

CHAPTER 266

HUMAN SERVICES - SOCIAL SERVICES

SENATE BILL 00-022

BY SENATORS Tebedo, Arnold, Linkhart, Pascoe, Wham, Hernandez, Martinez, Nichol, Reeves, Rupert, and Weddig;
also REPRESENTATIVES Alexander, Hefley, Tupa, S. Williams, Bacon, Clarke, Coleman, Gagliardi, George, Gordon, Gotlieb,
Hagedorn, Keller, Larson, Leyba, Mace, Morrison, Plant, Saliman, Tapia, Tochtrop, Veiga, Vigil, Windels, and Zimmerman.

AN ACT

CONCERNING INSPECTIONS OF CHILD CARE FACILITIES, AND, IN CONNECTION THEREWITH, INCREASING THE NUMBER OF CHILD CARE INSPECTORS, SPECIFYING A TIME FRAME WITHIN WHICH CHILD CARE FACILITY INSPECTORS ARE TO RESPOND TO COMPLAINTS LODGED WITH THE DEPARTMENT OF HUMAN SERVICES CONCERNING A CHILD CARE FACILITY, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Part 1 of article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6-107.5. Response to complaints - addition of child care facility inspectors. (1) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS COMPLAINT ABOUT A CHILD CARE FACILITY LICENSED PURSUANT TO THIS PART 1 ALLEGING THE IMMEDIATE RISK OF HEALTH OR SAFETY OF THE CHILDREN CARED FOR IN SUCH FACILITY, THE STATE DEPARTMENT SHALL RESPOND TO AND CONDUCT AN ON-SITE INVESTIGATION CONCERNING SUCH COMPLAINT WITHIN FORTY-EIGHT HOURS OF ITS RECEIPT.

(2) (a) (I) THE GENERAL ASSEMBLY HEREBY FINDS THAT AN AUDIT COMPLETED BY THE STATE AUDITOR'S OFFICE IN 1995 REPORTED THAT THE STATE DEPARTMENT HAD NOT PROPERLY AND TIMELY CARRIED OUT ALL OF ITS CHILD CARE FACILITY LICENSING FUNCTIONS DUE TO INSUFFICIENT STAFF. THE GENERAL ASSEMBLY FURTHER FINDS THAT, IN AN EFFORT TO USE THE STATE DEPARTMENT'S LIMITED CHILD CARE RESOURCES MORE EFFECTIVELY AND EFFICIENTLY, IT PASSED LEGISLATION IN 1996 IMPLEMENTING A RISK-BASED APPROACH TO INSPECTING AND MONITORING CHILD CARE FACILITIES IN PLACE OF THE MANDATORY BIENNIAL REVIEWS OF EVERY FACILITY. THE GENERAL ASSEMBLY FINDS THAT IT WAS DETERMINED IN A FOLLOW-UP AUDIT CONDUCTED BY THE STATE AUDITOR'S OFFICE IN 1998, THAT THE STATE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

DEPARTMENT WAS STILL AT LEAST ONE MONTH LATE IN CONDUCTING INSPECTIONS OF APPROXIMATELY TWENTY-TWO PERCENT OF THE CHILD CARE FACILITIES IN COLORADO. IN ADDITION, OF THOSE FACILITIES ASSIGNED A HIGH RISK FACTOR AND THEREBY REQUIRING INSPECTIONS MORE FREQUENTLY THAN EVERY TWELVE MONTHS, TWENTY-SIX PERCENT WERE AT LEAST THREE MONTHS PAST DUE. IN EVALUATING THE IMPLEMENTATION OF THE RISK-BASED APPROACH TO INSPECTION AND MONITORING OF CHILD CARE FACILITIES, THE GENERAL ASSEMBLY FINDS THAT THE IMPLEMENTATION OF THIS APPROACH HAS ACTUALLY INCREASED THE STATE DEPARTMENT'S WORKLOAD BY APPROXIMATELY SIXTEEN PERCENT.

(II) THE GENERAL ASSEMBLY FURTHER FINDS THAT A NATIONAL STUDY CONDUCTED BY THE CENTER FOR CAREER DEVELOPMENT IN EARLY CARE AND EDUCATION AT WHEELOCK COLLEGE CONCLUDED THAT COLORADO'S CHILD CARE FACILITY LICENSING STAFF HAD CASELOADS OF APPROXIMATELY TWO HUNDRED FIFTY CHILD CARE CENTERS PER FULL-TIME EQUIVALENT EMPLOYEE AND FIVE HUNDRED FAMILY CHILD CARE HOMES PER FULL-TIME EQUIVALENT EMPLOYEE. THE GENERAL ASSEMBLY FINDS THAT THE CASELOADS OF COLORADO CHILD CARE EMPLOYEES WITHIN THE DIVISION GREATLY EXCEED THE NUMBER OF CASES RECOMMENDED BY THE NATIONAL ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN, WHICH ORGANIZATION HAS RECOMMENDED THAT CHILD CARE REGULATORS' CASELOADS SHOULD NOT EXCEED SEVENTY-FIVE CENTERS AND LARGE FAMILY HOMES PER FULL-TIME EQUIVALENT EMPLOYEE.

(III) THE GENERAL ASSEMBLY FURTHER FINDS THAT THE INSUFFICIENT NUMBER OF CHILD CARE FACILITY INSPECTORS PUTS CHILDREN AT RISK PARTICULARLY WHEN SERIOUS COMPLAINTS OF AN IMMEDIATE NATURE CONCERNING A CHILD CARE FACILITY ARE LODGED WITH THE STATE DEPARTMENT AND THE DEPARTMENT IS UNABLE TO RESPOND PROMPTLY AND CONDUCT AN ON-SITE INVESTIGATION OF THE COMPLAINT.

(IV) THE GENERAL ASSEMBLY HEREBY DETERMINES THAT THE HEALTH AND SAFETY OF THE CHILDREN OF THE STATE OF COLORADO IN CHILD CARE FACILITIES IS OF UTMOST CONCERN AND IMPORTANCE TO THE STATE. THE GENERAL ASSEMBLY FURTHER FINDS THAT THE TIMELY AND PROPER INSPECTION OF CHILD CARE FACILITIES AND PROMPT RESPONSES TO SERIOUS COMPLAINTS ABOUT A CHILD CARE FACILITY ARE PRIORITIES AND THAT, IN ORDER TO FACILITATE SUCH TIMELY INSPECTIONS AND RESPONSES TO COMPLAINTS, THE STATE DEPARTMENT SHOULD BE PROVIDED WITH THE ABILITY TO CONTRACT WITH THE NECESSARY PERSONNEL NEEDED TO CONDUCT THE REQUIRED INSPECTIONS AND INVESTIGATIONS ON A THOROUGH AND TIMELY BASIS. ACCORDINGLY, THE GENERAL ASSEMBLY DETERMINES THAT IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE STATE OF COLORADO THAT THE NUMBER OF PERSONS CONTRACTED FOR AND CHARGED WITH THE DUTY OF INSPECTING, MONITORING, AND RESPONDING TO COMPLAINTS IN CHILD CARE FACILITIES IN THE STATE OF COLORADO BE INCREASED.

(b) FOR THE PURPOSES OF CONDUCTING THOROUGH AND TIMELY INSPECTIONS OF CHILD CARE FACILITIES LICENSED PURSUANT TO THIS PART 1 AND FOR THE PURPOSES OF PROVIDING SUFFICIENT INSPECTORS TO CONDUCT PROMPT RESPONSES AND INVESTIGATIONS AS DIRECTED IN SUBSECTION (1) OF THIS SECTION WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS COMPLAINT AGAINST A CHILD CARE FACILITY LICENSED PURSUANT TO THIS PART 1, IN FISCAL YEAR 2000-01, THE NUMBER OF INSPECTORS SHALL BE INCREASED BY EIGHTEEN CONTRACT INSPECTORS FROM THE

NUMBER OF INSPECTORS IN FISCAL YEAR 1999-2000.

SECTION 2. 26-6-107 (1) (b) (I), Colorado Revised Statutes, is amended to read:

26-6-107. Investigations and inspections - local authority - reports - rules.

(1) (b) (I) When the department, county department, or child placement agency is satisfied that the applicant or licensee is competent and will operate adequate facilities to care for children under the requirements of this part 1 and that standards are being met and will be complied with, it shall issue the license for which applied. The department shall inspect or cause to be inspected the facilities to be operated by an applicant for an original license before the license is granted and shall thereafter inspect or cause to be inspected the facilities of all licensees that, during the period of licensure, have been found to be the subject of complaints or to be out of compliance with the standards set forth in section 26-6-106 and the rules of the department or that otherwise appear to be placing children at risk. The department may make such other inspections as it deems necessary to ensure that the requirements of this article are being met and that the health, safety, and welfare of the children being placed are protected. The state board shall adopt rules concerning the on-site public availability of the most recent inspection report results of child care center facilities and family child care home facilities, when requested. The state board shall also adopt rules concerning a requirement that child care center facilities and family child care home facilities post their licenses AND INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT UNDER THIS PART 1 DIRECTLY WITH THE DEPARTMENT, which rules shall require that each such facility display its license AND COMPLAINT PROCEDURES in a prominent and conspicuous location at all times during operational hours of the facility.

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, division of children, youth and families, for the fiscal year beginning July 1, 2000, the sum of nine hundred fifty-five thousand three hundred fourteen dollars (\$955,314), or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal child care development funds.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 26, 2000