

## CHAPTER 363

---

**EDUCATION - PUBLIC SCHOOLS**

---

**HOUSE BILL 13-1291**

BY REPRESENTATIVE(S) Duran, Buckner, Court, Exum, Fields, Fischer, Foote, Garcia, Ginal, Hamner, Hulinghorst, Kraft-Tharp, Labuda, Lebsock, Lee, Melton, Mitsch Bush, Moreno, Pabon, Pettersen, Rosenthal, Ryden, Salazar, Schafer, Vigil, Williams, Young, Kagan, McLachlan, Tyler;  
also SENATOR(S) Kefalas, Aguilar, Giron, Guzman, Heath, Jones, Kerr, Newell, Schwartz, Steadman, Tochtrop, Todd, Ulibarri, Morse.

**AN ACT**

**CONCERNING EARLY CHILDHOOD PROGRAMS IN COLORADO, AND, IN CONNECTION THEREWITH, EXPANDING THE CAPACITY AND IMPROVING THE QUALITY OF THE PROGRAMS THROUGH THE CREATION OF THE COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM AND MAKING AN APPROPRIATION.**

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

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

(a) The first three years of life are a period of dynamic and unparalleled brain development in which children acquire the ability to think, speak, learn, and reason. During these first three years, children need good health, strong families, and positive early learning experiences to lay the foundation for future school success.

(b) Young children living in poverty are more likely to face challenges that can negatively impact their development and create disparities in their cognitive and social abilities long before they enter school;

(c) In 2011, an estimated twenty-one percent of all Colorado children, or nearly forty-two thousand children, under three years of age lived in poverty. Since 2000, the number of infants and toddlers living in poverty in Colorado has more than doubled, increasing by more than one hundred thirty percent.

(d) In an effort to ensure that all young children have the same opportunities to succeed in school and life, high quality early childhood education programs have

---

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

been created to support the healthy development of low-income infants and toddlers;

(e) Research shows that high quality early childhood programs make a positive difference in areas associated with children's success in school, family self-sufficiency, and parental support of child development; and

(f) In Colorado in 2011, licensed child care center homes had the capacity to care for only nine percent of the infants in the state.

(2) The general assembly, therefore, declares that it is in the best interests of the children and people of the state of Colorado to provide state funding to expand and enhance high quality early childhood programs and services to meet the needs of more of our low-income infants and toddlers.

**SECTION 2.** In Colorado Revised Statutes, **add** article 6.7 to title 26 as follows:

**ARTICLE 6.7**  
**Colorado Infant and Toddler Quality**  
**and Availability Grant Program**

**26-6.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS THE "COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM".

**26-6.7-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO CHILD CARE ASSISTANCE PROGRAM" OR "CCCAP" MEANS THE COLORADO CHILD CARE ASSISTANCE PROGRAM IN THE STATE DEPARTMENT.

(2) "COUNTY DEPARTMENT" MEANS A COUNTY OR DISTRICT DEPARTMENT OF SOCIAL SERVICES.

(3) "EARLY CHILDHOOD COUNCIL" MEANS AN EARLY CHILDHOOD COUNCIL ESTABLISHED PURSUANT TO PART 1 OF ARTICLE 6.5 OF THIS TITLE.

(4) "EARLY CHILDHOOD PROGRAM" MEANS A SCHOOL DISTRICT, PROVIDER, HEAD START PROGRAM, OR FACILITY THAT PROVIDES CHILD CARE AND EDUCATION TO LOW-INCOME INFANTS AND TODDLERS, HAS A CONTRACT AS A PROVIDER THROUGH THE COLORADO CHILD CARE ASSISTANCE PROGRAM, AND IS EITHER LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE OR PARTICIPATES IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

(5) "GRANT PROGRAM" MEANS THE COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM CREATED IN SECTION 26-6.7-103.

(6) "TIERED REIMBURSEMENT" MEANS A PAY STRUCTURE THAT REFLECTS AN INCREASED RATE OF REIMBURSEMENT FOR EARLY CHILDHOOD PROGRAMS THAT RECEIVE MONEYS THROUGH CCCAP.

**26-6.7-103. Colorado infant and toddler quality and availability grant**

**program - creation.** SUBJECT TO AVAILABLE APPROPRIATIONS, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM. THE GOAL OF THE GRANT PROGRAM IS TO IMPROVE QUALITY IN INFANT AND TODDLER CARE, PROVIDE TIERED REIMBURSEMENT TO HIGH-QUALITY EARLY CHILDHOOD PROGRAMS, AND INCREASE THE NUMBER OF LOW-INCOME INFANTS AND TODDLERS SERVED THROUGH HIGH-QUALITY EARLY CHILDHOOD PROGRAMS, AS WELL AS PROMOTE VOLUNTARY PARENTAL INVOLVEMENT. A PROGRAM IS CONSIDERED "HIGH-QUALITY" IF IT IS IN THE TOP TWO RATINGS OF THE STATE'S QUALITY RATING AND IMPROVEMENT SYSTEM, OR IS ACCREDITED BY A STATE DEPARTMENT-APPROVED ACCREDITING BODY, OR IS AN EARLY HEAD START PROGRAM MEETING FEDERAL STANDARDS. EARLY CHILDHOOD COUNCILS AND COUNTY DEPARTMENTS MUST JOINTLY APPLY FOR MONEYS THROUGH THE GRANT PROGRAM, WHICH WILL BE ADMINISTERED BY THE STATE DEPARTMENT. EARLY CHILDHOOD PROGRAMS THAT ARE WITHIN THE SERVICE AREA OF AN EARLY CHILDHOOD COUNCIL AND WITHIN THE COUNTY JOINTLY APPLYING FOR THE GRANT MAY APPLY TO THE EARLY CHILDHOOD COUNCIL FOR MONEYS THAT WOULD ALLOW THEM TO ACHIEVE ONE OF THE OBJECTIVES OF THE GRANT PROGRAM.

**26-6.7-104. Eligibility for grants - applications - deadlines.** (1) THE STATE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS AND ISSUE A REQUEST FOR PROPOSALS FOR THE GRANT PROGRAM, INCLUDING NOTIFICATION OF AVAILABLE MONEYS TO EARLY CHILDHOOD COUNCILS AND COUNTY DEPARTMENTS, ELIGIBILITY CRITERIA, PROPOSAL REQUIREMENTS, AND AWARD CRITERIA.

(2) AN APPLICANT TO THE GRANT PROGRAM IS ELIGIBLE FOR A GRANT AWARD PURSUANT TO THIS ARTICLE IF:

(a) THE APPLICATION IS MADE JOINTLY BETWEEN AN EARLY CHILDHOOD COUNCIL AND A COUNTY DEPARTMENT. IF AN EARLY CHILDHOOD COUNCIL SERVES MORE THAN ONE COUNTY, IT MAY SUBMIT A SINGLE APPLICATION THAT COMBINES MULTIPLE COUNTIES IN ITS SERVICE AREA.

(b) THE EARLY CHILDHOOD PROGRAMS TO WHICH THE GRANT MONEYS WILL BE DISTRIBUTED HAVE CONTRACTS WITH CCCAP;

(c) THE APPLICATION DEMONSTRATES A NEED AND PROVIDES A PLAN TO IMPROVE QUALITY AND INCREASE THE CAPACITY FOR EARLY CHILDHOOD PROGRAMS IN ITS SERVICE AREA. THE GOAL OF THE GRANT PROGRAM IS TO INCREASE THE NUMBER OF INFANTS AND TODDLERS SERVED THROUGH HIGH-QUALITY EARLY CHILDHOOD PROGRAMS. THE EARLY CHILDHOOD PROGRAMS MAY BE HOME-BASED OR CENTER-BASED;

(d) IT PROVIDES A PLAN DETAILING HOW IT WILL PROVIDE TIERED REIMBURSEMENT; AND

(e) IT MEETS ANY OTHER CRITERIA SET FORTH IN THE APPLICATION PROCESS DEVELOPED PURSUANT TO THIS SECTION.

(3)(a) IN FISCAL YEAR 2013-14, GRANT APPLICATIONS MUST BE RECEIVED BY THE STATE DEPARTMENT ON OR BEFORE JULY 31, 2013. THE STATE DEPARTMENT SHALL

REVIEW APPLICATIONS AND DETERMINE WHICH APPLICANTS WILL RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT. GRANT AWARDS MUST BE MADE ON OR BEFORE SEPTEMBER 1, 2013, THROUGH THE FUND.

(b) FOR EACH FISCAL YEAR THEREAFTER, SUBJECT TO AVAILABLE APPROPRIATIONS, GRANT APPLICATIONS MUST BE RECEIVED BY THE STATE DEPARTMENT ON OR BEFORE JUNE 30 OF THE PRIOR FISCAL YEAR. THE STATE DEPARTMENT SHALL REVIEW APPLICATIONS AND DETERMINE WHICH APPLICANTS WILL RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT. GRANT AWARDS MUST BE MADE ON OR BEFORE AUGUST 1 THROUGH THE FUND.

(c) IF IN ANY FISCAL YEAR THE FULL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE GRANT PROGRAM IS NOT DISPERSED AS SPECIFIED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), THE STATE DEPARTMENT SHALL REVIEW PROPOSALS AND AWARD GRANTS AS THE APPLICATIONS ARE RECEIVED AND NOT REQUIRE THE APPLICATIONS TO BE HELD UNTIL THE NEXT GRANT CYCLE.

**26-6.7-105. Reporting requirements.** (1) NO LATER THAN FOUR MONTHS AFTER THE CONCLUSION OF A GRANT, THE EARLY CHILDHOOD COUNCIL THAT RECEIVED THE GRANT SHALL PROVIDE THE STATE DEPARTMENT WITH AN ANNUAL REPORT CONCERNING THE OUTCOMES OF THE GRANT. THE REPORT MUST INCLUDE, AT A MINIMUM:

(a) A SUMMARY OF DATA RECEIVED FROM EARLY CHILDHOOD PROGRAMS THAT RECEIVED GRANT MONEYS;

(b) THE NUMBER OF INFANTS AND TODDLERS UNDER THREE YEARS OF AGE SERVED BECAUSE OF THE GRANT PROGRAM IN HOME-BASED PROGRAMS AND THE NUMBER SERVED IN CENTER-BASED PROGRAMS;

(c) THE LENGTH OF TIME SERVICES WERE PROVIDED;

(d) A DETAILED DESCRIPTION OF QUALITY IMPROVEMENTS MADE USING GRANT MONEYS;

(e) A DESCRIPTION OF HOW THE GRANTEE'S PROGRAM MET THE STATED OUTCOMES IN ITS APPLICATION;

(f) A SUMMARY OF THE NUMBER OF JOBS CREATED THROUGH THE GRANT PROGRAM; AND

(g) ANY OTHER DATA REQUIRED BY THE STATE DEPARTMENT.

(2) ON OR BEFORE DECEMBER 1, 2014, AND EACH DECEMBER 1 THEREAFTER, THE STATE DEPARTMENT SHALL PROVIDE A WRITTEN REPORT ON THE GRANT PROGRAM TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE A SUMMARY OF THE DATA RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE TOTAL AMOUNT OF GRANTS AND GRANT MONEYS AWARDED, AND THE TOTAL INCREASE IN THE NUMBER OF INFANTS AND TODDLERS UNDER THREE YEARS OF AGE SERVED BY

## THE GRANT PROGRAM.

**SECTION 3. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of \$3,000,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the office of early childhood for the Colorado infant and toddler quality and availability grant program created by this act.

**SECTION 4. Appropriation.** In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the department of human services, for the fiscal year beginning July 1, 2013, the sum of \$3,000,000 and 1.0 FTE, or so much thereof as may be necessary, for allocation to the division of child care for the Colorado infant and toddler quality and availability grant program created by this act.

**SECTION 5. Effective date.** (1) Except as otherwise provided in this section, this act takes effect July 1, 2013.

(2) Section 3 of this act takes effect only if House Bill 13-1117 becomes law and takes effect either upon the effective date of this act or House Bill 13-1117, whichever is later.

(3) Section 4 of this act takes effect only if House Bill 13-1117 does not become law.

**SECTION 6. 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 28, 2013