

CHAPTER 336

EARLY CHILDHOOD PROGRAMS AND SERVICES

SENATE BILL 23-269

BY SENATOR(S) Buckner and Rich, Coleman, Cutter, Exum, Ginal, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Roberts, Sullivan, Winter F., Fenberg;
also REPRESENTATIVE(S) Lukens and Bradfield, Amabile, Bacon, Bird, Boesenecker, Brown, deGruy Kennedy, Dickson, Duran, English, Froelich, Garcia, Gonzales-Gutierrez, Hamrick, Jodeh, Kipp, Lieder, Lindstedt, McCormick, McLachlan, Michaelson Jenet, Ricks, Sharbini, Sirota, Story, Titone, Valdez, Velasco, Willford, Woodrow, Young, McCluskie.

AN ACT

CONCERNING CREATING A BONUS PAYMENT PROGRAM TO INCENTIVIZE COLORADO PRESCHOOL PROVIDERS TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.

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

SECTION 1. In Colorado Revised Statutes, **add** 26.5-4-211 as follows:

26.5-4-211. Colorado universal preschool program provider participation bonus program - report - rules - definitions - repeal. (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "COLORADO STATE-RUN PRESCHOOL PROGRAM" MEANS THE COLORADO PRESCHOOL PROGRAM ADMINISTERED PURSUANT TO ARTICLE 28 OF TITLE 22 AS IT EXISTED PRIOR TO JULY 1, 2023.

(b) "COLORADO UNIVERSAL PRESCHOOL PROGRAM APPLICATION PORTAL" MEANS THE SYSTEM THE DEPARTMENT ADMINISTERS TO OPERATE AND TRACK THE PUBLIC'S PARTICIPATION IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM ADMINISTERED PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

(c) "COLORADO UNIVERSAL PRESCHOOL PROGRAM PROVIDER PARTICIPATION BONUS PROGRAM" OR "BONUS PROGRAM" MEANS THE COLORADO UNIVERSAL PRESCHOOL PROGRAM PROVIDER PARTICIPATION BONUS PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(d) "ELIGIBLE RECIPIENT" MEANS A PRESCHOOL PROVIDER PARTICIPATING IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM CREATED PURSUANT TO SECTION 26.5-4-204 THAT HAS SIGNED A PROVIDER AGREEMENT AND IS IN GOOD STANDING WITH THE DEPARTMENT.

(e) "LOW-CAPACITY PRESCHOOL AREA" MEANS A COMMUNITY WITH INSUFFICIENT COLORADO UNIVERSAL PRESCHOOL PROGRAMMING CAPACITY TO MEET THE DEMAND OF PARENTS IN THE PRESCHOOL AREA WHO WISH TO ENROLL THE PARENTS' CHILDREN.

(2) THERE IS CREATED IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL PROGRAM PROVIDER PARTICIPATION BONUS PROGRAM. THE PURPOSE OF THE BONUS PROGRAM IS TO:

(a) INCREASE PRESCHOOL PROVIDER PARTICIPATION IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO ENSURE THAT ALL CHILDREN HAVE ACCESS TO A UNIVERSAL PRESCHOOL CLASSROOM IN THEIR COMMUNITIES;

(b) STRENGTHEN THE MIXED DELIVERY SYSTEM BY SUPPORTING PRESCHOOL PROVIDERS THAT HAVE NOT PREVIOUSLY PARTICIPATED IN THE COLORADO STATE-RUN PRESCHOOL PROGRAM; AND

(c) PRESERVE ACCESS TO INFANT AND TODDLER CARE.

(3) (a) THE DEPARTMENT SHALL ESTABLISH AND MAKE PUBLICLY AVAILABLE A PROCESS FOR SOLICITING, VETTING, AWARDING, AND MONITORING PAYMENTS UNDER THE BONUS PROGRAM THAT ALIGNS WITH THE PURPOSES OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE DEPARTMENT SHALL POST THE PROCESS ON THE DEPARTMENT'S WEBSITE.

(b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES, AS NECESSARY, FOR THE IMPLEMENTATION OF THE PROGRAM.

(c) (I) AN ELIGIBLE RECIPIENT MUST RECEIVE A BONUS PAYMENT IF THE ELIGIBLE RECIPIENT HAS REGISTERED WITH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM APPLICATION PORTAL TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM BY AUGUST 31, 2023, AND HAS NOT PREVIOUSLY PARTICIPATED IN THE COLORADO STATE-RUN PRESCHOOL PROGRAM.

(II) AN ELIGIBLE RECIPIENT MAY RECEIVE ADDITIONAL BONUS PAYMENTS IF THE ELIGIBLE RECIPIENT:

(A) IS LICENSED TO PROVIDE CARE TO INFANTS AND TODDLERS AND IS IN GOOD STANDING WITH THE DEPARTMENT; AND

(B) MAINTAINS OR INCREASES THE ELIGIBLE RECIPIENT'S LICENSED CAPACITY TO SERVE INFANTS AND TODDLERS BETWEEN APRIL 1, 2022, AND APRIL 1, 2024.

(III) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT SHALL FURTHER DISTRIBUTE BONUS PAYMENTS TO AN ELIGIBLE RECIPIENT LOCATED IN A LOW-CAPACITY PRESCHOOL AREA THAT REGISTERS WITH THE COLORADO UNIVERSAL

PRESCHOOL PROGRAM APPLICATION PORTAL TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM.

(4) AN ELIGIBLE RECIPIENT AWARDED A BONUS PAYMENT PURSUANT TO THIS SECTION SHALL USE THE BONUS PAYMENT TO IMPLEMENT OR SUPPORT THE COLORADO UNIVERSAL PRESCHOOL PROGRAM OR MAINTAIN OR EXPAND INFANT AND TODDLER CARE IN THIS STATE.

(5) (a) ON OR BEFORE SEPTEMBER 1, 2023, THE DEPARTMENT SHALL CALCULATE THE NUMBER OF ELIGIBLE RECIPIENTS THAT APPLIED FOR A BONUS PAYMENT PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION AND, BASED ON AVAILABLE APPROPRIATIONS, DETERMINE AN AMOUNT FOR THE BONUS PAYMENT.

(b) ALL BONUS PAYMENTS MUST BE DISTRIBUTED TO ELIGIBLE RECIPIENTS THAT QUALIFY PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION FOR A BONUS PAYMENT ON OR BEFORE JUNE 30, 2024.

(6) ON OR BEFORE SEPTEMBER 1, 2024, THE DEPARTMENT SHALL SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE SUMMARIZING THE FOLLOWING:

(a) THE NUMBER OF ELIGIBLE RECIPIENTS THAT RECEIVED A BONUS PAYMENT;

(b) THE TYPES OF ELIGIBLE RECIPIENTS THAT RECEIVED A BONUS PAYMENT PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION;

(c) THE AMOUNT OF EACH BONUS PAYMENT; AND

(d) THE NUMBER OF BONUS PAYMENTS AWARDED PURSUANT TO SUBSECTIONS (3)(c)(I), (3)(c)(II), AND (3)(c)(III) OF THIS SECTION, RESPECTIVELY.

(7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

SECTION 2. Appropriation. For the 2023-24 state fiscal year, \$2,500,000 is appropriated to the department of early childhood for use by the early learning access and quality division. This appropriation is from the general fund. To implement this act, the division may use this appropriation for the universal preschool program.

SECTION 3. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 2, 2023