

Second Regular Session
Seventy-third General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 22-0202.02 Ed DeCecco x4216

HOUSE BILL 22-1010

HOUSE SPONSORSHIP

Sirota and Van Beber, Kipp

SENATE SPONSORSHIP

Buckner and Kirkmeyer, Story

House Committees

Education
Finance
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING AN INCOME TAX CREDIT FOR ELIGIBLE EARLY**
102 **CHILDHOOD EDUCATORS, AND IN CONNECTION THEREWITH,**
103 **MAKING AN APPROPRIATION.**

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/>.)

Early Childhood and School Readiness Legislative Commission. For 5 income tax years, the bill creates a refundable income tax credit for an eligible early childhood educator who:

- Has an adjusted gross income below specified thresholds;
and

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.*

HOUSE
Amended 2nd Reading
April 14, 2022

- For at least 6 months of the taxable year, holds an early childhood professional credential and is either the head of a family child care home or is employed with an eligible early childhood education program or a family child care home.

The bill specifies that an early childhood education program must have achieved at least a level 2 quality rating under the Colorado shines quality rating and improvement system and either have fiscal agreements with the Colorado child care assistance program or meet the federal early head start or head start standards for a program. The amount of the credit is dependent on the eligible early childhood educator's credentialing level and is annually adjusted for inflation.

The department of human services, or a successor department, is required to provide the department of revenue with an electronic report of each individual who held an early childhood professional credential during the previous calendar year for which the credit is allowed.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Demand for early childhood educators and directors is
5 expected to increase by nearly twenty-five percent over the next ten years,
6 a rate that is even faster anticipated growth than for kindergarten through
7 twelfth grade educators, and the growth rates for early childhood
8 professionals are high everywhere, but are double in rural counties
9 compared to urban counties and highest in frontier counties;

10 (b) The early care and education sector is comprised almost
11 exclusively of women, forty percent of whom are people of color, and
12 failure to invest in this profession undermines the economic opportunity
13 of early educators and their ability to support the education of the children
14 in their classroom;

15 (c) These educators represent the most racially diverse sector of
16 the teaching workforce, compared to kindergarten through twelfth grade

1 and postsecondary education, but early educators are among the
2 lowest-paid professionals in every state, including Colorado;

3 (d) On average, early childhood educators earn less than half of
4 the salary of kindergarten teachers and over one-third report receiving
5 subsidies from public assistance programs to make ends meet;

6 (e) Low pay and instability in the early childhood sector contribute
7 to high turnover rates with half of all early childhood education
8 professionals changing jobs within three years;

9 (f) The COVID-19 pandemic has exacerbated the challenges
10 facing the recruitment, retention, and professional development of the
11 early childhood workforce at a time when the need for access to early care
12 and education is acute for working families, and women in particular, to
13 be able to enter the workforce; and

14 (g) Investments in the early care and education workforce have a
15 significant return on investment with every dollar invested in the early
16 care and education sector resulting in two dollars and twenty-seven cents
17 in output in the state economy and every job created in the early care and
18 education sector resulting in an additional nearly one and one-half new
19 jobs in the state economy.

20 (2) Now, therefore, the general assembly declares that supporting
21 the early childhood workforce with a targeted tax credit can support
22 stability in the industry and, in turn, support working families, child
23 development, and economic growth.

24 **SECTION 2.** In Colorado Revised Statutes, add 39-22-543 as
25 follows:

26 **39-22-543. Early childhood educator income tax credit - tax**
27 **preference performance statement - legislative declaration -**

1 **definitions - repeal.** (1) (a) THE GENERAL ASSEMBLY FINDS AND
2 DECLARES THAT:

3 (I) THE BENEFITS OF QUALITY CHILD CARE AND EARLY CHILDHOOD
4 EDUCATION ARE WELL DOCUMENTED AND A STRIKING CONNECTION EXISTS
5 BETWEEN CHILDREN'S LEARNING EXPERIENCES WELL BEFORE
6 KINDERGARTEN AND THEIR LATER SCHOOL SUCCESS;

7 (II) SMALL BUSINESS OWNERS AND PARENTS WHO RELY ON CHILD
8 CARE TO WORK WOULD ALSO EXPERIENCE LOWER TURNOVER IN CHILD
9 CARE STAFF WHEN EARLY CHILDHOOD EDUCATORS EXPERIENCE BETTER
10 ECONOMIC STABILITY; AND

11 (III) WHEN EARLY CHILDHOOD EDUCATORS IMPROVE THE QUALITY
12 OF THEIR EDUCATION BY RECEIVING EARLY CHILDHOOD PROFESSIONAL
13 CREDENTIALS OR ATTAINING HIGHER CREDENTIAL LEVELS, IT IMPROVES
14 THE QUALITY OF CHILDREN'S EARLY LEARNING EXPERIENCES.

15 (b) IN ACCORDANCE WITH SECTION 39-21-304 (1), THE PURPOSE OF
16 THIS TAX EXPENDITURE IS TO:

17 (I) INDUCE CERTAIN DESIGNATED BEHAVIOR BY TAXPAYERS,
18 WHICH IN THIS INSTANCE IS FOR EARLY CHILDHOOD EDUCATORS TO
19 RECEIVE AN EARLY CHILDHOOD PROFESSIONAL CREDENTIAL OR TO ATTAIN
20 HIGHER CREDENTIAL LEVELS; AND

21 (II) PROVIDE TAX RELIEF FOR EARLY CHILDHOOD EDUCATORS.

22 (c) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL
23 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE
24 SPECIFIED IN SUBSECTION (1)(b)(I) OF THIS SECTION BASED ON A
25 COMPARISON OF THE NUMBER OF EARLY CHILDHOOD PROFESSIONAL
26 CREDENTIALS AT THE VARIOUS LEVELS BEFORE AND WITH THE CREDIT.

27 (d) THE GENERAL ASSEMBLY AND THE STATE AUDITOR SHALL

1 MEASURE THE EFFECTIVENESS OF THE CREDIT IN ACHIEVING THE PURPOSE
2 SPECIFIED IN SUBSECTION (1)(b)(II) OF THIS SECTION BASED ON THE
3 NUMBER OF CREDITS THAT ARE CLAIMED.

4 (2) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
5 REQUIRES:

6 (a) "DEPARTMENT" MEANS THE DEPARTMENT OF REVENUE.

7 (b) "EARLY CHILDHOOD PROFESSIONAL CREDENTIAL" MEANS THE
8 EARLY CHILDHOOD PROFESSIONAL CREDENTIALS ISSUED BY THE
9 DEPARTMENT OF EDUCATION, OR A SUCCESSOR DEPARTMENT, AND
10 DESIGNATED AS EARLY CHILDHOOD PROFESSIONAL I, EARLY CHILDHOOD
11 PROFESSIONAL II, EARLY CHILDHOOD PROFESSIONAL III, EARLY
12 CHILDHOOD PROFESSIONAL IV, EARLY CHILDHOOD PROFESSIONAL V, AND
13 EARLY CHILDHOOD PROFESSIONAL VI.

14 (c) "ELIGIBLE EARLY CHILDHOOD EDUCATOR" MEANS AN
15 INDIVIDUAL WHO:

16 (I) HAS A FEDERAL ADJUSTED GROSS INCOME LESS THAN OR EQUAL
17 TO SEVENTY-FIVE THOUSAND DOLLARS FOR AN INDIVIDUAL FILING A
18 SINGLE RETURN, OR HAS A FEDERAL ADJUSTED GROSS INCOME LESS THAN
19 OR EQUAL TO ONE HUNDRED FIFTY THOUSAND DOLLARS FOR AN
20 INDIVIDUAL FILING A JOINT RETURN; AND

21 (II) FOR AT LEAST SIX MONTHS OF THE INCOME TAX YEAR FOR
22 WHICH THE CREDIT IS CLAIMED:

23 (A) HOLDS AN EARLY CHILDHOOD PROFESSIONAL CREDENTIAL FOR
24 AT LEAST SIX MONTHS OF THE INCOME TAX YEAR FOR WHICH THE CREDIT
25 IS CLAIMED; AND

26 (B) IS EITHER THE LICENSEE OF AN ELIGIBLE PROGRAM OR
27 EMPLOYED BY AN ELIGIBLE PROGRAM.

1 (d) "ELIGIBLE PROGRAM" MEANS EITHER AN EARLY CHILDHOOD
2 EDUCATION PROGRAM AS DEFINED IN SECTION 26-6.5-101.5 (6.5), OR A
3 LICENSED FAMILY CHILD CARE HOME. AN ELIGIBLE PROGRAM MUST
4 HAVE HELD AT LEAST A LEVEL ONE QUALITY RATING PURSUANT TO THE
5 COLORADO SHINES QUALITY RATING AND IMPROVEMENT SYSTEM
6 ESTABLISHED IN SECTION 26-6.5-106 FOR THE INCOME TAX YEAR FOR
7 WHICH THE CREDIT IS CLAIMED.

8 (e) "FAMILY CHILD CARE HOME" HAS THE SAME MEANING AS SET
9 FORTH IN SECTION 26-6-102 (13).

10 (f) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN THE
11 UNITED STATES DEPARTMENT OF LABOR'S BUREAU OF LABOR STATISTICS
12 CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKEWOOD FOR ALL
13 ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE SUCCESSOR
14 INDEX.

15 (3) (a) FOR INCOME TAX YEARS COMMENCING ON OR AFTER
16 JANUARY 1, 2022, BUT BEFORE JANUARY 1, 2027, AN ELIGIBLE EARLY
17 CHILDHOOD EDUCATOR IS ALLOWED A CREDIT AGAINST THE TAX IMPOSED
18 BY THIS ARTICLE 22 IN AN AMOUNT AS SET FORTH IN SUBSECTION (3)(b) OF
19 THIS SECTION.

20 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (3)(b)(II) OF THIS
21 SECTION, THE AMOUNT OF THE CREDIT EQUALS, FOR:

22 (A) SEVEN HUNDRED FIFTY DOLLARS FOR AN EARLY CHILDHOOD
23 PROFESSIONAL I;

24 (B) ONE THOUSAND DOLLARS FOR AN EARLY CHILDHOOD
25 PROFESSIONAL II; AND

26 (C) ONE THOUSAND FIVE HUNDRED DOLLARS FOR AN EARLY
27 CHILDHOOD PROFESSIONAL III, EARLY CHILDHOOD PROFESSIONAL IV,

1 EARLY CHILDHOOD PROFESSIONAL V, OR EARLY CHILDHOOD
2 PROFESSIONAL VI.

3 (II) FOR THE INCOME TAX YEARS COMMENCING ON OR AFTER
4 JANUARY 1, 2023, THE DEPARTMENT SHALL ADJUST THE CREDIT AMOUNTS
5 SET FORTH IN SUBSECTION (3)(b)(I) OF THIS SECTION TO REFLECT
6 INFLATION FOR EACH INCOME TAX YEAR IN WHICH THE CREDIT DESCRIBED
7 IN THIS SECTION IS ALLOWED.

8 (c) EACH ELIGIBLE EARLY CHILDHOOD EDUCATOR IS ONLY
9 ALLOWED ONE CREDIT PER INCOME TAX YEAR, EVEN IF THE ELIGIBLE
10 EARLY CHILDHOOD EDUCATOR EARNS A HIGHER LEVEL EARLY CHILDHOOD
11 PROFESSIONAL CREDENTIAL IN THE SAME YEAR. IN SUCH CASE, THE
12 ELIGIBLE EARLY CHILDHOOD EDUCATOR'S CREDIT IS BASED ON THE
13 HIGHEST EARLY CHILDHOOD PROFESSIONAL CREDENTIAL ATTAINED
14 DURING THE INCOME TAX YEAR.

15 (4) THE AMOUNT OF THE CREDIT UNDER THIS SECTION THAT
16 EXCEEDS THE ELIGIBLE EARLY CHILDHOOD EDUCATOR'S INCOME TAXES
17 DUE IS REFUNDED TO THE ELIGIBLE EARLY CHILDHOOD EDUCATOR.

18 (5) NO LATER THAN JANUARY 1, 2023, AND EACH JANUARY 1
19 THEREAFTER THROUGH JANUARY 1, 2027, THE DEPARTMENT OF HUMAN
20 SERVICES, OR A SUCCESSOR DEPARTMENT, SHALL PROVIDE THE
21 DEPARTMENT OF REVENUE WITH AN ELECTRONIC REPORT OF EACH
22 INDIVIDUAL WHO HELD AN EARLY CHILDHOOD PROFESSIONAL CREDENTIAL
23 DURING THE PREVIOUS CALENDAR YEAR FOR WHICH THE CREDIT IS
24 ALLOWED. THE DEPARTMENT SHALL INCLUDE THE FOLLOWING
25 INFORMATION IN THE REPORT, IF AVAILABLE:

26 (a) THE NAME OF THE INDIVIDUAL WHO HOLDS THE EARLY
27 CHILDHOOD PROFESSIONAL CREDENTIAL;

1 (b) THE INDIVIDUAL'S SOCIAL SECURITY NUMBER OR TAX
2 IDENTIFICATION NUMBER;

3 (c) THE HIGHEST LEVEL OF EARLY CHILDHOOD PROFESSIONAL
4 CREDENTIAL HELD BY THE INDIVIDUAL DURING THE YEAR; AND

5 (d) THE LENGTH OF TIME THAT THE INDIVIDUAL HELD AN EARLY
6 CHILDHOOD PROFESSIONAL CREDENTIAL AT ANY LEVEL.

7 (6) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2031.

8 **SECTION 3. Appropriation.** (1) For the 2022-23 state fiscal
9 year, \$156,743 is appropriated to the department of revenue. This
10 appropriation is from General Fund. To implement this act, the
11 department may use this appropriation as follows:

12 (a) \$125,991 for use by taxation services for personal services,
13 which amount is based on an assumption that the department will require
14 an additional 2.0 FTE;

15 (b) \$21,570 for use by taxation services for operating expenses;

16 (c) \$4,950 for tax administration IT system (GenTax) support;

17 (d) \$3,200 for use by the executive director's office for personal
18 services; and

19 (e) \$1,032 for the purchase of document management services.

20 (2) For the 2022-23 state fiscal year, \$1,032 is appropriated to the
21 department of personnel. This appropriation is from reappropriated funds
22 received from the department of revenue under subsection (1)(e) of this
23 section. To implement this act, the department of personnel may use this
24 appropriation to provide document management services for the
25 department of revenue.

26 **SECTION 4. Act subject to petition - effective date.** This act
27 takes effect at 12:01 a.m. on the day following the expiration of the

1 ninety-day period after final adjournment of the general assembly; except
2 that, if a referendum petition is filed pursuant to section 1 (3) of article V
3 of the state constitution against this act or an item, section, or part of this
4 act within such period, then the act, item, section, or part will not take
5 effect unless approved by the people at the general election to be held in
6 November 2022 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.