

**Approve First Regular Session  
Seventy-fourth General Assembly  
STATE OF COLORADO**

**REREVISED**

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

LLS NO. 23-0854.01 Alana Rosen x2606

**HOUSE BILL 23-1235**

**HOUSE SPONSORSHIP**

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Education

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**A BILL FOR AN ACT**

101 **CONCERNING TECHNICAL MODIFICATIONS TO THE DEPARTMENT OF**  
102 **EARLY CHILDHOOD.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)*

Title 26.5 of the Colorado Revised Statutes relates primarily to early childhood programs and services. In 2022, the general assembly enacted House Bill 22-1295, which established the duties of the department of early childhood (department), relocated early childhood programs from the departments of human services and education to the department, and created the Colorado universal preschool program in the

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

SENATE  
3rd Reading Unamended  
April 20, 2023

SENATE  
2nd Reading Unamended  
April 19, 2023

HOUSE  
3rd Reading Unamended  
April 11, 2023

HOUSE  
Amended 2nd Reading  
April 10, 2023

department.

The bill makes technical changes to title 26.5 and related statutes, including:

- Updates language regarding gifts, grants, and donations to achieve uniformity;
- Allows the department to enter into sole source contracts for early literacy programming and whole-child services;
- Adds the executive director of the department to the health equity commission;
- Adds the commissioner of the behavioral health administration to the Colorado child abuse prevention board;
- Clarifies reporting dates to ensure the department can complete and report data in a timely manner;
- Clarifies the department's responsibilities concerning child abuse or neglect record checks;
- Amends background and record check language to align with current federal and state practices and standards;
- Clarifies definitions;
- Updates references from "ICON" to "Colorado state courts data access system"; and
- Eliminates technical language no longer used in child care licensing.

The bill makes conforming amendments.

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

2           **SECTION 1.** In Colorado Revised Statutes, 26.5-1-106, **amend**  
3 (7) as follows:

4           **26.5-1-106. Transfer of functions - employees - property -**  
5 **contracts.** (7) The executive director, or the executive director's  
6 designee, may SEEK, accept, AND EXPEND, on behalf of and in the name  
7 of the state, gifts, grants, and donations for any purpose connected with  
8 the powers, duties, and functions of the department. The state treasurer  
9 shall hold any property so given, but the executive director, or the  
10 executive director's designee, may direct the disposition of any property  
11 so given for any purpose consistent with the terms and conditions under

1 which the gift was created.

2 **SECTION 2.** In Colorado Revised Statutes, 26.5-2-209, **amend**  
3 (2) as follows:

4 **26.5-2-209. Early childhood cash fund - creation.** (2) The  
5 department is authorized to seek, **and** accept, AND EXPEND, gifts, grants,  
6 or donations from private and public sources for the purposes of this part  
7 2. All private and public money received through gifts, grants, or  
8 donations must be transmitted to the state treasurer, who shall credit the  
9 same to the fund. The money in the fund is subject to annual  
10 appropriation by the general assembly to the department for the direct and  
11 indirect costs associated with the implementation of this part 2.

12 **SECTION 3.** In Colorado Revised Statutes, 26.5-3-103, **amend**  
13 (1)(c)(III) as follows:

14 **26.5-3-103. Program created - repeal.** (1) (c) (III) The  
15 department may SEEK, accept, and expend any grants from any public or  
16 private source for the purpose of making grants to community applicants  
17 for the establishment or continued operation of family resource centers  
18 and for the purpose of evaluating the effectiveness of the family resource  
19 center program. This part 1 does not prohibit a family resource center  
20 from SEEKING, accepting, and expending funds received through an  
21 authorized contract, grants, or donations from public or private sources.

22 **SECTION 4.** In Colorado Revised Statutes, 26.5-3-204, **amend**  
23 (2)(e); and **add** (2)(l) as follows:

24 **26.5-3-204. Colorado child abuse prevention board - creation**  
25 **- members - terms - vacancies.** (2) The board consists of nineteen  
26 members, with a consideration for geographic diversity, as follows:

27 (e) ~~Three~~ TWO persons appointed by the governor and confirmed

1 by the senate who are knowledgeable in the area of child abuse  
2 prevention and represent some of the following areas: Law enforcement,  
3 medicine, law, business, public policy, mental health, intimate partner  
4 violence, early childhood education, elementary and secondary education,  
5 reducing poverty and helping families gain economic stability, the  
6 connection between housing instability and trauma, higher education,  
7 research and program evaluation, and social work. In making  
8 appointments to the board, the governor is encouraged to include  
9 representation by at least one member who is a person with a disability,  
10 as defined in section 24-34-301 (2.5), a family member of a person with  
11 a disability, or a member of an advocacy group for persons with  
12 disabilities, so long as the other requirements of this subsection (2)(e) are  
13 met.

14 (l) THE COMMISSIONER OF THE BEHAVIORAL HEALTH  
15 ADMINISTRATION, CREATED IN SECTION 27-50-102, OR THE  
16 COMMISSIONER'S DESIGNEE.

17 **SECTION 5.** In Colorado Revised Statutes, 26.5-3-205, **amend**  
18 (1)(j) as follows:

19 **26.5-3-205. Powers and duties of the board.** (1) The board has  
20 the following powers and duties:

21 (j) To accept grants from the federal government, as well as to  
22 ~~solicit and~~ SEEK, accept, AND EXPEND contributions, grants, gifts,  
23 bequests, and donations from individuals, private organizations, and  
24 foundations; and

25 **SECTION 6.** In Colorado Revised Statutes, 26.5-3-805, **amend**  
26 (4) as follows:

27 **26.5-3-805. Early care and education recruitment and**

1 **retention grant and scholarship program - created - criteria and**  
2 **eligibility - grant and scholarship awards - reports - funding - rules**  
3 **- definitions - repeal.** (4) The executive director ~~shall~~ MAY promulgate  
4 rules regarding criteria, timelines, and the administration of the program  
5 pursuant to the requirements outlined in this section.

6 **SECTION 7.** In Colorado Revised Statutes, 26.5-4-114, **amend**  
7 (1)(f) as follows:

8 **26.5-4-114. Colorado child care assistance program -**  
9 **reporting requirements.** (1) On or before November 1, 2022, and on or  
10 before November 1 each year thereafter, the department shall prepare a  
11 report on CCCAP. Notwithstanding section 24-1-136 (11)(a)(I), the  
12 department shall provide the report to the joint budget committee of the  
13 general assembly, the public and behavioral health and human services  
14 committee of the house of representatives, and the health and human  
15 services committee of the senate, or any successor committees. The report  
16 must include, at a minimum, the following information related to  
17 benchmarks of success for CCCAP:

18 (f) The number of families on each county's wait list as of  
19 ~~November 1~~ OCTOBER 1 of each year, as well as the average length of  
20 time each family remains on the wait list in each county;

21 **SECTION 8.** In Colorado Revised Statutes, 26.5-4-208, **amend**  
22 (4)(a) and (6)(d) as follows:

23 **26.5-4-208. Preschool provider funding - per-child rates - local**  
24 **contribution - distribution and use of money - definitions - repeal.**

25 (4) (a) Notwithstanding any provision of this section to the contrary, if  
26 the funding that a preschool provider that is a school district or a charter  
27 school receives pursuant to this section for eligible children enrolled in

1 the preschool program for the 2023-24 fiscal year, calculated as the  
2 per-child rates for the 2023-24 fiscal year multiplied by the number of  
3 eligible children the preschool provider enrolls for the 2023-24 fiscal  
4 year, is less than the amount of funding allotted for the 2022-23 fiscal  
5 year for the children the preschool provider enrolled through the Colorado  
6 preschool program, as it exists prior to July 1, 2023, calculated as fifty  
7 percent of the preschool provider's per pupil funding, as described in  
8 section 22-54-104 (3) or (3.5), whichever is applicable, for the 2022-23  
9 fiscal year multiplied by the number of ~~children~~ PRESCHOOL POSITIONS the  
10 preschool provider enrolled through the Colorado preschool program and  
11 directly served for the 2022-23 fiscal year, the department shall distribute  
12 to the preschool provider for the 2023-24 fiscal year an amount equal to  
13 the difference in said amounts.

14 (6) As used in this section, unless the context otherwise requires:

15 (d) "State average per pupil funding amount" means the ~~statewide~~  
16 total amount of THE per pupil funding AMOUNTS, as described in section  
17 22-54-104 (3) or (3.5), FOR ALL SCHOOL DISTRICTS IN THE STATE AS  
18 calculated for ~~all school districts~~ for the 2022-23 budget year divided by  
19 the ~~statewide total funded pupil count, minus the statewide total district~~  
20 ~~extended high school pupil enrollment and the statewide total online pupil~~  
21 ~~enrollment, for the 2022-23 budget year~~ TOTAL NUMBER OF SCHOOL  
22 DISTRICTS, THEN MULTIPLIED BY FIFTY PERCENT.

23 **SECTION 9.** In Colorado Revised Statutes, 26.5-5-102, **add**  
24 **(7)(d)** as follows:

25 **26.5-5-102. School-readiness quality improvement program -**  
26 **created - rules.** (7) (d) THE DEPARTMENT IS AUTHORIZED TO ENTER INTO  
27 A CONTRACT WITH AN ORGANIZATION TO PROVIDE THE FOLLOWING:

1 (I) EARLY LITERACY PROGRAMMING AND RELATED SUPPORTS; AND

2 (II) WHOLE-CHILD SERVICES.

3

4 SECTION 10. In Colorado Revised Statutes, 26.5-5-303, amend  
5 (1), (3), (7), (12), (13), and (16)(a); repeal (11); and add (1.5) and (5.5)  
6 as follows:

7 26.5-5-303. Definitions. As used in this part 3, unless the context  
8 otherwise requires:

9 (1) ~~"Affiliate of a licensee" means:~~

10 ~~(a) Any person or entity that owns more than five percent of the~~  
11 ~~ownership interest in the business operated by the licensee or the~~  
12 ~~applicant for a license; or~~

13 ~~(b) Any person who is directly responsible for the care and~~  
14 ~~welfare of children served; or~~

15 ~~(c) Any executive, officer, member of the governing board, or~~  
16 ~~employee of a licensee; or~~

17 ~~(d) A relative of a licensee, which relative provides care to~~  
18 ~~children at the licensee's facility or is otherwise involved in the~~  
19 ~~management or operations of the licensee's facility. "ADVERSE ACTION"~~

20 HAS THE SAME MEANING AS "NEGATIVE LICENSING ACTION" AS DEFINED IN  
21 SUBSECTION (16)(a) OF THIS SECTION.

22 (1.5) "AFFILIATE OF A LICENSEE" MEANS:

23 (a) ANY PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT  
24 OF THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE  
25 OR THE APPLICANT FOR A LICENSE; OR

26 (b) ANY PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE  
27 AND WELFARE OF CHILDREN SERVED; OR

1 (c) ANY EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD,  
2 OR EMPLOYEE OF A LICENSEE; OR

3 (d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE  
4 TO CHILDREN AT THE LICENSEE'S FACILITY OR IS OTHERWISE INVOLVED IN  
5 THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S FACILITY.

6 (3) ~~(a)-(f)~~ "Child care center" ~~prior to July 1, 2024~~, means a  
7 facility, by whatever name known, that is maintained for the whole or part  
8 of a day for the care of five or more children, unless otherwise specified  
9 in this ~~subsection (3)(a)-(f)~~ SUBSECTION (3), who are eighteen years of age  
10 or younger and who are not related to the owner, operator, or manager  
11 thereof, whether the facility is operated with or without compensation for  
12 such care and with or without stated educational purposes. The term  
13 includes, but is not limited to, facilities commonly known as child care  
14 centers, school-age child care centers, before- and after-school programs,  
15 kindergartens, preschools, day camps, and summer camps, and includes  
16 those facilities for children under six years of age with stated educational  
17 purposes operated in conjunction with a public, private, or parochial  
18 college or a private or parochial school; except that the term does not  
19 apply to any kindergarten maintained in connection with a public, private,  
20 or parochial elementary school system of at least six grades.

21 ~~(H) This subsection (3)(a) is repealed, effective July 1, 2024.~~

22 ~~(b) "Child care center", on and after July 1, 2024, means a facility,~~  
23 ~~by whatever name known, that is maintained for the whole or part of a~~  
24 ~~day for the care of five or more children, unless otherwise specified in~~  
25 ~~this subsection (3)(b), who are eighteen years of age or younger and who~~  
26 ~~are not related to the owner, operator, or manager thereof, whether the~~  
27 ~~facility is operated with or without compensation for such care and with~~



1 ~~or without stated educational purposes. The term includes, but is not~~  
2 ~~limited to, facilities commonly known as child care centers, school-age~~  
3 ~~child care centers, before- and after-school programs, kindergartens,~~  
4 ~~preschools, day camps, and summer camps, and includes those facilities~~  
5 ~~for children under six years of age with stated educational purposes~~  
6 ~~operated in conjunction with a public, private, or parochial college or a~~  
7 ~~private or parochial school; except that the term does not apply to any~~  
8 ~~kindergarten maintained in connection with a public, private, or parochial~~  
9 ~~elementary school system of at least six grades.~~

10 (5.5) "COLORADO STATE COURTS DATA ACCESS SYSTEM" MEANS  
11 THE OFFICIAL PUBLIC ACCESS SITE FOR THE COLORADO JUDICIAL BRANCH  
12 MAINTAINED BY THE COLORADO STATE COURT ADMINISTRATOR'S OFFICE  
13 CONTAINING READ-ONLY ACCESS TO COURT DATA, INCLUDING A NAME  
14 INDEX AND REGISTER OF ACTIONS.

15 (7) "Family child care home" means a facility for child care  
16 operated with or without compensation or educational purposes in a place  
17 of residence of a family or person for the purpose of providing less than  
18 twenty-four-hour care for children under the age of eighteen years who  
19 are not related to the head of such home. "Family child care home" may  
20 include infant-toddler child care homes, large FAMILY child care homes,  
21 experienced ~~provider~~ child care PROVIDER homes, and such other types  
22 of family child care homes designated by department rules pursuant to  
23 section 26.5-5-314 (2)(n), as the executive director deems necessary and  
24 appropriate.

25 (11) ~~"ICON" means the computerized database of court records~~  
26 ~~known as the integrated Colorado online network used by the state~~  
27 ~~judicial department.~~

1 (12) "Kindergarten" means any facility providing an educational  
2 program for children only for the year preceding their entrance to the first  
3 grade, whether such facility is called a kindergarten, ~~nursery school,~~  
4 preschool, or any other name.

5 (13) "License" means a legal document issued pursuant to this  
6 part 3 granting permission to operate a child care facility. A license may  
7 be in the form of a provisional, probationary, ~~permanent, or time-limited~~  
8 ~~license~~ OR PERMANENT LICENSE.

9 (16) (a) "Negative licensing action", OR "ADVERSE ACTION",  
10 means a final agency action resulting in the denial of an application, the  
11 imposition of fines, or the suspension or revocation of a license issued  
12 pursuant to this part 3 or the demotion of such a license to a probationary  
13 license.

14 **SECTION 11.** In Colorado Revised Statutes, 26.5-5-304, **amend**  
15 (1)(f)(I) introductory portion as follows:

16 **26.5-5-304. Application of part - definition - repeal.** (1) This  
17 part 3 does not apply to:

18 (f) (I) An individual who provides less than twenty-four-hour  
19 child care in ~~a~~ THE INDIVIDUAL'S PERMANENT place of residence when  
20 one of the following conditions is met:

21 **SECTION 12.** In Colorado Revised Statutes, 26.5-5-307, **amend**  
22 (2)(f)(III)(A) and (2)(g)(III)(A) as follows:

23 **26.5-5-307. Application of part - guest child care facilities -**  
24 **public services short-term child care facilities - definition.** (2) A  
25 person or entity shall not operate a guest child care facility or a public  
26 services short-term child care facility unless the following requirements  
27 are met:

1 (f) (III) (A) The guest child care facility or public services  
2 short-term child care facility requests the department to obtain a  
3 comparison search on the ~~ICON~~ COLORADO STATE COURTS DATA ACCESS  
4 system at the state judicial department with the name and date of birth  
5 information and any other available source of criminal history  
6 information that the department determines is appropriate, whether or not  
7 the criminal history background check confirms a criminal history, in  
8 order to determine the crime or crimes, if any, for which the supervisory  
9 employee or applicant for a supervisory employee position was arrested  
10 or convicted and the disposition thereof; and

11 (g) (III) (A) The guest child care facility or public services  
12 short-term child care facility requests the department to obtain a  
13 comparison search on the ~~ICON~~ COLORADO STATE COURTS DATA ACCESS  
14 system at the state judicial department with the name and date of birth  
15 information and any other available source of criminal history  
16 information that the department determines is appropriate, whether or not  
17 the criminal history background check confirms a criminal history, in  
18 order to determine the crime or crimes, if any, for which the employee  
19 was arrested or convicted and the disposition thereof; and

20 **SECTION 13.** In Colorado Revised Statutes, 26.5-5-308, **amend**  
21 (4)(c) as follows:

22 **26.5-5-308. Application of part - neighborhood youth**  
23 **organizations - rules - licensing - duties and responsibilities -**  
24 **definitions.** (4) A licensed neighborhood youth organization shall  
25 require all employees and volunteers who work directly with or will work  
26 directly with youth members five or more days in a calendar month to  
27 obtain, prior to employment, and every two years thereafter, one of the

1 following:

2 (c) A comparison search by the department on the ~~ICON~~  
3 COLORADO STATE COURTS DATA ACCESS system of the state judicial  
4 department or a comparison search on any other database that is  
5 recognized on a statewide basis by using the name, date of birth, and  
6 social security number information that the department determines is  
7 appropriate to determine whether the person being investigated has been  
8 convicted of felony child abuse as specified in section 18-6-401 or a  
9 felony offense involving unlawful sexual behavior as defined in section  
10 16-22-102 (9). The neighborhood youth organization shall not hire a  
11 person as an employee or approve a person as a volunteer after  
12 confirmation of such a criminal history.

13 **SECTION 14.** In Colorado Revised Statutes, 26.5-5-309, **amend**  
14 (4)(a)(I)(E) and (4)(b); and **add** (4)(a)(I)(E.5) as follows:

15 **26.5-5-309. Licenses - rules - definition.** (4) (a) (I) The  
16 department shall not issue a license to operate a family child care home  
17 or a child care center if the applicant for the license, an affiliate of the  
18 applicant, a person employed by the applicant, or a person who resides  
19 with the applicant at the facility has been convicted of:

20 (E) Any felony involving physical assault OR battery; ~~or a~~  
21 ~~drug-related offense within the five years preceding the date of~~  
22 ~~application for a license;~~

23 (E.5) ANY FELONY INVOLVING A DRUG-RELATED OFFENSE WITHIN  
24 THE FIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A LICENSE;

25 (b) The department shall determine the convictions identified in  
26 subsection (4)(a) of this section according to the records of the Colorado  
27 bureau of investigation, the ~~ICON~~ COLORADO STATE COURTS DATA

1 ACCESS system at the state judicial department, or any other source, as set  
2 forth in section 26.5-5-316 (1)(a)(II). A certified copy of the judgment of  
3 a court of competent jurisdiction of such conviction, deferred judgment  
4 and sentence agreement, deferred prosecution agreement, or deferred  
5 adjudication agreement is prima facie evidence of the conviction or  
6 agreement. The department shall not issue a license to operate a family  
7 child care home or a child care center if the department has a certified  
8 court order from another state indicating that the person applying for the  
9 license has been convicted of child abuse or any unlawful sexual offense  
10 against a child under a law of any other state or the United States, or the  
11 department has a certified court order from another state that the person  
12 applying for the license has entered into a deferred judgment or deferred  
13 prosecution agreement in another state as to child abuse or any sexual  
14 offense against a child.

15 **SECTION 15.** In Colorado Revised Statutes, 26.5-5-311, **amend**  
16 (1)(a)(I) and (2)(a) as follows:

17 **26.5-5-311. Fees - when original applications, reapplications,**  
18 **and renewals for licensure are required - creation of child care**  
19 **licensing cash fund - rules.** (1) (a) The department is authorized to  
20 establish, pursuant to rules promulgated by the executive director,  
21 permanent, time-limited, and provisional license fees and fees for  
22 continuation of a license for the following types of child care  
23 arrangements:

24 (I) Family child care homes, including any special type of family  
25 child care home designated by department rules pursuant to section  
26 26.5-5-314 (2)(n); ~~but excluding homes certified by county departments~~  
27 ~~or child placement agencies;~~

1           (2) (a) The fees specified in subsection (1) of this section must be  
2 paid when AN application is ~~made~~ SUBMITTED for ~~any license is sought~~  
3 A LICENSE OR RENEWAL OF A LICENSE and are not subject to refund.  
4 Applications for licenses are required in the situations that are set forth  
5 in subsection (2)(b) of this section and must be made on forms prescribed  
6 by the department. Each completed application must set forth such  
7 information as required by the department. All licenses continue in force  
8 until revoked, surrendered, or expired.

9           **SECTION 16.** In Colorado Revised Statutes, 26.5-5-316, **amend**  
10 (1)(a)(I)(A) and (1)(a)(II)(A) as follows:

11           **26.5-5-316. Investigations and inspections - local authority -**  
12 **reports - rules.** (1) (a) (I) (A) The department shall investigate and pass  
13 on each original application for a license, each application for a  
14 permanent ~~or time-limited~~ license following the issuance of a  
15 probationary or provisional license, and each application for renewal, to  
16 operate a facility or an agency prior to granting the license or renewal. As  
17 part of the investigation, the department shall require each individual,  
18 including, but not limited to, the applicant, any owner, employee, newly  
19 hired employee, licensee, and any adult who is eighteen years of age and  
20 older who resides in the licensed facility, to obtain a fingerprint-based  
21 criminal history record check by reviewing any record that is used to  
22 assist the department in ascertaining whether the person being  
23 investigated has been convicted of any of the criminal offenses specified  
24 in section 26.5-5-309 (4) or any other felony. The executive director shall  
25 promulgate rules that define and identify what the criminal history record  
26 check entails.

27           (II) Rules promulgated by the executive director pursuant to

1 subsection (1)(a)(I) of this section must also include:

2 (A) A comparison search on the ~~ICON~~ COLORADO STATE COURTS  
3 DATA ACCESS system at the state judicial department with the name and  
4 date of birth information and any other available source of criminal  
5 history information that the department determines is appropriate for each  
6 circumstance in which the fingerprint check conducted by the Colorado  
7 bureau of investigation either does not confirm a criminal history or  
8 confirms a criminal history, in order to determine the crime or crimes for  
9 which the person was arrested or convicted and the disposition thereof;

10 **SECTION 17.** In Colorado Revised Statutes, 26.5-5-317, **amend**  
11 (2) introductory portion, (2)(b), and (8) as follows:

12 **26.5-5-317. Denial of license - suspension - revocation -**  
13 **probation - refusal to renew license - fines.** (2) The department may  
14 deny an application or suspend, revoke, or make probationary the license  
15 of any facility regulated and licensed ~~under~~ PURSUANT TO this part 3 or  
16 assess a fine against the licensee pursuant to section 26.5-5-323 if the  
17 licensee, an affiliate of the licensee, a person employed by the licensee,  
18 or a person who resides with the licensee at the facility:

19 (b) Is convicted of third degree assault, as described in section  
20 18-3-204; any misdemeanor, the underlying factual basis of which has  
21 been found by the court on the record to include an act of domestic  
22 violence, as defined in section 18-6-800.3; the violation of a protection  
23 order, as described in section 18-6-803.5; ~~any misdemeanor offense of~~  
24 ~~child abuse as defined in section 18-6-401;~~ or any misdemeanor offense  
25 in any other state, the elements of which are substantially similar to the  
26 elements of any one of the offenses described in this subsection (2)(b).  
27 As used in this subsection (2)(b), "convicted" has the same meaning as

1 set forth in section 26.5-5-309 (4)(a)(II).

2 (8) The department shall determine the existence of convictions  
3 identified in this section according to the records of the Colorado bureau  
4 of investigation, the ~~ICON~~ COLORADO STATE COURTS DATA ACCESS  
5 system at the state judicial department, or any other source, as set forth  
6 in section 26.5-5-316 (1)(a)(II).

7 **SECTION 18.** In Colorado Revised Statutes, 26.5-5-326, **amend**  
8 (1)(a)(IV); and **add** (1)(a)(V) as follows:

9 **26.5-5-326. Exempt family child care home providers -**  
10 **fingerprint-based criminal history record check - child care**  
11 **assistance program money - temporary care - rules - definitions.**

12 (1) (a) (IV) The COLORADO BUREAU OF INVESTIGATION'S BACKGROUND  
13 CHECK PORTION OF THE FCC required pursuant to this section is a  
14 prerequisite to the issuance or renewal of a contract for receipt of money  
15 ~~under~~ PURSUANT TO the Colorado child care assistance program as  
16 provided in part 1 of article 4 of this title 26.5. The department shall not  
17 issue or renew a contract for payment of money under the Colorado child  
18 care assistance program to a qualified provider who fails to submit to the  
19 COLORADO BUREAU OF INVESTIGATIONS BACKGROUND CHECK PORTION  
20 OF THE FCC or fails to submit fingerprints for a qualified adult.

21 (V) THE FEDERAL BUREAU OF INVESTIGATION'S PORTION OF THE  
22 FCC REQUIRED PURSUANT TO THIS SECTION IS A PREREQUISITE TO THE  
23 ISSUANCE OF AN INITIAL CONTRACT, AND MUST BE CONDUCTED EVERY  
24 FIVE YEARS THEREAFTER, FOR RECEIPT OF MONEY PURSUANT TO THE  
25 COLORADO CHILD CARE ASSISTANCE PROGRAM AS PROVIDED IN PART 1 OF  
26 ARTICLE 4 OF THIS TITLE 26.5. THE DEPARTMENT SHALL NOT ISSUE OR  
27 RENEW A CONTRACT FOR PAYMENT OF MONEY PURSUANT TO THE



1 COLORADO CHILD CARE ASSISTANCE PROGRAM TO A QUALIFIED PROVIDER  
2 WHO FAILS TO SUBMIT THE FEDERAL BUREAU OF INVESTIGATION'S PORTION  
3 OF THE FCC OR FAILS TO SUBMIT FINGERPRINTS FOR A QUALIFIED ADULT  
4 AT THE TIME OF INITIAL CONTRACT OR EVERY FIVE YEARS THEREAFTER.

5 **SECTION 19.** In Colorado Revised Statutes, 26.5-5-328, **repeal**  
6 (2), (3), and (4) as follows:

7 **26.5-5-328. Applications for licenses.** (2) ~~The department or any~~  
8 ~~authorized agent of the department shall deny, suspend, or revoke a~~  
9 ~~license pursuant to the provisions of section 26-13-126, and any rules~~  
10 ~~promulgated to implement said section, if the department or agent~~  
11 ~~receives a notice to deny, suspend, or revoke from the state child support~~  
12 ~~enforcement agency because the licensee or applicant is out of~~  
13 ~~compliance with a court or administrative order for current child support,~~  
14 ~~child support debt, retroactive child support, child support arrearages, or~~  
15 ~~child support when combined with maintenance or because the licensee~~  
16 ~~or applicant has failed to comply with a properly issued subpoena or~~  
17 ~~warrant relating to a paternity or child support proceeding. Any such~~  
18 ~~denial, suspension, or revocation must be in accordance with the~~  
19 ~~procedures specified by rule of the department of human services and~~  
20 ~~rules promulgated by the state board of human services for the~~  
21 ~~implementation of section 26-13-126.~~

22 (3) (a) ~~The department shall enter into a memorandum of~~  
23 ~~understanding with the state child support enforcement agency, which~~  
24 ~~memorandum must identify the relative responsibilities of the department~~  
25 ~~and the state child support enforcement agency with respect to the~~  
26 ~~implementation of this section and section 26-13-126.~~

27 (b) ~~The executive director may promulgate rules to implement the~~

1 ~~provisions of this section.~~

2 (4) ~~As used in this section, "license" means any recognition,~~  
3 ~~authority, or permission that the department or any authorized agent of~~  
4 ~~the department is authorized by law to issue for an individual to practice~~  
5 ~~a profession or occupation or recreational activity. "License" includes,~~  
6 ~~but is not limited to, a license, certificate, certification, letter of~~  
7 ~~authorization, or registration issued for an individual to practice a~~  
8 ~~profession or occupation or for an individual to participate in a~~  
9 ~~recreational activity.~~

10 **SECTION 20.** In Colorado Revised Statutes, 19-1-307, **amend**  
11 **(2)(j.7), (2)(k), (2)(k.5), (2)(l), (2)(r), and (2)(y)** as follows:

12 **19-1-307. Dependency and neglect records and information -**  
13 **access - fee - records and reports fund - misuse of information -**  
14 **penalty - adult protective services data system check - rules.**

15 **(2) Records and reports - access to certain persons - agencies.** Except  
16 as set forth in section 19-1-303, only the following persons or agencies  
17 have access to child abuse or neglect records and reports:

18 (j.7) The department of early childhood, WHEN REQUESTED IN  
19 WRITING BY ANY OPERATOR OF A FACILITY THAT IS investigating an  
20 applicant for an employee or volunteer position with, or an employee or  
21 volunteer of, a licensed neighborhood youth organization pursuant to  
22 section 26.5-5-308, when the applicant, employee, or volunteer has given  
23 written authorization to the department of early childhood to check  
24 records or reports of child abuse or neglect. ANY OPERATOR WHO  
25 REQUESTS INFORMATION CONCERNING AN INDIVIDUAL WHO IS NOT A  
26 CURRENT EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT COMMITS A  
27 CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED PURSUANT TO SECTION

1 18-1.3-501. WITHIN TWENTY DAYS AFTER THE OPERATOR'S REQUEST, THE  
2 DEPARTMENT OF EARLY CHILDHOOD SHALL PROVIDE THE DATE OF THE  
3 REPORT OF THE INCIDENT, THE LOCATION OF INVESTIGATION, THE TYPE OF  
4 ABUSE AND NEGLECT, AND THE COUNTY THAT INVESTIGATED THE  
5 INCIDENT CONTAINED IN THE CONFIRMED REPORTS OF CHILD ABUSE OR  
6 NEGLECT.

7 (k) The state department of human services or department of early  
8 childhood, when requested in writing by any operator of a facility or  
9 agency that is licensed by the state department of human services  
10 pursuant to section 26-6-912 or department of early childhood pursuant  
11 to section 26.5-5-316, to check records or reports of child abuse or  
12 neglect for the purpose of screening an applicant for employment or a  
13 current employee. Any operator who requests information concerning an  
14 individual who is ~~neither~~ NOT a current employee ~~nor~~ OR an applicant for  
15 employment commits a class 2 misdemeanor and shall be punished as  
16 provided in section 18-1.3-501. Within ~~ten~~ TWENTY days after the  
17 operator's request, the state department of human services or department  
18 of early childhood shall provide the date of the report of the incident, the  
19 location of investigation, the type of abuse and neglect, and the county  
20 that investigated the incident contained in the confirmed reports of child  
21 abuse and neglect. Any operator who releases any information obtained  
22 ~~under~~ PURSUANT TO this subsection (2)(k) to any other person ~~violates the~~  
23 ~~provisions of subsection (4) of this section and is subject to the penalty~~  
24 ~~therefor~~ COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE PUNISHED  
25 PURSUANT TO SECTION 18-1.3-501.

26 (k.5) The state department of human services or department of  
27 early childhood, when requested in writing by a qualified county

1 department, individual, or child placement agency approved to conduct  
2 home study investigations and reports pursuant to section 19-5-207.5  
3 (2)(b)(I) for purposes of screening a prospective adoptive parent or any  
4 adult residing in the home ~~under~~ PURSUANT TO section 19-5-207 (2.5)(c),  
5 or investigating a prospective foster care parent, kinship care parent, or  
6 an adult residing in the home ~~under~~ PURSUANT TO section 26-6-912  
7 (1)(c). Within ~~ten~~ TWENTY days after the request, the state department of  
8 human services or department of early childhood shall provide the date  
9 of the report of the incident, the location of investigation, the type of  
10 abuse and neglect, and the county that investigated the incident contained  
11 in the confirmed reports of child abuse or neglect. The county  
12 department, individual, or child placement agency is subject to the fee  
13 assessment established in subsection (2.5) of this section. With respect  
14 to screening a prospective adoptive parent, any employee of the county  
15 department or the child placement agency or any individual who releases  
16 any information obtained pursuant to this subsection (2)(k.5) to any  
17 person other than the adoption court ~~violates the provisions of subsection~~  
18 ~~(4) of this section and is subject to the penalty therefor~~ COMMITS A CLASS  
19 2 MISDEMEANOR AND SHALL BE PUNISHED PURSUANT TO SECTION  
20 18-1.3-501.

21 (l) The state department of human services or department of early  
22 childhood, when requested in writing by the department of education to  
23 check records or reports of child abuse or neglect for the purpose of  
24 aiding the department of education in its investigation of an allegation of  
25 abuse by an employee of a school district in this state. Within ~~ten~~  
26 TWENTY days ~~of~~ AFTER the department of education's request, the state  
27 department of human services or department of early childhood shall

1 provide the date of the report of the incident, the location of  
2 investigation, the type of abuse or neglect, and the county that  
3 investigated the incident contained in the confirmed reports of child  
4 abuse or neglect. The department of education is subject to the fee  
5 assessment established in subsection (2.5) of this section. Any employee  
6 of the department of education who releases any information obtained  
7 under this subsection (2)(1) to any person not authorized to receive the  
8 information pursuant to ~~the provisions of~~ section 22-32-109.7 or any  
9 member of the board of education of a school district who releases the  
10 information obtained pursuant to ~~said section violates the provisions of~~  
11 ~~subsection (4) of this section and is subject to the penalty for the violation~~  
12 SECTION 22-32-109.7 COMMITS A CLASS 2 MISDEMEANOR AND SHALL BE  
13 PUNISHED PURSUANT TO SECTION 18-1.3-501.

14 (r) The department of early childhood, WHEN REQUESTED IN  
15 WRITING BY ANY OPERATOR OF A GUEST CHILD CARE FACILITY OR PUBLIC  
16 SERVICE SHORT-TERM CHILD CARE FACILITY THAT IS investigating an  
17 applicant for a supervisory employee position or an employee of a guest  
18 child care facility or a public services short-term child care facility  
19 pursuant to section 26.5-5-307, when the applicant or employee, as a  
20 requirement of application for employment, has given written  
21 authorization to the department of early childhood to check records or  
22 reports of child abuse or neglect. ANY OPERATOR WHO REQUESTS  
23 INFORMATION CONCERNING AN INDIVIDUAL WHO IS NOT A CURRENT  
24 EMPLOYEE OR AN APPLICANT FOR EMPLOYMENT COMMITS A CLASS 2  
25 MISDEMEANOR AND SHALL BE PUNISHED PURSUANT TO SECTION  
26 18-1.3-501. WITHIN TWENTY DAYS AFTER THE OPERATOR'S REQUEST, THE  
27 DEPARTMENT OF EARLY CHILDHOOD SHALL PROVIDE THE DATE OF THE

1 REPORT OF THE INCIDENT, THE LOCATION OF INVESTIGATION, THE TYPE OF  
2 ABUSE AND NEGLECT, AND THE COUNTY THAT INVESTIGATED THE  
3 INCIDENT CONTAINED IN THE CONFIRMED REPORTS OF CHILD ABUSE AND  
4 NEGLECT.

5 (y) The state department of human services, ~~or~~ department of  
6 early childhood, OR A REQUESTING INDIVIDUAL, OR THE INDIVIDUAL'S  
7 DESIGNEE, AFTER PROOF OF IDENTIFICATION, when requested in writing  
8 ~~by an individual~~ to check records or reports of child abuse or neglect OF  
9 THE REQUESTING INDIVIDUAL for the purpose of screening ~~that~~ THE  
10 REQUESTING individual when ~~that~~ THE REQUESTING individual's  
11 responsibilities include care of children, treatment of children,  
12 supervision of children, or unsupervised contact with children.

13 **SECTION 21.** In Colorado Revised Statutes, 25-4-2206, **amend**  
14 (2)(a) introductory portion, (2)(a)(XII), and (2)(a)(XIII); and **add**  
15 (2)(a)(XIV) as follows:

16 **25-4-2206. Health equity commission - creation - repeal.**

17 (2) (a) The commission consists of the following ~~twenty-two~~  
18 TWENTY-THREE members, who are as follows:

19 (XII) The executive director of the department of corrections, or  
20 the executive director's designee; ~~and~~

21 (XIII) The executive director of the department of higher  
22 education, or the executive director's designee; AND

23 (XIV) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
24 CHILDHOOD, OR THE EXECUTIVE DIRECTOR'S DESIGNEE.

25 **SECTION 22. Safety clause.** The general assembly hereby finds,  
26 determines, and declares that this act is necessary for the immediate  
27 preservation of the public peace, health, or safety.