUTIVE DIRECTOR SHALL CONVENE A RULES
14 ADVISORY COUNCIL FOR CONSULTATION AND ADVICE IN PROMULGATING
15 RULES FOR THE FUNCTIONS, PROGRAMS, AND SERVICES THAT THE
16 DEPARTMENT PROVIDES. THE EXECUTIVE DIRECTOR SHALL APPOINT THE
17 MEMBERS OF THE RULES ADVISORY COUNCIL, TAKING INTO
18 CONSIDERATION A LIST OF NOMINEES PROVIDED BY THE EARLY CHILDHOOD
19 LEADERSHIP COMMISSION PURSUANT TO THIS SUBSECTION (2)(a). To
20 ENSURE THAT THE COUNCIL IS REPRESENTATIVE AND COLLABORATIVE AND
21 EMBODIES A WIDE RANGE OF PERSPECTIVES AND EXPERIENCE WITH
22 REGARD TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
23 SERVICES, THE EARLY CHILDHOOD LEADERSHIP COMMISSION SHALL
24 CONDUCT OUTREACH TO A WIDE RANGE OF EARLY CHILDHOOD INDUSTRY
25 ORGANIZATIONS AND PARTNERS AND SHALL PUBLICLY SOLICIT
26 APPLICATIONS FROM QUALIFIED AND INTERESTED INDIVIDUALS TO SERVE
27 ON THE COUNCIL. IN ADDITION TO SOLICITING APPLICATIONS, THE EARLY

1 CHILDHOOD LEADERSHIP COMMISSION SHALL CONSULT WITH PARENTS AND
2 WITH COUNTIES, COUNTY HUMAN SERVICES DIRECTORS, SCHOOL
3 DISTRICTS, PROVIDERS, AND THE ORGANIZATIONS THAT REPRESENT THESE
4 ENTITIES AND SHALL ACCEPT NOMINATIONS FROM SAID ORGANIZATIONS.
5 BASED ON THE APPLICATIONS AND NOMINATIONS RECEIVED, THE EARLY
6 CHILDHOOD LEADERSHIP COMMISSION SHALL SUBMIT TO THE EXECUTIVE
7 DIRECTOR A LIST OF NOMINEES FOR CONSIDERATION AS APPOINTMENTS TO
8 THE COUNCIL. TO THE EXTENT PRACTICABLE, THE LIST OF NOMINEES MUST
9 INCLUDE NOMINEES THAT SATISFY THE REQUIREMENTS SPECIFIED IN
10 SUBSECTIONS (2)(b), (2)(c), AND (2)(d) OF THIS SECTION. THE EARLY
11 CHILDHOOD LEADERSHIP COMMISSION SHALL SUBMIT A LIST OF NOMINEES
12 TO THE EXECUTIVE DIRECTOR AS PROVIDED IN THIS SUBSECTION (2)(a) FOR
13 THE INITIAL AND SUBSEQUENT APPOINTMENTS TO THE COUNCIL.

14 (b) THE EXECUTIVE DIRECTOR SHALL APPOINT FIFTEEN PERSONS,
15 TAKING INTO CONSIDERATION THE LIST OF NOMINEES RECEIVED FROM THE
16 EARLY CHILDHOOD LEADERSHIP COMMISSION, TO SERVE ON THE COUNCIL,
17 WHICH APPOINTMENTS MUST INCLUDE AT LEAST ONE PERSON FROM EACH
18 OF THE FOLLOWING CATEGORIES:

19 (I) REPRESENTATIVES FROM PROGRAMMATICALLY DIVERSE
20 COMMUNITIES, INCLUDING:

21 (A) A REPRESENTATIVE FROM A SCHOOL-BASED PRESCHOOL
22 PROVIDER;

23 (B) A REPRESENTATIVE FROM A PRIVATE EARLY CHILDHOOD
24 PROVIDER, WHO MAY BE A HEAD START PROGRAM OR IN-HOME CHILD CARE
25 PROVIDER; AND

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

1 (II) REPRESENTATIVES OF COUNTY DEPARTMENTS, AS DEFINED IN
2 SECTION 26.5-4-103, IN DIVERSE GEOGRAPHIC AREAS OF THE STATE WHO
3 ARE KNOWLEDGEABLE OF AND RESPONSIBLE FOR IMPLEMENTING CHILD
4 PROTECTION PROGRAMS AND THE COLORADO CHILD CARE ASSISTANCE
5 PROGRAM AND HAVE EXPERTISE IN FISCAL MATTERS FOR COUNTY
6 DEPARTMENTS. NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION
7 (2)(b) TO THE CONTRARY, THE EXECUTIVE DIRECTOR SHALL APPOINT AT
8 LEAST TWO PERSONS FROM THE CATEGORY DESCRIBED IN THIS SUBSECTION
9 (2)(b)(II).

10 (III) A REPRESENTATIVE OF A FOUNDATION, BUSINESS, OR EARLY
11 CHILDHOOD ADVOCACY ORGANIZATION;

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

16 (V) A REPRESENTATIVE OF INSTITUTIONS OF HIGHER EDUCATION;
17 AND

18 (VI) AN EARLY CHILDHOOD HEALTH-CARE OR MENTAL
19 HEALTH-CARE PROFESSIONAL.

20 (c) AT LEAST EIGHT OF THE MEMBERS APPOINTED TO THE COUNCIL
21 MUST BE INCLUDED IN ONE OR MORE OF THE FOLLOWING CATEGORIES:

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

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

27 (III) MEMBERS OF HISTORICALLY UNDERSERVED AND

1 UNDER-RESOURCED COMMUNITIES.

2 (d) IN APPOINTING MEMBERS OF THE COUNCIL, THE EXECUTIVE
3 DIRECTOR SHALL ENSURE THAT THE APPOINTED MEMBERS ARE FROM
4 REGIONS THROUGHOUT THE STATE, INCLUDING URBAN, SUBURBAN, AND
5 RURAL AREAS, AND, TO THE EXTENT PRACTICABLE, ARE DIVERSE WITH
6 REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, AGE, SEXUAL
7 ORIENTATION, GENDER IDENTITY, CULTURE, AND LANGUAGE.

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

16 (f) THE EXECUTIVE DIRECTOR MAY CREATE ISSUE-SPECIFIC
17 SUBCOMMITTEES OF THE COUNCIL THAT MUST INCLUDE MEMBERS OF THE
18 COUNCIL AND MAY INCLUDE REPRESENTATIVES FROM OTHER STATE
19 AGENCIES, REPRESENTATIVES OF LOCAL AND TRIBAL AGENCIES OR OTHER
20 LOCAL LEADERS IN EARLY CHILDHOOD AND FAMILY SUPPORT ISSUES, AND
21 ISSUE EXPERTS.

22 (g) THERE IS CREATED A COUNTY SUBCOMMITTEE OF THE RULES
23 ADVISORY COUNCIL TO PROVIDE INFORMATION AND ADVICE TO THE
24 COUNCIL CONCERNING THE DEVELOPMENT AND IMPLEMENTATION OF
25 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS THAT IMPACT
26 COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, INCLUDING
27 THE COLORADO CHILD CARE ASSISTANCE PROGRAM. THE SUBCOMMITTEE

1 CONSISTS OF REPRESENTATIVES FROM UP TO TWELVE COUNTY
2 DEPARTMENTS, APPOINTED BY A STATEWIDE ASSOCIATION OF HUMAN
3 SERVICES DIRECTORS. THE APPOINTEES MUST BE REPRESENTATIVE OF THE
4 DIVERSITY OF COUNTIES IN THE STATE, INCLUDING LARGE AND SMALL AND
5 URBAN AND RURAL COUNTIES. IN ADDITION TO PROVIDING INFORMATION
6 AND ADVICE TO THE COUNCIL, THE COUNTY SUBCOMMITTEE, TO PROMOTE
7 COORDINATION AND ALIGNMENT OF PROGRAMS AND SERVICES, SHALL
8 PROVIDE INFORMATION AND ADVICE TO THE POLICY ADVISORY COMMITTEE
9 THAT ADVISES THE DEPARTMENT OF HUMAN SERVICES.

10 (h) (I) THE COUNCIL SHALL MEET AS OFTEN AS REQUESTED BY THE
11 EXECUTIVE DIRECTOR. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
12 (2)(h)(II) OF THIS SECTION, A MEMBER OF THE COUNCIL AND A
13 NON-COUNCIL MEMBER WHO SERVES ON A SUBCOMMITTEE MAY RECEIVE
14 THE SAME PER DIEM COMPENSATION FOR ATTENDANCE AT COUNCIL OR
15 SUBCOMMITTEE MEETINGS AS IS PROVIDED FOR MEMBERS OF BOARDS AND
16 COMMISSIONS PURSUANT TO SECTION 12-20-103 (6) AND REIMBURSEMENT
17 FOR ANY EXPENSES NECESSARY TO SUPPORT THE MEMBER'S PARTICIPATION
18 AT A COUNCIL OR SUBCOMMITTEE MEETING, INCLUDING ANY REQUIRED
19 DEPENDENT OR ATTENDANT CARE AND, IF THE MEMBER RESIDES MORE
20 THAN FIFTY MILES FROM THE LOCATION OF THE COUNCIL OR
21 SUBCOMMITTEE MEETING, EXPENSES INCURRED IN TRAVELING TO AND
22 FROM THE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR
23 ATTENDANT TRAVEL, FOOD, AND LODGING.

24 (II) A MEMBER OF THE COUNCIL OR OF A SUBCOMMITTEE SHALL
25 NOT RECEIVE REIMBURSEMENT FOR EXPENSES OR PER DIEM
26 COMPENSATION IF THE MEMBER'S EMPLOYER COMPENSATES THE MEMBER
27 FOR TIME SPENT SERVING ON THE COUNCIL OR THE SUBCOMMITTEE.

1 (i) IN REVIEWING AND MAKING RECOMMENDATIONS CONCERNING
2 RULES AND IN PREPARING OTHER RECOMMENDATIONS FOR THE EXECUTIVE
3 DIRECTOR, THE COUNCIL SHALL STRIVE TO DEVELOP RECOMMENDATIONS
4 THAT ARE DETAILED AND MEASURABLE AND CONSIDER THE IMPACTS ON
5 CHILDREN, PARENTS, FAMILIES, PROVIDERS, SCHOOL DISTRICTS, COUNTIES,
6 AND LOCAL COORDINATING ORGANIZATIONS. THE COUNCIL MUST APPROVE
7 RECOMMENDATIONS BY A MAJORITY VOTE AND PROVIDE THOSE
8 RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR IN WRITING. MEMBERS
9 OF THE COUNCIL VOTING IN THE MINORITY MAY SUBMIT A WRITTEN
10 EXPLANATION OF THEIR OPPOSITION TO THE RECOMMENDATIONS TO THE
11 EXECUTIVE DIRECTOR.

12 (j) BEFORE PROMULGATING A RULE, THE EXECUTIVE DIRECTOR
13 SHALL SOLICIT FEEDBACK FROM AND CONSIDER THE RECOMMENDATIONS
14 OF THE COUNCIL. IF THE EXECUTIVE DIRECTOR DECIDES NOT TO FOLLOW
15 THE RECOMMENDATIONS OF THE COUNCIL WITH REGARD TO A RULE, THE
16 EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN EXPLANATION OF THE
17 RATIONALE FOR THE DECISION.

18 (k) THE COUNCIL IS A STATE PUBLIC BODY FOR PURPOSES OF THE
19 OPEN MEETINGS LAW SPECIFIED IN SECTION 24-6-402 AND IS SUBJECT TO
20 THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF
21 ARTICLE 72 OF TITLE 24.

22 (l) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2032.
23 BEFORE THE REPEAL, THIS SUBSECTION (2) IS SCHEDULED FOR REVIEW IN
24 ACCORDANCE WITH SECTION 2-3-1203.

25 **26.5-1-106. Transfer of functions - employees - property -**
26 **contracts.** (1) (a) (I) ON AND AFTER JULY 1, 2022, THE DEPARTMENT IS
27 RESPONSIBLE FOR EXECUTING, ADMINISTERING, PERFORMING, AND

1 ENFORCING THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS
2 VESTED BEFORE JULY 1, 2022, IN:

3 (A) THE OFFICE WITHIN THE DEPARTMENT OF HUMAN SERVICES
4 THAT IS RESPONSIBLE FOR EARLY CHILDHOOD PROGRAMS AND SERVICES;
5 AND

6 (B) THE DEPARTMENT OF EDUCATION CONCERNING EARLY
7 CHILDHOOD WORKFORCE DEVELOPMENT, INCLUDING THE PROFESSIONAL
8 DEVELOPMENT INFORMATION SYSTEM.

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

21 (b) THE DEPARTMENT SHALL ENTER INTO MEMORANDA OF
22 UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE,
23 WITH THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF
24 EDUCATION TO PROVIDE FOR THE TIMELY TRANSFER OF POWERS, DUTIES,
25 PERSONNEL, PROPERTY, RECORDS, APPROPRIATIONS, AND OTHER FUNDING
26 AS NECESSARY TO ACCOMPLISH THE COMPLETE TRANSFER OF THE RIGHTS,
27 POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS TO THE DEPARTMENT AS

1 DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

2 (c) THE RULES PERTAINING TO THE POWERS, DUTIES, FUNCTIONS,
3 AND OBLIGATIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO
4 SUBSECTION (1)(a) OF THIS SECTION THAT ARE ADOPTED BY THE
5 DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN
6 SERVICES, OR THE STATE BOARD OF EDUCATION AND ARE IN EFFECT AS OF
7 JULY 1, 2022, CONTINUE IN EFFECT AND APPLY TO THE DEPARTMENT AND
8 PERSONS OR ENTITIES LICENSED OR PROVIDING SERVICES PURSUANT TO
9 THIS TITLE 26.5 UNTIL REPLACED BY RULES ADOPTED BY THE EXECUTIVE
10 DIRECTOR PURSUANT TO SECTION 26.5-1-105.

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

26 (3) BEGINNING JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL AND
27 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,

1 DOCUMENTS, RECORDS, AND INFORMATION SYSTEMS WITH THE
2 SUPPORTING HARDWARE, SOFTWARE, LICENSES, AND DATA, OF THE
3 DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION
4 PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO
5 THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 ARE
6 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME
7 THE PROPERTY OF SAID DEPARTMENT. THE EXECUTIVE DIRECTOR, OR THE
8 EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH THE ACTUAL DATE OF
9 SAID TRANSFERS IN MEMORANDA OF UNDERSTANDING, INTERAGENCY
10 AGREEMENTS, OR BOTH, AS APPROPRIATE, ENTERED INTO BETWEEN THE
11 DEPARTMENT OF EARLY CHILDHOOD AND THE DEPARTMENT OF HUMAN
12 SERVICES OR THE DEPARTMENT OF EDUCATION, AS APPLICABLE, PURSUANT
13 TO SUBSECTION (1)(b) OF THIS SECTION.

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

1 AND FURTHER APPROPRIATED TO THE DEPARTMENT OF EARLY CHILDHOOD
2 FOR THE PAYMENT OF SAID OBLIGATIONS.

3 (5) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED, IF
4 A PROVISION OF LAW REFERS TO THE DEPARTMENT OF HUMAN SERVICES
5 WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN
6 SUBSECTION (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF
7 EDUCATION WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS
8 SPECIFIED IN SUBSECTION (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION, SAID
9 LAW IS CONSTRUED AS REFERRING TO THE DEPARTMENT OF EARLY
10 CHILDHOOD.

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

22 (7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S
23 DESIGNEE, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE,
24 GIFTS, GRANTS AND DONATIONS FOR ANY PURPOSE CONNECTED WITH THE
25 POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE STATE
26 TREASURER SHALL HOLD ANY PROPERTY SO GIVEN, BUT THE EXECUTIVE
27 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY DIRECT THE

1 DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT
2 WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS CREATED.

3 **26.5-1-107. Final agency action - authority of executive**
4 **director - rules. HEARINGS** _____ CONDUCTED BY AN APPOINTED
5 ADMINISTRATIVE LAW JUDGE ARE CONSIDERED INITIAL DECISIONS OF THE
6 DEPARTMENT THAT THE EXECUTIVE DIRECTOR, OR AN EXECUTIVE
7 DIRECTOR'S DESIGNEE, SHALL REVIEW. IF EXCEPTIONS TO THE INITIAL
8 DECISION ARE FILED PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE
9 REVIEW MUST BE IN ACCORDANCE WITH SECTION 24-4-105 (15); EXCEPT
10 THAT THE DEPARTMENT MAY, AT ITS DISCRETION, PERMIT A PARTY TO FILE
11 AN AUDIO RECORDING IN LIEU OF A WRITTEN TRANSCRIPT IF THE PARTY
12 CANNOT AFFORD A WRITTEN TRANSCRIPT. THE EXECUTIVE DIRECTOR MAY
13 ADOPT RULES DELINEATING THE CRITERIA AND PROCESS FOR FILING AN
14 AUDIO RECORDING IN LIEU OF A WRITTEN TRANSCRIPT. IN THE ABSENCE OF
15 AN EXCEPTION FILED PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE
16 EXECUTIVE DIRECTOR SHALL REVIEW THE INITIAL DECISION IN
17 ACCORDANCE WITH A PROCEDURE ADOPTED BY THE EXECUTIVE DIRECTOR.
18 THE PROCEDURE MUST BE CONSISTENT WITH FEDERAL MANDATES
19 CONCERNING THE SINGLE STATE AGENCY REQUIREMENT. REVIEW BY THE
20 EXECUTIVE DIRECTOR IN ACCORDANCE WITH SECTION 24-4-105 (15) OR
21 THE PROCEDURE ADOPTED BY THE EXECUTIVE DIRECTOR PURSUANT TO
22 THIS SECTION CONSTITUTES 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 ==

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; AND

27 (m) IN COORDINATION WITH THE DEPARTMENT OF HUMAN

1 SERVICES AND COUNTY DEPARTMENTS, AS DEFINED IN SECTION
2 26.5.-4-103, INTEGRATE OUTREACH FOR EARLY CHILDHOOD AND FAMILY
3 SUPPORT PROGRAMS AND SERVICES INTO EFFORTS TO PROVIDE FAMILIES
4 ACCESS TO A WIDE RANGE OF SERVICES AND RESOURCES, INCLUDING
5 ACCESS TO FOOD, CASH ASSISTANCE, AND HEALTH CARE.

6 (2) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)
7 OF THIS SECTION AND IMPLEMENTING THE PROGRAMS AND PROVIDING THE
8 SERVICES RELATED TO THOSE FUNCTIONS, THE DEPARTMENT SHALL
9 ENSURE TO THE GREATEST EXTENT POSSIBLE THAT:

10 (a) EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
11 SERVICES ARE:

12 (I) IMPLEMENTED AND PROVIDED ACROSS FUNCTIONS RATHER
13 THAN BEING SILOED AS INDIVIDUAL PROGRAMS, WHICH INCLUDES
14 PROVIDING A SEAMLESS APPLICATION EXPERIENCE FOR FAMILIES AND
15 PROVIDERS AS DESCRIBED IN SECTION 26.5-1-110, INCREASING THE
16 EFFICIENCY OF PROGRAMS AND SERVICES, AND REDUCING DUPLICATION
17 AND ADMINISTRATIVE BURDEN;

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

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

24 (IV) WITH REGARD TO EARLY CHILDHOOD PROGRAMS AND
25 SERVICES, PROVIDED THROUGH CHILD CARE PROVIDERS; A MIXED
26 DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL
27 PROGRAM PROVIDERS; AND A DIVERSE WORKFORCE OF LICENSED,

1 VOLUNTARILY CREDENTIALLED, AND INFORMAL CHILDHOOD CAREGIVERS
2 AND EDUCATORS; AND

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

6 (b) FUNDING FOR PROGRAMS AND SERVICES IS COMBINED AND
7 COORDINATED AT THE STATE LEVEL, WHEN POSSIBLE AND TO THE FULLEST
8 EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND REGULATIONS,
9 BEFORE DISTRIBUTION TO LOCAL AND TRIBAL AGENCIES, FAMILIES, AND
10 PROVIDERS; AND

11 (c) RESOURCES ARE USED WITH MAXIMUM EFFICIENCY TO ENSURE
12 THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND
13 SERVICE PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST
14 POSSIBLE LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE
15 LOWEST POSSIBLE LEVEL OF ADMINISTRATIVE BURDEN; AND

16 (d) THE DEPARTMENT WORKS IN PARTNERSHIP WITH FAMILIES,
17 PUBLIC AND PRIVATE PROVIDERS, AND LOCAL EARLY CHILDHOOD
18 COMMUNITIES.

19 (3) TO ASSIST THE DEPARTMENT IN EXECUTING THE FUNCTIONS
20 AND MEETING THE REQUIREMENTS SPECIFIED IN THIS SECTION, THE
21 EXECUTIVE DIRECTOR SHALL ENSURE THAT THERE IS AT LEAST ONE STAFF
22 MEMBER AMONG THE UPPER MANAGEMENT LEVELS OF THE DEPARTMENT
23 WHOSE JOB RESPONSIBILITIES INCLUDE ENSURING THAT STAFF SUPPORT
24 AND COMMUNICATE, INTERACT, AND PARTNER WITH THE COUNTIES AND
25 THE COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103.

26 (4) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)
27 OF THIS SECTION, THE DEPARTMENT SHALL COLLABORATE WITH THE

1 DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES,
2 PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND
3 FINANCING TO STRENGTHEN COORDINATION AND PROMOTE ALIGNMENT
4 AMONG EDUCATION, HIGHER EDUCATION, HUMAN SERVICES, HEALTH
5 CARE, AND MENTAL HEALTH CARE IN SERVING AND SUPPORTING CHILDREN,
6 FAMILIES, PROVIDERS, AND THE EARLY CHILDHOOD WORKFORCE.

7 **26.5-1-110. Unified application - child care, services, and**
8 **education.** (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE
9 USE OF A SINGLE, UNIFIED ELECTRONIC APPLICATION FOR FAMILIES TO USE
10 IN APPLYING FOR ALL PUBLICLY FUNDED EARLY CHILDHOOD PROGRAMS
11 AND SERVICES THAT THE DEPARTMENT ADMINISTERS. THE DEPARTMENT
12 SHALL DESIGN THE APPLICATION TO ENABLE EQUITABLE ACCESS;
13 STREAMLINE THE ENROLLMENT AND ELIGIBILITY-DETERMINATION PROCESS
14 FOR FAMILIES, PROVIDERS, AND STATE, LOCAL, AND TRIBAL AGENCIES;
15 AND MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS
16 SECTION. THE DEPARTMENT SHALL COLLABORATE WITH OTHER STATE,
17 LOCAL, AND TRIBAL AGENCIES AS NECESSARY IN DEVELOPING, AND
18 COLLECTING FEEDBACK CONCERNING, THE APPLICATION TO ENSURE THE
19 LEAST AMOUNT OF DUPLICATION FOR FAMILIES AND STATE, LOCAL, AND
20 TRIBAL AGENCIES. THE DEPARTMENT SHALL ENSURE THAT THE
21 APPLICATION IS FUNCTIONAL BY JULY 1, 2023, FOR FAMILIES SEEKING TO
22 ENROLL CHILDREN IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM
23 PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

- 24 (2) AT A MINIMUM, THE UNIFIED APPLICATION MUST:
- 25 (a) BE AVAILABLE IN MULTIPLE LANGUAGES;
 - 26 (b) BE ACCESSIBLE ON MOBILE ELECTRONIC DEVICES AND
 - 27 AVAILABLE IN PAPER COPY;

1 (c) COLLECT FROM FAMILIES ONLY THE MINIMUM INFORMATION
2 NECESSARY TO APPLY FOR PROGRAMS AND SERVICES AND ENABLE
3 FAMILIES TO APPLY FOR A SINGLE PROGRAM OR SERVICE OR FOR MULTIPLE
4 PROGRAMS AND SERVICES SIMULTANEOUSLY OR OVER TIME;

5 (d) ADHERE TO ALL STATE AND FEDERAL DATA PRIVACY AND
6 SECURITY LAWS AND REGULATIONS;

7 (e) REDUCE DUPLICATION IN AND THE COMPLEXITY OF THE
8 INFORMATION COLLECTED FROM PROVIDERS;

9 (f) INCLUDE CONSIDERATION OF ALL SOURCES FROM WHICH THE
10 APPLICANT MAY BE ELIGIBLE FOR FUNDING TO ENSURE THAT ALL OF THE
11 FUNDING FOR WHICH THE APPLICANT IS ELIGIBLE IS COMBINED AND
12 COORDINATED TO THE FULLEST EXTENT ALLOWED UNDER STATE AND
13 FEDERAL LAWS AND REGULATIONS IN PROVIDING THE PROGRAMS AND
14 SERVICES FOR WHICH THE APPLICANT IS APPLYING;

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

17 (h) COORDINATE WITH OTHER AGENCIES AND PROGRAMS, AS
18 APPROPRIATE, TO ENSURE APPROPRIATE REFERRAL OF CHILDREN AND
19 FAMILIES TO EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER
20 DEPARTMENTS.

21 **26.5-1-111. Data system - collection - analysis - cross-agency**

22 **agreements.** (1) THE DEPARTMENT SHALL WORK WITH LOCAL
23 COORDINATING ORGANIZATIONS, STATE AGENCIES, LOCAL AND TRIBAL
24 AGENCIES, AND PROVIDERS, AS NECESSARY, TO COLLECT, SHARE, MANAGE,
25 AND PROTECT QUALITATIVE AND QUANTITATIVE DATA PERTAINING TO
26 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. THE
27 DEPARTMENT SHALL REVIEW AND ANALYZE THE COLLECTED DATA TO

1 ASSESS:

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

4 (b) THE LOCAL AND STATEWIDE AVAILABILITY, CAPACITY, USE,
5 AND QUALITY OF, AND FUNDING SUPPORT FOR, EARLY CHILDHOOD AND
6 FAMILY SUPPORT PROGRAMS AND SERVICES;

7 (c) THE DEGREE TO WHICH THE DEPARTMENT AND LOCAL AND
8 TRIBAL AGENCIES ARE REDUCING INEQUITIES IN ACCESS TO AND USE OF
9 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND
10 IN CHILDHOOD OUTCOMES;

11 (d) THE CAPACITY, QUALITY, TRAINING, EDUCATION, EMPLOYMENT
12 STATUS, AND RETENTION OF AND COMPENSATION PROVIDED TO MEMBERS
13 OF THE WORKFORCE THAT SERVES EARLY CARE AND EDUCATION, EARLY
14 CHILDHOOD PROGRAMS AND SERVICES, AND FAMILY SUPPORT PROGRAMS
15 AND SERVICES;

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

21 (f) OTHER MEASURES THAT INDICATE THE EFFECTIVENESS OF THE
22 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN
23 COLORADO IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS,
24 AND THE EARLY CHILDHOOD WORKFORCE.

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

1 (a) THE NUMBER OF CHILDREN IN THE STATE WHO ARE ELIGIBLE TO
2 RECEIVE, AND THE NUMBER OF CHILDREN WHO ACTUALLY RECEIVE,
3 SERVICES THROUGH THE PROGRAMS ADMINISTERED BY THE DEPARTMENT;
4 THE DEMOGRAPHICS OF SAID CHILDREN, INCLUDING SOCIOECONOMIC
5 STATUS, RACE, ETHNICITY, LANGUAGE, AND DISABILITY; AND SAID
6 CHILDREN'S ELIGIBILITY FOR FUNDING AND USE OF EARLY CHILDHOOD AND
7 FAMILY SUPPORT PROGRAMS AND SERVICES;

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

10 (c) INFORMATION THAT ENABLES THE DEPARTMENT, LOCAL
11 COORDINATING ORGANIZATIONS, AND LOCAL AND TRIBAL AGENCIES TO
12 ASSESS ON A CONTINUING BASIS THE NEEDS FOR EARLY CHILDHOOD AND
13 FAMILY SUPPORT PROGRAMS AND SERVICES IN AN AREA AND MAKE
14 DECISIONS CONCERNING THE PROVISION OF PROGRAMS AND SERVICES;

15 (d) THE DEMAND FOR EARLY CHILDHOOD AND FAMILY SUPPORT
16 PROGRAMS AND SERVICES AND THE EXISTENCE OF PROVIDERS IN AREAS
17 THROUGHOUT THE STATE, INCLUDING INFORMATION CONCERNING
18 PROGRAM CAPACITY, SUCH AS THE NUMBER OF AVAILABLE CLASSROOMS;
19 THE LOCAL AND STATEWIDE AVAILABILITY OF LOCALLY, STATE-, AND
20 FEDERALLY FUNDED ENROLLMENT POSITIONS AND VACANCIES IN THOSE
21 POSITIONS; AND THE NUMBER OF HOURS OF SERVICES RECEIVED BY
22 INDIVIDUAL CHILDREN AND PARENTS IN PROGRAMS;

23 (e) THE NUMBER OF EARLY CHILDHOOD PROGRAMS AT EACH
24 QUALITY LEVEL STATEWIDE AND IN SPECIFIC AREAS AND THE NUMBER AND
25 DEMOGRAPHICS OF CHILDREN SERVED IN EARLY CHILDHOOD PROGRAMS AT
26 EACH QUALITY LEVEL;

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

1 (g) THE COMBINATION AND COORDINATION OF LOCAL, STATE, AND
2 FEDERAL FUNDING FOR CHILDREN AND FAMILIES TO PROVIDE EARLY
3 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND THE
4 PROGRAMS AND SERVICES THAT ARE PROVIDED, INCLUDING USE OF MORE
5 THAN ONE PROGRAM OR SERVICE BY A SINGLE FAMILY.

6 (3) (a) THE DEPARTMENTS OF EARLY CHILDHOOD, HUMAN
7 SERVICES, EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH
8 CARE POLICY AND FINANCING SHALL ENTER INTO AGREEMENTS TO ENSURE
9 DATA PRIVACY AND SECURITY WITH REGARD TO SHARED EARLY
10 CHILDHOOD DATA. IN COLLECTING AND SHARING DATA, THE
11 DEPARTMENTS SHALL COORDINATE AND REQUIRE COLLECTION OF DATA IN
12 WAYS THAT IMPOSE THE LEAST POSSIBLE BURDEN ON FAMILIES AND
13 PROVIDERS, INCLUDING BY REDUCING REDUNDANCIES IN DATA
14 COLLECTION ACROSS PROGRAMS.

15 (b) THE DEPARTMENT SHALL USE INFORMATION DERIVED THROUGH
16 THE EARLY CHILDHOOD DATA SYSTEM TO, AT A MINIMUM, INFORM
17 PLANNING, LEVERAGE RESOURCE ALLOCATIONS, MAXIMIZE CHILDREN'S
18 ACCESS TO EARLY CHILDHOOD PROGRAMS AND SERVICES, AND SUPPORT
19 DATA-INFORMED DECISION MAKING.

20 (c) THE DEPARTMENT SHALL IDENTIFY AND PURSUE RESEARCH
21 OPPORTUNITIES TO PROVIDE INFORMATION TO SUPPORT NEW MEASURES
22 FOR IMPROVING THE SYSTEM OF EARLY CHILDHOOD AND FAMILY SUPPORT
23 PROGRAMS AND SERVICES IN THE STATE AND TO UNDERSTAND THE CAUSAL
24 EFFECTS OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
25 SERVICES THAT ARE PROVIDED.

26 (4) THE DEPARTMENT, THROUGH THE DEPARTMENT WEBSITE,
27 SHALL REGULARLY INFORM MEMBERS OF THE EARLY CHILDHOOD

1 COMMUNITY AND OTHER MEMBERS OF THE PUBLIC OF PROGRESS MADE IN
2 IMPROVING THE DELIVERY, QUALITY, ACCESS, AVAILABILITY, AND
3 CAPACITY OF EARLY CHILDHOOD PROGRAMS AND SERVICES. SPECIFICALLY,
4 THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE
5 ACHIEVEMENT OF BENCHMARKS IN SUCH AREAS AS INCREASING THE
6 NUMBER OF CHILDREN RECEIVING EARLY CHILDHOOD PROGRAMS AND
7 SERVICES, IMPROVING PRESCHOOL CLASSROOM QUALITY, MEETING
8 PROGRAM QUALITY STANDARDS, AND IMPROVING SCHOOL READINESS, AND
9 SHALL PROVIDE INFORMATION CONCERNING THE RESULTS OF PRESCHOOL
10 PROGRAM EVALUATIONS COMPLETED PURSUANT TO SECTION 26.5-4-207.

11 **26.5-1-112. Transition review - program review - report -**
12 **repeal.** (1) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT
13 WITH A PUBLIC OR PRIVATE ENTITY TO ACT AS AN INDEPENDENT
14 EVALUATOR OF THE DEPARTMENT'S PERFORMANCE IN EXECUTING THE
15 FUNCTIONS IDENTIFIED IN SECTION 26.5-1-109 AND IN OPERATING
16 PROGRAMS AND PROVIDING SERVICES ASSOCIATED WITH THOSE FUNCTIONS
17 IN ACCORDANCE WITH THIS TITLE 26.5. THE INDEPENDENT EVALUATOR
18 SHALL COMPLETE A REVIEW OF THE OPERATIONS OF THE DEPARTMENT AND
19 THE PROGRAMS THAT TRANSITION FROM THE DEPARTMENT OF HUMAN
20 SERVICES AND THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT. AT
21 A MINIMUM, IN CONDUCTING THE REVIEW, THE INDEPENDENT EVALUATOR
22 SHALL EVALUATE AND MAKE RECOMMENDATIONS CONCERNING:

23 (I) WHETHER THE DEPARTMENT OPERATES THE PROGRAMS AND
24 PROVIDES THE SERVICES EFFICIENTLY AND ENSURES THAT THE PROGRAMS
25 AND SERVICES ARE:

26 (A) CHILD, FAMILY, AND COMMUNITY CENTERED AND SERVE THE
27 WHOLE CHILD AND WHOLE FAMILY;

- 1 (B) EQUITY DRIVEN;
- 2 (C) FOCUSED ON AND ACCOUNTABLE FOR ACHIEVING IDENTIFIED
3 OUTCOMES AND MAKING DATA-DRIVEN, OUTCOME-BASED DECISIONS;
- 4 (D) MEETING HIGH QUALITY STANDARDS;
- 5 (E) SERVING AND SUPPORTING THE EARLY CHILDHOOD
6 WORKFORCE; ==
- 7 (F) SUPPORTING A MIXED DELIVERY SYSTEM OF SCHOOL- AND
8 COMMUNITY-BASED PRESCHOOL PROGRAMS AND SUPPORTING CHILD CARE
9 PROVIDERS; and
- 10 (G) COORDINATED WITH OTHER SUPPORTS AND SERVICES FOR
11 FAMILIES THAT ARE NOT OPERATED BY THE DEPARTMENT, INCLUDING
12 FOOD ASSISTANCE, CASH ASSISTANCE, AND HEALTH CARE;
- 13 (II) THE EFFECTIVENESS AND EFFICIENCY OF THE GOVERNANCE
14 STRUCTURE AND ORGANIZATION OF THE DEPARTMENT, INCLUDING
15 WHETHER TO CREATE A **TYPE 1** POLICY BOARD WITHIN THE DEPARTMENT
16 TO BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE
17 AND TRANSFER RULE-MAKING AUTHORITY AND OVERSIGHT OF THE
18 DEPARTMENT FROM THE EXECUTIVE DIRECTOR TO THE POLICY BOARD;
- 19 (III) THE CROSS-AGENCY AGREEMENTS WITH OTHER DEPARTMENTS
20 THAT OPERATE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
21 SERVICES AND THE EFFECTIVENESS OF THE AGREEMENTS IN SEAMLESSLY
22 PROVIDING SAID PROGRAMS AND SERVICES; ==
- 23 (IV) THE IMPACT OF THE IMPLEMENTATION OF THE COLORADO
24 UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF
25 THIS TITLE 26.5 ON THE NUMBER OF CHILDREN SERVED BY THE COLORADO
26 CHILD CARE ASSISTANCE PROGRAM PURSUANT TO PART 1 OF ARTICLE 4 OF
27 THIS TITLE 26.5. THE INDEPENDENT EVALUATOR SHALL EVALUATE THIS

1 ISSUE IN CONSULTATION WITH COUNTY DEPARTMENTS, AS DEFINED IN
2 SECTION 26.5-4-103.

3 (V) 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. IN IDENTIFYING COMMUNITIES AND
24 ESTABLISHING COMMUNITY BOUNDARIES THROUGHOUT THE STATE, THE
25 DEPARTMENT SHALL ENSURE THAT A SCHOOL DISTRICT IS NOT INCLUDED
26 IN MORE THAN ONE COMMUNITY WITHOUT THE PRIOR APPROVAL OF THE
27 SCHOOL DISTRICT BOARD OF EDUCATION EXPRESSED IN AN APPROVED

1 BOARD RESOLUTION.

2 (b) EVIDENCE THAT THE APPLICANT HAS THE SUPPORT OF THE
3 LOCAL EARLY CHILDHOOD COMMUNITY IN APPLYING TO SERVE AS THE
4 LOCAL COORDINATING ORGANIZATION, WHICH MUST INCLUDE THE
5 SUPPORT OF FAMILIES, PROVIDERS, EARLY CHILDHOOD COUNCILS, LOCAL
6 AND TRIBAL AGENCIES, SCHOOL DISTRICTS, CHARTER SCHOOLS, AND
7 LOCAL GOVERNMENTS WITHIN THE COMMUNITY;

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

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

14 (II) EARLY CHILDHOOD COUNCILS;

15 (III) HEAD START AGENCIES; ■

16 (IV) FAMILY RESOURCE CENTERS, AS DEFINED IN SECTION
17 26.5-3-102; AND

18 (V) COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES IN
19 PROVIDING CHILD CARE SERVICES THROUGH THE COLORADO CHILD CARE
20 ASSISTANCE PROGRAM ESTABLISHED IN PART 1 OF ARTICLE 4 OF THIS TITLE
21 26.5 AND OTHER FAMILY SUPPORT PROGRAMS AND SERVICES;

22 (d) THE APPLICANT'S PROPOSED OPERATING MODEL FOR MEETING
23 THE DUTIES AND RESPONSIBILITIES OF A LOCAL COORDINATING
24 ORGANIZATION, INCLUDING, AT A MINIMUM, THE APPLICANT'S PERSONNEL
25 CAPACITY AND A PROPOSED BUDGET THAT REFLECTS THE ANTICIPATED
26 OPERATING AND OVERHEAD COSTS AND SOURCES OF FUNDING; AND

27 (e) IF THE APPLICANT IS A PRESCHOOL PROVIDER, THE APPLICANT'S

1 PLAN FOR ENSURING THAT SERVING AS THE LOCAL COORDINATING
2 ORGANIZATION DOES NOT RESULT IN AN UNFAIR ADVANTAGE TO THE
3 APPLICANT WITH REGARD TO ALLOCATIONS OF PRESCHOOL FUNDING
4 GENERALLY OR IN COORDINATING WITH THE OTHER PRESCHOOL PROVIDERS
5 IN THE COMMUNITY TO ENSURE THE AVAILABILITY OF A MIXED DELIVERY
6 SYSTEM AND THE ALLOCATION OF FUNDING AMONG PRESCHOOL
7 PROVIDERS BASED ON PARENT CHOICE.

8 (3) AN APPLICANT MAY INCLUDE IN THE APPLICATION A PROPOSAL
9 FOR SHARED RESPONSIBILITY WITH THE DEPARTMENT FOR DISTRIBUTING
10 AND ADMINISTERING PUBLIC FUNDING WITHIN THE COMMUNITY, IN WHICH
11 CASE THE APPLICANT MUST INCLUDE IN THE APPLICATION THE APPLICANT'S
12 HISTORY OF AND EXPERIENCE WITH DISTRIBUTING AND ADMINISTERING
13 PUBLIC FUNDING.

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

23 (a) THE APPLICANT'S CAPACITY TO SUPPORT FAMILIES IN APPLYING
24 FOR APPLICABLE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
25 SERVICES;

26 (b) THE APPLICANT'S CAPACITY TO EQUITABLY RECRUIT
27 PRESCHOOL PROVIDERS TO PARTICIPATE IN THE COLORADO UNIVERSAL

1 PRESCHOOL PROGRAM AND PROVIDE PRESCHOOL SERVICES THROUGH A
2 MIXED DELIVERY SYSTEM THAT, TO THE FULLEST EXTENT PRACTICABLE,
3 ACCOMMODATES PARENT CHOICE;

4 (c) THE DEMONSTRATED LEVEL OF SUPPORT FOR THE APPLICANT
5 WITHIN THE LOCAL EARLY CHILDHOOD COMMUNITY, THE FEASIBILITY AND
6 QUALITY OF THE APPLICANT'S PLAN TO COORDINATE WITH OTHER ENTITIES
7 WITHIN THE PROPOSED COMMUNITY, AND THE APPLICANT'S HISTORY, IF
8 ANY, OF COORDINATING WITH THOSE ENTITIES; AND

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

13 (5) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AND THE
14 DEPARTMENT SHALL ADOPT PROCEDURES AND TIMELINES AS NECESSARY
15 TO IMPLEMENT THIS PART 1, INCLUDING ADOPTING A PROCESS FOR
16 RECEIVING AND REVIEWING APPLICATIONS THAT RESULTS IN THE INITIAL
17 SELECTION OF LOCAL COORDINATING ORGANIZATIONS AS SOON AS
18 PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION. THE
19 DEPARTMENT SHALL ENTER INTO A COORDINATOR AGREEMENT WITH EACH
20 LOCAL COORDINATING ORGANIZATION IN ACCORDANCE WITH SECTION
21 26.5-2-105. BEFORE THE TERMINATION OR CONCLUSION OF A
22 COORDINATOR AGREEMENT, THE DEPARTMENT SHALL SOLICIT
23 APPLICATIONS FOR A LOCAL COORDINATING ORGANIZATION FOR THE
24 AFFECTED COMMUNITY PURSUANT TO THIS SECTION AND MAY RE-SELECT
25 THE SAME ENTITY TO SERVE AS A LOCAL COORDINATING ORGANIZATION.

26 **26.5-2-104. Local coordinating organization - community plan**
27 **- duties.** (1) (a) EACH LOCAL COORDINATING ORGANIZATION SHALL

1 ADOPT A COMMUNITY PLAN THAT FOSTERS EQUITABLE ACCESS FOR
2 FAMILIES TO, AND ROBUST PARTICIPATION BY PROVIDERS IN, EARLY
3 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES BY
4 INCREASING ACCESS TO, COORDINATING, AND ALLOCATING FUNDING FOR
5 SAID PROGRAMS AND SERVICES WITHIN THE COMMUNITY. THE COMMUNITY
6 PLAN MUST, AT A MINIMUM, ADDRESS:

7 (I) THE MANNER IN WHICH THE LOCAL COORDINATING
8 ORGANIZATION WILL ASSIST FAMILIES IN APPLYING FOR EARLY CHILDHOOD
9 AND FAMILY SUPPORT PROGRAMS AND SERVICES AND IN ENROLLING
10 CHILDREN WITH EARLY CARE AND EDUCATION PROVIDERS;

11 (II) THE MANNER IN WHICH THE LOCAL COORDINATING
12 ORGANIZATION WILL COORDINATE WITH COUNTY DEPARTMENTS, AS
13 DEFINED IN SECTION 26.5-4-103, AND TRIBAL AGENCIES:

14 (A) TO INTEGRATE OUTREACH FOR EARLY CHILDHOOD AND FAMILY
15 SUPPORT PROGRAMS AND SERVICES WITH OTHER EFFORTS TO PROVIDE
16 HOLISTIC SERVICES FOR FAMILIES, INCLUDING FOOD, CASH ASSISTANCE,
17 AND HEALTH CARE; AND

18 (B) TO FACILITATE ACCESS TO FAMILY SUPPORT PROGRAMS AND
19 SERVICES IN SUPPORT OF COUNTY CHILD WELFARE SERVICES, INCLUDING
20 IMPLEMENTATION OF THE FEDERAL "FAMILY FIRST PREVENTION SERVICES
21 ACT OF 2018", AS DEFINED IN SECTION 26-5-101 (4.5);

22 (III) THE MANNER IN WHICH THE LOCAL COORDINATING
23 ORGANIZATION WILL RECRUIT AND WORK WITH PROVIDERS TO ENSURE
24 THAT FAMILIES' NEEDS FOR SCHOOL- AND COMMUNITY-BASED PRESCHOOL
25 PROVIDERS, CHILD CARE, AND OTHER EARLY CHILDHOOD SERVICES WITHIN
26 THE COMMUNITY ARE MET TO THE FULLEST EXTENT POSSIBLE;

27 (IV) THE METHOD BY WHICH THE LOCAL COORDINATING

1 ORGANIZATION WILL ENSURE THAT A MIXED DELIVERY SYSTEM OF
2 SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, BASED ON
3 PARENTAL CHOICE, IS AVAILABLE WITHIN THE COMMUNITY, INCLUDING
4 IDENTIFYING THE EXISTING SCHOOL- AND COMMUNITY-BASED PRESCHOOL
5 PROVIDERS IN THE COMMUNITY AND ESTABLISHING GOALS AND
6 BENCHMARKS FOR INCREASING THE AVAILABILITY OF PRESCHOOL
7 PROVIDERS AS NECESSARY TO BE RESPONSIVE TO FAMILY PREFERENCES;

8 (V) A PLAN FOR WORKING WITH EARLY CARE AND EDUCATION
9 PROVIDERS TO INCREASE RECRUITMENT AND RETENTION OF INDIVIDUALS
10 IN THE EARLY CARE AND EDUCATION WORKFORCE AND TO INCREASE
11 COMPENSATION FOR THOSE INDIVIDUALS, WITH THE GOAL OF PROVIDING
12 A LIVING WAGE;

13 (VI) A PLAN FOR COORDINATING THE SCHOOL- AND
14 COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE AVAILABLE WITHIN
15 THE COMMUNITY WITH THE OTHER AVAILABLE EARLY CHILDHOOD AND
16 FAMILY SUPPORT PROGRAMS AND SERVICES FOR CHILDREN WHO ENROLL
17 IN THE PRESCHOOL PROVIDERS AND THEIR FAMILIES;

18 (VII) A PLAN FOR COLLABORATING WITH OTHER LOCAL
19 COORDINATING ORGANIZATIONS TO PROVIDE FAMILIES ACCESS TO EARLY
20 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES DELIVERED
21 BY PROVIDERS IN OTHER COMMUNITIES;

22 (VIII) A PLAN FOR THE ALLOCATION OF FUNDING AMONG SCHOOL-
23 AND COMMUNITY-BASED PRESCHOOL PROVIDERS AND OTHER EARLY CARE
24 AND EDUCATION PROVIDERS IN THE COMMUNITY, WITH THE GOAL OF
25 MAXIMIZING THE USE OF FUNDING TO MEET COMMUNITY NEEDS,
26 INCLUDING THE NEED FOR FULL-DAY SERVICES;

27 (IX) IF THE LOCAL COORDINATING ORGANIZATION SHARES

1 RESPONSIBILITY WITH THE STATE FOR DISTRIBUTING PUBLIC FUNDING, THE
2 MANNER IN WHICH IT WILL, IN COORDINATION WITH LOCAL AND TRIBAL
3 AGENCIES, ENSURE THAT, TO THE EXTENT POSSIBLE, THE PUBLIC FUNDING
4 AVAILABLE TO FAMILIES IS COMBINED AND COORDINATED TO SEAMLESSLY
5 PROVIDE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND
6 SERVICES;

7 (X) THE LOCAL COORDINATING ORGANIZATION'S PLAN AND
8 STRATEGIES FOR IDENTIFYING, SOLICITING, AND SECURING, AS FEASIBLE,
9 ADDITIONAL LOCAL RESOURCES AND FUNDING TO SUPPORT EARLY
10 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE
11 COMMUNITY; AND

12 (XI) THE MANNER IN WHICH THE LOCAL COORDINATING
13 ORGANIZATION, IN ACCORDANCE WITH DEPARTMENT REQUIREMENTS, WILL
14 ENSURE TRANSPARENCY WITHIN THE COMMUNITY CONCERNING THE
15 AMOUNT OF MONEY AVAILABLE FOR AND USED TO SUPPORT EARLY
16 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES FROM ALL
17 SOURCES, INCLUDING LOCAL PROPERTY TAX AND SALES TAX AND THE
18 MAINTENANCE OF EFFORT FOR CHILD CARE ASSISTANCE PROVIDED BY
19 COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES WITHIN THE
20 COMMUNITY.

21 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE
22 INITIAL COMMUNITY PLAN THAT A LOCAL COORDINATING ORGANIZATION
23 CREATES MAY BE LIMITED TO ADDRESSING PARTICIPATION IN THE
24 COLORADO UNIVERSAL PRESCHOOL PROGRAM AND THE NEEDS FOR,
25 ACCESS TO, AND ALLOCATION OF FUNDING FOR SCHOOL- AND
26 COMMUNITY-BASED PRESCHOOL PROVIDERS. WITH SUBSEQUENT
27 REVISIONS OF THE PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL

1 ADDRESS THE PROVISION AND COORDINATION OF ADDITIONAL EARLY
2 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE
3 COMMUNITY AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION IN
4 COLLABORATION WITH LOCAL AND TRIBAL AGENCIES.

5 (c) EACH LOCAL COORDINATING ORGANIZATION SHALL SUBMIT
6 THE INITIAL COMMUNITY PLAN TO THE DEPARTMENT PURSUANT TO
7 DEPARTMENT RULES, IF ANY, PROCEDURES, AND TIMELINES. THE
8 DEPARTMENT SHALL REVIEW THE COMMUNITY PLAN AND MAY REQUIRE
9 CHANGES BEFORE APPROVING THE COMMUNITY PLAN AS PROVIDED IN
10 SECTION 26.5-2-105.

11 (d) EACH LOCAL COORDINATING ORGANIZATION SHALL
12 REGULARLY REVIEW AND REVISE THE COMMUNITY PLAN TO ENSURE THE
13 PLAN CONTINUES TO ACCURATELY REFLECT THE EARLY CHILDHOOD AND
14 FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE COMMUNITY AND
15 IS RELEVANT AND EFFECTIVE IN MEETING FAMILIES' NEEDS FOR EARLY
16 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. IN
17 CREATING, REVIEWING, AND REVISING THE COMMUNITY PLAN, THE LOCAL
18 COORDINATING ORGANIZATION SHALL SOLICIT AND TAKE INTO ACCOUNT
19 INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE EARLY CHILDHOOD
20 AND FAMILY SUPPORT WORKFORCE, LOCAL EARLY CHILDHOOD COUNCILS,
21 LOCAL AND TRIBAL AGENCIES, LOCAL GOVERNMENTS, AND THE BUSINESS
22 COMMUNITY WITHIN THE COMMUNITY. THE LOCAL COORDINATING
23 ORGANIZATION SHALL RESUBMIT THE COMMUNITY PLAN TO THE
24 DEPARTMENT FOLLOWING EACH REVIEW. REVISIONS TO THE COMMUNITY
25 PLAN ARE SUBJECT TO APPROVAL BY THE DEPARTMENT AS PROVIDED IN
26 SECTION 26.5-2-105.

27 (2) EACH LOCAL COORDINATING ORGANIZATION SHALL IMPLEMENT

1 THE COMMUNITY PLAN AND SHALL:

2 (a) COORDINATE THE PROGRAM APPLICATION AND ENROLLMENT
3 PROCESS FOR EARLY CHILDHOOD PROGRAMS FOR BOTH FAMILIES AND
4 PROVIDERS AND ACROSS ALL PARTICIPATING ENTITIES WITHIN THE
5 COMMUNITY TO FACILITATE THE GREATEST PRACTICABLE DEGREE OF
6 FAMILY ACCESS TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;

7 (b) SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY
8 OF PRESCHOOL PROVIDERS IN THE COMMUNITY, PROVIDE UNIVERSAL
9 ACCESS, IN ALIGNMENT WITH FAMILY CHOICE, TO HIGH-QUALITY SCHOOL-
10 AND COMMUNITY-BASED PRESCHOOL PROVIDERS WITHIN THE COMMUNITY
11 FOR CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN;

12 (c) MANAGE A MIXED DELIVERY SYSTEM OF PRESCHOOL
13 PROVIDERS;

14 (d) ALLOCATE, IN COORDINATION WITH LOCAL AND TRIBAL
15 AGENCIES, WHEN APPLICABLE, LOCAL EARLY CHILDHOOD FUNDING AND
16 STATE PRESCHOOL PROGRAM FUNDING TO PUBLIC AND PRIVATE PROVIDERS
17 WITHIN THE COMMUNITY, BASED ON THE COMMUNITY PLAN, AND ENSURE,
18 TO THE GREATEST EXTENT POSSIBLE, THAT CHILDREN WHO, PURSUANT TO
19 DEPARTMENT RULES ADOPTED IN ACCORDANCE WITH SECTION 26.5-4-204
20 (4)(a), ARE IN LOW-INCOME FAMILIES AND MEET QUALIFYING FACTORS ARE
21 PRIORITIZED, AS DIRECTED BY THE DEPARTMENT, TO RECEIVE EARLY
22 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

23 (e) SUPPORT AND ENSURE THE AVAILABILITY OF HIGH-QUALITY
24 EARLY CHILDHOOD CARE AND EDUCATION FOR ALL CHILDREN, INCLUDING
25 SUPPORTING ACCESS TO TRAINING AND SUPPORT FOR MEMBERS OF THE
26 EARLY CHILDHOOD WORKFORCE;

27 (f) SUPPORT EARLY CHILDHOOD CAREGIVERS WHO ARE EXEMPT

1 FROM LICENSING PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 IN
2 ACCESSING FAMILY RESOURCES AND RESOURCES RELATED TO HEALTH AND
3 SAFETY, EARLY CHILDHOOD DEVELOPMENT, AND WORKFORCE
4 DEVELOPMENT;

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

8 (h) SUPPORT PUBLIC AND PRIVATE PROVIDERS IN RECRUITING,
9 DEVELOPING, AND RETAINING WITHIN THE COMMUNITY A QUALITY EARLY
10 CHILDHOOD WORKFORCE THAT IS CULTURALLY AND LINGUISTICALLY
11 RELEVANT TO THE COMMUNITY;

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

17 (j) WORK IN COORDINATION WITH LOCAL COUNTY DEPARTMENTS,
18 AS DEFINED IN SECTION 26.5-4-103, AND TRIBAL AGENCIES AND LOCAL
19 COMMUNITY-BASED ORGANIZATIONS TO INTEGRATE OUTREACH FOR EARLY
20 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITH OTHER
21 EFFORTS TO PROVIDE HOLISTIC SERVICES FOR FAMILIES, INCLUDING FOOD,
22 CASH ASSISTANCE, AND HEALTH CARE;

23 (k) COMPLY WITH DEPARTMENT RULES, IF ANY, IN IMPLEMENTING
24 THE COMMUNITY PLAN AND THE DUTIES DESCRIBED IN THIS SECTION;

25 (l) COMPLY WITH ANY STATUTORY AUDITING REQUIREMENTS THAT
26 APPLY TO THE LOCAL COORDINATING ORGANIZATION OR, IF THE LOCAL
27 COORDINATING ORGANIZATION IS NOT OTHERWISE REQUIRED BY STATUTE

1 TO UNDERGO AN ANNUAL FINANCIAL AUDIT, CONTRACT FOR THE
2 PERFORMANCE OF AN ANNUAL FINANCIAL AUDIT OF THE OPERATIONS OF
3 THE LOCAL COORDINATING ORGANIZATION BY AN INDEPENDENT AUDITOR;
4 AND

5 (m) COMPLY WITH ANY OTHER PROVISIONS INCLUDED IN THE
6 COORDINATOR AGREEMENT ENTERED INTO BETWEEN THE LOCAL
7 COORDINATING ORGANIZATION AND THE DEPARTMENT PURSUANT TO
8 SECTION 26.5-2-105 (1)(b).

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

22 **26.5-2-105. Department duties - coordinator agreements -**
23 **review.** (1) TO SUPPORT AND PROVIDE OVERSIGHT FOR THE STATEWIDE
24 SYSTEM OF LOCAL COORDINATING ORGANIZATIONS, THE DEPARTMENT
25 SHALL:

26 (a) SELECT ENTITIES TO SERVE AS LOCAL COORDINATING
27 ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE STATE AS PROVIDED

1 IN SECTION 26.5-2-103;

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

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

24 (II) IF THE LOCAL COORDINATING ORGANIZATION IS A PRESCHOOL
25 PROVIDER, EXPECTATIONS THAT THE LOCAL COORDINATING
26 ORGANIZATION MUST MEET IN ENSURING THE AVAILABILITY OF A MIXED
27 DELIVERY SYSTEM WITHIN THE COMMUNITY THAT SUPPORTS EQUITABLE

1 PARENT CHOICE AND IN ENSURING THAT THE ORGANIZATION IS NOT
2 UNFAIRLY ADVANTAGED IN ALLOCATING FUNDING AMONG PRESCHOOL
3 PROVIDERS BASED ON PARENT CHOICE;

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

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

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

18 (c) REVIEW AND APPROVE THE COMMUNITY PLAN CREATED BY
19 EACH LOCAL COORDINATING ORGANIZATION, INCLUDING REVISIONS OF THE
20 COMMUNITY PLAN, AS PROVIDED IN SECTION 26.5-2-104 (1). BEFORE
21 APPROVING A COMMUNITY PLAN, THE DEPARTMENT MAY RETURN THE
22 PLAN TO THE LOCAL COORDINATING ORGANIZATION WITH CHANGES TO
23 ENSURE THE COMMUNITY PLAN IS FEASIBLE, MEETS THE REQUIREMENTS
24 SPECIFIED IN SECTION 26.5-2-104 (1), AND IS ALIGNED WITH THE
25 STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY
26 SUPPORT PROGRAMS AND SERVICES IN COLORADO.

27 (d) DISTRIBUTE AND ADMINISTER PUBLIC FUNDING FOR EARLY

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

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

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

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

26 (2) NOTWITHSTANDING THE REQUIREMENTS IMPOSED ON LOCAL
27 COORDINATING ORGANIZATIONS PURSUANT TO SECTION 26.5-2-104 (2), IF

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

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

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

25 (II) MEASURE THE LOCAL COORDINATING ORGANIZATION'S
26 ATTAINMENT OF THE EXPECTATIONS, TARGETS, AND BENCHMARKS AND
27 RECOMMEND IMPROVEMENTS AND CHANGES, INCLUDING REVISIONS TO

1 THE COMMUNITY PLAN, AS APPROPRIATE, TO ASSIST THE LOCAL
2 COORDINATING ORGANIZATION IN IMPROVING PERFORMANCE;

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

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

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

1 PROVIDED IN SECTION 26.5-2-103.

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

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

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

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

27 (III) COMBINE AND COORDINATE CHILD CARE RESOURCES AND

1 FUNDING, IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, IN ORDER
2 TO CREATE A FULL DAY OF SERVICES FOR AS MANY CHILDREN AS POSSIBLE;
3 AND

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

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

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

22 (5) THE EXECUTIVE DIRECTOR SHALL ESTABLISH BY RULE A
23 PROCESS BY WHICH AN APPLYING ENTITY THAT IS NOT SELECTED TO ACT
24 AS A LOCAL COORDINATING ORGANIZATION, OR A LOCAL COORDINATING
25 ORGANIZATION FOR WHICH THE COORDINATING AGREEMENT IS
26 TERMINATED, MAY APPEAL THE DECISION OF THE DEPARTMENT.

27

PART 2

1 EARLY CHILDHOOD COUNCILS

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

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

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

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

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

24 (5) An integrated delivery system would further enhance the
25 ability of the ~~state~~ department to identify the best practices relative to
26 increasing and sustaining quality and to meeting the diverse needs of
27 families seeking child care and other early childhood services.

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

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

8 **26.5-2-202. [Formerly 26-6.5-101.5] Definitions.** As used in this
9 ~~part~~ PART 2, unless the context otherwise requires:

10 ~~(1) Repealed.~~

11 ~~(2)~~ (1) "Council" or "early childhood council" means an early
12 childhood council identified or established locally in communities
13 throughout the state pursuant to ~~section 26-6.5-103 or 26-6.5-106~~
14 SECTION 26.5-2-203 OR 26.5-5-102 for the purpose of developing and
15 ultimately implementing a comprehensive system of early childhood
16 services to ensure the school readiness of children five years of age or
17 younger in the community.

18 ~~(3)~~ (2) "County department" means the county or district
19 department of human or social services.

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

21 ~~(6.5)~~ (3) "Early childhood education program" means a licensed
22 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~
23 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that provides child care and
24 education to children five years of age or younger.

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

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

1 ~~(10) "State department" means the state department of human~~
2 ~~services.~~

3 **26.5-2-203. [Formerly 26-6.5-103] Early childhood councils -**
4 **established - rules.** (1) There is hereby established a statewide integrated
5 system of early childhood councils to improve and sustain the availability,
6 accessibility, capacity, and quality of early childhood services for children
7 and families throughout the state. The councils shall have consistent
8 function and structure statewide and shall be ARE governed by the state
9 department of human services with input, cooperation, and support
10 services from the departments of HUMAN SERVICES, education, and public
11 health and environment.

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

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

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

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

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

6 **26.5-2-204. [Formerly 26-6.5-103.3] Early childhood councils**

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

14 (2) A new council shall designate on its application the following
15 information:

- 16 (a) The intended service area;
- 17 (b) The counties to be involved in the council;
- 18 (c) Participating mandatory stakeholders;
- 19 (d) The entity that ~~shall serve~~ SERVES as the original fiscal agent
20 for the council; and

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

25 (3) An existing early childhood council seeking to be newly
26 identified as a council shall designate on its application a restatement of
27 the following information:

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

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

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

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

26 **26.5-2-205. [Formerly 26-6.5-103.5] Early childhood councils**
27 **- membership.** (1) To the extent practicable, each council ~~shall~~ MUST be

1 representative of the various public and private stakeholders in the local
2 community who are committed to supporting the well-being of children
3 five years of age or younger.

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

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

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

26 (I) Local government, including but not limited to county
27 commissioners, city council members, local school district board

- 1 members, and local county departments of human or social services;
- 2 (II) Early care and education, including but not limited to licensed
3 and legally exempt child care providers, head start grantees, and district
4 preschool programs operating pursuant to article 28 of title 22, ~~C.R.S.~~ AS
5 ~~IT EXISTS PRIOR TO JULY 1, 2023~~;
- 6 (III) Health care, including but not limited to local public health
7 agencies; health-care providers; supplemental food programs for women,
8 infants, and children as provided for in 42 U.S.C. sec. 1786; early
9 periodic screening and diagnosis and treatment programs as required by
10 federal law; and part B and part C of the federal "Individuals With
11 Disabilities Education Improvement Act of 2004", ~~42~~ 20 U.S.C. sec. 1400
12 et seq., as amended;
- 13 (IV) Parents of children five years of age or younger;
- 14 (V) Mental health care, including but not limited to community
15 mental health centers and local mental health-care providers;
- 16 (VI) Resource and referral agencies, including but not limited to
17 child care resource and referral agencies; AND
- 18 (VII) Family support and parent education, including but not
19 limited to home visitation programs, family resource centers, and income
20 assistance programs.
- 21 (c) In addition, each council may include, but is not limited to,
22 representation from any combination of the following stakeholder groups
23 within the council's service area:
- 24 (I) Child care associations;
- 25 (II) Medical and dental professionals;
- 26 (III) School district parent organizations;
- 27 (IV) Head start policy councils;

- 1 (V) A chamber or chambers of commerce;
- 2 (VI) Local businesses;
- 3 (VII) Faith-based and nonprofit organizations;
- 4 (VIII) Higher education institutions; and
- 5 (IX) Libraries.

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

9 **26.5-2-206. [Formerly 26-6.5-103.7] Early childhood councils**
10 **- duties.** (1) Each early childhood council ~~shall have~~ HAS, at a minimum,
11 the following duties and functions:

12 (a) To apply for early childhood funding pursuant to ~~section~~
13 ~~26-6.5-104~~ SECTION 26.5-2-207;

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

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

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

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

26 (f) To develop and implement a strategic plan as described in
27 ~~section 26-6.5-103.3 (4)~~ SECTION 26.5-2-204 (4), including a

1 comprehensive evaluation and report; and

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

5 **26.5-2-207. [Formerly 26-6.5-104] Early childhood councils -**
6 **waivers - rules - funding - application.** (1) A local council may request
7 a waiver of any rule that would prevent a council from implementing
8 council projects. The local council shall submit the request to the early
9 childhood leadership commission created in PART 3 OF article 1 of THIS
10 title 26.5. The early childhood leadership commission shall consult with
11 the affected state agency in reviewing the request. The ~~state~~ department
12 or other affected state agency shall grant waivers upon recommendation
13 by the commission.

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

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

26 (c) The ~~state~~ department is authorized to enter into a sole-source
27 contract with any council to increase and sustain the quality, accessibility,

1 capacity, and affordability of early childhood services for young children
2 and their parents.

3 **26.5-2-208. [Formerly 26-6.5-108] Evaluation.** (1) No later than
4 March 1, 2010, the ~~state~~ department shall, through a request for proposals
5 process, contract with a qualified individual or entity to prepare an
6 independent evaluation of the system of early childhood councils to
7 determine the effectiveness of the system in serving children and families
8 throughout the state. The evaluation ~~shall~~ MUST be completed no later
9 than October 1, 2010, and ~~shall~~ MUST be repeated every three years
10 thereafter.

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

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

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

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

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

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

25 **26.5-2-209. [Formerly 26-6.5-109] Early childhood cash fund**
26 **- creation.** (1) There is ~~hereby~~ created in the state treasury the early
27 childhood cash fund, referred to in this ~~part~~ PART 2 as the "fund", that

1 ~~shall consist~~ CONSISTS of such ~~moneys~~ MONEY as may be appropriated to
2 the fund by the general assembly and credited to the fund pursuant to
3 subsection (2) of this section. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS
4 subject to annual appropriation by the general assembly for the direct and
5 indirect costs associated with the implementation of this ~~part~~ PART 2.

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

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

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

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

25 **ARTICLE 3**

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

27 **PART 1**

1 FAMILY RESOURCE CENTERS

2 **26.5-3-101. [Formerly 26-18-101] Legislative declaration.**

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

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

23 (3) Therefore, the general assembly finds that it is appropriate to
24 establish a program to provide family resource centers in communities to
25 serve as a single point of entry for providing comprehensive, intensive,
26 integrated, and collaborative state and community-based services to
27 vulnerable families, individuals, children, and youth.

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

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

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

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

20 ~~(3.5) Repealed.~~

21 (4) "Family resource center" means a unified single point of entry
22 where vulnerable families, individuals, children, and youth in
23 communities or within at-risk neighborhoods or participants in Colorado
24 works, pursuant to part 7 of article 2 of ~~this title~~ TITLE 26, can obtain
25 information, assessment of needs, and referral ~~to~~ FOR delivery of family
26 services described in ~~section 26-18-104 (2)~~ SECTION 26.5-3-103 (2) and
27 for which a grant is awarded to a community applicant ~~in accordance with~~

1 ~~section 26-18-105~~ PURSUANT TO SECTION 26.5-3-104.

2 ~~(4.5)~~ (5) "Family support and parent education" means a program
3 or service that promotes a family's positive and meaningful engagement
4 in its children's lives by providing an experiential and supportive adult
5 learning environment through which a primary caregiver can learn how
6 to create a safe, stable, and supportive family unit.

7 ~~(5)~~ (6) "Local advisory council" means the body that oversees the
8 operation of the family resource center ~~and which is~~ AS described in
9 ~~section 26-18-105 (1)(b)~~ SECTION 26.5-3-104 (1)(b).

10 ~~(6) Repealed.~~

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

13 **26.5-3-103. [Formerly 26-18-104] Program created - repeal.**

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

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

26 (b) The ~~state~~ department shall operate the family resource center
27 program in accordance with the provisions of this ~~article~~ PART 1. In

1 addition, the ~~state~~ department may establish any other procedures
2 necessary to implement the program, including establishing the procedure
3 for submitting grant applications by community applicants seeking to
4 establish a family resource center or by a family resource center applying
5 for a grant for continued operation of a family resource center.

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

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

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

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

1 regulations regarding the delivery of such services, unless required
2 waivers or exemptions have been granted by the appropriate governing
3 body.

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

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

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

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

17 (IV) The coordination of services;

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

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

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

27 (I) Early childhood care and education, including programs that

- 1 contribute to school readiness;
- 2 (II) Family support and parent education;
- 3 (III) Well-child checkups and basic health services;
- 4 (IV) Early intervention for identifying infants, toddlers, and
- 5 preschoolers who are developmentally disabled in order to provide
- 6 necessary services to such children;
- 7 (V) Before and after school care; AND
- 8 (VI) Programs for children and youth.
- 9 (d) A family resource center may also provide services, including,
- 10 but not limited to, the following:
- 11 (I) Additional educational programs, such as mentoring programs
- 12 for students in elementary, junior, and senior high schools; adult
- 13 education and family literacy programs; and educational programs that
- 14 link families with local schools and alternative educational programs,
- 15 including links with boards of cooperative services;
- 16 (II) Job skills training and self-sufficiency programs for adults and
- 17 youth;
- 18 (III) Social, health, mental health, and child welfare services and
- 19 housing, homeless, food and nutrition, domestic violence support,
- 20 recreation, and substance abuse services;
- 21 (IV) Outreach, education, and support programs, including
- 22 programs aimed at preventing teen pregnancies and school dropouts and
- 23 programs providing parent support and advocacy; AND
- 24 (V) Transportation services to obtain other services provided
- 25 pursuant to this subsection (2).
- 26 ~~(e) (Deleted by amendment, L. 2000, p. 583, § 4, effective May~~
- 27 ~~18, 2000.)~~

1 **26.5-3-104. [Formerly 26-18-105] Selection of centers - grants.**

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

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

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

12 (I) Families living in the community;

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

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

15 (IV) Local governing bodies;

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

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

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

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

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

25 (I) ~~Promote and support~~ PROMOTES AND SUPPORTS, AND DOES not
26 supplant, successful individual and family functioning and ~~increase~~
27 INCREASES the recognition of the importance of successful individuals

- 1 and families in the community;
- 2 (II) ~~Contribute~~ CONTRIBUTES to the strength of family ties;
- 3 (III) ~~Establish~~ ESTABLISHES programs that focus on the needs of
4 family members, such as preschool programs, family preservation
5 programs, and teenage pregnancy prevention programs, and ~~assist~~ ASSISTS
6 the individual or family in moving toward greater self-sufficiency;
- 7 (IV) ~~Recognize~~ RECOGNIZES the diversity of families within the
8 community;
- 9 (V) ~~Support~~ SUPPORTS family stability and unity;
- 10 (VI) ~~Treat~~ TREATS families as partners in providing services;
- 11 (VII) ~~Encourage~~ ENCOURAGES intergovernmental cooperation and
12 a community-based alliance between government and the private sector.
13 ~~Such~~ THIS cooperation may include, but ~~NEED~~ not be limited to, the
14 pooling of public and private funds available to state agencies upon
15 appropriation or transfer by the general assembly.
- 16 (VIII) ~~Provide~~ PROVIDES programs that reduce institutional
17 barriers related to categorical funding and eligibility requirements;
- 18 (IX) ~~Make~~ MAKES information regarding available resources and
19 services readily accessible to individuals and families; AND
- 20 (X) ~~Coordinate~~ COORDINATES efforts of public and private entities
21 to connect families to services and supports that encourage the
22 development of early childhood and other family support systems; and
- 23 (f) ~~That~~ The family resource center ~~shall coordinate~~ COORDINATES
24 the provision of services and ~~shall pool~~ POOLS the resources of providers
25 of services to aid in funding and operating the center.
- 26 (2) ~~Repealed.~~
- 27 (3) (2) If the ~~state~~ department determines, from any report

1 submitted by a local advisory council or any other source, that the
2 operation of a family resource center is not in compliance with this ~~article~~
3 PART 1 or any rule adopted pursuant to the provisions of this ~~article~~ PART
4 1, the ~~state~~ department may impose sanctions, including termination of
5 the grant.

6 PART 2

7 CHILD ABUSE PREVENTION TRUST FUND

8 **26.5-3-201. [Formerly 19-3.5-101] Short title.** The short title of
9 this ~~article 3.5~~ PART 2 is the "Colorado Child Abuse Prevention Trust
10 Fund Act".

11 **26.5-3-202. [Formerly 19-3.5-102] Legislative declaration.**

12 (1) The general assembly finds that:

13 (a) Child abuse and neglect are a threat to the family unit and
14 impose major expenses on society;

15 (b) There is a need to assist private and public agencies in
16 identifying, planning, and establishing statewide programs for the
17 prevention of child abuse and neglect; and

18 (c) The types of trauma experienced by children who are under
19 eighteen years of age include childhood emotional, physical, and sexual
20 abuse; emotional and physical neglect; housing insecurity and poverty;
21 and household challenges, including growing up in a household with
22 substance abuse, mental health disorders, violence, or parental
23 incarceration. Adverse childhood experiences such as these have been
24 shown to have a lifelong impact on health, behavior, and age of mortality.

25 (2) It is the purpose of this ~~article 3.5~~ PART 2 to promote primary
26 and secondary prevention programs that are designed to prevent child
27 trauma and maltreatment before it occurs, lessen the occurrence of child

1 abuse and neglect, and mitigate the impacts of adverse childhood
2 experiences to reduce the need for state intervention through child
3 welfare actions and economic support for families experiencing poverty.

4 **26.5-3-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
5 CONTEXT OTHERWISE REQUIRES:

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

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

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

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

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

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

23 **26.5-3-204. [Formerly 19-3.5-103] Colorado child abuse**
24 **prevention board - creation - members - terms - vacancies.** (1) The
25 Colorado child abuse prevention board referred to in this article 3.5 as the
26 "board"; is transferred to the DEPARTMENT OF EARLY CHILDHOOD FROM
27 THE department of human services. ~~from the department of public health~~

1 ~~and environment.~~ The board shall exercise its powers and duties as if
2 transferred by a **type 2** transfer. Persons appointed to the board continue
3 serving until completion of their terms and may be reappointed as
4 provided in this section.

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

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

10 (b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
11 CHILDHOOD OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

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

14 (d) The commissioner of education or the commissioner's
15 designee;

16 (e) ~~Two~~ THREE persons appointed by the governor and confirmed
17 by the senate who are knowledgeable in the area of child abuse
18 prevention and represent some of the following areas: Law enforcement,
19 medicine, law, business, public policy, mental health, intimate partner
20 violence, early childhood education, ~~K-12~~ ELEMENTARY AND SECONDARY
21 education, reducing poverty and helping families gain economic stability,
22 the connection between housing instability and trauma, higher education,
23 research and program evaluation, and social work. In making
24 appointments to the board, the governor is encouraged to include
25 representation by at least one member who is a person with a disability,
26 as defined in section 24-34-301 (2.5), a family member of a person with
27 a disability, or a member of an advocacy group for persons with

1 disabilities, so long as the other requirements of this subsection ~~(2)(d)~~
2 ~~(2)(e)~~ are met.

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

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

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

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

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

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

25 (3) (a) Each appointed member of the board serves a term of three
26 years.

27 (b) The original appointing entity shall fill a vacancy on the board

1 for the balance of the board member's unexpired term.

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

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

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

9 **26.5-3-205. [Formerly 19-3.5-104] Powers and duties of the**
10 **board.** (1) The board has the following powers and duties:

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

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

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

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

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

19 (IV) Increases in safe, supportive neighborhoods and
20 communities; and

21 (V) Decreases in the incidence of child maltreatment and child
22 maltreatment fatalities;

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

27 (d) To provide for the coordination and exchange of information

1 concerning the establishment and maintenance of primary and secondary
2 prevention programs and to facilitate the exchange of information
3 between groups concerned with child maltreatment;

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

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

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

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

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

25 (I) The establishment, promotion, and maintenance of primary and
26 secondary child maltreatment prevention programs, including pilot
27 programs or services identified in the federal Title IV-E prevention

1 services clearinghouse and programs that are under evaluation for
2 purposes of petitioning the federal government for inclusion in the federal
3 Title IV-E prevention services clearinghouse;

4 (II) Programs to prevent child sexual abuse;

5 (III) Programs to reduce the occurrence of prenatal substance
6 exposure;

7 (IV) Programs to reduce the occurrence of other adverse
8 childhood experiences;

9 (V) Programs to reduce poverty or help families get out of
10 poverty;

11 (VI) Programs to create housing stability; and

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

14 (i) TO MONITOR AND PROMOTE THE INTERACTION AND SEAMLESS
15 PARTNERSHIP BETWEEN THE OFFICE WITHIN THE DEPARTMENT OF HUMAN
16 SERVICES THAT IS RESPONSIBLE FOR CHILDREN, YOUTH, AND FAMILIES AND
17 THE DEPARTMENT IN ADMINISTERING FAMILY STRENGTHENING PROGRAMS.

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

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

25 **26.5-3-206. [Formerly 19-3.5-105] Colorado child abuse**
26 **prevention trust fund - creation - source of funds.** (1) There is created
27 in the state treasury the Colorado child abuse prevention trust fund.

1 referred to in this article ~~3.5~~ as the "trust fund". The board shall
2 administer the trust fund, which consists of:

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

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

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

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

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

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

26 **26.5-3-207. [Formerly 19-3.5-106] Disbursement of grants from**
27 **the trust fund - restrictions.** (1) Grants may be awarded to provide

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

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

1 federal clearinghouse for re-review.

2 (3) The board has discretion to oversee the disbursement of money
3 from the trust fund to ensure its appropriate use and make
4 recommendations for the total grant amount to be awarded each year.

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

7 **26.5-3-208. [Formerly 19-3.5-107] Report - repeal of part.**

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

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

16 PART 3

17 CHILD CARE SERVICES AND

18 SUBSTANCE USE DISORDER TREATMENT

19 **26.5-3-301. [Formerly 26-6.9-101] Definitions.** As used in this
20 ~~article 6.9~~ PART 3, unless the context otherwise requires:

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

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

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

1 state department the child care services and substance use disorder
2 treatment pilot program. The state department shall administer the pilot
3 program as a two-generation initiative. The purpose of the pilot program
4 is to:

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

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

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

26 (b) The state department shall ensure that there is adequate
27 training, cross-training, technical assistance, data collection, and

1 evaluation for grants awarded pursuant to subsections (1)(a)(I), (1)(a)(II),
2 and (1)(a)(III) of this section.

3 (2) The ~~state~~ department shall determine the eligibility and
4 selection criteria for pilot program grants. The ~~state board~~ DEPARTMENT
5 may promulgate rules, as necessary, to implement the pilot program.

6 (3) (a) A pilot program grantee may use the grant money for
7 improved technology, supplies, and materials to implement the pilot
8 program; to hire staff for pilot program oversight and implementation;
9 and for pilot program evaluation.

10 (b) On or before June 30, 2023, the ~~state~~ department shall provide
11 to the health and insurance and public health care and human services
12 committees of the house of representatives and the health and human
13 services committee of the senate, or any successor committees, any
14 completed pilot program evaluations pursuant to subsection (3)(a) of this
15 section, as well as a summary of the pilot program, including grants
16 awarded and the outcome of the grants.

17 ~~(4)(a) Repealed.~~

18 ~~(b)~~ (4) (a) The ~~state~~ department may use a portion of any money
19 appropriated for the pilot program to pay the direct and indirect costs
20 incurred to administer the pilot program, not to exceed ten percent of the
21 appropriation.

22 ~~(c)~~ (b) The ~~state~~ department may seek, accept, and expend gifts,
23 grants, or donations from private or public sources for the purposes of this
24 ~~article 6.9~~ PART 3. The department shall transmit all money received for
25 the pilot program through gifts, grants, or donations to the state treasurer.

26 **26.5-3-303. [Formerly 26-6.9-103] Repeal of part.** This ~~article~~
27 ~~6.9~~ PART 3 is repealed, effective July 1, 2028.

1 PART 4

2 COORDINATED SYSTEM OF PAYMENT FOR EARLY
3 INTERVENTION SERVICES FOR INFANTS AND TODDLERS

4 **26.5-3-401. [Formerly 27-10.5-701] Legislative declaration.**

5 (1) The general assembly hereby finds that:

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

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

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

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

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

25 (f) The early childhood and school readiness commission
26 extensively studied and evaluated issues regarding early intervention
27 services for infants and toddlers who have delays in development and

1 learned that there is no coordinated system of payment for early
2 intervention services, resulting in the provision of disjunctive or
3 interrupted services to eligible children and inadequate reimbursement of
4 early intervention service providers;

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

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

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

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

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

27 **26.5-3-402. [Formerly 27-10.5-702] Definitions - repeal.** As used

1 in this ~~part 7~~ PART 4, unless the context otherwise requires:

2 (1) "Administrative unit" means a school district, a board of
3 cooperative services, or the state charter school institute that is providing
4 educational services to exceptional children and that is responsible for the
5 local administration of the education of exceptional children pursuant to
6 article 20 of title 22. ~~C.R.S.~~

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

9 (3) "Certified early intervention service broker" or "broker"
10 means:

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

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

24 (b) **[Formerly 27-10.5-702 (3) as it will become effective July**
25 **1, 2024]** ~~"Certified early intervention service broker" or "broker" means~~
26 ON AND AFTER JULY 1, 2024, a case management agency or an entity, as
27 those terms are defined in section 25.5-6-1702, that has entered into a

1 contract with the department to perform the duties and functions specified
2 in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular defined service
3 area. Notwithstanding ~~the provisions of section 27-10.5-104 (4)~~, if there
4 is not a case management agency or an entity and the department is
5 unable to designate an organization to serve as the broker for a particular
6 defined service area, the department shall serve as the broker for the
7 defined service area and may contract directly with early intervention
8 service providers to provide early intervention services to eligible
9 children in the defined service area.

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

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

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

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

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

2 (6) "DEFINED SERVICE AREA", ON AND AFTER JULY 1, 2024, MEANS
3 THE GEOGRAPHICAL AREA THAT A COMMUNITY-CENTERED BOARD SERVES
4 AS SPECIFIED IN THE CONTRACT BETWEEN THE COMMUNITY-CENTERED
5 BOARD AND THE DEPARTMENT. _____

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

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

9 ~~(6.5)~~ (8) "Early intervention evaluations" means evaluations
10 conducted pursuant to the early intervention program for infants and
11 toddlers under part C of ~~the federal "Individuals with Disabilities~~
12 ~~Education Act", 20 U.S.C. sec. 1400 et seq.~~ IDEA.

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

21 ~~(8)~~ (10) "Early intervention state plan" means the state plan for a
22 comprehensive and coordinated system of early intervention services
23 required pursuant to part C.

24 ~~(9)~~ (11) "Eligible child" means an infant or toddler, from birth
25 through two years of age, who, as defined by the department in
26 accordance with part C, has significant delays in development or has a
27 diagnosed physical or mental condition that has a high probability of

1 resulting in significant delays in development or who is eligible for
2 services pursuant to section 27-10.5-102 (11)(c).

3 ~~(10)~~ (12) "Evaluation" means:

4 (a) For the purposes of part C child find, the procedures used to
5 determine a child's initial and continuing eligibility for part C child find,
6 including but not limited to:

7 (I) Determining the status of the child in each of the
8 developmental areas;

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

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

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

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

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

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

1 two years of age.

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

4 ~~(12)~~ (16) "Multidisciplinary team" means the involvement of two
5 or more disciplines or professions in the provision of integrated and
6 coordinated services, including evaluation and assessment activities
7 defined in 34 CFR 303.321, OR ANY SUCCESSOR REGULATION, and
8 development of the child's IFSP.

9 ~~(13)~~ (17) "Part B" means the program component of IDEA that
10 requires states to find, identify, locate, evaluate, and serve children with
11 disabilities from three to twenty-one years of age.

12 ~~(14)~~ (18) "Part C" means the early intervention program for
13 infants and toddlers who are eligible for services under part C of ~~the~~
14 ~~federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400~~
15 ~~et seq.~~ IDEA.

16 ~~(15)~~ (19) "Private health insurance" means a health coverage plan,
17 as defined in section 10-16-102 (34), ~~C.R.S.~~, that is purchased by
18 individuals or groups to provide, deliver, arrange for, pay for, or
19 reimburse any of the costs of health-care services, as defined in section
20 10-16-102 (33), ~~C.R.S.~~, provided to a person entitled to receive benefits
21 or services under the health coverage plan.

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

27 ~~(17)~~ (21) "Qualified early intervention service provider" or

1 "qualified provider" means a person or agency, as defined by the
2 department by rule in accordance with part C, who provides early
3 intervention services or early intervention evaluations and is listed on the
4 registry of early intervention service providers pursuant to ~~section~~
5 ~~27-10.5-708 (1)(a)~~ SECTION 26.5-3-408 (1). In the event of a shortage of
6 qualified early intervention evaluators, the department may contract with
7 an administrative unit to conduct early intervention evaluations if a
8 contract is entered between the department and the administrative unit,
9 including written consent of the director of special education, with
10 conditions for conducting and completing the evaluations, including
11 identification of staff, costs for services, timelines for contract
12 completion, and any other contract elements.

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

18 ~~(19)~~ (23) "State interagency coordinating council" means the
19 council that is established pursuant to part C and appointed by the
20 governor to advise and assist the lead agency designated or established
21 under part C.

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

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

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

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

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

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

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

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

27 (f) (I) (A) [**Formerly 27-10.5-703 (3)(f) as it exists until July 1,**

1 **2024]** ~~TO~~ PRIOR TO JULY 1, 2024, coordinate training and provide
2 technical assistance to community-centered boards, service providers, and
3 other constituents who are involved in the delivery of early intervention
4 services to ~~infants and toddlers from birth through two years of age~~
5 ELIGIBLE CHILDREN.

6 (B) THIS SUBSECTION (3)(f)(I) IS REPEALED, EFFECTIVE JULY 1,
7 2024.

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

14 (g) ~~TO~~ Monitor and evaluate early intervention services provided
15 through this ~~part 7~~ PART 4;

16 (h) ~~TO~~ Coordinate contracts, expenditures, and billing for early
17 intervention services provided through this ~~part 7~~ PART 4; and

18 (i) **[Formerly 27-10.5-702 (3)(i) as it will become effective July**
19 **1, 2024]** ~~TO~~ ON AND AFTER JULY 1, 2024, certify early intervention
20 service brokers within a defined service area.

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

26 (a) ~~TO~~ Develop and implement, in coordination with certified
27 early intervention service brokers, service agencies, governmental units,

1 and the departments of education, public health and environment, and
2 health care policy and financing, a statewide plan for public education,
3 outreach, and awareness efforts related to child find and the availability
4 of early intervention services;

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

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

14 (d) ~~To~~ Facilitate the implementation of part C child find and early
15 intervention evaluations, and the use of medicaid funds, the department
16 and entities that conduct early intervention evaluations may, when
17 appropriate, share information with the department of education, the
18 department of health care policy and financing, or other entities that
19 conduct early intervention evaluations, so long as each department or
20 local agency acts in compliance with the federal "Health Insurance
21 Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as
22 amended, and the federal "Family Educational Rights and Privacy Act of
23 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and
24 applicable guidelines adopted thereto.

25 (2) As of July 1, 2022, the department of ~~human services~~ shall
26 administer part C child find pursuant to this ~~part 7~~; ~~except that, on and~~
27 ~~after May 1, 2022, the department of human services shall administer the~~

1 ~~referral intake process for part C child find evaluations~~ PART 4.

2 (3) On or before July 1, 2022, the department shall establish a
3 state-level interagency operating agreement, referred to in this section as
4 the "agreement", with the department of ~~human services~~ EDUCATION
5 concerning the coordination of transitions of children from part C child
6 find to part B child find. In developing the agreement, the department and
7 the department of ~~human services~~ EDUCATION shall involve stakeholder
8 participation, including representatives from administrative units and part
9 C entities. The agreement must also include:

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

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

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

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

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

21 (f) The development and delivery of standardized communication
22 materials for a parent of a child who is potentially eligible for part B,
23 including information concerning eligibility, referral, evaluation, and
24 service delivery;

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

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

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

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

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

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

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

26 (4) The department and the department of ~~human services~~
27 EDUCATION shall review and revise the agreement to account for any

1 changes to state or federal law, as necessary. At a minimum, the
2 agreement must be reviewed once every five years. In the review and
3 revision of the agreement, the department and the department of ~~human~~
4 ~~services~~ EDUCATION shall involve stakeholder participation, including
5 representatives from administrative units and part C entities.

6 **26.5-3-405. [Formerly 27-10.5-705] Authorized services -**
7 **conditions of funding - purchases of services - rules - repeal.**

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

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

15 (b) **[Formerly 27-10.5-705 (1) as it will become effective July**
16 **1, 2024]** The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as
17 necessary, in accordance with this ~~part 7 and consistent with section~~
18 ~~27-10.5-104.5~~ PART 4, to implement, ON AND AFTER JULY 1, 2024, the
19 purchase of early intervention services directly or through certified early
20 intervention service brokers.

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

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

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

1 (b) [Formerly 27-10.5-705 (2) as it will become effective July
2 1, 2024] ON AND AFTER JULY 1, 2024, certified early intervention service
3 brokers and service agencies receiving money pursuant to ~~section~~
4 ~~27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions
5 of this ~~article 10.5~~ PART 4 and the rules promulgated pursuant to this
6 ~~article 10.5~~ PART 4.

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

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

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

21 (b) (II) Coordination of early intervention services with local
22 agencies and other community resources at the local level to avoid
23 duplication and fragmentation of early intervention services. A
24 community-centered board shall:

25 (A) Coordinate with the local interagency effort regarding
26 outreach, identification, screening, multidisciplinary assessment, and
27 eligibility determination for families served by the community-centered

1 board who requested the services;

2 ~~(H)~~ (B) Coordinate with the local family support services
3 program; and

4 ~~(H)~~ (C) Coordinate with other appropriate state agencies
5 providing programs for infants and toddlers.

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

8 (c) **[Formerly 27-10.5-705 (3) as it will become effective July**
9 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service
10 brokers shall obtain or provide early intervention services, subject to
11 available appropriations, including but not limited to:

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

21 ~~(b)~~ (II) Coordination of early intervention services with local
22 agencies and other community resources at the local level to avoid
23 duplication and fragmentation of early intervention services. A certified
24 early intervention service broker shall:

25 ~~(H)~~ (A) Coordinate with the local interagency effort regarding
26 outreach, identification, screening, multidisciplinary assessment, and
27 eligibility determination for families served by the certified early

1 intervention service broker who requested the services;

2 ~~(H)~~ (B) Coordinate with the local family support services
3 program; and

4 ~~(H)~~ (C) Coordinate with other appropriate state agencies
5 providing programs for infants and toddlers.

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

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

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

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

26 (c) Developing, in cooperation with the department of education,
27 the department of health care policy and financing, the department of

1 public health and environment, the division of insurance in the
2 department of regulatory agencies, private health insurance carriers, and
3 certified early intervention service brokers, a coordinated system of
4 payment of early intervention services using public and private moneys
5 MONEY;

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

11 (B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,
12 2024.

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

17 (e) Ensuring an appropriate allocation of payment responsibilities
18 for early intervention services among federal, state, local, and private
19 sources, including public medical assistance and private insurance
20 coverage.

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

1 (3) (a) [**Formerly 27-10.5-706 (3) as it exists until July 1,**
2 **2024]** (I) PRIOR TO JULY 1, 2024, nothing in this ~~part 7 shall be construed~~
3 ~~to inhibit, encumber, or control~~ PART 4 INHIBITS, ENCUMBERS, OR
4 CONTROLS the use of local ~~moneys~~ MONEY, including county grants,
5 revenues from local mill levies, and private grants and contributions, that
6 a community-centered board or county government may elect to allocate
7 for the benefit of eligible children.

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

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

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

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

26 ~~(a) (I) Assign a representative in accordance with part C child find~~
27 ~~to advise and assist the department in the development and~~

1 ~~implementation of the early intervention services system.~~

2 ~~(H) This subsection (1)(a) is repealed, effective July 1, 2022.~~

3 ~~(b)~~ (a) Participate in the ongoing review of funding practices for
4 early intervention services ~~and~~ AND develop or revise procedures for a
5 coordinated system of payment for early intervention services;

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

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

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

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

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

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

27 **26.5-3-408. [Formerly 27-10.5-708] Certified early intervention**

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

5 (a) (A) Establish a registry of qualified early intervention service
6 providers to provide early intervention services to eligible children in the
7 designated service area. The certified early intervention service broker for
8 a designated service area may provide early intervention services directly
9 or may subcontract the provision of services to other qualified providers
10 on the registry.

11 (b) (B) Accept and process claims for reimbursement for early
12 intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART
13 4 by qualified providers;

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

17 (d) (D) Ensure payment to a qualified provider for early
18 intervention services rendered by the qualified provider.

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

20 (b) [**Formerly 27-10.5-708 (1) as it will become effective July**
21 **1, 2024]** ON AND AFTER JULY 1, 2024, for each defined service area in the
22 state, the certified early intervention service broker for the area shall:

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

1 the registry.

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

5 (c) (III) Negotiate for the payment of early intervention services
6 provided to eligible children in the defined service area by qualified
7 providers, to the extent permissible under federal law; and

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

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

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

25 (4) Use of a certified early intervention broker is voluntary; except
26 that private health insurance carriers that are included ~~under~~ PURSUANT
27 TO section 10-16-104 (1.3) ~~C.R.S.~~, are required to make payment in trust

1 ~~under section 27-10.5-709~~ PURSUANT TO SECTION 26.5-3-409. Nothing in
2 this ~~part 7~~ PART 4 prohibits a qualified provider of early intervention
3 services from directly billing the appropriate program of public medical
4 assistance or a participating provider, as defined in section 10-16-102
5 (46) ~~€R.S.~~, or from directly billing a private health insurance carrier for
6 services rendered ~~under this part 7~~ PURSUANT TO THIS PART 4 for
7 insurance plans that are not included ~~under~~ PURSUANT TO section
8 10-16-104 (1.3). ~~€R.S.~~

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

14 **26.5-3-409. [Formerly 27-10.5-709] Payment from private**
15 **health insurance for early intervention services - trust fund.**

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

23 (2) (a) When a private health insurance carrier makes payments
24 of benefits for an eligible child to the department in trust, ~~those moneys~~
25 ~~shall be~~ THE MONEY MUST BE deposited in the early intervention services
26 trust fund, which trust fund is ~~hereby~~ created in the state treasury. Except
27 as provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF

1 THIS SECTION, the principal of the trust fund ~~shall~~ MUST only be used to
2 pay certified early intervention service brokers or qualified early
3 intervention service providers for early intervention services provided to
4 the eligible child for whom the ~~moneys were~~ MONEY WAS paid to the
5 department in trust by the private health insurance carrier. Except as
6 provided in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF
7 THIS SECTION, the principal of the trust fund ~~shall~~ DOES not constitute
8 state fiscal year spending for purposes of section 20 of article X of the
9 state constitution, and ~~such moneys shall be~~ THE MONEY IS deemed
10 custodial funds that are not subject to appropriation by the general
11 assembly.

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

19 (II) All interest derived from the deposit and investment of
20 ~~moneys~~ MONEY in the early intervention services trust fund ~~shall~~ MUST be
21 credited to the trust fund, may be appropriated to the department in
22 accordance with this ~~paragraph (b)~~ SUBSECTION (2)(b)(II), and ~~shall~~
23 ~~constitute~~ CONSTITUTES state fiscal year spending for purposes of section
24 20 of article X of the state constitution.

25 (c) Within ninety days after the department determines that a child
26 is no longer an eligible child for purposes of section 10-16-104 (1.3),
27 ~~C.R.S.~~, the department shall notify the carrier that the child is no longer

1 eligible and that the carrier is no longer required to provide the coverage
2 required by said section for that child. Any ~~moneys~~ MONEY deposited in
3 the trust fund on behalf of an eligible child that ~~are~~ IS not expended on
4 behalf of the child before the child becomes ineligible ~~shall~~ MUST be
5 returned to the carrier that made the payments in trust for the child.

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

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

1 representatives, or any successor committees.

2 (2) The department shall request, and certified early intervention
3 service brokers and qualified early intervention service providers shall
4 provide, information regarding early intervention services that the
5 department needs to prepare the annual report required by this section or
6 other required federal or state reports.

7 PART 5

8 COLORADO NURSE

9 HOME VISITOR PROGRAM

10 **26.5-3-501. [Formerly 26-6.4-101] Short title.** ~~This article shall~~
11 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 5 IS the
12 "Colorado Nurse Home Visitor Program Act".

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

1 use and abuse by mothers, the occurrence of criminal activity committed
2 by mothers and their children under fifteen years of age, and the number
3 of reported incidents of child abuse and neglect. Such a program has also
4 been proven to reduce the number of subsequent births, increase the
5 length of time between subsequent births, and reduce the mother's need
6 for other forms of public assistance. It is the intent of the general
7 assembly that such a program be established for the state of Colorado,
8 beginning with a limited number of participants and expanding by the
9 year 2010 to be available to all low-income, first-time mothers in the state
10 who consent to receiving services.

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

25 **26.5-3-503. [Formerly 26-6.4-103] Definitions.** As used in this
26 ~~article 6.4~~ PART 5, unless the context otherwise requires:

27 (1) "Entity" means any nonprofit, not-for-profit, or for-profit

1 corporation; religious or charitable organization; institution of higher
2 education; visiting nurse association; existing visiting nurse program;
3 county, district, or municipal public health agency; county department of
4 human or social services; political subdivision of the state; or other
5 governmental agency; or any combination thereof.

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

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

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

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

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

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

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

7 **26.5-3-504. [Formerly 26-6.4-104] Nurse home visitor program**

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

21 (b) ~~The nurse home visitor program created in article 31 of title~~
22 ~~25 C.R.S., as it existed prior to July 1, 2013, is transferred to the state~~
23 ~~department of human services. All rules, orders, and awards of the state~~
24 ~~board of health concerning the nurse home visitor program adopted prior~~
25 ~~to July 1, 2013, continue to be effective until revised, amended, repealed,~~
26 ~~or nullified pursuant to law. All grants in existence as of July 1, 2013, are~~
27 ~~valid through June 30, 2014, and may be extended or renewed beyond~~

1 ~~said date~~. THE NURSE HOME VISITOR PROGRAM, AS IT EXISTED PRIOR TO
2 JULY 1, 2022, IS TRANSFERRED TO THE DEPARTMENT OF EARLY
3 CHILDHOOD. ALL RULES, ORDERS, AND AWARDS OF THE STATE BOARD OF
4 HEALTH CONCERNING THE NURSE HOME VISITOR PROGRAM ADOPTED PRIOR
5 TO JULY 1, 2022, CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,
6 REPEALED, OR NULLIFIED PURSUANT TO LAW. ALL GRANTS IN EXISTENCE
7 AS OF JULY 1, 2022, ARE VALID THROUGH JUNE 30, 2023, AND MAY BE
8 EXTENDED OR RENEWED BEYOND SAID DATE.

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

27 (3) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate,

1 pursuant to the provisions of article 4 of title 24, ~~C.R.S.~~, rules to
2 implement the program. The ~~state board~~ EXECUTIVE DIRECTOR shall base
3 the rules establishing program training requirements, program protocols,
4 program management information systems, and program evaluation
5 requirements on research-based model programs that have been
6 implemented in one or more other states for a period of at least five years
7 and have shown significant reductions in:

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

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

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

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

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

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

1 evaluation requirements so long as the program continues to demonstrate
2 a reduction in the occurrences specified in subsection (3) of this section.

3 (5) The ~~state~~ department may propose to the ~~state board~~
4 EXECUTIVE DIRECTOR rules concerning program applications ~~under~~
5 ~~section 26-6.4-106~~ PURSUANT TO SECTION 26.5-3-506. Any such proposal
6 ~~shall~~ MUST be made in consultation with the health sciences facility.

7 **26.5-3-505. [Formerly 26-6.4-105] Health sciences facility -**
8 **duties.** (1) The president of the university of Colorado shall identify a
9 facility at the university of Colorado health sciences center with the
10 knowledge and expertise necessary to:

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

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

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

22 (d) Work with the state auditor's office as required in section
23 2-3-113 (4). ~~C.R.S.~~

24 ~~(1.5)~~ (2) The health sciences facility is not responsible for the
25 duties assigned to the ~~state~~ department with respect to the program ~~under~~
26 ~~section 26-6.4-107 (2)(a.5)~~ PURSUANT TO SECTION 26.5-3-507 (2)(b).

27 ~~(2)~~ (3) The health sciences facility shall perform the duties set

1 forth in subsection (1) of this section to ensure that the program is
2 implemented and operated according to the program training
3 requirements, protocols, management information systems, and
4 evaluation requirements established by DEPARTMENT rule. ~~of the state~~
5 ~~board~~. The health sciences facility shall evaluate overall program
6 implementation, operation, and effectiveness, and include that evaluation,
7 along with any recommendations concerning the program's selected
8 entities or changes in the program's implementation, operation, and
9 effectiveness, including program training requirements, protocols,
10 management information systems, or evaluation requirements, in the
11 annual report submitted to the ~~state~~ department pursuant to ~~section~~
12 ~~26-6.4-108~~ SECTION 26.5-3-508.

13 (3) (4) The ~~state~~ department shall compensate the health sciences
14 facility for the health sciences facility's actual costs incurred in
15 performing its duties ~~under this article~~ PURSUANT TO THIS PART 5, as
16 determined by the health sciences facility. Such duties and actual costs
17 ~~shall~~ MUST be included in the scope of work in the agreement between the
18 ~~state~~ department and the health sciences facility for implementation of
19 those duties and ~~shall~~ MUST include the costs incurred by any contractor
20 or subcontractor of the health sciences facility for those duties. Such
21 compensation ~~shall~~ MUST be paid out of the amount allocated for the
22 health sciences facility's costs, in accordance with the maximum
23 allocation of three percent of the amount annually allocated for the
24 program ~~under section 26-6.4-107 (2)~~ PURSUANT TO SECTION 26.5-3-507
25 (2).

26 **26.5-3-506. [Formerly 26-6.4-106] Program applications -**
27 **requirements.** (1) An entity that seeks to administer the program in a

1 community ~~shall~~ MUST submit an application to the ~~state~~ department in
2 accordance with DEPARTMENT rules adopted ~~by the state board~~, in
3 consultation with ~~the state department~~ and the health sciences facility. At
4 a minimum, the application must specify the basic elements and
5 procedures that the entity ~~shall~~ MUST use in administering the program.
6 Basic program elements must include the following:

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

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

14 (c) The management information system the entity must use in
15 administering the program, which at a minimum must comply with the
16 management information system requirements established by
17 DEPARTMENT rule; ~~of the state board~~;

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

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

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

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

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

20 (2)(a) The EXECUTIVE DIRECTOR SHALL SPECIFY THE AMOUNTS OF
21 THE GRANTS THAT entities selected to operate the program ~~shall~~ receive.
22 ~~grants in amounts specified by the state board.~~ The grants may include
23 operating costs and additional amounts for training and development of
24 any infrastructure, including but not limited to development of the
25 information management system necessary to administer the program.
26 The ~~state board~~ EXECUTIVE DIRECTOR shall determine the number of
27 entities selected and the number of communities in which the program is

1 implemented based on the ~~moneys~~ MONEY available in the nurse home
2 visitor program fund created in ~~paragraph (b) of this subsection (2)~~
3 SUBSECTION (2)(c) OF THIS SECTION.

4 ~~(a.5)~~ (b) Except as otherwise provided in ~~section 26-6.4-108~~
5 SECTION 26.5-3-508, the ~~state~~ department is responsible for financial
6 administration of this ~~article~~ PART 5, which includes compensating the
7 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION
8 26.5-3-505 (4); paying grants to entities selected to administer the
9 program; monitoring financial, contractual, and regulatory compliance;
10 providing medicaid financing oversight; managing accounting and
11 budgeting; and, in cooperation with the health sciences facility, managing
12 grant applications as set forth in ~~section 26-6.4-106~~ SECTION 26.5-3-506.
13 The ~~state~~ department shall also cooperate with the health sciences
14 facility's administration of programmatic and clinical support, evaluation,
15 and monitoring of the program. The ~~state~~ department is not responsible
16 for any duties assigned to the health sciences facility with respect to the
17 program, as described in ~~section 26-6.4-105~~ SECTION 26.5-3-505.

18 ~~(b)~~ (c) (I) Grants awarded pursuant to subsection (2)(a) of this
19 section are payable from the nurse home visitor program fund, which
20 fund is ~~hereby~~ created in the state treasury. The nurse home visitor
21 program fund, referred to in this section as the "fund", is administered by
22 the ~~state~~ department and consists of money transferred ~~thereto~~ TO THE
23 FUND by the state treasurer from money received pursuant to the master
24 settlement agreement in the amount described in ~~subsection (2)(d)~~
25 SUBSECTION (2)(e) of this section. In addition, the state treasurer shall
26 credit to the fund any public or private gifts, grants, or donations received
27 by the ~~state~~ department to implement the program, including any money

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

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

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

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

21 ~~(d)(f)~~ (e) Pursuant to section 24-75-1104.5 (1.7)(a), ~~C.R.S.~~, and
22 except as otherwise provided in section 24-75-1104.5 (5), ~~C.R.S.~~, for the
23 2016-17 fiscal year and for each fiscal year thereafter so long as the state
24 receives ~~moneys~~ MONEY pursuant to the master settlement agreement, the
25 state treasurer shall transfer to the fund twenty-six and seven-tenths of the
26 master settlement agreement ~~moneys~~ MONEY received by the state, other
27 than attorney fees and costs, during the preceding fiscal year. The transfer

1 ~~shall~~ MUST be from ~~moneys~~ MONEY credited to the tobacco litigation
2 settlement cash fund created in section 24-22-115. ~~C.R.S.~~

3 ~~(H) and (HH) Repealed.~~

4 **26.5-3-508. [Formerly 26-6.4-108] Annual program review -**
5 **audit.** (1) The health sciences facility shall annually prepare and submit
6 to the ~~state~~ department a report including an evaluation of the
7 implementation of the program, the results achieved by the program based
8 on the annual reports submitted by the administering entities pursuant to
9 ~~section 26-6.4-106 (1)(e)~~ SECTION 26.5-3-506 (1)(e), the extent to which
10 the program serves medicaid-eligible persons and provides services that
11 may be provided in part through medicaid funding, and any
12 recommendations concerning changes to the program, including any
13 changes that may be appropriate to enable the program to receive and
14 maximize medicaid funding. Each program contractor and subcontractor
15 and each entity that administers the program shall work with the health
16 sciences facility and the ~~state~~ department to prepare the reports required
17 ~~under~~ PURSUANT TO this section and section 2-3-113 (2). ~~C.R.S.~~ Any
18 entity that is administering the program is subject to a reduction in or
19 cessation of funding if the ~~state board~~ EXECUTIVE DIRECTOR, based on
20 recommendations from the health sciences facility, determines that the
21 entity is not operating the program in accordance with the program
22 requirements established by DEPARTMENT rule ~~of the state board~~ or is
23 operating the program in such a manner that the program does not
24 demonstrate positive results.

25 (2) The state auditor's office, pursuant to section 2-3-113, ~~C.R.S.~~,
26 shall audit each entity administering the program to determine whether
27 the entity is administering the program in compliance with the program

1 requirements and in an effective manner. The audit ~~shall~~ MUST be
2 conducted and reported in accordance with ~~the provisions of~~ section
3 2-3-113. ~~C.R.S.~~

4 PART 6

5 SOCIAL-EMOTIONAL LEARNING PROGRAMS

6 **26.5-3-601. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

26 (d) HELPING TEACHERS AND PARENTS LEARN WHEN AND HOW TO
27 USE THESE EVIDENCE-BASED INTERVENTIONS HAS DEMONSTRATED

1 REDUCTIONS IN PARENTAL DEPRESSION AND INCREASES IN PARENTAL
2 SELF-CONFIDENCE; INCREASES IN POSITIVE FAMILY COMMUNICATION AND
3 PROBLEM SOLVING; INCREASES IN CHILDREN'S APPROPRIATE COGNITIVE
4 PROBLEM-SOLVING STRATEGIES AND IN THE USE OF PRO-SOCIAL CONFLICT
5 MANAGEMENT STRATEGIES WITH PEERS; REDUCTIONS IN CONDUCT
6 PROBLEMS AT HOME AND CONDUCT PROBLEMS IN SCHOOL THAT OFTEN
7 LEAD TO SUSPENSION AND EXPULSION; AND INCREASES IN CHILDREN'S
8 POSITIVE AFFECT AND COOPERATION, POSITIVE INTERACTIONS WITH PEERS,
9 SCHOOL READINESS, AND ENGAGEMENT WITH SCHOOL ACTIVITIES.

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

22 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO IMPLEMENT
23 THESE PROGRAMS EFFICIENTLY AND EFFECTIVELY AND TO PROMOTE
24 SUCCESSFUL PARTNERSHIPS BETWEEN STATE AGENCIES AND THE PRIVATE
25 SECTOR, IT IS APPROPRIATE TO DIVIDE RESPONSIBILITY FOR THE PROGRAMS
26 BETWEEN THE DEPARTMENT, WHICH IS RESPONSIBLE FOR FINANCIAL
27 ADMINISTRATION OF THE PROGRAMS, AND AN IMPLEMENTATION PARTNER,

1 WHICH IS RESPONSIBLE FOR PROGRAMMATIC AND CLINICAL SUPPORT,
2 EVALUATION, AND MONITORING FOR THE PROGRAMS, AND SUCH OTHER
3 RESPONSIBILITIES AS MAY BE DESCRIBED IN THIS PART 6. IT IS THE INTENT
4 OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE
5 IMPLEMENTATION PARTNER WORK COLLABORATIVELY TO SHARE
6 INFORMATION AS NECESSARY TO PROMOTE EFFICIENT AND EFFECTIVE
7 PROGRAM IMPLEMENTATION.

8 **26.5-3-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

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

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

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

24 (4) "SOCIAL-EMOTIONAL LEARNING PROGRAM" MEANS AN
25 EVIDENCE-BASED, TWO-GENERATION PROGRAM THAT PROVIDES TRAINING
26 FOR TEACHERS AND PARENTS IN STRATEGIES AND SKILLS FOR CONNECTING
27 WITH ALL YOUNG CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE

1 CHALLENGING BEHAVIORS, AND FOR TEACHING AND PROMOTING THE
2 DEVELOPMENT OF SOCIAL COMPETENCE AND EMOTIONAL
3 SELF-MONITORING AND SELF-MANAGEMENT IN YOUNG CHILDREN; AND
4 PROVIDES DIRECT PROGRAMMING FOR YOUNG CHILDREN IN PROBLEM
5 SOLVING, ANGER CONTROL, SELF-MONITORING OF EMOTIONS, SUCCEEDING
6 IN SCHOOL, AND MAKING FRIENDS.

7 **26.5-3-603. Social-emotional learning programs grant**
8 **program - created - implementation partner - application - selection**
9 **- funding - rules.** (1) THE SOCIAL-EMOTIONAL LEARNING PROGRAMS

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

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

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

1 (b) PERFORM COMMUNITY READINESS ASSESSMENTS AND PROVIDE
2 TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF
3 SOCIAL-EMOTIONAL LEARNING PROGRAMS BY THE ENTITIES THAT RECEIVE
4 GRANTS;

5 (c) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT
6 RECOMMENDATIONS FOR THE SELECTED ENTITIES TO ENSURE
7 HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF
8 SOCIAL-EMOTIONAL LEARNING PROGRAMS;

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

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

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

21 (g) ANNUALLY PREPARE AND SUBMIT TO THE DEPARTMENT AN
22 EVALUATION OF THE OUTCOMES OF THE SOCIAL-EMOTIONAL LEARNING
23 PROGRAMS THAT ENTITIES IMPLEMENT USING MONEY RECEIVED THROUGH
24 THE GRANT PROGRAM.

25 (3) AN ENTITY THAT SEEKS GRANT MONEY TO IMPLEMENT OR
26 EXPAND A SOCIAL-EMOTIONAL LEARNING PROGRAM MUST SUBMIT AN
27 APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH DEPARTMENT

1 RULES AND PROCEDURES. AT A MINIMUM, THE APPLICATION MUST:

2 (a) IDENTIFY THE SOCIAL-EMOTIONAL LEARNING PROGRAM

3 CURRICULUM THAT THE ENTITY WILL USE, WHICH MUST:

4 (I) INCLUDE COMPONENTS THAT PROVIDE A CURRICULUM FOR

5 PARENTS, TEACHERS, AND PRESCHOOL- AND KINDERGARTEN-AGE

6 CHILDREN;

7 (II) BE IDENTIFIED BY THE UNIVERSITY OF COLORADO AS A

8 PROVEN, EVIDENCE-BASED INTERVENTION TO SUPPORT HEALTHY YOUTH

9 DEVELOPMENT; AND

10 (III) HAVE BEEN PREVIOUSLY IMPLEMENTED WITH SUCCESS BY

11 EARLY CHILDHOOD PROGRAM PROVIDERS IN COLORADO; AND

12 (b) SPECIFY WHETHER THE ENTITY HAS PREVIOUSLY PROVIDED

13 SOCIAL-EMOTIONAL LEARNING PROGRAMS AND, IF SO, THE DEMOGRAPHICS

14 OF THE CHILDREN AND FAMILIES SERVED. AN APPLICANT THAT HAS NOT

15 PREVIOUSLY PROVIDED SOCIAL-EMOTIONAL LEARNING PROGRAMS MUST

16 WORK WITH THE IMPLEMENTATION PARTNER TO COMPLETE A COMMUNITY

17 READINESS ASSESSMENT BEFORE SUBMITTING AN APPLICATION OR WITHIN

18 THREE MONTHS AFTER SUBMITTING THE APPLICATION.

19 (4) THE DEPARTMENT SHALL WORK WITH THE IMPLEMENTATION

20 PARTNER TO REVIEW AND SELECT GRANTEEES FROM AMONG THE APPLYING

21 ENTITIES. IN ADDITION TO ANY OTHER SELECTION CRITERIA THAT MAY BE

22 IDENTIFIED IN RULES OF THE DEPARTMENT, THE DEPARTMENT SHALL BASE

23 SELECTION OF GRANTEEES ON THE APPLICANT'S USE OF A CURRICULUM THAT

24 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS

25 SECTION AND ON THE APPLICANT'S SERVICE TO UNDER-RESOURCED

26 CHILDREN AND FAMILIES WHO HAVE A CLEARLY IDENTIFIED NEED OR THE

27 OUTCOME OF THE COMMUNITY READINESS ASSESSMENT. THE DEPARTMENT

1 SHALL PAY THE GRANTS AWARDED THROUGH THE PROGRAM FROM MONEY
2 APPROPRIATED FOR THE PROGRAM PURSUANT TO SUBSECTION (5) OF THIS
3 SECTION.

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

12 PART 7

13 EARLY CHILDHOOD MENTAL HEALTH

14 CONSULTATION PROGRAM

15 **26.5-3-701. [Formerly 26-6.5-401] Definitions.** As used in this
16 ~~part 4~~ PART 7, unless the context otherwise requires:

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

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

23 ~~(3)~~ (2) "Program" means the statewide voluntary program of early
24 childhood mental health consultation designed, implemented, and
25 operated by the department pursuant to this ~~part 4~~ PART 7.

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

1 (1) (a) On or before July 1, 2022, the department shall design,
2 implement, and operate the statewide voluntary program of early
3 childhood mental health consultation to expand and enhance current
4 practices across the state. The department, through the program, shall
5 support mental health in a variety of settings, including but not limited to
6 early child care and learning, elementary schools, home visitation, child
7 welfare, public health, and health care, including settings providing
8 prenatal and postpartum care.

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

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

1 in their work.

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

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

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

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

15 (c) Develop a defined model of consultation that is rooted in
16 diversity, equity, and inclusion for the state pursuant to ~~section~~
17 ~~26-6.5-403~~ SECTION 26.5-3-703 that includes qualifications and
18 competencies for mental health consultants, job expectations, expected
19 outcomes, and guidance on ratios between mental health consultants in
20 the program and the settings they support; and

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

26 (3) Nothing in this ~~part 4~~ PART 7 creates or expands the regulatory
27 authority of the department over mental health professionals who are not

1 funded by appropriations made to the department for the program
2 pursuant to this ~~part 4~~ PART 7.

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

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

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

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

27 (c) Guidance concerning the scope of work that mental health

1 consultants in the program may provide to professionals working with
2 young children and families, including guidance on appropriate referrals,
3 training, coaching, prevention, and any other appropriate services;

4 (d) Methods to increase the availability of bilingual or
5 multilingual mental health consultants in the program and otherwise
6 ensure the cultural competency of mental health consultants in the
7 program and ensure that the consultant population reflects an array of
8 characteristics and backgrounds and is reflective of the diversity of the
9 providers, children, and families being served;

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

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

22 (I) Promoting social-emotional growth and development of
23 children;

24 (II) Providing guidance to professionals and caregivers to
25 effectively understand and support children's positive behavior and
26 development;

27 (III) Understanding the effects of trauma and adversity, including

1 oppression, prejudice, discrimination, racism, and gender inequity, on the
2 developing brain to ultimately reduce challenging behaviors and increase
3 positive early experiences;

4 (IV) Promoting high-quality interactions and relationships
5 between children and adults;

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

8 (VI) Connecting and referring children, families, and providers to
9 programs, resources, and supports that will assist them in their
10 development and success while addressing barriers to accessing such
11 resources and supports;

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

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

16 **26.5-3-704. [Formerly 26-6.5-404] Statewide professional**
17 **development plan for early childhood mental health consultants.**

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

- 1 infant and early childhood mental health.
- 2 (2) The plan must include, at a minimum, training related to:
- 3 (a) Trauma and trauma-informed practices and interventions;
- 4 (b) Adverse childhood experiences;
- 5 (c) The science of resilience and interventions to promote
- 6 resilience;
- 7 (d) Child development through eight years of age;
- 8 (e) Caregiver substance use and effective family interventions;
- 9 (f) Impact of inequity and bias on children, families, caregivers,
- 10 mental health consultants, and providers, and strategies to mitigate such
- 11 impact;
- 12 (g) Sensory processing issues;
- 13 (h) The needs of children with developmental delays and
- 14 disabilities, including children born prematurely or with special
- 15 health-care needs, and special education law;
- 16 (i) Colorado's child protection and foster care system;
- 17 (j) Occupational therapy, speech therapy, physical therapy, and
- 18 mental health therapy;
- 19 (k) Other public and private supports and services;
- 20 (l) Early childhood social-emotional development and family
- 21 systems;
- 22 (m) Early childhood mental health diagnosis and effective
- 23 treatment models; and
- 24 (n) Consultation as a model of adult learning.
- 25 (3) The plan must also:
- 26 (a) Allow mental health consultants in the program to access
- 27 regionally appropriate and culturally responsive programs to best link

1 them to the children and families in their communities and their unique
2 needs;

3 (b) Include strategies for mental health consultants in the program
4 to establish individualized coaching as requested by teachers, caregivers,
5 and families; and

6 (c) Provide opportunities for regular support meetings between
7 mental health consultants in the program; supervisors, including reflective
8 supervisors; and peer mental health consultants. The support meetings
9 must include reflections on the practice impact of attitudes and values.

10 **26.5-3-705. [Formerly 26-6.5-405] Statewide qualifications and**
11 **competencies for early childhood mental health consultants.** The
12 department shall ensure that each mental health consultant funded
13 through the program meets the qualifications and competencies outlined
14 in the program as designed and developed pursuant to this ~~part 4~~ PART 7.

15 **26.5-3-706. [Formerly 26-6.5-406] Data collection - reporting.**

16 (1) On or before July 1, 2023, the department shall develop a statewide
17 data collection and information system to analyze implementation data
18 and selected outcomes to identify areas for improvement, promote
19 accountability, and provide insights to continually improve child and
20 program outcomes. The data collection and information system, and any
21 related processes, must place the least burden possible on the mental
22 health consultants in the program. In selecting the implementation data
23 and outcomes, the department shall incorporate the variability across
24 diverse settings and populations.

25 (2) Notwithstanding section 24-1-136 (11)(a)(I), the department
26 shall, beginning in 2023 and continuing every two years thereafter, in its
27 presentation to the joint budget committee of the general assembly, as

1 well as its presentation to its committee of reference at the hearing held
2 pursuant to section 2-7-203 (2)(a) of the "State Measurement for
3 Accountable, Responsive, and Transparent (SMART) Government Act"
4 in January 2027, report on the following issues:

5 (a) A gap analysis of the available number of mental health
6 consultants and the unmet need in the type of settings in which mental
7 health consultants practice in accordance with the program; and

8 (b) Identified adjustments to better meet mental health consultant
9 caseload, with the department identifying a target number of needed
10 consultants in the program.

11 (3) On or before August 1, 2026, the department shall contract
12 with an independent third party to conduct an evaluation, using standard
13 evaluation measures, of the program and its impact on early childhood
14 and program outcomes across the state. The department shall present the
15 results of the evaluation as part of its presentation to its committee of
16 reference at the hearing held pursuant to section 2-7-203 (2)(a) of the
17 "State Measurement for Accountable, Responsive, and Transparent
18 (SMART) Government Act" in January 2027.

19 **26.5-3-707. [Formerly 26-6.5-407] Funding support.** The
20 department and the department of health care policy and financing shall
21 explore funding options for the program and improving access to mental
22 health consultants, including access to various funding sources, as well
23 as the children's basic health plan, article 8 of title 25.5, and the state
24 medical assistance program, articles 4 to 6 of title 25.5. On or before
25 January 1, 2023, the departments shall report on any identified funding
26 options to the joint budget committee of the general assembly as
27 necessary thereafter, in accordance with section 24-1-136.

1 PART 8

2 EMERGENCY RELIEF GRANT PROGRAMS

3 **26.5-3-801. [Formerly 26-6-801] Legislative declaration.**

4 (1) The general assembly finds and declares that:

5 (a) Colorado's economic recovery depends on its workforce
6 having access to stable, high-quality, and affordable child care.
7 Supporting the ability of Colorado's workforce to return to work during
8 and after the COVID-19 public health emergency is estimated to have an
9 economic enabling effect of more than four billion four hundred million
10 dollars in income.

11 (b) The COVID-19 public health emergency has significantly
12 impacted Colorado's child care sector by reducing child care provider
13 revenues while at the same time increasing expenses. Child care provider
14 operating costs have increased to include additional daily cleaning, daily
15 health monitoring, supplying personal protective equipment for child care
16 workers, and lower staff-to-child ratios to allow for sufficient physical
17 distancing.

18 (c) In Colorado, this additional cost burden has forced ten percent
19 of the state's child care providers to close their doors since March 2020.
20 Almost three-quarters of all child care providers indicate they have or will
21 engage in layoffs, furloughs, or pay cuts. For minority-owned or operated
22 child care providers, this figure is even higher. More than twenty-five
23 percent of existing child care providers report that closure is imminent
24 without some kind of financial intervention.

25 (d) Child care providers generate revenue primarily through
26 enrollment and tuition fees and the business model depends on full
27 enrollment;

1 (e) At every stage of the COVID-19 public health emergency,
2 parents have been faced with the difficult choice to pull their children
3 from child care, either due to health concerns or because the economic
4 recession has impacted their ability to afford it. Statewide, enrollment in
5 child care for children less than five years of age has decreased by
6 thirty-nine percent since the COVID-19 public health emergency began.

7 (f) Colorado faces other ongoing threats to the child care sector's
8 sustainability, including high turnover and low pay in the child care
9 profession, as well as the prohibitively expensive cost of opening and
10 operating a child care program;

11 (g) More than half of Coloradans live in a "child care desert",
12 where there are more than three children less than five years of age for
13 each single available child care opening. Some rural areas completely
14 lack licensed child care providers. Statewide, Colorado faces a dramatic
15 shortage of at least thirty-nine thousand spots for infants and toddlers.

16 (h) Most child care in Colorado is owned or operated by women,
17 and more than forty percent of our child care workforce is composed of
18 women of color. Furthermore, throughout the COVID-19 public health
19 emergency, women of color have been more likely to be on the front lines
20 as essential workers and are more likely to lose their jobs.

21 (i) Despite women's steadily increasing labor participation rates
22 and earning trajectories over the past twenty-five years, the COVID-19
23 public health emergency threatens to set back a generation of progress.
24 When women exit the workforce, they face more barriers than men do to
25 return, and their future earning potential and path to retirement security
26 suffers.

27 (j) Women have been disproportionately impacted by the

1 COVID-19 public health emergency: Almost one hundred seventy-nine
2 thousand women left Colorado's labor force between February and May
3 2020, compared to eighty-eight thousand men. Nationally, four times as
4 many women as men dropped out of the labor force in September 2020
5 alone. The impact of this trend on the United States' economy and the
6 well-being of women and families is estimated to amount to
7 approximately sixty-four million five hundred thousand dollars in lost
8 income and economic activity.

9 (2) (a) Therefore, the general assembly finds it is a matter of
10 statewide concern that we take immediate action to save and protect our
11 child care infrastructure, including offering a wide range of child care
12 options, including but not limited to public and private child care centers,
13 day care centers, school-age child care centers, before- and after-school
14 programs, nursery schools, kindergartens, preschools, church day care
15 centers, day camps, summer camps, facilities for children with intellectual
16 and developmental disabilities, and other facilities described in ~~section~~
17 ~~26-6-102(5)~~ SECTION 26.5-5-303. Supporting this mixed delivery of child
18 care enables the state to invest in its children's futures, advance gender
19 equity in the home and the workplace, and rebuild an economy that works
20 for all Coloradans. When Colorado families have access to child care,
21 everyone benefits.

22 (b) The general assembly further finds that, to assist the state's
23 workforce in returning to work and maintaining employment without
24 facing the difficult choice between working and accessing quality child
25 care, it is critical that the state allocate and quickly distribute funding to
26 existing and new child care providers throughout the state.

27 **26.5-3-802. [Formerly 26-6-802] Child care sustainability grant**

1 **program - created - timeline and criteria - grant awards - definitions.**

2 (1) As used in this section, unless the context otherwise requires:

3 (a) "Child care provider" means a child care center, as defined in
4 ~~section 26-6-102(5)~~ SECTION 26.5-5-303, or a family child care home, as
5 defined in ~~section 26-6-102(13)~~ SECTION 26.5-5-303, that holds an open
6 license in good standing with the ~~state~~ department.

7 (b) "Eligible entity" means a licensed child care provider or a
8 neighborhood youth organization, as defined in ~~section 26-6-102(26)~~
9 SECTION 26.5-5-303, that is open and operating.

10 (c) "Grant program" means the child care sustainability grant
11 program created in subsection (2) of this section.

12 (d) "Open and operating" means an eligible entity that is actively
13 providing services or care for children and that has updated its operational
14 status with the ~~state department's~~ DIVISION WITHIN THE DEPARTMENT THAT
15 IS RESPONSIBLE FOR child care licensing and administration. ~~unit.~~

16 (2) The child care sustainability grant program is created in the
17 ~~state~~ department. The purpose of the grant program is to address the
18 extent to which reduced enrollment and increased costs are impacting the
19 sustainability of licensed child care in Colorado, including licensed child
20 care capacity and quality level. The grant program will provide financial
21 support to eligible entities, including those that are in danger of closing.

22 (3) The ~~state~~ department shall create a process for soliciting,
23 vetting, awarding, and monitoring grants, pursuant to the sole source
24 procurement authority specified in section 24-103-205.

25 (4) (a) The ~~state~~ department shall develop a formula to allocate
26 money from the grant program to all eligible entities. The key criteria for
27 a grant award to an eligible entity is the eligible entity's licensed child

1 care capacity. In determining grant awards, the department shall also take
2 into consideration the criteria set forth in subsection (4)(b) of this section.
3 The ~~state~~ department is responsible for communicating important dates
4 and the criteria for grant awards to eligible entities in the state.

5 (b) The ~~state~~ department shall consider, at a minimum:

6 (I) Awarding grants to a wide array of eligible entities of varying
7 types and sizes;

8 (II) Ensuring that the grant money goes directly to eligible entities
9 located in a variety of regions throughout the state;

10 (III) Requiring that the eligible entity has provided written
11 commitment to submit any reports required by the ~~state~~ department;

12 (IV) Supporting, as much as possible, eligible entities that are not
13 already fully supported through existing state or federal funds, such as the
14 head start program, as defined in ~~section 26-2-802.5 (4)~~ SECTION
15 **26.5-4-103**; ~~or the Colorado preschool program, created in article 28 of~~
16 ~~title 22~~; and

17 (V) Considering an eligible entity's quality rating through the
18 Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION
19 26.5-5-101.

20 (5) The department shall determine grant award amounts for
21 eligible entities as soon as possible.

22 ~~(6) Repealed.~~

23 **26.5-3-803. [Formerly 26-6-803] Emerging and expanding child**
24 **care grant program - created - timeline and criteria - grant awards**
25 **- definitions.** (1) As used in this section, unless the context otherwise
26 requires:

27 (a) "Child care center" has the same meaning as set forth in

1 ~~section 26-6-102 (5)~~ SECTION 26.5-5-303.

2 (b) "Child care desert" means a community or area in the state
3 where there are more than three children less than five years of age for
4 each single available child care slot.

5 (c) "Child care provider" or "provider" means a child care center
6 or a family child care home that holds an open license in good standing
7 with the ~~state~~ department.

8 (d) "Early childhood council" means an early childhood council
9 identified or established locally in communities throughout the state
10 pursuant to ~~section 26-6.5-103 or 26-6.5-106~~ SECTION 26.5-2-203.

11 (e) "Eligible entity" means a licensed child care provider that is
12 open and operating or an applicant actively pursuing a child care provider
13 license through the ~~state~~ department's child care licensing and
14 administration unit. "Eligible entity" includes family, friends, or
15 neighbors who provide license-exempt child care pursuant to ~~this article~~
16 ~~6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~, but who are actively obtaining
17 a license through the ~~state department's~~ DIVISION WITHIN THE
18 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and
19 administration. ~~unit~~.

20 (f) "Expansion" means licensed child care capacity expansion, by
21 any means, for an existing licensed child care provider.

22 (g) "Family child care home" has the same meaning as set forth
23 in ~~section 26-6-102 (13)~~ SECTION 26.5-5-303.

24 (h) "Grant program" means the emerging and expanding child
25 care grant program created in subsection (2) of this section.

26 (i) "Open and operating" means a child care provider that is
27 actively providing care for children and that has updated its operational

1 status with the ~~state~~ department's child care licensing and administration
2 unit.

3 (2) (a) The emerging and expanding child care grant program is
4 created in the ~~state~~ department. The purpose of the grant program is to
5 expand access and availability of licensed child care throughout the state.

6 (b) An award from the grant program may be used for costs
7 associated with expanding an open and operating child care center or
8 family child care home or to assist an eligible entity with start up of a new
9 child care center or family child care home. Costs may include, but are
10 not limited to, staff training, background check fees, cleaning supplies,
11 educational supplies, and capital and facility improvement costs.

12 (3) The ~~state~~ department shall create a process for soliciting,
13 vetting, awarding, and monitoring grants through statewide early
14 childhood councils.

15 (4) (a) ~~On or before January 2, 2021, the state~~ THE department
16 shall develop an application process for an eligible entity to follow when
17 requesting a grant from the grant program. The application must include
18 the award criteria set forth in subsection (4)(c) of this section and any
19 applicable timelines established by the ~~state~~ department. The ~~state~~
20 department shall award grants to an eligible entity based on the eligible
21 entity's need as well as the application criteria set forth in subsection
22 (4)(c) of this section.

23 (b) A grant award must range from at least three thousand dollars
24 to no more than two hundred thousand dollars. In awarding a grant, the
25 ~~state~~ department shall use the applicant's existing or proposed licensed
26 child care capacity, as well as the applicant's need, as key criteria in
27 determining the amount of the grant award and shall prioritize making

1 multiple smaller grant awards.

2 (c) In determining grant awards, the ~~state~~ department shall
3 consider eligible entities located in a child care desert. The ~~state~~
4 department shall also consider eligible entities that have or are actively
5 pursuing:

6 (I) A fiscal agreement with the Colorado child care assistance
7 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE
8 4 OF THIS TITLE 26.5;

9 (II) A commitment to engaging in quality improvement activities
10 through the Colorado shines system, established in ~~section 26-6.5-106(5)~~
11 SECTION 26.5-5-101, within eighteen months of receipt of their grant
12 award;

13 (III) A memorandum of understanding in place with their early
14 childhood council to ensure support from the council; and

15 (IV) An application to the ~~state department's~~ DIVISION WITHIN THE
16 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and
17 administration ~~unit~~ and are working with their licensing specialist to
18 determine capital or facility improvement or expansion needs and
19 opportunities.

20 (d) Eligible entities that are applying for a grant award shall:

21 (I) Provide assurance to the ~~state~~ department that zoning, fire, and,
22 if applicable, health approval are underway prior to receiving grant
23 funding; and

24 (II) Provide a written commitment to submit any reports required
25 by the ~~state~~ department to demonstrate progress toward successful
26 licensing or expansion through the ~~state department's~~ DIVISION WITHIN
27 THE DEPARTMENT THAT IS RESPONSIBLE FOR licensing and administration.

1 unit.

2 (5) On or before January 31, 2021, or as soon as practicable after
3 December 7, 2020, the ~~state~~ department shall begin the grant award
4 process to eligible entities.

5 ~~(6) Repealed.~~

6 **26.5-3-804. [Formerly 26-6-804] Employer-based child care**
7 **facility grant program - created - timeline and criteria - eligibility -**
8 **grant awards - reports - definitions - repeal.** (1) As used in this
9 section, unless the context otherwise requires:

10 (a) "Child care center" has the same meaning as set forth in
11 ~~section 26-6-102~~ SECTION 26.5-5-303.

12 (b) "Child care desert" means a community or area in the state
13 where there are more than three children less than five years of age for
14 each available child care slot.

15 (c) "Eligible entity" means a Colorado employer or multiple
16 employers.

17 (d) "Grant program" means the employer-based child care facility
18 grant program created in subsection (2) of this section.

19 (2) There is created in the department the employer-based child
20 care facility grant program. The purpose of the grant program is to
21 provide eligible entities with money to construct, remodel, renovate, or
22 retrofit a child care center on the site or near to the site of the eligible
23 entity's property to provide licensed child care services to the eligible
24 entity's employees, thus supporting the eligible entity's workforce
25 participation and providing safe, stable, and quality care for the eligible
26 entity's employees' children.

27 (3) The department shall solicit and review grant applications

1 from eligible entities beginning on or before June 30, 2021, and begin to
2 award grants no later than September 1, 2021. Each application must
3 include, at a minimum:

4 (a) A business plan that includes:

5 (I) A description of the construction, renovation, remodeling, or
6 retrofitting of a child care center on-site or near to the site of the eligible
7 entity;

8 (II) A commitment to provide a financial match, as described in
9 subsection (4) of this section;

10 (III) A description of how the eligible entity will address the
11 particular child care needs among the eligible entity's employees, such as
12 nontraditional-hour care or infant and toddler care;

13 (IV) A description of how the eligible entity will financially
14 sustain the child care center beyond the grant period;

15 (V) The estimated total cost and budget for the construction,
16 renovation, remodeling, or retrofitting of the child care center;

17 (VI) If the eligible entity leases the space to be renovated,
18 remodeled, retrofitted, or have a new facility constructed on the property,
19 a copy of a current, valid lease that contains specific authorizations from
20 the property owner to make the requested alterations to the property or a
21 written statement from the landlord expressing consent to the requested
22 alterations;

23 (VII) Written assurance that the eligible entity will connect its
24 employees to resources describing available public early childhood care
25 and education assistance; and

26 (VIII) Any other components the department requires to
27 adequately assess the grant application, including a commitment

1 regarding the duration of time the eligible entity seeks to occupy the space
2 to be renovated, remodeled, retrofitted, or constructed;

3 (b) Written assurance that the eligible entity will obtain a child
4 care license pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF
5 THIS TITLE 26.5; and

6 (c) Written assurance that the employees of the eligible entity will
7 have first priority for open slots at the child care center before those slots
8 are offered to nonemployees.

9 (4) Eligible entities must provide a financial match to a grant
10 award as follows:

11 (a) A for-profit employer shall provide a fifty percent match; and

12 (b) A nonprofit or government employer shall provide a
13 twenty-five percent match.

14 (5) In determining grant awards for the grant program, the
15 department shall consider applicants that might require waiver of child
16 care licensing rules in the following areas:

17 (a) A location that prevents the applicant from offering child care
18 programs on the ground floor; and

19 (b) A location that prevents the applicant from providing an
20 outdoor space.

21 (6) In determining grant awards for the grant program, the
22 department shall prioritize:

23 (a) Applicants that serve a high percentage of employees with
24 wages below the area's median income;

25 (b) Applications with plans to meet the level four standard of the
26 Colorado shines quality rating and improvement system, pursuant to
27 ~~section 26-6.5-106 (5)~~ SECTION 26.5-5-101;

1 (c) Applications with a stated commitment to and a business plan
2 for a well-compensated child care staff;

3 (d) Applications with a plan for innovative models, such as
4 co-ops, hubs, or microcenters;

5 (e) Applicants with a plan to serve children in child care deserts
6 or in regions with low child care capacity;

7 (f) Applicants with staff that represent or reflect the linguistic and
8 cultural diversity of the families living or working in their community,
9 including dual-language learners; and

10 (g) Applicants whose primary industry and area of business is
11 other than child care.

12 (7) The department shall provide grantees with information and
13 referrals to services that support implementation of quality care,
14 including:

15 (a) Training for teachers and directors on quality child care,
16 including linguistically and culturally competent care, child development,
17 and program improvement; and

18 (b) Public early childhood assistance programs for families,
19 including, but not limited to:

20 (I) Child care subsidies;

21 (II) Preschool and early childhood education assistance; and

22 (III) Child nutrition programs.

23 (8) On or before January 30, 2023, and on or before January 30,
24 2024, the department shall report progress on the grant program as part
25 of its "State Measurement for Accountable, Responsive, and Transparent
26 (SMART) Government Act" hearing required by section 2-7-203. At a
27 minimum, the report must include:

- 1 (a) The number of eligible entities that received a grant through
- 2 the grant program;
- 3 (b) The number of children and families that received child care
- 4 services as a result of the grants, reported in aggregate and by grantee;
- 5 (c) The number of early childhood educators and staff hired as a
- 6 result of the grant program;
- 7 (d) The Colorado shines quality rating of each grantee;
- 8 (e) Any innovative approaches that were used as a result of the
- 9 grant program that may be replicated by other employers; and
- 10 (f) Any other relevant information about the grant program,
- 11 including the industry type of the entity and geographic region served by
- 12 the entity.

13 (9) This section is repealed, effective July 1, 2024.

14 **26.5-3-805. [Formerly 26-6-805] Early care and education**
15 **recruitment and retention grant and scholarship program - created**
16 **- criteria and eligibility - grant and scholarship awards - reports -**
17 **rules - definitions.** (1) As used in this section, unless the context
18 otherwise requires:

19 (a) "Early childhood educator" means an individual who holds an
20 early childhood professional credential or qualification.

21 (b) "Eligible entity" is any entity described in subsection (3) of
22 this section.

23 (c) "Program" means the early care and education recruitment and
24 retention grant and scholarship program created in subsection (2) of this
25 section.

26 (2) There is created in the department the early care and education
27 recruitment and retention grant and scholarship program. The department

1 shall administer, directly or by contract, the program. The purposes of the
2 program are to:

3 (a) Increase the number of individuals throughout the state who
4 are qualified to serve as early childhood educators, including qualified
5 multilingual and culturally competent educators, in programs licensed by
6 the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF
7 THIS TITLE 26.5 that serve children five years of age or younger; and

8 (b) Retain early childhood educators who are working in programs
9 licensed by the department that serve children five years of age or
10 younger.

11 (3) The department shall establish a process for eligible entities
12 to apply for a grant that aligns with the purposes of the program. Entities
13 that are eligible to apply for a grant from the program include, but are not
14 limited to:

15 (a) Nonprofit entities that administer or plan to administer
16 scholarship programs that are aligned with the purposes of the program;

17 (b) Early child care and education programs licensed by the
18 department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS
19 TITLE 26.5 and that are serving children five years of age or younger; and

20 (c) Institutions of higher education that administer scholarship
21 programs that are aligned with the purposes of the program.

22 (4) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules
23 regarding criteria, timelines, and the administration of the program
24 pursuant to the requirements outlined in this section.

25 (5) The department shall seek and accept applications from
26 eligible entities to award program grant money for eligible purposes. The
27 department shall coordinate with the department of higher education to

1 ensure effective administration of program grant money awarded to state
2 public institutions of higher education. Eligible expenditures of grant or
3 scholarship money by recipients include:

4 (a) Administration by a nonprofit entity of a scholarship program
5 up to a fixed dollar amount or percentage of grant proceeds, as
6 determined and published by the department;

7 (b) Payment of tuition, fees, and materials, including books and
8 any other materials as determined by the department, for courses that lead
9 to a degree or credential or for other formal training, any of which results
10 in a recipient who was not qualified to become qualified as an early
11 childhood educator in a child care program licensed pursuant to ~~part 1 of~~
12 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children
13 five years of age or younger;

14 (c) Payment of tuition, fees, and materials, including books and
15 any other materials as determined by the department, for a recipient who
16 is already credentialed as an early childhood educator for courses that
17 lead to a degree or a higher level credential or for other formal training,
18 any of which results in the recipient being eligible for a higher level
19 credential in the department's professional development information
20 system or a higher degree or qualification that results in longer retention
21 of the recipient in a child care program licensed pursuant to ~~part 1 of this~~
22 ~~article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children five
23 years of age or younger;

24 (d) Payment for costs associated with a credentialed early
25 childhood educator earning a coaching, formal trainer, mentorship, or
26 professional development certification that allows the early childhood
27 educator to serve as a trainer or mentor of other current or potential early

1 childhood educators pursuing programming that leads to a credential;

2 (e) Payments to licensed providers to cover paid release time for
3 individuals, substitutes, and program costs to allow eligible individuals
4 to pursue programs, course work, credentials, degrees, and other formal
5 training that increases the number of qualified early childhood educators
6 or retains current early childhood educators in child care programs
7 licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF
8 ARTICLE 5 OF THIS TITLE 26.5;

9 (f) Payments to licensed providers, schools, community colleges,
10 institutions of higher education, early childhood councils, or other local
11 nonprofit entities to cover the costs of "grow-your-own" programs that
12 support current parents, staff, or local community members to meet
13 qualifications to serve as an early childhood educator to complete
14 appropriate programs, certifications, or training that results in participants
15 being able to serve as qualified early childhood educators in child care
16 programs licensed by the department pursuant to ~~part 1 of this article 6~~
17 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5;

18 (g) Payments to licensed providers to cover the costs of promoting
19 teachers to coaching and mentorship roles with the intent of increasing
20 access to coaching and professional learning communities and to provide
21 flexibility in scheduling for early childhood educators;

22 (h) Raises, bonuses, and other financial incentives, including loan
23 forgiveness provided by licensed early childhood educator programs or
24 through scholarship programs, for current or potential early childhood
25 educators to reward progress toward qualifications that allow the
26 individual to serve as an early childhood educator in an early child care
27 and education program licensed by the department pursuant to ~~part 1 of~~

1 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, or to improve
2 retention of early childhood educators in early child care and education
3 programs licensed by the department pursuant to ~~part 1 of this article 6~~
4 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5; and

5 (i) Payments for registered apprenticeships for work-based
6 learning opportunities for individuals interested in entering the field of
7 early child care and education, serving children five years of age or
8 younger, so that they can receive on-the-job training, classroom
9 instruction, and financial rewards for gains in skills and earn credentials,
10 credits, or higher education degrees. Any such apprenticeship program
11 must create pathways into the early child care and education profession.
12 The department, in consultation with the department of labor and
13 employment, the department of higher education, and the department of
14 education, shall:

15 (I) Define and establish eligibility criteria for eligible entities to
16 receive money to implement apprenticeships;

17 (II) Establish program standards for formally recognized early
18 childhood apprenticeship programs. These standards must address
19 expectations for employer involvement; on-the-job training, credit, and
20 credential attainment; ensuring the availability of relevant training and
21 classroom instruction; rewards for skills gains; and support for local
22 implementation; and

23 (III) Add monetary awards for the following uses of early
24 childhood apprenticeships, as appropriate:

25 (A) Supporting existing apprenticeship programs or the creation
26 of new apprenticeship programs by making money available to eligible
27 entities;

1 (B) Supporting existing apprenticeship programs by expanding
2 their reach to serve more apprentices;

3 (C) Technical assistance relating to establishing the partnerships
4 necessary to create apprenticeships;

5 (D) Money for the recruitment of mentor teachers;

6 (E) Incentives for program participants;

7 (F) Financial rewards for skills gained in the apprenticeship
8 program;

9 (G) Incentives for department-licensed providers to participate in
10 apprenticeships;

11 (H) Money to cover the costs of classroom training and
12 instruction;

13 (I) Money to cover the costs of earning a credential; and

14 (J) Money to support on-the-job training.

15 (6) (a) As part of participating in the program, the department
16 shall require each eligible entity, as described in subsection (3) of this
17 section, that receives grant program money to report program outcomes
18 to the department, as applicable, including, but not limited to, the
19 increase, as a result of the program, in the number of individuals
20 credentialed to teach or who receive a higher level credential to teach at
21 early child care and education programs licensed by the department
22 pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5
23 that serve children five years of age or younger, as well as information
24 relating to retention of early childhood educators as a result of the
25 program.

26 (b) So long as the department is awarding grant and scholarship
27 money pursuant to this part 8, the department shall summarize and post,

1 at least every two years, the information described in subsection (6)(a) of
2 this section on the portion of the department's website relating to early
3 childhood education.

4 **26.5-3-806. [Formerly 26-6-806] Child care teacher salary**
5 **grant program - created - timeline - criteria and eligibility - grant**
6 **awards - reports - definitions.** (1) As used in this section, unless the
7 context otherwise requires:

8 (a) "CCCAP" means the Colorado child care assistance program
9 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS
10 TITLE 26.5.

11 (b) "Child care center" has the same meaning as set forth in
12 ~~section 26-6-102~~ SECTION 26.5-5-303.

13 (c) "Eligible entity" means a child care center licensed pursuant
14 to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or a
15 family child care home that has the following components:

16 (I) Authorization to serve families pursuant to CCCAP; and

17 (II) A quality rating of at least a level three pursuant to the
18 Colorado shines quality rating and improvement system established in
19 ~~section 26-6.5-106~~ SECTION 26.5-5-101.

20 (d) "Family child care home" has the same meaning as set forth
21 in ~~section 26-6-102~~ SECTION 26.5-5-303.

22 (e) "Grant program" means the child care teacher salary grant
23 program created in subsection (2) of this section.

24 (2) There is created in the department the child care teacher salary
25 grant program. The purpose of the grant program is to allow eligible
26 entities to apply for a grant to increase the salaries of its early childhood
27 educators.

1 (3) The department shall solicit and review applications from
2 eligible entities. Each application must, at a minimum, include:

3 (a) A description of the number of early childhood educators
4 proposed to receive a salary increase;

5 (b) Verification that the eligible entity has had a quality rating of
6 at least level three under the Colorado shines quality rating and
7 improvement system during the past twelve months and specification of
8 that quality rating level;

9 (c) Verification that the eligible entity is authorized to administer
10 subsidies under CCCAP;

11 (d) Verification that the eligible entity is actively serving families
12 that are subsidized through CCCAP; and

13 (e) Written attestation the money received from the grant program
14 will only be used to increase salaries of early childhood educators, as
15 specified in subsection (4) of this section.

16 (4) The department shall establish the percentage of salary
17 increase for each early childhood educator, based on the number of
18 applications and available appropriations.

19 **26.5-3-807. [Formerly 26-6-807] Community innovation and**
20 **resilience for care and learning equity (CIRCLE) grant program -**
21 **created - criteria - definitions.** (1) As used in this section, unless the
22 context otherwise requires:

23 (a) "Child care center" has the same meaning as set forth in
24 ~~section 26-6-102~~ SECTION 26.5-5-303.

25 (b) "Eligible entity" includes any one of the following:

26 (I) A child care center or family child care home that is eligible to
27 receive federal child care and development block grant funding pursuant

1 to 42 U.S.C. sec. 9858;

2 (II) A local early childhood council, as defined in ~~section~~
3 ~~26-6.5-101.5~~ SECTION 26.5-2-202; or

4 (III) Any other community-based or education-based entity or
5 government agency approved by the department and that proposes grant
6 activities described in subsection (2) of this section.

7 (c) "Family child care home" has the same meaning as set forth in
8 ~~section 26-6-102~~ SECTION 26.5-5-303.

9 (d) "Grant program" means the community innovation and
10 resilience for care and learning equity (CIRCLE) grant program created
11 in subsection (2) of this section.

12 (2) There is created in the department the community innovation
13 and resilience for care and learning equity (CIRCLE) grant program. The
14 purpose of the grant program is to address systemic challenges for early
15 care and learning providers that have worsened as a result of the
16 economic, social, and health impacts of the COVID-19 public health
17 emergency and to promote innovation to improve outcomes for children
18 and families.

19 (3) An eligible entity may apply for a grant from the grant
20 program for the following purposes:

21 (a) Improving the affordability of child care for families whose
22 children are not served by the Colorado child care assistance program,
23 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS
24 TITLE 26.5, including, but not limited to, any of the following approaches:

- 25 (I) Tuition subsidies or scholarships;
- 26 (II) Developing public-private partnerships; or
- 27 (III) Employer-based cost-sharing approaches;

- 1 (b) Increasing access to child care for children from birth to three
2 years of age;
- 3 (c) Strengthening business practices of child care programs;
- 4 (d) Ensuring equitable access for children, including children with
5 special needs and dual-language learner children; or
- 6 (e) Other approaches to improve early childhood transitions,
7 workforce preparation, affordability, outcomes, or innovative practices.
- 8 (4) The department shall solicit and review applications from
9 eligible entities. Each application must include, at a minimum:
- 10 (a) A description of the activities for which the eligible entity will
11 use the grant money;
- 12 (b) A description of any partnerships that an eligible entity intends
13 to establish to carry out its grant activities;
- 14 (c) A description of how the activities listed in subsection (4)(a)
15 of this section will achieve the purposes of the grant program; and
- 16 (d) A detailed budget to carry out the activities listed in subsection
17 (4)(a) of this section.

18 **PART 9**

19 **FAMILY STRENGTHENING HOME VISITING PROGRAMS**

20 **26.5-3-901. Legislative declaration.** (1) **THE GENERAL**
21 **ASSEMBLY FINDS AND DECLARES THAT:**

22 (a) **TRADITIONAL METHODS OF DELIVERING**
23 **FAMILY-STRENGTHENING SERVICE PROGRAMS, WHICH OFTEN REQUIRE**
24 **PARENTS AND THEIR CHILDREN TO TRAVEL TO A PROGRAM SITE TO ACCESS**
25 **SERVICES DELIVERED SIMULTANEOUSLY TO MULTIPLE FAMILIES, OFTEN**
26 **CREATE BARRIERS, SUCH AS LIMITED ACCESS TO TRANSPORTATION OR**
27 **CREATION OF A STIGMA AROUND RECEIVING SERVICES, THAT PREVENT**

1 FAMILIES, ESPECIALLY LOW-INCOME FAMILIES, FROM RECEIVING THE
2 BENEFITS OF THE SERVICES;

3 (b) EVIDENCE DEMONSTRATES THAT VOLUNTARY, HIGH-QUALITY,
4 EVIDENCE-BASED PROGRAMS THAT DELIVER FAMILY-STRENGTHENING
5 SUPPORT SERVICES HELP PARENTS AND OTHER CAREGIVERS DEVELOP THE
6 SKILLS AND CONFIDENCE NEEDED TO PROMOTE THEIR CHILDREN'S
7 HEALTHY DEVELOPMENT AND LEARNING;

8 (c) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT IS
9 SUCCESSFULLY USED TO DELIVER A WIDE ARRAY OF HIGH-QUALITY,
10 VOLUNTARY FAMILY-STRENGTHENING SUPPORT SERVICES AND THAT
11 ENABLES FAMILIES TO OVERCOME BARRIERS TO ACCESS BECAUSE THE
12 SERVICES ARE DELIVERED IN THE HOME OR OTHER CONVENIENT SETTINGS,
13 WHICH ARE OFTEN SELECTED BY THE FAMILY;

14 (d) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT CAN
15 BE LEVERAGED TO PROVIDE HIGH-QUALITY, VOLUNTARY,
16 FAMILY-STRENGTHENING SUPPORT SERVICES TO MORE COLORADO
17 FAMILIES WHO HAVE FEWER RESOURCES AND ARE EXPOSED TO RISK
18 FACTORS THAT MAY LEAD TO POOR OUTCOMES IN CHILD DEVELOPMENT.
19 USING HOME VISITING TO PROVIDE THESE SERVICES RESULTS IN A STRONG
20 RETURN ON INVESTMENT BY IMPROVING SCHOOL READINESS AND HELPING
21 COLORADO'S CHILDREN REACH THEIR FULL POTENTIAL.

22 (e) FAMILY-STRENGTHENING SUPPORT SERVICES THAT ARE
23 DELIVERED THROUGH HOME VISITING HAVE ALSO DEMONSTRATED
24 IMPROVED FAMILY AND CHILD OUTCOMES BY PROMOTING SOLID
25 PARENT-CHILD RELATIONSHIPS, IMPROVING CHILD AND PARENTAL
26 SOCIAL-EMOTIONAL AND PHYSICAL HEALTH, IMPROVING FAMILY
27 ECONOMIC SECURITY, IDENTIFYING DEVELOPMENTAL DELAYS EARLY,

1 PROVIDING TIMELY CHILD WELFARE INTERVENTION SERVICES, AND
2 PREVENTING TRAUMA AND TOXIC STRESS.

3 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT
4 AUTHORIZING GRANT PROGRAMS TO SUPPORT HOME VISITING PROGRAMS
5 THAT DELIVER HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING
6 SUPPORT SERVICES IS ONE OF THE BEST STRATEGIES AVAILABLE TO
7 SUPPORT PARENTS AND OTHER CAREGIVERS IN PREPARING CHILDREN FOR
8 FUTURE SUCCESS AND ENSURE ALL COLORADO CHILDREN ARE READY TO
9 LEARN WHEN THEY ARRIVE AT SCHOOL.

10 **26.5-3-902. Definition.** AS USED IN THIS PART 9, UNLESS THE
11 CONTEXT OTHERWISE REQUIRES, "HOME VISITING" MEANS A
12 TWO-GENERATION DELIVERY STRATEGY THAT IS DESIGNED TO OVERCOME
13 BARRIERS TO ACCESSING SERVICES BY PROVIDING A COMPREHENSIVE
14 ARRAY OF VOLUNTARY, EVIDENCE-BASED, FAMILY-STRENGTHENING
15 SERVICES TO A FAMILY IN A LOCATION USUALLY SELECTED BY THE FAMILY
16 THAT IS CONGRUENT WITH THE SERVICES BEING PROVIDED, WHICH
17 LOCATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAMILY'S
18 HOME, A HEALTH CARE SETTING, OR A FAMILY RESOURCE CENTER.

19 **26.5-3-903. Family-strengthening grant programs - authorized**
20 **requirements - implementation partner - rules.** (1) THE DEPARTMENT
21 IS AUTHORIZED TO OPERATE GRANT PROGRAMS TO SUPPORT LOCAL
22 PROVIDERS IN DELIVERING HIGH-QUALITY, VOLUNTARY,
23 FAMILY-STRENGTHENING SUPPORT SERVICES USING HOME VISITING
24 STRATEGIES THAT ARE DESIGNED TO OVERCOME THE ACCESS BARRIERS
25 OFTEN CREATED BY TRADITIONAL DELIVERY STRATEGIES. THE EXECUTIVE
26 DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT GRANT
27 PROGRAMS AS AUTHORIZED IN THIS SECTION.

1 (2) ANY GRANT PROGRAMS THAT THE DEPARTMENT OPERATES
2 PURSUANT TO THIS SECTION MUST BE DESIGNED TO AWARD GRANTS TO
3 FAMILY SUPPORT SERVICES PROVIDERS THAT PROVIDE A CONTINUUM OF
4 HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES
5 THAT:

6 (a) SERVE FAMILIES AT SOME POINT DURING THE PERIOD THAT
7 EXTENDS FROM PREGNANCY THROUGH THE CHILD'S ENROLLMENT IN EARLY
8 ELEMENTARY SCHOOL GRADES;

9 (b) ARE EVIDENCE-BASED AND HAVE DEMONSTRATED SIGNIFICANT
10 POSITIVE OUTCOMES IN ONE OR MORE OF THE FOLLOWING AREAS:

- 11 (I) CHILD DEVELOPMENT AND SCHOOL READINESS;
- 12 (II) FAMILY ECONOMIC SELF-SUFFICIENCY;
- 13 (III) MATERNAL AND CHILD HEALTH;
- 14 (IV) REDUCTIONS IN CHILD MALTREATMENT;
- 15 (V) FAMILY LINKAGES AND REFERRALS TO RESOURCES; AND
- 16 (VI) POSITIVE PARENTING PRACTICES; AND

17 (c) ARE DELIVERED USING A HOME VISITING STRATEGY TO PROVIDE
18 FAMILY SERVICES THAT IS BASED ON A NATIONAL MODEL FOR HOME
19 VISITING SERVICES OR HAS BEEN OTHERWISE PROVEN EFFECTIVE IN
20 OVERCOMING BARRIERS TO ACCESSING SERVICES;

21 (3) IN IMPLEMENTING A FAMILY-STRENGTHENING GRANT PROGRAM
22 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH AN
23 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS BASED ON A
24 NATIONAL MODEL FOR DELIVERING FAMILY-STRENGTHENING SERVICES,
25 THE DEPARTMENT SHALL CONTRACT WITH A LOCAL PUBLIC OR PRIVATE
26 ENTITY THAT IS CERTIFIED, OR OTHERWISE AUTHORIZED, TO LEAD IN
27 IMPLEMENTING THE NATIONAL MODEL IN THE STATE, TO ACT AS THE

1 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS NOT BASED ON A
2 NATIONAL MODEL, THE DEPARTMENT SHALL ISSUE A REQUEST FOR
3 PROPOSALS TO SELECT AN IMPLEMENTATION PARTNER. THE PUBLIC OR
4 PRIVATE ENTITY THAT THE DEPARTMENT SELECTS MUST, AT A MINIMUM,
5 HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE WITH HOME VISITING
6 AND THE TYPES OF FAMILY-STRENGTHENING SERVICES THAT MEET THE
7 PURPOSE OF THE GRANT PROGRAM. THE DUTIES OF AN IMPLEMENTATION
8 PARTNER MAY BE ESTABLISHED BY DEPARTMENT RULE AND MAY VARY
9 BASED ON THE PURPOSE OF A PARTICULAR GRANT PROGRAM, BUT MUST, AT
10 A MINIMUM, INCLUDE:

11 (a) ASSISTING THE DEPARTMENT IN REVIEWING APPLICATIONS AND
12 SELECTING GRANTEEES; AND

13 (b) WORKING WITH APPLICANTS TO COMPLETE A COMMUNITY
14 READINESS ASSESSMENT WHEN NEEDED.

15 (4) THIS PART 9 DOES NOT APPLY TO NOR AFFECT
16 IMPLEMENTATION OF THE "COLORADO NURSE HOME VISITOR PROGRAM
17 ACT", PART 5 OF THIS ARTICLE 3.

18 ARTICLE 4

19 Child Care and Education

20 PART 1

21 COLORADO CHILD CARE ASSISTANCE PROGRAM

22 **26.5-4-101. [Formerly 26-2-801] Short title.** ~~This part 8 shall be~~
23 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 1 IS THE
24 "Colorado Child Care Assistance Program Act".

25 **26.5-4-102. [Formerly 26-2-802] Legislative declaration.**

26 (1) The general assembly hereby finds and declares that:

27 (a) The state's policies in connection with the provision of child

1 care assistance and the effective delivery of such assistance are critical to
2 the ultimate success of any welfare reform program;

3 (b) Children in low-income families who receive services through
4 a child care assistance program need and deserve the same access to a
5 broad range of child care providers as do children in families who do not
6 need assistance;

7 (c) It is critical to provide low- to moderate-income families with
8 access to high-quality, affordable child care that fosters healthy child
9 development and school readiness, while at the same time promotes
10 family self-sufficiency and attachment to the workforce; and

11 (d) Individual counties play a vital role in administering the child
12 care assistance program and have local knowledge of their individual
13 community needs.

14 (2) Therefore, the general assembly hereby finds and declares that
15 it is in the best interests of the state to:

16 (a) Adopt the Colorado child care assistance program set forth in
17 this ~~part 8~~ PART 1;

18 (b) Adopt a consistent, statewide plan for child care provider
19 reimbursement rates with a goal of ~~a floor of the seventy-fifth percentile~~
20 ~~of each county's market rate~~ PAYMENT RATES THAT ADEQUATELY COVER
21 THE COST OF QUALITY CHILD CARE to facilitate and increase access to
22 high-quality child care for low-income families;

23 (c) Achieve parity across counties in the state with regard to the
24 CCCAP program and funding allocation.

25 **26.5-4-103. [Formerly 26-2-802.5] Definitions.** As used in this
26 ~~part 8~~ PART 1, unless the context otherwise requires:

27 (1) "Child care assistance program" or "CCCAP" means the

1 PUBLIC ASSISTANCE PROGRAM FOR CHILD CARE KNOWN AS THE Colorado
2 child care assistance program established in this ~~part 8~~ PART 1.

3 (2) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" MEANS THE
4 STATE PRESCHOOL PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 4.

5 (3) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT
6 DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

7 ~~(2)~~ (4) "Early care and education provider" means a school district
8 or provider that is licensed pursuant to ~~part 1 of article 6 of this title~~ PART
9 3 OF ARTICLE 5 OF THIS TITLE 26.5 or that participates in the Colorado
10 preschool program pursuant to article 28 of title 22, ~~C.R.S.~~ AS IT EXISTS
11 PRIOR TO JULY 1, 2023, OR THE COLORADO UNIVERSAL PRESCHOOL
12 PROGRAM PURSUANT TO PART 2 OF THIS ARTICLE 4.

13 ~~(3) "Early childhood council" means an early childhood council~~
14 ~~established pursuant to part 1 of article 6.5 of this title.~~

15 (5) "ENROLLMENT CONTRACT" MEANS A CONTRACTUAL
16 AGREEMENT DIRECTLY WITH A PROVIDER OR NETWORK THAT ASSURES A
17 SPECIFIED NUMBER OF CHILD CARE SERVICE ENROLLMENTS WILL BE MADE
18 AVAILABLE TO SERVE A SPECIFIED NUMBER OF CHILDREN WHO QUALIFY
19 FOR CHILD CARE ASSISTANCE. ENROLLMENT CONTRACTS ARE AN
20 ALLOWABLE USE OF FEDERAL CHILD CARE FUNDS.

21 ~~(4)~~ (6) "Head start program" means a program operated by a local
22 public or private nonprofit agency designated by the federal department
23 of health and human services to operate a head start program ~~under~~
24 PURSUANT TO the provisions of Title V of the federal "Economic
25 Opportunity Act of 1964", as amended.

26 ~~(5)~~ (7) "High-quality early childhood program" means a program
27 that is operated by a provider with a fiscal agreement through CCCAP

1 and that is in the top three levels of the state's quality rating and
2 improvement system, is accredited by a ~~state~~ department-approved
3 accrediting body, or is an early head start or head start program that meets
4 federal standards.

5 ~~(6)~~ (8) "Participant" means a participant, as defined in section
6 26-2-703 (15), in the Colorado works program.

7 ~~(7)~~ (9) "Provider" means a child care provider licensed pursuant
8 to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5
9 that has ~~a fiscal agreement with the county~~ AN AGREEMENT OR
10 ENROLLMENT CONTRACT to participate in the child care assistance
11 program.

12 (9) "RECIPIENT" MEANS AN INDIVIDUAL OR A FAMILY WHO IS
13 RECEIVING OR HAS RECEIVED BENEFITS FROM THE COLORADO CHILD CARE
14 ASSISTANCE PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 1.

15 ~~(8)~~ (10) "Regular ~~daily~~ provider reimbursement rate" means the
16 base ~~daily~~ rate paid for child care and excludes any additional payment
17 for ~~absences, holidays, and other~~ additional fees that are included in the
18 reimbursement paid to providers.

19 ~~(9)~~ "Tiered reimbursement" means a pay structure that reflects an
20 ~~increased rate of reimbursement for high-quality early childhood~~
21 ~~programs that receive CCCAP moneys.~~

22 ~~(10)~~ (11) "Works program" means the Colorado works program
23 established pursuant to part 7 of ~~this article~~ ARTICLE 2 OF TITLE 26.

24 26.5-4-104. Colorado child care assistance program -
25 department authority - cooperation with federal government -
26 acceptance and administration of money. (1) THE DEPARTMENT IS THE
27 SOLE STATE AGENCY FOR ADMINISTERING THE STATE PLAN FOR THE

1 COLORADO CHILD CARE ASSISTANCE PROGRAM. THE DEPARTMENT, UNDER
2 THE SUPERVISION OF THE EXECUTIVE DIRECTOR, SHALL ADMINISTER AND
3 SUPERVISE THE COLORADO CHILD CARE ASSISTANCE PROGRAM, WHICH
4 PROGRAM IS DECLARED TO BE A STATE AS WELL AS A COUNTY PURPOSE.

5 (2) (a) THE DEPARTMENT MAY ACCEPT ON BEHALF OF THE STATE
6 OF COLORADO THE PROVISIONS AND BENEFITS OF ACTS OF CONGRESS
7 DESIGNED TO PROVIDE MONEY OR OTHER PROPERTY FOR THE COLORADO
8 CHILD CARE ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY
9 IS DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE DEPARTMENT,
10 AND MAY ACCEPT ON BEHALF OF THE STATE ANY OFFERS THAT HAVE BEEN
11 OR MAY FROM TIME TO TIME BE MADE OF MONEY OR OTHER PROPERTY BY
12 ANY PERSONS, AGENCIES, OR ENTITIES FOR THE COLORADO CHILD CARE
13 ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY IS
14 DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE STATE
15 DEPARTMENT; EXCEPT THAT, UNLESS OTHERWISE EXPRESSLY PROVIDED BY
16 LAW, THE DEPARTMENT SHALL NOT ACCEPT SAID MONEY OR OTHER
17 PROPERTY UNLESS THE DEPARTMENT HAS RECOMMENDED ACCEPTANCE TO
18 AND RECEIVED THE WRITTEN APPROVAL OF THE GOVERNOR AND THE
19 ATTORNEY GENERAL. APPROVAL OF THE GOVERNOR AND THE ATTORNEY
20 GENERAL AUTHORIZES THE ACCEPTANCE OF THE MONEY OR PROPERTY IN
21 ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS AND FOR THE
22 PURPOSES FOR WHICH THE MONEY OR PROPERTY ARE INTENDED.

23 (b) THE STATE TREASURER IS DESIGNATED AS EX OFFICIO
24 CUSTODIAN OF ALL MONEY THAT THE DEPARTMENT RECEIVES PURSUANT
25 TO THIS SUBSECTION (2) FROM THE FEDERAL GOVERNMENT AND FROM ANY
26 OTHER SOURCE FOR WHICH THE APPROVAL REQUIRED IN SUBSECTION (2)(a)
27 OF THIS SECTION IS OBTAINED.

1 (c) THE STATE TREASURER SHALL HOLD MONEY RECEIVED
2 PURSUANT TO THIS SUBSECTION (2) SEPARATE AND DISTINCT FROM STATE
3 MONEY AND IS AUTHORIZED TO MAKE DISBURSEMENTS OF THE MONEY FOR
4 THE DESIGNATED PURPOSE OR FOR ADMINISTRATIVE COSTS, WHICH MAY
5 BE PROVIDED IN GRANTS, UPON WARRANTS ISSUED BY THE STATE
6 CONTROLLER UPON THE VOUCHER OF THE DEPARTMENT.

7 (3) THE DEPARTMENT SHALL COOPERATE WITH THE FEDERAL
8 DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER FEDERAL
9 AGENCIES IN ANY REASONABLE MANNER, IN CONFORMITY WITH THE LAWS
10 OF THIS STATE, WHICH MAY BE NECESSARY TO QUALIFY FOR FEDERAL AID,
11 INCLUDING THE PREPARATION OF STATE PLANS, THE MAKING OF REPORTS
12 IN SUCH FORM AND CONTAINING SUCH INFORMATION AS A FEDERAL
13 AGENCY MAY FROM TIME TO TIME REQUIRE, AND THE COMPLIANCE WITH
14 SUCH PROVISIONS AS THE FEDERAL GOVERNMENT MAY FROM TIME TO TIME
15 FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF THE
16 REPORTS.

17 (4) IN ADMINISTERING MONEY APPROPRIATED OR MADE AVAILABLE
18 TO THE DEPARTMENT FOR THE COLORADO CHILD CARE ASSISTANCE
19 PROGRAM, THE DEPARTMENT IS AUTHORIZED TO:

20 (a) REQUIRE AS A CONDITION FOR RECEIVING GRANTS-IN-AID THAT
21 EACH COUNTY IN THIS STATE BEAR THE PROPORTION OF THE TOTAL
22 EXPENSE OF FURNISHING CHILD CARE ASSISTANCE AS IS FIXED BY LAW;

23 (b) TERMINATE GRANTS-IN-AID TO A COUNTY OF THIS STATE IF THE
24 COUNTY DOES NOT COMPLY WITH THE LAWS AND RULES PROVIDING THE
25 GRANTS-IN-AID AND THE MINIMUM STANDARDS PRESCRIBED BY
26 DEPARTMENT RULES;

27 (c) UNDERTAKE IMMEDIATELY THE ADMINISTRATION OF CHILD

1 CARE ASSISTANCE WITHIN A COUNTY OF THIS STATE THAT HAS HAD ANY OR
2 ALL OF ITS GRANTS-IN-AID TERMINATED PURSUANT TO SUBSECTION (4)(b)
3 OF THIS SECTION; EXCEPT THAT THE COUNTY SHALL CONTINUE TO MEET
4 THE REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION;

5 (d) RECOVER ANY MONEY OWED BY A COUNTY TO THE STATE BY
6 REDUCING THE AMOUNT OF ANY PAYMENTS DUE FROM THE STATE IN
7 CONNECTION WITH CCCAP; AND

8 (e) TAKE ANY OTHER ACTION THAT MAY BE NECESSARY OR
9 DESIRABLE FOR CARRYING OUT THE PROVISIONS OF THIS PART 1.

10 **26.5-4-105. Colorado child care assistance program -**
11 **department duties.** (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN
12 THIS PART 1, THE DEPARTMENT, UNDER THE SUPERVISION OF THE
13 EXECUTIVE DIRECTOR, SHALL:

14 (a) ADMINISTER OR SUPERVISE THE ESTABLISHMENT, EXTENSION,
15 AND STRENGTHENING OF THE COLORADO CHILD CARE ASSISTANCE
16 PROGRAM IN COOPERATION WITH THE FEDERAL DEPARTMENT OF HEALTH
17 AND HUMAN SERVICES AND OTHER STATE OR FEDERAL AGENCIES;

18 (b) PROVIDE SERVICES TO COUNTY DEPARTMENTS, INCLUDING THE
19 ORGANIZATION AND SUPERVISION OF COUNTY DEPARTMENTS FOR THE
20 EFFECTIVE ADMINISTRATION OF CCCAP, AS SET OUT IN DEPARTMENT
21 RULES AS TO PROGRAM SCOPE AND CONTENT, INCLUDING PROVISION OF
22 CHILD CARE ASSISTANCE AND COMPILATION OF STATISTICS AND
23 NECESSARY INFORMATION RELATIVE TO CHILD CARE ASSISTANCE;

24 (c) PRESCRIBE FORMS NECESSARY FOR APPLICATIONS, REPORTS,
25 AFFIDAVITS, AND SUCH OTHER FORMS AS IT MAY DEEM NECESSARY AND
26 ADVISABLE;

27 (d) COOPERATE WITH OTHER DEPARTMENTS, AGENCIES, AND

1 INSTITUTIONS OF THE STATE AND FEDERAL GOVERNMENTS IN THE
2 PERFORMANCE OF ACTIVITIES IN CONFORMITY WITH THE PURPOSES OF THIS
3 PART 1; AND

4 (e) ACT AS THE AGENT OF THE FEDERAL GOVERNMENT IN
5 ACTIVITIES RELATED TO THE COLORADO CHILD CARE ASSISTANCE
6 PROGRAM IN MATTERS OF MUTUAL CONCERN IN CONFORMITY WITH THIS
7 PART 1 AND IN THE ADMINISTRATION OF ANY FEDERAL MONEY GRANTED
8 TO THE STATE TO AID IN THE FURTHERANCE OF CCCAP.

9 (2) THE DEPARTMENT MAY REVIEW ANY DECISION OF A COUNTY
10 DEPARTMENT AND MAY CONSIDER ANY APPLICATION FOR CHILD CARE
11 ASSISTANCE UPON WHICH A DECISION HAS NOT BEEN MADE BY THE
12 COUNTY DEPARTMENT WITHIN A REASONABLE TIME TO DETERMINE THE
13 PROPRIETY OF THE ACTION OR FAILURE TO TAKE TIMELY ACTION ON AN
14 APPLICATION FOR CHILD CARE ASSISTANCE. THE DEPARTMENT SHALL
15 MAKE SUCH ADDITIONAL INVESTIGATION AS IT DEEMS NECESSARY AND
16 SHALL, AFTER GIVING THE COUNTY DEPARTMENT AN OPPORTUNITY TO
17 REBUT ANY FINDINGS OR CONCLUSIONS OF THE DEPARTMENT THAT THE
18 ACTION OR DELAY IN TAKING ACTION WAS A VIOLATION OF OR CONTRARY
19 TO DEPARTMENT RULES, MAKE SUCH DECISION AS TO THE GRANTING OF
20 CHILD CARE ASSISTANCE AND THE AMOUNT THEREOF AS IN ITS OPINION IS
21 JUSTIFIABLE PURSUANT TO THE PROVISIONS OF THIS PART 1 AND
22 DEPARTMENT RULES. APPLICANTS OR RECIPIENTS AFFECTED BY THE
23 DECISIONS OF THE DEPARTMENT, UPON REQUEST, SHALL BE GIVEN
24 REASONABLE NOTICE AND OPPORTUNITY FOR A FAIR HEARING BY THE
25 DEPARTMENT.

26 **26.5-4-106. Applications for child care assistance - verification**
27 **- award - not assignable - limitation. (1) (a) AN INDIVIDUAL WISHING**

1 TO APPLY FOR CHILD CARE ASSISTANCE MAY DO SO, AND THE ASSISTANCE
2 SHALL BE FURNISHED WITH REASONABLE PROMPTNESS TO EACH ELIGIBLE
3 INDIVIDUAL IN ACCORDANCE WITH DEPARTMENT RULES.

4 (b) THE DEPARTMENT RULES MAY PROVIDE FOR A SIMPLIFIED
5 APPLICATION IN ORDER THAT CHILD CARE ASSISTANCE MAY BE FURNISHED
6 TO ELIGIBLE PERSONS AS SOON AS POSSIBLE AND SHALL PROVIDE
7 ADEQUATE SAFEGUARDS AND CONTROLS TO ENSURE THAT ONLY ELIGIBLE
8 PERSONS RECEIVE CHILD CARE ASSISTANCE UNDER THIS PART 1. THE
9 UNIFIED APPLICATION THAT THE DEPARTMENT DEVELOPS PURSUANT TO
10 SECTION 26.5-1-110 MUST AT SOME POINT INCLUDE APPLICATION FOR
11 CHILD CARE ASSISTANCE THROUGH CCCAP.

12 (c) A PERSON SEEKING CHILD CARE ASSISTANCE MUST SUBMIT AN
13 APPLICATION IN ACCORDANCE WITH DEPARTMENT RULE, AND THE
14 DEPARTMENT SHALL ENSURE THAT THE APPLICATION IS ROUTED TO THE
15 APPLICANT'S COUNTY OF RESIDENCE. AN APPLICATION FOR CHILD CARE
16 ASSISTANCE MUST:

17 (I) BE IN WRITING OR REDUCED TO WRITING IN THE MANNER AND
18 UPON THE FORM PRESCRIBED BY THE DEPARTMENT;

19 (II) INCLUDE THE NAME, AGE, AND RESIDENCE OF THE APPLICANT
20 AND A STATEMENT OF THE AMOUNT OF PROPERTY, BOTH REAL AND
21 PERSONAL, IN WHICH THE APPLICANT HAS AN INTEREST AND OF ALL
22 INCOME THE APPLICANT MAY HAVE AT THE TIME OF THE FILING OF THE
23 APPLICATION, AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY
24 DEPARTMENT RULE; AND

25 (III) BE VERIFIED BY THE SIGNATURE OF THE APPLICANT.

26 (2) (a) WHEN A COUNTY DEPARTMENT RECEIVES AN APPLICATION
27 FOR CHILD CARE ASSISTANCE, IT SHALL PROMPTLY MAKE A RECORD

1 CONCERNING THE CIRCUMSTANCES OF THE APPLICANT TO VERIFY THE
2 FACTS SUPPORTING THE APPLICATION AND SHALL EXAMINE ALL PERTINENT
3 RECORDS AND SHALL MAKE A DILIGENT EFFORT TO EXAMINE ALL RECORDS
4 PRIOR TO GRANTING ASSISTANCE. THE COUNTY DEPARTMENT SHALL ALSO
5 VERIFY SUCH OTHER INFORMATION AS MAY BE REQUIRED BY DEPARTMENT
6 RULE.

7 (b) IN VERIFYING AN APPLICATION RECEIVED PURSUANT TO THIS
8 SECTION, THE COUNTY DEPARTMENT SHALL CONFIRM THAT THE APPLICANT
9 MEETS THE ELIGIBILITY REQUIREMENTS FOR RECEIVING PUBLIC
10 ASSISTANCE SPECIFIED IN SECTION 26-2-111 (1).

11 (c) IF THE INFORMATION IS REASONABLY AVAILABLE, THE COUNTY
12 DEPARTMENT SHALL COMPLETE THE VERIFICATION BEFORE APPROVING OR
13 CONTINUING CHILD CARE ASSISTANCE.

14 (d) WITHIN TEN WORKING DAYS AFTER THE COUNTY DEPARTMENT
15 DISCOVERS A DISCREPANCY RELATING TO A FRAUDULENT OR SUSPECTED
16 FRAUDULENT ACT AFFECTING ELIGIBILITY, THE COUNTY DEPARTMENT
17 SHALL REFER THE MATTER TO THE APPROPRIATE INVESTIGATORY AGENCY
18 FOR INVESTIGATION. THE INVESTIGATORY AGENCY SHALL TAKE ACTION
19 WITHIN THIRTY DAYS FOLLOWING RECEIPT OF THE INFORMATION FROM THE
20 COUNTY DEPARTMENT.

21 (e) THE COUNTY DEPARTMENT, THE DEPARTMENT, AND THE
22 OFFICERS AND AUTHORIZED EMPLOYEES OF EACH MAY CONDUCT VISITS TO
23 THE HOME OF THE APPLICANT AT REASONABLE TIMES, MAKE
24 INVESTIGATIONS AND REQUIRE THE ATTENDANCE AND TESTIMONY OF
25 WITNESSES AND THE PRODUCTION OF BOOKS, RECORDS, AND PAPERS BY
26 SUBPOENA, AND MAKE APPLICATION TO THE DISTRICT COURT TO COMPEL
27 AND ENFORCE SUCH ATTENDANCE AND TESTIMONY OF WITNESSES AND THE

1 PRODUCTION OF SUCH BOOKS, RECORDS, AND PAPERS. OFFICERS AND
2 EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OR THE
3 DEPARTMENT MAY ADMINISTER OATHS AND AFFIRMATIONS.

4 (3) (a) UPON COMPLETION OF THE VERIFICATION AND RECORD OF
5 EACH APPLICATION FOR CHILD CARE ASSISTANCE, THE COUNTY
6 DEPARTMENT, PURSUANT TO DEPARTMENT RULES, SHALL DETERMINE
7 WHETHER THE APPLICANT IS ELIGIBLE FOR CHILD CARE ASSISTANCE, THE
8 AMOUNT OF CHILD CARE ASSISTANCE TO BE GRANTED, AND THE BEGINNING
9 DATE OF THE ASSISTANCE. IN DETERMINING THE AMOUNT OF CHILD CARE
10 ASSISTANCE TO BE GRANTED, THE COUNTY DEPARTMENT SHALL TAKE DUE
11 ACCOUNT, PURSUANT TO DEPARTMENT RULES, OF ANY INCOME OR
12 PROPERTY AVAILABLE TO THE APPLICANT AND ANY SUPPORT, EITHER IN
13 CASH OR IN KIND, THAT THE APPLICANT MAY RECEIVE FROM OTHER
14 SOURCES.

15 (b) WHEN THE ELIGIBILITY, AMOUNT, AND DATE FOR BEGINNING
16 CHILD CARE ASSISTANCE HAVE BEEN ESTABLISHED, THE COUNTY
17 DEPARTMENT SHALL MAKE AN AWARD TO OR ON BEHALF OF THE
18 APPLICANT IN ACCORDANCE WITH DEPARTMENT RULES, WHICH AWARD IS
19 BINDING ON THE COUNTY AND SHALL BE COMPLIED WITH BY THE COUNTY
20 UNTIL IT IS MODIFIED OR VACATED. THE COUNTY DEPARTMENT SHALL AT
21 ONCE NOTIFY THE APPLICANT AND THE DEPARTMENT, IN WRITING, OF ITS
22 DECISIONS ON CHILD CARE ASSISTANCE AND THE REASONS FOR THOSE
23 DECISIONS.

24 (4) (a) A COUNTY DEPARTMENT SHALL NOT DENY CHILD CARE
25 ASSISTANCE FOR A PERSON WHO IS OTHERWISE QUALIFIED TO RECEIVE
26 CHILD CARE ASSISTANCE BY REASON OF THE FACT THAT:

27 (I) THE PERSON IS THE OWNER OF REAL ESTATE OCCUPIED BY THE

1 PERSON AS A RESIDENCE; OR

2 (II) THE PERSON IS THE OWNER OF PERSONAL PROPERTY THAT IS
3 EXEMPT BY THE LAWS OF COLORADO FROM EXECUTION OR ATTACHMENT.

4 (b) THE EXECUTIVE DIRECTOR BY RULE MAY ESTABLISH
5 LIMITATIONS ON THE VALUE OF REAL AND PERSONAL PROPERTY AND
6 OTHER RESOURCES, NOT INCLUDED IN SUBSECTION (4)(a) OF THIS SECTION,
7 THAT MAY BE AVAILABLE TO AN APPLICANT OR RECIPIENT WITHOUT
8 AFFECTING ELIGIBILITY FOR CHILD CARE ASSISTANCE.

9 (c) FOR CHILD CARE ASSISTANCE PURPOSES, THE VALUE OF
10 RESIDENTIAL OR OTHER REAL PROPERTY IS EQUAL TO THE ACTUAL VALUE
11 OF THE PROPERTY, AS DETERMINED BY THE COUNTY ASSESSOR PURSUANT
12 TO ARTICLE 1 OF TITLE 39.

13 (5) A COUNTY DEPARTMENT SHALL NOT REQUIRE A PERSON, AS A
14 CONDITION OF RECEIVING CHILD CARE ASSISTANCE, TO REPAY OR PROMISE
15 TO REPAY THE STATE OF COLORADO ANY MONEY PROPERLY PAID TO THE
16 PERSON AS CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF
17 THIS PART 1 AND DEPARTMENT RULES OR AS PUBLIC ASSISTANCE
18 PURSUANT TO ARTICLE 2 OF TITLE 26 AND THE RULES OF THE STATE
19 DEPARTMENT OF HUMAN SERVICES.

20 **26.5-4-107. Reconsideration and changes.** (1) A COUNTY
21 DEPARTMENT SHALL RECONSIDER CHILD CARE ASSISTANCE AWARDED
22 PURSUANT TO THIS PART 1 AS FREQUENTLY AS AND IN THE MANNER
23 REQUIRED BY DEPARTMENT RULES. AFTER SUCH FURTHER VERIFICATION
24 AND RECORD AS THE COUNTY DEPARTMENT MAY DEEM NECESSARY OR
25 DEPARTMENT RULES MAY REQUIRE, THE AMOUNT OF CHILD CARE
26 ASSISTANCE PROVIDED MAY BE CHANGED, OR CHILD CARE ASSISTANCE
27 MAY BE TERMINATED, IF THE DEPARTMENT OR THE COUNTY DEPARTMENT

1 FINDS THAT THE RECIPIENT'S CIRCUMSTANCES HAVE ALTERED
2 SUFFICIENTLY TO WARRANT SUCH ACTION OR IF CHANGES IN STATE OR
3 FEDERAL LAW HAVE BEEN MADE THAT WOULD WARRANT SUCH ACTION.

4 (2) IN ACCORDANCE WITH DEPARTMENT RULES, A COUNTY
5 DEPARTMENT MAY TERMINATE CHILD CARE ASSISTANCE AT ANY TIME FOR
6 CAUSE, OR IT MAY, FOR CAUSE, SUSPEND CHILD CARE ASSISTANCE FOR
7 SUCH PERIOD AS IT MAY DEEM PROPER. TIMELY NOTICE TO PERSONS WHO
8 ARE RECEIVING CHILD CARE ASSISTANCE, BUT WHO ARE NOT ELIGIBLE DUE
9 TO FRAUDULENT ACTS, MAY BE GIVEN FIVE DAYS BEFORE THE DATE OF A
10 PROPOSED ACTION, IN ACCORDANCE WITH FEDERAL REGULATIONS.

11 (3) WHENEVER CHILD CARE ASSISTANCE IS TERMINATED,
12 SUSPENDED, OR IN ANY WAY CHANGED, THE COUNTY DEPARTMENT SHALL
13 AT ONCE REPORT THE DECISION TO THE RECIPIENT AND TO THE
14 DEPARTMENT, SETTING FORTH THE REASON FOR THE ACTION. ALL SUCH
15 DECISIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT IN ACCORDANCE
16 WITH DEPARTMENT RULES.

17 **26.5-4-108. Appeals.** (1) (a) IF A COUNTY DEPARTMENT DOES NOT
18 ACT ON AN APPLICATION FOR CHILD CARE ASSISTANCE WITHIN A
19 REASONABLE TIME AFTER THE APPLICATION IS FILED, OR IF A COUNTY
20 DEPARTMENT DENIES AN APPLICATION IN WHOLE OR IN PART, OR IF A
21 COUNTY DEPARTMENT SUSPENDS, TERMINATES, OR MODIFIES A GRANT OF
22 CHILD CARE ASSISTANCE, THE APPLICANT OR RECIPIENT, AS THE CASE MAY
23 BE, MAY APPEAL TO THE DEPARTMENT IN THE MANNER AND FORM
24 PRESCRIBED BY DEPARTMENT RULES. EVERY COUNTY DEPARTMENT SHALL
25 ADOPT PROCEDURES FOR THE RESOLUTION OF DISPUTES ARISING BETWEEN
26 THE COUNTY DEPARTMENT AND AN APPLICANT FOR OR RECIPIENT OF CHILD
27 CARE ASSISTANCE PRIOR TO APPEAL TO THE DEPARTMENT. THE

1 PROCEDURES ARE REFERRED TO IN THIS SECTION AS THE "DISPUTE
2 RESOLUTION PROCESS". TWO OR MORE COUNTIES MAY JOINTLY ESTABLISH
3 THE DISPUTE RESOLUTION PROCESS. THE DISPUTE RESOLUTION PROCESS
4 MUST BE CONSISTENT WITH DEPARTMENT RULES. THE DISPUTE
5 RESOLUTION PROCESS MUST INCLUDE AN OPPORTUNITY FOR ALL CLIENTS
6 TO HAVE A COUNTY CONFERENCE, UPON THE APPLICANT'S OR RECIPIENT'S
7 REQUEST. THIS REQUIREMENT MAY BE MET THROUGH A TELEPHONIC
8 CONFERENCE UPON THE AGREEMENT OF THE APPLICANT OR RECIPIENT AND
9 THE COUNTY DEPARTMENT. THE DISPUTE RESOLUTION PROCESS NEED NOT
10 CONFORM TO THE REQUIREMENTS OF SECTION 24-4-105, AS LONG AS THE
11 DEPARTMENT RULES INCLUDE PROVISIONS SPECIFICALLY SETTING FORTH
12 EXPEDITIOUS TIME FRAMES, NOTICE, AND AN OPPORTUNITY TO BE HEARD
13 AND TO PRESENT INFORMATION. IF THE DISPUTE IS NOT RESOLVED, THE
14 APPLICANT OR RECIPIENT MAY APPEAL TO THE DEPARTMENT IN THE
15 MANNER AND FORM PRESCRIBED BY DEPARTMENT RULES. COUNTY
16 NOTICES TO APPLICANTS OR RECIPIENTS MUST INFORM THEM OF THE BASIS
17 FOR THE COUNTY'S DECISION OR ACTION AND MUST INFORM THEM OF THEIR
18 RIGHTS TO A COUNTY CONFERENCE UNDER THE DISPUTE RESOLUTION
19 PROCESS AND OF THEIR RIGHTS TO STATE-LEVEL APPEAL AND THE PROCESS
20 FOR MAKING THE APPEAL.

21 (b) UPON RECEIPT OF AN APPEAL, THE DEPARTMENT SHALL GIVE
22 THE APPELLANT REASONABLE NOTICE AND AN OPPORTUNITY FOR A FAIR
23 HEARING IN ACCORDANCE WITH DEPARTMENT RULES. THE HEARING MUST
24 COMPLY WITH SECTION 24-4-105, AND AN ADMINISTRATIVE LAW JUDGE
25 MUST PRESIDE.

26 (c) THE APPELLANT MUST HAVE AN OPPORTUNITY TO EXAMINE ALL
27 APPLICATIONS AND PERTINENT RECORDS CONCERNING THE APPELLANT

1 THAT CONSTITUTE A BASIS FOR THE DENIAL, SUSPENSION, TERMINATION,
2 OR MODIFICATION OF CHILD CARE ASSISTANCE.

3 (d) THE APPELLANT MAY REPRESENT HIMSELF OR HERSELF OR MAY
4 BE REPRESENTED BY LEGAL COUNSEL, OR BY A RELATIVE, FRIEND, OR
5 OTHER SPOKESPERSON. REPRESENTATION BY A NONLAWYER IN THIS
6 CIRCUMSTANCE DOES NOT CONSTITUTE THE PRACTICE OF LAW.

7 (2) ALL DECISIONS OF THE DEPARTMENT ARE BINDING ON THE
8 COUNTY DEPARTMENT INVOLVED AND THE COUNTY DEPARTMENT SHALL
9 COMPLY WITH SAID DECISIONS.

10 **26.5-4-109. [Formerly 26-2-803] Provider rates - provider**
11 **recruitment.** (1) (a) ~~The state department, in consultation with the~~
12 ~~counties, shall contract every three years for a market rate study of~~
13 ~~provider rates that account for quality of care, age group, and type of care~~
14 ~~for each county as recommended by the early childhood leadership~~
15 ~~commission created in section 26.5-1-302. Notwithstanding the~~
16 ~~provisions of section 24-1-136 (11)(a)(I), copies of the study must be~~
17 ~~provided to the joint budget committee on or before January 2, 2024, and~~
18 ~~on or before January 2 every three years thereafter~~ NO LATER THAN JULY
19 1, 2025, AND AT LEAST EVERY THREE YEARS THEREAFTER, THE
20 DEPARTMENT, IN CONSULTATION WITH COUNTY DEPARTMENTS AND CHILD
21 CARE PROVIDERS, SHALL DEVELOP THE CALCULATION OF PROVIDER RATES
22 WITH THE GOAL OF EVENTUALLY ENSURING THE PROVIDER RATES MORE
23 ACCURATELY REFLECT THE COST OF CHILD CARE RATHER THAN FAMILIES'
24 ABILITY TO PAY. THE DEPARTMENT MAY CONTRACT FOR ASSISTANCE IN
25 DEVELOPING THE CALCULATION. THE CALCULATION MUST ACCOUNT FOR
26 THE COST OF QUALITY CARE AND MAY VARY BY AGE GROUP, REGION, AND
27 TYPE OF CARE. THE DEPARTMENT MUST ENSURE THAT THE CALCULATION

1 OF PROVIDER RATES COMPLIES WITH FEDERAL REGULATIONS AND, IF
2 REQUIRED BY FEDERAL LAW, MUST OBTAIN APPROVAL BEFORE CHANGING
3 THE CALCULATION OF OR PROCESS FOR SETTING THE PROVIDER RATES.
4 BEFORE ADOPTING A CHANGE TO THE PROVIDER RATES OR OTHER
5 PAYMENT POLICIES, THE DEPARTMENT, IN CONSULTATION WITH THE
6 COUNTY DEPARTMENTS AND PROVIDERS, SHALL ANALYZE THE
7 ANTICIPATED IMPACT OF THE CHANGE TO THE COLORADO CHILD CARE
8 ASSISTANCE PROGRAM, INCLUDING THE IMPACT ON THE COSTS OF
9 SERVICES AND ON THE FAMILIES AND PROVIDERS THAT PARTICIPATE IN
10 CCCAP. THE DEPARTMENT SHALL INCLUDE AN ANALYSIS COMPLETED
11 PURSUANT TO THIS SUBSECTION (1)(a) IN THE REPORT DESCRIBED IN
12 SECTION 26.5-4-109.

13 (b) AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF
14 THIS SECTION, BUT NO LATER THAN OCTOBER 1, 2022, THE EXECUTIVE
15 DIRECTOR SHALL CONVENE A WORKING GROUP OF COUNTY DEPARTMENTS
16 ___ AND ___ PROVIDERS TO DISCUSS PROVIDER RATES AND THE PROVIDER
17 RATE CALCULATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

18 ~~(2) On or before July 1, 2016, the state-established provider~~
19 ~~reimbursement rates for each county must include a system of tiered~~
20 ~~reimbursement for providers that enroll children participating in CCCAP~~
21 THE DEPARTMENT SHALL ESTABLISH THE PROVIDER RATES BASED ON THE
22 CALCULATION DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION
23 AND SHALL UPDATE THE RATES ON A REGULAR BASIS.

24 ~~(3) On or before July 1, 2016, the state board shall promulgate~~
25 ~~rules related to the structure of tiered reimbursement~~ THE DEPARTMENT
26 SHALL INCLUDE AN EXPLANATION OF THE CALCULATION OF THE PROVIDER
27 RATES IN THE REPORT ON CCCAP REQUIRED PURSUANT TO SECTION

1 26.5-4-109, BEGINNING WITH THE REPORT SUBMITTED ON NOVEMBER 1,
2 2024, AND IN EACH SUBSEQUENT REPORT.

3 (4) THE DEPARTMENT, WORKING WITH EARLY CHILDHOOD
4 COUNCILS AS DEFINED IN SECTION 26.5-2-202, COUNTY DEPARTMENTS,
5 AND LOCAL COORDINATING ORGANIZATIONS, AS DEFINED IN SECTION
6 26.5-2-102, SHALL IDENTIFY AND RECRUIT PROVIDERS THROUGHOUT THE
7 STATE TO PARTICIPATE IN THE CHILD CARE ASSISTANCE PROGRAM. IN
8 IDENTIFYING AND RECRUITING PROVIDERS, THE DEPARTMENT AND LOCAL
9 COORDINATING ORGANIZATIONS SHALL ESTABLISH A MIXED DELIVERY
10 SYSTEM OF PUBLIC AND PRIVATE PROVIDERS IN COMMUNITIES
11 THROUGHOUT THE STATE THAT ENABLES PARENTS TO SELECT CCCAP
12 PROVIDERS FOR THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE
13 WITHIN THEIR RESPECTIVE COMMUNITIES. ___

14 **26.5-4-110. [Formerly 26-2-804] Funding - allocation -**
15 **maintenance of effort - allocation committee - rules. (1) THERE IS**
16 **CREATED THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION**
17 **COMMITTEE CONSISTING OF ELEVEN MEMBERS, EIGHT OF WHOM ARE**
18 **APPOINTED BY A STATEWIDE ASSOCIATION OF COUNTIES AND THREE OF**
19 **WHOM ARE APPOINTED BY THE DEPARTMENT. OF THE MEMBERS**
20 **APPOINTED BY THE STATEWIDE ASSOCIATION OF COUNTIES, AT LEAST TWO**
21 **MEMBERS MUST BE FROM SMALL OR MEDIUM-SIZED COUNTIES AND AT**
22 **LEAST THREE MUST BE FROM LARGE COUNTIES, ONE APPOINTEE OF WHOM**
23 **MUST BE A REPRESENTATIVE FROM THE COUNTY THAT HAS THE GREATEST**
24 **PERCENTAGE OF THE STATE'S CHILD CARE ASSISTANCE PROGRAM**
25 **CASELOAD. THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH**
26 **OTHER TO ENSURE THAT THE CHILD CARE ASSISTANCE PROGRAM**
27 **ALLOCATION COMMITTEE IS REPRESENTATIVE OF THE COUNTIES IN THE**

1 STATE. THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE
2 SHALL DEVELOP ITS OWN OPERATIONAL PROCEDURES.

3 ~~(1) (2) (a) Starting with the 2018-19 2023-24 state fiscal year, or~~
4 ~~when the rules required by subsection (2)(a) of this section are~~
5 ~~established, whichever is later, and subject to available appropriations,~~
6 ~~annually the state department shall~~ THE DEPARTMENT, UPON RECEIVING
7 RECOMMENDATIONS FROM THE CHILD CARE ASSISTANCE PROGRAM
8 ALLOCATION COMMITTEE, SHALL ANNUALLY establish the amount of each
9 county's block grant for CCCAP BASED ON AN ALLOCATION FORMULA
10 AGREED UPON BY THE DEPARTMENT AND THE CHILD CARE ASSISTANCE
11 PROGRAM ALLOCATION COMMITTEE. ~~The block grant shall be based upon~~
12 ~~each county's percentage of the estimated total number of children~~
13 ~~eligible to participate in CCCAP times the appropriate reimbursement rate~~
14 ~~for each county as determined by the state required by section 26-2-803~~
15 Counties are only required to spend the state CCCAP allocation and the
16 maintenance of effort for that allocation.

17 (b) IF THE DEPARTMENT AND THE CHILD CARE ASSISTANCE
18 PROGRAM ALLOCATION COMMITTEE DO NOT REACH AN AGREEMENT ON
19 THE ALLOCATION FORMULA ON OR BEFORE JUNE 1 OF A STATE FISCAL
20 YEAR FOR THE SUCCEEDING STATE FISCAL YEAR, THE DEPARTMENT AND
21 THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE SHALL
22 SUBMIT ALTERNATIVES TO THE JOINT BUDGET COMMITTEE OF THE
23 GENERAL ASSEMBLY FROM WHICH THE JOINT BUDGET COMMITTEE SHALL
24 SELECT AN ALLOCATION FORMULA BEFORE THE BEGINNING OF THE
25 SUCCEEDING STATE FISCAL YEAR.

26 (2) (3) The amount of each county's block grant determined by
27 subsection (1) of this section may be adjusted by the state department.

1 The state department shall, in consultation with the counties, THE
2 DEPARTMENT, AFTER INPUT FROM THE CHILD CARE ASSISTANCE PROGRAM
3 ALLOCATION COMMITTEE, SHALL adopt rules regarding adjustments to the
4 amount of a block grant, and the rules must address the following factors:

- 5 (f) (a) The cost of living;
- 6 (f) (b) The cost of high-quality early childhood programs;
- 7 (f) (c) The cost of programs;
- 8 (f) (d) The regional market rates OR COSTS for CCCAP;
- 9 (f) (e) Drastic economic changes; and
- 10 (f) (f) Geographic differences within a county; AND
- 11 (g) OTHER FACTORS AS DETERMINED BY THE CHILD CARE
12 ASSISTANCE PROGRAM ALLOCATION COMMITTEE.

13 (b) The state department may make an adjustment to the amount
14 of a block grant authorized by rules promulgated pursuant to subsection
15 (2)(a) of this section.

16 (3) (4) The money in a county block grant allocated to a county
17 pursuant to this section must only be used for the provision of child care
18 services under PURSUANT TO DEPARTMENT rules promulgated by the state
19 board pursuant to this part 8 PART 1.

20 (4) (5) Money transferred from the county block grant temporary
21 assistance for needy families program pursuant to section 26-2-714 (7) to
22 the child care development fund may be used for child care quality
23 improvement activities as identified in the federal "Child Care and
24 Development Block Grant Act of 2014", 42 U.S.C. sec. 9858 (e) 9858e,
25 as amended.

26 (5) (6) For state fiscal year 2005-06 and for each state fiscal year
27 thereafter, each county is required to meet a level of county spending for

1 CCCAP that is equal to the county's proportionate share of the total
2 county funds set forth in the annual general appropriation act for CCCAP
3 for that state fiscal year. The level of county spending is known as the
4 county's maintenance of effort for CCCAP for that state fiscal year. For
5 any state fiscal year, the ~~state~~ department is authorized to adjust a county's
6 maintenance of effort, reflected as a percentage of the total county funds
7 set forth in the annual general appropriation act for CCCAP for that state
8 fiscal year, so that the percentage equals the county's proportionate share
9 of the total state and federal funds appropriated for CCCAP for that state
10 fiscal year. For any state fiscal year, the sum of all counties' maintenance
11 of effort must be equal to or greater than the total county funds set forth
12 in the general appropriation act for the state fiscal year 1996-97 for
13 employment-related child care.

14 **26.5-4-111. [Formerly 26-2-805] Services - eligibility -**
15 **assistance provided - waiting lists - rules - exceptions from**
16 **cooperating with child support establishment - repeal.** (1) Subject to
17 available appropriations and pursuant to DEPARTMENT rules promulgated
18 ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a county
19 shall provide child care assistance to a participant or any person or family
20 whose income is not more than one hundred eighty-five percent of the
21 federal poverty level. Subject to available appropriations and ~~only~~ as
22 necessary to comply with federal law ~~the state board~~ OR TO ALIGN
23 ELIGIBILITY ACROSS EARLY CARE AND EDUCATION PROGRAMS
24 SPECIFICALLY TO MEET THE EARLY CARE AND EDUCATION, INCOME
25 SECURITY, AND CHILD WELFARE NEEDS OF SIMILAR POPULATIONS AND AS
26 ALLOWED BY FEDERAL REGULATIONS, THE EXECUTIVE DIRECTOR BY RULE
27 may adjust the percentage of the federal poverty level used to determine

1 child care assistance eligibility ~~by promulgating a rule~~ AND SHALL REVISE
2 INCOME AND VERIFICATION REQUIREMENTS THAT PROMOTE ALIGNMENT
3 AND SIMPLIFICATION.

4 (2) (a) ~~Beginning July 1, 2018, or when the rules required by~~
5 ~~section 26-2-804 (2)(a) are established, whichever is later,~~ A county may
6 provide child care assistance for any family whose income at initial
7 determination exceeds the requirements of subsection (1) of this section
8 but does not exceed the maximum federal level for eligibility for services
9 of eighty-five percent of the state median income for a family of the same
10 size if it

11 ~~(F)~~ is serving all eligible families who have applied for CCCAP
12 and whose income level is below that requirement. ~~and~~

13 ~~(H) Uses only local money to serve such families.~~

14 (b) If, during a participant's, person's, or family's twelve-month
15 eligibility period, the participant's, person's, or family's income rises to or
16 above the level set by ~~the state board~~ DEPARTMENT rule at which the
17 county may deny such participant, person, or family child care assistance,
18 the county shall continue providing the current CCCAP subsidy until that
19 participant's, person's, or family's next twelve-month redetermination.

20 (c) If, at the time of a participant's, person's, or family's
21 twelve-month eligibility redetermination, the participant's, person's, or
22 family's income rises to or above the level set by ~~the state board~~
23 DEPARTMENT RULE at which the county may deny child care assistance,
24 or if that income level rises above the maximum federal eligibility level
25 of eighty-five percent of the state median income for a family of the same
26 size, the county shall immediately notify the participant, person, or family
27 that it is no longer eligible for CCCAP.

1 ~~(d) and (e) Repealed.~~

2 (3) (a) Subject to available appropriations, pursuant to rules
3 promulgated ~~by the state board~~ for implementation of this ~~part 8~~ PART 1,
4 and except as provided ~~for in paragraph (b) of this subsection (3)~~ IN
5 SUBSECTION (3)(b) OF THIS SECTION, a county shall provide child care
6 assistance for a family transitioning off the works program due to
7 employment or job training without requiring the family to apply for
8 low-income child care but shall redetermine the family's eligibility within
9 ~~six~~ TWELVE months after the transition.

10 (b) A family that transitions off the works program must not be
11 automatically transitioned to CCCAP pursuant to ~~paragraph (a) of this~~
12 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION if either of the
13 following conditions apply:

14 (I) The family is leaving the works program due to a violation of
15 program requirements as defined in part 7 of ~~this article~~ ARTICLE 2 OF
16 ~~TITLE 26 OR by DEPARTMENT rule; of the state board, or by policy of a~~
17 ~~county department; or~~

18 (II) The family is leaving the works program due to employment
19 and will be at an income level that exceeds the ~~county-adopted~~ income
20 eligibility limit for the ~~county's~~ CCCAP.

21 ~~(c) At the county's discretion, a family that transitions off the~~
22 ~~works program, is eligible for CCCAP, and resides in a county that has~~
23 ~~families on its waiting list may be added to the waiting list or be provided~~
24 ~~child care assistance without first being added to the waiting list.~~

25 (4) (a) (I) A recipient of child care assistance through CCCAP
26 ~~shall be~~ IS responsible for paying a portion of ~~his or her~~ THE RECIPIENT'S
27 child care costs based upon the recipient's income and the formula

1 developed by DEPARTMENT rule. ~~of the state board.~~

2 ~~(H) After promulgation of rules by the state board, subject to~~
3 ~~available appropriations, and upon notification to counties by the state~~
4 ~~department that the relevant human services case management systems,~~
5 ~~including the Colorado child care automated tracking system, are capable~~
6 ~~of accommodating this subparagraph (H), on or before July 1, 2016, the~~
7 ~~formula must include a tiered reduced copayment structure for children~~
8 ~~attending high-quality care.~~

9 (HH) (II) Notwithstanding the provisions of subparagraph (H) of
10 this paragraph (a), Upon notification to counties by the state department
11 that the relevant human services case management systems, including the
12 Colorado child care automated tracking system, are capable of
13 accommodating this ~~subparagraph (HH)~~ SUBSECTION (4)(a)(II), for a
14 family living at or below one hundred percent of the federal poverty level,
15 the family copayment responsibility must be restricted to no more than
16 one percent of the family's gross monthly income as determined based on
17 one month of income.

18 ~~(IV)~~ (III) Pursuant to DEPARTMENT rules ~~promulgated by the state~~
19 ~~board~~ and upon notification to counties by the state department that the
20 relevant ~~human services~~ case management systems, including the
21 Colorado child care automated tracking system, are capable of
22 accommodating this ~~subparagraph (IV)~~ SUBSECTION (4)(a)(III), income
23 received during the past thirty days must be used in determining the
24 copayment, unless on a case-by-case basis the prior thirty-day period does
25 not provide an accurate indication of anticipated income, in which case
26 a county can require evidence of up to twelve of the most recent months
27 of income. A family may also provide evidence of up to twelve of the

1 most recent months of income if it chooses to do so if such evidence more
2 accurately reflects an ability to afford the required family copayment.

3 (b) The ~~state board~~ EXECUTIVE DIRECTOR BY RULE shall establish,
4 and ~~periodically revise, by rule~~ AT LEAST EVERY FIVE YEARS REVIEW AND
5 REVISE, AS APPROPRIATE, a copayment schedule so that the copayment
6 gradually increases as the family income approaches self-sufficiency
7 income levels. This revised copayment schedule should allow families to
8 retain a portion of ~~its~~ THEIR increases in income.

9 (c) A participant who is employed shall pay a portion of ~~his or her~~
10 THE PARTICIPANT'S income for child care assistance under CCCAP. The
11 participant's required copayment ~~under~~ PURSUANT TO the provisions of
12 this ~~paragraph (c)~~ SUBSECTION (4)(c) must be determined by a formula
13 established by DEPARTMENT rule ~~of the state board~~ that takes into
14 consideration the factors set forth in ~~paragraphs (a) and (b) of this~~
15 ~~subsection (4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION.

16 (5) (a) On and after July 1, 2014, and except as otherwise
17 provided in ~~paragraph (a.5) or (a.7) of this subsection (5)~~ SUBSECTION
18 (5)(b) OR (5)(c) OF THIS SECTION, a county may require a person who
19 receives child care assistance pursuant to this section and who is not
20 otherwise a participant to apply, pursuant to section 26-13-106 (2), for
21 child support establishment, modification, and enforcement services
22 related to any support owed by obligors to their children and to cooperate
23 with the delegate child support enforcement unit to receive these services;
24 except that a person is not required to submit a written application for
25 child support establishment, modification, and enforcement services if the
26 person shows good cause to the county implementing the Colorado child
27 care assistance program for not receiving these services.

1 ~~(a.5)~~ (b) A county shall not require an applicant who is a teen
2 parent, as defined by DEPARTMENT rule, ~~of the state board~~, and who is not
3 otherwise a participant to submit a written application for child support
4 establishment, modification, and enforcement services as a condition of
5 receiving child care assistance ~~under~~ PURSUANT TO this section until the
6 teen parent has graduated from high school or successfully completed a
7 high school equivalency examination. After the teen parent has been
8 determined eligible for child care assistance and ~~his or her~~ THE TEEN
9 PARENT'S chosen child care provider is receiving subsidy payments, a
10 county may require the teen parent to regularly attend, at no cost and at
11 a location and time most convenient to the teen parent, information
12 sessions with the county child support staff focused on understanding the
13 benefits of child support to the child, the family as a whole, and the
14 benefits of two-parent engagement in a child's life. Once a person who
15 receives child care assistance pursuant to this section no longer meets the
16 definition of a teen parent or has either graduated from high school or
17 successfully completed a high school equivalency examination, the
18 county may require that person to cooperate with child support
19 establishment and enforcement as a condition of continued receipt of
20 child care assistance. ~~Nothing in this section prevents~~ THIS SECTION DOES
21 NOT PREVENT a teen parent from establishing child support.

22 ~~(a.7)~~ (c) (I) A county shall not require an applicant to submit a
23 written application for child support establishment, modification, and
24 enforcement services as a condition of receiving child care assistance or
25 to establish good cause for not cooperating with child support
26 establishment as a condition of receiving child care assistance if the
27 applicant:

1 (A) Submits a statement that ~~he or she~~ THE APPLICANT is a victim
2 of domestic violence, as defined in section 18-6-800.3 (1) ~~€:R:S;~~, and in
3 part 8 of article 6 of title 18; ~~€:R:S;~~ or a victim of a sexual offense, as
4 described in part 4 of article 3 of title 18, ~~€:R:S;~~ section 18-6-301,
5 ~~€:R:S;~~ or section 18-6-302; ~~€:R:S;~~ or a victim of harassment, as
6 described in section 18-9-111; ~~€:R:S;~~ or a victim of stalking, as
7 described in section 18-3-602; ~~€:R:S;~~

8 (B) Indicates in that statement that ~~he or she~~ THE APPLICANT fears
9 for his or her safety or the safety of ~~his or her~~ THE APPLICANT'S children
10 if the applicant were to pursue child support enforcement pursuant to
11 section 26-13-106 (2); and

12 (C) Submits evidence that ~~he or she~~ THE APPLICANT is a victim of
13 domestic violence, a sexual offense, harassment, or stalking as described
14 in ~~sub-subparagraph (A) of this subparagraph (F)~~ SUBSECTION (5)(c)(I)(A)
15 OF THIS SECTION.

16 (II) For purposes of ~~sub-subparagraph (C) of subparagraph (F) of~~
17 ~~this paragraph (a.7)~~ SUBSECTION (5)(c)(I)(C) OF THIS SECTION, sufficient
18 evidence includes, but is not limited to, evidence identified for
19 participation in the address confidentiality program included in section
20 24-30-2105 (3)(c)(I) to (3)(c)(IV), ~~€:R:S;~~ or from a "victim's advocate",
21 as defined in section 13-90-107 (1)(k)(II), ~~€:R:S;~~ from whom the
22 applicant has sought assistance.

23 (III) A county may provide information about the importance of
24 establishing child support to a victim of domestic violence, a sexual
25 offense, harassment, or stalking who chooses not to engage in child
26 support establishment or to pursue a good cause waiver from cooperation.

27 ~~(b)~~ (d) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate

1 rules for the implementation of this subsection (5), including but not
2 limited to rules establishing good cause for not receiving these services;
3 ~~and~~ rules for the imposition of sanctions upon a person who fails, without
4 good cause as determined by the county implementing the Colorado child
5 care assistance program, to apply for child support enforcement services
6 or to cooperate with the delegate child support enforcement unit as
7 required by this subsection (5); ~~The state board shall revise its~~ AND rules
8 regarding the option of counties to make cooperation with child support
9 establishment and enforcement a condition of receiving child care
10 assistance for teen parents and for victims of domestic violence, sexual
11 offense, harassment, or stalking.

12 ~~(e)~~ (e) (I) On July 1, 2017, and every July 1 thereafter through
13 July 1, 2025, each county department shall report to the ~~state~~ department
14 information related to teen parents in the Colorado child care assistance
15 program. The ~~state board~~ EXECUTIVE DIRECTOR shall establish, by rule,
16 criteria to be reported annually by each county, including but not limited
17 to:

18 (A) The total number of cases in each county that are receiving
19 services from a county child support services office that involve custodial
20 parties who are nineteen years of age or younger and the number of
21 children being served;

22 (B) The total number of teen parents in each county that are
23 receiving Colorado child care assistance;

24 (C) For each teen parent receiving child care assistance in the
25 county, longitudinal data indicating whether paternity has been
26 established and whether child support has been established for the child
27 and reported for the child from birth to age four;

1 (D) For each teen parent receiving child care assistance in the
2 county, longitudinal data indicating whether the teen parent achieved
3 economic self-sufficiency and avoided becoming a Colorado works
4 participant while in school and reported for the child from the child's birth
5 to age four;

6 (E) For each teen parent receiving child care assistance in the
7 county, longitudinal data indicating the total amount and the percentage
8 of child support collected for the benefit of the child and reported for the
9 child from birth to age four.

10 (II) The reports filed with the ~~state~~ department as a result of this
11 ~~paragraph (c)~~ SUBSECTION (5)(e) are public records available for public
12 inspection.

13 ~~(d)~~ (f) Upon notification that the relevant ~~human services~~ case
14 management systems are capable of accommodating the provisions in
15 ~~paragraphs (a.5) and (a.7) of this subsection (5)~~ SUBSECTIONS (5)(b) AND
16 (5)(c) OF THIS SECTION, the ~~state~~ department is required to start tracking
17 counties' compliance with ~~paragraphs (a.5) and (a.7) of this subsection (5)~~
18 SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION. The ~~state~~ department
19 shall notify counties when the ~~human services~~ case management systems
20 are functional and when the tracking of compliance will begin.

21 (g) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

22 ~~(6) Repealed.~~

23 (6) EFFECTIVE JULY 1, 2023, A COUNTY SHALL NOT REQUIRE A
24 PERSON WHO APPLIES FOR CHILD CARE ASSISTANCE PURSUANT TO THIS
25 SECTION TO PARTICIPATE IN CHILD SUPPORT ESTABLISHMENT,
26 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT
27 OWED BY OBLIGORS TO THEIR CHILDREN OR TO COOPERATE WITH THE

1 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS A CONDITION OF
2 RECEIVING CHILD CARE ASSISTANCE SERVICES. THIS SUBSECTION (6) DOES
3 NOT PROHIBIT A COUNTY FROM EDUCATING APPLICANTS ABOUT THE
4 BENEFITS OF CHILD SUPPORT AND CHILD SUPPORT ESTABLISHMENT,
5 MODIFICATION, AND ENFORCEMENT SERVICES, AND HOW TO ENGAGE IN
6 THE CHILD SUPPORT PROCESS.

7 (7) (a) For a family with a child who is enrolled in both CCCAP
8 and a head start program OR, AS SOON AS PRACTICABLE AFTER JULY 1,
9 2023, BOTH CCCAP AND THE COLORADO UNIVERSAL PRESCHOOL
10 PROGRAM, the family's CCCAP eligibility redetermination must occur no
11 sooner than the end of the last month of the child's first full twelve-month
12 program year of enrollment in the head start OR COLORADO UNIVERSAL
13 PRESCHOOL program. Child care assistance program eligibility
14 redetermination for a child enrolled in both programs must occur once
15 every twelve months thereafter.

16 ~~(b) to (d) Repealed.~~

17 ~~(e) (b) Notwithstanding the provisions of section 26-1-127 (2)(a),~~
18 ~~a family that receives child care assistance pursuant to this part 8 PART 1~~
19 ~~is not required to report income or activity changes during the~~
20 ~~twelve-month eligibility period; except that, within the twelve-month~~
21 ~~eligibility period, a family is required to report a change in income if the~~
22 ~~family's income exceeds eighty-five percent of the state median income.~~
23 ~~If a family no longer participates in the activity under which it was made~~
24 ~~eligible in the child care case, the family shall report that change within~~
25 ~~four weeks from the time it ceased participating in the eligible activity.~~

26 ~~(f) (c) A parent must not be determined ineligible to receive child~~
27 ~~care assistance pursuant to this part 8 PART 1 as a result of:~~

- 1 (I) Taking maternity leave;
- 2 (II) Being a separated spouse or parent under a validly issued
3 temporary order for parental responsibilities or child custody where the
4 other spouse or parent has disqualifying financial resources;
- 5 (III) Each instance of nontemporary job loss for less than ninety
6 days; or
- 7 (IV) A temporary break in eligible activity, as defined by
8 DEPARTMENT rule. ~~of the state board.~~
- 9 ~~(g) and (h) Repealed.~~
- 10 (i) (d) Subject to available appropriations and pursuant to
11 DEPARTMENT rules promulgated ~~by the state board~~ for the implementation
12 of this ~~part 8~~ PART 1, a parent who is enrolled in a postsecondary
13 education program or a workforce training program is eligible for
14 CCCAP for at least any two years of the postsecondary education or
15 workforce training program, provided all other CCCAP eligibility
16 requirements are met during those two years. ON AND AFTER JULY 1,
17 2023, a county may ONLY give priority for services to a working family
18 over a family enrolled in postsecondary education or workforce training
19 IF THE COUNTY DOES NOT HAVE SUFFICIENT FUNDING AND HAS RECEIVED
20 APPROVAL FROM THE DEPARTMENT BEFORE IMPLEMENTING THE
21 PRIORITIZATION.
- 22 (j) (e) To provide continuous child care with the least disruption
23 to the child, ~~the hours authorized for the provision of child care through~~
24 ~~CCCAP must include authorized hours for the child that promote~~
25 continuous, consistent, and regular care and must not be linked directly
26 to a parent's employment, education, or workforce training schedule.
27 Pursuant to DEPARTMENT rules, ~~promulgated by the state board,~~ the

1 ~~number of hours authorized for~~ AMOUNT OF child care AUTHORIZED
2 should be based on ~~the number of hours the parent is participating in an~~
3 ~~eligible activity and the~~ PARENT'S AND child's needs for CHILD care.

4 (8) Pursuant to DEPARTMENT rules ~~promulgated by the state board~~
5 and upon notification to counties by the ~~state~~ department that the relevant
6 ~~human services~~ case management systems, including the Colorado child
7 care automated tracking system, are capable of accommodating this
8 subsection (8), income received during the past thirty days must be used
9 in determining eligibility unless, on a case-by-case basis, the prior
10 thirty-day period does not provide an accurate indication of anticipated
11 income, in which case a county can require evidence of up to twelve of
12 the most recent months of income. A family may also provide evidence
13 of up to twelve of the most recent months of income if it chooses to do so
14 if such evidence more accurately reflects a family's current income level.

15 (9) A county has the authority to develop a voucher system for
16 families enrolled in CCCAP through which they can secure relative or
17 unlicensed child care.

18 (10) An early care and education provider or county may conduct
19 a pre-eligibility determination for child care assistance for a family to
20 facilitate the determination process. The early care and education provider
21 shall submit its pre-eligibility documentation to the county for final
22 determination of eligibility for child care assistance. The early care and
23 education provider or county may provide services to the family prior to
24 final determination of eligibility, and the county shall reimburse a
25 provider for such services only if the county determines the family is
26 eligible for services and there is no need to place the family on a waiting
27 list. If the family is found ineligible for services, the county shall not

1 reimburse the early care and education provider for any services provided
2 during the period between its pre-eligibility determination and the
3 county's final determination of eligibility.

4 (11) A provider OR A LOCAL COORDINATING ORGANIZATION, AS
5 DEFINED IN SECTION 26.5-2-102, may accept a family's CCCAP
6 application and submit it to the county on behalf of a family seeking child
7 care assistance.

8 (12) Each county:

9 (a) Upon notification to counties by the ~~state~~ department that the
10 relevant ~~human services~~ case management systems, including the
11 Colorado child care automated tracking system, are capable of
12 accommodating this ~~paragraph (a)~~ SUBSECTION (12)(a), and pursuant to
13 DEPARTMENT rules, ~~promulgated by the state board~~, in addition to regular
14 ~~daily~~ provider reimbursement rates, shall ~~reimburse providers according~~
15 ~~to the following schedule:~~ PAY PROVIDERS FOR CARE IN ALIGNMENT WITH
16 COMMON PRACTICES IN THE PRIVATE MARKET FOR CHILD CARE. THE
17 DEPARTMENT RULES GOVERNING PAYMENT POLICIES MUST ALLOW DAILY
18 REIMBURSEMENT RATES ONLY FOR DROP-IN CHILD CARE, BACK-UP CHILD
19 CARE, AND CARE THAT IS COMMONLY PAID ON A DAILY REIMBURSEMENT
20 BASIS IN THE CHILD CARE MARKET AND MUST INCENTIVIZE PROVIDERS TO
21 PROMOTE REGULAR PROGRAM ATTENDANCE.

22 ~~(I) For providers in the first level of the state department's quality~~
23 ~~rating and improvement system, for no fewer than six absences or~~
24 ~~holidays per year;~~

25 ~~(II) For providers in the second level of the state department's~~
26 ~~quality rating and improvement system, for no fewer than ten absences or~~
27 ~~holidays per year; and~~

1 (III) ~~For providers in the top three levels of the state department's~~
2 ~~quality rating and improvement system, for no fewer than fifteen absences~~
3 ~~or holidays per year.~~

4 (b) Shall maintain a current and accurate waiting list of parents
5 who have inquired about securing a CCCAP subsidy and are likely to be
6 eligible for CCCAP based on self-reported income and job, education, or
7 workforce training activity if families are not able to be served at the time
8 of application due to funding concerns. Counties may enroll families off
9 waiting lists according to local priorities and may require an applicant to
10 restate ~~his or her~~ THE APPLICANT'S intention to be kept on the waiting list
11 every six months in order to maintain ~~his or her~~ THE APPLICANT'S place on
12 the waiting list.

13 (c) Shall post eligibility, authorization, and administration policies
14 and procedures so they are easily accessible and readable to a layperson.
15 The policies must be sent to the ~~state~~ department for compilation.

16 (d) May use its CCCAP allocation to provide ~~direct~~ ENROLLMENT
17 contracts or grants to early care and education providers: ~~for a~~
18 ~~county-determined number of CCCAP slots for a twelve-month period~~ TO
19 SUPPORT IMPLEMENTATION OF THE LOCAL COMMUNITY PLAN DESCRIBED
20 IN SECTION 26.5-2-104; to increase the supply and improve the quality of
21 child care for infants and toddlers, children with disabilities, after-hours
22 care, and children in underserved neighborhoods; TO PROVIDE STABILITY
23 FOR THE EARLY CHILDHOOD SECTOR; AND TO IMPROVE ALIGNMENT WITH
24 THE PROVISION OF ADDITIONAL PRESCHOOL SERVICES, AS DEFINED IN
25 SECTION 26.5-4-203, TO WORKING FAMILIES WHO NEED ADDITIONAL CARE;

26 (e) Subject to available appropriations and pursuant to
27 DEPARTMENT rules, ~~promulgated by the state board for the~~

1 ~~implementation of this part 8~~, and upon notification to counties by the
2 state department that the relevant ~~human services~~ case management
3 systems, including the Colorado child care automated tracking system, are
4 capable of accommodating this subsection (12)(e), ~~must determine that~~
5 ~~a recipient of benefits from the food assistance program established in~~
6 ~~part 3 of this article 2 is eligible for CCCAP if he or she meets all other~~
7 ~~CCCAP eligibility criteria and may~~ SHALL use eligibility determination
8 information from other public assistance programs and systems to
9 determine CCCAP eligibility, INCLUDING ELIGIBILITY DETERMINATION
10 INFORMATION USED FOR CHILDREN PARTICIPATING IN THE COLORADO
11 UNIVERSAL PRESCHOOL PROGRAM; and

12 (f) ~~Subject to available capacity to raise federal or state funding,~~
13 ~~Shall~~ prioritize child care assistance for certified foster parents, certified
14 kinship foster parents, noncertified kinship care providers that provide
15 care for children with an open child welfare case who are in the legal
16 custody of a county department, and noncertified kinship care providers
17 that provide care for children with an open child welfare case who are not
18 in the legal custody of a county department.

19 (13) FOR CHILDREN WHO ARE ENROLLED IN BOTH CCCAP AND THE
20 COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE EXECUTIVE DIRECTOR
21 SHALL ADOPT RULES AS NECESSARY TO ENSURE:

22 (a) FUNDS MAY BE COMBINED AND COORDINATED TO THE EXTENT
23 ALLOWED BY LAW AT THE STATE AND LOCAL LEVEL TO ENSURE FAMILIES
24 CAN SEAMLESSLY ACCESS EARLY CHILDHOOD EDUCATION AND SERVICES
25 AND PROVIDERS FACE THE FEWEST POSSIBLE SYSTEMS TO NAVIGATE TO
26 SECURE PAYMENT FOR SERVICES; AND

27 (b) ELIGIBILITY AND AUTHORIZATION FOR SERVICES FOR THE

1 PORTIONS OF BOTH PROGRAMS THAT ARE TARGETED TO SIMILAR
2 POPULATIONS ARE ALIGNED TO THE GREATEST EXTENT PRACTICABLE AS
3 ALLOWED BY FEDERAL REGULATIONS, INCLUDING ENSURING THE STATE
4 TAKES MAXIMUM ADVANTAGE OF FLEXIBILITY IN FEDERAL REGULATIONS
5 TO ENSURE THAT CHILDREN WHO ARE ELIGIBLE FOR BOTH PROGRAMS CAN
6 SEAMLESSLY ACCESS THE LENGTH AND QUALITY OF PROGRAMMING THAT
7 PARENTS, CHILDREN, AND FAMILIES NEED.

8 (13) (14) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
9 rules for the implementation of this ~~part 8~~ PART 1.

10 **26.5-4-112. [Formerly 26-2-805.5] Exemptions - requirements.**

11 (1) Notwithstanding any provision of ~~section 26-2-805~~ SECTION
12 26.5-4-111 to the contrary, an exempt family child care home provider,
13 as defined in ~~section 26-6-102~~ (12) SECTION 26.5-5-303, is not eligible to
14 receive child care assistance ~~moneys~~ MONEY through CCCAP if ~~he or she~~
15 THE PROVIDER fails to meet the criteria established in ~~section 26-6-120~~
16 SECTION 26.5-5-326.

17 (2) As a prerequisite to entering into a valid CCCAP contract with
18 a county office or to being a party to any other payment agreement for the
19 provision of care for a child whose care is funded in whole or in part with
20 ~~moneys~~ MONEY received on the child's behalf from publicly funded state
21 child care assistance programs, an exempt family child care home
22 provider shall sign an attestation that affirms ~~he or she~~ THE PROVIDER, and
23 any qualified adult residing in the exempt family child care home, has not
24 been determined to be insane or mentally incompetent by a court of
25 competent jurisdiction and a court has not entered, pursuant to part 3 or
26 4 of article 14 of title 15, ~~€R.S.~~, or section 27-65-109 (4) or 27-65-127,
27 ~~€R.S.~~, an order specifically finding that the mental incompetency or

1 insanity is of such a degree that the provider cannot safely operate an
2 exempt family child care home.

3 **26.5-4-113. [Formerly 26-2-806] No individual entitlement.**

4 (1) Nothing in this ~~part 8~~ PART 1 or any rules promulgated pursuant to
5 this part 8 shall be interpreted to create PART 1 CREATES a legal
6 entitlement in any person to child care assistance.

7 (2) No county may create or shall be deemed to create A COUNTY
8 SHALL NOT CREATE NOR BE INTERPRETED AS HAVING CREATED a legal
9 entitlement in any person to assistance ~~under~~ PURSUANT TO this ~~part 8~~
10 PART 1.

11 (3) CHILD CARE ASSISTANCE AWARDED PURSUANT TO THIS PART
12 1 IS AWARDED AND HELD SUBJECT TO THE PROVISIONS OF ANY AMENDING
13 OR REPEALING LAW, AND A RECIPIENT DOES NOT HAVE A CLAIM FOR
14 COMPENSATION OR OTHERWISE BY REASON OF THE RECIPIENT'S CHILD
15 CARE ASSISTANCE BEING AFFECTED IN ANY WAY BY AN AMENDING OR
16 REPEALING LAW.

17 **26.5-4-114. [Formerly 26-2-809] Colorado child care assistance**
18 **program - reporting requirements.** (1) On or before December 1,
19 2016, and on or before December 1 each year thereafter, the state
20 NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 EACH YEAR
21 THEREAFTER, THE department shall prepare a report on CCCAP.
22 Notwithstanding section 24-1-136 (11)(a)(I), the state department shall
23 provide the report to the ~~public health care~~ JOINT BUDGET COMMITTEE OF
24 THE GENERAL ASSEMBLY, THE PUBLIC AND BEHAVIORAL HEALTH and
25 human services committee of the house of representatives, and the health
26 and human services committee of the senate, or any successor
27 committees. The report must include, at a minimum, the following

1 information related to benchmarks of success for CCCAP:

2 (a) The number of children and families served through CCCAP
3 statewide and by county, WHICH, BEGINNING NOVEMBER 1, 2024, MUST
4 INCLUDE THE NUMBER OF CHILDREN SERVED IN PART-TIME CHILD CARE
5 THROUGH CCCAP AND THE NUMBER OF CHILDREN SERVED IN FULL-TIME
6 CHILD CARE THROUGH CCCAP, BOTH GROUPS DISAGGREGATED BY AGES
7 FROM BIRTH THROUGH THIRTEEN YEARS OF AGE;

8 (b) The average length of time that parents remain in the
9 workforce while receiving CCCAP subsidies, even when their income
10 increases;

11 (c) The average number of months of uninterrupted, continuous
12 care for children enrolled in CCCAP;

13 (d) The number and percent of all children enrolled in CCCAP
14 who receive care at each level of the state's quality and improvement
15 rating system;

16 (e) The average length of time a family is authorized for a
17 CCCAP subsidy, disaggregated by recipients' eligible activities, such as
18 job search, employment, workforce training, and postsecondary
19 education;

20 (f) The number of families on each county's wait list as of
21 November 1 of each year, as well as the average length of time each
22 family remains on the wait list in each county;

23 (g) The number of families and children statewide and by county
24 that exit CCCAP due to their family incomes exceeding the eligibility
25 limits;

26 (h) The number of families and children statewide and by county
27 that reenter CCCAP within two years of exiting due to their family

- 1 incomes exceeding the eligibility limits; and
- 2 (i) An estimate of unmet need for CCCAP in each county and
- 3 throughout the state based on estimates of the number of children and
- 4 families who are likely to be eligible for CCCAP in each county but who
- 5 are not enrolled in CCCAP, DISAGGREGATED BY ESTIMATED AGES FROM
- 6 BIRTH THROUGH THIRTEEN YEARS OF AGE; AND
- 7 (j) BEGINNING WITH THE REPORT SUBMITTED NOVEMBER 1, 2024,
- 8 AND IN EACH ANNUAL REPORT THEREAFTER:
- 9 (I) A YEAR-OVER-YEAR COMPARISON OF THE NUMBER OF
- 10 CHILDREN SERVED BY CCCAP TO SHOW FLUCTUATIONS IN THE NUMBER
- 11 OF CHILDREN SERVED;
- 12 (II) THE NUMBER OF INFORMAL, LICENSE-EXEMPT PROVIDERS,
- 13 IN-HOME PROVIDERS, COMMUNITY-BASED PROVIDERS, AND SCHOOL-BASED
- 14 PROVIDERS THAT AGREE TO SERVE CHILDREN WITH A CCCAP SUBSIDY
- 15 COMPARED TO THE TOTAL NUMBER OF PROVIDERS;
- 16 (III) THE NUMBER OF PROVIDER AGREEMENTS AND ENROLLMENT
- 17 CONTRACTS WITH PROVIDERS;
- 18 (IV) AN EXPLANATION OF THE CALCULATION OF THE MOST
- 19 RECENTLY ADOPTED PROVIDER RATES; AND
- 20 (V) AN EXPLANATION OF THE QUALITY INCENTIVES MADE
- 21 AVAILABLE TO PROVIDERS.

22 **26.5-4-115. Performance contracts.** (1) (a) EACH COUNTY,

23 EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO

24 AN ANNUAL PERFORMANCE CONTRACT WITH THE DEPARTMENT THAT

25 IDENTIFIES THE COUNTY'S OR GROUP OF COUNTIES' AND THE

26 DEPARTMENT'S DUTIES AND RESPONSIBILITIES IN IMPLEMENTING THE

27 CHILD CARE ASSISTANCE PROGRAM. THE PERFORMANCE CONTRACT MUST

1 INCLUDE, BUT NEED NOT BE LIMITED TO, REQUIREMENTS AND PROVISIONS
2 THAT ADDRESS EACH PARTY'S DUTIES AND RESPONSIBILITIES TO WORK IN
3 A COLLABORATIVE MANNER TO ADMINISTER, FINANCIALLY SUPPORT, AND
4 IMPLEMENT THE CHILD CARE ASSISTANCE PROGRAM USING FAIR AND
5 OBJECTIVE CRITERIA.

6 (b) A COUNTY OR GROUP OF COUNTIES MAY BE PENALIZED FOR NOT
7 MEETING ANY OBLIGATION UNDER THE PERFORMANCE CONTRACT. THE
8 PENALTIES MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT AND
9 MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT
10 ALLOCATION.

11 (2) THE PERFORMANCE CONTRACT MUST SET FORTH THE
12 CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ELECT THAT IT OR
13 ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES'
14 ADMINISTRATION AND IMPLEMENTATION OF THE CHILD CARE ASSISTANCE
15 PROGRAM.

16 (3) IF A DISAGREEMENT CONCERNING THE PERFORMANCE
17 CONTRACT ARISES BETWEEN THE COUNTY OR GROUP OF COUNTIES AND
18 THE DEPARTMENT, EITHER PARTY MAY REQUEST RESOLUTION OF THE
19 DISAGREEMENT THROUGH AN INDEPENDENT DISPUTE RESOLUTION PROCESS
20 THAT IS AGREED UPON BY THE PARTIES. ___ IF NECESSARY TO ASSURE
21 SERVICES ARE AVAILABLE WITHIN THE COUNTY OR GROUP OF COUNTIES,
22 THE DEPARTMENT MAY ENTER INTO A TEMPORARY AGREEMENT WITH THE
23 COUNTY OR GROUP OF COUNTIES OR WITH ANOTHER PUBLIC OR PRIVATE
24 AGENT UNTIL THE DISAGREEMENT IS RESOLVED.

25 **26.5-4-116. Recovery from recipient - estate.** (1) IF, AT ANY
26 TIME DURING THE CONTINUANCE OF CHILD CARE ASSISTANCE, THE
27 RECIPIENT BECOMES POSSESSED OF PROPERTY HAVING A VALUE IN EXCESS

1 OF THAT AMOUNT SET PURSUANT TO THE PROVISIONS OF SECTION
2 26.5-4-106 (4) AND DEPARTMENT RULES OR RECEIVES ANY INCREASE IN
3 INCOME, THE RECIPIENT SHALL NOTIFY THE COUNTY DEPARTMENT OF THE
4 POSSESSION OF THE PROPERTY OR RECEIPT OF THE INCOME, AND THE
5 COUNTY DEPARTMENT MAY EITHER TERMINATE THE CHILD CARE
6 ASSISTANCE OR ALTER THE AMOUNT OF CHILD CARE ASSISTANCE IN
7 ACCORDANCE WITH THE CIRCUMSTANCES AND DEPARTMENT RULES. TO
8 THE EXTENT NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, IF
9 THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM
10 VIOLATION, THE RECIPIENT IS DISQUALIFIED FROM PARTICIPATION IN
11 CCCAP FOR TWELVE MONTHS FOR THE FIRST INCIDENT, TWENTY-FOUR
12 MONTHS FOR A SECOND INCIDENT, AND PERMANENTLY FOR A THIRD OR
13 SUBSEQUENT INCIDENT. THIS DISQUALIFICATION IS MANDATORY AND IS IN
14 ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW. EXCEPT AS
15 PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, ANY PREVIOUSLY
16 PROVIDED EXCESS CHILD CARE ASSISTANCE TO WHICH THE RECIPIENT WAS
17 NOT ENTITLED IS RECOVERABLE BY THE COUNTY AS A DEBT DUE TO THE
18 STATE AND THE COUNTY IN PROPORTION TO THE AMOUNT OF CHILD CARE
19 ASSISTANCE PAID BY EACH RESPECTIVELY; EXCEPT THAT INTEREST IS
20 CHARGED AND PAID TO THE COUNTY DEPARTMENT ON ANY SUM
21 FRAUDULENTLY OBTAINED, CALCULATED AT THE LEGAL RATE AND
22 CALCULATED FROM THE DATE THE SUM WAS PAID TO A PROVIDER ON
23 BEHALF OF THE RECIPIENT TO THE DATE THE SUM IS RECOVERED. IF THE
24 DEBT FOR FRAUDULENTLY OBTAINED CHILD CARE ASSISTANCE,
25 FRAUDULENTLY OBTAINED OVERPAYMENTS OF CHILD CARE ASSISTANCE,
26 OR EXCESS CHILD CARE ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS
27 INELIGIBLE HAS BEEN REDUCED TO A JUDGMENT IN A COURT OF RECORD IN

1 THIS STATE, THE COUNTY DEPARTMENT MAY SEEK A CONTINUING
2 GARNISHMENT TO COLLECT THE DEBT UNDER ARTICLE 54.5 OF TITLE 13.

3 (2) IF, UPON THE DEATH OR MENTAL INCOMPETENCY OF ANY
4 RECIPIENT, THE INVENTORY OF THE RECIPIENT'S ESTATE SHOWS ASSETS IN
5 EXCESS OF THE AMOUNT THAT THE RECIPIENT WAS ALLOWED TO HAVE IN
6 ORDER TO RECEIVE CHILD CARE ASSISTANCE, OR IF IT BE SHOWN THAT THE
7 RECIPIENT WAS OTHERWISE INELIGIBLE FOR CHILD CARE ASSISTANCE, THEN
8 THE CLAIM OF THE COUNTY AND STATE FOR THE EXCESS CHILD CARE
9 ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS INELIGIBLE, IF FILED AS
10 REQUIRED BY SECTION 15-12-804, HAS PRIORITY AS A DEBT GIVEN
11 PREFERENCE UNDER SECTION 15-12-805 (1)(f.7).

12 (3) WHEN A RECIPIENT WAS INELIGIBLE FOR CHILD CARE
13 ASSISTANCE SOLELY BECAUSE OF PROPERTY IN EXCESS OF THAT
14 PERMITTED BY DEPARTMENT RULES PURSUANT TO SECTION 26.5-4-106(4),
15 THE AMOUNT FOR WHICH THE RECIPIENT IS LIABLE IS THE AMOUNT BY
16 WHICH THE PROPERTY EXCEEDED THE AMOUNT ALLOWABLE UNDER SAID
17 RULES OR THE TOTAL AMOUNT OF CHILD CARE ASSISTANCE RECEIVED,
18 WHICHEVER IS THE LESSER AMOUNT. EXCEPT AS PROVIDED IN SUBSECTION
19 (4) OF THIS SECTION, ACTIONS FOR THE RECOVERY OF THESE SUMS MUST
20 BE PROSECUTED BY THE COUNTY DEPARTMENT OR THE DEPARTMENT IN A
21 COURT OF RECORD THAT HAS JURISDICTION.

22 (4) THE DEPARTMENT AND A COUNTY DEPARTMENT MAY ELECT
23 NOT TO ATTEMPT RECOVERY OF AN OVERPAYMENT OF CHILD CARE
24 ASSISTANCE FROM AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC
25 ASSISTANCE OR CHILD CARE ASSISTANCE IF THE OVERPAYMENT AMOUNT
26 IS LESS THAN THIRTY-FIVE DOLLARS. IF THE OVERPAYMENT AMOUNT OWED
27 BY AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC ASSISTANCE OR

1 CHILD CARE ASSISTANCE IS THIRTY-FIVE DOLLARS OR MORE, THE
2 DEPARTMENT AND THE COUNTY DEPARTMENT MAY DETERMINE,
3 CONSISTENT WITH THE SIX-YEAR TIME LIMITATION FOR THE EXECUTION ON
4 JUDGMENTS INVOLVING STATE DEBT, THAT IT IS NO LONGER
5 COST-EFFECTIVE TO CONTINUE TO PURSUE RECOVERY OF THE
6 OVERPAYMENT.

7 **26.5-4-117. Locating violators - recoveries.** (1) THE EXECUTIVE
8 DIRECTOR OR DISTRICT ATTORNEYS MAY REQUEST AND RECEIVE FROM
9 DEPARTMENTS, BOARDS, BUREAUS, OR OTHER AGENCIES OF THE STATE OR
10 ANY OF ITS POLITICAL SUBDIVISIONS, AND THE SAME ARE REQUIRED TO
11 PROVIDE, SUCH ASSISTANCE AND DATA AS WILL ENABLE THE DEPARTMENT
12 AND COUNTY DEPARTMENTS PROPERLY TO CARRY OUT THEIR POWERS AND
13 DUTIES TO LOCATE AND PROSECUTE ANY PERSON WHO FRAUDULENTLY
14 OBTAINS PUBLIC CHILD CARE ASSISTANCE PURSUANT TO THIS PART 1. ANY
15 RECORDS ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS SECTION
16 ARE AVAILABLE ONLY TO THE DEPARTMENT, THE COUNTY DEPARTMENTS,
17 THE ATTORNEY GENERAL, AND THE DISTRICT ATTORNEYS, COUNTY
18 ATTORNEYS, AND COURTS HAVING JURISDICTION IN FRAUD OR RECOVERY
19 PROCEEDINGS OR ACTIONS.

20 (2) ALL DEPARTMENTS AND AGENCIES OF THE STATE AND LOCAL
21 GOVERNMENTS SHALL COOPERATE IN THE LOCATION AND PROSECUTION OF
22 A PERSON WHO FRAUDULENTLY OBTAINS PUBLIC CHILD CARE ASSISTANCE
23 PURSUANT TO THIS PART 1, AND, ON REQUEST OF THE COUNTY OR DISTRICT
24 BOARD OF HUMAN OR SOCIAL SERVICES, THE COUNTY DIRECTOR, THE
25 DEPARTMENT, OR THE DISTRICT ATTORNEY OF ANY JUDICIAL DISTRICT IN
26 THIS STATE, SHALL SUPPLY ALL INFORMATION ON HAND RELATIVE TO THE
27 LOCATION, EMPLOYMENT, INCOME, AND PROPERTY OF SAID PERSONS,

1 NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE
2 INFORMATION CONFIDENTIAL, EXCEPT THE LAWS PERTAINING TO
3 CONFIDENTIALITY OF TAX RETURNS FILED PURSUANT TO LAW WITH THE
4 DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL FURNISH
5 AT NO COST TO INQUIRING DEPARTMENTS AND AGENCIES SUCH
6 INFORMATION AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF
7 THIS PART 1. THE EXECUTIVE DIRECTOR SHALL, BY RULE, ESTABLISH THE
8 PROCEDURES WHEREBY THIS INFORMATION IS REQUESTED AND PROVIDED.
9 THE DEPARTMENT OR COUNTY DEPARTMENTS SHALL USE SUCH
10 INFORMATION ONLY FOR THE PURPOSES OF ADMINISTERING THE
11 COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO THIS PART
12 1, AND A DISTRICT ATTORNEY SHALL USE IT ONLY FOR THE PROSECUTION
13 OF PERSONS WHO FRAUDULENTLY OBTAIN PUBLIC CHILD CARE ASSISTANCE
14 PURSUANT TO THIS PART 1, AND SHALL NOT USE THE INFORMATION, OR
15 DISCLOSE IT, FOR ANY OTHER PURPOSE.

16 (3) A DISTRICT ATTORNEY SHALL BILL THE ACTUAL COSTS AND
17 EXPENSES INCURRED BY THE DISTRICT ATTORNEY'S OFFICE IN CARRYING
18 OUT THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION TO COUNTIES OR
19 A COUNTY WITHIN THE JUDICIAL DISTRICT IN THE PROPORTIONS SPECIFIED
20 IN SECTION 20-1-302. EACH COUNTY SHALL MAKE AN ANNUAL
21 ACCOUNTING TO THE DEPARTMENT ON ALL AMOUNTS RECOVERED.

22 **26.5-4-118. Records confidential - authorization to obtain**
23 **records of assets - release of location information to law enforcement**
24 **agencies - outstanding felony arrest warrants. (1) THE EXECUTIVE**
25 **DIRECTOR MAY ESTABLISH REASONABLE RULES TO PROVIDE SAFEGUARDS**
26 **RESTRICTING THE USE OR DISCLOSURE OF INFORMATION CONCERNING**
27 **APPLICANTS, RECIPIENTS, AND FORMER AND POTENTIAL RECIPIENTS OF**

1 FEDERALLY AIDED PUBLIC CHILD CARE ASSISTANCE TO PURPOSES
2 DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO
3 CHILD CARE ASSISTANCE PROGRAM AND RELATED DEPARTMENT
4 ACTIVITIES AND COVERING THE CUSTODY, USE, AND PRESERVATION OF THE
5 RECORDS, PAPERS, FILES, AND COMMUNICATIONS OF THE DEPARTMENT
6 AND COUNTY DEPARTMENTS. WHENEVER, UNDER PROVISIONS OF LAW,
7 NAMES AND ADDRESSES OF APPLICANTS FOR, RECIPIENTS OF, OR FORMER
8 AND POTENTIAL RECIPIENTS OF PUBLIC CHILD CARE ASSISTANCE ARE
9 FURNISHED TO OR HELD BY ANOTHER AGENCY, DEPARTMENT OF
10 GOVERNMENT, OR AN AUDITOR CONDUCTING A FINANCIAL OR
11 PERFORMANCE AUDIT OF A COUNTY DEPARTMENT PURSUANT TO SECTION
12 26-1-114.5, THE AGENCY, DEPARTMENT, OR AUDITOR IS REQUIRED TO
13 PREVENT THE PUBLICATION OF LISTS AND USES OF THE LISTS FOR PURPOSES
14 NOT DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO
15 CHILD CARE ASSISTANCE PROGRAM.

16 (2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2)(a)(II) AND
17 (2)(a)(III) OF THIS SECTION, OR EXCEPT AS DISCLOSURE IS OTHERWISE
18 REQUIRED BY STATUTE OR BY RULE OF CIVIL PROCEDURE FOR CHILD
19 SUPPORT ESTABLISHMENT OR ENFORCEMENT PURPOSES, IT IS UNLAWFUL
20 FOR A PERSON TO SOLICIT, DISCLOSE, OR MAKE USE OF OR TO AUTHORIZE,
21 KNOWINGLY PERMIT, PARTICIPATE IN, OR ACQUIESCE IN THE USE OF ANY
22 LISTS OR NAMES OF OR ANY INFORMATION CONCERNING PERSONS
23 APPLYING FOR OR RECEIVING PUBLIC CHILD CARE ASSISTANCE DIRECTLY
24 OR INDIRECTLY DERIVED FROM THE RECORDS, PAPERS, FILES, OR
25 COMMUNICATIONS OF THE DEPARTMENT OR COUNTY DEPARTMENTS OR
26 SUBDIVISIONS OR AGENCIES THEREOF OR ACQUIRED IN THE COURSE OF THE
27 PERFORMANCE OF OFFICIAL DUTIES. A FINANCIAL INSTITUTION OR

1 INSURANCE COMPANY THAT PROVIDES THE DATA, WHETHER CONFIDENTIAL
2 OR NOT, REQUIRED BY THE DEPARTMENT, IN ACCORDANCE WITH THE
3 PROVISIONS OF THIS SUBSECTION (2), IS NOT LIABLE FOR PROVIDING THE
4 DATA TO THE DEPARTMENT NOR FOR ANY USE THE DEPARTMENT MAKES OF
5 THE DATA.

6 (II) THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS
7 SECTION MAY BE DISCLOSED FOR PURPOSES DIRECTLY CONNECTED WITH
8 THE ADMINISTRATION OF THE COLORADO CHILD CARE ASSISTANCE
9 PROGRAM AND IN ACCORDANCE WITH THIS SUBSECTION (2) AND WITH
10 DEPARTMENT RULES.

11 (III) (A) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO
12 THE CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW,
13 AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE
14 DEPARTMENT SHALL PROVIDE THE BUREAU WITH INFORMATION
15 CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE
16 DEPARTMENT'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING
17 FELONY ARREST WARRANT. UPON RECEIPT OF THE INFORMATION, IT IS THE
18 RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW
19 ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM
20 THE DEPARTMENT. LOCATION INFORMATION PROVIDED PURSUANT TO THIS
21 SECTION MUST BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE
22 DEPARTMENT AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST
23 COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION
24 INFORMATION PURSUANT TO THIS SECTION. NEITHER THE DEPARTMENT
25 NOR ITS EMPLOYEES OR AGENTS ARE LIABLE IN A CIVIL ACTION FOR
26 PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
27 SUBSECTION (2)(a)(III)(A).

1 (B) AS USED IN SUBSECTION (2)(a)(III)(A) OF THIS SECTION, "LAW
2 ENFORCEMENT AGENCY" MEANS AN AGENCY OF THE STATE OR ITS
3 POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS
4 OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT
5 LIMITED TO A POLICE DEPARTMENT, A SHERIFF'S DEPARTMENT, A DISTRICT
6 ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND
7 THE COLORADO BUREAU OF INVESTIGATION.

8 (b) BY SIGNING AN APPLICATION OR REDETERMINATION OF
9 ELIGIBILITY FORM FOR PUBLIC CHILD CARE ASSISTANCE, AN APPLICANT
10 AUTHORIZES THE DEPARTMENT TO OBTAIN RECORDS PERTAINING TO
11 INFORMATION PROVIDED IN THAT APPLICATION OR REDETERMINATION OF
12 ELIGIBILITY FORM FROM A FINANCIAL INSTITUTION, AS DEFINED IN SECTION
13 15-15-201 (4), OR FROM AN INSURANCE COMPANY. THE APPLICATION OR
14 REDETERMINATION OF ELIGIBILITY FORM MUST CONTAIN LANGUAGE
15 CLEARLY INDICATING THAT SIGNING CONSTITUTES SUCH AN
16 AUTHORIZATION.

17 (c) A COUNTY DEPARTMENT SHALL NOT DENY AN APPLICANT OR
18 DISCONTINUE A RECIPIENT DUE TO THE DISCLOSURE OF ASSETS UNLESS
19 AND UNTIL THE COUNTY DEPARTMENT HAS ASSURED THAT THE ASSETS
20 TAKEN TOGETHER WITH OTHER ASSETS EXCEED THE LIMIT FOR ELIGIBILITY
21 OF COUNTABLE ASSETS.

22 (3) THE APPLICANT FOR OR RECIPIENT OF PUBLIC CHILD CARE
23 ASSISTANCE, OR THE APPLICANT'S OR RECIPIENT'S REPRESENTATIVE, MUST
24 HAVE AN OPPORTUNITY TO EXAMINE ALL APPLICATIONS AND PERTINENT
25 RECORDS CONCERNING THE APPLICANT OR RECIPIENT THAT CONSTITUTE
26 A BASIS FOR DENIAL, MODIFICATION, OR TERMINATION OF PUBLIC CHILD
27 CARE ASSISTANCE OR TO EXAMINE THE RECORDS IN THE CASE OF A FAIR

1 HEARING.

2 (4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS
3 SECTION COMMITS A PETTY OFFENSE.

4 **26.5-4-119. State income tax refund offset - rules.** (1) (a) AT
5 ANY TIME PRESCRIBED BY THE DEPARTMENT OF REVENUE, BUT NOT LESS
6 FREQUENTLY THAN ANNUALLY, THE DEPARTMENT SHALL CERTIFY TO THE
7 DEPARTMENT OF REVENUE INFORMATION REGARDING PERSONS WHO ARE
8 OBLIGATED TO THE STATE FOR OVERPAYMENT OF CHILD CARE ASSISTANCE.
9 THE INFORMATION MUST INCLUDE CERTIFICATION OF THE AMOUNT OF
10 OVERPAYMENT, WHICH HAS BEEN DETERMINED BY FINAL AGENCY ACTION
11 OR HAS BEEN ORDERED BY A COURT AS RESTITUTION OR HAS BEEN
12 REDUCED TO JUDGMENT.

13 (b) THE INFORMATION MUST ALSO INCLUDE THE NAME AND THE
14 SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER OF THE
15 PERSON OBLIGATED TO THE STATE FOR THE OVERPAYMENT, THE AMOUNT
16 OF THE OBLIGATION, AND ANY OTHER IDENTIFYING INFORMATION THE
17 DEPARTMENT OF REVENUE MAY REQUIRE.

18 (2) AS A CONDITION OF CERTIFYING AN OVERPAYMENT TO THE
19 DEPARTMENT OF REVENUE AS PROVIDED IN SUBSECTION (1) OF THIS
20 SECTION, THE DEPARTMENT SHALL ENSURE THAT THE OBLIGATED PERSON
21 HAS BEEN AFFORDED THE OPPORTUNITY FOR A CONFERENCE AT THE
22 COUNTY DEPARTMENT LEVEL AND THE OPPORTUNITY FOR AN APPEAL TO
23 THE DEPARTMENT PURSUANT TO SECTION 26.5-4-108. IN ADDITION, THE
24 DEPARTMENT, PRIOR TO FINAL CERTIFICATION OF THE INFORMATION
25 SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO THE DEPARTMENT OF
26 REVENUE, SHALL NOTIFY THE OBLIGATED PERSON, IN WRITING, AT THE
27 PERSON'S LAST KNOWN ADDRESS, THAT THE STATE INTENDS TO REFER THE

1 PERSON'S NAME TO THE DEPARTMENT OF REVENUE IN AN ATTEMPT TO
2 OFFSET THE OBLIGATION AGAINST THE PERSON'S STATE INCOME TAX
3 REFUND. THE NOTIFICATION MUST INFORM THE OBLIGATED PERSON OF THE
4 OPPORTUNITY FOR A CONFERENCE WITH THE COUNTY DEPARTMENT AND
5 OF THE OPPORTUNITY FOR AN APPEAL TO THE STATE DEPARTMENT
6 PURSUANT TO SECTION 26.5-4-108. IN ADDITION, THE NOTICE MUST
7 SPECIFY ISSUES THAT THE OBLIGATED PERSON MAY RAISE AT AN
8 EVIDENTIARY CONFERENCE OR ON APPEAL, AS PROVIDED BY THIS
9 SUBSECTION (2), IN OBJECTING TO THE OFFSET AND MUST SPECIFY THAT
10 THE OBLIGATED PERSON MAY NOT OBJECT TO THE FACT THAT AN
11 OVERPAYMENT OCCURRED. IF THE OBLIGATED PERSON DESIRES AN
12 EVIDENTIARY CONFERENCE OR APPEAL AS PROVIDED IN THIS SUBSECTION
13 (2), THE PERSON MUST REQUEST THE CONFERENCE OR APPEAL WITHIN
14 THIRTY DAYS AFTER THE DATE ON WHICH THE NOTICE WAS MAILED.

15 (3) UPON RECEIVING NOTICE FROM THE DEPARTMENT OF REVENUE
16 OF AMOUNTS DEPOSITED WITH THE STATE TREASURER PURSUANT TO
17 SECTION 39-21-108, THE STATE DEPARTMENT SHALL DISBURSE THE
18 AMOUNTS TO THE APPROPRIATE COUNTY TO PROCESS FOR DISTRIBUTION
19 TO THE STATE OR LOCAL AGENCY TO WHOM THE PERSON IS OBLIGATED.

20 (4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES
21 ESTABLISHING PROCEDURES TO IMPLEMENT THIS SECTION.

22 (5) THE DEPARTMENT SHALL PROVIDE THE HOME ADDRESSES AND
23 SOCIAL SECURITY NUMBERS OR TAX IDENTIFICATION NUMBERS OF PERSONS
24 SUBJECT TO THE INCOME TAX REFUND OFFSET, PROVIDED TO THE
25 DEPARTMENT BY THE DEPARTMENT OF REVENUE, TO THE APPROPRIATE
26 COUNTY DEPARTMENT.

27

PART 2

1 COLORADO UNIVERSAL PRESCHOOL PROGRAM

2 **26.5-4-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE
3 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT".

4 **26.5-4-202. Legislative declaration.** (1) (a) THE GENERAL
5 ASSEMBLY FINDS AND DECLARES THAT:

6 (I) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS
7 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN
8 1988, AND FULL-DAY KINDERGARTEN, ADOPTED IN 2019;

9 (II) SINCE ESTABLISHING THE COLORADO PRESCHOOL PROGRAM,
10 COLORADO HAS STEADILY INCREASED ITS INVESTMENT IN HIGH-QUALITY
11 PRESCHOOL PROGRAMMING, SECURING A SIGNIFICANT RETURN ON
12 INVESTMENT BY IMPROVING CHILD OUTCOMES YEAR OVER YEAR BY
13 EXPANDING ACCESS TO PRESCHOOL FOR CHILDREN IN LOW-INCOME
14 FAMILIES AND THOSE WHO ARE AT RISK OF ENTERING KINDERGARTEN
15 WITHOUT BEING PREPARED TO LEARN;

16 (III) STATE AND NATIONAL RESEARCH DEMONSTRATE THE
17 POSITIVE AND LONG- AND SHORT-TERM IMPACTS OF HIGH-QUALITY
18 PRESCHOOL, INCLUDING IMPROVED EARLY LITERACY, REDUCED GRADE
19 RETENTION, DECREASED PROBABILITY OF DEVELOPING A SIGNIFICANT
20 READING DEFICIENCY, IMPROVED PERFORMANCE ON STATEWIDE
21 STANDARDS-BASED ASSESSMENTS, AND INCREASED RATE OF HIGH SCHOOL
22 GRADUATION;

23 (IV) RESEARCH DEMONSTRATES THAT ECONOMICALLY
24 DISADVANTAGED CHILDREN DERIVE GREATER BENEFITS FROM PRESCHOOL
25 PROGRAMS IN STATES THAT OFFER UNIVERSAL PROGRAMS THAN IN STATES
26 THAT OFFER PRESCHOOL PROGRAMS SPECIFICALLY FOR ECONOMICALLY
27 DISADVANTAGED CHILDREN.

1 (V) IN THE 2020 GENERAL ELECTION, THE VOTERS OF COLORADO
2 APPROVED PROPOSITION EE BY A NEARLY TWO-TO-ONE MARGIN,
3 ESTABLISHING A DEDICATED SOURCE OF FUNDING FOR STATEWIDE,
4 VOLUNTARY, UNIVERSAL PRESCHOOL PROGRAMMING FOR CHILDREN IN THE
5 YEAR PRECEDING KINDERGARTEN AND FOR ADDITIONAL PRESCHOOL
6 PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN
7 WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED
8 TO LEARN. WITH THE PASSAGE OF THIS MEASURE, COLORADO VOTERS IN
9 RURAL, URBAN, AND SUBURBAN COMMUNITIES HAVE DEMONSTRATED
10 THEIR STRONG COMMITMENT TO EXPANDING ACCESS TO QUALITY
11 PRESCHOOL FOR CHILDREN REGARDLESS OF THEIR ECONOMIC
12 CIRCUMSTANCES.

13 (VI) CREATING A STATEWIDE, MIXED DELIVERY SYSTEM OF
14 PRESCHOOL PROVIDERS TO MAKE PRESCHOOL PROGRAMMING
15 UNIVERSALLY AVAILABLE TO CHILDREN THROUGHOUT COLORADO
16 COMPOUNDS THE BENEFITS FOR CHILDREN WHO ARE IN LOW-INCOME
17 FAMILIES AND INCREASES THE ULTIMATE SOCIAL AND ECONOMIC BENEFITS
18 OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR THE STATE AS A WHOLE.

19 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
20 BEST INTERESTS OF THE STATE AND CONSISTENT WITH THE WILL OF THE
21 VOTERS OF COLORADO TO ESTABLISH THE COLORADO UNIVERSAL
22 PRESCHOOL PROGRAM TO PROVIDE HIGH-QUALITY, VOLUNTARY
23 PRESCHOOL PROGRAMMING THROUGH A MIXED DELIVERY SYSTEM FOR
24 CHILDREN THROUGHOUT THE STATE IN THE YEAR PRECEDING
25 KINDERGARTEN ENROLLMENT AND TO PROVIDE FOR ADDITIONAL
26 PRESCHOOL SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES
27 OR WHO MEET IDENTIFIED QUALIFYING FACTORS.

1 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
2 THAT:

3 (I) IN 2000, THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF
4 THE STATE CONSTITUTION, WHICH REQUIRES THE GENERAL ASSEMBLY TO
5 ANNUALLY INCREASE, BY AT LEAST THE RATE OF INFLATION, THE
6 STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC
7 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR PUBLIC
8 EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE;

9 (II) IN THE 2001-02 FISCAL YEAR AND IN EVERY FISCAL YEAR
10 SINCE, THE INCREASES TO STATEWIDE BASE PER PUPIL FUNDING HAVE
11 AUTOMATICALLY APPLIED TO FUNDING FOR PRESCHOOL SERVICES
12 PROVIDED BY SCHOOL DISTRICTS, BECAUSE THE FUNDING FOR PRESCHOOL
13 SERVICES HAS BEEN CALCULATED THROUGH THE SCHOOL FINANCE
14 FORMULA ESTABLISHED IN ARTICLE 54 OF TITLE 22, WHICH APPLIES TO
15 FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION;

16 (III) TO EFFECTIVELY AND EFFICIENTLY PROVIDE PRESCHOOL
17 SERVICES THROUGH A MIXED DELIVERY SYSTEM OF SCHOOL- AND
18 COMMUNITY-BASED PRESCHOOL PROVIDERS, AND TO ENSURE THAT
19 FUNDING CALCULATIONS ACCOUNT FOR THE UNIQUE STANDARDS AND
20 FEATURES OF PRESCHOOL PROGRAMS, STATE FUNDING FOR PRESCHOOL
21 SERVICES, INCLUDING PRESCHOOL SERVICES FOR CHILDREN WITH
22 DISABILITIES, MUST BE APPROPRIATED AND ALLOCATED SEPARATELY FROM
23 THE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION,
24 AND, BEGINNING IN THE 2023-24 FISCAL YEAR, THE STATEWIDE BASE PER
25 PUPIL FUNDING AMOUNT SET ANNUALLY FOR PUBLIC ELEMENTARY AND
26 SECONDARY EDUCATION WILL NO LONGER APPLY TO FUNDING FOR
27 PRESCHOOL SERVICES;

1 (IV) TO CONTINUE TO MEET THE INTENT OF SECTION 17(1) OF
2 ARTICLE IX OF THE STATE CONSTITUTION WITH REGARD TO FUNDING FOR
3 PRESCHOOL SERVICES, IT IS APPROPRIATE FOR THE DEPARTMENT OF EARLY
4 CHILDHOOD TO ESTABLISH A PER-CHILD CONSTITUTIONAL COMPLIANCE
5 RATE FOR THE 2023-24 FISCAL YEAR THAT EQUALS THE PORTION OF THE
6 STATEWIDE BASE PER PUPIL FUNDING AMOUNT ESTABLISHED FOR THE
7 2023-24 FISCAL YEAR THAT APPLIES TO THE NUMBER OF HOURS OF
8 UNIVERSAL PRESCHOOL SERVICES PROVIDED TO AN ELIGIBLE CHILD, AND
9 TO INCREASE THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE
10 ANNUALLY BY THE RATE OF INFLATION.

11 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT, BY
12 ESTABLISHING A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE AND
13 ENSURING THAT THE PER-CHILD RATE THAT THE DEPARTMENT ANNUALLY
14 ESTABLISHES FOR UNIVERSAL PRESCHOOL SERVICES AND FOR PRESCHOOL
15 SERVICES PROVIDED TO CHILDREN WHO ARE THREE YEARS OF AGE OR
16 YOUNGER MEETS OR EXCEEDS THE PER-CHILD CONSTITUTIONAL
17 COMPLIANCE RATE, FUNDING FOR THE COLORADO UNIVERSAL PRESCHOOL
18 PROGRAM SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF
19 SECTION 17 (1) OF ARTICLE IX OF THE STATE CONSTITUTION.

20 (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES
21 THAT:

22 (I) IN APPROVING PROPOSITION EE, THE VOTERS SUPPORTED
23 FUNDING FOR TEN HOURS OF HIGH-QUALITY PRESCHOOL PROGRAMMING
24 FOR ALL COLORADO CHILDREN IN THE YEAR PRECEDING KINDERGARTEN
25 ENROLLMENT, AS WELL AS ADDITIONAL PRESCHOOL PROGRAMMING FOR
26 CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING
27 PREPARED TO LEARN, INCLUDING CHILDREN IN LOW-INCOME FAMILIES;

1 (II) RESEARCH DEMONSTRATES THAT PARTICIPATING IN
2 HIGH-QUALITY PRESCHOOL PROGRAMS HELPS TO ENSURE THAT CHILDREN
3 IN LOW-INCOME FAMILIES ARE ABLE TO ENTER KINDERGARTEN ON PAR
4 WITH THEIR PEERS IN HIGHER-INCOME FAMILIES; AND

5 (III) FOR THE PRESCHOOL PROGRAM TO SERVE CHILDREN
6 EQUITABLY, THE STATE MUST INVEST IN ADDITIONAL HOURS OF
7 PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES, IN
8 ADDITION TO FUNDING THE TEN HOURS OF UNIVERSAL PRESCHOOL
9 SERVICES.

10 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE
11 BEST INTERESTS OF THE STATE TO ALLOCATE THE AMOUNT APPROPRIATED
12 FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO PROVIDE
13 ADEQUATE FUNDING FOR BOTH A HIGH-QUALITY UNIVERSAL PRESCHOOL
14 PROGRAM AND ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN
15 LOW-INCOME FAMILIES.

16 (4) THE GENERAL ASSEMBLY RECOGNIZES THE REQUIREMENT OF
17 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20
18 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, TO PROVIDE EDUCATIONAL
19 SERVICES TO EVERY THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY,
20 IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.
21 THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17
22 OF ARTICLE IX OF THE STATE CONSTITUTION, MEETING THE OBLIGATION OF
23 SERVING ALL THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES
24 THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IS AN
25 IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL
26 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
27 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE

1 STATE CONSTITUTION.

2 **26.5-4-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE
3 CONTEXT OTHERWISE REQUIRES:

4 (1) "ADDITIONAL PRESCHOOL SERVICES" MEANS HOURS OF
5 PRESCHOOL SERVICES PROVIDED TO A CHILD IN THE YEAR PRECEDING
6 ENROLLMENT IN KINDERGARTEN THAT ARE IN ADDITION TO THE
7 UNIVERSAL PRESCHOOL SERVICES THE CHILD RECEIVES.

8 (2) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS:

9 (a) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART
10 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL
11 AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A
12 CHARTER SCHOOL AUTHORIZED BY THE COLORADO SCHOOL FOR THE DEAF
13 AND THE BLIND PURSUANT TO SECTION 22-80-102 (4)(b);

14 (b) AUTHORIZED IN ITS CHARTER CONTRACT TO PROVIDE
15 PRESCHOOL SERVICES; AND

16 (c) LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE
17 26.5 TO OPERATE AS A PRESCHOOL PROVIDER.

18 (3) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING AS
19 PROVIDED IN SECTION 22-20-103.

20 (4) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR
21 "PRESCHOOL PROGRAM" MEANS THE PROGRAM ESTABLISHED WITHIN THE
22 DEPARTMENT PURSUANT TO SECTION 26.5-4-204, AND INCLUDES ALL
23 PARTICIPATING PRESCHOOL PROVIDERS.

24 (5) "COMMUNITY PLAN" MEANS THE COMMUNITY PLAN ADOPTED
25 BY A LOCAL COORDINATING ORGANIZATION PURSUANT TO SECTION
26 26.5-2-104.

27 (6) "ECEA" MEANS THE "EXCEPTIONAL CHILDREN'S

1 EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, AND ITS IMPLEMENTING
2 RULES.

3 (7) "ELIGIBLE CHILD" MEANS A CHILD WHO IS ELIGIBLE TO RECEIVE
4 PRESCHOOL SERVICES AS PROVIDED IN SECTION 26.5-4-204 (3).

5 (8) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES
6 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS
7 IMPLEMENTING REGULATIONS.

8 (9) "INDIVIDUALIZED EDUCATION PROGRAM" HAS THE SAME
9 MEANING AS PROVIDED IN SECTION 22-20-103.

10 (10) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN
11 THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR
12 STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD
13 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE
14 SUCCESSOR INDEX.

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

19 (12) "MIXED DELIVERY SYSTEM" MEANS A SYSTEM FOR
20 DELIVERING PRESCHOOL SERVICES THROUGH A COMBINATION OF SCHOOL-
21 AND COMMUNITY-BASED PRESCHOOL PROVIDERS, WHICH INCLUDE FAMILY
22 CHILD CARE HOMES, CHILD CARE CENTERS, AND HEAD START AGENCIES,
23 THAT ARE FUNDED BY A COMBINATION OF PUBLIC AND PRIVATE MONEY.

24 (13) "PARENT" HAS THE SAME MEANING AS PROVIDED IN SECTION
25 22-20-103.

26 (14) "PRESCHOOL PROVIDER" MEANS ANY OF THE FOLLOWING
27 ENTITIES THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS

1 TITLE 26.5:

2 (I) A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION
3 26.5-5-303;

4 (II) A CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303;

5 (III) A SCHOOL DISTRICT LICENSED TO OPERATE AS A PUBLIC
6 PRESCHOOL PROVIDER;

7 (IV) A CHARTER SCHOOL LICENSED TO OPERATE AS A PUBLIC
8 PRESCHOOL PROVIDER; OR

9 (V) A HEAD START PROGRAM.

10 (15) "QUALIFYING FACTOR" MEANS A CHILD OR FAMILY
11 CIRCUMSTANCE, AS IDENTIFIED BY DEPARTMENT RULE PURSUANT TO
12 SECTION 26.5-4-204 (4)(a)(II), THAT MAY NEGATIVELY IMPACT A CHILD'S
13 COGNITIVE, ACADEMIC, SOCIAL, PHYSICAL, OR BEHAVIORAL HEALTH OR
14 DEVELOPMENT.

15 (16) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED
16 PURSUANT TO ARTICLE 30 OF TITLE 22 THAT PROVIDES PRESCHOOL
17 SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS
18 TITLE 26.5 AS A PRESCHOOL PROVIDER; OR A BOARD OF COOPERATIVE
19 SERVICES ORGANIZED PURSUANT TO ARTICLE 5 OF TITLE 22 THAT
20 PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF
21 ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER.

22 (17) "UNIVERSAL PRESCHOOL SERVICES" MEANS TEN HOURS OF
23 PRESCHOOL SERVICES PER WEEK MADE AVAILABLE, AT NO CHARGE, TO
24 CHILDREN IN THE STATE DURING THE SCHOOL YEAR PRECEDING THE
25 SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN
26 KINDERGARTEN.

27 **26.5-4-204. Colorado universal preschool program - created**

1 - **eligibility - rules - workforce development plan.** (1) THERE IS
2 CREATED IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL
3 PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PRESCHOOL
4 PROGRAM IN ACCORDANCE WITH THIS PART 2 AND SHALL ENSURE THAT,
5 FOR THE 2023-24 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER,
6 FAMILIES MAY ENROLL THEIR CHILDREN IN PRESCHOOL PROVIDERS THAT
7 RECEIVE FUNDING THROUGH THE PRESCHOOL PROGRAM. THE PURPOSES OF
8 THE PRESCHOOL PROGRAM ARE:

9 (a) TO PROVIDE CHILDREN IN COLORADO ACCESS TO VOLUNTARY,
10 HIGH-QUALITY, UNIVERSAL PRESCHOOL SERVICES FREE OF CHARGE IN THE
11 SCHOOL YEAR BEFORE A CHILD ENROLLS IN KINDERGARTEN;

12 (b) TO PROVIDE ACCESS TO ADDITIONAL PRESCHOOL SERVICES IN
13 THE SCHOOL YEAR BEFORE KINDERGARTEN ELIGIBILITY FOR CHILDREN IN
14 LOW-INCOME FAMILIES AND CHILDREN WHO LACK OVERALL LEARNING
15 READINESS DUE TO QUALIFYING FACTORS;

16 (c) TO PROVIDE ACCESS TO PRESCHOOL SERVICES FOR CHILDREN
17 WHO ARE THREE YEARS OF AGE, OR IN LIMITED CIRCUMSTANCES YOUNGER
18 THAN THREE YEARS OF AGE, AND ARE CHILDREN WITH DISABILITIES, ARE
19 IN LOW-INCOME FAMILIES, OR LACK OVERALL LEARNING READINESS DUE
20 TO QUALIFYING FACTORS; AND

21 (d) TO ESTABLISH QUALITY STANDARDS FOR PUBLICLY FUNDED
22 PRESCHOOL PROVIDERS THAT PROMOTE CHILDREN'S EARLY LEARNING AND
23 DEVELOPMENT, SCHOOL READINESS, AND HEALTHY BEGINNINGS.

24 (2) FOR THE 2023-24 SCHOOL YEAR AND EACH SCHOOL YEAR
25 THEREAFTER, SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY
26 OF PRESCHOOL PROVIDERS, PARENTS THROUGHOUT THE STATE MAY
27 ENROLL THEIR CHILDREN, FREE OF CHARGE, IN TEN HOURS PER WEEK OF

1 PUBLICLY FUNDED PRESCHOOL SERVICES FOR THE SCHOOL YEAR
2 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILDREN ARE ELIGIBLE TO
3 ENROLL IN KINDERGARTEN. THE DEPARTMENT, WORKING WITH LOCAL
4 COORDINATING ORGANIZATIONS, SHALL IDENTIFY AND RECRUIT
5 PRESCHOOL PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE
6 COLORADO UNIVERSAL PRESCHOOL PROGRAM. IN IDENTIFYING AND
7 RECRUITING PRESCHOOL PROVIDERS, THE DEPARTMENT AND LOCAL
8 COORDINATING ORGANIZATIONS SHALL, TO THE EXTENT PRACTICABLE,
9 ESTABLISH A MIXED DELIVERY SYSTEM IN COMMUNITIES THROUGHOUT THE
10 STATE THAT ENABLES PARENTS TO SELECT PRESCHOOL PROVIDERS FOR
11 THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR
12 RESPECTIVE COMMUNITIES.

13 (3) (a) FOR THE 2023-24 SCHOOL YEAR AND FOR EACH SCHOOL
14 YEAR THEREAFTER:

15 (I) SUBJECT TO THE AVAILABILITY AND CAPACITY OF PRESCHOOL
16 PROVIDERS, EVERY CHILD IN THE STATE MAY RECEIVE TEN HOURS OF
17 PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, DURING THE SCHOOL
18 YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO
19 ENROLL IN KINDERGARTEN.

20 (II) PURSUANT TO IDEA AND ECEA, EVERY CHILD WHO IS THREE
21 OR FOUR YEARS OF AGE AND IS A CHILD WITH DISABILITIES MUST BE
22 OFFERED PRESCHOOL SERVICES IN ACCORDANCE WITH THE CHILD'S
23 INDIVIDUALIZED EDUCATION PROGRAM.

24 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS
25 THREE YEARS OF AGE, IS NOT ELIGIBLE TO ENROLL IN KINDERGARTEN IN
26 THE NEXT SCHOOL YEAR, AND IS IN A LOW-INCOME FAMILY OR MEETS
27 AT LEAST ONE QUALIFYING FACTOR MAY RECEIVE THE NUMBER OF HOURS

1 OF PRESCHOOL SERVICES ESTABLISHED BY DEPARTMENT RULE.

2 (IV) SUBJECT TO AVAILABLE APPROPRIATIONS, A COMMUNITY IN
3 WHICH A SCHOOL DISTRICT OPERATED A DISTRICT PRESCHOOL PROGRAM
4 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,
5 2023, WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE,
6 MAY CONTINUE TO PROVIDE PRESCHOOL SERVICES FOR THE NUMBER OF
7 HOURS ESTABLISHED BY DEPARTMENT RULE FOR THE SAME NUMBER OF
8 CHILDREN UNDER THREE YEARS OF AGE THAT RECEIVED PRESCHOOL
9 SERVICES IN THE 2022-23 SCHOOL YEAR, SO LONG AS EACH CHILD WHO
10 RECEIVES THE PRESCHOOL SERVICES IS IN A LOW-INCOME FAMILY OR
11 MEETS AT LEAST ONE QUALIFYING FACTOR.

12 (V) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS IN
13 A LOW-INCOME FAMILY OR WHO MEETS AT LEAST ONE QUALIFYING FACTOR
14 MAY RECEIVE ADDITIONAL PRESCHOOL SERVICES FOR THE NUMBER OF
15 HOURS ESTABLISHED BY DEPARTMENT RULE IN THE SCHOOL YEAR
16 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL
17 IN KINDERGARTEN.

18 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(a) OF
19 THIS SECTION TO THE CONTRARY:

20 (I) THE STATE SHALL PROVIDE TO EACH THREE- OR
21 FOUR-YEAR-OLD CHILD WITH A DISABILITY WHOSE PARENT ENROLLS THE
22 CHILD IN THE PRESCHOOL PROGRAM AN EDUCATIONAL PROGRAM IN
23 ACCORDANCE WITH IDEA AND ECEA AND THE CHILD'S INDIVIDUALIZED
24 EDUCATION PROGRAM; AND

25 (II) FOR A SCHOOL YEAR IN WHICH FEDERAL MONEY IS PROVIDED
26 TO THE STATE TO FUND PRESCHOOL, OTHER THAN FEDERAL MONEY
27 PROVIDED THROUGH IDEA, THE EXECUTIVE DIRECTOR MAY ALLOCATE

1 SAID FUNDING TO PROVIDE THE NUMBER OF HOURS OF PRESCHOOL
2 SERVICES ALLOWED UNDER FEDERAL LAW FOR ALL CHILDREN DEFINED AS
3 ELIGIBLE UNDER FEDERAL LAW.

4 (4) (a) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO
5 IMPLEMENT THE PRESCHOOL PROGRAM, WHICH MUST INCLUDE:

6 (I) THE LEVEL OF INCOME THAT IDENTIFIES A FAMILY AS BEING
7 LOW-INCOME FOR PURPOSES OF IDENTIFYING CHILDREN WHO ARE THREE
8 YEARS OF AGE OR YOUNGER AND ARE ELIGIBLE FOR PRESCHOOL SERVICES
9 AND PRIORITIZING FUNDING FOR THOSE ADDITIONAL PRESCHOOL SERVICES.
10 THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, ENSURE
11 THAT THE INCOME ELIGIBILITY REQUIREMENTS FOR OTHER PUBLICLY
12 FUNDED CHILD CARE PROGRAMS ARE ALIGNED WITH THE INCOME LEVEL
13 SET PURSUANT TO THIS SUBSECTION (4)(a)(I).

14 (II) THE QUALIFYING FACTORS THAT A CHILD MUST MEET TO BE
15 ELIGIBLE TO RECEIVE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE
16 DIRECTOR SHALL ENSURE THAT THE QUALIFYING FACTORS ARE REVIEWED
17 AND, AS NECESSARY, REVISED AT LEAST EVERY FIVE YEARS. THE PURPOSE
18 OF THE QUALIFYING FACTORS IS TO IDENTIFY CHILDREN WHO ARE AT RISK
19 OF ENTERING KINDERGARTEN WITHOUT BEING READY FOR SCHOOL. THE
20 QUALIFYING FACTORS MUST INCLUDE IDENTIFICATION AS A
21 DUAL-LANGUAGE LEARNER OR A CHILD WITH DISABILITIES AND MAY
22 INCLUDE SUCH OTHER FACTORS AS THE DEPARTMENT MAY IDENTIFY.

23 (III) THE NUMBER OF HOURS OF PRESCHOOL SERVICES THAT AN
24 ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(III) OR
25 (3)(a)(IV) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN
26 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN
27 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED

1 EDUCATION PROGRAM;

2 (IV) THE NUMBER OF HOURS OF ADDITIONAL PRESCHOOL SERVICES
3 THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION
4 (3)(a)(V) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN
5 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN
6 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED
7 EDUCATION PROGRAM;

8 (V) PRESCHOOL QUALITY STANDARDS, AS PROVIDED IN SECTION
9 26.5-4-205;

10 (VI) THE FORMULAS FOR SETTING THE PER-CHILD RATES FOR
11 UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR
12 CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE
13 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN
14 SUBSECTIONS (3)(a)(III) AND (3)(a)(IV) OF THIS SECTION, AND FOR
15 ADDITIONAL PRESCHOOL SERVICES, AS PROVIDED IN SECTION 26.5-4-208;
16 AND

17 (VII) SUCH OTHER RULES AS ARE REQUIRED IN THIS PART 2 OR AS
18 MAY BE NECESSARY TO IMPLEMENT THE PRESCHOOL PROGRAM.

19 (b) IN ADOPTING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE
20 EXTENT POSSIBLE:

21 (I) ALIGN ALL RULES PERTAINING TO FUNDING AND PRESCHOOL
22 PROVIDER REQUIREMENTS TO FACILITATE COMBINING AND COORDINATING
23 FEDERAL, STATE, PRESCHOOL PROGRAM, AND CHILD CARE FUNDING TO THE
24 GREATEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAW AND
25 REGULATION; AND

26 (II) ALIGN PRESCHOOL QUALITY STANDARDS AND REQUIREMENTS
27 WITH THE CHILD CARE LICENSING REQUIREMENTS AND LICENSING

1 REQUIREMENTS FOR SCHOOL DISTRICT AND CHARTER SCHOOL PRESCHOOL
2 PROGRAMS, AS PROVIDED IN PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, TO
3 REDUCE CONFLICTS AND DUPLICATION.

4 (5) IN DEVELOPING A PLAN FOR RECRUITING, TRAINING, AND
5 RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY
6 STATEWIDE EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION
7 26.5-6-101, THE DEPARTMENT SHALL ENSURE THAT THE PLAN
8 SPECIFICALLY ADDRESSES STRATEGIES FOR BUILDING AND SUPPORTING
9 THE PRESCHOOL WORKFORCE, ESPECIALLY WITH RESPECT TO:

10 (a) SIMPLIFYING THE PROCESS FOR ATTAINING CREDENTIALS,
11 MEETING QUALIFICATIONS, AND DEMONSTRATING PROFESSIONAL
12 COMPETENCIES;

13 (b) MINIMIZING REGULATORY AND ADMINISTRATIVE BARRIERS TO
14 ENTRY, INCLUDING BARRIERS FACED BY INDIVIDUALS WHO SPEAK
15 LANGUAGES OTHER THAN ENGLISH;

16 (c) INCREASING DIVERSITY IN THE PRESCHOOL WORKFORCE;

17 (d) ESTABLISHING GOALS FOR INCREASING THE QUALIFICATIONS OF
18 PRESCHOOL TEACHERS OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING
19 THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE
20 DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH
21 SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS
22 EMPLOYED BY PRESCHOOL PROVIDERS; AND

23 (e) RECRUITING, COMPENSATING, PROVIDING CONTINUING
24 PROFESSIONAL DEVELOPMENT FOR, AND RETAINING INDIVIDUALS IN THE
25 PRESCHOOL WORKFORCE, INCLUDING STRATEGIES FOR ACHIEVING THE
26 GOAL OF COMPENSATING THOSE INDIVIDUALS AT A LIVING WAGE.

27 **26.5-4-205. Quality standards - evaluation - support.**

1 (1)(a) THE DEPARTMENT SHALL DEVELOP AND THE EXECUTIVE DIRECTOR
2 SHALL ESTABLISH BY RULE THE QUALITY STANDARDS THAT EACH
3 PRESCHOOL PROVIDER MUST MEET TO RECEIVE FUNDING THROUGH THE
4 COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE QUALITY STANDARDS
5 MUST, AT A MINIMUM, ADDRESS THE ISSUES SPECIFIED IN THIS SECTION
6 AND MUST REFLECT NATIONAL AND COMMUNITY-INFORMED BEST
7 PRACTICES WITH REGARD TO SCHOOL READINESS, ACADEMIC AND
8 COGNITIVE DEVELOPMENT, HEALTHY ENVIRONMENTS, SOCIAL-EMOTIONAL
9 LEARNING, AND CHILD AND FAMILY OUTCOMES. THE DEPARTMENT AND
10 THE EXECUTIVE DIRECTOR SHALL WORK WITH FAMILIES, EDUCATORS, AND
11 PROGRAM ADMINISTRATORS TO REVIEW AND, AS NECESSARY, REVISE THE
12 QUALITY STANDARDS AT LEAST EVERY FIVE YEARS TO ENSURE THE
13 STANDARDS CONTINUE TO REFLECT NATIONAL BEST PRACTICES AND MEET
14 THE OTHER REQUIREMENTS SPECIFIED IN THIS SECTION. IN DEVELOPING,
15 REVIEWING, REVISING, AND ADOPTING THE QUALITY STANDARDS, THE
16 DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL CONSIDER, AT A
17 MINIMUM:

18 (I) THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL
19 PROVIDERS PARTICIPATING IN THE COLORADO PRESCHOOL PROGRAM
20 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,
21 2023;

22 (II) NATIONALLY ACCEPTED STANDARDS FOR PRESCHOOL
23 PROGRAMS;

24 (III) THE CHILD CARE LICENSING REQUIREMENTS ESTABLISHED
25 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 WITH WHICH
26 PRESCHOOL PROVIDERS ARE REQUIRED TO COMPLY; AND

27 (IV) THE NEED TO ENSURE THE AVAILABILITY OF PRESCHOOL

1 SERVICES FOR ELIGIBLE CHILDREN THROUGHOUT THE STATE WHILE
2 MAINTAINING THE QUALITY OF THE PRESCHOOL PROVIDERS.

3 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS
4 SECTION, THE DEPARTMENT SHALL ENSURE THAT EACH PRESCHOOL
5 PROVIDER THAT PARTICIPATES IN THE PRESCHOOL PROGRAM MEETS THE
6 QUALITY STANDARDS ESTABLISHED BY RULE IN ACCORDANCE WITH THIS
7 SECTION. THE DEPARTMENT MAY WORK WITH A LOCAL COORDINATING
8 ORGANIZATION TO ENSURE THAT A PRESCHOOL PROVIDER MEETS THE
9 QUALITY STANDARDS. THE DEPARTMENT MAY PROHIBIT A PRESCHOOL
10 PROVIDER THAT FAILS TO MEET ONE OR MORE OF THE QUALITY STANDARDS
11 FROM PARTICIPATING IN THE PRESCHOOL PROGRAM.

12 (II) IF NECESSARY TO ENSURE THE AVAILABILITY OF A MIXED
13 DELIVERY SYSTEM WITHIN A COMMUNITY, THE DEPARTMENT MAY ALLOW
14 A PRESCHOOL PROVIDER THAT DOES NOT MEET THE QUALITY STANDARDS
15 TO PARTICIPATE IN THE PRESCHOOL PROGRAM FOR A LIMITED TIME WHILE
16 WORKING TOWARD COMPLIANCE WITH THE QUALITY STANDARDS; EXCEPT
17 THAT EACH PRESCHOOL PROVIDER MUST MEET ALL QUALITY STANDARDS
18 RELATING TO HEALTH AND SAFETY AS A CONDITION OF PARTICIPATING IN
19 THE PRESCHOOL PROGRAM.

20 (2) AT A MINIMUM, THE QUALITY STANDARDS ESTABLISHED IN
21 RULE MUST INCLUDE:

22 (a) THE MINIMUM NUMBERS OF CONTACT HOURS OF
23 INSTRUCTIONAL SERVICES PER SCHOOL YEAR FOR UNIVERSAL PRESCHOOL
24 SERVICES FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN THREE YEARS
25 OF AGE AND YOUNGER, AND FOR ADDITIONAL PRESCHOOL SERVICES. THE
26 MINIMUM NUMBER OF CONTACT HOURS OF INSTRUCTIONAL SERVICES
27 ESTABLISHED IN RULE FOR UNIVERSAL PRESCHOOL SERVICES MUST NOT BE

1 LESS THAN THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR.

2 (b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE
3 ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE
4 PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS
5 AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING,
6 INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND
7 CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY;

8 (c) THE MAXIMUM ALLOWABLE EDUCATOR-TO-CHILD RATIOS AND
9 GROUP SIZES, ALIGNED WITH NATIONAL BEST PRACTICES. THE
10 DEPARTMENT, BY RULE, MAY IMPLEMENT A WAIVER PROCESS TO ALLOW
11 A PRESCHOOL PROVIDER THAT IMPLEMENTS A NATIONALLY RECOGNIZED
12 PRESCHOOL PROGRAM MODEL TO IMPLEMENT THE EDUCATOR-TO-CHILD
13 RATIOS AND GROUP SIZES THAT SUPPORT THE INSTRUCTIONAL PRACTICES
14 OF THE MODEL, SO LONG AS THE PRESCHOOL PROVIDER MEETS THE
15 NATIONAL STANDARDS FOR THE MODEL OR IS ACCREDITED TO PROVIDE THE
16 MODEL.

17 (d) QUALIFICATIONS FOR PRESCHOOL TEACHERS. THE QUALITY
18 STANDARDS MUST NOT REQUIRE PRESCHOOL TEACHERS TO BE LICENSED
19 PURSUANT TO ARTICLE 60.5 OF TITLE 22 AND MUST ALLOW A PRESCHOOL
20 PROVIDER TO EMPLOY A NONLICENSED PRESCHOOL TEACHER AS LONG AS
21 THE TEACHER MEETS OTHER QUALIFICATIONS ESTABLISHED IN
22 DEPARTMENT RULE. THE DEPARTMENT SHALL WORK WITH THE
23 DEPARTMENT OF EDUCATION TO ENSURE THAT A PRESCHOOL EDUCATOR
24 MAY MEET THE QUALIFICATIONS FOR PRESCHOOL EDUCATORS BY
25 DEMONSTRATING COMPLIANCE WITH THE QUALIFICATIONS FOR AN EARLY
26 CHILDHOOD TEACHING LICENSE ENDORSEMENT PROVIDED BY THE
27 DEPARTMENT OF EDUCATION.

1 (e) REQUIREMENTS FOR CONTINUING PROFESSIONAL DEVELOPMENT
2 FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER, WHICH MUST BE
3 FOCUSED ON IMPROVING TEACHER-CHILD INTERACTIONS AND QUALITY OF
4 INSTRUCTION, INCLUDING IMPROVING FIDELITY IN IMPLEMENTING
5 EVIDENCE-BASED CURRICULA AND STUDENT OUTCOMES, AND MAY ALLOW
6 FOR TRAINING IN EARLY LANGUAGE AND LITERACY DEVELOPMENT AND
7 THE SCIENCE OF READING THAT IS APPROPRIATE FOR EARLY CHILDHOOD
8 EDUCATION AND COMPARABLE TO THE TRAINING REQUIRED FOR EARLY
9 GRADE TEACHERS PURSUANT TO THE "COLORADO READ ACT", PART 12
10 OF ARTICLE 7 OF TITLE 22. THE DEPARTMENT SHALL WORK WITH THE
11 DEPARTMENT OF EDUCATION TO ALLOW, TO THE FULLEST EXTENT
12 POSSIBLE, A TEACHER WHO IS LICENSED BY THE DEPARTMENT OF
13 EDUCATION TO USE THE PROFESSIONAL DEVELOPMENT REQUIRED TO
14 RENEW THE TEACHING LICENSE TO ALSO MEET THE PROFESSIONAL
15 DEVELOPMENT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR
16 TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER.

17 (f) STANDARDS FOR PRESCHOOL SERVICES THAT, AT A MINIMUM,
18 ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT
19 GUIDELINES ACROSS ALL EARLY CHILDHOOD DOMAINS APPROVED BY THE
20 EARLY CHILDHOOD LEADERSHIP COMMISSION AND WITH THE COLORADO
21 ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION
22 PURSUANT TO SECTION 22-7-1005, ARE CULTURALLY INCLUSIVE, AND ARE
23 SUPPORTED BY THE DEPARTMENT IN IMPLEMENTATION;

24 (g) STANDARDS FOR INSTRUCTIONAL PRACTICE THAT, AT A
25 MINIMUM, MUST ENSURE THAT THE INSTRUCTIONAL PRACTICE
26 IMPLEMENTED BY PRESCHOOL PROVIDERS:

27 (I) PROMOTES LEARNING THROUGH DEVELOPMENTALLY

1 APPROPRIATE PRACTICES THAT INCLUDE A MIX OF STRUCTURED ACTIVITIES
2 AND PLAY; AND

3 (II) INCREASES AND SUPPORTS LEARNING USING INSTRUCTIONAL
4 PRACTICES THAT BUILD ON PREVIOUS LEARNING AND INCLUDE A FOCUS ON
5 AGE-APPROPRIATE CLASSROOM ENVIRONMENTS AND ONGOING INFORMAL
6 ASSESSMENTS OF LEARNING;

7 (h) LIMITATIONS ON THE USE OF, AND REQUIRED PROCEDURES FOR,
8 OUT-OF-SCHOOL SUSPENSION AND EXPULSION IN ACCORDANCE WITH
9 SECTION 22-33-106.1. IN ADDITION, TO REDUCE THE USE OF
10 EXCLUSIONARY DISCIPLINE, THE STANDARDS MUST REFLECT BEST
11 PRACTICES IN EARLY CHILDHOOD MENTAL HEALTH, INCLUDING
12 PROMOTING ACCESS TO EARLY CHILDHOOD MENTAL HEALTH
13 CONSULTATION.

14 (i) STANDARDS FOR FAMILY AND COMMUNITY ENGAGEMENT TO
15 ENSURE THAT THE PRESCHOOL PROVIDER ENGAGES WITH PARENTS AND
16 NEIGHBORHOOD LEADERS IN A FORMAL AND MEANINGFUL WAY,
17 INCLUDING SEEKING INPUT FOR POLICY AND PROGRAMMING DECISIONS;

18 (j) REQUIREMENTS FOR SERVING CHILDREN WHO ARE DUAL
19 LANGUAGE LEARNERS, WHICH MUST, AT A MINIMUM, INCLUDE:

20 (I) IDENTIFYING, SCREENING, AND ASSESSING CHILDREN IN THEIR
21 HOME LANGUAGES;

22 (II) COMMUNICATING WITH CHILDREN'S PARENTS IN THEIR HOME
23 LANGUAGES; AND

24 (III) USING TEACHING STRATEGIES THAT HAVE BEEN SHOWN TO
25 MEET THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS;

26 (k) REQUIREMENTS FOR OFFERING VOLUNTARY VISION, HEARING,
27 DENTAL, AND HEALTH SCREENINGS, AND, UPON PARENT REQUEST,

1 REFERRALS TO APPROPRIATE HEALTH PROVIDERS FOR CHILDREN WHO ARE
2 ENROLLED BY A PRESCHOOL PROVIDER; AND

3 (I) REQUIREMENTS FOR PROVIDING VOLUNTARY DEVELOPMENTAL
4 SCREENINGS, WHICH MUST, AT A MINIMUM, INCLUDE THE USE OF VALID
5 AND RELIABLE SCREENING TOOLS THAT ARE DEVELOPMENTALLY,
6 CULTURALLY, AND LINGUISTICALLY APPROPRIATE.

7 (3) (a) USING THE PROCEDURES SPECIFIED IN SUBSECTION (3)(b)
8 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A RESOURCE BANK OF
9 PRESCHOOL CURRICULA FOR USE BY PRESCHOOL PROVIDERS. THE
10 RESOURCE BANK MAY INCLUDE ONLY CURRICULA THAT, AT A MINIMUM:

11 (I) ARE SUPPORTED BY EVIDENCE THAT USE OF THE CURRICULA
12 IMPROVES STUDENT OUTCOMES;

13 (II) ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY
14 RELEVANT, AND LINGUISTICALLY RESPONSIVE TO COMMUNITIES BEING
15 SERVED;

16 (III) PROMOTE LITERACY, AS DEVELOPMENTALLY APPROPRIATE,
17 BASED ON THE SCIENCE OF READING BY PROVIDING LANGUAGE
18 DEVELOPMENT, INCLUDING SPEECH SOUNDS, VOCABULARY, GRAMMAR,
19 AND USE, AND PROVIDING DEVELOPMENTALLY APPROPRIATE INSTRUCTION
20 TO SUPPORT CHILDREN'S SUCCESS IN EARLY ELEMENTARY GRADES WHEN
21 RECEIVING INSTRUCTION PURSUANT TO THE "COLORADO READ ACT",
22 PART 12 OF ARTICLE 7 OF TITLE 22, IN THE AREAS OF PHONEMIC
23 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,
24 INCLUDING ORAL SKILLS; AND READING COMPREHENSION; AND

25 (IV) ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND
26 DEVELOPMENT GUIDELINES APPROVED BY THE EARLY CHILDHOOD
27 LEADERSHIP COMMISSION.

1 (b) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A
2 PROCEDURE FOR IDENTIFYING THE CURRICULA IT INCLUDES IN THE
3 RESOURCE BANK OF PRESCHOOL CURRICULA. AT A MINIMUM, THE
4 PROCEDURE MUST INCLUDE:

5 (I) SOLICITING THROUGH PUBLIC NOTICE, ACCEPTING, AND
6 PROMPTLY REVIEWING CURRICULA FROM PRESCHOOL PROVIDERS AND
7 FROM PUBLISHERS;

8 (II) EVALUATING THE CURRICULA THAT THE DEPARTMENT
9 IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON THE CRITERIA
10 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ANY ADDITIONAL
11 CRITERIA SPECIFIED IN DEPARTMENT RULE;

12 (III) PROVIDING NOTICE TO PRESCHOOL PROVIDERS AND
13 PUBLISHERS THAT SUBMIT CURRICULA CONCERNING WHETHER THE
14 SUBMITTED CURRICULA WAS INCLUDED IN THE RESOURCE BANK AND, IF
15 EXCLUDED FROM THE RESOURCE BANK, THE REASONS FOR EXCLUSION;
16 AND

17 (IV) REVIEWING THE RESOURCE BANK AT LEAST EVERY THREE
18 YEARS TO UPDATE THE RESOURCE BANK AND ADD CURRICULA WHEN
19 APPROPRIATE. IN REVIEWING AND UPDATING THE RESOURCE BANK, THE
20 DEPARTMENT SHALL, AT A MINIMUM, COMPLY WITH THE PROCEDURES
21 DESCRIBED IN SUBSECTIONS (3)(b)(I) TO (3)(b)(III) OF THIS SECTION.

22 (c) THE DEPARTMENT SHALL ALLOW PRESCHOOL PROVIDERS AND
23 PUBLISHERS TO SUBMIT CURRICULA TO THE DEPARTMENT AT ANY TIME TO
24 BE REVIEWED AND CONSIDERED FOR INCLUSION IN THE RESOURCE BANK,
25 REGARDLESS OF THE SCHEDULE FOR REVIEWING THE RESOURCE BANK. THE
26 DEPARTMENT SHALL REVIEW ALL SUBMITTED CURRICULA IN ACCORDANCE
27 WITH THE ADOPTED PROCEDURES DESCRIBED IN SUBSECTION (3)(b) OF THIS

1 SECTION.

2 (d) THE DEPARTMENT SHALL MAKE THE RESOURCE BANK
3 ACCESSIBLE TO THE PUBLIC THROUGH THE DEPARTMENT WEBSITE.

4 **26.5-4-206. Preschool special education services - department**
5 **collaboration - memorandum of understanding.** (1) THE DEPARTMENT
6 SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION THROUGH A
7 MEMORANDUM OF UNDERSTANDING AS DESCRIBED IN SUBSECTION (2) OF
8 THIS SECTION TO ENSURE ALL CHILDREN WITH DISABILITIES ARE SERVED
9 EQUITABLY IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, ENSURE
10 ACCESS TO CLASSROOMS THAT MEET THE INDIVIDUAL NEEDS OF CHILDREN
11 WITH DISABILITIES BASED ON THEIR INDIVIDUALIZED EDUCATION
12 PROGRAMS, AND ENSURE THAT PRESCHOOL PROVIDERS OPERATE IN
13 ACCORDANCE WITH FEDERAL AND STATE LAW CONCERNING EDUCATION
14 FOR PRESCHOOL-AGE CHILDREN WITH DISABILITIES. IN COLLABORATING
15 PURSUANT TO THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF
16 EDUCATION SHALL, AT A MINIMUM:

17 (a) SUPPORT LOCAL IMPLEMENTATION OF BEST PRACTICES;

18 (b) CREATE TRAINING FOR PRESCHOOL PROVIDERS CONCERNING
19 THE LEGAL OBLIGATIONS FOR SERVING CHILDREN WITH DISABILITIES,
20 INCLUDING THE RESPONSIBILITIES AND OBLIGATIONS OF ADMINISTRATIVE
21 UNITS SPECIFIED IN IDEA AND ECEA; AND

22 (c) COLLABORATE TO ENSURE PRESCHOOL SERVICES DELIVERED
23 THROUGH THE PRESCHOOL PROGRAM TO CHILDREN WITH DISABILITIES ARE
24 DELIVERED IN COMPLIANCE WITH IDEA AND ECEA.

25 (2) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
26 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT, AT A
27 MINIMUM:

1 (a) DEFINES THE ROLES AND RESPONSIBILITIES OF BOTH
2 DEPARTMENTS, ADMINISTRATIVE UNITS AS DEFINED IN SECTION 22-20-103,
3 AND PRESCHOOL PROVIDERS, RECOGNIZING THAT THE DEPARTMENT OF
4 EDUCATION IS THE IDENTIFIED AGENCY RESPONSIBLE FOR COMPLIANCE
5 WITH THE PART B COMPONENT OF IDEA, AS DESCRIBED IN SECTION
6 22-20-103 (4)(b);

7 (b) DESCRIBES DATA COLLECTION AND SHARING RESPONSIBILITIES
8 IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND TIMELINES, ENSURING
9 THAT ALL CRITICAL DATA CAN BE DISAGGREGATED, WHILE ADHERING TO
10 REQUIREMENTS FOR PROTECTING PERSONALLY IDENTIFIABLE
11 INFORMATION;

12 (c) DESCRIBES EACH DEPARTMENT'S ROLE IN HELPING PRESCHOOL
13 PROVIDERS AND COMMUNITIES PROVIDE INCLUSIVE, INDIVIDUALIZED,
14 MEANINGFUL, CULTURALLY RELEVANT, LINGUISTICALLY RELEVANT,
15 ACTIVE, AND PARTICIPATORY LEARNING FOR ALL CHILDREN WITH
16 DISABILITIES, IN ACCORDANCE WITH EACH CHILD'S INDIVIDUALIZED
17 EDUCATION PROGRAM;

18 (d) ESTABLISHES PROCEDURES FOR HOLDING ALL PRESCHOOL
19 PROVIDERS ACCOUNTABLE FOR PROVIDING ACCESS AND SUPPORTS FOR
20 CHILDREN WITH DISABILITIES;

21 (e) RECOMMENDS TRAINING PROGRAMS FOR PRESCHOOL
22 PROVIDERS IN WORKING WITH CHILDREN WITH DISABILITIES;

23 (f) WITH REGARD TO PRESCHOOL PROGRAM RULES, ESTABLISHES
24 PROCESSES TO:

25 [REDACTED]
26 (I) ENSURE THAT PRESCHOOL PROGRAM REQUIREMENTS ARE IN
27 COMPLIANCE WITH AND DO NOT CONFLICT WITH IDEA AND ECEA; AND

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(II) ENSURE PRESCHOOL PROGRAM RULES ADDRESS ALL LEGAL REQUIREMENTS FOR THE PROVISION OF PRESCHOOL SERVICES TO ELIGIBLE CHILDREN WITH DISABILITIES.

26.5-4-207. Preschool program evaluation and improvement process - independent evaluator. (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PROCESS FOR CONTINUOUS EVALUATION AND IMPROVEMENT OF PRESCHOOL PROVIDERS WHO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. AT A MINIMUM, THE PROCESS MUST INCLUDE A REQUIREMENT THAT PRESCHOOL PROVIDERS USE ASSESSMENT AND CONTINUOUS IMPROVEMENT STRATEGIES THAT:

(a) ARE IMPLEMENTED THROUGH A COORDINATED SYSTEM THAT INCLUDES THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE; CURRICULUM; PROFESSIONAL DEVELOPMENT; DEVELOPMENTALLY APPROPRIATE, AGE-APPROPRIATE, AND WHOLE-CHILD ASSESSMENT THAT MAY BE BASED ON OBSERVATIONAL ASSESSMENTS OF CHILDREN'S DEVELOPMENT AND CLASSROOM-BASED TEACHER-CHILD INTERACTIONS; AND DATA COLLECTION;

(b) SUPPORT BOTH CONTINUOUS PROGRAM IMPROVEMENT AND THE DEPARTMENT'S INDEPENDENT EVALUATION OF THE PRESCHOOL PROGRAM AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;

(c) ARE DESIGNED TO INFORM CURRICULUM IMPLEMENTATION, PROFESSIONAL DEVELOPMENT, TEACHER SUPPORTS, AND RESOURCE ALLOCATION; AND

(d) ARE APPROPRIATE FOR USE WITH YOUNG CHILDREN AND FOR THE PURPOSES FOR WHICH THEY ARE USED.

(2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT

1 EVALUATOR TO MEASURE THE SUCCESS OF THE COLORADO UNIVERSAL
2 PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL
3 READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH
4 THE PRESCHOOL PROGRAM. IN EVALUATING THE SUCCESS OF THE
5 PRESCHOOL PROGRAM, THE DEPARTMENT SHALL ENSURE THE
6 INDEPENDENT EVALUATOR HAS ACCESS TO THE NECESSARY DATA TO
7 MEASURE IMMEDIATE AND LONG-TERM CHILD OUTCOMES AND TO PROVIDE
8 RECOMMENDATIONS TO IMPROVE TEACHING AND LEARNING, ASSESS
9 PROFESSIONAL DEVELOPMENT INPUTS AND OUTCOMES, AND IMPROVE
10 TEACHER-CHILD INTERACTIONS. THE DEPARTMENT SHALL TAKE INTO
11 ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE
12 INDEPENDENT EVALUATOR IN IMPLEMENTING THE PROCESS FOR
13 CONTINUOUS EVALUATION AND IMPROVEMENT DESCRIBED IN SUBSECTION
14 (1) OF THIS SECTION.

15 (3) THE DEPARTMENT SHALL COMMUNICATE THE EVALUATIONS
16 AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR TO FAMILIES,
17 COMMUNITIES, PRESCHOOL PROVIDERS, LOCAL COORDINATING
18 ORGANIZATIONS, THE STATE BOARD OF EDUCATION, AND THE GENERAL
19 ASSEMBLY, AS APPROPRIATE, TO INFORM AND IMPROVE EARLY CHILDHOOD
20 TEACHING AND EDUCATION AND POLICY-MAKING RELATED TO EARLY
21 CHILDHOOD EDUCATION.

22 (4) THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE
23 EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR
24 IN REVIEWING AND REVISING THE PRESCHOOL QUALITY STANDARDS
25 PURSUANT TO SECTION 26.5-4-205; THE PLAN FOR RECRUITING, TRAINING,
26 AND RETAINING A HIGH-QUALITY EARLY CHILDHOOD WORKFORCE
27 PURSUANT TO SECTION 26.5-6-101; AND THE STATE GOALS FOR

1 IMPLEMENTING THE PRESCHOOL PROGRAM.

2 **26.5-4-208. Preschool provider funding - per-child rates - local**
3 **contribution - distribution and use of money - definitions - repeal.**

4 (1) (a) THE DEPARTMENT, IN ACCORDANCE WITH THE INTENT SPECIFIED
5 IN SECTION 26.5-4-202 (3), SHALL ANNUALLY ESTABLISH THE PER-CHILD
6 RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES
7 FOR CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE
8 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN
9 SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV), AND FOR ADDITIONAL
10 PRESCHOOL SERVICES. IN ESTABLISHING THE PER-CHILD RATES, THE
11 DEPARTMENT, AT A MINIMUM, SHALL ENSURE THAT THE PER-CHILD RATE
12 FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES IS AT LEAST
13 EQUAL TO THE GREATER OF THE PER-CHILD RATE FOR UNIVERSAL
14 PRESCHOOL SERVICES OR THE STATE PER PUPIL PRESCHOOL FUNDING RATE
15 FOR CHILDREN WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR, AS
16 DEFINED IN SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT SHALL
17 ADOPT ONE OR MORE FORMULAS FOR ANNUALLY SETTING THE PER-CHILD
18 RATES, WHICH FORMULAS MUST, AT A MINIMUM, TAKE INTO ACCOUNT:

19 (I) THE COST OF PROVIDING PRESCHOOL SERVICES THAT MEET THE
20 QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO
21 SECTION 26.5-4-205 (2);

22 (II) THE RESPONSIBILITIES OF THE STATE AND ADMINISTRATIVE
23 UNITS TO MEET THE SPECIAL EDUCATION FUNDING MAINTENANCE OF
24 EFFORT REQUIREMENTS SPECIFIED IN IDEA;

25 (III) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES
26 THAT RESULT FROM REGIONAL DIFFERENCES AND CIRCUMSTANCES, WHICH
27 MAY INCLUDE DIFFICULTIES IN ACHIEVING ECONOMIES OF SCALE IN RURAL

1 AREAS AND IN RECRUITING AND RETAINING PRESCHOOL EDUCATORS; AND

2 (IV) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES
3 THAT RESULT FROM THE CHARACTERISTICS OF CHILDREN, WHICH MUST
4 INCLUDE A CHILD'S IDENTIFICATION AS A CHILD IN A LOW-INCOME FAMILY,
5 AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A CHILD'S
6 IDENTIFICATION AS A DUAL LANGUAGE LEARNER.

7 (b) IN ESTABLISHING THE FORMULAS DESCRIBED IN SUBSECTION
8 (1)(a) OF THIS SECTION AND ANNUALLY SETTING THE PER-CHILD RATES,
9 THE DEPARTMENT MUST CONSIDER STRATEGIES TO MITIGATE THE EFFECT
10 OF PRESCHOOL FUNDING ON THE AVAILABILITY OF CHILD CARE SERVICES
11 FOR INFANTS AND TODDLERS WITHIN COMMUNITIES AND AREAS IN THE
12 STATE.

13 (c) IN ESTABLISHING THE FORMULA FOR ADDITIONAL PRESCHOOL
14 SERVICES, IN ADDITION TO THE CONSIDERATIONS SPECIFIED IN SUBSECTION
15 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE AMOUNT OF
16 LOCAL FUNDING AVAILABLE TO ASSIST FAMILIES WITHIN A COMMUNITY
17 BASED ON THE COMMUNITY PLAN OR AVAILABLE WITHIN AN AREA THAT
18 DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. A PRESCHOOL
19 PROVIDER IS PROHIBITED FROM CHARGING A FEE FOR ADDITIONAL
20 PRESCHOOL SERVICES TO A FAMILY THAT PARTICIPATES IN THE PRESCHOOL
21 PROGRAM THAT EXCEEDS THE AMOUNT CHARGED TO FAMILIES THAT DO
22 NOT RECEIVE ADDITIONAL PRESCHOOL SERVICES.

23 (d) IN ADDITION TO DISTRIBUTING FUNDING BASED ON THE
24 PER-CHILD RATES ESTABLISHED PURSUANT TO SUBSECTION (1)(a) OF THIS
25 SECTION, THE DEPARTMENT MAY BY RULE DISTRIBUTE FUNDING TO
26 ACHIEVE A SPECIFIED PURPOSE, WHICH MAY INCLUDE FUNDING FOR
27 ADMINISTRATIVE UNITS TO PROVIDE SPECIAL EDUCATION SERVICES

1 THROUGH THE PRESCHOOL PROGRAM AND FUNDING FOR MEASURES
2 RELATED TO RECRUITING, TRAINING, AND RETAINING PRESCHOOL
3 EDUCATORS. THE DEPARTMENT MAY CHOOSE TO DISTRIBUTE FUNDING
4 PURSUANT TO THIS SUBSECTION (1)(d) ONLY AFTER THE DEPARTMENT
5 ALLOCATES THE AMOUNTS NECESSARY TO FUND PRESCHOOL SERVICES FOR
6 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, UP TO
7 THE AMOUNTS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND TO
8 FULLY FUND UNIVERSAL PRESCHOOL SERVICES FOR ALL ELIGIBLE
9 CHILDREN WHO ENROLL.

10 (e) IN ESTABLISHING THE FORMULAS AND OTHER DISTRIBUTION
11 AMOUNTS, THE DEPARTMENT SHALL CONSULT WITH THE RULES ADVISORY
12 COUNCIL, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND
13 MEMBERS OF THE EARLY CHILDHOOD COMMUNITY, INCLUDING PARENTS OF
14 PRESCHOOL-AGE CHILDREN, PRESCHOOL EDUCATORS, PRESCHOOL
15 PROVIDERS, EARLY CHILDHOOD COUNCILS, SCHOOL DISTRICTS, CHARTER
16 SCHOOLS, REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN
17 SERVICES AND SOCIAL SERVICES, LOCAL COORDINATING ORGANIZATIONS,
18 AND INDIVIDUALS WITH FINANCIAL EXPERTISE IN PUBLIC AND PRIVATE
19 FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES.

20 (2) BEFORE FINALIZING THE PER-CHILD RATES IN A FISCAL YEAR,
21 THE DEPARTMENT SHALL:

22 (a) (I) ENSURE THAT THE PER-CHILD RATES FOR UNIVERSAL
23 PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH
24 DISABILITIES, AND FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO
25 ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION
26 26.5-4-204 (3)(a)(III) AND (3)(a)(IV) MEET OR EXCEED THE
27 CONSTITUTIONAL COMPLIANCE RATE FOR THE APPLICABLE FISCAL YEAR,

1 AS DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

2 (II) FOR THE 2023-24 FISCAL YEAR, THE CONSTITUTIONAL
3 COMPLIANCE RATE IS FORTY PERCENT OF THE STATEWIDE BASE PER PUPIL
4 FUNDING THAT THE GENERAL ASSEMBLY ESTABLISHES IN SECTION
5 22-54-104 (5)(a) FOR THE 2023-24 FISCAL YEAR. FOR THE 2024-25 FISCAL
6 YEAR AND EACH FISCAL YEAR THEREAFTER, THE CONSTITUTIONAL
7 COMPLIANCE RATE IS THE 2023-24 FISCAL YEAR CONSTITUTIONAL
8 COMPLIANCE RATE INCREASED ANNUALLY, BEGINNING IN THE 2024-25
9 FISCAL YEAR, BY THE RATE OF INFLATION.

10 (b) COMPARE THE AMOUNT OF FUNDING THAT THE PER-CHILD
11 RATES DIRECT TOWARD UNIVERSAL PRESCHOOL SERVICES WITH THE
12 AMOUNT OF FUNDING THE RATES DIRECT TOWARD ADDITIONAL PRESCHOOL
13 SERVICES AND PREPARE AN ANALYSIS OF THE EFFICACY OF THE BALANCE
14 BETWEEN FUNDING FOR UNIVERSAL PRESCHOOL SERVICES AND
15 ADDITIONAL PRESCHOOL SERVICES IN OPTIMIZING SUPPORT FOR CHILDREN
16 IN LOW-INCOME FAMILIES AND CHILDREN WHO MEET QUALIFYING FACTORS
17 WHILE ENSURING HIGH-QUALITY UNIVERSAL PRESCHOOL SERVICES. THE
18 DEPARTMENT SHALL MAKE THE ANALYSIS AVAILABLE TO THE PUBLIC.

19 (c) CONSIDER THE IMPACT ON THE LEVEL OF FUNDING FOR
20 PRESCHOOL PROVIDERS AS A RESULT OF THE PER-CHILD RATES AND THE
21 LEVELS OF ENROLLMENT AS COMPARED TO PREVIOUS STATE FISCAL YEARS,
22 INCLUDING STATE FISCAL YEARS PRECEDING THE 2023-24 STATE FISCAL
23 YEAR. THE DEPARTMENT MAY CONSIDER A SPECIFIED PURPOSE
24 DISTRIBUTION AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO
25 REDUCE ANY IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL
26 PROVIDERS.

27 (3) (a) BEGINNING IN THE 2023-24 FISCAL YEAR AND FOR EACH

1 FISCAL YEAR THEREAFTER, THE DEPARTMENT, WORKING WITH LOCAL
2 COORDINATING ORGANIZATIONS AS PROVIDED IN EACH LOCAL
3 COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT WITH THE
4 DEPARTMENT, SHALL DISTRIBUTE THE FUNDING APPROPRIATED TO THE
5 DEPARTMENT FOR PRESCHOOL SERVICES FROM THE PRESCHOOL PROGRAMS
6 CASH FUND AND ANY AMOUNT RECEIVED PURSUANT TO SECTION
7 26.5-4-209 (2). THE DEPARTMENT AND LOCAL COORDINATING
8 ORGANIZATIONS, AS APPLICABLE, SHALL BASE THE AMOUNTS DISTRIBUTED
9 ON THE PER-CHILD RATES AND ANY SPECIAL PURPOSE DISTRIBUTIONS
10 ESTABLISHED FOR THE APPLICABLE FISCAL YEAR PURSUANT TO
11 SUBSECTION (1) OF THIS SECTION. AT THE START OF EACH FISCAL YEAR,
12 THE DEPARTMENT, AND LOCAL COORDINATING ORGANIZATIONS AS
13 APPLICABLE, SHALL DISTRIBUTE A PORTION OF THE FUNDING TO
14 PRESCHOOL PROVIDERS BASED ON THE NUMBERS AND TYPES OF ELIGIBLE
15 CHILDREN EXPECTED TO ENROLL IN PRESCHOOL AS ESTIMATED IN THE
16 COMMUNITY PLANS OR AS ESTIMATED BY THE DEPARTMENT FOR AN AREA
17 THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. THE
18 DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS
19 APPLICABLE, SHALL CONTINUE DISTRIBUTING PORTIONS OF THE FUNDING
20 PERIODICALLY THROUGHOUT THE SCHOOL YEAR AND SHALL ADJUST THE
21 AMOUNTS DISTRIBUTED BASED ON THE ACTUAL NUMBERS AND TYPES OF
22 ELIGIBLE CHILDREN ENROLLED BY PRESCHOOL PROVIDERS.

23 (b) THE DEPARTMENT SHALL ENSURE THAT FUNDING IS ALLOCATED
24 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS
25 OF AGE OR YOUNGER, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS
26 SECTION, FOR CHILDREN WITH DISABILITIES, AND FOR ALL ELIGIBLE
27 CHILDREN WHO ENROLL IN UNIVERSAL PRESCHOOL SERVICES BEFORE

1 FUNDING IS ALLOCATED FOR ADDITIONAL PRESCHOOL SERVICES OR FOR
2 SPECIFIED PURPOSES AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION.
3 IN ALLOCATING FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR
4 ELIGIBLE CHILDREN, THE DEPARTMENT SHALL FIRST ALLOCATE FUNDING
5 FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE
6 IN LOW-INCOME FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR
7 AND THEN ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR
8 THE REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

9 (c) (I) (A) IN DISTRIBUTING FUNDING FOR PRESCHOOL SERVICES
10 PURSUANT TO THIS SECTION FOR THE 2023-24 FISCAL YEAR AND EACH
11 FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL ENSURE THAT THE
12 AMOUNT OF FUNDING REQUIRED TO PROVIDE PRESCHOOL SERVICES TO ALL
13 THREE-YEAR-OLD CHILDREN WITH DISABILITIES WHO ENROLL IN THE
14 PRESCHOOL PROGRAM IS ANNUALLY DISTRIBUTED TO THE ENROLLING
15 PRESCHOOL PROVIDERS AND THE AMOUNT DESCRIBED IN SUBSECTION
16 (3)(c)(I)(B) OF THIS SECTION IS DISTRIBUTED TO PROVIDE PRESCHOOL
17 SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR
18 YOUNGER, AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND
19 (3)(a)(IV).

20 (B) TO PROVIDE SERVICES FOR ELIGIBLE CHILDREN WHO ARE
21 THREE YEARS OF AGE OR YOUNGER, THE DEPARTMENT SHALL ANNUALLY
22 DISTRIBUTE THE AMOUNT ALLOTTED FOR THE 2022-23 FISCAL YEAR TO
23 PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR
24 YOUNGER THROUGH THE "COLORADO PRESCHOOL PROGRAM ACT",
25 ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, CALCULATED
26 AS AN AMOUNT EQUAL TO THE NUMBER OF CHILDREN THREE YEARS OF AGE
27 OR YOUNGER ENROLLED BY EACH SCHOOL DISTRICT FOR THE 2022-23

1 FISCAL YEAR MULTIPLIED BY THE PER PUPIL FUNDING, AS DESCRIBED IN
2 SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE, FOR THE
3 ENROLLING SCHOOL DISTRICT FOR THE 2022-23 FISCAL YEAR.

4 (II) THE DEPARTMENT AND LOCAL COORDINATING
5 ORGANIZATIONS, AS APPLICABLE, SHALL DISTRIBUTE THE FUNDING FOR
6 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR
7 YOUNGER AS DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION
8 ONLY TO PRESCHOOL PROVIDERS THAT ARE SCHOOL DISTRICTS OR
9 CHARTER SCHOOLS FOR THE ELIGIBLE CHILDREN WHO ARE THREE YEARS
10 OF AGE AND YOUNGER WHOM THE SCHOOL DISTRICT OR CHARTER SCHOOL
11 ENROLLS IN ACCORDANCE WITH THE PRESCHOOL PROGRAM; EXCEPT THAT,
12 IN A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY SPECIFICALLY
13 APPROPRIATES AN AMOUNT TO PROVIDE PRESCHOOL SERVICES FOR
14 CHILDREN THREE YEARS OF AGE OR YOUNGER WHO DO NOT HAVE
15 DISABILITIES THAT EXCEEDS THE AMOUNT DESCRIBED IN SUBSECTION
16 (3)(c)(I)(B) OF THIS SECTION, THE DEPARTMENT MAY DISTRIBUTE IN
17 ACCORDANCE WITH THE APPLICABLE COMMUNITY PLANS ALL OR ANY
18 PORTION OF THE EXCESS APPROPRIATION AMOUNT TO COMMUNITY-BASED
19 PRESCHOOL PROVIDERS. A SCHOOL DISTRICT MAY DISTRIBUTE ALL OR A
20 PORTION OF THE AMOUNT RECEIVED PURSUANT TO THIS SUBSECTION
21 (3)(c)(II) TO A HEAD START AGENCY OR COMMUNITY-BASED PRESCHOOL
22 PROVIDER THAT PROVIDES PRESCHOOL SERVICES PURSUANT TO A
23 CONTRACT WITH THE SCHOOL DISTRICT.

24 (III) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(c)(I)
25 OF THIS SECTION TO THE CONTRARY, IN A FISCAL YEAR IN WHICH THE
26 AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND
27 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR

1 YOUNGER ■ IS MORE THAN IS REQUIRED TO FULLY FUND THE NUMBER OF
2 SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL
3 SERVICES, THE DEPARTMENT MAY DISTRIBUTE THE EXCESS AMOUNT TO
4 FUND UNIVERSAL PRESCHOOL SERVICES, ADDITIONAL PRESCHOOL
5 SERVICES, OR SPECIAL PURPOSE DISTRIBUTIONS IN ACCORDANCE WITH THIS
6 SECTION.

7 (IV) IN A FISCAL YEAR IN WHICH THE AMOUNT DESCRIBED IN
8 SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND PRESCHOOL SERVICES
9 FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER ■ IS LESS
10 THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE
11 CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE
12 DEPARTMENT SHALL FIRST PROVIDE FUNDING FOR THE ELIGIBLE CHILDREN
13 WITH DISABILITIES AND ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME
14 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN
15 PROVIDE FUNDING FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN
16 LOW-INCOME FAMILIES. IF ANY AMOUNT OF THE APPROPRIATION
17 DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION REMAINS, THE
18 DEPARTMENT, WORKING WITH THE RULES ADVISORY COUNCIL, THE LOCAL
19 COORDINATING ORGANIZATIONS, AND ANY OTHER INTERESTED PERSONS,
20 SHALL ESTABLISH THE PRIORITY FOR DISTRIBUTING THE FUNDING AMONG
21 THE REMAINING ELIGIBLE CHILDREN.

22 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO
23 THE CONTRARY, IF THE FUNDING THAT A PRESCHOOL PROVIDER THAT IS A
24 SCHOOL DISTRICT OR A CHARTER SCHOOL RECEIVES PURSUANT TO THIS
25 SECTION FOR ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM
26 FOR THE 2023-24 FISCAL YEAR, CALCULATED AS THE PER-CHILD RATES FOR
27 THE 2023-24 FISCAL YEAR MULTIPLIED BY THE NUMBER OF ELIGIBLE

1 CHILDREN THE PRESCHOOL PROVIDER ENROLLS FOR THE 2023-24 FISCAL
2 YEAR, IS LESS THAN THE AMOUNT OF FUNDING ALLOTTED FOR THE 2022-23
3 FISCAL YEAR FOR THE CHILDREN THE PRESCHOOL PROVIDER ENROLLED
4 THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO
5 JULY 1, 2023, CALCULATED AS FIFTY PERCENT OF THE PRESCHOOL
6 PROVIDER'S PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3)
7 OR (3.5), WHICHEVER IS APPLICABLE, FOR THE 2022-23 FISCAL YEAR
8 MULTIPLIED BY THE NUMBER OF CHILDREN THE PRESCHOOL PROVIDER
9 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM AND
10 DIRECTLY SERVED FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT
11 SHALL DISTRIBUTE TO THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL
12 YEAR AN AMOUNT EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

13 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE
14 CONTRARY, IF THE FUNDING THAT A COMMUNITY-BASED PRESCHOOL
15 PROVIDER RECEIVES PURSUANT TO THIS SECTION FOR ELIGIBLE CHILDREN
16 ENROLLED IN THE PRESCHOOL PROGRAM FOR THE 2023-24 FISCAL YEAR,
17 CALCULATED AS THE PER-CHILD RATES FOR THE 2023-24 FISCAL YEAR
18 MULTIPLIED BY THE NUMBER OF ELIGIBLE CHILDREN THE PRESCHOOL
19 PROVIDER ENROLLS FOR THE 2023-24 FISCAL YEAR, IS LESS THAN THE
20 AMOUNT OF FUNDING THE COMMUNITY-BASED PRESCHOOL PROVIDER
21 RECEIVED FOR THE 2022-23 FISCAL YEAR PURSUANT TO A CONTRACT WITH
22 A SCHOOL DISTRICT OR CHARTER SCHOOL TO INDIRECTLY SERVE CHILDREN
23 THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLED THROUGH THE
24 COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023,
25 FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO
26 THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR AN AMOUNT
27 EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

1 (c) ANY AMOUNT DISTRIBUTED PURSUANT TO THIS SUBSECTION (4)
2 IS IN ADDITION TO THE AMOUNT CALCULATED FOR THE PRESCHOOL
3 PROVIDER FOR THE 2023-24 FISCAL YEAR PURSUANT TO THIS SECTION.

4 (d) THE DEPARTMENT SHALL COLLECT, AND PRESCHOOL
5 PROVIDERS SHALL PROVIDE, THE INFORMATION REQUIRED TO IMPLEMENT
6 THIS SUBSECTION (4), WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO:

7 (I) A SCHOOL DISTRICT'S PER PUPIL FUNDING AMOUNT
8 CALCULATED FOR THE 2022-23 FISCAL YEAR PURSUANT TO SECTION
9 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE;

10 (II) THE NUMBER OF PUPILS THAT A PRESCHOOL PROVIDER
11 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS
12 PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR; AND

13 (III) THE AMOUNTS PAID BY SCHOOL DISTRICTS AND CHARTER
14 SCHOOLS TO COMMUNITY-BASED PRESCHOOL PROVIDERS PURSUANT TO
15 CONTRACTS ENTERED INTO FOR THE 2022-23 FISCAL YEAR IN ACCORDANCE
16 WITH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY
17 1, 2023.

18 (e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

19 ■ ■

20 (5) A PRESCHOOL PROVIDER THAT RECEIVES FUNDING DISTRIBUTED
21 PURSUANT TO THIS SECTION SHALL USE THE MONEY ONLY TO PAY THE
22 COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO ELIGIBLE
23 CHILDREN ENROLLED BY THE PRESCHOOL PROVIDER OR BY A
24 SUBCONTRACTED PRESCHOOL PROVIDER AS AUTHORIZED FOR A SCHOOL
25 DISTRICT IN SUBSECTION (3)(c)(II) OF THIS SECTION. COSTS OF PROVIDING
26 PRESCHOOL SERVICES INCLUDE:

27 (a) TEACHER AND PARAPROFESSIONAL SALARIES AND BENEFITS;

1 (b) THE COST OF PROVIDING TO TEACHERS AND
2 PARAPROFESSIONALS ANY PROFESSIONAL DEVELOPMENT ACTIVITIES
3 ASSOCIATED WITH THE PRESCHOOL SERVICES;

4 (c) THE COSTS INCURRED IN PURCHASING SUPPLIES AND
5 MATERIALS USED IN PROVIDING THE PRESCHOOL SERVICES;

6 (d) ANY ADDITIONAL COSTS THAT A PRESCHOOL PROVIDER WOULD
7 NOT HAVE INCURRED BUT FOR THE SERVICES PROVIDED IN CONJUNCTION
8 WITH THE PRESCHOOL SERVICES; AND

9 (e) A REASONABLE ALLOCATION OF OVERHEAD COSTS AS
10 PROVIDED BY DEPARTMENT RULE.

11 (6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT
12 OTHERWISE REQUIRES:

13 (a) "DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT" HAS
14 THE SAME MEANING AS PROVIDED IN SECTION 22-54-103.

15 (b) "FUNDED PUPIL COUNT" HAS THE SAME MEANING AS PROVIDED
16 IN SECTION 22-54-103.

17 (c) "ONLINE PUPIL ENROLLMENT" HAS THE SAME MEANING AS
18 PROVIDED IN SECTION 22-54-103.

19 (d) "STATE AVERAGE PER PUPIL FUNDING AMOUNT" MEANS THE
20 STATEWIDE TOTAL AMOUNT OF PER PUPIL FUNDING, AS DESCRIBED IN
21 SECTION 22-54-104(3) OR (3.5), CALCULATED FOR ALL SCHOOL DISTRICTS
22 FOR THE 2022-23 BUDGET YEAR DIVIDED BY THE STATEWIDE TOTAL
23 FUNDED PUPIL COUNT, MINUS THE STATEWIDE TOTAL DISTRICT EXTENDED
24 HIGH SCHOOL PUPIL ENROLLMENT AND THE STATEWIDE TOTAL ONLINE
25 PUPIL ENROLLMENT, FOR THE 2022-23 BUDGET YEAR.

26 (e) "STATE PER PUPIL PRESCHOOL FUNDING RATE FOR CHILDREN
27 WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR" MEANS AN AMOUNT

1 EQUAL TO THE STATE'S SHARE PERCENTAGE OF STATEWIDE TOTAL
2 PROGRAM FUNDING FOR ALL SCHOOL DISTRICTS CALCULATED PURSUANT
3 TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22,
4 FOR THE 2022-23 BUDGET YEAR MULTIPLIED BY THE STATE AVERAGE PER
5 PUPIL FUNDING AMOUNT FOR THE 2022-23 BUDGET YEAR.

6 **26.5-4-209. Preschool programs cash fund - created - use.**

7 (1) (a) [Formerly 24-22-118 (3)(a)] The preschool programs cash fund
8 is hereby created in the state treasury. The fund consists of money
9 credited to the fund pursuant to ~~subsection (2) of this section and~~ SECTION
10 24-22-118 (2), money transferred to the fund pursuant to section
11 39-28-116 (6), MONEY ANNUALLY TRANSFERRED TO THE FUND AS
12 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, AND ANY ADDITIONAL
13 MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE
14 FUND. The state treasurer shall credit all interest and income derived from
15 the deposit and investment of money in the preschool programs cash fund
16 to the fund. The general assembly shall annually appropriate money in the
17 preschool programs cash fund to ~~a designated department for the purposes~~
18 ~~set forth in this subsection (3)~~ THE DEPARTMENT TO IMPLEMENT THE
19 PRESCHOOL PROGRAM.

20 (b) (I) FOR THE 2023-24 FISCAL YEAR, THE GENERAL ASSEMBLY
21 SHALL TRANSFER TO THE PRESCHOOL PROGRAMS CASH FUND FROM THE
22 GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17
23 OF ARTICLE IX OF THE STATE CONSTITUTION AN AMOUNT EQUAL TO THE
24 DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF TOTAL
25 PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR THE
26 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET
27 STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE

1 AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION
2 OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR
3 ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED
4 WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT,
5 AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND
6 THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES
7 RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL
8 CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE
9 2022-23 BUDGET YEAR.

10 (II) FOR THE 2024-25 FISCAL YEAR AND FOR EACH FISCAL YEAR
11 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY TRANSFER TO
12 THE PRESCHOOL PROGRAMS CASH FUND FROM THE GENERAL FUND OR THE
13 STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE
14 STATE CONSTITUTION AN AMOUNT EQUAL TO THE AMOUNT DESCRIBED IN
15 SUBSECTION (1)(b)(I) OF THIS SECTION INCREASED ANNUALLY, BEGINNING
16 IN THE 2024-25 FISCAL YEAR, BY THE RATE OF INFLATION.

17 (2) IN ADDITION TO THE MONEY APPROPRIATED FROM THE FUND,
18 THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE
19 GIFTS, GRANTS, AND DONATIONS TO IMPLEMENT THE PRESCHOOL
20 PROGRAM.

21 (3) (a) [Formerly 24-22-118 (3)(b)] ~~A designated~~ The department
22 shall prioritize ~~its~~ THE use of money APPROPRIATED from the preschool
23 programs cash fund to ~~expand and enhance the Colorado preschool~~
24 ~~program or any successor program in order to offer at least ten hours per~~
25 ~~week of voluntary preschool free of charge to every child in Colorado~~
26 ~~during the last year of preschool before his or her entry to kindergarten~~
27 PROVIDE FUNDING FOR TEN HOURS OF VOLUNTARY PRESCHOOL SERVICES

1 PER WEEK, AT NO CHARGE, TO COLORADO CHILDREN DURING THE SCHOOL
2 YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO
3 ENROLL IN KINDERGARTEN, TO PROVIDE FUNDING FOR PRESCHOOL
4 SERVICES FOR CHILDREN WITH DISABILITIES, AND TO PROVIDE FUNDING
5 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS
6 OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND
7 (3)(a)(IV).

8 (b) The ~~designated~~ department shall use the money remaining in
9 the preschool programs cash fund after the ~~use identified in subsection~~
10 ~~(3)(b)(I)~~ USES DESCRIBED IN SUBSECTION (3)(a) of this section to provide
11 additional preschool ~~programming for low-income families and children~~
12 ~~at risk of entering kindergarten without being school ready~~ SERVICES FOR
13 CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET AT LEAST
14 ONE QUALIFYING FACTOR.

15 (4) **[Formerly 24-22-118 (3)(d)]** In furtherance of the purposes set
16 forth in ~~subsection (3)(b)~~ SUBSECTION (3) of this section and ~~in order~~ to
17 meet an expansion of ~~current preschool populations, a designated~~
18 PRESCHOOL POPULATIONS, IN ADDITION TO THE USE DESCRIBED IN
19 SUBSECTION (3)(b) OF THIS SECTION, THE department may use money
20 REMAINING in the fund AFTER MEETING THE USES DESCRIBED IN
21 SUBSECTION (3)(a) OF THIS SECTION to ensure the availability of quality,
22 voluntary ~~mixed-delivery~~ preschool SERVICES PROVIDED THROUGH A
23 MIXED DELIVERY SYSTEM by means the department deems appropriate
24 including:

25 (a) Recruiting, training, and retaining early childhood education
26 professionals;

27 (b) Expanding or improving the staff, facilities, equipment,

1 technology, and physical infrastructure of preschool programs offered by
2 licensed providers so as PRESCHOOL PROVIDERS to increase preschool
3 access;

4 (c) Parent and family outreach to facilitate timely and effective
5 enrollment; and

6 (d) Such other uses as are consistent with and further the purpose
7 of ~~this section~~ THE PRESCHOOL PROGRAM.

8 (5) [Formerly 24-22-118 (3)(e)] The designated department may
9 use money appropriated from the preschool programs cash fund for the
10 ADMINISTRATIVE costs of a third-party entity that administers the program
11 established on behalf of the designated department in accordance with
12 ~~this subsection (3)~~ LOCAL COORDINATING ORGANIZATIONS.

13 **26.5-4-210. Reporting.** (1) BEGINNING WITH THE HEARING HELD
14 IN JANUARY OF 2025 AS PART OF THE ANNUAL HEARING HELD PURSUANT
15 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
16 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
17 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND
18 EFFECTIVENESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN
19 THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

20 (a) THE NUMBER OF ELIGIBLE CHILDREN SERVED BY PRESCHOOL
21 PROVIDERS, SPECIFYING:

22 (I) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ONLY
23 UNIVERSAL PRESCHOOL SERVICES;

24 (II) THE NUMBER OF ELIGIBLE CHILDREN WITH DISABILITIES WHO
25 RECEIVED PRESCHOOL SERVICES;

26 (III) THE NUMBER OF ELIGIBLE CHILDREN THREE YEARS OF AGE
27 AND YOUNGER WHO RECEIVED PRESCHOOL SERVICES;

1 (IV) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED
2 ADDITIONAL PRESCHOOL SERVICES;

3 (V) THE NUMBER AND PERCENTAGE OF ELIGIBLE CHILDREN
4 ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME
5 FAMILIES AND WHO MET ONE OR MORE QUALIFYING FACTORS, INCLUDING
6 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET; AND

7 (VI) THE DEMOGRAPHICS OF THE ELIGIBLE CHILDREN ENROLLED
8 IN THE PRESCHOOL PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE,
9 ETHNICITY, DISABILITY, AND INCOME;

10 (b) THE NUMBER OF CHILDREN WHO WERE ELIGIBLE TO RECEIVE
11 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES BUT DID NOT DUE TO
12 INSUFFICIENT FUNDING AND THE AMOUNT THAT WOULD HAVE FULLY
13 FUNDED ADDITIONAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN;

14 (c) THE NUMBER OF ELIGIBLE CHILDREN WHO DID NOT ENROLL IN
15 PRESCHOOL PROVIDERS;

16 (d) THE EXTENT TO WHICH A MIXED DELIVERY SYSTEM OF
17 PRESCHOOL PROVIDERS IS AVAILABLE AND THE ENROLLMENT CAPACITY OF
18 THE MIXED DELIVERY SYSTEM THROUGHOUT THE STATE;

19 (e) THE AMOUNT OF FUNDING DISTRIBUTED TO PRESCHOOL
20 PROVIDERS THROUGH THE PRESCHOOL PROGRAM, IN TOTAL AND
21 DISAGGREGATED BY COMMUNITIES WITH LOCAL COORDINATING
22 ORGANIZATIONS AND AREAS OF THE STATE THAT DO NOT HAVE LOCAL
23 COORDINATION ORGANIZATIONS;

24 (f) THE PER-CHILD RATES ESTABLISHED PURSUANT TO SECTION
25 26.5-4-208 (1) FOR UNIVERSAL PRESCHOOL SERVICES, PRESCHOOL
26 SERVICES FOR CHILDREN WITH DISABILITIES, PRESCHOOL SERVICES FOR
27 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AND

1 ADDITIONAL PRESCHOOL SERVICES FOR THE FISCAL YEAR WITH AN
2 EXPLANATION OF THE FORMULAS FOR DETERMINING THE PER-CHILD RATES;

3 (g) OF THE AMOUNT APPROPRIATED FROM THE PRESCHOOL
4 PROGRAMS CASH FUND, THE AMOUNT, EXPRESSED AS A DOLLAR AMOUNT
5 AND A PERCENTAGE OF THE TOTAL APPROPRIATION, THAT:

6 (I) WAS DISTRIBUTED TO FUND UNIVERSAL PRESCHOOL SERVICES;

7 (II) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR
8 CHILDREN WITH DISABILITIES;

9 (III) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR
10 ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER;

11 (IV) WAS DISTRIBUTED TO FUND ADDITIONAL PRESCHOOL
12 SERVICES;

13 (V) WAS DISTRIBUTED FOR SPECIFIED PURPOSES PURSUANT TO
14 SECTION 26.5-4-208 (1)(d) WITH AN EXPLANATION OF EACH SPECIFIED
15 PURPOSE AND THE PRESCHOOL PROVIDERS OR COMMUNITIES THAT
16 RECEIVED THE DISTRIBUTIONS;

17 (VI) IS ATTRIBUTABLE TO EACH WEIGHTING FACTOR, IF ANY,
18 INCLUDED IN THE FORMULAS CREATED PURSUANT TO SECTION 26.5-4-208
19 (1); AND

20 (VII) WAS SPENT ON ADMINISTRATIVE EXPENSES OF THE
21 DEPARTMENT AND EACH LOCAL COORDINATING ORGANIZATION;

22 (h) THE NUMBER OF ELIGIBLE CHILDREN FOR WHOM ADDITIONAL
23 PRESCHOOL SERVICES OR OTHER FULL-DAY PRESCHOOL SERVICES WERE
24 PROVIDED USING RESOURCES OTHER THAN THE MONEY DISTRIBUTED
25 THROUGH THE PRESCHOOL PROGRAM AND THE SOURCES OF THOSE
26 RESOURCES;

27 (i) QUANTITATIVE DATA, AND QUALITATIVE DATA IF AVAILABLE,

1 INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE,
2 DEMONSTRATING THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN
3 IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN
4 WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM,
5 INCLUDING THE RESULTS OF THE INDEPENDENT EVALUATION CONDUCTED
6 PURSUANT TO SECTION 26.5-4-207 (2);

7 (j) THE CHANGES, IF ANY, IN THE AVAILABILITY OF CHILD CARE FOR
8 INFANTS AND TODDLERS, STATEWIDE AND WITHIN COMMUNITIES OR
9 AREAS, FOLLOWING IMPLEMENTATION OF THE PRESCHOOL PROGRAM;

10 (k) ANY OTHER INFORMATION THAT INDICATES THE
11 EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN SERVING ELIGIBLE
12 CHILDREN THROUGHOUT THE STATE; AND

13 (l) ANY RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY
14 CHANGES TO IMPROVE THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM.

15 (2) THE DEPARTMENT MAY REQUEST AND LOCAL COORDINATING
16 ORGANIZATIONS AND PRESCHOOL PROVIDERS SHALL PROVIDE
17 INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE
18 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

19 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE
20 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT
21 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

22 **PART 3**

23 **KINDERGARTEN READINESS ONLINE PILOT PROGRAM**

24 **26.5-4-301. Legislative declaration.** (1) **THE GENERAL**
25 **ASSEMBLY FINDS AND DECLARES THAT:**

26 (a) **ALL CHILDREN IN THE YEAR BEFORE THEY ARE ELIGIBLE TO**
27 **ENROLL IN KINDERGARTEN SHOULD HAVE ACCESS TO SOCIAL-EMOTIONAL**

1 AND ACADEMIC SUPPORTS THAT ARE IMPORTANT FOR SCHOOL READINESS;

2 (b) THE STATE SHOULD PROVIDE A WIDE RANGE OF CHOICES FOR
3 FAMILIES TO ACCESS KINDERGARTEN READINESS SUPPORTS, INCLUDING
4 THE OPTION FOR ONLINE KINDERGARTEN READINESS PROGRAMS; AND

5 (c) TO RECEIVE STATE FUNDING, AN ONLINE KINDERGARTEN
6 READINESS PROGRAM SHOULD DEMONSTRATE STRONG EVIDENCE OF
7 EFFECTIVENESS IN TEACHING A DIVERSE ARRAY OF CHILDREN, PROVIDE
8 EVIDENCE-BASED ONLINE CURRICULUM, INCORPORATE FAMILY
9 ENGAGEMENT, AND UNDERGO PERIODIC EVALUATION TO MEASURE
10 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

11 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO BEST
12 SERVE ALL FAMILIES, IT IS APPROPRIATE FOR THE STATE TO SUPPORT AN
13 ONLINE KINDERGARTEN READINESS PILOT PROGRAM AS A CHOICE FOR
14 PARENTS WHO SEEK TO ACCESS ACADEMIC AND READINESS SUPPORT
15 SERVICES FOR THEIR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN
16 ELIGIBILITY.

17 **26.5-4-302. Online kindergarten readiness pilot program -**
18 **created- survey - provider selection - funding.** (1) THERE IS CREATED
19 IN THE DEPARTMENT THE ONLINE KINDERGARTEN READINESS PILOT
20 PROGRAM, REFERRED TO IN THIS PART 3 AS THE "PILOT PROGRAM", TO
21 PROVIDE FUNDING FOR A VOLUNTARY, ONLINE KINDERGARTEN READINESS
22 PROGRAM THAT SERVES CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR
23 KINDERGARTEN ENROLLMENT. THE PURPOSES OF THE PILOT PROGRAM ARE
24 TO:

25 (a) HELP ENSURE THAT, IN THE YEAR BEFORE ELIGIBILITY FOR
26 KINDERGARTEN ENROLLMENT, CHILDREN RECEIVE PERSONALIZED, ONLINE
27 SUPPORT IN READING, MATHEMATICS, AND SCIENCE THAT IS

1 DEVELOPMENTALLY APPROPRIATE;

2 (b) PROVIDE TRAINING FOR PARENTS AND OTHER FAMILY MEMBERS

3 TO HELP THEM ASSIST THEIR CHILDREN IN LEARNING; AND

4 (c) RAISE THE LEVEL OF KINDERGARTEN READINESS FOR ALL

5 CHILDREN, INCLUDING CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

6 (2) THE DEPARTMENT SHALL CONDUCT A STATEWIDE SURVEY TO

7 DETERMINE THE NUMBER OF FAMILIES WHO WOULD BE INTERESTED IN

8 PARTICIPATING IN THE PILOT PROGRAM. THE DEPARTMENT SHALL COMPILE

9 AND SUBMIT THE RESULTS OF THE SURVEY BY DECEMBER 1, 2022, TO THE

10 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE OFFICE

11 OF STATE PLANNING AND BUDGETING.

12 (3) (a) THE DEPARTMENT SHALL ISSUE A REQUEST FOR

13 INFORMATION FOR A PROVIDER TO MAKE AN ONLINE KINDERGARTEN

14 READINESS PROGRAM AVAILABLE TO FAMILIES STATEWIDE. AT A

15 MINIMUM, A PROVIDER MUST DEMONSTRATE:

16 (I) THE ABILITY TO PROVIDE TECHNOLOGY TO FAMILIES THAT

17 CHOOSE TO PARTICIPATE IN THE ONLINE PROGRAM BUT DO NOT HAVE THE

18 APPROPRIATE TECHNOLOGY TO BE ABLE TO DO SO;

19 (II) THE USE OF A CURRICULUM THAT IS DEVELOPMENTALLY

20 APPROPRIATE AND EVIDENCE BASED AND HAS DEMONSTRATED

21 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN;

22 (III) STRONG EVIDENCE OF THE EFFECTIVENESS OF THE PROVIDER'S

23 ONLINE KINDERGARTEN READINESS PROGRAM OVERALL IN PREPARING

24 CHILDREN TO LEARN IN KINDERGARTEN AND IN DEVELOPING STRONG

25 SOCIAL-EMOTIONAL SKILLS IN CHILDREN WHO PARTICIPATE IN THE

26 PROGRAM; AND

27 (IV) AN EFFECTIVE PLAN FOR RECRUITING FAMILIES FROM DIVERSE

1 BACKGROUNDS IN ALL GEOGRAPHIC AREAS OF THE STATE TO
2 VOLUNTARILY ENROLL IN THE PROGRAM.

3 (b) BY MAY 1, 2023, BASED ON THE RESPONSES TO THE REQUEST
4 FOR INFORMATION, THE DEPARTMENT, SUBJECT TO AVAILABLE
5 APPROPRIATIONS FOR THE 2023-24 FISCAL YEAR, MAY SELECT AND
6 CONTRACT WITH A SINGLE PROVIDER TO PROVIDE AN ONLINE
7 KINDERGARTEN READINESS PROGRAM. AT A MINIMUM, THE CONTRACT
8 MUST REQUIRE THE PROVIDER TO PROVIDE STATEWIDE NOTICE OF THE
9 AVAILABILITY OF THE ONLINE KINDERGARTEN READINESS PROGRAM AND
10 BEGIN ENROLLING FAMILIES, FREE OF CHARGE, FOR THE 2023-24 SCHOOL
11 YEAR.

12 **26.5-4-303. Reporting.** (1) BEGINNING WITH THE HEARING HELD
13 IN JANUARY OF 2025, AS PART OF THE ANNUAL HEARING HELD PURSUANT
14 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND
15 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF
16 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION OF
17 THE PILOT PROGRAM, INCLUDING:

18 (a) THE NUMBER OF CHILDREN ENROLLED IN THE PILOT PROGRAM
19 FOR THE PRECEDING FISCAL YEAR;

20 (b) THE NUMBER AND PERCENTAGE OF CHILDREN ENROLLED IN THE
21 PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET
22 ONE OR MORE OF THE QUALIFYING FACTORS ESTABLISHED IN DEPARTMENT
23 RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), INCLUDING
24 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET;

25 (c) THE DEMOGRAPHICS OF THE CHILDREN ENROLLED IN THE PILOT
26 PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY,
27 DISABILITY, AND INCOME;

1 (d) QUANTITATIVE AND, TO THE EXTENT AVAILABLE, QUALITATIVE
2 DATA, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE
3 AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PILOT PROGRAM
4 IN IMPROVING THE OVERALL LEARNING AND KINDERGARTEN READINESS OF
5 CHILDREN ENROLLED IN THE PILOT PROGRAM; AND

6 (e) ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE
7 THE EFFECTIVENESS OF THE PILOT PROGRAM IN PREPARING CHILDREN TO
8 LEARN IN KINDERGARTEN.

9 (2) THE DEPARTMENT MAY REQUEST AND THE PROVIDER SHALL
10 PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE
11 THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

12 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE
13 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT
14 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

15 **26.5-4-304. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE
16 JULY 1, 2029.

17 ARTICLE 5

18 Quality Improvement Initiatives

19 PART 1

20 QUALITY IMPROVEMENT

21 **26.5-5-101. Colorado shines quality rating and improvement**
22 **system - created.** (1) [Formerly 26-6.5-106 (5)] The Colorado shines
23 quality rating and improvement system, referred to in this ~~section~~ PART 1
24 as the "Colorado shines system", ~~shall~~ IS CREATED IN THE DEPARTMENT
25 TO measure the level of preparedness of and quality of services provided
26 by an early childhood education program to prepare children to enter
27 elementary school. The Colorado shines system ~~shall~~ MUST:

1 (a) Measure and support the elements of quality of an early
2 childhood education program, including, but not limited to:

- 3 (I) The quality of the learning environment;
- 4 (II) The quality of adult-child interactions;
- 5 (III) Adult-to-child ratios;
- 6 (IV) Provider training and education, including recognized
7 credentials through the state department's voluntary credentialing system
8 developed pursuant to ~~section 26-6.5-107~~ SECTION 26.5-6-102; and
- 9 (V) Parent-involvement activities at the early care and education
10 facility;

11 (b) Be variable to inform parents, counties, and other purchasers
12 of early childhood education about the level of quality at an early
13 childhood education program in a simple and easy-to-understand manner;

14 (c) Be supported by statistically valid research as a reliable
15 measure of quality of an early childhood education program;

16 (d) Include a quality improvement plan that facilitates goal setting
17 and planning related to improving program quality over time; and

18 (e) Have demonstrated effectiveness at improving the level of
19 quality of early childhood education programs in geographically diverse
20 Colorado communities.

21 (2) THE DEPARTMENT SHALL PERIODICALLY REVIEW AND REVISE
22 THE QUALITY STANDARDS ESTABLISHED FOR THE COLORADO SHINES
23 SYSTEM WITH THE GOAL OF ALIGNING THOSE STANDARDS WITH THE
24 QUALITY STANDARDS ESTABLISHED PURSUANT TO SECTION 26.5-4-205 FOR
25 PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO UNIVERSAL
26 PRESCHOOL PROGRAM.

27 **26.5-5-102. School-readiness quality improvement program -**

1 **created - rules. (1) [Formerly 26-6.5-106 (3)]** On and after July 1,
2 2018, and continuing thereafter subject to sufficient and available federal
3 funding, there is created the school-readiness quality improvement
4 program, referred to in this section as the "program", which is
5 administered by the department as part of the Colorado shines ~~quality~~
6 ~~rating and improvement~~ system. The ~~state~~ department shall award
7 school-readiness quality improvement funding to eligible early childhood
8 councils identified or established throughout the state pursuant to ~~section~~
9 ~~26-6.5-103~~ SECTION 26.5-2-203. THE DEPARTMENT SHALL AWARD
10 school-readiness quality improvement funding ~~shall be awarded~~ to
11 improve the school readiness of children five years of age and younger
12 who are enrolled in early childhood education programs. THE
13 DEPARTMENT SHALL AWARD school-readiness quality improvement
14 funding ~~shall be awarded~~ to eligible early childhood councils based ~~upon~~
15 ON allocations made at the discretion of the ~~state~~ department and subject
16 to available funding. Nothing in this section or in any rules promulgated
17 pursuant to this section creates a legal entitlement in any early childhood
18 council to school-readiness quality improvement funding. Money
19 awarded must be used to improve the school readiness of children, five
20 years of age and younger, cared for in early childhood education
21 programs.

22 (2) **[Formerly 26-6.5-106 (3.5)]** Communities throughout the state
23 that do not have an early childhood council may identify an existing early
24 childhood council in another community or establish a new early
25 childhood council pursuant to ~~sections 26-6.5-103.3 and 26-6.5-103.5~~
26 SECTIONS 26.5-2-204 AND 26.5-2-205 to work toward the development
27 and implementation of a comprehensive early childhood system to ensure

1 the school readiness of young children in the community.

2 (3) [Formerly 26-6.5-106 (4)] (a) An early childhood council
3 seeking school-readiness quality improvement funding from the state
4 department pursuant to this section ~~shall~~ MUST apply directly to the state
5 department in the manner specified by DEPARTMENT rule. ~~of the state~~
6 ~~board.~~ An early childhood council applying for school-readiness quality
7 improvement funding pursuant to this section ~~shall~~ MUST develop and
8 submit a school-readiness plan to improve the school readiness of
9 children in the community as described in ~~subsection (6)~~ SUBSECTION (5)
10 of this section and shall meet any additional eligibility requirements
11 specified by DEPARTMENT rule. ~~of the state board.~~

12 (b) Early childhood councils that receive school-readiness quality
13 improvement funding pursuant to this section shall prioritize the
14 distribution of the money to participating early childhood education
15 programs that serve children five years of age or younger with risk factors
16 associated with not being school ready, including but not limited to
17 children living in low-income families, as specified by DEPARTMENT rule.
18 ~~of the state board.~~

19 (4) [Formerly 26-6.5-106 (4.5)] (a) The state department may
20 provide technical assistance and financial incentives to:

21 (I) Programs that are rated in the Colorado shines system at a level
22 one or two to support the programs in advancing to a level three or higher
23 quality level; and

24 (II) Programs that are rated in the Colorado shines system at a
25 level three, four, or five to support the programs in maintaining a high
26 quality level or advancing to a higher quality level.

27 (b) The early childhood council may support the state department

1 with the assistance described in ~~subsection (4.5)(a)~~ SUBSECTION (4)(a) of
2 this section by providing local community outreach and engagement
3 strategies.

4 (5) [Formerly 26-6.5-106 (6)] Each early childhood council
5 seeking to apply for school-readiness quality improvement funding
6 pursuant to this section ~~shall~~ MUST prepare and submit to the ~~state~~
7 department a three-year school-readiness plan that outlines strategies to
8 improve the school readiness of children. The school-readiness plan, at
9 a minimum, must include:

10 (a) A narrative that demonstrates the need to improve quality and
11 increase the capacity for early childhood education programs in its service
12 area;

13 (b) A plan that describes how the early childhood council will
14 target and recruit programs that are rated in the Colorado shines system
15 at a level one or higher. The early childhood council must target and
16 recruit programs to increase the access and availability of quality child
17 care for children participating in the Colorado child care assistance
18 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE
19 4 OF THIS TITLE 26.5. If the early childhood council received
20 school-readiness quality improvement funding prior to the 2020-21 fiscal
21 year, the early childhood council shall amend the three-year school
22 readiness plan to comply with the requirements of this section.

23 (c) Strategies developed jointly with community partners to
24 include, at a minimum, county departments of human or social services
25 to target school-readiness quality improvement funding to improve the
26 level of quality at participating early childhood education programs.

27 (d) ~~(Deleted by amendment, L. 2018.)~~

1 (6) [Formerly 26-6.5-106 (7)] (a) The ~~state board~~ EXECUTIVE
2 DIRECTOR shall promulgate rules for the implementation of this section,
3 including but not limited to rules that:

4 (I) Specify the procedure by which an early childhood council
5 may apply for school-readiness quality improvement funding pursuant to
6 the program; and

7 (II) Specify the manner in which school-readiness quality
8 improvement funding is distributed to early childhood councils, ensuring
9 an equitable distribution between rural and urban communities; and

10 (III) Identify any additional eligibility requirements for early
11 childhood councils seeking school-readiness quality improvement
12 funding.

13 (b) At a minimum, the rules promulgated pursuant to this
14 ~~subsection (7)~~ SUBSECTION (6) must identify a specific and measurable
15 level of improvement in the Colorado shines system that an early
16 childhood education program must achieve within each Colorado shines
17 rating cycle in order to continue receiving school-readiness quality
18 improvement funding, as well as the eligibility criteria for continued
19 participation in the program. IN ADDITION, THE DEPARTMENT BY RULE
20 MAY REQUIRE PRESCHOOL PROVIDERS TO ATTAIN WITHIN A COLORADO
21 SHINES RATING CYCLE SPECIFIC AND MEASURABLE IMPROVEMENT ON THE
22 QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PURSUANT
23 TO SECTION 26.5-4-205.

24 (7) [Formerly 26-6.5-106 (8)] (a) The school-readiness quality
25 improvement program is funded using federal child care development
26 fund money or other federal or state money annually appropriated for the
27 program. The ~~state~~ department shall allocate the money to the eligible

1 early childhood councils for distribution to early childhood education
2 programs, as provided in this section.

3 (b) If money is required to match the federal child care
4 development funds, such matching money may be from, but need not be
5 limited to, general fund money appropriated by the general assembly,
6 local money, or private matching money. The general assembly is not
7 obligated to appropriate general fund money if private matching money
8 is not available or later becomes unavailable.

9 (c) The ~~state~~ department is authorized to enter into a sole-source
10 contract with an organization to provide the following:

- 11 (I) Quality rating assessments;
- 12 (II) Technical assistance for early childhood education programs;
- 13 (III) Community infrastructure and resource development for
14 improving the quality of early childhood education;
- 15 (IV) Parent and consumer education on the importance of quality
16 early childhood education; and
- 17 (V) Professional development activities.

18 (8) **[Formerly 26-6.5-106 (9)]** (a) Each early childhood council
19 shall submit a report to the ~~state~~ department on or before August 15,
20 2019, and on or before August 15 each year thereafter. The report must
21 address the quality improvement of the participating early childhood
22 education programs and the overall effectiveness of the Colorado shines
23 system ~~at~~ IN preparing children with identified risk factors for school. At
24 a minimum, the report must address:

- 25 (I) The number of early childhood education programs and
26 children who participated in the Colorado shines system, including the
27 number of children five years of age or younger served as a result of the

1 school-readiness quality improvement funding in home-based programs
2 and in center-based programs;

3 (II) The baseline quality ratings of each participating early
4 childhood education program for each Colorado shines rating cycle;

5 (III) An analysis and explanation of the quality improvement
6 strategies undertaken at each early childhood education program;

7 (IV) The barriers to quality improvement that were encountered;
8 and

9 (V) Any other data required by the state department.

10 (b) (I) ~~Notwithstanding section 24-1-136 (11)(a)(I),~~ On or before
11 December 1, 2019, and on or before December 1 every three years
12 thereafter, the state department, or any private entity with which the state
13 department is authorized to contract for this purpose, shall submit a
14 consolidated statewide report, based upon the reports prepared and
15 submitted by the early childhood councils, addressing the items set forth
16 in ~~subsection (9)(a)~~ SUBSECTION (8)(a) of this section to the early
17 childhood and school readiness legislative commission and to the
18 members of the education committees of the house of representatives and
19 the senate, ~~of the general assembly,~~ or any successor committee
20 COMMITTEES.

21 (II) Notwithstanding section 24-1-136 (11)(a)(I), the report
22 required in ~~subsection (9)(b)(I)~~ SUBSECTION (8)(b)(I) of this section
23 continues indefinitely.

24 (c) Reporting early childhood councils, as well as the state
25 department or any private entity with which it may contract for reporting
26 purposes, may draw upon the evaluations and studies prepared by a
27 nationally recognized research firm to report on the school readiness of

1 children in quality-rated early childhood education programs.

2 (d) Each early childhood council shall work with state and local
3 agencies, such as school districts, to support efforts to track, through high
4 school graduation, the future academic performance of children who
5 receive services from early childhood education programs that receive
6 funding pursuant to this section.

7 **26.5-5-103. [Formerly 26-6.5-104.5.] Quality evaluation and**
8 **improvement of early childhood care and education programs - use**
9 **of Colorado works money.** Counties are urged to partner with for-profit
10 or not-for-profit organizations that evaluate the quality of early childhood
11 care and education programs in the early childhood councils and assign
12 ratings ~~thereto~~ in an effort to assess the success of such programs and to
13 improve the ultimate delivery of early childhood care and education.
14 Counties so partnering are further encouraged to match private
15 investments in such early childhood care and education programs with
16 county block grant ~~moneys~~ MONEY for Colorado works pursuant to part
17 7 of article 2 of ~~this title~~ TITLE 26 and federal child care development
18 funds in an effort to improve the overall quality of those programs.
19 Counties so partnering are further encouraged to expend local funds to
20 promote the objectives of this part 1 and improve the delivery of early
21 childhood services, including the continuation of those funding sources
22 developed to support pilot site agency activities.

23 PART 2

24 COLORADO INFANT AND TODDLER QUALITY

25 AND AVAILABILITY GRANT PROGRAM

26 **26.5-5-201. [Formerly 26-6.7-101] Short title.** ~~This article shall~~
27 ~~be known and may be cited as the~~ THE SHORT TITLE OF THIS PART 2 IS THE

1 "Colorado Infant and Toddler Quality and Availability Grant Program".

2 **26.5-5-202. [Formerly 26-6.7-102] Definitions.** As used in this
3 ~~article 6.7~~ PART 2, unless the context otherwise requires:

4 (1) "Colorado child care assistance program" or "CCCAP" means
5 the Colorado child care assistance program created in ~~part 8 of article 2~~
6 ~~of this title 26~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5.

7 ~~(1.3)~~ (2) "Colorado shines system" means the Colorado shines
8 quality rating and improvement system established in ~~section 26-6.5-106~~
9 SECTION 26.5-5-101.

10 ~~(2)~~(3) "County department" means a county or district department
11 of human or social services.

12 ~~(3)~~ (4) "Early childhood council" means an early childhood
13 council established pursuant to ~~part 1 of article 6.5 of this title~~ PART 2 OF
14 ARTICLE 2 OF THIS TITLE 26.5.

15 ~~(4)~~ (5) "Early childhood education program" means a ~~licensed~~
16 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~
17 ~~PART 3 OF THIS ARTICLE 5~~ that provides child care and education to infants
18 and toddlers living in low-income families.

19 ~~(5)~~ (6) "Grant program" means the Colorado infant and toddler
20 quality and availability grant program created in ~~section 26-6.7-103~~
21 SECTION 26.5-5-203.

22 ~~(6) Repealed.~~

23 **26.5-5-203. [Formerly 26-6.7-103] Colorado infant and toddler**
24 **quality and availability grant program - creation.** Subject to available
25 appropriations, there is hereby created in the state department the
26 Colorado infant and toddler quality and availability grant program. Grants
27 are awarded through the Colorado shines system to improve quality in

1 licensed infant and toddler care and increase the number of low-income
2 infants and toddlers served through high-quality early childhood
3 education programs, as well as promote voluntary family partnerships, as
4 determined for the Colorado shines system. A program is considered
5 "high quality" if it is rated in the top three levels of the state's Colorado
6 shines system. Early childhood councils may apply for money through the
7 ~~state~~ department, which administers the program as part of the Colorado
8 shines system. An early childhood education program that is within the
9 service area of an early childhood council may apply to the early
10 childhood council for money that would allow the program to increase the
11 number of infants and toddlers living in low-income families served
12 through high-quality early childhood education programs.

13 **26.5-5-204. [Formerly 26-6.7-104] Eligibility for grants -**
14 **applications - deadlines.** (1) The ~~state~~ department shall develop an
15 application process and issue a request for proposals for the grant
16 program, including notification of available money to early childhood
17 councils, eligibility criteria, proposal requirements, and award criteria.

18 (2) An applicant to the grant program is eligible for a grant award
19 pursuant to this ~~article 6.7~~ PART 2 if:

20 (a) The application is made by an early childhood council and
21 includes strategies developed jointly with community partners, including,
22 at a minimum, county departments of human or social services. If an early
23 childhood council serves more than one county, it may submit a single
24 application for the counties that make up its designated service area.

25 (b) The early childhood education programs to which the grant
26 money will be distributed have achieved a quality rating pursuant to the
27 Colorado shines system of at least a level two, or are licensed programs

1 with a demonstrated hardship that are actively working toward achieving
2 a Colorado shines system level two rating, and have fiscal agreements
3 with CCCAP;

4 (c) The early childhood council demonstrates a need and provides
5 a plan to improve quality and increase the capacity for early childhood
6 education programs that serve infants and toddlers three years of age or
7 younger in its designated service area. The early childhood education
8 programs may be home-based or center-based.

9 (d) The applicant meets any other criteria set forth in the
10 application process developed pursuant to this section.

11 (e) ~~(Deleted by amendment, L. 2018.)~~

12 (3) Subject to available appropriations, the ~~state~~ department shall
13 review applications and determine which applicants will receive grants
14 and the amount of each grant.

15 **26.5-5-205. [Formerly 26-6.7-105] Reporting requirements.**

16 (1) No later than August 15 each year, an early childhood council that
17 ~~received the~~ RECEIVES A grant shall provide the ~~state~~ department with an
18 annual report concerning the outcomes of the grant. The report must
19 include, at a minimum:

20 (a) A summary of data received from early childhood education
21 programs that received grant money;

22 (b) The number of infants and toddlers under three years of age
23 served because of the grant program in home-based programs and the
24 number served in center-based programs;

25 (c) The length of time services were provided;

26 (d) A detailed description of quality improvements made using
27 grant ~~moneys~~ MONEY;

1 (e) A description of how the grantee's program met the stated
2 outcomes in its application;

3 (f) A summary of the number of jobs created through the grant
4 program; and

5 (g) Any other data required by the ~~state~~ department.

6 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
7 December 1, 2014, and each December 1 thereafter, the ~~state~~ department
8 shall provide a written report on the grant program to the public health
9 care and human services committee of the house of representatives and
10 the health and human services committee of the senate, or any successor
11 committees. The report must include a summary of the data received
12 pursuant to subsection (1) of this section, the total amount of grants and
13 grant ~~moneys~~ MONEY awarded, and the total increase in the number of
14 infants and toddlers under three years of age served by the grant program.

15 PART 3

16 CHILD CARE LICENSING

17 **26.5-5-301. [Formerly 26-6-101] Short title.** ~~This part shall be~~
18 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 3 IS the "Child
19 Care Licensing Act".

20 **26.5-5-302. [Formerly 26-6-101.4] Legislative declaration**
21 **concerning the protections afforded by regulation.** (1) The general
22 assembly finds and declares that increasing numbers of children in
23 Colorado are spending a significant portion of their day in care settings
24 outside their own homes. ~~In addition, some children are placed in~~
25 ~~facilities for residential care for their protection and well-being.~~ The
26 general assembly finds that regulation and licensing of child care facilities
27 contribute to a safe and healthy environment for children. The provision

1 of such environment affords benefits to children, their families, their
2 communities, and the larger society. The general assembly acknowledges
3 that there is a need to balance accessibility and quality of care when
4 regulating child care facilities. It is the intent of the general assembly that
5 those who regulate and those who are regulated work together to meet the
6 needs of the children, their families, and the child care industry.

7 (2) In balancing the needs of children and their families with the
8 needs of the child care industry, the general assembly also recognizes the
9 financial demands with which the department of human services is faced
10 in its attempt to ensure a safe and sanitary environment for those children
11 of the state of Colorado who are in child care facilities. In an effort to
12 reduce the risk to children outside their homes while recognizing the
13 financial constraints placed upon the department, it is the intent of the
14 general assembly that the limited resources available be focused primarily
15 on those child care facilities that have demonstrated that children in their
16 care may be at higher risk pursuant to ~~section 26-6-107~~ SECTION
17 26.5-5-316.

18 **26.5-5-303. [Formerly 26-6-102] Definitions - repeal.** As used
19 in this ~~article 6~~ PART 3, unless the context otherwise requires:

20 (1) "Affiliate of a licensee" means:

21 (a) Any person or entity that owns more than five percent of the
22 ownership interest in the business operated by the licensee or the
23 applicant for a license; or

24 (b) Any person who is directly responsible for the care and
25 welfare of children served; or

26 (c) Any executive, officer, member of the governing board, or
27 employee of a licensee; or

1 (d) A relative of a licensee, which relative provides care to
2 children at the licensee's facility or is otherwise involved in the
3 management or operations of the licensee's facility.

4 (2) "Application" means a declaration of intent to obtain or
5 continue a license ~~or certificate~~ for a child care facility. ~~or a child~~
6 ~~placement agency.~~

7 (3) "Certificate" means a legal document granting permission to
8 operate a foster care home or a kinship foster care home.

9 (4) ~~"Certification" means the process by which a county~~
10 ~~department of human or social services, a child placement agency, or a~~
11 ~~federally recognized tribe pursuant to applicable federal law approves the~~
12 ~~operation of a foster care home.~~

13 (5) (3) (a) (I) [Formerly 26-6-102 (5) as it exists until July 1,
14 2024] "Child care center", PRIOR TO JULY 1, 2024, means a facility, by
15 whatever name known, that is maintained for the whole or part of a day
16 for the care of five or more children, unless otherwise specified in this
17 subsection (5)(a) SUBSECTION (3)(a)(I), who are eighteen years of age or
18 younger and who are not related to the owner, operator, or manager
19 thereof, whether the facility is operated with or without compensation for
20 such care and with or without stated educational purposes. The term
21 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD
22 care centers, school-age child care centers, before- and after-school
23 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND
24 summer camps ~~and centers for developmentally disabled children and~~
25 ~~those facilities that give twenty-four-hour care for children~~ and includes
26 those facilities for children under six years of age with stated educational
27 purposes operated in conjunction with a public, private, or parochial

1 college or a private or parochial school; except that the term does not
2 apply to any kindergarten maintained in connection with a public, private,
3 or parochial elementary school system of at least six grades. ~~or operated~~
4 ~~as a component of a school district's preschool program operated pursuant~~
5 ~~to article 28 of title 22. The term also includes respite child care centers~~
6 ~~the provide care for three or more children or youth, as defined in~~
7 ~~subsection (33.5) of this section.~~

8 (b) (II) ~~The term does not include any facility licensed as a family~~
9 ~~child care home, a foster care home, or a specialized group facility that is~~
10 ~~licensed to provide care for three or more children pursuant to subsection~~
11 ~~(36) of this section but that is providing care for three or fewer children~~
12 ~~who are determined to have a developmental disability by a~~
13 ~~community-centered board or who are diagnosed with a serious emotional~~
14 ~~disturbance. THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1,~~
15 ~~2024.~~

16 (a) (b) [Formerly 26-6-102 (5) as it becomes effective July 1,
17 2024] "Child care center", ON AND AFTER JULY 1, 2024, means a facility,
18 by whatever name known, that is maintained for the whole or part of a
19 day for the care of five or more children, unless otherwise specified in
20 this ~~subsection (5)(a)~~ SUBSECTION (3)(b), who are eighteen years of age
21 or younger and who are not related to the owner, operator, or manager
22 thereof, whether the facility is operated with or without compensation for
23 such care and with or without stated educational purposes. The term
24 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD
25 care centers, school-age child care centers, before- and after-school
26 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND
27 summer camps, ~~and centers for developmentally disabled children and~~

1 ~~those facilities that give twenty-four-hour care for children, and includes~~
2 ~~those facilities for children under six years of age with stated educational~~
3 ~~purposes operated in conjunction with a public, private, or parochial~~
4 ~~college or a private or parochial school; except that the term does not~~
5 ~~apply to any kindergarten maintained in connection with a public, private,~~
6 ~~or parochial elementary school system of at least six grades. or operated~~
7 ~~as a component of a school district's preschool program operated pursuant~~
8 ~~to article 28 of title 22. The term also includes respite child care centers~~
9 ~~that provide care for three or more children or youth, as defined in~~
10 ~~subsection (33.5) of this section.~~

11 ~~(b) The term does not include any facility licensed as a family~~
12 ~~child care home, a foster care home, or a specialized group facility that is~~
13 ~~licensed to provide care for three or more children pursuant to subsection~~
14 ~~(36) of this section, but that is providing care for three or fewer children~~
15 ~~who are determined to have an intellectual and developmental disability~~
16 ~~by a case management agency, as defined in section 25.5-6-1702, or who~~
17 ~~are diagnosed with a serious emotional disturbance.~~

18 ~~(6) (4) "Child care provider", as used in section 26-6-119 SECTION~~
19 ~~26.5-5-325, means a licensee, or an affiliate of a licensee, when the~~
20 ~~licensee holds a license to operate a family child care home pursuant to~~
21 ~~this part † PART 3.~~

22 ~~(7) "Child placement agency" means any corporation, partnership,~~
23 ~~association, firm, agency, institution, or person unrelated to the child~~
24 ~~being placed, who places, who facilitates placement for a fee, or who~~
25 ~~arranges for placement, for care of any child under the age of eighteen~~
26 ~~years with any family, person, or institution. A child placement agency~~
27 ~~may place, facilitate placement, or arrange for the placement of a child for~~

1 ~~the purpose of adoption, treatment, or foster care. The natural parents or~~
2 ~~guardian of any child who places said child for care with any facility~~
3 ~~licensed as a "family child care home" or "child care center" as defined~~
4 ~~by this section shall not be deemed a child placement agency.~~

5 (8) (5) (a) "Children's resident camp" means a facility operating
6 for three or more consecutive twenty-four-hour days during one or more
7 seasons of the year for the care of five or more children. The facility ~~shall~~
8 ~~have~~ HAS as its purpose a group living experience offering education and
9 recreational activities in an outdoor environment. The recreational
10 experiences may occur at the permanent camp premises or on trips off the
11 premises.

12 (b) A children's resident camp ~~shall serve~~ SERVES children who
13 have completed kindergarten or are six years of age or older through
14 children younger than nineteen years of age; except that a person nineteen
15 years of age or twenty years of age may attend a children's resident camp
16 if, within six months prior to attending the children's resident camp, ~~he or~~
17 ~~she~~ THE PERSON has attended or has graduated from high school.

18 (9) ~~"Cradle care home" means a facility that is certified by a child~~
19 ~~placement agency for the care of a child, or children in the case of~~
20 ~~multiple-birth siblings, who is twelve months of age or younger, in a~~
21 ~~place of residence for the purpose of providing twenty-four-hour family~~
22 ~~care for six months or less in anticipation of a voluntary relinquishment~~
23 ~~of the child or children pursuant to article 5 of title 19, C.R.S., or while~~
24 ~~a county prepares an expedited permanency plan for an infant in its~~
25 ~~custody.~~

26 (10) (a) (I) ~~"Day treatment center" means a facility that:~~

27 (A) ~~Except as provided in subparagraph (II) of this paragraph (a),~~

1 provides less than twenty-four-hour care for groups of five or more
2 children who are three years of age or older, but less than twenty-one
3 years of age; and

4 (B) Provides a structured program of various types of
5 psycho-social and behavioral treatment to prevent or reduce the need for
6 placement of the child out of the home or community.

7 (H) Nothing in this subsection (10) prohibits a day treatment
8 center from allowing a person who reaches twenty-one years of age after
9 the commencement of an academic year from attending an educational
10 program at the day treatment center through the end of the semester in
11 which the twenty-first birthday occurs or until the person completes the
12 educational program, whichever comes first.

13 (b) "Day treatment center" shall not include special education
14 programs operated by a public or private school system or programs that
15 are licensed by other rules of the department for less than
16 twenty-four-hour care of children, such as a child care center.

17 (11) "Department" or "state department" means the state
18 department of human services.

19 (12) (6) "Exempt family child care home provider" means a family
20 child care home provider who is exempt from certain provisions of this
21 part 1 pursuant to section 26-6-103 (1)(i) PART 3 PURSUANT TO SECTION
22 26.5-5-304 (1)(f).

23 (13) (7) "Family child care home" means a facility for child care
24 OPERATED WITH OR WITHOUT COMPENSATION OR EDUCATIONAL PURPOSES
25 in a place of residence of a family or person for the purpose of providing
26 less than twenty-four-hour care for children under the age of eighteen
27 years who are not related to the head of such home. "Family child care

1 home" may include infant-toddler child care homes, large child care
2 homes, experienced provider child care homes, and such other types of
3 family child care homes designated by ~~rules of the state board pursuant~~
4 ~~to section 26-6-106 (2)(p)~~ DEPARTMENT RULES PURSUANT TO SECTION
5 26.5-5-314 (2)(n), as the ~~state board~~ EXECUTIVE DIRECTOR deems
6 necessary and appropriate.

7 (14) "Foster care home" means a home that is certified by a county
8 department or a child placement agency pursuant to section 26-6-106.3,
9 or a federally recognized tribe pursuant to applicable federal law, for
10 child care in a place of residence of a family or person for the purpose of
11 providing twenty-four-hour family foster care for a child under the age of
12 twenty-one years. A foster care home may include foster care for a child
13 who is unrelated to the head of the home or foster care provided through
14 a kinship foster care home but does not include noncertified kinship care,
15 as defined in section 19-1-103. The term includes any foster care home
16 receiving a child for regular twenty-four-hour care and any home
17 receiving a child from any state-operated institution for child care or from
18 any child placement agency, as defined in subsection (7) of this section.
19 "Foster care home" also includes those homes licensed by the department
20 of human services pursuant to section 26-6-104 that receive neither
21 money from the counties nor children placed by the counties.

22 (14.5) (8) "Governing body" means the individual, partnership,
23 corporation, or association in which the ultimate authority and legal
24 responsibility is vested for the administration and operation of a child
25 care facility.

26 (15) (9) "Guardian" means a person who is entrusted by law with
27 the care of a child under eighteen years of age.

1 ~~(16)~~ (10) "Guest child care facility" means a facility operated by
2 a ski area, as that term is defined in section 33-44-103 (6), ~~C.R.S.~~, where
3 children are cared for:

4 (a) While parents or persons in charge of such child are
5 patronizing the ski area;

6 (b) Fewer than ten total hours per day;

7 (c) Fewer than ten consecutive days per year; and

8 (d) Fewer than forty-five days in a calendar year, with thirty or
9 fewer of such forty-five days occurring in either the winter or summer
10 months.

11 ~~(17)~~ "Homeless youth shelter" means ~~a facility that, in addition to~~
12 ~~other services it may provide, provides services and mass temporary~~
13 ~~shelter for a period of three days or more to youths who are at least eleven~~
14 ~~years of age, or older, and who otherwise are homeless youth as that term~~
15 ~~is defined in section 26-5.7-102 (2).~~

16 ~~(18)~~ (11) "ICON" means the computerized database of court
17 records known as the integrated Colorado online network used by the
18 state judicial department.

19 ~~(19)~~ "Kin" ~~may be a relative of the child, a person ascribed by the~~
20 ~~family as having a family-like relationship with the child, or a person that~~
21 ~~has a prior significant relationship with the child. These relationships take~~
22 ~~into account cultural values and continuity of significant relationships~~
23 ~~with the child.~~

24 ~~(20)~~ (12) "Kindergarten" means any facility providing an
25 educational program for children only for the year preceding their
26 entrance to the first grade, whether such facility is called a kindergarten,
27 nursery school, preschool, or any other name.

1 ~~(21) "Kinship foster care home" means a foster care home that is~~
2 ~~certified by a county department or a licensed child placement agency~~
3 ~~pursuant to section 26-6-106.3 or a federally recognized tribe pursuant to~~
4 ~~applicable federal law as having met the foster care certification~~
5 ~~requirements and where the foster care of the child is provided by kin.~~
6 ~~Kinship foster care providers are eligible for foster care reimbursement.~~
7 ~~A kinship foster care home provides twenty-four-hour foster care for a~~
8 ~~child or youth under the age of twenty-one years.~~

9 ~~(22)~~ (13) "License" means a legal document issued pursuant to
10 this ~~part~~ PART 3 granting permission to operate a child care facility. ~~or~~
11 ~~child placement agency.~~ A license may be in the form of a provisional,
12 probationary, permanent, or time-limited license.

13 ~~(22.5)~~ (14) "Licensee" means the entity or individual to which a
14 license is issued and that has the legal capacity to enter into an agreement
15 or contract, assume obligations, incur and pay debts, sue and be sued in
16 its own right, and be held responsible for its actions. A licensee may be
17 a governing body.

18 ~~(23)~~ (15) "Licensing" means ~~except as otherwise provided in~~
19 ~~subsection (14) of this section,~~ the process by which the department
20 approves a facility ~~or agency~~ for the purpose of conducting business as a
21 child care facility. ~~or child placement agency.~~

22 ~~(24)~~ "Medical foster care" means ~~a program of foster care that~~
23 ~~provides home-based care for medically fragile children and youth who~~
24 ~~would otherwise be confined to a hospital or institutional setting and~~
25 ~~includes, but is not limited to, the following:~~

- 26 ~~(a) Infants impacted by prenatal drug and alcohol abuse;~~
27 ~~(b) Children with developmental disabilities which require~~

1 ongoing medical intervention;

2 ~~(c) Children and youth diagnosed with acquired immune~~
3 ~~deficiency syndrome or human immunodeficiency virus;~~

4 ~~(d) Children with a failure to thrive or other nutritional disorders;~~
5 and

6 ~~(e) Children dependent on technology such as respirators,~~
7 ~~tracheotomy tubes, or ventilators in order to survive.~~

8 ~~(25)~~ (16) (a) "Negative licensing action" means a final agency
9 action resulting in the denial of an application, the imposition of fines, or
10 the suspension or revocation of a license issued pursuant to this ~~part~~
11 PART 3 or the demotion of such a license to a probationary license.

12 (b) ~~For the purposes of this subsection (25)~~ AS USED IN THIS
13 SUBSECTION (16), "final agency action" means the determination made by
14 the department, after AN opportunity for A hearing, to deny, suspend,
15 revoke, or demote to probationary status a license issued pursuant to this
16 ~~part~~ PART 3 or an agreement between the department and the licensee
17 concerning the demotion of such a license to a probationary license.

18 ~~(26)~~ (17) (a) "Neighborhood youth organization" means a
19 nonprofit organization that is designed to serve youth as young as six
20 years of age and as old as eighteen years of age and that operates
21 primarily during times of the day when school is not in session and
22 provides research-based, age-appropriate, and character-building
23 activities designed exclusively for the development of youth from six to
24 eighteen years of age. These activities ~~shall~~ MUST occur primarily in a
25 facility leased or owned by the neighborhood youth organization. The
26 activities ~~shall~~ MUST occur in an environment in which youth have written
27 parental or legal guardian consent to become a youth member of the

1 neighborhood youth organization and to arrive at and depart from the
2 primary location of the activity on their own accord, without supervision
3 by a parent, legal guardian, or organization.

4 (b) A neighborhood youth organization shall DOES not include
5 faith-based centers, organizations or programs operated by state or city
6 parks or special districts, or departments or facilities that are currently
7 licensed as child care centers. as defined in subsection (5) of this section.

8 ~~(27) "Out-of-home placement provider consortium" means a~~
9 ~~group of service providers that are formally organized and managed to~~
10 ~~achieve the goals of the county, group of counties, or mental health~~
11 ~~agency contracting for additional services other than treatment-related or~~
12 ~~child maintenance services.~~

13 (18) "OCCASIONAL CARE" MEANS CARE OF CHILDREN, WITH OR
14 WITHOUT COMPENSATION, THAT IS PROVIDED ON AN INFREQUENT AND
15 IRREGULAR BASIS WITH NO APPARENT PATTERN.

16 ~~(28)~~ (19) "Person" means any corporation, partnership,
17 association, firm, agency, institution, or individual.

18 ~~(29)~~ (20) "Place of residence" means the place or abode where a
19 person actually lives and provides child care.

20 (21) "PUBLIC PRESCHOOL PROVIDER" MEANS A SCHOOL DISTRICT,
21 OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO ARTICLE 30.5 OF TITLE
22 22, THAT PROVIDES A PRESCHOOL PROGRAM.

23 ~~(30)~~ (22) "Public services short-term child care facility" means a
24 facility that is operated by or for a county department of human or social
25 services or a court and that provides care for a child:

26 (a) While the child's parent or the person in charge of the child is
27 conducting business with the county department of human or social

- 1 services or participating in court proceedings;
- 2 (b) Fewer than ten total hours per day;
- 3 (c) Fewer than fifteen consecutive days per year; and
- 4 (d) Fewer than forty-five days in a calendar year.

5 ~~(30.3) "Qualified individual" means a trained professional or~~
6 ~~licensed clinician, as defined in the federal "Family First Prevention~~
7 ~~Services Act". "Qualified individual" must be approved to serve as a~~
8 ~~qualified individual according to the state plan. "Qualified individual"~~
9 ~~must not be an interested party or participant in the juvenile court~~
10 ~~proceeding and must be free of any personal or business relationship that~~
11 ~~would cause a conflict of interest in evaluating the child, juvenile, or~~
12 ~~youth and making recommendations concerning the child's, juvenile's, or~~
13 ~~youth's placement and therapeutic needs, according to the federal Title~~
14 ~~IV-E state plan or any waiver in accordance with 42 U.S.C. sec. 675a.~~

15 ~~(30.5) "Qualified residential treatment program" means a licensed~~
16 ~~and accredited program that has a trauma-informed treatment model that~~
17 ~~is designed to address the child's or youth's needs, including clinical~~
18 ~~needs, as appropriate, of children and youth with serious emotional or~~
19 ~~behavioral disorders or disturbances in accordance with the federal~~
20 ~~"Family First Prevention Services Act", 42 U.S.C. 672 (k)(4), and is able~~
21 ~~to implement the treatment identified for the child or youth by the~~
22 ~~assessment of the child or youth required in section 19-1-115 (4)(c)(i).~~

23 ~~(31) (23) "Related" means any of the following relationships by~~
24 ~~blood, marriage, or adoption: Parent, grandparent, brother, sister,~~
25 ~~stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.~~

26 ~~(32) (24) "Relative" means any of the following relationships by~~
27 ~~blood, marriage, or adoption: Parent, grandparent, son, daughter,~~

1 grandson, granddaughter, brother, sister, stepparent, stepbrother,
2 stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

3 ~~(33) "Residential child care facility" means a facility licensed by~~
4 ~~the state department pursuant to this part 1 to provide twenty-four-hour~~
5 ~~group care and treatment for five or more children operated under private,~~
6 ~~public, or nonprofit sponsorship. "Residential child care facility" includes~~
7 ~~community-based residential child care facilities, qualified residential~~
8 ~~treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,~~
9 ~~and therapeutic residential child care facilities as defined in rule by the~~
10 ~~state board, and psychiatric residential treatment facilities as defined in~~
11 ~~section 25.5-4-103 (19.5). A residential child care facility may be eligible~~
12 ~~for designation by the executive director of the state department pursuant~~
13 ~~to article 65 of title 27. A child who is admitted to a residential child care~~
14 ~~facility must be:~~

15 ~~(a) Five years of age or older but less than eighteen years of age;~~
16 ~~or~~

17 ~~(b) Less than twenty-one years of age and placed by court order~~
18 ~~or voluntary placement; or~~

19 ~~(c) Accompanied by a parent if less than five years of age.~~

20 ~~(33.5) "Respite child care center" means a facility for the purpose~~
21 ~~of providing temporary twenty-four-hour group care for three or more~~
22 ~~children or youth who are placed in certified foster care homes or~~
23 ~~approved noncertified kinship care homes, and children or youth with~~
24 ~~open cases through a regional accountable entity. A respite child care~~
25 ~~center is not a treatment facility, but rather its primary purpose is~~
26 ~~providing recreational activities, peer engagement, and skill development~~
27 ~~to the children and youth in its care. A respite child care center serves~~

1 ~~children and youth from five years of age to twenty-one years of age. A~~
2 ~~respite child care center may offer care for only part of a day. For~~
3 ~~purposes of this subsection (33.5), "respite child care" means an alternate~~
4 ~~form of care to enable caregivers to be temporarily relieved of caregiving~~
5 ~~responsibilities.~~

6 (34) (25) "Routine medications", as used in ~~section 26-6-119~~
7 SECTION 26.5-5-325, means any prescribed oral, topical, or inhaled
8 medication, or unit dose epinephrine, that is administered pursuant to
9 ~~section 26-6-119~~ SECTION 26.5-5-325.

10 (35) ~~"Secure residential treatment center" means a facility~~
11 ~~operated under private ownership that is licensed by the department~~
12 ~~pursuant to this part 1 to provide twenty-four-hour group care and~~
13 ~~treatment in a secure setting for five or more children or persons up to the~~
14 ~~age of twenty-one years over whom the juvenile court retains jurisdiction~~
15 ~~pursuant to section 19-2.5-103 (6) who are committed by a court pursuant~~
16 ~~to an adjudication of delinquency or pursuant to a determination of guilt~~
17 ~~of a delinquent act or having been convicted as an adult and sentenced for~~
18 ~~an act that would be a crime if committed in Colorado, or in the~~
19 ~~committing jurisdiction, to be placed in a secure facility.~~

20 (35.5) (26) "Sibling" means one or more individuals having one
21 or both parents in common.

22 (36) (a) ~~"Specialized group facility" means a facility sponsored~~
23 ~~and supervised by a county department or a licensed child placement~~
24 ~~agency for the purpose of providing twenty-four-hour care for three or~~
25 ~~more children, but fewer than twelve children, whose special needs can~~
26 ~~best be met through the medium of a small group. A child who is~~
27 ~~admitted to a specialized group facility must be:~~

1 ~~(I) At least seven years of age or older but less than eighteen years~~
2 ~~of age;~~

3 ~~(II) Less than twenty-one years of age and placed by court order~~
4 ~~or voluntary placement; or~~

5 ~~(III) Accompanied by a parent or legal guardian if less than seven~~
6 ~~years of age.~~

7 ~~(b) "Specialized group facility" includes specialized group homes~~
8 ~~and specialized group centers.~~

9 ~~(37)~~ (27) "Substitute child care provider" means a person who
10 provides temporary care for a child or children in a licensed child care
11 facility, including a child care center and a family child care home.

12 ~~(37.5)~~ (28) "Substitute placement agency" means any corporation,
13 partnership, association, firm, agency, or institution that places or that
14 facilitates or arranges placement of short-term or long-term substitute
15 child care providers in licensed child care facilities providing less than
16 twenty-four-hour care.

17 ~~(38)~~ (29) "Supervisory employee" means, ~~for purposes of section~~
18 ~~26-6-103.5~~ AS USED IN SECTION 26.5-5-307:

19 (a) A person directly responsible for managing a guest child care
20 facility and the employees of the facility; or

21 (b) A person directly responsible for managing a public services
22 short-term child care facility and the employees of the facility.

23 ~~(39) "Therapeutic foster care" means a program of foster care that~~
24 ~~incorporates treatment for the special physical, psychological, or~~
25 ~~emotional needs of a child placed with specially trained foster parents, but~~
26 ~~does not include medical foster care.~~

27 ~~(40) "Treatment foster care" means a clinically effective~~

1 alternative to residential treatment facilities that combines the treatment
2 technologies typically associated with more restrictive settings with a
3 nurturing and individualized family environment.

4 (41) (30) "Youth member" means a youth who is six years of age
5 through eighteen years of age whose parent or legal guardian has
6 provided written consent for the youth to participate in the activities of a
7 neighborhood youth organization and who pays the required dues of the
8 neighborhood youth organization.

9 **26.5-5-304. [Formerly 26-6-103] Application of part -**
10 **definition - repeal.** (1) This ~~part~~ PART 3 does not apply to:

11 (a) Special schools or classes operated primarily for religious
12 instruction or for a single skill-building purpose, AS DEFINED IN
13 DEPARTMENT RULE;

14 (b) A child care facility ~~which~~ THAT is approved, certified, or
15 licensed by any other state agency, or by a federal government department
16 or agency, ~~which~~ THAT has standards for operation of the facility and
17 inspects or monitors the facility;

18 (c) Facilities operated in connection with a church, shopping
19 center, or business where children are cared for during short periods of
20 time while parents, persons in charge of such children, or employees of
21 the church, shopping center, or business whose children are being cared
22 for at such location are attending church services at such location or
23 shopping, patronizing, or working on the premises of any such business;

24 (d) Occasional care of children that has no apparent pattern and
25 occurs with or without compensation;

26 (e) The care of a child by a person in ~~his or her~~ THE PERSON'S
27 private residence when the parent, guardian, or other person having legal

1 custody of such child gives his consent to such care and when the person
2 giving such care is not regularly engaged in the business of giving such
3 care; OR

4 ~~(f) Juvenile courts;~~

5 ~~(g) Repealed.~~

6 ~~(h) Nursing homes which have children as residents.~~

7 ~~(i)~~ (f) (I) An individual who provides less than twenty-four-hour
8 child care in a place of residence when one of the following conditions is
9 met:

10 (A) The children being cared for are related ~~as defined in section~~
11 ~~26-6-102 (31) and (32)~~, to the caregiver, are children who are related to
12 each other as siblings ~~as defined in section 26-6-102 (35.5)~~, from a single
13 family that is unrelated to the caregiver, or a combination of such
14 children; or

15 (B) There are no more than four children being cared for, with no
16 more than two children under two years of age from multiple families,
17 regardless of the children's relation to the caregiver.

18 ~~(f.5)~~ (II) An individual providing child care in a place of residence
19 authorized pursuant to ~~subsection (1)(i)(I)~~ SUBSECTION (1)(f)(I) of this
20 section shall notify the parents of the children in the individual's care that
21 the individual is operating under a legal license exemption and that the
22 state has not verified the health and safety of the care setting or performed
23 background checks on the individual or anyone else residing in the
24 residence.

25 ~~(f.7)~~ (III) On or before July 1, 2021, and every year thereafter, the
26 department shall report the number of complaints filed against child care
27 providers who are claiming an exemption from licensing pursuant to

1 ~~subsection (1)(i)(I)(B)~~ SUBSECTION (1)(f)(I)(B) of this section.

2 ~~(H)~~ (IV) This ~~subsection (1)(i)~~ SUBSECTION (1)(f) is repealed,
3 effective September 1, 2026.

4 (2) ~~For purposes of AS USED IN~~ this section, "short periods of
5 time" means fewer than three hours in any twenty-four-hour period.

6 (3) A licensee or governing body that ~~HAS HAD ITS LICENSE~~
7 ~~SUSPENDED PURSUANT TO SECTION 24-4-104~~ OR has received a final
8 agency action resulting in the ~~suspension or~~ revocation of a license issued
9 pursuant to this ~~part 1~~ PART 3 is prohibited from operating pursuant to
10 subsection (1) of this section, except when the children being cared for
11 are related ~~as defined in section 26-6-102 (31) and (32)~~, to the caregiver.

12 ~~(4) Repealed.~~

13 ~~(5)~~ (4) The department shall provide education and information
14 in an accessible manner on the state licensing website for child care
15 providers who are exempt pursuant to this section but are interested in
16 becoming a licensed child care provider.

17 ~~(6)~~ (5) On or before December 31, 2021, and ongoing thereafter,
18 the department shall report on the portion of its state child care provider
19 website that is accessible to families, and in an accessible and prominent
20 manner, the name and location of any child care provider who is
21 operating outside the exemptions described in this section and to whom
22 one or more cease-and-desist orders have been issued. If more than one
23 cease-and-desist order has been issued to the same provider, the website
24 must include the total number of such orders. This requirement for
25 website posting for child care providers who are operating outside the
26 exemptions described in this section must be made public by electronic
27 means, in a consumer-friendly and easily accessible format, organized by

1 provider, and include the date or dates of the cease-and-desist order or
2 orders.

3 **26.5-5-305. Public preschool provider - licensing - rules.**

4 PUBLIC PRESCHOOL PROVIDERS ARE SUBJECT TO THE REQUIREMENTS OF
5 THIS PART 3. BECAUSE OF THE UNIQUE CIRCUMSTANCES PRESENTED BY
6 PRESCHOOL CLASSROOMS PROVIDED BY SCHOOL DISTRICTS AND CHARTER
7 SCHOOLS, WHICH CIRCUMSTANCES DO NOT ARISE IN CLASSROOMS FOR
8 OLDER CHILDREN AND YOUTH, THE DEPARTMENT SHALL LICENSE PUBLIC
9 PRESCHOOL PROVIDERS ONLY TO PROTECT THE HEALTH AND SAFETY OF
10 CHILDREN IN PUBLIC PRESCHOOL CLASSROOMS. NOTWITHSTANDING ANY
11 PROVISION OF THIS PART 3 TO THE CONTRARY, LICENSING FOR PUBLIC
12 PRESCHOOL PROVIDERS MUST FOCUS ONLY ON THOSE ASPECTS OF THE
13 PRESCHOOL PROGRAM AND ENVIRONMENT THAT AFFECT CHILDREN'S
14 HEALTH AND SAFETY AND ARE NOT ALREADY ACTIVELY REGULATED BY
15 OTHER FEDERAL OR STATE AGENCIES OR DEPARTMENTS. THE DEPARTMENT
16 SHALL ALIGN ANY REQUIREMENTS FOR THE LICENSE RELATED TO
17 QUALIFICATIONS OR CREDENTIALING OF PROGRAM STAFF WITH THE
18 REQUIREMENTS FOR AN EARLY CHILDHOOD ENDORSEMENT FOR A LICENSE
19 ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5
20 OF TITLE 22.

21 **26.5-5-306. [Formerly 26-6-103.3] Substitute child care**
22 **providers - substitute placement agency - licensing - rules.**

23 (1) Substitute placement agencies are subject to the requirements of this
24 ~~part 1. The state~~ PART 3. THE department shall license substitute
25 placement agencies to place or facilitate or arrange for the placement of
26 short-term and long-term substitute child care providers in licensed
27 facilities providing less than twenty-four-hour care.

1 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
2 for substitute placement agencies and substitute child care providers. At
3 a minimum, ~~state board~~ THE rules must require that the substitute child
4 care provider demonstrate that ~~he or she~~ THE PROVIDER has the training
5 and certification for the child care license type and position in which the
6 substitute child care provider is placed. Pursuant to ~~section 26-6-107~~
7 ~~(1)(a)(I)(C)~~ SECTION 26.5-5-316 (1)(a)(I)(C), each substitute child care
8 provider shall pay for and submit to a fingerprint-based criminal history
9 record check and a review of the records and reports of child abuse or
10 neglect maintained by the state department OF HUMAN SERVICES to
11 determine whether the substitute child care provider has been found to be
12 responsible in a confirmed report of child abuse or neglect. When the
13 results of a fingerprint-based criminal history record check or any other
14 records check performed on a person pursuant to this subsection (2)
15 reveal a record of arrest without a disposition, the ~~state board~~
16 DEPARTMENT RULES shall require that person to submit to a name-based
17 criminal history record check, as defined in section 22-2-119.3 (6)(d). The
18 substitute placement agency shall not place a substitute child care
19 provider who is convicted of any of the crimes specified in ~~section~~
20 ~~26-6-104 (7) or section 26-6-108~~ SECTION 26.5-5-309 (4) OR 26.5-5-317.

21 **26.5-5-307. [Formerly 26-6-103.5] Application of part - guest**
22 **child care facilities - public services short-term child care facilities -**
23 **definition.** (1) Guest child care facilities and public services short-term
24 child care facilities ~~shall be~~ ARE subject only to the requirements of this
25 section and ~~shall~~ ARE otherwise ~~be~~ excluded from the requirements of this
26 ~~part~~ PART 3. Each guest child care facility and each public services
27 short-term child care facility shall post a notice in bold print and in plain

1 view on the premises of the child care facility. The notice ~~shall~~ MUST
2 specify the telephone number and address of the appropriate division
3 within the ~~state~~ department for investigating child care facility complaints
4 and ~~shall~~ MUST state that any complaint about the guest child care
5 facility's or the public services short-term child care facility's compliance
6 with these requirements should be directed to such division.

7 (2) A person or entity shall not operate a guest child care facility
8 or a public services short-term child care facility unless the following
9 requirements are met:

10 (a) The guest child care facility or public services short-term child
11 care facility is inspected not less frequently than one time per year by the
12 department of public health and environment, and it conforms to the
13 sanitary standards prescribed by such department under the provisions of
14 section 25-1.5-101 (1)(h); ~~C.R.S.~~;

15 (b) The guest child care facility or public services short-term child
16 care facility is inspected not less frequently than one time per year by the
17 local fire department, and it conforms to the fire prevention and
18 protection requirements of the local fire department in the locality of the
19 facility, or in lieu thereof, the division of labor standards and statistics;

20 (c) The guest child care facility or public services short-term child
21 care facility retains, on the premises at all times, the records of the
22 inspections required by ~~paragraphs (a) and (b) of this subsection (2)~~
23 SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION for the current calendar
24 year and the immediately preceding calendar year;

25 (d) The guest child care facility or public services short-term child
26 care facility retains, on the premises at all times, a record of children
27 cared for over the course of the current calendar year and the immediately

1 preceding calendar year;

2 (e) At least one supervisory employee ~~as that term is defined in~~
3 ~~section 26-6-102 (38)~~; is on duty at the guest child care facility or public
4 services short-term child care facility at all times when the facility is
5 operating;

6 (f) (I) The guest child care facility or public services short-term
7 child care facility requires all supervisory employees of the guest child
8 care facility or public services short-term child care facility and applicants
9 for supervisory employee positions at the guest child care facility or
10 public services short-term child care facility to obtain a fingerprint-based
11 criminal history check utilizing the Colorado bureau of investigation and,
12 for supervisory employees hired on or after August 10, 2011, the federal
13 bureau of investigation and requests the ~~state~~ department to ascertain
14 whether the person being investigated has been convicted of any of the
15 criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION
16 26.5-5-309 (4)(a)(I) or whether the person has been determined to have
17 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~
18 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care
19 facility or public services short-term child care facility prohibits the hiring
20 of any such person as a supervisory employee or terminates the
21 employment of any such person as a supervisory employee upon
22 confirmation of such a criminal history;

23 ~~(H) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~
24 ~~560, § 1, effective August 10, 2011.)~~

25 ~~(HH)~~ (II) The guest child care facility or public services short-term
26 child care facility requests the ~~state~~ department to access records and
27 reports of child abuse or neglect to determine whether the supervisory

1 employee or applicant for a supervisory employee position has been
2 found to be responsible in a confirmed report of child abuse or neglect
3 and the guest child care facility or public services short-term child care
4 facility prohibits the hiring of any such person as a supervisory employee
5 or terminates the employment of any such person as a supervisory
6 employee. Information shall be made available pursuant to section
7 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF
8 HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

9 ~~(IV)~~ (III) (A) The guest child care facility or public services
10 short-term child care facility requests the ~~state~~ department to obtain a
11 comparison search on the ICON system at the state judicial department
12 with the name and date of birth information and any other available
13 source of criminal history information that the ~~state~~ department
14 determines is appropriate, whether or not the criminal history background
15 check confirms a criminal history, in order to determine the crime or
16 crimes, if any, for which the supervisory employee or applicant for a
17 supervisory employee position was arrested or convicted and the
18 disposition thereof; and

19 (B) The guest child care facility or public services short-term child
20 care facility requests the ~~state~~ department to obtain such information
21 concerning the supervisory employee or applicant for a supervisory
22 employee position from any other recognized database, if any, that is
23 accessible on a statewide basis as set forth by rules promulgated by the
24 ~~state board~~ EXECUTIVE DIRECTOR;

25 ~~(V)~~ (IV) When the results of a fingerprint-based criminal history
26 record check or any other records check performed pursuant to this
27 subsection (2)(f) reveal a record of arrest without a disposition, the guest

1 child care facility or public services short-term child care facility shall
2 require the supervisory employee or applicant for a supervisory employee
3 position to submit to a name-based criminal history record check, as
4 defined in section 22-2-119.3 (6)(d);

5 (g) (I) The guest child care facility or public services short-term
6 child care facility requires all other employees of the guest child care
7 facility or public services short-term child care facility to obtain a
8 fingerprint-based criminal history check utilizing the Colorado bureau of
9 investigation and, for employees hired on or after August 10, 2011, the
10 federal bureau of investigation and requests the ~~state~~ department to
11 ascertain whether the person being investigated has been convicted of any
12 of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION
13 26.5-5-309 (4)(a)(I) or whether the person has been determined to have
14 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~
15 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care
16 facility or public services short-term child care facility terminates the
17 employment of any such person as an employee upon confirmation of
18 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 ~~(H) (II)~~ (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 employee has
24 been found to be responsible in a confirmed report of child abuse or
25 neglect and the guest child care facility or public services short-term child
26 care facility terminates the employment of any such person. Information
27 shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and

1 rules promulgated by the state board OF HUMAN SERVICES pursuant to
2 section 19-3-313.5 (4). ~~C.R.S.~~

3 ~~(IV)~~ (III) (A) The guest child care facility or public services
4 short-term child care facility requests the ~~state~~ department to obtain a
5 comparison search on the ICON system at the state judicial department
6 with the name and date of birth information and any other available
7 source of criminal history information that the ~~state~~ department
8 determines is appropriate, whether or not the criminal history background
9 check confirms a criminal history, in order to determine the crime or
10 crimes, if any, for which the employee was arrested or convicted and the
11 disposition thereof; and

12 (B) The guest child care facility or public services short-term child
13 care facility requests the ~~state~~ department to obtain such information
14 concerning the employee from any other recognized database, if any, that
15 is accessible on a statewide basis as set forth by rules promulgated by the
16 ~~state board~~ EXECUTIVE DIRECTOR; and

17 (h) The guest child care facility or public services short-term child
18 care facility maintains the following employee-to-child ratios at all times
19 when the facility is operating:

20 (I) One child care facility employee for every five children ages
21 six weeks to eighteen months;

22 (II) One child care facility employee for every five children ages
23 twelve months to thirty-six months;

24 (III) One child care facility employee for every seven children
25 ages twenty-four months to thirty-six months;

26 (IV) One child care facility employee for every eight children ages
27 two and one-half years to three years;

1 (V) One child care facility employee for every ten children ages
2 three years to four years;

3 (VI) One child care facility employee for every twelve children
4 ages four years to five years;

5 (VII) One child care facility employee for every fifteen children
6 ages five years of age and older; and

7 (VIII) One child care facility employee for every ten children in
8 a mixed age group, ages two and one-half years to six years.

9 ~~(2.5)~~(3) In addition to the requirements specified in subsection (2)
10 of this section, a public services short-term child care facility shall ensure
11 that at least one employee is on duty at the facility at all times when the
12 facility is operating who holds a current department-approved first aid
13 and safety certificate that includes certification in cardiopulmonary
14 resuscitation training for all ages of children.

15 ~~(3)~~ (4) (a) If the guest child care facility or public services
16 short-term child care facility refuses to hire a supervisory employee or
17 terminates the employment of a supervisory employee as a result of
18 information disclosed in an investigation of the supervisory employee or
19 applicant therefor pursuant to ~~paragraph (f) of subsection (2)~~ FOR A
20 SUPERVISORY POSITION PURSUANT TO SUBSECTION (2)(f) of this section,
21 the guest child care facility or public services short-term child care
22 facility shall not be subject to civil liability for such refusal to hire.

23 (b) If the guest child care facility or public services short-term
24 child care facility terminates the employment of an employee as a result
25 of the information disclosed in an investigation of the employee pursuant
26 to ~~paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section, the
27 guest child care facility or public services short-term child care facility

1 shall not be subject to civil liability for such termination of employment.

2 ~~(4)~~ (5) A guest child care facility employee or supervisory
3 employee applicant who has obtained a fingerprint-based criminal history
4 check pursuant to ~~paragraph (f) or (g) of subsection (2)~~ SUBSECTION (2)(f)
5 OR (2)(g) of this section, or pursuant to ~~subsection (5)~~ SUBSECTION (6) of
6 this section, ~~shall not be~~ IS NOT required to obtain a new fingerprint-based
7 criminal history check if ~~he or she~~ the EMPLOYEE OR APPLICANT returns
8 to a guest child care facility to work in subsequent seasons. The ~~state~~
9 department shall maintain the results of the initial background check and
10 receive subsequent notification of activity on the record for the purpose
11 of redetermining, if necessary, whether the employee or supervisory
12 employee applicant has been convicted of any of the criminal offenses
13 specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I), or
14 whether the employee or supervisory employee applicant has a pattern of
15 misdemeanor convictions as described in ~~section 26-6-108 (8)(b)~~ SECTION
16 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the
17 ~~state~~ department for information concerning subsequent convictions, if
18 any, prior to rehiring such employee.

19 ~~(5)~~ (6) The requirements of ~~paragraphs (f) and (g) of subsection~~
20 ~~(2)~~ SUBSECTIONS (2)(f) AND (2)(g) of this section ~~shall~~ DO not apply to
21 those employees of guest child care facilities concerning whom criminal
22 history background checks were conducted on or after July 1, 2001, and
23 before July 1, 2002, for purposes of state child care licensure
24 requirements.

25 ~~(6)~~ (7) ~~For purposes of~~ AS USED IN this section, a "guest child care
26 facility" does not include a ski school. ~~For purposes of~~ AS USED IN this
27 section, "ski school" means a school located at the ski area in which the

1 guest child care facility is located for purposes of teaching children how
2 to ski or snowboard.

3 ~~(7)~~ (8) The ~~state department shall have the authority~~ DEPARTMENT
4 IS AUTHORIZED to receive, respond to, and investigate any complaint
5 concerning compliance with the requirements set forth in this ~~part~~ PART
6 3 for a guest child care facility or a public services short-term child care
7 facility.

8 **26.5-5-308. [Formerly 26-6-103.7] Application of part -**
9 **neighborhood youth organizations - rules - licensing - duties and**
10 **responsibilities - definitions.** (1) Notwithstanding any provision of this
11 ~~part~~ PART 3 to the contrary, a neighborhood youth organization that is
12 not otherwise licensed to operate under this ~~part~~ PART 3 may obtain a
13 neighborhood youth organization license pursuant to this section. A
14 neighborhood youth organization that obtains a license pursuant to this
15 section ~~shall be~~ IS subject only to the requirements of this section and
16 ~~shall~~ IS otherwise be exempt from the requirements of this ~~part~~ PART 3.

17 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
18 to establish a neighborhood youth organization license, including but not
19 limited to the fee required to apply for and obtain the license. The rules
20 shall not concern staff-to-youth ratios.

21 (3) A neighborhood youth organization licensed pursuant to this
22 section and operating in the state of Colorado ~~shall have~~ HAS the
23 following duties and responsibilities:

24 (a) To inform a parent or legal guardian of the requirements of
25 this subsection (3) and to post a notice in bold print and in plain view on
26 the premises of the facility in which the neighborhood youth organization
27 operates that lists the following information:

- 1 (I) The requirements of this subsection (3); and
- 2 (II) The telephone number and address of the appropriate division
3 within the ~~state~~ department for investigating complaints concerning a
4 neighborhood youth organization, with the instruction that any complaint
5 regarding the neighborhood youth organization's compliance with these
6 requirements be directed to that division;
- 7 (b) Prior to admitting an interested youth member into the
8 neighborhood youth organization, to require the youth member's parent
9 or legal guardian to sign a statement authorizing the youth member to
10 arrive and depart from the organization without supervision by a parent,
11 A legal guardian, or the organization;
- 12 (c) To establish a process to receive and resolve complaints from
13 parents or legal guardians;
- 14 (d) To establish a process to report known or suspected child
15 abuse or neglect to appropriate authorities pursuant to section 19-3-304;
16 ~~C.R.S.~~;
- 17 (e) To maintain, either at the neighborhood youth organization or
18 at a central administrative facility, records for each youth member
19 admitted into the neighborhood youth organization containing, at a
20 minimum, the following information:
- 21 (I) The youth member's full name;
- 22 (II) The youth member's date of birth;
- 23 (III) The name, address, and telephone number of a parent or legal
24 guardian of the youth member;
- 25 (IV) The name and telephone number of at least one emergency
26 contact person for the youth member; and
- 27 (V) A parent's or legal guardian's written authorization for the

1 youth member to attend the neighborhood youth organization;

2 (f) To require a youth member's parent or legal guardian to sign
3 a statement authorizing the neighborhood youth organization to provide
4 transportation prior to field trips or to and from the neighborhood youth
5 organization; and

6 (g) To follow the requirements specified in subsection (4) of this
7 section for a fingerprint-based or other criminal history record check of
8 each employee and volunteer who works with or will work with youth
9 members five or more days in a calendar month.

10 (4) A licensed neighborhood youth organization shall require all
11 employees and volunteers who work directly with or will work directly
12 with youth members five or more days in a calendar month to obtain,
13 prior to employment, and every two years thereafter, one of the following:

14 (a) A fingerprint-based criminal history records check utilizing the
15 Colorado bureau of investigation and request the ~~state~~ department to
16 ascertain whether the person being investigated has been convicted of
17 felony child abuse as specified in section 18-6-401 ~~C.R.S.~~, or a felony
18 offense involving unlawful sexual behavior as defined in section
19 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization shall not hire
20 a person as an employee or approve a person as a volunteer after
21 confirmation of such a criminal history.

22 (b) A federal bureau of investigation fingerprint-based criminal
23 history records check utilizing the Colorado bureau of investigation if the
24 employee, volunteer, or applicant has resided in the state of Colorado less
25 than two years. The neighborhood youth organization shall request the
26 ~~state~~ department to ascertain whether the person being investigated has
27 been convicted of felony child abuse as specified in section 18-6-401

1 ~~€.~~~~R.~~~~S.~~, or a felony offense involving unlawful sexual behavior as defined
2 in section 16-22-102 (9). ~~€.~~~~R.~~~~S.~~ The neighborhood youth organization
3 shall not hire a person as an employee or approve a person as a volunteer
4 after confirmation of such a criminal history.

5 (c) A comparison search by the ~~state~~ department on the ICON
6 system of the state judicial department or a comparison search on any
7 other database that is recognized on a statewide basis by using the name,
8 date of birth, and social security number information that the ~~state~~
9 department determines is appropriate to determine whether the person
10 being investigated has been convicted of felony child abuse as specified
11 in section 18-6-401 ~~€.~~~~R.~~~~S.~~, or a felony offense involving unlawful sexual
12 behavior as defined in section 16-22-102 (9). ~~€.~~~~R.~~~~S.~~ The neighborhood
13 youth organization shall not hire a person as an employee or approve a
14 person as a volunteer after confirmation of such a criminal history.

15 (d) A separate background check by a private entity regulated as
16 a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that
17 ~~shall~~ MUST disclose, at a minimum, sexual offenders and felony
18 convictions and include a social security number trace, a national criminal
19 file check, and a state or county criminal file search. The separate
20 background check ~~shall~~ MUST ascertain whether the person being
21 investigated has been convicted of felony child abuse as specified in
22 section 18-6-401 ~~€.~~~~R.~~~~S.~~, or a felony offense involving unlawful sexual
23 behavior as defined in section 16-22-102 (9). ~~€.~~~~R.~~~~S.~~ The neighborhood
24 youth organization shall not hire a person as an employee or approve a
25 person as a volunteer after confirmation of such a criminal history.

26 (5) A person who visits or takes part in the activities of a licensed
27 neighborhood youth organization but who is not required to obtain a

1 criminal history record check pursuant to subsection (4) of this section
2 ~~shall~~ MUST at all times be under the supervision of an employee or
3 volunteer who has been hired or approved after obtaining a criminal
4 history record check pursuant to subsection (4) of this section.

5 (6) The governing board of each licensed neighborhood youth
6 organization shall adopt minimum standards for operating the licensed
7 neighborhood youth organization, including but not limited to standards
8 concerning staff, staff training, health and safety, and mechanisms for
9 assessing and enforcing the licensed neighborhood youth organization's
10 compliance with the standards adopted.

11 (7) The ~~state department shall have the authority~~ DEPARTMENT IS
12 AUTHORIZED to receive, respond to, and investigate any complaint
13 concerning compliance with the requirements set forth in this section for
14 a licensed neighborhood youth organization.

15 (8) A licensed neighborhood youth organization ~~shall not be~~ IS
16 NOT required to obtain or keep on file immunization records for youth
17 members participating in the organization's activities.

18 (9) As used in this section, unless the context otherwise requires:

19 (a) "Employee" means a paid employee of a neighborhood youth
20 organization who is eighteen years of age or older.

21 (b) "Volunteer" means a person who volunteers ~~his or her~~
22 assistance to a neighborhood youth organization and who is eighteen
23 years of age or older.

24 **26.5-5-309. [Formerly 26-6-104] Licenses - definition - rules.**

25 (1) ~~(a) Except as otherwise SPECIFICALLY provided in paragraph (b) of~~
26 ~~this subsection (1) or elsewhere in this part †~~ IN THIS PART 3, a person
27 shall not operate an agency or facility defined in this ~~part †~~ PART 3

1 without first being licensed by the state department to operate or maintain
2 such THE agency or facility and paying the prescribed fee. Except as
3 otherwise provided in paragraph (c) of this subsection (1), any A license
4 issued by the state department is permanent unless otherwise revoked or
5 suspended pursuant to section 26-6-108 SECTION 26.5-5-317.

6 (b) ~~A person operating a foster care home is not required to~~
7 ~~obtain a license from the state department to operate the foster care home~~
8 ~~if the person holds a certificate issued pursuant to section 26-6-106.3 to~~
9 ~~operate the home from any county department or a child placement~~
10 ~~agency licensed under the provisions of this part 1. A certificate is~~
11 ~~considered a license for the purpose of this part 1, including but not~~
12 ~~limited to the investigation and criminal history background checks~~
13 ~~required under sections 26-6-106.3 and 26-6-107.~~

14 (c) (I) ~~On and after July 1, 2002, and contingent upon the time~~
15 ~~lines for implementation of the computer "trails" enhancements, child~~
16 ~~placement agencies that certify foster care homes shall be licensed~~
17 ~~annually until the implementation of any risk-based schedule for the~~
18 ~~renewal of child placement agency licenses pursuant to subparagraph (II)~~
19 ~~of this paragraph (c). The state board shall promulgate rules specifying~~
20 ~~the procedural requirements associated with the renewal of such child~~
21 ~~placement agency licenses. Such rules shall include requirements that the~~
22 ~~state department conduct assessments of the child placement agency.~~

23 (II) (A) ~~On and after January 1, 2004, and upon the functionality~~
24 ~~of the computer "trails" enhancements, the state department may~~
25 ~~implement a schedule for relicensing of child placement agencies that~~
26 ~~certify foster care homes that is based on risk factors such that child~~
27 ~~placement agencies with low risk factors shall renew their licenses less~~

1 frequently than child placement agencies with higher risk factors.

2 (B) ~~Prior to January 1, 2004, and contingent upon the time lines~~
3 ~~for implementation of the computer "trails" enhancements, the state~~
4 ~~department shall create classifications of child placement agency licenses~~
5 ~~that certify foster care homes that are based on risk factors as those~~
6 ~~factors are established by rule of the state board.~~

7 (H) ~~On and after July 1, 2021, all residential child care facilities~~
8 ~~must be licensed annually. The state board shall promulgate rules~~
9 ~~specifying the procedural requirements associated with the license~~
10 ~~renewal for residential child care facilities. The rules must include a~~
11 ~~requirement that the state department conduct assessments of the~~
12 ~~residential child care facility.~~

13 (d) ~~Repealed.~~

14 (2) ~~No person shall receive or accept a child under eighteen years~~
15 ~~of age for placement, or place any child either temporarily or permanently~~
16 ~~in a home, other than with persons related to the child, without first~~
17 ~~obtaining a license as a child placement agency from the department, and~~
18 ~~paying the fee prescribed therefor.~~

19 (2.5) ~~(Deleted by amendment, L. 96, p. 254, § 5, effective July 1,~~
20 ~~1996.)~~

21 (3) (2) THE DEPARTMENT MAY ISSUE a provisional license ONCE
22 for a period of six months ~~may be issued once~~ to an applicant for an
23 original license, permitting the applicant to operate a family child care
24 home ~~foster care home~~, or child care center if the applicant is temporarily
25 unable to conform to all standards required under this ~~part~~ PART 3, upon
26 proof by the applicant that the applicant is attempting to conform to ~~such~~
27 THE standards or to comply with any other requirements. The applicant

1 has the right to appeal any standard that the applicant believes presents an
2 undue hardship or has been applied too stringently by the department.
3 Upon the filing of an appeal, the department shall proceed in the manner
4 prescribed for licensee appeals in ~~section 26-6-106 (3)~~ SECTION
5 26.5-5-314 (5).

6 ~~(4)~~ (3) (a) The department shall not issue a license for a child care
7 center ~~residential child care facility, or secure residential treatment center~~
8 until the facilities to be operated or maintained by the applicant or
9 licensee are approved by the department of public health and environment
10 as conforming to the sanitary standards prescribed by the SAID department
11 pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to
12 fire prevention and protection requirements of local fire departments in
13 the locality of the facility or, in lieu thereof, of the division of labor
14 standards and statistics IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

15 (b) A child care center that provides child care exclusively to
16 school-age children and operates on the property of a school district,
17 district charter school, or institute charter school may satisfy any fire or
18 radon inspection requirement required by law by providing a copy of a
19 satisfactory fire or radon inspection report of the property of a school
20 district, district charter school, or institute charter school where the child
21 care is provided if the fire or radon inspection report was completed
22 within the preceding twelve months. The department shall not require a
23 duplicate fire or radon inspection if a satisfactory fire or radon inspection
24 report of the property was completed within the preceding twelve months.

25 ~~(5) No person shall send or bring into this state any child for the~~
26 ~~purposes of foster care or adoption without sending notice of the pending~~
27 ~~placement and receiving the consent of the department or its designated~~

1 agent to the placement. The notice shall contain:

2 (a) ~~The name and the date and place of birth of the child;~~

3 (b) ~~The identity and address or addresses of the parents or legal~~
4 ~~guardian;~~

5 (c) ~~The identity and address of the person sending or bringing the~~
6 ~~child;~~

7 (d) ~~The name and address of the person to or with which the~~
8 ~~sending person proposes to send, bring, or place the child;~~

9 (e) ~~A full statement of the reasons for the proposed action and~~
10 ~~evidence of the authority pursuant to which the placement is proposed to~~
11 ~~be made.~~

12 (6) ~~The state board of human services shall establish rules and~~
13 ~~regulations for the approval of foster care homes and child care centers~~
14 ~~that provide twenty-four-hour care of children between eighteen and~~
15 ~~twenty-one years of age for whom the county department is financially~~
16 ~~responsible and when placed in foster care by the county department.~~

17 (6.5) ~~On and after July 1, 2005, and subject to designation as a~~
18 ~~qualified accrediting entity as required by the "Intercountry Adoption Act~~
19 ~~of 2000", 42 U.S.C. sec. 14901 et seq., the state department may license~~
20 ~~and accredit a child placement agency for purposes of providing adoption~~
21 ~~services for convention adoptions pursuant to the "Intercountry Adoption~~
22 ~~Act of 2000", 42 U.S.C. sec. 14901 et seq. The state board of human~~
23 ~~services may adopt rules consistent with federal law governing the~~
24 ~~procedures for adverse actions regarding accreditation, which procedures~~
25 ~~may vary from the procedures set forth in the "State Administrative~~
26 ~~Procedure Act", article 4 of title 24. C.R.S.~~

27 (7)(a)(I) (4) (a) (I) The state department shall not issue a license

1 to operate a family child care home ~~a foster care home~~, OR a child care
2 center ~~a residential child care facility~~, a secure residential treatment
3 center, or a child placement agency, and any license or certificate issued
4 prior to August 7, 2006, shall be revoked or suspended, if the applicant
5 for the license, ~~or certificate~~, an affiliate of the applicant, a person
6 employed by the applicant, or a person who resides with the applicant at
7 the facility has been convicted of:

8 (A) Child abuse, as specified in section 18-6-401; ~~€R.S.~~;

9 (B) A crime of violence, as defined in section 18-1.3-406; ~~€R.S.~~;

10 (C) Any offenses involving unlawful sexual behavior, as defined
11 in section 16-22-102 (9); ~~€R.S.~~;

12 (D) Any felony, the underlying factual basis of which has been
13 found by the court on the record to include an act of domestic violence,
14 as defined in section 18-6-800.3; ~~€R.S.~~;

15 ~~(D.5)~~ (E) Any felony involving physical assault, battery, or a
16 drug-related offense within the five years preceding the date of
17 application for a license; ~~or certificate~~;

18 ~~(E)~~ (F) A pattern of misdemeanor convictions, as defined by
19 DEPARTMENT rule, ~~of the state board~~, within the ten years immediately
20 preceding the date of submission of the application;

21 ~~(F)~~ (G) Any offense in any other state, the elements of which are
22 substantially similar to the elements of any one of the offenses described
23 in ~~sub-subparagraphs (A) to (E) of this subparagraph~~ ~~(F)~~ SUBSECTION
24 (4)(a)(I)(A) TO (4)(a)(I)(F) OF THIS SECTION.

25 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS
26 SUBSECTION (4)(a), "convicted" means a conviction by a jury or by a court
27 and ~~shall also include~~ ALSO INCLUDES a deferred judgment and sentence

1 agreement, a deferred prosecution agreement, a deferred adjudication
2 agreement, an adjudication, and a plea of guilty or nolo contendere.

3 ~~(III) Any applicant, licensee, or employee of the applicant or~~
4 ~~licensee who meets the definition of a department employee or an~~
5 ~~independent contractor, as those terms are defined in section 27-90-111,~~
6 ~~or who works for a contracting agency, as defined in section 27-90-111,~~
7 ~~and who will have direct contact with vulnerable persons, as defined in~~
8 ~~section 27-90-111 (2)(c), is required to submit to a state and national~~
9 ~~fingerprint-based criminal history record check in the same manner as~~
10 ~~required pursuant to section 27-90-111 (9); except that the state~~
11 ~~department shall not bear the cost of such criminal history record check~~
12 ~~required by this subsection (7)(a)(III). The state department may also~~
13 ~~conduct a comparison search on the Colorado state courts public access~~
14 ~~system to determine the crime or crimes for which the individual having~~
15 ~~direct contact with vulnerable persons was arrested or convicted and the~~
16 ~~disposition of such crime or crimes. The criminal history record check~~
17 ~~required by this subsection (7)(a)(III) must be submitted to the state~~
18 ~~department prior to the individual having direct contact with vulnerable~~
19 ~~persons, and an applicant, licensee, or employee of an applicant or~~
20 ~~licensee must not be allowed to have direct contact with vulnerable~~
21 ~~persons if he or she does not meet the requirements set forth in this~~
22 ~~subsection (7) and in section 27-90-111 (9).~~

23 (b) The DEPARTMENT SHALL DETERMINE THE convictions
24 identified in paragraph (a) of this subsection (7) shall be determined
25 SUBSECTION (4)(a) OF THIS SECTION according to the records of the
26 Colorado bureau of investigation, the ICON system at the state judicial
27 department, or any other source, as set forth in section 26-6-107

1 ~~(1)(a)(1.5)~~ SECTION 26.5-5-316 (1)(a)(II). A certified copy of the judgment
2 of a court of competent jurisdiction of such conviction, deferred judgment
3 and sentence agreement, deferred prosecution agreement, or deferred
4 adjudication agreement ~~shall be~~ IS prima facie evidence of ~~such~~ THE
5 conviction or agreement. ~~No~~ THE DEPARTMENT SHALL NOT ISSUE A
6 license ~~or certificate~~ to operate a family child care home ~~a foster care~~
7 ~~home~~, OR a child care center ~~a residential child care facility~~, a secure
8 residential child care facility, or a child placement agency shall be issued
9 if the ~~state~~ department has a certified court order from another state
10 indicating that the person applying for ~~such a~~ THE license ~~or certificate~~
11 has been convicted of child abuse or any unlawful sexual offense against
12 a child under a law of any other state or the United States, or the ~~state~~
13 department has a certified court order from another state that the person
14 applying for the license ~~or certificate~~ has entered into a deferred judgment
15 or deferred prosecution agreement in another state as to child abuse or
16 any sexual offense against a child.

17 ~~(7.5) (a)~~ No later than January 1, 2004, the ~~state board shall~~
18 ~~promulgate rules that require all current and prospective employees of a~~
19 ~~county department who in their position have direct contact with any~~
20 ~~child in the process of being placed, or who has been placed, in foster~~
21 ~~care to submit a set of fingerprints for purposes of obtaining a~~
22 ~~fingerprint-based criminal history record check, unless the person has~~
23 ~~already submitted a set of fingerprints. The check must be conducted in~~
24 ~~the same manner as provided in subsection (7) of this section and in~~
25 ~~section 26-6-107 (1)(a). The person's employment is conditional upon a~~
26 ~~satisfactory criminal background check and subject to the same grounds~~
27 ~~for denial or dismissal as set forth in subsection (7) of this section and in~~

1 ~~section 26-6-107 (1)(a). The costs for the fingerprint-based criminal~~
2 ~~history record check must be borne by the applicant.~~

3 (b) ~~When the results of a fingerprint-based criminal history record~~
4 ~~check performed pursuant to this subsection (7.5) reveal a record of arrest~~
5 ~~without a disposition, the state department shall require the person to~~
6 ~~submit to a name-based criminal history record check, as defined in~~
7 ~~section 22-2-119.3 (6)(d). The costs for the name-based criminal history~~
8 ~~record check must be borne by the applicant.~~

9 (8) (5) The state department shall not issue a license to operate
10 any AN agency or facility defined in this ~~part~~ PART 3 if the person
11 applying for such THE license or an affiliate of the applicant, a person
12 employed by the applicant, or a person who resides with the applicant at
13 the facility,

14 (a) has been determined to be insane or mentally incompetent by
15 a court of competent jurisdiction and ~~should a court enter~~ A COURT HAS
16 ENTERED, pursuant to part 3 or part 4 of article 14 of title 15 ~~C.R.S.~~, or
17 section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding
18 that the mental incompetency or insanity is of such a degree that the
19 applicant is incapable of operating a family child care home ~~foster care~~
20 ~~home~~, OR child care center. ~~or child placement agency~~, The record of such
21 THE determination and entry of ~~such order being~~ THE ORDER ARE
22 conclusive evidence ~~thereof~~ OF THE DETERMINATION.

23 (b) ~~(Deleted by amendment, L. 2006, p. 725, § 3, effective August~~
24 ~~7, 2006.)~~

25 (9) ~~The state department is strongly encouraged to examine and~~
26 ~~report to the general assembly on the benefits of licensing any private,~~
27 ~~nonprofit child placement agency that is dedicated to serving the special~~

1 needs of foster care children through services delivered by specialized
2 foster care parents in conjunction with and supported by staff of the child
3 placement agency. Such child placement agencies examined shall be able
4 to:

5 (a) Offer the following services:

6 (I) Provision of educated, skilled, and experienced foster care
7 parents;

8 (II) Social work support for the foster care child and foster care
9 family;

10 (III) Twenty-four-hour, on-call availability;

11 (IV) Monthly foster care parent support group meetings;

12 (V) On-going educational and networking opportunities for any
13 foster care family;

14 (VI) Individualized treatment plans developed through team
15 collaboration;

16 (VII) Professional and family networking opportunities; and

17 (VIII) Respite support and reimbursement;

18 (b) Provide a form of specialized foster care including, but not
19 limited to, the following types of care:

20 (I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May
21 22, 2003.)

22 (II) Medical foster care;

23 (III) Respite foster care;

24 (IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May
25 22, 2003.)

26 (V) Therapeutic foster care;

27 (VI) Developmentally disabled foster care; and

1 (VII) ~~Treatment foster care.~~

2 (6) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION
3 SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND
4 EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST
5 COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD
6 EDUCATOR CREDENTIALING COMPLIANCE REQUIREMENTS. THE STATE
7 AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS
8 ACROSS THE AGENCIES TO REDUCE THE ADMINISTRATIVE AND PAPERWORK
9 BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS.
10 THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF
11 PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING
12 REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND
13 PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

14 **26.5-5-310. [Formerly 26-6-104.5 (1) to (3)] Compliance with**
15 **local government zoning regulations - notice to local governments -**
16 **provisional licensure - rules.** (1) (a) The department shall require any
17 child care facility seeking licensure pursuant to ~~section 26-6-104~~ SECTION
18 26.5-5-309 to comply with any applicable zoning and land use
19 development regulations of the municipality, city and county, or county
20 where the facility is situated. Failure to comply with applicable zoning
21 and land use regulations constitutes grounds for the denial of a license to
22 a facility.

23 (b) Notwithstanding subsection (1)(a) of this section to the
24 contrary, the availability of safe, affordable, and licensed family child
25 care homes is a matter of statewide concern. Therefore, permitting
26 fragmented regulation among jurisdictions impedes and infringes upon
27 the department's appropriate and consistent licensing and regulation of

1 family child care homes throughout the state. Accordingly, local
2 governing authorities shall treat family child care homes as residential
3 property use in the application of local regulations, including zoning, land
4 use development, fire and life safety, sanitation, and building codes.
5 Local governing authorities shall not impose any additional regulations
6 governing family child care homes that do not also apply to other
7 residential properties, provided that the foregoing does not restrict an
8 authority's ability to prohibit, on a case-by-case basis, the operation in
9 immediately adjacent residences of two or more large family child care
10 homes, as that term is defined by DEPARTMENT rules ~~by the department~~
11 ~~that governs~~ THAT GOVERN the operation of family child care homes, or
12 to manage the flow of traffic and parking related to adjacent large family
13 child care homes. Residential use of property for zoning purposes
14 includes all forms of residential zoning and, specifically, although not
15 exclusively, single-family residential zoning.

16 (2) The department shall assure that timely written notice is
17 provided to the municipality, city and county, or county where a child
18 care facility is situated, including the address of the facility and the
19 population and number of persons to be served by the facility, when any
20 of the following occurs:

21 (a) A person applies for a license to operate a child care facility
22 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309; OR

23 (b) A license is granted to operate a child care facility pursuant to
24 ~~section 26-6-104~~; or SECTION 26.5-5-309.

25 (c) ~~A change is made in the license of a residential child care~~
26 ~~facility, specialized group facility, homeless youth shelter, or secure~~
27 ~~residential treatment center.~~

1 (d) ~~(Deleted by amendment, L. 2006, p. 727, § 4, effective August~~
2 ~~7, 2006.)~~

3 (3) Notwithstanding any other provision of law, in the event of a
4 zoning or other delay or dispute between a child care facility and the
5 municipality, city and county, or county where the facility is situated, the
6 department may grant a provisional license to the facility for up to six
7 months pending resolution of the delay or dispute.

8 **26.5-5-311. [Formerly 26-6-105] Fees - when original**
9 **applications, reapplications, and renewals for licensure are required**
10 **- creation of child care licensing cash fund - rules.** (1) (a) The state
11 department is hereby authorized to establish, pursuant to rules
12 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR, permanent,
13 time-limited, and provisional license fees and fees for continuation ~~or~~
14 ~~renewal, whichever is applicable,~~ of a license for the following types of
15 child care arrangements:

16 (I) Family child care homes, including any special type of family
17 child care home designated by DEPARTMENT rules ~~of the state board~~
18 pursuant to ~~section 26-6-106 (2)(p)~~ SECTION 26.5-5-314 (2)(n), but
19 excluding homes certified by county departments or child placement
20 agencies;

21 (II) Child care centers;

22 ~~(III) Secure residential treatment centers;~~

23 ~~(IV) Residential child care facilities;~~

24 ~~(V) Child placement agencies;~~

25 ~~(VI) Repealed.~~

26 ~~(VII) Homeless youth shelters;~~

27 ~~(VIII) Day treatment centers;~~

- 1 ~~(IX) Specialized group facilities;~~
- 2 ~~(X) (III) Children's resident camps; and~~
- 3 ~~(XI) (IV) Substitute placement agencies.~~

4 (b) The ~~state~~ department may also establish fees pursuant to rules
5 promulgated by the ~~state board of human services~~ EXECUTIVE DIRECTOR
6 for the following situations:

- 7 (I) Issuance of a duplicate license;
- 8 (II) Change of license due to an increase in licensing capacity or
9 a change in the age of children served;
- 10 (III) Obtaining the criminal record of an applicant and any person
11 living with or employed by the applicant, which may include costs
12 associated with the taking of fingerprints;
- 13 (IV) Checking the records and reports of child abuse or neglect
14 maintained by the state department OF HUMAN SERVICES for an owner,
15 employee, or resident of a facility or agency or an applicant for a license
16 to operate a facility or agency;
- 17 (V) Filing of appeals;
- 18 (VI) Duplication of licensing records for the public;
- 19 (VII) Duplication of licensing records in electronic format for the
20 public; AND
- 21 ~~(VIII) Accrediting a child placement agency for purposes of~~
22 ~~providing adoption services for convention adoptions pursuant to the~~
23 ~~"Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq.;~~
- 24 ~~(IX) (VIII) Insufficient funds payment and collection of overdue~~
25 ~~fees and fines. and~~
- 26 ~~(X) Collection of fees for scanning of adoption records pursuant~~
27 ~~to section 19-5-307. C.R.S.~~

1 (c) The fees established pursuant to this subsection (1) ~~shall~~ MUST
2 not exceed the direct and indirect costs incurred by the department. The
3 ~~division involved in licensing child care facilities~~ DEPARTMENT shall
4 develop and implement an objective and systematic approach for setting,
5 monitoring, and revising child care licensing fees by developing and
6 using an ongoing method to track all direct and indirect costs associated
7 with child care inspection licensing, developing a methodology to assess
8 the relationship between licensing costs and fees, and annually
9 reassessing costs and fees and reporting the results to the ~~state board~~
10 EXECUTIVE DIRECTOR. In developing a fee schedule, the department
11 should consider the licensed capacity of facilities and the time needed to
12 license facilities.

13 (2) (a) The fees specified in subsection (1) of this section ~~shall~~
14 MUST be paid when application is made for any license ~~or when renewal~~
15 ~~of a child placement agency license is sought and shall not be~~ IS SOUGHT
16 AND ARE NOT subject to refund. Applications for licenses ~~shall be~~ ARE
17 required in the situations that are set forth in ~~paragraph (b) of this~~
18 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and ~~shall~~ MUST be
19 made on forms prescribed by the ~~state~~ department. Each completed
20 application ~~shall~~ MUST set forth such information as required by the ~~state~~
21 department. All licenses ~~shall~~ continue in force until revoked,
22 surrendered, or expired.

23 (b) (I) An original application and fee are required:

24 (A) When an individual, partnership, corporation, or association
25 plans to open a child care center OR children's resident camp; ~~secure~~
26 ~~residential treatment center, residential child care facility, homeless youth~~
27 ~~shelter, day treatment center, specialized group facility, or child~~

1 placement agency;

2 (B) When the child care center OR children's resident camp ~~secure~~
3 ~~residential treatment center, residential child care facility, homeless youth~~
4 ~~shelter, day treatment center, or specialized group facility~~ plans to move
5 the center or facility to a different building at a different location;

6 (C) When the management or governing body of a child care
7 center OR children's resident camp ~~secure residential treatment center,~~
8 ~~residential child care facility, homeless youth shelter, day treatment~~
9 ~~center, specialized group facility, or child placement agency~~ is acquired
10 by a different individual, association, partnership, or corporation;

11 ~~(C.5)~~ (D) When a change occurs in the operating entity of a child
12 care center OR children's resident camp ~~secure residential treatment~~
13 ~~center, residential child care facility, homeless youth shelter, day~~
14 ~~treatment center, specialized group facility, or child placement agency~~
15 resulting in a new federal employee identification number; except that, if
16 the reason for the issuance of a new federal employee identification
17 number is solely due to a change in the corporate structure of the
18 operating entity and either the management or governing body of the
19 entity remains the same as originally licensed and the entity is operating
20 in the same facility or facilities as originally licensed, the state department
21 shall treat the entity's status as a renewal and assess the applicable
22 renewal fee. Only newly hired employees ~~shall be~~ ARE required to
23 undergo criminal background checks as required in ~~section 26-6-107~~
24 SECTION 26.5-5-316.

25 ~~(D)~~ (E) When a family or person plans to open 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 (E) (F) When a family or person who operates a family child care
3 home, including any special type of family child care home designated by
4 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~
5 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n),
6 moves to a new residence.

7 (II) THE DEPARTMENT MAY REQUIRE AND RECEIVE a reapplication
8 and fee ~~shall be required and received by the state department~~ in the
9 manner specified in DEPARTMENT rules. ~~promulgated by the state board.~~
10 ~~An individual, partnership, corporation, or association seeking to renew~~
11 ~~a child placement agency license shall submit a reapplication and fee to~~
12 ~~the state department as specified in rules promulgated by the state board.~~

13 (3) ~~Nothing in this section shall prevent any~~ THIS SECTION DOES
14 NOT PREVENT A city or city and county from imposing ~~additional~~ fees IN
15 ADDITION to those FEES specified under this section.

16 (4) THE DEPARTMENT SHALL TRANSMIT all fees collected pursuant
17 to this section ~~shall be transmitted~~ to the state treasurer, who shall credit
18 the ~~same~~ FEES to the child care licensing cash fund, which is hereby
19 created. The general assembly shall make annual appropriations from the
20 child care licensing cash fund for expenditures incurred by the department
21 in the performance of its duties under this ~~part~~ PART 3. THE TREASURER
22 SHALL CREDIT TO THE FUND all interest derived from the deposit and
23 investment of ~~moneys~~ MONEY in the fund. ~~shall be credited to the fund.~~
24 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~
25 MONEY in the fund ~~shall remain therein and shall not be~~ REMAINS IN THE
26 FUND AND IS NOT credited or transferred to the general fund or any other
27 fund.

1 **26.5-5-312. [Formerly 26-6-105.5] Application forms - criminal**
2 **sanctions for perjury.** (1) (a) (I) All applications for the licensure of a
3 child care facility ~~or the certification of a foster care home~~ pursuant to
4 this ~~part 1 shall~~ PART 3 MUST include the notice to the applicant that is set
5 forth in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS
6 SECTION.

7 (II) Every application used in the state of Colorado for
8 employment with a child care provider or facility ~~shall~~ MUST include the
9 notice to the applicant that is set forth in ~~paragraph (b) of this subsection~~
10 ~~(1)~~ SUBSECTION (1)(b) OF THIS SECTION.

11 (b) Each application described in ~~paragraph (a) of this subsection~~
12 ~~(1)~~ ~~shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST contain the following
13 notice to the applicant:

14 Any applicant who knowingly or willfully makes a false
15 statement of any material fact or thing in this application is
16 ~~guilty of~~ COMMITS perjury in the second degree as defined
17 in section 18-8-503, Colorado Revised Statutes, and, upon
18 conviction thereof, shall be punished accordingly.

19 (2) Any person applying for the licensure of a child care facility
20 ~~or the certification of a foster care home~~ pursuant to this ~~part 1~~ PART 3 or
21 any person applying to work at such a facility as an employee who
22 knowingly or willfully makes a false statement of any material fact or
23 thing in the application is ~~guilty of~~ COMMITS perjury in the second degree
24 as defined in section 18-8-503, ~~C.R.S.~~, and, upon conviction thereof, ~~shall~~
25 MUST be punished accordingly.

26 (3) ~~Every application for certification or licensure as a foster care~~
27 ~~home shall provide notice to the applicant that the applicant may be~~

1 ~~subject to immediate revocation of certification or licensure or other~~
2 ~~negative licensing action as set forth in this section, section 26-6-107.7,~~
3 ~~and as described by rule of the state board.~~

4 **26.5-5-313. [Formerly 26-6-105.7] Applications - materials**
5 **waivers - appeals - rules.** (1) A child care center that is subject to the
6 licensing requirements of this ~~part~~ PART 3 is also subject to the
7 provisions of this section.

8 (2) (a) The department shall make available to licensed child care
9 centers and include with every application form for licensure information
10 concerning the manner in which a child care center may apply for a
11 waiver to use certain materials in its program and curriculum. The waiver
12 request ~~shall~~ MUST be included in a center's application for licensure or,
13 in the case of a licensed child care center, may be submitted at any time.

14 (b) A child care center seeking a waiver for the use of certain
15 materials ~~shall~~ MUST adopt a policy that:

16 (I) Ensures that instructors in the child care center are trained in
17 the use of the materials in a way that provides reasonable safety
18 provisions for use by children; and

19 (II) Requires parental notification of the use of the materials in the
20 child care center and the potential safety risks associated with the
21 materials. The policy ~~shall~~ MUST require the child care center to obtain
22 signed parental consent forms acknowledging awareness of the risks in
23 using the materials in the child care center.

24 (3) If a licensed child care center receives notice of a violation
25 pursuant to this ~~part~~ PART 3, information concerning the waiver and
26 appeal process described in this section ~~shall~~ MUST be included in the
27 notification to the child care center.

1 (4) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
2 for the implementation of this section, including:

3 (a) The requirements for the granting of a waiver request, ~~which~~
4 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the
5 department make a decision on the waiver request and notify the child
6 care center of its decision no later than sixty calendar days after receipt
7 of the request;

8 (b) The requirements for the denial of a waiver request, ~~which~~
9 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the
10 department make a decision on the waiver request and notify the child
11 care center of its decision no later than sixty calendar days after receipt
12 of the request; AND

13 (c) The process by which a child care center may appeal a denial
14 of a waiver request, which process ~~shall include, but need not be limited~~
15 ~~to~~ MUST, AT A MINIMUM, PROVIDE THAT:

16 (I) ~~That~~ Upon the receipt of a denial of a waiver request, a child
17 care center has up to forty-five calendar days to appeal the denial decision
18 to the department;

19 (II) ~~That~~ The department shall act upon the appeal within
20 forty-five calendar days;

21 (III) ~~That~~ The department shall provide notice of its decision on
22 the appeal within ten calendar days after its decision to the appealing
23 child care center; and

24 (IV) ~~That~~ The appealing child care center has the right to meet in
25 person with department personnel concerning the appeal. ~~but that the~~
26 ~~entire appeals process shall last no more than one hundred calendar days~~
27 ~~after the date of the notice of denial of the waiver request.~~

1 (5) Whenever practicable, the department shall use the same
2 inspector for:

3 (a) Multiple visits to a single child care center seeking a waiver
4 pursuant to this section; or

5 (b) Multiple visits to two or more individually licensed child care
6 centers that are wholly owned, operated, and controlled by a common
7 ownership group.

8 (6) The department shall not post a denial of a waiver made
9 pursuant to this section on its website until the appeal is final.

10 **26.5-5-314. [Formerly 26-6-106] Standards for facilities and**

11 **agencies - rules - definition.** (1) ~~(a)~~ The department shall prescribe and
12 publish standards for licensing. The standards must be applicable to the
13 various types of facilities and agencies for child care regulated and
14 licensed by this ~~part 1~~, ~~except that the department shall prescribe and~~
15 ~~publish separate standards for the licensing of child placement agencies~~
16 ~~operating for the purpose of adoptive placement and adoption-related~~
17 ~~services~~ PART 3. The department shall seek the advice and assistance of
18 persons representative of the various types of child care facilities and
19 agencies in establishing the standards, including the advice and assistance
20 of the department of public safety and councils and associations
21 representing fire marshals and building code officials in the promulgation
22 of any rules related to adequate fire protection and prevention, as allowed
23 in subsection (2)(e) of this section, in a family child care home. The
24 standards must be established by rules promulgated by the ~~state board of~~
25 ~~human services~~ EXECUTIVE DIRECTOR and be issued, published, and
26 become effective only in conformity with article 4 of title 24.

27 (b) ~~(Deleted by amendment, L. 96, p. 258, § 7, effective July 1,~~

1 1996.)

2 (2) THE standards prescribed by ~~such~~ DEPARTMENT rules are
3 restricted to:

4 (a) The operation and conduct of the facility or agency and the
5 responsibility it assumes for child care;

6 (b) The character, suitability, and qualifications of the applicant
7 for a license and of other persons directly responsible for the care and
8 welfare of children served, including whether an affiliate of the licensee
9 has ever been the subject of a negative licensing action;

10 (c) The general financial ability and competence of the applicant
11 for a license to provide necessary care for children and to maintain
12 prescribed standards;

13 (d) The number of individuals or staff required to ~~insure~~ ENSURE
14 adequate supervision and care of children served;

15 (e) (I) The appropriateness, safety, cleanliness, and general
16 adequacy of the premises, including maintenance of adequate fire
17 protection and prevention and health standards in conformance with state
18 laws and municipal ordinances, to provide for the physical comfort, care,
19 well-being, and safety of the children served.

20 (II) A child care center that provides child care exclusively to
21 school-age children and operates on the property of a school district,
22 district charter school, or institute charter school may satisfy any fire or
23 radon inspection requirement required by law by providing a copy of a
24 satisfactory fire or radon inspection report of the property of a school
25 district, district charter school, or institute charter school where the child
26 care is provided if the fire or radon inspection report was completed
27 within the preceding twelve months. The department shall not require a

1 duplicate fire or radon inspection if a satisfactory fire or radon inspection
2 report of the property was completed within the preceding twelve months.

3 (III) The department shall require an annual inspection of
4 playground facilities on the property where a child care center operates.
5 For purposes of a playground facility inspection, the department shall
6 accept as satisfactory proof of valid certification of the playground
7 facility, certification, or a copy of certification, from an individual who
8 is licensed or certified to perform playground safety inspections through
9 the national recreation and park association, or other nationally
10 recognized playground facility safety organization. The department shall
11 not require a duplicate inspection if a satisfactory inspection report was
12 completed within the preceding twelve months.

13 (f) Keeping of records for food, clothing, equipment, and
14 individual supplies;

15 (g) Provisions to safeguard the legal rights of children served;

16 (h) Maintenance of records pertaining to the admission, progress,
17 health, and discharge of children;

18 (i) Filing of reports with the department;

19 (j) Discipline of children;

20 ~~(k) Standards for the short-term confinement of a child in defined~~
21 ~~emergency situations. An emergency situation means any situation where~~
22 ~~the child is determined to be a danger to himself or others and to be~~
23 ~~beyond control, all other reasonable means to calm the child have failed,~~
24 ~~and the child's welfare or the welfare of those around the child demand~~
25 ~~that the child be confined for a period not to exceed two hours. Standards~~
26 ~~for such short-term confinement shall include:~~

27 ~~(l) Definition of emergency purposes for the short-term~~

- 1 confinement in accordance with this paragraph (k);
- 2 (H) Duration and frequency of the confinement;
- 3 (HH) Facility staff requirements;
- 4 (IV) Criteria for the short-term placement of a child in the
- 5 short-term confinement room;
- 6 (V) Documentation and review of the confinement;
- 7 (VI) Review and biannual inspection by the department of the
- 8 short-term confinement facility;
- 9 (VII) Physical requirements for the short-term confinement room;
- 10 (VIII) Certification or approval from the department prior to the
- 11 establishment of the short-term confinement room;
- 12 (IX) A neutral fact finder to determine if the child's situation
- 13 merits short-term confinement;
- 14 (X) At a minimum, a fifteen minute checking and review by staff
- 15 of a child placed in short-term confinement;
- 16 (XI) Review by staff of any confinement subsequent to each
- 17 period of such confinement;
- 18 (XII) Daily review of the use of the short-term confinement
- 19 rooms; and
- 20 (XIII) Revocation or suspension of licensure for failure to comply
- 21 with the standards set forth in this paragraph (k).
- 22 (l) Standards for security in secure residential treatment centers
- 23 and residential child care facilities provided through the physical
- 24 environment and staffing. Such standards shall include, but not be limited
- 25 to: the following:
- 26 (I) Locked doors;
- 27 (II) Fencing;

1 ~~(III) The staff requirements to ensure security;~~
2 ~~(IV) Inspections;~~
3 ~~(V) Physical requirements for program space and for secure~~
4 ~~sleeping of the residents in the secure residential treatment center or~~
5 ~~residential child care facility;~~
6 ~~(VI) Other security considerations that are necessary to protect the~~
7 ~~residents of the secure residential treatment center or residential child care~~
8 ~~facility or the public.~~
9 ~~(m)~~ (k) Standards for the appropriateness, safety, and adequacy of
10 transportation services of children to and from child care centers;
11 ~~(n)~~ (l) Except as provided for in paragraph ~~(n.5)~~ of this subsection
12 ~~(2)~~ OTHERWISE PROVIDED IN SUBSECTION (2)(m) OF THIS SECTION,
13 provisions that ensure that family child care homes ~~foster care homes~~, and
14 child care centers verify, in accordance with part 9 of article 4 of title 25,
15 ~~C.R.S.~~, that each child has received appropriate immunizations against
16 contagious diseases as follows:
17 (I) Children up to twenty-four months of age ~~shall be~~ ARE required
18 to be immunized in accordance with the "Infant Immunization Act", part
19 17 of article 4 of title 25; ~~C.R.S.~~;
20 (II) Children over twenty-four months of age ~~shall be~~ ARE
21 required to be immunized in accordance with part 9 of article 4 of title 25;
22 ~~C.R.S.~~;
23 ~~(n.5)~~ (m) Provisions that allow any child care center that allows
24 any child to enroll and attend the center on a short-term basis of up to
25 fifteen days in a fifteen-consecutive-day period, no more than twice in a
26 calendar year, with each fifteen-consecutive-day period separated by at
27 least sixty days, to do so without obtaining verification of immunization

1 for that child, as provided for in section 25-4-902. ~~C.R.S.~~ Any child care
2 center that chooses to allow children to enroll and attend on a short-term
3 basis pursuant to the provisions of this ~~paragraph (n.5)~~ SUBSECTION
4 (2)(m) shall provide notification to all parents that the child care center
5 allows children to enroll and attend on a short-term basis without
6 obtaining proof of immunization; AND

7 ~~(o) Standards for adoption agencies that may include but need not~~
8 ~~be limited to:~~

9 ~~(I) Specific criteria and minimum credentials, qualifications,~~
10 ~~training, and education of staff necessary for each of the types of adoption~~
11 ~~for which an applicant may seek to be licensed, including but not limited~~
12 ~~to:~~

13 ~~(A) Traditional adoptions with adopting parents who are~~
14 ~~unknown;~~

15 ~~(B) Family adoptions, including stepparent and grandparent~~
16 ~~adoptions;~~

17 ~~(C) Interstate adoptions;~~

18 ~~(D) International adoptions;~~

19 ~~(E) Identified or designated adoptions; and~~

20 ~~(F) Special needs adoptions;~~

21 ~~(H) The continuing education requirements necessary to maintain~~
22 ~~the adoption agency's license, taking into account the type and specialty~~
23 ~~of such agency's license;~~

24 ~~(III) The operation and conduct of the agency and the~~
25 ~~responsibility it assumes in adoption cases;~~

26 ~~(IV) The character, suitability, and qualifications of the applicant~~
27 ~~for a license and for all direct service staff employed or contracted with~~

1 by the agency;

2 ~~(V) The general financial ability and competence of the applicant~~
3 ~~for license, either original or renewal, to provide necessary services for~~
4 ~~the adoption of children and to maintain prescribed standards;~~

5 ~~(VI) Proper maintenance of records; and~~

6 ~~(VII) Provisions to safeguard the legal rights of children served;~~

7 ~~(p) (n) Rules governing different types of family child care homes~~
8 ~~as that term is defined in section 26-6-102 (13); as well as any other types~~
9 ~~of family child care homes that may by necessity be established by rule~~
10 ~~of the state board EXECUTIVE DIRECTOR.~~

11 ~~(q) (I) Standards for the training of foster care parents, which must~~
12 ~~include, at a minimum:~~

13 ~~(A) Twenty-seven hours of initial training, consisting of at least~~
14 ~~twelve hours of training prior to the placement of a child and completion~~
15 ~~of the remaining training within three months after such placement;~~

16 ~~(B) Twenty hours per year of continuing training for foster care~~
17 ~~parents;~~

18 ~~(C) In addition to the hours described in subsection (2)(q)(I)(B)~~
19 ~~of this section, twelve hours per year for foster care parents providing~~
20 ~~therapeutic foster care;~~

21 ~~(D) Training concerning individualized education programs as~~
22 ~~defined in section 22-20-103 (15). C.R.S. The departments of human~~
23 ~~services and education shall ensure coordination between local county~~
24 ~~departments of human or social services and local school districts or~~
25 ~~administrative units to make such training available upon the request of~~
26 ~~a foster parent.~~

27 ~~(E) The training described in section 19-7-104.~~

1 ~~(H) The training described in subparagraph (I) of this paragraph~~
2 ~~(q) may include, but shall not be limited to, in-home training.~~

3 ~~(HH) The department shall consult with county departments and~~
4 ~~child placement agencies in prescribing such standards in order to insure~~
5 ~~a more uniform application throughout the state.~~

6 ~~(IV) The hours of training prior to the placement of a child that is~~
7 ~~described in sub-subparagraph (A) of subparagraph (I) of this paragraph~~
8 ~~(q) may be completed within four months after such placement if such~~
9 ~~placement was an emergency placement, as such term shall be defined by~~
10 ~~rule of the state board.~~

11 ~~(r) Initial and ongoing training of providers of foster care services~~
12 ~~in facilities licensed and certified pursuant to this part 1 including~~
13 ~~orientation and prelicensing training for child placement agency staff;~~

14 ~~(s) Standards for the training of providers of cradle care home~~
15 ~~services that shall be substantially similar to the training required of~~
16 ~~adoptive parents prior to adopting an infant, including ongoing training~~
17 ~~hours appropriate to the services provided.~~

18 ~~(2.3) (3) (a) For purposes of this subsection (2.3) AS USED IN THIS~~
19 ~~SUBSECTION (3), "program" means child care offered by a child care~~
20 ~~center that holds a license pursuant to this part 1 PART 3, provides child~~
21 ~~care exclusively to school-age children, and operates on the property of~~
22 ~~a school district, district charter school, or institute charter school,~~
23 ~~referred to in this subsection (2.3) SUBSECTION (3) as "school property".~~

24 (b) When an agency or entity performs an inspection required by
25 law for a program, the agency or entity shall provide a copy of the
26 inspection report to the appropriate official of the school district, district
27 charter school, or institute charter school where the child care center

1 operates.

2 (c) If all of the requirements in section 22-1-119.5 and any
3 additional DEPARTMENT rules ~~of the state board~~ are met, a school-age
4 child enrolled in a program on school property may possess and
5 self-administer medication for asthma, a food allergy, or anaphylaxis. The
6 ~~state board~~ EXECUTIVE DIRECTOR may adopt additional rules for programs
7 on school property concerning the authority to possess and self-administer
8 medication for asthma, a food allergy, or anaphylaxis.

9 ~~(2.6)~~ (4) If all of the requirements in section 22-1-119.5 and any
10 additional DEPARTMENT rules ~~of the state board~~ are met, a child enrolled
11 in a large child care center, as defined by rule promulgated by the ~~state~~
12 ~~board~~ EXECUTIVE DIRECTOR, may possess and self-administer medication
13 for asthma, a food allergy, or anaphylaxis. The ~~state board~~ EXECUTIVE
14 DIRECTOR may adopt additional rules concerning the authority to possess
15 and self-administer medication for asthma, a food allergy, or anaphylaxis.

16 ~~(3)~~ (5) Any applicant or person licensed to operate a child care
17 facility or agency under the provisions of this ~~part~~ PART 3 has the right
18 to appeal any standard that, in ~~his or her~~ THE APPLICANT'S OR PERSON'S
19 opinion, works an undue hardship or when, in ~~his or her~~ THE APPLICANT'S
20 OR PERSON'S opinion, a standard has been too stringently applied by
21 representatives of the department. The department shall designate a panel
22 of persons representing various state and local governmental agencies
23 with an interest in and concern for children to hear such appeal and to
24 make recommendations to the department. The membership of the
25 appeals review panel ~~shall~~ MUST include, but need not be limited to, a
26 representative from child care providers, a representative from a local
27 early childhood council or local child care resource and referral agency,

1 a state-level early childhood representative with early care and education
2 expertise, and a parent representative. THE EXECUTIVE DIRECTOR OR THE
3 EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT all members to the
4 appeals review panel. ~~shall be appointed by the executive director or his~~
5 ~~or her designee and shall~~ MEMBERS OF THE APPEALS REVIEW PANEL serve
6 terms of no more than three years. Representatives to the appeals review
7 panel may serve successive terms.

8 (4) The state board may promulgate rules to regulate the operation
9 of out-of-home placement provider consortia. The regulation shall not
10 include licensure of out-of-home placement provider consortia:

11 (5) ~~The state board shall promulgate rules to define the~~
12 ~~requirements for licensure for a licensed host family home serving~~
13 ~~homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this~~
14 ~~title:~~

15 (6)(a) A county director of human or social services, or his or her
16 designee, may approve, at his or her discretion, a waiver of non-safety
17 licensing standards for kinship foster care. A waiver may only be
18 approved if:

19 (I) It concerns non-safety licensing standards, as set forth by rule
20 of the state board pursuant to paragraph (d) of this subsection (6);

21 (II) ~~The safety and well-being of the child or children receiving~~
22 ~~care is not compromised; and~~

23 (III) ~~The waiver request is in writing.~~

24 (b) ~~In addition to an approved waiver of non-safety licensing~~
25 ~~standards, a county director of human or social services, or his or her~~
26 ~~designee, may limit or restrict a license issued to a kinship foster care~~
27 ~~entity or require that entity to enter into a compliance agreement to ensure~~

1 the safety and well-being of the child or children in that entity's care.

2 (c) ~~A kinship foster care entity may not appeal a denial of a~~
3 ~~waiver requested pursuant to paragraph (a) of this subsection (6).~~

4 (d) ~~The state board shall promulgate rules concerning the waiver~~
5 ~~of non-safety licensing standards for kinship foster care. The rules shall~~
6 ~~include, but need not be limited to, a listing of non-safety licensing~~
7 ~~standards that may not be waived and circumstances in which waivers do~~
8 ~~not apply. The state board shall also define by rule the meaning of~~
9 ~~"kinship foster care" for the purposes of this subsection (6).~~

10 (7) (6) ~~The state board~~ EXECUTIVE DIRECTOR shall promulgate
11 rules concerning standards for licensing early care and education
12 programs that facilitate the recruitment and retention of Colorado's early
13 childhood educator workforce as described in ~~section 26-6-122~~ SECTION
14 26.5-6-103.

15 **26.5-5-315. [Formerly 26-6-106.2] Staffing during emergency**
16 **circumstances - definitions.** (1) During an emergency circumstance, a
17 child care center may permit an employee who has successfully
18 completed criminal background check requirements but is not a qualified
19 caregiver to supervise children for not more than two hours while the
20 child care center secures a qualified caregiver.

21 (2) Notwithstanding subsection (1) of this section, a large child
22 care center, as defined by DEPARTMENT rule ~~promulgated by the state~~
23 ~~board~~, or a child care center that operates on the property of a school
24 district, district charter school, or institute charter school, may permit an
25 employee of the child care center or an employee of the school district,
26 district charter school, or institute charter school who has successfully
27 completed criminal background check requirements but is not a qualified

1 caregiver to supervise children for an amount of time that is reasonably
2 necessary to address an emergency circumstance.

3 (3) During an emergency circumstance, a child care center shall
4 maintain the staff-to-child ratio required by ~~department~~ rule OF THE
5 EXECUTIVE DIRECTOR.

6 (4) As used in this section, unless the context otherwise requires,
7 "emergency circumstance" includes, but is not limited to, illness, death,
8 accident, law enforcement action, road closure, hazardous weather,
9 emergency bodily function, child elopement, or providing emergency
10 attention or care to a child.

11 **26.5-5-316. Investigations and inspections - local authority -**
12 **reports - rules.** (1) (a) (I) (A) [Formerly 26-6-107 (1)] The ~~state~~
13 department shall investigate and pass on each original application for a
14 license, each application for a permanent or time-limited license
15 following the issuance of a probationary or provisional license, and each
16 application for renewal, to operate a facility or an agency prior to granting
17 ~~such~~ THE license or renewal. As part of ~~such~~ THE investigation, the ~~state~~
18 department shall require each individual, including but not limited to the
19 applicant, any owner, employee, newly hired employee, licensee, and any
20 adult who is eighteen years of age and older who resides in the licensed
21 facility to obtain a fingerprint-based criminal history record check by
22 reviewing any record that is used to assist the ~~state~~ department in
23 ascertaining whether the person being investigated has been convicted of
24 any of the criminal offenses specified in ~~section 26-6-104 (7)~~ SECTION
25 26.5-5-309 (4) or any other felony. The ~~state board~~ EXECUTIVE DIRECTOR
26 shall promulgate rules that define and identify what the criminal history
27 record check entails.

1 (B) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR
2 pursuant to this subsection (1)(a)(I) must allow an exemption from the
3 fingerprint-based criminal history record check and the check of the
4 records and reports of child abuse or neglect maintained by the state
5 department OF HUMAN SERVICES for those out-of-state employees working
6 in Colorado at a children's resident camp in a temporary capacity for a
7 camp that is in operation for fewer than ninety days. Each person so
8 exempted from fingerprinting and the check of the records and reports of
9 child abuse or neglect maintained by the state department OF HUMAN
10 SERVICES shall sign a statement that affirmatively states that ~~he or she~~ THE
11 PERSON has not been convicted of any charge of child abuse, unlawful
12 sexual offense, or any felony. Prospective employers of ~~such~~ exempted
13 persons shall conduct reference checks of the prospective employees in
14 order to verify previous work history and shall conduct personal
15 interviews with each ~~such~~ prospective employee.

16 (C) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR
17 pursuant to this subsection (1)(a)(I) must require the fingerprint-based
18 criminal history record check in all circumstances, other than those
19 identified in subsection (1)(a)(I)(B) ~~or (1)(a)(I)(C.7)~~ OR (1)(a)(I)(D) of
20 this section, to include a fingerprint-based criminal history record check
21 utilizing the records of the Colorado bureau of investigation and the
22 federal bureau of investigation and, for any new owner, new applicant,
23 newly hired employee, new licensee, or individual who begins residing
24 in the licensed facility. As part of the investigation, the records and
25 reports of child abuse or neglect maintained by the state department OF
26 HUMAN SERVICES must be accessed to determine whether the owner,
27 applicant, employee, newly hired employee, licensee, or individual who

1 resides in the licensed facility being investigated has been found to be
2 responsible in a confirmed report of child abuse or neglect. Information
3 is made available pursuant to section 19-1-307 (2)(j) and rules
4 promulgated by the state board OF HUMAN SERVICES pursuant to section
5 19-3-313.5 (4). Except as provided for in subsection ~~(1)(a)(I)(C.7)~~ IN
6 SUBSECTION (1)(a)(I)(D) of this section, any change in ownership of a
7 licensed facility or the addition of a new resident adult or newly hired
8 employee to the licensed facility requires a new investigation as provided
9 for in this section.

10 ~~(C.5) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163,~~
11 ~~p. 562, § 3, effective August 10, 2011.)~~

12 ~~(C.7) (D) Where~~ WHEN two or more individually licensed
13 facilities are wholly owned, operated, and controlled by a common
14 ownership group or school district, a fingerprint-based criminal history
15 record check and a check of the records and reports of child abuse or
16 neglect maintained by the STATE department OF HUMAN SERVICES,
17 completed for one of the licensed facilities of the common ownership
18 group or school district pursuant to this section for any individual for
19 whom such a check is required under this ~~part~~ PART 3 may satisfy the
20 record check requirement for any other licensed facility under the same
21 common ownership group or school district. A new fingerprint-based
22 criminal history record check or new check of the records and reports of
23 child abuse or neglect maintained by the STATE department OF HUMAN
24 SERVICES is not required of such an individual if the common ownership
25 group or school district maintains a central records management system
26 for employees of all its licensed facilities; takes action as required
27 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 when informed of the

1 results of a fingerprint-based criminal history record check or check of
2 the records and reports of child abuse or neglect maintained by the STATE
3 department OF HUMAN SERVICES that requires action pursuant to this ~~part~~
4 † PART 3; and informs the department whenever an additional licensed
5 facility comes under or is no longer under its ownership or control.

6 ~~(D)~~ (E) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
7 rules to implement this ~~subparagraph (F)~~ SUBSECTION (1)(a)(I).

8 ~~(1.5)~~ (II) Rules promulgated by the ~~state board~~ EXECUTIVE
9 DIRECTOR pursuant to subsection (1)(a)(I) of this section must also
10 include:

11 (A) A comparison search on the ICON system at the state judicial
12 department with the name and date of birth information and any other
13 available source of criminal history information that the ~~state~~ department
14 determines is appropriate for each circumstance in which the ~~CBI~~
15 fingerprint check CONDUCTED BY THE COLORADO BUREAU OF
16 INVESTIGATION either does not confirm a criminal history or confirms a
17 criminal history, in order to determine the crime or crimes for which the
18 person was arrested or convicted and the disposition thereof;

19 (B) Any other recognized database, if any, that is accessible on a
20 statewide basis as set forth by DEPARTMENT rules; ~~promulgated by the~~
21 ~~state board~~; and

22 (C) When the results of an investigation performed pursuant to
23 subsection (1)(a)(I) of this section or this ~~subsection (1)(a)(1.5)~~
24 SUBSECTION (1)(a)(II) reveal a record of arrest without a disposition, a
25 name-based criminal history record check, as defined in section
26 22-2-119.3 (6)(d).

27 ~~(H)~~ (III) If the operator of a facility or agency refuses to hire an

1 applicant as a result of information disclosed in the investigation of the
2 applicant pursuant to ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION
3 (1)(a)(I) OF THIS SECTION, the employer ~~shall not be~~ IS NOT subject to civil
4 liability for such refusal to hire. If a former employer of the applicant
5 releases information requested by the prospective employer pertaining to
6 the applicant's former performance, the former employer ~~shall not be~~ IS
7 NOT subject to civil liability for the information given.

8 ~~(a.5) An applicant for certification as a foster care home shall~~
9 ~~provide the child placement agency or the county department from whom~~
10 ~~the certification is sought with a list of all the prior child placement~~
11 ~~agencies and county departments to which the applicant had previously~~
12 ~~applied, and a release of information from such child placement agencies~~
13 ~~and county departments to which the applicant had previously applied, to~~
14 ~~obtain information about the application and any certification given by~~
15 ~~such child placement agencies and county departments. A child placement~~
16 ~~agency or county department from whom the certification is sought shall~~
17 ~~conduct a reference check of the applicant and any adult resident of the~~
18 ~~foster care home by contacting all of the child placement agencies and~~
19 ~~county departments identified by the applicant before issuing the~~
20 ~~certification for that foster care home. Child placement agencies and~~
21 ~~county departments shall be held harmless for information released, in~~
22 ~~good faith, to other child placement agencies or county departments.~~

23 ~~(a.7) (I) For all applicants applying to be a foster care home or~~
24 ~~kinship foster care home, regardless of reimbursement, the county~~
25 ~~department or child placement agency shall require each adult who is~~
26 ~~eighteen years of age or older and who resides in the home to obtain a~~
27 ~~fingerprint-based criminal history record check through the Colorado~~

1 bureau of investigation and the federal bureau of investigation. The
2 applicant must provide the county department or child placement agency
3 with the addresses where the applicant and any adult residing in the home
4 has lived in the preceding five years, including addresses from other
5 states. The county department or the child placement agency shall
6 conduct the following background checks of the applicant or an adult
7 residing in the home:

8 (A) A fingerprint-based criminal history record check to
9 determine if the applicant or adult residing in the home has been
10 convicted of any of the crimes listed in section 26-6-106.3(5)(a);

11 (B) A check of the ICON system at the state judicial department
12 to determine the status or disposition of any pending criminal charges
13 brought against the applicant or adult who resides in the home that were
14 identified by the fingerprint-based criminal history record check through
15 the Colorado bureau of investigation and the federal bureau of
16 investigation;

17 (C) A check of the state department's automated database for
18 information to determine if the applicant or adult who resides in the home
19 has been identified as having a finding of child abuse or neglect and
20 whether such finding has been determined to present an unsafe placement
21 for a child;

22 (D) A check against the state's sex offender registry and against
23 the national sex offender public registry operated by the United States
24 department of justice that checks names and addresses in the registries
25 and the interactive database system for Colorado to determine if the
26 applicant or adult who resides at the home is a registered sex offender;
27 and

1 ~~(E) When the results of a fingerprint-based criminal history record~~
2 ~~check performed pursuant to this subsection (1)(a.7)(I) reveal a record of~~
3 ~~arrest without a disposition, a name-based criminal history record check,~~
4 ~~as defined in section 22-2-119.3 (6)(d).~~

5 ~~(H) In addition to the fingerprint-based criminal history record~~
6 ~~check, the county department or child placement agency shall contact the~~
7 ~~appropriate entity in each state in which the applicant or any adult~~
8 ~~residing in the home has resided within the preceding five years to~~
9 ~~determine whether the individual has been found to be responsible in a~~
10 ~~confirmed report of child abuse or neglect.~~

11 ~~(HH) The screening request in Colorado for criminal history record~~
12 ~~checks through the Colorado bureau of investigation and the federal~~
13 ~~bureau of investigation shall be made pursuant to section 19-1-307~~
14 ~~(2)(k.5), C.R.S., rules promulgated by the state board pursuant to section~~
15 ~~19-3-313.5, C.R.S., and 42 U.S.C. sec. 671 (a)(20).~~

16 ~~(IV) An investigation pursuant to this paragraph (a.7) shall be~~
17 ~~conducted for any new resident adult whenever the adult is added to the~~
18 ~~foster care home or kinship care home. Information obtained from any~~
19 ~~state records of abuse or neglect shall not be used for any purpose other~~
20 ~~than conducting the investigation for placement or certification.~~

21 (b) (I) ~~When the state department county department, or child~~
22 ~~placement agency~~ DEPARTMENT is able to certify that the applicant or
23 licensee is competent and will operate adequate facilities to care for
24 children under the requirements of this ~~part~~ PART 3 and that standards
25 are being met and will be complied with, it shall issue the license for
26 which applied. The state department shall inspect or cause to be inspected
27 the facilities to be operated by an applicant for an original license before

1 the license is granted and shall thereafter inspect or cause to be inspected
2 the facilities of all licensees that, during the period of licensure, have
3 been found to be the subject of complaints or to be out of compliance
4 with the standards set forth in ~~section 26-6-106~~ SECTION 26.5-5-314 and
5 ~~the DEPARTMENT rules of the state department~~ or that otherwise appear to
6 be placing children at risk. The ~~state~~ department may make such other
7 inspections as it deems necessary to ensure that the requirements of this
8 ~~article~~ PART 3 are being met and that the health, safety, and welfare of the
9 children being placed are protected. ~~If, as a result of an inspection of a~~
10 ~~certified foster care home, the state department determines that any child~~
11 ~~residing in such foster care home is subject to an immediate and direct~~
12 ~~threat to his or her safety and welfare as defined by rules promulgated by~~
13 ~~the state board or that a substantial violation of a fundamental standard~~
14 ~~of care warrants immediate action, the state department may require a~~
15 ~~county department to immediately remove such child from the foster care~~
16 ~~home.~~

17 (II) The ~~state board~~ EXECUTIVE DIRECTOR shall adopt rules
18 concerning the on-site public availability of the most recent inspection
19 report results of child care center facilities and family child care home
20 facilities, when requested. The ~~state board~~ EXECUTIVE DIRECTOR shall
21 also adopt rules concerning a requirement that all facilities licensed under
22 this ~~part~~ PART 3 post their licenses and information regarding the
23 procedures for filing a complaint under this ~~part~~ PART 3 directly with the
24 ~~state~~ department, which rules ~~shall~~ MUST require that each such facility
25 display its license and complaint procedures in a prominent and
26 conspicuous location at all times during operational hours of the facility.
27 ~~except that such rules shall not require foster care homes to post their~~

1 licenses and such rules shall not require foster care homes and child
2 placement agencies to post information regarding the procedures for
3 filing a complaint under this part 1 directly with the state department. The
4 state board shall adopt rules requiring foster care homes to make their
5 licenses available to their patrons for inspection, upon request, and
6 requiring foster care homes and child placement agencies to make the
7 information concerning the filing of complaints available to their patrons
8 for inspection, upon request.

9 (III) If, as a result of an inspection of a licensed child care center
10 facility or family child care home facility, the state department determines
11 that there were no serious violations of any of the standards prescribed
12 and published by the state department or any of the provisions of this part
13 † PART 3, within twenty days after completing the inspection the state
14 department shall send a written notice to such THE facility indicating such
15 fact. Within ten days after receipt of such THE written notice, the licensee
16 shall provide a copy of the written notice to the parents and legal
17 guardians of the children cared for at the child care center facility or
18 family child care home facility.

19 ~~(1.5) Repealed.~~

20 (2) [Formerly 26-6-107.5 (1)] When the state department receives
21 a serious complaint about a child care facility licensed pursuant to this
22 part † PART 3 alleging the immediate risk of health or safety of the
23 children cared for in such facility, the state department shall respond to
24 THE COMPLAINT and conduct an on-site investigation concerning such THE
25 complaint within forty-eight hours of AFTER its receipt.

26 (3) (a) (I) [Formerly 26-6-107 (2)] Except as otherwise provided
27 in subparagraph (II) of this paragraph (a), the state SUBSECTION (3)(a)(II)

1 OF THIS SECTION, THE department may authorize or contract with any
2 county department, the county department of health, or any other publicly
3 or privately operated organization that has a declared interest in children
4 and experience working with children or on behalf of children to
5 investigate and inspect the facilities applying for an original or renewal
6 license or applying for a permanent license following the issuance of a
7 probationary or provisional license under this ~~part~~ PART 3 and may
8 accept reports on such investigations and inspections from such agencies
9 or organizations as a basis for such licensing. When contracting for
10 investigations and inspections, the ~~state~~ department shall assure that the
11 contractor is qualified by training and experience and has no conflict of
12 interest with respect to the facilities to be inspected.

13 (II) The ~~state~~ department shall not authorize or contract with any
14 county department, the county department of health, or any other publicly
15 or privately operated organization that has a declared interest in children
16 and experience working with children or on behalf of children for
17 investigations and inspections described in ~~subparagraph (I) of this~~
18 ~~paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION of any facilities that
19 provide twenty-four-hour care and are licensed pursuant to this ~~part~~
20 PART 3.

21 (b) A city, county, or city and county may impose and enforce
22 higher standards and requirements for facilities licensed under this ~~part~~
23 ~~†~~ PART 3 than the standards and requirements specified under this ~~part~~
24 ~~†~~ PART 3.

25 (4) **[Formerly 26-6-107 (3)]** Every facility licensed under this ~~part~~
26 ~~†~~ PART 3 shall keep and maintain such records as the department may
27 prescribe pertaining to the admission, progress, health, and discharge of

1 children under the care of the facility, and shall report relative thereto to
2 the department whenever called for, upon forms prescribed by the
3 department. THE FACILITY AND THE DEPARTMENT SHALL KEEP all records
4 regarding children and all facts learned about children and their relatives
5 shall be kept confidential. ~~both by the facility and the department.~~

6 **26.5-5-317. [Formerly 26-6-108] Denial of license - suspension**
7 **- revocation - probation - refusal to renew license - fines.** (1) When an
8 application for a license has been denied by the department, the
9 department shall notify the applicant in writing of the denial by mailing
10 a notice to ~~him or her~~ THE APPLICANT at the address shown on the
11 application. Any applicant ~~believing himself or herself~~ WHO IS aggrieved
12 by the denial may pursue the remedy for review as provided in ~~subsection~~
13 ~~(3)~~ SUBSECTION (9) of this section if ~~he or she~~ THE APPLICANT, within
14 thirty days after receiving the notice, petitions the department to set a date
15 and place for hearing, affording ~~him or her~~ THE APPLICANT an opportunity
16 to be heard in person or by counsel. All hearings on the denial of licenses
17 shall be conducted in conformity with the provisions and procedures
18 specified in article 4 of title 24, ~~C.R.S.~~, as in the case of the suspension
19 and revocation of licenses.

20 (2) The department may deny an application, or suspend, revoke,
21 or make probationary the license of any facility regulated and licensed
22 under this ~~part~~ PART 3 or assess a fine against the licensee pursuant to
23 ~~section 26-6-114~~ SECTION 26.5-5-323 ~~should~~ IF the licensee, an affiliate
24 of the licensee, a person employed by the licensee, or a person who
25 resides with the licensee at the facility:

26 (a) ~~Be~~ IS convicted of any felony, other than those offenses
27 specified in ~~section 26-6-104~~ (7) SECTION 26.5-5-309 (4), or child abuse,

1 as specified in section 18-6-401, ~~€R.S.~~, the record of conviction being
2 conclusive evidence thereof, notwithstanding section 24-5-101; ~~€R.S.~~,
3 or have entered into a deferred judgment agreement or a deferred
4 prosecution agreement to any felony, other than those offenses specified
5 in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4) OR child abuse, as
6 specified in section 18-6-401; ~~€R.S.~~, or should the department have a
7 certified court order from another state indicating that the applicant,
8 licensee, person employed by the licensee, or any person residing with the
9 licensee has been convicted of a felony, other than those offenses
10 specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4), under a law of
11 any other state or the United States or has entered into a deferred
12 judgment agreement or a deferred prosecution agreement in another state
13 as to a felony, other than those offenses specified in ~~section 26-6-104 (7)~~
14 SECTION 26.5-5-309 (4); or

15 ~~(a.5)~~ (b) ~~Be~~ IS convicted of third degree assault, as described in
16 section 18-3-204; ~~€R.S.~~, any misdemeanor, the underlying factual basis
17 of which has been found by the court on the record to include an act of
18 domestic violence, as defined in section 18-6-800.3; ~~€R.S.~~, the violation
19 of a protection order, as described in section 18-6-803.5; ~~€R.S.~~, any
20 misdemeanor offense of child abuse as defined in section 18-6-401;
21 ~~€R.S.~~, or any misdemeanor offense in any other state, the elements of
22 which are substantially similar to the elements of any one of the offenses
23 described in this ~~paragraph (a.5)~~ SUBSECTION (2)(b). ~~For purposes of this~~
24 ~~paragraph (a.5), "convicted" shall have~~ AS USED IN THIS SUBSECTION
25 (2)(b), "CONVICTED" HAS the same meaning as set forth in ~~section~~
26 ~~26-6-104 (7)(a)(H)~~ SECTION 26.5-5-309 (4)(a)(II).

27 ~~(b)~~ (c) ~~Be~~ IS determined to be insane or mentally incompetent by

1 a court of competent jurisdiction and, ~~should a court enter~~ IF A COURT
2 ENTERS, pursuant to part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, or
3 section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding
4 that the mental incompetency or insanity is of such a degree that the
5 licensee is incapable of operating a family child care home ~~foster care~~
6 ~~home~~, or child care center, the record of such determination and entry of
7 such order being conclusive evidence thereof; or

8 ~~(e)~~ (d) ~~Use~~ USES any controlled substance, as defined in section
9 18-18-102 (5), ~~C.R.S.~~, including retail marijuana, or ~~consume~~ CONSUMES
10 any alcoholic beverage during the operating hours of the facility or ~~be~~ IS
11 under the influence of a controlled substance or alcoholic beverage during
12 the operating hours of the facility; or

13 ~~(e.5)~~ (e) ~~Be~~ IS convicted of unlawful use of a controlled substance
14 as specified in section 18-18-404; ~~C.R.S.~~, unlawful distribution,
15 manufacturing, dispensing, sale, or possession of a controlled substance
16 as specified in section 18-18-403.5 OR 18-18-405; ~~or 18-18-405.5, C.R.S.~~,
17 or unlawful offenses relating to marijuana or marijuana concentrate as
18 specified in section 18-18-406; ~~C.R.S.~~; or

19 ~~(d)~~ (f) Consistently ~~fail~~ FAILS to maintain standards prescribed and
20 published by the department; or

21 ~~(e)~~ (g) ~~Furnish or make~~ FURNISHES OR MAKES any misleading or
22 any false statement or report to the department; or

23 ~~(f)~~ (h) ~~Refuse~~ REFUSES to submit to the department any reports or
24 ~~refuse~~ REFUSES to make available to the department any records required
25 by it in making investigation of the facility for licensing purposes; or

26 ~~(g)~~ (i) ~~Fail or refuse~~ FAILS OR REFUSES to submit to an
27 investigation or inspection by the department or to admit authorized

1 representatives of the department at any reasonable time for the purpose
2 of investigation or inspection; or

3 ~~(h)~~ (j) ~~Fail~~ FAILS to provide, maintain, equip, and keep in safe and
4 sanitary condition premises established or used for child care pursuant to
5 standards prescribed by the department of public health and environment
6 and the department of human services or by ordinances or regulations
7 applicable to the location of such facility; or

8 ~~(i)~~ (k) Willfully or deliberately ~~violate~~ VIOLATES any of the
9 provisions of this ~~part~~ PART 3 OR ANY OF THE STANDARDS PRESCRIBED
10 AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 3; or

11 ~~(j)~~ (l) ~~Fail~~ FAILS to maintain financial resources adequate for the
12 satisfactory care of children served in regard to upkeep of premises and
13 provision for personal care, medical services, clothing, and other
14 essentials in the proper care of children; or

15 ~~(k)~~ (m) ~~Be~~ IS charged with the commission of an act of child
16 abuse or an unlawful sexual offense, as specified in section 18-3-411 (1),
17 C.R.S., if:

18 (I) Such individual has admitted committing the act or offense and
19 the admission is documented or uncontroverted; or

20 (II) The administrative law judge finds that such charge is
21 supported by substantial evidence; or

22 ~~(l)~~ (n) ~~Admit~~ ADMITS to an act of child abuse or if substantial
23 evidence is found that the licensee, person employed by the licensee, or
24 person who resides with the licensee in the licensed facility has
25 committed an act of child abuse. ~~For the purposes of this paragraph (l)~~ AS
26 USED IN THIS SUBSECTION (2)(n), "child abuse" has the same meaning as
27 that ascribed to the term "abuse" or "child abuse or neglect" in section

1 19-1-103 (1); C.R.S.; or

2 ~~(m)~~ (o) Be IS the subject of a negative licensing action. or

3 ~~(n) Misuse any public funds that are provided to any foster care~~
4 ~~home or any child placement agency that places or arranges for placement~~
5 ~~of a child in foster care for the purposes of providing foster care services,~~
6 ~~child placement services related to the provision of foster care, or any~~
7 ~~administrative costs related to the provision of such foster care services~~
8 ~~or such foster-care-related child placement services. The state board shall~~
9 ~~promulgate rules defining the term "misuse", which rules shall take into~~
10 ~~account similar definitions in federal law and may include references to~~
11 ~~relevant circulars of the federal office of management and budget.~~

12 ~~(2.2)~~ (3) The state department may deny an application to renew
13 a license based on the grounds set forth in subsection (2) of this section.
14 The denial is effective upon the expiration of the existing license. The
15 existing license ~~shall not~~ DOES NOT continue in effect even though the
16 applicant for renewal files a request for hearing or appeal.

17 ~~(2.3)~~ (4) The state department may deny an application for a child
18 care facility license pursuant to this part 1 if such PART 3 IF THE applicant
19 is a relative affiliate of a licensee as described in section 26-6-102 (1)(d),
20 of a child care facility licensed pursuant to this part 1 PART 3, which
21 licensee is the subject of a previous negative licensing action or is the
22 subject of a pending investigation by the state department that may result
23 in a negative licensing action.

24 ~~(2.4)~~ The state department may deny an application for a child
25 placement agency license pursuant to this part 1 if such applicant is a
26 relative affiliate of a licensee as described in section 26-6-102 (1)(d), of
27 a child placement agency licensed pursuant to this part 1, which licensee

1 is the subject of a previous negative licensing action or is the subject of
2 a pending investigation by the state department that may result in a
3 negative licensing action.

4 ~~(2.5)~~ (5) (a) (I) The state department shall deny an application for
5 a license under the circumstances described in ~~section 26-6-104 (7)~~
6 SECTION 26.5-5-309 (4). The state department shall revoke or suspend a
7 license previously issued if:

8 (A) The licensee, person employed by the licensee, or person
9 residing with the licensee is thereafter convicted or if it is later discovered
10 that the licensee, person employed by the licensee, or person residing with
11 the licensee had previously been convicted of any of the criminal offenses
12 set forth in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4); or

13 (B) The department has a certified court order from another state
14 indicating that the licensee, person employed by the licensee, or person
15 residing with the licensee is thereafter convicted of, or if it is later
16 discovered that the licensee, person employed by the licensee, or person
17 residing with the licensee had previously been convicted of a criminal
18 offense under a law of any other state or of the United States that is
19 similar to any of the criminal offenses set forth in ~~section 26-6-104 (7)~~
20 SECTION 26.5-5-309 (4); or

21 (C) The licensee, an affiliate of the licensee, a person employed
22 by the licensee, or a person who resides with the licensee at the facility
23 has been determined to be insane or mentally incompetent by a court of
24 competent jurisdiction ~~and, should a court enter~~ AND THE COURT HAS
25 ENTERED 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~~ THE determination and entry
3 of ~~such~~ THE order being conclusive evidence thereof.

4 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS
5 SUBSECTION (5)(a), "convicted" means a conviction by a jury or by a court
6 and ~~shall also include~~ INCLUDES a deferred judgment and sentence
7 agreement, a deferred prosecution agreement, a deferred adjudication
8 agreement, an adjudication, and a plea of guilty or nolo contendere.

9 (b) A certified copy of the judgment of a court of competent
10 jurisdiction of such conviction or deferred judgment and sentence
11 agreement, deferred prosecution agreement, deferred adjudication
12 agreement, or a certified court order from another state indicating such an
13 agreement from another state ~~shall be~~ IS prima facie evidence of such
14 conviction or agreement.

15 ~~(2.6)~~ (6) The ~~state~~ department shall deny an application for an
16 entity licensed under this ~~article~~ PART 3 and shall revoke the license of an
17 entity licensed under this ~~article~~ PART 3 if the entity cultivates marijuana
18 pursuant to the authority in section 16 of article XVIII of the state
19 constitution.

20 ~~(2.7)~~ (7) The department may assess fines, pursuant to the
21 provisions of ~~section 26-6-114~~ SECTION 26.5-5-323, against a licensee or
22 a person employed by the licensee who willfully and deliberately or
23 consistently violates the standards prescribed and published by the
24 department or the provisions of this ~~part~~ PART 3.

25 ~~(2.9)~~ (8) The DEPARTMENT SHALL DETERMINE THE EXISTENCE OF
26 convictions identified in this section ~~shall be determined~~ according to the
27 records of the Colorado bureau of investigation, the ICON system at the

1 state judicial department, or any other source, as set forth in ~~section~~
2 ~~26-6-107 (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(II).

3 (3) (9) The department shall suspend or revoke a license only in
4 conformity with the provisions and procedures specified in article 4 of
5 title 24, C.R.S., and after a hearing thereon as provided in said article 4;
6 except that AN ADMINISTRATIVE LAW JUDGE [REDACTED] SHALL CONDUCT all
7 hearings under this ~~part 1 shall be conducted by an administrative law~~
8 ~~judge of the department who shall render his or her recommendation to~~
9 ~~PART 3 AND ISSUE AN INITIAL DECISION.~~ The executive director of the
10 ~~department of human services who shall render~~ SHALL REVIEW THE
11 ~~INITIAL DECISION AND ISSUE the final decision of the department. and no~~
12 ~~licensee shall be~~ A LICENSEE IS NOT entitled to a right to cure any of the
13 charges described in ~~paragraph (a), (b), (c), or (k)(I) of subsection (2)~~
14 ~~SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) of this section. No such~~
15 ~~hearing shall~~ A HEARING DOES NOT prevent or delay any injunctive
16 proceedings instituted under the provisions of ~~section 26-6-111~~ SECTION
17 26.5-5-320.

18 (4) ~~The provisions of paragraph (c) of subsection (2) of this~~
19 ~~section shall not apply to foster care homes, unless such use or~~
20 ~~consumption impairs the licensee's ability to properly care for children.~~

21 (5) ~~Only upon the request of a county department, a child~~
22 ~~placement agency licensed pursuant to this part 1 that places or arranges~~
23 ~~for placement of a child in foster care may certify the home of a relative~~
24 ~~of the child placed therein as a foster care home.~~

25 **26.5-5-318. [Formerly 26-6-108.5] Notice of negative licensing**
26 **action - filing of complaints.** (1) (a) When a child care center facility or
27 family child care home facility licensed pursuant to this ~~part 1~~ PART 3 has

1 been notified by the department of a negative licensing action or the
2 imposition of a fine pursuant to ~~section 26-6-108 (2) and (2.7)~~ SECTION
3 26.5-5-317 (2) AND (7), it shall, within ten days after receipt of the notice,
4 provide the department with the names and mailing addresses of the
5 parents or legal guardians of each child cared for at the child care center
6 facility or family child care home facility. The department shall maintain
7 the confidentiality of the names and mailing addresses provided to it
8 pursuant to this subsection (1).

9 (b) Within twenty days after receipt of the names and addresses
10 of parents and legal guardians pursuant to ~~paragraph (a) of this subsection~~
11 ~~(1)~~ SUBSECTION (1)(a) OF THIS SECTION, the department shall send a
12 written notice to each ~~such~~ parent or legal guardian identifying the
13 negative licensing action or the fine imposed and providing a description
14 of the basis for the action as it relates to the impact on the health, safety,
15 and welfare of the children in the care of the facility. ~~Such notice shall be~~
16 ~~sent~~ THE DEPARTMENT SHALL SEND THE NOTICE to the parents and legal
17 guardians by first-class mail.

18 (c) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
19 concerning the assessment of a fine against a licensee that is equal to the
20 direct and indirect costs associated with the mailing of the notice
21 described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF
22 THIS SECTION against the facility.

23 (d) ~~Nothing in this subsection (1) precludes the state~~ THIS
24 SUBSECTION (1) DOES NOT PRECLUDE THE department or a county
25 department of human or social services from notifying parents of serious
26 violations of any of the standards prescribed and published by the
27 department or any of the provisions of this ~~part 1~~ PART 3 that could

1 impact the health, safety, or welfare of a child cared for at the facility or
2 home.

3 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
4 requiring child care center facilities and family child care home facilities
5 to provide written notice to the parents and legal guardians of the children
6 cared for in such facilities of the procedures by which to file a complaint
7 against the facility or an employee of the facility with the ~~division of child~~
8 ~~care in the department~~. Such rules shall specify what DEPARTMENT. THE
9 RULES MUST SPECIFY THE information the notice shall MUST contain, but
10 shall MUST require that the notice include the current mailing address and
11 telephone number of the ~~division of child care in~~ APPROPRIATE DIVISION
12 WITHIN the department.

13 (3) The department shall track and record complaints made to the
14 department that are brought against family child care homes and shall
15 identify which complaints were brought against licensed family child care
16 homes, ~~as defined in section 26-6-102 (13)~~; unlicensed family child care
17 homes, or legally exempt family child care homes. ~~as defined in section~~
18 ~~26-6-102 (12)~~.

19 **26.5-5-319. [Formerly 26-6-109] Institutes.**

20 (1) ~~Repealed.~~

21 (2) The department is authorized to hold institutes and programs
22 for licensees under this ~~part 1 in order~~ PART 3 to assist in the improvement
23 of standards and practices of facilities operated and maintained by
24 licensees and in the more efficient and practical administration and
25 enforcement of this ~~part 1~~ PART 3. In conducting such institutes and
26 programs, the department may request the assistance of health, education,
27 and fire safety officials.

1 **26.5-5-320. [Formerly 26-6-111] Injunctive proceedings.** The
2 department, in the name of the people of the state of Colorado, through
3 the attorney general of the state, must apply for an injunction in any court
4 of competent jurisdiction to enjoin any person from operating any facility
5 without a license that is required to be licensed under this ~~part~~ PART 3.
6 If the person does not have a valid license pursuant to this ~~part~~ PART 3,
7 the person's license has been revoked pursuant to ~~section 26-6-108~~
8 SECTION 26.5-5-317, or the person does not meet the licensing exemption
9 criteria set forth in ~~section 26-6-103~~ SECTION 26.5-5-304, yet provides
10 child care, and has a pattern of providing such child care without a valid
11 license as required by this ~~part~~ PART 3, and despite having received
12 notification from the department that the person or facility is in violation
13 of the law, then ~~such~~ THE person is providing unlicensed and illegal child
14 care. At the time the department applies for an injunction, the department
15 shall notify law enforcement of the injunction proceedings. If it is
16 established that the defendant has been or is so operating ~~such~~ THE facility
17 without a valid license, the court shall enter a decree enjoining the
18 defendant from further operating the facility unless and until the person
19 obtains a license ~~therefor~~ TO OPERATE THE FACILITY. In case of violation
20 of any injunction issued pursuant to this section, the court may summarily
21 try and punish the offender for contempt of court. Such injunctive
22 proceedings are in addition to and not in lieu of the penalty provided in
23 ~~section 26-6-112~~ SECTION 26.5-5-321.

24 **26.5-5-321. [Formerly 26-6-112] Penalty - short title.** (1) On or
25 after July 1, 2021, any person violating any provision of this ~~part~~ PART
26 3, intentionally making any false statement or report to the department or
27 to any agency delegated by the department to make an investigation or

1 inspection pursuant to the provisions of this ~~part 1~~ PART 3, or violating a
2 cease-and-desist order that is not cured ~~is guilty of~~ COMMITS a petty
3 offense and, upon conviction, shall be punished by a fine of up to five
4 hundred dollars, a sentence of up to ten days in jail, or both.

5 (2) The short title of this section is the "Elle Matthews Act for
6 Increased Safety in Child Care".

7 **26.5-5-322. [Formerly 26-6-113] Periodic review of licensing**
8 **rules and procedures - legislative declaration.** (1) The general
9 assembly finds that changes in demographics and economic trends in
10 Colorado have increased the need for high-quality and affordable child
11 care. The general assembly also recognizes that the provision of child
12 care in this state and in the nation is a rapidly growing industry subject to
13 many changes. The general assembly further finds that there is a need for
14 continuing comprehensive review of the rules ~~and regulations~~ and the
15 licensing procedures governing child care centers AND family child care
16 homes ~~and foster care homes~~ that includes the adequate and full
17 participation of parents, consumers, child care providers, and interested
18 persons. The general assembly finds that such a review with the goal of
19 identifying problems in the fragmentation and lack of uniformity of
20 standards in the licensing process would benefit the state and result in
21 improvements in the regulation of this industry that is so vital to the
22 health and well-being of the state's children and citizens.

23 (2) ~~Beginning with fiscal year 1995-1996, an initial~~
24 ~~comprehensive rule and regulation review shall be conducted in~~
25 ~~conjunction with the performance audit required by section 26-6-107~~
26 ~~(1.5), and, at least every fifth fiscal year thereafter~~ BY JULY 1, 2023, AND
27 AT LEAST EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL

1 CONDUCT a comprehensive review of the licensing rules ~~and regulations~~
2 for child care centers AND family child care homes ~~and foster care homes~~
3 and the procedures relating to and governing child care centers AND
4 family child care homes, ~~and foster care homes shall be conducted by the~~
5 ~~department~~, including procedures for the review of backgrounds of
6 employees and owners. In conducting such periodic review, the
7 department shall consult with parents and consumers of child care, child
8 care providers, the department of public health and environment, THE
9 DEPARTMENT OF HUMAN SERVICES, experts in the child care field, and
10 other interested parties throughout the state. The periodic review ~~shall~~
11 MUST include an examination of the rules ~~and regulations~~ applicable to
12 child care centers AND family child care homes, ~~and foster care homes~~,
13 the process of licensing such facilities, uniformity of standards or lack
14 thereof in the licensing process, statewide standardization of
15 investigations and enforcement of licensing by the department,
16 duplication and conflicts in ~~regulations~~ RULES, requirements, or
17 procedures between the department and the department of public health
18 and environment, and recommendations for streamlining and unifying the
19 licensing process. ~~Said review shall~~ THE REVIEW MUST also include an
20 examination of ~~regulations~~ RULES and procedures regarding the general
21 physical and mental health of employees and owners. At the conclusion
22 of each review, the department shall report its findings and conclusions
23 and its recommendations for administrative changes and for legislation
24 to the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
25 CHILDHOOD and the executive director of the department of public health
26 and environment.

27 **26.5-5-323. [Formerly 26-6-114] Civil penalties - fines - child**

1 **care cash fund - created.** (1) In addition to any other penalty otherwise
2 provided by law, including ~~section 26-6-112~~ SECTION 26.5-5-321, any
3 person violating any provision of this ~~part~~ PART 3 or intentionally
4 making any false statement or report to the department or to any agency
5 delegated by the department to make an investigation or inspection under
6 the provisions of this ~~part~~ PART 3 may be assessed a civil penalty up to
7 a maximum of ten thousand dollars as follows:

- 8 (a) Two hundred ~~and~~ fifty dollars a day for the first day;
- 9 (b) Five hundred dollars a day for the second day; and
- 10 (c) One thousand dollars a day for the third and subsequent days.

11 ~~(2) Repealed.~~

12 ~~(3)~~ (2) Each day in which a person is in violation of any provision
13 of this ~~part~~ PART 3 may constitute a separate offense.

14 ~~(4)~~ (3) The department may assess a civil penalty in conformity
15 with the provisions and procedures specified in article 4 of title 24;
16 ~~C.R.S.~~; except that all hearings conducted pursuant to this section ~~shall~~
17 ~~MUST be before an administrative law judge, of the department, who shall~~
18 ~~render his or her recommendation to~~ WHO SHALL ISSUE AN INITIAL
19 DECISION. The executive director ~~of the department who render~~ SHALL
20 REVIEW THE INITIAL DECISION AND ISSUE the final decision of the
21 department.

22 ~~(5)~~ (4) The DEPARTMENT SHALL TRANSMIT THE fines collected
23 pursuant to this section, ~~section 26-6-108 (2) and (2.7), and section~~
24 ~~26-6-108.5 (1)(c) shall be transmitted~~ SECTION 26.5-5-317 (2) AND (7),
25 AND SECTION 26.5-5-318 (1)(c) to the state treasurer, who shall credit the
26 same to the child care cash fund, which fund is hereby created in the state
27 treasury. THE STATE TREASURER SHALL CREDIT TO THE FUND all interest

1 derived from the deposit and investment of ~~moneys in the fund shall be~~
2 ~~credited to the fund~~ MONEY IN THE FUND. At the end of any fiscal year, all
3 unexpended and unencumbered ~~moneys~~ MONEY in the fund ~~shall remain~~
4 ~~therein~~ REMAINS IN THE FUND and ~~shall~~ is not be credited or transferred
5 to the general fund or any other fund. ~~Moneys~~ MONEY in the child care
6 cash fund ~~are hereby~~ IS continuously appropriated to the department to
7 fund activities related to the improvement of the quality of child care in
8 the state of Colorado.

9 **26.5-5-324. [Formerly 26-6-116] Child care resource and**
10 **referral system - created.** ~~(1)~~ The state department shall design and
11 develop a child care resource and referral system, referred to in this
12 section as the "system", to assist in promoting availability, accessibility,
13 and quality of child care services in Colorado. The executive director, or
14 ~~his or her designee, shall have the authority~~ THE EXECUTIVE DIRECTOR'S
15 DESIGNEE, IS AUTHORIZED, within available appropriations, to designate
16 a public or private entity ~~that shall be~~ TO BE responsible for the
17 administration of the system, and may enter into a contract with the
18 administering entity for ~~such~~ THIS purpose. The executive director shall
19 designate or redesignate ~~such~~ AN administering entity on a biennial basis.

20 ~~(2) Repealed.~~

21 **26.5-5-325. [Formerly 26-6-119] Family child care homes -**
22 **administration of routine medications - parental direction - rules.**

23 (1) The delegation of nursing tasks by a registered nurse pursuant to
24 section 12-255-131 ~~shall not be~~ IS NOT required for the administration of
25 routine medications by a child care provider to children cared for in
26 family child care homes licensed pursuant to this ~~part~~ PART 3, subject
27 to the following conditions:

1 (a) The parent of the child cared for in the licensed family child
2 care home has daily physical contact with the child care provider that
3 actually administers the routine medication;

4 (b) The child care provider has successfully completed a
5 medication administration instructional program that is approved by the
6 ~~state~~ department;

7 (c) Routine medications are administered in compliance with rules
8 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR pursuant to
9 subsection (2) of this section;

10 (d) If the routine medication involves the administration of unit
11 dose epinephrine, the administration is accompanied by a written protocol
12 by the prescribing health-care professional that identifies the factors for
13 determining the need for the administration of the medication and is
14 limited to emergency situations; and

15 (e) If the routine medication involves the administration of a
16 nebulized inhaled medication, the administration is accompanied by a
17 written protocol by the prescribing health-care professional that identifies
18 the factors for determining the need for the administration of the
19 medication.

20 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
21 concerning the medically acceptable procedures and standards to be
22 followed by child care providers administering routine medications to
23 children cared for in family child care homes.

24 **26.5-5-326. [Formerly 26-6-120] Exempt family child care**
25 **home providers - fingerprint-based criminal history record check -**
26 **child care assistance program money - temporary care - rules -**
27 **definitions.** (1) (a) (I) An exempt family child care home provider who

1 provides care for a child and an individual who provides care for a child
2 who is related to the individual, referred to collectively in this section as
3 a "qualified provider", ~~shall be~~ IS subject to a fingerprint-based criminal
4 history record check, referred to in this section as an "FCC", as provided
5 in this section and the rules authorized in ~~section 26-6-107 (1)(a)(I) and~~
6 ~~(1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(I) AND (1)(a)(II), if the child's care
7 is funded in whole or in part with ~~moneys~~ MONEY received on the child's
8 behalf from the publicly funded Colorado child care assistance program.
9 The provisions of this section ~~shall~~ apply to exempt family child care
10 home providers or individuals who provide care to a related child who
11 receive ~~moneys~~ MONEY from the publicly funded Colorado child care
12 assistance program pursuant to contracts or other payment agreements
13 entered into or renewed on or after May 25, 2006.

14 (II) Each adult eighteen years of age or older who resides with a
15 qualified provider where the care is provided, referred to in this section
16 as a "qualified adult", ~~shall be~~ IS subject to the FCC required pursuant to
17 this section.

18 (III) The FCC required for a qualified provider or qualified adult
19 pursuant to this section ~~shall~~ MUST include a fingerprint-based criminal
20 history records check utilizing the records of the Colorado bureau of
21 investigation and, for qualified providers or qualified adults applying for
22 child care assistance program ~~moneys~~ MONEY on or after August 10,
23 2011, the federal bureau of investigation. As part of the FCC, the ~~state~~
24 department shall access the records and reports of child abuse or neglect
25 maintained by the state department OF HUMAN SERVICES to determine
26 whether the subject of the FCC has been found to be responsible in a
27 confirmed report of child abuse or neglect. Information shall be made

1 available pursuant to section 19-1-307 (2)(j), ~~C.R.S.~~, and rules
2 promulgated by the state board OF HUMAN SERVICES pursuant to section
3 19-3-313.5 (4). ~~C.R.S.~~

4 (IV) The FCC required pursuant to this section ~~shall be~~ IS a
5 prerequisite to the issuance or renewal of a contract for receipt of ~~moneys~~
6 MONEY under the Colorado child care assistance program as provided in
7 ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. The
8 ~~state~~ department shall not issue or renew a contract for payment of
9 ~~moneys~~ MONEY under the Colorado child care assistance program to a
10 qualified provider who fails to submit to the FCC or fails to submit
11 fingerprints for a qualified adult.

12 (b) A qualified provider shall notify the county with whom ~~he or~~
13 ~~she~~ THE QUALIFIED PROVIDER has contracted pursuant to the Colorado
14 child care assistance program upon any change of circumstances that
15 results in the presence of a new qualified adult. A new qualified adult is
16 required to undergo an FCC as provided in this section, even if the
17 Colorado child care assistance program contract is not subject to renewal
18 when the qualified adult moves into the residence where the care is
19 provided.

20 (c) A qualified provider or qualified adult who undergoes an FCC
21 shall, with submittal of ~~his or her~~ fingerprints, pay to the state department
22 a fee established by ~~rule of the state board pursuant to subsection (5)~~
23 DEPARTMENT RULE PURSUANT TO SUBSECTION (6) of this section to offset
24 the costs associated with processing the FCC through the Colorado
25 bureau of investigation and the federal bureau of investigation.

26 ~~(1.5)~~ (2) (a) When the results of an FCC performed pursuant to
27 subsection (1) of this section reveal a record of arrest without a

1 disposition, the ~~state~~ department shall require that person to submit to a
2 name-based criminal history record check, as defined in section
3 22-2-119.3 (6)(d).

4 (b) A person who undergoes a name-based criminal history record
5 check shall pay to the ~~state~~ department a fee established by ~~rule of the~~
6 ~~state board pursuant to subsection (5)~~ DEPARTMENT RULE PURSUANT TO
7 SUBSECTION (6) of this section to offset the costs associated with
8 performing the name-based criminal history record check.

9 ~~(2)~~ (3) THE DEPARTMENT OR A COUNTY DEPARTMENT SHALL NOT
10 ISSUE OR RENEW a contract to provide ~~moneys~~ MONEY TO A QUALIFIED
11 PROVIDER under the Colorado child care assistance program pursuant to
12 ~~part 8 of article 2 of this title shall not be issued or renewed by the state~~
13 ~~department or a county department to a qualified provider~~ PART 1 OF
14 ARTICLE 4 OF THIS TITLE 26.5 if the qualified provider or a qualified adult
15 has been convicted of:

16 (a) Child abuse, as described in section 18-6-401; ~~C.R.S.~~;

17 (b) A crime of violence, as defined in section 18-1.3-406; ~~C.R.S.~~;

18 (c) Any felony offense involving unlawful sexual behavior, as
19 defined in section 16-22-102 (9); ~~C.R.S.~~;

20 (d) Any felony, the underlying factual basis of which has been
21 found by the court on the record to include an act of domestic violence,
22 as defined in section 18-6-800.3; ~~C.R.S.~~;

23 (e) Any felony involving physical assault, battery, or a
24 drug-related offense within the five years preceding the date of the FCC;
25 or

26 (f) Any offense in any other state, the elements of which are
27 substantially similar to the elements of any one of the offenses described

1 in paragraphs (a) to (c) of this subsection (2) SUBSECTIONS (3)(a) TO
2 (3)(e) OF THIS SECTION.

3 (3) (4) The state department or a county department shall not issue
4 or renew a contract to provide money pursuant to the Colorado child care
5 assistance program pursuant to part 8 of article 2 of this title 26 PART 1 OF
6 ARTICLE 4 OF THIS TITLE 26.5 to a qualified provider if the qualified
7 provider or a qualified adult:

8 (a) Has a pattern of misdemeanor or petty offense convictions
9 occurring within the ten years preceding submission of the application,
10 including petty offense convictions pursuant to section 26-6-112 SECTION
11 26.5-5-321. The state board EXECUTIVE DIRECTOR shall define by rule
12 what constitutes a pattern of misdemeanor or petty offense convictions.

13 (b) Has been determined to be insane or mentally incompetent by
14 a court of competent jurisdiction and a court has entered, pursuant to part
15 3 or 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or
16 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental
17 incompetency or insanity is of such a degree that the qualified provider
18 cannot safely operate a child care home. The record of such THE
19 determination and entry of such THE order shall be ARE conclusive
20 evidence thereof. A qualified provider shall sign an attestation affirming
21 the lack of such a finding prior to entering into or renewing a contract for
22 moneys MONEY under the Colorado child care assistance program,
23 pursuant to section 26-2-805.5 (2) SECTION 26.5-4-112 (2).

24 (4) (5) A qualified provider who has submitted to an FCC by the
25 Colorado bureau of investigation and the federal bureau of investigation
26 may, pending the receipt of the results of the FCC, continue to receive
27 moneys MONEY from the Colorado child care assistance program.

1 ~~(5)~~ (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate
2 rules to establish the amount of the fee to collect from a qualified
3 provider or qualified adult who is subject to an FCC pursuant to
4 subsection (1) of this section or a name-based criminal history record
5 check pursuant to ~~subsection (1.5)~~ SUBSECTION (2) of this section. The
6 state department is authorized to collect the fee at the time of the FCC or
7 name-based criminal history record check.

8 **26.5-5-327. [Formerly 26-6-121 (3)]. Unique student identifying**
9 **numbers - rules.** ~~(3) Following adoption of the protocols, the state board~~
10 THE EXECUTIVE DIRECTOR shall promulgate rules pursuant to the "State
11 ~~Administrative Procedure Act", article 4 of title 24, C.R.S., as necessary~~
12 for the assignment of uniquely identifying ~~student~~ numbers to ~~students~~
13 ~~receiving~~ CHILDREN WHO RECEIVE early childhood ~~education~~ services.
14 ~~The state board shall collaborate with the state board of education in~~
15 ~~promulgating any necessary rules to ensure that they do not conflict with~~
16 ~~any rules promulgated by the state board of education pursuant to section~~
17 ~~22-2-134, C.R.S.~~ AT A MINIMUM, THE RULES MUST INCLUDE CHILDREN
18 WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY SUBSIDIZED EARLY
19 CHILDHOOD SERVICES, INCLUDING BUT NOT LIMITED TO SERVICES
20 PROVIDED THROUGH THE CHILD CARE DEVELOPMENT BLOCK GRANT, THE
21 COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND HEAD START.

22 **26.5-5-328. Applications for licenses - authority to suspend**
23 **licenses - rules - definitions.** (1) EVERY APPLICATION BY AN INDIVIDUAL
24 FOR A LICENSE ISSUED BY THE DEPARTMENT OR ANY AUTHORIZED AGENT
25 OF THE DEPARTMENT MUST REQUIRE THE APPLICANT'S NAME, ADDRESS,
26 AND SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER.

27 (2) THE DEPARTMENT OR ANY AUTHORIZED AGENT OF THE

1 DEPARTMENT SHALL DENY, SUSPEND, OR REVOKE A LICENSE PURSUANT TO
2 THE PROVISIONS OF SECTION 26-13-126, AND ANY RULES PROMULGATED
3 TO IMPLEMENT SAID SECTION, IF THE DEPARTMENT OR AGENT RECEIVES A
4 NOTICE TO DENY, SUSPEND, OR REVOKE FROM THE STATE CHILD SUPPORT
5 ENFORCEMENT AGENCY BECAUSE THE LICENSEE OR APPLICANT IS OUT OF
6 COMPLIANCE WITH A COURT OR ADMINISTRATIVE ORDER FOR CURRENT
7 CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT,
8 CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN COMBINED WITH
9 MAINTENANCE OR BECAUSE THE LICENSEE OR APPLICANT HAS FAILED TO
10 COMPLY WITH A PROPERLY ISSUED SUBPOENA OR WARRANT RELATING TO
11 A PATERNITY OR CHILD SUPPORT PROCEEDING. ANY SUCH DENIAL,
12 SUSPENSION, OR REVOCATION MUST BE IN ACCORDANCE WITH THE
13 PROCEDURES SPECIFIED BY RULE OF THE DEPARTMENT OF HUMAN
14 SERVICES AND RULES PROMULGATED BY THE STATE BOARD OF HUMAN
15 SERVICES FOR THE IMPLEMENTATION SECTION 26-13-126.

16 (3) (a) THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF
17 UNDERSTANDING WITH THE STATE CHILD SUPPORT ENFORCEMENT AGENCY,
18 WHICH MEMORANDUM MUST IDENTIFY THE RELATIVE RESPONSIBILITIES OF
19 THE DEPARTMENT AND THE STATE CHILD SUPPORT ENFORCEMENT AGENCY
20 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION AND SECTION
21 26-13-126.

22 (b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES TO
23 IMPLEMENT THE PROVISIONS OF THIS SECTION.

24 (4) AS USED IN THIS SECTION, "LICENSE" MEANS ANY
25 RECOGNITION, AUTHORITY, OR PERMISSION THAT THE DEPARTMENT OR
26 ANY AUTHORIZED AGENT OF THE DEPARTMENT IS AUTHORIZED BY LAW TO
27 ISSUE FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR OCCUPATION OR

1 RECREATIONAL ACTIVITY. "LICENSE" INCLUDES, BUT IS NOT LIMITED TO,
2 A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF AUTHORIZATION, OR
3 REGISTRATION ISSUED FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR
4 OCCUPATION OR FOR AN INDIVIDUAL TO PARTICIPATE IN A RECREATIONAL
5 ACTIVITY.

6 **ARTICLE 6**

7 **Early Childhood Workforce**

8 **26.5-6-101. Plan for early childhood workforce development.**

9 (1) THE DEPARTMENT, IN PARTNERSHIP WITH THE EARLY CHILDHOOD
10 LEADERSHIP COMMISSION, SHALL DEVELOP A PLAN FOR RECRUITING,
11 TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED,
12 HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE. IN
13 DEVELOPING THE PLAN, THE DEPARTMENT AND THE COMMISSION SHALL
14 WORK WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND
15 LABOR AND EMPLOYMENT AND WITH ORGANIZATIONS THAT HAVE
16 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE. AT A
17 MINIMUM, THE PLAN MUST:

18 (a) TAKE INTO ACCOUNT EXISTING EARLY CHILDHOOD WORKFORCE
19 QUALIFICATION PATHWAYS AND CREATE A SIMPLIFIED PROCESS FOR
20 PERSONS IN THE WORKFORCE TO ATTAIN CREDENTIALS AND MEET
21 QUALIFICATIONS;

22 (b) ENSURE THE ABILITY TO OVERCOME ANY REGULATORY AND
23 SYSTEMIC BARRIERS FOR ENTRY INTO THE EARLY CHILDHOOD WORKFORCE
24 BY ADDRESSING ADMINISTRATIVE AND POLICY BARRIERS TO ENTRY,
25 INCLUDING ADDRESSING BARRIERS FACED BY INDIVIDUALS WHO SPEAK
26 LANGUAGES OTHER THAN ENGLISH;

27 (c) ADDRESS STRATEGIES FOR RECRUITING AND PROVIDING

1 INCENTIVES FOR DIVERSE, NONTRADITIONAL WORKFORCE MEMBERS, SUCH
2 AS HIGH SCHOOL STUDENTS, TEACHERS FROM OTHER COUNTRIES, AND
3 PARENTS, AND REDUCING BARRIERS THAT PREVENT THESE INDIVIDUALS
4 FROM JOINING THE EARLY CHILDHOOD WORKFORCE;

5 (d) PROMOTE A COHERENT AND ALIGNED SYSTEM OF PREPARATION
6 AND ONGOING PROFESSIONAL DEVELOPMENT FOR INDIVIDUALS IN THE
7 EARLY CHILDHOOD WORKFORCE;

8 (e) SIMPLIFY THE REQUIREMENTS AN INDIVIDUAL MUST MEET TO
9 ENTER THE EARLY CHILDHOOD WORKFORCE, CLEARLY ARTICULATE THE
10 COMPETENCIES THAT MEMBERS OF THE EARLY CHILDHOOD WORKFORCE
11 ARE EXPECTED TO ACHIEVE OVER TIME, ALIGN THE SYSTEM OF
12 PROFESSIONAL LEARNING AND DEVELOPMENT FOR EARLY CHILDHOOD
13 SERVICES, AND REDUCE REGULATORY BARRIERS WHEN POSSIBLE TO
14 PROMOTE ATTAINMENT OF THESE COMPETENCIES THROUGH IDENTIFIED
15 PROFESSIONAL DEVELOPMENT PARTNERS, INCLUDING INSTITUTIONS OF
16 HIGHER EDUCATION;

17 (f) ESTABLISH GOALS FOR INCREASING THE QUALIFICATIONS OF
18 MEMBERS OF THE EARLY CHILDHOOD WORKFORCE OVER TIME, INCLUDING
19 STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED
20 ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR
21 BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING
22 CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS;

23 ■
24 (g) ADDRESS STRATEGIES FOR INCREASING THE COMPENSATION
25 FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE WITH THE GOAL
26 OF ENSURING THAT ALL INDIVIDUALS IN THE EARLY CHILDHOOD
27 WORKFORCE RECEIVE A LIVING WAGE; AND

1 (h) ADDRESS OTHER SUSTAINABLE AND EVIDENCE-BASED
2 STRATEGIES TO RECRUIT, PREPARE, COMPENSATE, PROVIDE CONTINUING
3 PROFESSIONAL DEVELOPMENT FOR, AND RETAIN MEMBERS OF THE EARLY
4 CHILDHOOD WORKFORCE.

5 (2) THE DEPARTMENT SHALL MAKE THE PLAN PUBLICLY
6 AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SHALL SUBMIT A COPY
7 OF THE PLAN AND ANY SUBSEQUENT REVISIONS TO THE PLAN TO THE
8 EARLY CHILDHOOD LEADERSHIP COMMISSION, TO THE GOVERNOR'S OFFICE,
9 AND TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR
10 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION
11 AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE
12 SENATE, OR ANY SUCCESSOR COMMITTEES.

13 (3) THE DEPARTMENT, WORKING WITH THE DEPARTMENTS OF
14 EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT, SHALL
15 PERIODICALLY REVIEW AND ASSESS THE IMPLEMENTATION OF
16 RECRUITMENT, PREPARATION, PROFESSIONAL DEVELOPMENT, AND
17 RETENTION INITIATIVES FOR THE EARLY CHILDHOOD WORKFORCE. IN
18 REVIEWING THESE INITIATIVES, THE DEPARTMENT SHALL SOLICIT
19 FEEDBACK FROM, AT A MINIMUM, INDIVIDUALS IN THE EARLY CHILDHOOD
20 WORKFORCE, FAMILIES, EARLY CARE AND EDUCATION PROVIDERS, THE
21 EARLY CHILDHOOD LEADERSHIP COMMISSION, AND ORGANIZATIONS WITH
22 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE.

23 **26.5-6-102. [Formerly 26-6.5-107] Voluntary child care**
24 **credentialing system - rules.** The state department shall develop and
25 maintain a statewide voluntary child care credentialing system that
26 recognizes the training and educational achievements of persons
27 providing early childhood care and education. The use of the voluntary

1 child care credentialing system must include but need not be limited to the
2 early childhood councils ESTABLISHED PURSUANT TO PART 2 OF ARTICLE
3 2 OF THIS TITLE 26.5. The voluntary child care credentialing system is a
4 multi-tiered system of graduated credentials that reflects the increased
5 training, education, knowledge, skills, and competencies of persons
6 working in early childhood care and education services in the various
7 councils. The voluntary child care credentialing system must award credit
8 for the education and training of persons working in early childhood care
9 and education concerning the prevention of child sexual abuse. ~~Such~~ THIS
10 education and training includes understanding healthy child development,
11 creating safe environments for children, recognizing signs of abuse and
12 problematic behaviors, and responsible methods of response to
13 disclosures or concerns of abuse or potential abuse. The ~~state board~~
14 EXECUTIVE DIRECTOR shall promulgate such rules as are necessary for the
15 statewide implementation of the voluntary child care credentialing
16 system.

17 **26.5-6-103. [Formerly 26-6-122] Pathways to the classroom**
18 **and retention strategies for early childhood educators - standards -**
19 **alignment across agencies - report - rules.** (1) The ~~state board~~
20 EXECUTIVE DIRECTOR shall promulgate rules establishing standards for
21 licensing that allow an early care and education program to be licensed
22 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 for a period of time
23 determined by the ~~state board if a state-board-approved number~~
24 EXECUTIVE DIRECTOR, IF A NUMBER, AS SPECIFIED IN DEPARTMENT RULE,
25 of aspiring early childhood educators in the program are pursuing a
26 state-agency-approved early childhood credential and other quality,
27 safety, and supervision conditions are met.

1 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules
2 that allow an early childhood educator to earn points toward an early
3 childhood credential that meets child care licensing standards based on
4 the candidate's prior experience and demonstrated competency. The
5 licensing pathway must also include ways in which a candidate in a
6 second career or changing careers can earn points or credits for prior
7 experience and competencies that apply toward the qualifications for an
8 early childhood educator credential. The standards and credential
9 awarding process may use validated tools to award points for
10 demonstrated competencies.

11 (3) The ~~state~~ department and the department of education shall
12 align, to the extent possible, the state's early childhood professional
13 credential, department of education educator licensing, and child care
14 program licensing ~~in order~~ to make the requirements as consistent and
15 clear as possible to educators and providers. The alignment process must
16 include examining strategies that support reciprocity for early childhood
17 educator credentials or qualifications earned outside of Colorado.

18 (4) ~~The state department and the department of education shall~~
19 ~~streamline all paperwork that licensed early care and education programs~~
20 ~~and early childhood educators must complete to meet child care licensing~~
21 ~~and early childhood educator credentialing compliance requirements. The~~
22 ~~state agencies shall identify ways to share information and reports across~~
23 ~~the agencies in order to reduce the administrative and paperwork burden~~
24 ~~on early care and education programs and educators. The streamlining~~
25 ~~process must include a systems scan of programs and initiatives,~~
26 ~~identification of overlapping reporting requirements, and ways to reduce~~
27 ~~the administrative and paperwork burden on programs and educators.~~

1 ~~(5)~~ (4) Notwithstanding section 24-1-136 (11)(a)(I), no later than
2 January 31, 2022, and no later than January 31 each year thereafter, the
3 ~~state~~ department shall prepare a written report concerning Colorado's
4 current supply of qualified early childhood educators.

5 ~~(6)~~ (5) The ~~state~~ department, the department of higher education,
6 and the department of education shall develop resources to support local
7 communities to increase concurrent enrollment opportunities for high
8 school students or other nontraditional students to earn higher education
9 credits and degrees that allow them to serve as early childhood educators
10 and shall support career pathways for high school students earning
11 college credits toward becoming early childhood educators, including
12 concurrent enrollment, career and technical education, the ASCENT
13 program, and other career pathways.

14 **SECTION 4. In Colorado Revised Statutes, 24-34-104, add**
15 **(25)(a)(XXII) as follows:**

16 **24-34-104. General assembly review of regulatory agencies**
17 **and functions for repeal, continuation, or reestablishment - legislative**
18 **declaration - repeal.** (25) (a) The following agencies, functions, or both,
19 are scheduled for repeal on September 1, 2024:

20 **(XXII) THE RULE-MAKING FUNCTION OF THE EXECUTIVE DIRECTOR**
21 **OF THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO SECTION**
22 **26.5-1-105 (1).**

23 **SECTION 5.** In Colorado Revised Statutes, 26.5-1-104, **repeal**
24 (5) as follows:

25 **26.5-1-104. Department of early childhood - created -**
26 **executive director - powers, duties, and functions.** (5) ~~The executive~~
27 ~~director shall establish a work group to identify programs and services~~

1 ~~that may be addressed in subsequent transition phases and develop a~~
2 ~~continuing, comprehensive plan for transitioning programs and services~~
3 ~~to the department, which must include consideration of the fiscal impact~~
4 ~~of transitioning the programs and services.~~

5 **SECTION 6.** In Colorado Revised Statutes, 24-75-1401, **amend**
6 (3) as follows:

7 **24-75-1401. Indirect costs excess recovery fund - creation -**
8 **departmental accounts - use of fund - definitions - repeal.** (3) (a) Each
9 account of the indirect costs excess recovery fund is subject to annual
10 appropriation for indirect costs by its corresponding department for the
11 sole purpose of paying any indirect costs incurred by agencies within the
12 department during a fiscal year that exceed their actual indirect cost
13 collections for the fiscal year.

14 (b) (I) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,
15 FOR THE 2022-23 STATE FISCAL YEAR, A PORTION OF THE AMOUNT
16 CREDITED TO THE ACCOUNT CREATED FOR THE DEPARTMENT OF HUMAN
17 SERVICES IN THE INDIRECT COSTS EXCESS RECOVERY FUND MAY BE USED
18 FOR INDIRECT COSTS BILLED TO THE DEPARTMENT OF EARLY CHILDHOOD.

19 (II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

20 **SECTION 7.** In Colorado Revised Statutes, 22-2-112, **add** (8) as
21 follows:

22 **22-2-112. Commissioner - duties - report - legislative**
23 **declaration.** (8) NOTWITHSTANDING ANY PROVISION OF SECTION
24 22-2-111 TO THE CONTRARY, THE COMMISSIONER SHALL ENSURE THAT THE
25 DEPARTMENT OF EDUCATION COOPERATES WITH THE DEPARTMENT OF
26 EARLY CHILDHOOD AS PROVIDED IN SECTION 26.5-1-111 IN SHARING,
27 MANAGING, AND PROTECTING QUALITATIVE AND QUANTITATIVE DATA

1 NEEDED TO MEASURE LONGITUDINAL OUTCOMES OF EARLY CHILDHOOD
2 PROGRAMS AND SERVICES.

3 **SECTION 8.** In Colorado Revised Statutes, **recreate and**
4 **reenact, with amendments,** 22-28-113 as follows:

5 **22-28-113. Repeal of article.** THIS ARTICLE 28 IS REPEALED,
6 EFFECTIVE JULY 1, 2023.

7 **SECTION 9.** In Colorado Revised Statutes, 22-30.5-112, **amend**
8 (1)(a) as follows:

9 **22-30.5-112. Charter schools - financing - guidelines -**
10 **definitions - repeal.** (1) (a) (I) (A) PRIOR TO JULY 1, 2023, for purposes
11 of the "Public School Finance Act of 1994", article 54 of this title, pupils
12 enrolled in a charter school ~~shall be~~ ARE included in the pupil enrollment,
13 the online pupil enrollment, or the preschool program enrollment,
14 whichever is applicable, of the school district that granted its charter. The
15 school district that granted its charter shall report to the department the
16 number of pupils included in the school district's pupil enrollment, the
17 school district's online pupil enrollment, and the school district's
18 preschool program enrollment that are actually enrolled in each charter
19 school.

20 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,
21 2023.

22 (II) ON AND AFTER JULY 1, 2023, FOR PURPOSES OF THE "PUBLIC
23 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, PUPILS
24 ENROLLED IN A CHARTER SCHOOL ARE INCLUDED IN THE PUPIL
25 ENROLLMENT OR THE ONLINE PUPIL ENROLLMENT, WHICHEVER IS
26 APPLICABLE, OF THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER. THE
27 SCHOOL DISTRICT THAT GRANTED ITS CHARTER SHALL REPORT TO THE

1 DEPARTMENT THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT'S
2 PUPIL ENROLLMENT AND THE SCHOOL DISTRICT'S ONLINE PUPIL
3 ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

4 **SECTION 10.** In Colorado Revised Statutes, 22-54-103, **amend**
5 (1.5)(c)(II), (5.5), (7)(e)(I) introductory portion, (10)(d), (10)(f), and (14);
6 and **add** (7)(f) and (9.5)(c) as follows:

7 **22-54-103. Definitions.** As used in this article 54, unless the
8 context otherwise requires:

9 (1.5) (c) For purposes of subsection (1.5)(a)(VI) of this section:

10 (II) (A) "District pupil enrollment" means, FOR THE 2021-22 AND
11 2022-23 BUDGET YEARS, the pupil enrollment of the district, as
12 determined in accordance with subsection (10) of this section, minus the
13 number of pupils enrolled in the Colorado preschool program pursuant to
14 article 28 of this title 22 and the number of three-year-old or four-year-old
15 pupils with disabilities receiving educational programs pursuant to article
16 20 of this title 22.

17 (B) "DISTRICT PUPIL ENROLLMENT" MEANS, FOR THE 2023-24
18 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE PUPIL
19 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH
20 SUBSECTION (10) OF THIS SECTION.

21 (5.5) (a) "District percentage of at-risk pupils" means, FOR
22 BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the number of
23 at-risk pupils in the district, as determined in accordance with subsection
24 (1.5) of this section, divided by the pupil enrollment of the district, as
25 determined in accordance with subsection (10) of this section; except that
26 pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in
27 the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE

1 22, AS IT EXISTS PRIOR TO JULY 1, 2023, and the number of three-year-old
2 or four-year-old pupils with disabilities receiving educational programs
3 pursuant to article 20 of this ~~title~~ TITLE 22.

4 (b) "DISTRICT PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE
5 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE
6 NUMBER OF AT-RISK PUPILS IN THE DISTRICT, AS DETERMINED IN
7 ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE
8 PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE
9 WITH SUBSECTION (10) OF THIS SECTION.

10 (7) "Funded pupil count" means:

11 (e) (I) For budget years commencing on and after July 1, 2009,
12 BUT PRIOR TO JULY 1, 2023, the district's online pupil enrollment for the
13 applicable budget year plus the district's preschool program enrollment
14 for the applicable budget year plus the district's supplemental
15 kindergarten enrollment for the applicable budget year plus the district's
16 extended high school pupil enrollment for the applicable budget year, plus
17 the greater of:

18 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,
19 2023, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE
20 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN
21 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S
22 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET
23 YEAR, PLUS THE GREATER OF:

24 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
25 BUDGET YEAR; OR

26 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
27 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR

1 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

2 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
3 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
4 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

5 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
6 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
7 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

8 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE
9 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR
10 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

11 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
12 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A
13 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL
14 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING
15 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING
16 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE
17 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL
18 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO
19 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION
20 22-54-104.

21 (III) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE
22 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,
23 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE
24 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR
25 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUBSECTION
26 (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR ACCOUNTABLE
27 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE

1 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF
2 THE STATE CONSTITUTION.

3 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE
4 CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR
5 THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S
6 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S
7 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE
8 ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS
9 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY
10 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER
11 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE
12 ORIGINALLY AUTHORIZING DISTRICT.

13 (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7)(f)
14 TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET
15 YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A
16 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS
17 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE
18 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

19 (VI) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR
20 THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL
21 ENROLLMENT PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION FOR A
22 DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL
23 PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S
24 PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16
25 BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY
26 KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS
27 AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE

1 PURSUANT TO THIS SUBSECTION (7)(f)(VI) DOES NOT AFFECT OR CHANGE
2 THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR
3 SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE
4 STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,
5 2019.

6 (9.5) (c) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE JULY 1,
7 2023.

8 (10) (d) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1,
9 2023, a three- or four-year-old pupil with a disability receiving an
10 educational program under the "Exceptional Children's Educational Act",
11 article 20 of this title, shall be counted as a half-day pupil.

12 (II) Notwithstanding any provision of this subsection (10) to the
13 contrary, for budget years commencing on or after July 1, 2005, BUT
14 PRIOR TO JULY 1, 2023, a district may choose to determine the number of
15 three- and four-year-old pupils with disabilities enrolled and receiving
16 educational programs under the "Exceptional Children's Educational
17 Act", article 20 of this ~~title~~ TITLE 22, as of November 1 within the
18 applicable budget year or the school date nearest said date, rather than on
19 the pupil enrollment count day, as evidenced by the actual attendance of
20 such pupils on November 1 or the school date nearest said date. The
21 "pupil enrollment" of the district ~~shall~~ MUST include the number of pupils
22 so enrolled who ~~shall be~~ ARE counted as half-day pupils.

23 (III) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS
24 THEREAFTER, A DISTRICT SHALL NOT INCLUDE A THREE- OR
25 FOUR-YEAR-OLD PUPIL WITH A DISABILITY WHO IS RECEIVING AN
26 EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S
27 EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, BUT IS NOT ENROLLED

1 IN KINDERGARTEN, IN THE DISTRICT'S PUPIL ENROLLMENT, BUT SHALL
2 CERTIFY TO THE DEPARTMENT THE NUMBER OF SAID THREE- AND
3 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE RECEIVING AN
4 EDUCATIONAL PROGRAM FROM THE DISTRICT FOR PURPOSES OF RECEIVING
5 FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22. ■ ■

6 (f) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2023, in
7 certifying the district's pupil enrollment to the state board pursuant to the
8 provisions of section 22-54-112, the district shall specify the number of
9 pupils enrolled in kindergarten through twelfth grade, specifying those
10 who are enrolled as full-time pupils and those who are enrolled as less
11 than full-time pupils; the number of expelled pupils receiving educational
12 services pursuant to section 22-33-203; the number of pupils enrolled in
13 the district's preschool program; the number of pupils receiving
14 educational programs under the "Exceptional Children's Educational
15 Act", article 20 of this title 22; the number of at-risk pupils; and the
16 number of English language learner pupils.

17 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
18 THEREAFTER, IN CERTIFYING THE DISTRICT'S PUPIL ENROLLMENT TO THE
19 STATE BOARD PURSUANT TO THE PROVISIONS OF SECTION 22-54-112, THE
20 DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS ENROLLED IN
21 KINDERGARTEN THROUGH TWELFTH GRADE, SPECIFYING THOSE WHO ARE
22 ENROLLED AS FULL-TIME PUPILS AND THOSE WHO ARE ENROLLED AS LESS
23 THAN FULL-TIME PUPILS; THE NUMBER OF EXPELLED PUPILS RECEIVING
24 EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; THE NUMBER
25 OF AT-RISK PUPILS; THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS;
26 AND THE NUMBER OF PUPILS RECEIVING EDUCATIONAL PROGRAMS UNDER
27 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS

1 TITLE 22, WHO ARE ENROLLED IN KINDERGARTEN THROUGH TWELFTH
2 GRADE.

3 (14) (a) "Statewide average percentage of at-risk pupils" means,
4 FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the total number
5 of at-risk pupils in all districts, as determined in accordance with
6 subsection (1.5) of this section, divided by the pupil enrollment of all
7 districts, as determined in accordance with subsection (10) of this section;
8 except that pupil enrollment ~~shall~~ DOES not include the number of pupils
9 enrolled in the Colorado preschool program pursuant to article 28 of this
10 title and the number of three-year-old or four-year-old pupils with
11 disabilities receiving educational programs pursuant to article 20 of this
12 title.

13 (b) "STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS"
14 MEANS, FOR THE 2023 BUDGET YEAR AND EACH BUDGET YEAR
15 THEREAFTER, THE TOTAL NUMBER OF AT-RISK PUPILS IN ALL DISTRICTS, AS
16 DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION,
17 DIVIDED BY THE PUPIL ENROLLMENT OF ALL DISTRICTS, AS DETERMINED IN
18 ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

19 **SECTION 11. In Colorado Revised Statutes, 22-54-108, amend**
20 **(3)(b)(I); repeal (3)(b)(IV)(C); and add (3)(b)(V) and (5) as follows:**

21 **22-54-108. Authorization of additional local revenues -**
22 **definitions. (3) (b) (I) Except as otherwise provided in subparagraphs**
23 **(II), (III), and (IV) of this paragraph (b) SUBSECTIONS (3)(b)(II),**
24 **(3)(b)(III), (3)(b)(IV), AND (3)(b)(V) OF THIS SECTION, the total additional**
25 **local property tax revenues that may be received pursuant to elections**
26 **held pursuant to this section shall MUST not exceed under any**
27 **circumstances twenty percent of the district's total program, as determined**

1 pursuant to section 22-54-104 (2), or two hundred thousand dollars,
2 whichever is greater.

3 (IV) (C) For purposes of this subparagraph (IV), a "small rural
4 district" is a district in Colorado that the department of education
5 determines is rural, based on the geographic size of the district and the
6 distance of the district from the nearest large, urbanized area, and that
7 enrolls fewer than one thousand students in kindergarten through twelfth
8 grade.

9 (V) (A) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL
10 LOCAL PROPERTY TAX REVENUES THAT A DISTRICT MAY RECEIVE
11 PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT
12 EXCEED UNDER ANY CIRCUMSTANCES: TWENTY-FIVE PERCENT OF THE
13 DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND DOLLARS,
14 WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE MAXIMUM
15 DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE DISTRICT COULD
16 HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN ACCORDANCE
17 WITH THE PROVISIONS OF SECTION 22-54-107.5, THE DISTRICT SUBMITTED
18 A QUESTION TO AND RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF
19 THE DISTRICT AT AN ELECTION HELD IN NOVEMBER 2001.

20 (B) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL LOCAL
21 PROPERTY TAX REVENUES THAT A SMALL RURAL DISTRICT MAY RECEIVE
22 PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT
23 EXCEED UNDER ANY CIRCUMSTANCES: THIRTY PERCENT OF THE SMALL
24 RURAL DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND
25 DOLLARS, WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE
26 MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE SMALL
27 RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR

1 IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE
2 SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND RECEIVED
3 APPROVAL OF THE ELIGIBLE ELECTORS OF THE SMALL RURAL DISTRICT AT
4 AN ELECTION HELD IN NOVEMBER 2001.

5 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES:

7 (a) "SMALL RURAL DISTRICT" MEANS A DISTRICT IN COLORADO
8 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON
9 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE
10 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT
11 ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN
12 THROUGH TWELFTH GRADE.

13 (b) "TOTAL PROGRAM", ON AND AFTER JULY 1, 2023, MEANS A
14 DISTRICT'S OR SMALL RURAL DISTRICT'S TOTAL PROGRAM CALCULATED
15 PURSUANT TO SECTION 22-54-104 (2), BEFORE APPLICATION OF THE
16 BUDGET STABILIZATION FACTOR PURSUANT TO SECTION 22-54-104 (5)(g),
17 PLUS THE AMOUNT THE DISTRICT OR SMALL RURAL DISTRICT RECEIVES FOR
18 STUDENTS ENROLLED THROUGH THE COLORADO UNIVERSAL PRESCHOOL
19 PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF TITLE 26.5.

20 =====
21 **SECTION 12.** In Colorado Revised Statutes, 22-54-108.5, **repeal**
22 (2)(c) as follows:

23 **22-54-108.5. Authorization of additional local revenues for**
24 **full-day kindergarten - definitions.** (2) A district that obtains voter
25 approval pursuant to this section to impose an additional mill levy to fund
26 excess full-day kindergarten program costs in the district shall:

27 (c) ~~Not be authorized to serve children through a full-day~~

1 ~~kindergarten component of the district's preschool program established~~
2 ~~pursuant to article 28 of this title.~~

3 **SECTION 13.** In Colorado Revised Statutes, 22-54-112, **amend**
4 (2)(a) and (2)(c) as follows:

5 **22-54-112. Reports to the state board.** (2) (a) (I) FOR BUDGET
6 YEARS COMMENCING PRIOR TO JULY 1, 2023, on or before November 10
7 of each year, the secretary of the board of education of each district shall
8 certify to the state board the pupil enrollment, the online pupil enrollment,
9 the extended high school pupil enrollment, and the preschool program
10 enrollment of the district taken in the preceding October or previously in
11 November.

12 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
13 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE
14 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL
15 CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT, THE ONLINE PUPIL
16 ENROLLMENT, AND THE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT OF
17 THE DISTRICT TAKEN IN THE PRECEDING OCTOBER.

18 (III) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR
19 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE
20 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL
21 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND
22 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN
23 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER
24 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS
25 TITLE 22, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN
26 NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART
27 1 OF ARTICLE 20 OF THIS TITLE 22.

1 (c) (I) On or before November 10 of each year, the secretary of the
2 state charter school institute board shall certify to the state board the pupil
3 enrollment and the online pupil enrollment of each institute charter school
4 taken in the preceding October.

5 (II) 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 STATE CHARTER SCHOOL INSTITUTE BOARD 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, FROM EACH INSTITUTE CHARTER SCHOOL, AS DETERMINED IN THE
13 PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF
14 DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE
15 22.

16 **SECTION 14.** In Colorado Revised Statutes, 22-54-126, **amend**
17 (1)(a) as follows:

18 **22-54-126. Declining enrollment districts with new charter**
19 **schools - additional aid - definitions - repeal.** (1) As used in this
20 section, unless the context otherwise requires:

21 (a) (I) (A) "Declining enrollment district" means, FOR BUDGET
22 YEARS COMMENCING PRIOR TO JULY 1, 2023, a district whose funded pupil
23 count is greater than the sum of the district's pupil enrollment, preschool
24 program enrollment, and online pupil enrollment.

25 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,
26 2023.

27 (II) "DECLINING ENROLLMENT DISTRICT" MEANS, FOR THE 2023-24

1 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT WHOSE
2 FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL
3 ENROLLMENT AND ONLINE PUPIL ENROLLMENT.

4 **SECTION 15.** In Colorado Revised Statutes, 22-55-102, **amend**
5 (10) as follows:

6 **22-55-102. Definitions.** As used in this article 55, unless the
7 context otherwise requires:

8 (10) "Preschool programs" includes, but is not limited to, the
9 Colorado preschool program created pursuant to section 22-28-104, ASIT
10 EXISTS PRIOR TO JULY 1, 2023, AND THE COLORADO UNIVERSAL
11 PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF TITLE 26.5.

12 **SECTION 16.** In Colorado Revised Statutes, 22-55-106, **amend**
13 (1)(b); and **add** (1)(c) as follows:

14 **22-55-106. Statewide base per pupil funding - increases.**

15 (1) (b) For the school district budget year 2011-12 and each school
16 district budget year thereafter THROUGH THE 2022-23 BUDGET YEAR, the
17 general assembly shall annually increase the statewide base per pupil
18 funding for public education from preschool through the twelfth grade by
19 at least the rate of inflation for the calendar year ending in the
20 immediately preceding school district budget year.

21 (c) FOR THE SCHOOL DISTRICT BUDGET YEAR 2023-24 AND FOR
22 EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL
23 ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR
24 PUBLIC EDUCATION FROM KINDERGARTEN THROUGH THE TWELFTH GRADE
25 BY AT LEAST THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN
26 THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR.

27 **SECTION 17.** In Colorado Revised Statutes, **add** part 9 to article

1 6 of title 26 as follows:

2

PART 9

3

FOSTER CARE, RESIDENTIAL, DAY TREATMENT,

4

AND CHILD PLACEMENT AGENCY LICENSING

5

26-6-901. Short title. THE SHORT TITLE OF THIS PART 9 IS THE

6

"FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING

7

ACT".

8

26-6-902. Legislative declaration. (1) THE GENERAL ASSEMBLY

9

FINDS THAT REGULATION AND LICENSING OF FOSTER CARE HOMES,

10

RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES AND CHILD

11

PLACEMENT AGENCIES CONTRIBUTE TO A SAFE AND HEALTHY

12

ENVIRONMENT FOR CHILDREN AND YOUTH. THE PROVISION OF SUCH AN

13

ENVIRONMENT AFFORDS BENEFITS TO CHILDREN AND YOUTH, THEIR

14

FAMILIES, THEIR COMMUNITIES, AND THE LARGER SOCIETY. IT IS THE

15

INTENT OF THE GENERAL ASSEMBLY THAT THOSE WHO REGULATE AND

16

THOSE WHO ARE REGULATED WORK TOGETHER TO MEET THE NEEDS OF THE

17

CHILDREN, YOUTH, THEIR FAMILIES, FOSTER CARE PROVIDERS, CHILD

18

PLACEMENT AGENCIES, AND RESIDENTIAL AND DAY TREATMENT CHILD

19

CARE FACILITIES.

20

(2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES

21

WITH THE NEEDS OF CHILD PLACEMENT AGENCIES AND THE RESIDENTIAL

22

AND DAY TREATMENT CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY

23

ALSO RECOGNIZES THE FINANCIAL DEMANDS THE DEPARTMENT OF HUMAN

24

SERVICES FACES IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY

25

ENVIRONMENT FOR CHILDREN OF THE STATE OF COLORADO WHO ARE IN

26

FOSTER CARE WITH CHILD PLACEMENT AGENCIES OR IN RESIDENTIAL AND

27

DAY TREATMENT CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE

1 RISK TO CHILDREN PLACED OUTSIDE THEIR HOMES WHILE RECOGNIZING
2 THE FINANCIAL CONSTRAINTS PLACED ON THE DEPARTMENT, IT IS THE
3 INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES
4 AVAILABLE ARE FOCUSED PRIMARILY ON RESIDENTIAL AND DAY
5 TREATMENT CHILD CARE FACILITIES AND AGENCIES THAT HAVE
6 DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK.

7 **26-6-903. Definitions.** AS USED IN THIS PART 9, UNLESS THE
8 CONTEXT OTHERWISE REQUIRES:

9 (1) "AFFILIATE OF A LICENSEE" MEANS:

10 (a) A PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF
11 THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE
12 OR THE APPLICANT FOR A LICENSE; OR

13 (b) A PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND
14 WELFARE OF CHILDREN SERVED; OR

15 (c) AN EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD,
16 OR EMPLOYEE OF A LICENSEE; OR

17 (d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE
18 TO CHILDREN AT THE LICENSEE'S FACILITY OR AGENCY OR IS OTHERWISE
19 INVOLVED IN THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S
20 FACILITY OR AGENCY.

21 (2) "APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN
22 OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY
23 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

24 (3) "CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING
25 PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE
26 HOME.

27 (4) "CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY

1 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT
2 AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE
3 FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME.

4 (5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER
5 NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR-HOUR CARE FOR
6 FIVE OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN THIS
7 SUBSECTION (5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR
8 MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR
9 WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED
10 EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO,
11 FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES,
12 DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE
13 RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

14 (6) "CHILD PLACEMENT AGENCY" OR "AGENCY" MEANS A
15 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION,
16 OR PERSON UNRELATED TO THE CHILD BEING PLACED, WHO PLACES,
17 FACILITATES PLACEMENT FOR A FEE, OR ARRANGES FOR PLACEMENT FOR
18 CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE WITH A FAMILY, PERSON,
19 OR INSTITUTION. A CHILD PLACEMENT AGENCY MAY PLACE, FACILITATE
20 PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE
21 PURPOSE OF ADOPTION, FOSTER CARE, TREATMENT FOSTER CARE, OR
22 THERAPEUTIC FOSTER CARE. THE NATURAL PARENTS OR GUARDIAN OF A
23 CHILD WHO PLACE THE CHILD FOR CARE WITH A FACILITY LICENSED AS A
24 FAMILY CHILD CARE HOME OR CHILD CARE CENTER, AS DEFINED IN SECTION
25 26.5-5-303, ARE NOT A CHILD PLACEMENT AGENCY.

26 (7) "CRADLE CARE HOME" MEANS A FACILITY THAT IS CERTIFIED
27 BY A CHILD PLACEMENT AGENCY FOR THE CARE OF A CHILD, OR CHILDREN

1 IN THE CASE OF MULTIPLE-BIRTH SIBLINGS, WHO IS TWELVE MONTHS OF
2 AGE OR YOUNGER, IN A PLACE OF RESIDENCE FOR THE PURPOSE OF
3 PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR SIX MONTHS OR LESS
4 IN ANTICIPATION OF A VOLUNTARY RELINQUISHMENT OF THE CHILD OR
5 CHILDREN, PURSUANT TO ARTICLE 5 OF TITLE 19, OR WHILE A COUNTY
6 PREPARES AN EXPEDITED PERMANENCY PLAN FOR AN INFANT IN ITS
7 CUSTODY.

8 (8) (a) (I) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

9 (A) EXCEPT AS PROVIDED IN SUBSECTION (8)(a)(II) OF THIS
10 SECTION, PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF
11 FIVE OR MORE CHILDREN WHO ARE THREE YEARS OF AGE OR OLDER, BUT
12 LESS THAN TWENTY-ONE YEARS OF AGE; AND

13 (B) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF
14 PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE
15 THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR
16 COMMUNITY.

17 (II) NOTHING IN THIS SUBSECTION (8) PROHIBITS A DAY
18 TREATMENT CENTER FROM ALLOWING A PERSON WHO REACHES
19 TWENTY-ONE YEARS OF AGE AFTER THE COMMENCEMENT OF AN
20 ACADEMIC YEAR FROM ATTENDING AN EDUCATIONAL PROGRAM AT THE
21 DAY TREATMENT CENTER THROUGH THE END OF THE SEMESTER IN WHICH
22 THE TWENTY-FIRST BIRTHDAY OCCURS OR UNTIL THE PERSON COMPLETES
23 THE EDUCATIONAL PROGRAM, WHICHEVER COMES FIRST.

24 (b) "DAY TREATMENT CENTER" DOES NOT INCLUDE SPECIAL
25 EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL
26 SYSTEM OR PROGRAMS THAT ARE LICENSED BY THE DEPARTMENT OF
27 EARLY CHILDHOOD FOR LESS THAN TWENTY-FOUR-HOUR CARE OF

1 CHILDREN, SUCH AS A CHILD CARE CENTER.

2 (9) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE
3 DEPARTMENT OF HUMAN SERVICES.

4 (10) "FOSTER CARE HOME" MEANS A HOME THAT IS CERTIFIED BY
5 A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY PURSUANT TO
6 SECTION 26-6-910, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO
7 APPLICABLE FEDERAL LAW, FOR CHILD CARE IN A PLACE OF RESIDENCE OF
8 A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING
9 TWENTY-FOUR-HOUR FAMILY FOSTER CARE FOR A CHILD UNDER THE AGE
10 OF TWENTY-ONE YEARS. A FOSTER CARE HOME MAY INCLUDE FOSTER
11 CARE FOR A CHILD WHO IS UNRELATED TO THE HEAD OF THE HOME OR
12 FOSTER CARE PROVIDED THROUGH A KINSHIP FOSTER CARE HOME BUT
13 DOES NOT INCLUDE NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION
14 19-1-103. THE TERM INCLUDES A FOSTER CARE HOME THAT RECEIVES A
15 CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND A HOME THAT
16 RECEIVES A CHILD FROM A STATE-OPERATED INSTITUTION FOR CHILD CARE
17 OR FROM A CHILD PLACEMENT AGENCY."FOSTER CARE HOME" ALSO
18 INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT PURSUANT TO
19 SECTION 26-6-905 THAT RECEIVE NEITHER MONEY FROM THE COUNTIES
20 NOR CHILDREN PLACED BY THE COUNTIES.

21 (11) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,
22 CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND
23 LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND
24 OPERATION OF A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY
25 OR A CHILD PLACEMENT AGENCY.

26 (12) "GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW
27 WITH THE CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE.

1 (13) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN
2 ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND
3 MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO
4 YOUTHS WHO ARE AT LEAST ELEVEN YEARS OF AGE OR OLDER AND WHO
5 OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION
6 26-5.7-102 (2).

7 (14) "ICON" MEANS THE COMPUTERIZED DATABASE OF COURT
8 RECORDS KNOWN AS THE INTEGRATED COLORADO ONLINE NETWORK USED
9 BY THE STATE JUDICIAL DEPARTMENT.

10 (15) "KIN" MEANS A RELATIVE OF THE CHILD, A PERSON ASCRIBED
11 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,
12 OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE
13 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES
14 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

15 (16) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME
16 THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A LICENSED CHILD
17 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910 OR A FEDERALLY
18 RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW AS HAVING
19 MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE
20 FOSTER CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE
21 PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP
22 FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A
23 CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

24 (17) "LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO
25 THIS PART 9 GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY
26 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A
27 LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY,

1 PERMANENT, OR TIME-LIMITED LICENSE.

2 (18) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A
3 LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN
4 AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS,
5 SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS
6 ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

7 (19) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN
8 SUBSECTION (10) OF THIS SECTION, THE PROCESS BY WHICH THE
9 DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF
10 CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD
11 CARE FACILITY OR CHILD PLACEMENT AGENCY.

12 (20) "MEDICAL FOSTER CARE" MEANS A PROGRAM OF FOSTER CARE
13 THAT PROVIDES HOME-BASED CARE FOR MEDICALLY FRAGILE CHILDREN
14 AND YOUTH WHO WOULD OTHERWISE BE CONFINED TO A HOSPITAL OR
15 INSTITUTIONAL SETTING AND INCLUDES, BUT IS NOT LIMITED TO:

16 (a) INFANTS IMPACTED BY PRENATAL DRUG AND ALCOHOL ABUSE;

17 (b) CHILDREN WITH DEVELOPMENTAL DISABILITIES THAT REQUIRE
18 ONGOING MEDICAL INTERVENTION;

19 (c) CHILDREN AND YOUTH DIAGNOSED WITH ACQUIRED IMMUNE
20 DEFICIENCY SYNDROME OR HUMAN IMMUNODEFICIENCY VIRUS;

21 (d) CHILDREN WITH A FAILURE TO THRIVE OR OTHER NUTRITIONAL
22 DISORDERS; AND

23 (e) CHILDREN DEPENDENT ON TECHNOLOGY SUCH AS RESPIRATORS,
24 TRACHEOTOMY TUBES, OR VENTILATORS TO SURVIVE.

25 (21) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY
26 ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF
27 FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED

1 PURSUANT TO THIS PART 9 OR THE DEMOTION OF SUCH A LICENSE TO A
2 PROBATIONARY LICENSE.

3 (b) AS USED IN THIS SUBSECTION (21), "FINAL AGENCY ACTION"
4 MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER THE
5 OPPORTUNITY FOR A HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE
6 TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 9
7 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE
8 CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY
9 LICENSE.

10 (22) "OUT-OF-HOME PLACEMENT PROVIDER CONSORTIUM" MEANS
11 A GROUP OF SERVICE PROVIDERS THAT ARE FORMALLY ORGANIZED AND
12 MANAGED TO ACHIEVE THE GOALS OF THE COUNTY, GROUP OF COUNTIES,
13 OR MENTAL HEALTH AGENCY CONTRACTING FOR ADDITIONAL SERVICES
14 OTHER THAN TREATMENT-RELATED OR CHILD MAINTENANCE SERVICES.

15 (23) "PERSON" MEANS A CORPORATION, PARTNERSHIP,
16 ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR INDIVIDUAL.

17 (24) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE
18 A PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

19 (25) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL
20 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST
21 PREVENTION SERVICES ACT". A "QUALIFIED INDIVIDUAL" MUST BE
22 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE
23 STATE PLAN. A "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED
24 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST
25 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD
26 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR
27 YOUTH OR MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,

1 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS
2 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN
3 ACCORDANCE WITH 42 U.S.C. SEC. 675a.

4 (26) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A
5 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED
6 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR
7 YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF
8 CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL
9 DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL
10 "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. 672 (k)(4), AND
11 IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR
12 YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH REQUIRED IN
13 SECTION 19-1-115 (4)(e)(I).

14 (27) "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS
15 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, BROTHER,
16 SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, UNCLE, AUNT, NIECE,
17 NEPHEW, OR COUSIN.

18 (28) "RELATIVE" MEANS ANY OF THE FOLLOWING RELATIONSHIPS
19 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON,
20 DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER,
21 STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER,
22 UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

23 (29) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY
24 LICENSED BY THE STATE DEPARTMENT PURSUANT TO THIS PART 9 TO
25 PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT FOR FIVE OR
26 MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT
27 SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES

1 COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED
2 RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102
3 (2); SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT
4 FACILITIES AS DEFINED IN SECTION 25.5-4-103 (19.5). A RESIDENTIAL
5 CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE
6 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE
7 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE
8 FACILITY MUST BE:

9 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS
10 OF AGE; OR

11 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT
12 ORDER OR VOLUNTARY PLACEMENT; OR

13 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

14 (30) "RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR
15 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A
16 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC
17 RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND
18 HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A
19 GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE
20 RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR
21 HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME.

22 (31) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE
23 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE
24 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED
25 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,
26 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL
27 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A

1 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING
2 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT
3 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER
4 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE
5 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY
6 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (31), "RESPITE CHILD
7 CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO
8 BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES.

9 (32) "SECURE RESIDENTIAL TREATMENT CENTER" MEANS A
10 FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE
11 DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR
12 GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE OR MORE
13 CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE YEARS OVER
14 WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION
15 19-2.5-103 (6) WHO ARE COMMITTED BY A COURT, PURSUANT TO AN
16 ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF
17 GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT
18 AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN
19 COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A
20 SECURE FACILITY.

21 (33) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR
22 BOTH PARENTS IN COMMON.

23 (34) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY
24 SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED
25 CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING
26 TWENTY-FOUR-HOUR CARE FOR THREE OR MORE CHILDREN, BUT FEWER
27 THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET

1 THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO
2 A SPECIALIZED GROUP FACILITY MUST BE:

3 (I) AT LEAST SEVEN YEARS OF AGE OR OLDER BUT LESS THAN
4 EIGHTEEN YEARS OF AGE;

5 (II) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY
6 COURT ORDER OR VOLUNTARY PLACEMENT; OR

7 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS
8 THAN SEVEN YEARS OF AGE.

9 (b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP
10 HOMES AND SPECIALIZED GROUP CENTERS.

11 (35) "THERAPEUTIC FOSTER CARE" MEANS A PROGRAM OF FOSTER
12 CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL,
13 PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH
14 SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL
15 FOSTER CARE.

16 (36) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE
17 ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES
18 THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE
19 RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY
20 ENVIRONMENT.

21 **26-6-904. Applicability of part.** (1) THIS PART 9 DOES NOT
22 APPLY TO:

23 (a) A CHILD CARE FACILITY THAT IS APPROVED, CERTIFIED, OR
24 LICENSED BY ANOTHER STATE AGENCY OR BY A FEDERAL GOVERNMENT
25 DEPARTMENT OR AGENCY THAT HAS STANDARDS FOR OPERATION OF THE
26 FACILITY AND INSPECTS OR MONITORS THE FACILITY;

27 (b) OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT

1 PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION;

2 (c) JUVENILE COURTS; OR

3 (d) NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

4 (2) A LICENSEE OR GOVERNING BODY FOR WHICH THE LICENSE IS
5 SUSPENDED PURSUANT TO SECTION 24-4-104 OR THAT HAS RECEIVED A
6 FINAL AGENCY ACTION RESULTING IN THE REVOCATION OF A LICENSE
7 ISSUED PURSUANT TO THIS PART 9 IS PROHIBITED FROM OPERATING,
8 EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED TO THE
9 CAREGIVER.

10 **26-6-905. Licenses - out-of-state notices and consent -**
11 **demonstration pilot program - definition - rules.** (1) (a) EXCEPT AS
12 OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION OR
13 ELSEWHERE IN THIS PART 9, A PERSON SHALL NOT OPERATE A RESIDENTIAL
14 OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY
15 WITHOUT FIRST BEING LICENSED BY THE STATE DEPARTMENT TO OPERATE
16 OR MAINTAIN THE FACILITY OR AGENCY AND PAYING THE PRESCRIBED FEE.
17 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION,
18 A LICENSE THAT THE STATE DEPARTMENT ISSUES IS PERMANENT UNLESS
19 OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-914.

20 (b) A PERSON OPERATING A FOSTER CARE HOME IS NOT REQUIRED
21 TO OBTAIN A LICENSE FROM THE STATE DEPARTMENT TO OPERATE THE
22 FOSTER CARE HOME IF THE PERSON HOLDS A CERTIFICATE ISSUED
23 PURSUANT TO SECTION 26-6-910 TO OPERATE THE HOME FROM A COUNTY
24 DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE
25 PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR
26 THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE
27 INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED

1 UNDER SECTIONS 26-6-910 AND 26-6-912.

2 (c) (I) ON AND AFTER JULY 1, 2002, AND CONTINGENT UPON THE
3 TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS"
4 ENHANCEMENTS, CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER
5 CARE HOMES MUST BE LICENSED ANNUALLY UNTIL THE IMPLEMENTATION
6 OF ANY RISK-BASED SCHEDULE FOR THE RENEWAL OF CHILD PLACEMENT
7 AGENCY LICENSES PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.
8 THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE
9 PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF CHILD
10 PLACEMENT AGENCY LICENSES. THE RULES MUST INCLUDE THE
11 REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF
12 THE CHILD PLACEMENT AGENCY.

13 (II) (A) ON AND AFTER JANUARY 1, 2004, AND UPON THE
14 FUNCTIONALITY OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE
15 DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD
16 PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED
17 ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK
18 FACTORS MUST RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD
19 PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

20 (B) PRIOR TO JANUARY 1, 2004, AND CONTINGENT UPON THE TIME
21 LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS,
22 THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD
23 PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT
24 ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY
25 RULE OF THE STATE BOARD.

26 (III) ON AND AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE
27 FACILITIES MUST BE LICENSED ANNUALLY. THE STATE BOARD SHALL

1 PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS
2 ASSOCIATED WITH THE LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE
3 FACILITIES. THE RULES MUST INCLUDE A REQUIREMENT THAT THE STATE
4 DEPARTMENT CONDUCT ASSESSMENTS OF THE RESIDENTIAL CHILD CARE
5 FACILITY.

6 (2) A PERSON SHALL NOT RECEIVE OR ACCEPT A CHILD UNDER
7 EIGHTEEN YEARS OF AGE FOR PLACEMENT, OR PLACE A CHILD EITHER
8 TEMPORARILY OR PERMANENTLY IN A HOME, OTHER THAN WITH PERSONS
9 RELATED TO THE CHILD, WITHOUT FIRST OBTAINING A LICENSE AS A CHILD
10 PLACEMENT AGENCY FROM THE DEPARTMENT, AND PAYING THE FEE
11 PRESCRIBED FOR THE LICENSE.

12 (3) THE DEPARTMENT MAY ISSUE A ONE-TIME PROVISIONAL
13 LICENSE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL
14 LICENSE FOR A FOSTER CARE HOME, PERMITTING THE APPLICANT TO
15 OPERATE THE FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY
16 UNABLE TO CONFORM TO ALL STANDARDS REQUIRED UNDER THIS PART 9,
17 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO
18 CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER
19 REQUIREMENTS. THE APPLICANT HAS THE RIGHT TO APPEAL ANY
20 STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP
21 OR HAS BEEN APPLIED TOO STRINGENTLY BY THE DEPARTMENT. UPON THE
22 FILING OF AN APPEAL, THE DEPARTMENT SHALL PROCEED IN THE MANNER
23 PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

24 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A
25 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY UNTIL THE
26 FACILITIES THAT THE APPLICANT OR LICENSEE WILL OPERATE OR MAINTAIN
27 ARE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND

1 ENVIRONMENT AS CONFORMING TO THE SANITARY STANDARDS
2 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-101
3 (1)(h) AND UNLESS THE FACILITIES CONFORM TO FIRE PREVENTION AND
4 PROTECTION REQUIREMENTS OF LOCAL FIRE DEPARTMENTS IN THE
5 LOCALITY OF THE FACILITY OR, IN LIEU THEREOF, OF THE DIVISION OF
6 LABOR STANDARDS AND STATISTICS.

7 (5) A PERSON SHALL NOT SEND OR BRING INTO THIS STATE A CHILD
8 FOR THE PURPOSES OF FOSTER CARE OR ADOPTION WITHOUT SENDING
9 NOTICE OF THE PENDING PLACEMENT AND RECEIVING THE CONSENT OF THE
10 DEPARTMENT, OR ITS DESIGNATED AGENT, TO THE PLACEMENT. THE
11 NOTICE MUST CONTAIN:

12 (a) THE NAME AND THE DATE AND PLACE OF BIRTH OF THE CHILD;

13 (b) THE IDENTITY AND ADDRESS OR ADDRESSES OF THE PARENTS
14 OR LEGAL GUARDIAN;

15 (c) THE IDENTITY AND ADDRESS OF THE PERSON SENDING OR
16 BRINGING THE CHILD;

17 (d) THE NAME AND ADDRESS OF THE PERSON TO OR WITH WHOM
18 THE SENDING PERSON PROPOSES TO SEND, BRING, OR PLACE THE CHILD;

19 (e) A FULL STATEMENT OF THE REASONS FOR THE PROPOSED
20 ACTION AND EVIDENCE OF THE AUTHORITY PURSUANT TO WHICH THE
21 PLACEMENT IS PROPOSED TO BE MADE.

22 (6) THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH
23 RULES FOR THE APPROVAL OF FOSTER CARE HOMES AND CHILD CARE
24 CENTERS THAT PROVIDE TWENTY-FOUR-HOUR CARE OF CHILDREN
25 BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE
26 COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED
27 IN FOSTER CARE BY THE COUNTY DEPARTMENT.

1 (7) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS
2 A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY
3 ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE
4 DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY
5 FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTIONAL
6 ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000",
7 42 U.S.C. SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY
8 ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE
9 PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH
10 PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE
11 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

12 (8) (a) (I) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO
13 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A
14 CHILD PLACEMENT AGENCY, AND ANY LICENSE OR CERTIFICATE ISSUED
15 PRIOR TO AUGUST 7, 2006, IS REVOKED OR SUSPENDED IF THE APPLICANT
16 FOR THE LICENSE OR CERTIFICATE, AN AFFILIATE OF THE APPLICANT, A
17 PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH
18 THE APPLICANT AT THE FACILITY HAS BEEN CONVICTED OF:

19 (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

20 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

21 (C) ANY OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
22 DEFINED IN SECTION 16-22-102 (9);

23 (D) ANY FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
24 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
25 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

26 (E) ANY FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
27 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF

1 APPLICATION FOR A LICENSE OR CERTIFICATE;

2 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
3 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY
4 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

5 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH
6 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
7 OFFENSES DESCRIBED IN SUBSECTIONS (8)(a)(I)(A) TO (8)(a)(I)(F) OF THIS
8 SECTION.

9 (II) AS USED IN THIS SUBSECTION (8)(a), "CONVICTED" MEANS A
10 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED
11 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
12 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
13 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

14 (III) AN APPLICANT, LICENSEE, OR EMPLOYEE OF THE APPLICANT
15 OR LICENSEE WHO MEETS THE DEFINITION OF A DEPARTMENT EMPLOYEE
16 OR AN INDEPENDENT CONTRACTOR, AS THOSE TERMS ARE DEFINED IN
17 SECTION 27-90-111, OR WHO WORKS FOR A CONTRACTING AGENCY, AS
18 DEFINED IN SECTION 27-90-111, AND WHO WILL HAVE DIRECT CONTACT
19 WITH VULNERABLE PERSONS, AS DEFINED IN SECTION 27-90-111 (2)(e), IS
20 REQUIRED TO SUBMIT TO A STATE AND NATIONAL FINGERPRINT-BASED
21 CRIMINAL HISTORY RECORD CHECK IN THE SAME MANNER AS REQUIRED
22 PURSUANT TO SECTION 27-90-111 (9); EXCEPT THAT THE STATE
23 DEPARTMENT SHALL NOT BEAR THE COST OF THE CRIMINAL HISTORY
24 RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III). THE STATE
25 DEPARTMENT MAY ALSO CONDUCT A COMPARISON SEARCH ON THE
26 COLORADO STATE COURTS PUBLIC ACCESS SYSTEM TO DETERMINE THE
27 CRIME OR CRIMES FOR WHICH THE INDIVIDUAL HAVING DIRECT CONTACT

1 WITH VULNERABLE PERSONS WAS ARRESTED OR CONVICTED AND THE
2 DISPOSITION OF SUCH CRIME OR CRIMES. THE CRIMINAL HISTORY RECORD
3 CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III) MUST BE SUBMITTED TO
4 THE STATE DEPARTMENT PRIOR TO THE INDIVIDUAL HAVING DIRECT
5 CONTACT WITH VULNERABLE PERSONS, AND AN APPLICANT, LICENSEE, OR
6 EMPLOYEE OF AN APPLICANT OR LICENSEE MUST NOT BE ALLOWED TO
7 HAVE DIRECT CONTACT WITH VULNERABLE PERSONS IF HE OR SHE DOES
8 NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8) AND IN
9 SECTION 27-90-111 (9).

10 (b) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS
11 IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION ACCORDING TO THE
12 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON
13 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS
14 SET FORTH IN SECTION 26-6-912 (1)(a)(II). A CERTIFIED COPY OF THE
15 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION,
16 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED
17 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS
18 PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT. A LICENSE OR
19 CERTIFICATE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE
20 FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY SHALL NOT
21 BE ISSUED IF THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER
22 FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE
23 LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF CHILD ABUSE OR ANY
24 UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY
25 OTHER STATE OR THE UNITED STATES OR THE STATE DEPARTMENT HAS A
26 CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON
27 APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A

1 DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN
2 ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A
3 CHILD.

4 (9) (a) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD
5 SHALL PROMULGATE RULES THAT REQUIRE ALL CURRENT AND
6 PROSPECTIVE EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR
7 POSITION HAVE DIRECT CONTACT WITH A CHILD IN THE PROCESS OF BEING
8 PLACED OR WHO HAS BEEN PLACED IN FOSTER CARE TO SUBMIT A SET OF
9 FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED
10 CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY
11 SUBMITTED A SET OF FINGERPRINTS. THE CHECK MUST BE CONDUCTED IN
12 THE SAME MANNER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND
13 IN SECTION 26-6-912 (1)(a). THE PERSON'S EMPLOYMENT IS CONDITIONAL
14 UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND SUBJECT TO
15 THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH IN
16 SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE
17 COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
18 MUST BE BORNE BY THE APPLICANT.

19 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
20 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (9)
21 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE
22 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED
23 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
24 (6)(d). THE COSTS FOR THE NAME-BASED JUDICIAL RECORD CHECK MUST
25 BE BORNE BY THE APPLICANT.

26 (10) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO
27 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY,

1 FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY IF THE PERSON
2 APPLYING FOR THE LICENSE OR AN AFFILIATE OF THE APPLICANT, A PERSON
3 EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE
4 APPLICANT AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR
5 MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND,
6 IF THE COURT ENTERS, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF
7 TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER
8 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS
9 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A
10 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE
11 HOME, OR CHILD PLACEMENT AGENCY, THE RECORD OF SUCH
12 DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE
13 EVIDENCE THEREOF.

14 (11) THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO
15 EXAMINE AND REPORT TO THE GENERAL ASSEMBLY ON THE BENEFITS OF
16 LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS
17 DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN
18 THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN
19 CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT
20 AGENCY. THE CHILD PLACEMENT AGENCIES EXAMINED MUST BE ABLE TO:

21 (a) OFFER THE FOLLOWING SERVICES:

22 (I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER
23 CARE PARENTS;

24 (II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND
25 FOSTER CARE FAMILY;

26 (III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

27 (IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

1 (V) ONGOING EDUCATIONAL AND NETWORKING OPPORTUNITIES
2 FOR ANY FOSTER CARE FAMILY;

3 (VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH
4 TEAM COLLABORATION;

5 (VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES;
6 AND

7 (VIII) RESPITE SUPPORT AND REIMBURSEMENT;

8 (b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING,
9 BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:

10 (I) MEDICAL FOSTER CARE;

11 (II) RESPITE FOSTER CARE;

12 (III) THERAPEUTIC FOSTER CARE;

13 (IV) DEVELOPMENTALLY DISABLED FOSTER CARE; AND

14 (V) TREATMENT FOSTER CARE.

15 **26-6-906. Compliance with local government zoning**
16 **regulations - notice to local governments - provisional licensure -**

17 **repeal.** (1) THE DEPARTMENT SHALL REQUIRE A RESIDENTIAL OR DAY
18 TREATMENT CHILD CARE FACILITY SEEKING A LICENSE PURSUANT TO
19 SECTION 26-6-905 TO COMPLY WITH ANY APPLICABLE ZONING AND LAND
20 USE DEVELOPMENT REGULATIONS OF THE MUNICIPALITY, CITY AND
21 COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO
22 COMPLY WITH APPLICABLE ZONING AND LAND USE REGULATIONS
23 CONSTITUTES GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

24 (2) THE DEPARTMENT SHALL ENSURE THAT TIMELY WRITTEN
25 NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR
26 COUNTY WHERE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY
27 IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE

1 POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY,
2 WHEN ANY OF THE FOLLOWING OCCURS:

3 (a) A PERSON APPLIES FOR A LICENSE TO OPERATE A FACILITY
4 PURSUANT TO SECTION 26-6-905;

5 (b) A LICENSE IS GRANTED TO OPERATE A FACILITY PURSUANT TO
6 SECTION 26-6-905; OR

7 (c) A CHANGE IS MADE IN THE LICENSE OF A FACILITY.

8 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
9 CONTRARY, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE
10 BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR
11 COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT
12 A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO SIX MONTHS PENDING
13 RESOLUTION OF THE DELAY OR DISPUTE.

14 (4) (a) (I) PRIOR TO JULY 1, 2024, THE PROVISIONS OF THIS
15 SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO
16 THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO
17 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9
18 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE
19 DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY BY A COMMUNITY
20 CENTERED BOARD OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

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

22 (b) ON AND AFTER JULY 1, 2024, THE PROVISIONS OF THIS SECTION
23 DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS
24 PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO
25 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9
26 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE
27 DETERMINED TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL

1 DISABILITY BY A CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION
2 25.5-6-1702, OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

3 **26-6-907. Fees - when original applications, reapplications,**
4 **and renewals for licensure are required - creation of child welfare**
5 **licensing cash fund.** (1) (a) THE STATE DEPARTMENT IS AUTHORIZED TO
6 ESTABLISH, PURSUANT TO RULES PROMULGATED BY THE STATE BOARD,
7 PERMANENT, TIME-LIMITED, AND PROVISIONAL LICENSE FEES AND FEES
8 FOR CONTINUATION OR RENEWAL, WHICHEVER IS APPLICABLE, OF A
9 LICENSE FOR THE FOLLOWING TYPES OF CHILD CARE ARRANGEMENTS:

10 (I) SECURE RESIDENTIAL TREATMENT CENTERS;

11 (II) RESIDENTIAL CHILD CARE FACILITIES, INCLUDING ANY SPECIAL
12 TYPE OF RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY RULE OF THE
13 STATE BOARD;

14 (III) CHILD PLACEMENT AGENCIES, INCLUDING ANY SPECIAL TYPE
15 OF FOSTER CARE HOME THE CHILD PLACEMENT AGENCY IS AUTHORIZED TO
16 CERTIFY BY RULE OF THE STATE BOARD;

17 (IV) HOMELESS YOUTH SHELTERS;

18 (V) DAY TREATMENT CENTERS;

19 (VI) SPECIALIZED GROUP FACILITIES; AND

20 (VII) RESPITE CHILD CARE CENTERS.

21 (b) THE STATE DEPARTMENT MAY ALSO ESTABLISH FEES PURSUANT
22 TO RULES PROMULGATED BY THE STATE BOARD FOR THE FOLLOWING
23 SITUATIONS:

24 (I) ISSUANCE OF A DUPLICATE LICENSE;

25 (II) CHANGE OF LICENSE DUE TO AN INCREASE IN LICENSING
26 CAPACITY OR A CHANGE IN THE AGE OF CHILDREN SERVED;

27 (III) OBTAINING THE CRIMINAL RECORD OF AN APPLICANT AND

1 ANY PERSON LIVING WITH OR EMPLOYED BY THE APPLICANT, WHICH MAY
2 INCLUDE COSTS ASSOCIATED WITH THE TAKING OF FINGERPRINTS;

3 (IV) CHECKING THE RECORDS AND REPORTS OF CHILD ABUSE OR
4 NEGLECT MAINTAINED BY THE STATE DEPARTMENT FOR AN OWNER,
5 EMPLOYEE, OR RESIDENT OF A FACILITY OR AGENCY OR AN APPLICANT FOR
6 A LICENSE TO OPERATE A FACILITY OR AGENCY;

7 (V) FILING OF APPEALS;

8 (VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC;

9 (VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC
10 FORMAT FOR THE PUBLIC;

11 (VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES
12 OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS
13 PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C.
14 SEC. 14901 ET SEQ.;

15 (IX) INSUFFICIENT FUNDS PAYMENT AND COLLECTION OF OVERDUE
16 FEES AND FINES; AND

17 (X) COLLECTION OF FEES FOR SCANNING OF ADOPTION RECORDS
18 PURSUANT TO SECTION 19-5-307.

19 (c) THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1)
20 MUST NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE
21 DEPARTMENT. THE DIVISION RESPONSIBLE FOR LICENSING FACILITIES AND
22 AGENCIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND
23 SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING
24 LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO
25 TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH FACILITY AND
26 AGENCY LICENSING, INSPECTION, AND MONITORING; DEVELOPING A
27 METHODOLOGY TO ASSESS THE RELATIONSHIP BETWEEN LICENSING COSTS

1 AND FEES; AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING
2 THE RESULTS TO THE STATE BOARD. IN DEVELOPING A FEE SCHEDULE, THE
3 DEPARTMENT SHOULD CONSIDER THE LICENSED CAPACITY OF FACILITIES
4 AND THE TIME NEEDED TO LICENSE FACILITIES.

5 (2) (a) AN APPLICANT SHALL PAY THE FEES SPECIFIED IN
6 SUBSECTION (1) OF THIS SECTION WHEN APPLYING FOR ISSUANCE,
7 CONTINUANCE, OR RENEWAL OF A LICENSE. FEES ARE NOT SUBJECT TO
8 REFUND. AN APPLICATION FOR A LICENSE IS REQUIRED IN THE SITUATIONS
9 THAT ARE SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION AND MUST BE
10 MADE ON FORMS PRESCRIBED BY THE STATE DEPARTMENT. EACH
11 COMPLETED APPLICATION MUST SET FORTH THE INFORMATION REQUIRED
12 BY THE STATE DEPARTMENT. ALL LICENSES CONTINUE IN FORCE UNTIL
13 REVOKED, SURRENDERED, OR EXPIRED.

14 (b) (I) AN ORIGINAL APPLICATION AND FEE ARE REQUIRED:

15 (A) WHEN AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR
16 ASSOCIATION PLANS TO OPEN A FOSTER CARE HOME OR A RESIDENTIAL OR
17 DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY;

18 (B) WHEN A FACILITY OR FOSTER CARE HOME PLANS TO MOVE TO
19 A DIFFERENT BUILDING AT A DIFFERENT LOCATION;

20 (C) WHEN THE MANAGEMENT OR GOVERNING BODY OF A FACILITY
21 OR AGENCY IS ACQUIRED BY A DIFFERENT INDIVIDUAL, ASSOCIATION,
22 PARTNERSHIP, OR CORPORATION; AND

23 (D) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A
24 FACILITY OR AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE
25 IDENTIFICATION NUMBER; EXCEPT THAT, IF THE REASON FOR THE ISSUANCE
26 OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO
27 A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING FACILITY OR

1 AGENCY AND EITHER THE MANAGEMENT OR GOVERNING BODY OF THE
2 FACILITY OR AGENCY REMAINS THE SAME AS ORIGINALLY LICENSED AND
3 THE FACILITY OR AGENCY IS OPERATING IN THE SAME BUILDING OR
4 BUILDINGS AS ORIGINALLY LICENSED, THE STATE DEPARTMENT SHALL
5 TREAT THE FACILITY'S OR AGENCY'S STATUS AS A RENEWAL AND ASSESS
6 THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES ARE
7 REQUIRED TO UNDERGO CRIMINAL BACKGROUND CHECKS AS REQUIRED IN
8 SECTION 26-6-912.

9 (II) A REAPPLICATION AND FEE ARE REQUIRED AND MUST BE
10 RECEIVED BY THE STATE DEPARTMENT IN THE MANNER SPECIFIED IN RULES
11 PROMULGATED BY THE STATE BOARD. AN INDIVIDUAL, PARTNERSHIP,
12 CORPORATION, OR ASSOCIATION SEEKING TO RENEW A FACILITY OR
13 AGENCY LICENSE MUST SUBMIT A REAPPLICATION AND FEE TO THE STATE
14 DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

15 (3) THIS SECTION DOES NOT PREVENT A CITY OR CITY AND COUNTY
16 FROM IMPOSING FEES IN ADDITION TO THOSE FEES SPECIFIED IN THIS
17 SECTION.

18 (4) (a) THE DEPARTMENT SHALL TRANSMIT ALL FEES COLLECTED
19 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL
20 CREDIT THE SAME TO THE CHILD WELFARE LICENSING CASH FUND CREATED
21 IN SUBSECTION (4)(b) OF THIS SECTION. THE GENERAL ASSEMBLY SHALL
22 MAKE ANNUAL APPROPRIATIONS FROM THE CHILD WELFARE LICENSING
23 CASH FUND FOR EXPENDITURES INCURRED BY THE DEPARTMENT IN THE
24 PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 9.

25 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE
26 LICENSING CASH FUND, CREATED PURSUANT TO SECTION 26-6-105 (4), AS
27 IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO LICENSING

1 FEES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS
2 RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD
3 WELFARE LICENSING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE
4 STATE TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST
5 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO
6 THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND
7 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT
8 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER
9 FUND.

10 **26-6-908. Application forms - criminal sanctions for perjury.**

11 (1) (a) (I) ALL APPLICATIONS FOR THE LICENSURE OF CHILD PLACEMENT
12 AGENCY OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR
13 THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9
14 MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN
15 SUBSECTION (1)(b) OF THIS SECTION.

16 (II) EVERY APPLICATION USED IN THE STATE OF COLORADO FOR
17 EMPLOYMENT WITH A FACILITY OR AGENCY MUST INCLUDE THE NOTICE TO
18 THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

19 (b) EACH APPLICATION DESCRIBED IN SUBSECTION (1)(a) OF THIS
20 SECTION MUST CONTAIN THE FOLLOWING NOTICE TO THE APPLICANT:

21 ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A
22 FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN
23 THIS APPLICATION COMMITS PERJURY IN THE SECOND
24 DEGREE AS DEFINED IN SECTION 18-8-503, COLORADO
25 REVISED STATUTES, AND, UPON CONVICTION THEREOF,
26 SHALL BE PUNISHED ACCORDINGLY.

27 (2) A PERSON APPLYING FOR THE LICENSURE OF A FACILITY OR

1 AGENCY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO
2 THIS PART 9, OR A PERSON APPLYING TO WORK AT A FACILITY OR AGENCY
3 AS AN EMPLOYEE, WHO KNOWINGLY OR WILLFULLY MAKES A FALSE
4 STATEMENT OF ANY MATERIAL FACT OR THING IN THE APPLICATION
5 COMMITS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION
6 18-8-503 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED
7 ACCORDINGLY.

8 (3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A
9 FOSTER CARE HOME MUST PROVIDE NOTICE TO THE APPLICANT THAT THE
10 APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF
11 CERTIFICATION OR LICENSURE OR OTHER NEGATIVE LICENSING ACTION AS
12 SET FORTH IN THIS SECTION (3) AND SECTION 26-6-913 AND AS DESCRIBED
13 BY RULE OF THE STATE BOARD.

14 **26-6-909. Standards for facilities and agencies - rules.** (1) THE
15 DEPARTMENT SHALL PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING.
16 THE STANDARDS MUST BE APPLICABLE TO CHILD PLACEMENT AGENCIES
17 AND THE VARIOUS TYPES OF RESIDENTIAL AND DAY TREATMENT CHILD
18 CARE FACILITIES REGULATED AND LICENSED BY THIS PART 9; EXCEPT THAT
19 THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH SEPARATE STANDARDS
20 FOR THE LICENSING OF CHILD PLACEMENT AGENCIES OPERATING FOR THE
21 PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES.
22 THE DEPARTMENT SHALL SEEK THE ADVICE AND ASSISTANCE OF PERSONS
23 REPRESENTATIVE OF THE VARIOUS TYPES OF FACILITIES AND AGENCIES IN
24 ESTABLISHING THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE
25 OF THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS
26 REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE
27 PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION

1 AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION.
2 THE STANDARDS MUST BE ESTABLISHED BY RULES PROMULGATED BY THE
3 STATE BOARD AND BE ISSUED, PUBLISHED, AND BECOME EFFECTIVE ONLY
4 IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

5 (2) STANDARDS PRESCRIBED BY STATE BOARD RULES PURSUANT
6 TO THIS SECTION ARE RESTRICTED TO:

7 (a) THE OPERATION AND CONDUCT OF THE FACILITY OR AGENCY
8 AND THE RESPONSIBILITY IT ASSUMES FOR CHILD CARE;

9 (b) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE
10 APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE
11 FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER
12 AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A
13 NEGATIVE LICENSING ACTION;

14 (c) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE
15 APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN
16 AND TO MAINTAIN PRESCRIBED STANDARDS;

17 (d) THE NUMBER OF INDIVIDUALS OR STAFF REQUIRED TO ENSURE
18 ADEQUATE SUPERVISION AND CARE OF CHILDREN SERVED;

19 (e) (I) THE APPROPRIATENESS, SAFETY, CLEANLINESS, AND
20 GENERAL ADEQUACY OF THE PREMISES, INCLUDING MAINTENANCE OF
21 ADEQUATE FIRE PROTECTION AND PREVENTION AND HEALTH STANDARDS
22 IN CONFORMANCE WITH STATE LAWS AND MUNICIPAL ORDINANCES, TO
23 PROVIDE FOR THE PHYSICAL COMFORT, CARE, WELL-BEING, AND SAFETY OF
24 THE CHILDREN SERVED.

25 (II) A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO
26 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL
27 DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL

1 MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED
2 BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE OR RADON
3 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT
4 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD
5 CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS
6 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE DEPARTMENT
7 SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A
8 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS
9 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

10 (f) KEEPING OF RECORDS FOR FOOD, CLOTHING, EQUIPMENT, AND
11 INDIVIDUAL SUPPLIES;

12 (g) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN
13 SERVED;

14 (h) MAINTENANCE OF RECORDS PERTAINING TO THE ADMISSION,
15 PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN;

16 (i) FILING OF REPORTS WITH THE DEPARTMENT;

17 (j) DISCIPLINE OF CHILDREN;

18 (k) STANDARDS FOR SECLUSION OF A CHILD IN ACCORDANCE WITH
19 ARTICLE 20 OF THIS TITLE 26. STANDARDS FOR SECLUSION MUST INCLUDE:

20 (I) THE BASIS FOR THE USE OF SECLUSION IN ACCORDANCE WITH
21 SECTION 26-20-103;

22 (II) DURATION AND FREQUENCY OF THE SECLUSION;

23 (III) FACILITY STAFF REQUIREMENTS;

24 (IV) CRITERIA FOR THE SHORT-TERM PLACEMENT OF A CHILD IN
25 SECLUSION;

26 (V) DOCUMENTATION AND REVIEW OF THE SECLUSION;

27 (VI) REVIEW AND BIENNIAL INSPECTION BY THE DEPARTMENT OF

- 1 THE SECLUSION ROOM OR AREA;
- 2 (VII) PHYSICAL REQUIREMENTS FOR THE SECLUSION ROOM OR
3 AREA;
- 4 (VIII) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT
5 PRIOR TO THE ESTABLISHMENT OF THE SECLUSION ROOM OR AREA;
- 6 (IX) A NEUTRAL FACT FINDER TO DETERMINE IF THE CHILD'S
7 SITUATION MERITS SECLUSION;
- 8 (X) AT A MINIMUM, A FIFTEEN-MINUTE CHECKING AND REVIEW BY
9 STAFF OF A CHILD PLACED IN SECLUSION;
- 10 (XI) REVIEW BY STAFF OF ANY SECLUSION SUBSEQUENT TO EACH
11 PERIOD OF SECLUSION;
- 12 (XII) DAILY REVIEW OF THE USE OF THE SECLUSION ROOMS OR
13 AREAS; AND
- 14 (XIII) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO
15 COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (2)(k).
- 16 (I) STANDARDS FOR SECURITY IN SECURE RESIDENTIAL TREATMENT
17 CENTERS AND RESIDENTIAL CHILD CARE FACILITIES PROVIDED THROUGH
18 THE PHYSICAL ENVIRONMENT AND STAFFING. THE STANDARDS MUST
19 INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:
- 20 (I) LOCKED DOORS;
- 21 (II) FENCING;
- 22 (III) STAFF REQUIREMENTS TO ENSURE SECURITY;
- 23 (IV) INSPECTIONS;
- 24 (V) PHYSICAL REQUIREMENTS FOR PROGRAM SPACE AND FOR
25 SECURE SLEEPING OF THE RESIDENTS IN THE SECURE RESIDENTIAL
26 TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY; AND
- 27 (VI) OTHER SECURITY CONSIDERATIONS THAT ARE NECESSARY TO

1 PROTECT THE RESIDENTS OF THE SECURE RESIDENTIAL TREATMENT
2 CENTER OR RESIDENTIAL CHILD CARE FACILITY OR THE PUBLIC.

3 (m) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND
4 ADEQUACY OF TRANSPORTATION SERVICES OF CHILDREN TO AND FROM
5 FACILITIES;

6 (n) EXCEPT AS PROVIDED IN SUBSECTION (2)(o) OF THIS SECTION,
7 PROVISIONS THAT ENSURE THAT FOSTER CARE HOMES AND CHILD CARE
8 CENTERS VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25,
9 THAT EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST
10 CONTAGIOUS DISEASES AS FOLLOWS:

11 (I) CHILDREN UP TO TWENTY-FOUR MONTHS OF AGE ARE REQUIRED
12 TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT IMMUNIZATION
13 ACT", PART 17 OF ARTICLE 4 OF TITLE 25;

14 (II) CHILDREN OVER TWENTY-FOUR MONTHS OF AGE ARE
15 REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4
16 OF TITLE 25;

17 (o) PROVISIONS THAT ALLOW A FACILITY THAT ALLOWS A CHILD TO
18 ENROLL AND ATTEND THE FACILITY ON A SHORT-TERM BASIS OF UP TO
19 FIFTEEN DAYS IN A FIFTEEN-CONSECUTIVE-DAY PERIOD, NO MORE THAN
20 TWICE IN A CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY
21 PERIOD SEPARATED BY AT LEAST SIXTY DAYS, TO DO SO WITHOUT
22 OBTAINING VERIFICATION OF IMMUNIZATION FOR THAT CHILD, AS
23 PROVIDED IN SECTION 25-4-902. A FACILITY THAT CHOOSES TO ALLOW
24 CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO
25 THE PROVISIONS OF THIS SUBSECTION (2)(o) SHALL PROVIDE NOTIFICATION
26 TO ALL PARENTS THAT THE FACILITY ALLOWS CHILDREN TO ENROLL AND
27 ATTEND ON A SHORT-TERM BASIS WITHOUT OBTAINING PROOF OF

1 IMMUNIZATION.

2 (p) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE, BUT
3 NEED NOT BE LIMITED TO:

4 (I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS,
5 QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR
6 EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO
7 BE LICENSED, INCLUDING, BUT NOT LIMITED TO:

8 (A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE
9 UNKNOWN;

10 (B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND
11 GRANDPARENT ADOPTIONS;

12 (C) INTERSTATE ADOPTIONS;

13 (D) INTERNATIONAL ADOPTIONS;

14 (E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND

15 (F) SPECIAL NEEDS ADOPTIONS;

16 (II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO
17 MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE
18 TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;

19 (III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE
20 RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;

21 (IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE
22 APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED
23 OR CONTRACTED WITH BY THE AGENCY;

24 (V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE
25 APPLICANT FOR A LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE
26 NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN
27 PRESCRIBED STANDARDS;

- 1 (VI) PROPER MAINTENANCE OF RECORDS; AND
- 2 (VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN
- 3 SERVED;
- 4 (q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS,
- 5 WHICH MUST INCLUDE, AT A MINIMUM:
- 6 (A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF
- 7 AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A
- 8 CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE
- 9 MONTHS AFTER SUCH PLACEMENT;
- 10 (B) TWENTY HOURS PER YEAR OF CONTINUING TRAINING;
- 11 (C) IN ADDITION TO THE HOURS DESCRIBED IN SUBSECTION
- 12 (2)(q)(I)(B) OF THIS SECTION, TWELVE HOURS PER YEAR FOR FOSTER CARE
- 13 PARENTS PROVIDING THERAPEUTIC FOSTER CARE;
- 14 (D) TRAINING CONCERNING INDIVIDUALIZED EDUCATION
- 15 PROGRAMS, AS DEFINED IN SECTION 22-20-103 (15). THE DEPARTMENTS
- 16 OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION
- 17 BETWEEN LOCAL COUNTY DEPARTMENTS AND LOCAL SCHOOL DISTRICTS
- 18 OR ADMINISTRATIVE UNITS TO MAKE SUCH TRAINING AVAILABLE UPON THE
- 19 REQUEST OF A FOSTER PARENT.
- 20 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.
- 21 (II) THE TRAINING DESCRIBED IN SUBSECTION (2)(q)(I) OF THIS
- 22 SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IN-HOME TRAINING.
- 23 (III) THE DEPARTMENT SHALL CONSULT WITH COUNTY
- 24 DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING THE
- 25 TRAINING STANDARDS IN ORDER TO ENSURE A MORE UNIFORM
- 26 APPLICATION THROUGHOUT THE STATE.
- 27 (IV) THE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A

1 CHILD DESCRIBED IN SUBSECTION (2)(q)(I)(A) OF THIS SECTION MAY BE
2 COMPLETED WITHIN FOUR MONTHS AFTER THE PLACEMENT IF THE
3 PLACEMENT WAS AN EMERGENCY PLACEMENT, AS DEFINED BY RULE OF
4 THE STATE BOARD.

5 (r) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE
6 SERVICES IN FACILITIES AND AGENCIES LICENSED AND CERTIFIED
7 PURSUANT TO THIS PART 9, INCLUDING ORIENTATION AND PRELICENSING
8 TRAINING FOR CHILD PLACEMENT AGENCY STAFF; AND

9 (s) STANDARDS FOR THE TRAINING OF PROVIDERS OF CRADLE CARE
10 HOME SERVICES THAT MUST BE SUBSTANTIALLY SIMILAR TO THE TRAINING
11 REQUIRED OF ADOPTIVE PARENTS PRIOR TO ADOPTING AN INFANT,
12 INCLUDING ONGOING TRAINING HOURS APPROPRIATE TO THE SERVICES
13 PROVIDED.

14 (3) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY
15 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN
16 A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY MAY POSSESS
17 AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR
18 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES
19 CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER
20 MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

21 (4) AN APPLICANT OR PERSON LICENSED TO OPERATE A FACILITY
22 OR AGENCY UNDER THE PROVISIONS OF THIS PART 9 HAS THE RIGHT TO
23 APPEAL ANY STANDARD THAT, IN THE APPLICANT'S OR PERSON'S OPINION,
24 CREATES AN UNDUE HARDSHIP OR WHEN, IN THE APPLICANT'S OR PERSON'S
25 OPINION, A STANDARD HAS BEEN TOO STRINGENTLY APPLIED BY
26 REPRESENTATIVES OF THE DEPARTMENT. THE DEPARTMENT SHALL
27 DESIGNATE A PANEL OF PERSONS REPRESENTING VARIOUS STATE AND

1 LOCAL GOVERNMENTAL AGENCIES WITH AN INTEREST IN AND CONCERN
2 FOR CHILDREN TO HEAR THE APPEAL AND TO MAKE RECOMMENDATIONS TO
3 THE DEPARTMENT. THE MEMBERSHIP OF THE APPEALS REVIEW PANEL MUST
4 INCLUDE, BUT NEED NOT BE LIMITED TO, A REPRESENTATIVE FROM A
5 TWENTY-FOUR-HOUR CHILD CARE FACILITY; A REPRESENTATIVE FROM A
6 LICENSED CHILD PLACEMENT AGENCY; A REPRESENTATIVE WITH CHILD
7 PLACEMENT EXPERIENCE FROM A COUNTY DEPARTMENT; AND A
8 REPRESENTATIVE FROM AT LEAST ONE OTHER STATE DEPARTMENT, OR
9 FROM THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR
10 CHILD WELFARE, WHO HAS EDUCATION AND EXPERTISE IN
11 TRAUMA-INFORMED CARE AND CHILD WELFARE. THE EXECUTIVE
12 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT ALL
13 MEMBERS TO THE APPEALS REVIEW PANEL. REPRESENTATIVES TO THE
14 APPEALS REVIEW PANEL SERVE TERMS OF NO MORE THAN THREE YEARS
15 AND MAY SERVE SUCCESSIVE TERMS.

16 (5) THE STATE BOARD MAY PROMULGATE RULES TO REGULATE THE
17 OPERATION OF OUT-OF-HOME PLACEMENT PROVIDER CONSORTIA. THE
18 REGULATION SHALL NOT INCLUDE LICENSING OF OUT-OF-HOME
19 PLACEMENT PROVIDER CONSORTIA.

20 (6) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE
21 REQUIREMENTS FOR LICENSURE FOR A LICENSED HOST FAMILY HOME
22 SERVING HOMELESS YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT",
23 ARTICLE 5.7 OF THIS TITLE 26.

24 (7) (a) A COUNTY DIRECTOR, OR THE COUNTY DIRECTOR'S
25 DESIGNEE, MAY APPROVE, AT THE COUNTY DIRECTOR'S DISCRETION, A
26 WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER
27 CARE. A WAIVER MAY BE APPROVED ONLY IF:

1 (I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET
2 FORTH BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (7)(d) OF
3 THIS SECTION;

4 (II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN
5 RECEIVING CARE IS NOT COMPROMISED; AND

6 (III) THE WAIVER REQUEST IS IN WRITING.

7 (b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY
8 LICENSING STANDARDS, A COUNTY DIRECTOR OF HUMAN OR SOCIAL
9 SERVICES, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY LIMIT OR RESTRICT
10 A LICENSE ISSUED TO A KINSHIP FOSTER CARE ENTITY OR REQUIRE THAT
11 ENTITY TO ENTER INTO A COMPLIANCE AGREEMENT TO ENSURE THE
12 SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN IN THAT ENTITY'S
13 CARE.

14 (c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF
15 A WAIVER REQUESTED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

16 (d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
17 THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER
18 CARE. THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A LISTING
19 OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE WAIVED AND
20 CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE STATE BOARD
21 SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP FOSTER CARE" FOR
22 THE PURPOSES OF THIS SUBSECTION (7).

23 (8) THE EXECUTIVE DIRECTOR HAS THE POWER TO DIRECT THE
24 ADMINISTRATION OR MONITORING OF MEDICATIONS TO PERSONS IN
25 FACILITIES PURSUANT TO SECTION 25-1.5-301 (2)(e).

26 **26-6-910. Certification and annual recertification of foster**
27 **care homes by county departments and licensed child placement**

1 **agencies - background and reference check requirements - definition.**

2 (1) THIS SECTION APPLIES TO FOSTER CARE HOMES, INCLUDING KINSHIP
3 FOSTER CARE HOMES, CERTIFIED BY COUNTY DEPARTMENTS OR LICENSED
4 CHILD PLACEMENT AGENCIES. EXCEPT AS OTHERWISE PROVIDED IN
5 SUBSECTION (4) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO
6 FOSTER CARE HOMES THAT ARE LICENSED BY THE STATE DEPARTMENT
7 PURSUANT TO THE REQUIREMENTS OF SECTION 26-6-905 AND THAT DO NOT
8 RECEIVE MONEY FROM THE COUNTIES OR CHILDREN PLACED BY THE
9 COUNTIES. A FOSTER CARE HOME LICENSED BY THE STATE DEPARTMENT
10 MUST UNDERGO ALL OF THE BACKGROUND CHECKS AND REQUIREMENTS
11 SET FORTH IN SECTION 26-6-905 OR AS OTHERWISE STATED IN THIS PART
12 9.

13 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A
14 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A
15 CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF
16 THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE
17 OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND
18 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED PURSUANT TO THIS
19 SECTION AND SECTION 26-6-912. EACH CERTIFICATE MUST BE IN THE FORM
20 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT
21 THE PERSON OPERATING THE FOSTER CARE HOME IS A SUITABLE PERSON TO
22 OPERATE A FOSTER CARE HOME OR PROVIDE CARE FOR A CHILD, AND
23 CONTAIN ANY OTHER INFORMATION THAT THE STATE DEPARTMENT
24 REQUIRES. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH
25 CERTIFICATE SHALL NOTIFY THE STATE DEPARTMENT ABOUT THE
26 CERTIFICATION IN A METHOD AND TIME FRAME AS SET BY RULE ADOPTED
27 BY THE STATE BOARD.

1 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY
2 DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY, MAY RECEIVE FOR
3 CARE A CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY
4 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT
5 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD
6 PLACEMENT AGENCY.

7 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
8 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO
9 LICENSED AS A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION
10 26.5-5-303, BY THE DEPARTMENT OF EARLY CHILDHOOD SO LONG AS THE
11 LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO SEPARATE
12 LICENSING ENTITIES.

13 (5) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO AN
14 APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT OR
15 A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF
16 THIS PART 9 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR
17 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE
18 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

19 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
20 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL
21 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,
22 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN
23 CONVICTED OF:

24 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

25 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

26 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS
27 DEFINED IN SECTION 16-22-102 (9);

1 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS
2 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF
3 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

4 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A
5 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF
6 APPLICATION FOR A CERTIFICATE;

7 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY
8 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS PRECEDING THE DATE
9 OF THE APPLICATION FOR THE CERTIFICATE; OR

10 (VII) AN OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH
11 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE
12 OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS
13 SECTION;

14 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
15 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY
16 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, THE EMPLOYEE,
17 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE
18 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD
19 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE
20 FEDERAL BUREAU OF INVESTIGATION;

21 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE
22 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON
23 WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS
24 HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE
25 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR
26 A CHILD;

27 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND

1 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
2 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
3 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
4 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON
5 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX
6 OFFENDER; AND

7 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
8 HISTORY RECORD CHECK OR ANY OTHER RECORD CHECK PERFORMED
9 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST
10 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR LICENSED CHILD
11 PLACEMENT AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A
12 NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
13 (6)(d).

14 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY
15 LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL NOT ISSUE
16 A CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER
17 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE
18 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE
19 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

20 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN
21 SUBSECTION (5)(a) OF THIS SECTION AS VERIFIED THROUGH A
22 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED
23 JUDICIAL RECORD CHECK, IF NECESSARY, AND A CHECK OF THE ICON
24 SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

25 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE
26 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S
27 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO

1 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

2 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER
3 REGISTRY CREATED PURSUANT TO SECTION 16-22-110 OR IS A REGISTERED
4 SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A CHECK OF THE
5 NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED
6 STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS PROVISION DOES NOT
7 APPLY TO AN ADULT RESIDENT WHO HAS BEEN PLACED IN THE FOSTER
8 CARE FACILITY OR HOME FOR TREATMENT UNDER AN ADULT CHILD
9 WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KNOWN
10 NAMES AND ADDRESSES OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO
11 RESIDES AT THE FACILITY OR THE HOME IN THE INTERACTIVE DATABASE
12 SYSTEM FOR COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC
13 REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND
14 ADDRESSES.

15 (7) AS USED IN THIS SECTION, "CONVICTED" MEANS A CONVICTION
16 BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND
17 SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A
18 DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF
19 GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A
20 DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN
21 DIVERSION, AS DEFINED IN SECTION 19-2.5-102, AND DOES NOT APPLY TO
22 A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN
23 AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT
24 DIVERSION PROGRAM, AS DESCRIBED IN SECTION 19-3-310.

25 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBSECTIONS (5)(a) AND
26 (6)(a) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE
27 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL

1 BUREAU OF INVESTIGATION AND THE ICON SYSTEM AT THE STATE
2 JUDICIAL DEPARTMENT. THE SCREENING REQUEST IN COLORADO MUST BE
3 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY
4 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.
5 671 (a)(20). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
6 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND
7 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
8 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A
9 CONVICTION OR AGREEMENT.

10 (b) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
11 AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE
12 HOME OR A KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR
13 THE COUNTY DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER
14 STATE INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

15 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL
16 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER STATE OR
17 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY
18 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN
19 SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION; OR

20 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED
21 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY
22 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE
23 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES
24 DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION.

25 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, A
26 PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY
27 A COUNTY DEPARTMENT OR BY A LICENSED CHILD PLACEMENT AGENCY IF

1 THE PERSON IS A RELATIVE OF AN EMPLOYEE OF THE CHILD WELFARE
2 DIVISION OR UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER
3 CARE HOME OR A RELATIVE OF AN OWNER, OFFICER, EXECUTIVE, MEMBER
4 OF THE GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT
5 AGENCY CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN
6 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT
7 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9)
8 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR
9 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER
10 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UNLESS OTHERWISE
11 PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO
12 WHICH THE APPLICATION IS REFERRED MAY CERTIFY AND SUPERVISE A
13 FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY
14 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN
15 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT
16 OF THE TWO COUNTY DEPARTMENTS.

17 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9,
18 AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR
19 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
20 PART 9 OR A RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER, OR
21 EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN PROPERTY
22 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN
23 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A
24 FOSTER CARE HOME.

25 (11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT
26 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD
27 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT

1 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE
2 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE
3 STANDARDS REQUIRED UNDER THIS PART 9 UPON PROOF BY THE APPLICANT
4 THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR
5 TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A
6 RIGHT TO APPEAL TO THE STATE DEPARTMENT ANY STANDARD THAT THE
7 APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN
8 APPLIED TOO STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED
9 CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE
10 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE
11 APPEALS IN SECTION 26-6-909 (4).

12 **26-6-911. Foster care - kinship care - rules applying generally**
13 **- rule-making.** (1) THE STATE BOARD SHALL PROMULGATE RULES THAT
14 APPLY TO FOSTER CARE GENERALLY, REGARDLESS OF WHETHER THE
15 FOSTER CARE IS PROVIDED BY A FOSTER CARE HOME CERTIFIED BY A
16 COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY, AND TO
17 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. THE STATE BOARD SHALL
18 DEVELOP THE RULES IN CONSULTATION WITH THE STATE DEPARTMENT,
19 COUNTY DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH
20 EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.

21 (2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF
22 THIS SECTION MUST INCLUDE THE FOLLOWING:

23 (a) USING THE STATE DEPARTMENT'S AUTOMATED DATABASE, THE
24 PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS AND CHILD
25 PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE WHEN THE
26 STATE DEPARTMENT HAS IDENTIFIED A CONFIRMED REPORT OF CHILD
27 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103, THAT INVOLVES A

1 FOSTER CARE HOME, AS WELL AS THE SUSPENSION OF ANY FURTHER
2 PLACEMENTS IN THE FOSTER CARE HOME UNTIL THE INVESTIGATION IS
3 CONCLUDED;

4 (b) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD
5 LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE
6 PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE
7 FOSTER PARENTS;

8 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL
9 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE
10 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS
11 SPECIFIED IN SECTION 26-6-910 (5) AND (6) HAVE BEEN COMPLETED FOR
12 ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED
13 BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND ANY ADULT
14 RESIDENT OF THE FOSTER CARE HOME, PRIOR TO PLACING A CHILD IN
15 FOSTER CARE WITH THAT PERSON;

16 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD
17 PLACEMENT AGENCY SHALL TAKE IF A DISQUALIFYING FACTOR IS FOUND
18 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION
19 26-6-910 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5);

20 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE
21 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE
22 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT
23 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY
24 ACTIONS;

25 (f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE
26 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE
27 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND

1 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE
2 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER
3 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND
4 SHALL INSPECT THE ENTIRE PREMISES OF THE FOSTER CARE HOME,
5 INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF THE
6 FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD
7 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE
8 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION
9 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR
10 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY
11 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

12 (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER
13 CARE PARENTS BY A LICENSED HEALTH-CARE PROFESSIONAL THAT
14 REQUIRE A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL
15 ABILITY TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE
16 LICENSED HEALTH-CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN
17 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A
18 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF
19 A CERTIFICATE MUST BE CONDITIONED ON THE SATISFACTORY REPORT OF
20 A LICENSED MENTAL HEALTH PRACTITIONER.

21 (h) THE COMMUNICATION REQUIREMENTS THAT MUST BE
22 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME
23 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS
24 SET FORTH IN SECTION 26-6-910 (4).

25 (3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT
26 ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR
27 CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER

1 CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS
2 WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME.
3 AFTER CONDUCTING THE REVIEW, THE STATE DEPARTMENT SHALL
4 RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS
5 SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF THESE PERSONS
6 BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

7 **26-6-912. Investigations and inspections - local authority -**
8 **reports - rules.** (1) (a) (I) (A) THE STATE DEPARTMENT SHALL
9 INVESTIGATE AND PASS ON EACH APPLICATION FOR ISSUANCE OF A
10 LICENSE, EACH APPLICATION FOR A PERMANENT OR TIME-LIMITED LICENSE
11 FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE,
12 AND EACH APPLICATION FOR RENEWAL OF A LICENSE TO OPERATE A
13 FACILITY OR AN AGENCY PRIOR TO GRANTING THE LICENSE OR RENEWAL.
14 AS PART OF THE INVESTIGATION, THE STATE DEPARTMENT SHALL REQUIRE
15 EACH INDIVIDUAL, INCLUDING BUT NOT LIMITED TO THE APPLICANT, AN
16 OWNER, AN EMPLOYEE, A NEWLY HIRED EMPLOYEE, A LICENSEE, AND AN
17 ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND RESIDES IN THE
18 LICENSED FACILITY, TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY
19 RECORD CHECK BY REVIEWING ANY RECORD THAT IS USED TO ASSIST THE
20 STATE DEPARTMENT IN ASCERTAINING WHETHER THE PERSON BEING
21 INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES
22 SPECIFIED IN SECTION 26-6-905 (8) OR ANY OTHER FELONY. THE STATE
23 BOARD SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE
24 CRIMINAL HISTORY RECORD CHECK ENTAILS.

25 (B) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
26 THIS SUBSECTION (1)(a)(I) MUST REQUIRE THE FINGERPRINT-BASED
27 CRIMINAL HISTORY RECORD CHECK IN ALL CIRCUMSTANCES, OTHER THAN

1 THOSE IDENTIFIED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, TO
2 INCLUDE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING
3 THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE
4 FEDERAL BUREAU OF INVESTIGATION AND TO APPLY TO ANY NEW OWNER,
5 NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL
6 WHO BEGINS RESIDING IN THE LICENSED FACILITY. AS PART OF THE
7 INVESTIGATION, THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT
8 MAINTAINED BY THE STATE DEPARTMENT MUST BE ACCESSED TO
9 DETERMINE WHETHER THE OWNER, APPLICANT, EMPLOYEE, NEWLY HIRED
10 EMPLOYEE, LICENSEE, OR INDIVIDUAL WHO RESIDES IN THE LICENSED
11 FACILITY BEING INVESTIGATED HAS BEEN FOUND TO BE RESPONSIBLE IN A
12 CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. INFORMATION IS MADE
13 AVAILABLE PURSUANT TO SECTION 19-1-307 (2)(j) AND RULES
14 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5
15 (4). EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION,
16 ANY CHANGE IN OWNERSHIP OF A LICENSED FACILITY OR AGENCY OR
17 ADDITION OF A NEW RESIDENT ADULT OR NEWLY HIRED EMPLOYEE TO THE
18 LICENSED FACILITY REQUIRES A NEW INVESTIGATION AS PROVIDED IN THIS
19 SECTION.

20 (C) WHEN TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE
21 WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP
22 GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY
23 RECORD CHECK AND A CHECK OF THE RECORDS AND REPORTS OF CHILD
24 ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT, COMPLETED FOR
25 ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR
26 SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR AN INDIVIDUAL FOR
27 WHOM THE CHECK IS REQUIRED PURSUANT TO THIS PART 9, MAY SATISFY

1 THE RECORD CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY
2 UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A
3 NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR NEW
4 CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT
5 MAINTAINED BY THE DEPARTMENT IS NOT REQUIRED OF SUCH AN
6 INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT
7 MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES
8 OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT
9 TO SECTION 26-6-905 WHEN INFORMED OF THE RESULTS OF A
10 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR CHECK OF THE
11 RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE
12 DEPARTMENT THAT REQUIRES ACTION PURSUANT TO THIS PART 9; AND
13 INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED
14 FACILITY COMES UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR
15 CONTROL.

16 (D) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
17 THIS SUBSECTION (1)(a)(I).

18 (II) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO
19 SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE :

20 (A) A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE
21 JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION
22 AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION
23 THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE FOR EACH
24 CIRCUMSTANCE IN WHICH THE COLORADO BUREAU OF INVESTIGATION
25 FINGERPRINT CHECK EITHER DOES NOT CONFIRM A CRIMINAL HISTORY OR
26 CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR
27 CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CONVICTED AND THE

1 DISPOSITION THEREOF;

2 (B) ANY OTHER RECOGNIZED DATABASE THAT IS ACCESSIBLE ON
3 A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE
4 BOARD; AND

5 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED
6 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION
7 (1)(a)(II) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
8 NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3
9 (6)(d).

10 (III) IF THE OPERATOR OF A FACILITY OR AGENCY REFUSES TO HIRE
11 AN APPLICANT AS A RESULT OF INFORMATION DISCLOSED IN THE
12 INVESTIGATION OF THE APPLICANT PURSUANT TO SUBSECTION (1)(a)(I) OF
13 THIS SECTION, THE FACILITY OR AGENCY IS NOT SUBJECT TO CIVIL
14 LIABILITY FOR THE REFUSAL TO HIRE. IF A FORMER EMPLOYER OF THE
15 APPLICANT RELEASES INFORMATION REQUESTED BY THE FACILITY OR
16 AGENCY PERTAINING TO THE APPLICANT'S FORMER PERFORMANCE, THE
17 FORMER EMPLOYER IS NOT SUBJECT TO CIVIL LIABILITY FOR THE
18 INFORMATION GIVEN.

19 (b) AN APPLICANT FOR CERTIFICATION AS A FOSTER CARE HOME
20 SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY
21 DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT WITH A LIST OF
22 ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS
23 TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, AND A RELEASE OF
24 INFORMATION FROM THE CHILD PLACEMENT AGENCIES AND COUNTY
25 DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, TO
26 OBTAIN INFORMATION ABOUT THE APPLICATION AND ANY CERTIFICATION
27 GIVEN BY THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS.

1 A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE
2 CERTIFICATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE
3 APPLICANT AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME BY
4 CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY
5 DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE
6 CERTIFICATION FOR THAT FOSTER CARE HOME. CHILD PLACEMENT
7 AGENCIES AND COUNTY DEPARTMENTS ARE HELD HARMLESS FOR
8 INFORMATION RELEASED, IN GOOD FAITH, TO OTHER CHILD PLACEMENT
9 AGENCIES OR COUNTY DEPARTMENTS.

10 (c) (I) FOR ALL APPLICANTS APPLYING TO BE A FOSTER CARE HOME
11 OR KINSHIP FOSTER CARE HOME, REGARDLESS OF REIMBURSEMENT, THE
12 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REQUIRE
13 EACH ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES
14 IN THE HOME TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY
15 RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND
16 THE FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT MUST PROVIDE
17 THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY WITH THE
18 ADDRESSES WHERE THE APPLICANT AND ANY ADULT RESIDING IN THE
19 HOME HAVE LIVED IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES
20 FROM OTHER STATES. THE COUNTY DEPARTMENT OR THE CHILD
21 PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING BACKGROUND
22 CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE HOME:

23 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO
24 DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN
25 CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-910 (5)(a);

26 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL
27 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING

1 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO
2 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED
3 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF
4 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

5 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED
6 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT
7 WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF
8 CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN
9 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

10 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND
11 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY
12 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND
13 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM
14 FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES
15 IN THE HOME IS A REGISTERED SEX OFFENDER; AND

16 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL
17 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION
18 (1)(c)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A
19 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION
20 22-2-119.3 (6)(d).

21 (II) IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY
22 RECORD CHECK, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY
23 SHALL CONTACT THE APPROPRIATE ENTITY IN EACH STATE IN WHICH THE
24 APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS RESIDED WITHIN
25 THE PRECEDING FIVE YEARS TO DETERMINE WHETHER THE INDIVIDUAL HAS
26 BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE
27 OR NEGLECT.

1 (III) THE SCREENING REQUEST IN COLORADO FOR CRIMINAL
2 HISTORY RECORD CHECKS THROUGH THE COLORADO BUREAU OF
3 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION MUST BE
4 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY
5 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.
6 671 (a)(20).

7 (IV) THE DEPARTMENT MUST CONDUCT AN INVESTIGATION
8 PURSUANT TO THIS SUBSECTION (1)(c) FOR ANY NEW RESIDENT ADULT
9 WHENEVER THE ADULT IS ADDED TO THE FOSTER CARE HOME OR KINSHIP
10 CARE HOME. THE DEPARTMENT SHALL NOT USE INFORMATION OBTAINED
11 FROM STATE RECORDS OF ABUSE OR NEGLECT FOR ANY PURPOSE OTHER
12 THAN CONDUCTING THE INVESTIGATION FOR PLACEMENT OR
13 CERTIFICATION.

14 (d) (I) WHEN THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR
15 CHILD PLACEMENT AGENCY IS ABLE TO CERTIFY THAT THE APPLICANT OR
16 LICENSEE IS COMPETENT AND WILL OPERATE ADEQUATE FACILITIES TO
17 CARE FOR CHILDREN PURSUANT TO THE REQUIREMENTS OF THIS PART 9
18 AND THAT STANDARDS ARE BEING MET AND WILL BE COMPLIED WITH, IT
19 SHALL ISSUE THE LICENSE FOR WHICH THE APPLICANT OR LICENSEE
20 APPLIED. THE STATE DEPARTMENT SHALL INSPECT OR CAUSE TO BE
21 INSPECTED THE FACILITIES TO BE OPERATED BY AN APPLICANT FOR AN
22 ORIGINAL LICENSE BEFORE THE LICENSE IS GRANTED AND SHALL
23 THEREAFTER INSPECT OR CAUSE TO BE INSPECTED THE FACILITIES OF ALL
24 LICENSEES THAT, DURING THE PERIOD OF LICENSURE, HAVE BEEN FOUND
25 TO BE THE SUBJECT OF COMPLAINTS OR TO BE OUT OF COMPLIANCE WITH
26 THE STANDARDS SET FORTH IN SECTION 26-6-909 AND THE RULES OF THE
27 STATE DEPARTMENT, OR THAT OTHERWISE APPEAR TO BE PLACING

1 CHILDREN AT RISK. THE STATE DEPARTMENT MAY MAKE SUCH OTHER
2 INSPECTIONS AS IT DEEMS NECESSARY TO ENSURE THAT THE
3 REQUIREMENTS OF THIS PART 9 ARE BEING MET AND THAT THE HEALTH,
4 SAFETY, AND WELFARE OF THE CHILDREN BEING PLACED ARE PROTECTED.
5 IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME,
6 THE STATE DEPARTMENT DETERMINES THAT A CHILD RESIDING IN THE
7 FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO
8 THE CHILD'S SAFETY AND WELFARE AS DEFINED BY RULES PROMULGATED
9 BY THE STATE BOARD OR THAT A SUBSTANTIAL VIOLATION OF A
10 FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE
11 STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO
12 IMMEDIATELY REMOVE THE CHILD FROM THE FOSTER CARE HOME.

13 (II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE
14 ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT
15 RESULTS OF FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO
16 ADOPT RULES CONCERNING A REQUIREMENT THAT ALL FACILITIES
17 LICENSED PURSUANT TO THIS PART 9 POST THEIR LICENSES AND
18 INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT
19 PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE DEPARTMENT,
20 WHICH RULES MUST REQUIRE THAT EACH FACILITY DISPLAY ITS LICENSE
21 AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS
22 LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY;
23 EXCEPT THAT THE RULES MUST NOT REQUIRE FOSTER CARE HOMES TO POST
24 THEIR LICENSES AND THE RULES MUST NOT REQUIRE FOSTER CARE HOMES
25 AND CHILD PLACEMENT AGENCIES TO POST INFORMATION REGARDING THE
26 PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9
27 DIRECTLY WITH THE STATE DEPARTMENT. THE STATE BOARD SHALL ADOPT

1 RULES REQUIRING FOSTER CARE HOMES TO MAKE THEIR LICENSES
2 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST, AND
3 REQUIRING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO
4 MAKE THE INFORMATION CONCERNING THE FILING OF COMPLAINTS
5 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST.

6 (e) NOTWITHSTANDING ANY PROVISION OF THIS PART 9 TO THE
7 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO AN INTERAGENCY
8 AGREEMENT OR A MEMORANDUM OF UNDERSTANDING, OR BOTH, AS
9 NECESSARY TO COMPLETE THE CRIMINAL HISTORY RECORD CHECKS AND
10 OTHER BACKGROUND CHECKS REQUIRED IN THIS SECTION.

11 (2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION
12 (2)(a)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY AUTHORIZE OR
13 CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF
14 HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION
15 THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING
16 WITH CHILDREN OR ON BEHALF OF CHILDREN TO INVESTIGATE AND INSPECT
17 THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR
18 APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A
19 PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 9 AND
20 MAY ACCEPT REPORTS ON THE INVESTIGATIONS AND INSPECTIONS FROM
21 THE AGENCIES OR ORGANIZATIONS AS A BASIS FOR LICENSING. WHEN
22 CONTRACTING FOR INVESTIGATIONS AND INSPECTIONS, THE STATE
23 DEPARTMENT SHALL ENSURE THAT THE CONTRACTOR IS QUALIFIED BY
24 TRAINING AND EXPERIENCE AND HAS NO CONFLICT OF INTEREST WITH
25 RESPECT TO THE FACILITIES TO BE INSPECTED.

26 (II) THE STATE DEPARTMENT SHALL NOT AUTHORIZE OR CONTRACT
27 WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR

1 ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS
2 A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH
3 CHILDREN OR ON BEHALF OF CHILDREN FOR INVESTIGATIONS AND
4 INSPECTIONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION OF ANY
5 FACILITIES THAT PROVIDE TWENTY-FOUR-HOUR CARE AND ARE LICENSED
6 PURSUANT TO THIS PART 9.

7 (b) A CITY, COUNTY, OR CITY AND COUNTY MAY IMPOSE AND
8 ENFORCE HIGHER STANDARDS AND REQUIREMENTS FOR FACILITIES
9 LICENSED PURSUANT TO THIS PART 9 THAN THE STANDARDS AND
10 REQUIREMENTS SPECIFIED PURSUANT TO THIS PART 9.

11 (3) EVERY FACILITY AND AGENCY LICENSED PURSUANT TO THIS
12 PART 9 SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE DEPARTMENT
13 MAY PRESCRIBE PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND
14 DISCHARGE OF CHILDREN UNDER THE CARE OF THE FACILITY OR AGENCY
15 AND SHALL REPORT RELATIVE THERETO TO THE DEPARTMENT WHENEVER
16 CALLED FOR, UPON FORMS PRESCRIBED BY THE DEPARTMENT. BOTH THE
17 FACILITY OR AGENCY AND THE DEPARTMENT SHALL KEEP CONFIDENTIAL
18 ALL RECORDS REGARDING CHILDREN AND ALL FACTS LEARNED ABOUT
19 CHILDREN AND THEIR RELATIVES.

20 (4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT
21 SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY
22 DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.

23 (5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT
24 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL
25 COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD
26 CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN
27 WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT IN

1 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET
2 FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE
3 OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL
4 REPORTS BASED ON THEIR SITE VISITS.

5 (6) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS
6 COMPLAINT ABOUT A FACILITY OR AGENCY LICENSED PURSUANT TO THIS
7 PART 9 ALLEGING THE IMMEDIATE RISK TO THE HEALTH OR SAFETY OF THE
8 CHILDREN CARED FOR IN THE FACILITY, THE STATE DEPARTMENT SHALL
9 RESPOND TO THE COMPLAINT AND CONDUCT AN ON-SITE INVESTIGATION
10 CONCERNING THE COMPLAINT WITHIN FORTY-EIGHT HOURS AFTER ITS
11 RECEIPT.

12 **26-6-913. Revocation of certification of foster care home -**
13 **emergency procedures - due process.** NOTWITHSTANDING ANY OTHER
14 PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT
15 IMMEDIATELY TO REVOKE THE CERTIFICATION OF A COUNTY-CERTIFIED
16 FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO
17 BELIEVE THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO
18 AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE
19 OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF
20 CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS
21 PURSUANT TO THIS SECTION, A DUE PROCESS HEARING SHALL BE HELD
22 WITHIN FIVE DAYS AFTER THE ACTION AND CONDUCTED AS THE HEARING
23 WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24.

24 **26-6-914. Denial of license - suspension - revocation -**
25 **probation - refusal to renew license - fines - definitions.** (1) WHEN THE
26 DEPARTMENT HAS DENIED AN APPLICATION FOR A LICENSE, THE
27 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE DENIAL BY

1 MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON THE
2 APPLICATION. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL MAY
3 PURSUE THE REMEDY FOR REVIEW AS PROVIDED IN SUBSECTION (10) OF
4 THIS SECTION IF THE APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING
5 THE NOTICE, PETITIONS THE DEPARTMENT TO SET A DATE AND PLACE FOR
6 HEARING, AFFORDING THE APPLICANT AN OPPORTUNITY TO BE HEARD IN
7 PERSON OR BY COUNSEL. ALL HEARINGS ON THE DENIAL OF LICENSES
8 SHALL BE CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND
9 PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AS IN THE CASE OF THE
10 SUSPENSION AND REVOCATION OF LICENSES.

11 (2) THE DEPARTMENT MAY DENY AN APPLICATION, OR SUSPEND,
12 REVOKE, OR MAKE PROBATIONARY THE LICENSE, OF ANY FACILITY OR
13 AGENCY REGULATED AND LICENSED PURSUANT TO THIS PART 9 OR ASSESS
14 A FINE AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921 IF THE
15 LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE
16 LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY
17 OR AGENCY:

18 (a) IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES
19 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN
20 SECTION 18-6-401, THE RECORD OF CONVICTION BEING CONCLUSIVE
21 EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, OR HAVE
22 ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED
23 PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES
24 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN
25 SECTION 18-6-401, OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER
26 FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE,
27 PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE

1 LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE
2 OFFENSES SPECIFIED IN SECTION 26-6-905 (8), UNDER A LAW OF ANOTHER
3 STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED
4 JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN
5 ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED
6 IN SECTION 26-6-905 (8); OR

7 (b) IS CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN
8 SECTION 18-3-204; ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS
9 OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN
10 ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3; THE
11 VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION
12 18-6-803.5; ANY MISDEMEANOR OFFENSE OF CHILD ABUSE, AS DEFINED IN
13 SECTION 18-6-401; OR ANY MISDEMEANOR OFFENSE IN ANOTHER STATE,
14 THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS
15 OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS SUBSECTION (2)(b). AS
16 USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS THE SAME MEANING
17 AS SET FORTH IN SECTION 26-6-905 (8)(a)(II).

18 (c) IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY
19 A COURT OF COMPETENT JURISDICTION AND, A COURT HAS ENTERED,
20 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION
21 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE
22 MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE
23 LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE
24 RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING
25 CONCLUSIVE EVIDENCE THEREOF; OR

26 (d) USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION
27 18-18-102 (5), INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY

1 ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY
2 OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE
3 OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE
4 FACILITY OR AGENCY; OR

5 (e) IS CONVICTED OF UNLAWFUL USE OF A CONTROLLED
6 SUBSTANCE AS SPECIFIED IN SECTION 18-18-404; UNLAWFUL
7 DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A
8 CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-403.5 OR
9 18-18-405; OR UNLAWFUL OFFENSES RELATING TO MARIJUANA OR
10 MARIJUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406; OR

11 (f) CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED
12 AND PUBLISHED BY THE DEPARTMENT; OR

13 (g) FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE
14 STATEMENT OR REPORT TO THE DEPARTMENT; OR

15 (h) REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR
16 REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS
17 REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY
18 FOR LICENSING PURPOSES; OR

19 (i) FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR
20 INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED
21 REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR
22 THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

23 (j) FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND
24 SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE
25 PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC
26 HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES
27 OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF

1 SUCH FACILITY; OR

2 (k) WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE
3 PROVISIONS OF THIS PART 9 OR ANY OF THE STANDARDS PRESCRIBED AND
4 PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 9; OR

5 (l) FAILS TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE
6 SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF
7 PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES,
8 CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

9 (m) IS CHARGED WITH THE COMMISSION OF AN ACT OF CHILD
10 ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION
11 18-3-411 (1), IF:

12 (I) THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR
13 OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

14 (II) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE CHARGE IS
15 SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

16 (n) ADMITS TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL
17 EVIDENCE IS FOUND THAT THE LICENSEE, PERSON EMPLOYED BY THE
18 LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE IN THE LICENSED
19 FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE. AS USED
20 IN THIS SUBSECTION (2)(n), "CHILD ABUSE" HAS THE SAME MEANING AS
21 THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN
22 SECTION 19-1-103 (1).

23 (o) IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR

24 (p) MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER
25 CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES
26 FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF
27 PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED

1 TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS
2 RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR
3 FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES. THE STATE BOARD
4 SHALL PROMULGATE RULES DEFINING THE TERM "MISUSE", WHICH RULES
5 MUST TAKE INTO ACCOUNT SIMILAR DEFINITIONS IN FEDERAL LAW AND
6 MAY INCLUDE REFERENCES TO RELEVANT CIRCULARS OF THE FEDERAL
7 OFFICE OF MANAGEMENT AND BUDGET.

8 (3) THE STATE DEPARTMENT MAY DENY AN APPLICATION TO
9 RENEW A LICENSE BASED ON THE GROUNDS SET FORTH IN SUBSECTION (2)
10 OF THIS SECTION. THE DENIAL IS EFFECTIVE UPON THE EXPIRATION OF THE
11 EXISTING LICENSE. THE EXISTING LICENSE DOES NOT CONTINUE IN EFFECT
12 EVEN THOUGH THE APPLICANT FOR RENEWAL FILES A REQUEST FOR
13 HEARING OR APPEAL.

14 (4) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A
15 FACILITY OR AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT
16 IS A RELATIVE AFFILIATE OF A LICENSEE OF A FACILITY OR AGENCY
17 LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF
18 A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING
19 INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A
20 NEGATIVE LICENSING ACTION.

21 (5) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A
22 CHILD PLACEMENT AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE
23 APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A CHILD
24 PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH
25 LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR
26 IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT
27 THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

1 (6) (a) (I) THE STATE DEPARTMENT SHALL DENY AN APPLICATION
2 FOR A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION
3 26-6-905 (8). THE STATE DEPARTMENT SHALL REVOKE OR SUSPEND A
4 LICENSE PREVIOUSLY ISSUED IF:

5 (A) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR
6 PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED, OR IF IT
7 IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE
8 LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY
9 BEEN CONVICTED, OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN
10 SECTION 26-6-905 (8); OR

11 (B) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM
12 ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY
13 THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER
14 CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON
15 EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE
16 HAD PREVIOUSLY BEEN CONVICTED OF, A CRIMINAL OFFENSE UNDER A LAW
17 OF ANOTHER STATE OR OF THE UNITED STATES THAT IS SIMILAR TO ANY
18 OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

19 (C) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON
20 EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE
21 LICENSEE AT THE FACILITY OR AGENCY HAS BEEN DETERMINED TO BE
22 INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT
23 JURISDICTION AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART
24 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN
25 ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR
26 INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF
27 OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION

1 AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

2 (II) AS USED IN THIS SUBSECTION (6)(a), "CONVICTED" MEANS A
3 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED
4 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION
5 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,
6 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

7 (b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF
8 COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND
9 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR
10 DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER
11 FROM ANOTHER STATE INDICATING AN AGREEMENT FROM ANOTHER STATE,
12 IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.

13 (7) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A
14 FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 AND SHALL
15 REVOKE THE LICENSE OF A FACILITY OR AGENCY LICENSED PURSUANT TO
16 THIS PART 9 IF THE FACILITY OR AGENCY CULTIVATES MARIJUANA
17 PURSUANT TO THE AUTHORITY IN SECTION 16 OF ARTICLE XVIII OF THE
18 STATE CONSTITUTION.

19 (8) THE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE
20 PROVISIONS OF SECTION 26-6-921, AGAINST A LICENSEE OR A PERSON
21 EMPLOYED BY THE LICENSEE WHO WILLFULLY AND DELIBERATELY OR
22 CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY
23 THE DEPARTMENT OR THE PROVISIONS OF THIS PART 9.

24 (9) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS
25 IDENTIFIED IN THIS SECTION ACCORDING TO THE RECORDS OF THE
26 COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE
27 JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION

1 26-6-912 (1)(a)(II).

2 (10) THE DEPARTMENT SHALL SUSPEND OR REVOKE A LICENSE
3 ONLY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED
4 IN ARTICLE 4 OF TITLE 24, AND AFTER A HEARING THEREON AS PROVIDED
5 IN SAID ARTICLE 4; EXCEPT THAT ALL HEARINGS UNDER THIS PART 9 MUST
6 BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT,
7 WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR
8 OF THE DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE
9 DEPARTMENT, AND NO LICENSEE IS ENTITLED TO A RIGHT TO CURE ANY OF
10 THE CHARGES DESCRIBED IN SUBSECTION (2)(a), (2)(c), (2)(d), OR
11 (2)(m)(I) OF THIS SECTION. THE HEARING SHALL NOT PREVENT OR DELAY
12 ANY INJUNCTIVE PROCEEDINGS INSTITUTED PURSUANT TO THE PROVISIONS
13 OF SECTION 26-6-918.

14 (11) THE PROVISIONS OF SUBSECTION (2)(d) OF THIS SECTION DO
15 NOT APPLY TO FOSTER CARE HOMES, UNLESS SUCH USE OR CONSUMPTION
16 IMPAIRS THE LICENSEE'S ABILITY TO PROPERLY CARE FOR CHILDREN.

17 (12) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS
18 PART 9 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER
19 CARE MAY CERTIFY THE HOME OF A RELATIVE OF THE CHILD PLACED
20 THEREIN AS A FOSTER CARE HOME ONLY UPON THE REQUEST OF A COUNTY
21 DEPARTMENT.

22 **26-6-915. Notice of negative licensing action - filing of**
23 **complaints.** (1) (a) WHEN A FACILITY OR AGENCY LICENSED PURSUANT
24 TO THIS PART 9 HAS BEEN NOTIFIED BY THE DEPARTMENT OF A NEGATIVE
25 LICENSING ACTION OR THE IMPOSITION OF A FINE PURSUANT TO SECTION
26 26-6-914 (2) AND (8), IT SHALL, WITHIN TEN DAYS AFTER RECEIVING THE
27 NOTICE, PROVIDE THE DEPARTMENT WITH THE NAMES AND MAILING

1 ADDRESSES OF THE PARENTS OR LEGAL GUARDIANS OF EACH CHILD CARED
2 FOR AT THE FACILITY OR AGENCY. THE DEPARTMENT SHALL MAINTAIN THE
3 CONFIDENTIALITY OF THE NAMES AND MAILING ADDRESSES PROVIDED TO
4 IT PURSUANT TO THIS SUBSECTION (1).

5 (b) WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND
6 ADDRESSES OF PARENTS AND LEGAL GUARDIANS PURSUANT TO
7 SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL SEND A
8 WRITTEN NOTICE TO EACH SUCH PARENT OR LEGAL GUARDIAN
9 IDENTIFYING THE NEGATIVE LICENSING ACTION OR THE FINE IMPOSED AND
10 PROVIDING A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES
11 TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN
12 IN THE CARE OF THE FACILITY OR AGENCY. THE DEPARTMENT SHALL SEND
13 THE NOTICE TO THE PARENTS AND LEGAL GUARDIANS BY FIRST-CLASS
14 MAIL.

15 (c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING
16 THE ASSESSMENT OF A FINE AGAINST A LICENSEE THAT IS EQUAL TO THE
17 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE MAILING OF THE
18 NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

19 (d) THIS SUBSECTION (1) DOES NOT PRECLUDE THE STATE
20 DEPARTMENT OR A COUNTY DEPARTMENT FROM NOTIFYING PARENTS OR
21 LEGAL GUARDIANS OF SERIOUS VIOLATIONS OF ANY OF THE STANDARDS
22 PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR ANY OF THE
23 PROVISIONS OF THIS PART 9 THAT COULD IMPACT THE HEALTH, SAFETY, OR
24 WELFARE OF A CHILD CARED FOR AT THE FACILITY OR HOME.

25 (2) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING
26 FACILITIES AND AGENCIES TO PROVIDE WRITTEN NOTICE TO THE PARENTS
27 AND LEGAL GUARDIANS OF THE CHILDREN CARED FOR IN THE FACILITIES

1 AND AGENCIES OF THE PROCEDURES BY WHICH TO FILE A COMPLAINT
2 AGAINST THE FACILITY OR AGENCY OR AN EMPLOYEE OF THE FACILITY OR
3 AGENCY WITH THE DIVISION WITHIN THE DEPARTMENT THAT IS
4 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING. THE RULES MUST
5 SPECIFY THE INFORMATION THAT THE NOTICE MUST CONTAIN AND MUST
6 REQUIRE THAT THE NOTICE INCLUDE THE CURRENT MAILING ADDRESS AND
7 TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT THAT IS
8 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING.

9 **26-6-916. Institutes.** THE DEPARTMENT MAY HOLD INSTITUTES
10 AND PROGRAMS FOR LICENSEES UNDER THIS PART 9 TO ASSIST IN THE
11 IMPROVEMENT OF STANDARDS AND PRACTICES OF FACILITIES OPERATED
12 AND MAINTAINED BY LICENSEES AND IN THE MORE EFFICIENT AND
13 PRACTICAL ADMINISTRATION AND ENFORCEMENT OF THIS PART 9. IN
14 CONDUCTING THE INSTITUTES AND PROGRAMS, THE DEPARTMENT MAY
15 REQUEST THE ASSISTANCE OF HEALTH, EDUCATION, AND FIRE SAFETY
16 OFFICIALS.

17 **26-6-917. Acceptance of federal grants.** THE DEPARTMENT IS
18 AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF
19 FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH
20 THE PROVISIONS OF THIS PART 9. THE EXECUTIVE DIRECTOR OF THE
21 DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO
22 DIRECT THE DISPOSITION OF ANY GRANTS SO ACCEPTED IN CONFORMITY
23 WITH THE TERMS AND CONDITIONS UNDER WHICH THEY ARE GIVEN.

24 **26-6-918. Injunctive proceedings.** THE DEPARTMENT, IN THE
25 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE
26 ATTORNEY GENERAL OF THE STATE, MUST APPLY FOR AN INJUNCTION IN
27 ANY COURT OF COMPETENT JURISDICTION TO ENJOIN A PERSON FROM

1 OPERATING A FACILITY OR AGENCY WITHOUT A LICENSE THAT IS REQUIRED
2 TO BE LICENSED PURSUANT TO THIS PART 9. IF THE PERSON DOES NOT HAVE
3 A VALID LICENSE PURSUANT TO THIS PART 9, THE PERSON'S LICENSE HAS
4 BEEN REVOKED PURSUANT TO SECTION 26-6-914, OR THE PERSON DOES
5 NOT MEET THE LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION
6 26-6-904, YET PROVIDES CHILD CARE AND HAS A PATTERN OF PROVIDING
7 THE CHILD CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 9,
8 AND DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT
9 THAT THE PERSON, FACILITY OR AGENCY IS IN VIOLATION OF THE LAW,
10 THEN THE PERSON, FACILITY, OR AGENCY IS PROVIDING UNLICENSED AND
11 ILLEGAL CHILD CARE. AT THE TIME THE DEPARTMENT APPLIES FOR AN
12 INJUNCTION, THE DEPARTMENT SHALL NOTIFY LAW ENFORCEMENT OF THE
13 INJUNCTION PROCEEDINGS. IF IT IS ESTABLISHED THAT THE DEFENDANT
14 HAS BEEN OR IS OPERATING THE FACILITY OR AGENCY WITHOUT A VALID
15 LICENSE, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT
16 FROM FURTHER OPERATING THE FACILITY UNLESS AND UNTIL THE PERSON
17 OBTAINS A LICENSE AS REQUIRED BY THIS PART 9. IN CASE OF A VIOLATION
18 OF AN INJUNCTION ISSUED PURSUANT TO THIS SECTION, THE COURT MAY
19 SUMMARILY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT.
20 INJUNCTIVE PROCEEDINGS PURSUANT TO THIS SECTION ARE IN ADDITION
21 TO AND NOT IN LIEU OF THE PENALTY PROVIDED IN SECTION 26-6-919.

22 **26-6-919. Penalty.** ON OR AFTER JULY 1, 2021, A PERSON
23 VIOLATING ANY PROVISION OF THIS PART 9, INTENTIONALLY MAKING A
24 FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO AN AGENCY
25 DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR
26 INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9, OR VIOLATING
27 A CEASE-AND-DESIST ORDER THAT IS NOT CURED IS GUILTY OF A PETTY

1 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF UP TO
2 FIVE HUNDRED DOLLARS, A SENTENCE OF UP TO TEN DAYS IN JAIL, OR
3 BOTH.

4 **26-6-920. Periodic review of licensing regulations and**
5 **procedures.** AT LEAST EVERY FIVE YEARS, THE DEPARTMENT SHALL
6 CONDUCT A COMPREHENSIVE REVIEW OF THE LICENSING RULES FOR
7 FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES AND THE
8 PROCEDURES RELATING TO AND GOVERNING FOSTER CARE HOMES AND
9 AGENCIES, INCLUDING PROCEDURES FOR THE REVIEW OF BACKGROUNDS OF
10 EMPLOYEES AND OWNERS. IN CONDUCTING THE PERIODIC REVIEW, THE
11 DEPARTMENT SHALL CONSULT WITH FOSTER CARE PROVIDERS, CHILD
12 PLACEMENT AGENCIES, COUNTY DEPARTMENTS, THE DEPARTMENT OF
13 PUBLIC HEALTH AND ENVIRONMENT, AND OTHER INTERESTED PARTIES
14 THROUGHOUT THE STATE. THE PERIODIC REVIEW MUST INCLUDE AN
15 EXAMINATION OF THE RULES APPLICABLE TO FOSTER CARE HOMES AND
16 CHILD PLACEMENT AGENCIES; THE PROCESS OF LICENSING FOSTER CARE
17 HOMES AND CHILD PLACEMENT AGENCIES; UNIFORMITY OF STANDARDS OR
18 LACK THEREOF IN THE LICENSING PROCESS; STATEWIDE STANDARDIZATION
19 OF INVESTIGATIONS AND ENFORCEMENT OF LICENSING BY THE
20 DEPARTMENT; DUPLICATION AND CONFLICTS IN RULES, REQUIREMENTS, OR
21 PROCEDURES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF
22 PUBLIC HEALTH AND ENVIRONMENT; AND RECOMMENDATIONS FOR
23 STREAMLINING AND UNIFYING THE LICENSING PROCESS. THE REVIEW MUST
24 ALSO INCLUDE AN EXAMINATION OF RULES AND PROCEDURES REGARDING
25 THE GENERAL PHYSICAL AND MENTAL HEALTH OF FOSTER CARE
26 PROVIDERS, EMPLOYEES, AND OWNERS. AT THE CONCLUSION OF EACH
27 REVIEW, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND CONCLUSIONS

1 AND ITS RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES AND FOR
2 LEGISLATION TO THE STATE BOARD.

3 **26-6-921. Civil penalties - fines - child welfare cash fund -**
4 **created.** (1) IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED
5 BY LAW, INCLUDING SECTION 26-6-919, A PERSON WHO VIOLATES ANY
6 PROVISION OF THIS PART 9 OR INTENTIONALLY MAKES A FALSE STATEMENT
7 OR REPORT TO THE DEPARTMENT OR TO ANY AGENCY DELEGATED BY THE
8 DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO
9 THE PROVISIONS OF THIS PART 9 MAY BE ASSESSED A CIVIL PENALTY UP TO
10 A MAXIMUM OF TEN THOUSAND DOLLARS, AS FOLLOWS:

11 (a) TWO HUNDRED AND FIFTY DOLLARS A DAY FOR THE FIRST DAY;

12 (b) FIVE HUNDRED DOLLARS A DAY FOR THE SECOND DAY; AND

13 (c) ONE THOUSAND DOLLARS A DAY FOR THE THIRD AND
14 SUBSEQUENT DAYS.

15 (2) EACH DAY IN WHICH A PERSON IS IN VIOLATION OF ANY
16 PROVISION OF THIS PART 9 MAY CONSTITUTE A SEPARATE OFFENSE.

17 (3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY IN
18 CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN
19 ARTICLE 4 OF TITLE 24; EXCEPT THAT ALL HEARINGS CONDUCTED
20 PURSUANT TO THIS SECTION MUST BE BEFORE AN ADMINISTRATIVE LAW
21 JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO
22 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHO SHALL RENDER THE
23 FINAL DECISION OF THE DEPARTMENT.

24 (4) (a) THE DEPARTMENT SHALL TRANSMIT FINES COLLECTED
25 PURSUANT TO THIS SECTION, SECTION 26-6-914 (2) AND (8), AND SECTION
26 26-6-915 (1)(c) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME
27 TO THE CHILD WELFARE CASH FUND, CREATED IN SUBSECTION (4)(b) OF

1 THIS SECTION.

2 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE CASH
3 FUND, CREATED PURSUANT TO SECTION 26-6-114 (5), AS IT EXISTED PRIOR
4 TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO FINES AND CIVIL PENALTIES
5 COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE
6 FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE
7 CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY.
8 THE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT
9 AND INVESTMENT OF MONEY IN THE CHILD WELFARE CASH FUND TO THE
10 FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND
11 UNENCUMBERED MONEY IN THE CHILD WELFARE CASH FUND REMAINS IN
12 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND
13 OR ANY OTHER FUND. MONEY IN THE CHILD WELFARE CASH FUND IS
14 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND ACTIVITIES
15 RELATED TO THE IMPROVEMENT OF THE QUALITY OF CHILD CARE IN THE
16 STATE OF COLORADO.

17 **26-6-922. Child placement agencies - information sharing -**
18 **investigations by state department - recovery of money - rule-making.**

19 (1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A
20 CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED
21 TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF
22 THIS PART 9 OR A RULE OF THE STATE BOARD, IT SHALL COMMUNICATE THE
23 INFORMATION TO THE STATE DEPARTMENT. A COUNTY DEPARTMENT
24 SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE
25 DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT
26 AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD
27 PLACEMENT AGENCY.

1 (2) UPON RECEIVING A REQUEST FOR INVESTIGATION OF A CHILD
2 PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE
3 DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON
4 CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY
5 DEPARTMENT. THE STATE DEPARTMENT SHALL INCLUDE IN ITS REPORT TO
6 THE COUNTY DEPARTMENT THE CHILD PLACEMENT AGENCY'S RESPONSE,
7 IF ANY, TO THE FINDINGS.

8 (3) THE STATE DEPARTMENT SHALL PROVIDE TO COUNTY
9 DEPARTMENTS AND AFFECTED CHILD PLACEMENT AGENCIES DIRECT
10 ACCESS TO INFORMATION CONCERNING THE RESULTS OF AN
11 INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST THE
12 AFFECTED CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE
13 SERVICES IN COLORADO.

14 (4) (a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE
15 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER
16 FEDERAL AGENCIES AND WITH COUNTY DEPARTMENTS, SHALL SEEK
17 RECOVERY FROM A CHILD PLACEMENT AGENCY OF ANY PUBLIC FUNDS
18 THAT THE CHILD PLACEMENT AGENCY HAS MISUSED, AS THE TERM
19 "MISUSE" IS DEFINED BY RULES PROMULGATED PURSUANT TO SECTION
20 26-6-914 (2)(p).

21 (b) A COUNTY AND CHILD PLACEMENT AGENCY THAT ENTERS INTO
22 A CONTRACT FOR THE PROVISION OF FOSTER CARE SERVICES SHALL
23 INCLUDE A PROVISION IN THE CONTRACT THAT RECOGNIZES A RIGHT OF
24 THE STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY
25 FUNDS MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD
26 SUBSEQUENT PAYMENTS. THE PROVISION IN THE CONTRACT MUST PROVIDE
27 FOR AN APPEAL OF THE DECISION TO RECOVER OR WITHHOLD THE FUNDS.

1 THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE
2 PROCEDURES FOR THE APPEAL, WHICH RULES MUST REQUIRE, AT A
3 MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT AGENCY.

4 **SECTION 18.** In Colorado Revised Statutes, 2-3-113, **amend**
5 (1)(a) as follows:

6 **2-3-113. Programs that receive tobacco settlement money -**
7 **program review - definitions.** (1) As used in this section:

8 (a) "Health sciences facility" has the meaning set forth in ~~section~~
9 ~~26-6.4-103(2), C.R.S.~~ SECTION 26.5-3-503. For purposes of this section,
10 "health sciences facility" includes any contractor or subcontractor
11 engaged by the health sciences facility to assist in the implementation and
12 monitoring of the nurse home visitor program established ~~under article~~
13 ~~6.4 of title 26, C.R.S.~~ PURSUANT TO PART 5 OF ARTICLE 3 OF TITLE 26.5.

14 **SECTION 19.** In Colorado Revised Statutes, 2-3-1203, **repeal**
15 (14)(a)(V); and **add** (16)(a)(VII) and (23) as follows:

16 **2-3-1203. Sunset review of advisory committees - legislative**
17 **declaration - definition - repeal.** (14) (a) The following statutory
18 authorizations for the designated advisory committees are scheduled for
19 repeal on September 1, 2023:

20 (V) ~~The early childhood leadership commission created in section~~
21 ~~26.5-1-302;~~

22 (16) (a) The following statutory authorizations for the designated
23 advisory committees will repeal on September 1, 2025:

24 (VII) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED
25 IN SECTION 26.5-1-302.

26 (23) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE
27 DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON JULY 1, 2032:

1 (I) THE RULES ADVISORY COUNCIL OF THE DEPARTMENT OF EARLY
2 CHILDHOOD CONVENED PURSUANT TO SECTION 26.5-1-105 (2).

3 (b) THIS SUBSECTION (23) IS REPEALED, EFFECTIVE JULY 1, 2034.

4 SECTION 20. In Colorado Revised Statutes, 8-3.7-103, **amend**
5 (3) introductory portion as follows:

6 **8-3.7-103. Colorado office of new Americans - creation - duties**
7 **- report.** (3) As funding allows, the ONA shall promote integration
8 activities among immigrants by using a model similar to the family
9 resource center program set forth in ~~article 18 of title 26~~ PART 1 OF
10 ARTICLE 3 OF TITLE 26.5 with the goal of implementing immigrant support
11 through community-based initiatives and nonprofit organizations where
12 immigrants and immigrant families can access formal and informal
13 support to promote their health, economic well-being, and integration.
14 The activities ~~shall~~ MUST include, but NEED not be limited to:

15 SECTION 21. In Colorado Revised Statutes, 10-16-104, **amend**
16 (1.3)(a)(III), (1.3)(a)(VI), and (1.3)(d.5)(I) as follows:

17 **10-16-104. Mandatory coverage provisions - definitions -**
18 **rules.** (1.3) **Early intervention services.** (a) As used in this subsection
19 (1.3), unless the context otherwise requires:

20 (III) "Eligible child" means an infant or toddler, from birth
21 through two years of age, who is an eligible dependent and who, as
22 defined by the department pursuant to ~~section 27-10.5-702 (9), C.R.S.~~,
23 SECTION 26.5-3-402 (11) has significant delays in development or has a
24 diagnosed physical or mental condition that has a high probability of
25 resulting in significant delays in development or who is eligible for
26 services pursuant to section 27-10.5-102 (11)(c). ~~C.R.S.~~

27 (VI) "Qualified early intervention service provider" or "qualified

1 provider" means a person or agency, as defined by the division in
2 accordance with part C, who provides early intervention services and is
3 listed on the registry of early intervention service providers pursuant to
4 ~~section 27-10.5-708 (1)(a), C.R.S.~~ SECTION 26.5-3-408 (1).

5 (d.5) (I) Upon notice from the department of ~~human services~~
6 EARLY CHILDHOOD pursuant to ~~section 27-10.5-709 (1), C.R.S.,~~ SECTION
7 26.5-3-409 (1) that a child is eligible for early intervention services, the
8 carrier shall submit payment of benefits for the eligible child in
9 accordance with this ~~subparagraph (I)~~ SUBSECTION (1.3)(d.5)(I) and
10 ~~section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1). If the eligible
11 child is covered by a grandfathered health benefit plan, the carrier shall
12 submit payment in the amount specified in ~~sub-subparagraph (B) of~~
13 ~~subparagraph (H) of paragraph (b) of this subsection (1.3)~~ SUBSECTION
14 (1.3)(b)(II)(B) OF THIS SECTION, as adjusted annually pursuant to said
15 ~~sub-subparagraph~~ SUBSECTION. If the eligible child is covered by any
16 other policy or contract subject to this subsection (1.3), the carrier shall
17 submit payment in an amount that equals the approximate value of the
18 number of early intervention services or visits specified by the
19 commissioner pursuant to ~~sub-subparagraph (A) of subparagraph (H) of~~
20 ~~paragraph (b) of this subsection (1.3)~~ SUBSECTION (1.3)(b)(II)(A) OF THIS
21 SECTION.

22 **SECTION 22.** In Colorado Revised Statutes, 12-245-208, **amend**
23 (1)(a) as follows:

24 **12-245-208. Provisional license - fees.** (1) (a) The board may
25 issue a provisional license to an applicant who has completed a
26 post-graduate degree that meets the educational requirements for
27 licensure in section 12-245-304, 12-245-404, 12-245-504, 12-245-604,

1 or 12-245-804, as applicable, and who is working in a residential child
2 care facility as defined in ~~section 26-6-102(33)~~ SECTION 26-6-903 under
3 the supervision of a licensee.

4 **SECTION 23.** In Colorado Revised Statutes, 12-255-127, **amend**
5 (1)(l) as follows:

6 **12-255-127. Exclusions.** (1) This part 1 does not prohibit:

7 (l) The administration of medications by child care providers to
8 children cared for in family child care homes pursuant to ~~section 26-6-119~~
9 SECTION 26.5-5-325;

10 **SECTION 24.** In Colorado Revised Statutes, 13-1-127, **amend**
11 (1)(a.5) as follows:

12 **13-1-127. Entities - school districts - legislative declaration -**
13 **representation - definitions.** (1) As used in this section, unless the
14 context otherwise requires:

15 (a.5) "Corporate licensed child placement agency" means an entity
16 that places, or arranges for placement of, the care of any child with any
17 family, person, or institution other than persons related to said child and
18 that is licensed by the department of human services pursuant to ~~section~~
19 ~~26-6-104, C.R.S.~~, SECTION 26-6-905 as a child placement agency.

20 **SECTION 25.** In Colorado Revised Statutes, 13-3-113, **amend**
21 (5)(d) as follows:

22 **13-3-113. "Family-friendly Courts Act".** (5) **Grant**
23 **applications - duties of judicial districts.** (d) The judicial districts that
24 are selected by the state court administrator to provide family-friendly
25 court services that provide child care services shall meet the licensing
26 requirements for child care facilities set forth in ~~part 1 of article 6 of title~~
27 ~~26, C.R.S.~~ PART 3 OF ARTICLE 5 OF TITLE 26.5, and all child care licensing

1 rules promulgated by the ~~state board of human services in connection~~
2 ~~therewith~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
3 CHILDHOOD.

4 **SECTION 26.** In Colorado Revised Statutes, 13-20-1201, **amend**
5 (9) as follows:

6 **13-20-1201. Definitions.** As used in this part 12, unless the
7 context otherwise requires:

8 (9) "Youth-related activity or program" means an event, program,
9 service, or any other enterprise that involves participation by a minor,
10 including but not limited to youth programs, educational programs, and
11 religious activities operated by an individual or organization that provides
12 activities, services, trips, or events for minors with adults who are placed
13 in positions of responsibility, trust, or supervision over the participating
14 minors, regardless of the particular location, length, goals, or format of
15 the activities, services, trips, or events. "Youth-related activity or
16 program" includes transportation, lodging, and unscheduled activities
17 provided in relation to any activities, services, trips, or events when a
18 youth-related activity or program employee, agent, or volunteer is
19 responsible for the supervision of the participating minors. "Youth-related
20 activity or program" also includes an educational program operated by an
21 educational entity for students in kindergarten through twelfth grade, or
22 any portion thereof; a district preschool program ~~as described in section~~
23 ~~22-28-103~~, under the supervision of the educational entity or its
24 employees or agents; or before- and after-school activities conducted
25 under the supervision of the educational entity or its employees or agents.

26 **SECTION 27.** In Colorado Revised Statutes, 13-32-101, **amend**
27 (5)(a)(I) as follows:

1 **13-32-101. Docket fees in civil actions - judicial stabilization**
2 **cash fund - justice center cash fund - justice center maintenance fund**
3 **- created - report - legislative declaration.** (5) (a) Each fee collected
4 pursuant to subsection (1)(a) or (1)(a.5) of this section must be
5 transmitted to the state treasurer and divided as follows:

6 (I) Fifteen dollars must be deposited in the Colorado child abuse
7 prevention trust fund created in ~~section 19-3.5-105~~ SECTION 26.5-3-206;

8 **SECTION 28.** In Colorado Revised Statutes, 13-54.5-101,
9 **amend (2)(d) as follows:**

10 **13-54.5-101. Definitions.** As used in this article 54.5, unless the
11 context otherwise requires:

12 (2) (d) For the purposes of writs of garnishment issued by a
13 county department of human or social services responsible for
14 administering the state public assistance programs AND THE COLORADO
15 CHILD CARE ASSISTANCE PROGRAM, which writs are issued as a result of
16 a judgment for a debt for fraudulently obtained public assistance OR
17 CHILD CARE ASSISTANCE, fraudulently obtained overpayments of public
18 assistance OR CHILD CARE ASSISTANCE, or excess public assistance OR
19 CHILD CARE ASSISTANCE paid for which the recipient was ineligible,
20 "earnings" includes workers' compensation benefits.

21 **SECTION 29.** In Colorado Revised Statutes, 13-54.5-104,
22 **amend (1)(c)(II) as follows:**

23 **13-54.5-104. Priority between multiple garnishments.**

24 (1) (c) (II) Notwithstanding any other provision of this subsection (1), a
25 continuing garnishment obtained pursuant to section 26-2-128 (1)(a)
26 C.R.S., OR SECTION 26.5-4-113 (1)(a) for the satisfaction of a judgment
27 for fraudulently obtained public assistance OR CHILD CARE ASSISTANCE or

1 fraudulently obtained overpayments has priority over any other continuing
2 garnishment other than a garnishment for collection of child support
3 under subparagraph (I) of this paragraph (c) PURSUANT TO SUBSECTION
4 (1)(c)(I) OF THIS SECTION.

5 **SECTION 30.** In Colorado Revised Statutes, **amend 14-10-107.7**
6 as follows:

7 **14-10-107.7. Required notice of involvement with state**
8 **department of human services.** When filing a petition for dissolution of
9 marriage or legal separation, a petition in support or proceedings for the
10 allocation of parental responsibilities with respect to the children of the
11 marriage, or any other matter pursuant to this article 10 with the court, if
12 the parties have joint legal responsibility for a child for whom the petition
13 seeks an order of child support, the parties are required to indicate on a
14 form prepared by the court whether or not the parties or the dependent
15 children of the parties have received within the last five years or are
16 currently receiving benefits or public assistance, INCLUDING CHILD CARE
17 ASSISTANCE, from either the state department of human services or A
18 county department of human or social services. If the parties indicate that
19 they have received such benefits or assistance, the court shall inform the
20 appropriate delegate child support enforcement unit so that the unit can
21 determine whether any support enforcement services are required. There
22 is no penalty for failure to report as specified in this section.

23 **SECTION 31.** In Colorado Revised Statutes, **14-14-102, amend**
24 (7) as follows:

25 **14-14-102. Definitions.** As used in this article 14, unless the
26 context otherwise requires:

27 (7) "Public assistance" means assistance payments and social

1 services provided to or on behalf of eligible recipients through programs
2 administered or supervised by the state department of human services,
3 either in cooperation with the federal government or independently
4 without federal aid, pursuant to article 2 of title 26, C.R.S. OR BY THE
5 DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO PART 1 OF ARTICLE 4 OF
6 TITLE 26.5.

7 **SECTION 32.** In Colorado Revised Statutes, 15-12-805, **amend**
8 **(1)(f.7)** as follows:

9 **15-12-805. Classification of claims.** (1) The personal
10 representative shall pay allowed claims against the estate of a decedent in
11 the following order:

12 (f.7) The claim of a county department of human or social
13 services, or the state department of human services, OR THE DEPARTMENT
14 OF EARLY CHILDHOOD for the excess public assistance, INCLUDING CHILD
15 CARE ASSISTANCE, paid OR PROVIDED for which the recipient was
16 ineligible;

17 **SECTION 33.** In Colorado Revised Statutes, 16-11.3-103,
18 **amend** (2)(g)(II) as follows:

19 **16-11.3-103. Duties of the commission - mission - staffing -**
20 **report - definition.** (2) The commission has the following duties:

21 (g) (II) ~~For purposes of~~ AS USED IN this subsection (2)(g),
22 "facility" means a residential child care facility, specialized group facility,
23 foster care home, ~~family child care home~~, or any other facility subject
24 LICENSED PURSUANT to the Colorado "Child Care Licensing Act", part 1
25 of ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD
26 CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5;
27 noncertified kinship care providers that provide care for children with an

1 open child welfare case who are in the legal custody of a county
2 department; or a facility or community placement, as described in section
3 19-2.5-1502, for a juvenile committed to the custody of the department
4 of human services. "Facility" does not include any adult detention or
5 correctional facility.

6 **SECTION 34.** In Colorado Revised Statutes, 19-1-103, **amend**
7 (24), (64), (67), (73), and (86); and **repeal** (18), (22), (109), (115), and
8 (142) as follows:

9 **19-1-103. Definitions.** As used in this title 19 or in the specified
10 portion of this title 19, unless the context otherwise requires:

11 (18) ~~"Board", as used in article 3.5 of this title 19, means the~~
12 ~~Colorado child abuse prevention board created in section 19-3.5-103.~~

13 (22) ~~"Child abuse", as used in article 3.5 of this title 19, means~~
14 ~~any act that reasonably may be construed to fall under the definition of~~
15 ~~abuse or child abuse or neglect in subsection (1) of this section.~~

16 (24) "Child care center" means a child care center licensed and
17 approved pursuant to ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26
18 OR PART 3 OF ARTICLE 5 OF TITLE 26.5. If the facility is located in another
19 state, the department of human services OR THE DEPARTMENT OF EARLY
20 CHILDHOOD, AS APPROPRIATE, shall designate, upon certification, that an
21 appropriate available space does not exist in a child care facility in this
22 state, and the facility must be licensed or approved as required by law in
23 that state.

24 (64) "Family child care home" means a family child care home
25 licensed and approved pursuant to ~~article 6 of title 26~~ PART 3 OF ARTICLE
26 5 OF TITLE 26.5. If ~~such~~ THE facility is located in another state, the
27 department of ~~human services~~ EARLY CHILDHOOD shall designate, upon

1 certification, that an appropriate available space does not exist in a facility
2 in this state. An out-of-state family child care home must be licensed or
3 approved as required by law in that state.

4 (67) "Foster care home" means a foster care home certified
5 pursuant to PART 9 OF article 6 of title 26.

6 (73) "Group care facilities and homes" means places other than
7 foster family care homes providing care for small groups of children.
8 Group care facilities and homes are licensed as provided in ~~article 6 of~~
9 ~~title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26 or meet the requirements of
10 section 25.5-10-214.

11 (86) "Institutional abuse", as used in part 3 of article 3 of this title
12 19, means any case of abuse, as defined in subsection (1) of this section,
13 that occurs in any public or private facility in the state that provides child
14 care out of the home, supervision, or maintenance. "Institutional abuse"
15 includes an act or omission that threatens the life, health, or welfare of a
16 child or a person who is younger than twenty-one years of age who is
17 under the continuing jurisdiction of the court pursuant to this title 19.
18 "Institutional abuse" does not include abuse that occurs in any public,
19 private, or parochial school system, including any preschool operated in
20 connection with said system; except that, to the extent the school system
21 provides extended day services, abuse that occurs while such services are
22 provided is institutional abuse. ~~For the purposes of AS USED IN~~ this
23 subsection (86), "facility" means a residential child care facility,
24 specialized group facility, foster care home, ~~family child care home~~, or
25 any other facility ~~subject~~ LICENSED PURSUANT to ~~the Colorado "Child~~
26 ~~Care Licensing Act"~~, ~~part 1 of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF
27 TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF

1 ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide
2 care for children with an open child welfare case who are in the legal
3 custody of a county department of human or social services; or a facility
4 or community placement, as described in section 19-2.5-1502, for a
5 juvenile committed to the custody of the department of human services.
6 "Facility" does not include any adult detention or correctional facility.

7 (109) "~~Prevention program~~", as used in article 3.5 of this title 19,
8 ~~means a program of direct child abuse prevention services to a child,~~
9 ~~parent, or guardian and includes research or education programs related~~
10 ~~to the prevention of child abuse. Such a prevention program may be~~
11 ~~classified as a primary prevention program when it is available to the~~
12 ~~community on a voluntary basis and as a secondary prevention program~~
13 ~~when it is directed toward groups of individuals who have been identified~~
14 ~~as high risk.~~

15 (115) "~~Recipient~~", as used in article 3.5 of this title 19, means and
16 is limited to a nonprofit or public organization that receives a grant from
17 the trust fund created in section 19-3.5-105.

18 (142) "~~Trust fund~~", as used in article 3.5 of this title 19, means the
19 Colorado child abuse prevention trust fund created in section 19-3.5-105.

20 **SECTION 35.** In Colorado Revised Statutes, 19-1-307, **amend** (2)
21 introductory portion, (2)(e.5)(I) introductory portion, (2)(e.5)(I)(K), (2)(j),
22 (2)(j.5), (2)(j.7), (2)(j.8), (2)(k), (2)(k.5), (2)(l), (2)(m) introductory
23 portion, (2)(m)(I), (2)(r), (2)(s), (2)(y), and (2.5)(a) as follows:

24 **19-1-307. Dependency and neglect records and information -**
25 **access - fee - rules - records and reports fund - misuse of information**
26 **- penalty - adult protective services data system check. (2) Records**
27 **and reports - access to certain persons - agencies.** Except as set forth

1 in section 19-1-303, only the following persons or agencies shall have
2 access to child abuse or neglect records and reports:

3 (e.5) (I) A mandatory reporter specified in this subsection
4 (2)(e.5)(I) who is and continues to be officially and professionally
5 involved in the ongoing care of the child who was the subject of the
6 report, but only with regard to information that the mandatory reporter has
7 a need to know in order to fulfill ~~his or her~~ THE MANDATORY REPORTER'S
8 professional and official role in maintaining the child's safety. A county
9 department shall request written affirmation from a mandatory reporter
10 stating that the reporter continues to be officially and professionally
11 involved in the ongoing care of the child who was the subject of the
12 report and describing the nature of the involvement, unless the county
13 department has actual knowledge that the mandatory reporter continues
14 to be officially and professionally involved in the ongoing care of the
15 child who was the subject of the report. This subsection (2)(e.5)(I) applies
16 to:

17 (K) Social workers or workers with any facility or agency that is
18 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S.~~ PART
19 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;

20 (j) The state department of human services OR DEPARTMENT OF
21 EARLY CHILDHOOD or a county or district department of human or social
22 services or a child placement agency investigating an applicant for a
23 license to operate a child care facility or agency pursuant to ~~section~~
24 ~~26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, when the applicant, as a
25 requirement of the license application, has given written authorization to
26 the licensing authority to obtain information contained in records or
27 reports of child abuse or neglect. Access to the records and reports of

1 child abuse or neglect granted to the named department or agencies must
2 serve only as the basis for further investigation.

3 (j.5) The state department of human services, DEPARTMENT OF
4 EARLY CHILDHOOD, or a county or district department of human or social
5 services investigating an exempt family child care home provider
6 pursuant to ~~section 26-6-120~~ SECTION 26.5-5-326, as a prerequisite to
7 issuance or renewal of a contract or any payment agreement to receive
8 money for the care of a child from publicly funded state child care
9 assistance programs. Access to the records and reports of child abuse or
10 neglect granted to the named department or agencies must serve only as
11 the basis for further investigation.

12 (j.7) The ~~state department of human services~~ DEPARTMENT OF
13 EARLY CHILDHOOD investigating an applicant for an employee or
14 volunteer position with, or an employee or volunteer of, a licensed
15 neighborhood youth organization pursuant to ~~section 26-6-103.7 (4),~~
16 ~~C.R.S.~~ SECTION 26.5-5-308, when the applicant, employee, or volunteer
17 has given written authorization to the ~~state department of human services~~
18 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child
19 abuse or neglect;

20 (j.8) The state department of human services OR DEPARTMENT OF
21 EARLY CHILDHOOD investigating any person required to submit to a
22 background check pursuant to section 26-6-705 (2), when the person has
23 given written authorization to the state department of human services OR
24 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child
25 abuse or neglect;

26 (k) The state department of human services OR DEPARTMENT OF
27 EARLY CHILDHOOD, when requested in writing by any operator of a

1 facility or agency that is licensed by the state department of human
2 services pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR DEPARTMENT
3 OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-5-316, to check records
4 or reports of child abuse or neglect for the purpose of screening an
5 applicant for employment or a current employee. Any ~~such~~ operator who
6 requests ~~such~~ information concerning an individual who is neither a
7 current employee nor an applicant for employment commits a class 2
8 misdemeanor and shall be punished as provided in section 18-1.3-501.
9 Within ten days ~~of~~ AFTER the operator's request, the state department of
10 human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the
11 date of the report of the incident, the location of investigation, the type of
12 abuse and neglect, and the county ~~which~~ THAT investigated the incident
13 contained in the confirmed reports of child abuse and neglect. Any ~~such~~
14 operator who releases any information obtained under this subsection
15 (2)(k) to any other person ~~shall be deemed to have violated~~ VIOLATES the
16 provisions of subsection (4) of this section and ~~shall be~~ IS subject to the
17 penalty therefor.

18 (k.5) The state department of human ~~services~~ OR DEPARTMENT OF
19 EARLY CHILDHOOD, when requested in writing by a qualified county
20 department, individual, or child placement agency approved to conduct
21 home study investigations and reports pursuant to section 19-5-207.5
22 (2)(b)(I) for purposes of screening a prospective adoptive parent or any
23 adult residing in the home under section 19-5-207 (2.5)(c), or
24 investigating a prospective foster care parent, kinship care parent, or an
25 adult residing in the home under ~~section 26-6-107 (1)(a.7), C.R.S.~~
26 SECTION 26-6-912 (1)(c). Within ten days after the request, the state
27 department of human services OR DEPARTMENT OF EARLY CHILDHOOD

1 shall provide the date of the report of the incident, the location of
2 investigation, the type of abuse and neglect, and the county that
3 investigated the incident contained in the confirmed reports of child abuse
4 or neglect. The county department, individual, or child placement agency
5 ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of
6 this section. With respect to screening a prospective adoptive parent, any
7 employee of the county department or the child placement agency or any
8 individual who releases any information obtained ~~under this paragraph~~
9 ~~(k.5)~~ PURSUANT TO THIS SUBSECTION (2)(k.5) to any person other than the
10 adoption court ~~shall be deemed to have violated~~ VIOLATES the provisions
11 of subsection (4) of this section and ~~shall be~~ IS subject to THE penalty
12 therefor.

13 (l) The state department of human services OR DEPARTMENT OF
14 EARLY CHILDHOOD, when requested in writing by the department of
15 education to check records or reports of child abuse or neglect for the
16 purpose of aiding the department of education in its investigation of an
17 allegation of abuse by an employee of a school district in this state.
18 Within ten days of the department of education's request, the state
19 department of human services OR DEPARTMENT OF EARLY CHILDHOOD
20 shall provide the date of the report of the incident, the location of
21 investigation, the type of abuse or neglect, and the county ~~which~~ THAT
22 investigated the incident contained in the confirmed reports of child abuse
23 or neglect. The department of education ~~shall be~~ IS subject to the fee
24 assessment established in subsection (2.5) of this section. Any employee
25 of the department of education who releases any information obtained
26 ~~under this paragraph (l)~~ SUBSECTION (2)(l) to any person not authorized
27 to receive ~~such~~ THE information pursuant to the provisions of section

1 22-32-109.7 C.R.S., or any member of the board of education of a school
2 district who releases ~~such~~ THE information obtained pursuant to said
3 section ~~shall be deemed to have violated~~ VIOLATES the provisions of
4 subsection (4) of this section and ~~shall be~~ IS subject to the penalty ~~therefor~~
5 FOR THE VIOLATION.

6 (m) The DEPARTMENT OF EARLY CHILDHOOD, state department of
7 human services, and ~~the~~ county departments of human or social services,
8 for the following purposes:

9 (I) Screening any person who seeks employment with, is currently
10 employed by, or ~~who~~ volunteers for service with the DEPARTMENT OF
11 EARLY CHILDHOOD, state department of human services, department of
12 health care policy and financing, or a county department of human or
13 social services, if the person's responsibilities include direct contact with
14 children;

15 (r) The ~~state department of human services~~ DEPARTMENT OF
16 EARLY CHILDHOOD investigating an applicant for a supervisory employee
17 position or an employee of a guest child care facility or a public services
18 short-term child care facility pursuant to ~~section 26-6-103.5, C.R.S.~~
19 SECTION 26.5-5-307, when the applicant or employee, as a requirement of
20 application for employment, has given written authorization to the ~~state~~
21 ~~department of human services~~ DEPARTMENT OF EARLY CHILDHOOD to
22 check records or reports of child abuse or neglect;

23 (s) The ~~state department of human services~~ OR THE DEPARTMENT
24 OF EARLY CHILDHOOD investigating a prospective CASA volunteer for the
25 CASA program when the prospective CASA volunteer has given written
26 authorization to the CASA program to check any records or reports of
27 child abuse or neglect pursuant to section 19-1-205 (3)(a.5);

1 (y) The state department of human services OR DEPARTMENT OF
2 EARLY CHILDHOOD, when requested in writing by an individual to check
3 records or reports of child abuse or neglect for the purpose of screening
4 that individual when ~~such~~ THAT individual's responsibilities include care
5 of children, treatment of children, supervision of children, or
6 unsupervised contact with children.

7 (2.5) **Fee - rules - records and reports fund.** (a) Any person or
8 agency provided information from the state department of human services
9 OR DEPARTMENT OF EARLY CHILDHOOD pursuant to subsections (2)(i),
10 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and any child placement
11 agency must be assessed a fee that is established and collected by the state
12 department of human services pursuant to parameters set forth in rule
13 established by the state board of human services OR THE DEPARTMENT OF
14 EARLY CHILDHOOD PURSUANT TO PARAMETERS SET FORTH IN RULE
15 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF
16 EARLY CHILDHOOD, WHICHEVER IS APPLICABLE. At a minimum, the rules
17 must include a provision requiring the state department of human services
18 OR DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE, to provide notice
19 of the fee to interested persons and the maximum fee amount that the
20 department shall not exceed without the express approval of the state
21 board of human services OR EXECUTIVE DIRECTOR OF THE DEPARTMENT
22 OF EARLY CHILDHOOD, AS APPLICABLE. The fee established must not
23 exceed the direct and indirect costs of administering subsections (2)(i),
24 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and the direct and indirect
25 costs of administering section 19-3-313.5 (3) and (4).

26 **SECTION 36.** In Colorado Revised Statutes, 19-2.5-1511, **amend**
27 (3)(c)(II) as follows:

1 **19-2.5-1511. Juvenile detention services and facilities to be**
2 **provided by department of human services - education - expenses -**
3 **definition.** (3) (c) (II) ~~For the purpose of~~ AS USED IN this subsection
4 (3)(c), "total district enrollment" means:

5 (A) FOR THE 2022-23 BUDGET YEAR, the total of the pupil
6 enrollment in the school district, plus the district online enrollment, the
7 district preschool program enrollment, and the pupil enrollment in each
8 institute charter school that is located within the school district, as
9 determined in accordance with article 54 of title 22;

10 (B) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS
11 THEREAFTER, THE TOTAL OF THE PUPIL ENROLLMENT IN THE SCHOOL
12 DISTRICT, PLUS THE DISTRICT ONLINE ENROLLMENT AND THE PUPIL
13 ENROLLMENT IN EACH INSTITUTE CHARTER SCHOOL THAT IS LOCATED
14 WITHIN THE SCHOOL DISTRICT, AS DETERMINED IN ACCORDANCE WITH
15 ARTICLE 54 OF TITLE 22.

16 **SECTION 37.** In Colorado Revised Statutes, 19-3-304, **amend**
17 **(2)(m), (2)(ll), and (2)(mm); and add (2)(nn)** as follows:

18 **19-3-304. Persons required to report child abuse or neglect.**
19 (2) Persons required to report such abuse or neglect or circumstances or
20 conditions include any:

21 (m) Social worker or worker in any facility or agency that is
22 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART~~
23 ~~9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

24 (ll) ~~Officials or employees of county departments of health,~~
25 ~~human services, or social services; and~~

26 (mm) ~~Naturopathic doctor registered under article 250 of title 12;~~

27 ~~AND~~

1 (nn) EMPLOYEES OF THE DEPARTMENT OF EARLY CHILDHOOD.

2 **SECTION 38.** In Colorado Revised Statutes, 19-3-308, **amend**
3 (4)(a.5)(I) introductory portion as follows:

4 **19-3-308. Action upon report of intrafamilial, institutional, or**
5 **third-party abuse - investigations - child protection team - rules -**
6 **report.** (4.5) (a.5) (I) The state department shall adopt rules that specify
7 that, prior to notice of an investigation being sent to the parents or legal
8 guardians of children cared for at a child care center, as that term is
9 defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903 OR 26.5-5-303,
10 or a family child care home, as that term is defined in ~~section 26-6-102~~
11 ~~(13), C.R.S.~~ SECTION 26.5-5-303, which children were not involved in the
12 incident being investigated, the state department or the county department
13 shall ensure that:

14 **SECTION 39.** In Colorado Revised Statutes, 19-3-406, **amend**
15 (4.5)(a)(I) and (8)(b) as follows:

16 **19-3-406. Fingerprint-based criminal history record check -**
17 **providers of emergency placement for children - use of criminal**
18 **justice records - definitions - rules.** (4.5) (a) If a relative or other
19 person was not disqualified as an emergency placement based upon the
20 fingerprint-based criminal history record check and the child was placed
21 in an emergency placement with such person, the county department shall
22 perform the following additional background checks of the relative or
23 other person:

24 (I) A check of the ICON system at the state judicial department
25 pursuant to ~~section 26-6-106.3, C.R.S.~~ SECTION 26-6-910 (5)(b) to
26 determine the status or disposition of any criminal charges;

27 (8) (b) The county department shall notify the Colorado bureau of

1 investigation within five calendar days after submitting the request for a
2 fingerprint-based criminal history record check when the county
3 department intends to accept an application for foster care certification
4 from that person so that the flagging and automatic notification to the
5 county department of new arrests pursuant to ~~paragraph (a) of this~~
6 ~~subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION occurs for that person
7 and continues through the duration of the individual's foster care
8 certification. The county department shall use the same fingerprints
9 received under this subsection (8) and any updated fingerprint-based
10 criminal history record check results from the automatic notification as
11 a substitute for meeting the fingerprint requirements for a person who is
12 applying for foster care certification pursuant to ~~section 26-6-106.3,~~
13 ~~C.R.S.~~ SECTION 26-9-910.

14 **SECTION 40.** In Colorado Revised Statutes, 19-3-508, **amend**
15 (8) as follows:

16 **19-3-508. Neglected or dependent child - disposition -**
17 **concurrent planning.** (8) When entering a decree placing the child in
18 the legal custody of a relative or placing the child in the legal custody of
19 a county department for placement in a foster care home, the court shall
20 ensure that the child's placement at the time of the hearing is in the best
21 interests of the child and shall inquire about documentation that the
22 county department or a licensed child placement agency has adequately
23 screened the foster care provider or the family member who is seeking to
24 care for the child and any adult residing in that home and that all of the
25 criminal history record checks and other background checks have been
26 completed as required pursuant to ~~section 26-6-106.3, C.R.S.;~~ SECTION
27 26-6-910 or 19-3-407.

1 **SECTION 41.** In Colorado Revised Statutes, 19-3-605, **amend**
2 (3)(b) as follows:

3 **19-3-605. Request for placement with family members.**

4 (3) (b) Whether the child's placement at the time of the hearing is a safe
5 and potentially permanent placement for the child, including
6 documentation that a county department or a licensed child placement
7 agency has adequately screened the family member who is seeking to care
8 for the child and any adult residing in the home and that all of the
9 criminal history record checks and other background checks have been
10 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION
11 26-6-910 or ~~section~~ 19-3-407;

12 **SECTION 42.** In Colorado Revised Statutes, 19-3.3-103, **amend**
13 (1)(a)(II)(D), (1)(a.5)(I), (3), and (5) as follows:

14 **19-3.3-103. Office of the child protection ombudsman - powers**
15 **and duties - access to information - confidentiality - testimony -**
16 **judicial review - definitions.** (1) The ombudsman has the following
17 duties, at a minimum:

18 (a) (II) (D) The ombudsman must have access to all information,
19 records, or documents described in subsection (1)(a)(II)(A) of this section
20 created in an investigation of an event or incident described in subsection
21 (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the
22 state from any entity, including but not limited to a coroner's office, law
23 enforcement agency, hospital, court, the office of state registrar of vital
24 statistics described in section 25-2-103, and a state-licensed out-of-home
25 placement provider, as defined in ~~section 26-6-102~~ SECTION 26-5-104.

26 (a.5) (I) Notwithstanding any provision of this section to the
27 contrary, the ombudsman may self-initiate an independent and impartial

1 investigation and ongoing review of the safety and well-being of an
2 unaccompanied immigrant child who lives in a state-licensed residential
3 child care facility, as defined in ~~section 26-6-102~~ SECTION 26-6-903, and
4 who is in the custody of the office of refugee resettlement of the federal
5 department of health and human services as set forth in 8 U.S.C. sec.
6 1232 et seq. The ombudsman may seek resolution of such investigation
7 and ongoing review, which may include, but need not be limited to,
8 referring an investigation and ongoing review to the state department or
9 appropriate agency or entity and making a recommendation for action
10 relating to an investigation and ongoing review.

11 (3) The ombudsman, employees of the office, and any persons
12 acting on behalf of the office shall comply with all state and federal
13 confidentiality laws that govern the DEPARTMENT OF EARLY CHILDHOOD,
14 THE state department, or a county department with respect to the treatment
15 of confidential information or records and the disclosure of such
16 information and records.

17 (5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the
18 ombudsman shall act independently OF THE DIVISION WITHIN THE
19 DEPARTMENT OF EARLY CHILDHOOD THAT IS RESPONSIBLE FOR CHILD
20 CARE, of the divisions within the state department that are responsible for
21 child welfare OR youth services, ~~or child care~~, of the county departments
22 of human or social services, and of all judicial agencies, including, but
23 not limited to, the office of the child's representative, the office of the
24 respondent parents' counsel, the office of state public defender, the office
25 of alternate defense counsel, and the office of attorney regulation counsel.
26 Any recommendations made by the ombudsman or positions taken by the
27 ombudsman do not reflect those of the DEPARTMENT OF EARLY

1 CHILDHOOD, state department, judicial department, or ~~of the~~ county
2 departments of human or social services.

3 **SECTION 43.** In Colorado Revised Statutes, 19-5-205.5, **amend**
4 (2)(a) as follows:

5 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**
6 **- authority for state department to select agencies - legislative**
7 **declaration.** (2) (a) The department is authorized to select nonpublic,
8 licensed child placement agencies authorized to handle adoptions or
9 nonpublic agencies that meet the qualifying criteria to be licensed child
10 placement agencies pursuant to ~~article 6 of title 26, C.R.S.~~ PART 9 OF
11 ARTICLE 6 OF TITLE 26, and any implementing rules ~~or regulations~~
12 promulgated by the department for the provision of services to individuals
13 seeking assistance in nonpublic agency interstate or foreign adoption
14 cases pursuant to this part 2. The department shall, by rule, establish
15 qualifying criteria by which such nonpublic agencies ~~shall be~~ ARE
16 selected for this purpose.

17 **SECTION 44.** In Colorado Revised Statutes, 19-5-213.5, **amend**
18 (3)(a) as follows:

19 **19-5-213.5. Unauthorized advertising for adoption purposes**
20 **- exceptions - penalty - definitions.** (3) Subsection (2) of this section
21 does not apply to:

22 (a) An employee of the state department of human services, a
23 county department of human or social services, or a child placement
24 agency that is licensed pursuant to ~~part 1 of article 6 of title 26~~ PART 9 OF
25 ARTICLE 6 OF TITLE 26 who is acting within the scope of ~~his or her~~ THE
26 EMPLOYEE'S employment to place a child for adoption or in foster care;

27 **SECTION 45.** In Colorado Revised Statutes, 19-7-103, **amend**

1 (1) as follows:

2 **19-7-103. Access to extracurricular activities - legislative**
3 **declaration - rules.** (1) The general assembly finds and declares that it
4 is important for youth in foster care, excluding those in the custody of the
5 division of youth services or a state mental hospital, to have increased
6 access to normative, developmentally appropriate extracurricular
7 activities to help prepare them for independence. Foster parents and group
8 home parents or group center administrators shall make a reasonable
9 effort to allow a youth in their care to participate in extracurricular,
10 cultural, educational, work-related, and personal enrichment activities.
11 The department of human services shall promulgate rules for the
12 implementation of this section. The rules must address policies, including
13 but not limited to waiver of any fingerprint-based criminal history records
14 checks for community entities, excluding all individuals required to
15 obtain a fingerprint-based criminal history records check pursuant to
16 ~~section 26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, providing
17 extracurricular activities and guidelines for determining in what situations
18 it is appropriate to waive fingerprint-based criminal history records
19 checks, to allow youth in foster care, excluding those in the custody of the
20 division of youth services or a state mental hospital, who are twelve years
21 of age and older to participate in age-appropriate extracurricular
22 enrichment, social activities, and activities designed to assist those youth
23 to make the transition to independence, build life skills, and enhance
24 opportunities to make positive connections.

25 **SECTION 46.** In Colorado Revised Statutes, 22-2-139, **amend**
26 (2) introductory portion and (2)(a) as follows:

27 **22-2-139. Memorandum of understanding - notification of risk**

1 - **rules.** (2) Beginning August 15, 2010, a state-licensed day treatment
2 facility, facility school, or hospital licensed or certified pursuant to
3 section 25-3-101 ~~C.R.S.~~, that is transferring a student to a public school
4 shall notify the appropriate school district child welfare education liaison,
5 designated pursuant to section 22-32-138 (2)(a), of the pending
6 enrollment in a public school of a student who:

7 (a) Is transferring to a public school from a state-licensed day
8 treatment facility licensed by the department of human services pursuant
9 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined
10 in section 22-2-402 (1), or hospital, licensed or certified pursuant to
11 section 25-3-101; ~~C.R.S.~~; and

12 **SECTION 47.** In Colorado Revised Statutes, 22-2-402, **amend** (3)
13 as follows:

14 **22-2-402. Definitions.** As used in this part 4, unless the context
15 otherwise requires:

16 (3) "Facility" means a day treatment center, residential child care
17 facility, or other facility licensed by the department of human services
18 pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 or a hospital
19 licensed by the department of public health and environment pursuant to
20 section 25-1.5-103. ~~C.R.S.~~

21 **SECTION 48.** In Colorado Revised Statutes, 22-2-409, **amend**
22 (1) introductory portion and (1)(a) as follows:

23 **22-2-409. Notification of risk.** (1) Beginning August 15, 2010,
24 a state-licensed day treatment facility, facility school, or hospital licensed
25 or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall notify the
26 appropriate child welfare education liaison, designated pursuant to section
27 22-32-138 (2)(a), of a student who:

1 (a) Is transferring to a public school from a state-licensed day
2 treatment facility licensed by the department of human services pursuant
3 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined
4 in section 22-2-402 (1), or hospital licensed or certified pursuant to
5 section 25-3-101; ~~C.R.S.~~; and

6 **SECTION 49.** In Colorado Revised Statutes, 22-7-1202, **amend**
7 (1)(b) as follows:

8 **22-7-1202. Legislative declaration.** (1) The general assembly
9 finds that:

10 (b) Colorado has prioritized early learning through its investments
11 in the Colorado preschool program, established in 1988, IN THE
12 COLORADO UNIVERSAL PRESCHOOL PROGRAM ESTABLISHED IN 2022, and
13 full-day kindergarten, and the general assembly recognizes that these
14 investments can best be leveraged by adopting policies that support a
15 continuum of learning from preschool through third grade and beyond;

16 **SECTION 50.** In Colorado Revised Statutes, 22-11-104, **amend**
17 (1) as follows:

18 **22-11-104. Rules - college and career readiness achievement**
19 **standards.** (1) The state board shall promulgate rules pursuant to the
20 "State Administrative Procedure Act", article 4 of title 24, as required in
21 this article 11 and may promulgate such additional rules as it finds
22 necessary for the implementation of this article 11, including but not
23 limited to rules establishing a numbering system to uniquely identify
24 individual students, including students enrolled PRIOR TO JULY 1, 2023,
25 in the Colorado preschool program created pursuant to section 22-28-104,
26 AS IT EXISTS PRIOR TO JULY 1, 2023.

27 **SECTION 51.** In Colorado Revised Statutes, 22-11-305, **amend**

1 (4)(b) and (4)(c) as follows:

2 **22-11-305. Accredited with priority improvement plan - school**
3 **district or institute - plan contents - adoption.** (4) An early childhood
4 learning needs assessment must determine the extent to which:

5 (b) Children are enrolled in publicly funded early learning and
6 development programs within the school district or in private early
7 learning and development programs that participate in the Colorado
8 shines quality rating and improvement system established in ~~section~~
9 ~~26-6.5-106~~ SECTION 26.5-5-101;

10 (c) The school district and the district public schools work with an
11 early childhood council established pursuant to ~~part 1 of article 6.5 of title~~
12 ~~26~~ PART 2 OF ARTICLE 2 OF TITLE 26.5 or early childhood community
13 agencies existing within the school district;

14 **SECTION 52.** In Colorado Revised Statutes, 22-11-405, **amend**
15 (4.5)(b) and (4.5)(c) as follows:

16 **22-11-405. School priority improvement plan - contents.**
17 (4.5) An early childhood learning needs assessment must determine the
18 extent to which:

19 (b) Children are enrolled in publicly funded early learning and
20 development programs within the neighborhood of the public school or
21 in private early learning and development programs that participate in the
22 school-readiness quality improvement program created in ~~section~~
23 ~~26-6.5-106~~ SECTION 26.5-5-102 and are located within the neighborhood
24 of the public school; except that a public school must include this
25 information in the early childhood learning needs assessment only if the
26 information is readily available to the public school;

27 (c) The public school works with an early childhood council

1 established pursuant to ~~part 1 of article 6.5 of title 26~~ PART 2 OF ARTICLE
2 2 OF TITLE 26.5 or early childhood community agencies existing within
3 the neighborhood of the public school;

4 **SECTION 53.** In Colorado Revised Statutes, 22-20-103, **amend**
5 (12.3), (12.7), and (13.3) as follows:

6 **22-20-103. Definitions - repeal.** As used in this part 1, unless the
7 context otherwise requires:

8 (12.3) "Facility" means a day treatment center, residential child
9 care facility, or other facility licensed by the department of human
10 services pursuant to ~~section 26-6-104, C.R.S.~~, SECTION 26-6-905 or a
11 hospital licensed by the department of public health and environment
12 pursuant to section 25-1.5-103. ~~C.R.S.~~

13 (12.7) "Foster home" has the same meaning as a "foster care
14 home" as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903 and must be
15 licensed by the state department of human services or certified by a
16 county department of human or social services or certified by a child
17 placement agency as defined in ~~section 26-6-102 (7)~~ SECTION 26-6-903.

18 (13.3) "Group home" means a congregate care facility licensed by
19 the department of human services pursuant to ~~section 26-6-104, C.R.S.~~
20 SECTION 26-6-905.

21 **SECTION 54.** In Colorado Revised Statutes, 22-20-118.5,
22 **amend** (1), (2) introductory portion, (2)(e), (2)(l), and (3) as follows:

23 **22-20-118.5. Child find - responsibilities - interagency**
24 **operating agreements.** (1) As of July 1, 2022, the department of ~~human~~
25 ~~services~~ EARLY CHILDHOOD shall administer part C child find pursuant to
26 ~~part 7 of article 10.5 of title 27~~ PART 4 OF ARTICLE 3 OF TITLE 26.5; except
27 that, ~~on and after~~ BEGINNING May 1, 2022, AND CONTINUING UNTIL JULY

1 1, 2022, the department of human services shall administer the referral
2 intake process for part C child find evaluations.

3 (2) On or before July 1, 2022, the department shall establish a
4 state-level interagency operating agreement, referred to in this section as
5 the "agreement", with the department of ~~human services~~ EARLY
6 CHILDHOOD concerning the coordination of transitions of children from
7 part C child find to part B child find. In developing the agreement, the
8 department and the department of ~~human services~~ EARLY CHILDHOOD
9 shall involve stakeholder participation, including representatives from
10 administrative units and part C entities. The agreement must also include:

11 (e) A process for resolving disputes between the department and
12 the department of ~~human services~~ EARLY CHILDHOOD concerning systemic
13 and statewide issues related to agreement requirements;

14 (l) A process for timely transferring data that is required by law
15 between the department and the department of ~~human services~~ EARLY
16 CHILDHOOD.

17 (3) The department and the department of ~~human services~~ EARLY
18 CHILDHOOD shall review and revise the agreement to account for any
19 changes to state or federal law, as necessary. At a minimum, the
20 agreement must be reviewed once every five years. In the review and
21 revision of the agreement, the department and the department of ~~human~~
22 ~~services~~ EARLY CHILDHOOD shall involve stakeholder participation,
23 including representatives from administrative units and part C entities.

24 **SECTION 55.** In Colorado Revised Statutes, 22-28-103, **amend**
25 the introductory portion and (2) as follows:

26 **22-28-103. Definitions.** As used in this ~~article~~ ARTICLE 28, unless
27 the context otherwise requires:

1 (2) "Child care agency" means a facility defined as a child care
2 center pursuant to the provisions of ~~section 26-6-102(5), C.R.S.~~ SECTION
3 26.5-5-303.

4 **SECTION 56.** In Colorado Revised Statutes, 22-28-108, **amend**
5 (1)(a) as follows:

6 **22-28-108. Criteria for district preschool programs.**

7 (1)(a) The department shall establish basic program standards for district
8 preschool programs using nationally accepted standards for preschool
9 programs and requiring compliance with the Colorado rules for ~~child care~~
10 ~~centers~~ PUBLIC PRESCHOOL PROVIDERS promulgated by the ~~department of~~
11 ~~human services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY
12 CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

13 **SECTION 57.** In Colorado Revised Statutes, 22-28-111, **amend**
14 (1)(b) as follows:

15 **22-28-111. Coordination of district preschool program with**

16 **extended day services.** (1) (b) Any extended day services provided
17 pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS
18 SECTION, regardless of whether provided by a school district, head start
19 agency, or public or private child care agencies, ~~shall~~ MUST meet the
20 appropriate standards for licensing established by the department of
21 ~~human services~~ EARLY CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~
22 SECTION 26.5-5-314.

23 **SECTION 58.** In Colorado Revised Statutes, 22-33-106.1,
24 **amend** (1)(b)(I) as follows:

25 **22-33-106.1. Suspension - expulsion - preschool through**
26 **second grade - definitions.** (1) As used in this section, unless the
27 context otherwise requires:

1 (b) "Enrolling entity" means:

2 (I) A community-based preschool program that includes students
3 who are funded through the "Colorado Preschool Program Act", article
4 28 of this title 22, AS IT EXISTS PRIOR TO JULY 1, 2023, OR THROUGH THE
5 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT", PART 2 OF ARTICLE
6 4 OF TITLE 26.5, or students who are funded with state or federal money
7 to educate children with disabilities;

8 **SECTION 59.** In Colorado Revised Statutes, 22-51-102, **amend**
9 (2.5)(a) as follows:

10 **22-51-102. Definitions.** As used in this article 51, unless the
11 context otherwise requires:

12 (2.5) "Facility" means any of the following facilities that operates
13 a facility school:

14 (a) A day treatment center, residential child care facility, or other
15 facility licensed by the department of human services pursuant to ~~section~~
16 ~~26-6-104, C.R.S.~~ SECTION 26-6-905;

17 **SECTION 60.** In Colorado Revised Statutes, 22-100-101, **amend**
18 (4) as follows:

19 **22-100-101. Definitions.** As used in this article 100, unless the
20 context otherwise requires:

21 (4) "Participating provider" means a school district, charter
22 school, board of cooperative services that operates a public school, or
23 ~~residential child care center~~ RESIDENTIAL OR DAY TREATMENT CHILD CARE
24 FACILITY AS defined in ~~section 26-6-102 (5)~~ SECTION 26-6-903 that
25 participates in the federal "Richard B. Russell National School Lunch
26 Act", 42 U.S.C. sec. 1751 et seq., **AS AMENDED**, and that has been selected
27 by the department to participate in the school food purchasing program

1 pursuant to section 22-100-102 (2)(b).

2 **SECTION 61.** In Colorado Revised Statutes, 24-1-120, **amend**
3 (4) introductory portion; and **repeal** (10) as follows:

4 **24-1-120. Department of human services - creation.** (4) Unless
5 otherwise transferred to the DEPARTMENT OF EARLY CHILDHOOD,
6 department of health care policy and financing, or the department of
7 public health and environment, the department of human services shall
8 exercise the following powers and perform the following duties:

9 (10) ~~The powers, duties, and functions of the Colorado child~~
10 ~~abuse prevention board, created in section 19-3.5-103, are transferred by~~
11 ~~a **type 2** transfer to the department of human services.~~

12 **SECTION 62.** In Colorado Revised Statutes, **amend** 24-1-120.5
13 as follows:

14 **24-1-120.5. Department of early childhood - creation.**

15 (1) There is created the department of early childhood, the head of which
16 is the executive director of the department of early childhood, which
17 office is created. The governor shall appoint the executive director, with
18 the consent of the senate, and the executive director serves at the pleasure
19 of the governor. The reappointment of an executive director after an
20 initial election of a governor is subject to the provisions of section
21 24-20-109.

22 (2) The early childhood leadership commission created in part 3
23 of article 1 of title 26.5 and its powers, duties, and functions are
24 transferred by a **type 2** transfer to the department of early childhood.

25 (3) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO
26 CHILD ABUSE PREVENTION BOARD, CREATED IN SECTION 26.5-3-204, ARE
27 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY

1 CHILDHOOD.

2 (4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE
3 COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 1
4 OF ARTICLE 4 OF TITLE 26.5 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO
5 THE DEPARTMENT OF EARLY CHILDHOOD.

6 **SECTION 63.** In Colorado Revised Statutes, 24-1.9-102, **amend**
7 (1)(a.5) as follows:

8 **24-1.9-102. Memorandum of understanding - local-level**
9 **interagency oversight groups - individualized service and support**
10 **teams - coordination of services for children and families -**
11 **requirements - waiver.** (1) (a.5) In addition to the parties specified in
12 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,
13 the memorandums of understanding entered into pursuant to this
14 subsection (1) may include family resource centers created pursuant to
15 ~~article 18 of title 26, C.R.S.~~ PART 1 OF ARTICLE 3 OF TITLE 26.5.

16 **SECTION 64.** In Colorado Revised Statutes, 24-4-105, **amend**
17 (14)(a)(I) as follows:

18 **24-4-105. Hearings and determinations - repeal.** (14) (a) For
19 the purpose of a decision by an agency that conducts a hearing or an
20 initial decision by an administrative law judge or a hearing officer, the
21 record must include: All pleadings, applications, evidence, exhibits, and
22 other papers presented or considered, matters officially noticed, rulings
23 upon exceptions, any findings of fact and conclusions of law proposed by
24 any party, and any written brief filed. The agency, administrative law
25 judge, or hearing officer may permit oral argument. The agency, the
26 administrative law judge, or the hearing officer shall not receive or
27 consider ex parte material or representation of any kind offered without

1 notice. The agency, an administrative law judge, or hearing officer, with
2 the consent of all parties, may eliminate or summarize any part of the
3 record where this may be done without affecting the decision. In any case
4 in which the agency has conducted the hearing, the agency shall prepare,
5 file, and serve upon each party its decision. In any case in which an
6 administrative law judge or a hearing officer has conducted the hearing,
7 the administrative law judge or the hearing officer shall prepare and file
8 an initial decision that the agency shall serve upon each party, except
9 where all parties with the consent of the agency have expressly waived
10 their right to have an initial decision rendered by such administrative law
11 judge or hearing officer. Each decision and initial decision must include
12 a statement of findings and conclusions upon all the material issues of
13 fact, law, or discretion presented by the record and the appropriate order,
14 sanction, relief, or denial. An appeal to the agency must be made as
15 follows:

16 (I) With regard to initial decisions regarding agency action by the
17 department of health care policy and financing, THE DEPARTMENT OF
18 EARLY CHILDHOOD, the state department of human services, or county
19 department of human or social services, or any contractor acting for any
20 such department, under section 26-1-106 (1)(a), **26.5-1-107**, or
21 25.5-1-107, by filing exceptions within fifteen days after service of the
22 initial decision upon the parties, unless extended by the department of
23 health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD,
24 or the state department of human services, as applicable, or unless a
25 review has been initiated in accordance with this subsection (14)(a)(I)
26 upon motion of the applicable department within fifteen days after service
27 of the initial decision. In the event a party fails to file an exception within

1 fifteen days, the applicable department may allow, upon a showing of
2 good cause by the party, for an extension of up to an additional fifteen
3 days to reconsider the final agency action.

4 **SECTION 65.** In Colorado Revised Statutes, 24-22-118, **amend**
5 (2)(d)(III), (2)(e)(IV), and (2)(f)(IV) as follows:

6 **24-22-118. Revenue from nicotine products and additional**
7 **tobacco taxes - 2020 tax holding fund - preschool programs cash fund**
8 **- creation - definitions.** (2) The state treasurer shall transfer the money
9 in the 2020 tax holding fund as follows:

10 (d) For the fiscal year commencing on July 1, 2023:

11 (III) The remainder to the preschool programs cash fund created
12 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

13 (e) For each fiscal year commencing on or after July 1, 2024, but
14 before July 1, 2027:

15 (IV) The remainder to the preschool programs cash fund created
16 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

17 (f) For each fiscal year commencing on or after July 1, 2027:

18 (IV) The remainder to the preschool programs cash fund created
19 in ~~subsection (3) of this section~~ SECTION 26.5-4-209.

20 **SECTION 66.** In Colorado Revised Statutes, 24-75-1104.5,
21 **amend** (1.7) introductory portion, (1.7)(a), and (3) as follows:

22 **24-75-1104.5. Use of settlement money - programs.**

23 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of
24 this section, and except that disputed payments received by the state in the
25 2015-16 fiscal year or in any year thereafter are excluded from the
26 calculation of allocations ~~under~~ PURSUANT TO this subsection (1.7), for
27 the 2016-17 fiscal year and for each fiscal year thereafter, the following

1 programs, services, and funds shall receive the following specified
2 percentages of the total amount of settlement moneys MONEY received by
3 the state in the preceding fiscal year:

4 (a) The Colorado nurse home visitor program created in ~~article 6.4~~
5 ~~of title 26, C.R.S., shall receive~~ PART 5 OF ARTICLE 3 OF TITLE 26.5
6 RECEIVES twenty-six and seven-tenths percent of the settlement moneys
7 MONEY;

8 (3) Notwithstanding subsection (1.7) of this section, for purposes
9 of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104
10 (2), 25.5-6-805 (2), 25.5-8-105 (3), ~~26-6.4-107 (2)(d)(f), 26.5-3-507~~
11 ~~(2)(e)~~, 26-6.8-102 (2)(d), and 28-5-709 (2)(a), settlement moneys MONEY
12 received and allocated by the state pursuant to subsection (1.7) of this
13 section during the same fiscal year are IS deemed to be moneys MONEY
14 received for or during the preceding fiscal year.

15 **SECTION 67.** In Colorado Revised Statutes, 24-101-105, amend
16 (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and add
17 (1)(a)(XVI) as follows:

18 **24-101-105. Application of this code.** (1) (a) This code shall
19 apply APPLIES to all publicly funded contracts entered into by all
20 governmental bodies of the executive branch of this state; except that this
21 code shall DOES not apply to:

22 (XIV) Annuities; and

23 (XV) Real property or interest in real property; AND

24 (XVI) THE DEPARTMENT OF EARLY CHILDHOOD IN SOLICITING AND
25 SELECTING ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS
26 PURSUANT TO SECTION 26.5-2-103 AND COORDINATING AGREEMENTS
27 ENTERED INTO PURSUANT TO SECTION 26.5-2-105.

1 **SECTION 68.** In Colorado Revised Statutes, 25-1.5-101, **amend**
2 (1)(h) as follows:

3 **25-1.5-101. Powers and duties of department - laboratory cash**
4 **fund - report - dispensation of payments under contracts with**
5 **grantees - definitions - repeal.** (1) The department has, in addition to all
6 other powers and duties imposed upon it by law, the powers and duties
7 provided in this section as follows:

8 (h) To establish and enforce sanitary standards for the operation
9 and maintenance of orphanages, day care nurseries, foster homes, family
10 care homes, summer camps for children, lodging houses, guest child care
11 facilities ~~as defined in section 26-6-102(16), C.R.S.,~~ AND public services
12 short-term child care facilities ~~as defined in section 26-6-102(30), C.R.S.,~~
13 SECTION 26.5-5-303, hotels, public conveyances and stations, schools,
14 factories, workshops, industrial and labor camps, recreational resorts and
15 camps, swimming pools, public baths, mobile home parks, and other
16 buildings, centers, and places used for public gatherings;

17 **SECTION 69.** In Colorado Revised Statutes, 25-1.5-103, **amend**
18 (2) introductory portion and (2)(a.3)(I) as follows:

19 **25-1.5-103. Health facilities - powers and duties of department**
20 **- limitations on rules promulgated by department - definitions.**

21 (2) ~~For purposes of this section~~ AS USED IN THIS SECTION, unless the
22 context otherwise requires:

23 (a.3) "Behavioral health entity" means a facility or provider
24 organization engaged in providing community-based health services,
25 which may include behavioral health disorder services, alcohol use
26 disorder services, or substance use disorder services, including crisis
27 stabilization, acute or ongoing treatment, or community mental health

1 center services as described in section 27-66-101 (2) and (3), but does not
2 include:

3 (I) Residential child care facilities, as defined in ~~section 26-6-102~~
4 ~~(33)~~ SECTION 26-6-903; or

5 **SECTION 70.** In Colorado Revised Statutes, 25-1.5-301, **amend**
6 (2)(e) and (2)(f) as follows:

7 **25-1.5-301. Definitions.** As used in this part 3, unless the context
8 otherwise requires:

9 (2) "Facility" means:

10 (e) Residential child care facilities for children as defined in
11 ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903;

12 (f) Secure residential treatment centers as defined in ~~section~~
13 ~~26-6-102 (35), C.R.S.~~ SECTION 26-6-903;

14 **SECTION 71.** In Colorado Revised Statutes, 25-4-901, **amend**
15 (2)(a), (2)(b)(I), (2)(b)(I.5), and (3) as follows:

16 **25-4-901. Definitions.** As used in this part 9, unless the context
17 otherwise requires:

18 (2) (a) "School" means, except as otherwise provided in ~~paragraph~~
19 ~~(b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, a public,
20 private, or parochial nursery school, day care center, child care facility or
21 child care center as defined in ~~section 26-6-102 (5), C.R.S.;~~ SECTION
22 26-6-903 OR ~~26.5-5-303,~~ 26.5-5-303, family child care home, foster care home,
23 head start program, kindergarten, elementary or secondary school through
24 grade twelve, or college or university.

25 (b) "School" does not include:

26 (I) A public services short-term child care facility as defined in
27 ~~section 26-6-102 (30), C.R.S.~~ SECTION 26.5-5-303;

1 (I.5) A guest child care facility, as defined in ~~section 26-6-102~~
2 ~~(16), C.R.S.~~ SECTION 26.5-5-303, or a ski school as defined in ~~section~~
3 ~~26-6-103.5 (6), C.R.S.~~ section 26.5-5-307 (7); or

4 (3) "Student" means any person enrolled in a Colorado school or
5 child care center as defined in subsection (2) of this section. "Student"
6 does not include a child who enrolls and attends a licensed child care
7 center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26.5-5-303,
8 which is located at a ski area, for up to fifteen days or less in a
9 fifteen-consecutive-day period, no more than twice in a calendar year,
10 with each fifteen-consecutive-day period separated by at least sixty days.

11 **SECTION 72.** In Colorado Revised Statutes, 25-27.5-102, **amend**
12 (6.3) as follows:

13 **25-27.5-102. Definitions - repeal.** As used in this article 27.5,
14 unless the context otherwise requires:

15 (6.3) "Qualified early intervention service provider" has the
16 meaning set forth in ~~section 27-10.5-702, C.R.S.~~ SECTION 26.5-3-402.

17 **SECTION 73.** In Colorado Revised Statutes, 25-27.6-102,
18 **amend** (6)(a) as follows:

19 **25-27.6-102. Definitions.** As used in this article 27.6, unless the
20 context otherwise requires:

21 (6) "Behavioral health entity" means a facility or provider
22 organization engaged in providing community-based health services,
23 which may include behavioral health disorder services, alcohol use
24 disorder services, or substance use disorder services, including crisis
25 stabilization, acute or ongoing treatment, or community mental health
26 center services as described in section 27-66-101 (2) and (3), but does not
27 include:

1 (a) Residential child care facilities, as defined in ~~section 26-6-102~~
2 ~~(33)~~ SECTION 26-6-903; or

3 **SECTION 74.** In Colorado Revised Statutes, 25.5-1-124, **amend**
4 (1), (2), (3), and (5)(a) as follows:

5 **25.5-1-124. Early intervention payment system - participation**
6 **by state department - rules - definitions.** (1) The state department shall
7 participate in the development and implementation of the coordinated
8 system of payment for early intervention services authorized pursuant to
9 ~~part 7 of article 10.5 of title 27, C.R.S.~~, PART 4 OF ARTICLE 3 OF TITLE 26.5
10 and part C of the federal "Individuals with Disabilities Education Act",
11 20 U.S.C. sec. 1400 et seq., as amended.

12 (2) The state department shall ensure that the early intervention
13 services and payments for recipients of medical assistance ~~under this title~~
14 PURSUANT TO THIS TITLE 25.5 are integrated into the coordinated early
15 intervention payment system developed pursuant to ~~part 7 of article 10.5~~
16 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. To the extent
17 necessary to achieve the coordinated payment system and coverage of
18 those early intervention services ~~under this title~~ PURSUANT TO THIS TITLE
19 25.5, the state department shall amend the state plan for medical
20 assistance or seek the necessary federal authorization, promulgate rules,
21 and modify the billing system for medical assistance to facilitate the
22 coordinated payment system.

23 (3) The state department shall also make any modifications
24 necessary to the "Children's Basic Health Plan Act", article 8 of this title
25 TITLE 25.5, including promulgating rules, to ensure that the children's
26 basic health plan is integrated into the coordinated early intervention
27 payment system developed pursuant to ~~part 7 of article 10.5 of title 27,~~

1 ~~C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5.

2 (5) (a) As used in this section, unless the context otherwise
3 requires, "early intervention services" means those services defined as
4 early intervention services by the department of ~~human services~~ EARLY
5 CHILDHOOD in accordance with ~~section 27-10.5-702 (7), C.R.S.,~~ SECTION
6 26.5-3-402 (9) that are determined, through negotiation between the
7 state department and the department of ~~human services~~ EARLY
8 CHILDHOOD, to be medically necessary under medical assistance and
9 cost-effective. After negotiating the scope of early intervention services
10 to be covered under medical assistance, the state department and the
11 department of ~~human services~~ EARLY CHILDHOOD shall submit to the joint
12 budget committee of the general assembly, as part of each department's
13 annual budget request, a proposal for the scope of coverage of early
14 intervention services under medical assistance, including the anticipated
15 costs of such coverage and whether the payment of such costs through
16 medical assistance is cost-effective.

17 **SECTION 75.** In Colorado Revised Statutes, 25.5-4-103, **amend**
18 (19.5) as follows:

19 **25.5-4-103. Definitions.** As used in this article 4 and articles 5
20 and 6 of this title 25.5, unless the context otherwise requires:

21 (19.5) "Psychiatric residential treatment facility" means a facility
22 that is licensed as a residential child care facility, as defined in ~~section~~
23 ~~26-6-102 (33)~~ SECTION 26-6-903, that is not a hospital, and that provides
24 inpatient psychiatric services for individuals who are less than twenty-one
25 years of age under the direction of a physician licensed pursuant to article
26 240 of title 12, and that meets any other requirement established in rule
27 by the state board.

1 **SECTION 76.** In Colorado Revised Statutes, 25.5-4-301, **amend**
2 **(1)(b)** as follows:

3 **25.5-4-301. Recoveries - overpayments - penalties - interest -**
4 **adjustments - liens - review or audit procedures.** (1) (b) Recipient
5 income applied pursuant to section 25.5-4-209 (1) shall DOES not
6 disqualify any recipient, as defined in section 26-2-103 (8), C.R.S., from
7 receiving benefits under this article PURSUANT TO THIS ARTICLE 4, article
8 5 or 6 of this title TITLE 25.5, or public assistance under article 2 of title
9 26, C.R.S. PURSUANT TO ARTICLE 2 OF TITLE 26, AND DOES NOT
10 DISQUALIFY AN INDIVIDUAL FROM RECEIVING CHILD CARE ASSISTANCE
11 PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5. If, at any time during
12 the continuance of medical benefits, the recipient becomes possessed of
13 property having a value in excess of that amount set by law or by the rules
14 of the state department or receives any increase in income, it is the duty
15 of the recipient to notify the county department thereof, and the county
16 department may, after investigation, either revoke such medical benefits
17 or alter the amount thereof, as the circumstances may require.

18 **SECTION 77.** In Colorado Revised Statutes, 25.5-10-209, **amend**
19 **(2)(d)** and **(2)(f)** as follows:

20 **25.5-10-209. Community-centered boards - designation -**
21 **purchase of services and supports - performance audits - Colorado**
22 **local government audit law - public disclosure of board**
23 **administration and operations - repeal.** (2) Once a
24 community-centered board has been designated pursuant to this section,
25 it shall, subject to available appropriations:

26 (d) Determine eligibility and develop an individualized plan for
27 each person who receives services or supports pursuant to section

1 25.5-10-211; except that, for a child from birth through two years of age,
2 eligibility determination and development of an individualized family
3 service plan are made pursuant to the provisions of ~~part 7 of article 10.5~~
4 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

5 (f) Obtain or provide early intervention services and supports
6 pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART
7 4 OF ARTICLE 3 OF TITLE 26.5;

8 **SECTION 78.** In Colorado Revised Statutes, 25.5-10-211,
9 **amend** (2)(a), (2)(b)(II), (4)(a), and (4)(c) as follows:

10 **25.5-10-211. Eligibility determination - individualized plan -**
11 **periodic review - rules - repeal.** (2) (a) Following intake and
12 assessment, pursuant to subsection (2)(b) of this section, the designated
13 community-centered board or the case management agency chosen by the
14 person shall develop an individualized plan as provided by rules
15 promulgated by the state board. The designated community-centered
16 board shall develop an individualized family service plan for a child with
17 disabilities from birth through two years of age pursuant to ~~section~~
18 ~~27-10.5-703~~ SECTION 26.5-3-403.

19 (b) (II) The designated community-centered board shall develop
20 an individualized plan for persons eligible for other programs, as defined
21 in section 25.5-10-202, and for a child with disabilities from birth through
22 two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

23 (4) (a) Each person receiving services must receive periodic and
24 adequate reviews to ascertain whether the services and supports specified
25 in ~~his or her~~ THE PERSON'S individualized plan have been provided,
26 determine the appropriateness of current services and supports, identify
27 whether the outcomes specified in the person's individualized plan have

1 been achieved, and modify and revise current services or supports to meet
2 the identified needs and preferences of the person receiving services. The
3 designated community-centered board shall develop modifications or
4 revisions to the 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, C.R.S.~~ SECTION 26.5-3-403.

7 (c) A person's individualized plan must be reviewed at least
8 annually; except that an individualized family service plan for a child
9 with disabilities from birth through two years of age must be reviewed as
10 required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF
11 ARTICLE 3 OF TITLE 26.5.

12 **SECTION 79.** In Colorado Revised Statutes, 25.5-10-212,
13 **amend** (1) introductory portion as follows:

14 **25.5-10-212. Procedure for resolving disputes over eligibility,**
15 **modification of services or supports, and termination of services or**
16 **supports.** (1) Every state or local service agency receiving state ~~moneys~~
17 MONEY pursuant to section 25.5-10-206 shall adopt a procedure for the
18 resolution of disputes arising between the service agency and any
19 recipient of, or applicant for, services or supports authorized ~~under~~
20 PURSUANT TO section 25.5-10-206. Procedures for the resolution of
21 disputes regarding early intervention services must comply with IDEA
22 and with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF
23 TITLE 26.5. The procedures must be consistent with rules promulgated by
24 the state board pursuant to article 4 of title 24 ~~C.R.S.~~, and must apply to
25 the following disputes:

26 **SECTION 80.** In Colorado Revised Statutes, 25.5-10-219,
27 **amend** (1) and (2) as follows:

1 **25.5-10-219. Right to individualized plan or individualized**
2 **family service plan - repeal.** (1) Each person receiving services ~~shall~~
3 MUST have an individualized plan, an individualized family service plan,
4 or a similar plan specified by the state department that qualifies as an
5 individualized plan that is developed by the person's interdisciplinary
6 team. The individualized family service plan for a child with disabilities
7 from birth through two years of age shall be developed in compliance
8 with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE
9 26.5.

10 (2) Pursuant to section 25.5-10-211, the individualized plan for
11 each person who receives services or supports shall be reviewed at least
12 annually and modified as necessary or appropriate; except that an
13 individualized family service plan for a child with disabilities from birth
14 through two years of age shall be reviewed as required pursuant to ~~part~~
15 ~~7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. A
16 review ~~shall consist~~ CONSISTS of, but is not limited to, the determination
17 by the interdisciplinary team as to whether the needs and preferences of
18 the person receiving services or supports are accurately reflected in the
19 plan, whether the services and supports provided pursuant to the plan are
20 appropriate to meet the person's needs and preferences, and what actions
21 are necessary for the plan to be achieved.

22 **SECTION 81.** In Colorado Revised Statutes, 26-1-107, **amend**
23 (6)(e) as follows:

24 **26-1-107. State board of human services - rules.** (6) The state
25 board shall:

26 (e) Adopt rules and regulations for the purpose of establishing
27 guidelines for the placement of children from locations outside of

1 Colorado into this state for foster care or adoption pursuant to section
2 19-5-203 C.R.S., or section ~~26-6-104~~ OR ~~26-6-905~~ or the terms of the
3 "Interstate Compact on Placement of Children" as set forth in part 18 of
4 article 60 of title 24; C.R.S.;

5 **SECTION 82.** In Colorado Revised Statutes, 26-1-111, **amend**
6 (2)(d)(II)(C), (2)(f), and (2)(u); and **repeal** (2)(t) as follows:

7 **26-1-111. Activities of the state department under the**
8 **supervision of the executive director - cash fund - report - rules -**
9 **statewide adoption resource registry.** (2) The state department, under
10 the supervision of the executive director, shall:

11 (d) (II) (C) For fiscal year 2003-04 and each fiscal year thereafter,
12 after the amounts described in ~~sub-subparagraph (A) or (B) of this~~
13 ~~subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS
14 SECTION are set aside, the total amount of ~~moneys~~ MONEY remaining shall
15 be transmitted to the state treasurer, who shall credit the same to the
16 excess federal Title IV-E reimbursements cash fund, which fund is hereby
17 created and referred to in this ~~sub-subparagraph (C)~~ SUBSECTION
18 (2)(d)(II)(C) as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS
19 subject to annual appropriation by the general assembly to the state
20 department for allocation to counties to help defray the costs of
21 performing administrative functions related to obtaining federal
22 reimbursement ~~moneys~~ MONEY available under the Title IV-E program.
23 In addition, the general assembly may annually appropriate ~~moneys~~
24 MONEY in the fund to the DEPARTMENT OF EARLY CHILDHOOD FOR
25 ALLOCATION TO THE COUNTIES FOR THE PROVISION OF CHILD CARE
26 ASSISTANCE, AS DESCRIBED IN SECTION 26.5-4-105, AND TO THE state
27 department for allocation to the counties for the provision of assistance,

1 as defined in section 26-2-703 (2); ~~child care assistance, as described in~~
2 ~~section 26-2-805~~, social services, as defined in section 26-2-103 (11); and
3 child welfare services, as defined in section 26-5-101 (3). For fiscal year
4 2004-05, and in subsequent years if so specified by the general assembly
5 in the annual appropriations act, the counties shall expend the ~~moneys~~
6 MONEY allocated by the DEPARTMENT OF EARLY CHILDHOOD FOR THE
7 PROVISION OF CHILD CARE ASSISTANCE AND BY THE state department for
8 the provision of assistance, ~~child care assistance~~, social services, and
9 child welfare services pursuant to this ~~sub-subparagraph (C)~~ SUBSECTION
10 (2)(d)(II)(C) in a manner that will be applied toward the state's
11 maintenance of historic effort as specified in section 409 (a)(7) of the
12 federal "Social Security Act", as amended. Any ~~moneys~~ MONEY in the
13 fund not expended for the purposes specified in this ~~sub-subparagraph (C)~~
14 SUBSECTION (2)(d)(II)(C) may be invested by the state treasurer as
15 provided by law. THE STATE TREASURER SHALL CREDIT all interest and
16 income derived from the investment and deposit of ~~moneys~~ MONEY in the
17 fund ~~shall be credited~~ to the fund. Any unexpended and unencumbered
18 ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~shall~~
19 ~~remain~~ REMAINS in the fund and ~~shall not be~~ IS NOT credited or transferred
20 or revert to the general fund or another fund.

21 (f) Designate child placement agencies licensed pursuant to ~~article~~
22 ~~6 of this title~~ PART 9 OF ARTICLE 6 OF THIS TITLE 26 or county departments
23 to act as agents of the state department for the purpose of authorizing
24 child care placement as set forth in section 26-1-107 (6)(e) and county
25 departments to serve as agents of the state department in the performance
26 of certain public assistance and welfare and related activities in the
27 county;

1 (t) ~~Administer early childhood programs in accordance with~~
2 ~~statute and rule and, where applicable, review applications submitted by~~
3 ~~entities to receive funding through the programs, award grants based on~~
4 ~~the applications, or in the case of the nurse home visitor program,~~
5 ~~applications selected by the health sciences center, and notify the state~~
6 ~~board of the grants awarded and the amounts of the grants. Participation~~
7 ~~in an early childhood program administered by the state department is~~
8 ~~voluntary. The early childhood programs are not designed or intended to~~
9 ~~interfere with the rights of parents to raise their children.~~

10 (u) Coordinate prevention and intervention programs, OTHER
11 THAN PROGRAMS CREATED IN TITLE 26.5, focused on positive youth
12 development in accordance with state law and rules. The coordination
13 must include the state youth development plan developed pursuant to
14 section 26-6.8-103.5 SECTION 26-1-111.3 that identifies key issues
15 affecting youth to align strategic efforts and achieve positive outcomes
16 for youth.

17 **SECTION 83.** In Colorado Revised Statutes, 26-1-114.5, amend
18 (3) introductory portion as follows:

19 **26-1-114.5. Records - access by county auditor.** (3) Information
20 required to be kept confidential or exempt from public disclosure
21 pursuant to any other law or rule of the state department of human
22 services OR THE DEPARTMENT OF EARLY CHILDHOOD or upon subpoena,
23 search warrant, discovery proceedings, or otherwise, including personal
24 identifying information, that is obtained by an auditor pursuant to
25 subsection (1) of this section must not be:

26 **SECTION 84.** In Colorado Revised Statutes, 26-1-116, amend
27 (3) as follows:

1 26-1-116. County boards - district boards. (3) The county
2 board may hold a meeting to address the public assistance and welfare
3 duties, responsibilities, and activities of the county department in
4 conjunction with a meeting of the board of county commissioners, upon
5 full and timely notice given pursuant to the provisions of section
6 24-6-402. C.R.S. The county board shall act in accordance with rules
7 adopted by the state board when addressing public assistance, and welfare
8 duties, responsibilities, and activities of the county department. THE
9 COUNTY BOARD SHALL ACT IN ACCORDANCE WITH RULES ADOPTED BY THE
10 EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD WHEN
11 ADDRESSING CHILD CARE ASSISTANCE DUTIES, RESPONSIBILITIES, AND
12 ACTIVITIES OF THE COUNTY DEPARTMENT.

13 SECTION 85. In Colorado Revised Statutes, 26-1-117, amend
14 (1) as follows:

15 26-1-117. County director - district director. (1) It is the duty
16 of the county board to appoint a county director, who shall be IS charged
17 with the executive and administrative duties and responsibilities of the
18 county department, subject to the policies and rules, and regulations AND
19 RULES of the state department AND THE DEPARTMENT OF EARLY
20 CHILDHOOD, and who shall serve SERVES as secretary to the county board,
21 unless a secretary is otherwise appointed by the board. The BOARD OF
22 COUNTY COMMISSIONERS OF THE COUNTY SHALL ESTABLISH THE salary of
23 the county director. shall be established by the board of county
24 commissioners of the county. The state department shall reimburse the
25 salary of the county director as provided in section 26-1-120.

26 SECTION 86. In Colorado Revised Statutes, 26-1-118, amend
27 (1) and (2) as follows:

1 26-1-118. Duties of county departments, county directors, and
2 district attorneys. (1) (a) The county departments or other state
3 designated agencies, where applicable, shall serve as agents of the state
4 department and shall be ARE charged with the administration of public
5 assistance, and welfare and related activities in the respective counties in
6 accordance with the rules and regulations of the state department.

7 (b) THE COUNTY DEPARTMENTS OR OTHER STATE DESIGNATED
8 AGENCIES, WHERE APPLICABLE, SHALL SERVE AS AGENTS OF THE
9 DEPARTMENT OF EARLY CHILDHOOD AND ARE CHARGED WITH THE
10 ADMINISTRATION OF CHILD CARE ASSISTANCE AND RELATED ACTIVITIES IN
11 THE RESPECTIVE COUNTIES IN ACCORDANCE WITH THE RULES OF THE
12 DEPARTMENT OF EARLY CHILDHOOD.

13 (2) The county departments or other state designated agencies,
14 where applicable, shall report to the state department AND THE
15 DEPARTMENT OF EARLY CHILDHOOD at such times and in such manner and
16 form as the state department AND THE DEPARTMENT OF EARLY CHILDHOOD
17 may from time to time direct. The state department AND THE DEPARTMENT
18 OF EARLY CHILDHOOD may require a county department to report
19 information concerning county employees, including but not limited to
20 qualifications, work schedules, pay, duties, evaluations, training, and
21 corrective and disciplinary actions. A county department may provide
22 such THE information by use of a unique identifier for each employee that
23 provides the information without identifying the name of the employee.
24 However, nothing in this section shall be construed to prevent PREVENTS
25 access by the state department OR THE DEPARTMENT OF EARLY CHILDHOOD
26 to individual employee files, to the extent permitted by state and federal
27 law, for purposes of carrying out the responsibility of the state department

1 for the supervision and administration of programs funded in whole or in
2 part by the state department OR FOR PURPOSES OF CARRYING OUT THE
3 RESPONSIBILITY OF THE DEPARTMENT OF EARLY CHILDHOOD FOR THE
4 SUPERVISION AND ADMINISTRATION OF PUBLIC CHILD CARE ASSISTANCE.
5 The state department AND THE DEPARTMENT OF EARLY CHILDHOOD shall
6 maintain the confidentiality of such records in a manner consistent with
7 state and federal law.

8 **SECTION 87.** In Colorado Revised Statutes, 26-1-122, **amend**
9 (6)(a) and (6)(c) as follows:

10 **26-1-122. County appropriations and expenditures -**
11 **advancements - procedures.** (6) (a) Notwithstanding any other
12 provision of this section, the board of county commissioners in each
13 county of this state shall annually appropriate as provided by law such
14 funds as ~~shall be~~ ARE necessary to defray the county's maintenance of
15 effort requirement for the Colorado works program, created in part 7 of
16 article 2 of this ~~title~~ TITLE 26, and the Colorado child care assistance
17 program, created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF
18 TITLE 26.5, including the costs allocated to the administration of each, and
19 shall include in the tax levy for such county the sums appropriated for that
20 purpose. The county's maintenance of effort requirement for the Colorado
21 works program for state fiscal year 1997-98 and for state fiscal years
22 thereafter ~~shall be~~ IS the targeted spending level identified in section
23 26-2-714 (6). Such appropriation ~~shall~~ MUST be based upon the county
24 social services budget prepared by the county department pursuant to
25 section 26-1-124, after taking into account state advancements provided
26 for in this section.

27 (c) The state department shall establish rules concerning what

1 ~~shall constitute~~ CONSTITUTES administrative costs and program costs for
2 the Colorado works program. THE EXECUTIVE DIRECTOR OF THE
3 DEPARTMENT OF EARLY CHILDHOOD, IN COORDINATION WITH COUNTY
4 DEPARTMENTS, SHALL ESTABLISH RULES CONCERNING WHAT CONSTITUTES
5 ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO CHILD
6 CARE ASSISTANCE PROGRAM. The state treasurer shall make advancements
7 to county departments for the costs of administering the Colorado works
8 program and the Colorado child care assistance program from funds
9 appropriated or made available for such purpose, upon authorization of
10 THE DEPARTMENT OF EARLY CHILDHOOD OR the state department, AS
11 APPLICABLE; except that in no event shall THE DEPARTMENT OF EARLY
12 CHILDHOOD OR the state department authorize expenditures greater than
13 the annual appropriation by the general assembly for such administrative
14 costs of the county departments. As funds are advanced, adjustment shall
15 be made from subsequent monthly payments for those purposes.

16 **SECTION 88.** In Colorado Revised Statutes, 26-1-123, **amend**
17 **(2) and (3)(a) as follows:**

18 **26-1-123. County social services fund.** (2) The county social
19 **services fund shall consist** CONSISTS of all **moneys** MONEY appropriated
20 **by the board of county commissioners for public assistance and welfare**
21 **and related purposes; all moneys** MONEY allotted, allocated, or
22 **apportioned to the county by the state department OR THE DEPARTMENT**
23 **OF EARLY CHILDHOOD; such funds as are granted to the state of Colorado**
24 **by the federal government for public assistance and welfare and related**
25 **purposes and allocated to the county by the state department OR THE**
26 **DEPARTMENT OF EARLY CHILDHOOD; and such other moneys** MONEY as
27 **may be provided from time to time from other sources. The fund shall be**

1 IS available for the program and administrative costs of the county
2 department.

3 (3) (a) The county board shall administer the fund pursuant to
4 rules adopted by the state department AND BY THE DEPARTMENT OF EARLY
5 CHILDHOOD FOR PURPOSES OF THE CHILD CARE ASSISTANCE. The county
6 treasurer shall be IS the treasurer and custodian of the fund and shall
7 disburse money from the fund only upon special county social services
8 warrants drawn by the person duly appointed by the county board. The
9 county treasurer shall not collect any fee as provided in section 30-1-102
10 C.R.S., for the collection or deposit of any moneys MONEY in the county
11 social services fund. Warrants shall MUST be signed by one member of the
12 county board, who shall be designated by resolution for that purpose, and
13 also signed by the person duly appointed by the county board. Such
14 signatures shall indicate the approval of the board of county
15 commissioners and the county board of social services. At such time as
16 Title XVI of the social security act FEDERAL "SOCIAL SECURITY ACT", as
17 amended by Public Law 92-603, becomes effective, the state board by
18 rule may make other provision for the issuance and signing of warrants
19 under the old age pension, aid to the blind, and aid to the needy disabled.

20 **SECTION 89.** In Colorado Revised Statutes, 26-1-124, **amend**
21 (2) as follows:

22 **26-1-124. County social services budget.** (2) Before such
23 budget is adopted by the board of county commissioners, it shall MUST be
24 submitted by the county board to the state department for review. The
25 state department SHALL review THE BUDGET IN CONSULTATION WITH THE
26 DEPARTMENT OF EARLY CHILDHOOD AND shall include IN THE REVIEW an
27 assessment as to whether the county budget includes adequate funding for

1 the county's maintenance of effort for the Colorado works program
2 created in part 7 of article 2 of this title TITLE 26 and the Colorado child
3 care assistance program created in ~~part 8 of article 2 of this title~~ PART 1
4 OF ARTICLE 4 OF TITLE 26.5.

5 **SECTION 90.** In Colorado Revised Statutes, 26-1-127, **amend**
6 (1), (1.5), (2)(a), and (3) as follows:

7 **26-1-127. Fraudulent acts.** (1) Any person who obtains or any
8 person who willfully aids or abets another to obtain public assistance or
9 vendor payments or medical assistance as defined in this title 26 OR CHILD
10 CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to
11 which the person is not entitled or in an amount greater than that to which
12 the person is justly entitled or payment of any forfeited installment grants
13 or benefits to which the person is not entitled or in a greater amount than
14 that to which the person is entitled, by means of a willfully false
15 statement or representation, or by impersonation, or by any other
16 fraudulent device, commits the crime of theft, which crime is classified
17 in accordance with section 18-4-401 (2) and which crime is punished as
18 provided in section 18-1.3-401 if the crime is classified as a felony, or
19 section 18-1.3-501 if the crime is classified as a misdemeanor. To the
20 extent not otherwise prohibited by state or federal law, any person
21 violating the provisions of this subsection (1) is disqualified from
22 participation in the ~~public assistance~~ program ~~under~~ PURSUANT TO article
23 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a
24 recipient is found to have committed an intentional program violation for
25 one year for a first offense, two years for a second offense, and
26 permanently for a third or subsequent offense. Such disqualification is
27 mandatory and is in addition to any other penalty imposed by law.

1 (1.5) To the extent not otherwise prohibited by state or federal
2 law, any person against whom a county department of social services, or
3 the state department, OR THE DEPARTMENT OF EARLY CHILDHOOD, obtains
4 a civil judgment in a state or federal court of record in this state based on
5 allegations that the person obtained or willfully aided and abetted another
6 to obtain public assistance or vendor payments or medical assistance as
7 defined in this title 26 OR CHILD CARE ASSISTANCE AS DESCRIBED IN PART
8 1 OF ARTICLE 4 OF TITLE 26.5 to which the person is not entitled or in an
9 amount greater than that to which the person is justly entitled or payment
10 of any forfeited installment grants or benefits to which the person is not
11 entitled or in a greater amount than that to which the person is entitled, by
12 means of a willfully false statement or representation, or by
13 impersonation, or by any other fraudulent device, is disqualified from
14 participation in the public assistance program under PURSUANT TO article
15 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a
16 recipient is found to have committed an intentional program violation for
17 one year for a first incident, two years for a second incident, and
18 permanently for a third or subsequent incident. Such disqualification is
19 mandatory and is in addition to any other remedy available to a judgment
20 creditor.

21 (2) (a) If, at any time during the continuance of public assistance
22 under PURSUANT TO this title 26 OR CHILD CARE ASSISTANCE PURSUANT
23 TO PART 1 OF ARTICLE 4 OF TITLE 26.5, the recipient thereof acquires any
24 property or receives any increase in income or property, or both, in excess
25 of that declared at the time of determination or redetermination of
26 eligibility or if there is any other change in circumstances affecting the
27 recipient's eligibility, it shall be the duty of the recipient to notify the

1 county department within thirty days in writing or take steps to secure
2 county assistance to prepare such notification in writing of the acquisition
3 of such property, receipt of such income, or change in such
4 circumstances; and any recipient of such public assistance who knowingly
5 fails to do so commits a petty offense and shall be punished as provided
6 in section 18-1.3-503. If such property or income is received infrequently
7 or irregularly and does not exceed a total value of ninety dollars in any
8 calendar quarter, such property or income shall be IS excluded from the
9 thirty-day written reporting requirement but shall be MUST BE reported at
10 the time of the next redetermination of eligibility of a recipient.

11 (3) Any recipient or vendor who falsifies any report required
12 under PURSUANT TO this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5
13 commits a petty offense and shall be IS punished as provided in section
14 18-1.3-503.

15 **SECTION 91.** In Colorado Revised Statutes, 26-1-201, **amend**
16 (1)(h) as follows:

17 **26-1-201. Programs administered - services provided -**
18 **department of human services.** (1) This section specifies the programs
19 to be administered and the services to be provided by the department of
20 human services. These programs and services include the following:

21 (h) The "~~Child Care Licensing Act~~" as specified in article 6 of this
22 title "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY
23 LICENSING ACT", PART 9 OF ARTICLE 6 OF THIS TITLE 26;

24 **SECTION 92.** In Colorado Revised Statutes, 26-2-103, **amend**
25 **(11)(b) as follows:**

26 **26-2-103. Definitions.** As used in this article 2 and article 1 of
27 **this title 26, unless the context otherwise requires:**

1 (11) (b) "Social services" does not include medicaid services
2 unless those services are delegated to the state department. "Social
3 services" does not include medical services covered by the old age
4 pension health and medical care program, the children's basic health plan,
5 or the Colorado indigent care program. "SOCIAL SERVICES" DOES NOT
6 INCLUDE CHILD CARE ASSISTANCE PROVIDED THROUGH THE COLORADO
7 CHILD CARE ASSISTANCE PROGRAM PURSUANT TO PART 1 OF ARTICLE 4 OF
8 TITLE 26.5.

9 **SECTION 93.** In Colorado Revised Statutes, 26-2-703, **amend**
10 (4) as follows:

11 **26-2-703. Definitions.** As used in this part 7, unless the context
12 otherwise requires:

13 (4) "Colorado child care assistance program" means the state
14 program of child care assistance implemented pursuant to the provisions
15 of ~~part 8 of this article and rules of the state board~~ PART 1 OF ARTICLE 4
16 OF TITLE 26.5 AND RULES OF THE EXECUTIVE DIRECTOR OF THE
17 DEPARTMENT OF EARLY CHILDHOOD.

18 **SECTION 94.** In Colorado Revised Statutes, 26-2-706.6, **amend**
19 (6) as follows:

20 **26-2-706.6. Payments and services under Colorado works -**
21 **rules. (6) Child care assistance.** Subject to available appropriations and
22 pursuant to rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF
23 THE DEPARTMENT OF EARLY CHILDHOOD, a county may provide child care
24 assistance to a participant pursuant to the provisions of ~~part 8 of this~~
25 ~~article and rules promulgated by the state board for implementation of~~
26 ~~said part 8~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES PROMULGATED
27 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD

1 FOR IMPLEMENTATION OF SAID PART 1.

2 **SECTION 95.** In Colorado Revised Statutes, 26-2-714, **amend**
3 (9)(d) as follows:

4 **26-2-714. County block grants formula - use of money - rules.**

5 (9) (d) A county may make a transfer authorized by ~~paragraph (a) of this~~
6 ~~subsection (9)~~ SUBSECTION (9)(a) OF THIS SECTION, within the limitations
7 imposed by state and federal law on such transfers, in order to fund
8 various programs for the improvement of child care. ~~Such~~ THE transfers
9 may be used for minor remodeling of licensed child care facilities or
10 facilities legally exempt from licensing requirements pursuant to ~~section~~
11 ~~26-6-103 (1)~~ SECTION 26.5-5-304, including but not limited to physical
12 modifications for the purpose of licensure or accreditation, construction
13 or improvement of fencing or other safety and security fixtures or other
14 uses not prohibited under 42 U.S.C. sec. 1397d.

15 **SECTION 96.** In Colorado Revised Statutes, 26-2-715, **amend**
16 (1)(a) introductory portion, (1)(a)(I), and (2) as follows:

17 **26-2-715. Performance contracts.** (1) (a) Each county, either
18 acting singly or with a group of counties, shall enter into an annual
19 performance contract with the state department that shall identify the
20 county's or group of counties' duties and responsibilities in implementing
21 the works program. ~~and the Colorado child care assistance program,~~
22 ~~described in part 8 of this article.~~ The performance contract shall MUST
23 include but NEED not be limited to:

24 (I) Requirements and provisions that address the county's or group
25 of counties' duty to administer and implement the works program ~~and the~~
26 ~~Colorado child care assistance program~~ using fair and objective criteria;

27 (2) The performance contract shall set forth the circumstances

1 under which the state department may elect that it or its agent assume the
2 county's or group of counties' administration and implementation of the
3 works program. ~~and the Colorado child care assistance program.~~

4 **SECTION 97.** In Colorado Revised Statutes, 26-5-101, **amend**
5 (4.7) as follows:

6 **26-5-101. Definitions.** As used in this article 5, unless the context
7 otherwise requires:

8 (4.7) "Former foster care youth" means a youth at least eighteen
9 years of age but younger than twenty-one years of age who was formerly
10 in the legal custody or legal authority of a county department and who
11 was placed in a certified or noncertified kinship care placement, as
12 defined in ~~section 26-6-102 (21)~~; SECTION 26-6-903, a certified or
13 licensed facility, or a foster care home, as defined in ~~section 26-6-102~~
14 ~~(14)~~ SECTION 26-6-903, and certified pursuant to PART 9 OF article 6 of
15 this title 26.

16 **SECTION 98.** In Colorado Revised Statutes, 26-5-102, **amend**
17 (3)(a) as follows:

18 **26-5-102. Provision of child welfare services - system reform**
19 **goals - out-of-home placements for children and youth with**
20 **intellectual and developmental disabilities - rules - definition.**

21 (3) (a) On or before August 1, 2018, the state department shall develop
22 a program to serve children and youth with intellectual and
23 developmental disabilities who are placed by county departments of
24 human or social services in a licensed out-of-home setting, as defined in
25 ~~section 26-6-102 (33)~~ SECTION 26-6-903, and children or youth committed
26 to or in the custody of the state department.

27 **SECTION 99.** In Colorado Revised Statutes, 26-5-104, **amend**

1 (6.2)(c) as follows:

2 **26-5-104. Funding of child welfare services provider contracts**
3 **- funding mechanism review - fund - report - rules - definitions -**
4 **repeal.** (6.2) As used in this section, unless the context otherwise
5 requires:

6 (c) "Licensed out-of-home placement provider" means a licensed
7 residential child care facility, a child placement agency, a secure
8 residential treatment center, a psychiatric residential treatment facility, a
9 qualified residential treatment program, or therapeutic foster care, as
10 defined in ~~section 26-6-102~~ SECTION 26-6-903.

11 **SECTION 100.** In Colorado Revised Statutes, 26-5.3-106,
12 **amend** (1.5) as follows:

13 **26-5.3-106. State's savings - cash fund created - use of money**
14 **in fund - plan required.** (1.5) All ~~moneys~~ MONEY in the fund ~~shall be~~
15 IS subject to annual appropriation by the general assembly and shall be
16 used for the purposes set forth in the plan for improving the child welfare
17 system in the state, developed in accordance with subsection (2) of this
18 section, for the implementation of the emergency assistance program
19 established pursuant to section 26-5.3-104 and for the family resource
20 center program established pursuant to ~~section 26-18-104~~ SECTION
21 26.5-3-103. Federal funds received by the state for the emergency
22 assistance program shall be used only for such program and not for any
23 other purpose. In accordance with section 24-36-114, ~~C.R.S.~~, all interest
24 derived from the deposit and investment of ~~moneys~~ MONEY in the fund
25 ~~shall~~ MUST be credited to the general fund. It is the general assembly's
26 intent that no additional state or county general fund ~~moneys shall be~~
27 MONEY IS used to finance the implementation of the plan established in

1 accordance with subsection (2) of this section.

2 **SECTION 101.** In Colorado Revised Statutes, 26-5.7-102,
3 **amend** (3) and (3.5) as follows:

4 **26-5.7-102. Definitions.** As used in this article 5.7, unless the
5 context otherwise requires:

6 (3) "Homeless youth shelter" means a facility that is licensed
7 pursuant to ~~section 26-6-104~~ SECTION 26-6-905.

8 (3.5) "Licensed host family home" means a home that meets the
9 requirements established by the state board by rule pursuant to ~~section~~
10 ~~26-6-106 (5)~~ SECTION 26-6-909 (6).

11 **SECTION 102.** In Colorado Revised Statutes, 26-6-704, **amend**
12 (2)(b) as follows:

13 **26-6-704. Temporary care assistance program - limitations on**
14 **duration of delegation - approved temporary caregiver.** (2) (b) (I) A
15 minor subject to the power of attorney that delegates temporary care
16 responsibility of the minor to an approved temporary caregiver is not
17 deemed placed in a foster care home, as defined in ~~section 26-6-102 (14)~~
18 SECTION 26-6-903, and the approved temporary caregiver is not deemed
19 to be providing foster care nor be subject to the licensing requirements of
20 foster care.

21 (II) Nothing in this section disqualifies an approved temporary
22 caregiver from being or becoming a foster care home certified by a county
23 department or private agency pursuant to ~~section 26-6-106.3~~ SECTION
24 26-6-910.

25 **SECTION 103.** In Colorado Revised Statutes, 26-6-705, **amend**
26 (2)(a)(I) as follows:

27 **26-6-705. Approval of temporary caregiver - background**

1 **check - training.** (2) (a) A child placement agency operating a temporary
2 care assistance program shall require an applicant to become an approved
3 temporary caregiver and any other person who resides in the applicant's
4 home and is eighteen years of age or older to submit to the following
5 background checks:

6 (I) A fingerprint-based criminal history record check through the
7 Colorado bureau of investigation and the federal bureau of investigation
8 in the same manner as described in ~~section 26-6-107 (1)(a)(I)(C)~~ SECTION
9 26-6-912 (1)(a)(I)(B);

10 **SECTION 104.** In Colorado Revised Statutes, 26-7-102, **amend**
11 (4) as follows:

12 **26-7-102. Definitions.** As used in this article 7, unless the context
13 otherwise requires:

14 (4) "Child placement agency" means any entity that, pursuant to
15 the requirements in ~~section 26-6-102 (7)~~ SECTION 26-6-903, may place,
16 facilitate placement, or arrange for the placement of an eligible child or
17 youth for the purpose of adoption, treatment, or foster care. Only eligible
18 children or youth who are placed by a county department or through a
19 child placement agency that is designated as a nonprofit entity and
20 licensed by the state department are eligible to receive benefits pursuant
21 to this article 7.

22 **SECTION 105.** In Colorado Revised Statutes, **amend as added**
23 **by section 17 of House Bill 22-1295** 26-6-911 (2)(b) as follows:

24 **26-6-911. Foster care - kinship care - rules applying generally**
25 **- rule-making.** (2) At a minimum, the rules described in subsection (1)
26 of this section must include the following:

27 (b) The immediate notification of a child's guardian ad litem OR

1 COUNSEL FOR YOUTH upon the child's placement in a foster care home,
2 and the provision of the guardian ad litem's OR COUNSEL FOR YOUTH'S
3 contact information to the foster parents;

4 **SECTION 106.** In Colorado Revised Statutes, 26-13-125, **amend**
5 **(8)(b)** as follows:

6 **26-13-125. State directory of new hires - definitions.**

7 **(8) (b)** Information contained within the reports ~~shall~~ **MUST** be made
8 available to the administrators of the following programs for purposes of
9 establishing or verifying eligibility or benefit amounts: Public assistance
10 pursuant to the Colorado works program, as defined in section 26-2-703
11 (5); medicaid; food stamps; supplemental security income benefits; cash
12 assistance programs ~~under~~ PURSUANT TO this title; public assistance as
13 defined in section 26-2-103 (7); CHILD CARE ASSISTANCE PURSUANT TO
14 PART 1 OF ARTICLE 4 OF TITLE 26.5, and unemployment compensation.

15 **SECTION 107.** In Colorado Revised Statutes, 26.5-1-303,
16 **amend** (1)(d) and (2)(a) as follows:

17 **26.5-1-303. Early childhood leadership commission - duties.**

18 (1) In addition to any other duties specified in law, the commission has
19 the following duties:

20 (d) To consider and recommend waivers from state regulations on
21 behalf of early childhood councils as provided in ~~section 26-6.5-104 (1)~~
22 SECTION 26.5-2-207;

23 (2) In fulfilling its duties, the commission shall collaborate, at a
24 minimum, with:

25 (a) Members of the early childhood councils established pursuant
26 to ~~section 26-6.5-103~~ SECTION 26.5-2-203; and

27 **SECTION 108.** In Colorado Revised Statutes, **amend** 26.5-1-304

1 as follows:

2 **26.5-1-304. Repeal of part.** This part 3 is repealed, effective
3 ~~September 1, 2023~~ SEPTEMBER 1, 2025. Before its repeal, the commission
4 is subject to review in accordance with section 2-3-1203.

5 **SECTION 109.** In Colorado Revised Statutes, 27-10.5-102,
6 **amend** (12) and (30); and **repeal** (17.5) as follows:

7 **27-10.5-102. Definitions - repeal.** As used in this article 10.5,
8 unless the context otherwise requires:

9 (12) "Early intervention services and supports" means services
10 described in and provided pursuant to ~~part 7 of this article~~ PART 4 OF
11 ARTICLE 3 OF TITLE 26.5, including education, training, and assistance in
12 child development, parent education, therapies, and other activities for
13 infants and toddlers and their families that are designed to meet the
14 developmental needs of infants and toddlers including, but not limited to,
15 cognition, speech, communication, physical, motor, vision, hearing,
16 social-emotional, and self-help skills.

17 (17.5) ~~"IDEA" means the federal "Individuals with Disabilities~~
18 ~~Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as~~
19 ~~amended, and its implementing regulations, 34 CFR part 303.~~

20 (30) "Services and supports" means one or more of the following:
21 Education, training, therapies, identification of natural supports, and other
22 activities provided to:

23 (a) Enable persons with intellectual and developmental disabilities
24 to make responsible choices, exert greater control over their lives,
25 experience presence and inclusion in their communities, develop their
26 competencies and talents, maintain relationships, foster a sense of
27 belonging, and experience personal security and self-respect; AND

1 (b) ~~Enhance child development and healthy parent-child and~~
2 ~~family interaction for eligible infants and toddlers and their families~~
3 ~~pursuant to part 7 of this article; and~~

4 (c) Enable families who choose or desire to maintain a family
5 member with an intellectual and developmental disability at home to
6 obtain support and to enjoy a typical lifestyle.

7 **SECTION 110.** In Colorado Revised Statutes, 27-10.5-103,
8 **repeal** (1)(b) and (2)(j) as follows:

9 **27-10.5-103. Duties of the executive director - rules -**
10 **definition.** (1) In order to implement the provisions of this article 10.5,
11 the executive director shall carry out the following duties, subject to
12 available appropriations:

13 (b) ~~Conduct appropriate part C child find activities as described~~
14 ~~in section 27-10.5-704. Part C child find activities conducted by the~~
15 ~~department include, but need not be limited to, early intervention~~
16 ~~evaluations, case management, referrals to public education systems or~~
17 ~~other community resources, implementation of state-level interagency~~
18 ~~operating agreements, and public outreach and awareness of early~~
19 ~~intervention evaluations and services.~~

20 (2) In accordance with section 24-4-103, and in coordination with
21 the requirements of article 10 of title 25.5, the department shall adopt
22 such rules as are necessary to carry out the provisions and purposes of this
23 article 10.5, including but not limited to the following:

24 (j) ~~Child find activities, as described in section 27-10.5-704.~~

25 **SECTION 111.** In Colorado Revised Statutes, 27-10.5-104,
26 **repeal** (1)(a), (3), and (5)(b) as follows:

27 **27-10.5-104. Authorized services and supports - conditions of**

1 **funding - purchase of services and supports - boards of county**
2 **commissioners - appropriation - repeal.** (1) Subject to annual
3 appropriations by the general assembly, the department shall provide or
4 purchase, pursuant to subsection (4) of this section, authorized services
5 and supports from community-centered boards or service agencies for
6 persons who have been determined to be eligible for such services and
7 supports pursuant to section 27-10.5-106, and as specified in the eligible
8 person's individualized plan. Those services and supports may include,
9 but need not be limited to, the following:

10 (a) ~~Early intervention services and supports that offer infants and~~
11 ~~toddlers and their families services and supports to enhance child~~
12 ~~development in the areas of cognition, speech, communication, physical,~~
13 ~~motor, vision, hearing, social-emotional development, and self-help~~
14 ~~skills; parent-child or family interaction; and early identification,~~
15 ~~screening, and assessment services that are provided pursuant to part 7 of~~
16 ~~this article;~~

17 (3) ~~Service and support coordination shall be purchased pursuant~~
18 ~~to part 7 of this article.~~

19 (5) (b) ~~The department is authorized to use up to three percent of~~
20 ~~the appropriation allocated for early intervention services and supports for~~
21 ~~training and technical assistance to ensure that the latest developments for~~
22 ~~early intervention services and supports are rapidly integrated into service~~
23 ~~provision throughout the state.~~

24 **SECTION 112.** In Colorado Revised Statutes, 27-10.5-105,
25 **amend (1)(c) and (1)(e) and amend as they exist until July 1, 2024,** (1)
26 introductory portion and (1)(a); and as follows:

27 **27-10.5-105. Case management agencies - purchase of services**

1 **and supports.** (1) Once a community-centered board has been
2 designated pursuant to section 25.5-10-209, ~~C.R.S.~~, it shall, subject to
3 available appropriations:

4 (a) Determine eligibility and develop an individualized plan for
5 each person who receives services or supports pursuant to section
6 25.5-10-211; ~~C.R.S.~~; except that, for a child from birth through two years
7 of age, eligibility determination and development of an individualized
8 family service plan shall be made pursuant to ~~part 7 of this article~~ PART
9 4 OF ARTICLE 3 OF TITLE 26.5;

10 (c) Obtain or provide early intervention services and supports
11 pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

12 (e) Pursuant to ~~section 27-10.5-704~~ SECTION 26.5-3-404,
13 collaborate with the department OF EARLY CHILDHOOD as it develops and
14 implements a statewide plan for public education outreach and awareness
15 efforts related to part C child find and the availability of early
16 intervention services.

17 **SECTION 113.** In Colorado Revised Statutes, 27-10.5-105,
18 **amend as it will become effective July 1, 2024,** (1)(a) as follows:

19 **27-10.5-105. Case management agencies - purchase of services**
20 **and supports.** (1) Once a case management agency has been designated
21 pursuant to section 25.5-6-1703, it shall, subject to available
22 appropriations:

23 (a) Determine eligibility and develop an individualized plan for
24 each person who receives long-term services or supports pursuant to
25 section 25.5-6-1704; except that, for a child from birth through two years
26 of age, eligibility determination and development of an individualized
27 family service plan must be made pursuant to ~~part 7 of this article~~ 10.5

1 PART 4 OF ARTICLE 3 OF TITLE 26.5;

2 **SECTION 114.** In Colorado Revised Statutes, 27-10.5-107,
3 **amend** (1) introductory portion as follows:

4 **27-10.5-107. Procedure for resolving disputes over eligibility,**
5 **modification of services or supports, and termination of services or**
6 **supports.** (1) Every state or local service agency receiving state ~~moneys~~
7 MONEY pursuant to section 27-10.5-104 or ~~section 25.5-10-105 C.R.S.;~~
8 shall adopt a procedure for the resolution of disputes arising between the
9 service agency and any recipient of, or applicant for, services or supports
10 authorized ~~under~~ PURSUANT TO section 27-10.5-104 or ~~section~~
11 ~~25.5-10-105. C.R.S. Procedures for the resolution of disputes regarding~~
12 ~~early intervention services shall be in compliance with IDEA.~~ The
13 procedures ~~shall~~ MUST be consistent with rules promulgated by the
14 department pursuant to article 4 of title 24 ~~C.R.S.;~~ and ~~shall~~ MUST be
15 applicable to the following disputes:

16 **SECTION 115.** In Colorado Revised Statutes, 27-60-113, **amend**
17 (2) as follows:

18 **27-60-113. Out-of-home placement for children and youth**
19 **with mental or behavioral needs - rules - report - legislative**
20 **declaration - repeal.** (2) On or before August 1, 2021, the state
21 department shall develop a program to provide emergency resources to
22 licensed providers to help remove barriers such providers face in serving
23 children and youth whose behavioral or mental health needs require
24 services and treatment in a residential child care facility. Any such
25 licensed provider shall meet the requirements of a qualified residential
26 treatment program, as defined in section 26-5.4-102, a psychiatric
27 residential treatment facility, as defined in ~~section 26-5.4-103 (19.5)~~

1 SECTION 25.5-4-103 (19.5), or therapeutic foster care, as defined in
2 ~~section 26-6-102 (39)~~ SECTION 26-6-903.

3 SECTION 116. In Colorado Revised Statutes, 27-65-102, **amend**
4 (1.5)(a) and (18) as follows:

5 **27-65-102. Definitions.** As used in this article 65, unless the
6 context otherwise requires:

7 (1.5) "Behavioral health entity" means a facility or provider
8 organization engaged in providing community-based health services,
9 which may include behavioral health disorder services, alcohol use
10 disorder services, or substance use disorder services, including crisis
11 stabilization, acute or ongoing treatment, or community mental health
12 center services as described in section 27-66-101 (2) and (3), but does not
13 include:

14 (a) Residential child care facilities as defined in ~~section 26-6-102~~
15 ~~(33)~~ SECTION 26-6-903; or

16 (18) "Residential child care facility" means a facility licensed by
17 the state department of human services pursuant to ~~article 6 of title 26,~~
18 ~~C.R.S.~~, PART 9 OF ARTICLE 6 OF TITLE 26 to provide group care and
19 treatment for children as such facility is defined in ~~section 26-6-102 (33),~~
20 ~~C.R.S.~~ SECTION 26-6-903. A residential child care facility may be eligible
21 for designation by the executive director of the department of human
22 services pursuant to this ~~article~~ ARTICLE 65.

23 SECTION 117. In Colorado Revised Statutes, 27-66-101, **amend**
24 (1.5)(a) as follows:

25 **27-66-101. Definitions.** As used in this article 66, unless the
26 context otherwise requires:

27 (1.5) "Behavioral health entity" means a facility or provider

1 organization engaged in providing community-based health services,
2 which may include behavioral health disorder services, alcohol use
3 disorder services, or substance use disorder services, including crisis
4 stabilization, acute or ongoing treatment, or community mental health
5 center services as described in subsections (2) and (3) of this section, but
6 does not include:

7 (a) Residential child care facilities as defined in ~~section 26-6-102~~
8 ~~(33)~~ SECTION 26-6-903; or

9 **SECTION 118.** In Colorado Revised Statutes, **amend** 27-66-110
10 as follows:

11 **27-66-110. Trauma-informed care standards of approval.** The
12 office of behavioral health shall establish care standards and an approval
13 process that a qualified residential treatment program, as defined in
14 ~~section 26-6-102 (30.5)~~ SECTION 26-6-903, must meet to ensure that
15 qualified residential treatment programs have a trauma-informed
16 treatment model that addresses the needs of children and youth with
17 serious emotional or behavioral health disorders or disturbances.

18 **SECTION 119.** In Colorado Revised Statutes, 27-80-121, **amend**
19 (1) introductory portion as follows:

20 **27-80-121. Perinatal substance use data linkage project -**
21 **center for research into substance use disorder prevention,**
22 **treatment, and recovery support strategies - report.** (1) The center for
23 research into substance use disorder prevention, treatment, and recovery
24 support strategies established in section 27-80-118, referred to in this
25 section as the "center", in partnership with an institution of higher
26 education and the state substance abuse trend and response task force
27 established in section 18-18.5-103, may conduct a statewide perinatal

1 substance use data linkage project that uses ongoing collection, analysis,
2 interpretation, and dissemination of data for the planning,
3 implementation, and evaluation of public health actions to improve
4 outcomes for families impacted by substance use during pregnancy. The
5 data linkage project shall utilize data from the medical assistance
6 program, articles 4 to 6 of title 25.5; the electronic prescription drug
7 monitoring program created in part 4 of article 280 of title 12; the
8 Colorado TRAILS system, as defined in section 16-20.5-102 (10); the
9 Colorado immunization information system, created pursuant to section
10 25-4-2401, et seq.; the Colorado child care assistance program, created
11 in ~~part 8 of article 2 of title 26~~ PART 1 OF ARTICLE 4 OF TITLE 26.5; the
12 office of behavioral health in the department of human services; and birth
13 and death records to examine the following:

14 **SECTION 120.** In Colorado Revised Statutes, 27-81-102, **amend**
15 (3.5)(a) as follows:

16 **27-81-102. Definitions.** As used in this article 81, unless the
17 context otherwise requires:

18 (3.5) "Behavioral health entity" means a facility or provider
19 organization engaged in providing community-based health services,
20 which may include behavioral health disorder services, alcohol use
21 disorder services, or substance use disorder services, including crisis
22 stabilization, acute or ongoing treatment, or community mental health
23 center services as described in section 27-66-101 (2) and (3), but does not
24 include:

25 (a) Residential child care facilities as defined in ~~section 26-6-102~~
26 ~~(33)~~ SECTION 26-6-903; or

27 **SECTION 121.** In Colorado Revised Statutes, 27-90-111, **amend**

1 (11.5)(b) as follows:

2 **27-90-111. Employment of personnel - screening of applicants**
3 **- disqualifications from employment - contracts - rules - definitions.**

4 (11.5) (b) If the contracting agency is also licensed pursuant to ~~section~~
5 ~~26-6-104~~ SECTION 26-6-905 and has conducted a criminal history record
6 check pursuant to ~~section 26-6-104 (7)(a)(HH)~~ SECTION 26-6-905
7 (8)(a)(III) for its employees who will have direct contact with vulnerable
8 persons as a result of the contract, the department may accept such
9 criminal history record check to satisfy the requirements of this
10 subsection (11.5).

11 **SECTION 122.** In Colorado Revised Statutes, **amend**
12 **38-10-111.5** as follows:

13 **38-10-111.5. Trusts to establish or maintain eligibility for**
14 **certain public assistance void - exceptions.** Any trust established by or
15 for a person that consists of the person's individual assets, income, or
16 property of any kind shall be IS void for the purpose of establishing or
17 maintaining eligibility for any public assistance as provided by article 2
18 of title 26, C.R.S., CHILD CARE ASSISTANCE AS PROVIDED BY PART 1 OF
19 ARTICLE 4 OF TITLE 26.5, or medical assistance as provided by articles 4,
20 5, and 6 of title 25.5, C.R.S., unless the trust is established in accordance
21 with the provisions of sections 15-14-412.6 to 15-14-412.9. C.R.S.

22 **SECTION 123.** In Colorado Revised Statutes, 38-33.3-106.5,
23 **amend** (1)(k)(I) as follows:

24 **38-33.3-106.5. Prohibitions contrary to public policy -**
25 **patriotic, political, or religious expression - emergency vehicles - fire**
26 **prevention - renewable energy generation devices - affordable**
27 **housing - drought prevention measures - child care - definitions.**

1 (1) Notwithstanding any provision in the declaration, bylaws, or rules
2 and regulations of the association to the contrary, an association shall not
3 prohibit any of the following:

4 (k) (I) The operation of a family child care home, as defined in
5 ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that is licensed ~~under part 1~~
6 ~~of article 6 of title 26~~ PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5.

7 **SECTION 124.** In Colorado Revised Statutes, 39-1-102, **amend**
8 (15.5)(a)(II) introductory portion as follows:

9 **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,
10 unless the context otherwise requires:

11 (15.5) (a) "School" means:

12 (II) An institution that is licensed as a child care center pursuant
13 to ~~article 6 of title 26, C.R.S.~~, PART 3 OF ARTICLE 5 OF TITLE 26.5 that is:

14 **SECTION 125.** In Colorado Revised Statutes, 39-3-110, **amend**
15 (1) introductory portion and (1)(a) as follows:

16 **39-3-110. Property - integral part of child care center -**
17 **charitable purposes - exemption - limitations.** (1) Property, real and
18 personal, ~~which~~ THAT is owned and used solely and exclusively for
19 strictly charitable purposes and not for private gain or corporate profit
20 ~~shall~~ MUST be exempt from the levy and collection of property tax if such
21 property is used as an integral part of a child care center:

22 (a) Which is licensed pursuant to ~~article 6 of title 26, C.R.S.~~ PART
23 3 OF ARTICLE 5 OF TITLE 26.5;

24 **SECTION 126.** In Colorado Revised Statutes, 39-3-112, **amend**
25 (1)(b) as follows:

26 **39-3-112. Residential property - orphanage - low-income**
27 **elderly or individuals with disabilities - homeless or abused -**

1 **low-income households - charitable purposes - exemption -**
2 **limitations - definitions.** (1) As used in this section, unless the context
3 otherwise requires:

4 (b) "Family service facility" means a facility ~~which~~ THAT is
5 operated as a residential facility for single-parent families; ~~which~~ THAT
6 houses only such families, exclusive of necessary housing facilities for
7 resident managerial personnel; ~~which~~ THAT provides, in addition to
8 housing, counseling in such areas as career development, parenting skills,
9 and financial budgeting; and ~~which~~ THAT is a child care center licensed
10 pursuant to ~~the provisions of section 26-6-104, C.R.S.~~ SECTION
11 26.5-5-309.

12 **SECTION 127.** In Colorado Revised Statutes, 39-21-108, **amend**
13 **(3)(a)(I)(A) and (3)(b); and add (3)(a)(IX) as follows:**

14 **39-21-108. Refunds.** (3) (a) (I) (A) Whenever it is established
15 that any taxpayer has, for any period open under the statutes, overpaid a
16 tax covered by articles 22 and 26 to 29 of this title 39, article 60 of title
17 34, and article 3 of title 42 and that: There is an unpaid balance of tax and
18 interest accrued, according to the records of the executive director, owing
19 by such taxpayer for any other period; there is an amount required to be
20 repaid to the unemployment compensation fund pursuant to section
21 8-81-101 (4), the amount of which has been determined to be owing as a
22 result of a final agency determination or judicial decision or that has been
23 reduced to judgment by the division of unemployment insurance in the
24 department of labor and employment; there is any unpaid child support
25 debt as set forth in section 14-14-104, or child support arrearages that are
26 the subject of enforcement services provided pursuant to section
27 26-13-106, as certified by the department of human services; there are any

1 unpaid obligations owing to the state as set forth in section 26-2-133, for
2 overpayment of public assistance or medical assistance benefits, the
3 amount of which has been determined to be owing as a result of final
4 agency determination or judicial decision or that has been reduced to
5 judgment, as certified by the department of human services; THERE ARE
6 ANY UNPAID OBLIGATIONS OWING TO THE STATE AS SET FORTH IN SECTION
7 26.5-4-119, FOR OVERPAYMENT OF CHILD CARE ASSISTANCE, THE AMOUNT
8 OF WHICH HAS BEEN DETERMINED TO BE OWING AS A RESULT OF FINAL
9 AGENCY DETERMINATION OR JUDICIAL DECISION OR THAT HAS BEEN
10 REDUCED TO JUDGMENT AS CERTIFIED BY THE DEPARTMENT OF EARLY
11 CHILDHOOD; there is any unpaid loan or other obligation due to a
12 state-supported institution of higher education as set forth in section
13 23-5-115, the amount of which has been determined to be owing as a
14 result of a final agency determination or judicial decision or that has been
15 reduced to judgment, as certified by the appropriate institution; there is
16 any unpaid loan due to the student loan division of the department of
17 higher education as set forth in section 23-3.1-104 (1)(p), the amount of
18 which has been determined to be owing as a result of a final agency
19 determination or judicial decision or that has been reduced to judgment,
20 as certified by the division; there is any unpaid loan due to the
21 collegeninvest division of the department of higher education as set forth
22 in section 23-3.1-206, the amount of which has been determined to be
23 owing as a result of a final agency determination or judicial decision or
24 that has been reduced to judgment; there is any outstanding judicial fine,
25 fee, cost, or surcharge as set forth in section 16-11-101.8, or judicial
26 restitution as set forth in section 16-18.5-106.8, the amount of which has
27 been determined to be owing as a result of a final judicial department

1 determination or certified by the judicial department as a judgment owed
2 the state or a victim; there is any unpaid debt owing to the state or any
3 agency thereof by such taxpayer, and that is found to be owing as a result
4 of a final agency determination or the amount of which has been reduced
5 to judgment and as certified by the state agency; or the taxpayer is a
6 qualified individual identified pursuant to section 39-22-120 (10) or
7 39-22-2003 (9), so much of the overpayment of tax plus interest
8 allowable thereon as does not exceed the amount of such unpaid balance
9 or unpaid debt must be credited first to the unpaid balance of tax and
10 interest accrued and then to the unpaid debt, and any excess of the
11 overpayment must be refunded. If the taxpayer elects to designate his or
12 her refund as a credit against a subsequent year's tax liability, the amount
13 allowed to be so credited must be reduced first by the unpaid balance of
14 tax and interest accrued and then by the unpaid debt. If the taxpayer filed
15 a joint return, the executive director shall notify the other taxpayer named
16 on the joint return that the portion of the overpayment that is generated by
17 the other taxpayer's income will be refunded upon receipt of a request
18 detailing said amount.

19 (IX) ANY MONEY WITHHELD FOR PAYMENT OF OBLIGATIONS OWED
20 TO THE DEPARTMENT OF EARLY CHILDHOOD FOR OVERPAYMENT OF CHILD
21 CARE ASSISTANCE BENEFITS PURSUANT TO THIS SUBSECTION (3) SHALL BE
22 DEPOSITED WITH THE STATE TREASURER FOR DISBURSEMENT BY THE
23 DEPARTMENT OF EARLY CHILDHOOD. FOR ALL NAMES AND ASSOCIATED
24 AMOUNTS CERTIFIED BY THE DEPARTMENT OF EARLY CHILDHOOD
25 PURSUANT TO SECTION 26.5-4-119, THE EXECUTIVE DIRECTOR OF THE
26 DEPARTMENT OF REVENUE SHALL PROVIDE TO THE DEPARTMENT OF EARLY
27 CHILDHOOD THE NAMES OF TAXPAYERS AND THE ASSOCIATED AMOUNTS

1 DEPOSITED WITH THE STATE TREASURER AND ANY OTHER IDENTIFYING
2 INFORMATION AS REQUIRED BY THE DEPARTMENT OF EARLY CHILDHOOD.

3 (b) In the event there are debts for overpayments of
4 unemployment insurance pursuant to section 8-81-101 (4), C.R.S.; debts
5 for unpaid child support, as set forth in section 26-13-111, C.R.S.; debts
6 for overpayment of public assistance or medical assistance benefits, as set
7 forth in section 26-2-133, C.R.S.; DEBTS FOR OVERPAYMENT OF CHILD
8 CARE ASSISTANCE, AS SET FORTH IN SECTION 26.5-4-119, debts for any
9 unpaid loan or other obligation due to a state-supported institution of
10 higher education, as set forth in section 23-5-115, C.R.S.; debts for any
11 unpaid loan due to the student loan division of the department of higher
12 education, as set forth in section 23-3.1-104 (1)(p), C.R.S.; any amounts
13 owed for judicial fines, fees, costs, or surcharges, as set forth in section
14 16-11-101.8, C.R.S.; any amounts owed for judicial restitution, as set
15 forth in section 16-18.5-106.8, C.R.S.; and other unpaid debts owing to
16 the state or any agency thereof, as set forth in this subsection (3), then
17 credit to the unpaid debts shall be prorated on the basis of the ratio of the
18 amount of each such unpaid debt as compared to the total amount of
19 unpaid debts.

20 **SECTION 128.** In Colorado Revised Statutes, 39-22-119, **amend**
21 (3) as follows:

22 **39-22-119. Expenses related to child care - credits against state**
23 **tax.** (3) The child care expenses credits allowed under subsections (1)
24 and (1.7) of this section shall not be allowed to a resident individual who
25 is receiving child care assistance from the ~~state department of human~~
26 ~~services~~ DEPARTMENT OF EARLY CHILDHOOD except to the extent of the
27 taxpayer's unreimbursed out-of-pocket expenses that result in a federal

1 credit for child care expenses.

2 **SECTION 129.** In Colorado Revised Statutes, 39-22-121, **amend**
3 (2) introductory portion, (2)(a), (6.5) introductory portion, and (6.5)(a)
4 introductory portion as follows:

5 **39-22-121. Credit for child care facilities - repeal.**

6 (2) Monetary contributions to promote child care in the state ~~shall~~ MUST
7 include the following types of contributions:

8 (a) Donating money for the establishment or operation of a child
9 care facility that uses the donation to provide child care, a child care
10 program that is not a child care facility but provides child care services
11 similar to those provided by a child care center, as defined in ~~section~~
12 ~~26-6-102 (5)~~ SECTIONS 26-6-903 AND 26.5-5-303, or any other program
13 that received donations for which a credit was allowed to the donor
14 pursuant to this section for any income tax year that ended before January
15 1, 2004, in the state;

16 (6.5) ~~For the purposes of~~ AS USED IN this section, "child care
17 facility" means:

18 (a) Any facility required to be licensed pursuant to ~~part 1 of article~~
19 ~~6 of title 26, C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF
20 ARTICLE 5 OF TITLE 26.5 and ~~shall~~ MUST include, but is not limited to:

21 **SECTION 130.** In Colorado Revised Statutes, 39-22-517, **amend**
22 (1) and (2) as follows:

23 **39-22-517. Tax credit for child care center investments.**

24 (1) With respect to taxable years commencing on or after January 1,
25 1992, there ~~shall be~~ IS allowed to any person operating a child care center
26 LICENSED PURSUANT TO SECTION 26-6-905 OR 26.5-5-309, family child
27 care home LICENSED PURSUANT TO SECTION 26.5-5-309, or foster care

1 home licensed pursuant to ~~the provisions of section 26-6-104, C.R.S.~~
2 SECTION 26-6-905 a credit against the tax imposed by this ~~article~~ ARTICLE
3 22 in the amount of twenty percent of the taxpayer's annual investment in
4 tangible personal property to be used in such child care center, family
5 child care home, or foster care home. Such credit ~~shall be~~ IS in addition
6 to any credit for which the taxpayer may be eligible pursuant to ~~the~~
7 ~~provisions of section 39-22-507.5 or section~~ 39-22-507.6.

8 (2) With respect to taxable years commencing on or after July 1,
9 1992, there ~~shall be~~ IS allowed to any sole proprietorship, partnership,
10 limited liability corporation, subchapter S corporation, or regular
11 corporation ~~which~~ THAT provides child care facilities ~~which~~ that are
12 incidental to their business and are licensed pursuant to ~~section 26-6-104,~~
13 ~~C.R.S.,~~ SECTION 26-6-905 OR 26.5-5-309 for the use of its employees a
14 credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of
15 ten percent of the taxpayer's annual investment in tangible personal
16 property to be used in such child care facilities. Such credit ~~shall be~~ IS in
17 addition to any credit for which the taxpayer may be eligible pursuant to
18 the provisions of section 39-22-507.5 or ~~section~~ 39-22-507.6.

19 **SECTION 131.** In Colorado Revised Statutes, 39-28-116, **amend**
20 (6) as follows:

21 **39-28-116. Minimum price for cigarettes.** (6) In its annual June
22 forecast, legislative council staff shall report an estimate for the current
23 state fiscal year of the additional sales tax revenue that is attributable to
24 the applicable minimum price set forth in this section. On June 30 of the
25 fiscal year, the state treasurer shall transfer an amount equal to
26 seventy-three percent of the legislative council staff estimate from the
27 general fund to the preschool programs cash fund created in ~~section~~

1 ~~24-22-118 (3)(a)~~ SECTION 26.5-4-209.

2 SECTION 132. In Colorado Revised Statutes, 42-1-102, **amend**
3 (88.5)(b)(II) as follows:

4 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,
5 unless the context otherwise requires:

6 (88.5) (b) "School vehicle" does not include:

7 (II) A motor vehicle that is owned by or under contract to a child
8 care center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903
9 OR 26.5-5-303, and that is used for the transportation of children who are
10 served by the child care center.

11 SECTION 133. In Colorado Revised Statutes, 42-4-236, **amend**
12 (1)(a) as follows:

13 **42-4-236. Child restraint systems required - definitions -**
14 **exemptions.** (1) As used in this section, unless the context otherwise
15 requires:

16 (a) "Child care center" means a facility required to be licensed
17 under the "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY
18 LICENSING ACT", PART 9 OF ARTICLE 6 OF TITLE 26, OR THE "Child Care
19 Licensing Act", ~~part 1 of article 6 of title 26, C.R.S.~~ PART 3 OF ARTICLE
20 5 OF TITLE 26.5.

21 SECTION 134. In Colorado Revised Statutes, **repeal** 22-2-134;
22 22-2-134.5; and part 3 of article 6.2 of title 26.

23 SECTION 135. In Colorado Revised Statutes, **repeal** article 3.5
24 of title 19; 24-22-118 (3); part 8 of article 2, parts 1 and 8 of article 6,
25 article 6.4, parts 1 and 4 of article 6.5, article 6.7, article 6.9, and article
26 18 of title 26; and part 7 of article 10.5 of title 27.

27 SECTION 136. In Colorado Revised Statutes, **repeal, as they**

1 will become effective July 1, 2024, 26-6-102 (5)(a); 26-6-104.5 (4);
2 27-10.5-702 (3); 27-10.5-703 (3)(f), (3)(g), (3)(h), and (3)(i); 27-10.5-705
3 (1), (2), (3) introductory portion, (3)(b) introductory portion, and
4 (3)(b)(I); 27-10.5-706 (1)(d) and (3); and 27-10.5-708 (1) introductory
5 portion, (1)(a), and (1)(c).

6 **SECTION 137. Appropriation - adjustments to 2022 long bill.**

7 (1) To implement this act, all of the appropriations made in the annual
8 general appropriation act for the 2022-23 state fiscal year to the
9 department of human services for use by the office of early childhood are
10 reduced to zero, and all of the related FTE are reduced to zero.

11 (2) All of the anticipated amount of federal funds received for the
12 2022-23 state fiscal year by the department of human services for use by
13 the office of early childhood included in the annual general appropriation
14 act for the 2022-23 state fiscal year are reduced to \$0, and all of the
15 related FTE are reduced to zero.

16 (3) To implement this act, all of the appropriations made in the
17 annual general appropriation act for the 2022-23 state fiscal year to the
18 department of early childhood are reduced to \$0, and all of the related
19 FTE are reduced to zero.

20 (4) To implement this act, appropriations made in the annual
21 general appropriation act for the 2022-23 state fiscal year to the
22 department of human services for use by the executive director's office
23 are adjusted as follows:

24 (a) The appropriation for health, life, and dental is decreased by
25 \$1,255,561, which consists of \$385,885 general fund, \$3,362 from the
26 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S.,
27 \$617,510 from various sources of cash funds, and \$248,804 federal funds

1 from child care development funds;

2 (b) The appropriation for short-term disability is decreased by
3 \$8,072, which consists of \$3,656 general fund, \$283 from the marijuana
4 tax cash fund created in section 39-28.8-501 (1), C.R.S., \$2,781 from
5 various sources of cash funds, and \$1,352 federal funds from child care
6 development funds;

7 (c) The appropriation for S.B. 04-257 amortization equalization
8 disbursement is decreased by \$225,005, which consists of \$121,777
9 general fund, \$29,943 from the marijuana tax cash fund created in section
10 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and
11 \$46,851 federal funds from child care development funds;

12 (d) The appropriation for S.B. 06-235 supplemental amortization
13 equalization disbursement is decreased by \$225,005, which consists of
14 \$121,777 general fund, \$29,943 from the marijuana tax cash fund created
15 in section 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash
16 funds, and \$46,851 federal funds from child care development funds;

17 (e) The appropriation for salary survey is decreased by \$155,063,
18 which consists of \$79,987 general fund and \$75,076 federal funds from
19 child care development funds; and

20 (f) The appropriation for shift differential is decreased by
21 \$113,658, which consists of \$41,594 from various sources of cash funds
22 and \$72,064 federal funds from child care development funds.

23 (5) (a) To implement this act, appropriations made in the annual
24 general appropriation act for the 2022-23 state fiscal year to the
25 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	<u>1,232,716</u>	<u>220,182</u>	<u>1,012,534</u>
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	<u>8,898</u>	<u>822</u>	<u>8,076</u>
30	<u>\$4,084,314</u>	<u>\$312,619</u>	<u>\$3,771,695</u>

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 \$1,405,014 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
	\$	\$	\$	\$	\$	\$	\$
<u>PART III</u>							
<u>DEPARTMENT OF EARLY CHILDHOOD</u>							
<u>(1) EXECUTIVE DIRECTOR'S OFFICE</u>							
<u>(A) General Administration</u>							
6	<u>Personal Services</u>	<u>3,201,419</u>		<u>2,144,852</u>		<u>27,542^a</u>	<u>1,029,025^b</u>
7		<u>(30.4 FTE)</u>					
8	<u>Health, Life, and Dental</u>	<u>1,561,561</u>		<u>591,885</u>		<u>700,872^c</u>	<u>268,804^d</u>
9	<u>Short-term Disability</u>	<u>11,866</u>		<u>6,509</u>		<u>3,817^e</u>	<u>1,540^d</u>
10	<u>S.B. 04-257 Amortization</u>						
11	<u>Equalization Disbursement</u>	<u>336,601</u>		<u>205,700</u>		<u>78,515^e</u>	<u>52,386^d</u>
12	<u>S.B. 06-235 Supplemental</u>						
13	<u>Amortization Equalization</u>						
14	<u>Disbursement</u>	<u>336,601</u>		<u>205,700</u>		<u>78,515^e</u>	<u>52,386^d</u>
15	<u>Salary Survey</u>	<u>155,063</u>		<u>79,987</u>			<u>75,076^d</u>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Shift Differential</u>	<u>113,658</u>			<u>41,594^e</u>		<u>72,064^d</u>
2	<u>Workers' Compensation</u>	<u>66,234</u>	<u>3,839</u>			<u>62,395^e</u>	
3	<u>Operating Expenses</u>	<u>43,427</u>	<u>30,442</u>		<u>405^a</u>	<u>467^e</u>	<u>12,113^f</u>
4	<u>Legal Services</u>	<u>694,159</u>	<u>307,513</u>			<u>386,646^e</u>	
5	<u>Administrative Law Judge</u>						
6	<u>Services</u>	<u>25,790</u>				<u>25,790^e</u>	
7	<u>Payment to Risk</u>						
8	<u>Management and Property</u>						
9	<u>Funds</u>	<u>3,653</u>	<u>212</u>			<u>3,441^e</u>	
10	<u>Vehicle Lease Payments</u>	<u>8,906</u>	<u>608</u>			<u>8,298^e</u>	
11	<u>Capital Outlay</u>	<u>86,800</u>	<u>86,800</u>				
12	<u>Capitol Complex Leased</u>						
13	<u>Space</u>	<u>300,029</u>	<u>22,117</u>			<u>277,912^e</u>	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Operational Support Contract</u>						
2	<u>with the Department of</u>						
3							
3							
4							
5							
6							
7							
8							
9							
10							
11							
12							
13							
14							
15							

¶ These amounts shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S.

§ 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 Disabilities Education Act.

§ 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 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

§ These amounts shall be from Child Care Development Funds.

§ 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.

§ 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 Education Act.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>(B) Information Technology Systems</u>						
2	<u>Information Technology</u>						
3	<u>Contracts and Equipment</u>	<u>5,021,705</u>		<u>3,948,984</u>		<u>72,721^a</u>	<u>1,000,000^b</u>
4	<u>Payments to OIT</u>	<u>1,763,376</u>		<u>39,053</u>		<u>1,724,323^a</u>	
5	<u>CORE Operations</u>	<u>37,195</u>		<u>2,762</u>		<u>34,433^a</u>	
6	<u>Child Care Automated</u>						
7	<u>Tracking System</u>	<u>4,259,933</u>					<u>4,259,933^b</u>
8		<u>11,082,209</u>					
9							
10	^a <u>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.</u>						
11	^b <u>These amounts shall be from Child Care Development Funds.</u>						
12							
13		<u>19,432,990</u>					
14							
15							

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>(2) PARTNERSHIPS AND COLLABORATIONS</u>						
2	<u>Personal Services</u>	<u>1,216,887</u>		<u>293,202</u>			<u>923,685^a</u>
3		<u>(10.4 FTE)</u>					
4	<u>Operating Expenses</u>	<u>213,056</u>		<u>45,846</u>			<u>167,210^a</u>
5	<u>Capital Outlay</u>	<u>6,200</u>		<u>6,200</u>			
6	<u>Local Coordinating</u>						
7	<u>Organizations</u>	<u>5,273,021</u>					<u>5,273,021^a</u>
8	<u>Early Childhood Councils¹</u>	<u>3,331,173</u>					<u>3,331,173^a</u>
9	<u>Child Care Resource and</u>						
10	<u>Referrals</u>	<u>2,489,666</u>					<u>2,489,666^a</u>
11	<u>Family Resource Centers</u>	<u>1,661,578</u>		<u>1,661,578</u>			
12	<u>Indirect Cost Assessment</u>	<u>241,942</u>					<u>241,942^a</u>
13		<u>14,433,523</u>					

^a These amounts shall be from Child Care Development Funds.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	<u>(3) EARLY LEARNING ACCESS AND QUALITY</u>						
3	<u>Personal Services</u>	<u>8,962,932</u>		<u>625,330</u>	<u>500,110^a</u>		<u>7,837,492^b</u>
4		<u>(59.9 FTE)</u>					
5	<u>Operating Expenses</u>	<u>803,174</u>			<u>10,800^a</u>		<u>792,374^b</u>
6	<u>Capital Outlay</u>	<u>62,000</u>			<u>49,600^a</u>		<u>12,400^b</u>
7	<u>Child Care Assistance</u>						
8	<u>Program</u>	<u>157,916,576</u>	<u>28,790,460</u>		<u>15,064,026(I)^c</u>		<u>114,062,090^d</u>
9	<u>Intrastate Child Care</u>						
10	<u>Assistance Program</u>						
11	<u>Redistribution</u>	<u>500,000</u>					<u>500,000^b</u>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Child Care Assistance</u>						
2	<u>Program Stimulus -</u>						
3	<u>Eligibility Expansion and</u>						
4	<u>Infant and Toddler Care</u>						
5	<u>Reimbursement</u>	<u>25,970,215</u>					<u>25,970,215^b</u>
6	<u>Workforce Recruitment and</u>						
7	<u>Retention Grants</u>	<u>11,551,160</u>					<u>11,551,160^b</u>
8	<u>Professional Development</u>						
9	<u>and Training</u>	<u>7,217,451</u>					<u>7,217,451^b</u>
10	<u>Early Childhood Quality and</u>						
11	<u>Availability</u>	<u>24,909,892</u>	<u>3,043,243</u>				<u>21,866,649^b</u>
12	<u>Local Capacity Building</u>						
13	<u>Grants</u>	<u>17,319,546</u>					<u>17,319,546^b</u>
14	<u>Indirect Cost Assessment</u>	<u>2,620,768</u>					<u>2,620,768^b</u>
15		<u>257,833,714</u>					

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

1

2 ^aThese amounts shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S.

3 ^b These amounts shall be from Child Care Development Funds.

4 ^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)
 5 notation and the (I) notation apply to this amount.

6 ^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.

7

8 **(4) COMMUNITY AND FAMILY SUPPORT**

9 <u>Personal Services</u>	<u>4,213,192</u>		<u>2,135,321</u>		<u>378,689^a</u>		<u>1,699,182^b</u>
	(25.8 FTE)						
11 <u>Operating Expenses</u>	<u>332,341</u>		<u>185,233</u>		<u>52,188^c</u>		<u>94,920^d</u>
12 <u>Early Intervention</u>	<u>79,446,457</u>		<u>54,770,474</u>		<u>10,516,016(I)^e</u>	<u>8,127,382^f</u>	<u>6,032,585(I)^g</u>
13 <u>Home Visiting</u>	<u>26,790,628</u>		<u>597,969</u>		<u>24,429,322^h</u>		<u>1,763,337(I)ⁱ</u>
14 <u>Child Maltreatment</u>							
15 <u>Prevention</u>	<u>13,575,660</u>		<u>8,091,046</u>		<u>1,346,216^j</u>		<u>4,138,398(I)^k</u>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>Early Childhood Mental</u>						
2	<u>Health Services²</u>	<u>6,188,456</u>		<u>1,333,541</u>			<u>4,854,915¹</u>
3	<u>Social-Emotional Learning</u>						
4	<u>Programs Grants</u>	<u>777,926</u>			<u>777,926²</u>		
5	<u>Child Care Services and</u>						
6	<u>Substance Use Disorder</u>						
7	<u>Treatment Pilot Program</u>	<u>500,000</u>		<u>500,000</u>			
8	<u>Indirect Cost Assessment</u>	<u>498,081</u>			<u>125,940²</u>		<u>372,141²</u>
9		<u>132,322,741</u>					

11 ¹Of 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
12 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
13 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
14 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
15 State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 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
2 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
3 to be received pursuant to the Community-based Child Abuse Prevention Grant fund.

4 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
5 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.

6 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
7 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
8 pursuant to the Community-based Child Abuse Prevention Grant fund.

9 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
10 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
11 by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

12 This amount shall be from Medicaid funds transferred from the Department of Health Care Policy and Financing.

13 This amount reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

14 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
15 fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

16 This amount shall be from the Maternal, Infant and Early Childhood Home Visiting Grant program.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$

- 1 ⁱ 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.
- 2 ^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
- 3 pursuant to the Community-based Child Abuse Prevention Grant fund.
- 4 ^l This amount shall be from Child Care Development Funds.
- 5 ^m This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.
- 6 ⁿ This amount shall be from various sources of cash funds.
- 7 ^o Of this amount, \$59,606 shall be from Child Care Development Funds and \$312,535(I) shall be from various sources of federal funds.

9 **(5) LICENSING AND ADMINISTRATION**

10 <u>Personal Services</u>	<u>9,460,393</u>		<u>2,403,584</u>		<u>1,052,212^e</u>		<u>6,004,597^b</u>
	<u>(59.1 FTE)</u>						
12 <u>Operating Expenses</u>	<u>1,037,528</u>		<u>14,619</u>		<u>265,915^e</u>		<u>756,994^d</u>
13 <u>Background Investigation</u>							
14 <u>Unit</u>	<u>1,524,812</u>				<u>1,524,812^e</u>		
15	<u>(12.5 FTE)</u>						

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>1,136,458</u>				<u>101,138^f</u>		<u>1,035,320^b</u>
2		<u>13,159,191</u>					
3							

4 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
5 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
6 the quality of child care in Colorado, pursuant to Section 26.5-5-323 (4), C.R.S.

7 These amounts shall be from Child Care Development Funds.

8 This amount shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S.

9 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
10 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
11 Reimbursements Cash Fund pursuant to Section 26-1-111 (2)(d)(II)(C), C.R.S.

12 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
13 created in Section 26.5-5-311 (4), C.R.S.

14 This amount shall be from various sources of cash funds.

15

	ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
			GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<u>TOTALS PART III</u>						
2	<u>(EARLY CHILDHOOD)</u>	<u>\$437,182,159</u>	<u>112,404,354</u>		<u>57,126,170^a</u>	<u>11,899,077</u>	<u>255,752,558^b</u>

4 ^a Of this amount, \$26,665,551 contains an (I) notation and is included for informational purposes only.

5 ^b Of this amount, \$14,914,387 contains an (I) notation and is included for informational purposes only.

7 **FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout subsection 10(c).**

9 1 Department of Early Childhood, Partnerships and Collaborations, Early Childhood Councils -- It is the General Assembly's intent that these funds be allocated
10 to existing Early Childhood Councils.

12 2 Department of Early Childhood, Community and Family Support, Early Childhood Mental Health Services -- It is the General Assembly's intent that this
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 138. Effective date.** (1) This act takes effect July 1,
14 2022; except that:

15 (a) This section 123, sections 1, 2, and 124 of this act, and part 1
16 of article 2 of title 26.5 added in section 3 of this act take effect upon
17 passage; and

18 (b) Section 93 of this act takes effect only if House Bill 22-1038
19 becomes law, in which case section 93 takes effect January 9, 2023.

20 **SECTION 139. Safety clause.** The general assembly hereby
21 finds, determines, and declares that this act is necessary for the immediate
22 preservation of the public peace, health, or safety.