

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0564.01 Anna Petrini x5497

HOUSE BILL 26-1259

HOUSE SPONSORSHIP

Sirota,

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Marchman and Bridges,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING CHANGING REQUIREMENTS RELATED TO EARLY
102 CHILDHOOD SERVICES, AND, IN CONNECTION THEREWITH,
103 CLARIFYING OR EXTENDING SPECIFIED EXISTING LICENSING
104 EXEMPTIONS, UPDATING EARLY CARE AND EDUCATION
105 PROVIDER REIMBURSEMENT, MODIFYING CERTAIN EXISTING
106 FUNDING PROVISIONS FOR THE UNIVERSAL PRESCHOOL
107 PROGRAM, CLARIFYING CERTAIN EXISTING PROGRAM
108 ELIGIBILITY AND REPORTING REQUIREMENTS, AND ADJUSTING
109 THE MEMBERSHIP OR DUTIES OF SPECIFIED EARLY CHILDHOOD
110 ADVISORY BODIES.

Bill Summary

(Note: This summary applies to this bill as introduced and does

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.

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

The bill makes changes and clarifications in the provisions related to the department of early childhood (department). The bill:

- Eliminates the scheduled repeal of licensing exemptions for informal child care provided by family, friends, or neighbors in an in-home setting;
- Updates provisions related to early care and education provider reimbursement for services performed before final eligibility determinations in the Colorado child care assistance program;
- Lowers the age limit for children served by the early childhood mental health consultation program from 8 years old to 6 years old and adjusts that program's reporting requirements;
- Clarifies the role of school districts and charter schools in administering and determining certain funding priorities for 3-year-olds in the universal preschool program;
- Adds information about the sources of money appropriated to the universal preschool program;
- Clarifies that child care facilities approved, certified, or licensed by tribal governments are exempt from the department's licensing rules; and
- Adjusts the membership requirements and duties of the early childhood leadership commission and subcommittee membership requirements for the rules advisory council.

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

2 **SECTION 1.** In Colorado Revised Statutes, 26.5-1-105, **amend**
3 (2)(f) as follows:

4 **26.5-1-105. Powers and duties of the executive director - rules**
5 **- rules advisory council - repeal.**

6 (2) (f) The executive director may create issue-specific
7 subcommittees of the council that must include ~~members~~ A MEMBER of
8 the council and may include representatives from other state agencies,

1 representatives of local and tribal agencies or other local leaders in early
2 childhood and family support issues, and issue experts.

3 **SECTION 2.** In Colorado Revised Statutes, 26.5-1-302, **amend**
4 (1), (2) introductory portion, (2)(d) introductory portion, (2)(d)(VII),
5 (2)(d)(VIII), and (4); and **add** (2)(b.5) and (2)(d)(IX) as follows:

6 **26.5-1-302. Early childhood leadership commission - created**
7 **- mission - funding - reimbursement for expenses.**

8 (1) There is created in the department the early childhood
9 leadership commission. The commission is a **type 2** entity, as defined in
10 section 24-1-105, and exercises its powers and performs its duties and
11 functions under the department of early childhood. The purpose of the
12 commission is to ensure and advance a comprehensive service delivery
13 system for pregnant women and children from birth to eight years ~~of age~~
14 OLD using data to improve decision-making, alignment, and coordination
15 among federally funded and state-funded services and programs for
16 pregnant women and young children and their families. At a minimum,
17 the comprehensive service delivery system for pregnant women and
18 children and their families must include services in the areas of prenatal
19 health; child health; child mental health; early care and education; ~~and~~
20 family support, INCLUDING SUPPORT FOR FAMILY ECONOMIC MOBILITY;
21 and parent education.

22 (2) The commission consists of up to ~~twenty-one~~ TWENTY-TWO
23 members as follows:

24 (b.5) THE COMMISSIONER OF THE BEHAVIORAL HEALTH
25 ADMINISTRATION OR THE COMMISSIONER'S DESIGNEE;

26 (d) No more than fourteen persons appointed by the governor
27 ~~which persons~~ WHO collectively have the following expertise, affiliations,

1 or backgrounds:

2 (VII) Members of the business community; ~~and~~

3 (VIII) Representatives of the local public health community; AND

4 (IX) PERSONS WITH EXPERTISE IN FAMILY SUPPORTS, INCLUDING
5 FAMILY ECONOMIC MOBILITY.

6 (4) The governor shall appoint three persons from among the
7 members of the commission ~~one representing business interests, one~~
8 ~~representing private, nonprofit entities, and one representing public~~
9 ~~entities~~, WHO REPRESENT A WIDE RANGE OF EXPERTISE, AFFILIATIONS, OR
10 BACKGROUNDS to serve as co-chairs of the commission. The commission
11 shall meet regularly at the direction of the co-chairs and as often as
12 necessary to fulfill its duties. The co-chairs may appoint working groups
13 and subcommittees to assist the commission in its work or to address
14 specific issues. The working groups and subcommittees, at the discretion
15 of the co-chairs, may consist of any combination of members of the
16 commission and other persons from the community.

17 **SECTION 3.** In Colorado Revised Statutes, 26.5-1-303, **amend**
18 (1) introductory portion, (1)(f)(II), (1)(f)(III), (2)(a), and (2)(b); and **add**
19 (1)(f)(IV) and (2)(c) as follows:

20 **26.5-1-303. Early childhood leadership commission - duties.**

21 (1) In addition to ~~any~~ other duties specified in law, the
22 commission has the following duties:

23 (f) To develop strategies and monitor efforts concerning:

24 (II) Increasing participation in and access to child care and early
25 education programs; ~~and~~

26 (III) Promoting family and community engagement in children's
27 early education and development; AND

1 (IV) MAINTAINING A COMPREHENSIVE AND COHESIVE SYSTEM OF
2 EARLY CHILDHOOD SUPPORTS ACROSS VARIOUS DOMAINS.

3 (2) In fulfilling its duties, the commission shall collaborate, at a
4 minimum, with:

5 (a) Members of the early childhood councils established pursuant
6 to section 26.5-2-203; ~~and~~

7 (b) ~~Any~~ Other boards, commissions, and councils that address
8 services and supports for pregnant women and young children; AND

9 (c) OTHER STATE AND LOCAL AGENCIES INVOLVED IN THE
10 DELIVERY OF EARLY CHILDHOOD OR HUMAN SERVICES PROGRAMS OR
11 SERVICES.

12 **SECTION 4.** In Colorado Revised Statutes, 26.5-3-603, **amend**
13 (3)(a)(II) and (3)(a)(III) as follows:

14 **26.5-3-603. Social-emotional learning programs grant**
15 **program - created - implementation partner - application - selection**
16 **- funding - rules.**

17 (3) An entity that seeks grant money to implement or expand a
18 social-emotional learning program must submit an application to the
19 department in accordance with department rules and procedures. At a
20 minimum, the application must:

21 (a) Identify the social-emotional learning program curriculum that
22 the entity will use, which must:

23 (II) ~~Be identified by the university of Colorado as a proven,~~
24 ~~evidence-based~~ RESEARCH-BASED intervention to support healthy youth
25 development; and

26 (III) Have been previously implemented with success by early
27 childhood program providers; ~~in Colorado;~~ and

1 **SECTION 5.** In Colorado Revised Statutes, 26.5-3-702, **amend**
2 (2)(b) as follows:

3 **26.5-3-702. Early childhood mental health consultation -**
4 **statewide program - creation - purpose - rules.**

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

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

12 **SECTION 6.** In Colorado Revised Statutes, 26.5-3-703, **amend**
13 (1) introductory portion and (1)(e) as follows:

14 **26.5-3-703. Model of early childhood mental health**
15 **consultation - standards and guidelines - qualifications.**

16 (1) ~~On or before July 1, 2022,~~ The department shall design and
17 develop, in consultation with the stakeholders listed in section 26.5-3-702
18 (1)(b), a model of consultation for the program that includes
19 qualifications for mental health consultants, job expectations, expected
20 outcomes, and guidance on ratios between mental health consultants and
21 the settings they support, referred to in this section as "the model". The
22 model must include standards and guidelines to ensure the program is
23 implemented effectively, with primary consideration given to
24 evidence-based services. The standards and guidelines must include:

25 (e) Guidance on the diverse settings in which and types of
26 providers with whom mental health consultants in the program may work
27 to meet the varied needs of children and families from prenatal through

1 ~~eight years of age~~ SIX YEARS OLD. The model must include provisions that
2 ensure that mental health consultants in the program may work with a
3 ~~diversity~~ DIVERSE RANGE of professionals and caregivers, including, but
4 not limited to, early child care and education teachers and providers,
5 elementary school teachers and administrators, home visitors, child
6 welfare caseworkers, public health professionals, and health-care
7 professionals, including settings providing prenatal and postpartum care.

8 **SECTION 7.** In Colorado Revised Statutes, 26.5-3-704, **amend**
9 (2)(d) as follows:

10 **26.5-3-704. Statewide professional development plan for early**
11 **childhood mental health consultants.**

- 12 (2) The plan must include, at a minimum, training related to:
- 13 (d) Child development through ~~eight years of age~~ SIX YEARS OLD;

14 **SECTION 8.** In Colorado Revised Statutes, 26.5-3-706, **amend**
15 (2) introductory portion as follows:

16 **26.5-3-706. Data collection - reporting.**

17 (2) Notwithstanding section 24-1-136 (11)(a)(I), the department
18 shall, beginning in 2023 and continuing every two years thereafter
19 THROUGH 2027, in its presentation to the joint budget committee of the
20 general assembly, as well as its presentation to its committee of reference
21 at the hearing held pursuant to section 2-7-203 (2)(a) of the "State
22 Measurement for Accountable, Responsive, and Transparent (SMART)
23 Government Act" in ~~January 2027~~ JANUARY 2028, report on the
24 following issues:

25 **SECTION 9.** In Colorado Revised Statutes, 26.5-4-106, **amend**
26 (2)(b) as follows:

27 **26.5-4-106. Applications for child care assistance -**

1 **applications for child care employees - verification - award - not**
2 **assignable - limitation - rules.**

3 (2) (b) In verifying an application received pursuant to this
4 section, the county department shall confirm that the applicant meets the
5 eligibility requirements for receiving ~~public~~ CHILD CARE assistance
6 specified in ~~section 26-2-111(1)~~ THIS PART 1.

7 **SECTION 10.** In Colorado Revised Statutes, 26.5-4-111, **amend**
8 (3)(a), (3)(b)(II), and (10) as follows:

9 **26.5-4-111. Services - eligibility - assistance provided - waiting**
10 **lists - rules - exceptions from cooperating with child support**
11 **establishment.**

12 (3) (a) ~~Subject to available appropriations,~~ Pursuant to rules
13 ~~promulgated~~ ADOPTED for implementation of this part 1, and except as
14 provided in subsection (3)(b) of this section, a county shall provide child
15 care assistance for a family transitioning off the works program ~~due to~~
16 ~~employment or job training~~ without requiring the family to apply for
17 low-income child care but shall redetermine the family's eligibility within
18 twelve months after the transition.

19 (b) A family that transitions off the works program must not be
20 automatically transitioned to CCCAP pursuant to subsection (3)(a) of this
21 section if either of the following conditions apply:

22 (II) The family is leaving the works program due to employment
23 and will be at an income level that exceeds the ~~income eligibility limit for~~
24 ~~the CCCAP~~ THE MAXIMUM FEDERAL ELIGIBILITY LEVEL OF EIGHTY-FIVE
25 PERCENT OF THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE.

26 (10) An early care and education provider or county may conduct
27 a pre-eligibility determination for child care assistance for a family to

1 facilitate the determination process. The early care and education provider
2 shall submit its pre-eligibility documentation to the county for final
3 determination of eligibility for child care assistance. The early care and
4 education provider or county may provide services to the family prior to
5 final determination of eligibility, and the county shall reimburse a
6 provider for ~~such~~ THE services only if the county determines the family
7 is eligible for services and there is no need to place the family on a
8 waiting list. If the family is found ineligible for services, the county shall
9 not ~~reimburse~~ RECOVER MONEY PAID TO the early care and education
10 provider OR FAMILY for any services provided during the period between
11 ~~its~~ THE EARLY CARE AND EDUCATION PROVIDER'S pre-eligibility
12 determination and the county's final determination of eligibility.

13 **SECTION 11.** In Colorado Revised Statutes, 26.5-4-204, **amend**
14 (6) introductory portion; and **add** (6.5) and (7) as follows:

15 **26.5-4-204. Colorado universal preschool program - created**
16 **- eligibility - workforce development plan - program funding -**
17 **legislative declaration - rules.**

18 (6) To preserve the general assembly's historic commitment to
19 preschool program funding, the general assembly shall appropriate FROM
20 THE GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION
21 17 OF ARTICLE IX OF THE STATE CONSTITUTION to the department for the
22 Colorado universal preschool program:

23 (6.5) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE
24 PURPOSES OF SUBSECTION (6) OF THIS SECTION FROM THE STATE
25 EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE
26 CONSTITUTION. THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES
27 OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE

1 APPROPRIATIONS REQUIRED IN SUBSECTION (6) OF THIS SECTION ARE AN
2 IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL
3 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE
4 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE
5 STATE CONSTITUTION.

6 (7) EXCEPT AS REQUIRED BY A COURT-ISSUED SUBPOENA OR
7 ORDER, A PRESCHOOL PROVIDER AND THE DEPARTMENT SHALL KEEP ALL
8 IDENTIFYING RECORDS REGARDING CHILDREN AND ALL IDENTIFYING FACTS
9 LEARNED ABOUT CHILDREN AND THEIR RELATIVES CONFIDENTIAL.
10 NOTWITHSTANDING ANY PROVISION OF PART 2 OF ARTICLE 72 OF TITLE 24
11 TO THE CONTRARY, THE DEPARTMENT AND THE PRESCHOOL PROVIDER
12 SHALL NOT RELEASE INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR
13 THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE; EXCEPT THAT
14 INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION
15 OF A SPECIFIC CHILD OR RELATIVE MAY BE RELEASED TO THE PERSON IN
16 INTEREST, AS DEFINED IN SECTION 24-72-202.

17 **SECTION 12.** In Colorado Revised Statutes, 26.5-4-208, **amend**
18 (3)(c)(I), (3)(c)(II), and (5)(d) as follows:

19 **26.5-4-208. Preschool provider funding - per-child rates - local**
20 **contribution - distribution and use of money - definitions.**

21 (3) (c) (I) (A) In distributing funding for preschool services
22 pursuant to this section for the ~~2023-24 fiscal year~~ 2026-27 FISCAL YEAR
23 and each fiscal year thereafter, the department shall ensure that the
24 amount of funding required to provide preschool services to all
25 three-year-old children with disabilities who enroll in the preschool
26 program is ~~annually~~ distributed OVER THE COURSE OF THE FISCAL YEAR to
27 the enrolling preschool providers and the amount described in subsection

1 (3)(c)(I)(B) of this section is distributed to provide preschool services for
2 eligible children who are three years ~~of age~~ OLD or younger, as described
3 in section 26.5-4-204 (3)(a)(III) and (3)(a)(IV).

4 (B) To provide services for eligible children who are three years
5 ~~of age~~ OLD or younger, the department shall, ~~annually~~ FOR THE 2026-27
6 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, distribute OVER THE
7 COURSE OF THE FISCAL YEAR the amount allotted for the 2022-23 fiscal
8 year to provide preschool services for children three years ~~of age~~ OLD or
9 younger through the "Colorado Preschool Program Act", article 28 of title
10 22, as it existed prior to July 1, 2023, calculated as an amount equal to the
11 number of children three years ~~of age~~ OLD or younger enrolled by each
12 school district for the 2022-23 fiscal year multiplied by the per pupil
13 funding, as described in section 22-54-104 (3) or (3.5), whichever is
14 applicable, for the enrolling school district for the 2022-23 fiscal year.

15 (II) (A) The department and local coordinating organizations, as
16 applicable, shall distribute the funding for preschool services for children
17 who are three years ~~of age~~ OLD or younger as described in subsection
18 (3)(c)(I)(B) of this section only to preschool providers that are school
19 districts or charter schools for the eligible children who are three years ~~of~~
20 ~~age~~ OLD and younger whom the school district or charter school enrolls
21 in accordance with the preschool program; except that, in a fiscal year in
22 which the general assembly specifically appropriates an amount to
23 provide preschool services for children three years ~~of age~~ OLD or younger
24 who do not have disabilities that exceeds the amount described in
25 subsection (3)(c)(I)(B) of this section, the department may distribute in
26 accordance with the applicable community plans all or any portion of the
27 excess appropriation amount to community-based preschool providers. A

1 school district may distribute all or a portion of the amount received
2 pursuant to this subsection (3)(c)(II) to a head start agency or
3 community-based preschool provider that provides preschool services
4 pursuant to a contract with the school district.

5 (B) THE ADMINISTRATION OF PRESCHOOL SERVICES FOR ELIGIBLE
6 CHILDREN WHO DO NOT HAVE DISABILITIES AND WHO ARE THREE YEARS
7 OLD OR YOUNGER, AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND
8 (3)(a)(IV), MUST BE EFFECTUATED BY A SCHOOL DISTRICT OR CHARTER
9 SCHOOL PURSUANT TO THIS SUBSECTION (3)(c)(II). A SCHOOL DISTRICT OR
10 CHARTER SCHOOL MAY DETERMINE THE PRIORITY FOR DISTRIBUTING
11 MONEY FOR PRESCHOOL SERVICES FOR THESE ELIGIBLE CHILDREN AS LONG
12 AS THE SCHOOL DISTRICT OR CHARTER SCHOOL MAKES THE PRIORITY
13 DETERMINATIONS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS PART
14 2 AND APPLICABLE DEPARTMENT RULES.

15 (5) A preschool provider that receives funding distributed
16 pursuant to this section shall use the money only to pay the costs of
17 providing preschool services directly to eligible children enrolled by the
18 preschool provider or by a subcontracted preschool provider as authorized
19 for a school district in subsection (3)(c)(II) of this section. Costs of
20 providing preschool services include:

21 (d) Any additional costs, INCLUDING COSTS FOR SERVICES
22 PROVIDED TO CHILDREN WITH DISABILITIES, that a preschool provider
23 would not have incurred but for the services provided in conjunction with
24 the preschool services; and

25 **SECTION 13.** In Colorado Revised Statutes, 26.5-5-304, **amend**
26 (1)(b); and **repeal** (1)(f)(IV) as follows:

27 **26.5-5-304. Application of part - definition.**

1 (1) This part 3 does not apply to:

2 (b) A child care facility that is approved, certified, or licensed by
3 any other state agency, BY A TRIBAL GOVERNMENT DEPARTMENT OR
4 AGENCY, or by a federal government department or agency, that has
5 standards for operation of the facility and inspects or monitors the facility;

6 (f) (IV) ~~This subsection (1)(f) is repealed, effective September 1,~~
7 ~~2026.~~

8 **SECTION 14.** In Colorado Revised Statutes, 26.5-5-316, **amend**
9 (4) as follows:

10 **26.5-5-316. Investigations and inspections - local authority -**
11 **reports - rules.**

12 (4) Every facility licensed ~~under~~ PURSUANT TO this part 3 shall
13 keep and maintain ~~such~~ records as the department ~~may prescribe~~
14 PRESCRIBES pertaining to the admission, progress, health, and discharge
15 of children under the care of the facility, and shall report ~~relative thereto~~
16 ON THE RECORDS to the department whenever called for, upon forms
17 prescribed by the department. EXCEPT AS REQUIRED BY A COURT-ISSUED
18 SUBPOENA OR ORDER, the facility and the department shall keep all
19 IDENTIFYING records regarding children and all IDENTIFYING facts learned
20 about children and their relatives confidential. NOTWITHSTANDING ANY
21 PROVISION OF PART 2 OF ARTICLE 72 OF TITLE 24 TO THE CONTRARY, THE
22 DEPARTMENT AND THE FACILITY SHALL NOT RELEASE INDIVIDUAL
23 CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC
24 CHILD OR RELATIVE; EXCEPT THAT INDIVIDUAL CHILD-LEVEL DATA THAT
25 ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE MAY
26 BE RELEASED TO THE PERSON IN INTEREST, AS DEFINED IN SECTION
27 24-72-202.

1 **SECTION 15.** In Colorado Revised Statutes, 19-1-103, **amend**
2 (86) as follows:

3 **19-1-103. Definitions.**

4 As used in this title 19 or in the specified portion of this title 19,
5 unless the context otherwise requires:

6 (86) (a) "Institutional abuse", as used in part 3 of article 3 of this
7 title 19, means ~~any~~ A case of abuse, as defined in subsection (1) of this
8 section, that occurs in ~~any~~ A public or private facility in the state that
9 provides child care out of the home, supervision, or maintenance.
10 "Institutional abuse" includes an act or omission that threatens the life,
11 health, or welfare of a child or a person who is younger than twenty-one
12 years ~~of age~~ OLD who is under the continuing jurisdiction of the court
13 pursuant to this title 19.

14 (b) "Institutional abuse" does not include abuse that occurs in ~~any~~
15 A public, private, or parochial school system, including ~~any~~ A preschool
16 operated in connection with ~~said~~ THE SCHOOL system; except that, to the
17 extent the school system provides extended day services, abuse that
18 occurs while ~~such~~ THE services are provided is institutional abuse.

19 (c) As used in this subsection (86), "facility" means a residential
20 child care facility, specialized group facility, foster care home, or ~~any~~
21 other facility licensed pursuant to part 9 of article 6 of title 26; ~~family~~
22 ~~child-care home~~ A FACILITY licensed pursuant to part 3 of article 5 of title
23 26.5; noncertified kinship care providers that provide care for children
24 with an open child welfare case who are in the legal custody of a county
25 department of human or social services; or a facility or community
26 placement, as described in section 19-2.5-1502, for a juvenile committed
27 to the custody of the department of human services. "Facility" does not

1 include ~~any~~ AN adult detention or correctional facility.

2 **SECTION 16. Safety clause.** The general assembly finds,
3 determines, and declares that this act is necessary for the immediate
4 preservation of the public peace, health, or safety or for appropriations for
5 the support and maintenance of the departments of the state and state
6 institutions.