



HOUSE BILL 22-1295

BY REPRESENTATIVE(S) Sirota and Garnett, Amabile, Bacon, Benavidez, Bennett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Hooton, Jodeh, Kennedy, Kipp, Lindsay, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Daugherty, Herod, Roberts, Snyder; also SENATOR(S) Buckner and Fenberg, Bridges, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Hinrichsen, Jaquez Lewis, Lee, Moreno, Pettersen, Priola, Rodriguez, Story, Winter, Zenzinger.

CONCERNING THE DEPARTMENT OF EARLY CHILDHOOD, AND, IN CONNECTION THEREWITH, ESTABLISHING THE DUTIES OF THE DEPARTMENT OF EARLY CHILDHOOD AND THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, RELOCATING EARLY CHILDHOOD PROGRAMS FROM THE DEPARTMENTS OF HUMAN SERVICES AND EDUCATION TO THE DEPARTMENT OF EARLY CHILDHOOD, CREATING THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND MAKING AND ADJUSTING APPROPRIATIONS.

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

SECTION 1. In Colorado Revised Statutes, amend 26.5-1-103 as

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.

follows:

26.5-1-103. Definitions. As used in this title 26.5, unless the context otherwise requires:

(1) "Department" means the department of early childhood created in section 26.5-1-104.

(2) ~~"Executive director"~~ means the executive director of the department of early childhood. "DEPARTMENT RULE" MEANS A RULE PROMULGATED BY THE EXECUTIVE DIRECTOR AS AUTHORIZED IN SECTION 26.5-1-105.

(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD.

(4) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO IMPLEMENT A COMMUNITY PLAN FOR INCREASING ACCESS TO, COORDINATING, AND ALLOCATING FUNDING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED COMMUNITY.

(5) "RULES ADVISORY COUNCIL" OR "COUNCIL" MEANS THE COUNCIL CONVENED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 26.5-1-105.

SECTION 2. In Colorado Revised Statutes, **add** 26.5-1-105, 26.5-1-106, 26.5-1-107, 26.5-1-108, 26.5-1-109, 26.5-1-110, 26.5-1-111, and 26.5-1-112 as follows:

26.5-1-105. Powers and duties of the executive director - rules - rules advisory council - repeal. (1) (a) THE EXECUTIVE DIRECTOR IS AUTHORIZED TO PROMULGATE, IN ACCORDANCE WITH THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, ALL RULES FOR THE ADMINISTRATION OF THE DEPARTMENT AND FOR THE EXECUTION AND ADMINISTRATION OF THE FUNCTIONS SPECIFIED IN SECTION 26.5-1-109 AND FOR THE PROGRAMS AND SERVICES SPECIFIED IN THIS TITLE 26.5. IN PROMULGATING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE GREATEST EXTENT POSSIBLE:

- (I) REDUCE THE ADMINISTRATIVE BURDEN ON FAMILIES AND PROVIDERS OF ACCESSING PROGRAMS AND SERVICES, IMPLEMENTING PROGRAMS, AND PROVIDING SERVICES;
- (II) DECREASE DUPLICATION AND CONFLICTS IN IMPLEMENTING PROGRAMS AND PROVIDING SERVICES;
- (III) INCREASE EQUITY IN ACCESS TO PROGRAMS AND SERVICES AND IN CHILD AND FAMILY OUTCOMES;
- (IV) INCREASE ADMINISTRATIVE EFFICIENCIES AMONG THE PROGRAMS AND SERVICES PROVIDED BY THE DEPARTMENT; AND
- (V) ENSURE THAT THE RULES ARE COORDINATED ACROSS PROGRAMS AND SERVICES SO THAT PROGRAMS ARE IMPLEMENTED AND SERVICES ARE PROVIDED WITH IMPROVED EASE OF ACCESS, QUALITY OF FAMILY AND PROVIDER EXPERIENCE, AND EASE OF IMPLEMENTATION BY STATE, LOCAL, AND TRIBAL AGENCIES.

(b) THE DEPARTMENT MAY ADOPT GUIDELINES AND PROCEDURES TO ASSIST IN THE IMPLEMENTATION AND DELIVERY OF THE PROGRAMS AND SERVICES THAT THE DEPARTMENT PROVIDES PURSUANT TO THIS TITLE 26.5. WHEN APPROPRIATE TO REDUCE POTENTIAL ADMINISTRATIVE BURDEN, THE DEPARTMENT MAY DIFFERENTIATE IN THE ADOPTED GUIDELINES AND PROCEDURES AMONG COMMUNITIES, INCLUDING COMMUNITIES IN RURAL AREAS, BASED ON COMMUNITY CAPACITY AND READINESS FOR IMPLEMENTING PROGRAMS AND DELIVERING SERVICES.

(c) THIS SUBSECTION (1) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2024. BEFORE THE REPEAL, THIS SUBSECTION (1) IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 24-34-104.

(2) (a) THE EXECUTIVE DIRECTOR SHALL CONVENE A RULES ADVISORY COUNCIL FOR CONSULTATION AND ADVICE IN PROMULGATING RULES FOR THE FUNCTIONS, PROGRAMS, AND SERVICES THAT THE DEPARTMENT PROVIDES. THE EXECUTIVE DIRECTOR SHALL APPOINT THE MEMBERS OF THE RULES ADVISORY COUNCIL, TAKING INTO CONSIDERATION A LIST OF NOMINEES PROVIDED BY THE EARLY CHILDHOOD LEADERSHIP COMMISSION PURSUANT TO THIS SUBSECTION (2)(a). TO ENSURE THAT THE COUNCIL IS REPRESENTATIVE AND COLLABORATIVE AND EMBODIES A WIDE

RANGE OF PERSPECTIVES AND EXPERIENCE WITH REGARD TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, THE EARLY CHILDHOOD LEADERSHIP COMMISSION SHALL CONDUCT OUTREACH TO A WIDE RANGE OF EARLY CHILDHOOD INDUSTRY ORGANIZATIONS AND PARTNERS AND SHALL PUBLICLY SOLICIT APPLICATIONS FROM QUALIFIED AND INTERESTED INDIVIDUALS TO SERVE ON THE COUNCIL. IN ADDITION TO SOLICITING APPLICATIONS, THE EARLY CHILDHOOD LEADERSHIP COMMISSION SHALL CONSULT WITH PARENTS AND WITH COUNTIES, COUNTY HUMAN SERVICES DIRECTORS, SCHOOL DISTRICTS, PROVIDERS, AND THE ORGANIZATIONS THAT REPRESENT THESE ENTITIES AND SHALL ACCEPT NOMINATIONS FROM SAID ORGANIZATIONS. BASED ON THE APPLICATIONS AND NOMINATIONS RECEIVED, THE EARLY CHILDHOOD LEADERSHIP COMMISSION SHALL SUBMIT TO THE EXECUTIVE DIRECTOR A LIST OF NOMINEES FOR CONSIDERATION AS APPOINTMENTS TO THE COUNCIL. TO THE EXTENT PRACTICABLE, THE LIST OF NOMINEES MUST INCLUDE NOMINEES THAT SATISFY THE REQUIREMENTS SPECIFIED IN SUBSECTIONS (2)(b), (2)(c), AND (2)(d) OF THIS SECTION. THE EARLY CHILDHOOD LEADERSHIP COMMISSION SHALL SUBMIT A LIST OF NOMINEES TO THE EXECUTIVE DIRECTOR AS PROVIDED IN THIS SUBSECTION (2)(a) FOR THE INITIAL AND SUBSEQUENT APPOINTMENTS TO THE COUNCIL.

(b) THE EXECUTIVE DIRECTOR SHALL APPOINT FIFTEEN PERSONS, TAKING INTO CONSIDERATION THE LIST OF NOMINEES RECEIVED FROM THE EARLY CHILDHOOD LEADERSHIP COMMISSION, TO SERVE ON THE COUNCIL, WHICH APPOINTMENTS MUST INCLUDE AT LEAST ONE PERSON FROM EACH OF THE FOLLOWING CATEGORIES:

(I) REPRESENTATIVES FROM PROGRAMMATICALLY DIVERSE COMMUNITIES, INCLUDING:

(A) A REPRESENTATIVE FROM A SCHOOL-BASED PRESCHOOL PROVIDER;

(B) A REPRESENTATIVE FROM A PRIVATE EARLY CHILDHOOD PROVIDER, WHO MAY BE A HEAD START PROGRAM OR IN-HOME CHILD CARE PROVIDER; AND

(C) A REPRESENTATIVE WHO PROVIDES CHILD CARE AS A NONPARENTAL FAMILY MEMBER, FRIEND, OR NEIGHBOR;

(II) REPRESENTATIVES OF COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, IN DIVERSE GEOGRAPHIC AREAS OF THE STATE WHO ARE KNOWLEDGEABLE OF AND RESPONSIBLE FOR IMPLEMENTING CHILD PROTECTION PROGRAMS AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM AND HAVE EXPERTISE IN FISCAL MATTERS FOR COUNTY DEPARTMENTS. NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (2)(b) TO THE CONTRARY, THE EXECUTIVE DIRECTOR SHALL APPOINT AT LEAST TWO PERSONS FROM THE CATEGORY DESCRIBED IN THIS SUBSECTION (2)(b)(II).

(III) A REPRESENTATIVE OF A FOUNDATION, BUSINESS, OR EARLY CHILDHOOD ADVOCACY ORGANIZATION;

(IV) A REPRESENTATIVE WHO IS AN EXPERT IN THE FUNDING FOR AND RULES AND FEDERAL REGULATIONS CONCERNING EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING THE LAWS, RULES, AND REGULATIONS PERTAINING TO CHILDREN WITH DISABILITIES;

(V) A REPRESENTATIVE OF INSTITUTIONS OF HIGHER EDUCATION; AND

(VI) AN EARLY CHILDHOOD HEALTH-CARE OR MENTAL HEALTH-CARE PROFESSIONAL.

(c) AT LEAST EIGHT OF THE MEMBERS APPOINTED TO THE COUNCIL MUST BE INCLUDED IN ONE OR MORE OF THE FOLLOWING CATEGORIES:

(I) PARENTS, FAMILIES, OR CAREGIVERS OF CHILDREN WHO ARE ENROLLED IN A VARIETY OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAMS AND PUBLIC AND PRIVATE EARLY CHILDHOOD PROGRAMS;

(II) MEMBERS OF THE EARLY CHILDHOOD WORKFORCE, INCLUDING EDUCATORS IN SCHOOL- AND COMMUNITY-BASED PROGRAMS; AND

(III) MEMBERS OF HISTORICALLY UNDERSERVED AND UNDER-RESOURCED COMMUNITIES.

(d) IN APPOINTING MEMBERS OF THE COUNCIL, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE APPOINTED MEMBERS ARE FROM REGIONS THROUGHOUT THE STATE, INCLUDING URBAN, SUBURBAN, AND

RURAL AREAS, AND, TO THE EXTENT PRACTICABLE, ARE DIVERSE WITH REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, AGE, SEXUAL ORIENTATION, GENDER IDENTITY, CULTURE, AND LANGUAGE.

(e) MEMBERS OF THE COUNCIL ARE APPOINTED TO SERVE FOUR-YEAR TERMS AND MAY SERVE TWO CONSECUTIVE TERMS; EXCEPT THAT, OF THE MEMBERS INITIALLY APPOINTED TO THE COUNCIL, THE EXECUTIVE DIRECTOR SHALL APPOINT FIVE MEMBERS TO SERVE TWO-YEAR TERMS, FIVE MEMBERS TO SERVE THREE-YEAR TERMS, AND FIVE MEMBERS TO SERVE FOUR-YEAR TERMS. IF A VACANCY ARISES ON THE COUNCIL, THE EXECUTIVE DIRECTOR SHALL APPOINT A PERSON TO FILL THE VACANCY FOR THE REMAINDER OF THE UNEXPIRED TERM.

(f) THE EXECUTIVE DIRECTOR MAY CREATE ISSUE-SPECIFIC SUBCOMMITTEES OF THE COUNCIL THAT MUST INCLUDE MEMBERS OF THE COUNCIL AND MAY INCLUDE REPRESENTATIVES FROM OTHER STATE AGENCIES, REPRESENTATIVES OF LOCAL AND TRIBAL AGENCIES OR OTHER LOCAL LEADERS IN EARLY CHILDHOOD AND FAMILY SUPPORT ISSUES, AND ISSUE EXPERTS.

(g) THERE IS CREATED A COUNTY SUBCOMMITTEE OF THE RULES ADVISORY COUNCIL TO PROVIDE INFORMATION AND ADVICE TO THE COUNCIL CONCERNING THE DEVELOPMENT AND IMPLEMENTATION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS THAT IMPACT COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, INCLUDING THE COLORADO CHILD CARE ASSISTANCE PROGRAM. THE SUBCOMMITTEE CONSISTS OF REPRESENTATIVES FROM UP TO TWELVE COUNTY DEPARTMENTS, APPOINTED BY A STATEWIDE ASSOCIATION OF HUMAN SERVICES DIRECTORS. THE APPOINTEES MUST BE REPRESENTATIVE OF THE DIVERSITY OF COUNTIES IN THE STATE, INCLUDING LARGE AND SMALL AND URBAN AND RURAL COUNTIES. IN ADDITION TO PROVIDING INFORMATION AND ADVICE TO THE COUNCIL, THE COUNTY SUBCOMMITTEE, TO PROMOTE COORDINATION AND ALIGNMENT OF PROGRAMS AND SERVICES, SHALL PROVIDE INFORMATION AND ADVICE TO THE POLICY ADVISORY COMMITTEE THAT ADVISES THE DEPARTMENT OF HUMAN SERVICES.

(h) (I) THE COUNCIL SHALL MEET AS OFTEN AS REQUESTED BY THE EXECUTIVE DIRECTOR. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(h)(II) OF THIS SECTION, A MEMBER OF THE COUNCIL AND A NON-COUNCIL MEMBER WHO SERVES ON A SUBCOMMITTEE MAY RECEIVE THE SAME PER

DIEM COMPENSATION FOR ATTENDANCE AT COUNCIL OR SUBCOMMITTEE MEETINGS AS IS PROVIDED FOR MEMBERS OF BOARDS AND COMMISSIONS PURSUANT TO SECTION 12-20-103 (6) AND REIMBURSEMENT FOR ANY EXPENSES NECESSARY TO SUPPORT THE MEMBER'S PARTICIPATION AT A COUNCIL OR SUBCOMMITTEE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR ATTENDANT CARE AND, IF THE MEMBER RESIDES MORE THAN FIFTY MILES FROM THE LOCATION OF THE COUNCIL OR SUBCOMMITTEE MEETING, EXPENSES INCURRED IN TRAVELING TO AND FROM THE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR ATTENDANT TRAVEL, FOOD, AND LODGING.

(II) A MEMBER OF THE COUNCIL OR OF A SUBCOMMITTEE SHALL NOT RECEIVE REIMBURSEMENT FOR EXPENSES OR PER DIEM COMPENSATION IF THE MEMBER'S EMPLOYER COMPENSATES THE MEMBER FOR TIME SPENT SERVING ON THE COUNCIL OR THE SUBCOMMITTEE.

(i) IN REVIEWING AND MAKING RECOMMENDATIONS CONCERNING RULES AND IN PREPARING OTHER RECOMMENDATIONS FOR THE EXECUTIVE DIRECTOR, THE COUNCIL SHALL STRIVE TO DEVELOP RECOMMENDATIONS THAT ARE DETAILED AND MEASURABLE AND CONSIDER THE IMPACTS ON CHILDREN, PARENTS, FAMILIES, PROVIDERS, SCHOOL DISTRICTS, COUNTIES, AND LOCAL COORDINATING ORGANIZATIONS. THE COUNCIL MUST APPROVE RECOMMENDATIONS BY A MAJORITY VOTE AND PROVIDE THOSE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR IN WRITING. MEMBERS OF THE COUNCIL VOTING IN THE MINORITY MAY SUBMIT A WRITTEN EXPLANATION OF THEIR OPPOSITION TO THE RECOMMENDATIONS TO THE EXECUTIVE DIRECTOR.

(j) BEFORE PROMULGATING A RULE, THE EXECUTIVE DIRECTOR SHALL SOLICIT FEEDBACK FROM AND CONSIDER THE RECOMMENDATIONS OF THE COUNCIL. IF THE EXECUTIVE DIRECTOR DECIDES NOT TO FOLLOW THE RECOMMENDATIONS OF THE COUNCIL WITH REGARD TO A RULE, THE EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN EXPLANATION OF THE RATIONALE FOR THE DECISION.

(k) THE COUNCIL IS A STATE PUBLIC BODY FOR PURPOSES OF THE OPEN MEETINGS LAW SPECIFIED IN SECTION 24-6-402 AND IS SUBJECT TO THE REQUIREMENTS OF THE "COLORADO OPEN RECORDS ACT", PART 2 OF ARTICLE 72 OF TITLE 24.

(1) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE JULY 1, 2032. BEFORE THE REPEAL, THIS SUBSECTION (2) IS SCHEDULED FOR REVIEW IN ACCORDANCE WITH SECTION 2-3-1203.

26.5-1-106. Transfer of functions - employees - property - contracts. (1) (a) (I) ON AND AFTER JULY 1, 2022, THE DEPARTMENT IS RESPONSIBLE FOR EXECUTING, ADMINISTERING, PERFORMING, AND ENFORCING THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS VESTED BEFORE JULY 1, 2022, IN:

(A) THE OFFICE WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR EARLY CHILDHOOD PROGRAMS AND SERVICES; AND

(B) THE DEPARTMENT OF EDUCATION CONCERNING EARLY CHILDHOOD WORKFORCE DEVELOPMENT, INCLUDING THE PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM.

(II) THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS CONCERNING A STATEWIDE PRESCHOOL PROGRAM ARE TRANSFERRED, EFFECTIVE JULY 1, 2022, TO THE DEPARTMENT TO THE EXTENT NECESSARY TO ESTABLISH AND AUTHORIZE ENROLLMENT IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, AS PROVIDED IN PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 FOR THE 2023-24 SCHOOL YEAR, AND ARE FULLY TRANSFERRED TO THE DEPARTMENT, EFFECTIVE JULY 1, 2023. THE DEPARTMENT OF EDUCATION RETAINS SUCH RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS AS ARE NECESSARY TO OPERATE THE EXISTING COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, FOR THE 2022-23 SCHOOL YEAR.

(b) THE DEPARTMENT SHALL ENTER INTO MEMORANDA OF UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE, WITH THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION TO PROVIDE FOR THE TIMELY TRANSFER OF POWERS, DUTIES, PERSONNEL, PROPERTY, RECORDS, APPROPRIATIONS, AND OTHER FUNDING AS NECESSARY TO ACCOMPLISH THE COMPLETE TRANSFER OF THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS TO THE DEPARTMENT AS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(c) THE RULES PERTAINING TO THE POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO SUBSECTION

(1)(a) OF THIS SECTION THAT ARE ADOPTED BY THE DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN SERVICES, OR THE STATE BOARD OF EDUCATION AND ARE IN EFFECT AS OF JULY 1, 2022, CONTINUE IN EFFECT AND APPLY TO THE DEPARTMENT AND PERSONS OR ENTITIES LICENSED OR PROVIDING SERVICES PURSUANT TO THIS TITLE 26.5 UNTIL REPLACED BY RULES ADOPTED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION 26.5-1-105.

(2) BEGINNING JULY 1, 2022, THE POSITIONS OF EMPLOYMENT IN THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION CONCERNING THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 AND DETERMINED BY THE EXECUTIVE DIRECTOR TO BE NECESSARY TO CARRY OUT THE PURPOSES OF THIS TITLE 26.5, INCLUDING POSITIONS OF EMPLOYMENT RELATED TO TECHNOLOGY SUPPORT, ARE TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME POSITIONS OF EMPLOYMENT IN THAT DEPARTMENT. THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH THE ACTUAL DATE OF SAID TRANSFERS IN MEMORANDA OF UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE, ENTERED INTO BETWEEN THE DEPARTMENT OF EARLY CHILDHOOD AND THE DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF EDUCATION, AS APPLICABLE, PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

(3) BEGINNING JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL AND PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS, DOCUMENTS, RECORDS, AND INFORMATION SYSTEMS WITH THE SUPPORTING HARDWARE, SOFTWARE, LICENSES, AND DATA, OF THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 ARE TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME THE PROPERTY OF SAID DEPARTMENT. THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH THE ACTUAL DATE OF SAID TRANSFERS IN MEMORANDA OF UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE, ENTERED INTO BETWEEN THE DEPARTMENT OF EARLY CHILDHOOD AND THE DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF EDUCATION, AS APPLICABLE, PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION.

(4) EFFECTIVE JULY 1, 2022, IF THE DEPARTMENT OF HUMAN SERVICES OR THE DEPARTMENT OF EDUCATION IS REFERRED TO OR DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1, SUCH REFERENCE OR DESIGNATION IS DEEMED TO APPLY TO THE DEPARTMENT OF EARLY CHILDHOOD. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS BEFORE JULY 1, 2022, IN CONNECTION WITH THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 ARE HEREBY VALIDATED, WITH THE DEPARTMENT OF EARLY CHILDHOOD SUCCEEDING TO ALL RIGHTS AND OBLIGATIONS UNDER SAID CONTRACTS. ANY MONEY THAT WAS PREVIOUSLY RECEIVED OR APPROPRIATED, AND REMAINS AVAILABLE, TO SATISFY OBLIGATIONS INCURRED UNDER SAID CONTRACTS IS TRANSFERRED AND FURTHER APPROPRIATED TO THE DEPARTMENT OF EARLY CHILDHOOD FOR THE PAYMENT OF SAID OBLIGATIONS.

(5) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED, IF A PROVISION OF LAW REFERS TO THE DEPARTMENT OF HUMAN SERVICES WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF EDUCATION WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION, SAID LAW IS CONSTRUED AS REFERRING TO THE DEPARTMENT OF EARLY CHILDHOOD.

(6) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED, ALL CLAIMS AND LIABILITIES, INCLUDING COSTS, RELATING TO THE PERFORMANCE OF THE DEPARTMENT OF HUMAN SERVICES WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF EDUCATION WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION ARE TRANSFERRED TO AND ASSUMED BY THE DEPARTMENT OF EARLY CHILDHOOD, EXCLUSIVELY THROUGH THE DEPARTMENT OF EARLY CHILDHOOD, AND NO OTHER PUBLIC ENTITY OR AGENCY IS RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS, LIABILITIES, OR DAMAGES.

(7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE, GIFTS, GRANTS AND DONATIONS FOR ANY PURPOSE CONNECTED WITH THE

POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE STATE TREASURER SHALL HOLD ANY PROPERTY SO GIVEN, BUT THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY DIRECT THE DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS CREATED.

26.5-1-107. Final agency action - authority of executive director

- rules. HEARINGS CONDUCTED BY AN APPOINTED ADMINISTRATIVE LAW JUDGE ARE CONSIDERED INITIAL DECISIONS OF THE DEPARTMENT THAT THE EXECUTIVE DIRECTOR, OR AN EXECUTIVE DIRECTOR'S DESIGNEE, SHALL REVIEW. IF EXCEPTIONS TO THE INITIAL DECISION ARE FILED PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE REVIEW MUST BE IN ACCORDANCE WITH SECTION 24-4-105 (15); EXCEPT THAT THE DEPARTMENT MAY, AT ITS DISCRETION, PERMIT A PARTY TO FILE AN AUDIO RECORDING IN LIEU OF A WRITTEN TRANSCRIPT IF THE PARTY CANNOT AFFORD A WRITTEN TRANSCRIPT. THE EXECUTIVE DIRECTOR MAY ADOPT RULES DELINEATING THE CRITERIA AND PROCESS FOR FILING AN AUDIO RECORDING IN LIEU OF A WRITTEN TRANSCRIPT. IN THE ABSENCE OF AN EXCEPTION FILED PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE EXECUTIVE DIRECTOR SHALL REVIEW THE INITIAL DECISION IN ACCORDANCE WITH A PROCEDURE ADOPTED BY THE EXECUTIVE DIRECTOR. THE PROCEDURE MUST BE CONSISTENT WITH FEDERAL MANDATES CONCERNING THE SINGLE STATE AGENCY REQUIREMENT. REVIEW BY THE EXECUTIVE DIRECTOR IN ACCORDANCE WITH SECTION 24-4-105 (15) OR THE PROCEDURE ADOPTED BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION CONSTITUTES FINAL AGENCY ACTION.

26.5-1-108. Cooperation with federal government - grants-in-aid

- legislative intent. (1) THE DEPARTMENT IS AUTHORIZED TO ACCEPT, USE, AND ADMINISTER ALL MONEY AND PROPERTY GRANTED OR MADE AVAILABLE TO THE STATE OR ANY STATE AGENCY FOR THE PURPOSE OF THE EARLY CHILDHOOD PROGRAMS AND SERVICES THAT ARE TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 OR SUBSEQUENTLY CREATED IN THIS TITLE 26.5 OR OTHER PROGRAMS AND SERVICES THAT ARE COMPARABLE TO SAID PROGRAMS AND SERVICES, EXCEPT ANY MONEY AND PROPERTY THAT IS GRANTED OR MADE AVAILABLE TO ANOTHER SPECIFICALLY DESIGNATED AGENCY.

(2) IF IT IS NECESSARY TO EXECUTE A FORMAL AGREEMENT WITH A FEDERAL AGENCY OR OFFICER AS A CONDITION PRECEDENT TO RECEIVING FEDERAL MONEY OR PROPERTY PURSUANT TO SUBSECTION (1) OF THIS

SECTION, THE DEPARTMENT IS AUTHORIZED TO EXECUTE SUCH AN AGREEMENT, WITH THE APPROVAL OF THE ATTORNEY GENERAL, SO LONG AS THE AGREEMENT IS NOT INCONSISTENT WITH LAW.

(3) THE STATE TREASURER IS AUTHORIZED TO RECEIVE, AS OFFICIAL CUSTODIAN, ANY MONEY THAT THE DEPARTMENT ACCEPTS PURSUANT TO SUBSECTION (1) OF THIS SECTION. THE STATE TREASURER SHALL DISBURSE THE MONEY RECEIVED PURSUANT TO THIS SECTION UPON THE ORDER OF THE EXECUTIVE DIRECTOR.

(4) BEGINNING WITH THE PRESENTATION MADE TO A JOINT COMMITTEE OF REFERENCE PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, IN THE 2023 REGULAR LEGISLATIVE SESSION, THE DEPARTMENT SHALL ANNUALLY INCLUDE IN THE PRESENTATION A REPORT THAT DETAILS THE TOTAL AMOUNT OF FEDERAL MONEY THAT THE DEPARTMENT RECEIVED IN THE PRIOR FISCAL YEAR, ACCOUNTING FOR HOW THE MONEY WAS USED, SPECIFYING THE FEDERAL LAW OR REGULATION THAT GOVERNS THE USE OF THE FEDERAL MONEY, IF ANY, AND PROVIDING INFORMATION REGARDING ANY FLEXIBILITY THE DEPARTMENT HAS IN USING THE FEDERAL MONEY. THE DEPARTMENT SHALL MAKE THE REPORT PUBLICLY AVAILABLE FOLLOWING THE HEARING.

(5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE RESPONSIBILITY FOR ADMINISTERING AND THE POWER TO EXPEND FEDERAL MONEY PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS THAT ARE TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 TRANSFER TO THE DEPARTMENT IN ACCORDANCE WITH THE MEMORANDA OF UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE, DESCRIBED IN SECTION 26.5-1-106 (1)(b).

26.5-1-109. Department functions - operating principles. (1) THE DEPARTMENT SHALL EXECUTE THE FOLLOWING FUNCTIONS AND OPERATE PROGRAMS AND PROVIDE SERVICES ASSOCIATED WITH THOSE FUNCTIONS AS DESCRIBED IN THIS TITLE 26.5 AND AUTHORIZED BY FEDERAL LAW:

(a) PROMOTE CHILD PHYSICAL, ORAL, AND BEHAVIORAL HEALTH AND USE MULTIGENERATIONAL AND CULTURALLY AND LINGUISTICALLY APPROPRIATE STRATEGIES TO SUPPORT CHILD AND PARENT OUTCOMES THAT IMPROVE OVERALL FAMILY WELL-BEING;

- (b) IDENTIFY AND ADDRESS CHILD AND FAMILY TRAUMA AND SUPPORT A TRAUMA-INFORMED, AS DEFINED IN SECTION 19-1-103, APPROACH TO EARLY CHILDHOOD;
- (c) PROVIDE SUPPORT TO FAMILIES FOR HEALTHY EARLY CHILDHOOD DEVELOPMENT;
- (d) PROMOTE ACCESS TO QUALITY EARLY CHILDHOOD CARE AND EDUCATION, INCLUDING MONITORING AND INCREASING THE CAPACITY OF QUALITY EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS TO SUPPORT THE AVAILABILITY OF SAID PROGRAMS FOR CHILDREN THROUGHOUT THE STATE;
- (e) PROMOTE AND SUPPORT ACCESS TO A COHERENT AND ALIGNED SYSTEM OF PREPARATION AND ONGOING PROFESSIONAL DEVELOPMENT OPPORTUNITIES FOR PERSONS WHO PROVIDE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (f) SUPPORT STATE AND LOCAL INFRASTRUCTURE FOR PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING EARLY CHILDHOOD CARE AND EDUCATION AND PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;
- (g) COLLABORATE FORMALLY AND INFORMALLY WITH ALL STATE DEPARTMENTS AND LOCAL AND TRIBAL AGENCIES THAT ADMINISTER OR OTHERWISE PROVIDE SUPPORT FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES TO ENSURE EFFECTIVE AND EFFICIENT ADMINISTRATION OF SAID PROGRAMS AND SERVICES, INCLUDING COMBINING AND COORDINATING THE FUNDING FOR SAID PROGRAMS AND SERVICES THAT ARE UNDER THE JURISDICTION OF THE DEPARTMENT TO THE FULLEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND REGULATIONS, AND TO ENSURE CONSISTENCY IN THE EXPERIENCE OF FAMILIES WHO BENEFIT FROM THESE PROGRAMS AND SERVICES AND PROMOTE WHOLE-CHILD AND WHOLE-FAMILY WELL-BEING;
- (h) COLLABORATE WITH OTHER STATE DEPARTMENTS AND LOCAL AND TRIBAL AGENCIES TO SET, AND ASSESS ACHIEVEMENT OF, STATEWIDE GOALS FOR QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND STATEWIDE GOALS FOR SUPPORT AND DEVELOPMENT OF THE WORKFORCE

THAT PROVIDES EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

- (i) COLLABORATE WITH OTHER STATE DEPARTMENTS, LOCAL, AND TRIBAL AGENCIES, AND LOCAL COORDINATING ORGANIZATIONS TO SAFELY COLLECT AND SHARE DATA, ELIMINATING DUPLICATION OF DATA COLLECTION WHEN POSSIBLE, WHILE ENSURING PRIVACY AND SECURITY FOR CHILDREN AND FAMILIES, TO ENABLE THE DEPARTMENT TO GAUGE THE STATEWIDE QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (j) EVALUATE THE QUALITY OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES THROUGHOUT THE STATE USING IDENTIFIED OUTCOME METRICS AND PROVIDE SUPPORT FOR EARLY CHILDHOOD PROVIDERS AND THE WORKFORCE THAT PROVIDES EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;
- (k) COLLABORATE WITH OTHER STATE DEPARTMENTS TO PROMOTE THE OVERALL EFFECTIVENESS OF EARLY CHILDHOOD SYSTEMS IN THE STATE BY JOINTLY IDENTIFYING METRICS THAT ALL DEPARTMENTS USE TO MONITOR EARLY CHILDHOOD OUTCOMES THROUGHOUT THE STATE, WHICH MUST INCLUDE OUTCOMES IN HEALTH, INCLUDING PHYSICAL, SOCIAL-EMOTIONAL, AND DENTAL; LEARNING; AND OVERALL WELL-BEING;
- (l) SUPPORT INNOVATION IN METHODS AND STRATEGIES FOR ACCESSING AND PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES THROUGH RESEARCH AND REVIEW OF PROGRAMS AND SYSTEMS IMPLEMENTED WITHIN COLORADO AND IN OTHER STATES AND COUNTRIES; AND
- (m) IN COORDINATION WITH THE DEPARTMENT OF HUMAN SERVICES AND COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, INTEGRATE OUTREACH FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES INTO EFFORTS TO PROVIDE FAMILIES ACCESS TO A WIDE RANGE OF SERVICES AND RESOURCES, INCLUDING ACCESS TO FOOD, CASH ASSISTANCE, AND HEALTH CARE.

(2) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1) OF

THIS SECTION AND IMPLEMENTING THE PROGRAMS AND PROVIDING THE SERVICES RELATED TO THOSE FUNCTIONS, THE DEPARTMENT SHALL ENSURE TO THE GREATEST EXTENT POSSIBLE THAT:

(a) EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES ARE:

(I) IMPLEMENTED AND PROVIDED ACROSS FUNCTIONS RATHER THAN BEING SILOED AS INDIVIDUAL PROGRAMS, WHICH INCLUDES PROVIDING A SEAMLESS APPLICATION EXPERIENCE FOR FAMILIES AND PROVIDERS AS DESCRIBED IN SECTION 26.5-1-110, INCREASING THE EFFICIENCY OF PROGRAMS AND SERVICES, AND REDUCING DUPLICATION AND ADMINISTRATIVE BURDEN;

(II) DESIGNED WITH A FOCUS ON THE USER EXPERIENCE OF FAMILIES, CHILDREN, PROVIDERS, AND OTHER END-USERS AND DESIGNED TO SERVE THE WHOLE FAMILY AND THE WHOLE CHILD;

(III) AVAILABLE STATEWIDE AND PROVIDED ON AN EQUITABLE, AFFORDABLE, AND CULTURALLY AND LINGUISTICALLY RESPONSIVE BASIS TO ALL FAMILIES WHO CHOOSE TO USE THE PROGRAMS AND SERVICES;

(IV) WITH REGARD TO EARLY CHILDHOOD PROGRAMS AND SERVICES, PROVIDED THROUGH CHILD CARE PROVIDERS; A MIXED DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS; AND A DIVERSE WORKFORCE OF LICENSED, VOLUNTARILY CREDENTIALED, AND INFORMAL CHILDHOOD CAREGIVERS AND EDUCATORS; AND

(V) WITH REGARD TO FAMILY SUPPORT PROGRAMS AND SERVICES, PROVIDED THROUGH A MIXED DELIVERY SYSTEM OF PUBLIC AND PRIVATE PROVIDERS AND A DIVERSE WORKFORCE; AND

(b) FUNDING FOR PROGRAMS AND SERVICES IS COMBINED AND COORDINATED AT THE STATE LEVEL, WHEN POSSIBLE AND TO THE FULLEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND REGULATIONS, BEFORE DISTRIBUTION TO LOCAL AND TRIBAL AGENCIES, FAMILIES, AND PROVIDERS; AND

(c) RESOURCES ARE USED WITH MAXIMUM EFFICIENCY TO ENSURE THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND SERVICE

PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST POSSIBLE LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE LOWEST POSSIBLE LEVEL OF ADMINISTRATIVE BURDEN; AND

(d) THE DEPARTMENT WORKS IN PARTNERSHIP WITH FAMILIES, PUBLIC AND PRIVATE PROVIDERS, AND LOCAL EARLY CHILDHOOD COMMUNITIES.

(3) TO ASSIST THE DEPARTMENT IN EXECUTING THE FUNCTIONS AND MEETING THE REQUIREMENTS SPECIFIED IN THIS SECTION, THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THERE IS AT LEAST ONE STAFF MEMBER AMONG THE UPPER MANAGEMENT LEVELS OF THE DEPARTMENT WHOSE JOB RESPONSIBILITIES INCLUDE ENSURING THAT STAFF SUPPORT AND COMMUNICATE, INTERACT, AND PARTNER WITH THE COUNTIES AND THE COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103.

(4) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING TO STRENGTHEN COORDINATION AND PROMOTE ALIGNMENT AMONG EDUCATION, HIGHER EDUCATION, HUMAN SERVICES, HEALTH CARE, AND MENTAL HEALTH CARE IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS, AND THE EARLY CHILDHOOD WORKFORCE.

26.5-1-110. Unified application - child care, services, and education. (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE USE OF A SINGLE, UNIFIED ELECTRONIC APPLICATION FOR FAMILIES TO USE IN APPLYING FOR ALL PUBLICLY FUNDED EARLY CHILDHOOD PROGRAMS AND SERVICES THAT THE DEPARTMENT ADMINISTERS. THE DEPARTMENT SHALL DESIGN THE APPLICATION TO ENABLE EQUITABLE ACCESS; STREAMLINE THE ENROLLMENT AND ELIGIBILITY-DETERMINATION PROCESS FOR FAMILIES, PROVIDERS, AND STATE, LOCAL, AND TRIBAL AGENCIES; AND MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS SECTION. THE DEPARTMENT SHALL COLLABORATE WITH OTHER STATE, LOCAL, AND TRIBAL AGENCIES AS NECESSARY IN DEVELOPING, AND COLLECTING FEEDBACK CONCERNING, THE APPLICATION TO ENSURE THE LEAST AMOUNT OF DUPLICATION FOR FAMILIES AND STATE, LOCAL, AND TRIBAL AGENCIES. THE DEPARTMENT SHALL ENSURE THAT THE APPLICATION IS FUNCTIONAL BY JULY 1, 2023, FOR FAMILIES SEEKING TO ENROLL CHILDREN IN THE COLORADO

UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

- (2) AT A MINIMUM, THE UNIFIED APPLICATION MUST:
 - (a) BE AVAILABLE IN MULTIPLE LANGUAGES;
 - (b) BE ACCESSIBLE ON MOBILE ELECTRONIC DEVICES AND AVAILABLE IN PAPER COPY;
 - (c) COLLECT FROM FAMILIES ONLY THE MINIMUM INFORMATION NECESSARY TO APPLY FOR PROGRAMS AND SERVICES AND ENABLE FAMILIES TO APPLY FOR A SINGLE PROGRAM OR SERVICE OR FOR MULTIPLE PROGRAMS AND SERVICES SIMULTANEOUSLY OR OVER TIME;
 - (d) ADHERE TO ALL STATE AND FEDERAL DATA PRIVACY AND SECURITY LAWS AND REGULATIONS;
 - (e) REDUCE DUPLICATION IN AND THE COMPLEXITY OF THE INFORMATION COLLECTED FROM PROVIDERS;
 - (f) INCLUDE CONSIDERATION OF ALL SOURCES FROM WHICH THE APPLICANT MAY BE ELIGIBLE FOR FUNDING TO ENSURE THAT ALL OF THE FUNDING FOR WHICH THE APPLICANT IS ELIGIBLE IS COMBINED AND COORDINATED TO THE FULLEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND REGULATIONS IN PROVIDING THE PROGRAMS AND SERVICES FOR WHICH THE APPLICANT IS APPLYING;
 - (g) ALLOW FOR CUSTOMIZATION AS MAY BE NECESSARY FOR CERTAIN PROGRAMS OR SERVICES; AND
 - (h) COORDINATE WITH OTHER AGENCIES AND PROGRAMS, AS APPROPRIATE, TO ENSURE APPROPRIATE REFERRAL OF CHILDREN AND FAMILIES TO EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER DEPARTMENTS.

26.5-1-111. Data system - collection - analysis - cross-agency agreements. (1) THE DEPARTMENT SHALL WORK WITH LOCAL COORDINATING ORGANIZATIONS, STATE AGENCIES, LOCAL AND TRIBAL AGENCIES, AND PROVIDERS, AS NECESSARY, TO COLLECT, SHARE, MANAGE,

AND PROTECT QUALITATIVE AND QUANTITATIVE DATA PERTAINING TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. THE DEPARTMENT SHALL REVIEW AND ANALYZE THE COLLECTED DATA TO ASSESS:

- (a) THE NEEDS OF CHILDREN AND FAMILIES FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;
- (b) THE LOCAL AND STATEWIDE AVAILABILITY, CAPACITY, USE, AND QUALITY OF, AND FUNDING SUPPORT FOR, EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (c) THE DEGREE TO WHICH THE DEPARTMENT AND LOCAL AND TRIBAL AGENCIES ARE REDUCING INEQUITIES IN ACCESS TO AND USE OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND IN CHILDHOOD OUTCOMES;
- (d) THE CAPACITY, QUALITY, TRAINING, EDUCATION, EMPLOYMENT STATUS, AND RETENTION OF AND COMPENSATION PROVIDED TO MEMBERS OF THE WORKFORCE THAT SERVES EARLY CARE AND EDUCATION, EARLY CHILDHOOD PROGRAMS AND SERVICES, AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (e) LONG-TERM OUTCOMES FOR CHILDREN SERVED BY EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING CORRELATIONS TO SCHOOL READINESS AS ASSESSED PURSUANT TO SECTION 22-7-1004 (2), TO ACADEMIC SUCCESS IN THIRD GRADE, AND TO HIGH SCHOOL GRADUATION; AND
- (f) OTHER MEASURES THAT INDICATE THE EFFECTIVENESS OF THE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN COLORADO IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS, AND THE EARLY CHILDHOOD WORKFORCE.

(2) AT A MINIMUM, THE DEPARTMENT SHALL COLLECT DATA PERTAINING TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES THAT INCLUDES:

- (a) THE NUMBER OF CHILDREN IN THE STATE WHO ARE ELIGIBLE TO RECEIVE, AND THE NUMBER OF CHILDREN WHO ACTUALLY RECEIVE,

SERVICES THROUGH THE PROGRAMS ADMINISTERED BY THE DEPARTMENT; THE DEMOGRAPHICS OF SAID CHILDREN, INCLUDING SOCIOECONOMIC STATUS, RACE, ETHNICITY, LANGUAGE, AND DISABILITY; AND SAID CHILDREN'S ELIGIBILITY FOR FUNDING AND USE OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

(b) INFORMATION CONCERNING GROUPS OF CHILDREN WHO HAVE HISTORICALLY ENCOUNTERED BARRIERS TO SCHOOL READINESS;

(c) INFORMATION THAT ENABLES THE DEPARTMENT, LOCAL COORDINATING ORGANIZATIONS, AND LOCAL AND TRIBAL AGENCIES TO ASSESS ON A CONTINUING BASIS THE NEEDS FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN AN AREA AND MAKE DECISIONS CONCERNING THE PROVISION OF PROGRAMS AND SERVICES;

(d) THE DEMAND FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND THE EXISTENCE OF PROVIDERS IN AREAS THROUGHOUT THE STATE, INCLUDING INFORMATION CONCERNING PROGRAM CAPACITY, SUCH AS THE NUMBER OF AVAILABLE CLASSROOMS; THE LOCAL AND STATEWIDE AVAILABILITY OF LOCALLY, STATE-, AND FEDERALLY FUNDED ENROLLMENT POSITIONS AND VACANCIES IN THOSE POSITIONS; AND THE NUMBER OF HOURS OF SERVICES RECEIVED BY INDIVIDUAL CHILDREN AND PARENTS IN PROGRAMS;

(e) THE NUMBER OF EARLY CHILDHOOD PROGRAMS AT EACH QUALITY LEVEL STATEWIDE AND IN SPECIFIC AREAS AND THE NUMBER AND DEMOGRAPHICS OF CHILDREN SERVED IN EARLY CHILDHOOD PROGRAMS AT EACH QUALITY LEVEL;

(f) DATA REGARDING THE EARLY CHILDHOOD WORKFORCE; AND

(g) THE COMBINATION AND COORDINATION OF LOCAL, STATE, AND FEDERAL FUNDING FOR CHILDREN AND FAMILIES TO PROVIDE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND THE PROGRAMS AND SERVICES THAT ARE PROVIDED, INCLUDING USE OF MORE THAN ONE PROGRAM OR SERVICE BY A SINGLE FAMILY.

(3) (a) THE DEPARTMENTS OF EARLY CHILDHOOD, HUMAN SERVICES, EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING SHALL ENTER INTO AGREEMENTS TO ENSURE DATA PRIVACY

AND SECURITY WITH REGARD TO SHARED EARLY CHILDHOOD DATA. IN COLLECTING AND SHARING DATA, THE DEPARTMENTS SHALL COORDINATE AND REQUIRE COLLECTION OF DATA IN WAYS THAT IMPOSE THE LEAST POSSIBLE BURDEN ON FAMILIES AND PROVIDERS, INCLUDING BY REDUCING REDUNDANCIES IN DATA COLLECTION ACROSS PROGRAMS.

(b) THE DEPARTMENT SHALL USE INFORMATION DERIVED THROUGH THE EARLY CHILDHOOD DATA SYSTEM TO, AT A MINIMUM, INFORM PLANNING, LEVERAGE RESOURCE ALLOCATIONS, MAXIMIZE CHILDREN'S ACCESS TO EARLY CHILDHOOD PROGRAMS AND SERVICES, AND SUPPORT DATA-INFORMED DECISION MAKING.

(c) THE DEPARTMENT SHALL IDENTIFY AND PURSUE RESEARCH OPPORTUNITIES TO PROVIDE INFORMATION TO SUPPORT NEW MEASURES FOR IMPROVING THE SYSTEM OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE STATE AND TO UNDERSTAND THE CAUSAL EFFECTS OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES THAT ARE PROVIDED.

(4) THE DEPARTMENT, THROUGH THE DEPARTMENT WEBSITE, SHALL REGULARLY INFORM MEMBERS OF THE EARLY CHILDHOOD COMMUNITY AND OTHER MEMBERS OF THE PUBLIC OF PROGRESS MADE IN IMPROVING THE DELIVERY, QUALITY, ACCESS, AVAILABILITY, AND CAPACITY OF EARLY CHILDHOOD PROGRAMS AND SERVICES. SPECIFICALLY, THE DEPARTMENT SHALL PROVIDE INFORMATION CONCERNING THE ACHIEVEMENT OF BENCHMARKS IN SUCH AREAS AS INCREASING THE NUMBER OF CHILDREN RECEIVING EARLY CHILDHOOD PROGRAMS AND SERVICES, IMPROVING PRESCHOOL CLASSROOM QUALITY, MEETING PROGRAM QUALITY STANDARDS, AND IMPROVING SCHOOL READINESS, AND SHALL PROVIDE INFORMATION CONCERNING THE RESULTS OF PRESCHOOL PROGRAM EVALUATIONS COMPLETED PURSUANT TO SECTION 26.5-4-207.

26.5-1-112. Transition review - program review - report - repeal.

(1) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY TO ACT AS AN INDEPENDENT EVALUATOR OF THE DEPARTMENT'S PERFORMANCE IN EXECUTING THE FUNCTIONS IDENTIFIED IN SECTION 26.5-1-109 AND IN OPERATING PROGRAMS AND PROVIDING SERVICES ASSOCIATED WITH THOSE FUNCTIONS IN ACCORDANCE WITH THIS TITLE 26.5. THE INDEPENDENT EVALUATOR SHALL COMPLETE A REVIEW OF THE OPERATIONS OF THE DEPARTMENT AND THE PROGRAMS THAT

TRANSITION FROM THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT. AT A MINIMUM, IN CONDUCTING THE REVIEW, THE INDEPENDENT EVALUATOR SHALL EVALUATE AND MAKE RECOMMENDATIONS CONCERNING:

(I) WHETHER THE DEPARTMENT OPERATES THE PROGRAMS AND PROVIDES THE SERVICES EFFICIENTLY AND ENSURES THAT THE PROGRAMS AND SERVICES ARE:

(A) CHILD, FAMILY, AND COMMUNITY CENTERED AND SERVE THE WHOLE CHILD AND WHOLE FAMILY;

(B) EQUITY DRIVEN;

(C) FOCUSED ON AND ACCOUNTABLE FOR ACHIEVING IDENTIFIED OUTCOMES AND MAKING DATA-DRIVEN, OUTCOME-BASED DECISIONS;

(D) MEETING HIGH QUALITY STANDARDS;

(E) SERVING AND SUPPORTING THE EARLY CHILDHOOD WORKFORCE;

(F) SUPPORTING A MIXED DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAMS AND SUPPORTING CHILD CARE PROVIDERS; AND

(G) COORDINATED WITH OTHER SUPPORTS AND SERVICES FOR FAMILIES THAT ARE NOT OPERATED BY THE DEPARTMENT, INCLUDING FOOD ASSISTANCE, CASH ASSISTANCE, AND HEALTH CARE;

(II) THE EFFECTIVENESS AND EFFICIENCY OF THE GOVERNANCE STRUCTURE AND ORGANIZATION OF THE DEPARTMENT, INCLUDING WHETHER TO CREATE A **TYPE 1** POLICY BOARD WITHIN THE DEPARTMENT TO BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE AND TRANSFER RULE-MAKING AUTHORITY AND OVERSIGHT OF THE DEPARTMENT FROM THE EXECUTIVE DIRECTOR TO THE POLICY BOARD;

(III) THE CROSS-AGENCY AGREEMENTS WITH OTHER DEPARTMENTS THAT OPERATE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND THE EFFECTIVENESS OF THE AGREEMENTS IN SEAMLESSLY PROVIDING SAID PROGRAMS AND SERVICES;

(IV) THE IMPACT OF THE IMPLEMENTATION OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 ON THE NUMBER OF CHILDREN SERVED BY THE COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. THE INDEPENDENT EVALUATOR SHALL EVALUATE THIS ISSUE IN CONSULTATION WITH COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103.

(V) WHETHER THE PROGRAMS THAT THE DEPARTMENT OPERATES WERE APPROPRIATE FOR TRANSITION OR WOULD BE BETTER OPERATED IN ANOTHER DEPARTMENT PURSUANT TO A CROSS-AGENCY AGREEMENT.

(b) THE INDEPENDENT EVALUATOR, IN COORDINATION WITH THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING, SHALL REVIEW THE PROGRAMS AND SERVICES PERTAINING TO EARLY CHILDHOOD THAT WERE NOT TRANSFERRED TO THE DEPARTMENT, INCLUDING THE FEDERAL LAW AND REGULATIONS PERTAINING TO THOSE PROGRAMS AND SERVICES, TO DETERMINE WHETHER THE PROGRAMS AND SERVICES SHOULD BE TRANSFERRED TO AND OPERATED BY THE DEPARTMENT.

(c) NO LATER THAN NOVEMBER 1, 2025, THE INDEPENDENT EVALUATOR SHALL SUBMIT A REPORT CONCERNING THE REVIEW OF OPERATIONS PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND THE REVIEW OF THE TRANSFER OF ADDITIONAL PROGRAMS AND SERVICES PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION TO THE DEPARTMENT; THE GOVERNOR; THE EARLY CHILDHOOD LEADERSHIP COMMISSION; THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(d) IN CONDUCTING THE REVIEWS AND MAKING RECOMMENDATIONS PURSUANT TO THIS SUBSECTION (1), THE INDEPENDENT EVALUATOR SHALL SOLICIT INPUT THROUGH A PROCESS THAT INCLUDES PARTICIPATION BY THE POPULATIONS SERVED BY THE PROGRAMS; THE PROVIDERS AND MEMBERS OF THE WORKFORCE WORKING IN THE PROGRAMS; LOCAL COORDINATING ORGANIZATIONS; STATE, LOCAL, AND TRIBAL AGENCIES INVOLVED IN IMPLEMENTING THE PROGRAMS; AND ANY OTHER RELEVANT EXPERTS.

(2) (a) THE DEPARTMENT, IN COLLABORATION WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING SHALL PREPARE AN ANNUAL REPORT CONCERNING THE PROGRESS MADE AND CHALLENGES ENCOUNTERED BY THE DEPARTMENT OF EARLY CHILDHOOD IN TRANSITIONING AND IMPLEMENTING PROGRAMS AND PROVIDING SERVICES AND BY THE DEPARTMENTS AS A GROUP IN IMPLEMENTING CROSS-AGENCY COLLABORATION RELATED TO, AT A MINIMUM:

(I) ADMINISTRATION OF PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND COORDINATION WITH THE DEPARTMENT OF EDUCATION OF THE TRANSITION OF CHILDREN FROM PART C TO PART B AS AGREED TO IN THE INTERAGENCY OPERATING AGREEMENT DESCRIBED IN SECTION 26.5-3-404 (3) BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION;

(II) IMPLEMENTATION OF THE MEMORANDUM OF UNDERSTANDING DESCRIBED IN SECTION 26.5-4-206 BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION CONCERNING ADMINISTRATION OF SPECIAL EDUCATION SERVICES FOR CHILDREN PRIOR TO KINDERGARTEN, SPECIFICALLY IMPLEMENTATION OF PART B SECTION 619 AND PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED;

(III) ADMINISTRATION OF THE CHILD AND ADULT CARE FOOD PROGRAM IN COLLABORATION WITH PROGRAMS ADMINISTERED BY THE DEPARTMENT;

(IV) ADMINISTRATION OF THE SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN IN COLLABORATION WITH PROGRAMS ADMINISTERED BY THE DEPARTMENT;

(V) OPERATION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES THAT THE DEPARTMENT ADMINISTERS, INCLUDING AT A MINIMUM, DATA CONCERNING THE CHILDREN AND FAMILIES SERVED AND THE USE, AVAILABILITY, AND CAPACITY OF PROGRAMS THROUGHOUT THE STATE;

(VI) INTERACTION OF EARLY CHILDHOOD CARE, LEARNING, AND

SUPPORTS WITH THE PUBLIC KINDERGARTEN AND ELEMENTARY EDUCATION SYSTEM TO ENSURE CHILDREN ENTER KINDERGARTEN READY TO LEARN AND ARE BEHAVIORALLY AND ACADEMICALLY SUCCESSFUL;

(VII) ALIGNMENT OF THE OPERATION OF EARLY CHILDHOOD PROGRAMS AND SERVICES WITH THE CHILD WELFARE SYSTEM OPERATED BY THE DEPARTMENT OF HUMAN SERVICES AND LOCAL AGENCIES; AND

(VIII) THE USE OF PUBLIC FUNDING TO SUPPORT CHILD CARE.

(b) THE DEPARTMENT SHALL SUBMIT THE REPORT PREPARED PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION AS PART OF THE PRESENTATION MADE TO A JOINT COMMITTEE OF REFERENCE PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, IN THE 2023 REGULAR LEGISLATIVE SESSION AND ANNUALLY THEREAFTER. IN ADDITION, THE DEPARTMENT SHALL ANNUALLY SUBMIT THE REPORT TO THE GOVERNOR; THE EARLY CHILDHOOD LEADERSHIP COMMISSION; THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES. NOTWITHSTANDING THE REQUIREMENT IN SECTION 24-1-136 (11)(a)(I), THE REQUIREMENT TO SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (2) CONTINUES UNTIL REPEALED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

(c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1, 2028.

SECTION 3. In Colorado Revised Statutes, **add with amended and relocated provisions**, articles 2, 3, 4, 5, and 6 of title 26.5 as follows:

ARTICLE 2
Local Infrastructure -
Early Childhood Programs and Services

PART 1
LOCAL COORDINATING ORGANIZATIONS

26.5-2-101. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) LOCAL ENTITIES ARE BEST POSITIONED TO UNDERSTAND THE VARYING NEEDS FOR EARLY CHILDHOOD PROGRAMS AND SERVICES THAT ARISE IN THE WIDELY DIVERSE COMMUNITIES THROUGHOUT THE STATE; AND

(b) EACH COMMUNITY REQUIRES LEADERSHIP BY LOCAL ENTITIES THAT, ALONE OR IN PARTNERSHIP WITH THE STATE, CAN COORDINATE THE RESOURCES AVAILABLE WITHIN THE COMMUNITY WITH STATE RESOURCES TO PROVIDE THE TYPE AND LEVEL OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES EACH COMMUNITY REQUIRES.

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT, TO BEST SERVE THE FAMILIES AND CHILDREN IN ALL COMMUNITIES THROUGHOUT THE STATE, THE DEPARTMENT SHALL SELECT AND WORK WITH LOCAL COORDINATING ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE STATE TO SUPPORT ACCESS TO AND EQUITABLE DELIVERY OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, IDENTIFY GAPS IN SERVICE, FOSTER PARTNERSHIPS, CREATE ALIGNMENT AMONG THE PUBLIC AND PRIVATE PROVIDERS AND AGENCIES WITHIN THE COMMUNITY THAT SERVE FAMILIES AND CHILDREN, AND ESTABLISH A COMPREHENSIVE, LOCALLY SUPPORTED PLAN FOR PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES EQUITABLY WITHIN THE COMMUNITY.

26.5-2-102. Definitions. AS USED IN THIS PART 1, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR "STATE PRESCHOOL PROGRAM" MEANS THE COLORADO UNIVERSAL PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

(2) "COORDINATOR AGREEMENT" MEANS THE AGREEMENT THAT THE DEPARTMENT ENTERS INTO WITH A LOCAL COORDINATING ORGANIZATION AS DESCRIBED IN SECTION 26.5-2-105.

(3) "HEAD START AGENCY" MEANS THE LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL "ECONOMIC OPPORTUNITY ACT OF

1964", AS AMENDED.

(4) "LOCAL AND TRIBAL AGENCIES" MEANS COUNTY DEPARTMENTS OF HUMAN OR SOCIAL SERVICES AND AGENCIES OF AN INDIAN TRIBE THAT HAVE RESPONSIBILITY FOR FUNDING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, SCHOOL DISTRICTS, CHARTER SCHOOLS THAT PARTICIPATE IN THE STATE PRESCHOOL PROGRAM, AND HEAD START AGENCIES.

(5) "LOCAL COORDINATING ORGANIZATION" MEANS AN ENTITY SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO SUPPORT ACCESS TO AND EQUITABLE DELIVERY OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN SPECIFIED COMMUNITIES THROUGHOUT THE STATE.

(6) "MIXED DELIVERY SYSTEM" HAS THE SAME MEANING AS PROVIDED IN SECTION 26.5-4-203.

(7) "PRESCHOOL PROVIDER" HAS THE SAME MEANING AS PROVIDED IN SECTION 26.5-4-203.

(8) "PRESCHOOL SERVICES" MEANS PRESCHOOL SERVICES PROVIDED THROUGH THE STATE PRESCHOOL PROGRAM IN THE SCHOOL YEAR PRECEDING KINDERGARTEN ELIGIBILITY TO CHILDREN WHO ARE FOUR OR FIVE YEARS OF AGE AND PRESCHOOL SERVICES PROVIDED THROUGH THE STATE PRESCHOOL PROGRAM TO A LIMITED NUMBER OF CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER.

26.5-2-103. Local coordinating organization - applications - selection - rules. (1) THE DEPARTMENT SHALL SOLICIT APPLICATIONS FROM LOCAL PUBLIC ENTITIES AND COLORADO-BASED NONPROFIT ORGANIZATIONS TO SERVE AS LOCAL COORDINATING ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE STATE. ENTITIES THAT MAY SUBMIT APPLICATIONS INCLUDE, BUT ARE NOT LIMITED TO, COUNTY OR MUNICIPAL GOVERNMENT AGENCIES, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE SERVICES, EARLY CHILDHOOD COUNCILS, FAMILY RESOURCE CENTERS, SPECIAL TAXING DISTRICTS, HEAD START GRANTEES, LOCAL NONPROFIT ORGANIZATIONS, CHARTER SCHOOL NETWORKS AND COLLABORATIVES, AND OTHER PUBLIC INSTITUTIONS. ENTITIES MAY APPLY SINGLY OR IN PARTNERSHIP WITH OTHER ENTITIES WITHIN THE COMMUNITY. THE SOLICITATION AND SELECTION OF

ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS ARE NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

(2) AN ENTITY THAT SEEKS TO SERVE AS A LOCAL COORDINATING ORGANIZATION MUST APPLY TO THE DEPARTMENT IN ACCORDANCE WITH DEPARTMENT RULES, IF ANY, PROCEDURES, AND TIMELINES. AT A MINIMUM, THE APPLICATION MUST INCLUDE:

(a) THE PROPOSED BOUNDARIES OF THE COMMUNITY WITHIN WHICH THE APPLICANT WOULD SERVE AS THE LOCAL COORDINATING ORGANIZATION FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES PROVIDED TO CHILDREN AND FAMILIES WITHIN THE COMMUNITY. THE DEPARTMENT MAY REQUIRE, AND SHALL WORK WITH THE APPLICANT TO ENSURE, THAT THE APPLICANT'S PROPOSED BOUNDARIES ALIGN WITH ONE OR MORE AREAS THAT THE DEPARTMENT IDENTIFIES AS A COMMUNITY. IN IDENTIFYING COMMUNITIES AND ESTABLISHING COMMUNITY BOUNDARIES THROUGHOUT THE STATE, THE DEPARTMENT SHALL ENSURE THAT A SCHOOL DISTRICT IS NOT INCLUDED IN MORE THAN ONE COMMUNITY WITHOUT THE PRIOR APPROVAL OF THE SCHOOL DISTRICT BOARD OF EDUCATION EXPRESSED IN AN APPROVED BOARD RESOLUTION.

(b) EVIDENCE THAT THE APPLICANT HAS THE SUPPORT OF THE LOCAL EARLY CHILDHOOD COMMUNITY IN APPLYING TO SERVE AS THE LOCAL COORDINATING ORGANIZATION, WHICH MUST INCLUDE THE SUPPORT OF FAMILIES, PROVIDERS, EARLY CHILDHOOD COUNCILS, LOCAL AND TRIBAL AGENCIES, SCHOOL DISTRICTS, CHARTER SCHOOLS, AND LOCAL GOVERNMENTS WITHIN THE COMMUNITY;

(c) THE APPLICANT'S PLAN TO COORDINATE WITH, AT A MINIMUM, THE FOLLOWING ENTITIES WITHIN THE PROPOSED COMMUNITY:

(I) ADMINISTRATIVE UNITS, AS DEFINED IN SECTION 22-20-103, WHICH REMAIN RESPONSIBLE FOR OVERSEEING IMPLEMENTATION OF THE PART B COMPONENT OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED;

(II) EARLY CHILDHOOD COUNCILS;

(III) HEAD START AGENCIES;

(IV) FAMILY RESOURCE CENTERS, AS DEFINED IN SECTION 26.5-3-102; AND

(V) COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES IN PROVIDING CHILD CARE SERVICES THROUGH THE COLORADO CHILD CARE ASSISTANCE PROGRAM ESTABLISHED IN PART 1 OF ARTICLE 4 OF THIS TITLE 26.5 AND OTHER FAMILY SUPPORT PROGRAMS AND SERVICES;

(d) THE APPLICANT'S PROPOSED OPERATING MODEL FOR MEETING THE DUTIES AND RESPONSIBILITIES OF A LOCAL COORDINATING ORGANIZATION, INCLUDING, AT A MINIMUM, THE APPLICANT'S PERSONNEL CAPACITY AND A PROPOSED BUDGET THAT REFLECTS THE ANTICIPATED OPERATING AND OVERHEAD COSTS AND SOURCES OF FUNDING; AND

(e) IF THE APPLICANT IS A PRESCHOOL PROVIDER, THE APPLICANT'S PLAN FOR ENSURING THAT SERVING AS THE LOCAL COORDINATING ORGANIZATION DOES NOT RESULT IN AN UNFAIR ADVANTAGE TO THE APPLICANT WITH REGARD TO ALLOCATIONS OF PRESCHOOL FUNDING GENERALLY OR IN COORDINATING WITH THE OTHER PRESCHOOL PROVIDERS IN THE COMMUNITY TO ENSURE THE AVAILABILITY OF A MIXED DELIVERY SYSTEM AND THE ALLOCATION OF FUNDING AMONG PRESCHOOL PROVIDERS BASED ON PARENT CHOICE.

(3) AN APPLICANT MAY INCLUDE IN THE APPLICATION A PROPOSAL FOR SHARED RESPONSIBILITY WITH THE DEPARTMENT FOR DISTRIBUTING AND ADMINISTERING PUBLIC FUNDING WITHIN THE COMMUNITY, IN WHICH CASE THE APPLICANT MUST INCLUDE IN THE APPLICATION THE APPLICANT'S HISTORY OF AND EXPERIENCE WITH DISTRIBUTING AND ADMINISTERING PUBLIC FUNDING.

(4) THE DEPARTMENT, IN ACCORDANCE WITH DEPARTMENT RULES, IF ANY, AND PROCEDURES, SHALL REVIEW EACH APPLICATION RECEIVED PURSUANT TO THIS SECTION AND SELECT LOCAL COORDINATING ORGANIZATIONS FOR COMMUNITIES THROUGHOUT THE STATE, ENSURING THAT, TO THE EXTENT POSSIBLE, EVERY FAMILY IN THE STATE RESIDES WITHIN A COMMUNITY FOR WHICH A LOCAL COORDINATING ORGANIZATION IS SELECTED. IN SELECTING LOCAL COORDINATING ORGANIZATIONS FROM AMONG THE APPLICATIONS RECEIVED, THE DEPARTMENT SHALL, AT A MINIMUM, EVALUATE:

- (a) THE APPLICANT'S CAPACITY TO SUPPORT FAMILIES IN APPLYING FOR APPLICABLE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (b) THE APPLICANT'S CAPACITY TO EQUITABLY RECRUIT PRESCHOOL PROVIDERS TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM AND PROVIDE PRESCHOOL SERVICES THROUGH A MIXED DELIVERY SYSTEM THAT, TO THE FULLEST EXTENT PRACTICABLE, ACCOMMODATES PARENT CHOICE;
- (c) THE DEMONSTRATED LEVEL OF SUPPORT FOR THE APPLICANT WITHIN THE LOCAL EARLY CHILDHOOD COMMUNITY, THE FEASIBILITY AND QUALITY OF THE APPLICANT'S PLAN TO COORDINATE WITH OTHER ENTITIES WITHIN THE PROPOSED COMMUNITY, AND THE APPLICANT'S HISTORY, IF ANY, OF COORDINATING WITH THOSE ENTITIES; AND
- (d) THE QUALITY AND EFFICIENCY OF THE APPLICANT'S PROPOSED OPERATING MODEL AND THE LIKELIHOOD THAT THE APPLICANT WILL HAVE THE CAPACITY, EXPERIENCE, AND SUPPORT TO SUCCESSFULLY FULFILL THE RESPONSIBILITIES AND DUTIES OF A LOCAL COORDINATING ORGANIZATION.

(5) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AND THE DEPARTMENT SHALL ADOPT PROCEDURES AND TIMELINES AS NECESSARY TO IMPLEMENT THIS PART 1, INCLUDING ADOPTING A PROCESS FOR RECEIVING AND REVIEWING APPLICATIONS THAT RESULTS IN THE INITIAL SELECTION OF LOCAL COORDINATING ORGANIZATIONS AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION. THE DEPARTMENT SHALL ENTER INTO A COORDINATOR AGREEMENT WITH EACH LOCAL COORDINATING ORGANIZATION IN ACCORDANCE WITH SECTION 26.5-2-105. BEFORE THE TERMINATION OR CONCLUSION OF A COORDINATOR AGREEMENT, THE DEPARTMENT SHALL SOLICIT APPLICATIONS FOR A LOCAL COORDINATING ORGANIZATION FOR THE AFFECTED COMMUNITY PURSUANT TO THIS SECTION AND MAY RE-SELECT THE SAME ENTITY TO SERVE AS A LOCAL COORDINATING ORGANIZATION.

26.5-2-104. Local coordinating organization - community plan - duties. (1) (a) EACH LOCAL COORDINATING ORGANIZATION SHALL ADOPT A COMMUNITY PLAN THAT FOSTERS EQUITABLE ACCESS FOR FAMILIES TO, AND ROBUST PARTICIPATION BY PROVIDERS IN, EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES BY INCREASING ACCESS TO,

COORDINATING, AND ALLOCATING FUNDING FOR SAID PROGRAMS AND SERVICES WITHIN THE COMMUNITY. THE COMMUNITY PLAN MUST, AT A MINIMUM, ADDRESS:

(I) THE MANNER IN WHICH THE LOCAL COORDINATING ORGANIZATION WILL ASSIST FAMILIES IN APPLYING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND IN ENROLLING CHILDREN WITH EARLY CARE AND EDUCATION PROVIDERS;

(II) THE MANNER IN WHICH THE LOCAL COORDINATING ORGANIZATION WILL COORDINATE WITH COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, AND TRIBAL AGENCIES:

(A) TO INTEGRATE OUTREACH FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITH OTHER EFFORTS TO PROVIDE HOLISTIC SERVICES FOR FAMILIES, INCLUDING FOOD, CASH ASSISTANCE, AND HEALTH CARE; AND

(B) TO FACILITATE ACCESS TO FAMILY SUPPORT PROGRAMS AND SERVICES IN SUPPORT OF COUNTY CHILD WELFARE SERVICES, INCLUDING IMPLEMENTATION OF THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT OF 2018", AS DEFINED IN SECTION 26-5-101 (4.5);

(III) THE MANNER IN WHICH THE LOCAL COORDINATING ORGANIZATION WILL RECRUIT AND WORK WITH PROVIDERS TO ENSURE THAT FAMILIES' NEEDS FOR SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, CHILD CARE, AND OTHER EARLY CHILDHOOD SERVICES WITHIN THE COMMUNITY ARE MET TO THE FULLEST EXTENT POSSIBLE;

(IV) THE METHOD BY WHICH THE LOCAL COORDINATING ORGANIZATION WILL ENSURE THAT A MIXED DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, BASED ON PARENTAL CHOICE, IS AVAILABLE WITHIN THE COMMUNITY, INCLUDING IDENTIFYING THE EXISTING SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS IN THE COMMUNITY AND ESTABLISHING GOALS AND BENCHMARKS FOR INCREASING THE AVAILABILITY OF PRESCHOOL PROVIDERS AS NECESSARY TO BE RESPONSIVE TO FAMILY PREFERENCES;

(V) A PLAN FOR WORKING WITH EARLY CARE AND EDUCATION PROVIDERS TO INCREASE RECRUITMENT AND RETENTION OF INDIVIDUALS IN

THE EARLY CARE AND EDUCATION WORKFORCE AND TO INCREASE COMPENSATION FOR THOSE INDIVIDUALS, WITH THE GOAL OF PROVIDING A LIVING WAGE;

(VI) A PLAN FOR COORDINATING THE SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE AVAILABLE WITHIN THE COMMUNITY WITH THE OTHER AVAILABLE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES FOR CHILDREN WHO ENROLL IN THE PRESCHOOL PROVIDERS AND THEIR FAMILIES;

(VII) A PLAN FOR COLLABORATING WITH OTHER LOCAL COORDINATING ORGANIZATIONS TO PROVIDE FAMILIES ACCESS TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES DELIVERED BY PROVIDERS IN OTHER COMMUNITIES;

(VIII) A PLAN FOR THE ALLOCATION OF FUNDING AMONG SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS AND OTHER EARLY CARE AND EDUCATION PROVIDERS IN THE COMMUNITY, WITH THE GOAL OF MAXIMIZING THE USE OF FUNDING TO MEET COMMUNITY NEEDS, INCLUDING THE NEED FOR FULL-DAY SERVICES;

(IX) IF THE LOCAL COORDINATING ORGANIZATION SHARES RESPONSIBILITY WITH THE STATE FOR DISTRIBUTING PUBLIC FUNDING, THE MANNER IN WHICH IT WILL, IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, ENSURE THAT, TO THE EXTENT POSSIBLE, THE PUBLIC FUNDING AVAILABLE TO FAMILIES IS COMBINED AND COORDINATED TO SEAMLESSLY PROVIDE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

(X) THE LOCAL COORDINATING ORGANIZATION'S PLAN AND STRATEGIES FOR IDENTIFYING, SOLICITING, AND SECURING, AS FEASIBLE, ADDITIONAL LOCAL RESOURCES AND FUNDING TO SUPPORT EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE COMMUNITY; AND

(XI) THE MANNER IN WHICH THE LOCAL COORDINATING ORGANIZATION, IN ACCORDANCE WITH DEPARTMENT REQUIREMENTS, WILL ENSURE TRANSPARENCY WITHIN THE COMMUNITY CONCERNING THE AMOUNT OF MONEY AVAILABLE FOR AND USED TO SUPPORT EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES FROM ALL SOURCES, INCLUDING

LOCAL PROPERTY TAX AND SALES TAX AND THE MAINTENANCE OF EFFORT FOR CHILD CARE ASSISTANCE PROVIDED BY COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES WITHIN THE COMMUNITY.

(b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE INITIAL COMMUNITY PLAN THAT A LOCAL COORDINATING ORGANIZATION CREATES MAY BE LIMITED TO ADDRESSING PARTICIPATION IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM AND THE NEEDS FOR, ACCESS TO, AND ALLOCATION OF FUNDING FOR SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS. WITH SUBSEQUENT REVISIONS OF THE PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL ADDRESS THE PROVISION AND COORDINATION OF ADDITIONAL EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE COMMUNITY AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION IN COLLABORATION WITH LOCAL AND TRIBAL AGENCIES.

(c) EACH LOCAL COORDINATING ORGANIZATION SHALL SUBMIT THE INITIAL COMMUNITY PLAN TO THE DEPARTMENT PURSUANT TO DEPARTMENT RULES, IF ANY, PROCEDURES, AND TIMELINES. THE DEPARTMENT SHALL REVIEW THE COMMUNITY PLAN AND MAY REQUIRE CHANGES BEFORE APPROVING THE COMMUNITY PLAN AS PROVIDED IN SECTION 26.5-2-105.

(d) EACH LOCAL COORDINATING ORGANIZATION SHALL REGULARLY REVIEW AND REVISE THE COMMUNITY PLAN TO ENSURE THE PLAN CONTINUES TO ACCURATELY REFLECT THE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE COMMUNITY AND IS RELEVANT AND EFFECTIVE IN MEETING FAMILIES' NEEDS FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. IN CREATING, REVIEWING, AND REVISING THE COMMUNITY PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL SOLICIT AND TAKE INTO ACCOUNT INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE EARLY CHILDHOOD AND FAMILY SUPPORT WORKFORCE, LOCAL EARLY CHILDHOOD COUNCILS, LOCAL AND TRIBAL AGENCIES, LOCAL GOVERNMENTS, AND THE BUSINESS COMMUNITY WITHIN THE COMMUNITY. THE LOCAL COORDINATING ORGANIZATION SHALL RESUBMIT THE COMMUNITY PLAN TO THE DEPARTMENT FOLLOWING EACH REVIEW. REVISIONS TO THE COMMUNITY PLAN ARE SUBJECT TO APPROVAL BY THE DEPARTMENT AS PROVIDED IN SECTION 26.5-2-105.

(2) EACH LOCAL COORDINATING ORGANIZATION SHALL IMPLEMENT THE COMMUNITY PLAN AND SHALL:

- (a) COORDINATE THE PROGRAM APPLICATION AND ENROLLMENT PROCESS FOR EARLY CHILDHOOD PROGRAMS FOR BOTH FAMILIES AND PROVIDERS AND ACROSS ALL PARTICIPATING ENTITIES WITHIN THE COMMUNITY TO FACILITATE THE GREATEST PRACTICABLE DEGREE OF FAMILY ACCESS TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;
- (b) SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY OF PRESCHOOL PROVIDERS IN THE COMMUNITY, PROVIDE UNIVERSAL ACCESS, IN ALIGNMENT WITH FAMILY CHOICE, TO HIGH-QUALITY SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS WITHIN THE COMMUNITY FOR CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN;
- (c) MANAGE A MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS;
- (d) ALLOCATE, IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, WHEN APPLICABLE, LOCAL EARLY CHILDHOOD FUNDING AND STATE PRESCHOOL PROGRAM FUNDING TO PUBLIC AND PRIVATE PROVIDERS WITHIN THE COMMUNITY, BASED ON THE COMMUNITY PLAN, AND ENSURE, TO THE GREATEST EXTENT POSSIBLE, THAT CHILDREN WHO, PURSUANT TO DEPARTMENT RULES ADOPTED IN ACCORDANCE WITH SECTION 26.5-4-204 (4)(a), ARE IN LOW-INCOME FAMILIES AND MEET QUALIFYING FACTORS ARE PRIORITIZED, AS DIRECTED BY THE DEPARTMENT, TO RECEIVE EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;
- (e) SUPPORT AND ENSURE THE AVAILABILITY OF HIGH-QUALITY EARLY CHILDHOOD CARE AND EDUCATION FOR ALL CHILDREN, INCLUDING SUPPORTING ACCESS TO TRAINING AND SUPPORT FOR MEMBERS OF THE EARLY CHILDHOOD WORKFORCE;
- (f) SUPPORT EARLY CHILDHOOD CAREGIVERS WHO ARE EXEMPT FROM LICENSING PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 IN ACCESSING FAMILY RESOURCES AND RESOURCES RELATED TO HEALTH AND SAFETY, EARLY CHILDHOOD DEVELOPMENT, AND WORKFORCE DEVELOPMENT;
- (g) INCREASE OVER TIME THE CAPACITY OF HIGH-QUALITY EARLY CHILD CARE AND EDUCATION PROGRAMS WITHIN THE COMMUNITY TO BETTER MEET FAMILY AND COMMUNITY NEEDS;
- (h) SUPPORT PUBLIC AND PRIVATE PROVIDERS IN RECRUITING,

DEVELOPING, AND RETAINING WITHIN THE COMMUNITY A QUALITY EARLY CHILDHOOD WORKFORCE THAT IS CULTURALLY AND LINGUISTICALLY RELEVANT TO THE COMMUNITY;

(i) WORK WITH PROVIDERS IN THE COMMUNITY TO ENSURE THE COLLECTION AND REPORTING TO THE DEPARTMENT OF KEY SYSTEMS LEVEL DATA, AS REQUIRED BY DEPARTMENT RULES, IN A MANNER THAT MINIMIZES DUPLICATION AND THE BURDEN ON FAMILIES AND PROVIDERS AND ENSURES COMPLIANCE WITH ALL APPLICABLE PRIVACY PROTECTIONS;

(j) WORK IN COORDINATION WITH LOCAL COUNTY DEPARTMENTS, AS DEFINED IN SECTION 26.5-4-103, AND TRIBAL AGENCIES AND LOCAL COMMUNITY-BASED ORGANIZATIONS TO INTEGRATE OUTREACH FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITH OTHER EFFORTS TO PROVIDE HOLISTIC SERVICES FOR FAMILIES, INCLUDING FOOD, CASH ASSISTANCE, AND HEALTH CARE;

(k) COMPLY WITH DEPARTMENT RULES, IF ANY, IN IMPLEMENTING THE COMMUNITY PLAN AND THE DUTIES DESCRIBED IN THIS SECTION;

(l) COMPLY WITH ANY STATUTORY AUDITING REQUIREMENTS THAT APPLY TO THE LOCAL COORDINATING ORGANIZATION OR, IF THE LOCAL COORDINATING ORGANIZATION IS NOT OTHERWISE REQUIRED BY STATUTE TO UNDERGO AN ANNUAL FINANCIAL AUDIT, CONTRACT FOR THE PERFORMANCE OF AN ANNUAL FINANCIAL AUDIT OF THE OPERATIONS OF THE LOCAL COORDINATING ORGANIZATION BY AN INDEPENDENT AUDITOR; AND

(m) COMPLY WITH ANY OTHER PROVISIONS INCLUDED IN THE COORDINATOR AGREEMENT ENTERED INTO BETWEEN THE LOCAL COORDINATING ORGANIZATION AND THE DEPARTMENT PURSUANT TO SECTION 26.5-2-105 (1)(b).

(3) EACH LOCAL COORDINATING ORGANIZATION SHALL WORK WITH ENTITIES WITHIN THE COMMUNITY, INCLUDING, AT A MINIMUM, THE ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c), TO IMPLEMENT THE COMMUNITY PLAN, WHICH MAY INCLUDE SUBCONTRACTING OR PARTNERING WITH OR OTHERWISE DELEGATING RESPONSIBILITY TO ONE OR MORE PUBLIC OR PRIVATE ENTITIES. THE LOCAL COORDINATING ORGANIZATION REMAINS RESPONSIBLE TO THE DEPARTMENT FOR IMPLEMENTING THE COMMUNITY PLAN, MEETING THE GOALS SPECIFIED IN THE COMMUNITY PLAN AND THE

COORDINATOR AGREEMENT, AND MEETING ANY ADDITIONAL REQUIREMENTS IMPOSED BY THIS PART 1, BY PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 CONCERNING THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, BY DEPARTMENT RULE, OR BY THE COORDINATOR AGREEMENT.

26.5-2-105. Department duties - coordinator agreements - review. (1) TO SUPPORT AND PROVIDE OVERSIGHT FOR THE STATEWIDE SYSTEM OF LOCAL COORDINATING ORGANIZATIONS, THE DEPARTMENT SHALL:

(a) SELECT ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE STATE AS PROVIDED IN SECTION 26.5-2-103;

(b) ENTER INTO A COORDINATOR AGREEMENT WITH EACH LOCAL COORDINATING ORGANIZATION THAT IS PARTIALLY BASED ON THE COMMUNITY PLAN AND THAT SPECIFIES THE RESPECTIVE DUTIES OF THE LOCAL COORDINATING ORGANIZATION AND THE DEPARTMENT IN IMPLEMENTING THE COMMUNITY PLAN AND IN MEETING THE REQUIREMENTS SPECIFIED IN THIS PART 1, IN PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 CONCERNING THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND IN DEPARTMENT RULE. THE COORDINATOR AGREEMENTS ARE NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24. THE TERM OF THE INITIAL COORDINATOR AGREEMENT FOR A LOCAL COORDINATING ORGANIZATION IS THREE YEARS, AND SUBSEQUENT COORDINATOR AGREEMENTS MUST HAVE TERMS OF AT LEAST THREE BUT NOT MORE THAN FIVE YEARS, AS DETERMINED BY THE DEPARTMENT. THE COORDINATOR AGREEMENT, AT A MINIMUM, MUST INCLUDE:

(I) EXPECTATIONS, TARGETS, AND BENCHMARKS, IN ALIGNMENT WITH STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN COLORADO, THAT THE LOCAL COORDINATING ORGANIZATION IS EXPECTED TO MEET IN IMPLEMENTING THE COMMUNITY PLAN AND HOW THE DEPARTMENT AND THE LOCAL COORDINATING ORGANIZATION WILL MEASURE SUCCESS IN MEETING THE EXPECTATIONS, TARGETS, AND BENCHMARKS;

(II) IF THE LOCAL COORDINATING ORGANIZATION IS A PRESCHOOL PROVIDER, EXPECTATIONS THAT THE LOCAL COORDINATING ORGANIZATION MUST MEET IN ENSURING THE AVAILABILITY OF A MIXED DELIVERY SYSTEM

WITHIN THE COMMUNITY THAT SUPPORTS EQUITABLE PARENT CHOICE AND IN ENSURING THAT THE ORGANIZATION IS NOT UNFAIRLY ADVANTAGED IN ALLOCATING FUNDING AMONG PRESCHOOL PROVIDERS BASED ON PARENT CHOICE;

(III) EXPECTATIONS THAT THE LOCAL COORDINATING ORGANIZATION MUST MEET WITH REGARD TO COORDINATING WITH ENTITIES WITHIN THE COMMUNITY, INCLUDING THE ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c);

(IV) THE AMOUNT OF ADMINISTRATIVE COSTS THAT THE LOCAL COORDINATING ORGANIZATION RECEIVES FROM THE DEPARTMENT AND OTHER IDENTIFIED SOURCES DURING THE TERM OF THE COORDINATOR AGREEMENT; AND

(V) THE MANNER IN WHICH THE LOCAL COORDINATING ORGANIZATION WILL PROVIDE ACCOUNTABILITY AND TRANSPARENCY CONCERNING THE AMOUNT AND PAYMENT OF ADMINISTRATIVE EXPENSES AND, IF THE LOCAL COORDINATING ORGANIZATION IS DISTRIBUTING OR ADMINISTERING PUBLIC MONEY, THE DISTRIBUTION AND USE OF THE PUBLIC MONEY.

(c) REVIEW AND APPROVE THE COMMUNITY PLAN CREATED BY EACH LOCAL COORDINATING ORGANIZATION, INCLUDING REVISIONS OF THE COMMUNITY PLAN, AS PROVIDED IN SECTION 26.5-2-104 (1). BEFORE APPROVING A COMMUNITY PLAN, THE DEPARTMENT MAY RETURN THE PLAN TO THE LOCAL COORDINATING ORGANIZATION WITH CHANGES TO ENSURE THE COMMUNITY PLAN IS FEASIBLE, MEETS THE REQUIREMENTS SPECIFIED IN SECTION 26.5-2-104 (1), AND IS ALIGNED WITH THE STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN COLORADO.

(d) DISTRIBUTE AND ADMINISTER PUBLIC FUNDING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN ACCORDANCE WITH COMMUNITY PLANS AND IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, WHEN APPLICABLE; EXCEPT THAT THE DEPARTMENT MAY DELEGATE ALL OR A PORTION OF THE RESPONSIBILITY FOR DISTRIBUTING AND ADMINISTERING PUBLIC FUNDING TO A LOCAL COORDINATING ORGANIZATION THROUGH THE ORGANIZATION'S COORDINATOR AGREEMENT;

(e) SUPPORT LOCAL COORDINATING ORGANIZATIONS BY PROVIDING FUNDING, TRAINING AND TECHNICAL ASSISTANCE, WHICH MAY BE PROVIDED ONLINE, AND, UPON REQUEST, COLLABORATIVE SUPPORT AND ASSISTANCE IN IMPLEMENTING THE COMMUNITY PLANS. THE DEPARTMENT SHALL PRIORITIZE COMMUNITIES, INCLUDING RURAL COMMUNITIES, THAT LACK FUNDING AND CAPACITY TO RECEIVE THE FUNDING AND SUPPORTS DESCRIBED IN THIS SUBSECTION (1)(e).

(f) REVIEW THE OPERATIONS OF EACH LOCAL COORDINATING ORGANIZATION, INCLUDING THE LOCAL COORDINATING ORGANIZATION'S COMPLIANCE WITH THE COORDINATOR AGREEMENT AND IMPLEMENTATION OF THE COMMUNITY PLAN, AS PROVIDED IN SUBSECTION (3) OF THIS SECTION; AND

(g) IDENTIFY SUCCESSFUL STRATEGIES AND INNOVATIONS IMPLEMENTED BY LOCAL COORDINATING ORGANIZATIONS THROUGHOUT THE STATE AND PROVIDE INFORMATION, INCLUDING BY POSTING INFORMATION ON THE DEPARTMENT WEBSITE, TO ASSIST LOCAL COORDINATING ORGANIZATIONS IN REPLICATING AND ADAPTING THE STRATEGIES AND INNOVATIONS IN THEIR COMMUNITIES.

(2) NOTWITHSTANDING THE REQUIREMENTS IMPOSED ON LOCAL COORDINATING ORGANIZATIONS PURSUANT TO SECTION 26.5-2-104 (2), IF NECESSARY TO ENABLE AN ORGANIZATION TO DEVELOP ITS CAPACITY TO SERVE AS A LOCAL COORDINATING ORGANIZATION, THE DEPARTMENT MAY SPECIFY IN THE ORGANIZATION'S COORDINATOR AGREEMENT THE DEGREE TO WHICH THE ORGANIZATION MUST MEET THE REQUIREMENTS SPECIFIED IN SECTION 26.5-2-104 (2), WITH THE EXPECTATION THAT THE ORGANIZATION MUST FULLY MEET THE REQUIREMENTS WITHIN A REASONABLE TIME, AS DETERMINED BY THE DEPARTMENT.

(3) (a) THE DEPARTMENT SHALL IMPLEMENT A REVIEW PROCESS ESTABLISHED IN DEPARTMENT RULE BY WHICH THE DEPARTMENT AT LEAST ANNUALLY REVIEWS THE PERFORMANCE OF EACH LOCAL COORDINATING ORGANIZATION IN SERVING ITS COMMUNITY, INCLUDING IMPLEMENTING THE APPROVED COMMUNITY PLAN; FULFILLING THE DUTIES SPECIFIED IN SECTION 26.5-2-104, INCLUDING PROVIDING A MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS; AND COMPLYING WITH THE COORDINATOR AGREEMENT. IN IMPLEMENTING THE REVIEW PROCESS, THE DEPARTMENT SHALL, AT A MINIMUM:

- (I) COLLABORATE WITH THE LOCAL COORDINATING ORGANIZATION TO ESTABLISH IN THE COORDINATOR AGREEMENT EXPECTATIONS, TARGETS, AND BENCHMARKS FOR IMPLEMENTING THE APPROVED COMMUNITY PLAN TO ENSURE THE PLAN IS IMPLEMENTED WITH FIDELITY AND THE LOCAL COORDINATING ORGANIZATION IS MAKING PROGRESS TOWARD ACHIEVING THE STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES SET BY THE DEPARTMENT;
- (II) MEASURE THE LOCAL COORDINATING ORGANIZATION'S ATTAINMENT OF THE EXPECTATIONS, TARGETS, AND BENCHMARKS AND RECOMMEND IMPROVEMENTS AND CHANGES, INCLUDING REVISIONS TO THE COMMUNITY PLAN, AS APPROPRIATE, TO ASSIST THE LOCAL COORDINATING ORGANIZATION IN IMPROVING PERFORMANCE;
- (III) ENSURE THAT THE LOCAL COORDINATING ORGANIZATION IS COMPLYING WITH THE REQUIREMENTS SPECIFIED IN THE COORDINATOR AGREEMENT AND WITH STATUTORY AND REGULATORY REQUIREMENTS AND DEPARTMENT GUIDELINES, INCLUDING REQUIREMENTS AND GUIDELINES CONCERNING DISTRIBUTION AND ADMINISTRATION OF FUNDING, IF THE LOCAL COORDINATING ORGANIZATION IS RESPONSIBLE FOR DISTRIBUTING AND ADMINISTERING FUNDING, AND DATA COLLECTION AND SHARING, IN IMPLEMENTING THE APPROVED COMMUNITY PLAN AND OVERSEEING AND COORDINATING EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS WITHIN THE COMMUNITY; AND
- (IV) SOLICIT INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE EARLY CHILDHOOD WORKFORCE, LOCAL AND TRIBAL AGENCIES, LOCAL GOVERNMENTS, THE ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c), AND OTHER INTERESTED PERSONS WITHIN THE COMMUNITY CONCERNING THE PERFORMANCE OF THE LOCAL COORDINATING ORGANIZATION.

(b) IF THE DEPARTMENT AT ANY TIME DETERMINES THAT THE LOCAL COORDINATING ORGANIZATION IS NOT MEETING THE REQUIREMENTS OF THE COORDINATOR AGREEMENT OR IS NOT PERFORMING AT THE LEVEL REQUIRED TO SUCCESSFULLY IMPLEMENT THE COMMUNITY PLAN AND TO ENSURE THAT THE COMMUNITY SUBSTANTIALLY MEETS LOCAL AND STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, THE DEPARTMENT MAY TERMINATE THE LOCAL COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT AND IMPLEMENT THE APPLICATION PROCESS FOR SELECTING A NEW LOCAL COORDINATING

ORGANIZATION FOR THE COMMUNITY AS PROVIDED IN SECTION 26.5-2-103.

(c) THE DEPARTMENT AND A LOCAL COORDINATING ORGANIZATION MAY, AT ANY TIME, AMEND THE COORDINATOR AGREEMENT OR THE COMMUNITY PLAN TO CHANGE THE ROLE OF THE LOCAL COORDINATING ORGANIZATION OR OTHER ASPECTS OF THE OVERSIGHT OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE COMMUNITY.

(4) (a) FOR ANY AREA WITHIN THE STATE FOR WHICH A LOCAL COORDINATING ORGANIZATION IS NOT SELECTED OR FOR WHICH THE LOCAL COORDINATING ORGANIZATION IS NOT FULLY CAPABLE OF IMPLEMENTING ALL ASPECTS OF THE COMMUNITY PLAN, THE DEPARTMENT SHALL WORK WITH THE LOCAL COORDINATING ORGANIZATION, IF ANY, AND THE FAMILIES, PROVIDERS, LOCAL GOVERNMENTS, AND LOCAL AND TRIBAL AGENCIES IN THE AREA, AS NECESSARY, TO OVERSEE AND COORDINATE THE AVAILABILITY AND PROVISION OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE AREA UNTIL SUCH TIME AS A LOCAL COORDINATING ORGANIZATION IS SELECTED OR IS DEEMED CAPABLE OF IMPLEMENTING ALL ASPECTS OF THE COMMUNITY PLAN. AT A MINIMUM, THE DEPARTMENT SHALL:

(I) ASSIST FAMILIES IN APPLYING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND IN ENROLLING CHILDREN WITH EARLY CARE AND EDUCATION PROVIDERS;

(II) ENSURE, TO THE EXTENT PRACTICABLE, THAT AN EQUITABLE MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS IS AVAILABLE WITHIN THE AREA, WHICH MAY INCLUDE CONTRACTING WITH PROVIDERS FOR THE DELIVERY OF PRESCHOOL SERVICES;

(III) COMBINE AND COORDINATE CHILD CARE RESOURCES AND FUNDING, IN COORDINATION WITH LOCAL AND TRIBAL AGENCIES, IN ORDER TO CREATE A FULL DAY OF SERVICES FOR AS MANY CHILDREN AS POSSIBLE; AND

(IV) ALLOCATE, DISTRIBUTE, AND ADMINISTER STATE FUNDING AND COORDINATE WITH LOCAL AND TRIBAL AGENCIES AND LOCAL GOVERNMENTS TO ALLOCATE, COMBINE, AND DISTRIBUTE LOCAL FUNDING FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE AREA.

(b) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH THE LOCAL COORDINATING ORGANIZATION FOR ANOTHER COMMUNITY TO ASSIST IN FULFILLING THE DUTIES DESCRIBED IN SUBSECTION (4)(a) OF THIS SECTION.

(c) IN AN AREA IDENTIFIED PURSUANT TO SUBSECTION (4)(a) OF THIS SECTION, THE DEPARTMENT SHALL PROVIDE TRAINING, ASSISTANCE, AND FUNDING TO ENTITIES IN THE AREA, WHICH MAY INCLUDE LOCAL AND TRIBAL AGENCIES, LOCAL GOVERNMENTS, AND NONPROFIT ORGANIZATIONS, TO DEVELOP THE CAPACITY FOR ONE OR MORE OF THE ENTITIES TO SERVE AS THE LOCAL COORDINATING ORGANIZATION FOR THE AREA. AS SOON AS PRACTICABLE, THE DEPARTMENT SHALL SOLICIT APPLICATIONS AS PROVIDED IN SECTION 26.5-2-103 FOR AN ENTITY TO SERVE AS THE LOCAL COORDINATING ORGANIZATION FOR THE AREA.

(5) THE EXECUTIVE DIRECTOR SHALL ESTABLISH BY RULE A PROCESS BY WHICH AN APPLYING ENTITY THAT IS NOT SELECTED TO ACT AS A LOCAL COORDINATING ORGANIZATION, OR A LOCAL COORDINATING ORGANIZATION FOR WHICH THE COORDINATING AGREEMENT IS TERMINATED, MAY APPEAL THE DECISION OF THE DEPARTMENT.

PART 2 EARLY CHILDHOOD COUNCILS

26.5-2-201. [Formerly 26-6.5-101] Legislative declaration.

(1) The general assembly hereby finds and declares that there is a critical need to increase services for young children and their families, including those families with members who are entering the workforce due to Colorado's reform of the welfare system, making the transition off of welfare, or needing child care assistance to avoid the welfare system. The statewide need includes increasing and sustaining the quality, accessibility, capacity, and affordability of services for children and their parents to help parents raise their children to be successful at school, at work, and in the community.

(2) Research demonstrates that there are positive outcomes for young children and their families who receive quality, integrated child care and related services in their early, preschool years, delivered through a comprehensive early childhood system that includes quality care and education, family support, health, and mental health programs.

(3) Providers of half-day preschool and full-day child care services have to overcome barriers and inflexible requirements of the various sources of funding in order to design and implement programs that are more responsive to the needs of working families.

(4) Consideration of various state and federal funding sources would allow for an integrated delivery system of quality programs for young children and their families in Colorado's communities.

(5) An integrated delivery system would further enhance the ability of the state department to identify the best practices relative to increasing and sustaining quality and to meeting the diverse needs of families seeking child care and other early childhood services.

(6) Distinctly local needs and conditions require that the state design and integrate a system that has the flexibility to adapt to those local needs.

(7) It is therefore in the state's best interest to establish a comprehensive system of early childhood councils to increase and sustain the availability, accessibility, capacity, and quality of early childhood services throughout the state, as provided in this part 1 PART 2.

26.5-2-202. [Formerly 26-6.5-101.5] Definitions. As used in this part 1 PART 2, unless the context otherwise requires:

(1) ~~Repeated.~~

(2) (1) "Council" or "early childhood council" means an early childhood council identified or established locally in communities throughout the state pursuant to ~~section 26-6.5-103 or 26-6.5-106~~ SECTION 26.5-2-203 OR 26.5-5-102 for the purpose of developing and ultimately implementing a comprehensive system of early childhood services to ensure the school readiness of children five years of age or younger in the community.

(3) (2) "County department" means the county or district department of human or social services.

(4) to (6) ~~Repeated.~~

(6.5) (3) "Early childhood education program" means a licensed child care program LICENSED pursuant to part 1 of article 6 of this title 26 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that provides child care and education to children five years of age or younger.

(7) and (8) Repealed.

(9) "State board" means the state board of human services authorized to act in accordance with the provisions of section 26-1-107.

(10) "State department" means the state department of human services.

26.5-2-203. [Formerly 26-6.5-103] Early childhood councils - established - rules. (1) There is hereby established a statewide integrated system of early childhood councils to improve and sustain the availability, accessibility, capacity, and quality of early childhood services for children and families throughout the state. The councils shall have consistent function and structure statewide and shall be ARE governed by the state department of human services with input, cooperation, and support services from the departments of HUMAN SERVICES, education, and public health and environment.

(2) The statewide system of early childhood councils shall consist CONSISTS of existing early childhood councils, renamed through this part 1 PART 2 as "early childhood councils", and new councils designated and convened pursuant to this part 1 PART 2, subject to available appropriations.

(3) For new councils or for existing councils or partnerships that decide to reconfigure under this part 1 PURSUANT TO THIS PART 2, the board or boards of county commissioners shall designate a convening entity, which may include but is not limited to a local resource and referral agency, a county department of human services or social services, a local school district, a department of public health, or, PRIOR TO JULY 1, 2023, a Colorado preschool program council. The convening entity may convene a council either as part of a single county or as part of a multi-county regional network.

(4) The state department EXECUTIVE DIRECTOR shall determine by rule the criteria necessary for establishing a single council for an area.

(5) Nothing in this part 1 shall be construed as requiring PART 2 REQUIRES an existing council to reconfigure or reconvene.

(6) Nothing in this part 1 shall be construed as requiring PART 2 REQUIRES a county to establish an early childhood council or to be a part of a multi-county council.

26.5-2-204. [Formerly 26-6.5-103.3] Early childhood councils - applications - rules. (1) A newly established or newly identified council shall submit to the state department an application to become part of the statewide system of early childhood councils. The state department shall develop and distribute the application form and criteria and an explanation of the process for joining the statewide system of early childhood councils. The state department shall provide support for the preparation of applications.

(2) A new council shall designate on its application the following information:

- (a) The intended service area;
- (b) The counties to be involved in the council;
- (c) Participating mandatory stakeholders;
- (d) The entity that shall serve SERVES as the original fiscal agent for the council; and
- (e) The signatures of the chair or chairs of the board or boards of county commissioners for the counties involved in the council, the legal signatory for the counties, and the president of a school district board of education involved in the council.

(3) An existing early childhood council seeking to be newly identified as a council shall designate on its application a restatement of the following information:

- (a) The designated service area;
- (b) Current members;

(c) Any additional stakeholders required to meet the membership requirements of ~~section 26-6.5-103.5~~ SECTION 26.5-2-205;

(d) The designated fiscal agent; and

(e) Signatures of the current organization leadership, the fiscal agent, the chair or chairs of the board or boards of county commissioners of the counties involved in the council, and the president of a school district board of education involved in the council.

(4) Each council shall develop a strategic plan based upon an assessment of the early childhood needs in the designated service area that includes:

(a) A council infrastructure, including a plan for hiring a council director;

(b) A technical assistance plan and an annual budget for developing a local early childhood system and infrastructure to improve and coordinate early childhood services; and

(c) A plan for evaluating program performance and council process and effectiveness as it relates to the council's strategic plan.

(5) The ~~state department~~ EXECUTIVE DIRECTOR shall promulgate rules to define the standards for acceptance of applications made pursuant to this section. Acceptance of an application ~~shall be~~ is automatic if the application is complete, the signatures are in order, and it meets the standards set forth by the ~~state department~~ EXECUTIVE DIRECTOR pursuant to this subsection (5).

26.5-2-205. [Formerly 26-6.5-103.5] Early childhood councils - membership. (1) To the extent practicable, each council ~~shall~~ MUST be representative of the various public and private stakeholders in the local community who are committed to supporting the well-being of children five years of age or younger.

(2) For the purposes of this ~~part~~ PART 2, each council, whether newly established in a community or newly identified to serve as a council, shall work toward consolidating and coordinating funding, including the

school-readiness quality improvement funding described in ~~section 26-6.5-106~~ SECTION 26.5-5-102. Together, the councils throughout the state shall serve to create a seamless system of early childhood services representing collaboration among the various public and private stakeholders for the effective delivery of early childhood services to children five years of age or younger in a manner that is responsive to local needs and conditions.

(3) (a) Each new council ~~shall consist~~ CONSISTS of members to be approved initially by the convening entity as designated pursuant to ~~section 26-6.5-103~~ SECTION 26.5-2-203. Each individual council shall determine subsequent appointments and rules for rotation of terms.

(b) Early childhood council membership must include representatives from the public and private stakeholders from early care and education, family support, health, and mental health programs who reflect local needs and cultural diversity. The membership of each early childhood council must also represent the geographic diversity within the county or counties involved in the council. Each council must include a minimum of ten members with representation from each of the following stakeholder groups within the council's service area:

(I) Local government, including but not limited to county commissioners, city council members, local school district board members, and local county departments of human or social services;

(II) Early care and education, including but not limited to licensed and legally exempt child care providers, head start grantees, and district preschool programs operating pursuant to article 28 of title 22, ~~C.R.S.~~ AS IT EXISTS PRIOR TO JULY 1, 2023;

(III) Health care, including but not limited to local public health agencies; health-care providers; supplemental food programs for women, infants, and children as provided for in 42 U.S.C. sec. 1786; early periodic screening and diagnosis and treatment programs as required by federal law; and part B and part C of the federal "Individuals with Disabilities Education Improvement Act of 2004", ~~42~~ 20 U.S.C. sec. 1400 et seq., as amended;

(IV) Parents of children five years of age or younger;

(V) Mental health care, including but not limited to community mental health centers and local mental health-care providers;

(VI) Resource and referral agencies, including but not limited to child care resource and referral agencies; AND

(VII) Family support and parent education, including but not limited to home visitation programs, family resource centers, and income assistance programs.

(c) In addition, each council may include, but is not limited to, representation from any combination of the following stakeholder groups within the council's service area:

(I) Child care associations;

(II) Medical and dental professionals;

(III) School district parent organizations;

(IV) Head start policy councils;

(V) A chamber or chambers of commerce;

(VI) Local businesses;

(VII) Faith-based and nonprofit organizations;

(VIII) Higher education institutions; and

(IX) Libraries.

(4) Each member of a council shall sign a memorandum of understanding on behalf of the organization ~~he or she~~ THE MEMBER represents to participate in and collaborate on the work of the council.

26.5-2-206. [Formerly 26-6.5-103.7] Early childhood councils - duties. (1) Each early childhood council ~~shall have~~ HAS, at a minimum, the following duties and functions:

(a) To apply for early childhood funding pursuant to ~~section 26-6.5-104~~ SECTION 26.5-2-207;

(b) To increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for children five years of age or younger and their parents. To this end, each council shall develop and execute strategic plans to respond to local needs and conditions.

(c) To establish a local system of accountability to measure local progress based on the needs and goals set for program performance;

(d) To report annually the results of the accountability measurements defined in ~~paragraph (c) of this subsection (1)~~ SUBSECTION (1)(c) OF THIS SECTION;

(e) To select a fiscal agent to disburse funds and serve as the employer of the council director, once hired. The fiscal agent may or may not be a county.

(f) To develop and implement a strategic plan as described in ~~section 26-6.5-103.3 (4)~~ SECTION 26.5-2-204 (4), including a comprehensive evaluation and report; and

(g) To actively attempt to inform and include small or under-represented early childhood service providers in early childhood council activities and functions.

26.5-2-207. [Formerly 26-6.5-104] Early childhood councils - waivers - rules - funding - application. (1) A local council may request a waiver of any rule that would prevent a council from implementing council projects. The local council shall submit the request to the early childhood leadership commission created in PART 3 OF article 1 of THIS title 26.5. The early childhood leadership commission shall consult with the affected state agency in reviewing the request. The ~~state~~ department or other affected state agency shall grant waivers upon recommendation by the commission.

(2) (a) The ~~state~~ department EXECUTIVE DIRECTOR shall promulgate rules to develop and distribute to councils the application form and application process to be used by each council seeking to receive council

infrastructure, quality improvement, technical assistance, and evaluation funding from the early childhood cash fund created in ~~section 26-6.5-109~~ SECTION 26.5-2-209 and other funding sources appropriated for early childhood services.

(b) THE DEPARTMENT SHALL, UPON RECEIPT, REVIEW applications for early childhood funding from the early childhood cash fund established in ~~section 26-6.5-109~~ SECTION 26.5-2-209 and other funding sources appropriated for early childhood services. ~~shall be reviewed upon receipt by the state department.~~

(c) The state department is authorized to enter into a sole-source contract with any council to increase and sustain the quality, accessibility, capacity, and affordability of early childhood services for young children and their parents.

26.5-2-208. [Formerly 26-6.5-108] Evaluation. (1) No later than March 1, 2010, the state department shall, through a request for proposals process, contract with a qualified individual or entity to prepare an independent evaluation of the system of early childhood councils to determine the effectiveness of the system in serving children and families throughout the state. The evaluation ~~shall~~ MUST be completed no later than October 1, 2010, and ~~shall~~ MUST be repeated every three years thereafter.

(2) The evaluation ~~shall~~ MUST include the following:

(a) An aggregate evaluation of local evaluation plan data as integrated and analyzed by the state department, including an evaluation of the overall program performance and council process and effectiveness;

(b) An evaluation of state program performance, including the efficiency and effectiveness of the state department in meeting the needs of the councils;

(c) An evaluation of the feasibility of combining the funding sources available ~~under this part 1~~ PURSUANT TO THIS PART 2;

(d) An evaluation of the barriers to delivery of quality early childhood services; and

(e) An evaluation of the impact of waivers issued pursuant to section 26-6.5-104 SECTION 26.5-2-207.

26.5-2-209. [Formerly 26-6.5-109] Early childhood cash fund - creation. (1) There is hereby created in the state treasury the early childhood cash fund, referred to in this part + PART 2 as the "fund", that shall consist CONSISTS of such moneys MONEY as may be appropriated to the fund by the general assembly and credited to the fund pursuant to subsection (2) of this section. The moneys MONEY in the fund shall be IS subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this part + PART 2.

(2) The state department is authorized to seek and accept gifts, grants, or donations from private and public sources for the purposes of this part + PART 2. All private and public moneys MONEY received through gifts, grants, or donations shall MUST be transmitted to the state treasurer, who shall credit the same to the fund. The moneys MONEY in the fund shall be IS subject to annual appropriation by the general assembly to the state department for the direct and indirect costs associated with the implementation of this part + PART 2.

(3) Any moneys MONEY in the fund not expended for the purposes of this part + PART 2 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of moneys MONEY in the fund shall MUST be credited to the fund.

(4) The state department may expend up to, but not exceeding, five percent of the moneys MONEY annually appropriated from the fund to offset the costs incurred in implementing this part + PART 2.

(5) Any unexpended and unencumbered moneys MONEY remaining in the fund at the end of a fiscal year shall remain REMAINS in the fund and shall not be IS NOT credited or transferred to the general fund or another fund.

ARTICLE 3 **Family and Child Health and Well-being**

PART 1 **FAMILY RESOURCE CENTERS**

26.5-3-101. [Formerly 26-18-101] Legislative declaration. (1) The general assembly hereby declares that Colorado needs healthy and cohesive families at all income levels in order for the state to be economically viable. A number of families in communities throughout Colorado temporarily may not have access to the basic necessities of life or to resources or services designed to promote individual development and family growth.

(2) The general assembly further declares that many of Colorado's vulnerable families, individuals, children, and youth do not necessarily live in at-risk neighborhoods. Such THESE persons may not have appropriate resources or sufficient income for adequate housing, health care, or child care because the primary wage earners are unemployed OR underemployed or work at jobs that pay minimum wage or less. Further, many such OF THESE persons not only live in poverty but also experience divorce OR domestic violence or are single parents. Children and youth who are raised in vulnerable families experience an increased risk of being abused, being illiterate, being undereducated, dropping out of school, becoming teen parents, abusing drugs, and engaging in at-risk behaviors, including but not limited to criminal activities. Such THESE children and youth are often influenced by and are likely to repeat behaviors that began with their parents.

(3) Therefore, the general assembly finds that it is appropriate to establish a program to provide family resource centers in communities to serve as a single point of entry for providing comprehensive, intensive, integrated, and collaborative state and community-based services to vulnerable families, individuals, children, and youth.

26.5-3-102. [Formerly 26-18-102] Definitions. As used in this article PART 1, unless the context otherwise requires:

(1) "At-risk neighborhood" means an urban or rural neighborhood or community in which there are incidences of poverty, unemployment and underemployment, substance abuse, crime, school dropouts, illiteracy, teen pregnancies and teen parents, domestic violence, or other conditions that put families at risk.

(2) "Case management" means the process whereby THROUGH WHICH a family advocate for the family resource center assesses a family's need for services in accordance with section 26-18-104 (2) AS PROVIDED IN

SECTION 26.5-3-103 (2).

(3) "Community applicant" means ~~any~~ A local entity THAT IS interested and willing to commit private and public resources to establish a family resource center and ~~which~~ THAT applies for a family resource center grant pursuant to ~~section 26-18-105~~ SECTION 26.5-3-104. "Community applicant" includes, but is not limited to, ~~any~~ A state or local governmental agency or governing body, a local private nonprofit agency, a local board of education on a cost-shared basis, a local recreational center, or a local child care agency.

(3.5) ~~Repeated:~~

(4) "Family resource center" means a unified single point of entry where vulnerable families, individuals, children, and youth in communities or within at-risk neighborhoods or participants in Colorado works, pursuant to part 7 of article 2 of ~~this title~~ TITLE 26, can obtain information, assessment of needs, and referral ~~to~~ FOR delivery of family services described in ~~section 26-18-104 (2)~~ SECTION 26.5-3-103 (2) and for which a grant is awarded to a community applicant ~~in accordance with section 26-18-105~~ PURSUANT TO SECTION 26.5-3-104.

(4.5) (5) "Family support and parent education" means a program or service that promotes a family's positive and meaningful engagement in its children's lives by providing an experiential and supportive adult learning environment through which a primary caregiver can learn how to create a safe, stable, and supportive family unit.

(5) (6) "Local advisory council" means the body that oversees the operation of the family resource center ~~and which is~~ AS described in ~~section 26-18-105 (1)(b)~~ SECTION 26.5-3-104 (1)(b).

(6) ~~Repeated:~~

(7) "State department" means the ~~department of human services~~ created in ~~section 26-1-105~~.

26.5-3-103. [Formerly 26-18-104] Program created - repeal.

(1) (a) There is established in the ~~prevention services division in the~~ department of public health and environment DEPARTMENT a family

resource center program. The purposes of the program are to provide grants to community applicants for the creation of family resource centers or to provide grants to family resource centers for the continued operation of the centers through which services for vulnerable families, individuals, children, and youth who live in communities or in at-risk neighborhoods are accessible and coordinated through a single point of entry.

~~(a.5) On July 1, 2013, the family resource center program is transferred to the department of human services. All program grants in existence as of July 1, 2013, shall continue to be valid through June 30, 2015, and may be continued after said date.~~

(b) The state department shall operate the family resource center program in accordance with the provisions of this ~~article~~ PART 1. In addition, the state department may establish any other procedures necessary to implement the program, including establishing the procedure for submitting grant applications by community applicants seeking to establish a family resource center or by a family resource center applying for a grant for continued operation of a family resource center.

(c) (I) The family resource center program may receive direct appropriations from the state general fund.

(II) Any ~~moneys received by~~ MONEY family resource centers RECEIVE pursuant to the temporary assistance for needy families block grant or from the family issues cash fund created in section 26-5.3-106 shall MUST be from funds directly disbursed by a county at the discretion of the county.

(III) The state department may accept and expend any grants from any public or private source for the purpose of making grants to community applicants for the establishment or continued operation of family resource centers and for the purpose of evaluating the effectiveness of the family resource center program. This ~~article~~ PART 1 does not prohibit a family resource center from accepting and expending funds received through an authorized contract, grants, or donations from public or private sources.

(2) (a) Services ~~provided by~~ THAT a family resource center shall PROVIDES MUST be coordinated, and services should reflect the needs of the community and the resources available to support such programs and

services. Services may be delivered directly to a family at the center by center staff or by providers who contract with or have provider agreements with the center. Any family resource center that provides direct services shall comply with applicable state and federal laws and regulations regarding the delivery of such services, unless required waivers or exemptions have been granted by the appropriate governing body.

(b) Each family resource center shall provide case management by a family advocate who screens and assesses a family's needs and strengths. The family advocate shall then assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working toward a greater level of self-reliance or in attaining self-sufficiency. The plan ~~shall~~ MUST provide for the following:

(I) A negotiated agreement that includes reciprocal responsibilities of the individual or family members and the personnel of each human service agency providing services to the family;

(II) A commitment of resources as available and necessary to meet the family's plan;

(III) The delivery of applicable services to the individual or family, if feasible, or referral to an appropriate service provider;

(IV) The coordination of services;

(V) The monitoring of the progress of the family toward greater self-reliance or self-sufficiency and an evaluation of services provided; and

(VI) Assistance to the individual or family in applying for the children's basic health plan, medical assistance benefits, or other benefits.

(c) In addition to services required by ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION, the family resource center may provide for the direct delivery of or referral to a provider of the following six services:

(I) Early childhood care and education, including programs that contribute to school readiness;

- (II) Family support and parent education;
- (III) Well-child checkups and basic health services;
- (IV) Early intervention for identifying infants, toddlers, and preschoolers who are developmentally disabled in order to provide necessary services to such children;
- (V) Before and after school care; AND
- (VI) Programs for children and youth.

(d) A family resource center may also provide services, including, but not limited to, the following:

- (I) Additional educational programs, such as mentoring programs for students in elementary, junior, and senior high schools; adult education and family literacy programs; and educational programs that link families with local schools and alternative educational programs, including links with boards of cooperative services;
- (II) Job skills training and self-sufficiency programs for adults and youth;
- (III) Social, health, mental health, and child welfare services and housing, homeless, food and nutrition, domestic violence support, recreation, and substance abuse services;
- (IV) Outreach, education, and support programs, including programs aimed at preventing teen pregnancies and school dropouts and programs providing parent support and advocacy; AND
- (V) Transportation services to obtain other services provided pursuant to this subsection (2).

~~(e) (Deleted by amendment, L. 2000, p. 583, § 4, effective May 18, 2000.)~~

26.5-3-104. [Formerly 26-18-105] Selection of centers - grants.
(1) The state department may award a grant for the purpose of establishing

a family resource center based on a plan submitted to the state department by the applicant or for the continued operation of a family resource center. The plan ~~shall~~ MUST meet specific criteria ~~which the state~~ THAT THE department is hereby authorized to set, but the criteria ~~shall~~ MUST include at least the following provisions:

(a) That Members of the community ~~will~~ participate in the development and implementation of the family resource center;

(b) That The center ~~shall be~~ IS governed by a local advisory council comprised of community representatives such as:

(I) Families living in the community;

(II) Local public or private service provider agencies;

(III) Local job skills training programs, if any;

(IV) Local governing bodies;

(V) Local businesses serving families in the community; and

(VI) Local professionals serving families in the community;

(c) That The advisory council ~~shall establish~~ ESTABLISHES rules concerning the operation of the family resource center, including provisions for staffing;

(d) That services provided by SERVICES the family resource center ~~shall be~~ PROVIDES ARE coordinated and tailored to the specific needs of individuals and families who live in the community;

(e) That The family resource center: ~~will~~:

(I) ~~Promote and support~~ PROMOTES AND SUPPORTS, AND DOES not supplant, successful individual and family functioning and ~~increase~~ INCREASES the recognition of the importance of successful individuals and families in the community;

(II) ~~Contribute~~ CONTRIBUTES to the strength of family ties;

(III) Establish ESTABLISHES programs that focus on the needs of family members, such as preschool programs, family preservation programs, and teenage pregnancy prevention programs, and assist ASSISTS the individual or family in moving toward greater self-sufficiency;

(IV) Recognize RECOGNIZES the diversity of families within the community;

(V) Support SUPPORTS family stability and unity;

(VI) Treat TREATS families as partners in providing services;

(VII) Encourage ENCOURAGES intergovernmental cooperation and a community-based alliance between government and the private sector. Such THIS cooperation may include, but NEED not be limited to, the pooling of public and private funds available to state agencies upon appropriation or transfer by the general assembly.

(VIII) Provide PROVIDES programs that reduce institutional barriers related to categorical funding and eligibility requirements;

(IX) Make MAKES information regarding available resources and services readily accessible to individuals and families; AND

(X) Coordinate COORDINATES efforts of public and private entities to connect families to services and supports that encourage the development of early childhood and other family support systems; and

(f) That The family resource center shall coordinate COORDINATES the provision of services and shall pool POOLS the resources of providers of services to aid in funding and operating the center.

(2) Repealed.

(3) (2) If the state department determines, from any report submitted by a local advisory council or any other source, that the operation of a family resource center is not in compliance with this article PART 1 or any rule adopted pursuant to the provisions of this article PART 1, the state department may impose sanctions, including termination of the grant.

PART 2
CHILD ABUSE PREVENTION TRUST FUND

26.5-3-201. [Formerly 19-3.5-101] Short title. The short title of this ~~article 3.5~~ PART 2 is the "Colorado Child Abuse Prevention Trust Fund Act".

26.5-3-202. [Formerly 19-3.5-102] Legislative declaration.

(1) The general assembly finds that:

(a) Child abuse and neglect are a threat to the family unit and impose major expenses on society;

(b) There is a need to assist private and public agencies in identifying, planning, and establishing statewide programs for the prevention of child abuse and neglect; and

(c) The types of trauma experienced by children who are under eighteen years of age include childhood emotional, physical, and sexual abuse; emotional and physical neglect; housing insecurity and poverty; and household challenges, including growing up in a household with substance abuse, mental health disorders, violence, or parental incarceration. Adverse childhood experiences such as these have been shown to have a lifelong impact on health, behavior, and age of mortality.

(2) It is the purpose of this ~~article 3.5~~ PART 2 to promote primary and secondary prevention programs that are designed to prevent child trauma and maltreatment before it occurs, lessen the occurrence of child abuse and neglect, and mitigate the impacts of adverse childhood experiences to reduce the need for state intervention through child welfare actions and economic support for families experiencing poverty.

26.5-3-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "BOARD" MEANS THE COLORADO CHILD ABUSE PREVENTION BOARD CREATED IN SECTION 26.5-3-204.

(2) "CHILD" MEANS A PERSON UNDER EIGHTEEN YEARS OF AGE.

(3) "CHILD ABUSE" HAS THE MEANING AS PROVIDED FOR THE TERM

"ABUSE" IN SECTION 19-1-103 (1).

(4) "PREVENTION PROGRAM" MEANS A PROGRAM OF DIRECT CHILD ABUSE PREVENTION SERVICES FOR A CHILD, PARENT, OR GUARDIAN AND INCLUDES RESEARCH OR EDUCATION PROGRAMS RELATED TO THE PREVENTION OF CHILD ABUSE. SUCH A PREVENTION PROGRAM MAY BE CLASSIFIED AS A PRIMARY PREVENTION PROGRAM WHEN IT IS AVAILABLE TO THE COMMUNITY ON A VOLUNTARY BASIS AND AS A SECONDARY PREVENTION PROGRAM WHEN IT IS DIRECTED TOWARD GROUPS OF INDIVIDUALS WHO HAVE BEEN IDENTIFIED AS HIGH RISK.

(5) "RECIPIENT" MEANS AND IS LIMITED TO A NONPROFIT OR PUBLIC ORGANIZATION THAT RECEIVES A GRANT FROM THE TRUST FUND.

(6) "TRUST FUND" MEANS THE COLORADO CHILD ABUSE PREVENTION TRUST FUND CREATED IN SECTION 26.5-3-206.

26.5-3-204. [Formerly 19-3.5-103] Colorado child abuse prevention board - creation - members - terms - vacancies. (1) The Colorado child abuse prevention board referred to in this article 3.5 as the "board", is transferred to the DEPARTMENT OF EARLY CHILDHOOD FROM THE department of human services. from the department of public health and environment. The board shall exercise its powers and duties as if transferred by a **type 2** transfer. Persons appointed to the board continue serving until completion of their terms and may be reappointed as provided in this section.

(2) The board consists of ~~seventeen~~ NINETEEN members, with a consideration for geographic diversity, as follows:

(a) One person from the department of human services' division of child welfare, appointed by the executive director of the department of human services;

(b) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

(b) (c) The executive director of the department of public health and environment or the executive director's designee;

(e) (d) The commissioner of education or the commissioner's designee;

(d) (e) Two THREE persons appointed by the governor and confirmed by the senate who are knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement, medicine, law, business, public policy, mental health, intimate partner violence, early childhood education, K-12 ELEMENTARY AND SECONDARY education, reducing poverty and helping families gain economic stability, the connection between housing instability and trauma, higher education, research and program evaluation, and social work. In making appointments to the board, the governor is encouraged to include representation by at least one member who is a person with a disability, as defined in section 24-34-301 (2.5), a family member of a person with a disability, or a member of an advocacy group for persons with disabilities, so long as the other requirements of this subsection (2)(d) (2)(e) are met.

(e) (f) The executive director of the department of health care policy and financing or the executive director's designee;

(f) (g) The executive director of the department of local affairs or the executive director's designee;

(g) (h) The child protection ombudsman, as appointed pursuant to section 19-3.3-102;

(h) (i) Four appointees who represent county leadership, as either a county commissioner or a director of public health or of human or social services, as designated by statewide organizations representing county commissioners, human services directors, and public health officials, three of whom must have expertise in human services or child welfare practice;

(i) (j) Three members appointed by the executive director of the department. ~~of human services~~: Such appointees must be community members with lived experience that ~~can~~ MAY include childhood history of adverse childhood experiences or experience participating in prevention, parenting, or family strengthening programs. One of the three appointees must be a parent.

(j) (k) One member who is a member of the senate and who is

appointed by the president of the senate and one member who is a member of the house of representatives and who is appointed by the speaker of the house of representatives.

(3) (a) Each appointed member of the board serves a term of three years.

(b) The original appointing entity shall fill a vacancy on the board for the balance of the board member's unexpired term.

(c) A board member, whether original or otherwise, may not serve more than two consecutive terms.

(4) The board shall meet regularly and adopt its own rules of procedure.

(5) Except as provided in section 2-2-326, members serve without compensation but are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

26.5-3-205. [Formerly 19-3.5-104] Powers and duties of the board. (1) The board has the following powers and duties:

(a) To advise and make recommendations to the governor, state agencies, and other relevant entities concerning the implementation of and future revisions to any state plan developed to prevent child maltreatment;

(b) To develop strategies and monitor efforts to achieve:

(I) Increases in child well-being and achievement;

(II) Increases in caregiver well-being and achievement;

(III) Increases in consistent high-quality caregiving;

(IV) Increases in safe, supportive neighborhoods and communities; and

(V) Decreases in the incidence of child maltreatment and child maltreatment fatalities;

(c) To assist public and private agencies in coordinating efforts on behalf of families, including securing funding and additional investments for services and programs, and improving access to these services for children and their families;

(d) To provide for the coordination and exchange of information concerning the establishment and maintenance of primary and secondary prevention programs and to facilitate the exchange of information between groups concerned with child maltreatment;

(e) (I) To identify opportunities for, and barriers to, the alignment of standards, rules, policies, and procedures across programs and agencies that support families. The board shall submit recommendations developed pursuant to this subsection (1)(e)(I) to the department, ~~of human services~~, which shall then include such recommendations as part of its presentation to its committee of reference at a hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2022.

(II) The board shall also provide ongoing recommendations on changes to enhance the alignment and provision of services and supports for families to prevent child trauma and maltreatment to appropriate government and nonprofit agencies and policy boards.

(f) To collaborate with other relevant boards, commissions, and councils that exist within the executive branch to address services and supports for families;

(g) To promote academic research on the efficacy and cost-effectiveness of child maltreatment prevention initiatives;

(h) To distribute money and make grant awards from the Colorado child abuse prevention trust fund, created in ~~section 19-3.5-105 SECTION 26.5-3-206~~, in accordance with ~~section 19-3.5-106 SECTION 26.5-3-207~~ and for:

(I) The establishment, promotion, and maintenance of primary and secondary child maltreatment prevention programs, including pilot programs or services identified in the federal Title IV-E prevention services clearinghouse and programs that are under evaluation for purposes of

petitioning the federal government for inclusion in the federal Title IV-E prevention services clearinghouse;

- (II) Programs to prevent child sexual abuse;
- (III) Programs to reduce the occurrence of prenatal substance exposure;
- (IV) Programs to reduce the occurrence of other adverse childhood experiences;
- (V) Programs to reduce poverty or help families get out of poverty;
- (VI) Programs to create housing stability; and
- (VII) Operational expenses of the board, including allowable expenses pursuant to ~~section 19-3.5-103 (5)~~ SECTION 26.5-3-204 (5);

(i) TO MONITOR AND PROMOTE THE INTERACTION AND SEAMLESS PARTNERSHIP BETWEEN THE OFFICE WITHIN THE DEPARTMENT OF HUMAN SERVICES THAT IS RESPONSIBLE FOR CHILDREN, YOUTH, AND FAMILIES AND THE DEPARTMENT IN ADMINISTERING FAMILY STRENGTHENING PROGRAMS.

(j) To accept grants from the federal government, as well as to solicit and accept contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations; and

(k) To exercise or perform any other powers or duties consistent with the purposes for which the board was created and that are reasonably necessary for the fulfillment of the board's responsibilities as set forth in this section.

26.5-3-206. [Formerly 19-3.5-105] Colorado child abuse prevention trust fund - creation - source of funds. (1) There is created in the state treasury the Colorado child abuse prevention trust fund, referred to in this article as the "trust fund". The board shall administer the trust fund, which consists of:

- (a) Money transferred into the trust fund in accordance with section 13-32-101 (5)(a)(I);

(b) Money collected by the board pursuant to ~~section 19-3.5-104 (1)(i)~~ SECTION 26.5-3-205 (1)(j) from federal grants and other contributions, grants, gifts, bequests, and donations. Such money must be transmitted to the state treasurer, who shall credit the money to the trust fund; ~~and~~

(c) Any money appropriated to the trust fund by the state; ~~and~~

(d) Reimbursement money received for prevention services and programs identified in the federal Title IV-E PREVENTION SERVICES clearinghouse pursuant to the federal "Family First Prevention Services Act of 2018". Beginning July 1, 2021, the state department shall transmit federal Title IV-E reimbursements for prevention services to the state treasurer, who shall credit the reimbursements to the trust fund.

(2) The ~~trust fund~~ BOARD shall claim federal Title IV-E reimbursement FOR THE TRUST FUND for all eligible grants for prevention services on the federal Title IV-E prevention services clearinghouse.

(3) Money in the TRUST fund is subject to annual appropriation by the general assembly. Any money remaining in the TRUST fund must not be transferred to or revert to the general fund of the state at the end of any fiscal year. Any interest earned on the investment or deposit of money in the TRUST fund must also remain in the fund and must not be credited to the general fund of the state.

26.5-3-207. [Formerly 19-3.5-106] Disbursement of grants from the trust fund - restrictions. (1) Grants may be awarded to provide money for the start-up, continuance, or expansion of primary or secondary prevention programs, including pilot programs and educational programs for professionals and the public, and to study and evaluate primary and secondary prevention programs. In addition, grants may be awarded for programs to prevent and reduce the occurrence of prenatal substance exposure and an evidence-based or research-based child sexual abuse prevention training model to prevent and reduce the occurrence of child sexual abuse.

(2) The distribution of money credited to the trust fund by reimbursement for prevention services and programs identified in the federal Title IV-E prevention services clearinghouse must fund programs and services that align with the state's prevention strategy, pursuant to the

federal "Family First Prevention Services Act of 2018", including consideration of variable needs and resources across the state and data-driven approaches, and be informed by the state department in consultation with county departments OF HUMAN OR SOCIAL SERVICES and other entities that deliver the eligible services or programs. Eligible services or programs may include those under evaluation for the purposes of petitioning the federal government for inclusion in the federal Title IV-E prevention services clearinghouse; except that, if the service or program at the time of federal review is rated to not meet criteria for inclusion in the federal Title IV-E prevention services clearinghouse, money credited to the trust fund by reimbursement for prevention services must not be allocated for that purpose in the next fiscal year, unless there is an evaluation of the service or program already underway that will build substantial new evidence that has the potential to change the service or program rating, or the service or program has been submitted to the federal clearinghouse for re-review.

(3) The board has discretion to oversee the disbursement of money from the trust fund to ensure its appropriate use and make recommendations for the total grant amount to be awarded each year.

(4) The board shall not authorize any grant awards pursuant to subsection (1) of this section for political, election, or lobbying purposes.

26.5-3-208. [Formerly 19-3.5-107] Report - repeal of part.

(1) The department of human services shall contract for an independent evaluation of the trust fund, including administrative costs of operating the trust fund and the cost-effectiveness and the impact of the grants on reducing and preventing child abuse. The department of human services shall provide a report of the evaluation to the house of representatives and senate health and human services committees, or any successor committees, on or before November 1, 2026.

(2) This ~~article 3.5~~ PART 2 is repealed, effective July 1, 2027.

PART 3
CHILD CARE SERVICES AND
SUBSTANCE USE DISORDER TREATMENT

26.5-3-301. [Formerly 26-6.9-101] Definitions. As used in this

article 6.9 PART 3, unless the context otherwise requires:

(1) "Facility" means an agency meeting the standards described in section 27-81-106 (1) and approved pursuant to section 27-81-106.

(2) "Pilot program" means the child care services and substance use disorder treatment pilot program created in this ~~article 6.9 PART 3~~.

26.5-3-302. [Formerly 26-6.9-102] Child care services and substance use disorder treatment pilot program - created - purposes - eligibility - evaluation - funding - rules. (1) (a) There is created in the state department the child care services and substance use disorder treatment pilot program. The state department shall administer the pilot program as a two-generation initiative. The purpose of the pilot program is to:

(I) Provide grants to enhance the existing child care resource and referral programs to provide increased child care navigation capacity in one rural pilot program site and one urban pilot program site to serve pregnant and parenting women seeking or participating in substance use disorder treatment; and

(II) Provide a grant to enhance the capacity of the existing child care resource and referral program's centralized call center to serve pregnant and parenting women seeking or participating in substance use disorder treatment; and

(III) Provide implementation grants to pilot a regional mobile child care model that is licensed in compliance with ~~article 6 of this title 26 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or as defined in section 26-6-102 SECTION 26.5-5-303~~ and that serves children under five years of age in at least three facilities that provide substance use disorder treatment to parenting women. Applicants for mobile child care pilot grants must demonstrate a commitment of sources of private money for mobile child care to ensure that the mobile child care pilot model is an initiative of a public-private partnership. The mobile child care pilot model may be expanded to serve additional ages or additional regions using gifts, grants, or donations from private or public sources that the state department may seek, accept, and expend.

(b) The ~~state~~ department shall ensure that there is adequate training, cross-training, technical assistance, data collection, and evaluation for grants awarded pursuant to subsections (1)(a)(I), (1)(a)(II), and (1)(a)(III) of this section.

(2) The ~~state~~ department shall determine the eligibility and selection criteria for pilot program grants. The ~~state board~~ DEPARTMENT may promulgate rules, as necessary, to implement the pilot program.

(3) (a) A pilot program grantee may use the grant money for improved technology, supplies, and materials to implement the pilot program; to hire staff for pilot program oversight and implementation; and for pilot program evaluation.

(b) On or before June 30, 2023, the ~~state~~ department shall provide to the health and insurance and public health care and human services committees of the house of representatives and the health and human services committee of the senate, or any successor committees, any completed pilot program evaluations pursuant to subsection (3)(a) of this section, as well as a summary of the pilot program, including grants awarded and the outcome of the grants.

~~(4) (a) Repealed.~~

~~(b) (4) (a)~~ The ~~state~~ department may use a portion of any money appropriated for the pilot program to pay the direct and indirect costs incurred to administer the pilot program, not to exceed ten percent of the appropriation.

~~(c) (b)~~ The ~~state~~ department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this ~~article 6.9 PART 3~~. The department shall transmit all money received for the pilot program through gifts, grants, or donations to the state treasurer.

26.5-3-303. [Formerly 26-6.9-103] Repeal of part. This ~~article 6.9 PART 3~~ is repealed, effective July 1, 2028.

PART 4
**COORDINATED SYSTEM OF PAYMENT FOR EARLY
INTERVENTION SERVICES FOR INFANTS AND TODDLERS**

26.5-3-401. [Formerly 27-10.5-701] Legislative declaration.

(1) The general assembly hereby finds that:

(a) There is an urgent and substantial need to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child's first three years of life;

(b) The longer a child's developmental delays are not addressed, the more developmental difficulties the child will experience in the future, the less prepared the child will be for school, the more special education needs the child is likely to have, and the more costly those problems will be to address;

(c) The capacity of families to meet the special needs of their infants and toddlers with disabilities needs to be supported and enhanced;

(d) Colorado's system for providing early intervention services to eligible infants and toddlers from birth through two years of age with significant developmental delays and disabilities relies on multiple sources of funding;

(e) The early childhood and school readiness commission, which was the successor of the child care commission, was created in the 2004 legislative session to study, review, and evaluate the development of plans for creating a comprehensive early childhood system;

(f) The early childhood and school readiness commission extensively studied and evaluated issues regarding early intervention services for infants and toddlers who have delays in development and learned that there is no coordinated system of payment for early intervention services, resulting in the provision of disjunctive or interrupted services to eligible children and inadequate reimbursement of early intervention service providers;

(g) The early childhood and school readiness commission was also informed that many eligible children are covered as dependents by their parents' health-care plans, but some of the plans may deny benefits for early intervention services, thereby eliminating a source of private funds for the payment of early intervention services;

(h) Pursuant to part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., AS AMENDED, there is an urgent and substantial need to facilitate the coordination of payment for early intervention services from federal, state, local, and private sources, including public medical assistance and private insurance coverage;

(i) Existing levels of local, state, federal, and private funding may be more efficiently used, more children may be served, and a higher quality of services may be provided if the existing early intervention system is modified to create a more coherent and coordinated system of payment for early intervention services;

(j) The involvement of a child's primary health-care provider and other health-care providers is an essential component of effective planning for the provision of early intervention services; and

(k) The provision of early intervention services is intended only to meet the developmental needs of an infant or toddler and not to replace other needed medical services that are recommended by the child's primary health-care provider.

26.5-3-402. [Formerly 27-10.5-702] Definitions - repeal. As used in this ~~part 7~~ PART 4, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, or the state charter school institute that is providing educational services to exceptional children and that is responsible for the local administration of the education of exceptional children pursuant to article 20 of title 22. ~~C.R.S.~~

(2) "Carrier" has the same meaning as set forth in section 10-16-102
(8). ~~C.R.S.~~

(3) "Certified early intervention service broker" or "broker" means:

(a) (I) **[Formerly 27-10.5-702 (3) as it exists until July 1, 2024]** PRIOR TO JULY 1, 2024, a community-centered board or other entity designated by the department of health care policy and financing pursuant to section 25.5-10-209 ~~C.R.S.~~, to perform the duties and functions specified in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular designated

service area. Notwithstanding the provisions of section 27-10.5-104 (4), if the department of health care policy and financing is unable to designate a community-centered board or other entity to serve as the broker for a particular designated service area, the department shall serve as the broker for the designated service area and may contract directly with early intervention service providers to provide early intervention services to eligible children in the designated service area.

(II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) **[Formerly 27-10.5-702 (3) as it will become effective July 1, 2024]** "~~Certified early intervention service broker~~" or "~~broker~~" means ON AND AFTER JULY 1, 2024, a case management agency or an entity, as those terms are defined in section 25.5-6-1702, that has entered into a contract with the department to perform the duties and functions specified in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular defined service area. Notwithstanding the provisions of section 27-10.5-104 (4), if there is not a case management agency or an entity and the department is unable to designate an organization to serve as the broker for a particular defined service area, the department shall serve as the broker for the defined service area and may contract directly with early intervention service providers to provide early intervention services to eligible children in the defined service area.

(4) "Child find" means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve all children with disabilities, from birth to twenty-one years of age. Child find includes:

(a) Part C child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from birth through two years of age; and

(b) Part B child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from three to twenty-one years of age.

(5) "Coordinated system of payment" means the policies and procedures developed by the department, in cooperation with the departments of education, health care policy and financing, and public health and environment, AND WITH the division of insurance in the

department of regulatory agencies, private health insurance carriers, and certified early intervention service brokers, to ensure that available public and private sources of funds to pay for early intervention services for eligible children are accessed and utilized in an efficient manner.

(6) "Department" means the department of human services.

(6) "DEFINED SERVICE AREA", ON AND AFTER JULY 1, 2024, MEANS THE GEOGRAPHICAL AREA THAT A COMMUNITY-CENTERED BOARD SERVES AS SPECIFIED IN THE CONTRACT BETWEEN THE COMMUNITY-CENTERED BOARD AND THE DEPARTMENT.

(7)(a) "DESIGNATED SERVICE AREA" HAS THE SAME MEANING AS SET FORTH IN SECTION 25.5-10-202.

(b) THIS SUBSECTION (7) IS REPEALED, EFFECTIVE JULY 1, 2024.

(6.5) (8) "Early intervention evaluations" means evaluations conducted pursuant to the early intervention program for infants and toddlers under part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq. IDEA.

(7) (9) "Early intervention services" means services as defined by the department in accordance with part C that are authorized through an eligible child's IFSP and are provided to families at no cost or through the application of a sliding fee schedule. Early intervention services, as specified in an eligible child's IFSP, shall qualify as meeting the standard for medically necessary services as used by private health insurance and as used by public medical assistance, to the extent allowed pursuant to section 25.5-1-124. C.R.S.

(8) (10) "Early intervention state plan" means the state plan for a comprehensive and coordinated system of early intervention services required pursuant to part C.

(9) (11) "Eligible child" means an infant or toddler, from birth through two years of age, who, as defined by the department in accordance with part C, has significant delays in development or has a diagnosed physical or mental condition that has a high probability of resulting in significant delays in development or who is eligible for services pursuant

to section 27-10.5-102 (11)(c).

(10) (12) "Evaluation" means:

(a) For the purposes of part C child find, the procedures used to determine a child's initial and continuing eligibility for part C child find, including but not limited to:

(I) Determining the status of the child in each of the developmental areas;

(II) Identifying the child's unique strengths and needs;

(III) Identifying any early intervention services that might serve the child's needs; and

(IV) Identifying priorities and concerns of the family and any resources to which the family has access.

(b) For the purposes of part B child find, the procedures used under IDEA for children with disabilities to determine whether a child has a disability and the nature and extent of special education and related services that the child will need.

(13) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS, 34 CFR PART 300 AND ALSO 34 CFR PART 303 AS IT PERTAINS TO CHILD FIND.

(14) "Individualized family service plan" or "IFSP" means a written plan developed pursuant to 20 U.S.C. sec. 1436, AS AMENDED, and 34 CFR 303.340, OR ANY SUCCESSOR REGULATION, that authorizes the provision of early intervention services to an eligible child and the child's family. An IFSP ~~shall serve~~ SERVES as the individualized plan, pursuant to section 27-10.5-102 (20)(c), for a child from birth through two years of age.

(15) "INFANTS AND TODDLERS" MEANS CHILDREN FROM BIRTH THROUGH TWO YEARS OF AGE.

(16) "Multidisciplinary team" means the involvement of two or

more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities defined in 34 CFR 303.321, OR ANY SUCCESSOR REGULATION, and development of the child's IFSP.

(13) (17) "Part B" means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from three to twenty-one years of age.

(14) (18) "Part C" means the early intervention program for infants and toddlers who are eligible for services under part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq. IDEA.

(15) (19) "Private health insurance" means a health coverage plan, as defined in section 10-16-102 (34), C.R.S., that is purchased by individuals or groups to provide, deliver, arrange for, pay for, or reimburse any of the costs of health-care services, as defined in section 10-16-102 (33), C.R.S., provided to a person entitled to receive benefits or services under the health coverage plan.

(16) (20) "Public medical assistance" means medical services that are provided by the state through the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, C.R.S., or the "Children's Basic Health Plan Act", article 8 of title 25.5, C.R.S., or other public medical assistance funding sources to qualifying individuals.

(17) (21) "Qualified early intervention service provider" or "qualified provider" means a person or agency, as defined by the department by rule in accordance with part C, who provides early intervention services or early intervention evaluations and is listed on the registry of early intervention service providers pursuant to ~~section 27-10.5-708 (1)(a)~~ SECTION 26.5-3-408 (1). In the event of a shortage of qualified early intervention evaluators, the department may contract with an administrative unit to conduct early intervention evaluations if a contract is entered between the department and the administrative unit, including written consent of the director of special education, with conditions for conducting and completing the evaluations, including identification of staff, costs for services, timelines for contract completion, and any other contract elements.

(18) (22) "Service coordination" means the activities carried out by a service coordinator to coordinate evaluation and intake activities, assist, and enable an eligible child and the eligible child's family to receive the rights, procedural safeguards, and services that are authorized to be provided under the ~~early intervention program~~ PART C.

(19) (23) "State interagency coordinating council" means the council that is established pursuant to part C and appointed by the governor to advise and assist the lead agency designated or established under part C.

26.5-3-403. [Formerly 27-10.5-703] Early intervention services

- administration - duties of department - rules. (1) Subject to annual appropriation from the general assembly, the department shall administer early intervention services and shall coordinate early intervention services with existing services provided to eligible ~~infants and toddlers from birth through two years of age~~ CHILDREN and their families.

(2) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules pursuant to ~~section 27-10.5-103~~, as necessary for the implementation of this ~~section~~ PART 4 and to ensure that all IDEA timelines and requirements are met, including but not limited to administrative remedies if the timelines and requirements are not met.

(3) In administering early intervention services, the department shall perform the following duties:

(a) ~~To~~ Design early intervention services in a manner consistent with part C;

(b) ~~To~~ Develop and promulgate rules, FOR PROMULGATION BY THE EXECUTIVE DIRECTOR, after consultation with the state interagency coordinating council;

(c) ~~To~~ Ensure eligibility determination for a child with disabilities from birth through two years of age, based in part on information received concerning the screening and evaluation;

(d) ~~To~~ Ensure that an individualized family service plan is developed for infants and toddlers from birth through two years of age who are eligible for early intervention services. The IFSP must be developed in

compliance with part C requirements, including the mandatory IFSP meeting at which the family receives information concerning the results of the initial early intervention evaluation. The initial IFSP must be developed in collaboration with a representative from an evaluation provider that participated in the child's evaluation. The representative shall participate in the initial meeting for the development of the child's IFSP.

(e) ~~To Allocate moneys~~ MONEY;

(f) (I) (A) **[Formerly 27-10.5-703 (3)(f) as it exists until July 1, 2024]** ~~To~~ PRIOR TO JULY 1, 2024, coordinate training and provide technical assistance to community-centered boards, service providers, and other constituents who are involved in the delivery of early intervention services to ~~infants and toddlers from birth through two years of age~~ ELIGIBLE CHILDREN.

(B) THIS SUBSECTION (3)(f)(I) IS REPEALED, EFFECTIVE JULY 1, 2024.

(II) **[Formerly 27-10.5-703 (3)(f) as it will become effective July 1, 2024]** ~~To~~ ON AND AFTER JULY 1, 2024, coordinate training and provide technical assistance to certified early intervention service brokers, service providers, and other constituents who are involved in the delivery of early intervention services to ~~infants and toddlers from birth through two years of age~~ ELIGIBLE CHILDREN;

(g) ~~To~~ Monitor and evaluate early intervention services provided through this ~~part 7~~ PART 4;

(h) ~~To~~ Coordinate contracts, expenditures, and billing for early intervention services provided through this ~~part 7~~ PART 4; and

(i) **[Formerly 27-10.5-703 (3)(i) as it will become effective July 1, 2024]** ~~To~~ ON AND AFTER JULY 1, 2024, certify early intervention service brokers within a defined service area.

26.5-3-404. [Formerly 27-10.5-704] Child find - responsibilities - interagency operating agreements. (1) The department ~~has~~ SHALL PERFORM the following responsibilities and duties for ~~children from birth through two years of age~~ INFANTS AND TODDLERS who are referred for early intervention services:

(a) To Develop and implement, in coordination with certified early intervention service brokers, service agencies, governmental units, and the departments of education, public health and environment, and health care policy and financing, a statewide plan for public education, outreach, and awareness efforts related to child find and the availability of early intervention services;

(b) To Ensure that referrals from the community are accepted and families are assisted in connecting with the appropriate agency for intake and case management services, AS DEFINED IN SECTION 25.5-10-202;

(c) To Facilitate the implementation of early intervention evaluations that are the responsibility of the department pursuant to this part 7 PART 4 and to implement an effective and collaborative system of early intervention services. The department shall enter into any necessary interagency operating agreements at the state level and the local level and LOCAL LEVELS FOR SUCH FACILITATION AND IMPLEMENTATION.

(d) To Facilitate the implementation of part C child find and early intervention evaluations, and the use of medicaid funds, the department and entities that conduct early intervention evaluations may, when appropriate, share information with the department of education, the department of health care policy and financing, or other entities that conduct early intervention evaluations, so long as each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as amended, and the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and applicable guidelines adopted thereto.

(2) As of July 1, 2022, the department of human services shall administer part C child find pursuant to this part 7; except that, on and after May 1, 2022, the department of human services shall administer the referral intake process for part C child find evaluations PART 4.

(3) On or before July 1, 2022, the department shall establish a state-level interagency operating agreement, referred to in this section as the "agreement", with the department of human services EDUCATION concerning the coordination of transitions of children from part C child find to part B child find. In developing the agreement, the department and the department

of ~~human services~~ EDUCATION shall involve stakeholder participation, including representatives from administrative units and part C entities. The agreement must also include:

- (a) The definition of a child who is potentially eligible for part B;
- (b) The processes for a parent of a child to opt out of required notifications;
- (c) The required notification concerning a child who is potentially eligible for part B;
- (d) A process for resolving disputes between an administrative unit and a part C entity concerning the satisfaction of agreement requirements, including remedies and sanctions;
- (e) A process for resolving disputes between the department and the department of ~~human services~~ EDUCATION concerning systemic and statewide issues related to agreement requirements;
- (f) The development and delivery of standardized communication materials for a parent of a child who is potentially eligible for part B, including information concerning eligibility, referral, evaluation, and service delivery;
- (g) The development and delivery of standardized training for part C and part B providers, including information concerning eligibility, referral, evaluation, and service delivery for the programs;
- (h) The process for transferring a child's assessment, IFSP, and other necessary information to an administrative unit for consideration of a part B evaluation and eligibility determination, if a parent has provided written consent;
- (i) (I) Processes to ensure timely notification to the administrative unit if a child is potentially eligible for part B. At a minimum, timely notification must occur not later than when a child is two years and six months of age; except that timely notification must occur not later than when a child is two years and three months of age if a child has a low incidence diagnosis including, but not limited to, visual impairment,

including blindness; hearing impairment, including deafness; or deaf-blind.

(II) If a child is determined to be eligible for part C when the child is older than the ages described in subsection (3)(i)(I) of this section, timely notification must occur not later than ten business days after the eligibility determination.

(j) A process for including an administrative unit representative in a transition conference for a child who transitions from part C to part B;

(k) A process for including an early intervention services provider in the development of an IEP, AS DEFINED IN SECTION 22-20-103 (15), if requested by the parent of the child; and

(l) A process for timely transferring data that is required by law between the department and the department of ~~human services~~ EDUCATION.

(4) The department and the department of ~~human services~~ EDUCATION shall review and revise the agreement to account for any changes to state or federal law, as necessary. At a minimum, the agreement must be reviewed once every five years. In the review and revision of the agreement, the department and the department of ~~human services~~ EDUCATION shall involve stakeholder participation, including representatives from administrative units and part C entities.

26.5-3-405. [Formerly 27-10.5-705] Authorized services - conditions of funding - purchases of services - rules - repeal.
(1) (a) [Formerly 27-10.5-705 (1) as it exists until July 1, 2024] (I) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as are necessary, in accordance with this ~~part 7 and consistent with section 27-10.5-104.5~~, PART 4, to implement, PRIOR TO JULY 1, 2024, the purchase of early intervention services directly or through community-centered boards or certified early intervention service brokers.

(II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) [Formerly 27-10.5-705 (1) as it will become effective July 1, 2024] The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as necessary, in accordance with this ~~part 7 and consistent with section 27-10.5-104.5~~ PART 4, to implement, ON AND AFTER JULY 1, 2024, the

purchase of early intervention services directly or through certified early intervention service brokers.

(2) (a) **[Formerly 27-10.5-705 (2) as it exists until July 1, 2024]** (I) PRIOR TO JULY 1, 2024, community-centered boards, certified early intervention service brokers, and service agencies receiving moneys MONEY pursuant to ~~section 27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions of this ~~article~~ PART 4 and the rules promulgated pursuant to this ~~article~~ PART 4.

(II) THIS SUBSECTION (2)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) **[Formerly 27-10.5-705 (2) as it will become effective July 1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service brokers and service agencies receiving money pursuant to ~~section 27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions of this ~~article~~ 10.5 PART 4 and the rules promulgated pursuant to this ~~article~~ 10.5 PART 4.

(3) **[Formerly 27-10.5-705 (3) as it exists until July 1, 2024]** (a) PRIOR TO JULY 1, 2024, community-centered boards and certified early intervention service brokers shall obtain or provide early intervention services, subject to available appropriations, including but not limited to:

(a) (I) Service coordination with families of eligible ~~infants and toddlers from birth through two years of age~~ CHILDREN. The purpose of service and support coordination ~~shall be~~ IS to enable a family to utilize service systems to meet its needs in an effective manner and increase the family's confidence and competence. Service coordination is to be rendered in an interagency context that emphasizes interagency collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice as to who ~~shall~~ performs certain facets of service coordination as established in the family's individualized family service plan.

(b) (II) Coordination of early intervention services with local agencies and other community resources at the local level to avoid duplication and fragmentation of early intervention services. A community-centered board shall:

(I) (A) Coordinate with the local interagency effort regarding

outreach, identification, screening, multidisciplinary assessment, and eligibility determination for families served by the community-centered board who requested the services;

(H) (B) Coordinate with the local family support services program; and

(H) (C) Coordinate with other appropriate state agencies providing programs for infants and toddlers.

(b) SUBSECTION (3)(a) OF THIS SECTION AND THIS SUBSECTION (3)(b) ARE REPEALED, EFFECTIVE JULY 1, 2024.

(c) **[Formerly 27-10.5-705 (3) as it will become effective July 1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service brokers shall obtain or provide early intervention services, subject to available appropriations, including but not limited to:

(a) (I) Service coordination with families of eligible ~~infants and toddlers from birth through two years of age~~ CHILDREN. The purpose of service and support coordination ~~shall be~~ is to enable a family to utilize service systems to meet its needs in an effective manner and increase the family's confidence and competence. Service coordination is to be rendered in an interagency context that emphasizes interagency collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice as to who ~~shall~~ perform PERFORMS certain facets of service coordination as established in the family's individualized family service plan.

(b) (II) Coordination of early intervention services with local agencies and other community resources at the local level to avoid duplication and fragmentation of early intervention services. A certified early intervention service broker shall:

(I) (A) Coordinate with the local interagency effort regarding outreach, identification, screening, multidisciplinary assessment, and eligibility determination for families served by the certified early intervention service broker who requested the services;

(I) (B) Coordinate with the local family support services program; and

(III) (C) Coordinate with other appropriate state agencies providing programs for infants and toddlers.

(4) The department is authorized to use up to three percent of the amount of the appropriation for early intervention services for training and technical assistance to ensure that the latest developments for early intervention services are rapidly integrated into service provision throughout the state.

26.5-3-406. [Formerly 27-10.5-706] Coordinated system of payment for early intervention services - duties of departments - repeal.

(1) In order to implement the provisions of this ~~part 7~~ PART 4, the department, as lead agency for part C, ~~shall be~~ is responsible for the following, subject to available appropriations:

(a) Establishing an early intervention state plan for a statewide, comprehensive system of early intervention evaluations and early intervention services in accordance with part C child find;

(b) Establishing an interagency operating agreement between the department and the departments of education, health care policy and financing, and public health and environment regarding the responsibilities of each department to assist in the development and implementation of a statewide, comprehensive system of early intervention services and a coordinated system of payments for early intervention services;

(c) Developing, in cooperation with the department of education, the department of health care policy and financing, the department of public health and environment, the division of insurance in the department of regulatory agencies, private health insurance carriers, and certified early intervention service brokers, a coordinated system of payment of early intervention services using public and private ~~moneys~~ MONEY;

(d) (I) [Formerly 27-10.5-706 (1)(d) as it exists until July 1, 2024] (A) PRIOR TO JULY 1, 2024, certifying community-centered boards or other entities as determined by the department as early intervention service brokers for early intervention services provided pursuant to this ~~part 7 and~~ PART 4.

(B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,

2024.

(II) [Formerly 27-10.5-706 (1)(d) as it will become effective July 1, 2024] ON AND AFTER JULY 1, 2024, certifying early intervention service brokers for early intervention services provided pursuant to this ~~part 7~~ PART 4; and

(e) Ensuring an appropriate allocation of payment responsibilities for early intervention services among federal, state, local, and private sources, including public medical assistance and private insurance coverage.

(2) Any additional source of ~~moneys~~ MONEY that may become available for the payment of early intervention services on or after July 1, 2008, as a result of the development and implementation of a statewide, comprehensive system of early intervention services and a coordinated system of payments for early intervention services ~~shall~~ MUST not replace or reduce any other federal or state ~~moneys~~ MONEY available for the payment of early intervention services on or before July 1, 2008.

(3) (a) **[Formerly 27-10.5-706 (3) as it exists until July 1, 2024]** (I) PRIOR TO JULY 1, 2024, nothing in this ~~part 7~~ shall be construed to ~~inhibit, encumber, or control~~ PART 4 INHIBITS, ENCUMBERS, OR CONTROLS the use of local ~~moneys~~ MONEY, including county grants, revenues from local mill levies, and private grants and contributions, that a community-centered board or county government may elect to allocate for the benefit of eligible children.

(II) THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) **[Formerly 27-10.5-706 (3) as it will become effective July 1, 2024]** ON AND AFTER JULY 1, 2024, nothing in this ~~part 7~~ PART 4 inhibits, encumbers, or controls the use of local money, including county grants, revenues from local mill levies, and private grants and contributions, that a certified early intervention service broker or county government may elect to allocate for the benefit of eligible children.

(4) In developing a coordinated system of payment, the department shall not directly or indirectly create a new entitlement for early intervention services funded from the state general fund. However, this subsection (4)

shall DOES not prohibit any adjustments to public medical assistance required by section 25.5-1-124. ~~C.R.S.~~

26.5-3-407. [Formerly 27-10.5-707] Cooperation among state agencies - implementing coordinated payment system - revisions to rules. (1) The departments of education, health care policy and financing, and public health and environment shall cooperate with the department to implement the provisions of this ~~part 7~~ PART 4 and each department shall:

(a) (I) ~~Assign a representative in accordance with part C child find to advise and assist the department in the development and implementation of the early intervention services system.~~

(II) ~~This subsection (1)(a) is repealed, effective July 1, 2022.~~

(b) (a) Participate in the ongoing review of funding practices for early intervention services ~~anbd~~ AND develop or revise procedures for a coordinated system of payment for early intervention services;

(c) (b) Use uniform forms and procedures for billing the costs of early intervention services to public medical assistance, as specified in the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, ~~C.R.S.~~, or the "Children's Basic Health Plan Act", article 8 of title 25.5, ~~C.R.S.~~, as appropriate, and private health insurance, as specified in part 1 of article 16 of title 10; ~~C.R.S.~~;

(d) (c) Coordinate revisions to existing rules that are necessary to implement this ~~part 7~~ PART 4; and

(e) (d) Perform other tasks and functions necessary for the implementation of this ~~part 7~~ PART 4.

(2) The division of insurance in the department of regulatory agencies shall provide assistance to the department related to the requirements and implementation of section 10-16-104 (1.3) ~~C.R.S.~~, and insurance laws and rules related to billing and claims handling.

(3) (a) ~~Any appropriation for the 2021-22 budget year to the department of human services for part C responsibilities that is in addition to an appropriation pursuant to House Bill 18-1333, enacted in 2018, must~~

~~be allocated to the department of education to reimburse administrative units for their proportionate share of unfunded costs of part C evaluations during the 2021-22 state fiscal year.~~

~~(b) This subsection (3) is repealed, effective July 1, 2023.~~

26.5-3-408. [Formerly 27-10.5-708] Certified early intervention service brokers - duties - payment for early intervention services - fees - repeal. (1) (a) **[Formerly 27-10.5-708 (1) as it exists until July 1, 2024]** (I) PRIOR TO JULY 1, 2024, for each designated service area in the state, the certified early intervention service broker for the area shall:

(a) (A) Establish a registry of qualified early intervention service providers to provide early intervention services to eligible children in the designated service area. The certified early intervention service broker for a designated service area may provide early intervention services directly or may subcontract the provision of services to other qualified providers on the registry.

(b) (B) Accept and process claims for reimbursement for early intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART 4 by qualified providers;

(c) (C) Negotiate for the payment of early intervention services provided to eligible children in the designated service area by qualified providers, to the extent permissible ~~under~~ PURSUANT TO federal law; and

(d) (D) Ensure payment to a qualified provider for early intervention services rendered by the qualified provider.

(II) THIS SUBSECTION (1)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) **[Formerly 27-10.5-708 (1) as it will become effective July 1, 2024]** ON AND AFTER JULY 1, 2024, for each defined service area in the state, the certified early intervention service broker for the area shall:

(a) (I) Establish a registry of qualified early intervention service providers to provide early intervention services to eligible children in the defined service area. The certified early intervention service broker for a defined service area may provide early intervention services directly or may

subcontract the provision of services to other qualified providers on the registry.

(b) (II) Accept and process claims for reimbursement for early intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART 4 by qualified providers;

(c) (III) Negotiate for the payment of early intervention services provided to eligible children in the defined service area by qualified providers, to the extent permissible under federal law; and

(d) (IV) Ensure payment to a qualified provider for early intervention services rendered by the qualified provider.

(2) Certified early intervention service brokers shall use procedures and forms determined by the department to document the provision or purchase of early intervention services on behalf of eligible children. Invoices or insurance claims for early intervention services shall be submitted based on the available funding source for each eligible child and the reimbursement rate for the appropriate federal, state, local, or private funding sources, including public medical assistance and private health insurance.

(3) The department shall establish a schedule of fees to be charged by certified early intervention service brokers for providing broker services ~~under this part 7~~ PURSUANT TO THIS PART 4. In developing the fee schedule, the department shall obtain input from certified early intervention service brokers and shall consider the duties of brokers ~~under this part 7~~ PURSUANT TO THIS PART 4, the expenses incurred by brokers, and the relevant market conditions.

(4) Use of a certified early intervention broker is voluntary; except that private health insurance carriers that are included ~~under~~ PURSUANT TO section 10-16-104 (1.3) E.R.S., are required to make payment in trust ~~under~~ section 27-10.5-709 PURSUANT TO SECTION 26.5-3-409. Nothing in this part 7 PART 4 prohibits a qualified provider of early intervention services from directly billing the appropriate program of public medical assistance or a participating provider, as defined in section 10-16-102 (46) E.R.S., or from directly billing a private health insurance carrier for services rendered ~~under~~ this part 7 PURSUANT TO THIS PART 4 for insurance plans that are not

included under PURSUANT TO section 10-16-104 (1.3). E.R.S.

(5) To the extent requested by the department, certified early intervention service brokers shall participate in ongoing reviews of funding practices for early intervention services and the development or revision of procedures for a coordinated system of payment for early intervention services.

26.5-3-409. [Formerly 27-10.5-709] Payment from private health insurance for early intervention services - trust fund. (1) Private health insurance carriers that are required to make payment of benefits for early intervention services for which coverage is required pursuant to section 10-16-104 (1.3) E.R.S., shall pay benefits to the department in trust for payment to a broker or provider for early intervention services provided to an eligible child. Upon notification from the department that a child is eligible, the child's private health insurance carrier ~~shall have~~ HAS thirty days to make payment to the department.

(2) (a) When a private health insurance carrier makes payments of benefits for an eligible child to the department in trust, ~~those moneys shall be~~ THE MONEY MUST BE deposited in the early intervention services trust fund, which trust fund is hereby created in the state treasury. Except as provided in ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION, the principal of the trust fund ~~shall~~ MUST only be used to pay certified early intervention service brokers or qualified early intervention service providers for early intervention services provided to the eligible child for whom the ~~moneys were~~ MONEY WAS paid to the department in trust by the private health insurance carrier. Except as provided in ~~paragraph (b) of this subsection~~ (2) SUBSECTION (2)(b) OF THIS SECTION, the principal of the trust fund ~~shall~~ DOES not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution, and ~~such moneys shall be~~ THE MONEY IS deemed custodial funds that are not subject to appropriation by the general assembly.

(b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the general assembly shall make appropriations to the department from the principal of the early intervention services trust fund for the direct and indirect costs of administering this section. Any ~~moneys~~ MONEY appropriated to the department pursuant to this ~~paragraph (b)~~ shall constitute SUBSECTION (2)(b)(I) CONSTITUTES state fiscal year spending for

purposes of section 20 of article X of the state constitution.

(II) All interest derived from the deposit and investment of ~~moneys~~ MONEY in the early intervention services trust fund ~~shall~~ MUST be credited to the trust fund, may be appropriated to the department in accordance with this ~~paragraph~~ (b) SUBSECTION (2)(b)(II), and ~~shall~~ ~~constitute~~ CONSTITUTES state fiscal year spending for purposes of section 20 of article X of the state constitution.

(c) Within ninety days after the department determines that a child is no longer an eligible child for purposes of section 10-16-104 (1.3), ~~E.R.S.~~, the department shall notify the carrier that the child is no longer eligible and that the carrier is no longer required to provide the coverage required by said section for that child. Any ~~moneys~~ MONEY deposited in the trust fund on behalf of an eligible child that ~~are~~ IS not expended on behalf of the child before the child becomes ineligible ~~shall~~ MUST be returned to the carrier that made the payments in trust for the child.

(3) No later than March 1, 2009, and no later than April 1 each year thereafter, the department shall provide a report to each private health insurance carrier that has made payments of benefits for an eligible child to the department in trust. The report ~~shall~~ MUST specify the total amount of benefits paid to brokers or qualified providers for services provided to the eligible child during the prior calendar year, including the amount paid to each broker or qualified provider and the services provided to the eligible child. The DEPARTMENT SHALL PROVIDE THE report required by this subsection (3) ~~shall be provided~~ at least annually and more often, as determined by the department and the carrier.

26.5-3-410. [Formerly 27-10.5-710] Annual report - cooperation from certified early intervention service brokers and qualified providers. (1) Notwithstanding section 24-1-136 (11)(a)(I), by November 1, 2008, and by November 1 each year thereafter, the department shall submit an annual report to the general assembly regarding the various funding sources used for early intervention services, the number of eligible children served, the average cost of early intervention services, and any other information the department deems appropriate. The department shall submit the report to the joint budget committee as part of the department's annual budget request. The department shall also submit the report to the health and human services committees and the education committees of the

senate and house of representatives, or any successor committees.

(2) The department shall request, and certified early intervention service brokers and qualified early intervention service providers shall provide, information regarding early intervention services that the department needs to prepare the annual report required by this section or other required federal or state reports.

PART 5
COLORADO NURSE
HOME VISITOR PROGRAM

26.5-3-501. [Formerly 26-6.4-101] Short title. ~~This article shall be known and may be cited as THE SHORT TITLE OF THIS PART 5 IS the "Colorado Nurse Home Visitor Program Act".~~

26.5-3-502. [Formerly 26-6.4-102] Legislative declaration.

(1) The general assembly hereby finds that in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout ~~his or her~~ THE CHILD'S childhood and may have lasting, adverse effects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado, beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) The general assembly further finds that, to implement such a program efficiently and effectively and to promote the successful implementation of partnerships between state public entities and the private sector, responsibility for the program should be divided between the state department, which ~~shall be~~ is responsible for financial administration of the program, and a health sciences facility at the university of Colorado, which ~~shall be~~ is responsible for programmatic and clinical support, evaluation, and monitoring for the program, and such other responsibilities as described in this ~~article~~ PART 5. It is the intent of the general assembly that the state department and the health sciences facility work collaboratively to share information in order to promote efficient and effective program implementation; however, neither entity is responsible for the other entity's statutorily prescribed duties.

26.5-3-503. [Formerly 26-6.4-103] Definitions. As used in this ~~article~~ 6.4 PART 5, unless the context otherwise requires:

(1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation; religious or charitable organization; institution of higher education; visiting nurse association; existing visiting nurse program; county, district, or municipal public health agency; county department of human or social services; political subdivision of the state; or other governmental agency; or any combination thereof.

(2) "Health sciences facility" means the Anschutz medical campus or a successor facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to ~~section 26-6.4-105~~ SECTION 26.5-3-505 to assist the ~~state board~~ EXECUTIVE DIRECTOR in administering the program.

(3) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty line.

(4) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The*

Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc.,
Case No. 97 CV 3432, in the district court for the city and county of
Denver.

(5) "Nurse" means a person licensed as a professional nurse pursuant to part 1 of article 255 of title 12 or accredited by another state or voluntary agency that the state board of nursing has identified by rule pursuant to section 12-255-107 (1)(a) as one whose accreditation may be accepted in lieu of board approval.

(6) "Program" means the nurse home visitor program established in this ~~article~~ PART 5.

(7) "State board" means the state board of human services created in section 26-1-107.

(8) "State department" means the state department of human services created in section 26-1-105.

26.5-3-504. [Formerly 26-6.4-104] Nurse home visitor program - created - rules. (1) (a) There is established the nurse home visitor program to provide regular, in-home, visiting nurse services to low-income, first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program ~~shall provide~~ PROVIDES trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. In addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program ~~shall be~~ IS provided only with the consent of the low-income, first-time mother, and she may refuse further services at any time.

(b) The ~~nurse home visitor program created in article 31 of title 25 C.R.S., as it existed prior to July 1, 2013, is transferred to the state department of human services. All rules, orders, and awards of the state board of health concerning the nurse home visitor program adopted prior to July 1, 2013, continue to be effective until revised, amended, repealed, or nullified pursuant to law. All grants in existence as of July 1, 2013, are valid through June 30, 2014, and may be extended or renewed beyond said date.~~

THE NURSE HOME VISITOR PROGRAM, AS IT EXISTED PRIOR TO JULY 1, 2022, IS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD. ALL RULES, ORDERS, AND AWARDS OF THE STATE BOARD OF HEALTH CONCERNING THE NURSE HOME VISITOR PROGRAM ADOPTED PRIOR TO JULY 1, 2022, CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED, REPEALED, OR NULLIFIED PURSUANT TO LAW. ALL GRANTS IN EXISTENCE AS OF JULY 1, 2022, ARE VALID THROUGH JUNE 30, 2023, AND MAY BE EXTENDED OR RENEWED BEYOND SAID DATE.

(2) The program ~~shall~~ MUST be administered in communities throughout the state by entities selected on a competitive basis by the health sciences facility and approved by the ~~state board~~ EXECUTIVE DIRECTOR. Any entity that seeks to administer the program shall submit an application to the ~~state~~ department as provided in ~~section 26-6.4-106~~ SECTION 26.5-3-506. The entities selected pursuant to ~~section 26-6.4-107~~ SECTION 26.5-3-507 are expected to provide services to a minimum of one hundred low-income, first-time mothers in the community in which the entity administers the program; except that the ~~state board~~ EXECUTIVE DIRECTOR may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The ~~state board~~ EXECUTIVE DIRECTOR shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother is eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty line.

(3) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate, pursuant to the provisions of article 4 of title 24, ~~C.R.S.~~, rules to implement the program. The ~~state board~~ EXECUTIVE DIRECTOR shall base the rules establishing program training requirements, program protocols, program management information systems, and program evaluation requirements on research-based model programs that have been implemented in one or more other states for a period of at least five years and have shown significant reductions in:

(a) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(b) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

(c) The number of subsequent pregnancies by mothers receiving services through the model program;

(d) The receipt of public assistance by mothers receiving services through the model program;

(e) Criminal activity engaged in by mothers receiving services through the model program and their children.

(4) Notwithstanding the provisions of subsection (3) of this section, the ~~board~~ EXECUTIVE DIRECTOR shall adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 1999, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five years and that it has achieved a reduction in the occurrences specified in subsection (3) of this section. Any program so approved is exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements so long as the program continues to demonstrate a reduction in the occurrences specified in subsection (3) of this section.

(5) The state department may propose to the ~~state board~~ EXECUTIVE DIRECTOR rules concerning program applications ~~under section 26-6.4-106~~ PURSUANT TO SECTION 26.5-3-506. Any such proposal ~~shall~~ MUST be made in consultation with the health sciences facility.

26.5-3-505. [Formerly 26-6.4-105] Health sciences facility - duties. (1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

(a) Assist the ~~state board~~ EXECUTIVE DIRECTOR by selecting and presenting entities from among the applications submitted pursuant to ~~section 26-6.4-106~~ SECTION 26.5-3-506;

(b) Provide programmatic and clinical support, evaluation, and monitoring for the program, including nurse practice support and training,

clinical and programmatic technical assistance, compliance monitoring and support, program development and implementation support, and performance improvement monitoring and support, in communities throughout the state;

(c) Cooperate with the ~~state~~ department in connection with the ~~state~~ department's financial administration of the program; and

(d) Work with the state auditor's office as required in section 2-3-113 (4). ~~C.R.S.~~

~~(1.5) (2) The health sciences facility is not responsible for the duties assigned to the ~~state~~ department with respect to the program under section 26-6.4-107 (2)(a.5) PURSUANT TO SECTION 26.5-3-507 (2)(b).~~

~~(2) (3) The health sciences facility shall perform the duties set forth in subsection (1) of this section to ensure that the program is implemented and operated according to the program training requirements, protocols, management information systems, and evaluation requirements established by DEPARTMENT rule. of the state board. The health sciences facility shall evaluate overall program implementation, operation, and effectiveness, and include that evaluation, along with any recommendations concerning the program's selected entities or changes in the program's implementation, operation, and effectiveness, including program training requirements, protocols, management information systems, or evaluation requirements, in the annual report submitted to the ~~state~~ department pursuant to section 26-6.4-108 SECTION 26.5-3-508.~~

~~(3) (4) The ~~state~~ department shall compensate the health sciences facility for the health sciences facility's actual costs incurred in performing its duties under this article PURSUANT TO THIS PART 5, as determined by the health sciences facility. Such duties and actual costs shall MUST be included in the scope of work in the agreement between the ~~state~~ department and the health sciences facility for implementation of those duties and shall MUST include the costs incurred by any contractor or subcontractor of the health sciences facility for those duties. Such compensation shall MUST be paid out of the amount allocated for the health sciences facility's costs, in accordance with the maximum allocation of three percent of the amount annually allocated for the program under section 26-6.4-107 (2) PURSUANT TO SECTION 26.5-3-507 (2).~~

26.5-3-506. [Formerly 26-6.4-106] Program applications - requirements. (1) An entity that seeks to administer the program in a community ~~shall~~ MUST submit an application to the ~~state~~ department in accordance with ~~DEPARTMENT~~ rules adopted ~~by the state board~~, in consultation with ~~the state department~~ and the health sciences facility. At a minimum, the application must specify the basic elements and procedures that the entity ~~shall~~ MUST use in administering the program. Basic program elements must include the following:

- (a) The specific training each nurse employed by the entity must receive to provide home nursing services through the program, which training must meet or exceed the visiting nurse training requirements established by ~~DEPARTMENT~~ rule; ~~of the state board~~;
- (b) The protocols the entity must follow in administering the program, which protocols at a minimum must comply with the program protocols established by ~~DEPARTMENT~~ rule; ~~of the state board~~;
- (c) The management information system the entity must use in administering the program, which at a minimum must comply with the management information system requirements established by ~~DEPARTMENT~~ rule; ~~of the state board~~;
- (d) The reporting and evaluation system the entity must use in measuring the effectiveness of the program in assisting low-income, first-time mothers, which at a minimum must meet the reporting and evaluation requirements specified by ~~rule of the state board~~ ~~DEPARTMENT~~ RULE; AND
- (e) An annual report to both the health sciences facility and the community in which the entity administers the program that reports on the effectiveness of the program within the community and is written in a manner that is understandable for both the health sciences facility and members of the community.

(2) Any program application submitted pursuant to this section must demonstrate strong, bipartisan public support for and a long-time commitment to operation of the program in the community.

(3) The ~~state~~ department shall initially review the applications

received pursuant to this section and submit to the health sciences facility for review those applications that include the basic program elements as required by the rules adopted by the state board DEPARTMENT RULES. Following its review, the health sciences facility shall submit to the state board EXECUTIVE DIRECTOR a list of the applying entities that the health sciences facility recommends to administer the program in communities throughout the state.

26.5-3-507. [Formerly 26-6.4-107] Selection of entities to administer the program - grants - nurse home visitor program fund - created. (1) On receipt of the list of entities recommended by the health sciences facility, the state board EXECUTIVE DIRECTOR shall select the entities that will administer the program in communities throughout the state. In selecting entities, the state board EXECUTIVE DIRECTOR shall give special consideration to entities that are proposing to administer the program as a collaborative effort among multiple entities.

(2) (a) The EXECUTIVE DIRECTOR SHALL SPECIFY THE AMOUNTS OF THE GRANTS THAT entities selected to operate the program shall receive. grants in amounts specified by the state board: The grants may include operating costs and additional amounts for training and development of any infrastructure, including but not limited to development of the information management system necessary to administer the program. The state board EXECUTIVE DIRECTOR shall determine the number of entities selected and the number of communities in which the program is implemented based on the moneys MONEY available in the nurse home visitor program fund created in paragraph (b) of this subsection (2) SUBSECTION (2)(c) OF THIS SECTION.

(a.5) (b) Except as otherwise provided in section 26-6.4-108 SECTION 26.5-3-508, the state department is responsible for financial administration of this article PART 5, which includes compensating the health sciences facility pursuant to section 26-6.4-105 (3) SECTION 26.5-3-505 (4); paying grants to entities selected to administer the program; monitoring financial, contractual, and regulatory compliance; providing medicaid financing oversight; managing accounting and budgeting; and, in cooperation with the health sciences facility, managing grant applications as set forth in section 26-6.4-106 SECTION 26.5-3-506. The state department shall also cooperate with the health sciences facility's administration of programmatic and clinical support, evaluation, and monitoring of the

program. The ~~state~~ department is not responsible for any duties assigned to the health sciences facility with respect to the program, as described in ~~section 26-6.4-105 SECTION 26.5-3-505~~.

~~(b) (c) (I)~~ Grants awarded pursuant to subsection (2)(a) of this section are payable from the nurse home visitor program fund, which fund is ~~hereby~~ created in the state treasury. The nurse home visitor program fund, referred to in this section as the "fund", is administered by the ~~state~~ department and consists of money transferred ~~thereto~~ TO THE FUND by the state treasurer from money received pursuant to the master settlement agreement in the amount described in ~~subsection (2)(d) SUBSECTION (2)(e)~~ of this section. In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the ~~state~~ department to implement the program, including any money received from the United States federal government for the program. The fund is subject to annual appropriation by the general assembly to the ~~state~~ department for grants to entities for operation of the program. The ~~state~~ department may retain the amount needed to pay for the program's share of the ~~state~~ department's indirect costs, as calculated under the federally approved cost allocation plan. In addition, the ~~state~~ department may retain a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to ~~section 26-6.4-105 (3) SECTION 26.5-3-505 (4)~~, as set forth in the scope of work in the agreement between the ~~state~~ department and the health sciences facility, and to compensate the ~~state~~ department for the actual costs the ~~state~~ department incurs in implementing ~~subsection (2)(a.5) SUBSECTION (2)(b)~~ of this section, as determined by the ~~state~~ department; except that the portion of the costs to compensate the ~~state~~ department for implementing ~~subsection (2)(a.5) SUBSECTION (2)(b)~~ of this section ~~shall~~ MUST not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility ~~under section 26-6.4-105 (3) PURSUANT TO SECTION 26.5-3-505 (4)~~, as set forth in the scope of work in the contract between the ~~state~~ department and the health sciences facility, ~~shall~~ MUST not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the ~~state~~ department and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report

articulating their conclusions on this subject. The actual costs of the ~~state~~ department include ~~state~~ department personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and are not subject to the five percent limit in this section. Notwithstanding section 24-36-114, all interest derived from the deposit and investment of money in the fund ~~shall~~ ~~MUST~~ be credited to the fund. Except as otherwise provided in subsection (2)(b)(II) SUBSECTION (2)(c)(II) of this section, all unexpended and unencumbered money in the fund at the end of any fiscal year remains in the fund and ~~shall~~ ~~MUST~~ not be transferred to the general fund or any other fund.

(II) On July 1, 2020, the state treasurer shall transfer four million two hundred thirty-seven thousand three hundred seventy-five dollars from the fund to the general fund.

(e) (d) It is the intent of the general assembly that general fund ~~moneys~~ MONEY not be appropriated for implementation of the program.

(d) (f) (e) Pursuant to section 24-75-1104.5 (1.7)(a), ~~C.R.S.~~, and except as otherwise provided in section 24-75-1104.5 (5), ~~C.R.S.~~, for the 2016-17 fiscal year and for each fiscal year thereafter so long as the state receives ~~moneys~~ MONEY pursuant to the master settlement agreement, the state treasurer shall transfer to the fund twenty-six and seven-tenths of the master settlement agreement ~~moneys~~ MONEY received by the state, other than attorney fees and costs, during the preceding fiscal year. The transfer ~~shall~~ ~~MUST~~ be from ~~moneys~~ MONEY credited to the tobacco litigation settlement cash fund created in section 24-22-115. ~~C.R.S.~~

(II) and (III) Repealed.

26.5-3-508. [Formerly 26-6.4-108] Annual program review - audit. (1) The health sciences facility shall annually prepare and submit to the ~~state~~ department a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to section

~~26-6.4-106 (1)(e)~~ SECTION 26.5-3-506 (1)(e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including any changes that may be appropriate to enable the program to receive and maximize medicaid funding. Each program contractor and subcontractor and each entity that administers the program shall work with the health sciences facility and the state department to prepare the reports required ~~under~~ PURSUANT TO this section and section 2-3-113 (2). ~~E.R.S.~~ Any entity that is administering the program is subject to a reduction in or cessation of funding if the ~~state board~~ EXECUTIVE DIRECTOR, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established by DEPARTMENT rule ~~of the state board~~ or is operating the program in such a manner that the program does not demonstrate positive results.

(2) The state auditor's office, pursuant to section 2-3-113, ~~E.R.S.~~, shall audit each entity administering the program to determine whether the entity is administering the program in compliance with the program requirements and in an effective manner. The audit ~~shall~~ MUST be conducted and reported in accordance with ~~the provisions of~~ section 2-3-113. ~~E.R.S.~~

PART 6 SOCIAL-EMOTIONAL LEARNING PROGRAMS

26.5-3-601. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) YOUNG CHILDREN FROM LOW-INCOME FAMILIES OFTEN STRUGGLE TO ACHIEVE THE SAME OUTCOMES AS THEIR PEERS FROM HIGHER-INCOME FAMILIES BECAUSE THEY RARELY HAVE ACCESS TO THE SAME SUPPORTS, PARTICULARLY THOSE SUPPORTS WITH A FOCUS ON THE DEVELOPMENT OF SOCIAL-EMOTIONAL SKILLS LIKE EMOTION REGULATION, PRO-SOCIAL COMMUNICATION, AND PROBLEM SOLVING;

(b) EXPOSURE TO POVERTY, A STRESSFUL HOME ENVIRONMENT, AND DELAYS IN THE DEVELOPMENT OF BEHAVIORAL AND ACADEMIC SKILLS AT A YOUNG AGE ARE STRONG PREDICTORS OF LATER ACADEMIC CHALLENGES, HEALTH ISSUES, BEHAVIOR PROBLEMS, SUBSTANCE ABUSE, LOWER

EDUCATIONAL ATTAINMENT, LOWER RATES OF EMPLOYMENT, TEEN PARENTHOOD, AND THE LIKELY RECURRENCE OF THESE RISK FACTORS FOR THE NEXT GENERATION OF CHILDREN;

(c) RESEARCH DEMONSTRATES THAT THE OPPORTUNITY TO SUPPORT POSITIVE DEVELOPMENT EXPERIENCES DURING EARLY CHILDHOOD USING EVIDENCE-BASED INTERVENTIONS THAT SUPPORT SENSITIVE AND RESPONSIVE CAREGIVER-CHILD INTERACTIONS ARE LINKED TO CHILDREN'S ACADEMIC AND SOCIAL COMPETENCE; AND

(d) HELPING TEACHERS AND PARENTS LEARN WHEN AND HOW TO USE THESE EVIDENCE-BASED INTERVENTIONS HAS DEMONSTRATED REDUCTIONS IN PARENTAL DEPRESSION AND INCREASES IN PARENTAL SELF-CONFIDENCE; INCREASES IN POSITIVE FAMILY COMMUNICATION AND PROBLEM SOLVING; INCREASES IN CHILDREN'S APPROPRIATE COGNITIVE PROBLEM-SOLVING STRATEGIES AND IN THE USE OF PRO-SOCIAL CONFLICT MANAGEMENT STRATEGIES WITH PEERS; REDUCTIONS IN CONDUCT PROBLEMS AT HOME AND CONDUCT PROBLEMS IN SCHOOL THAT OFTEN LEAD TO SUSPENSION AND EXPULSION; AND INCREASES IN CHILDREN'S POSITIVE AFFECT AND COOPERATION, POSITIVE INTERACTIONS WITH PEERS, SCHOOL READINESS, AND ENGAGEMENT WITH SCHOOL ACTIVITIES.

(2) (a) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STATE TO AUTHORIZE THE DEPARTMENT TO IMPLEMENT PROVEN, EVIDENCE-BASED, TWO-GENERATION PREVENTION PROGRAMS TO TEACH TEACHERS AND PARENTS STRATEGIES AND SKILLS TO CONNECT WITH ALL CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE CHALLENGING BEHAVIORS; TO PROMOTE CHILDREN'S SOCIAL COMPETENCE; TO REDUCE BEHAVIOR PROBLEMS; AND TO PROVIDE PROGRAMMING TO CHILDREN TO HELP THEM LEARN PROBLEM-SOLVING AND EMOTION-CONTROL SKILLS. THE GOALS OF PROVIDING THESE PROGRAMS ARE TO STRENGTHEN TEACHER-CHILD AND PARENT-CHILD RELATIONSHIPS AND PROMOTE CHILD BEHAVIORAL CHANGE, INCLUDING SELF-REGULATION AND DECREASED AGGRESSIVE BEHAVIOR AND IMPULSIVITY.

(b) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO IMPLEMENT THESE PROGRAMS EFFICIENTLY AND EFFECTIVELY AND TO PROMOTE SUCCESSFUL PARTNERSHIPS BETWEEN STATE AGENCIES AND THE PRIVATE SECTOR, IT IS APPROPRIATE TO DIVIDE RESPONSIBILITY FOR THE PROGRAMS BETWEEN THE DEPARTMENT, WHICH IS RESPONSIBLE FOR FINANCIAL

ADMINISTRATION OF THE PROGRAMS, AND AN IMPLEMENTATION PARTNER, WHICH IS RESPONSIBLE FOR PROGRAMMATIC AND CLINICAL SUPPORT, EVALUATION, AND MONITORING FOR THE PROGRAMS, AND SUCH OTHER RESPONSIBILITIES AS MAY BE DESCRIBED IN THIS PART 6. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE IMPLEMENTATION PARTNER WORK COLLABORATIVELY TO SHARE INFORMATION AS NECESSARY TO PROMOTE EFFICIENT AND EFFECTIVE PROGRAM IMPLEMENTATION.

26.5-3-602. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

- (1) "ENTITY" MEANS AN INDIVIDUAL LOCAL IMPLEMENTATION SITE, SUCH AS A PROVIDER OF EARLY CHILDHOOD SERVICES; A SCHOOL DISTRICT, AS DEFINED IN SECTION 22-7-1003, OR A CHARTER SCHOOL, AS DEFINED IN SECTION 22-60.5-102; A COMMUNITY MENTAL HEALTH CENTER; ANY OTHER GOVERNMENTAL AGENCY; OR ANY COMBINATION OF THESE ENTITIES.
- (2) "GRANT PROGRAM" MEANS THE SOCIAL-EMOTIONAL LEARNING PROGRAMS GRANT PROGRAM CREATED IN SECTION 26.5-3-603.
- (3) "IMPLEMENTATION PARTNER" MEANS A PRIVATE ENTITY THAT HAS EXTENSIVE EXPERIENCE AND EXPERTISE IN EARLY CHILD CARE PROGRAMMING OF THE TYPE DESCRIBED IN SECTION 26.5-3-603 AND IN IMPLEMENTATION SCIENCE AND WITH WHICH THE DEPARTMENT CONTRACTS PURSUANT TO SECTION 26.5-3-603 (2) TO ASSIST IN IMPLEMENTING THE GRANT PROGRAM.
- (4) "SOCIAL-EMOTIONAL LEARNING PROGRAM" MEANS AN EVIDENCE-BASED, TWO-GENERATION PROGRAM THAT PROVIDES TRAINING FOR TEACHERS AND PARENTS IN STRATEGIES AND SKILLS FOR CONNECTING WITH ALL YOUNG CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE CHALLENGING BEHAVIORS, AND FOR TEACHING AND PROMOTING THE DEVELOPMENT OF SOCIAL COMPETENCE AND EMOTIONAL SELF-MONITORING AND SELF-MANAGEMENT IN YOUNG CHILDREN; AND PROVIDES DIRECT PROGRAMMING FOR YOUNG CHILDREN IN PROBLEM SOLVING, ANGER CONTROL, SELF-MONITORING OF EMOTIONS, SUCCEEDING IN SCHOOL, AND MAKING FRIENDS.

26.5-3-603. Social-emotional learning programs grant program - created - implementation partner - application - selection - funding -

rules. (1) THE SOCIAL-EMOTIONAL LEARNING PROGRAMS GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE DEPARTMENT SHALL ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH AN IMPLEMENTATION PARTNER SELECTED PURSUANT TO SUBSECTION (2) OF THIS SECTION. SUBJECT TO ANNUAL APPROPRIATIONS, THE DEPARTMENT SHALL AWARD GRANTS TO ENTITIES THAT APPLY PURSUANT TO SUBSECTION (3) OF THIS SECTION TO PROVIDE SOCIAL-EMOTIONAL LEARNING PROGRAMS FOR YOUNG CHILDREN AND THEIR PARENTS IN COMMUNITIES THROUGHOUT THE STATE. THE EXECUTIVE DIRECTOR IS AUTHORIZED TO PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE GRANT PROGRAM.

(2) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE DEPARTMENT SHALL INITIATE A FORMAL REQUEST FOR PROPOSALS PROCESS TO SELECT AND CONTRACT WITH A COLORADO-BASED, PRIVATE, NONPROFIT ORGANIZATION TO SERVE AS AN IMPLEMENTATION PARTNER. THE IMPLEMENTATION PARTNER SHALL:

- (a) ASSIST THE DEPARTMENT IN SELECTING FROM AMONG APPLICANTS THOSE ENTITIES THAT RECEIVE GRANTS TO PROVIDE SOCIAL-EMOTIONAL LEARNING PROGRAMS PURSUANT TO THIS PART 6;
- (b) PERFORM COMMUNITY READINESS ASSESSMENTS AND PROVIDE TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF SOCIAL-EMOTIONAL LEARNING PROGRAMS BY THE ENTITIES THAT RECEIVE GRANTS;
- (c) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT RECOMMENDATIONS FOR THE SELECTED ENTITIES TO ENSURE HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF SOCIAL-EMOTIONAL LEARNING PROGRAMS;
- (d) PROVIDE TO THE DEPARTMENT SITE-SPECIFIC AND STATEWIDE PROCESS AND OUTCOMES EVALUATIONS OF SOCIAL-EMOTIONAL LEARNING PROGRAMS AND THE GRANT PROGRAM AS DESCRIBED IN THIS SECTION;
- (e) ASSIST THE DEPARTMENT WITH THE FINANCIAL ADMINISTRATION OF GRANTS PURSUANT TO THIS PART 6 AND WORK WITH THE OFFICE OF THE STATE AUDITOR AS REQUIRED;
- (f) ANNUALLY PROVIDE TO EACH ENTITY THAT RECEIVES MONEY

THROUGH THE GRANT PROGRAM A DETAILED DATA REPORT OF THE ENTITY'S IMPLEMENTATION OF THE SOCIAL-EMOTIONAL LEARNING PROGRAMS THAT INCLUDES AN ASSESSMENT OF THE PROGRAM'S SUCCESS IN ACHIEVING POSITIVE OUTCOMES FOR CHILDREN AND THEIR FAMILIES AND IDENTIFICATION OF AREAS FOR PRACTICE IMPROVEMENT; AND

(g) ANNUALLY PREPARE AND SUBMIT TO THE DEPARTMENT AN EVALUATION OF THE OUTCOMES OF THE SOCIAL-EMOTIONAL LEARNING PROGRAMS THAT ENTITIES IMPLEMENT USING MONEY RECEIVED THROUGH THE GRANT PROGRAM.

(3) AN ENTITY THAT SEEKS GRANT MONEY TO IMPLEMENT OR EXPAND A SOCIAL-EMOTIONAL LEARNING PROGRAM MUST SUBMIT AN APPLICATION TO THE DEPARTMENT IN ACCORDANCE WITH DEPARTMENT RULES AND PROCEDURES. AT A MINIMUM, THE APPLICATION MUST:

(a) IDENTIFY THE SOCIAL-EMOTIONAL LEARNING PROGRAM CURRICULUM THAT THE ENTITY WILL USE, WHICH MUST:

(I) INCLUDE COMPONENTS THAT PROVIDE A CURRICULUM FOR PARENTS, TEACHERS, AND PRESCHOOL- AND KINDERGARTEN-AGE CHILDREN;

(II) BE IDENTIFIED BY THE UNIVERSITY OF COLORADO AS A PROVEN, EVIDENCE-BASED INTERVENTION TO SUPPORT HEALTHY YOUTH DEVELOPMENT; AND

(III) HAVE BEEN PREVIOUSLY IMPLEMENTED WITH SUCCESS BY EARLY CHILDHOOD PROGRAM PROVIDERS IN COLORADO; AND

(b) SPECIFY WHETHER THE ENTITY HAS PREVIOUSLY PROVIDED SOCIAL-EMOTIONAL LEARNING PROGRAMS AND, IF SO, THE DEMOGRAPHICS OF THE CHILDREN AND FAMILIES SERVED. AN APPLICANT THAT HAS NOT PREVIOUSLY PROVIDED SOCIAL-EMOTIONAL LEARNING PROGRAMS MUST WORK WITH THE IMPLEMENTATION PARTNER TO COMPLETE A COMMUNITY READINESS ASSESSMENT BEFORE SUBMITTING AN APPLICATION OR WITHIN THREE MONTHS AFTER SUBMITTING THE APPLICATION.

(4) THE DEPARTMENT SHALL WORK WITH THE IMPLEMENTATION PARTNER TO REVIEW AND SELECT GRANTEES FROM AMONG THE APPLYING ENTITIES. IN ADDITION TO ANY OTHER SELECTION CRITERIA THAT MAY BE

IDENTIFIED IN RULES OF THE DEPARTMENT, THE DEPARTMENT SHALL BASE SELECTION OF GRANTEES ON THE APPLICANT'S USE OF A CURRICULUM THAT MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ON THE APPLICANT'S SERVICE TO UNDER-RESOURCED CHILDREN AND FAMILIES WHO HAVE A CLEARLY IDENTIFIED NEED OR THE OUTCOME OF THE COMMUNITY READINESS ASSESSMENT. THE DEPARTMENT SHALL PAY THE GRANTS AWARDED THROUGH THE PROGRAM FROM MONEY APPROPRIATED FOR THE PROGRAM PURSUANT TO SUBSECTION (5) OF THIS SECTION.

(5) THE GENERAL ASSEMBLY SHALL ANNUALLY APPROPRIATE MONEY TO THE DEPARTMENT TO IMPLEMENT THE GRANT PROGRAM. THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE GRANT PROGRAM FROM THE MARIJUANA TAX CASH FUND CREATED IN SECTION 39-28.8-501. THE DEPARTMENT MAY EXPEND A PORTION OF THE AMOUNT APPROPRIATED PURSUANT TO THIS SUBSECTION (5) TO PAY THE COSTS INCURRED IN IMPLEMENTING THE GRANT PROGRAM, INCLUDING THE COSTS INCURRED IN CONTRACTING WITH THE IMPLEMENTATION PARTNER.

PART 7
EARLY CHILDHOOD MENTAL HEALTH
CONSULTATION PROGRAM

26.5-3-701. [Formerly 26-6.5-401] Definitions. As used in this part 4 PART 7, unless the context otherwise requires:

(1) "Department" means the state department of human services.

(2) (1) "Mental health consultant" means an early childhood mental health consultant who is funded by appropriations allocated or awarded to the department for the program and who meets the qualifications outlined in the program designed and developed pursuant to this part 4 PART 7.

(3) (2) "Program" means the statewide voluntary program of early childhood mental health consultation designed, implemented, and operated by the department pursuant to this part 4 PART 7.

26.5-3-702. [Formerly 26-6.5-402] Early childhood mental health consultation - statewide program - creation - purpose - rules. (1) (a) On or before July 1, 2022, the department shall design, implement, and operate the statewide voluntary program of early childhood mental health

consultation to expand and enhance current practices across the state. The department, through the program, shall support mental health in a variety of settings, including but not limited to early child care and learning, elementary schools, home visitation, child welfare, public health, and health care, including settings providing prenatal and postpartum care.

(b) In designing and developing the program, the department shall work in consultation with the national center of excellence for infant and early childhood mental health consultation funded by the United States department of health and human services; nationally recognized entities that support implementation of sustainable systems or programs that focus on promoting the social, emotional, and behavioral outcomes of young children; and key stakeholders in the state, including mental health professionals, nonprofit organizations with expertise in mental health, organizations representing parents of children who would benefit from early childhood mental health consultation, hospitals and other health-care provider organizations with expertise working with children facing behavioral health and other challenges to optimal growth and development, early child care and education providers, and clinicians with expertise in infant and early childhood mental health.

(c) The department shall coordinate with community-based organizations to ensure the effective implementation of the program and model of consultation established pursuant to ~~section 26-6.5-403~~ SECTION 26.5-3-703, as well as support the availability of resources across the state to support the program and the mental health consultants in the program in their work.

(d) The ~~department~~ EXECUTIVE DIRECTOR may promulgate rules for the design, implementation, and operation of the program.

(2) The purpose of the program is to:

(a) Increase the number of qualified and appropriately trained mental health consultants throughout the state who will consult with professionals working with children across a diversity of settings, as well as other adults, including family members, who directly interact with and care for children;

(b) Support and provide guidance and training, through visits with

mental health consultants in the program, to families, expecting families, caregivers, and providers across a diversity of settings in addressing the healthy social-emotional developmental needs of children and families during the prenatal period through eight years of age;

(c) Develop a defined model of consultation that is rooted in diversity, equity, and inclusion for the state pursuant to ~~section 26-6.5-403~~ SECTION 26.5-3-703 that includes qualifications and competencies for mental health consultants, job expectations, expected outcomes, and guidance on ratios between mental health consultants in the program and the settings they support; and

(d) Develop and maintain a statewide professional development plan pursuant to ~~section 26-6.5-404~~ SECTION 26.5-3-704 that assists the mental health consultants in meeting the expectations and developing the competencies set forth in the model of consultation established pursuant to ~~section 26-6.5-403~~ SECTION 26.5-3-703;

(3) Nothing in this ~~part 4~~ PART 7 creates or expands the regulatory authority of the department over mental health professionals who are not funded by appropriations made to the department for the program pursuant to this ~~part 4~~ PART 7.

26.5-3-703. [Formerly 26-6.5-403] Model of early childhood mental health consultation - standards and guidelines - qualifications.

(1) On or before July 1, 2022, the department shall design and develop, in consultation with the stakeholders listed in ~~section 26-6.5-402~~ (1)(b) SECTION 26.5-3-702 (1)(b), a model of consultation for the program that includes qualifications for mental health consultants, job expectations, expected outcomes, and guidance on ratios between mental health consultants and the settings they support, referred to in this section as "the model". The model must include standards and guidelines to ensure the program is implemented effectively, with primary consideration given to evidence-based services. The standards and guidelines must include:

(a) Clear qualifications for mental health consultants in the program, including, at a minimum, expertise in adult and child mental health theory, practice, and services; early childhood, child development, and family systems; knowledge of, and skills to address, circumstances that affect children's behavior and mental health; knowledge of developmental science

and milestones; knowledge of a consultative model of practice; and available resources and services to children and families to alleviate family stress;

(b) Expectations for the placement of regional consultants that will most effectively meet local community need for mental health consultants in the program. The department shall periodically conduct an open and competitive selection process for the placement of any publicly funded mental health consultants in the program.

(c) Guidance concerning the scope of work that mental health consultants in the program may provide to professionals working with young children and families, including guidance on appropriate referrals, training, coaching, prevention, and any other appropriate services;

(d) Methods to increase the availability of bilingual or multilingual mental health consultants in the program and otherwise ensure the cultural competency of mental health consultants in the program and ensure that the consultant population reflects an array of characteristics and backgrounds and is reflective of the diversity of the providers, children, and families being served;

(e) Guidance on the diverse settings in which and types of providers with whom mental health consultants in the program may work to meet the varied needs of children and families from prenatal through eight years of age. The model must include provisions that ensure that mental health consultants in the program may work with a diversity of professionals and caregivers, including but not limited to early child care and education teachers and providers, elementary school teachers and administrators, home visitors, child welfare caseworkers, public health professionals, and health-care professionals, including settings providing prenatal and postpartum care.

(f) Anticipated outcomes that the program and mental health consultants in the program should achieve, including:

(I) Promoting social-emotional growth and development of children;

(II) Providing guidance to professionals and caregivers to effectively understand and support children's positive behavior and development;

(III) Understanding the effects of trauma and adversity, including oppression, prejudice, discrimination, racism, and gender inequity, on the developing brain to ultimately reduce challenging behaviors and increase positive early experiences;

(IV) Promoting high-quality interactions and relationships between children and adults;

(V) Supporting the mental health and well-being of adults who care for children;

(VI) Connecting and referring children, families, and providers to programs, resources, and supports that will assist them in their development and success while addressing barriers to accessing such resources and supports;

(VII) Supporting equitable, inclusive outcomes for the diverse providers, children, and families throughout the state; and

(g) Guidance on appropriate ratios of mental health consultants and the settings they support, as well as caseload expectations.

26.5-3-704. [Formerly 26-6.5-404] Statewide professional development plan for early childhood mental health consultants. (1) On or before July 1, 2022, the department shall develop a statewide professional development plan to support mental health consultants in the program in meeting the expectations set forth in the model of consultation described in ~~section 26-6.5-403~~ SECTION 26.5-3-703, referred to in this section as "the plan". In developing the plan, the department shall work collaboratively, to the extent practicable, with the national center of excellence for infant and early childhood mental health consultation funded by the United States department of health and human services. The department may implement the plan in partnership with nonprofits, institutions of higher education, and credentialing programs focused on infant and early childhood mental health.

(2) The plan must include, at a minimum, training related to:

(a) Trauma and trauma-informed practices and interventions;

- (b) Adverse childhood experiences;
- (c) The science of resilience and interventions to promote resilience;
- (d) Child development through eight years of age;
- (e) Caregiver substance use and effective family interventions;
- (f) Impact of inequity and bias on children, families, caregivers, mental health consultants, and providers, and strategies to mitigate such impact;
- (g) Sensory processing issues;
- (h) The needs of children with developmental delays and disabilities, including children born prematurely or with special health-care needs, and special education law;
- (i) Colorado's child protection and foster care system;
- (j) Occupational therapy, speech therapy, physical therapy, and mental health therapy;
- (k) Other public and private supports and services;
- (l) Early childhood social-emotional development and family systems;
- (m) Early childhood mental health diagnosis and effective treatment models; and
- (n) Consultation as a model of adult learning.

(3) The plan must also:

- (a) Allow mental health consultants in the program to access regionally appropriate and culturally responsive programs to best link them to the children and families in their communities and their unique needs;
- (b) Include strategies for mental health consultants in the program

to establish individualized coaching as requested by teachers, caregivers, and families; and

(c) Provide opportunities for regular support meetings between mental health consultants in the program; supervisors, including reflective supervisors; and peer mental health consultants. The support meetings must include reflections on the practice impact of attitudes and values.

26.5-3-705. [Formerly 26-6.5-405] Statewide qualifications and competencies for early childhood mental health consultants. The department shall ensure that each mental health consultant funded through the program meets the qualifications and competencies outlined in the program as designed and developed pursuant to this part 4 PART 7.

26.5-3-706. [Formerly 26-6.5-406] Data collection - reporting.

(1) On or before July 1, 2023, the department shall develop a statewide data collection and information system to analyze implementation data and selected outcomes to identify areas for improvement, promote accountability, and provide insights to continually improve child and program outcomes. The data collection and information system, and any related processes, must place the least burden possible on the mental health consultants in the program. In selecting the implementation data and outcomes, the department shall incorporate the variability across diverse settings and populations.

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

(a) A gap analysis of the available number of mental health consultants and the unmet need in the type of settings in which mental health consultants practice in accordance with the program; and

(b) Identified adjustments to better meet mental health consultant caseload, with the department identifying a target number of needed consultants in the program.

(3) On or before August 1, 2026, the department shall contract with an independent third party to conduct an evaluation, using standard evaluation measures, of the program and its impact on early childhood and program outcomes across the state. The department shall present the results of the evaluation as part of its presentation to its committee of reference at the hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2027.

26.5-3-707. [Formerly 26-6.5-407] Funding support. The department and the department of health care policy and financing shall explore funding options for the program and improving access to mental health consultants, including access to various funding sources, as well as the children's basic health plan, article 8 of title 25.5, and the state medical assistance program, articles 4 to 6 of title 25.5. On or before January 1, 2023, the departments shall report on any identified funding options to the joint budget committee of the general assembly as necessary thereafter, in accordance with section 24-1-136.

PART 8 EMERGENCY RELIEF GRANT PROGRAMS

26.5-3-801. [Formerly 26-6-801] Legislative declaration. (1) The general assembly finds and declares that:

(a) Colorado's economic recovery depends on its workforce having access to stable, high-quality, and affordable child care. Supporting the ability of Colorado's workforce to return to work during and after the COVID-19 public health emergency is estimated to have an economic enabling effect of more than four billion four hundred million dollars in income.

(b) The COVID-19 public health emergency has significantly impacted Colorado's child care sector by reducing child care provider revenues while at the same time increasing expenses. Child care provider operating costs have increased to include additional daily cleaning, daily health monitoring, supplying personal protective equipment for child care workers, and lower staff-to-child ratios to allow for sufficient physical distancing.

(c) In Colorado, this additional cost burden has forced ten percent of the state's child care providers to close their doors since March 2020. Almost three-quarters of all child care providers indicate they have or will engage in layoffs, furloughs, or pay cuts. For minority-owned or operated child care providers, this figure is even higher. More than twenty-five percent of existing child care providers report that closure is imminent without some kind of financial intervention.

(d) Child care providers generate revenue primarily through enrollment and tuition fees and the business model depends on full enrollment;

(e) At every stage of the COVID-19 public health emergency, parents have been faced with the difficult choice to pull their children from child care, either due to health concerns or because the economic recession has impacted their ability to afford it. Statewide, enrollment in child care for children less than five years of age has decreased by thirty-nine percent since the COVID-19 public health emergency began.

(f) Colorado faces other ongoing threats to the child care sector's sustainability, including high turnover and low pay in the child care profession, as well as the prohibitively expensive cost of opening and operating a child care program;

(g) More than half of Coloradans live in a "child care desert", where there are more than three children less than five years of age for each single available child care opening. Some rural areas completely lack licensed child care providers. Statewide, Colorado faces a dramatic shortage of at least thirty-nine thousand spots for infants and toddlers.

(h) Most child care in Colorado is owned or operated by women, and more than forty percent of our child care workforce is composed of women of color. Furthermore, throughout the COVID-19 public health emergency, women of color have been more likely to be on the front lines as essential workers and are more likely to lose their jobs.

(i) Despite women's steadily increasing labor participation rates and earning trajectories over the past twenty-five years, the COVID-19 public health emergency threatens to set back a generation of progress. When women exit the workforce, they face more barriers than men do to return,

and their future earning potential and path to retirement security suffers.

(j) Women have been disproportionately impacted by the COVID-19 public health emergency: Almost one hundred seventy-nine thousand women left Colorado's labor force between February and May 2020, compared to eighty-eight thousand men. Nationally, four times as many women as men dropped out of the labor force in September 2020 alone. The impact of this trend on the United States' economy and the well-being of women and families is estimated to amount to approximately sixty-four million five hundred thousand dollars in lost income and economic activity.

(2) (a) Therefore, the general assembly finds it is a matter of statewide concern that we take immediate action to save and protect our child care infrastructure, including offering a wide range of child care options, including but not limited to public and private child care centers, day care centers, school-age child care centers, before- and after-school programs, nursery schools, kindergartens, preschools, church day care centers, day camps, summer camps, facilities for children with intellectual and developmental disabilities, and other facilities described in ~~section 26-6-102 (5)~~ SECTION 26.5-5-303. Supporting this mixed delivery of child care enables the state to invest in its children's futures, advance gender equity in the home and the workplace, and rebuild an economy that works for all Coloradans. When Colorado families have access to child care, everyone benefits.

(b) The general assembly further finds that, to assist the state's workforce in returning to work and maintaining employment without facing the difficult choice between working and accessing quality child care, it is critical that the state allocate and quickly distribute funding to existing and new child care providers throughout the state.

26.5-3-802. [Formerly 26-6-802] Child care sustainability grant program - created - timeline and criteria - grant awards - definitions.
(1) As used in this section, unless the context otherwise requires:

(a) "Child care provider" means a child care center, as defined in ~~section 26-6-102 (5)~~ SECTION 26.5-5-303, or a family child care home, as defined in ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that holds an open license in good standing with the state department.

(b) "Eligible entity" means a licensed child care provider or a neighborhood youth organization, as defined in ~~section 26-6-102 (26)~~ SECTION 26.5-5-303, that is open and operating.

(c) "Grant program" means the child care sustainability grant program created in subsection (2) of this section.

(d) "Open and operating" means an eligible entity that is actively providing services or care for children and that has updated its operational status with the ~~state department's~~ DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and administration. ~~unit~~.

(2) The child care sustainability grant program is created in the ~~state~~ department. The purpose of the grant program is to address the extent to which reduced enrollment and increased costs are impacting the sustainability of licensed child care in Colorado, including licensed child care capacity and quality level. The grant program will provide financial support to eligible entities, including those that are in danger of closing.

(3) The ~~state~~ department shall create a process for soliciting, vetting, awarding, and monitoring grants, pursuant to the sole source procurement authority specified in section 24-103-205.

(4) (a) The ~~state~~ department shall develop a formula to allocate money from the grant program to all eligible entities. The key criteria for a grant award to an eligible entity is the eligible entity's licensed child care capacity. In determining grant awards, the department shall also take into consideration the criteria set forth in subsection (4)(b) of this section. The ~~state~~ department is responsible for communicating important dates and the criteria for grant awards to eligible entities in the state.

(b) The ~~state~~ department shall consider, at a minimum:

(I) Awarding grants to a wide array of eligible entities of varying types and sizes;

(II) Ensuring that the grant money goes directly to eligible entities located in a variety of regions throughout the state;

(III) Requiring that the eligible entity has provided written

commitment to submit any reports required by the ~~state~~ department;

(IV) Supporting, as much as possible, eligible entities that are not already fully supported through existing state or federal funds, such as the head start program, as defined in ~~section 26-2-802.5 (4)~~ SECTION 26.5-4-103; ~~or the Colorado preschool program, created in article 28 of title 22;~~ and

(V) Considering an eligible entity's quality rating through the Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION 26.5-5-101.

(5) The department shall determine grant award amounts for eligible entities as soon as possible.

(6) ~~Repeated:~~

26.5-3-803. [Formerly 26-6-803] Emerging and expanding child care grant program - created - timeline and criteria - grant awards - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in ~~section 26-6-102 (5)~~ SECTION 26.5-5-303.

(b) "Child care desert" means a community or area in the state where there are more than three children less than five years of age for each single available child care slot.

(c) "Child care provider" or "provider" means a child care center or a family child care home that holds an open license in good standing with the ~~state~~ department.

(d) "Early childhood council" means an early childhood council identified or established locally in communities throughout the state pursuant to ~~section 26-6.5-103 or 26-6.5-106~~ SECTION 26.5-2-203.

(e) "Eligible entity" means a licensed child care provider that is open and operating or an applicant actively pursuing a child care provider license through the ~~state~~ department's child care licensing and administration unit.

"Eligible entity" includes family, friends, or neighbors who provide license-exempt child care pursuant to ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, but who are actively obtaining a license through the ~~state~~ department's DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and administration. ~~unit~~:

(f) "Expansion" means licensed child care capacity expansion, by any means, for an existing licensed child care provider.

(g) "Family child care home" has the same meaning as set forth in ~~section 26-6-102 (13)~~ SECTION 26.5-5-303.

(h) "Grant program" means the emerging and expanding child care grant program created in subsection (2) of this section.

(i) "Open and operating" means a child care provider that is actively providing care for children and that has updated its operational status with the ~~state~~ department's child care licensing and administration unit.

(2) (a) The emerging and expanding child care grant program is created in the ~~state~~ department. The purpose of the grant program is to expand access and availability of licensed child care throughout the state.

(b) An award from the grant program may be used for costs associated with expanding an open and operating child care center or family child care home or to assist an eligible entity with start up of a new child care center or family child care home. Costs may include, but are not limited to, staff training, background check fees, cleaning supplies, educational supplies, and capital and facility improvement costs.

(3) The ~~state~~ department shall create a process for soliciting, vetting, awarding, and monitoring grants through statewide early childhood councils.

(4) (a) ~~On or before January 2, 2021, the state~~ THE department shall develop an application process for an eligible entity to follow when requesting a grant from the grant program. The application must include the award criteria set forth in subsection (4)(c) of this section and any applicable timelines established by the ~~state~~ department. The ~~state~~ department shall award grants to an eligible entity based on the eligible

entity's need as well as the application criteria set forth in subsection (4)(c) of this section.

(b) A grant award must range from at least three thousand dollars to no more than two hundred thousand dollars. In awarding a grant, the ~~state~~ department shall use the applicant's existing or proposed licensed child care capacity, as well as the applicant's need, as key criteria in determining the amount of the grant award and shall prioritize making multiple smaller grant awards.

(c) In determining grant awards, the ~~state~~ department shall consider eligible entities located in a child care desert. The ~~state~~ department shall also consider eligible entities that have or are actively pursuing:

(I) A fiscal agreement with the Colorado child care assistance program, created in ~~part 8 of article 2 of this title~~ ~~26 PART 1 OF ARTICLE 4 OF THIS TITLE~~ 26.5;

(II) A commitment to engaging in quality improvement activities through the Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION 26.5-5-101, within eighteen months of receipt of their grant award;

(III) A memorandum of understanding in place with their early childhood council to ensure support from the council; and

(IV) An application to the ~~state department's~~ DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and administration ~~unit~~ and are working with their licensing specialist to determine capital or facility improvement or expansion needs and opportunities.

(d) Eligible entities that are applying for a grant award shall:

(I) Provide assurance to the ~~state~~ department that zoning, fire, and, if applicable, health approval are underway prior to receiving grant funding; and

(II) Provide a written commitment to submit any reports required by the ~~state~~ department to demonstrate progress toward successful licensing or expansion through the ~~state department's~~ DIVISION WITHIN THE DEPARTMENT

THAT IS RESPONSIBLE FOR licensing and administration. ~~unit~~.

(5) On or before January 31, 2021, or as soon as practicable after December 7, 2020, the state department shall begin the grant award process to eligible entities.

(6) ~~Repealed.~~

26.5-3-804. [Formerly 26-6-804] Employer-based child care facility grant program - created - timeline and criteria - eligibility - grant awards - reports - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in ~~section 26-6-102~~ SECTION 26.5-5-303.

(b) "Child care desert" means a community or area in the state where there are more than three children less than five years of age for each available child care slot.

(c) "Eligible entity" means a Colorado employer or multiple employers.

(d) "Grant program" means the employer-based child care facility grant program created in subsection (2) of this section.

(2) There is created in the department the employer-based child care facility grant program. The purpose of the grant program is to provide eligible entities with money to construct, remodel, renovate, or retrofit a child care center on the site or near to the site of the eligible entity's property to provide licensed child care services to the eligible entity's employees, thus supporting the eligible entity's workforce participation and providing safe, stable, and quality care for the eligible entity's employees' children.

(3) The department shall solicit and review grant applications from eligible entities beginning on or before June 30, 2021, and begin to award grants no later than September 1, 2021. Each application must include, at a minimum:

(a) A business plan that includes:

(I) A description of the construction, renovation, remodeling, or retrofitting of a child care center on-site or near to the site of the eligible entity;

(II) A commitment to provide a financial match, as described in subsection (4) of this section;

(III) A description of how the eligible entity will address the particular child care needs among the eligible entity's employees, such as nontraditional-hour care or infant and toddler care;

(IV) A description of how the eligible entity will financially sustain the child care center beyond the grant period;

(V) The estimated total cost and budget for the construction, renovation, remodeling, or retrofitting of the child care center;

(VI) If the eligible entity leases the space to be renovated, remodeled, retrofitted, or have a new facility constructed on the property, a copy of a current, valid lease that contains specific authorizations from the property owner to make the requested alterations to the property or a written statement from the landlord expressing consent to the requested alterations;

(VII) Written assurance that the eligible entity will connect its employees to resources describing available public early childhood care and education assistance; and

(VIII) Any other components the department requires to adequately assess the grant application, including a commitment regarding the duration of time the eligible entity seeks to occupy the space to be renovated, remodeled, retrofitted, or constructed;

(b) Written assurance that the eligible entity will obtain a child care license pursuant to ~~part 1 of this article~~ ~~6 PART 3 OF ARTICLE 5 OF THIS TITLE~~ 26.5; and

(c) Written assurance that the employees of the eligible entity will have first priority for open slots at the child care center before those slots

are offered to nonemployees.

(4) Eligible entities must provide a financial match to a grant award as follows:

(a) A for-profit employer shall provide a fifty percent match; and

(b) A nonprofit or government employer shall provide a twenty-five percent match.

(5) In determining grant awards for the grant program, the department shall consider applicants that might require waiver of child care licensing rules in the following areas:

(a) A location that prevents the applicant from offering child care programs on the ground floor; and

(b) A location that prevents the applicant from providing an outdoor space.

(6) In determining grant awards for the grant program, the department shall prioritize:

(a) Applicants that serve a high percentage of employees with wages below the area's median income;

(b) Applications with plans to meet the level four standard of the Colorado Shines quality rating and improvement system, pursuant to ~~section 26-6.5-106 (5)~~ SECTION 26.5-5-101;

(c) Applications with a stated commitment to and a business plan for a well-compensated child care staff;

(d) Applications with a plan for innovative models, such as co-ops, hubs, or microcenters;

(e) Applicants with a plan to serve children in child care deserts or in regions with low child care capacity;

(f) Applicants with staff that represent or reflect the linguistic and

cultural diversity of the families living or working in their community, including dual-language learners; and

(g) Applicants whose primary industry and area of business is other than child care.

(7) The department shall provide grantees with information and referrals to services that support implementation of quality care, including:

(a) Training for teachers and directors on quality child care, including linguistically and culturally competent care, child development, and program improvement; and

(b) Public early childhood assistance programs for families, including, but not limited to:

(I) Child care subsidies;

(II) Preschool and early childhood education assistance; and

(III) Child nutrition programs.

(8) On or before January 30, 2023, and on or before January 30, 2024, the department shall report progress on the grant program as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203. At a minimum, the report must include:

(a) The number of eligible entities that received a grant through the grant program;

(b) The number of children and families that received child care services as a result of the grants, reported in aggregate and by grantee;

(c) The number of early childhood educators and staff hired as a result of the grant program;

(d) The Colorado Shines quality rating of each grantee;

(e) Any innovative approaches that were used as a result of the grant

program that may be replicated by other employers; and

(f) Any other relevant information about the grant program, including the industry type of the entity and geographic region served by the entity.

(9) This section is repealed, effective July 1, 2024.

26.5-3-805. [Formerly 26-6-805] Early care and education recruitment and retention grant and scholarship program - created - criteria and eligibility - grant and scholarship awards - reports - rules - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Early childhood educator" means an individual who holds an early childhood professional credential or qualification.

(b) "Eligible entity" is any entity described in subsection (3) of this section.

(c) "Program" means the early care and education recruitment and retention grant and scholarship program created in subsection (2) of this section.

(2) There is created in the department the early care and education recruitment and retention grant and scholarship program. The department shall administer, directly or by contract, the program. The purposes of the program are to:

(a) Increase the number of individuals throughout the state who are qualified to serve as early childhood educators, including qualified multilingual and culturally competent educators, in programs licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serve children five years of age or younger; and

(b) Retain early childhood educators who are working in programs licensed by the department that serve children five years of age or younger.

(3) The department shall establish a process for eligible entities to apply for a grant that aligns with the purposes of the program. Entities that

are eligible to apply for a grant from the program include, but are not limited to:

(a) Nonprofit entities that administer or plan to administer scholarship programs that are aligned with the purposes of the program;

(b) Early child care and education programs licensed by the department pursuant to ~~part 1 of this article~~ 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 and that are serving children five years of age or younger; and

(c) Institutions of higher education that administer scholarship programs that are aligned with the purposes of the program.

(4) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules regarding criteria, timelines, and the administration of the program pursuant to the requirements outlined in this section.

(5) The department shall seek and accept applications from eligible entities to award program grant money for eligible purposes. The department shall coordinate with the department of higher education to ensure effective administration of program grant money awarded to state public institutions of higher education. Eligible expenditures of grant or scholarship money by recipients include:

(a) Administration by a nonprofit entity of a scholarship program up to a fixed dollar amount or percentage of grant proceeds, as determined and published by the department;

(b) Payment of tuition, fees, and materials, including books and any other materials as determined by the department, for courses that lead to a degree or credential or for other formal training, any of which results in a recipient who was not qualified to become qualified as an early childhood educator in a child care program licensed pursuant to ~~part 1 of this article~~ 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children five years of age or younger;

(c) Payment of tuition, fees, and materials, including books and any other materials as determined by the department, for a recipient who is already credentialed as an early childhood educator for courses that lead to a degree or a higher level credential or for other formal training, any of

which results in the recipient being eligible for a higher level credential in the department's professional development information system or a higher degree or qualification that results in longer retention of the recipient in a child care program licensed pursuant to ~~part 1 of this article 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~ that serves children five years of age or younger;

(d) Payment for costs associated with a credentialed early childhood educator earning a coaching, formal trainer, mentorship, or professional development certification that allows the early childhood educator to serve as a trainer or mentor of other current or potential early childhood educators pursuing programming that leads to a credential;

(e) Payments to licensed providers to cover paid release time for individuals, substitutes, and program costs to allow eligible individuals to pursue programs, course work, credentials, degrees, and other formal training that increases the number of qualified early childhood educators or retains current early childhood educators in child care programs licensed by the department pursuant to ~~part 1 of this article 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~;

(f) Payments to licensed providers, schools, community colleges, institutions of higher education, early childhood councils, or other local nonprofit entities to cover the costs of "grow-your-own" programs that support current parents, staff, or local community members to meet qualifications to serve as an early childhood educator to complete appropriate programs, certifications, or training that results in participants being able to serve as qualified early childhood educators in child care programs licensed by the department pursuant to ~~part 1 of this article 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~;

(g) Payments to licensed providers to cover the costs of promoting teachers to coaching and mentorship roles with the intent of increasing access to coaching and professional learning communities and to provide flexibility in scheduling for early childhood educators;

(h) Raises, bonuses, and other financial incentives, including loan forgiveness provided by licensed early childhood educator programs or through scholarship programs, for current or potential early childhood educators to reward progress toward qualifications that allow the individual

to serve as an early childhood educator in an early child care and education program licensed by the department pursuant to ~~part 1 of this article 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, or to improve retention of early childhood educators in early child care and education programs licensed by the department pursuant to part 1 of this article 6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5; and~~

(i) Payments for registered apprenticeships for work-based learning opportunities for individuals interested in entering the field of early child care and education, serving children five years of age or younger, so that they can receive on-the-job training, classroom instruction, and financial rewards for gains in skills and earn credentials, credits, or higher education degrees. Any such apprenticeship program must create pathways into the early child care and education profession. The department, in consultation with the department of labor and employment, the department of higher education, and the department of education, shall:

(I) Define and establish eligibility criteria for eligible entities to receive money to implement apprenticeships;

(II) Establish program standards for formally recognized early childhood apprenticeship programs. These standards must address expectations for employer involvement; on-the-job training, credit, and credential attainment; ensuring the availability of relevant training and classroom instruction; rewards for skills gains; and support for local implementation; and

(III) Add monetary awards for the following uses of early childhood apprenticeships, as appropriate:

(A) Supporting existing apprenticeship programs or the creation of new apprenticeship programs by making money available to eligible entities;

(B) Supporting existing apprenticeship programs by expanding their reach to serve more apprentices;

(C) Technical assistance relating to establishing the partnerships necessary to create apprenticeships;

- (D) Money for the recruitment of mentor teachers;
- (E) Incentives for program participants;
- (F) Financial rewards for skills gained in the apprenticeship program;
- (G) Incentives for department-licensed providers to participate in apprenticeships;
- (H) Money to cover the costs of classroom training and instruction;
- (I) Money to cover the costs of earning a credential; and
- (J) Money to support on-the-job training.

(6) (a) As part of participating in the program, the department shall require each eligible entity, as described in subsection (3) of this section, that receives grant program money to report program outcomes to the department, as applicable, including, but not limited to, the increase, as a result of the program, in the number of individuals credentialed to teach or who receive a higher level credential to teach at early child care and education programs licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serve children five years of age or younger, as well as information relating to retention of early childhood educators as a result of the program.

(b) So long as the department is awarding grant and scholarship money pursuant to this part 8, the department shall summarize and post, at least every two years, the information described in subsection (6)(a) of this section on the portion of the department's website relating to early childhood education.

26.5-3-806. [Formerly 26-6-806] Child care teacher salary grant program - created - timeline - criteria and eligibility - grant awards - reports - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "CCCAP" means the Colorado child care assistance program created in ~~part 8 of article 2 of this title~~ 26 PART 1 OF ARTICLE 4 OF THIS

TITLE 26.5.

(b) "Child care center" has the same meaning as set forth in ~~section 26-6-102~~ SECTION 26.5-5-303.

(c) "Eligible entity" means a child care center licensed pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or a family child care home that has the following components:

(I) Authorization to serve families pursuant to CCCAP; and

(II) A quality rating of at least a level three pursuant to the Colorado shines quality rating and improvement system established in ~~section 26-6.5-106~~ SECTION 26.5-5-101.

(d) "Family child care home" has the same meaning as set forth in ~~section 26-6-102~~ SECTION 26.5-5-303.

(e) "Grant program" means the child care teacher salary grant program created in subsection (2) of this section.

(2) There is created in the department the child care teacher salary grant program. The purpose of the grant program is to allow eligible entities to apply for a grant to increase the salaries of its early childhood educators.

(3) The department shall solicit and review applications from eligible entities. Each application must, at a minimum, include:

(a) A description of the number of early childhood educators proposed to receive a salary increase;

(b) Verification that the eligible entity has had a quality rating of at least level three under the Colorado shines quality rating and improvement system during the past twelve months and specification of that quality rating level;

(c) Verification that the eligible entity is authorized to administer subsidies under CCCAP;

(d) Verification that the eligible entity is actively serving families

that are subsidized through CCCAP; and

(e) Written attestation the money received from the grant program will only be used to increase salaries of early childhood educators, as specified in subsection (4) of this section.

(4) The department shall establish the percentage of salary increase for each early childhood educator, based on the number of applications and available appropriations.

26.5-3-807. [Formerly 26-6-807] Community innovation and resilience for care and learning equity (CIRCLE) grant program - created - criteria - definitions. (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in ~~section 26-6-102 SECTION 26.5-5-303.~~

(b) "Eligible entity" includes any one of the following:

(I) A child care center or family child care home that is eligible to receive federal child care and development block grant funding pursuant to 42 U.S.C. sec. 9858;

(II) A local early childhood council, as defined in ~~section 26-6-5-101.5 SECTION 26.5-2-202; or~~

(III) Any other community-based or education-based entity or government agency approved by the department and that proposes grant activities described in subsection (2) of this section.

(c) "Family child care home" has the same meaning as set forth in ~~section 26-6-102 SECTION 26.5-5-303.~~

(d) "Grant program" means the community innovation and resilience for care and learning equity (CIRCLE) grant program created in subsection (2) of this section.

(2) There is created in the department the community innovation and resilience for care and learning equity (CIRCLE) grant program. The

purpose of the grant program is to address systemic challenges for early care and learning providers that have worsened as a result of the economic, social, and health impacts of the COVID-19 public health emergency and to promote innovation to improve outcomes for children and families.

(3) An eligible entity may apply for a grant from the grant program for the following purposes:

(a) Improving the affordability of child care for families whose children are not served by the Colorado child care assistance program, created in ~~part 8 of article 2 of this title~~ 26 PART 1 OF ARTICLE 4 OF THIS TITLE 26.5, including, but not limited to, any of the following approaches:

- (I) Tuition subsidies or scholarships;
- (II) Developing public-private partnerships; or
- (III) Employer-based cost-sharing approaches;

(b) Increasing access to child care for children from birth to three years of age;

- (c) Strengthening business practices of child care programs;

(d) Ensuring equitable access for children, including children with special needs and dual-language learner children; or

(e) Other approaches to improve early childhood transitions, workforce preparation, affordability, outcomes, or innovative practices.

(4) The department shall solicit and review applications from eligible entities. Each application must include, at a minimum:

(a) A description of the activities for which the eligible entity will use the grant money;

(b) A description of any partnerships that an eligible entity intends to establish to carry out its grant activities;

- (c) A description of how the activities listed in subsection (4)(a) of

this section will achieve the purposes of the grant program; and

(d) A detailed budget to carry out the activities listed in subsection (4)(a) of this section.

PART 9

FAMILY STRENGTHENING HOME VISITING PROGRAMS

26.5-3-901. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) TRADITIONAL METHODS OF DELIVERING FAMILY-STRENGTHENING SERVICE PROGRAMS, WHICH OFTEN REQUIRE PARENTS AND THEIR CHILDREN TO TRAVEL TO A PROGRAM SITE TO ACCESS SERVICES DELIVERED SIMULTANEOUSLY TO MULTIPLE FAMILIES, OFTEN CREATE BARRIERS, SUCH AS LIMITED ACCESS TO TRANSPORTATION OR CREATION OF A STIGMA AROUND RECEIVING SERVICES, THAT PREVENT FAMILIES, ESPECIALLY LOW-INCOME FAMILIES, FROM RECEIVING THE BENEFITS OF THE SERVICES;

(b) EVIDENCE DEMONSTRATES THAT VOLUNTARY, HIGH-QUALITY, EVIDENCE-BASED PROGRAMS THAT DELIVER FAMILY-STRENGTHENING SUPPORT SERVICES HELP PARENTS AND OTHER CAREGIVERS DEVELOP THE SKILLS AND CONFIDENCE NEEDED TO PROMOTE THEIR CHILDREN'S HEALTHY DEVELOPMENT AND LEARNING;

(c) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT IS SUCCESSFULLY USED TO DELIVER A WIDE ARRAY OF HIGH-QUALITY, VOLUNTARY FAMILY-STRENGTHENING SUPPORT SERVICES AND THAT ENABLES FAMILIES TO OVERCOME BARRIERS TO ACCESS BECAUSE THE SERVICES ARE DELIVERED IN THE HOME OR OTHER CONVENIENT SETTINGS, WHICH ARE OFTEN SELECTED BY THE FAMILY;

(d) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT CAN BE LEVERAGED TO PROVIDE HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES TO MORE COLORADO FAMILIES WHO HAVE FEWER RESOURCES AND ARE EXPOSED TO RISK FACTORS THAT MAY LEAD TO POOR OUTCOMES IN CHILD DEVELOPMENT. USING HOME VISITING TO PROVIDE THESE SERVICES RESULTS IN A STRONG RETURN ON INVESTMENT BY IMPROVING SCHOOL READINESS AND HELPING COLORADO'S CHILDREN REACH THEIR FULL POTENTIAL.

(e) FAMILY-STRENGTHENING SUPPORT SERVICES THAT ARE DELIVERED THROUGH HOME VISITING HAVE ALSO DEMONSTRATED IMPROVED FAMILY AND CHILD OUTCOMES BY PROMOTING SOLID PARENT-CHILD RELATIONSHIPS, IMPROVING CHILD AND PARENTAL SOCIAL-EMOTIONAL AND PHYSICAL HEALTH, IMPROVING FAMILY ECONOMIC SECURITY, IDENTIFYING DEVELOPMENTAL DELAYS EARLY, PROVIDING TIMELY CHILD WELFARE INTERVENTION SERVICES, AND PREVENTING TRAUMA AND TOXIC STRESS.

(2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT AUTHORIZING GRANT PROGRAMS TO SUPPORT HOME VISITING PROGRAMS THAT DELIVER HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES IS ONE OF THE BEST STRATEGIES AVAILABLE TO SUPPORT PARENTS AND OTHER CAREGIVERS IN PREPARING CHILDREN FOR FUTURE SUCCESS AND ENSURE ALL COLORADO CHILDREN ARE READY TO LEARN WHEN THEY ARRIVE AT SCHOOL.

26.5-3-902. Definition. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES, "HOME VISITING" MEANS A TWO-GENERATION DELIVERY STRATEGY THAT IS DESIGNED TO OVERCOME BARRIERS TO ACCESSING SERVICES BY PROVIDING A COMPREHENSIVE ARRAY OF VOLUNTARY, EVIDENCE-BASED, FAMILY-STRENGTHENING SERVICES TO A FAMILY IN A LOCATION USUALLY SELECTED BY THE FAMILY THAT IS CONGRUENT WITH THE SERVICES BEING PROVIDED, WHICH LOCATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAMILY'S HOME, A HEALTH CARE SETTING, OR A FAMILY RESOURCE CENTER.

26.5-3-903. Family-strengthening grant programs - authorized requirements - implementation partner - rules. (1) THE DEPARTMENT IS AUTHORIZED TO OPERATE GRANT PROGRAMS TO SUPPORT LOCAL PROVIDERS IN DELIVERING HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES USING HOME VISITING STRATEGIES THAT ARE DESIGNED TO OVERCOME THE ACCESS BARRIERS OFTEN CREATED BY TRADITIONAL DELIVERY STRATEGIES. THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT GRANT PROGRAMS AS AUTHORIZED IN THIS SECTION.

(2) ANY GRANT PROGRAMS THAT THE DEPARTMENT OPERATES PURSUANT TO THIS SECTION MUST BE DESIGNED TO AWARD GRANTS TO FAMILY SUPPORT SERVICES PROVIDERS THAT PROVIDE A CONTINUUM OF HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES

THAT:

- (a) SERVE FAMILIES AT SOME POINT DURING THE PERIOD THAT EXTENDS FROM PREGNANCY THROUGH THE CHILD'S ENROLLMENT IN EARLY ELEMENTARY SCHOOL GRADES;
- (b) ARE EVIDENCE-BASED AND HAVE DEMONSTRATED SIGNIFICANT POSITIVE OUTCOMES IN ONE OR MORE OF THE FOLLOWING AREAS:
 - (I) CHILD DEVELOPMENT AND SCHOOL READINESS;
 - (II) FAMILY ECONOMIC SELF-SUFFICIENCY;
 - (III) MATERNAL AND CHILD HEALTH;
 - (IV) REDUCTIONS IN CHILD MALTREATMENT;
 - (V) FAMILY LINKAGES AND REFERRALS TO RESOURCES; AND
 - (VI) POSITIVE PARENTING PRACTICES; AND
- (c) ARE DELIVERED USING A HOME VISITING STRATEGY TO PROVIDE FAMILY SERVICES THAT IS BASED ON A NATIONAL MODEL FOR HOME VISITING SERVICES OR HAS BEEN OTHERWISE PROVEN EFFECTIVE IN OVERCOMING BARRIERS TO ACCESSING SERVICES;

(3) IN IMPLEMENTING A FAMILY-STRENGTHENING GRANT PROGRAM PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH AN IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS BASED ON A NATIONAL MODEL FOR DELIVERING FAMILY-STRENGTHENING SERVICES, THE DEPARTMENT SHALL CONTRACT WITH A LOCAL PUBLIC OR PRIVATE ENTITY THAT IS CERTIFIED, OR OTHERWISE AUTHORIZED, TO LEAD IN IMPLEMENTING THE NATIONAL MODEL IN THE STATE, TO ACT AS THE IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS NOT BASED ON A NATIONAL MODEL, THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS TO SELECT AN IMPLEMENTATION PARTNER. THE PUBLIC OR PRIVATE ENTITY THAT THE DEPARTMENT SELECTS MUST, AT A MINIMUM, HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE WITH HOME VISITING AND THE TYPES OF FAMILY-STRENGTHENING SERVICES THAT MEET THE PURPOSE OF THE GRANT PROGRAM. THE DUTIES OF AN IMPLEMENTATION PARTNER MAY BE

ESTABLISHED BY DEPARTMENT RULE AND MAY VARY BASED ON THE PURPOSE OF A PARTICULAR GRANT PROGRAM, BUT MUST, AT A MINIMUM, INCLUDE:

(a) ASSISTING THE DEPARTMENT IN REVIEWING APPLICATIONS AND SELECTING GRANTEES; AND

(b) WORKING WITH APPLICANTS TO COMPLETE A COMMUNITY READINESS ASSESSMENT WHEN NEEDED.

(4) THIS PART 9 DOES NOT APPLY TO NOR AFFECT IMPLEMENTATION OF THE "COLORADO NURSE HOME VISITOR PROGRAM ACT", PART 5 OF THIS ARTICLE 3.

ARTICLE 4 **Child Care and Education**

PART 1 **COLORADO CHILD CARE ASSISTANCE PROGRAM**

26.5-4-101. [Formerly 26-2-801] Short title. This part 8 shall be known and may be cited as THE SHORT TITLE OF THIS PART 1 IS the "Colorado Child Care Assistance Program Act".

26.5-4-102. [Formerly 26-2-802] Legislative declaration. (1) The general assembly hereby finds and declares that:

(a) The state's policies in connection with the provision of child care assistance and the effective delivery of such assistance are critical to the ultimate success of any welfare reform program;

(b) Children in low-income families who receive services through a child care assistance program need and deserve the same access to a broad range of child care providers as do children in families who do not need assistance;

(c) It is critical to provide low- to moderate-income families with access to high-quality, affordable child care that fosters healthy child development and school readiness, while at the same time promotes family self-sufficiency and attachment to the workforce; and

(d) Individual counties play a vital role in administering the child care assistance program and have local knowledge of their individual community needs.

(2) Therefore, the general assembly hereby finds and declares that it is in the best interests of the state to:

(a) Adopt the Colorado child care assistance program set forth in this ~~part 8~~ PART 1;

(b) Adopt a consistent, statewide plan for child care provider reimbursement rates with a goal of ~~a floor of the seventy-fifth percentile of each county's market rate~~ PAYMENT RATES THAT ADEQUATELY COVER THE COST OF QUALITY CHILD CARE to facilitate and increase access to high-quality child care for low-income families;

(c) Achieve parity across counties in the state with regard to the CCCAP program and funding allocation.

26.5-4-103. [Formerly 26-2-802.5] Definitions. As used in this ~~part 8~~ PART 1, unless the context otherwise requires:

(1) "Child care assistance program" or "CCCAP" means the PUBLIC ASSISTANCE PROGRAM FOR CHILD CARE KNOWN AS THE Colorado child care assistance program established in this ~~part 8~~ PART 1.

(2) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" MEANS THE STATE PRESCHOOL PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 4.

(3) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

(2) (4) "Early care and education provider" means a school district or provider that is licensed pursuant to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or that participates in the Colorado preschool program pursuant to article 28 of title 22, C.R.S. AS IT EXISTS PRIOR TO JULY 1, 2023, OR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF THIS ARTICLE 4.

(3) "Early childhood council" means an ~~early childhood council~~

~~established pursuant to part 1 of article 6.5 of this title.~~

(5) "ENROLLMENT CONTRACT" MEANS A CONTRACTUAL AGREEMENT DIRECTLY WITH A PROVIDER OR NETWORK THAT ASSURES A SPECIFIED NUMBER OF CHILD CARE SERVICE ENROLLMENTS WILL BE MADE AVAILABLE TO SERVE A SPECIFIED NUMBER OF CHILDREN WHO QUALIFY FOR CHILD CARE ASSISTANCE. ENROLLMENT CONTRACTS ARE AN ALLOWABLE USE OF FEDERAL CHILD CARE FUNDS.

(4) (6) "Head start program" means a program operated by a local public or private nonprofit agency designated by the federal department of health and human services to operate a head start program ~~under~~ PURSUANT TO the provisions of Title V of the federal "Economic Opportunity Act of 1964", as amended.

(5) (7) "High-quality early childhood program" means a program that is operated by a provider with a fiscal agreement through CCCAP and that is in the top three levels of the state's quality rating and improvement system, is accredited by a ~~state~~ department-approved accrediting body, or is an early head start or head start program that meets federal standards.

(6) (8) "Participant" means a participant, as defined in section 26-2-703 (15), in the Colorado works program.

(7) (9) "Provider" means a child care provider licensed pursuant to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that has ~~a fiscal agreement with the county~~ AN AGREEMENT OR ENROLLMENT CONTRACT to participate in the child care assistance program.

(10) "RECIPIENT" MEANS AN INDIVIDUAL OR A FAMILY WHO IS RECEIVING OR HAS RECEIVED BENEFITS FROM THE COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO THE PROVISIONS OF THIS PART 1.

(8) (11) "Regular daily provider reimbursement rate" means the base daily rate paid for child care and excludes any additional payment for absences, holidays, and other additional fees that are included in the reimbursement paid to providers.

(9) "Tiered reimbursement" means a pay structure that reflects an increased rate of reimbursement for high-quality early childhood programs

that receive CCCAP moneys.

(10) (12) "Works program" means the Colorado works program established pursuant to part 7 of this article ARTICLE 2 OF TITLE 26.

26.5-4-104. Colorado child care assistance program - department authority - cooperation with federal government - acceptance and administration of money. (1) THE DEPARTMENT IS THE SOLE STATE AGENCY FOR ADMINISTERING THE STATE PLAN FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM. THE DEPARTMENT, UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR, SHALL ADMINISTER AND SUPERVISE THE COLORADO CHILD CARE ASSISTANCE PROGRAM, WHICH PROGRAM IS DECLARED TO BE A STATE AS WELL AS A COUNTY PURPOSE.

(2) (a) THE DEPARTMENT MAY ACCEPT ON BEHALF OF THE STATE OF COLORADO THE PROVISIONS AND BENEFITS OF ACTS OF CONGRESS DESIGNED TO PROVIDE MONEY OR OTHER PROPERTY FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY IS DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE DEPARTMENT, AND MAY ACCEPT ON BEHALF OF THE STATE ANY OFFERS THAT HAVE BEEN OR MAY FROM TIME TO TIME BE MADE OF MONEY OR OTHER PROPERTY BY ANY PERSONS, AGENCIES, OR ENTITIES FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM, WHICH MONEY OR OTHER PROPERTY IS DESIGNATED FOR PURPOSES WITHIN THE FUNCTION OF THE STATE DEPARTMENT; EXCEPT THAT, UNLESS OTHERWISE EXPRESSLY PROVIDED BY LAW, THE DEPARTMENT SHALL NOT ACCEPT SAID MONEY OR OTHER PROPERTY UNLESS THE DEPARTMENT HAS RECOMMENDED ACCEPTANCE TO AND RECEIVED THE WRITTEN APPROVAL OF THE GOVERNOR AND THE ATTORNEY GENERAL. APPROVAL OF THE GOVERNOR AND THE ATTORNEY GENERAL AUTHORIZES THE ACCEPTANCE OF THE MONEY OR PROPERTY IN ACCORDANCE WITH THE RESTRICTIONS AND CONDITIONS AND FOR THE PURPOSES FOR WHICH THE MONEY OR PROPERTY IS INTENDED.

(b) THE STATE TREASURER IS DESIGNATED AS EX OFFICIO CUSTODIAN OF ALL MONEY THAT THE DEPARTMENT RECEIVES PURSUANT TO THIS SUBSECTION (2) FROM THE FEDERAL GOVERNMENT AND FROM ANY OTHER SOURCE FOR WHICH THE APPROVAL REQUIRED IN SUBSECTION (2)(a) OF THIS SECTION IS OBTAINED.

(c) THE STATE TREASURER SHALL HOLD MONEY RECEIVED PURSUANT

TO THIS SUBSECTION (2) SEPARATE AND DISTINCT FROM STATE MONEY AND IS AUTHORIZED TO MAKE DISBURSEMENTS OF THE MONEY FOR THE DESIGNATED PURPOSE OR FOR ADMINISTRATIVE COSTS, WHICH MAY BE PROVIDED IN GRANTS, UPON WARRANTS ISSUED BY THE STATE CONTROLLER UPON THE VOUCHER OF THE DEPARTMENT.

(3) THE DEPARTMENT SHALL COOPERATE WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER FEDERAL AGENCIES IN ANY REASONABLE MANNER, IN CONFORMITY WITH THE LAWS OF THIS STATE, WHICH MAY BE NECESSARY TO QUALIFY FOR FEDERAL AID, INCLUDING THE PREPARATION OF STATE PLANS, THE MAKING OF REPORTS IN SUCH FORM AND CONTAINING SUCH INFORMATION AS A FEDERAL AGENCY MAY FROM TIME TO TIME REQUIRE, AND THE COMPLIANCE WITH SUCH PROVISIONS AS THE FEDERAL GOVERNMENT MAY FROM TIME TO TIME FIND NECESSARY TO ASSURE THE CORRECTNESS AND VERIFICATION OF THE REPORTS.

(4) IN ADMINISTERING MONEY APPROPRIATED OR MADE AVAILABLE TO THE DEPARTMENT FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM, THE DEPARTMENT IS AUTHORIZED TO:

(a) REQUIRE AS A CONDITION FOR RECEIVING GRANTS-IN-AID THAT EACH COUNTY IN THIS STATE BEAR THE PROPORTION OF THE TOTAL EXPENSE OF FURNISHING CHILD CARE ASSISTANCE AS IS FIXED BY LAW;

(b) TERMINATE GRANTS-IN-AID TO A COUNTY OF THIS STATE IF THE COUNTY DOES NOT COMPLY WITH THE LAWS AND RULES PROVIDING THE GRANTS-IN-AID AND THE MINIMUM STANDARDS PRESCRIBED BY DEPARTMENT RULES;

(c) UNDERTAKE IMMEDIATELY THE ADMINISTRATION OF CHILD CARE ASSISTANCE WITHIN A COUNTY OF THIS STATE THAT HAS HAD ANY OR ALL OF ITS GRANTS-IN-AID TERMINATED PURSUANT TO SUBSECTION (4)(b) OF THIS SECTION; EXCEPT THAT THE COUNTY SHALL CONTINUE TO MEET THE REQUIREMENTS OF SUBSECTION (4)(a) OF THIS SECTION;

(d) RECOVER ANY MONEY OWED BY A COUNTY TO THE STATE BY REDUCING THE AMOUNT OF ANY PAYMENTS DUE FROM THE STATE IN CONNECTION WITH CCCAP; AND

(e) TAKE ANY OTHER ACTION THAT MAY BE NECESSARY OR DESIRABLE FOR CARRYING OUT THE PROVISIONS OF THIS PART 1.

26.5-4-105. Colorado child care assistance program - department duties. (1) IN ADDITION TO ANY OTHER DUTIES SPECIFIED IN THIS PART 1, THE DEPARTMENT, UNDER THE SUPERVISION OF THE EXECUTIVE DIRECTOR, SHALL:

(a) ADMINISTER OR SUPERVISE THE ESTABLISHMENT, EXTENSION, AND STRENGTHENING OF THE COLORADO CHILD CARE ASSISTANCE PROGRAM IN COOPERATION WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER STATE OR FEDERAL AGENCIES;

(b) PROVIDE SERVICES TO COUNTY DEPARTMENTS, INCLUDING THE ORGANIZATION AND SUPERVISION OF COUNTY DEPARTMENTS FOR THE EFFECTIVE ADMINISTRATION OF CCCAP, AS SET OUT IN DEPARTMENT RULES AS TO PROGRAM SCOPE AND CONTENT, INCLUDING PROVISION OF CHILD CARE ASSISTANCE AND COMPILED STATISTICS AND NECESSARY INFORMATION RELATIVE TO CHILD CARE ASSISTANCE;

(c) PRESCRIBE FORMS NECESSARY FOR APPLICATIONS, REPORTS, AFFIDAVITS, AND SUCH OTHER FORMS AS IT MAY DEEM NECESSARY AND ADVISABLE;

(d) COOPERATE WITH OTHER DEPARTMENTS, AGENCIES, AND INSTITUTIONS OF THE STATE AND FEDERAL GOVERNMENTS IN THE PERFORMANCE OF ACTIVITIES IN CONFORMITY WITH THE PURPOSES OF THIS PART 1; AND

(e) ACT AS THE AGENT OF THE FEDERAL GOVERNMENT IN ACTIVITIES RELATED TO THE COLORADO CHILD CARE ASSISTANCE PROGRAM IN MATTERS OF MUTUAL CONCERN IN CONFORMITY WITH THIS PART 1 AND IN THE ADMINISTRATION OF ANY FEDERAL MONEY GRANTED TO THE STATE TO AID IN THE FURTHERANCE OF CCCAP.

(2) THE DEPARTMENT MAY REVIEW ANY DECISION OF A COUNTY DEPARTMENT AND MAY CONSIDER ANY APPLICATION FOR CHILD CARE ASSISTANCE UPON WHICH A DECISION HAS NOT BEEN MADE BY THE COUNTY DEPARTMENT WITHIN A REASONABLE TIME TO DETERMINE THE PROPRIETY OF THE ACTION OR FAILURE TO TAKE TIMELY ACTION ON AN APPLICATION FOR

CHILD CARE ASSISTANCE. THE DEPARTMENT SHALL MAKE SUCH ADDITIONAL INVESTIGATION AS IT DEEMS NECESSARY AND SHALL, AFTER GIVING THE COUNTY DEPARTMENT AN OPPORTUNITY TO REBUT ANY FINDINGS OR CONCLUSIONS OF THE DEPARTMENT THAT THE ACTION OR DELAY IN TAKING ACTION WAS A VIOLATION OF OR CONTRARY TO DEPARTMENT RULES, MAKE SUCH DECISION AS TO THE GRANTING OF CHILD CARE ASSISTANCE AND THE AMOUNT THEREOF AS IN ITS OPINION IS JUSTIFIABLE PURSUANT TO THE PROVISIONS OF THIS PART 1 AND DEPARTMENT RULES. APPLICANTS OR RECIPIENTS AFFECTED BY THE DECISIONS OF THE DEPARTMENT, UPON REQUEST, SHALL BE GIVEN REASONABLE NOTICE AND OPPORTUNITY FOR A FAIR HEARING BY THE DEPARTMENT.

26.5-4-106. Applications for child care assistance - verification - award - not assignable - limitation. (1) (a) AN INDIVIDUAL WISHING TO APPLY FOR CHILD CARE ASSISTANCE MAY DO SO, AND THE ASSISTANCE SHALL BE FURNISHED WITH REASONABLE PROMPTNESS TO EACH ELIGIBLE INDIVIDUAL IN ACCORDANCE WITH DEPARTMENT RULES.

(b) THE DEPARTMENT RULES MAY PROVIDE FOR A SIMPLIFIED APPLICATION IN ORDER THAT CHILD CARE ASSISTANCE MAY BE FURNISHED TO ELIGIBLE PERSONS AS SOON AS POSSIBLE AND SHALL PROVIDE ADEQUATE SAFEGUARDS AND CONTROLS TO ENSURE THAT ONLY ELIGIBLE PERSONS RECEIVE CHILD CARE ASSISTANCE UNDER THIS PART 1. THE UNIFIED APPLICATION THAT THE DEPARTMENT DEVELOPS PURSUANT TO SECTION 26.5-1-110 MUST AT SOME POINT INCLUDE APPLICATION FOR CHILD CARE ASSISTANCE THROUGH CCCAP.

(c) A PERSON SEEKING CHILD CARE ASSISTANCE MUST SUBMIT AN APPLICATION IN ACCORDANCE WITH DEPARTMENT RULE, AND THE DEPARTMENT SHALL ENSURE THAT THE APPLICATION IS ROUTED TO THE APPLICANT'S COUNTY OF RESIDENCE. AN APPLICATION FOR CHILD CARE ASSISTANCE MUST:

(I) BE IN WRITING OR REDUCED TO WRITING IN THE MANNER AND UPON THE FORM PRESCRIBED BY THE DEPARTMENT;

(II) INCLUDE THE NAME, AGE, AND RESIDENCE OF THE APPLICANT AND A STATEMENT OF THE AMOUNT OF PROPERTY, BOTH REAL AND PERSONAL, IN WHICH THE APPLICANT HAS AN INTEREST AND OF ALL INCOME THE APPLICANT MAY HAVE AT THE TIME OF THE FILING OF THE APPLICATION,

AND SUCH OTHER INFORMATION AS MAY BE REQUIRED BY DEPARTMENT RULE; AND

(III) BE VERIFIED BY THE SIGNATURE OF THE APPLICANT.

(2) (a) WHEN A COUNTY DEPARTMENT RECEIVES AN APPLICATION FOR CHILD CARE ASSISTANCE, IT SHALL PROMPTLY MAKE A RECORD CONCERNING THE CIRCUMSTANCES OF THE APPLICANT TO VERIFY THE FACTS SUPPORTING THE APPLICATION AND SHALL EXAMINE ALL PERTINENT RECORDS AND SHALL MAKE A DILIGENT EFFORT TO EXAMINE ALL RECORDS PRIOR TO GRANTING ASSISTANCE. THE COUNTY DEPARTMENT SHALL ALSO VERIFY SUCH OTHER INFORMATION AS MAY BE REQUIRED BY DEPARTMENT RULE.

(b) IN VERIFYING AN APPLICATION RECEIVED PURSUANT TO THIS SECTION, THE COUNTY DEPARTMENT SHALL CONFIRM THAT THE APPLICANT MEETS THE ELIGIBILITY REQUIREMENTS FOR RECEIVING PUBLIC ASSISTANCE SPECIFIED IN SECTION 26-2-111 (1).

(c) IF THE INFORMATION IS REASONABLY AVAILABLE, THE COUNTY DEPARTMENT SHALL COMPLETE THE VERIFICATION BEFORE APPROVING OR CONTINUING CHILD CARE ASSISTANCE.

(d) WITHIN TEN WORKING DAYS AFTER THE COUNTY DEPARTMENT DISCOVERS A DISCREPANCY RELATING TO A FRAUDULENT OR SUSPECTED FRAUDULENT ACT AFFECTING ELIGIBILITY, THE COUNTY DEPARTMENT SHALL REFER THE MATTER TO THE APPROPRIATE INVESTIGATORY AGENCY FOR INVESTIGATION. THE INVESTIGATORY AGENCY SHALL TAKE ACTION WITHIN THIRTY DAYS FOLLOWING RECEIPT OF THE INFORMATION FROM THE COUNTY DEPARTMENT.

(e) THE COUNTY DEPARTMENT, THE DEPARTMENT, AND THE OFFICERS AND AUTHORIZED EMPLOYEES OF EACH MAY CONDUCT VISITS TO THE HOME OF THE APPLICANT AT REASONABLE TIMES, MAKE INVESTIGATIONS AND REQUIRE THE ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF BOOKS, RECORDS, AND PAPERS BY SUBPOENA, AND MAKE APPLICATION TO THE DISTRICT COURT TO COMPEL AND ENFORCE SUCH ATTENDANCE AND TESTIMONY OF WITNESSES AND THE PRODUCTION OF SUCH BOOKS, RECORDS, AND PAPERS. OFFICERS AND EMPLOYEES DESIGNATED BY THE COUNTY DEPARTMENT OR THE DEPARTMENT MAY ADMINISTER OATHS

AND AFFIRMATIONS.

(3) (a) UPON COMPLETION OF THE VERIFICATION AND RECORD OF EACH APPLICATION FOR CHILD CARE ASSISTANCE, THE COUNTY DEPARTMENT, PURSUANT TO DEPARTMENT RULES, SHALL DETERMINE WHETHER THE APPLICANT IS ELIGIBLE FOR CHILD CARE ASSISTANCE, THE AMOUNT OF CHILD CARE ASSISTANCE TO BE GRANTED, AND THE BEGINNING DATE OF THE ASSISTANCE. IN DETERMINING THE AMOUNT OF CHILD CARE ASSISTANCE TO BE GRANTED, THE COUNTY DEPARTMENT SHALL TAKE DUE ACCOUNT, PURSUANT TO DEPARTMENT RULES, OF ANY INCOME OR PROPERTY AVAILABLE TO THE APPLICANT AND ANY SUPPORT, EITHER IN CASH OR IN KIND, THAT THE APPLICANT MAY RECEIVE FROM OTHER SOURCES.

(b) WHEN THE ELIGIBILITY, AMOUNT, AND DATE FOR BEGINNING CHILD CARE ASSISTANCE HAVE BEEN ESTABLISHED, THE COUNTY DEPARTMENT SHALL MAKE AN AWARD TO OR ON BEHALF OF THE APPLICANT IN ACCORDANCE WITH DEPARTMENT RULES, WHICH AWARD IS BINDING ON THE COUNTY AND SHALL BE COMPLIED WITH BY THE COUNTY UNTIL IT IS MODIFIED OR VACATED. THE COUNTY DEPARTMENT SHALL AT ONCE NOTIFY THE APPLICANT AND THE DEPARTMENT, IN WRITING, OF ITS DECISIONS ON CHILD CARE ASSISTANCE AND THE REASONS FOR THOSE DECISIONS.

(4) (a) A COUNTY DEPARTMENT SHALL NOT DENY CHILD CARE ASSISTANCE FOR A PERSON WHO IS OTHERWISE QUALIFIED TO RECEIVE CHILD CARE ASSISTANCE BY REASON OF THE FACT THAT:

(I) THE PERSON IS THE OWNER OF REAL ESTATE OCCUPIED BY THE PERSON AS A RESIDENCE; OR

(II) THE PERSON IS THE OWNER OF PERSONAL PROPERTY THAT IS EXEMPT BY THE LAWS OF COLORADO FROM EXECUTION OR ATTACHMENT.

(b) THE EXECUTIVE DIRECTOR BY RULE MAY ESTABLISH LIMITATIONS ON THE VALUE OF REAL AND PERSONAL PROPERTY AND OTHER RESOURCES, NOT INCLUDED IN SUBSECTION (4)(a) OF THIS SECTION, THAT MAY BE AVAILABLE TO AN APPLICANT OR RECIPIENT WITHOUT AFFECTING ELIGIBILITY FOR CHILD CARE ASSISTANCE.

(c) FOR CHILD CARE ASSISTANCE PURPOSES, THE VALUE OF RESIDENTIAL OR OTHER REAL PROPERTY IS EQUAL TO THE ACTUAL VALUE OF

THE PROPERTY, AS DETERMINED BY THE COUNTY ASSESSOR PURSUANT TO ARTICLE 1 OF TITLE 39.

(5) A COUNTY DEPARTMENT SHALL NOT REQUIRE A PERSON, AS A CONDITION OF RECEIVING CHILD CARE ASSISTANCE, TO REPAY OR PROMISE TO REPAY THE STATE OF COLORADO ANY MONEY PROPERLY PAID TO THE PERSON AS CHILD CARE ASSISTANCE PURSUANT TO THE PROVISIONS OF THIS PART 1 AND DEPARTMENT RULES OR AS PUBLIC ASSISTANCE PURSUANT TO ARTICLE 2 OF TITLE 26 AND THE RULES OF THE STATE DEPARTMENT OF HUMAN SERVICES.

26.5-4-107. Reconsideration and changes. (1) A COUNTY DEPARTMENT SHALL RECONSIDER CHILD CARE ASSISTANCE AWARDED PURSUANT TO THIS PART 1 AS FREQUENTLY AS AND IN THE MANNER REQUIRED BY DEPARTMENT RULES. AFTER SUCH FURTHER VERIFICATION AND RECORD AS THE COUNTY DEPARTMENT MAY DEEM NECESSARY OR DEPARTMENT RULES MAY REQUIRE, THE AMOUNT OF CHILD CARE ASSISTANCE PROVIDED MAY BE CHANGED, OR CHILD CARE ASSISTANCE MAY BE TERMINATED, IF THE DEPARTMENT OR THE COUNTY DEPARTMENT FINDS THAT THE RECIPIENT'S CIRCUMSTANCES HAVE ALTERED SUFFICIENTLY TO WARRANT SUCH ACTION OR IF CHANGES IN STATE OR FEDERAL LAW HAVE BEEN MADE THAT WOULD WARRANT SUCH ACTION.

(2) IN ACCORDANCE WITH DEPARTMENT RULES, A COUNTY DEPARTMENT MAY TERMINATE CHILD CARE ASSISTANCE AT ANY TIME FOR CAUSE, OR IT MAY, FOR CAUSE, SUSPEND CHILD CARE ASSISTANCE FOR SUCH PERIOD AS IT MAY DEEM PROPER. TIMELY NOTICE TO PERSONS WHO ARE RECEIVING CHILD CARE ASSISTANCE, BUT WHO ARE NOT ELIGIBLE DUE TO FRAUDULENT ACTS, MAY BE GIVEN FIVE DAYS BEFORE THE DATE OF A PROPOSED ACTION, IN ACCORDANCE WITH FEDERAL REGULATIONS.

(3) WHENEVER CHILD CARE ASSISTANCE IS TERMINATED, SUSPENDED, OR IN ANY WAY CHANGED, THE COUNTY DEPARTMENT SHALL AT ONCE REPORT THE DECISION TO THE RECIPIENT AND TO THE DEPARTMENT, SETTING FORTH THE REASON FOR THE ACTION. ALL SUCH DECISIONS ARE SUBJECT TO REVIEW BY THE DEPARTMENT IN ACCORDANCE WITH DEPARTMENT RULES.

26.5-4-108. Appeals. (1) (a) IF A COUNTY DEPARTMENT DOES NOT ACT ON AN APPLICATION FOR CHILD CARE ASSISTANCE WITHIN A

REASONABLE TIME AFTER THE APPLICATION IS FILED, OR IF A COUNTY DEPARTMENT DENIES AN APPLICATION IN WHOLE OR IN PART, OR IF A COUNTY DEPARTMENT SUSPENDS, TERMINATES, OR MODIFIES A GRANT OF CHILD CARE ASSISTANCE, THE APPLICANT OR RECIPIENT, AS THE CASE MAY BE, MAY APPEAL TO THE DEPARTMENT IN THE MANNER AND FORM PRESCRIBED BY DEPARTMENT RULES. EVERY COUNTY DEPARTMENT SHALL ADOPT PROCEDURES FOR THE RESOLUTION OF DISPUTES ARISING BETWEEN THE COUNTY DEPARTMENT AND AN APPLICANT FOR OR RECIPIENT OF CHILD CARE ASSISTANCE PRIOR TO APPEAL TO THE DEPARTMENT. THE PROCEDURES ARE REFERRED TO IN THIS SECTION AS THE "DISPUTE RESOLUTION PROCESS". TWO OR MORE COUNTIES MAY JOINTLY ESTABLISH THE DISPUTE RESOLUTION PROCESS. THE DISPUTE RESOLUTION PROCESS MUST BE CONSISTENT WITH DEPARTMENT RULES. THE DISPUTE RESOLUTION PROCESS MUST INCLUDE AN OPPORTUNITY FOR ALL CLIENTS TO HAVE A COUNTY CONFERENCE, UPON THE APPLICANT'S OR RECIPIENT'S REQUEST. THIS REQUIREMENT MAY BE MET THROUGH A TELEPHONIC CONFERENCE UPON THE AGREEMENT OF THE APPLICANT OR RECIPIENT AND THE COUNTY DEPARTMENT. THE DISPUTE RESOLUTION PROCESS NEED NOT CONFORM TO THE REQUIREMENTS OF SECTION 24-4-105, AS LONG AS THE DEPARTMENT RULES INCLUDE PROVISIONS SPECIFICALLY SETTING FORTH EXPEDITIOUS TIME FRAMES, NOTICE, AND AN OPPORTUNITY TO BE HEARD AND TO PRESENT INFORMATION. IF THE DISPUTE IS NOT RESOLVED, THE APPLICANT OR RECIPIENT MAY APPEAL TO THE DEPARTMENT IN THE MANNER AND FORM PRESCRIBED BY DEPARTMENT RULES. COUNTY NOTICES TO APPLICANTS OR RECIPIENTS MUST INFORM THEM OF THE BASIS FOR THE COUNTY'S DECISION OR ACTION AND MUST INFORM THEM OF THEIR RIGHTS TO A COUNTY CONFERENCE UNDER THE DISPUTE RESOLUTION PROCESS AND OF THEIR RIGHTS TO STATE-LEVEL APPEAL AND THE PROCESS FOR MAKING THE APPEAL.

(b) UPON RECEIPT OF AN APPEAL, THE DEPARTMENT SHALL GIVE THE APPELLANT REASONABLE NOTICE AND AN OPPORTUNITY FOR A FAIR HEARING IN ACCORDANCE WITH DEPARTMENT RULES. THE HEARING MUST COMPLY WITH SECTION 24-4-105, AND AN ADMINISTRATIVE LAW JUDGE MUST PRESIDE.

(c) THE APPELLANT MUST HAVE AN OPPORTUNITY TO EXAMINE ALL APPLICATIONS AND PERTINENT RECORDS CONCERNING THE APPELLANT THAT CONSTITUTE A BASIS FOR THE DENIAL, SUSPENSION, TERMINATION, OR MODIFICATION OF CHILD CARE ASSISTANCE.

(d) THE APPELLANT MAY REPRESENT HIMSELF OR HERSELF OR MAY BE REPRESENTED BY LEGAL COUNSEL, OR BY A RELATIVE, FRIEND, OR OTHER SPOKESPERSON. REPRESENTATION BY A NONLAWYER IN THIS CIRCUMSTANCE DOES NOT CONSTITUTE THE PRACTICE OF LAW.

(2) ALL DECISIONS OF THE DEPARTMENT ARE BINDING ON THE COUNTY DEPARTMENT INVOLVED AND THE COUNTY DEPARTMENT SHALL COMPLY WITH SAID DECISIONS.

26.5-4-109. [Formerly 26-2-803] Provider rates - provider recruitment. (1) (a) The state department, in consultation with the counties, shall contract every three years for a market rate study of provider rates that account for quality of care, age group, and type of care for each county as recommended by the early childhood leadership commission created in section 26.5-1-302. Notwithstanding the provisions of section 24-1-136(11)(a)(I), copies of the study must be provided to the joint budget committee on or before January 2, 2024, and on or before January 2 every three years thereafter NO LATER THAN JULY 1, 2025, AND AT LEAST EVERY THREE YEARS THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH COUNTY DEPARTMENTS AND CHILD CARE PROVIDERS, SHALL DEVELOP THE CALCULATION OF PROVIDER RATES WITH THE GOAL OF EVENTUALLY ENSURING THE PROVIDER RATES MORE ACCURATELY REFLECT THE COST OF CHILD CARE RATHER THAN FAMILIES' ABILITY TO PAY. THE DEPARTMENT MAY CONTRACT FOR ASSISTANCE IN DEVELOPING THE CALCULATION. THE CALCULATION MUST ACCOUNT FOR THE COST OF QUALITY CARE AND MAY VARY BY AGE GROUP, REGION, AND TYPE OF CARE. THE DEPARTMENT MUST ENSURE THAT THE CALCULATION OF PROVIDER RATES COMPLIES WITH FEDERAL REGULATIONS AND, IF REQUIRED BY FEDERAL LAW, MUST OBTAIN APPROVAL BEFORE CHANGING THE CALCULATION OF OR PROCESS FOR SETTING THE PROVIDER RATES. BEFORE ADOPTING A CHANGE TO THE PROVIDER RATES OR OTHER PAYMENT POLICIES, THE DEPARTMENT, IN CONSULTATION WITH THE COUNTY DEPARTMENTS AND PROVIDERS, SHALL ANALYZE THE ANTICIPATED IMPACT OF THE CHANGE TO THE COLORADO CHILD CARE ASSISTANCE PROGRAM, INCLUDING THE IMPACT ON THE COSTS OF SERVICES AND ON THE FAMILIES AND PROVIDERS THAT PARTICIPATE IN CCCAP. THE DEPARTMENT SHALL INCLUDE AN ANALYSIS COMPLETED PURSUANT TO THIS SUBSECTION (1)(a) IN THE REPORT DESCRIBED IN SECTION 26.5-4-114.

(b) AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF

THIS SECTION, BUT NO LATER THAN OCTOBER 1, 2022, THE EXECUTIVE DIRECTOR SHALL CONVENE A WORKING GROUP OF COUNTY DEPARTMENTS AND PROVIDERS TO DISCUSS PROVIDER RATES AND THE PROVIDER RATE CALCULATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

(2) ~~On or before July 1, 2016, the state-established provider reimbursement rates for each county must include a system of tiered reimbursement for providers that enroll children participating in CCCAP~~ THE DEPARTMENT SHALL ESTABLISH THE PROVIDER RATES BASED ON THE CALCULATION DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION AND SHALL UPDATE THE RATES ON A REGULAR BASIS.

(3) ~~On or before July 1, 2016, the state board shall promulgate rules related to the structure of tiered reimbursement~~ THE DEPARTMENT SHALL INCLUDE AN EXPLANATION OF THE CALCULATION OF THE PROVIDER RATES IN THE REPORT ON CCCAP REQUIRED PURSUANT TO SECTION 26.5-4-114, BEGINNING WITH THE REPORT SUBMITTED ON NOVEMBER 1, 2024, AND IN EACH SUBSEQUENT REPORT.

(4) THE DEPARTMENT, WORKING WITH EARLY CHILDHOOD COUNCILS AS DEFINED IN SECTION 26.5-2-202, COUNTY DEPARTMENTS, AND LOCAL COORDINATING ORGANIZATIONS, AS DEFINED IN SECTION 26.5-2-102, SHALL IDENTIFY AND RECRUIT PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE CHILD CARE ASSISTANCE PROGRAM. IN IDENTIFYING AND RECRUITING PROVIDERS, THE DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS SHALL ESTABLISH A MIXED DELIVERY SYSTEM OF PUBLIC AND PRIVATE PROVIDERS IN COMMUNITIES THROUGHOUT THE STATE THAT ENABLES PARENTS TO SELECT CCCAP PROVIDERS FOR THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR RESPECTIVE COMMUNITIES.

26.5-4-110. [Formerly 26-2-804] Funding - allocation - maintenance of effort - allocation committee - rules. (1) THERE IS CREATED THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE CONSISTING OF ELEVEN MEMBERS, EIGHT OF WHOM ARE APPOINTED BY A STATEWIDE ASSOCIATION OF COUNTIES AND THREE OF WHOM ARE APPOINTED BY THE DEPARTMENT. OF THE MEMBERS APPOINTED BY THE STATEWIDE ASSOCIATION OF COUNTIES, AT LEAST TWO MEMBERS MUST BE FROM SMALL OR MEDIUM-SIZED COUNTIES AND AT LEAST THREE MUST BE FROM LARGE COUNTIES, ONE APPOINTEE OF WHOM MUST BE A REPRESENTATIVE FROM THE COUNTY THAT HAS THE GREATEST PERCENTAGE OF THE STATE'S CHILD CARE

ASSISTANCE PROGRAM CASELOAD. THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH OTHER TO ENSURE THAT THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE IS REPRESENTATIVE OF THE COUNTIES IN THE STATE. THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE SHALL DEVELOP ITS OWN OPERATIONAL PROCEDURES.

(+) (2) (a) Starting with the 2018-19 2023-24 state fiscal year, or when the rules required by subsection (2)(a) of this section are established, whichever is later, and subject to available appropriations, annually the state department shall THE DEPARTMENT, UPON RECEIVING RECOMMENDATIONS FROM THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE, SHALL ANNUALLY establish the amount of each county's block grant for CCCAP BASED ON AN ALLOCATION FORMULA AGREED UPON BY THE DEPARTMENT AND THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE. The block grant shall be based upon each county's percentage of the estimated total number of children eligible to participate in CCCAP times the appropriate reimbursement rate for each county as determined by the state required by section 26-2-803. Counties are only required to spend the state CCCAP allocation and the maintenance of effort for that allocation.

(b) IF THE DEPARTMENT AND THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE DO NOT REACH AN AGREEMENT ON THE ALLOCATION FORMULA ON OR BEFORE JUNE 1 OF A STATE FISCAL YEAR FOR THE SUCCEEDING STATE FISCAL YEAR, THE DEPARTMENT AND THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE SHALL SUBMIT ALTERNATIVES TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY FROM WHICH THE JOINT BUDGET COMMITTEE SHALL SELECT AN ALLOCATION FORMULA BEFORE THE BEGINNING OF THE SUCCEEDING STATE FISCAL YEAR.

(2) (3) The amount of each county's block grant determined by subsection (1) of this section may be adjusted by the state department. The state department shall, in consultation with the counties, THE DEPARTMENT, AFTER INPUT FROM THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE, SHALL adopt rules regarding adjustments to the amount of a block grant, and the rules must address the following factors:

(+) (a) The cost of living;

- (H) (b) The cost of high-quality early childhood programs;
- (H) (c) The cost of programs;
- (IV) (d) The regional market rates OR COSTS for CCCAP;
- (V) (e) Drastic economic changes; and
- (VI) (f) Geographic differences within a county; AND

(g) OTHER FACTORS AS DETERMINED BY THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE.

(b) The state department may make an adjustment to the amount of a block grant authorized by rules promulgated pursuant to subsection (2)(a) of this section.

(3) (4) The money in a county block grant allocated to a county pursuant to this section must only be used for the provision of child care services under PURSUANT TO DEPARTMENT rules promulgated by the state board pursuant to this part 8 PART 1.

(4) (5) Money transferred from the county block grant temporary assistance for needy families program pursuant to section 26-2-714 (7) to the child care development fund may be used for child care quality improvement activities as identified in the federal "Child Care and Development Block Grant Act of 2014", 42 U.S.C. sec. 9858(e) 9858e, as amended.

(5) (6) For state fiscal year 2005-06 and for each state fiscal year thereafter, each county is required to meet a level of county spending for CCCAP that is equal to the county's proportionate share of the total county funds set forth in the annual general appropriation act for CCCAP for that state fiscal year. The level of county spending is known as the county's maintenance of effort for CCCAP for that state fiscal year. For any state fiscal year, the state department is authorized to adjust a county's maintenance of effort, reflected as a percentage of the total county funds set forth in the annual general appropriation act for CCCAP for that state fiscal year, so that the percentage equals the county's proportionate share of the total state and federal funds appropriated for CCCAP for that state fiscal

year. For any state fiscal year, the sum of all counties' maintenance of effort must be equal to or greater than the total county funds set forth in the general appropriation act for the state fiscal year 1996-97 for employment-related child care.

26.5-4-111. [Formerly 26-2-805] Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment - repeal. (1) Subject to available appropriations and pursuant to DEPARTMENT rules promulgated ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a county shall provide child care assistance to a participant or any person or family whose income is not more than one hundred eighty-five percent of the federal poverty level. Subject to available appropriations and ~~only~~ as necessary to comply with federal law ~~the state board~~ OR TO ALIGN ELIGIBILITY ACROSS EARLY CARE AND EDUCATION PROGRAMS SPECIFICALLY TO MEET THE EARLY CARE AND EDUCATION, INCOME SECURITY, AND CHILD WELFARE NEEDS OF SIMILAR POPULATIONS AND AS ALLOWED BY FEDERAL REGULATIONS, THE EXECUTIVE DIRECTOR BY RULE may adjust the percentage of the federal poverty level used to determine child care assistance eligibility ~~by promulgating a rule~~ AND SHALL REVISE INCOME AND VERIFICATION REQUIREMENTS THAT PROMOTE ALIGNMENT AND SIMPLIFICATION.

(2) (a) ~~Beginning July 1, 2018, or when the rules required by section 26-2-804 (2)(a) are established, whichever is later;~~ A county may provide child care assistance for any family whose income at initial determination exceeds the requirements of subsection (1) of this section but does not exceed the maximum federal level for eligibility for services of eighty-five percent of the state median income for a family of the same size if it

(I) is serving all eligible families who have applied for CCCAP and whose income level is below that requirement. ~~and~~

(II) ~~Uses only local money to serve such families.~~

(b) If, during a participant's, person's, or family's twelve-month eligibility period, the participant's, person's, or family's income rises to or above the level set by ~~the state board~~ DEPARTMENT rule at which the county may deny such participant, person, or family child care assistance, the county shall continue providing the current CCCAP subsidy until that participant's, person's, or family's next twelve-month redetermination.

(c) If, at the time of a participant's, person's, or family's twelve-month eligibility redetermination, the participant's, person's, or family's income rises to or above the level set by ~~the state board~~ DEPARTMENT RULE at which the county may deny child care assistance, or if that income level rises above the maximum federal eligibility level of eighty-five percent of the state median income for a family of the same size, the county shall immediately notify the participant, person, or family that it is no longer eligible for CCCAP.

~~(d) and (e) Repealed.~~

(3) (a) Subject to available appropriations, pursuant to rules promulgated ~~by the state board~~ for implementation of this ~~part 8~~ PART 1, and except as provided for ~~in paragraph (b) of this subsection (3) IN SUBSECTION (3)(b) OF THIS SECTION~~, a county shall provide child care assistance for a family transitioning off the works program due to employment or job training without requiring the family to apply for low-income child care but shall redetermine the family's eligibility within ~~six~~ TWELVE months after the transition.

(b) A family that transitions off the works program must not be automatically transitioned to CCCAP pursuant to ~~paragraph (a) of this subsection (3) SUBSECTION (3)(a) OF THIS SECTION~~ if either of the following conditions apply:

(I) The family is leaving the works program due to a violation of program requirements as defined in ~~part 7 of this article~~ ARTICLE 2 OF TITLE 26 OR by DEPARTMENT rule; ~~of the state board, or by policy of a county department; or~~

(II) The family is leaving the works program due to employment and will be at an income level that exceeds the ~~county-adopted~~ income eligibility limit for the county's CCCAP.

(c) ~~At the county's discretion, a family that transitions off the works program, is eligible for CCCAP, and resides in a county that has families on its waiting list may be added to the waiting list or be provided child care assistance without first being added to the waiting list.~~

(4) (a) (I) A recipient of child care assistance through CCCAP shall

be IS responsible for paying a portion of ~~his or her~~ THE RECIPIENT'S child care costs based upon the recipient's income and the formula developed by DEPARTMENT rule. ~~of the state board~~.

(II) After promulgation of rules by the state board, subject to available appropriations, and upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subparagraph (II), on or before July 1, 2016, the formula must include a tiered reduced copayment structure for children attending high-quality care.

(III) (II) Notwithstanding the provisions of subparagraph (II) of this paragraph (a), Upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subparagraph (III) SUBSECTION (4)(a)(II), for a family living at or below one hundred percent of the federal poverty level, the family copayment responsibility must be restricted to no more than one percent of the family's gross monthly income as determined based on one month of income.

(IV) (III) Pursuant to DEPARTMENT rules promulgated by the state board and upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subparagraph (IV) SUBSECTION (4)(a)(III), income received during the past thirty days must be used in determining the copayment, unless on a case-by-case basis the prior thirty-day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve of the most recent months of income. A family may also provide evidence of up to twelve of the most recent months of income if it chooses to do so if such evidence more accurately reflects an ability to afford the required family copayment.

(b) The state board EXECUTIVE DIRECTOR BY RULE shall establish, and periodically revise, ~~by rule~~ AT LEAST EVERY FIVE YEARS REVIEW AND REVISE, AS APPROPRIATE, a copayment schedule so that the copayment gradually increases as the family income approaches self-sufficiency income levels. This revised copayment schedule should allow families to retain a portion of its ~~THEIR~~ increases in income.

(c) A participant who is employed shall pay a portion of ~~his or her~~ THE PARTICIPANT'S income for child care assistance under CCCAP. The participant's required copayment ~~under~~ PURSUANT TO the provisions of this paragraph ~~(c)~~ SUBSECTION (4)(c) must be determined by a formula established by ~~DEPARTMENT rule of the state board~~ that takes into consideration the factors set forth in ~~paragraphs (a) and (b) of this subsection~~ ~~(4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION.

(5) (a) On and after July 1, 2014, and except as otherwise provided in ~~paragraph (a.5) or (a.7) of this subsection~~ (5) SUBSECTION (5)(b) OR (5)(c) OF THIS SECTION, a county may require a person who receives child care assistance pursuant to this section and who is not otherwise a participant to apply, pursuant to section 26-13-106 (2), for child support establishment, modification, and enforcement services related to any support owed by obligors to their children and to cooperate with the delegate child support enforcement unit to receive these services; except that a person is not required to submit a written application for child support establishment, modification, and enforcement services if the person shows good cause to the county implementing the Colorado child care assistance program for not receiving these services.

~~(a.5)~~ (b) A county shall not require an applicant who is a teen parent, as defined by ~~DEPARTMENT rule, of the state board,~~ and who is not otherwise a participant to submit a written application for child support establishment, modification, and enforcement services as a condition of receiving child care assistance ~~under~~ PURSUANT TO this section until the teen parent has graduated from high school or successfully completed a high school equivalency examination. After the teen parent has been determined eligible for child care assistance and ~~his or her~~ THE TEEN PARENT'S chosen child care provider is receiving subsidy payments, a county may require the teen parent to regularly attend, at no cost and at a location and time most convenient to the teen parent, information sessions with the county child support staff focused on understanding the benefits of child support to the child, the family as a whole, and the benefits of two-parent engagement in a child's life. Once a person who receives child care assistance pursuant to this section no longer meets the definition of a teen parent or has either graduated from high school or successfully completed a high school equivalency examination, the county may require that person to cooperate with child support establishment and enforcement as a condition of continued receipt of child care assistance. ~~Nothing in this~~

~~section prevents~~ THIS SECTION DOES NOT PREVENT a teen parent from establishing child support.

(a.7) (c) (I) A county shall not require an applicant to submit a written application for child support establishment, modification, and enforcement services as a condition of receiving child care assistance or to establish good cause for not cooperating with child support establishment as a condition of receiving child care assistance if the applicant:

(A) Submits a statement that ~~he or she~~ THE APPLICANT is a victim of domestic violence, as defined in section 18-6-800.3 (1) ~~E.R.S.~~, and in part 8 of article 6 of title 18; ~~E.R.S.~~; or a victim of a sexual offense, as described in part 4 of article 3 of title 18, ~~E.R.S.~~, section 18-6-301, ~~E.R.S.~~, or section 18-6-302; ~~E.R.S.~~; or a victim of harassment, as described in section 18-9-111; ~~E.R.S.~~; or a victim of stalking, as described in section 18-3-602; ~~E.R.S.~~;

(B) Indicates in that statement that ~~he or she~~ THE APPLICANT fears for his or her safety or the safety of ~~his or her~~ THE APPLICANT'S children if the applicant were to pursue child support enforcement pursuant to section 26-13-106 (2); and

(C) Submits evidence that ~~he or she~~ THE APPLICANT is a victim of domestic violence, a sexual offense, harassment, or stalking as described in ~~sub-subparagraph (A) of this subparagraph (I) SUBSECTION (5)(c)(I)(A) OF THIS SECTION.~~

(II) For purposes of ~~sub-subparagraph (C) of subparagraph (I) of this paragraph (a.7) SUBSECTION (5)(c)(I)(C) OF THIS SECTION~~, sufficient evidence includes, but is not limited to, evidence identified for participation in the address confidentiality program included in section 24-30-2105 (3)(c)(I) to (3)(c)(IV), ~~E.R.S.~~, or from a "victim's advocate", as defined in section 13-90-107 (1)(k)(II), ~~E.R.S.~~, from whom the applicant has sought assistance.

(III) A county may provide information about the importance of establishing child support to a victim of domestic violence, a sexual offense, harassment, or stalking who chooses not to engage in child support establishment or to pursue a good cause waiver from cooperation.

~~(b)~~ (d) The state board EXECUTIVE DIRECTOR shall promulgate rules for the implementation of this subsection (5), including but not limited to rules establishing good cause for not receiving these services; ~~and~~ rules for the imposition of sanctions upon a person who fails, without good cause as determined by the county implementing the Colorado child care assistance program, to apply for child support enforcement services or to cooperate with the delegate child support enforcement unit as required by this subsection (5); ~~The state board shall revise its~~ AND rules regarding the option of counties to make cooperation with child support establishment and enforcement a condition of receiving child care assistance for teen parents and for victims of domestic violence, sexual offense, harassment, or stalking.

~~(c)~~ (e) (I) On July 1, 2017, and every July 1 thereafter through July 1, 2025, each county department shall report to the state department information related to teen parents in the Colorado child care assistance program. The state board EXECUTIVE DIRECTOR shall establish, by rule, criteria to be reported annually by each county, including but not limited to:

(A) The total number of cases in each county that are receiving services from a county child support services office that involve custodial parties who are nineteen years of age or younger and the number of children being served;

(B) The total number of teen parents in each county that are receiving Colorado child care assistance;

(C) For each teen parent receiving child care assistance in the county, longitudinal data indicating whether paternity has been established and whether child support has been established for the child and reported for the child from birth to age four;

(D) For each teen parent receiving child care assistance in the county, longitudinal data indicating whether the teen parent achieved economic self-sufficiency and avoided becoming a Colorado works participant while in school and reported for the child from the child's birth to age four;

(E) For each teen parent receiving child care assistance in the county, longitudinal data indicating the total amount and the percentage of

child support collected for the benefit of the child and reported for the child from birth to age four.

(II) The reports filed with the state department as a result of this paragraph (e) SUBSECTION (5)(e) are public records available for public inspection.

(d) (f) Upon notification that the relevant ~~human services~~ case management systems are capable of accommodating the provisions in ~~paragraphs (a.5) and (a.7) of this subsection~~ (5) SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION, the state department is required to start tracking counties' compliance with ~~paragraphs (a.5) and (a.7) of this subsection~~ (5) SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION. The ~~state~~ department shall notify counties when the ~~human services~~ case management systems are functional and when the tracking of compliance will begin.

(g) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

(6) ~~Repealed:~~

(6) EFFECTIVE JULY 1, 2023, A COUNTY SHALL NOT REQUIRE A PERSON WHO APPLIES FOR CHILD CARE ASSISTANCE PURSUANT TO THIS SECTION TO PARTICIPATE IN CHILD SUPPORT ESTABLISHMENT, MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT OWED BY OBLIGORS TO THEIR CHILDREN OR TO COOPERATE WITH THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS A CONDITION OF RECEIVING CHILD CARE ASSISTANCE SERVICES. THIS SUBSECTION (6) DOES NOT PROHIBIT A COUNTY FROM EDUCATING APPLICANTS ABOUT THE BENEFITS OF CHILD SUPPORT AND CHILD SUPPORT ESTABLISHMENT, MODIFICATION, AND ENFORCEMENT SERVICES, AND HOW TO ENGAGE IN THE CHILD SUPPORT PROCESS.

(7) (a) For a family with a child who is enrolled in both CCCAP and a head start program OR, AS SOON AS PRACTICABLE AFTER JULY 1, 2023, BOTH CCCAP AND THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, the family's CCCAP eligibility redetermination must occur no sooner than the end of the last month of the child's first full twelve-month program year of enrollment in the head start OR COLORADO UNIVERSAL PRESCHOOL program. Child care assistance program eligibility redetermination for a child enrolled in both programs must occur once every twelve months thereafter.

~~(b) to (d)~~ Repealed.

~~(e) (b)~~ Notwithstanding the provisions of section 26-1-127 (2)(a), a family that receives child care assistance pursuant to this ~~part 8~~ PART 1 is not required to report income or activity changes during the twelve-month eligibility period; except that, within the twelve-month eligibility period, a family is required to report a change in income if the family's income exceeds eighty-five percent of the state median income. ~~If a family no longer participates in the activity under which it was made eligible in the child care case, the family shall report that change within four weeks from the time it ceased participating in the eligible activity.~~

~~(f) (c)~~ A parent must not be determined ineligible to receive child care assistance pursuant to this ~~part 8~~ PART 1 as a result of:

- (I) Taking maternity leave;
- (II) Being a separated spouse or parent under a validly issued temporary order for parental responsibilities or child custody where the other spouse or parent has disqualifying financial resources;
- (III) Each instance of nontemporary job loss for less than ninety days; or
- (IV) A temporary break in eligible activity, as defined by DEPARTMENT rule. ~~of the state board.~~

~~(g) and (h)~~ Repealed.

~~(i) (d)~~ Subject to available appropriations and pursuant to DEPARTMENT rules promulgated ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a parent who is enrolled in a postsecondary education program or a workforce training program is eligible for CCCAP for at least any two years of the postsecondary education or workforce training program, provided all other CCCAP eligibility requirements are met during those two years. ~~ON AND AFTER JULY 1, 2023, a county may ONLY give priority for services to a working family over a family enrolled in postsecondary education or workforce training IF THE COUNTY DOES NOT HAVE SUFFICIENT FUNDING AND HAS RECEIVED APPROVAL FROM THE DEPARTMENT BEFORE IMPLEMENTING THE PRIORITIZATION.~~

(f) (e) To provide continuous child care with the least disruption to the child, the hours authorized for the provision of child care through CCCAP must include authorized hours for the child that promote continuous, consistent, and regular care and must not be linked directly to a parent's employment, education, or workforce training schedule. Pursuant to DEPARTMENT rules, promulgated by the state board, the number of hours authorized for AMOUNT OF child care AUTHORIZED should be based on the number of hours the parent is participating in an eligible activity and the PARENT'S AND child's needs for CHILD care.

(8) Pursuant to DEPARTMENT rules promulgated by the state board and upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (8), income received during the past thirty days must be used in determining eligibility unless, on a case-by-case basis, the prior thirty-day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve of the most recent months of income. A family may also provide evidence of up to twelve of the most recent months of income if it chooses to do so if such evidence more accurately reflects a family's current income level.

(9) A county has the authority to develop a voucher system for families enrolled in CCCAP through which they can secure relative or unlicensed child care.

(10) An early care and education provider or county may conduct a pre-eligibility determination for child care assistance for a family to facilitate the determination process. The early care and education provider shall submit its pre-eligibility documentation to the county for final determination of eligibility for child care assistance. The early care and education provider or county may provide services to the family prior to final determination of eligibility, and the county shall reimburse a provider for such services only if the county determines the family is eligible for services and there is no need to place the family on a waiting list. If the family is found ineligible for services, the county shall not reimburse the early care and education provider for any services provided during the period between its pre-eligibility determination and the county's final determination of eligibility.

(11) A provider OR A LOCAL COORDINATING ORGANIZATION, AS DEFINED IN SECTION 26.5-2-102, may accept a family's CCCAP application and submit it to the county on behalf of a family seeking child care assistance.

(12) Each county:

(a) Upon notification to counties by the ~~state~~ department that the relevant ~~human services~~ case management systems, including the Colorado child care automated tracking system, are capable of accommodating this ~~paragraph~~ (a) SUBSECTION (12)(a), and pursuant to DEPARTMENT rules, ~~promulgated by the state board~~, in addition to regular ~~daily~~ provider reimbursement rates, shall ~~reimburse providers according to the following schedule:~~ PAY PROVIDERS FOR CARE IN ALIGNMENT WITH COMMON PRACTICES IN THE PRIVATE MARKET FOR CHILD CARE. THE DEPARTMENT RULES GOVERNING PAYMENT POLICIES MUST ALLOW DAILY REIMBURSEMENT RATES ONLY FOR DROP-IN CHILD CARE, BACK-UP CHILD CARE, AND CARE THAT IS COMMONLY PAID ON A DAILY REIMBURSEMENT BASIS IN THE CHILD CARE MARKET AND MUST INCENTIVIZE PROVIDERS TO PROMOTE REGULAR PROGRAM ATTENDANCE.

(I) ~~For providers in the first level of the state department's quality rating and improvement system, for no fewer than six absences or holidays per year;~~

(II) ~~For providers in the second level of the state department's quality rating and improvement system, for no fewer than ten absences or holidays per year, and~~

(III) ~~For providers in the top three levels of the state department's quality rating and improvement system, for no fewer than fifteen absences or holidays per year.~~

(b) Shall maintain a current and accurate waiting list of parents who have inquired about securing a CCCAP subsidy and are likely to be eligible for CCCAP based on self-reported income and job, education, or workforce training activity if families are not able to be served at the time of application due to funding concerns. Counties may enroll families off waiting lists according to local priorities and may require an applicant to restate ~~his or her~~ THE APPLICANT'S intention to be kept on the waiting list

every six months in order to maintain his or her THE APPLICANT'S place on the waiting list.

(c) Shall post eligibility, authorization, and administration policies and procedures so they are easily accessible and readable to a layperson. The policies must be sent to the state department for compilation.

(d) May use its CCCAP allocation to provide direct ENROLLMENT contracts or grants to early care and education providers: for a county-determined number of CCCAP slots for a twelve-month period To SUPPORT IMPLEMENTATION OF THE LOCAL COMMUNITY PLAN DESCRIBED IN SECTION 26.5-2-104; to increase the supply and improve the quality of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods; TO PROVIDE STABILITY FOR THE EARLY CHILDHOOD SECTOR; AND TO IMPROVE ALIGNMENT WITH THE PROVISION OF ADDITIONAL PRESCHOOL SERVICES, AS DEFINED IN SECTION 26.5-4-203, TO WORKING FAMILIES WHO NEED ADDITIONAL CARE;

(e) Subject to available appropriations and pursuant to DEPARTMENT rules, promulgated by the state board for the implementation of this part 8, and upon notification to counties by the state department that the relevant human services case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (12)(e), must determine that a recipient of benefits from the food assistance program established in part 3 of this article 2 is eligible for CCCAP if he or she meets all other CCCAP eligibility criteria and may SHALL use eligibility determination information from other public assistance programs and systems to determine CCCAP eligibility, INCLUDING ELIGIBILITY DETERMINATION INFORMATION USED FOR CHILDREN PARTICIPATING IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM; and

(f) Subject to available capacity to raise federal or state funding, Shall prioritize child care assistance for certified foster parents, certified kinship foster parents, noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department, and noncertified kinship care providers that provide care for children with an open child welfare case who are not in the legal custody of a county department.

(13) FOR CHILDREN WHO ARE ENROLLED IN BOTH CCCAP AND THE

COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE EXECUTIVE DIRECTOR SHALL ADOPT RULES AS NECESSARY TO ENSURE:

(a) FUNDS MAY BE COMBINED AND COORDINATED TO THE EXTENT ALLOWED BY LAW AT THE STATE AND LOCAL LEVEL TO ENSURE FAMILIES CAN SEAMLESSLY ACCESS EARLY CHILDHOOD EDUCATION AND SERVICES AND PROVIDERS FACE THE FEWEST POSSIBLE SYSTEMS TO NAVIGATE TO SECURE PAYMENT FOR SERVICES; AND

(b) ELIGIBILITY AND AUTHORIZATION FOR SERVICES FOR THE PORTIONS OF BOTH PROGRAMS THAT ARE TARGETED TO SIMILAR POPULATIONS ARE ALIGNED TO THE GREATEST EXTENT PRACTICABLE AS ALLOWED BY FEDERAL REGULATIONS, INCLUDING ENSURING THE STATE TAKES MAXIMUM ADVANTAGE OF FLEXIBILITY IN FEDERAL REGULATIONS TO ENSURE THAT CHILDREN WHO ARE ELIGIBLE FOR BOTH PROGRAMS CAN SEAMLESSLY ACCESS THE LENGTH AND QUALITY OF PROGRAMMING THAT PARENTS, CHILDREN, AND FAMILIES NEED.

(13) (14) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules for the implementation of this ~~part 8~~ PART 1.

26.5-4-112. [Formerly 26-2-805.5] Exemptions - requirements.

(1) Notwithstanding any provision of ~~section 26-2-805~~ SECTION 26.5-4-111 to the contrary, an exempt family child care home provider, as defined in ~~section 26-6-102 (12)~~ SECTION 26.5-5-303, is not eligible to receive child care assistance ~~moneys~~ MONEY through CCCAP if ~~he or she~~ THE PROVIDER fails to meet the criteria established in ~~section 26-6-120~~ SECTION 26.5-5-326.

(2) As a prerequisite to entering into a valid CCCAP contract with a county office or to being a party to any other payment agreement for the provision of care for a child whose care is funded in whole or in part with ~~moneys~~ MONEY received on the child's behalf from publicly funded state child care assistance programs, an exempt family child care home provider shall sign an attestation that affirms ~~he or she~~ THE PROVIDER, and any qualified adult residing in the exempt family child care home, has not been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has not entered, pursuant to part 3 or 4 of article 14 of title 15, C.R.S., or section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a

degree that the provider cannot safely operate an exempt family child care home.

26.5-4-113. [Formerly 26-2-806] No individual entitlement.

(1) Nothing in this part 8 PART 1 or any rules promulgated pursuant to this part 8 shall be interpreted to create PART 1 CREATES a legal entitlement in any person to child care assistance.

(2) ~~No county may create or shall be deemed to create~~ A COUNTY SHALL NOT CREATE NOR BE INTERPRETED AS HAVING CREATED a legal entitlement in any person to assistance ~~under~~ PURSUANT TO this part 8 PART 1.

(3) CHILD CARE ASSISTANCE AWARDED PURSUANT TO THIS PART 1 IS AWARDED AND HELD SUBJECT TO THE PROVISIONS OF ANY AMENDING OR REPEALING LAW, AND A RECIPIENT DOES NOT HAVE A CLAIM FOR COMPENSATION OR OTHERWISE BY REASON OF THE RECIPIENT'S CHILD CARE ASSISTANCE BEING AFFECTED IN ANY WAY BY AN AMENDING OR REPEALING LAW.

26.5-4-114. [Formerly 26-2-809] Colorado child care assistance program - reporting requirements. (1) On or before ~~December 1, 2016, and on or before December 1 each year thereafter, the state~~ NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 EACH YEAR THEREAFTER, THE department shall prepare a report on CCCAP. Notwithstanding section 24-1-136 (11)(a)(I), the ~~state~~ department shall provide the report to the ~~public health care~~ JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY, THE PUBLIC AND BEHAVIORAL HEALTH 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, at a minimum, the following information related to benchmarks of success for CCCAP:

(a) The number of children and families served through CCCAP statewide and by county, WHICH, BEGINNING NOVEMBER 1, 2024, MUST INCLUDE THE NUMBER OF CHILDREN SERVED IN PART-TIME CHILD CARE THROUGH CCCAP AND THE NUMBER OF CHILDREN SERVED IN FULL-TIME CHILD CARE THROUGH CCCAP, BOTH GROUPS DISAGGREGATED BY AGES FROM BIRTH THROUGH THIRTEEN YEARS OF AGE;

- (b) The average length of time that parents remain in the workforce while receiving CCCAP subsidies, even when their income increases;
- (c) The average number of months of uninterrupted, continuous care for children enrolled in CCCAP;
- (d) The number and percent of all children enrolled in CCCAP who receive care at each level of the state's quality and improvement rating system;
- (e) The average length of time a family is authorized for a CCCAP subsidy, disaggregated by recipients' eligible activities, such as job search, employment, workforce training, and postsecondary education;
- (f) The number of families on each county's wait list as of November 1 of each year, as well as the average length of time each family remains on the wait list in each county;
- (g) The number of families and children statewide and by county that exit CCCAP due to their family incomes exceeding the eligibility limits;
- (h) The number of families and children statewide and by county that reenter CCCAP within two years of exiting due to their family incomes exceeding the eligibility limits; and
- (i) An estimate of unmet need for CCCAP in each county and throughout the state based on estimates of the number of children and families who are likely to be eligible for CCCAP in each county but who are not enrolled in CCCAP, DISAGGREGATED BY ESTIMATED AGES FROM BIRTH THROUGH THIRTEEN YEARS OF AGE; AND
- (j) BEGINNING WITH THE REPORT SUBMITTED NOVEMBER 1, 2024, AND IN EACH ANNUAL REPORT THEREAFTER:
 - (I) A YEAR-OVER-YEAR COMPARISON OF THE NUMBER OF CHILDREN SERVED BY CCCAP TO SHOW FLUCTUATIONS IN THE NUMBER OF CHILDREN SERVED;
 - (II) THE NUMBER OF INFORMAL, LICENSE-EXEMPT PROVIDERS,

IN-HOME PROVIDERS, COMMUNITY-BASED PROVIDERS, AND SCHOOL-BASED PROVIDERS THAT AGREE TO SERVE CHILDREN WITH A CCCAP SUBSIDY COMPARED TO THE TOTAL NUMBER OF PROVIDERS;

(III) THE NUMBER OF PROVIDER AGREEMENTS AND ENROLLMENT CONTRACTS WITH PROVIDERS;

(IV) AN EXPLANATION OF THE CALCULATION OF THE MOST RECENTLY ADOPTED PROVIDER RATES; AND

(V) AN EXPLANATION OF THE QUALITY INCENTIVES MADE AVAILABLE TO PROVIDERS.

26.5-4-115. Performance contracts. (1) (a) EACH COUNTY, EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO AN ANNUAL PERFORMANCE CONTRACT WITH THE DEPARTMENT THAT IDENTIFIES THE COUNTY'S OR GROUP OF COUNTIES' AND THE DEPARTMENT'S DUTIES AND RESPONSIBILITIES IN IMPLEMENTING THE CHILD CARE ASSISTANCE PROGRAM. THE PERFORMANCE CONTRACT MUST INCLUDE, BUT NEED NOT BE LIMITED TO, REQUIREMENTS AND PROVISIONS THAT ADDRESS EACH PARTY'S DUTIES AND RESPONSIBILITIES TO WORK IN A COLLABORATIVE MANNER TO ADMINISTER, FINANCIALLY SUPPORT, AND IMPLEMENT THE CHILD CARE ASSISTANCE PROGRAM USING FAIR AND OBJECTIVE CRITERIA.

(b) A COUNTY OR GROUP OF COUNTIES MAY BE PENALIZED FOR NOT MEETING ANY OBLIGATION UNDER THE PERFORMANCE CONTRACT. THE PENALTIES MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT AND MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT ALLOCATION.

(2) THE PERFORMANCE CONTRACT MUST SET FORTH THE CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ELECT THAT IT OR ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES' ADMINISTRATION AND IMPLEMENTATION OF THE CHILD CARE ASSISTANCE PROGRAM.

(3) IF A DISAGREEMENT CONCERNING THE PERFORMANCE CONTRACT ARISES BETWEEN THE COUNTY OR GROUP OF COUNTIES AND THE DEPARTMENT, EITHER PARTY MAY REQUEST RESOLUTION OF THE DISAGREEMENT THROUGH AN INDEPENDENT DISPUTE RESOLUTION PROCESS THAT IS AGREED UPON BY THE PARTIES. IF NECESSARY TO ASSURE SERVICES ARE AVAILABLE WITHIN THE COUNTY OR GROUP OF COUNTIES, THE

DEPARTMENT MAY ENTER INTO A TEMPORARY AGREEMENT WITH THE COUNTY OR GROUP OF COUNTIES OR WITH ANOTHER PUBLIC OR PRIVATE AGENT UNTIL THE DISAGREEMENT IS RESOLVED.

26.5-4-116. Recovery from recipient - estate. (1) IF, AT ANY TIME DURING THE CONTINUANCE OF CHILD CARE ASSISTANCE, THE RECIPIENT BECOMES POSSESSED OF PROPERTY HAVING A VALUE IN EXCESS OF THAT AMOUNT SET PURSUANT TO THE PROVISIONS OF SECTION 26.5-4-106(4) AND DEPARTMENT RULES OR RECEIVES ANY INCREASE IN INCOME, THE RECIPIENT SHALL NOTIFY THE COUNTY DEPARTMENT OF THE POSSESSION OF THE PROPERTY OR RECEIPT OF THE INCOME, AND THE COUNTY DEPARTMENT MAY EITHER TERMINATE THE CHILD CARE ASSISTANCE OR ALTER THE AMOUNT OF CHILD CARE ASSISTANCE IN ACCORDANCE WITH THE CIRCUMSTANCES AND DEPARTMENT RULES. TO THE EXTENT NOT OTHERWISE PROHIBITED BY STATE OR FEDERAL LAW, IF THE RECIPIENT IS FOUND TO HAVE COMMITTED AN INTENTIONAL PROGRAM VIOLATION, THE RECIPIENT IS DISQUALIFIED FROM PARTICIPATION IN CCCAP FOR TWELVE MONTHS FOR THE FIRST INCIDENT, TWENTY-FOUR MONTHS FOR A SECOND INCIDENT, AND PERMANENTLY FOR A THIRD OR SUBSEQUENT INCIDENT. THIS DISQUALIFICATION IS MANDATORY AND IS IN ADDITION TO ANY OTHER PENALTY IMPOSED BY LAW. EXCEPT AS PROVIDED IN SUBSECTIONS (3) AND (4) OF THIS SECTION, ANY PREVIOUSLY PROVIDED EXCESS CHILD CARE ASSISTANCE TO WHICH THE RECIPIENT WAS NOT ENTITLED IS RECOVERABLE BY THE COUNTY AS A DEBT DUE TO THE STATE AND THE COUNTY IN PROPORTION TO THE AMOUNT OF CHILD CARE ASSISTANCE PAID BY EACH RESPECTIVELY; EXCEPT THAT INTEREST IS CHARGED AND PAID TO THE COUNTY DEPARTMENT ON ANY SUM FRAUDULENTLY OBTAINED, CALCULATED AT THE LEGAL RATE AND CALCULATED FROM THE DATE THE SUM WAS PAID TO A PROVIDER ON BEHALF OF THE RECIPIENT TO THE DATE THE SUM IS RECOVERED. IF THE DEBT FOR FRAUDULENTLY OBTAINED CHILD CARE ASSISTANCE, FRAUDULENTLY OBTAINED OVERPAYMENTS OF CHILD CARE ASSISTANCE, OR EXCESS CHILD CARE ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS INELIGIBLE HAS BEEN REDUCED TO A JUDGMENT IN A COURT OF RECORD IN THIS STATE, THE COUNTY DEPARTMENT MAY SEEK A CONTINUING GARNISHMENT TO COLLECT THE DEBT UNDER ARTICLE 54.5 OF TITLE 13.

(2) IF, UPON THE DEATH OR MENTAL INCOMPETENCY OF ANY RECIPIENT, THE INVENTORY OF THE RECIPIENT'S ESTATE SHOWS ASSETS IN EXCESS OF THE AMOUNT THAT THE RECIPIENT WAS ALLOWED TO HAVE IN ORDER TO RECEIVE CHILD CARE ASSISTANCE, OR IF IT BE SHOWN THAT THE

RECIPIENT WAS OTHERWISE INELIGIBLE FOR CHILD CARE ASSISTANCE, THEN THE CLAIM OF THE COUNTY AND STATE FOR THE EXCESS CHILD CARE ASSISTANCE PAID FOR WHICH THE RECIPIENT WAS INELIGIBLE, IF FILED AS REQUIRED BY SECTION 15-12-804, HAS PRIORITY AS A DEBT GIVEN PREFERENCE UNDER SECTION 15-12-805 (1)(f.7).

(3) WHEN A RECIPIENT WAS INELIGIBLE FOR CHILD CARE ASSISTANCE SOLELY BECAUSE OF PROPERTY IN EXCESS OF THAT PERMITTED BY DEPARTMENT RULES PURSUANT TO SECTION 26.5-4-106 (4), THE AMOUNT FOR WHICH THE RECIPIENT IS LIABLE IS THE AMOUNT BY WHICH THE PROPERTY EXCEEDED THE AMOUNT ALLOWABLE UNDER SAID RULES OR THE TOTAL AMOUNT OF CHILD CARE ASSISTANCE RECEIVED, WHICHEVER IS THE LESSER AMOUNT. EXCEPT AS PROVIDED IN SUBSECTION (4) OF THIS SECTION, ACTIONS FOR THE RECOVERY OF THESE SUMS MUST BE PROSECUTED BY THE COUNTY DEPARTMENT OR THE DEPARTMENT IN A COURT OF RECORD THAT HAS JURISDICTION.

(4) THE DEPARTMENT AND A COUNTY DEPARTMENT MAY ELECT NOT TO ATTEMPT RECOVERY OF AN OVERPAYMENT OF CHILD CARE ASSISTANCE FROM AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC ASSISTANCE OR CHILD CARE ASSISTANCE IF THE OVERPAYMENT AMOUNT IS LESS THAN THIRTY-FIVE DOLLARS. IF THE OVERPAYMENT AMOUNT OWED BY AN INDIVIDUAL WHO IS NO LONGER RECEIVING PUBLIC ASSISTANCE OR CHILD CARE ASSISTANCE IS THIRTY-FIVE DOLLARS OR MORE, THE DEPARTMENT AND THE COUNTY DEPARTMENT MAY DETERMINE, CONSISTENT WITH THE SIX-YEAR TIME LIMITATION FOR THE EXECUTION ON JUDGMENTS INVOLVING STATE DEBT, THAT IT IS NO LONGER COST-EFFECTIVE TO CONTINUE TO PURSUE RECOVERY OF THE OVERPAYMENT.

26.5-4-117. Locating violators - recoveries. (1) THE EXECUTIVE DIRECTOR OR DISTRICT ATTORNEYS MAY REQUEST AND RECEIVE FROM DEPARTMENTS, BOARDS, BUREAUS, OR OTHER AGENCIES OF THE STATE OR ANY OF ITS POLITICAL SUBDIVISIONS, AND THE SAME ARE REQUIRED TO PROVIDE, SUCH ASSISTANCE AND DATA AS WILL ENABLE THE DEPARTMENT AND COUNTY DEPARTMENTS PROPERLY TO CARRY OUT THEIR POWERS AND DUTIES TO LOCATE AND PROSECUTE ANY PERSON WHO FRAUDULENTLY OBTAINS CHILD CARE ASSISTANCE PURSUANT TO THIS PART 1. ANY RECORDS ESTABLISHED PURSUANT TO THE PROVISIONS OF THIS SECTION ARE AVAILABLE ONLY TO THE DEPARTMENT, THE COUNTY DEPARTMENTS, THE ATTORNEY GENERAL, AND THE DISTRICT ATTORNEYS, COUNTY ATTORNEYS,

AND COURTS HAVING JURISDICTION IN FRAUD OR RECOVERY PROCEEDINGS OR ACTIONS.

(2) ALL DEPARTMENTS AND AGENCIES OF THE STATE AND LOCAL GOVERNMENTS SHALL COOPERATE IN THE LOCATION AND PROSECUTION OF A PERSON WHO FRAUDULENTLY OBTAINS CHILD CARE ASSISTANCE PURSUANT TO THIS PART 1, AND, ON REQUEST OF THE COUNTY OR DISTRICT BOARD OF HUMAN OR SOCIAL SERVICES, THE COUNTY DIRECTOR, THE DEPARTMENT, OR THE DISTRICT ATTORNEY OF ANY JUDICIAL DISTRICT IN THIS STATE, SHALL SUPPLY ALL INFORMATION ON HAND RELATIVE TO THE LOCATION, EMPLOYMENT, INCOME, AND PROPERTY OF SAID PERSONS, NOTWITHSTANDING ANY OTHER PROVISION OF LAW MAKING THE INFORMATION CONFIDENTIAL, EXCEPT THE LAWS PERTAINING TO CONFIDENTIALITY OF TAX RETURNS FILED PURSUANT TO LAW WITH THE DEPARTMENT OF REVENUE. THE DEPARTMENT OF REVENUE SHALL FURNISH AT NO COST TO INQUIRING DEPARTMENTS AND AGENCIES SUCH INFORMATION AS MAY BE NECESSARY TO EFFECTUATE THE PURPOSES OF THIS PART 1. THE EXECUTIVE DIRECTOR SHALL, BY RULE, ESTABLISH THE PROCEDURES WHEREBY THIS INFORMATION IS REQUESTED AND PROVIDED. THE DEPARTMENT OR COUNTY DEPARTMENTS SHALL USE SUCH INFORMATION ONLY FOR THE PURPOSES OF ADMINISTERING THE COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO THIS PART 1, AND A DISTRICT ATTORNEY SHALL USE IT ONLY FOR THE PROSECUTION OF PERSONS WHO FRAUDULENTLY OBTAIN CHILD CARE ASSISTANCE PURSUANT TO THIS PART 1, AND SHALL NOT USE THE INFORMATION, OR DISCLOSE IT, FOR ANY OTHER PURPOSE.

(3) A DISTRICT ATTORNEY SHALL BILL THE ACTUAL COSTS AND EXPENSES INCURRED BY THE DISTRICT ATTORNEY'S OFFICE IN CARRYING OUT THE PROVISIONS OF SUBSECTION (2) OF THIS SECTION TO COUNTIES OR A COUNTY WITHIN THE JUDICIAL DISTRICT IN THE PROPORTIONS SPECIFIED IN SECTION 20-1-302. EACH COUNTY SHALL MAKE AN ANNUAL ACCOUNTING TO THE DEPARTMENT ON ALL AMOUNTS RECOVERED.

26.5-4-118. Records confidential - authorization to obtain records of assets - release of location information to law enforcement agencies - outstanding felony arrest warrants. (1) THE EXECUTIVE DIRECTOR MAY ESTABLISH REASONABLE RULES TO PROVIDE SAFEGUARDS RESTRICTING THE USE OR DISCLOSURE OF INFORMATION CONCERNING APPLICANTS, RECIPIENTS, AND FORMER AND POTENTIAL RECIPIENTS OF

FEDERALLY AIDED CHILD CARE ASSISTANCE TO PURPOSES DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO CHILD CARE ASSISTANCE PROGRAM AND RELATED DEPARTMENT ACTIVITIES AND COVERING THE CUSTODY, USE, AND PRESERVATION OF THE RECORDS, PAPERS, FILES, AND COMMUNICATIONS OF THE DEPARTMENT AND COUNTY DEPARTMENTS. WHENEVER, UNDER PROVISIONS OF LAW, NAMES AND ADDRESSES OF APPLICANTS FOR, RECIPIENTS OF, OR FORMER AND POTENTIAL RECIPIENTS OF CHILD CARE ASSISTANCE ARE FURNISHED TO OR HELD BY ANOTHER AGENCY, DEPARTMENT OF GOVERNMENT, OR AN AUDITOR CONDUCTING A FINANCIAL OR PERFORMANCE AUDIT OF A COUNTY DEPARTMENT PURSUANT TO SECTION 26-1-114.5, THE AGENCY, DEPARTMENT, OR AUDITOR IS REQUIRED TO PREVENT THE PUBLICATION OF LISTS AND USES OF THE LISTS FOR PURPOSES NOT DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO CHILD CARE ASSISTANCE PROGRAM.

(2) (a) (I) EXCEPT AS PROVIDED IN SUBSECTIONS (2)(a)(II) AND (2)(a)(III) OF THIS SECTION, OR EXCEPT AS DISCLOSURE IS OTHERWISE REQUIRED BY STATUTE OR BY RULE OF CIVIL PROCEDURE FOR CHILD SUPPORT ESTABLISHMENT OR ENFORCEMENT PURPOSES, IT IS UNLAWFUL FOR A PERSON TO SOLICIT, DISCLOSE, OR MAKE USE OF OR TO AUTHORIZE, KNOWINGLY PERMIT, PARTICIPATE IN, OR ACQUIESCE IN THE USE OF ANY LISTS OR NAMES OF OR ANY INFORMATION CONCERNING PERSONS APPLYING FOR OR RECEIVING CHILD CARE ASSISTANCE DIRECTLY OR INDIRECTLY DERIVED FROM THE RECORDS, PAPERS, FILES, OR COMMUNICATIONS OF THE DEPARTMENT OR COUNTY DEPARTMENTS OR SUBDIVISIONS OR AGENCIES THEREOF OR ACQUIRED IN THE COURSE OF THE PERFORMANCE OF OFFICIAL DUTIES. A FINANCIAL INSTITUTION OR INSURANCE COMPANY THAT PROVIDES THE DATA, WHETHER CONFIDENTIAL OR NOT, REQUIRED BY THE DEPARTMENT, IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (2), IS NOT LIABLE FOR PROVIDING THE DATA TO THE DEPARTMENT NOR FOR ANY USE THE DEPARTMENT MAKES OF THE DATA.

(II) THE INFORMATION DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION MAY BE DISCLOSED FOR PURPOSES DIRECTLY CONNECTED WITH THE ADMINISTRATION OF THE COLORADO CHILD CARE ASSISTANCE PROGRAM AND IN ACCORDANCE WITH THIS SUBSECTION (2) AND WITH DEPARTMENT RULES.

(III) (A) NOTWITHSTANDING ANY PROVISION OF STATE LAW TO THE

CONTRARY AND TO THE EXTENT ALLOWABLE UNDER FEDERAL LAW, AT THE REQUEST OF THE COLORADO BUREAU OF INVESTIGATION, THE DEPARTMENT SHALL PROVIDE THE BUREAU WITH INFORMATION CONCERNING THE LOCATION OF ANY PERSON WHOSE NAME APPEARS IN THE DEPARTMENT'S RECORDS WHO IS THE SUBJECT OF AN OUTSTANDING FELONY ARREST WARRANT. UPON RECEIPT OF THE INFORMATION, IT IS THE RESPONSIBILITY OF THE BUREAU TO PROVIDE APPROPRIATE LAW ENFORCEMENT AGENCIES WITH LOCATION INFORMATION OBTAINED FROM THE DEPARTMENT. LOCATION INFORMATION PROVIDED PURSUANT TO THIS SECTION MUST BE USED SOLELY FOR LAW ENFORCEMENT PURPOSES. THE DEPARTMENT AND THE BUREAU SHALL DETERMINE AND EMPLOY THE MOST COST-EFFECTIVE METHOD FOR OBTAINING AND PROVIDING LOCATION INFORMATION PURSUANT TO THIS SECTION. NEITHER THE DEPARTMENT NOR ITS EMPLOYEES OR AGENTS ARE LIABLE IN A CIVIL ACTION FOR PROVIDING INFORMATION IN ACCORDANCE WITH THE PROVISIONS OF THIS SUBSECTION (2)(a)(III)(A).

(B) AS USED IN SUBSECTION (2)(a)(III)(A) OF THIS SECTION, "LAW ENFORCEMENT AGENCY" MEANS AN AGENCY OF THE STATE OR ITS POLITICAL SUBDIVISIONS THAT IS RESPONSIBLE FOR ENFORCING THE LAWS OF THIS STATE. "LAW ENFORCEMENT AGENCY" INCLUDES BUT IS NOT LIMITED TO A POLICE DEPARTMENT, A SHERIFF'S DEPARTMENT, A DISTRICT ATTORNEY'S OFFICE, THE OFFICE OF THE STATE ATTORNEY GENERAL, AND THE COLORADO BUREAU OF INVESTIGATION.

(b) BY SIGNING AN APPLICATION OR REDETERMINATION OF ELIGIBILITY FORM FOR CHILD CARE ASSISTANCE, AN APPLICANT AUTHORIZES THE DEPARTMENT TO OBTAIN RECORDS PERTAINING TO INFORMATION PROVIDED IN THAT APPLICATION OR REDETERMINATION OF ELIGIBILITY FORM FROM A FINANCIAL INSTITUTION, AS DEFINED IN SECTION 15-15-201 (4), OR FROM AN INSURANCE COMPANY. THE APPLICATION OR REDETERMINATION OF ELIGIBILITY FORM MUST CONTAIN LANGUAGE CLEARLY INDICATING THAT SIGNING CONSTITUTES SUCH AN AUTHORIZATION.

(c) A COUNTY DEPARTMENT SHALL NOT DENY AN APPLICANT OR DISCONTINUE A RECIPIENT DUE TO THE DISCLOSURE OF ASSETS UNLESS AND UNTIL THE COUNTY DEPARTMENT HAS ASSURED THAT THE ASSETS TAKEN TOGETHER WITH OTHER ASSETS EXCEED THE LIMIT FOR ELIGIBILITY OF COUNTABLE ASSETS.

(3) THE APPLICANT FOR OR RECIPIENT OF CHILD CARE ASSISTANCE,

OR THE APPLICANT'S OR RECIPIENT'S REPRESENTATIVE, MUST HAVE AN OPPORTUNITY TO EXAMINE ALL APPLICATIONS AND PERTINENT RECORDS CONCERNING THE APPLICANT OR RECIPIENT THAT CONSTITUTE A BASIS FOR DENIAL, MODIFICATION, OR TERMINATION OF CHILD CARE ASSISTANCE OR TO EXAMINE THE RECORDS IN THE CASE OF A FAIR HEARING.

(4) A PERSON WHO VIOLATES SUBSECTION (1) OR (2) OF THIS SECTION COMMITS A PETTY OFFENSE.

26.5-4-119. State income tax refund offset - rules. (1) (a) AT ANY TIME PRESCRIBED BY THE DEPARTMENT OF REVENUE, BUT NOT LESS FREQUENTLY THAN ANNUALLY, THE DEPARTMENT SHALL CERTIFY TO THE DEPARTMENT OF REVENUE INFORMATION REGARDING PERSONS WHO ARE OBLIGATED TO THE STATE FOR OVERPAYMENT OF CHILD CARE ASSISTANCE. THE INFORMATION MUST INCLUDE CERTIFICATION OF THE AMOUNT OF OVERPAYMENT, WHICH HAS BEEN DETERMINED BY FINAL AGENCY ACTION OR HAS BEEN ORDERED BY A COURT AS RESTITUTION OR HAS BEEN REDUCED TO JUDGMENT.

(b) THE INFORMATION MUST ALSO INCLUDE THE NAME AND THE SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER OF THE PERSON OBLIGATED TO THE STATE FOR THE OVERPAYMENT, THE AMOUNT OF THE OBLIGATION, AND ANY OTHER IDENTIFYING INFORMATION THE DEPARTMENT OF REVENUE MAY REQUIRE.

(2) AS A CONDITION OF CERTIFYING AN OVERPAYMENT TO THE DEPARTMENT OF REVENUE AS PROVIDED IN SUBSECTION (1) OF THIS SECTION, THE DEPARTMENT SHALL ENSURE THAT THE OBLIGATED PERSON HAS BEEN AFFORDED THE OPPORTUNITY FOR A CONFERENCE AT THE COUNTY DEPARTMENT LEVEL AND THE OPPORTUNITY FOR AN APPEAL TO THE DEPARTMENT PURSUANT TO SECTION 26.5-4-108. IN ADDITION, THE DEPARTMENT, PRIOR TO FINAL CERTIFICATION OF THE INFORMATION SPECIFIED IN SUBSECTION (1) OF THIS SECTION TO THE DEPARTMENT OF REVENUE, SHALL NOTIFY THE OBLIGATED PERSON, IN WRITING, AT THE PERSON'S LAST KNOWN ADDRESS, THAT THE STATE INTENDS TO REFER THE PERSON'S NAME TO THE DEPARTMENT OF REVENUE IN AN ATTEMPT TO OFFSET THE OBLIGATION AGAINST THE PERSON'S STATE INCOME TAX REFUND. THE NOTIFICATION MUST INFORM THE OBLIGATED PERSON OF THE OPPORTUNITY FOR A CONFERENCE WITH THE COUNTY DEPARTMENT AND OF THE OPPORTUNITY FOR AN APPEAL TO THE STATE DEPARTMENT PURSUANT TO

SECTION 26.5-4-108. IN ADDITION, THE NOTICE MUST SPECIFY ISSUES THAT THE OBLIGATED PERSON MAY RAISE AT AN EVIDENTIARY CONFERENCE OR ON APPEAL, AS PROVIDED BY THIS SUBSECTION (2), IN OBJECTING TO THE OFFSET AND MUST SPECIFY THAT THE OBLIGATED PERSON MAY NOT OBJECT TO THE FACT THAT AN OVERPAYMENT OCCURRED. IF THE OBLIGATED PERSON DESIRES AN EVIDENTIARY CONFERENCE OR APPEAL AS PROVIDED IN THIS SUBSECTION (2), THE PERSON MUST REQUEST THE CONFERENCE OR APPEAL WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE NOTICE WAS MAILED.

(3) UPON RECEIVING NOTICE FROM THE DEPARTMENT OF REVENUE OF AMOUNTS DEPOSITED WITH THE STATE TREASURER PURSUANT TO SECTION 39-21-108, THE STATE DEPARTMENT SHALL DISBURSE THE AMOUNTS TO THE APPROPRIATE COUNTY TO PROCESS FOR DISTRIBUTION TO THE STATE OR LOCAL AGENCY TO WHOM THE PERSON IS OBLIGATED.

(4) THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES ESTABLISHING PROCEDURES TO IMPLEMENT THIS SECTION.

(5) THE DEPARTMENT SHALL PROVIDE THE HOME ADDRESSES AND SOCIAL SECURITY NUMBERS OR TAX IDENTIFICATION NUMBERS OF PERSONS SUBJECT TO THE INCOME TAX REFUND OFFSET, PROVIDED TO THE DEPARTMENT BY THE DEPARTMENT OF REVENUE, TO THE APPROPRIATE COUNTY DEPARTMENT.

PART 2 COLORADO UNIVERSAL PRESCHOOL PROGRAM

26.5-4-201. Short title. THE SHORT TITLE OF THIS PART 2 IS THE "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT".

26.5-4-202. Legislative declaration. (1) (a) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(I) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN 1988, AND FULL-DAY KINDERGARTEN, ADOPTED IN 2019;

(II) SINCE ESTABLISHING THE COLORADO PRESCHOOL PROGRAM, COLORADO HAS STEADILY INCREASED ITS INVESTMENT IN HIGH-QUALITY PRESCHOOL PROGRAMMING, SECURING A SIGNIFICANT RETURN ON

INVESTMENT BY IMPROVING CHILD OUTCOMES YEAR OVER YEAR BY EXPANDING ACCESS TO PRESCHOOL FOR CHILDREN IN LOW-INCOME FAMILIES AND THOSE WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED TO LEARN;

(III) STATE AND NATIONAL RESEARCH DEMONSTRATE THE POSITIVE AND LONG- AND SHORT-TERM IMPACTS OF HIGH-QUALITY PRESCHOOL, INCLUDING IMPROVED EARLY LITERACY, REDUCED GRADE RETENTION, DECREASED PROBABILITY OF DEVELOPING A SIGNIFICANT READING DEFICIENCY, IMPROVED PERFORMANCE ON STATEWIDE STANDARDS-BASED ASSESSMENTS, AND INCREASED RATE OF HIGH SCHOOL GRADUATION;

(IV) RESEARCH DEMONSTRATES THAT ECONOMICALLY DISADVANTAGED CHILDREN DERIVE GREATER BENEFITS FROM PRESCHOOL PROGRAMS IN STATES THAT OFFER UNIVERSAL PROGRAMS THAN IN STATES THAT OFFER PRESCHOOL PROGRAMS SPECIFICALLY FOR ECONOMICALLY DISADVANTAGED CHILDREN.

(V) IN THE 2020 GENERAL ELECTION, THE VOTERS OF COLORADO APPROVED PROPOSITION EE BY A NEARLY TWO-TO-ONE MARGIN, ESTABLISHING A DEDICATED SOURCE OF FUNDING FOR STATEWIDE, VOLUNTARY, UNIVERSAL PRESCHOOL PROGRAMMING FOR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN AND FOR ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED TO LEARN. WITH THE PASSAGE OF THIS MEASURE, COLORADO VOTERS IN RURAL, URBAN, AND SUBURBAN COMMUNITIES HAVE DEMONSTRATED THEIR STRONG COMMITMENT TO EXPANDING ACCESS TO QUALITY PRESCHOOL FOR CHILDREN REGARDLESS OF THEIR ECONOMIC CIRCUMSTANCES.

(VI) CREATING A STATEWIDE, MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS TO MAKE PRESCHOOL PROGRAMMING UNIVERSALLY AVAILABLE TO CHILDREN THROUGHOUT COLORADO COMPOUNDS THE BENEFITS FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES AND INCREASES THE ULTIMATE SOCIAL AND ECONOMIC BENEFITS OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR THE STATE AS A WHOLE.

(b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STATE AND CONSISTENT WITH THE WILL OF THE VOTERS OF COLORADO TO ESTABLISH THE COLORADO UNIVERSAL

PRESCHOOL PROGRAM TO PROVIDE HIGH-QUALITY, VOLUNTARY PRESCHOOL PROGRAMMING THROUGH A MIXED DELIVERY SYSTEM FOR CHILDREN THROUGHOUT THE STATE IN THE YEAR PRECEDING KINDERGARTEN ENROLLMENT AND TO PROVIDE FOR ADDITIONAL PRESCHOOL SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET IDENTIFIED QUALIFYING FACTORS.

(2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(I) IN 2000, THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, WHICH REQUIRES THE GENERAL ASSEMBLY TO ANNUALLY INCREASE, BY AT LEAST THE RATE OF INFLATION, THE STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR PUBLIC EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE;

(II) IN THE 2001-02 FISCAL YEAR AND IN EVERY FISCAL YEAR SINCE, THE INCREASES TO STATEWIDE BASE PER PUPIL FUNDING HAVE AUTOMATICALLY APPLIED TO FUNDING FOR PRESCHOOL SERVICES PROVIDED BY SCHOOL DISTRICTS, BECAUSE THE FUNDING FOR PRESCHOOL SERVICES HAS BEEN CALCULATED THROUGH THE SCHOOL FINANCE FORMULA ESTABLISHED IN ARTICLE 54 OF TITLE 22, WHICH APPLIES TO FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION;

(III) TO EFFECTIVELY AND EFFICIENTLY PROVIDE PRESCHOOL SERVICES THROUGH A MIXED DELIVERY SYSTEM OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, AND TO ENSURE THAT FUNDING CALCULATIONS ACCOUNT FOR THE UNIQUE STANDARDS AND FEATURES OF PRESCHOOL PROGRAMS, STATE FUNDING FOR PRESCHOOL SERVICES, INCLUDING PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, MUST BE APPROPRIATED AND ALLOCATED SEPARATELY FROM THE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION, AND, BEGINNING IN THE 2023-24 FISCAL YEAR, THE STATEWIDE BASE PER PUPIL FUNDING AMOUNT SET ANNUALLY FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION WILL NO LONGER APPLY TO FUNDING FOR PRESCHOOL SERVICES;

(IV) TO CONTINUE TO MEET THE INTENT OF SECTION 17(1) OF ARTICLE IX OF THE STATE CONSTITUTION WITH REGARD TO FUNDING FOR PRESCHOOL SERVICES, IT IS APPROPRIATE FOR THE DEPARTMENT OF EARLY

CHILDHOOD TO ESTABLISH A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE FOR THE 2023-24 FISCAL YEAR THAT EQUALS THE PORTION OF THE STATEWIDE BASE PER PUPIL FUNDING AMOUNT ESTABLISHED FOR THE 2023-24 FISCAL YEAR THAT APPLIES TO THE NUMBER OF HOURS OF UNIVERSAL PRESCHOOL SERVICES PROVIDED TO AN ELIGIBLE CHILD, AND TO INCREASE THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE ANNUALLY BY THE RATE OF INFLATION.

(b) THE GENERAL ASSEMBLY, THEREFORE, DECLares THAT, BY ESTABLISHING A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE AND ENSURING THAT THE PER-CHILD RATE THAT THE DEPARTMENT ANNUALLY ESTABLISHES FOR UNIVERSAL PRESCHOOL SERVICES AND FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER MEETS OR EXCEEDS THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE, FUNDING FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF SECTION 17 (1) OF ARTICLE IX OF THE STATE CONSTITUTION.

(3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLares THAT:

(I) IN APPROVING PROPOSITION EE, THE VOTERS SUPPORTED FUNDING FOR TEN HOURS OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR ALL COLORADO CHILDREN IN THE YEAR PRECEDING KINDERGARTEN ENROLLMENT, AS WELL AS ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED TO LEARN, INCLUDING CHILDREN IN LOW-INCOME FAMILIES;

(II) RESEARCH DEMONSTRATES THAT PARTICIPATING IN HIGH-QUALITY PRESCHOOL PROGRAMS HELPS TO ENSURE THAT CHILDREN IN LOW-INCOME FAMILIES ARE ABLE TO ENTER KINDERGARTEN ON PAR WITH THEIR PEERS IN HIGHER-INCOME FAMILIES; AND

(III) FOR THE PRESCHOOL PROGRAM TO SERVE CHILDREN EQUITABLY, THE STATE MUST INVEST IN ADDITIONAL HOURS OF PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES, IN ADDITION TO FUNDING THE TEN HOURS OF UNIVERSAL PRESCHOOL SERVICES.

(b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE BEST INTERESTS OF THE STATE TO ALLOCATE THE AMOUNT APPROPRIATED

FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO PROVIDE ADEQUATE FUNDING FOR BOTH A HIGH-QUALITY UNIVERSAL PRESCHOOL PROGRAM AND ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES.

(4) THE GENERAL ASSEMBLY RECOGNIZES THE REQUIREMENT OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, TO PROVIDE EDUCATIONAL SERVICES TO EVERY THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY, IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM. THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, MEETING THE OBLIGATION OF SERVING ALL THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IS AN IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

26.5-4-203. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADDITIONAL PRESCHOOL SERVICES" MEANS HOURS OF PRESCHOOL SERVICES PROVIDED TO A CHILD IN THE YEAR PRECEDING ENROLLMENT IN KINDERGARTEN THAT ARE IN ADDITION TO THE UNIVERSAL PRESCHOOL SERVICES THE CHILD RECEIVES.

(2) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS:

(a) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A CHARTER SCHOOL AUTHORIZED BY THE COLORADO SCHOOL FOR THE DEAF AND THE BLIND PURSUANT TO SECTION 22-80-102 (4)(b);

(b) AUTHORIZED IN ITS CHARTER CONTRACT TO PROVIDE PRESCHOOL SERVICES; AND

(c) LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 TO OPERATE AS A PRESCHOOL PROVIDER.

(3) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-20-103.

(4) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR "PRESCHOOL PROGRAM" MEANS THE PROGRAM ESTABLISHED WITHIN THE DEPARTMENT PURSUANT TO SECTION 26.5-4-204, AND INCLUDES ALL PARTICIPATING PRESCHOOL PROVIDERS.

(5) "COMMUNITY PLAN" MEANS THE COMMUNITY PLAN ADOPTED BY A LOCAL COORDINATING ORGANIZATION PURSUANT TO SECTION 26.5-2-104.

(6) "ECEA" MEANS THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, AND ITS IMPLEMENTING RULES.

(7) "ELIGIBLE CHILD" MEANS A CHILD WHO IS ELIGIBLE TO RECEIVE PRESCHOOL SERVICES AS PROVIDED IN SECTION 26.5-4-204 (3).

(8) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS IMPLEMENTING REGULATIONS.

(9) "INDIVIDUALIZED EDUCATION PROGRAM" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-20-103.

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

(11) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO IMPLEMENT A COMMUNITY PLAN FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED COMMUNITY.

(12) "MIXED DELIVERY SYSTEM" MEANS A SYSTEM FOR DELIVERING PRESCHOOL SERVICES THROUGH A COMBINATION OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROVIDERS, WHICH INCLUDE FAMILY CHILD CARE HOMES, CHILD CARE CENTERS, AND HEAD START AGENCIES, THAT ARE FUNDED BY A COMBINATION OF PUBLIC AND PRIVATE MONEY.

(13) "PARENT" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-20-103.

(14) "PRESCHOOL PROVIDER" MEANS ANY OF THE FOLLOWING ENTITIES THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5:

(I) A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION 26.5-5-303;

(II) A CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303;

(III) A SCHOOL DISTRICT LICENSED TO OPERATE AS A PUBLIC PRESCHOOL PROVIDER;

(IV) A CHARTER SCHOOL LICENSED TO OPERATE AS A PUBLIC PRESCHOOL PROVIDER; OR

(V) A HEAD START PROGRAM.

(15) "QUALIFYING FACTOR" MEANS A CHILD OR FAMILY CIRCUMSTANCE, AS IDENTIFIED BY DEPARTMENT RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), THAT MAY NEGATIVELY IMPACT A CHILD'S COGNITIVE, ACADEMIC, SOCIAL, PHYSICAL, OR BEHAVIORAL HEALTH OR DEVELOPMENT.

(16) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED PURSUANT TO ARTICLE 30 OF TITLE 22 THAT PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER; OR A BOARD OF COOPERATIVE SERVICES ORGANIZED PURSUANT TO ARTICLE 5 OF TITLE 22 THAT PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER.

(17) "UNIVERSAL PRESCHOOL SERVICES" MEANS TEN HOURS OF PRESCHOOL SERVICES PER WEEK MADE AVAILABLE, AT NO CHARGE, TO CHILDREN IN THE STATE DURING THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN KINDERGARTEN.

26.5-4-204. Colorado universal preschool program - created - eligibility - rules - workforce development plan. (1) THERE IS CREATED

IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PRESCHOOL PROGRAM IN ACCORDANCE WITH THIS PART 2 AND SHALL ENSURE THAT, FOR THE 2023-24 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER, FAMILIES MAY ENROLL THEIR CHILDREN IN PRESCHOOL PROVIDERS THAT RECEIVE FUNDING THROUGH THE PRESCHOOL PROGRAM. THE PURPOSES OF THE PRESCHOOL PROGRAM ARE:

- (a) TO PROVIDE CHILDREN IN COLORADO ACCESS TO VOLUNTARY, HIGH-QUALITY, UNIVERSAL PRESCHOOL SERVICES FREE OF CHARGE IN THE SCHOOL YEAR BEFORE A CHILD ENROLLS IN KINDERGARTEN;
- (b) TO PROVIDE ACCESS TO ADDITIONAL PRESCHOOL SERVICES IN THE SCHOOL YEAR BEFORE KINDERGARTEN ELIGIBILITY FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN WHO LACK OVERALL LEARNING READINESS DUE TO QUALIFYING FACTORS;
- (c) TO PROVIDE ACCESS TO PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE, OR IN LIMITED CIRCUMSTANCES YOUNGER THAN THREE YEARS OF AGE, AND ARE CHILDREN WITH DISABILITIES, ARE IN LOW-INCOME FAMILIES, OR LACK OVERALL LEARNING READINESS DUE TO QUALIFYING FACTORS; AND
- (d) TO ESTABLISH QUALITY STANDARDS FOR PUBLICLY FUNDED PRESCHOOL PROVIDERS THAT PROMOTE CHILDREN'S EARLY LEARNING AND DEVELOPMENT, SCHOOL READINESS, AND HEALTHY BEGINNINGS.

(2) FOR THE 2023-24 SCHOOL YEAR AND EACH SCHOOL YEAR THEREAFTER, SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY OF PRESCHOOL PROVIDERS, PARENTS THROUGHOUT THE STATE MAY ENROLL THEIR CHILDREN, FREE OF CHARGE, IN TEN HOURS PER WEEK OF PUBLICLY FUNDED PRESCHOOL SERVICES FOR THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILDREN ARE ELIGIBLE TO ENROLL IN KINDERGARTEN. THE DEPARTMENT, WORKING WITH LOCAL COORDINATING ORGANIZATIONS, SHALL IDENTIFY AND RECRUIT PRESCHOOL PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. IN IDENTIFYING AND RECRUITING PRESCHOOL PROVIDERS, THE DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS SHALL, TO THE EXTENT PRACTICABLE, ESTABLISH A MIXED DELIVERY SYSTEM IN COMMUNITIES THROUGHOUT THE STATE THAT ENABLES PARENTS TO

SELECT PRESCHOOL PROVIDERS FOR THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR RESPECTIVE COMMUNITIES.

(3) (a) FOR THE 2023-24 SCHOOL YEAR AND FOR EACH SCHOOL YEAR THEREAFTER:

(I) SUBJECT TO THE AVAILABILITY AND CAPACITY OF PRESCHOOL PROVIDERS, EVERY CHILD IN THE STATE MAY RECEIVE TEN HOURS OF PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, DURING THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL IN KINDERGARTEN.

(II) PURSUANT TO IDEA AND ECEA, EVERY CHILD WHO IS THREE OR FOUR YEARS OF AGE AND IS A CHILD WITH DISABILITIES MUST BE OFFERED PRESCHOOL SERVICES IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.

(III) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS THREE YEARS OF AGE, IS NOT ELIGIBLE TO ENROLL IN KINDERGARTEN IN THE NEXT SCHOOL YEAR, AND IS IN A LOW-INCOME FAMILY OR MEETS AT LEAST ONE QUALIFYING FACTOR MAY RECEIVE THE NUMBER OF HOURS OF PRESCHOOL SERVICES ESTABLISHED BY DEPARTMENT RULE.

(IV) SUBJECT TO AVAILABLE APPROPRIATIONS, A COMMUNITY IN WHICH A SCHOOL DISTRICT OPERATED A DISTRICT PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE, MAY CONTINUE TO PROVIDE PRESCHOOL SERVICES FOR THE NUMBER OF HOURS ESTABLISHED BY DEPARTMENT RULE FOR THE SAME NUMBER OF CHILDREN UNDER THREE YEARS OF AGE THAT RECEIVED PRESCHOOL SERVICES IN THE 2022-23 SCHOOL YEAR, SO LONG AS EACH CHILD WHO RECEIVES THE PRESCHOOL SERVICES IS IN A LOW-INCOME FAMILY OR MEETS AT LEAST ONE QUALIFYING FACTOR.

(V) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS IN A LOW-INCOME FAMILY OR WHO MEETS AT LEAST ONE QUALIFYING FACTOR MAY RECEIVE ADDITIONAL PRESCHOOL SERVICES FOR THE NUMBER OF HOURS ESTABLISHED BY DEPARTMENT RULE IN THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL IN KINDERGARTEN.

(b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(a) OF THIS SECTION TO THE CONTRARY:

(I) THE STATE SHALL PROVIDE TO EACH THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY WHOSE PARENT ENROLLS THE CHILD IN THE PRESCHOOL PROGRAM AN EDUCATIONAL PROGRAM IN ACCORDANCE WITH IDEA AND ECEA AND THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM; AND

(II) FOR A SCHOOL YEAR IN WHICH FEDERAL MONEY IS PROVIDED TO THE STATE TO FUND PRESCHOOL, OTHER THAN FEDERAL MONEY PROVIDED THROUGH IDEA, THE EXECUTIVE DIRECTOR MAY ALLOCATE SAID FUNDING TO PROVIDE THE NUMBER OF HOURS OF PRESCHOOL SERVICES ALLOWED UNDER FEDERAL LAW FOR ALL CHILDREN DEFINED AS ELIGIBLE UNDER FEDERAL LAW.

(4) (a) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO IMPLEMENT THE PRESCHOOL PROGRAM, WHICH MUST INCLUDE:

(I) THE LEVEL OF INCOME THAT IDENTIFIES A FAMILY AS BEING LOW-INCOME FOR PURPOSES OF IDENTIFYING CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AND ARE ELIGIBLE FOR PRESCHOOL SERVICES AND PRIORITIZING FUNDING FOR THOSE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, ENSURE THAT THE INCOME ELIGIBILITY REQUIREMENTS FOR OTHER PUBLICLY FUNDED CHILD CARE PROGRAMS ARE ALIGNED WITH THE INCOME LEVEL SET PURSUANT TO THIS SUBSECTION (4)(a)(I).

(II) THE QUALIFYING FACTORS THAT A CHILD MUST MEET TO BE ELIGIBLE TO RECEIVE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE DIRECTOR SHALL ENSURE THAT THE QUALIFYING FACTORS ARE REVIEWED AND, AS NECESSARY, REVISED AT LEAST EVERY FIVE YEARS. THE PURPOSE OF THE QUALIFYING FACTORS IS TO IDENTIFY CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING READY FOR SCHOOL. THE QUALIFYING FACTORS MUST INCLUDE IDENTIFICATION AS A DUAL-LANGUAGE LEARNER OR A CHILD WITH DISABILITIES AND MAY INCLUDE SUCH OTHER FACTORS AS THE DEPARTMENT MAY IDENTIFY.

(III) THE NUMBER OF HOURS OF PRESCHOOL SERVICES THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(III) OR

(3)(a)(IV) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM;

(IV) THE NUMBER OF HOURS OF ADDITIONAL PRESCHOOL SERVICES THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(V) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM;

(V) PRESCHOOL QUALITY STANDARDS, AS PROVIDED IN SECTION 26.5-4-205;

(VI) THE FORMULAS FOR SETTING THE PER-CHILD RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SUBSECTIONS (3)(a)(III) AND (3)(a)(IV) OF THIS SECTION, AND FOR ADDITIONAL PRESCHOOL SERVICES, AS PROVIDED IN SECTION 26.5-4-208; AND

(VII) SUCH OTHER RULES AS ARE REQUIRED IN THIS PART 2 OR AS MAY BE NECESSARY TO IMPLEMENT THE PRESCHOOL PROGRAM.

(b) IN ADOPTING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT POSSIBLE:

(I) ALIGN ALL RULES PERTAINING TO FUNDING AND PRESCHOOL PROVIDER REQUIREMENTS TO FACILITATE COMBINING AND COORDINATING FEDERAL, STATE, PRESCHOOL PROGRAM, AND CHILD CARE FUNDING TO THE GREATEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAW AND REGULATION; AND

(II) ALIGN PRESCHOOL QUALITY STANDARDS AND REQUIREMENTS WITH THE CHILD CARE LICENSING REQUIREMENTS AND LICENSING REQUIREMENTS FOR SCHOOL DISTRICT AND CHARTER SCHOOL PRESCHOOL PROGRAMS, AS PROVIDED IN PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, TO REDUCE CONFLICTS AND DUPLICATION.

(5) IN DEVELOPING A PLAN FOR RECRUITING, TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION 26.5-6-101, THE DEPARTMENT SHALL ENSURE THAT THE PLAN SPECIFICALLY ADDRESSES STRATEGIES FOR BUILDING AND SUPPORTING THE PRESCHOOL WORKFORCE, ESPECIALLY WITH RESPECT TO:

- (a) SIMPLIFYING THE PROCESS FOR ATTAINING CREDENTIALS, MEETING QUALIFICATIONS, AND DEMONSTRATING PROFESSIONAL COMPETENCIES;
- (b) MINIMIZING REGULATORY AND ADMINISTRATIVE BARRIERS TO ENTRY, INCLUDING BARRIERS FACED BY INDIVIDUALS WHO SPEAK LANGUAGES OTHER THAN ENGLISH;
- (c) INCREASING DIVERSITY IN THE PRESCHOOL WORKFORCE;
- (d) ESTABLISHING GOALS FOR INCREASING THE QUALIFICATIONS OF PRESCHOOL TEACHERS OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS; AND
- (e) RECRUITING, COMPENSATING, PROVIDING CONTINUING PROFESSIONAL DEVELOPMENT FOR, AND RETAINING INDIVIDUALS IN THE PRESCHOOL WORKFORCE, INCLUDING STRATEGIES FOR ACHIEVING THE GOAL OF COMPENSATING THOSE INDIVIDUALS AT A LIVING WAGE.

26.5-4-205. Quality standards - evaluation - support. (1) (a) THE DEPARTMENT SHALL DEVELOP AND THE EXECUTIVE DIRECTOR SHALL ESTABLISH BY RULE THE QUALITY STANDARDS THAT EACH PRESCHOOL PROVIDER MUST MEET TO RECEIVE FUNDING THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE QUALITY STANDARDS MUST, AT A MINIMUM, ADDRESS THE ISSUES SPECIFIED IN THIS SECTION AND MUST REFLECT NATIONAL AND COMMUNITY-INFORMED BEST PRACTICES WITH REGARD TO SCHOOL READINESS, ACADEMIC AND COGNITIVE DEVELOPMENT, HEALTHY ENVIRONMENTS, SOCIAL-EMOTIONAL LEARNING, AND CHILD AND FAMILY OUTCOMES. THE DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL WORK WITH FAMILIES, EDUCATORS, AND PROGRAM ADMINISTRATORS TO

REVIEW AND, AS NECESSARY, REVISE THE QUALITY STANDARDS AT LEAST EVERY FIVE YEARS TO ENSURE THE STANDARDS CONTINUE TO REFLECT NATIONAL BEST PRACTICES AND MEET THE OTHER REQUIREMENTS SPECIFIED IN THIS SECTION. IN DEVELOPING, REVIEWING, REVISING, AND ADOPTING THE QUALITY STANDARDS, THE DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL CONSIDER, AT A MINIMUM:

- (I) THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023;
- (II) NATIONALLY ACCEPTED STANDARDS FOR PRESCHOOL PROGRAMS;
- (III) THE CHILD CARE LICENSING REQUIREMENTS ESTABLISHED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 WITH WHICH PRESCHOOL PROVIDERS ARE REQUIRED TO COMPLY; AND
- (IV) THE NEED TO ENSURE THE AVAILABILITY OF PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN THROUGHOUT THE STATE WHILE MAINTAINING THE QUALITY OF THE PRESCHOOL PROVIDERS.

(b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS SECTION, THE DEPARTMENT SHALL ENSURE THAT EACH PRESCHOOL PROVIDER THAT PARTICIPATES IN THE PRESCHOOL PROGRAM MEETS THE QUALITY STANDARDS ESTABLISHED BY RULE IN ACCORDANCE WITH THIS SECTION. THE DEPARTMENT MAY WORK WITH A LOCAL COORDINATING ORGANIZATION TO ENSURE THAT A PRESCHOOL PROVIDER MEETS THE QUALITY STANDARDS. THE DEPARTMENT MAY PROHIBIT A PRESCHOOL PROVIDER THAT FAILS TO MEET ONE OR MORE OF THE QUALITY STANDARDS FROM PARTICIPATING IN THE PRESCHOOL PROGRAM.

(II) IF NECESSARY TO ENSURE THE AVAILABILITY OF A MIXED DELIVERY SYSTEM WITHIN A COMMUNITY, THE DEPARTMENT MAY ALLOW A PRESCHOOL PROVIDER THAT DOES NOT MEET THE QUALITY STANDARDS TO PARTICIPATE IN THE PRESCHOOL PROGRAM FOR A LIMITED TIME WHILE WORKING TOWARD COMPLIANCE WITH THE QUALITY STANDARDS; EXCEPT THAT EACH PRESCHOOL PROVIDER MUST MEET ALL QUALITY STANDARDS RELATING TO HEALTH AND SAFETY AS A CONDITION OF PARTICIPATING IN THE PRESCHOOL PROGRAM.

(2) AT A MINIMUM, THE QUALITY STANDARDS ESTABLISHED IN RULE MUST INCLUDE:

(a) THE MINIMUM NUMBERS OF CONTACT HOURS OF INSTRUCTIONAL SERVICES PER SCHOOL YEAR FOR UNIVERSAL PRESCHOOL SERVICES FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN THREE YEARS OF AGE AND YOUNGER, AND FOR ADDITIONAL PRESCHOOL SERVICES. THE MINIMUM NUMBER OF CONTACT HOURS OF INSTRUCTIONAL SERVICES ESTABLISHED IN RULE FOR UNIVERSAL PRESCHOOL SERVICES MUST NOT BE LESS THAN THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR.

(b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING, INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY;

(c) THE MAXIMUM ALLOWABLE EDUCATOR-TO-CHILD RATIOS AND GROUP SIZES, ALIGNED WITH NATIONAL BEST PRACTICES. THE DEPARTMENT, BY RULE, MAY IMPLEMENT A WAIVER PROCESS TO ALLOW A PRESCHOOL PROVIDER THAT IMPLEMENTS A NATIONALLY RECOGNIZED PRESCHOOL PROGRAM MODEL TO IMPLEMENT THE EDUCATOR-TO-CHILD RATIOS AND GROUP SIZES THAT SUPPORT THE INSTRUCTIONAL PRACTICES OF THE MODEL, SO LONG AS THE PRESCHOOL PROVIDER MEETS THE NATIONAL STANDARDS FOR THE MODEL OR IS ACCREDITED TO PROVIDE THE MODEL.

(d) QUALIFICATIONS FOR PRESCHOOL TEACHERS. THE QUALITY STANDARDS MUST NOT REQUIRE PRESCHOOL TEACHERS TO BE LICENSED PURSUANT TO ARTICLE 60.5 OF TITLE 22 AND MUST ALLOW A PRESCHOOL PROVIDER TO EMPLOY A NONLICENSED PRESCHOOL TEACHER AS LONG AS THE TEACHER MEETS OTHER QUALIFICATIONS ESTABLISHED IN DEPARTMENT RULE. THE DEPARTMENT SHALL WORK WITH THE DEPARTMENT OF EDUCATION TO ENSURE THAT A PRESCHOOL EDUCATOR MAY MEET THE QUALIFICATIONS FOR PRESCHOOL EDUCATORS BY DEMONSTRATING COMPLIANCE WITH THE QUALIFICATIONS FOR AN EARLY CHILDHOOD TEACHING LICENSE ENDORSEMENT PROVIDED BY THE DEPARTMENT OF EDUCATION.

(e) REQUIREMENTS FOR CONTINUING PROFESSIONAL DEVELOPMENT

FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER, WHICH MUST BE FOCUSED ON IMPROVING TEACHER-CHILD INTERACTIONS AND QUALITY OF INSTRUCTION, INCLUDING IMPROVING FIDELITY IN IMPLEMENTING EVIDENCE-BASED CURRICULA AND STUDENT OUTCOMES, AND MAY ALLOW FOR TRAINING IN EARLY LANGUAGE AND LITERACY DEVELOPMENT AND THE SCIENCE OF READING THAT IS APPROPRIATE FOR EARLY CHILDHOOD EDUCATION AND COMPARABLE TO THE TRAINING REQUIRED FOR EARLY GRADE TEACHERS PURSUANT TO THE "COLORADO READ Act", PART 12 OF ARTICLE 7 OF TITLE 22. THE DEPARTMENT SHALL WORK WITH THE DEPARTMENT OF EDUCATION TO ALLOW, TO THE FULLEST EXTENT POSSIBLE, A TEACHER WHO IS LICENSED BY THE DEPARTMENT OF EDUCATION TO USE THE PROFESSIONAL DEVELOPMENT REQUIRED TO RENEW THE TEACHING LICENSE TO ALSO MEET THE PROFESSIONAL DEVELOPMENT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER.

(f) STANDARDS FOR PRESCHOOL SERVICES THAT, AT A MINIMUM, ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT GUIDELINES ACROSS ALL EARLY CHILDHOOD DOMAINS APPROVED BY THE EARLY CHILDHOOD LEADERSHIP COMMISSION AND WITH THE COLORADO ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION PURSUANT TO SECTION 22-7-1005, ARE CULTURALLY INCLUSIVE, AND ARE SUPPORTED BY THE DEPARTMENT IN IMPLEMENTATION;

(g) STANDARDS FOR INSTRUCTIONAL PRACTICE THAT, AT A MINIMUM, MUST ENSURE THAT THE INSTRUCTIONAL PRACTICE IMPLEMENTED BY PRESCHOOL PROVIDERS:

(I) PROMOTES LEARNING THROUGH DEVELOPMENTALLY APPROPRIATE PRACTICES THAT INCLUDE A MIX OF STRUCTURED ACTIVITIES AND PLAY; AND

(II) INCREASES AND SUPPORTS LEARNING USING INSTRUCTIONAL PRACTICES THAT BUILD ON PREVIOUS LEARNING AND INCLUDE A FOCUS ON AGE-APPROPRIATE CLASSROOM ENVIRONMENTS AND ONGOING INFORMAL ASSESSMENTS OF LEARNING;

(h) LIMITATIONS ON THE USE OF, AND REQUIRED PROCEDURES FOR, OUT-OF-SCHOOL SUSPENSION AND EXPULSION IN ACCORDANCE WITH SECTION 22-33-106.1. IN ADDITION, TO REDUCE THE USE OF EXCLUSIONARY

DISCIPLINE, THE STANDARDS MUST REFLECT BEST PRACTICES IN EARLY CHILDHOOD MENTAL HEALTH, INCLUDING PROMOTING ACCESS TO EARLY CHILDHOOD MENTAL HEALTH CONSULTATION.

(i) STANDARDS FOR FAMILY AND COMMUNITY ENGAGEMENT TO ENSURE THAT THE PRESCHOOL PROVIDER ENGAGES WITH PARENTS AND NEIGHBORHOOD LEADERS IN A FORMAL AND MEANINGFUL WAY, INCLUDING SEEKING INPUT FOR POLICY AND PROGRAMMING DECISIONS;

(j) REQUIREMENTS FOR SERVING CHILDREN WHO ARE DUAL LANGUAGE LEARNERS, WHICH MUST, AT A MINIMUM, INCLUDE:

(I) IDENTIFYING, SCREENING, AND ASSESSING CHILDREN IN THEIR HOME LANGUAGES;

(II) COMMUNICATING WITH CHILDREN'S PARENTS IN THEIR HOME LANGUAGES; AND

(III) USING TEACHING STRATEGIES THAT HAVE BEEN SHOWN TO MEET THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS;

(k) REQUIREMENTS FOR OFFERING VOLUNTARY VISION, HEARING, DENTAL, AND HEALTH SCREENINGS, AND, UPON PARENT REQUEST, REFERRALS TO APPROPRIATE HEALTH PROVIDERS FOR CHILDREN WHO ARE ENROLLED BY A PRESCHOOL PROVIDER; AND

(l) REQUIREMENTS FOR PROVIDING VOLUNTARY DEVELOPMENTAL SCREENINGS, WHICH MUST, AT A MINIMUM, INCLUDE THE USE OF VALID AND RELIABLE SCREENING TOOLS THAT ARE DEVELOPMENTALLY, CULTURALLY, AND LINGUISTICALLY APPROPRIATE.

(3) (a) USING THE PROCEDURES SPECIFIED IN SUBSECTION (3)(b) OF THIS SECTION, THE DEPARTMENT SHALL CREATE A RESOURCE BANK OF PRESCHOOL CURRICULA FOR USE BY PRESCHOOL PROVIDERS. THE RESOURCE BANK MAY INCLUDE ONLY CURRICULA THAT, AT A MINIMUM:

(I) ARE SUPPORTED BY EVIDENCE THAT USE OF THE CURRICULA IMPROVES STUDENT OUTCOMES;

(II) ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY RELEVANT,

AND LINGUISTICALLY RESPONSIVE TO COMMUNITIES BEING SERVED;

(III) PROMOTE LITERACY, AS DEVELOPMENTALLY APPROPRIATE, BASED ON THE SCIENCE OF READING BY PROVIDING LANGUAGE DEVELOPMENT, INCLUDING SPEECH SOUNDS, VOCABULARY, GRAMMAR, AND USE, AND PROVIDING DEVELOPMENTALLY APPROPRIATE INSTRUCTION TO SUPPORT CHILDREN'S SUCCESS IN EARLY ELEMENTARY GRADES WHEN RECEIVING INSTRUCTION PURSUANT TO THE "COLORADO READ ACT", PART 12 OF ARTICLE 7 OF TITLE 22, IN THE AREAS OF PHONEMIC AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY, INCLUDING ORAL SKILLS; AND READING COMPREHENSION; AND

(IV) ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT GUIDELINES APPROVED BY THE EARLY CHILDHOOD LEADERSHIP COMMISSION.

(b) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PROCEDURE FOR IDENTIFYING THE CURRICULA IT INCLUDES IN THE RESOURCE BANK OF PRESCHOOL CURRICULA. AT A MINIMUM, THE PROCEDURE MUST INCLUDE:

(I) SOLICITING THROUGH PUBLIC NOTICE, ACCEPTING, AND PROMPTLY REVIEWING CURRICULA FROM PRESCHOOL PROVIDERS AND FROM PUBLISHERS;

(II) EVALUATING THE CURRICULA THAT THE DEPARTMENT IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON THE CRITERIA SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ANY ADDITIONAL CRITERIA SPECIFIED IN DEPARTMENT RULE;

(III) PROVIDING NOTICE TO PRESCHOOL PROVIDERS AND PUBLISHERS THAT SUBMIT CURRICULA CONCERNING WHETHER THE SUBMITTED CURRICULA WAS INCLUDED IN THE RESOURCE BANK AND, IF EXCLUDED FROM THE RESOURCE BANK, THE REASONS FOR EXCLUSION; AND

(IV) REVIEWING THE RESOURCE BANK AT LEAST EVERY THREE YEARS TO UPDATE THE RESOURCE BANK AND ADD CURRICULA WHEN APPROPRIATE. IN REVIEWING AND UPDATING THE RESOURCE BANK, THE DEPARTMENT SHALL, AT A MINIMUM, COMPLY WITH THE PROCEDURES DESCRIBED IN SUBSECTIONS (3)(b)(I) TO (3)(b)(III) OF THIS SECTION.

(c) THE DEPARTMENT SHALL ALLOW PRESCHOOL PROVIDERS AND PUBLISHERS TO SUBMIT CURRICULA TO THE DEPARTMENT AT ANY TIME TO BE REVIEWED AND CONSIDERED FOR INCLUSION IN THE RESOURCE BANK, REGARDLESS OF THE SCHEDULE FOR REVIEWING THE RESOURCE BANK. THE DEPARTMENT SHALL REVIEW ALL SUBMITTED CURRICULA IN ACCORDANCE WITH THE ADOPTED PROCEDURES DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION.

(d) THE DEPARTMENT SHALL MAKE THE RESOURCE BANK ACCESSIBLE TO THE PUBLIC THROUGH THE DEPARTMENT WEBSITE.

26.5-4-206. Preschool special education services - department collaboration - memorandum of understanding. (1) THE DEPARTMENT SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION THROUGH A MEMORANDUM OF UNDERSTANDING AS DESCRIBED IN SUBSECTION (2) OF THIS SECTION TO ENSURE ALL CHILDREN WITH DISABILITIES ARE SERVED EQUITABLY IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, ENSURE ACCESS TO CLASSROOMS THAT MEET THE INDIVIDUAL NEEDS OF CHILDREN WITH DISABILITIES BASED ON THEIR INDIVIDUALIZED EDUCATION PROGRAMS, AND ENSURE THAT PRESCHOOL PROVIDERS OPERATE IN ACCORDANCE WITH FEDERAL AND STATE LAW CONCERNING EDUCATION FOR PRESCHOOL-AGE CHILDREN WITH DISABILITIES. IN COLLABORATING PURSUANT TO THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL, AT A MINIMUM:

(a) SUPPORT LOCAL IMPLEMENTATION OF BEST PRACTICES;

(b) CREATE TRAINING FOR PRESCHOOL PROVIDERS CONCERNING THE LEGAL OBLIGATIONS FOR SERVING CHILDREN WITH DISABILITIES, INCLUDING THE RESPONSIBILITIES AND OBLIGATIONS OF ADMINISTRATIVE UNITS SPECIFIED IN IDEA AND ECEA; AND

(c) COLLABORATE TO ENSURE PRESCHOOL SERVICES DELIVERED THROUGH THE PRESCHOOL PROGRAM TO CHILDREN WITH DISABILITIES ARE DELIVERED IN COMPLIANCE WITH IDEA AND ECEA.

(2) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT, AT A MINIMUM:

(a) DEFINES THE ROLES AND RESPONSIBILITIES OF BOTH

DEPARTMENTS, ADMINISTRATIVE UNITS AS DEFINED IN SECTION 22-20-103, AND PRESCHOOL PROVIDERS, RECOGNIZING THAT THE DEPARTMENT OF EDUCATION IS THE IDENTIFIED AGENCY RESPONSIBLE FOR COMPLIANCE WITH THE PART B COMPONENT OF IDEA, AS DESCRIBED IN SECTION 22-20-103 (4)(b);

(b) DESCRIBES DATA COLLECTION AND SHARING RESPONSIBILITIES IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND TIMELINES, ENSURING THAT ALL CRITICAL DATA CAN BE DISAGGREGATED, WHILE ADHERING TO REQUIREMENTS FOR PROTECTING PERSONALLY IDENTIFIABLE INFORMATION;

(c) DESCRIBES EACH DEPARTMENT'S ROLE IN HELPING PRESCHOOL PROVIDERS AND COMMUNITIES PROVIDE INCLUSIVE, INDIVIDUALIZED, MEANINGFUL, CULTURALLY RELEVANT, LINGUISTICALLY RELEVANT, ACTIVE, AND PARTICIPATORY LEARNING FOR ALL CHILDREN WITH DISABILITIES, IN ACCORDANCE WITH EACH CHILD'S INDIVIDUALIZED EDUCATION PROGRAM;

(d) ESTABLISHES PROCEDURES FOR HOLDING ALL PRESCHOOL PROVIDERS ACCOUNTABLE FOR PROVIDING ACCESS AND SUPPORTS FOR CHILDREN WITH DISABILITIES;

(e) RECOMMENDS TRAINING PROGRAMS FOR PRESCHOOL PROVIDERS IN WORKING WITH CHILDREN WITH DISABILITIES;

(f) WITH REGARD TO PRESCHOOL PROGRAM RULES, ESTABLISHES PROCESSES TO:

(I) ENSURE THAT PRESCHOOL PROGRAM REQUIREMENTS ARE IN COMPLIANCE WITH AND DO NOT CONFLICT WITH IDEA AND ECEA; AND

(II) ENSURE PRESCHOOL PROGRAM RULES ADDRESS ALL LEGAL REQUIREMENTS FOR THE PROVISION OF PRESCHOOL SERVICES TO ELIGIBLE CHILDREN WITH DISABILITIES.

26.5-4-207. Preschool program evaluation and improvement process - independent evaluator. (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A PROCESS FOR CONTINUOUS EVALUATION AND IMPROVEMENT OF PRESCHOOL PROVIDERS WHO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. AT A MINIMUM, THE PROCESS MUST INCLUDE A REQUIREMENT THAT PRESCHOOL PROVIDERS USE

ASSESSMENT AND CONTINUOUS IMPROVEMENT STRATEGIES THAT:

- (a) ARE IMPLEMENTED THROUGH A COORDINATED SYSTEM THAT INCLUDES THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE; CURRICULUM; PROFESSIONAL DEVELOPMENT; DEVELOPMENTALLY APPROPRIATE, AGE-APPROPRIATE, AND WHOLE-CHILD ASSESSMENT THAT MAY BE BASED ON OBSERVATIONAL ASSESSMENTS OF CHILDREN'S DEVELOPMENT AND CLASSROOM-BASED TEACHER-CHILD INTERACTIONS; AND DATA COLLECTION;
- (b) SUPPORT BOTH CONTINUOUS PROGRAM IMPROVEMENT AND THE DEPARTMENT'S INDEPENDENT EVALUATION OF THE PRESCHOOL PROGRAM AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;
- (c) ARE DESIGNED TO INFORM CURRICULUM IMPLEMENTATION, PROFESSIONAL DEVELOPMENT, TEACHER SUPPORTS, AND RESOURCE ALLOCATION; AND
- (d) ARE APPROPRIATE FOR USE WITH YOUNG CHILDREN AND FOR THE PURPOSES FOR WHICH THEY ARE USED.

(2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT EVALUATOR TO MEASURE THE SUCCESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM. IN EVALUATING THE SUCCESS OF THE PRESCHOOL PROGRAM, THE DEPARTMENT SHALL ENSURE THE INDEPENDENT EVALUATOR HAS ACCESS TO THE NECESSARY DATA TO MEASURE IMMEDIATE AND LONG-TERM CHILD OUTCOMES AND TO PROVIDE RECOMMENDATIONS TO IMPROVE TEACHING AND LEARNING, ASSESS PROFESSIONAL DEVELOPMENT INPUTS AND OUTCOMES, AND IMPROVE TEACHER-CHILD INTERACTIONS. THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR IN IMPLEMENTING THE PROCESS FOR CONTINUOUS EVALUATION AND IMPROVEMENT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE DEPARTMENT SHALL COMMUNICATE THE EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR TO FAMILIES, COMMUNITIES, PRESCHOOL PROVIDERS, LOCAL COORDINATING ORGANIZATIONS, THE STATE BOARD OF EDUCATION, AND THE GENERAL

ASSEMBLY, AS APPROPRIATE, TO INFORM AND IMPROVE EARLY CHILDHOOD TEACHING AND EDUCATION AND POLICY-MAKING RELATED TO EARLY CHILDHOOD EDUCATION.

(4) THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR IN REVIEWING AND REVISING THE PRESCHOOL QUALITY STANDARDS PURSUANT TO SECTION 26.5-4-205; THE PLAN FOR RECRUITING, TRAINING, AND RETAINING A HIGH-QUALITY EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION 26.5-6-101; AND THE STATE GOALS FOR IMPLEMENTING THE PRESCHOOL PROGRAM.

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

(1) (a) THE DEPARTMENT, IN ACCORDANCE WITH THE INTENT SPECIFIED IN SECTION 26.5-4-202(3), SHALL ANNUALLY ESTABLISH THE PER-CHILD RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV), AND FOR ADDITIONAL PRESCHOOL SERVICES. IN ESTABLISHING THE PER-CHILD RATES, THE DEPARTMENT, AT A MINIMUM, SHALL ENSURE THAT THE PER-CHILD RATE FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES IS AT LEAST EQUAL TO THE GREATER OF THE PER-CHILD RATE FOR UNIVERSAL PRESCHOOL SERVICES OR THE STATE PER PUPIL PRESCHOOL FUNDING RATE FOR CHILDREN WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR, AS DEFINED IN SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT SHALL ADOPT ONE OR MORE FORMULAS FOR ANNUALLY SETTING THE PER-CHILD RATES, WHICH FORMULAS MUST, AT A MINIMUM, TAKE INTO ACCOUNT:

(I) THE COST OF PROVIDING PRESCHOOL SERVICES THAT MEET THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO SECTION 26.5-4-205 (2);

(II) THE RESPONSIBILITIES OF THE STATE AND ADMINISTRATIVE UNITS TO MEET THE SPECIAL EDUCATION FUNDING MAINTENANCE OF EFFORT REQUIREMENTS SPECIFIED IN IDEA;

(III) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES THAT RESULT FROM REGIONAL DIFFERENCES AND CIRCUMSTANCES, WHICH

MAY INCLUDE DIFFICULTIES IN ACHIEVING ECONOMIES OF SCALE IN RURAL AREAS AND IN RECRUITING AND RETAINING PRESCHOOL EDUCATORS; AND

(IV) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES THAT RESULT FROM THE CHARACTERISTICS OF CHILDREN, WHICH MUST INCLUDE A CHILD'S IDENTIFICATION AS A CHILD IN A LOW-INCOME FAMILY, AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A CHILD'S IDENTIFICATION AS A DUAL LANGUAGE LEARNER.

(b) IN ESTABLISHING THE FORMULAS DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION AND ANNUALLY SETTING THE PER-CHILD RATES, THE DEPARTMENT MUST CONSIDER STRATEGIES TO MITIGATE THE EFFECT OF PRESCHOOL FUNDING ON THE AVAILABILITY OF CHILD CARE SERVICES FOR INFANTS AND TODDLERS WITHIN COMMUNITIES AND AREAS IN THE STATE.

(c) IN ESTABLISHING THE FORMULA FOR ADDITIONAL PRESCHOOL SERVICES, IN ADDITION TO THE CONSIDERATIONS SPECIFIED IN SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE AMOUNT OF LOCAL FUNDING AVAILABLE TO ASSIST FAMILIES WITHIN A COMMUNITY BASED ON THE COMMUNITY PLAN OR AVAILABLE WITHIN AN AREA THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. A PRESCHOOL PROVIDER IS PROHIBITED FROM CHARGING A FEE FOR ADDITIONAL PRESCHOOL SERVICES TO A FAMILY THAT PARTICIPATES IN THE PRESCHOOL PROGRAM THAT EXCEEDS THE AMOUNT CHARGED TO FAMILIES THAT DO NOT RECEIVE ADDITIONAL PRESCHOOL SERVICES.

(d) IN ADDITION TO DISTRIBUTING FUNDING BASED ON THE PER-CHILD RATES ESTABLISHED PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT MAY BY RULE DISTRIBUTE FUNDING TO ACHIEVE A SPECIFIED PURPOSE, WHICH MAY INCLUDE FUNDING FOR ADMINISTRATIVE UNITS TO PROVIDE SPECIAL EDUCATION SERVICES THROUGH THE PRESCHOOL PROGRAM AND FUNDING FOR MEASURES RELATED TO RECRUITING, TRAINING, AND RETAINING PRESCHOOL EDUCATORS. THE DEPARTMENT MAY CHOOSE TO DISTRIBUTE FUNDING PURSUANT TO THIS SUBSECTION (1)(d) ONLY AFTER THE DEPARTMENT ALLOCATES THE AMOUNTS NECESSARY TO FUND PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, UP TO THE AMOUNTS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND TO FULLY FUND UNIVERSAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN WHO ENROLL.

(e) IN ESTABLISHING THE FORMULAS AND OTHER DISTRIBUTION AMOUNTS, THE DEPARTMENT SHALL CONSULT WITH THE RULES ADVISORY COUNCIL, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND MEMBERS OF THE EARLY CHILDHOOD COMMUNITY, INCLUDING PARENTS OF PRESCHOOL-AGE CHILDREN, PRESCHOOL EDUCATORS, PRESCHOOL PROVIDERS, EARLY CHILDHOOD COUNCILS, SCHOOL DISTRICTS, CHARTER SCHOOLS, REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN SERVICES AND SOCIAL SERVICES, LOCAL COORDINATING ORGANIZATIONS, AND INDIVIDUALS WITH FINANCIAL EXPERTISE IN PUBLIC AND PRIVATE FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES.

(2) BEFORE FINALIZING THE PER-CHILD RATES IN A FISCAL YEAR, THE DEPARTMENT SHALL:

(a) (I) ENSURE THAT THE PER-CHILD RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, AND FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV) MEET OR EXCEED THE CONSTITUTIONAL COMPLIANCE RATE FOR THE APPLICABLE FISCAL YEAR, AS DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

(II) FOR THE 2023-24 FISCAL YEAR, THE CONSTITUTIONAL COMPLIANCE RATE IS FORTY PERCENT OF THE STATEWIDE BASE PER PUPIL FUNDING THAT THE GENERAL ASSEMBLY ESTABLISHES IN SECTION 22-54-104 (5)(a) FOR THE 2023-24 FISCAL YEAR. FOR THE 2024-25 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE CONSTITUTIONAL COMPLIANCE RATE IS THE 2023-24 FISCAL YEAR CONSTITUTIONAL COMPLIANCE RATE INCREASED ANNUALLY, BEGINNING IN THE 2024-25 FISCAL YEAR, BY THE RATE OF INFLATION.

(b) COMPARE THE AMOUNT OF FUNDING THAT THE PER-CHILD RATES DIRECT TOWARD UNIVERSAL PRESCHOOL SERVICES WITH THE AMOUNT OF FUNDING THE RATES DIRECT TOWARD ADDITIONAL PRESCHOOL SERVICES AND PREPARE AN ANALYSIS OF THE EFFICACY OF THE BALANCE BETWEEN FUNDING FOR UNIVERSAL PRESCHOOL SERVICES AND ADDITIONAL PRESCHOOL SERVICES IN OPTIMIZING SUPPORT FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN WHO MEET QUALIFYING FACTORS WHILE ENSURING HIGH-QUALITY UNIVERSAL PRESCHOOL SERVICES. THE DEPARTMENT SHALL MAKE THE ANALYSIS AVAILABLE TO THE PUBLIC.

(c) CONSIDER THE IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL PROVIDERS AS A RESULT OF THE PER-CHILD RATES AND THE LEVELS OF ENROLLMENT AS COMPARED TO PREVIOUS STATE FISCAL YEARS, INCLUDING STATE FISCAL YEARS PRECEDING THE 2023-24 STATE FISCAL YEAR. THE DEPARTMENT MAY CONSIDER A SPECIFIED PURPOSE DISTRIBUTION AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO REDUCE ANY IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL PROVIDERS.

(3) (a) BEGINNING IN THE 2023-24 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT, WORKING WITH LOCAL COORDINATING ORGANIZATIONS AS PROVIDED IN EACH LOCAL COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT WITH THE DEPARTMENT, SHALL DISTRIBUTE THE FUNDING APPROPRIATED TO THE DEPARTMENT FOR PRESCHOOL SERVICES FROM THE PRESCHOOL PROGRAMS CASH FUND AND ANY AMOUNT RECEIVED PURSUANT TO SECTION 26.5-4-209 (2). THE DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS APPLICABLE, SHALL BASE THE AMOUNTS DISTRIBUTED ON THE PER-CHILD RATES AND ANY SPECIAL PURPOSE DISTRIBUTIONS ESTABLISHED FOR THE APPLICABLE FISCAL YEAR PURSUANT TO SUBSECTION (1) OF THIS SECTION. AT THE START OF EACH FISCAL YEAR, THE DEPARTMENT, AND LOCAL COORDINATING ORGANIZATIONS AS APPLICABLE, SHALL DISTRIBUTE A PORTION OF THE FUNDING TO PRESCHOOL PROVIDERS BASED ON THE NUMBERS AND TYPES OF ELIGIBLE CHILDREN EXPECTED TO ENROLL IN PRESCHOOL AS ESTIMATED IN THE COMMUNITY PLANS OR AS ESTIMATED BY THE DEPARTMENT FOR AN AREA THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. THE DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS APPLICABLE, SHALL CONTINUE DISTRIBUTING PORTIONS OF THE FUNDING PERIODICALLY THROUGHOUT THE SCHOOL YEAR AND SHALL ADJUST THE AMOUNTS DISTRIBUTED BASED ON THE ACTUAL NUMBERS AND TYPES OF ELIGIBLE CHILDREN ENROLLED BY PRESCHOOL PROVIDERS.

(b) THE DEPARTMENT SHALL ENSURE THAT FUNDING IS ALLOCATED FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS SECTION, FOR CHILDREN WITH DISABILITIES, AND FOR ALL ELIGIBLE CHILDREN WHO ENROLL IN UNIVERSAL PRESCHOOL SERVICES BEFORE FUNDING IS ALLOCATED FOR ADDITIONAL PRESCHOOL SERVICES OR FOR SPECIFIED PURPOSES AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION. IN ALLOCATING FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN, THE

DEPARTMENT SHALL FIRST ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

(c) (I) (A) IN DISTRIBUTING FUNDING FOR PRESCHOOL SERVICES PURSUANT TO THIS SECTION FOR THE 2023-24 FISCAL YEAR AND EACH FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL ENSURE THAT THE AMOUNT OF FUNDING REQUIRED TO PROVIDE PRESCHOOL SERVICES TO ALL THREE-YEAR-OLD CHILDREN WITH DISABILITIES WHO ENROLL IN THE PRESCHOOL PROGRAM IS ANNUALLY DISTRIBUTED TO THE ENROLLING PRESCHOOL PROVIDERS AND THE AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION IS DISTRIBUTED TO PROVIDE PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV).

(B) TO PROVIDE SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, THE DEPARTMENT SHALL ANNUALLY DISTRIBUTE THE AMOUNT ALLOTTED FOR THE 2022-23 FISCAL YEAR TO PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR YOUNGER THROUGH THE "COLORADO PRESCHOOL PROGRAM ACT", ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, CALCULATED AS AN AMOUNT EQUAL TO THE NUMBER OF CHILDREN THREE YEARS OF AGE OR YOUNGER ENROLLED BY EACH SCHOOL DISTRICT FOR THE 2022-23 FISCAL YEAR MULTIPLIED BY THE PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE, FOR THE ENROLLING SCHOOL DISTRICT FOR THE 2022-23 FISCAL YEAR.

(II) THE DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS APPLICABLE, SHALL DISTRIBUTE THE FUNDING FOR PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION ONLY TO PRESCHOOL PROVIDERS THAT ARE SCHOOL DISTRICTS OR CHARTER SCHOOLS FOR THE ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE AND YOUNGER WHOM THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLS IN ACCORDANCE WITH THE PRESCHOOL PROGRAM; EXCEPT THAT, IN A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY SPECIFICALLY APPROPRIATES AN AMOUNT TO PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR YOUNGER WHO DO NOT HAVE DISABILITIES THAT EXCEEDS THE AMOUNT DESCRIBED IN

SUBSECTION (3)(c)(I)(B) OF THIS SECTION, THE DEPARTMENT MAY DISTRIBUTE IN ACCORDANCE WITH THE APPLICABLE COMMUNITY PLANS ALL OR ANY PORTION OF THE EXCESS APPROPRIATION AMOUNT TO COMMUNITY-BASED PRESCHOOL PROVIDERS. A SCHOOL DISTRICT MAY DISTRIBUTE ALL OR A PORTION OF THE AMOUNT RECEIVED PURSUANT TO THIS SUBSECTION (3)(c)(II) TO A HEAD START AGENCY OR COMMUNITY-BASED PRESCHOOL PROVIDER THAT PROVIDES PRESCHOOL SERVICES PURSUANT TO A CONTRACT WITH THE SCHOOL DISTRICT.

(III) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(c)(I) OF THIS SECTION TO THE CONTRARY, IN A FISCAL YEAR IN WHICH THE AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER IS MORE THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE DEPARTMENT MAY DISTRIBUTE THE EXCESS AMOUNT TO FUND UNIVERSAL PRESCHOOL SERVICES, ADDITIONAL PRESCHOOL SERVICES, OR SPECIAL PURPOSE DISTRIBUTIONS IN ACCORDANCE WITH THIS SECTION.

(IV) IN A FISCAL YEAR IN WHICH THE AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER IS LESS THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE DEPARTMENT SHALL FIRST PROVIDE FUNDING FOR THE ELIGIBLE CHILDREN WITH DISABILITIES AND ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN PROVIDE FUNDING FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES. IF ANY AMOUNT OF THE APPROPRIATION DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION REMAINS, THE DEPARTMENT, WORKING WITH THE RULES ADVISORY COUNCIL, THE LOCAL COORDINATING ORGANIZATIONS, AND ANY OTHER INTERESTED PERSONS, SHALL ESTABLISH THE PRIORITY FOR DISTRIBUTING THE FUNDING AMONG THE REMAINING ELIGIBLE CHILDREN.

(4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF THE FUNDING THAT A PRESCHOOL PROVIDER THAT IS A SCHOOL DISTRICT OR A CHARTER SCHOOL RECEIVES PURSUANT TO THIS SECTION FOR ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM FOR THE 2023-24 FISCAL YEAR, CALCULATED AS THE PER-CHILD RATES FOR THE 2023-24 FISCAL YEAR MULTIPLIED BY THE NUMBER OF ELIGIBLE CHILDREN

THE PRESCHOOL PROVIDER ENROLLS FOR THE 2023-24 FISCAL YEAR, IS LESS THAN THE AMOUNT OF FUNDING ALLOTTED FOR THE 2022-23 FISCAL YEAR FOR THE CHILDREN THE PRESCHOOL PROVIDER ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023, CALCULATED AS FIFTY PERCENT OF THE PRESCHOOL PROVIDER'S PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE, FOR THE 2022-23 FISCAL YEAR MULTIPLIED BY THE NUMBER OF CHILDREN THE PRESCHOOL PROVIDER ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM AND DIRECTLY SERVED FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR AN AMOUNT EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

(b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, IF THE FUNDING THAT A COMMUNITY-BASED PRESCHOOL PROVIDER RECEIVES PURSUANT TO THIS SECTION FOR ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM FOR THE 2023-24 FISCAL YEAR, CALCULATED AS THE PER-CHILD RATES FOR THE 2023-24 FISCAL YEAR MULTIPLIED BY THE NUMBER OF ELIGIBLE CHILDREN THE PRESCHOOL PROVIDER ENROLLS FOR THE 2023-24 FISCAL YEAR, IS LESS THAN THE AMOUNT OF FUNDING THE COMMUNITY-BASED PRESCHOOL PROVIDER RECEIVED FOR THE 2022-23 FISCAL YEAR PURSUANT TO A CONTRACT WITH A SCHOOL DISTRICT OR CHARTER SCHOOL TO INDIRECTLY SERVE CHILDREN THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR AN AMOUNT EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

(c) ANY AMOUNT DISTRIBUTED PURSUANT TO THIS SUBSECTION (4) IS IN ADDITION TO THE AMOUNT CALCULATED FOR THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR PURSUANT TO THIS SECTION.

(d) THE DEPARTMENT SHALL COLLECT, AND PRESCHOOL PROVIDERS SHALL PROVIDE, THE INFORMATION REQUIRED TO IMPLEMENT THIS SUBSECTION (4), WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO:

(I) A SCHOOL DISTRICT'S PER PUPIL FUNDING AMOUNT CALCULATED FOR THE 2022-23 FISCAL YEAR PURSUANT TO SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE;

(II) THE NUMBER OF PUPILS THAT A PRESCHOOL PROVIDER ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR; AND

(III) THE AMOUNTS PAID BY SCHOOL DISTRICTS AND CHARTER SCHOOLS TO COMMUNITY-BASED PRESCHOOL PROVIDERS PURSUANT TO CONTRACTS ENTERED INTO FOR THE 2022-23 FISCAL YEAR IN ACCORDANCE WITH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023.

(e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

(5) A PRESCHOOL PROVIDER THAT RECEIVES FUNDING DISTRIBUTED PURSUANT TO THIS SECTION SHALL USE THE MONEY ONLY TO PAY THE COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO ELIGIBLE CHILDREN ENROLLED BY THE PRESCHOOL PROVIDER OR BY A SUBCONTRACTED PRESCHOOL PROVIDER AS AUTHORIZED FOR A SCHOOL DISTRICT IN SUBSECTION (3)(c)(II) OF THIS SECTION. COSTS OF PROVIDING PRESCHOOL SERVICES INCLUDE:

(a) TEACHER AND PARAPROFESSIONAL SALARIES AND BENEFITS;

(b) THE COST OF PROVIDING TO TEACHERS AND PARAPROFESSIONALS ANY PROFESSIONAL DEVELOPMENT ACTIVITIES ASSOCIATED WITH THE PRESCHOOL SERVICES;

(c) THE COSTS INCURRED IN PURCHASING SUPPLIES AND MATERIALS USED IN PROVIDING THE PRESCHOOL SERVICES;

(d) ANY ADDITIONAL COSTS THAT A PRESCHOOL PROVIDER WOULD NOT HAVE INCURRED BUT FOR THE SERVICES PROVIDED IN CONJUNCTION WITH THE PRESCHOOL SERVICES; AND

(e) A REASONABLE ALLOCATION OF OVERHEAD COSTS AS PROVIDED BY DEPARTMENT RULE.

(6) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT" HAS THE

SAME MEANING AS PROVIDED IN SECTION 22-54-103.

(b) "FUNDED PUPIL COUNT" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103.

(c) "ONLINE PUPIL ENROLLMENT" HAS THE SAME MEANING AS PROVIDED IN SECTION 22-54-103.

(d) "STATE AVERAGE PER PUPIL FUNDING AMOUNT" MEANS THE STATEWIDE TOTAL AMOUNT OF PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3) OR (3.5), CALCULATED FOR ALL SCHOOL DISTRICTS FOR THE 2022-23 BUDGET YEAR DIVIDED BY THE STATEWIDE TOTAL FUNDED PUPIL COUNT, MINUS THE STATEWIDE TOTAL DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT AND THE STATEWIDE TOTAL ONLINE PUPIL ENROLLMENT, FOR THE 2022-23 BUDGET YEAR.

(e) "STATE PER PUPIL PRESCHOOL FUNDING RATE FOR CHILDREN WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR" MEANS AN AMOUNT EQUAL TO THE STATE'S SHARE PERCENTAGE OF STATEWIDE TOTAL PROGRAM FUNDING FOR ALL SCHOOL DISTRICTS CALCULATED PURSUANT TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR THE 2022-23 BUDGET YEAR MULTIPLIED BY THE STATE AVERAGE PER PUPIL FUNDING AMOUNT FOR THE 2022-23 BUDGET YEAR.

26.5-4-209. Preschool programs cash fund - created - use.

(1) (a) [Formerly 24-22-118 (3)(a)] The preschool programs cash fund is hereby created in the state treasury. The fund consists of money credited to the fund pursuant to subsection (2) of this section and SECTION 24-22-118 (2), money transferred to the fund pursuant to section 39-28-116 (6), MONEY ANNUALLY TRANSFERRED TO THE FUND AS PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, AND ANY ADDITIONAL MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE FUND. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the preschool programs cash fund to the fund. The general assembly shall annually appropriate money in the preschool programs cash fund to a designated department for the purposes set forth in this subsection (3) THE DEPARTMENT TO IMPLEMENT THE PRESCHOOL PROGRAM.

(b) (I) FOR THE 2023-24 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL TRANSFER TO THE PRESCHOOL PROGRAMS CASH FUND FROM THE

GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION AN AMOUNT EQUAL TO THE DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF TOTAL PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR THE 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT, AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE 2022-23 BUDGET YEAR.

(II) FOR THE 2024-25 FISCAL YEAR AND FOR EACH FISCAL YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY TRANSFER TO THE PRESCHOOL PROGRAMS CASH FUND FROM THE GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION AN AMOUNT EQUAL TO THE AMOUNT DESCRIBED IN SUBSECTION (1)(b)(I) OF THIS SECTION INCREASED ANNUALLY, BEGINNING IN THE 2024-25 FISCAL YEAR, BY THE RATE OF INFLATION.

(2) IN ADDITION TO THE MONEY APPROPRIATED FROM THE FUND, THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE GIFTS, GRANTS, AND DONATIONS TO IMPLEMENT THE PRESCHOOL PROGRAM.

(3) (a) [Formerly 24-22-118 (3)(b)] ~~A~~ designated THE department shall prioritize its THE use of money APPROPRIATED from the preschool programs cash fund to ~~expand and enhance the Colorado preschool program or any successor program in order to offer at least ten hours per week of voluntary preschool free of charge to every child in Colorado during the last year of preschool before his or her entry to kindergarten~~ PROVIDE FUNDING FOR TEN HOURS OF VOLUNTARY PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, TO COLORADO CHILDREN DURING THE SCHOOL YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN KINDERGARTEN, TO PROVIDE FUNDING FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, AND TO PROVIDE FUNDING FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV).

(b) The designated department shall use the money remaining in the preschool programs cash fund after the use identified in subsection (3)(b)(i) USES DESCRIBED IN SUBSECTION (3)(a) of this section to provide additional preschool programming for low-income families and children at risk of entering kindergarten without being school ready SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET AT LEAST ONE QUALIFYING FACTOR.

(4) [Formerly 24-22-118 (3)(d)] In furtherance of the purposes set forth in subsection (3)(b) SUBSECTION (3) of this section and in order to meet an expansion of current preschool populations, a designated PRESCHOOL POPULATIONS, IN ADDITION TO THE USE DESCRIBED IN SUBSECTION (3)(b) OF THIS SECTION, THE department may use money REMAINING in the fund AFTER MEETING THE USES DESCRIBED IN SUBSECTION (3)(a) OF THIS SECTION to ensure the availability of quality, voluntary mixed-delivery preschool SERVICES PROVIDED THROUGH A MIXED DELIVERY SYSTEM by means the department deems appropriate including:

(a) Recruiting, training, and retaining early childhood education professionals;

(b) Expanding or improving the staff, facilities, equipment, technology, and physical infrastructure of preschool programs offered by licensed providers so as PRESCHOOL PROVIDERS to increase preschool access;

(c) Parent and family outreach to facilitate timely and effective enrollment; and

(d) Such other uses as are consistent with and further the purpose of this section THE PRESCHOOL PROGRAM.

(5) [Formerly 24-22-118 (3)(e)] The designated department may use money appropriated from the preschool programs cash fund for the ADMINISTRATIVE costs of a third-party entity that administers the program established on behalf of the designated department in accordance with this subsection (3) LOCAL COORDINATING ORGANIZATIONS.

26.5-4-210. Reporting. (1) BEGINNING WITH THE HEARING HELD IN JANUARY OF 2025 AS PART OF THE ANNUAL HEARING HELD PURSUANT TO

THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND EFFECTIVENESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

(a) THE NUMBER OF ELIGIBLE CHILDREN SERVED BY PRESCHOOL PROVIDERS, SPECIFYING:

(I) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ONLY UNIVERSAL PRESCHOOL SERVICES;

(II) THE NUMBER OF ELIGIBLE CHILDREN WITH DISABILITIES WHO RECEIVED PRESCHOOL SERVICES;

(III) THE NUMBER OF ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER WHO RECEIVED PRESCHOOL SERVICES;

(IV) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ADDITIONAL PRESCHOOL SERVICES;

(V) THE NUMBER AND PERCENTAGE OF ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET ONE OR MORE QUALIFYING FACTORS, INCLUDING IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET; AND

(VI) THE DEMOGRAPHICS OF THE ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY, DISABILITY, AND INCOME;

(b) THE NUMBER OF CHILDREN WHO WERE ELIGIBLE TO RECEIVE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES BUT DID NOT DUE TO INSUFFICIENT FUNDING AND THE AMOUNT THAT WOULD HAVE FULLY FUNDED ADDITIONAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN;

(c) THE NUMBER OF ELIGIBLE CHILDREN WHO DID NOT ENROLL IN PRESCHOOL PROVIDERS;

(d) THE EXTENT TO WHICH A MIXED DELIVERY SYSTEM OF PRESCHOOL PROVIDERS IS AVAILABLE AND THE ENROLLMENT CAPACITY OF

THE MIXED DELIVERY SYSTEM THROUGHOUT THE STATE;

(e) THE AMOUNT OF FUNDING DISTRIBUTED TO PRESCHOOL PROVIDERS THROUGH THE PRESCHOOL PROGRAM, IN TOTAL AND DISAGGREGATED BY COMMUNITIES WITH LOCAL COORDINATING ORGANIZATIONS AND AREAS OF THE STATE THAT DO NOT HAVE LOCAL COORDINATION ORGANIZATIONS;

(f) THE PER-CHILD RATES ESTABLISHED PURSUANT TO SECTION 26.5-4-208(1) FOR UNIVERSAL PRESCHOOL SERVICES, PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES, PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AND ADDITIONAL PRESCHOOL SERVICES FOR THE FISCAL YEAR WITH AN EXPLANATION OF THE FORMULAS FOR DETERMINING THE PER-CHILD RATES;

(g) OF THE AMOUNT APPROPRIATED FROM THE PRESCHOOL PROGRAMS CASH FUND, THE AMOUNT, EXPRESSED AS A DOLLAR AMOUNT AND A PERCENTAGE OF THE TOTAL APPROPRIATION, THAT:

(I) WAS DISTRIBUTED TO FUND UNIVERSAL PRESCHOOL SERVICES;

(II) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES;

(III) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER;

(IV) WAS DISTRIBUTED TO FUND ADDITIONAL PRESCHOOL SERVICES;

(V) WAS DISTRIBUTED FOR SPECIFIED PURPOSES PURSUANT TO SECTION 26.5-4-208 (1)(d) WITH AN EXPLANATION OF EACH SPECIFIED PURPOSE AND THE PRESCHOOL PROVIDERS OR COMMUNITIES THAT RECEIVED THE DISTRIBUTIONS;

(VI) IS ATTRIBUTABLE TO EACH WEIGHTING FACTOR, IF ANY, INCLUDED IN THE FORMULAS CREATED PURSUANT TO SECTION 26.5-4-208 (1); AND

(VII) WAS SPENT ON ADMINISTRATIVE EXPENSES OF THE DEPARTMENT AND EACH LOCAL COORDINATING ORGANIZATION;

(h) THE NUMBER OF ELIGIBLE CHILDREN FOR WHOM ADDITIONAL PRESCHOOL SERVICES OR OTHER FULL-DAY PRESCHOOL SERVICES WERE PROVIDED USING RESOURCES OTHER THAN THE MONEY DISTRIBUTED THROUGH THE PRESCHOOL PROGRAM AND THE SOURCES OF THOSE RESOURCES;

(i) QUANTITATIVE DATA, AND QUALITATIVE DATA IF AVAILABLE, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM, INCLUDING THE RESULTS OF THE INDEPENDENT EVALUATION CONDUCTED PURSUANT TO SECTION 26.5-4-207 (2);

(j) THE CHANGES, IF ANY, IN THE AVAILABILITY OF CHILD CARE FOR INFANTS AND TODDLERS, STATEWIDE AND WITHIN COMMUNITIES OR AREAS, FOLLOWING IMPLEMENTATION OF THE PRESCHOOL PROGRAM;

(k) ANY OTHER INFORMATION THAT INDICATES THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN SERVING ELIGIBLE CHILDREN THROUGHOUT THE STATE; AND

(l) ANY RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY CHANGES TO IMPROVE THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM.

(2) THE DEPARTMENT MAY REQUEST AND LOCAL COORDINATING ORGANIZATIONS AND PRESCHOOL PROVIDERS SHALL PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

PART 3 KINDERGARTEN READINESS ONLINE PILOT PROGRAM

26.5-4-301. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(a) ALL CHILDREN IN THE YEAR BEFORE THEY ARE ELIGIBLE TO ENROLL IN KINDERGARTEN SHOULD HAVE ACCESS TO SOCIAL-EMOTIONAL AND ACADEMIC SUPPORTS THAT ARE IMPORTANT FOR SCHOOL READINESS;

(b) THE STATE SHOULD PROVIDE A WIDE RANGE OF CHOICES FOR FAMILIES TO ACCESS KINDERGARTEN READINESS SUPPORTS, INCLUDING THE OPTION FOR ONLINE KINDERGARTEN READINESS PROGRAMS; AND

(c) TO RECEIVE STATE FUNDING, AN ONLINE KINDERGARTEN READINESS PROGRAM SHOULD DEMONSTRATE STRONG EVIDENCE OF EFFECTIVENESS IN TEACHING A DIVERSE ARRAY OF CHILDREN, PROVIDE EVIDENCE-BASED ONLINE CURRICULUM, INCORPORATE FAMILY ENGAGEMENT, AND UNDERGO PERIODIC EVALUATION TO MEASURE EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

(2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO BEST SERVE ALL FAMILIES, IT IS APPROPRIATE FOR THE STATE TO SUPPORT AN ONLINE KINDERGARTEN READINESS PILOT PROGRAM AS A CHOICE FOR PARENTS WHO SEEK TO ACCESS ACADEMIC AND READINESS SUPPORT SERVICES FOR THEIR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN ELIGIBILITY.

26.5-4-302. Online kindergarten readiness pilot program - created- survey - provider selection - funding. (1) THERE IS CREATED IN THE DEPARTMENT THE ONLINE KINDERGARTEN READINESS PILOT PROGRAM, REFERRED TO IN THIS PART 3 AS THE "PILOT PROGRAM", TO PROVIDE FUNDING FOR A VOLUNTARY, ONLINE KINDERGARTEN READINESS PROGRAM THAT SERVES CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN ENROLLMENT. THE PURPOSES OF THE PILOT PROGRAM ARE TO:

(a) HELP ENSURE THAT, IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN ENROLLMENT, CHILDREN RECEIVE PERSONALIZED, ONLINE SUPPORT IN READING, MATHEMATICS, AND SCIENCE THAT IS DEVELOPMENTALLY APPROPRIATE;

(b) PROVIDE TRAINING FOR PARENTS AND OTHER FAMILY MEMBERS TO HELP THEM ASSIST THEIR CHILDREN IN LEARNING; AND

(c) RAISE THE LEVEL OF KINDERGARTEN READINESS FOR ALL CHILDREN, INCLUDING CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

(2) THE DEPARTMENT SHALL CONDUCT A STATEWIDE SURVEY TO DETERMINE THE NUMBER OF FAMILIES WHO WOULD BE INTERESTED IN PARTICIPATING IN THE PILOT PROGRAM. THE DEPARTMENT SHALL COMPILE AND SUBMIT THE RESULTS OF THE SURVEY BY DECEMBER 1, 2022, TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE OFFICE OF STATE PLANNING AND BUDGETING.

(3) (a) THE DEPARTMENT SHALL ISSUE A REQUEST FOR INFORMATION FOR A PROVIDER TO MAKE AN ONLINE KINDERGARTEN READINESS PROGRAM AVAILABLE TO FAMILIES STATEWIDE. AT A MINIMUM, A PROVIDER MUST DEMONSTRATE:

(I) THE ABILITY TO PROVIDE TECHNOLOGY TO FAMILIES THAT CHOOSE TO PARTICIPATE IN THE ONLINE PROGRAM BUT DO NOT HAVE THE APPROPRIATE TECHNOLOGY TO BE ABLE TO DO SO;

(II) THE USE OF A CURRICULUM THAT IS DEVELOPMENTALLY APPROPRIATE AND EVIDENCE BASED AND HAS DEMONSTRATED EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN;

(III) STRONG EVIDENCE OF THE EFFECTIVENESS OF THE PROVIDER'S ONLINE KINDERGARTEN READINESS PROGRAM OVERALL IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN AND IN DEVELOPING STRONG SOCIAL-EMOTIONAL SKILLS IN CHILDREN WHO PARTICIPATE IN THE PROGRAM; AND

(IV) AN EFFECTIVE PLAN FOR RECRUITING FAMILIES FROM DIVERSE BACKGROUNDS IN ALL GEOGRAPHIC AREAS OF THE STATE TO VOLUNTARILY ENROLL IN THE PROGRAM.

(b) BY MAY 1, 2023, BASED ON THE RESPONSES TO THE REQUEST FOR INFORMATION, THE DEPARTMENT, SUBJECT TO AVAILABLE APPROPRIATIONS FOR THE 2023-24 FISCAL YEAR, MAY SELECT AND CONTRACT WITH A SINGLE PROVIDER TO PROVIDE AN ONLINE KINDERGARTEN READINESS PROGRAM. AT A MINIMUM, THE CONTRACT MUST REQUIRE THE PROVIDER TO PROVIDE STATEWIDE NOTICE OF THE AVAILABILITY OF THE ONLINE KINDERGARTEN READINESS PROGRAM AND BEGIN ENROLLING FAMILIES, FREE OF CHARGE, FOR THE 2023-24 SCHOOL YEAR.

26.5-4-303. Reporting. (1) BEGINNING WITH THE HEARING HELD IN

JANUARY OF 2025, AS PART OF THE ANNUAL HEARING HELD PURSUANT TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION OF THE PILOT PROGRAM, INCLUDING:

- (a) THE NUMBER OF CHILDREN ENROLLED IN THE PILOT PROGRAM FOR THE PRECEDING FISCAL YEAR;
- (b) THE NUMBER AND PERCENTAGE OF CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET ONE OR MORE OF THE QUALIFYING FACTORS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), INCLUDING IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET;
- (c) THE DEMOGRAPHICS OF THE CHILDREN ENROLLED IN THE PILOT PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY, DISABILITY, AND INCOME;
- (d) QUANTITATIVE AND, TO THE EXTENT AVAILABLE, QUALITATIVE DATA, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PILOT PROGRAM IN IMPROVING THE OVERALL LEARNING AND KINDERGARTEN READINESS OF CHILDREN ENROLLED IN THE PILOT PROGRAM; AND
- (e) ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE THE EFFECTIVENESS OF THE PILOT PROGRAM IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

(2) THE DEPARTMENT MAY REQUEST AND THE PROVIDER SHALL PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

(3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

26.5-4-304. Repeal of part. THIS PART 3 IS REPEALED, EFFECTIVE JULY 1, 2029.

ARTICLE 5 **Quality Improvement Initiatives**

PART 1 **QUALITY IMPROVEMENT**

26.5-5-101. Colorado shines quality rating and improvement system - created. (1) [Formerly 26-6.5-106 (5)] The Colorado shines quality rating and improvement system, referred to in this section PART 1 as the "Colorado shines system", ~~shall~~ IS CREATED IN THE DEPARTMENT TO measure the level of preparedness of and quality of services provided by an early childhood education program to prepare children to enter elementary school. The Colorado shines system ~~shall~~ MUST:

(a) Measure and support the elements of quality of an early childhood education program, including, but not limited to:

(I) The quality of the learning environment;

(II) The quality of adult-child interactions;

(III) Adult-to-child ratios;

(IV) Provider training and education, including recognized credentials through the state department's voluntary credentialing system developed pursuant to ~~26-6.5-107~~ SECTION 26.5-6-102; and

(V) Parent-involvement activities at the early care and education facility;

(b) Be variable to inform parents, counties, and other purchasers of early childhood education about the level of quality at an early childhood education program in a simple and easy-to-understand manner;

(c) Be supported by statistically valid research as a reliable measure of quality of an early childhood education program;

(d) Include a quality improvement plan that facilitates goal setting and planning related to improving program quality over time; and

(e) Have demonstrated effectiveness at improving the level of quality of early childhood education programs in geographically diverse Colorado communities.

(2) THE DEPARTMENT SHALL PERIODICALLY REVIEW AND REVISE THE QUALITY STANDARDS ESTABLISHED FOR THE COLORADO SHINES SYSTEM WITH THE GOAL OF ALIGNING THOSE STANDARDS WITH THE QUALITY STANDARDS ESTABLISHED PURSUANT TO SECTION 26.5-4-205 FOR PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM.

26.5-5-102. School-readiness quality improvement program - created - rules. (1) [Formerly 26-6.5-106 (3)] On and after July 1, 2018, and continuing thereafter subject to sufficient and available federal funding, there is created the school-readiness quality improvement program, referred to in this section as the "program", which is administered by the department as part of the Colorado shines quality rating and improvement system. The state department shall award school-readiness quality improvement funding to eligible early childhood councils identified or established throughout the state pursuant to ~~section 26-6.5-103~~ SECTION 26.5-2-203. THE DEPARTMENT SHALL AWARD school-readiness quality improvement funding shall be awarded to improve the school readiness of children five years of age and younger who are enrolled in early childhood education programs. THE DEPARTMENT SHALL AWARD school-readiness quality improvement funding shall be awarded to eligible early childhood councils based upon ON allocations made at the discretion of the state department and subject to available funding. Nothing in this section or in any rules promulgated pursuant to this section creates a legal entitlement in any early childhood council to school-readiness quality improvement funding. Money awarded must be used to improve the school readiness of children, five years of age and younger, cared for in early childhood education programs.

(2) [Formerly 26-6.5-106 (3.5)] Communities throughout the state that do not have an early childhood council may identify an existing early childhood council in another community or establish a new early childhood council pursuant to ~~sections 26-6.5-103.3 and 26-6.5-103.5~~ SECTIONS 26.5-2-204 AND 26.5-2-205 to work toward the development and implementation of a comprehensive early childhood system to ensure the school readiness of young children in the community.

(3) [Formerly 26-6.5-106 (4)] (a) An early childhood council seeking school-readiness quality improvement funding from the state department pursuant to this section shall MUST apply directly to the state department in the manner specified by DEPARTMENT rule. ~~of the state board~~. An early childhood council applying for school-readiness quality improvement funding pursuant to this section shall MUST develop and submit a school-readiness plan to improve the school readiness of children in the community as described in subsection (6) SUBSECTION (5) of this section and shall meet any additional eligibility requirements specified by DEPARTMENT rule. ~~of the state board~~.

(b) Early childhood councils that receive school-readiness quality improvement funding pursuant to this section shall prioritize the distribution of the money to participating early childhood education programs that serve children five years of age or younger with risk factors associated with not being school ready, including but not limited to children living in low-income families, as specified by DEPARTMENT rule. ~~of the state board~~.

(4) [Formerly 26-6.5-106 (4.5)] (a) The state department may provide technical assistance and financial incentives to:

(I) Programs that are rated in the Colorado shines system at a level one or two to support the programs in advancing to a level three or higher quality level; and

(II) Programs that are rated in the Colorado shines system at a level three, four, or five to support the programs in maintaining a high quality level or advancing to a higher quality level.

(b) The early childhood council may support the state department with the assistance described in subsection (4.5)(a) SUBSECTION (4)(a) of this section by providing local community outreach and engagement strategies.

(5) [Formerly 26-6.5-106 (6)] Each early childhood council seeking to apply for school-readiness quality improvement funding pursuant to this section shall MUST prepare and submit to the state department a three-year school-readiness plan that outlines strategies to improve the school readiness of children. The school-readiness plan, at a minimum, must include:

(a) A narrative that demonstrates the need to improve quality and increase the capacity for early childhood education programs in its service area;

(b) A plan that describes how the early childhood council will target and recruit programs that are rated in the Colorado shines system at a level one or higher. The early childhood council must target and recruit programs to increase the access and availability of quality child care for children participating in the Colorado child care assistance program, created in ~~part 8 of article 2 of this title 26 PART 1 OF ARTICLE 4 OF THIS TITLE 26.5~~. If the early childhood council received school-readiness quality improvement funding prior to the 2020-21 fiscal year, the early childhood council shall amend the three-year school readiness plan to comply with the requirements of this section.

(c) Strategies developed jointly with community partners to include, at a minimum, county departments of human or social services to target school-readiness quality improvement funding to improve the level of quality at participating early childhood education programs.

(d) ~~(Deleted by amendment, L. 2018.)~~

(6) **[Formerly 26-6.5-106 (7)]** (a) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules for the implementation of this section, including but not limited to rules that:

(I) Specify the procedure by which an early childhood council may apply for school-readiness quality improvement funding pursuant to the program; and

(II) Specify the manner in which school-readiness quality improvement funding is distributed to early childhood councils, ensuring an equitable distribution between rural and urban communities; and

(III) Identify any additional eligibility requirements for early childhood councils seeking school-readiness quality improvement funding.

(b) At a minimum, the rules promulgated pursuant to this ~~subsection (7)~~ SUBSECTION (6) must identify a specific and measurable level of improvement in the Colorado shines system that an early childhood

education program must achieve within each Colorado Shines rating cycle in order to continue receiving school-readiness quality improvement funding, as well as the eligibility criteria for continued participation in the program. IN ADDITION, THE DEPARTMENT BY RULE MAY REQUIRE PRESCHOOL PROVIDERS TO ATTAIN WITHIN A COLORADO SHINES RATING CYCLE SPECIFIC AND MEASURABLE IMPROVEMENT ON THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PURSUANT TO SECTION 26.5-4-205.

(7) [Formerly 26-6.5-106 (8)] (a) The school-readiness quality improvement program is funded using federal child care development fund money or other federal or state money annually appropriated for the program. The state department shall allocate the money to the eligible early childhood councils for distribution to early childhood education programs, as provided in this section.

(b) If money is required to match the federal child care development funds, such matching money may be from, but need not be limited to, general fund money appropriated by the general assembly, local money, or private matching money. The general assembly is not obligated to appropriate general fund money if private matching money is not available or later becomes unavailable.

(c) The state department is authorized to enter into a sole-source contract with an organization to provide the following:

(I) Quality rating assessments;

(II) Technical assistance for early childhood education programs;

(III) Community infrastructure and resource development for improving the quality of early childhood education;

(IV) Parent and consumer education on the importance of quality early childhood education; and

(V) Professional development activities.

(8) [Formerly 26-6.5-106 (9)] (a) Each early childhood council shall submit a report to the state department on or before August 15, 2019,

and on or before August 15 each year thereafter. The report must address the quality improvement of the participating early childhood education programs and the overall effectiveness of the Colorado shines system ~~at IN~~ preparing children with identified risk factors for school. At a minimum, the report must address:

- (I) The number of early childhood education programs and children who participated in the Colorado shines system, including the number of children five years of age or younger served as a result of the school-readiness quality improvement funding in home-based programs and in center-based programs;
- (II) The baseline quality ratings of each participating early childhood education program for each Colorado shines rating cycle;
- (III) An analysis and explanation of the quality improvement strategies undertaken at each early childhood education program;
- (IV) The barriers to quality improvement that were encountered; and
- (V) Any other data required by the state department.

(b) (I) ~~Notwithstanding section 24-1-136 (11)(a)(I),~~ On or before December 1, 2019, and on or before December 1 every three years thereafter, the state department, or any private entity with which the state department is authorized to contract for this purpose, shall submit a consolidated statewide report, based upon the reports prepared and submitted by the early childhood councils, addressing the items set forth in ~~subsection (9)(a)~~ SUBSECTION (8)(a) of this section to the early childhood and school readiness legislative commission and to the members of the education committees of the house of representatives and the senate, ~~of the general assembly; or any successor committee~~ COMMITTEES.

(II) Notwithstanding section 24-1-136 (11)(a)(I), the report required in ~~subsection (9)(b)(I)~~ SUBSECTION (8)(b)(I) of this section continues indefinitely.

(c) Reporting early childhood councils, as well as the state department or any private entity with which it may contract for reporting purposes, may draw upon the evaluations and studies prepared by a

nationally recognized research firm to report on the school readiness of children in quality-rated early childhood education programs.

(d) Each early childhood council shall work with state and local agencies, such as school districts, to support efforts to track, through high school graduation, the future academic performance of children who receive services from early childhood education programs that receive funding pursuant to this section.

26.5-5-103. [Formerly 26-6.5-104.5] Quality evaluation and improvement of early childhood care and education programs - use of Colorado works money. Counties are urged to partner with for-profit or not-for-profit organizations that evaluate the quality of early childhood care and education programs in the early childhood councils and assign ratings thereto in an effort to assess the success of such programs and to improve the ultimate delivery of early childhood care and education. Counties so partnering are further encouraged to match private investments in such early childhood care and education programs with county block grant moneys MONEY for Colorado works pursuant to part 7 of article 2 of this title TITLE 26 and federal child care development funds in an effort to improve the overall quality of those programs. Counties so partnering are further encouraged to expend local funds to promote the objectives of this part 1 and improve the delivery of early childhood services, including the continuation of those funding sources developed to support pilot site agency activities.

PART 2
COLORADO INFANT AND TODDLER QUALITY
AND AVAILABILITY GRANT PROGRAM

26.5-5-201. [Formerly 26-6.7-101] Short title. This article shall be known and may be cited as the THE SHORT TITLE OF THIS PART 2 IS THE "Colorado Infant and Toddler Quality and Availability Grant Program".

26.5-5-202. [Formerly 26-6.7-102] Definitions. As used in this article 6.7 PART 2, unless the context otherwise requires:

(1) "Colorado child care assistance program" or "CCCAP" means the Colorado child care assistance program created in part 8 of article 2 of this title 26 PART 1 OF ARTICLE 4 OF THIS TITLE 26.5.

(1-3) (2) "Colorado shines system" means the Colorado shines quality rating and improvement system established in ~~section 26-6.5-106~~ SECTION 26.5-5-101.

(2) (3) "County department" means a county or district department of human or social services.

(3) (4) "Early childhood council" means an early childhood council established pursuant to ~~part 1 of article 6.5 of this title~~ PART 2 OF ARTICLE 2 OF THIS TITLE 26.5.

(4) (5) "Early childhood education program" means a ~~licensed~~ child care program LICENSED pursuant to ~~part 1 of article 6 of this title~~ 26 PART 3 OF THIS ARTICLE 5 that provides child care and education to infants and toddlers living in low-income families.

(5) (6) "Grant program" means the Colorado infant and toddler quality and availability grant program created in ~~section 26-6.7-103~~ SECTION 26.5-5-203.

(6) Repealed.

26.5-5-203. [Formerly 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. Grants are awarded through the Colorado shines system to improve quality in licensed infant and toddler care and increase the number of low-income infants and toddlers served through high-quality early childhood education programs, as well as promote voluntary family partnerships, as determined for the Colorado shines system. A program is considered "high quality" if it is rated in the top three levels of the state's Colorado shines system. Early childhood councils may apply for money through the state department, which administers the program as part of the Colorado shines system. An early childhood education program that is within the service area of an early childhood council may apply to the early childhood council for money that would allow the program to increase the number of infants and toddlers living in low-income families served through high-quality early childhood education programs.

26.5-5-204. [Formerly 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 money to early childhood councils, eligibility criteria, proposal requirements, and award criteria.

(2) An applicant to the grant program is eligible for a grant award pursuant to this ~~article 6.7 PART 2~~ if:

(a) The application is made by an early childhood council and includes strategies developed jointly with community partners, including, at a minimum, county departments of human or social services. If an early childhood council serves more than one county, it may submit a single application for the counties that make up its designated service area.

(b) The early childhood education programs to which the grant money will be distributed have achieved a quality rating pursuant to the Colorado shines system of at least a level two, or are licensed programs with a demonstrated hardship that are actively working toward achieving a Colorado shines system level two rating, and have fiscal agreements with CCCAP;

(c) The early childhood council demonstrates a need and provides a plan to improve quality and increase the capacity for early childhood education programs that serve infants and toddlers three years of age or younger in its designated service area. The early childhood education programs may be home-based or center-based.

(d) The applicant meets any other criteria set forth in the application process developed pursuant to this section.

(e) ~~(Deleted by amendment, L. 2018.)~~

(3) Subject to available appropriations, the ~~state~~ department shall review applications and determine which applicants will receive grants and the amount of each grant.

26.5-5-205. [Formerly 26-6.7-105] Reporting requirements.

(1) No later than August 15 each year, an early childhood council that ~~received the~~ RECEIVES A 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 education programs that received grant money;
- (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 ~~money~~ MONEY;
- (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) Notwithstanding section 24-1-136 (11)(a)(I), 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 ~~money~~ MONEY awarded, and the total increase in the number of infants and toddlers under three years of age served by the grant program.

PART 3 CHILD CARE LICENSING

26.5-5-301. [Formerly 26-6-101] Short title. ~~This part 1 shall be known and may be cited as THE SHORT TITLE OF THIS PART 3 IS~~ the "Child Care Licensing Act".

26.5-5-302. [Formerly 26-6-101.4] Legislative declaration concerning the protections afforded by regulation. (1) The general assembly finds and declares that increasing numbers of children in Colorado are spending a significant portion of their day in care settings outside their own homes. ~~In addition, some children are placed in facilities for residential care for their protection and well-being.~~ The general assembly finds that regulation and licensing of child care facilities contribute to a safe and healthy environment for children. The provision of such environment affords benefits to children, their families, their communities, and the larger society. The general assembly acknowledges that there is a need to balance accessibility and quality of care when regulating child care facilities. It is the intent of the general assembly that those who regulate and those who are regulated work together to meet the needs of the children, their families, and the child care industry.

(2) In balancing the needs of children and their families with the needs of the child care industry, the general assembly also recognizes the financial demands with which the ~~department of human services~~ is faced in its attempt to ensure a safe and sanitary environment for those children of the state of Colorado who are in child care facilities. In an effort to reduce the risk to children outside their homes while recognizing the financial constraints placed upon the department, it is the intent of the general assembly that the limited resources available be focused primarily on those child care facilities that have demonstrated that children in their care may be at higher risk pursuant to ~~section 26-6-107~~ SECTION 26.5-5-316.

26.5-5-303. [Formerly 26-6-102] Definitions - repeal. As used in this ~~article 6~~ PART 3, unless the context otherwise requires:

(1) "Affiliate of a licensee" means:

(a) Any person or entity that owns more than five percent of the ownership interest in the business operated by the licensee or the applicant for a license; or

(b) Any person who is directly responsible for the care and welfare of children served; or

(c) Any executive, officer, member of the governing board, or employee of a licensee; or

(d) A relative of a licensee, which relative provides care to children at the licensee's facility or is otherwise involved in the management or operations of the licensee's facility.

(2) "Application" means a declaration of intent to obtain or continue a license ~~or certificate~~ for a child care facility. ~~or a child placement agency.~~

(3) "Certificate" means a legal document granting permission to operate a foster care home or a kinship foster care home.

(4) "Certification" means the process by which a county department of human ~~or social services~~, a child placement agency, or a federally recognized tribe pursuant to applicable federal law approves the operation of a foster care home.

(5) (3) (a) (I) [Formerly 26-6-102 (5) as it exists until July 1, 2024] "Child care center", PRIOR TO JULY 1, 2024, means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children, unless otherwise specified in this subsection (5)(a) SUBSECTION (3)(a)(I), who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as ~~day~~ CHILD care centers, school-age child care centers, before- and after-school programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND summer camps ~~and centers for developmentally disabled children and those facilities that give twenty-four-hour care for children~~ and includes those facilities for children under six years of age with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. ~~or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22. The term also includes respite child care centers the provide care for three or more children or youth, as defined in subsection (33.5) of this section.~~

(b) (II) The term does not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection

~~(36) of this section but that is providing care for three or fewer children who are determined to have a developmental disability by a community-centered board or who are diagnosed with a serious emotional disturbance. THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.~~

~~(a) (b) [Formerly 26-6-102 (5) as it becomes effective July 1, 2024]~~ "Child care center", ON AND AFTER JULY 1, 2024, means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children, unless otherwise specified in this subsection ~~(5)(a)~~ SUBSECTION (3)(b), who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as ~~day~~ CHILD care centers, school-age child care centers, before- and after-school programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND summer camps, and ~~centers for developmentally disabled children and those facilities that give twenty-four-hour care for children~~; and includes those facilities for children under six years of age with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades. ~~or operated as a component of a school district's preschool program operated pursuant to article 28 of title 22. The term also includes respite child care centers that provide care for three or more children or youth, as defined in subsection (33.5) of this section.~~

~~(b) The term does not include any facility licensed as a family child care home, a foster care home, or a specialized group facility that is licensed to provide care for three or more children pursuant to subsection (36) of this section, but that is providing care for three or fewer children who are determined to have an intellectual and developmental disability by a case management agency, as defined in section 25.5-6-1702, or who are diagnosed with a serious emotional disturbance.~~

~~(6) (4) "Child care provider", as used in section 26-6-119 SECTION 26.5-5-325, means a licensee, or an affiliate of a licensee, when the licensee holds a license to operate a family child care home pursuant to this part 1 PART 3.~~

(7) "Child placement agency" means any corporation, partnership, association, firm, agency, institution, or person unrelated to the child being placed, who places, who facilitates placement for a fee, or who arranges for placement, for care of any child under the age of eighteen years with any family, person, or institution. A child placement agency may place, facilitate placement, or arrange for the placement of a child for the purpose of adoption, treatment, or foster care. The natural parents or guardian of any child who places said child for care with any facility licensed as a "family child care home" or "child care center" as defined by this section shall not be deemed a child placement agency.

(8) (5) (a) "Children's resident camp" means a facility operating for three or more consecutive twenty-four-hour days during one or more seasons of the year for the care of five or more children. The facility shall have as its purpose a group living experience offering education and recreational activities in an outdoor environment. The recreational experiences may occur at the permanent camp premises or on trips off the premises.

(b) A children's resident camp shall serve children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, he or she THE PERSON has attended or has graduated from high school.

(9) "Cradle care home" means a facility that is certified by a child placement agency for the care of a child, or children in the case of multiple-birth siblings, who is twelve months of age or younger, in a place of residence for the purpose of providing twenty-four-hour family care for six months or less in anticipation of a voluntary relinquishment of the child or children pursuant to article 5 of title 19, C.R.S., or while a county prepares an expedited permanency plan for an infant in its custody.

(10) (a) (I) "Day treatment center" means a facility that:

(A) Except as provided in subparagraph (II) of this paragraph (a), provides less than twenty-four-hour care for groups of five or more children who are three years of age or older, but less than twenty-one years of age; and

~~(B) Provides a structured program of various types of psycho-social and behavioral treatment to prevent or reduce the need for placement of the child out of the home or community.~~

~~(H) Nothing in this subsection (10) prohibits a day treatment center from allowing a person who reaches twenty-one years of age after the commencement of an academic year from attending an educational program at the day treatment center through the end of the semester in which the twenty-first birthday occurs or until the person completes the educational program, whichever comes first.~~

~~(b) "Day treatment center" shall not include special education programs operated by a public or private school system or programs that are licensed by other rules of the department for less than twenty-four-hour care of children, such as a child care center.~~

~~(11) "Department" or "state department" means the state department of human services.~~

~~(12) (6) "Exempt family child care home provider" means a family child care home provider who is exempt from certain provisions of this part 1 pursuant to section 26-6-103 (1)(i) PART 3 PURSUANT TO SECTION 26.5-5-304 (1)(f).~~

~~(13) (7) "Family child care home" means a facility for child care OPERATED WITH OR WITHOUT COMPENSATION OR EDUCATIONAL PURPOSES in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home. "Family child care home" may include infant-toddler child care homes, large child care homes, experienced provider child care homes, and such other types of family child care homes designated by rules of the state board pursuant to section 26-6-106 (2)(p) DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n), as the state board EXECUTIVE DIRECTOR deems necessary and appropriate.~~

~~(14) "Foster care home" means a home that is certified by a county department or a child placement agency pursuant to section 26-6-106.3, or a federally recognized tribe pursuant to applicable federal law, for child care in a place of residence of a family or person for the purpose of~~

providing twenty-four-hour family foster care for a child under the age of twenty-one years. A foster care home may include foster care for a child who is unrelated to the head of the home or foster care provided through a kinship foster care home but does not include noncertified kinship care, as defined in section 19-1-103. The term includes any foster care home receiving a child for regular twenty-four-hour care and any home receiving a child from any state-operated institution for child care or from any child placement agency, as defined in subsection (7) of this section. "Foster care home" also includes those homes licensed by the department of human services pursuant to section 26-6-104 that receive neither money from the counties nor children placed by the counties.

(14-5) (8) "Governing body" means the individual, partnership, corporation, or association in which the ultimate authority and legal responsibility is vested for the administration and operation of a child care facility.

(15) (9) "Guardian" means a person who is entrusted by law with the care of a child under eighteen years of age.

(16) (10) "Guest child care facility" means a facility operated by a ski area, as that term is defined in section 33-44-103 (6), C.R.S., where children are cared for:

(a) While parents or persons in charge of such child are patronizing the ski area;

(b) Fewer than ten total hours per day;

(c) Fewer than ten consecutive days per year; and

(d) Fewer than forty-five days in a calendar year, with thirty or fewer of such forty-five days occurring in either the winter or summer months.

(17) "Homeless youth shelter" means a facility that, in addition to other services it may provide, provides services and mass temporary shelter for a period of three days or more to youths who are at least eleven years of age, or older, and who otherwise are homeless youth as that term is defined in section 26-5.7-102 (2).

(18) (11) "ICON" means the computerized database of court records known as the integrated Colorado online network used by the state judicial department.

(19) "Kin" may be a relative of the child, a person ascribed by the family as having a family-like relationship with the child, or a person that has a prior significant relationship with the child. These relationships take into account cultural values and continuity of significant relationships with the child.

(20) (12) "Kindergarten" means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, nursery school, preschool, or any other name.

(21) "Kinship foster care home" means a foster care home that is certified by a county department or a licensed child placement agency pursuant to section 26-6-106.3 or a federally recognized tribe pursuant to applicable federal law as having met the foster care certification requirements and where the foster care of the child is provided by kin. Kinship foster care providers are eligible for foster care reimbursement. A kinship foster care home provides twenty-four-hour foster care for a child or youth under the age of twenty-one years.

(22) (13) "License" means a legal document issued pursuant to this part + PART 3 granting permission to operate a child care facility. or child placement agency. A license may be in the form of a provisional, probationary, permanent, or time-limited license.

(22.5) (14) "Licensee" means the entity or individual to which a license is issued and that has the legal capacity to enter into an agreement or contract, assume obligations, incur and pay debts, sue and be sued in its own right, and be held responsible for its actions. A licensee may be a governing body.

(23) (15) "Licensing" means except as otherwise provided in subsection (14) of this section, the process by which the department approves a facility or agency for the purpose of conducting business as a child care facility. or child placement agency.

(24) "Medical foster care" means a program of foster care that provides home-based care for medically fragile children and youth who would otherwise be confined to a hospital or institutional setting and includes, but is not limited to, the following:

- (a) Infants impacted by prenatal drug and alcohol abuse;
- (b) Children with developmental disabilities which require ongoing medical intervention;
- (c) Children and youth diagnosed with acquired immune deficiency syndrome or human immunodeficiency virus;
- (d) Children with a failure to thrive or other nutritional disorders; and
- (e) Children dependent on technology such as respirators, tracheotomy tubes, or ventilators in order to survive.

(25) (16) (a) "Negative licensing action" means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license issued pursuant to this part + PART 3 or the demotion of such a license to a probationary license.

(b) For the purposes of this subsection (25) AS USED IN THIS SUBSECTION (16), "final agency action" means the determination made by the department, after AN opportunity for A hearing, to deny, suspend, revoke, or demote to probationary status a license issued pursuant to this part + PART 3 or an agreement between the department and the licensee concerning the demotion of such a license to a probationary license.

(26) (17) (a) "Neighborhood youth organization" means a nonprofit organization that is designed to serve youth as young as six years of age and as old as eighteen years of age and that operates primarily during times of the day when school is not in session and provides research-based, age-appropriate, and character-building activities designed exclusively for the development of youth from six to eighteen years of age. These activities shall MUST occur primarily in a facility leased or owned by the neighborhood youth organization. The activities shall MUST occur in an environment in which youth have written parental or legal guardian consent

to become a youth member of the neighborhood youth organization and to arrive at and depart from the primary location of the activity on their own accord, without supervision by a parent, legal guardian, or organization.

(b) A neighborhood youth organization ~~shall~~ DOES not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers. ~~as defined in subsection (5) of this section.~~

(27) ~~"Out-of-home placement provider consortium"~~ means a group of service providers that are formally organized and managed to achieve the goals of the county, group of counties, or mental health agency contracting for additional services other than treatment-related or child maintenance services.

(18) "OCCASIONAL CARE" MEANS CARE OF CHILDREN, WITH OR WITHOUT COMPENSATION, THAT IS PROVIDED ON AN INFREQUENT AND IRREGULAR BASIS WITH NO APPARENT PATTERN.

(28) (19) "Person" means any corporation, partnership, association, firm, agency, institution, or individual.

(29) (20) "Place of residence" means the place or abode where a person actually lives and provides child care.

(21) "PUBLIC PRESCHOOL PROVIDER" MEANS A SCHOOL DISTRICT, OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO ARTICLE 30.5 OF TITLE 22, THAT PROVIDES A PRESCHOOL PROGRAM.

(30) (22) "Public services short-term child care facility" means a facility that is operated by or for a county department of human or social services or a court and that provides care for a child:

(a) While the child's parent or the person in charge of the child is conducting business with the county department of human or social services or participating in court proceedings;

(b) Fewer than ten total hours per day;

(c) Fewer than fifteen consecutive days per year; and

(d) Fewer than forty-five days in a calendar year.

(30.3) "Qualified individual" means a trained professional or licensed clinician, as defined in the federal "Family First Prevention Services Act". "Qualified individual" must be approved to serve as a qualified individual according to the state plan. "Qualified individual" must not be an interested party or participant in the juvenile court proceeding and must be free of any personal or business relationship that would cause a conflict of interest in evaluating the child, juvenile, or youth and making recommendations concerning the child's, juvenile's, or youth's placement and therapeutic needs, according to the federal Title IV-E state plan or any waiver in accordance with 42 U.S.C. sec. 675a.

(30.5) "Qualified residential treatment program" means a licensed and accredited program that has a trauma-informed treatment model that is designed to address the child's or youth's needs, including clinical needs, as appropriate, of children and youth with serious emotional or behavioral disorders or disturbances in accordance with the federal "Family First Prevention Services Act", 42 U.S.C. 672 (k)(4), and is able to implement the treatment identified for the child or youth by the assessment of the child or youth required in section 19-1-115 (4)(e)(I).

(31) (23) "Related" means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.

(32) (24) "Relative" means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

(33) "Residential child care facility" means a facility licensed by the state department pursuant to this part 1 to provide twenty-four-hour group care and treatment for five or more children operated under private, public, or nonprofit sponsorship. "Residential child care facility" includes community-based residential child care facilities, qualified residential treatment programs, as defined in section 26-5.4-102 (2), shelter facilities, and therapeutic residential child care facilities as defined in rule by the state board, and psychiatric residential treatment facilities as defined in section 25.5-4-103 (19.5). A residential child care facility may be eligible for

designation by the executive director of the state department pursuant to article 65 of title 27. A child who is admitted to a residential child care facility must be:

- (a) Five years of age or older but less than eighteen years of age; or
- (b) Less than twenty-one years of age and placed by court order or voluntary placement; or
- (c) Accompanied by a parent if less than five years of age.

(33.5) "Respite child care center" means a facility for the purpose of providing temporary twenty-four-hour group care for three or more children or youth who are placed in certified foster care homes or approved noncertified kinship care homes, and children or youth with open cases through a regional accountable entity. A respite child care center is not a treatment facility, but rather its primary purpose is providing recreational activities, peer engagement, and skill development to the children and youth in its care. A respite child care center serves children and youth from five years of age to twenty-one years of age. A respite child care center may offer care for only part of a day. For purposes of this subsection (33.5), "respite child care" means an alternate form of care to enable caregivers to be temporarily relieved of caregiving responsibilities.

(34) (25) "Routine medications", as used in section 26-6-119 SECTION 26.5-5-325, means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to section 26-6-119 SECTION 26.5-5-325.

(35) "Secure residential treatment center" means a facility operated under private ownership that is licensed by the department pursuant to this part 1 to provide twenty-four-hour group care and treatment in a secure setting for five or more children or persons up to the age of twenty-one years over whom the juvenile court retains jurisdiction pursuant to section 19-2.5-103 (6) who are committed by a court pursuant to an adjudication of delinquency or pursuant to a determination of guilt of a delinquent act or having been convicted as an adult and sentenced for an act that would be a crime if committed in Colorado, or in the committing jurisdiction, to be placed in a secure facility.

(35.5) (26) "Sibling" means one or more individuals having one or both parents in common.

(36) (a) "Specialized group facility" means a facility sponsored and supervised by a county department or a licensed child placement agency for the purpose of providing twenty-four-hour care for three or more children, but fewer than twelve children, whose special needs can best be met through the medium of a small group. A child who is admitted to a specialized group facility must be:

(I) At least seven years of age or older but less than eighteen years of age;

(II) Less than twenty-one years of age and placed by court order or voluntary placement; or

(III) Accompanied by a parent or legal guardian if less than seven years of age.

(b) "Specialized group facility" includes specialized group homes and specialized group centers.

(37) (27) "Substitute child care provider" means a person who provides temporary care for a child or children in a licensed child care facility, including a child care center and a family child care home.

(37.5) (28) "Substitute placement agency" means any corporation, partnership, association, firm, agency, or institution that places or that facilitates or arranges placement of short-term or long-term substitute child care providers in licensed child care facilities providing less than twenty-four-hour care.

(38) (29) "Supervisory employee" means, for purposes of section 26-6-103.5 AS USED IN SECTION 26.5-5-307:

(a) A person directly responsible for managing a guest child care facility and the employees of the facility; or

(b) A person directly responsible for managing a public services short-term child care facility and the employees of the facility.

(39) "Therapeutic foster care" means a program of foster care that incorporates treatment for the special physical, psychological, or emotional needs of a child placed with specially trained foster parents, but does not include medical foster care.

(40) "Treatment foster care" means a clinically effective alternative to residential treatment facilities that combines the treatment technologies typically associated with more restrictive settings with a nurturing and individualized family environment.

(41) (30) "Youth member" means a youth who is six years of age through eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a neighborhood youth organization and who pays the required dues of the neighborhood youth organization.

26.5-5-304. [Formerly 26-6-103] Application of part - definition - repeal. (1) This part + PART 3 does not apply to:

(a) Special schools or classes operated primarily for religious instruction or for a single skill-building purpose, AS DEFINED IN DEPARTMENT RULE;

(b) A child care facility ~~which THAT~~ is approved, certified, or licensed by any other state agency, or by a federal government department or agency, ~~which THAT~~ has standards for operation of the facility and inspects or monitors the facility;

(c) Facilities operated in connection with a church, shopping center, or business where children are cared for during short periods of time while parents, persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location or shopping, patronizing, or working on the premises of any such business;

(d) Occasional care of children that has no apparent pattern and occurs with or without compensation;

(e) The care of a child by a person in ~~his or her~~ THE PERSON'S private residence when the parent, guardian, or other person having legal custody

of such child gives ~~his~~ consent to such care and when the person giving such care is not regularly engaged in the business of giving such care; OR

(f) ~~Juvenile courts;~~

(g) ~~Repeated;~~

(h) ~~Nursing homes which have children as residents.~~

(f) (f) (I) An individual who provides less than twenty-four-hour child care in a place of residence when one of the following conditions is met:

(A) The children being cared for are related ~~as defined in section 26-6-102 (31) and (32);~~ to the caregiver, are children who are related to each other as siblings ~~as defined in section 26-6-102 (35.5);~~ from a single family that is unrelated to the caregiver, or a combination of such children; or

(B) There are no more than four children being cared for, with no more than two children under two years of age from multiple families, regardless of the children's relation to the caregiver.

(I.5) (II) An individual providing child care in a place of residence authorized pursuant to ~~subsection (1)(i)(I)~~ SUBSECTION (1)(f)(I) of this section shall notify the parents of the children in the individual's care that the individual is operating under a legal license exemption and that the state has not verified the health and safety of the care setting or performed background checks on the individual or anyone else residing in the residence.

(I.7) (III) On or before July 1, 2021, and every year thereafter, the department shall report the number of complaints filed against child care providers who are claiming an exemption from licensing pursuant to ~~subsection (1)(i)(I)(B)~~ SUBSECTION (1)(f)(I)(B) of this section.

(II) (IV) This ~~subsection (1)(i)~~ SUBSECTION (1)(f) is repealed, effective September 1, 2026.

(2) ~~For purposes of~~ AS USED IN this section, "short periods of time"

means fewer than three hours in any twenty-four-hour period.

(3) A licensee or governing body that HAS HAD ITS LICENSE SUSPENDED PURSUANT TO SECTION 24-4-104 OR has received a final agency action resulting in the suspension or revocation of a license issued pursuant to this part † PART 3 is prohibited from operating pursuant to subsection (1) of this section, except when the children being cared for are related as defined in section 26-6-102 (31) and (32), to the caregiver.

(4) ~~Repealed.~~

(5) (4) The department shall provide education and information in an accessible manner on the state licensing website for child care providers who are exempt pursuant to this section but are interested in becoming a licensed child care provider.

(6) (5) On or before December 31, 2021, and ongoing thereafter, the department shall report on the portion of its state child care provider website that is accessible to families, and in an accessible and prominent manner, the name and location of any child care provider who is operating outside the exemptions described in this section and to whom one or more cease-and-desist orders have been issued. If more than one cease-and-desist order has been issued to the same provider, the website must include the total number of such orders. This requirement for website posting for child care providers who are operating outside the exemptions described in this section must be made public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, and include the date or dates of the cease-and-desist order or orders.

26.5-5-305. Public preschool provider - licensing - rules. PUBLIC PRESCHOOL PROVIDERS ARE SUBJECT TO THE REQUIREMENTS OF THIS PART 3. BECAUSE OF THE UNIQUE CIRCUMSTANCES PRESENTED BY PRESCHOOL CLASSROOMS PROVIDED BY SCHOOL DISTRICTS AND CHARTER SCHOOLS, WHICH CIRCUMSTANCES DO NOT ARISE IN CLASSROOMS FOR OLDER CHILDREN AND YOUTH, THE DEPARTMENT SHALL LICENSE PUBLIC PRESCHOOL PROVIDERS ONLY TO PROTECT THE HEALTH AND SAFETY OF CHILDREN IN PUBLIC PRESCHOOL CLASSROOMS. NOTWITHSTANDING ANY PROVISION OF THIS PART 3 TO THE CONTRARY, LICENSING FOR PUBLIC PRESCHOOL PROVIDERS MUST FOCUS ONLY ON THOSE ASPECTS OF THE PRESCHOOL PROGRAM AND ENVIRONMENT THAT AFFECT CHILDREN'S HEALTH AND

SAFETY AND ARE NOT ALREADY ACTIVELY REGULATED BY OTHER FEDERAL OR STATE AGENCIES OR DEPARTMENTS. THE DEPARTMENT SHALL ALIGN ANY REQUIREMENTS FOR THE LICENSE RELATED TO QUALIFICATIONS OR CREDENTIALING OF PROGRAM STAFF WITH THE REQUIREMENTS FOR AN EARLY CHILDHOOD ENDORSEMENT FOR A LICENSE ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5 OF TITLE 22.

26.5-5-306. [Formerly 26-6-103.3] Substitute child care providers

~~- substitute placement agency - licensing - rules. (1) Substitute placement agencies are subject to the requirements of this part 1. The state PART 3. THE~~ department shall license substitute placement agencies to place or facilitate or arrange for the placement of short-term and long-term substitute child care providers in licensed facilities providing less than twenty-four-hour care.

(2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules for substitute placement agencies and substitute child care providers. At a minimum, ~~state board~~ THE rules must require that the substitute child care provider demonstrate that ~~he or she~~ THE PROVIDER has the training and certification for the child care license type and position in which the substitute child care provider is placed. Pursuant to ~~section 26-6-107 (1)(a)(I)(C)~~ SECTION 26.5-5-316 (1)(a)(I)(C), each substitute child care provider shall pay for and submit to a fingerprint-based criminal history record check and a review of the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES to determine whether the substitute child care provider has been found to be responsible in a confirmed report of child abuse or neglect. When the results of a fingerprint-based criminal history record check or any other records check performed on a person pursuant to this subsection (2) reveal a record of arrest without a disposition, the ~~state board~~ DEPARTMENT RULES shall require that person to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d). The substitute placement agency shall not place a substitute child care provider who is convicted of any of the crimes specified in ~~section 26-6-104 (7) or section 26-6-108~~ SECTION 26.5-5-309 (4) OR 26.5-5-317.

26.5-5-307. [Formerly 26-6-103.5] Application of part - guest child care facilities - public services short-term child care facilities - definition. (1) Guest child care facilities and public services short-term child care facilities ~~shall be~~ ARE subject only to the requirements of this

section and ~~shall~~ ARE otherwise ~~be~~ excluded from the requirements of this ~~part~~ PART 3. Each guest child care facility and each public services short-term child care facility shall post a notice in bold print and in plain view on the premises of the child care facility. The notice ~~shall~~ MUST specify the telephone number and address of the appropriate division within the ~~state~~ department for investigating child care facility complaints and ~~shall~~ MUST state that any complaint about the guest child care facility's or the public services short-term child care facility's compliance with these requirements should be directed to such division.

(2) A person or entity shall not operate a guest child care facility or a public services short-term child care facility unless the following requirements are met:

(a) The guest child care facility or public services short-term child care facility is inspected not less frequently than one time per year by the department of public health and environment, and it conforms to the sanitary standards prescribed by such department under the provisions of section 25-1.5-101 (1)(h); ~~C.R.S.;~~

(b) The guest child care facility or public services short-term child care facility is inspected not less frequently than one time per year by the local fire department, and it conforms to the fire prevention and protection requirements of the local fire department in the locality of the facility, or in lieu thereof, the division of labor standards and statistics;

(c) The guest child care facility or public services short-term child care facility retains, on the premises at all times, the records of the inspections required by ~~paragraphs (a) and (b) of this subsection~~ ~~(2)~~ SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION for the current calendar year and the immediately preceding calendar year;

(d) The guest child care facility or public services short-term child care facility retains, on the premises at all times, a record of children cared for over the course of the current calendar year and the immediately preceding calendar year;

(e) At least one supervisory employee ~~as that term is defined in section 26-6-102 (38)~~, is on duty at the guest child care facility or public services short-term child care facility at all times when the facility is

operating;

(f) (I) The guest child care facility or public services short-term child care facility requires all supervisory employees of the guest child care facility or public services short-term child care facility and applicants for supervisory employee positions at the guest child care facility or public services short-term child care facility to obtain a fingerprint-based criminal history check utilizing the Colorado bureau of investigation and, for supervisory employees hired on or after August 10, 2011, the federal bureau of investigation and requests the ~~state~~ department to ascertain whether the person being investigated has been convicted of any of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I) or whether the person has been determined to have a pattern of misdemeanor convictions as described in ~~section 26-6-104 (7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care facility or public services short-term child care facility prohibits the hiring of any such person as a supervisory employee or terminates the employment of any such person as a supervisory employee upon confirmation of such a criminal history;

~~(II) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p. 560, § 1, effective August 10, 2011.)~~

~~(III) (II) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to access records and reports of child abuse or neglect to determine whether the supervisory employee or applicant for a supervisory employee position has been found to be responsible in a confirmed report of child abuse or neglect and the guest child care facility or public services short-term child care facility prohibits the hiring of any such person as a supervisory employee or terminates the employment of any such person as a supervisory employee. Information shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~~~

~~(IV) (III) (A) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to obtain a comparison search on the ICON system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the ~~state~~ department determines is appropriate, whether or not the criminal history background check confirms~~

a criminal history, in order to determine the crime or crimes, if any, for which the supervisory employee or applicant for a supervisory employee position was arrested or convicted and the disposition thereof; and

(B) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to obtain such information concerning the supervisory employee or applicant for a supervisory employee position from any other recognized database, if any, that is accessible on a statewide basis as set forth by rules promulgated by the ~~state~~ board EXECUTIVE DIRECTOR;

(V) (IV) When the results of a fingerprint-based criminal history record check or any other records check performed pursuant to this subsection (2)(f) reveal a record of arrest without a disposition, the guest child care facility or public services short-term child care facility shall require the supervisory employee or applicant for a supervisory employee position to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d);

(g) (I) The guest child care facility or public services short-term child care facility requires all other employees of the guest child care facility or public services short-term child care facility to obtain a fingerprint-based criminal history check utilizing the Colorado bureau of investigation and, for employees hired on or after August 10, 2011, the federal bureau of investigation and requests the ~~state~~ department to ascertain whether the person being investigated has been convicted of any of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I) or whether the person has been determined to have a pattern of misdemeanor convictions as described in ~~section 26-6-104 (7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care facility or public services short-term child care facility terminates the employment of any such person as an employee upon confirmation of such a criminal history;

(II) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p. 560, § 1, effective August 10, 2011.)

(III) (II) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to access records and reports of child abuse or neglect to determine whether the employee has been found

to be responsible in a confirmed report of child abuse or neglect and the guest child care facility or public services short-term child care facility terminates the employment of any such person. Information shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

(~~IV~~) (III) (A) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to obtain a comparison search on the ICON system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the ~~state~~ department determines is appropriate, whether or not the criminal history background check confirms a criminal history, in order to determine the crime or crimes, if any, for which the employee was arrested or convicted and the disposition thereof; and

(B) The guest child care facility or public services short-term child care facility requests the ~~state~~ department to obtain such information concerning the employee from any other recognized database, if any, that is accessible on a statewide basis as set forth by rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR; and

(h) The guest child care facility or public services short-term child care facility maintains the following employee-to-child ratios at all times when the facility is operating:

(I) One child care facility employee for every five children ages six weeks to eighteen months;

(II) One child care facility employee for every five children ages twelve months to thirty-six months;

(III) One child care facility employee for every seven children ages twenty-four months to thirty-six months;

(IV) One child care facility employee for every eight children ages two and one-half years to three years;

(V) One child care facility employee for every ten children ages

three years to four years;

(VI) One child care facility employee for every twelve children ages four years to five years;

(VII) One child care facility employee for every fifteen children ages five years of age and older; and

(VIII) One child care facility employee for every ten children in a mixed age group, ages two and one-half years to six years.

(2-5) (3) In addition to the requirements specified in subsection (2) of this section, a public services short-term child care facility shall ensure that at least one employee is on duty at the facility at all times when the facility is operating who holds a current department-approved first aid and safety certificate that includes certification in cardiopulmonary resuscitation training for all ages of children.

(3) (4) (a) If the guest child care facility or public services short-term child care facility refuses to hire a supervisory employee or terminates the employment of a supervisory employee as a result of information disclosed in an investigation of the supervisory employee or applicant ~~therefor pursuant to paragraph (f) of subsection (2) FOR A SUPERVISORY POSITION PURSUANT TO SUBSECTION (2)(f) of this section~~, the guest child care facility or public services short-term child care facility shall not be subject to civil liability for such refusal to hire.

(b) If the guest child care facility or public services short-term child care facility terminates the employment of an employee as a result of the information disclosed in an investigation of the employee ~~pursuant to paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section, the guest child care facility or public services short-term child care facility shall not be subject to civil liability for such termination of employment.

(4) (5) A guest child care facility employee or supervisory employee applicant who has obtained a fingerprint-based criminal history check pursuant to ~~paragraph (f) or (g) of subsection (2)~~ SUBSECTION (2)(f) OR (2)(g) of this section, or pursuant to ~~subsection (5)~~ SUBSECTION (6) of this section, ~~shall not be~~ IS NOT required to obtain a new fingerprint-based criminal history check if ~~he or she~~ the EMPLOYEE OR APPLICANT returns to

a guest child care facility to work in subsequent seasons. The ~~state~~ department shall maintain the results of the initial background check and receive subsequent notification of activity on the record for the purpose of redetermining, if necessary, whether the employee or supervisory employee applicant has been convicted of any of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I), or whether the employee or supervisory employee applicant has a pattern of misdemeanor convictions as described in ~~section 26-6-108 (8)(b)~~ SECTION 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the ~~state~~ department for information concerning subsequent convictions, if any, prior to rehiring such employee.

~~(5) (6) The requirements of paragraphs (f) and (g) of subsection (2) SUBSECTIONS (2)(f) AND (2)(g) of this section shall~~ DO not apply to those employees of guest child care facilities concerning whom criminal history background checks were conducted on or after July 1, 2001, and before July 1, 2002, for purposes of state child care licensure requirements.

~~(6) (7) For purposes of~~ AS USED IN this section, a "guest child care facility" does not include a ski school. ~~For purposes of~~ AS USED IN this section, "ski school" means a school located at the ski area in which the guest child care facility is located for purposes of teaching children how to ski or snowboard.

~~(7) (8) The state department shall have the authority~~ DEPARTMENT IS AUTHORIZED to receive, respond to, and investigate any complaint concerning compliance with the requirements set forth in this ~~part + PART~~ 3 for a guest child care facility or a public services short-term child care facility.

26.5-5-308. [Formerly 26-6-103.7] Application of part - neighborhood youth organizations - rules - licensing - duties and responsibilities - definitions. (1) Notwithstanding any provision of this ~~part + PART~~ 3 to the contrary, a neighborhood youth organization that is not otherwise licensed to operate under this ~~part + PART~~ 3 may obtain a neighborhood youth organization license pursuant to this section. A neighborhood youth organization that obtains a license pursuant to this section ~~shall be~~ IS subject only to the requirements of this section and ~~shall~~ IS otherwise be exempt from the requirements of this ~~part + PART~~ 3.

(2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules to establish a neighborhood youth organization license, including but not limited to the fee required to apply for and obtain the license. The rules shall not concern staff-to-youth ratios.

(3) A neighborhood youth organization licensed pursuant to this section and operating in the state of Colorado ~~shall have~~ HAS the following duties and responsibilities:

(a) To inform a parent or legal guardian of the requirements of this subsection (3) and to post a notice in bold print and in plain view on the premises of the facility in which the neighborhood youth organization operates that lists the following information:

(I) The requirements of this subsection (3); and

(II) The telephone number and address of the appropriate division within the ~~state~~ department for investigating complaints concerning a neighborhood youth organization, with the instruction that any complaint regarding the neighborhood youth organization's compliance with these requirements be directed to that division;

(b) Prior to admitting an interested youth member into the neighborhood youth organization, to require the youth member's parent or legal guardian to sign a statement authorizing the youth member to arrive and depart from the organization without supervision by a parent, A legal guardian, or the organization;

(c) To establish a process to receive and resolve complaints from parents or legal guardians;

(d) To establish a process to report known or suspected child abuse or neglect to appropriate authorities pursuant to section 19-3-304; ~~E.R.S.~~;

(e) To maintain, either at the neighborhood youth organization or at a central administrative facility, records for each youth member admitted into the neighborhood youth organization containing, at a minimum, the following information:

(I) The youth member's full name;

- (II) The youth member's date of birth;
- (III) The name, address, and telephone number of a parent or legal guardian of the youth member;
- (IV) The name and telephone number of at least one emergency contact person for the youth member; and
- (V) A parent's or legal guardian's written authorization for the youth member to attend the neighborhood youth organization;

(f) To require a youth member's parent or legal guardian to sign a statement authorizing the neighborhood youth organization to provide transportation prior to field trips or to and from the neighborhood youth organization; and

(g) To follow the requirements specified in subsection (4) of this section for a fingerprint-based or other criminal history record check of each employee and volunteer who works with or will work with youth members five or more days in a calendar month.

(4) A licensed neighborhood youth organization shall require all employees and volunteers who work directly with or will work directly with youth members five or more days in a calendar month to obtain, prior to employment, and every two years thereafter, one of the following:

- (a) A fingerprint-based criminal history records check utilizing the Colorado bureau of investigation and request the ~~state~~ department to ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 ~~C.R.S.~~, or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.
- (b) A federal bureau of investigation fingerprint-based criminal history records check utilizing the Colorado bureau of investigation if the employee, volunteer, or applicant has resided in the state of Colorado less than two years. The neighborhood youth organization shall request the ~~state~~ department to ascertain whether the person being investigated has been

convicted of felony child abuse as specified in section 18-6-401 E.R.S., or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). E.R.S. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(c) A comparison search by the state department on the ICON system of the state judicial department or a comparison search on any other database that is recognized on a statewide basis by using the name, date of birth, and social security number information that the state department determines is appropriate to determine whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 E.R.S., or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). E.R.S. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(d) A separate background check by a private entity regulated as a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that shall MUST disclose, at a minimum, sexual offenders and felony convictions and include a social security number trace, a national criminal file check, and a state or county criminal file search. The separate background check shall MUST ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 E.R.S., or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). E.R.S. The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(5) A person who visits or takes part in the activities of a licensed neighborhood youth organization but who is not required to obtain a criminal history record check pursuant to subsection (4) of this section shall MUST at all times be under the supervision of an employee or volunteer who has been hired or approved after obtaining a criminal history record check pursuant to subsection (4) of this section.

(6) The governing board of each licensed neighborhood youth organization shall adopt minimum standards for operating the licensed neighborhood youth organization, including but not limited to standards concerning staff, staff training, health and safety, and mechanisms for

assessing and enforcing the licensed neighborhood youth organization's compliance with the standards adopted.

(7) The state department shall have the authority DEPARTMENT IS AUTHORIZED to receive, respond to, and investigate any complaint concerning compliance with the requirements set forth in this section for a licensed neighborhood youth organization.

(8) A licensed neighborhood youth organization ~~shall not be~~ IS NOT required to obtain or keep on file immunization records for youth members participating in the organization's activities.

(9) As used in this section, unless the context otherwise requires:

(a) "Employee" means a paid employee of a neighborhood youth organization who is eighteen years of age or older.

(b) "Volunteer" means a person who volunteers ~~his or her~~ assistance to a neighborhood youth organization and who is eighteen years of age or older.

26.5-5-309. [Formerly 26-6-104] Licenses - definition - rules.

(1) ~~(a) Except as otherwise SPECIFICALLY provided in paragraph (b) of this subsection (1) or elsewhere in this part 1 IN THIS PART 3, a person shall not operate an agency or facility defined in this part 1 PART 3 without first being licensed by the state department to operate or maintain such THE agency or facility and paying the prescribed fee. Except as otherwise provided in paragraph (c) of this subsection (1), any A license issued by the state department is permanent unless otherwise revoked or suspended pursuant to section 26-6-108 SECTION 26.5-5-317.~~

~~(b) A person operating a foster care home is not required to obtain a license from the state department to operate the foster care home if the person holds a certificate issued pursuant to section 26-6-106.3 to operate the home from any county department or a child placement agency licensed under the provisions of this part 1. A certificate is considered a license for the purpose of this part 1, including but not limited to the investigation and criminal history background checks required under sections 26-6-106.3 and 26-6-107.~~

(c) (I) On and after July 1, 2002, and contingent upon the time lines for implementation of the computer "trails" enhancements, child placement agencies that certify foster care homes shall be licensed annually until the implementation of any risk-based schedule for the renewal of child placement agency licenses pursuant to subparagraph (II) of this paragraph (c). The state board shall promulgate rules specifying the procedural requirements associated with the renewal of such child placement agency licenses. Such rules shall include requirements that the state department conduct assessments of the child placement agency.

(II) (A) On and after January 1, 2004, and upon the functionality of the computer "trails" enhancements, the state department may implement a schedule for relicensing of child placement agencies that certify foster care homes that is based on risk factors such that child placement agencies with low risk factors shall renew their licenses less frequently than child placement agencies with higher risk factors.

(B) Prior to January 1, 2004, and contingent upon the time lines for implementation of the computer "trails" enhancements, the state department shall create classifications of child placement agency licenses that certify foster care homes that are based on risk factors as those factors are established by rule of the state board.

(III) On and after July 1, 2021, all residential child care facilities must be licensed annually. The state board shall promulgate rules specifying the procedural requirements associated with the license renewal for residential child care facilities. The rules must include a requirement that the state department conduct assessments of the residential child care facility.

(d) Repealed.

(2) No person shall receive or accept a child under eighteen years of age for placement, or place any child either temporarily or permanently in a home, other than with persons related to the child, without first obtaining a license as a child placement agency from the department, and paying the fee prescribed therefor.

(2.5) (Deleted by amendment, L. 96, p. 254, § 5, effective July 1, 1996.)

(3) (2) THE DEPARTMENT MAY ISSUE a provisional license ONCE for a period of six months ~~may be issued once~~ to an applicant for an original license, permitting the applicant to operate a family child care home ~~foster care home~~, or child care center if the applicant is temporarily unable to conform to all standards required under this ~~part 1~~ PART 3, upon proof by the applicant that the applicant is attempting to conform to ~~such~~ THE standards or to comply with any other requirements. The applicant has the right to appeal any standard that the applicant believes presents an undue hardship or has been applied too stringently by the department. Upon the filing of an appeal, the department shall proceed in the manner prescribed for licensee appeals in ~~section 26-6-106 (3)~~ SECTION 26.5-5-314 (5).

(4) (3) (a) The department shall not issue a license for a child care center ~~residential child care facility, or secure residential treatment center~~ until the facilities to be operated or maintained by the applicant or licensee are approved by the department of public health and environment as conforming to the sanitary standards prescribed by the SAID department pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to fire prevention and protection requirements of local fire departments in the locality of the facility or, in lieu thereof, of the division of labor standards and statistics ~~IN THE DEPARTMENT OF LABOR AND EMPLOYMENT~~.

(b) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any fire or radon inspection requirement required by law by providing a copy of a satisfactory fire or radon inspection report of the property of a school district, district charter school, or institute charter school where the child care is provided if the fire or radon inspection report was completed within the preceding twelve months. The department shall not require a duplicate fire or radon inspection if a satisfactory fire or radon inspection report of the property was completed within the preceding twelve months.

(5) ~~No person shall send or bring into this state any child for the purposes of foster care or adoption without sending notice of the pending placement and receiving the consent of the department or its designated agent to the placement. The notice shall contain:~~

(a) ~~The name and the date and place of birth of the child;~~

(b) The identity and address or addresses of the parents or legal guardian;

(c) The identity and address of the person sending or bringing the child;

(d) The name and address of the person to or with which the sending person proposes to send, bring, or place the child;

(e) A full statement of the reasons for the proposed action and evidence of the authority pursuant to which the placement is proposed to be made.

(6) The state board of human services shall establish rules and regulations for the approval of foster care homes and child care centers that provide twenty-four-hour care of children between eighteen and twenty-one years of age for whom the county department is financially responsible and when placed in foster care by the county department.

(6.5) On and after July 1, 2005, and subject to designation as a qualified accrediting entity as required by the "Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq., the state department may license and accredit a child placement agency for purposes of providing adoption services for convention adoptions pursuant to the "Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq. The state board of human services may adopt rules consistent with federal law governing the procedures for adverse actions regarding accreditation, which procedures may vary from the procedures set forth in the "State Administrative Procedure Act", article 4 of title 24. C.R.S.

(7) (a) (I) (4) (a) (I) The state department shall not issue a license to operate a family child care home a foster care home; OR a child care center a residential child care facility, a secure residential treatment center, or a child placement agency, and any license or certificate issued prior to August 7, 2006, shall be revoked or suspended, if the applicant for the license, or certificate; an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility has been convicted of:

(A) Child abuse, as specified in section 18-6-401; C.R.S.;

- (B) A crime of violence, as defined in section 18-1.3-406; ~~C.R.S.~~;
- (C) Any offenses involving unlawful sexual behavior, as defined in section 16-22-102 (9); ~~C.R.S.~~;
- (D) Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3; ~~C.R.S.~~;
- (D.5) (E) Any felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of application for a license; ~~or certificate~~;
- (E) (F) A pattern of misdemeanor convictions, as defined by DEPARTMENT rule, ~~of the state board~~, within the ten years immediately preceding the date of submission of the application;
- (F) (G) Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in sub-subparagraphs (A) to (E) of this subparagraph (I) SUBSECTION (4)(a)(I)(A) TO (4)(a)(I)(F) OF THIS SECTION.

(II) For purposes of this paragraph (a) AS USED IN THIS SUBSECTION (4)(a), "convicted" means a conviction by a jury or by a court and shall also include ALSO INCLUDES a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

(III) Any applicant, licensee, or employee of the applicant or licensee who meets the definition of a department employee or an independent contractor, as those terms are defined in section 27-90-111, or who works for a contracting agency, as defined in section 27-90-111, and who will have direct contact with vulnerable persons, as defined in section 27-90-111 (2)(e), is required to submit to a state and national fingerprint-based criminal history record check in the same manner as required pursuant to section 27-90-111 (9); except that the state department shall not bear the cost of such criminal history record check required by this subsection (7)(a)(III). The state department may also conduct a comparison search on the Colorado state courts public access system to determine the crime or crimes for which the individual having direct contact with

vulnerable persons was arrested or convicted and the disposition of such crime or crimes. The criminal history record check required by this subsection (7)(a)(III) must be submitted to the state department prior to the individual having direct contact with vulnerable persons, and an applicant, licensee, or employee of an applicant or licensee must not be allowed to have direct contact with vulnerable persons if he or she does not meet the requirements set forth in this subsection (7) and in section 27-90-111 (9).

(b) The DEPARTMENT SHALL DETERMINE THE convictions identified in paragraph (a) of this subsection (7) shall be determined SUBSECTION (4)(a) OF THIS SECTION according to the records of the Colorado bureau of investigation, the ICON system at the state judicial department, or any other source, as set forth in section 26-6-107 (1)(a)(I.5) SECTION 26.5-5-316 (1)(a)(II). A certified copy of the judgment of a court of competent jurisdiction of such conviction, deferred judgment and sentence agreement, deferred prosecution agreement, or deferred adjudication agreement shall be IS prima facie evidence of such THE conviction or agreement. No THE DEPARTMENT SHALL NOT ISSUE A license or certificate to operate a family child care home a foster care home; OR a child care center a residential child care facility, a secure residential child care facility, or a child placement agency shall be issued if the state department has a certified court order from another state indicating that the person applying for such a THE license or certificate has been convicted of child abuse or any unlawful sexual offense against a child under a law of any other state or the United States, or the state department has a certified court order from another state that the person applying for the license or certificate has entered into a deferred judgment or deferred prosecution agreement in another state as to child abuse or any sexual offense against a child.

(7.5) (a) No later than January 1, 2004, the state board shall promulgate rules that require all current and prospective employees of a county department who in their position have direct contact with any child in the process of being placed, or who has been placed, in foster care to submit a set of fingerprints for purposes of obtaining a fingerprint-based criminal history record check, unless the person has already submitted a set of fingerprints. The check must be conducted in the same manner as provided in subsection (7) of this section and in section 26-6-107 (1)(a). The person's employment is conditional upon a satisfactory criminal background check and subject to the same grounds for denial or dismissal as set forth in subsection (7) of this section and in section 26-6-107 (1)(a).

The costs for the fingerprint-based criminal history record check must be borne by the applicant.

(b) When the results of a fingerprint-based criminal history record check performed pursuant to this subsection (7.5) reveal a record of arrest without a disposition, the state department shall require the person to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d). The costs for the name-based criminal history record check must be borne by the applicant.

(8) (5) The state department shall not issue a license to operate any AN agency or facility defined in this part 1 PART 3 if the person applying for such THE license or an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility,

(a) has been determined to be insane or mentally incompetent by a court of competent jurisdiction and should a court enter A COURT HAS ENTERED, pursuant to part 3 or part 4 of article 14 of title 15 C.R.S., or section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the mental incompetency or insanity is of such a degree that the applicant is incapable of operating a family child care home foster care home, OR child care center. or child placement agency; The record of such THE determination and entry of such order being THE ORDER ARE conclusive evidence thereof OF THE DETERMINATION.

(b) (Deleted by amendment, L. 2006, p. 725, § 3, effective August 7, 2006.)

(9) The state department is strongly encouraged to examine and report to the general assembly on the benefits of licensing any private, nonprofit child placement agency that is dedicated to serving the special needs of foster care children through services delivered by specialized foster care parents in conjunction with and supported by staff of the child placement agency. Such child placement agencies examined shall be able to:

(a) Offer the following services:

(I) Provision of educated, skilled, and experienced foster care parents;

(II) Social work support for the foster care child and foster care family;

(III) Twenty-four-hour, on-call availability;

(IV) Monthly foster care parent support group meetings;

(V) On-going educational and networking opportunities for any foster care family;

(VI) Individualized treatment plans developed through team collaboration;

(VII) Professional and family networking opportunities; and

(VIII) Respite support and reimbursement;

(b) Provide a form of specialized foster care including, but not limited to, the following types of care:

(I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May 22, 2003.)

(II) Medical foster care;

(III) Respite foster care;

(IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May 22, 2003.)

(V) Therapeutic foster care;

(VI) Developmentally disabled foster care; and

(VII) Treatment foster care.

(6) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD EDUCATOR CREDENTIALING

COMPLIANCE REQUIREMENTS. THE STATE AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS ACROSS THE AGENCIES TO REDUCE THE ADMINISTRATIVE AND PAPERWORK BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS. THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

26.5-5-310. [Formerly 26-6-104.5 (1) to (3)] Compliance with local government zoning regulations - notice to local governments - provisional licensure - rules. (1) (a) The department shall require any child care facility seeking licensure pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 to comply with any applicable zoning and land use development regulations of the municipality, city and county, or county where the facility is situated. Failure to comply with applicable zoning and land use regulations constitutes grounds for the denial of a license to a facility.

(b) Notwithstanding subsection (1)(a) of this section to the contrary, the availability of safe, affordable, and licensed family child care homes is a matter of statewide concern. Therefore, permitting fragmented regulation among jurisdictions impedes and infringes upon the department's appropriate and consistent licensing and regulation of family child care homes throughout the state. Accordingly, local governing authorities shall treat family child care homes as residential property use in the application of local regulations, including zoning, land use development, fire and life safety, sanitation, and building codes. Local governing authorities shall not impose any additional regulations governing family child care homes that do not also apply to other residential properties, provided that the foregoing does not restrict an authority's ability to prohibit, on a case-by-case basis, the operation in immediately adjacent residences of two or more large family child care homes, as that term is defined by DEPARTMENT rules by ~~the department that governs~~ THAT GOVERN the operation of family child care homes, or to manage the flow of traffic and parking related to adjacent large family child care homes. Residential use of property for zoning purposes includes all forms of residential zoning and, specifically, although not exclusively, single-family residential zoning.

(2) The department shall assure that timely written notice is provided to the municipality, city and county, or county where a child care facility is situated, including the address of the facility and the population

and number of persons to be served by the facility, when any of the following occurs:

(a) A person applies for a license to operate a child care facility pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309; OR

(b) A license is granted to operate a child care facility pursuant to ~~section 26-6-104; or~~ SECTION 26.5-5-309.

(c) ~~A change is made in the license of a residential child care facility, specialized group facility, homeless youth shelter, or secure residential treatment center.~~

(d) ~~(Deleted by amendment, L. 2006, p. 727, § 4, effective August 7, 2006.)~~

(3) Notwithstanding any other provision of law, in the event of a zoning or other delay or dispute between a child care facility and the municipality, city and county, or county where the facility is situated, the department may grant a provisional license to the facility for up to six months pending resolution of the delay or dispute.

26.5-5-311. [Formerly 26-6-105] Fees - when original applications, reapplications, and renewals for licensure are required - creation of child care licensing cash fund - rules. (1) (a) The state department is hereby authorized to establish, pursuant to rules promulgated by the state board EXECUTIVE DIRECTOR, permanent, time-limited, and provisional license fees and fees for continuation ~~or renewal, whichever is~~ applicable, of a license for the following types of child care arrangements:

(I) Family child care homes, including any special type of family child care home designated by DEPARTMENT rules ~~of the state board~~ pursuant to ~~section 26-6-106 (2)(p)~~ SECTION 26.5-5-314 (2)(n), but excluding homes certified by county departments or child placement agencies;

(II) Child care centers;

~~(III) Secure residential treatment centers;~~

(IV) Residential child care facilities;

(V) Child placement agencies;

(VI) Repealed.

(VII) Homeless youth shelters;

(VIII) Day treatment centers;

(IX) Specialized group facilities;

(X) (III) Children's resident camps; and

(XI) (IV) Substitute placement agencies.

(b) The state department may also establish fees pursuant to rules promulgated by the state board of human services EXECUTIVE DIRECTOR for the following situations:

(I) Issuance of a duplicate license;

(II) Change of license due to an increase in licensing capacity or a change in the age of children served;

(III) Obtaining the criminal record of an applicant and any person living with or employed by the applicant, which may include costs associated with the taking of fingerprints;

(IV) Checking the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES for an owner, employee, or resident of a facility or agency or an applicant for a license to operate a facility or agency;

(V) Filing of appeals;

(VI) Duplication of licensing records for the public;

(VII) Duplication of licensing records in electronic format for the public; AND

~~(VIII) Accrediting a child placement agency for purposes of providing adoption services for convention adoptions pursuant to the "Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq.;~~

~~(IX) (VIII) Insufficient funds payment and collection of overdue fees and fines. and~~

~~(X) Collection of fees for scanning of adoption records pursuant to section 19-5-307. C.R.S.~~

(c) The fees established pursuant to this subsection (1) ~~shall~~ MUST not exceed the direct and indirect costs incurred by the department. The ~~division involved in licensing child care facilities~~ DEPARTMENT shall develop and implement an objective and systematic approach for setting, monitoring, and revising child care licensing fees by developing and using an ongoing method to track all direct and indirect costs associated with child care inspection licensing, developing a methodology to assess the relationship between licensing costs and fees, and annually reassessing costs and fees and reporting the results to the ~~state board~~ EXECUTIVE DIRECTOR. In developing a fee schedule, the department should consider the licensed capacity of facilities and the time needed to license facilities.

(2) (a) The fees specified in subsection (1) of this section ~~shall~~ MUST be paid when application is made for any license ~~or when renewal of a child placement agency license is sought and shall not be~~ IS SOUGHT AND ARE NOT subject to refund. Applications for licenses ~~shall be~~ ARE required in the situations that are set forth in ~~paragraph (b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and ~~shall~~ MUST be made on forms prescribed by the state department. Each completed application ~~shall~~ MUST set forth such information as required by the state department. All licenses ~~shall~~ continue in force until revoked, surrendered, or expired.

(b) (I) An original application and fee are required:

(A) When an individual, partnership, corporation, or association plans to open a child care center ~~OR~~ children's resident camp; ~~secure residential treatment center, residential child care facility, homeless youth shelter, day treatment center, specialized group facility, or child placement agency;~~

(B) When the child care center OR children's resident camp secure residential treatment center, residential child care facility, homeless youth shelter, day treatment center, or specialized group facility plans to move the center or facility to a different building at a different location;

(C) When the management or governing body of a child care center OR children's resident camp secure residential treatment center, residential child care facility, homeless youth shelter, day treatment center, specialized group facility, or child placement agency is acquired by a different individual, association, partnership, or corporation;

(E.5) (D) When a change occurs in the operating entity of a child care center OR children's resident camp secure residential treatment center, residential child care facility, homeless youth shelter, day treatment center, specialized group facility, or child placement agency resulting in a new federal employee identification number; except that, if the reason for the issuance of a new federal employee identification number is solely due to a change in the corporate structure of the operating entity and either the management or governing body of the entity remains the same as originally licensed and the entity is operating in the same facility or facilities as originally licensed, the state department shall treat the entity's status as a renewal and assess the applicable renewal fee. Only newly hired employees shall be ARE required to undergo criminal background checks as required in section 26-6-107 SECTION 26.5-5-316.

(D) (E) When a family or person plans to open a family child care home, including any special type of family child care home designated by rules of the state board pursuant to section 26-6-106 (2)(p), or foster care home DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n);

(E) (F) When a family or person who operates a family child care home, including any special type of family child care home designated by rules of the state board pursuant to section 26-6-106 (2)(p), or foster care home DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n), moves to a new residence.

(II) THE DEPARTMENT MAY REQUIRE AND RECEIVE a reapplication and fee shall be required and received by the state department in the manner specified in DEPARTMENT rules. promulgated by the state board. An individual, partnership, corporation, or association seeking to renew a child

~~placement agency license shall submit a reapplication and fee to the state department as specified in rules promulgated by the state board.~~

(3) ~~Nothing in this section shall prevent any~~ THIS SECTION DOES NOT PREVENT A city or city and county from imposing additional fees IN ADDITION to those FEES specified under this section.

(4) THE DEPARTMENT SHALL TRANSMIT all fees collected pursuant to this section ~~shall be transmitted~~ to the state treasurer, who shall credit the ~~same~~ FEES to the child care licensing cash fund, which is hereby created. The general assembly shall make annual appropriations from the child care licensing cash fund for expenditures incurred by the department in the performance of its duties under this ~~part 1~~ PART 3. THE TREASURER SHALL CREDIT TO THE FUND all interest derived from the deposit and investment of ~~moneys~~ MONEY in the fund. ~~shall be credited to the fund~~. At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the fund ~~shall remain therein and shall not be~~ REMAINS IN THE FUND AND IS NOT credited or transferred to the general fund or any other fund.

26.5-5-312. [Formerly 26-6-105.5] Application forms - criminal sanctions for perjury. (1) (a) (I) All applications for the licensure of a child care facility ~~or the certification of a foster care home~~ pursuant to this ~~part 1~~ ~~shall~~ PART 3 MUST include the notice to the applicant that is set forth in paragraph (b) of this subsection (1) SUBSECTION (1)(b) OF THIS SECTION.

(II) Every application used in the state of Colorado for employment with a child care provider or facility ~~shall~~ MUST include the notice to the applicant that is set forth in paragraph (b) of this subsection (1) SUBSECTION (1)(b) OF THIS SECTION.

(b) Each application described in paragraph (a) of this subsection (1) ~~shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST contain the following notice to the applicant:

Any applicant who knowingly or willfully makes a false statement of any material fact or thing in this application ~~is guilty of~~ COMMITS perjury in the second degree as defined in section 18-8-503, Colorado Revised Statutes, and, upon conviction thereof, shall be punished accordingly.

(2) Any person applying for the licensure of a child care facility or the certification of a foster care home pursuant to this part † PART 3 or any person applying to work at such a facility as an employee who knowingly or willfully makes a false statement of any material fact or thing in the application is guilty of COMMITS perjury in the second degree as defined in section 18-8-503, C.R.S., and, upon conviction thereof, shall MUST be punished accordingly.

(3) Every application for certification or licensure as a foster care home shall provide notice to the applicant that the applicant may be subject to immediate revocation of certification or licensure or other negative licensing action as set forth in this section, section 26-6-107.7, and as described by rule of the state board.

26.5-5-313. [Formerly 26-6-105.7] Applications - materials waivers - appeals - rules. (1) A child care center that is subject to the licensing requirements of this part † PART 3 is also subject to the provisions of this section.

(2) (a) The department shall make available to licensed child care centers and include with every application form for licensure information concerning the manner in which a child care center may apply for a waiver to use certain materials in its program and curriculum. The waiver request shall MUST be included in a center's application for licensure or, in the case of a licensed child care center, may be submitted at any time.

(b) A child care center seeking a waiver for the use of certain materials shall MUST adopt a policy that:

(I) Ensures that instructors in the child care center are trained in the use of the materials in a way that provides reasonable safety provisions for use by children; and

(II) Requires parental notification of the use of the materials in the child care center and the potential safety risks associated with the materials. The policy shall MUST require the child care center to obtain signed parental consent forms acknowledging awareness of the risks in using the materials in the child care center.

(3) If a licensed child care center receives notice of a violation

pursuant to this ~~part~~ PART 3, information concerning the waiver and appeal process described in this section ~~shall~~ MUST be included in the notification to the child care center.

(4) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules for the implementation of this section, including:

(a) The requirements for the granting of a waiver request, ~~which requirements shall include~~ INCLUDING THE REQUIREMENT that the department make a decision on the waiver request and notify the child care center of its decision no later than sixty calendar days after receipt of the request;

(b) The requirements for the denial of a waiver request, ~~which requirements shall include~~ INCLUDING THE REQUIREMENT that the department make a decision on the waiver request and notify the child care center of its decision no later than sixty calendar days after receipt of the request; AND

(c) The process by which a child care center may appeal a denial of a waiver request, ~~which process shall include, but need not be limited to~~ MUST, AT A MINIMUM, PROVIDE THAT:

(I) ~~That~~ Upon the receipt of a denial of a waiver request, a child care center has up to forty-five calendar days to appeal the denial decision to the department;

(II) ~~That~~ The department shall act upon the appeal within forty-five calendar days;

(III) ~~That~~ The department shall provide notice of its decision on the appeal within ten calendar days after its decision to the appealing child care center; and

(IV) ~~That~~ The appealing child care center has the right to meet in person with department personnel concerning the appeal. ~~but that the entire appeals process shall last no more than one hundred calendar days after the date of the notice of denial of the waiver request.~~

(5) Whenever practicable, the department shall use the same

inspector for:

(a) Multiple visits to a single child care center seeking a waiver pursuant to this section; or

(b) Multiple visits to two or more individually licensed child care centers that are wholly owned, operated, and controlled by a common ownership group.

(6) The department shall not post a denial of a waiver made pursuant to this section on its website until the appeal is final.

26.5-5-314. [Formerly 26-6-106] Standards for facilities and agencies - rules - definition. (1) (a) The department shall prescribe and publish standards for licensing. The standards must be applicable to the various types of facilities and agencies for child care regulated and licensed by this part 1; ~~except that the department shall prescribe and publish separate standards for the licensing of child placement agencies operating for the purpose of adoptive placement and adoption-related services~~ PART 3. The department shall seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing the standards, including the advice and assistance of the department of public safety and councils and associations representing fire marshals and building code officials in the promulgation of any rules related to adequate fire protection and prevention, as allowed in subsection (2)(e) of this section, in a family child care home. The standards must be established by rules promulgated by the ~~state board of human services~~ EXECUTIVE DIRECTOR and be issued, published, and become effective only in conformity with article 4 of title 24.

(b) ~~(Deleted by amendment, L. 96, p. 258, § 7, effective July 1, 1996.)~~

(2) THE standards prescribed by ~~such~~ DEPARTMENT rules are restricted to:

(a) The operation and conduct of the facility or agency and the responsibility it assumes for child care;

(b) The character, suitability, and qualifications of the applicant for

a license and of other persons directly responsible for the care and welfare of children served, including whether an affiliate of the licensee has ever been the subject of a negative licensing action;

(c) The general financial ability and competence of the applicant for a license to provide necessary care for children and to maintain prescribed standards;

(d) The number of individuals or staff required to insure ENSURE adequate supervision and care of children served;

(e) (I) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire protection and prevention and health standards in conformance with state laws and municipal ordinances, to provide for the physical comfort, care, well-being, and safety of the children served.

(II) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any fire or radon inspection requirement required by law by providing a copy of a satisfactory fire or radon inspection report of the property of a school district, district charter school, or institute charter school where the child care is provided if the fire or radon inspection report was completed within the preceding twelve months. The department shall not require a duplicate fire or radon inspection if a satisfactory fire or radon inspection report of the property was completed within the preceding twelve months.

(III) The department shall require an annual inspection of playground facilities on the property where a child care center operates. For purposes of a playground facility inspection, the department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual who is licensed or certified to perform playground safety inspections through the national recreation and park association, or other nationally recognized playground facility safety organization. The department shall not require a duplicate inspection if a satisfactory inspection report was completed within the preceding twelve months.

(f) Keeping of records for food, clothing, equipment, and individual

supplies;

- (g) Provisions to safeguard the legal rights of children served;
- (h) Maintenance of records pertaining to the admission, progress, health, and discharge of children;
- (i) Filing of reports with the department;
- (j) Discipline of children;
- (k) Standards for the short-term confinement of a child in defined emergency situations. An emergency situation means any situation where the child is determined to be a danger to himself or others and to be beyond control, all other reasonable means to calm the child have failed, and the child's welfare or the welfare of those around the child demand that the child be confined for a period not to exceed two hours. Standards for such short-term confinement shall include:
 - (I) Definition of emergency purposes for the short-term confinement in accordance with this paragraph (k);
 - (II) Duration and frequency of the confinement;
 - (III) Facility staff requirements;
 - (IV) Criteria for the short-term placement of a child in the short-term confinement room;
 - (V) Documentation and review of the confinement;
 - (VI) Review and biannual inspection by the department of the short-term confinement facility;
 - (VII) Physical requirements for the short-term confinement room;
 - (VIII) Certification or approval from the department prior to the establishment of the short-term confinement room;
 - (IX) A neutral fact finder to determine if the child's situation merits

short-term confinement;

(X) At a minimum, a fifteen minute checking and review by staff of a child placed in short-term confinement;

(XI) Review by staff of any confinement subsequent to each period of such confinement;

(XII) Daily review of the use of the short-term confinement rooms; and

(XIII) Revocation or suspension of licensure for failure to comply with the standards set forth in this paragraph (k).

(I) Standards for security in secure residential treatment centers and residential child care facilities provided through the physical environment and staffing. Such standards shall include, but not be limited to, the following:

(I) Locked doors;

(II) Fencing;

(III) The staff requirements to ensure security;

(IV) Inspections;

(V) Physical requirements for program space and for secure sleeping of the residents in the secure residential treatment center or residential child care facility;

(VI) Other security considerations that are necessary to protect the residents of the secure residential treatment center or residential child care facility or the public.

(m) (k) Standards for the appropriateness, safety, and adequacy of transportation services of children to and from child care centers;

(n) (l) Except as provided for in paragraph (n.5) of this subsection
(2) OTHERWISE PROVIDED IN SUBSECTION (2)(m) OF THIS SECTION,

provisions that ensure that family child care homes ~~foster care homes~~, and child care centers verify, in accordance with part 9 of article 4 of title 25, ~~E.R.S.~~, that each child has received appropriate immunizations against contagious diseases as follows:

(I) Children up to twenty-four months of age ~~shall be~~ ARE required to be immunized in accordance with the "Infant Immunization Act", part 17 of article 4 of title 25; ~~E.R.S.~~;

(II) Children over twenty-four months of age ~~shall be~~ ARE required to be immunized in accordance with part 9 of article 4 of title 25; ~~E.R.S.~~;

(n.5) (m) Provisions that allow any child care center that allows any child to enroll and attend the center on a short-term basis of up to fifteen days in a fifteen-consecutive-day period, no more than twice in a calendar year, with each fifteen-consecutive-day period separated by at least sixty days, to do so without obtaining verification of immunization for that child, as provided for in section 25-4-902. ~~E.R.S.~~ Any child care center that chooses to allow children to enroll and attend on a short-term basis pursuant to the provisions of this ~~paragraph~~ (n.5) SUBSECTION (2)(m) shall provide notification to all parents that the child care center allows children to enroll and attend on a short-term basis without obtaining proof of immunization; AND

(o) ~~Standards for adoption agencies that may include but need not be limited to:~~

(I) ~~Specific criteria and minimum credentials, qualifications, training, and education of staff necessary for each of the types of adoption for which an applicant may seek to be licensed, including but not limited to:~~

(A) ~~Traditional adoptions with adopting parents who are unknown;~~

(B) ~~Family adoptions, including stepparent and grandparent adoptions;~~

(C) ~~Interstate adoptions;~~

(D) ~~International adoptions;~~

- (E) Identified or designated adoptions; and
- (F) Special needs adoptions;

(II) The continuing education requirements necessary to maintain the adoption agency's license, taking into account the type and specialty of such agency's license;

(III) The operation and conduct of the agency and the responsibility it assumes in adoption cases;

(IV) The character, suitability, and qualifications of the applicant for a license and for all direct service staff employed or contracted with by the agency;

(V) The general financial ability and competence of the applicant for license, either original or renewal, to provide necessary services for the adoption of children and to maintain prescribed standards;

(VI) Proper maintenance of records; and

(VII) Provisions to safeguard the legal rights of children served;

(p) (n) Rules governing different types of family child care homes as that term is defined in section 26-6-102 (13), as well as any other types of family child care homes that may by necessity be established by rule of the state board EXECUTIVE DIRECTOR.

(q) (I) Standards for the training of foster care parents, which must include, at a minimum:

- (A) Twenty-seven hours of initial training, consisting of at least twelve hours of training prior to the placement of a child and completion of the remaining training within three months after such placement;
- (B) Twenty hours per year of continuing training for foster care parents;
- (C) In addition to the hours described in subsection (2)(q)(I)(B) of this section, twelve hours per year for foster care parents providing

therapeutic foster care;

(D) Training concerning individualized education programs as defined in section 22-20-103 (15). C.R.S. The departments of human services and education shall ensure coordination between local county departments of human or social services and local school districts or administrative units to make such training available upon the request of a foster parent.

(E) The training described in section 19-7-104.

(H) The training described in subparagraph (I) of this paragraph (q) may include, but shall not be limited to, in-home training.

(III) The department shall consult with county departments and child placement agencies in prescribing such standards in order to insure a more uniform application throughout the state.

(IV) The hours of training prior to the placement of a child that is described in sub subparagraph (A) of subparagraph (I) of this paragraph (q) may be completed within four months after such placement if such placement was an emergency placement, as such term shall be defined by rule of the state board.

(r) Initial and ongoing training of providers of foster care services in facilities licensed and certified pursuant to this part 1 including orientation and prelicensing training for child placement agency staff;

(s) Standards for the training of providers of cradle care home services that shall be substantially similar to the training required of adoptive parents prior to adopting an infant, including ongoing training hours appropriate to the services provided.

(2.3) (3) (a) For purposes of this subsection (2.3) AS USED IN THIS SUBSECTION (3), "program" means child care offered by a child care center that holds a license pursuant to this part + PART 3, provides child care exclusively to school-age children, and operates on the property of a school district, district charter school, or institute charter school, referred to in this subsection (2.3) SUBSECTION (3) as "school property".

(b) When an agency or entity performs an inspection required by law for a program, the agency or entity shall provide a copy of the inspection report to the appropriate official of the school district, district charter school, or institute charter school where the child care center operates.

(c) If all of the requirements in section 22-1-119.5 and any additional DEPARTMENT rules ~~of the state board~~ are met, a school-age child enrolled in a program on school property may possess and self-administer medication for asthma, a food allergy, or anaphylaxis. The ~~state board~~ EXECUTIVE DIRECTOR may adopt additional rules for programs on school property concerning the authority to possess and self-administer medication for asthma, a food allergy, or anaphylaxis.

(2-6) (4) If all of the requirements in section 22-1-119.5 and any additional DEPARTMENT rules ~~of the state board~~ are met, a child enrolled in a large child care center, as defined by rule promulgated by the ~~state board~~ EXECUTIVE DIRECTOR, may possess and self-administer medication for asthma, a food allergy, or anaphylaxis. The ~~state board~~ EXECUTIVE DIRECTOR may adopt additional rules concerning the authority to possess and self-administer medication for asthma, a food allergy, or anaphylaxis.

(3) (5) Any applicant or person licensed to operate a child care facility or agency under the provisions of this ~~part 1~~ PART 3 has the right to appeal any standard that, in ~~his or her~~ THE APPLICANT'S OR PERSON'S opinion, works an undue hardship or when, in ~~his or her~~ THE APPLICANT'S OR PERSON'S opinion, a standard has been too stringently applied by representatives of the department. The department shall designate a panel of persons representing various state and local governmental agencies with an interest in and concern for children to hear such appeal and to make recommendations to the department. The membership of the appeals review panel ~~shall~~ MUST include, but need not be limited to, a representative from child care providers, a representative from a local early childhood council or local child care resource and referral agency, a state-level early childhood representative with early care and education expertise, and a parent representative. THE EXECUTIVE DIRECTOR OR THE EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT all members to the appeals review panel. ~~shall be appointed by the executive director or his or her designee and shall~~ MEMBERS OF THE APPEALS REVIEW PANEL serve terms of no more than three years. Representatives to the appeals review panel may serve successive terms.

(4) The state board may promulgate rules to regulate the operation of out-of-home placement provider consortia. The regulation shall not include licensure of out-of-home placement provider consortia.

(5) The state board shall promulgate rules to define the requirements for licensure for a licensed host family home serving homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this title.

(6) (a) A county director of human or social services, or his or her designee, may approve, at his or her discretion, a waiver of non-safety licensing standards for kinship foster care. A waiver may only be approved if:

(I) It concerns non-safety licensing standards, as set forth by rule of the state board pursuant to paragraph (d) of this subsection (6);

(II) The safety and well-being of the child or children receiving care is not compromised; and

(III) The waiver request is in writing.

(b) In addition to an approved waiver of non-safety licensing standards, a county director of human or social services, or his or her designee, may limit or restrict a license issued to a kinship foster care entity or require that entity to enter into a compliance agreement to ensure the safety and well-being of the child or children in that entity's care.

(c) A kinship foster care entity may not appeal a denial of a waiver requested pursuant to paragraph (a) of this subsection (6).

(d) The state board shall promulgate rules concerning the waiver of non-safety licensing standards for kinship foster care. The rules shall include, but need not be limited to, a listing of non-safety licensing standards that may not be waived and circumstances in which waivers do not apply. The state board shall also define by rule the meaning of "kinship foster care" for the purposes of this subsection (6).

(7) (6) The state board EXECUTIVE DIRECTOR shall promulgate rules concerning standards for licensing early care and education programs that facilitate the recruitment and retention of Colorado's early childhood

educator workforce as described in section 26-6-122 SECTION 26.5-6-103.

26.5-5-315. [Formerly 26-6-106.2] Staffing during emergency circumstances - definitions. (1) During an emergency circumstance, a child care center may permit an employee who has successfully completed criminal background check requirements but is not a qualified caregiver to supervise children for not more than two hours while the child care center secures a qualified caregiver.

(2) Notwithstanding subsection (1) of this section, a large child care center, as defined by DEPARTMENT rule promulgated by the state board, or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit an employee of the child care center or an employee of the school district, district charter school, or institute charter school who has successfully completed criminal background check requirements but is not a qualified caregiver to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.

(3) During an emergency circumstance, a child care center shall maintain the staff-to-child ratio required by department rule OF THE EXECUTIVE DIRECTOR.

(4) As used in this section, unless the context otherwise requires, "emergency circumstance" includes, but is not limited to, illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child.

26.5-5-316. Investigations and inspections - local authority - reports - rules. (1) (a) (I) (A) [Formerly 26-6-107 (1)] The state department shall investigate and pass on each original application for a license, each application for a permanent or time-limited license following the issuance of a probationary or provisional license, and each application for renewal, to operate a facility or an agency prior to granting such THE license or renewal. As part of such THE investigation, the state department shall require each individual, including but not limited to the applicant, any owner, employee, newly hired employee, licensee, and any adult who is eighteen years of age and older who resides in the licensed facility to obtain a fingerprint-based criminal history record check by reviewing any record

that is used to assist the state department in ascertaining whether the person being investigated has been convicted of any of the criminal offenses specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4) or any other felony. The state board EXECUTIVE DIRECTOR shall promulgate rules that define and identify what the criminal history record check entails.

(B) Rules promulgated by the state board EXECUTIVE DIRECTOR pursuant to this subsection (1)(a)(I) must allow an exemption from the fingerprint-based criminal history record check and the check of the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES for those out-of-state employees working in Colorado at a children's resident camp in a temporary capacity for a camp that is in operation for fewer than ninety days. Each person so exempted from fingerprinting and the check of the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES shall sign a statement that affirmatively states that ~~he or she~~ THE PERSON has not been convicted of any charge of child abuse, unlawful sexual offense, or any felony. Prospective employers of ~~such~~ exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each ~~such~~ prospective employee.

(C) Rules promulgated by the state board EXECUTIVE DIRECTOR pursuant to this subsection (1)(a)(I) must require the fingerprint-based criminal history record check in all circumstances, other than those identified in subsection (1)(a)(I)(B) ~~or (1)(a)(I)(C.7)~~ OR (1)(a)(I)(D) of this section, to include a fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation and, for any new owner, new applicant, newly hired employee, new licensee, or individual who begins residing in the licensed facility. As part of the investigation, the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES must be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated has been found to be responsible in a confirmed report of child abuse or neglect. Information is made available pursuant to section 19-1-307 (2)(j) and rules promulgated by the state board OF HUMAN SERVICES pursuant to section 19-3-313.5 (4). Except as provided ~~for in subsection (1)(a)(I)(C.7)~~ IN SUBSECTION (1)(a)(I)(D) of this section, any change in ownership of a licensed facility or the addition of a new resident

adult or newly hired employee to the licensed facility requires a new investigation as provided for in this section.

~~(C.5) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p. 562, § 3, effective August 10, 2011.)~~

~~(C.7) (D) Where~~ WHEN two or more individually licensed facilities are wholly owned, operated, and controlled by a common ownership group or school district, a fingerprint-based criminal history record check and a check of the records and reports of child abuse or neglect maintained by the STATE department OF HUMAN SERVICES, completed for one of the licensed facilities of the common ownership group or school district pursuant to this section for any individual for whom such a check is required under this part ~~+ PART 3~~ may satisfy the record check requirement for any other licensed facility under the same common ownership group or school district. A new fingerprint-based criminal history record check or new check of the records and reports of child abuse or neglect maintained by the STATE department OF HUMAN SERVICES is not required of such an individual if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 when informed of the results of a fingerprint-based criminal history record check or check of the records and reports of child abuse or neglect maintained by the STATE department OF HUMAN SERVICES that requires action pursuant to this part ~~+ PART 3~~; and informs the department whenever an additional licensed facility comes under or is no longer under its ownership or control.

~~(D) (E) The state board~~ EXECUTIVE DIRECTOR shall promulgate rules to implement this ~~subparagraph (I)~~ SUBSECTION (1)(a)(I).

~~(I.5) (II) Rules promulgated by the state board~~ EXECUTIVE DIRECTOR pursuant to subsection (1)(a)(I) of this section must also include:

(A) A comparison search on the ICON system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the state department determines is appropriate for each circumstance in which the EBI fingerprint check CONDUCTED BY THE COLORADO BUREAU OF INVESTIGATION either does not confirm a criminal history or confirms a criminal history, in order to determine the crime or crimes for which the

person was arrested or convicted and the disposition thereof;

(B) Any other recognized database, if any, that is accessible on a statewide basis as set forth by DEPARTMENT rules; ~~promulgated by the state board;~~ and

(C) When the results of an investigation performed pursuant to subsection (1)(a)(I) of this section or this ~~subsection (1)(a)(I.5)~~ SUBSECTION (1)(a)(II) reveal a record of arrest without a disposition, a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d).

(H) (III) If the operator of a facility or agency refuses to hire an applicant as a result of information disclosed in the investigation of the applicant pursuant to ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION (1)(a)(I) OF THIS SECTION, the employer shall not be IS NOT subject to civil liability for such refusal to hire. If a former employer of the applicant releases information requested by the prospective employer pertaining to the applicant's former performance, the former employer shall not be IS NOT subject to civil liability for the information given.

(a.5) An applicant for certification as a foster care home shall provide the child placement agency or the county department from whom the certification is sought with a list of all the prior child placement agencies and county departments to which the applicant had previously applied, and a release of information from such child placement agencies and county departments to which the applicant had previously applied, to obtain information about the application and any certification given by such child placement agencies and county departments. A child placement agency or county department from whom the certification is sought shall conduct a reference check of the applicant and any adult resident of the foster care home by contacting all of the child placement agencies and county departments identified by the applicant before issuing the certification for that foster care home. Child placement agencies and county departments shall be held harmless for information released, in good faith, to other child placement agencies or county departments.

(a.7) (I) For all applicants applying to be a foster care home or kinship foster care home, regardless of reimbursement, the county department or child placement agency shall require each adult who is eighteen years of age or older and who resides in the home to obtain a

fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation. The applicant must provide the county department or child placement agency with the addresses where the applicant and any adult residing in the home has lived in the preceding five years, including addresses from other states. The county department or the child placement agency shall conduct the following background checks of the applicant or an adult residing in the home:

- (A) A fingerprint-based criminal history record check to determine if the applicant or adult residing in the home has been convicted of any of the crimes listed in section 26-6-106.3 (5)(a);
- (B) A check of the ICON system at the state judicial department to determine the status or disposition of any pending criminal charges brought against the applicant or adult who resides in the home that were identified by the fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation;
- (C) A check of the state department's automated database for information to determine if the applicant or adult who resides in the home has been identified as having a finding of child abuse or neglect and whether such finding has been determined to present an unsafe placement for a child;
- (D) A check against the state's sex offender registry and against the national sex offender public registry operated by the United States department of justice that checks names and addresses in the registries and the interactive database system for Colorado to determine if the applicant or adult who resides at the home is a registered sex offender, and
- (E) When the results of a fingerprint-based criminal history record check performed pursuant to this subsection (1)(a.7)(I) reveal a record of arrest without a disposition, a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d).

(II) In addition to the fingerprint-based criminal history record check, the county department or child placement agency shall contact the appropriate entity in each state in which the applicant or any adult residing in the home has resided within the preceding five years to determine

~~whether the individual has been found to be responsible in a confirmed report of child abuse or neglect.~~

~~(III) The screening request in Colorado for criminal history record checks through the Colorado bureau of investigation and the federal bureau of investigation shall be made pursuant to section 19-1-307 (2)(k.5), C.R.S., rules promulgated by the state board pursuant to section 19-3-313.5, C.R.S., and 42 U.S.C. sec. 671 (a)(20).~~

~~(IV) An investigation pursuant to this paragraph (a.7) shall be conducted for any new resident adult whenever the adult is added to the foster care home or kinship care home. Information obtained from any state records of abuse or neglect shall not be used for any purpose other than conducting the investigation for placement or certification.~~

~~(b) (I) When the state department county department, or child placement agency DEPARTMENT is able to certify that the applicant or licensee is competent and will operate adequate facilities to care for children under the requirements of this part+ PART 3 and that standards are being met and will be complied with, it shall issue the license for which applied. The state 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 SECTION 26.5-5-314 and the DEPARTMENT rules of the state department or that otherwise appear to be placing children at risk. The state department may make such other inspections as it deems necessary to ensure that the requirements of this article PART 3 are being met and that the health, safety, and welfare of the children being placed are protected. If, as a result of an inspection of a certified foster care home, the state department determines that any child residing in such foster care home is subject to an immediate and direct threat to his or her safety and welfare as defined by rules promulgated by the state board or that a substantial violation of a fundamental standard of care warrants immediate action, the state department may require a county department to immediately remove such child from the foster care home.~~

~~(II) The state board EXECUTIVE DIRECTOR 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~~ EXECUTIVE DIRECTOR shall also adopt rules concerning a requirement that all facilities licensed under this ~~part~~ + PART 3 post their licenses and information regarding the procedures for filing a complaint under this ~~part~~ + PART 3 directly with the ~~state~~ department, which rules ~~shall~~ MUST 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. ~~except that such rules shall not require foster care homes to post their licenses and such rules shall not require foster care homes and child placement agencies to post information regarding the procedures for filing a complaint under this part + directly with the state department. The state board shall adopt rules requiring foster care homes to make their licenses available to their patrons for inspection, upon request, and requiring foster care homes and child placement agencies to make the information concerning the filing of complaints available to their patrons for inspection, upon request.~~

(III) If, as a result of an inspection of a licensed child care center facility or family child care home facility, the ~~state~~ department determines that there were no serious violations of any of the standards prescribed and published by the ~~state~~ department or any of the provisions of this ~~part~~ + PART 3, within twenty days after completing the inspection the ~~state~~ department shall send a written notice to ~~such~~ THE facility indicating such fact. Within ten days after receipt of ~~such~~ THE written notice, the licensee shall provide a copy of the written notice to the parents and legal guardians of the children cared for at the child care center facility or family child care home facility.

(1.5) Repealed.

(2) [Formerly 26-6-107.5 (1)] When the ~~state~~ department receives a serious complaint about a child care facility licensed pursuant to this ~~part~~ + PART 3 alleging the immediate risk of health or safety of the children cared for in such facility, the ~~state~~ department shall respond to THE COMPLAINT and conduct an on-site investigation concerning ~~such~~ THE complaint within forty-eight hours ~~of~~ AFTER its receipt.

(3) (a) (I) [Formerly 26-6-107 (2)] Except as otherwise provided in ~~subparagraph (H) of this paragraph (a), the state~~ SUBSECTION (3)(a)(II) OF THIS SECTION, THE department may authorize or contract with any county

department, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children to investigate and inspect the facilities applying for an original or renewal license or applying for a permanent license following the issuance of a probationary or provisional license under this part + PART 3 and may accept reports on such investigations and inspections from such agencies or organizations as a basis for such licensing. When contracting for investigations and inspections, the state department shall assure that the contractor is qualified by training and experience and has no conflict of interest with respect to the facilities to be inspected.

(II) The state department shall not authorize or contract with any county department, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children for investigations and inspections described in ~~subparagraph (I) of this paragraph~~ (a) SUBSECTION (3)(a)(I) OF THIS SECTION of any facilities that provide twenty-four-hour care and are licensed pursuant to this part + PART 3.

(b) A city, county, or city and county may impose and enforce higher standards and requirements for facilities licensed under this part + PART 3 than the standards and requirements specified under this part + PART 3.

(4) [Formerly 26-6-107 (3)] Every facility licensed under this part + PART 3 shall keep and maintain such records as the department may prescribe pertaining to the admission, progress, health, and discharge of children under the care of the facility, and shall report relative thereto to the department whenever called for, upon forms prescribed by the department. THE FACILITY AND THE DEPARTMENT SHALL KEEP all records regarding children and all facts learned about children and their relatives ~~shall be kept~~ confidential. ~~both by the facility and the department~~

26.5-5-317. [Formerly 26-6-108] Denial of license - suspension - revocation - probation - refusal to renew license - fines. (1) When an application for a license has been denied by the department, the department shall notify the applicant in writing of the denial by mailing a notice to ~~him or her~~ THE APPLICANT at the address shown on the application. Any

applicant believing himself or herself WHO IS aggrieved by the denial may pursue the remedy for review as provided in subsection (3) SUBSECTION (9) of this section if he or she THE APPLICANT, within thirty days after receiving the notice, petitions the department to set a date and place for hearing, affording him or her THE APPLICANT an opportunity to be heard in person or by counsel. All hearings on the denial of licenses shall be conducted in conformity with the provisions and procedures specified in article 4 of title 24, C.R.S., as in the case of the suspension and revocation of licenses.

(2) The department may deny an application, or suspend, revoke, or make probationary the license of any facility regulated and licensed under this part 1 PART 3 or assess a fine against the licensee pursuant to section 26-6-114 SECTION 26.5-5-323 should IF the licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(a) Be Is convicted of any felony, other than those offenses specified in section 26-6-104 (7) SECTION 26.5-5-309 (4), or child abuse, as specified in section 18-6-401, C.R.S., the record of conviction being conclusive evidence thereof, notwithstanding section 24-5-101; C.R.S., or have entered into a deferred judgment agreement or a deferred prosecution agreement to any felony, other than those offenses specified in section 26-6-104 (7) SECTION 26.5-5-309 (4) OR child abuse, as specified in section 18-6-401; C.R.S., or should the department have a certified court order from another state indicating that the applicant, licensee, person employed by the licensee, or any person residing with the licensee has been convicted of a felony, other than those offenses specified in section 26-6-104 (7) SECTION 26.5-5-309 (4), under a law of any other state or the United States or has entered into a deferred judgment agreement or a deferred prosecution agreement in another state as to a felony, other than those offenses specified in section 26-6-104 (7) SECTION 26.5-5-309 (4); or

(a.5) (b) Be Is convicted of third degree assault, as described in section 18-3-204; C.R.S., any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3; C.R.S., the violation of a protection order, as described in section 18-6-803.5; C.R.S., any misdemeanor offense of child abuse as defined in section 18-6-401; C.R.S., or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in

this paragraph (a.5) SUBSECTION (2)(b). For purposes of this paragraph (a.5), "convicted" shall have As USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS the same meaning as set forth in section 26-6-104 (7)(a)(H); or SECTION 26.5-5-309 (4)(a)(II).

(b) (c) Be Is determined to be insane or mentally incompetent by a court of competent jurisdiction and, ~~should a court enter~~ IF A COURT ENTERS, pursuant to part 3 or part 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family child care home ~~foster care home~~; or child care center, the record of such determination and entry of such order being conclusive evidence thereof; or

(c) (d) Use USES any controlled substance, as defined in section 18-18-102 (5), ~~C.R.S.~~, including retail marijuana, or ~~consume~~ CONSUMES any alcoholic beverage during the operating hours of the facility or be IS under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility; or

(c.5) (e) Be Is convicted of unlawful use of a controlled substance as specified in section 18-18-404; ~~C.R.S.~~, unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance as specified in section 18-18-403.5 OR 18-18-405; ~~or 18-18-405.5, C.R.S.~~, or unlawful offenses relating to marijuana or marijuana concentrate as specified in section 18-18-406; ~~C.R.S.~~; or

(d) (f) Consistently fail FAILS to maintain standards prescribed and published by the department; or

(e) (g) Furnish or make FURNISHES OR MAKES any misleading or any false statement or report to the department; or

(f) (h) Refuse REFUSES to submit to the department any reports or refuse REFUSES to make available to the department any records required by it in making investigation of the facility for licensing purposes; or

(g) (i) Fail or refuse FAILS OR REFUSES to submit to an investigation or inspection by the department or to admit authorized representatives of the department at any reasonable time for the purpose of investigation or

inspection; or

(h) (j) Fail FAILS to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to standards prescribed by the department of public health and environment and the department of human services or by ordinances or regulations applicable to the location of such facility; or

(i) (k) Willfully or deliberately VIOLATES any of the provisions of this part + PART 3 OR ANY OF THE STANDARDS PRESCRIBED AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 3; or

(j) (l) Fail FAILS to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, clothing, and other essentials in the proper care of children; or

(k) (m) Be Is charged with the commission of an act of child abuse or an unlawful sexual offense, as specified in section 18-3-411 (1), E.R.S., if:

(I) Such individual has admitted committing the act or offense and the admission is documented or uncontested; or

(II) The administrative law judge finds that such charge is supported by substantial evidence; or

(l) (n) Admit ADMITS to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensee in the licensed facility has committed an act of child abuse. For the purposes of this paragraph (l) AS USED IN THIS SUBSECTION (2)(n), "child abuse" has the same meaning as that ascribed to the term "abuse" or "child abuse or neglect" in section 19-1-103 (1); E.R.S.; or

(m) (o) Be Is the subject of a negative licensing action. or

(n) Misuse any public funds that are provided to any foster care home or any child placement agency that places or arranges for placement of a child in foster care for the purposes of providing foster care services;

child placement services related to the provision of foster care, or any administrative costs related to the provision of such foster care services or such foster care related child placement services. The state board shall promulgate rules defining the term "misuse", which rules shall take into account similar definitions in federal law and may include references to relevant circulars of the federal office of management and budget.

(2.2) (3) The state department may deny an application to renew a license based on the grounds set forth in subsection (2) of this section. The denial is effective upon the expiration of the existing license. The existing license shall not DOES NOT continue in effect even though the applicant for renewal files a request for hearing or appeal.

(2.3) (4) The state department may deny an application for a child care facility license pursuant to this part 1 if such PART 3 IF THE applicant is a relative affiliate of a licensee as described in section 26-6-102 (1)(d), of a child care facility licensed pursuant to this part 1 PART 3, which licensee is the subject of a previous negative licensing action or is the subject of a pending investigation by the state department that may result in a negative licensing action.

(2.4) The state department may deny an application for a child placement agency license pursuant to this part 1 if such applicant is a relative affiliate of a licensee as described in section 26-6-102 (1)(d), of a child placement agency licensed pursuant to this part 1, which licensee is the subject of a previous negative licensing action or is the subject of a pending investigation by the state department that may result in a negative licensing action.

(2.5) (5) (a) (I) The state department shall deny an application for a license under the circumstances described in section 26-6-104(7) SECTION 26.5-5-309 (4). The state department shall revoke or suspend a license previously issued if:

(A) The licensee, person employed by the licensee, or person residing with the licensee is thereafter convicted or if it is later discovered that the licensee, person employed by the licensee, or person residing with the licensee had previously been convicted of any of the criminal offenses set forth in section 26-6-104(7) SECTION 26.5-5-309 (4); or

(B) The department has a certified court order from another state indicating that the licensee, person employed by the licensee, or person residing with the licensee is thereafter convicted of, or if it is later discovered that the licensee, person employed by the licensee, or person residing with the licensee had previously been convicted of a criminal offense under a law of any other state or of the United States that is similar to any of the criminal offenses set forth in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4); or

(C) The licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility has been determined to be insane or mentally incompetent by a court of competent jurisdiction ~~and, should a court enter~~ AND THE COURT HAS ENTERED pursuant to part 3 or part 4 of article 14 of title 15 ~~C.R.S.~~, or section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family child care home ~~foster care home~~, or child care center, the record of ~~such~~ THE determination and entry of ~~such~~ THE order being conclusive evidence thereof.

(II) For purposes of this paragraph (a) AS USED IN THIS SUBSECTION (5)(a), "convicted" means a conviction by a jury or by a court and ~~shall also include~~ INCLUDES a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

(b) A certified copy of the judgment of a court of competent jurisdiction of such conviction or deferred judgment and sentence agreement, deferred prosecution agreement, deferred adjudication agreement, or a certified court order from another state indicating such an agreement from another state ~~shall be~~ is prima facie evidence of such conviction or agreement.

(2.6) (6) The state department shall deny an application for an entity licensed under this article PART 3 and shall revoke the license of an entity licensed under this article PART 3 if the entity cultivates marijuana pursuant to the authority in section 16 of article XVIII of the state constitution.

(2.7) (7) The department may assess fines, pursuant to the provisions of ~~section 26-6-114~~ SECTION 26.5-5-323, against a licensee or a

person employed by the licensee who willfully and deliberately or consistently violates the standards prescribed and published by the department or the provisions of this part 1 PART 3.

(2.9) (8) The DEPARTMENT SHALL DETERMINE THE EXISTENCE OF convictions identified in this section ~~shall be determined~~ according to the records of the Colorado bureau of investigation, the ICON system at the state judicial department, or any other source, as set forth in ~~section 26-6-107 (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(II).

(3) (9) The department shall suspend or revoke a license only in conformity with the provisions and procedures specified in article 4 of title 24, ~~C.R.S.~~, and after a hearing thereon as provided in said article 4; except that AN ADMINISTRATIVE LAW JUDGE SHALL CONDUCT all hearings under this part 1 ~~shall be conducted by an administrative law judge of the department who shall render his or her recommendation to PART 3 AND ISSUE AN INITIAL DECISION. The executive director of the department of human services who shall render~~ SHALL REVIEW THE INITIAL DECISION AND ISSUE the final decision of the department. ~~and no licensee shall be~~ A LICENSEE IS NOT entitled to a right to cure any of the charges described in paragraph (a), (b), (c), or (k)(I) of subsection (2) SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) of this section. ~~No such hearing shall~~ A HEARING DOES NOT prevent or delay any injunctive proceedings instituted under the provisions of section ~~26-6-111~~ SECTION 26.5-5-320.

(4) The provisions of paragraph (c) of subsection (2) of this section shall not apply to foster care homes, unless such use or consumption impairs the licensee's ability to properly care for children.

(5) Only upon the request of a county department, a child placement agency licensed pursuant to this part 1 that places or arranges for placement of a child in foster care may certify the home of a relative of the child placed therein as a foster care home.

26.5-5-318. [Formerly 26-6-108.5] Notice of negative licensing action - filing of complaints. (1) (a) When a child care center facility or family child care home facility licensed pursuant to this part 1 PART 3 has been notified by the department of a negative licensing action or the imposition of a fine pursuant to ~~section 26-6-108 (2) and (2.7)~~ SECTION 26.5-5-317 (2) AND (7), it shall, within ten days after receipt of the notice,

provide the department with the names and mailing addresses of the parents or legal guardians of each child cared for at the child care center facility or family child care home facility. The department shall maintain the confidentiality of the names and mailing addresses provided to it pursuant to this subsection (1).

(b) Within twenty days after receipt of the names and addresses of parents and legal guardians pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION, the department shall send a written notice to each ~~such~~ parent or legal guardian identifying the negative licensing action or the fine imposed and providing a description of the basis for the action as it relates to the impact on the health, safety, and welfare of the children in the care of the facility. ~~Such notice shall be sent~~ THE DEPARTMENT SHALL SEND THE NOTICE to the parents and legal guardians by first-class mail.

(c) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules concerning the assessment of a fine against a licensee that is equal to the direct and indirect costs associated with the mailing of the notice described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF THIS SECTION against the facility.

(d) ~~Nothing in this subsection (1) precludes the state~~ THIS SUBSECTION (1) DOES NOT PRECLUDE THE department or a county department of human or social services from notifying parents of serious violations of any of the standards prescribed and published by the department or any of the provisions of this ~~part + PART 3~~ that could impact the health, safety, or welfare of a child cared for at the facility or home.

(2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules requiring child care center facilities and family child care home facilities to provide written notice to the parents and legal guardians of the children cared for in such facilities of the procedures by which to file a complaint against the facility or an employee of the facility with the ~~division of child care in the department~~. Such rules shall specify what DEPARTMENT. THE RULES MUST SPECIFY THE information the notice ~~shall~~ MUST contain, but ~~shall~~ MUST require that the notice include the current mailing address and telephone number of the ~~division of child care in~~ APPROPRIATE DIVISION WITHIN the department.

(3) The department shall track and record complaints made to the department that are brought against family child care homes and shall identify which complaints were brought against licensed family child care homes, ~~as defined in section 26-6-102 (13)~~; unlicensed family child care homes, or legally exempt family child care homes. ~~as defined in section 26-6-102 (12)~~.

26.5-5-319. [Formerly 26-6-109] Institutes.

(1) ~~Repealed.~~

(2) The department is authorized to hold institutes and programs for licensees under this ~~part 1 in order~~ PART 3 to assist in the improvement of standards and practices of facilities operated and maintained by licensees and in the more efficient and practical administration and enforcement of this ~~part 1~~ PART 3. In conducting ~~such~~ institutes and programs, the department may request the assistance of health, education, and fire safety officials.

26.5-5-320. [Formerly 26-6-111] Injunctive proceedings. The department, in the name of the people of the state of Colorado, through the attorney general of the state, must apply for an injunction in any court of competent jurisdiction to enjoin any person from operating any facility without a license that is required to be licensed under this ~~part 1~~ PART 3. If the person does not have a valid license pursuant to this ~~part 1~~ PART 3, the person's license has been revoked pursuant to ~~section 26-6-108~~ SECTION 26.5-5-317, or the person does not meet the licensing exemption criteria set forth in ~~section 26-6-103~~ SECTION 26.5-5-304, yet provides child care, and has a pattern of providing such child care without a valid license as required by this ~~part 1~~ PART 3, and despite having received notification from the department that the person or facility is in violation of the law, then ~~such~~ THE person is providing unlicensed and illegal child care. At the time the department applies for an injunction, the department shall notify law enforcement of the injunction proceedings. If it is established that the defendant has been or is so operating ~~such~~ THE facility without a valid license, the court shall enter a decree enjoining the defendant from further operating the facility unless and until the person obtains a license ~~therefor~~ TO OPERATE THE FACILITY. In case of violation of any injunction issued pursuant to this section, the court may summarily try and punish the offender for contempt of court. Such injunctive proceedings are in addition

to and not in lieu of the penalty provided in section 26-6-112 SECTION 26.5-5-321.

26.5-5-321. [Formerly 26-6-112] Penalty - short title. (1) On or after July 1, 2021, any person violating any provision of this part ~~1~~ PART 3, intentionally making any false statement or report to the department or to any agency delegated by the department to make an investigation or inspection pursuant to the provisions of this part ~~1~~ PART 3, or violating a cease-and-desist order that is not cured ~~is guilty of~~ COMMITS a petty offense and, upon conviction, shall be punished by a fine of up to five hundred dollars, a sentence of up to ten days in jail, or both.

(2) The short title of this section is the "Elle Matthews Act for Increased Safety in Child Care".

26.5-5-322. [Formerly 26-6-113] Periodic review of licensing rules and procedures - legislative declaration. (1) The general assembly finds that changes in demographics and economic trends in Colorado have increased the need for high-quality and affordable child care. The general assembly also recognizes that the provision of child care in this state and in the nation is a rapidly growing industry subject to many changes. The general assembly further finds that there is a need for continuing comprehensive review of the rules ~~and regulations~~ and the licensing procedures governing child care centers AND family child care homes ~~and foster care homes~~ that includes the adequate and full participation of parents, consumers, child care providers, and interested persons. The general assembly finds that such a review with the goal of identifying problems in the fragmentation and lack of uniformity of standards in the licensing process would benefit the state and result in improvements in the regulation of this industry that is so vital to the health and well-being of the state's children and citizens.

(2) Beginning with fiscal year 1995-1996, an initial comprehensive rule ~~and regulation~~ review shall be conducted in conjunction with the performance audit required by section 26-6-107 (1.5), and, at least every fifth fiscal year thereafter BY JULY 1, 2023, AND AT LEAST EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL CONDUCT a comprehensive review of the licensing rules ~~and regulations~~ for child care centers AND family child care homes ~~and foster care homes~~ and the procedures relating to and governing child care centers AND family child care homes, ~~and foster~~

care homes shall be conducted by the department, including procedures for the review of backgrounds of employees and owners. In conducting such periodic review, the department shall consult with parents and consumers of child care, child care providers, the department of public health and environment, THE DEPARTMENT OF HUMAN SERVICES, experts in the child care field, and other interested parties throughout the state. The periodic review ~~shall~~ MUST include an examination of the rules ~~and~~ regulations applicable to child care centers AND family child care homes, ~~and~~ foster care homes, the process of licensing such facilities, uniformity of standards or lack thereof in the licensing process, statewide standardization of investigations and enforcement of licensing by the department, duplication and conflicts in ~~regulations~~ RULES, requirements, or procedures between the department and the department of public health and environment, and recommendations for streamlining and unifying the licensing process. Said review ~~shall~~ THE REVIEW MUST also include an examination of ~~regulations~~ RULES and procedures regarding the general physical and mental health of employees and owners. At the conclusion of each review, the department shall report its findings and conclusions and its recommendations for administrative changes and for legislation to the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD and the executive director of the department of public health and environment.

26.5-5-323. [Formerly 26-6-114] Civil penalties - fines - child care cash fund - created. (1) In addition to any other penalty otherwise provided by law, including ~~section 26-6-112~~ SECTION 26.5-5-321, any person violating any provision of this ~~part~~ PART 3 or intentionally making any false statement or report to the department or to any agency delegated by the department to make an investigation or inspection under the provisions of this ~~part~~ PART 3 may be assessed a civil penalty up to a maximum of ten thousand dollars as follows:

- (a) Two hundred ~~and~~ fifty dollars a day for the first day;
- (b) Five hundred dollars a day for the second day; and
- (c) One thousand dollars a day for the third and subsequent days.

~~(2) Repealed.~~

~~(3) (2) Each day in which a person is in violation of any provision~~

of this part ~~1~~ PART 3 may constitute a separate offense.

(4) (3) The department may assess a civil penalty in conformity with the provisions and procedures specified in article 4 of title 24; E.R.S., except that all hearings conducted pursuant to this section ~~shall~~ MUST be before an administrative law judge, ~~of the department, who shall render his or her recommendation to~~ WHO SHALL ISSUE AN INITIAL DECISION. The executive director ~~of the department who render~~ SHALL REVIEW THE INITIAL DECISION AND ISSUE the final decision of the department.

(5) (4) The DEPARTMENT SHALL TRANSMIT THE fines collected pursuant to this section, ~~section 26-6-108 (2) and (2.7), and section 26-6-108.5 (1)(c) shall be transmitted SECTION 26.5-5-317 (2) AND (7), AND SECTION 26.5-5-318 (1)(c)~~ to the state treasurer, who shall credit the same to the child care cash fund, which fund is hereby created in the state treasury. THE STATE TREASURER SHALL CREDIT TO THE FUND all interest derived from the deposit and investment of ~~moneys in the fund shall be credited to the fund~~ MONEY IN THE FUND. At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~ MONEY in the fund ~~shall remain therein~~ REMAINS IN THE FUND and ~~shall~~ is not be credited or transferred to the general fund or any other fund. ~~Moneys~~ MONEY in the child care cash fund ~~are hereby~~ IS continuously appropriated to the department to fund activities related to the improvement of the quality of child care in the state of Colorado.

26.5-5-324. [Formerly 26-6-116] Child care resource and referral system - created. (1) The state department shall design and develop a child care resource and referral system, referred to in this section as the "system", to assist in promoting availability, accessibility, and quality of child care services in Colorado. The executive director, or ~~his or her designee, shall have the authority~~ THE EXECUTIVE DIRECTOR'S DESIGNEE, IS AUTHORIZED, within available appropriations, to designate a public or private entity ~~that shall be~~ TO BE responsible for the administration of the system, and may enter into a contract with the administering entity for ~~such~~ THIS purpose. The executive director shall designate or redesignate ~~such~~ AN administering entity on a biennial basis.

(2) ~~Repeated.~~

26.5-5-325. [Formerly 26-6-119] Family child care homes -

administration of routine medications - parental direction - rules.

(1) The delegation of nursing tasks by a registered nurse pursuant to section 12-255-131 ~~shall not be~~ IS NOT required for the administration of routine medications by a child care provider to children cared for in family child care homes licensed pursuant to this ~~part~~ PART 3, subject to the following conditions:

- (a) The parent of the child cared for in the licensed family child care home has daily physical contact with the child care provider that actually administers the routine medication;
- (b) The child care provider has successfully completed a medication administration instructional program that is approved by the ~~state~~ department;
- (c) Routine medications are administered in compliance with rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR pursuant to subsection (2) of this section;
- (d) If the routine medication involves the administration of unit dose epinephrine, the administration is accompanied by a written protocol by the prescribing health-care professional that identifies the factors for determining the need for the administration of the medication and is limited to emergency situations; and
- (e) If the routine medication involves the administration of a nebulized inhaled medication, the administration is accompanied by a written protocol by the prescribing health-care professional that identifies the factors for determining the need for the administration of the medication.

(2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules concerning the medically acceptable procedures and standards to be followed by child care providers administering routine medications to children cared for in family child care homes.

26.5-5-326. [Formerly 26-6-120] Exempt family child care home providers - fingerprint-based criminal history record check - child care assistance program money - temporary care - rules - definitions.

(1) (a) (I) An exempt family child care home provider who provides care

for a child and an individual who provides care for a child who is related to the individual, referred to collectively in this section as a "qualified provider", ~~shall be~~ IS subject to a fingerprint-based criminal history record check, referred to in this section as an "FCC", as provided in this section and the rules authorized in ~~section 26-6-107 (1)(a)(I) and (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(I) AND (1)(a)(II), if the child's care is funded in whole or in part with ~~moneys~~ MONEY received on the child's behalf from the publicly funded Colorado child care assistance program. The provisions of this section ~~shall~~ apply to exempt family child care home providers or individuals who provide care to a related child who receive ~~moneys~~ MONEY from the publicly funded Colorado child care assistance program pursuant to contracts or other payment agreements entered into or renewed on or after May 25, 2006.

(II) Each adult eighteen years of age or older who resides with a qualified provider where the care is provided, referred to in this section as a "qualified adult", ~~shall be~~ IS subject to the FCC required pursuant to this section.

(III) The FCC required for a qualified provider or qualified adult pursuant to this section ~~shall~~ MUST include a fingerprint-based criminal history records check utilizing the records of the Colorado bureau of investigation and, for qualified providers or qualified adults applying for child care assistance program ~~moneys~~ MONEY on or after August 10, 2011, the federal bureau of investigation. As part of the FCC, the ~~state~~ department shall access the records and reports of child abuse or neglect maintained by the state department OF HUMAN SERVICES to determine whether the subject of the FCC has been found to be responsible in a confirmed report of child abuse or neglect. Information shall be made available pursuant to section 19-1-307 (2)(j), ~~C.R.S.~~, and rules promulgated by the state board OF HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

(IV) The FCC required pursuant to this section ~~shall be~~ IS a prerequisite to the issuance or renewal of a contract for receipt of ~~moneys~~ MONEY under the Colorado child care assistance program as provided in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. The ~~state~~ department shall not issue or renew a contract for payment of ~~moneys~~ MONEY under the Colorado child care assistance program to a qualified provider who fails to submit to the FCC or fails to submit fingerprints for a qualified adult.

(b) A qualified provider shall notify the county with whom he or she THE QUALIFIED PROVIDER has contracted pursuant to the Colorado child care assistance program upon any change of circumstances that results in the presence of a new qualified adult. A new qualified adult is required to undergo an FCC as provided in this section, even if the Colorado child care assistance program contract is not subject to renewal when the qualified adult moves into the residence where the care is provided.

(c) A qualified provider or qualified adult who undergoes an FCC shall, with submittal of his or her fingerprints, pay to the state department a fee established by ~~rule of the state board pursuant to subsection (5) DEPARTMENT RULE PURSUANT TO SUBSECTION (6)~~ of this section to offset the costs associated with processing the FCC through the Colorado bureau of investigation and the federal bureau of investigation.

(1.5) (2) (a) When the results of an FCC performed pursuant to subsection (1) of this section reveal a record of arrest without a disposition, the state department shall require that person to submit to a name-based criminal history record check, as defined in section 22-2-119.3 (6)(d).

(b) A person who undergoes a name-based criminal history record check shall pay to the state department a fee established by ~~rule of the state board pursuant to subsection (5) DEPARTMENT RULE PURSUANT TO SUBSECTION (6)~~ of this section to offset the costs associated with performing the name-based criminal history record check.

(2) (3) THE DEPARTMENT OR A COUNTY DEPARTMENT SHALL NOT ISSUE OR RENEW a contract to provide ~~moneys~~ MONEY TO A QUALIFIED PROVIDER under the Colorado child care assistance program pursuant to ~~part 8 of article 2 of this title shall not be issued or renewed by the state department or a county department to a qualified provider PART 1 OF ARTICLE 4 OF THIS TITLE 26.5~~ if the qualified provider or a qualified adult has been convicted of:

(a) Child abuse, as described in section 18-6-401; ~~E.R.S.~~;

(b) A crime of violence, as defined in section 18-1.3-406; ~~E.R.S.~~;

(c) Any felony offense involving unlawful sexual behavior, as defined in section 16-22-102 (9); ~~E.R.S.~~;

(d) Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3; ~~C.R.S.~~;

(e) Any felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of the FCC; or

(f) Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in paragraphs (a) to (e) of this subsection (2) SUBSECTIONS (3)(a) TO (3)(e) OF THIS SECTION.

(3) (4) The ~~state~~ department or a county department shall not issue or renew a contract to provide money pursuant to the Colorado child care assistance program pursuant to ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5 to a qualified provider if the qualified provider or a qualified adult:

(a) Has a pattern of misdemeanor or petty offense convictions occurring within the ten years preceding submission of the application, including petty offense convictions pursuant to ~~section 26-6-112~~ SECTION 26.5-5-321. The ~~state board~~ EXECUTIVE DIRECTOR shall define by rule what constitutes a pattern of misdemeanor or petty offense convictions.

(b) Has been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to part 3 or 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental incompetency or insanity is of such a degree that the qualified provider cannot safely operate a child care home. The record of ~~such~~ THE determination and entry of ~~such~~ THE order ~~shall be~~ ARE conclusive evidence thereof. A qualified provider shall sign an attestation affirming the lack of such a finding prior to entering into or renewing a contract for ~~moneys~~ MONEY under the Colorado child care assistance program, pursuant to ~~section 26-2-805.5 (2)~~ SECTION 26.5-4-112 (2).

(4) (5) A qualified provider who has submitted to an FCC by the Colorado bureau of investigation and the federal bureau of investigation may, pending the receipt of the results of the FCC, continue to receive ~~moneys~~ MONEY from the Colorado child care assistance program.

(5) (6) The state board EXECUTIVE DIRECTOR shall promulgate rules to establish the amount of the fee to collect from a qualified provider or qualified adult who is subject to an FCC pursuant to subsection (1) of this section or a name-based criminal history record check pursuant to subsection (1.5) SUBSECTION (2) of this section. The state department is authorized to collect the fee at the time of the FCC or name-based criminal history record check.

26.5-5-327. [Formerly 26-6-121 (3)]. Unique student identifying numbers - rules. (3) Following adoption of the protocols, the state board THE EXECUTIVE DIRECTOR shall promulgate rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, C.R.S., as necessary for the assignment of uniquely identifying student numbers to students receiving CHILDREN WHO RECEIVE early childhood education services. The state board shall collaborate with the state board of education in promulgating any necessary rules to ensure that they do not conflict with any rules promulgated by the state board of education pursuant to section 22-2-134, C.R.S. AT A MINIMUM, THE RULES MUST INCLUDE CHILDREN WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY SUBSIDIZED EARLY CHILDHOOD SERVICES, INCLUDING BUT NOT LIMITED TO SERVICES PROVIDED THROUGH THE CHILD CARE DEVELOPMENT BLOCK GRANT, THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND HEAD START.

26.5-5-328. Applications for licenses - authority to suspend licenses - rules - definitions. (1) EVERY APPLICATION BY AN INDIVIDUAL FOR A LICENSE ISSUED BY THE DEPARTMENT OR ANY AUTHORIZED AGENT OF THE DEPARTMENT MUST REQUIRE THE APPLICANT'S NAME, ADDRESS, AND SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER.

(2) THE DEPARTMENT OR ANY AUTHORIZED AGENT OF THE DEPARTMENT SHALL DENY, SUSPEND, OR REVOKE A LICENSE PURSUANT TO THE PROVISIONS OF SECTION 26-13-126, AND ANY RULES PROMULGATED TO IMPLEMENT SAID SECTION, IF THE DEPARTMENT OR AGENT RECEIVES A NOTICE TO DENY, SUSPEND, OR REVOKE FROM THE STATE CHILD SUPPORT ENFORCEMENT AGENCY BECAUSE THE LICENSEE OR APPLICANT IS OUT OF COMPLIANCE WITH A COURT OR ADMINISTRATIVE ORDER FOR CURRENT CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT, CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN COMBINED WITH MAINTENANCE OR BECAUSE THE LICENSEE OR APPLICANT HAS FAILED TO COMPLY WITH A PROPERLY ISSUED SUBPOENA OR WARRANT RELATING TO A

PATERNITY OR CHILD SUPPORT PROCEEDING. ANY SUCH DENIAL, SUSPENSION, OR REVOCATION MUST BE IN ACCORDANCE WITH THE PROCEDURES SPECIFIED BY RULE OF THE DEPARTMENT OF HUMAN SERVICES AND RULES PROMULGATED BY THE STATE BOARD OF HUMAN SERVICES FOR THE IMPLEMENTATION OF SECTION 26-13-126.

(3) (a) THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE STATE CHILD SUPPORT ENFORCEMENT AGENCY, WHICH MEMORANDUM MUST IDENTIFY THE RELATIVE RESPONSIBILITIES OF THE DEPARTMENT AND THE STATE CHILD SUPPORT ENFORCEMENT AGENCY WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION AND SECTION 26-13-126.

(b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

(4) AS USED IN THIS SECTION, "LICENSE" MEANS ANY RECOGNITION, AUTHORITY, OR PERMISSION THAT THE DEPARTMENT OR ANY AUTHORIZED AGENT OF THE DEPARTMENT IS AUTHORIZED BY LAW TO ISSUE FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR OCCUPATION OR RECREATIONAL ACTIVITY. "LICENSE" INCLUDES, BUT IS NOT LIMITED TO, A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF AUTHORIZATION, OR REGISTRATION ISSUED FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR OCCUPATION OR FOR AN INDIVIDUAL TO PARTICIPATE IN A RECREATIONAL ACTIVITY.

ARTICLE 6 **Early Childhood Workforce**

26.5-6-101. Plan for early childhood workforce development.

(1) THE DEPARTMENT, IN PARTNERSHIP WITH THE EARLY CHILDHOOD LEADERSHIP COMMISSION, SHALL DEVELOP A PLAN FOR RECRUITING, TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE. IN DEVELOPING THE PLAN, THE DEPARTMENT AND THE COMMISSION SHALL WORK WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT AND WITH ORGANIZATIONS THAT HAVE EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE. AT A MINIMUM, THE PLAN MUST:

(a) TAKE INTO ACCOUNT EXISTING EARLY CHILDHOOD WORKFORCE QUALIFICATION PATHWAYS AND CREATE A SIMPLIFIED PROCESS FOR PERSONS

IN THE WORKFORCE TO ATTAIN CREDENTIALS AND MEET QUALIFICATIONS;

- (b) ENSURE THE ABILITY TO OVERCOME ANY REGULATORY AND SYSTEMIC BARRIERS FOR ENTRY INTO THE EARLY CHILDHOOD WORKFORCE BY ADDRESSING ADMINISTRATIVE AND POLICY BARRIERS TO ENTRY, INCLUDING ADDRESSING BARRIERS FACED BY INDIVIDUALS WHO SPEAK LANGUAGES OTHER THAN ENGLISH;
- (c) ADDRESS STRATEGIES FOR RECRUITING AND PROVIDING INCENTIVES FOR DIVERSE, NONTRADITIONAL WORKFORCE MEMBERS, SUCH AS HIGH SCHOOL STUDENTS, TEACHERS FROM OTHER COUNTRIES, AND PARENTS, AND REDUCING BARRIERS THAT PREVENT THESE INDIVIDUALS FROM JOINING THE EARLY CHILDHOOD WORKFORCE;
- (d) PROMOTE A COHERENT AND ALIGNED SYSTEM OF PREPARATION AND ONGOING PROFESSIONAL DEVELOPMENT FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE;
- (e) SIMPLIFY THE REQUIREMENTS AN INDIVIDUAL MUST MEET TO ENTER THE EARLY CHILDHOOD WORKFORCE, CLEARLY ARTICULATE THE COMPETENCIES THAT MEMBERS OF THE EARLY CHILDHOOD WORKFORCE ARE EXPECTED TO ACHIEVE OVER TIME, ALIGN THE SYSTEM OF PROFESSIONAL LEARNING AND DEVELOPMENT FOR EARLY CHILDHOOD SERVICES, AND REDUCE REGULATORY BARRIERS WHEN POSSIBLE TO PROMOTE ATTAINMENT OF THESE COMPETENCIES THROUGH IDENTIFIED PROFESSIONAL DEVELOPMENT PARTNERS, INCLUDING INSTITUTIONS OF HIGHER EDUCATION;
- (f) ESTABLISH GOALS FOR INCREASING THE QUALIFICATIONS OF MEMBERS OF THE EARLY CHILDHOOD WORKFORCE OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS;
- (g) ADDRESS STRATEGIES FOR INCREASING THE COMPENSATION FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE WITH THE GOAL OF ENSURING THAT ALL INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE RECEIVE A LIVING WAGE; AND
- (h) ADDRESS OTHER SUSTAINABLE AND EVIDENCE-BASED

STRATEGIES TO RECRUIT, PREPARE, COMPENSATE, PROVIDE CONTINUING PROFESSIONAL DEVELOPMENT FOR, AND RETAIN MEMBERS OF THE EARLY CHILDHOOD WORKFORCE.

(2) THE DEPARTMENT SHALL MAKE THE PLAN PUBLICLY AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SHALL SUBMIT A COPY OF THE PLAN AND ANY SUBSEQUENT REVISIONS TO THE PLAN TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, TO THE GOVERNOR'S OFFICE, AND TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(3) THE DEPARTMENT, WORKING WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT, SHALL PERIODICALLY REVIEW AND ASSESS THE IMPLEMENTATION OF RECRUITMENT, PREPARATION, PROFESSIONAL DEVELOPMENT, AND RETENTION INITIATIVES FOR THE EARLY CHILDHOOD WORKFORCE. IN REVIEWING THESE INITIATIVES, THE DEPARTMENT SHALL SOLICIT FEEDBACK FROM, AT A MINIMUM, INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE, FAMILIES, EARLY CARE AND EDUCATION PROVIDERS, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND ORGANIZATIONS WITH EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE.

26.5-6-102. [Formerly 26-6.5-107] Voluntary child care credentialing system - rules. The state department shall develop and maintain a statewide voluntary child care credentialing system that recognizes the training and educational achievements of persons providing early childhood care and education. The use of the voluntary child care credentialing system must include but need not be limited to the early childhood councils ESTABLISHED PURSUANT TO PART 2 OF ARTICLE 2 OF THIS TITLE 26.5. The voluntary child care credentialing system is a multi-tiered system of graduated credentials that reflects the increased training, education, knowledge, skills, and competencies of persons working in early childhood care and education services in the various councils. The voluntary child care credentialing system must award credit for the education and training of persons working in early childhood care and education concerning the prevention of child sexual abuse. Such education and training includes understanding healthy child development, creating safe environments for children, recognizing signs of abuse and

problematic behaviors, and responsible methods of response to disclosures or concerns of abuse or potential abuse. The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate such rules as are necessary for the statewide implementation of the voluntary child care credentialing system.

26.5-6-103. [Formerly 26-6-122] Pathways to the classroom and retention strategies for early childhood educators - standards - alignment across agencies - report - rules. (1) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules establishing standards for licensing that allow an early care and education program to be licensed PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 for a period of time determined by the ~~state board if a state-board-approved number~~ EXECUTIVE DIRECTOR, IF A NUMBER, AS SPECIFIED IN DEPARTMENT RULE, of aspiring early childhood educators in the program are pursuing a state-agency-approved early childhood credential and other quality, safety, and supervision conditions are met.

(2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules that allow an early childhood educator to earn points toward an early childhood credential that meets child care licensing standards based on the candidate's prior experience and demonstrated competency. The licensing pathway must also include ways in which a candidate in a second career or changing careers can earn points or credits for prior experience and competencies that apply toward the qualifications for an early childhood educator credential. The standards and credential awarding process may use validated tools to award points for demonstrated competencies.

(3) The state department and the department of education shall align, to the extent possible, the state's early childhood professional credential, department of education educator licensing, and child care program licensing in order to make the requirements as consistent and clear as possible to educators and providers. The alignment process must include examining strategies that support reciprocity for early childhood educator credentials or qualifications earned outside of Colorado.

(4) The state department and the department of education shall streamline all paperwork that licensed early care and education programs and early childhood educators must complete to meet child care licensing and early childhood educator credentialing compliance requirements. The state agencies shall identify ways to share information and reports across the

agencies in order to reduce the administrative and paperwork burden on early care and education programs and educators. The streamlining process must include a systems scan of programs and initiatives, identification of overlapping reporting requirements, and ways to reduce the administrative and paperwork burden on programs and educators.

(5) (4) Notwithstanding section 24-1-136 (11)(a)(I), no later than January 31, 2022, and no later than January 31 each year thereafter, the state department shall prepare a written report concerning Colorado's current supply of qualified early childhood educators.

(6) (5) The state department, the department of higher education, and the department of education shall develop resources to support local communities to increase concurrent enrollment opportunities for high school students or other nontraditional students to earn higher education credits and degrees that allow them to serve as early childhood educators and shall support career pathways for high school students earning college credits toward becoming early childhood educators, including concurrent enrollment, career and technical education, the ASCENT program, and other career pathways.

SECTION 4. In Colorado Revised Statutes, 24-34-104, **add** (25)(a)(XXII) as follows:

24-34-104. General assembly review of regulatory agencies and functions for repeal, continuation, or reestablishment - legislative declaration - repeal. (25) (a) The following agencies, functions, or both, are scheduled for repeal on September 1, 2024:

(XXII) THE RULE-MAKING FUNCTION OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-1-105 (1).

SECTION 5. In Colorado Revised Statutes, 26.5-1-104, **repeal** (5) as follows:

26.5-1-104. Department of early childhood - created - executive director - powers, duties, and functions. (5) The executive director shall establish a work group to identify programs and services that may be addressed in subsequent transition phases and develop a continuing,

~~comprehensive plan for transitioning programs and services to the department, which must include consideration of the fiscal impact of transitioning the programs and services.~~

SECTION 6. In Colorado Revised Statutes, 24-75-1401, **amend** (3) as follows:

24-75-1401. Indirect costs excess recovery fund - creation - departmental accounts - use of fund - definitions - repeal. (3) (a) Each account of the indirect costs excess recovery fund is subject to annual appropriation for indirect costs by its corresponding department for the sole purpose of paying any indirect costs incurred by agencies within the department during a fiscal year that exceed their actual indirect cost collections for the fiscal year.

(b) (I) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION, FOR THE 2022-23 STATE FISCAL YEAR, A PORTION OF THE AMOUNT CREDITED TO THE ACCOUNT CREATED FOR THE DEPARTMENT OF HUMAN SERVICES IN THE INDIRECT COSTS EXCESS RECOVERY FUND MAY BE USED FOR INDIRECT COSTS BILLED TO THE DEPARTMENT OF EARLY CHILDHOOD.

(II) THIS SUBSECTION (3)(b) IS REPEALED, EFFECTIVE JULY 1, 2024.

SECTION 7. In Colorado Revised Statutes, 22-2-112, **add** (8) as follows:

22-2-112. Commissioner - duties - report - legislative declaration. (8) NOTWITHSTANDING ANY PROVISION OF SECTION 22-2-111 TO THE CONTRARY, THE COMMISSIONER SHALL ENSURE THAT THE DEPARTMENT OF EDUCATION COOPERATES WITH THE DEPARTMENT OF EARLY CHILDHOOD AS PROVIDED IN SECTION 26.5-1-111 IN SHARING, MANAGING, AND PROTECTING QUALITATIVE AND QUANTITATIVE DATA NEEDED TO MEASURE LONGITUDINAL OUTCOMES OF EARLY CHILDHOOD PROGRAMS AND SERVICES.

SECTION 8. In Colorado Revised Statutes, **recreate and reenact, with amendments**, 22-28-113 as follows:

22-28-113. Repeal of article. THIS ARTICLE 28 IS REPEALED, EFFECTIVE JULY 1, 2023.

SECTION 9. In Colorado Revised Statutes, 22-30.5-112, **amend** (1)(a) as follows:

22-30.5-112. Charter schools - financing - guidelines - definitions - repeal. (1) (a) (I) (A) PRIOR TO JULY 1, 2023, for purposes of the "Public School Finance Act of 1994", article 54 of this title, pupils enrolled in a charter school ~~shall be~~ ARE included in the pupil enrollment, the online pupil enrollment, or the preschool program enrollment, whichever is applicable, of the school district that granted its charter. The school district that granted its charter shall report to the department the number of pupils included in the school district's pupil enrollment, the school district's online pupil enrollment, and the school district's preschool program enrollment that are actually enrolled in each charter school.

(B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1, 2023.

(II) ON AND AFTER JULY 1, 2023, FOR PURPOSES OF THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, PUPILS ENROLLED IN A CHARTER SCHOOL ARE INCLUDED IN THE PUPIL ENROLLMENT OR THE ONLINE PUPIL ENROLLMENT, WHICHEVER IS APPLICABLE, OF THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER. THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER SHALL REPORT TO THE DEPARTMENT THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT'S PUPIL ENROLLMENT AND THE SCHOOL DISTRICT'S ONLINE PUPIL ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

SECTION 10. In Colorado Revised Statutes, 22-54-103, **amend** (1.5)(c)(II), (5.5), (7)(e)(I) introductory portion, (10)(d), (10)(f), and (14); and **add** (7)(f) and (9.5)(c) as follows:

22-54-103. Definitions. As used in this article 54, unless the context otherwise requires:

(1.5) (c) For purposes of subsection (1.5)(a)(VI) of this section:

(II) (A) "District pupil enrollment" means, FOR THE 2021-22 AND 2022-23 BUDGET YEARS, the pupil enrollment of the district, as determined in accordance with subsection (10) of this section, minus the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of

this title 22 and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title 22.

(B) "DISTRICT PUPIL ENROLLMENT" MEANS, FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

(5.5) (a) "District percentage of at-risk pupils" means, FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the number of at-risk pupils in the district, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of the district, as determined in accordance with subsection (10) of this section; except that pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this ~~title~~ TITLE 22.

(b) "DISTRICT PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE NUMBER OF AT-RISK PUPILS IN THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

(7) "Funded pupil count" means:

(e) (I) For budget years commencing on and after July 1, 2009, BUT PRIOR TO JULY 1, 2023, the district's online pupil enrollment for the applicable budget year plus the district's preschool program enrollment for the applicable budget year plus the district's supplemental kindergarten enrollment for the applicable budget year plus the district's extended high school pupil enrollment for the applicable budget year, plus the greater of:

(f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1, 2023, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S

EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR, PLUS THE GREATER OF:

(A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR; OR

(B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

(C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

(D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

(E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

(II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION 22-54-104.

(III) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUBSECTION (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR ACCOUNTABLE EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE ORIGINALLY AUTHORIZING DISTRICT.

(V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7)(f) TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

(VI) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL ENROLLMENT PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION FOR A DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16 BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE PURSUANT TO THIS SUBSECTION (7)(f)(VI) DOES NOT AFFECT OR CHANGE THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1, 2019.

(9.5) (c) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE JULY 1, 2023.

(10) (d) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, a three- or four-year-old pupil with a disability receiving an educational program under the "Exceptional Children's Educational Act", article 20 of this title, shall be counted as a half-day pupil.

(II) Notwithstanding any provision of this subsection (10) to the

contrary, for budget years commencing on or after July 1, 2005, BUT PRIOR TO JULY 1, 2023, a district may choose to determine the number of three- and four-year-old pupils with disabilities enrolled and receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title TITLE 22, as of November 1 within the applicable budget year or the school date nearest said date, rather than on the pupil enrollment count day, as evidenced by the actual attendance of such pupils on November 1 or the school date nearest said date. The "pupil enrollment" of the district ~~shall~~ MUST include the number of pupils so enrolled who ~~shall be~~ ARE counted as half-day pupils.

(III) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT SHALL NOT INCLUDE A THREE- OR FOUR-YEAR-OLD PUPIL WITH A DISABILITY WHO IS RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, BUT IS NOT ENROLLED IN KINDERGARTEN, IN THE DISTRICT'S PUPIL ENROLLMENT, BUT SHALL CERTIFY TO THE DEPARTMENT THE NUMBER OF SAID THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE RECEIVING AN EDUCATIONAL PROGRAM FROM THE DISTRICT FOR PURPOSES OF RECEIVING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22.

(f) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2023, in certifying the district's pupil enrollment to the state board pursuant to the provisions of section 22-54-112, the district shall specify the number of pupils enrolled in kindergarten through twelfth grade, specifying those who are enrolled as full-time pupils and those who are enrolled as less than full-time pupils; the number of expelled pupils receiving educational services pursuant to section 22-33-203; the number of pupils enrolled in the district's preschool program; the number of pupils receiving educational programs under the "Exceptional Children's Educational Act", article 20 of this title 22; the number of at-risk pupils; and the number of English language learner pupils.

(II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, IN CERTIFYING THE DISTRICT'S PUPIL ENROLLMENT TO THE STATE BOARD PURSUANT TO THE PROVISIONS OF SECTION 22-54-112, THE DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE, SPECIFYING THOSE WHO ARE ENROLLED AS FULL-TIME PUPILS AND THOSE WHO ARE ENROLLED AS LESS

THAN FULL-TIME PUPILS; THE NUMBER OF EXPELLED PUPILS RECEIVING EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; THE NUMBER OF AT-RISK PUPILS; THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS; AND THE NUMBER OF PUPILS RECEIVING EDUCATIONAL PROGRAMS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, WHO ARE ENROLLED IN KINDERGARTEN THROUGH TWELFTH GRADE.

(14)(a) "Statewide average percentage of at-risk pupils" means, FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the total number of at-risk pupils in all districts, as determined in accordance with subsection (1.5) of this section, divided by the pupil enrollment of all districts, as determined in accordance with subsection (10) of this section; except that pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in the Colorado preschool program pursuant to article 28 of this title and the number of three-year-old or four-year-old pupils with disabilities receiving educational programs pursuant to article 20 of this title.

(b) "STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE 2023 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE TOTAL NUMBER OF AT-RISK PUPILS IN ALL DISTRICTS, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE PUPIL ENROLLMENT OF ALL DISTRICTS, AS DETERMINED IN ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

SECTION 11. In Colorado Revised Statutes, 22-54-108, **amend** (3)(b)(I); **repeal** (3)(b)(IV)(C); and **add** (3)(b)(V) and (5) as follows:

22-54-108. Authorization of additional local revenues - definitions. (3) (b) (I) Except as otherwise provided in ~~subparagraphs (II), (III), and (IV) of this paragraph (b)~~ SUBSECTIONS (3)(b)(II), (3)(b)(III), (3)(b)(IV), AND (3)(b)(V) OF THIS SECTION, the total additional local property tax revenues that may be received pursuant to elections held pursuant to this section ~~shall~~ MUST not exceed under any circumstances twenty percent of the district's total program, as determined pursuant to section 22-54-104 (2), or two hundred thousand dollars, whichever is greater.

(IV) (C) For purposes of this subparagraph (IV), a "small rural district" is a district in Colorado that the department of education determines is rural, based on the geographic size of the district and the

~~distance of the district from the nearest large, urbanized area, and that enrolls fewer than one thousand students in kindergarten through twelfth grade.~~

(V) (A) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT EXCEED UNDER ANY CIRCUMSTANCES: TWENTY-FIVE PERCENT OF THE DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND DOLLARS, WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE DISTRICT SUBMITTED A QUESTION TO AND RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF THE DISTRICT AT AN ELECTION HELD IN NOVEMBER 2001.

(B) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL LOCAL PROPERTY TAX REVENUES THAT A SMALL RURAL DISTRICT MAY RECEIVE PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT EXCEED UNDER ANY CIRCUMSTANCES: THIRTY PERCENT OF THE SMALL RURAL DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND DOLLARS, WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE SMALL RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF THE SMALL RURAL DISTRICT AT AN ELECTION HELD IN NOVEMBER 2001.

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

(a) "SMALL RURAL DISTRICT" MEANS A DISTRICT IN COLORADO THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN THROUGH TWELFTH GRADE.

(b) "TOTAL PROGRAM", ON AND AFTER JULY 1, 2023, MEANS A

DISTRICT'S OR SMALL RURAL DISTRICT'S TOTAL PROGRAM CALCULATED PURSUANT TO SECTION 22-54-104 (2), BEFORE APPLICATION OF THE BUDGET STABILIZATION FACTOR PURSUANT TO SECTION 22-54-104 (5)(g), PLUS THE AMOUNT THE DISTRICT OR SMALL RURAL DISTRICT RECEIVES FOR STUDENTS ENROLLED THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF TITLE 26.5.

SECTION 12. In Colorado Revised Statutes, 22-54-108.5, **repeal** (2)(c) as follows:

22-54-108.5. Authorization of additional local revenues for full-day kindergarten - definitions. (2) A district that obtains voter approval pursuant to this section to impose an additional mill levy to fund excess full-day kindergarten program costs in the district shall:

(c) ~~Not be authorized to serve children through a full-day kindergarten component of the district's preschool program established pursuant to article 28 of this title.~~

SECTION 13. In Colorado Revised Statutes, 22-54-112, **amend** (2)(a) and (2)(c) as follows:

22-54-112. Reports to the state board. (2) (a) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, on or before November 10 of each year, the secretary of the board of education of each district shall certify to the state board the pupil enrollment, the online pupil enrollment, the extended high school pupil enrollment, and the preschool program enrollment of the district taken in the preceding October or previously in November.

(II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT, THE ONLINE PUPIL ENROLLMENT, AND THE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT OF THE DISTRICT TAKEN IN THE PRECEDING OCTOBER.

(III) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL CERTIFY TO THE

STATE BOARD THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22.

(c) (I) On or before November 10 of each year, the secretary of the state charter school institute board shall certify to the state board the pupil enrollment and the online pupil enrollment of each institute charter school taken in the preceding October.

(II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE SECRETARY OF THE STATE CHARTER SCHOOL INSTITUTE BOARD SHALL CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, FROM EACH INSTITUTE CHARTER SCHOOL, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22.

SECTION 14. In Colorado Revised Statutes, 22-54-126, amend (1)(a) as follows:

22-54-126. Declining enrollment districts with new charter schools - additional aid - definitions - repeal. (1) As used in this section, unless the context otherwise requires:

(a) (I) (A) "Declining enrollment district" means, FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, a district whose funded pupil count is greater than the sum of the district's pupil enrollment, preschool program enrollment, and online pupil enrollment.

(B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1, 2023.

(II) "DECLINING ENROLLMENT DISTRICT" MEANS, FOR THE 2023-24

BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT WHOSE FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL ENROLLMENT AND ONLINE PUPIL ENROLLMENT.

SECTION 15. In Colorado Revised Statutes, 22-55-102, **amend** (10) as follows:

22-55-102. Definitions. As used in this article 55, unless the context otherwise requires:

(10) "Preschool programs" includes, but is not limited to, the Colorado preschool program created pursuant to section 22-28-104, AS IT EXISTS PRIOR TO JULY 1, 2023, AND THE COLORADO UNIVERSAL PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF TITLE 26.5.

SECTION 16. In Colorado Revised Statutes, 22-55-106, **amend** (1)(b); and **add** (1)(c) as follows:

22-55-106. Statewide base per pupil funding - increases.

(1)(b) For the school district budget year 2011-12 and each school district budget year thereafter THROUGH THE 2022-23 BUDGET YEAR, the general assembly shall annually increase the statewide base per pupil funding for public education from preschool through the twelfth grade by at least the rate of inflation for the calendar year ending in the immediately preceding school district budget year.

(c) FOR THE SCHOOL DISTRICT BUDGET YEAR 2023-24 AND FOR EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR PUBLIC EDUCATION FROM KINDERGARTEN THROUGH THE TWELFTH GRADE BY AT LEAST THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR.

SECTION 17. In Colorado Revised Statutes, **add** part 9 to article 6 of title 26 as follows:

PART 9
FOSTER CARE, RESIDENTIAL, DAY TREATMENT,
AND CHILD PLACEMENT AGENCY LICENSING

26-6-901. Short title. THE SHORT TITLE OF THIS PART 9 IS THE "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING ACT".

26-6-902. Legislative declaration. (1) THE GENERAL ASSEMBLY FINDS THAT REGULATION AND LICENSING OF FOSTER CARE HOMES, RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES AND CHILD PLACEMENT AGENCIES CONTRIBUTE TO A SAFE AND HEALTHY ENVIRONMENT FOR CHILDREN AND YOUTH. THE PROVISION OF SUCH AN ENVIRONMENT AFFORDS BENEFITS TO CHILDREN AND YOUTH, THEIR FAMILIES, THEIR COMMUNITIES, AND THE LARGER SOCIETY. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THOSE WHO REGULATE AND THOSE WHO ARE REGULATED WORK TOGETHER TO MEET THE NEEDS OF THE CHILDREN, YOUTH, THEIR FAMILIES, FOSTER CARE PROVIDERS, CHILD PLACEMENT AGENCIES, AND RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES.

(2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES WITH THE NEEDS OF CHILD PLACEMENT AGENCIES AND THE RESIDENTIAL AND DAY TREATMENT CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY ALSO RECOGNIZES THE FINANCIAL DEMANDS THE DEPARTMENT OF HUMAN SERVICES FACES IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY ENVIRONMENT FOR CHILDREN OF THE STATE OF COLORADO WHO ARE IN FOSTER CARE WITH CHILD PLACEMENT AGENCIES OR IN RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE RISK TO CHILDREN PLACED OUTSIDE THEIR HOMES WHILE RECOGNIZING THE FINANCIAL CONSTRAINTS PLACED ON THE DEPARTMENT, IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES AVAILABLE ARE FOCUSED PRIMARILY ON RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES AND AGENCIES THAT HAVE DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK.

26-6-903. Definitions. AS USED IN THIS PART 9, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "AFFILIATE OF A LICENSEE" MEANS:

(a) A PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE OR THE APPLICANT FOR A LICENSE; OR

(b) A PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND WELFARE OF CHILDREN SERVED; OR

(c) AN EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD, OR EMPLOYEE OF A LICENSEE; OR

(d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE TO CHILDREN AT THE LICENSEE'S FACILITY OR AGENCY OR IS OTHERWISE INVOLVED IN THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S FACILITY OR AGENCY.

(2) "APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

(3) "CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE HOME.

(4) "CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME.

(5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR-HOUR CARE FOR FIVE OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN THIS SUBSECTION (5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO, FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES, DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

(6) "CHILD PLACEMENT AGENCY" OR "AGENCY" MEANS A CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR PERSON UNRELATED TO THE CHILD BEING PLACED, WHO PLACES, FACILITATES PLACEMENT FOR A FEE, OR ARRANGES FOR PLACEMENT FOR CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE WITH A FAMILY, PERSON, OR INSTITUTION.

A CHILD PLACEMENT AGENCY MAY PLACE, FACILITATE PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE PURPOSE OF ADOPTION, FOSTER CARE, TREATMENT FOSTER CARE, OR THERAPEUTIC FOSTER CARE. THE NATURAL PARENTS OR GUARDIAN OF A CHILD WHO PLACE THE CHILD FOR CARE WITH A FACILITY LICENSED AS A FAMILY CHILD CARE HOME OR CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303, ARE NOT A CHILD PLACEMENT AGENCY.

(7) "CRADLE CARE HOME" MEANS A FACILITY THAT IS CERTIFIED BY A CHILD PLACEMENT AGENCY FOR THE CARE OF A CHILD, OR CHILDREN IN THE CASE OF MULTIPLE-BIRTH SIBLINGS, WHO IS TWELVE MONTHS OF AGE OR YOUNGER, IN A PLACE OF RESIDENCE FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR SIX MONTHS OR LESS IN ANTICIPATION OF A VOLUNTARY RELINQUISHMENT OF THE CHILD OR CHILDREN, PURSUANT TO ARTICLE 5 OF TITLE 19, OR WHILE A COUNTY PREPARES AN EXPEDITED PERMANENCY PLAN FOR AN INFANT IN ITS CUSTODY.

(8) (a) (I) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

(A) EXCEPT AS PROVIDED IN SUBSECTION (8)(a)(II) OF THIS SECTION, PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF FIVE OR MORE CHILDREN WHO ARE THREE YEARS OF AGE OR OLDER, BUT LESS THAN TWENTY-ONE YEARS OF AGE; AND

(B) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR COMMUNITY.

(II) NOTHING IN THIS SUBSECTION (8) PROHIBITS A DAY TREATMENT CENTER FROM ALLOWING A PERSON WHO REACHES TWENTY-ONE YEARS OF AGE AFTER THE COMMENCEMENT OF AN ACADEMIC YEAR FROM ATTENDING AN EDUCATIONAL PROGRAM AT THE DAY TREATMENT CENTER THROUGH THE END OF THE SEMESTER IN WHICH THE TWENTY-FIRST BIRTHDAY OCCURS OR UNTIL THE PERSON COMPLETES THE EDUCATIONAL PROGRAM, WHICHEVER COMES FIRST.

(b) "DAY TREATMENT CENTER" DOES NOT INCLUDE SPECIAL EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL SYSTEM OR PROGRAMS THAT ARE LICENSED BY THE DEPARTMENT OF EARLY

CHILDHOOD FOR LESS THAN TWENTY-FOUR-HOUR CARE OF CHILDREN, SUCH AS A CHILD CARE CENTER.

(9) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

(10) "FOSTER CARE HOME" MEANS A HOME THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW, FOR CHILD CARE IN A PLACE OF RESIDENCE OF A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR FAMILY FOSTER CARE FOR A CHILD UNDER THE AGE OF TWENTY-ONE YEARS. A FOSTER CARE HOME MAY INCLUDE FOSTER CARE FOR A CHILD WHO IS UNRELATED TO THE HEAD OF THE HOME OR FOSTER CARE PROVIDED THROUGH A KINSHIP FOSTER CARE HOME BUT DOES NOT INCLUDE NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION 19-1-103. THE TERM INCLUDES A FOSTER CARE HOME THAT RECEIVES A CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND A HOME THAT RECEIVES A CHILD FROM A STATE-OPERATED INSTITUTION FOR CHILD CARE OR FROM A CHILD PLACEMENT AGENCY. "FOSTER CARE HOME" ALSO INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT PURSUANT TO SECTION 26-6-905 THAT RECEIVE NEITHER MONEY FROM THE COUNTIES NOR CHILDREN PLACED BY THE COUNTIES.

(11) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND OPERATION OF A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A CHILD PLACEMENT AGENCY.

(12) "GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW WITH THE CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE.

(13) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO YOUTHS WHO ARE AT LEAST ELEVEN YEARS OF AGE OR OLDER AND WHO OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION 26-5.7-102 (2).

(14) "ICON" MEANS THE COMPUTERIZED DATABASE OF COURT RECORDS KNOWN AS THE INTEGRATED COLORADO ONLINE NETWORK USED BY THE STATE JUDICIAL DEPARTMENT.

(15) "KIN" MEANS A RELATIVE OF THE CHILD, A PERSON ASCRIBED BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD, OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

(16) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910 OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW AS HAVING MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE FOSTER CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

(17) "LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO THIS PART 9 GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY, PERMANENT, OR TIME-LIMITED LICENSE.

(18) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS, SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

(19) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (10) OF THIS SECTION, THE PROCESS BY WHICH THE DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

(20) "MEDICAL FOSTER CARE" MEANS A PROGRAM OF FOSTER CARE THAT PROVIDES HOME-BASED CARE FOR MEDICALLY FRAGILE CHILDREN AND

YOUTH WHO WOULD OTHERWISE BE CONFINED TO A HOSPITAL OR INSTITUTIONAL SETTING AND INCLUDES, BUT IS NOT LIMITED TO:

- (a) INFANTS IMPACTED BY PRENATAL DRUG AND ALCOHOL ABUSE;
- (b) CHILDREN WITH DEVELOPMENTAL DISABILITIES THAT REQUIRE ONGOING MEDICAL INTERVENTION;
- (c) CHILDREN AND YOUTH DIAGNOSED WITH ACQUIRED IMMUNE DEFICIENCY SYNDROME OR HUMAN IMMUNODEFICIENCY VIRUS;
- (d) CHILDREN WITH A FAILURE TO THRIVE OR OTHER NUTRITIONAL DISORDERS; AND
- (e) CHILDREN DEPENDENT ON TECHNOLOGY SUCH AS RESPIRATORS, TRACHEOTOMY TUBES, OR VENTILATORS TO SURVIVE.

(21) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS PART 9 OR THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY LICENSE.

(b) AS USED IN THIS SUBSECTION (21), "FINAL AGENCY ACTION" MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER THE OPPORTUNITY FOR A HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 9 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY LICENSE.

(22) "OUT-OF-HOME PLACEMENT PROVIDER CONSORTIUM" MEANS A GROUP OF SERVICE PROVIDERS THAT ARE FORMALLY ORGANIZED AND MANAGED TO ACHIEVE THE GOALS OF THE COUNTY, GROUP OF COUNTIES, OR MENTAL HEALTH AGENCY CONTRACTING FOR ADDITIONAL SERVICES OTHER THAN TREATMENT-RELATED OR CHILD MAINTENANCE SERVICES.

(23) "PERSON" MEANS A CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR INDIVIDUAL.

(24) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE A

PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

(25) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT". A "QUALIFIED INDIVIDUAL" MUST BE APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE STATE PLAN. A "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR YOUTH OR MAKING RECOMMENDATIONS CONCERNING THE CHILD'S, JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN ACCORDANCE WITH 42 U.S.C. SEC. 675a.

(26) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. 672 (k)(4), AND IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH REQUIRED IN SECTION 19-1-115 (4)(e)(I).

(27) "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, BROTHER, SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

(28) "RELATIVE" MEANS ANY OF THE FOLLOWING RELATIONSHIPS BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON, DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER, UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

(29) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY LICENSED BY THE STATE DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT FOR FIVE OR

MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102 (2); SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT FACILITIES AS DEFINED IN SECTION 25.5-4-103 (19.5). A RESIDENTIAL CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE FACILITY MUST BE:

- (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE; OR
- (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT ORDER OR VOLUNTARY PLACEMENT; OR
- (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

(30) "RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME.

(31) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES, AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (31), "RESPITE CHILD CARE" MEANS AN

ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES.

(32) "SECURE RESIDENTIAL TREATMENT CENTER" MEANS A FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE OR MORE CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE YEARS OVER WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION 19-2.5-103 (6) WHO ARE COMMITTED BY A COURT, PURSUANT TO AN ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A SECURE FACILITY.

(33) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR BOTH PARENTS IN COMMON.

(34) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING TWENTY-FOUR-HOUR CARE FOR THREE OR MORE CHILDREN, BUT FEWER THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO A SPECIALIZED GROUP FACILITY MUST BE:

(I) AT LEAST SEVEN YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS OF AGE;

(II) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT ORDER OR VOLUNTARY PLACEMENT; OR

(III) ACCCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS THAN SEVEN YEARS OF AGE.

(b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP HOMES AND SPECIALIZED GROUP CENTERS.

(35) "THERAPEUTIC FOSTER CARE" MEANS A PROGRAM OF FOSTER

CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL, PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL FOSTER CARE.

(36) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY ENVIRONMENT.

26-6-904. Applicability of part. (1) THIS PART 9 DOES NOT APPLY TO:

(a) A CHILD CARE FACILITY THAT IS APPROVED, CERTIFIED, OR LICENSED BY ANOTHER STATE AGENCY OR BY A FEDERAL GOVERNMENT DEPARTMENT OR AGENCY THAT HAS STANDARDS FOR OPERATION OF THE FACILITY AND INSPECTS OR MONITORS THE FACILITY;

(b) OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION;

(c) JUVENILE COURTS; OR

(d) NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

(2) A LICENSEE OR GOVERNING BODY FOR WHICH THE LICENSE IS SUSPENDED PURSUANT TO SECTION 24-4-104 OR THAT HAS RECEIVED A FINAL AGENCY ACTION RESULTING IN THE REVOCATION OF A LICENSE ISSUED PURSUANT TO THIS PART 9 IS PROHIBITED FROM OPERATING, EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED TO THE CAREGIVER.

26-6-905. Licenses - out-of-state notices and consent - demonstration pilot program - definition - rules. (1) (a) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION OR ELSEWHERE IN THIS PART 9, A PERSON SHALL NOT OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY WITHOUT FIRST BEING LICENSED BY THE STATE DEPARTMENT TO OPERATE OR MAINTAIN THE FACILITY OR AGENCY AND PAYING THE PRESCRIBED FEE. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION, A LICENSE THAT THE STATE DEPARTMENT ISSUES IS PERMANENT UNLESS

OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-914.

(b) A PERSON OPERATING A FOSTER CARE HOME IS NOT REQUIRED TO OBTAIN A LICENSE FROM THE STATE DEPARTMENT TO OPERATE THE FOSTER CARE HOME IF THE PERSON HOLDS A CERTIFICATE ISSUED PURSUANT TO SECTION 26-6-910 TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED UNDER SECTIONS 26-6-910 AND 26-6-912.

(c) (I) ON AND AFTER JULY 1, 2002, AND CONTINGENT UPON THE TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS, CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES MUST BE LICENSED ANNUALLY UNTIL THE IMPLEMENTATION OF ANY RISK-BASED SCHEDULE FOR THE RENEWAL OF CHILD PLACEMENT AGENCY LICENSES PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION. THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF CHILD PLACEMENT AGENCY LICENSES. THE RULES MUST INCLUDE THE REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF THE CHILD PLACEMENT AGENCY.

(II) (A) ON AND AFTER JANUARY 1, 2004, AND UPON THE FUNCTIONALITY OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK FACTORS MUST RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

(B) PRIOR TO JANUARY 1, 2004, AND CONTINGENT UPON THE TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY RULE OF THE STATE BOARD.

(III) ON AND AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE

FACILITIES MUST BE LICENSED ANNUALLY. THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE FACILITIES. THE RULES MUST INCLUDE A REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF THE RESIDENTIAL CHILD CARE FACILITY.

(2) A PERSON SHALL NOT RECEIVE OR ACCEPT A CHILD UNDER EIGHTEEN YEARS OF AGE FOR PLACEMENT, OR PLACE A CHILD EITHER TEMPORARILY OR PERMANENTLY IN A HOME, OTHER THAN WITH PERSONS RELATED TO THE CHILD, WITHOUT FIRST OBTAINING A LICENSE AS A CHILD PLACEMENT AGENCY FROM THE DEPARTMENT, AND PAYING THE FEE PRESCRIBED FOR THE LICENSE.

(3) THE DEPARTMENT MAY ISSUE A ONE-TIME PROVISIONAL LICENSE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL LICENSE FOR A FOSTER CARE HOME, PERMITTING THE APPLICANT TO OPERATE THE FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL STANDARDS REQUIRED UNDER THIS PART 9, UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS THE RIGHT TO APPEAL ANY STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN APPLIED TOO STRINGENTLY BY THE DEPARTMENT. UPON THE FILING OF AN APPEAL, THE DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

(4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY UNTIL THE FACILITIES THAT THE APPLICANT OR LICENSEE WILL OPERATE OR MAINTAIN ARE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AS CONFORMING TO THE SANITARY STANDARDS PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-101 (1)(h) AND UNLESS THE FACILITIES CONFORM TO FIRE PREVENTION AND PROTECTION REQUIREMENTS OF LOCAL FIRE DEPARTMENTS IN THE LOCALITY OF THE FACILITY OR, IN LIEU THEREOF, OF THE DIVISION OF LABOR STANDARDS AND STATISTICS.

(5) A PERSON SHALL NOT SEND OR BRING INTO THIS STATE A CHILD FOR THE PURPOSES OF FOSTER CARE OR ADOPTION WITHOUT SENDING NOTICE OF THE PENDING PLACEMENT AND RECEIVING THE CONSENT OF THE

DEPARTMENT, OR ITS DESIGNATED AGENT, TO THE PLACEMENT. THE NOTICE MUST CONTAIN:

- (a) THE NAME AND THE DATE AND PLACE OF BIRTH OF THE CHILD;
- (b) THE IDENTITY AND ADDRESS OR ADDRESSES OF THE PARENTS OR LEGAL GUARDIAN;
- (c) THE IDENTITY AND ADDRESS OF THE PERSON SENDING OR BRINGING THE CHILD;
- (d) THE NAME AND ADDRESS OF THE PERSON TO OR WITH WHOM THE SENDING PERSON PROPOSES TO SEND, BRING, OR PLACE THE CHILD;
- (e) A FULL STATEMENT OF THE REASONS FOR THE PROPOSED ACTION AND EVIDENCE OF THE AUTHORITY PURSUANT TO WHICH THE PLACEMENT IS PROPOSED TO BE MADE.

(6) THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH RULES FOR THE APPROVAL OF FOSTER CARE HOMES AND CHILD CARE CENTERS THAT PROVIDE TWENTY-FOUR-HOUR CARE OF CHILDREN BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED IN FOSTER CARE BY THE COUNTY DEPARTMENT.

(7) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTIONAL ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

(8) (a) (I) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A CHILD PLACEMENT AGENCY, AND ANY LICENSE OR CERTIFICATE ISSUED PRIOR

TO AUGUST 7, 2006, IS REVOKED OR SUSPENDED IF THE APPLICANT FOR THE LICENSE OR CERTIFICATE, AN AFFILIATE OF THE APPLICANT, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE APPLICANT AT THE FACILITY HAS BEEN CONVICTED OF:

- (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;
- (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;
- (C) ANY OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);
- (D) ANY FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;
- (E) ANY FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A LICENSE OR CERTIFICATE;
- (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR
- (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE OFFENSES DESCRIBED IN SUBSECTIONS (8)(a)(I)(A) TO (8)(a)(I)(F) OF THIS SECTION.

(II) AS USED IN THIS SUBSECTION (8)(a), "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, AND A PLEA OF GUILTY OR NOLO CONTENDERE.

(III) AN APPLICANT, LICENSEE, OR EMPLOYEE OF THE APPLICANT OR LICENSEE WHO MEETS THE DEFINITION OF A DEPARTMENT EMPLOYEE OR AN INDEPENDENT CONTRACTOR, AS THOSE TERMS ARE DEFINED IN SECTION 27-90-111, OR WHO WORKS FOR A CONTRACTING AGENCY, AS DEFINED IN SECTION 27-90-111, AND WHO WILL HAVE DIRECT CONTACT WITH

VULNERABLE PERSONS, AS DEFINED IN SECTION 27-90-111 (2)(e), IS REQUIRED TO SUBMIT TO A STATE AND NATIONAL FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN THE SAME MANNER AS REQUIRED PURSUANT TO SECTION 27-90-111 (9); EXCEPT THAT THE STATE DEPARTMENT SHALL NOT BEAR THE COST OF THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III). THE STATE DEPARTMENT MAY ALSO CONDUCT A COMPARISON SEARCH ON THE COLORADO STATE COURTS PUBLIC ACCESS SYSTEM TO DETERMINE THE CRIME OR CRIMES FOR WHICH THE INDIVIDUAL HAVING DIRECT CONTACT WITH VULNERABLE PERSONS WAS ARRESTED OR CONVICTED AND THE DISPOSITION OF SUCH CRIME OR CRIMES. THE CRIMINAL HISTORY RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III) MUST BE SUBMITTED TO THE STATE DEPARTMENT PRIOR TO THE INDIVIDUAL HAVING DIRECT CONTACT WITH VULNERABLE PERSONS, AND AN APPLICANT, LICENSEE, OR EMPLOYEE OF AN APPLICANT OR LICENSEE MUST NOT BE ALLOWED TO HAVE DIRECT CONTACT WITH VULNERABLE PERSONS IF HE OR SHE DOES NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8) AND IN SECTION 27-90-111 (9).

(b) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION 26-6-912 (1)(a)(II). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT. A LICENSE OR CERTIFICATE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY SHALL NOT BE ISSUED IF THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY OTHER STATE OR THE UNITED STATES OR THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A CHILD.

(9) (a) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD SHALL PROMULGATE RULES THAT REQUIRE ALL CURRENT AND PROSPECTIVE EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR POSITION HAVE DIRECT CONTACT WITH A CHILD IN THE PROCESS OF BEING PLACED OR WHO HAS BEEN PLACED IN FOSTER CARE TO SUBMIT A SET OF FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY SUBMITTED A SET OF FINGERPRINTS. THE CHECK MUST BE CONDUCTED IN THE SAME MANNER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE PERSON'S EMPLOYMENT IS CONDITIONAL UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND SUBJECT TO THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH IN SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK MUST BE BORNE BY THE APPLICANT.

(b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (9) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d). THE COSTS FOR THE NAME-BASED JUDICIAL RECORD CHECK MUST BE BORNE BY THE APPLICANT.

(10) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY IF THE PERSON APPLYING FOR THE LICENSE OR AN AFFILIATE OF THE APPLICANT, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE APPLICANT AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, IF THE COURT ENTERS, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

(11) THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO EXAMINE AND REPORT TO THE GENERAL ASSEMBLY ON THE BENEFITS OF

LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT AGENCY. THE CHILD PLACEMENT AGENCIES EXAMINED MUST BE ABLE TO:

(a) OFFER THE FOLLOWING SERVICES:

(I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER CARE PARENTS;

(II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND FOSTER CARE FAMILY;

(III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

(IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

(V) ONGOING EDUCATIONAL AND NETWORKING OPPORTUNITIES FOR ANY FOSTER CARE FAMILY;

(VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH TEAM COLLABORATION;

(VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES; AND

(VIII) RESPITE SUPPORT AND REIMBURSEMENT;

(b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:

(I) MEDICAL FOSTER CARE;

(II) RESPITE FOSTER CARE;

(III) THERAPEUTIC FOSTER CARE;

(IV) DEVELOPMENTALLY DISABLED FOSTER CARE; AND

(V) TREATMENT FOSTER CARE.

26-6-906. Compliance with local government zoning regulations - notice to local governments - provisional licensure - repeal. (1) THE DEPARTMENT SHALL REQUIRE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY SEEKING A LICENSE PURSUANT TO SECTION 26-6-905 TO COMPLY WITH ANY APPLICABLE ZONING AND LAND USE DEVELOPMENT REGULATIONS OF THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO COMPLY WITH APPLICABLE ZONING AND LAND USE REGULATIONS CONSTITUTES GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

(2) THE DEPARTMENT SHALL ENSURE THAT TIMELY WRITTEN NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY, WHEN ANY OF THE FOLLOWING OCCURS:

- (a) A PERSON APPLIES FOR A LICENSE TO OPERATE A FACILITY PURSUANT TO SECTION 26-6-905;
- (b) A LICENSE IS GRANTED TO OPERATE A FACILITY PURSUANT TO SECTION 26-6-905; OR
- (c) A CHANGE IS MADE IN THE LICENSE OF A FACILITY.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO SIX MONTHS PENDING RESOLUTION OF THE DELAY OR DISPUTE.

(4) (a) (I) PRIOR TO JULY 1, 2024, THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY BY A COMMUNITY CENTERED BOARD OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

(II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

(b) ON AND AFTER JULY 1, 2024, THE PROVISIONS OF THIS SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE DETERMINED TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL DISABILITY BY A CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION 25.5-6-1702, OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

26-6-907. Fees - when original applications, reapplications, and renewals for licensure are required - creation of child welfare licensing cash fund. (1) (a) THE STATE DEPARTMENT IS AUTHORIZED TO ESTABLISH, PURSUANT TO RULES PROMULGATED BY THE STATE BOARD, PERMANENT, TIME-LIMITED, AND PROVISIONAL LICENSE FEES AND FEES FOR CONTINUATION OR RENEWAL, WHICHEVER IS APPLICABLE, OF A LICENSE FOR THE FOLLOWING TYPES OF CHILD CARE ARRANGEMENTS:

(I) SECURE RESIDENTIAL TREATMENT CENTERS;

(II) RESIDENTIAL CHILD CARE FACILITIES, INCLUDING ANY SPECIAL TYPE OF RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY RULE OF THE STATE BOARD;

(III) CHILD PLACEMENT AGENCIES, INCLUDING ANY SPECIAL TYPE OF FOSTER CARE HOME THE CHILD PLACEMENT AGENCY IS AUTHORIZED TO CERTIFY BY RULE OF THE STATE BOARD;

(IV) HOMELESS YOUTH SHELTERS;

(V) DAY TREATMENT CENTERS;

(VI) SPECIALIZED GROUP FACILITIES; AND

(VII) RESPITE CHILD CARE CENTERS.

(b) THE STATE DEPARTMENT MAY ALSO ESTABLISH FEES PURSUANT TO RULES PROMULGATED BY THE STATE BOARD FOR THE FOLLOWING SITUATIONS:

- (I) ISSUANCE OF A DUPLICATE LICENSE;
- (II) CHANGE OF LICENSE DUE TO AN INCREASE IN LICENSING CAPACITY OR A CHANGE IN THE AGE OF CHILDREN SERVED;
- (III) OBTAINING THE CRIMINAL RECORD OF AN APPLICANT AND ANY PERSON LIVING WITH OR EMPLOYED BY THE APPLICANT, WHICH MAY INCLUDE COSTS ASSOCIATED WITH THE TAKING OF FINGERPRINTS;
- (IV) CHECKING THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE STATE DEPARTMENT FOR AN OWNER, EMPLOYEE, OR RESIDENT OF A FACILITY OR AGENCY OR AN APPLICANT FOR A LICENSE TO OPERATE A FACILITY OR AGENCY;
- (V) FILING OF APPEALS;
- (VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC;
- (VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC FORMAT FOR THE PUBLIC;
- (VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ.;
- (IX) INSUFFICIENT FUNDS PAYMENT AND COLLECTION OF OVERDUE FEES AND FINES; AND
- (X) COLLECTION OF FEES FOR SCANNING OF ADOPTION RECORDS PURSUANT TO SECTION 19-5-307.

(c) THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1) MUST NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE DEPARTMENT. THE DIVISION RESPONSIBLE FOR LICENSING FACILITIES AND AGENCIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH FACILITY AND AGENCY LICENSING, INSPECTION, AND MONITORING; DEVELOPING A METHODOLOGY TO ASSESS

THE RELATIONSHIP BETWEEN LICENSING COSTS AND FEES; AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING THE RESULTS TO THE STATE BOARD. IN DEVELOPING A FEE SCHEDULE, THE DEPARTMENT SHOULD CONSIDER THE LICENSED CAPACITY OF FACILITIES AND THE TIME NEEDED TO LICENSE FACILITIES.

(2) (a) AN APPLICANT SHALL PAY THE FEES SPECIFIED IN SUBSECTION (1) OF THIS SECTION WHEN APPLYING FOR ISSUANCE, CONTINUANCE, OR RENEWAL OF A LICENSE. FEES ARE NOT SUBJECT TO REFUND. AN APPLICATION FOR A LICENSE IS REQUIRED IN THE SITUATIONS THAT ARE SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION AND MUST BE MADE ON FORMS PRESCRIBED BY THE STATE DEPARTMENT. EACH COMPLETED APPLICATION MUST SET FORTH THE INFORMATION REQUIRED BY THE STATE DEPARTMENT. ALL LICENSES CONTINUE IN FORCE UNTIL REVOKED, SURRENDERED, OR EXPIRED.

(b) (I) AN ORIGINAL APPLICATION AND FEE ARE REQUIRED:

(A) WHEN AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION PLANS TO OPEN A FOSTER CARE HOME OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY;

(B) WHEN A FACILITY OR FOSTER CARE HOME PLANS TO MOVE TO A DIFFERENT BUILDING AT A DIFFERENT LOCATION;

(C) WHEN THE MANAGEMENT OR GOVERNING BODY OF A FACILITY OR AGENCY IS ACQUIRED BY A DIFFERENT INDIVIDUAL, ASSOCIATION, PARTNERSHIP, OR CORPORATION; AND

(D) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A FACILITY OR AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER; EXCEPT THAT, IF THE REASON FOR THE ISSUANCE OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING FACILITY OR AGENCY AND EITHER THE MANAGEMENT OR GOVERNING BODY OF THE FACILITY OR AGENCY REMAINS THE SAME AS ORIGINALLY LICENSED AND THE FACILITY OR AGENCY IS OPERATING IN THE SAME BUILDING OR BUILDINGS AS ORIGINALLY LICENSED, THE STATE DEPARTMENT SHALL TREAT THE FACILITY'S OR AGENCY'S STATUS AS A RENEWAL AND ASSESS THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES ARE REQUIRED

TO UNDERGO CRIMINAL BACKGROUND CHECKS AS REQUIRED IN SECTION 26-6-912.

(II) A REAPPLICATION AND FEE ARE REQUIRED AND MUST BE RECEIVED BY THE STATE DEPARTMENT IN THE MANNER SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD. AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR ASSOCIATION SEEKING TO RENEW A FACILITY OR AGENCY LICENSE MUST SUBMIT A REAPPLICATION AND FEE TO THE STATE DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

(3) THIS SECTION DOES NOT PREVENT A CITY OR CITY AND COUNTY FROM IMPOSING FEES IN ADDITION TO THOSE FEES SPECIFIED IN THIS SECTION.

(4) (a) THE DEPARTMENT SHALL TRANSMIT ALL FEES COLLECTED PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CHILD WELFARE LICENSING CASH FUND CREATED IN SUBSECTION (4)(b) OF THIS SECTION. THE GENERAL ASSEMBLY SHALL MAKE ANNUAL APPROPRIATIONS FROM THE CHILD WELFARE LICENSING CASH FUND FOR EXPENDITURES INCURRED BY THE DEPARTMENT IN THE PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 9.

(b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE LICENSING CASH FUND, CREATED PURSUANT TO SECTION 26-6-105 (4), AS IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO LICENSING FEES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE LICENSING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND.

26-6-908. Application forms - criminal sanctions for perjury.

(1) (a) (I) ALL APPLICATIONS FOR THE LICENSURE OF CHILD PLACEMENT AGENCY OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9 MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

(II) EVERY APPLICATION USED IN THE STATE OF COLORADO FOR EMPLOYMENT WITH A FACILITY OR AGENCY MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

(b) EACH APPLICATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION MUST CONTAIN THE FOLLOWING NOTICE TO THE APPLICANT:

ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN THIS APPLICATION COMMITS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION 18-8-503, COLORADO REVISED STATUTES, AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED ACCORDINGLY.

(2) A PERSON APPLYING FOR THE LICENSURE OF A FACILITY OR AGENCY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9, OR A PERSON APPLYING TO WORK AT A FACILITY OR AGENCY AS AN EMPLOYEE, WHO KNOWINGLY OR WILLFULLY MAKES A FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN THE APPLICATION COMMITS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION 18-8-503 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED ACCORDINGLY.

(3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A FOSTER CARE HOME MUST PROVIDE NOTICE TO THE APPLICANT THAT THE APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF CERTIFICATION OR LICENSURE OR OTHER NEGATIVE LICENSING ACTION AS SET FORTH IN THIS SECTION (3) AND SECTION 26-6-913 AND AS DESCRIBED BY RULE OF THE STATE BOARD.

26-6-909. Standards for facilities and agencies - rules. (1) THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING. THE STANDARDS MUST BE APPLICABLE TO CHILD PLACEMENT AGENCIES AND THE VARIOUS TYPES OF RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES REGULATED AND LICENSED BY THIS PART 9; EXCEPT THAT THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH SEPARATE STANDARDS FOR THE LICENSING OF CHILD PLACEMENT AGENCIES OPERATING FOR THE PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES. THE DEPARTMENT SHALL SEEK THE ADVICE AND ASSISTANCE OF PERSONS REPRESENTATIVE OF THE VARIOUS TYPES OF FACILITIES AND AGENCIES IN ESTABLISHING THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE OF

THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION. THE STANDARDS MUST BE ESTABLISHED BY RULES PROMULGATED BY THE STATE BOARD AND BE ISSUED, PUBLISHED, AND BECOME EFFECTIVE ONLY IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

(2) STANDARDS PRESCRIBED BY STATE BOARD RULES PURSUANT TO THIS SECTION ARE RESTRICTED TO:

(a) THE OPERATION AND CONDUCT OF THE FACILITY OR AGENCY AND THE RESPONSIBILITY IT ASSUMES FOR CHILD CARE;

(b) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A NEGATIVE LICENSING ACTION;

(c) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN AND TO MAINTAIN PRESCRIBED STANDARDS;

(d) THE NUMBER OF INDIVIDUALS OR STAFF REQUIRED TO ENSURE ADEQUATE SUPERVISION AND CARE OF CHILDREN SERVED;

(e) (I) THE APPROPRIATENESS, SAFETY, CLEANLINESS, AND GENERAL ADEQUACY OF THE PREMISES, INCLUDING MAINTENANCE OF ADEQUATE FIRE PROTECTION AND PREVENTION AND HEALTH STANDARDS IN CONFORMANCE WITH STATE LAWS AND MUNICIPAL ORDINANCES, TO PROVIDE FOR THE PHYSICAL COMFORT, CARE, WELL-BEING, AND SAFETY OF THE CHILDREN SERVED.

(II) A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER

SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE DEPARTMENT SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

(f) KEEPING OF RECORDS FOR FOOD, CLOTHING, EQUIPMENT, AND INDIVIDUAL SUPPLIES;

(g) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN SERVED;

(h) MAINTENANCE OF RECORDS PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN;

(i) FILING OF REPORTS WITH THE DEPARTMENT;

(j) DISCIPLINE OF CHILDREN;

(k) STANDARDS FOR SECLUSION OF A CHILD IN ACCORDANCE WITH ARTICLE 20 OF THIS TITLE 26. STANDARDS FOR SECLUSION MUST INCLUDE:

(I) THE BASIS FOR THE USE OF SECLUSION IN ACCORDANCE WITH SECTION 26-20-103;

(II) DURATION AND FREQUENCY OF THE SECLUSION;

(III) FACILITY STAFF REQUIREMENTS;

(IV) CRITERIA FOR THE SHORT-TERM PLACEMENT OF A CHILD IN SECLUSION;

(V) DOCUMENTATION AND REVIEW OF THE SECLUSION;

(VI) REVIEW AND BIANNUAL INSPECTION BY THE DEPARTMENT OF THE SECLUSION ROOM OR AREA;

(VII) PHYSICAL REQUIREMENTS FOR THE SECLUSION ROOM OR AREA;

(VIII) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT PRIOR TO THE ESTABLISHMENT OF THE SECLUSION ROOM OR AREA;

(IX) A NEUTRAL FACT FINDER TO DETERMINE IF THE CHILD'S SITUATION MERITS SECLUSION;

(X) AT A MINIMUM, A FIFTEEN-MINUTE CHECKING AND REVIEW BY STAFF OF A CHILD PLACED IN SECLUSION;

(XI) REVIEW BY STAFF OF ANY SECLUSION SUBSEQUENT TO EACH PERIOD OF SECLUSION;

(XII) DAILY REVIEW OF THE USE OF THE SECLUSION ROOMS OR AREAS; AND

(XIII) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (2)(k).

(I) STANDARDS FOR SECURITY IN SECURE RESIDENTIAL TREATMENT CENTERS AND RESIDENTIAL CHILD CARE FACILITIES PROVIDED THROUGH THE PHYSICAL ENVIRONMENT AND STAFFING. THE STANDARDS MUST INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

(I) LOCKED DOORS;

(II) FENCING;

(III) STAFF REQUIREMENTS TO ENSURE SECURITY;

(IV) INSPECTIONS;

(V) PHYSICAL REQUIREMENTS FOR PROGRAM SPACE AND FOR SECURE SLEEPING OF THE RESIDENTS IN THE SECURE RESIDENTIAL TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY; AND

(VI) OTHER SECURITY CONSIDERATIONS THAT ARE NECESSARY TO PROTECT THE RESIDENTS OF THE SECURE RESIDENTIAL TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY OR THE PUBLIC.

(m) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND

ADEQUACY OF TRANSPORTATION SERVICES OF CHILDREN TO AND FROM FACILITIES;

(n) EXCEPT AS PROVIDED IN SUBSECTION (2)(o) OF THIS SECTION, PROVISIONS THAT ENSURE THAT FOSTER CARE HOMES AND CHILD CARE CENTERS VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25, THAT EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST CONTAGIOUS DISEASES AS FOLLOWS:

(I) CHILDREN UP TO TWENTY-FOUR MONTHS OF AGE ARE REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT IMMUNIZATION ACT", PART 17 OF ARTICLE 4 OF TITLE 25;

(II) CHILDREN OVER TWENTY-FOUR MONTHS OF AGE ARE REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25;

(o) PROVISIONS THAT ALLOW A FACILITY THAT ALLOWS A CHILD TO ENROLL AND ATTEND THE FACILITY ON A SHORT-TERM BASIS OF UP TO FIFTEEN DAYS IN A FIFTEEN-CONSECUTIVE-DAY PERIOD, NO MORE THAN TWICE IN A CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY PERIOD SEPARATED BY AT LEAST SIXTY DAYS, TO DO SO WITHOUT OBTAINING VERIFICATION OF IMMUNIZATION FOR THAT CHILD, AS PROVIDED IN SECTION 25-4-902. A FACILITY THAT CHOOSES TO ALLOW CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO THE PROVISIONS OF THIS SUBSECTION (2)(o) SHALL PROVIDE NOTIFICATION TO ALL PARENTS THAT THE FACILITY ALLOWS CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS WITHOUT OBTAINING PROOF OF IMMUNIZATION.

(p) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE, BUT NEED NOT BE LIMITED TO:

(I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS, QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO BE LICENSED, INCLUDING, BUT NOT LIMITED TO:

(A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE UNKNOWN;

(B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND GRANDPARENT

ADOPTIONS;

- (C) INTERSTATE ADOPTIONS;
- (D) INTERNATIONAL ADOPTIONS;
- (E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND
- (F) SPECIAL NEEDS ADOPTIONS;

(II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;

(III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;

(IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED OR CONTRACTED WITH BY THE AGENCY;

(V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE APPLICANT FOR A LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN PRESCRIBED STANDARDS;

(VI) PROPER MAINTENANCE OF RECORDS; AND

(VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN SERVED;

(q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS, WHICH MUST INCLUDE, AT A MINIMUM:

(A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE MONTHS AFTER SUCH PLACEMENT;

(B) TWENTY HOURS PER YEAR OF CONTINUING TRAINING;

(C) IN ADDITION TO THE HOURS DESCRIBED IN SUBSECTION (2)(q)(I)(B) OF THIS SECTION, TWELVE HOURS PER YEAR FOR FOSTER CARE PARENTS PROVIDING THERAPEUTIC FOSTER CARE;

(D) TRAINING CONCERNING INDIVIDUALIZED EDUCATION PROGRAMS, AS DEFINED IN SECTION 22-20-103 (15). THE DEPARTMENTS OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION BETWEEN LOCAL COUNTY DEPARTMENTS AND LOCAL SCHOOL DISTRICTS OR ADMINISTRATIVE UNITS TO MAKE SUCH TRAINING AVAILABLE UPON THE REQUEST OF A FOSTER PARENT.

(E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

(II) THE TRAINING DESCRIBED IN SUBSECTION (2)(q)(I) OF THIS SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IN-HOME TRAINING.

(III) THE DEPARTMENT SHALL CONSULT WITH COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING THE TRAINING STANDARDS IN ORDER TO ENSURE A MORE UNIFORM APPLICATION THROUGHOUT THE STATE.

(IV) THE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A CHILD DESCRIBED IN SUBSECTION (2)(q)(I)(A) OF THIS SECTION MAY BE COMPLETED WITHIN FOUR MONTHS AFTER THE PLACEMENT IF THE PLACEMENT WAS AN EMERGENCY PLACEMENT, AS DEFINED BY RULE OF THE STATE BOARD.

(r) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE SERVICES IN FACILITIES AND AGENCIES LICENSED AND CERTIFIED PURSUANT TO THIS PART 9, INCLUDING ORIENTATION AND PRELICENSING TRAINING FOR CHILD PLACEMENT AGENCY STAFF; AND

(s) STANDARDS FOR THE TRAINING OF PROVIDERS OF CRADLE CARE HOME SERVICES THAT MUST BE SUBSTANTIALLY SIMILAR TO THE TRAINING REQUIRED OF ADOPTIVE PARENTS PRIOR TO ADOPTING AN INFANT, INCLUDING ONGOING TRAINING HOURS APPROPRIATE TO THE SERVICES PROVIDED.

(3) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY MAY POSSESS AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR

ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

(4) AN APPLICANT OR PERSON LICENSED TO OPERATE A FACILITY OR AGENCY UNDER THE PROVISIONS OF THIS PART 9 HAS THE RIGHT TO APPEAL ANY STANDARD THAT, IN THE APPLICANT'S OR PERSON'S OPINION, CREATES AN UNDUE HARDSHIP OR WHEN, IN THE APPLICANT'S OR PERSON'S OPINION, A STANDARD HAS BEEN TOO STRINGENTLY APPLIED BY REPRESENTATIVES OF THE DEPARTMENT. THE DEPARTMENT SHALL DESIGNATE A PANEL OF PERSONS REPRESENTING VARIOUS STATE AND LOCAL GOVERNMENTAL AGENCIES WITH AN INTEREST IN AND CONCERN FOR CHILDREN TO HEAR THE APPEAL AND TO MAKE RECOMMENDATIONS TO THE DEPARTMENT. THE MEMBERSHIP OF THE APPEALS REVIEW PANEL MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A REPRESENTATIVE FROM A TWENTY-FOUR-HOUR CHILD CARE FACILITY; A REPRESENTATIVE FROM A LICENSED CHILD PLACEMENT AGENCY; A REPRESENTATIVE WITH CHILD PLACEMENT EXPERIENCE FROM A COUNTY DEPARTMENT; AND A REPRESENTATIVE FROM AT LEAST ONE OTHER STATE DEPARTMENT, OR FROM THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR CHILD WELFARE, WHO HAS EDUCATION AND EXPERTISE IN TRAUMA-INFORMED CARE AND CHILD WELFARE. THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT ALL MEMBERS TO THE APPEALS REVIEW PANEL. REPRESENTATIVES TO THE APPEALS REVIEW PANEL SERVE TERMS OF NO MORE THAN THREE YEARS AND MAY SERVE SUCCESSIVE TERMS.

(5) THE STATE BOARD MAY PROMULGATE RULES TO REGULATE THE OPERATION OF OUT-OF-HOME PLACEMENT PROVIDER CONSORCIA. THE REGULATION SHALL NOT INCLUDE LICENSING OF OUT-OF-HOME PLACEMENT PROVIDER CONSORCIA.

(6) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE REQUIREMENTS FOR LICENSURE FOR A LICENSED HOST FAMILY HOME SERVING HOMELESS YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT", ARTICLE 5.7 OF THIS TITLE 26.

(7) (a) A COUNTY DIRECTOR, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY APPROVE, AT THE COUNTY DIRECTOR'S DISCRETION, A WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER CARE. A WAIVER MAY BE APPROVED ONLY IF:

(I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET FORTH BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (7)(d) OF THIS SECTION;

(II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN RECEIVING CARE IS NOT COMPROMISED; AND

(III) THE WAIVER REQUEST IS IN WRITING.

(b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY LICENSING STANDARDS, A COUNTY DIRECTOR OF HUMAN OR SOCIAL SERVICES, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY LIMIT OR RESTRICT A LICENSE ISSUED TO A KINSHIP FOSTER CARE ENTITY OR REQUIRE THAT ENTITY TO ENTER INTO A COMPLIANCE AGREEMENT TO ENSURE THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN IN THAT ENTITY'S CARE.

(c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF A WAIVER REQUESTED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

(d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER CARE. THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A LISTING OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE WAIVED AND CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE STATE BOARD SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP FOSTER CARE" FOR THE PURPOSES OF THIS SUBSECTION (7).

(8) THE EXECUTIVE DIRECTOR HAS THE POWER TO DIRECT THE ADMINISTRATION OR MONITORING OF MEDICATIONS TO PERSONS IN FACILITIES PURSUANT TO SECTION 25-1.5-301 (2)(e).

26-6-910. Certification and annual recertification of foster care homes by county departments and licensed child placement agencies - background and reference check requirements - definition. (1) THIS SECTION APPLIES TO FOSTER CARE HOMES, INCLUDING KINSHIP FOSTER CARE HOMES, CERTIFIED BY COUNTY DEPARTMENTS OR LICENSED CHILD PLACEMENT AGENCIES. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (4) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO FOSTER CARE HOMES THAT ARE LICENSED BY THE STATE DEPARTMENT PURSUANT TO THE REQUIREMENTS OF SECTION 26-6-905 AND THAT DO NOT RECEIVE MONEY

FROM THE COUNTIES OR CHILDREN PLACED BY THE COUNTIES. A FOSTER CARE HOME LICENSED BY THE STATE DEPARTMENT MUST UNDERGO ALL OF THE BACKGROUND CHECKS AND REQUIREMENTS SET FORTH IN SECTION 26-6-905 OR AS OTHERWISE STATED IN THIS PART 9.

(2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED PURSUANT TO THIS SECTION AND SECTION 26-6-912. EACH CERTIFICATE MUST BE IN THE FORM PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT THE PERSON OPERATING THE FOSTER CARE HOME IS A SUITABLE PERSON TO OPERATE A FOSTER CARE HOME OR PROVIDE CARE FOR A CHILD, AND CONTAIN ANY OTHER INFORMATION THAT THE STATE DEPARTMENT REQUIRES. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH CERTIFICATE SHALL NOTIFY THE STATE DEPARTMENT ABOUT THE CERTIFICATION IN A METHOD AND TIME FRAME AS SET BY RULE ADOPTED BY THE STATE BOARD.

(3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY, MAY RECEIVE FOR CARE A CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY.

(4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO LICENSED AS A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION 26.5-5-303, BY THE DEPARTMENT OF EARLY CHILDHOOD SO LONG AS THE LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO SEPARATE LICENSING ENTITIES.

(5) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO AN APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

(a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN CONVICTED OF:

(I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

(II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

(III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS DEFINED IN SECTION 16-22-102 (9);

(IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

(V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF APPLICATION FOR A CERTIFICATE;

(VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY RULE OF THE STATE BOARD, WITHIN THE TEN YEARS PRECEDING THE DATE OF THE APPLICATION FOR THE CERTIFICATE; OR

(VII) AN OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION;

(b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, THE EMPLOYEE, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

(c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS

HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

(d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX OFFENDER; AND

(e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR ANY OTHER RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL NOT ISSUE A CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

(a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN SUBSECTION (5)(a) OF THIS SECTION AS VERIFIED THROUGH A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED JUDICIAL RECORD CHECK, IF NECESSARY, AND A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

(b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

(c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER REGISTRY CREATED PURSUANT TO SECTION 16-22-110 OR IS A REGISTERED SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A CHECK OF THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED

STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS PROVISION DOES NOT APPLY TO AN ADULT RESIDENT WHO HAS BEEN PLACED IN THE FOSTER CARE FACILITY OR HOME FOR TREATMENT UNDER AN ADULT CHILD WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KNOWN NAMES AND ADDRESSES OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME IN THE INTERACTIVE DATABASE SYSTEM FOR COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND ADDRESSES.

(7) AS USED IN THIS SECTION, "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN DIVERSION, AS DEFINED IN SECTION 19-2.5-102, AND DOES NOT APPLY TO A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT DIVERSION PROGRAM, AS DESCRIBED IN SECTION 19-3-310.

(8) (a) THE CONVICTIONS IDENTIFIED IN SUBSECTIONS (5)(a) AND (6)(a) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL BUREAU OF INVESTIGATION AND THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT. THE SCREENING REQUEST IN COLORADO MUST BE MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC. 671 (a)(20). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A CONVICTION OR AGREEMENT.

(b) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR THE COUNTY DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

(I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL

SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER STATE OR THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION; OR

(II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION.

(9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, A PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR BY A LICENSED CHILD PLACEMENT AGENCY IF THE PERSON IS A RELATIVE OF AN EMPLOYEE OF THE CHILD WELFARE DIVISION OR UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER CARE HOME OR A RELATIVE OF AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT AGENCY CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9) BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UNLESS OTHERWISE PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO WHICH THE APPLICATION IS REFERRED MAY CERTIFY AND SUPERVISE A FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT OF THE TWO COUNTY DEPARTMENTS.

(10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9 OR A RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER, OR EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN PROPERTY OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A FOSTER CARE HOME.

(11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE STANDARDS REQUIRED UNDER THIS PART 9 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A RIGHT TO APPEAL TO THE STATE DEPARTMENT ANY STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN APPLIED TOO STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

26-6-911. Foster care - kinship care - rules applying generally - rule-making. (1) THE STATE BOARD SHALL PROMULGATE RULES THAT APPLY TO FOSTER CARE GENERALLY, REGARDLESS OF WHETHER THE FOSTER CARE IS PROVIDED BY A FOSTER CARE HOME CERTIFIED BY A COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY, AND TO KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. THE STATE BOARD SHALL DEVELOP THE RULES IN CONSULTATION WITH THE STATE DEPARTMENT, COUNTY DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.

(2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF THIS SECTION MUST INCLUDE THE FOLLOWING:

(a) USING THE STATE DEPARTMENT'S AUTOMATED DATABASE, THE PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE WHEN THE STATE DEPARTMENT HAS IDENTIFIED A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103, THAT INVOLVES A FOSTER CARE HOME, AS WELL AS THE SUSPENSION OF ANY FURTHER PLACEMENTS IN THE FOSTER CARE HOME UNTIL THE INVESTIGATION IS CONCLUDED;

(b) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE FOSTER PARENTS;

(c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS SPECIFIED IN SECTION 26-6-910(5) AND (6) HAVE BEEN COMPLETED FOR ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME, PRIOR TO PLACING A CHILD IN FOSTER CARE WITH THAT PERSON;

(d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL TAKE IF A DISQUALIFYING FACTOR IS FOUND DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION 26-6-910 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5);

(e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY ACTIONS;

(f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND SHALL INSPECT THE ENTIRE PREMISES OF THE FOSTER CARE HOME, INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF THE FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

(g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER CARE PARENTS BY A LICENSED HEALTH-CARE PROFESSIONAL THAT REQUIRE A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL ABILITY TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE LICENSED HEALTH-CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF A CERTIFICATE

MUST BE CONDITIONED ON THE SATISFACTORY REPORT OF A LICENSED MENTAL HEALTH PRACTITIONER.

(h) THE COMMUNICATION REQUIREMENTS THAT MUST BE FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS SET FORTH IN SECTION 26-6-910 (4).

(3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME. AFTER CONDUCTING THE REVIEW, THE STATE DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF THESE PERSONS BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

26-6-912. Investigations and inspections - local authority - reports - rules. (1)(a)(I)(A) THE STATE DEPARTMENT SHALL INVESTIGATE AND PASS ON EACH APPLICATION FOR ISSUANCE OF A LICENSE, EACH APPLICATION FOR A PERMANENT OR TIME-LIMITED LICENSE FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE, AND EACH APPLICATION FOR RENEWAL OF A LICENSE TO OPERATE A FACILITY OR AN AGENCY PRIOR TO GRANTING THE LICENSE OR RENEWAL. AS PART OF THE INVESTIGATION, THE STATE DEPARTMENT SHALL REQUIRE EACH INDIVIDUAL, INCLUDING BUT NOT LIMITED TO THE APPLICANT, AN OWNER, AN EMPLOYEE, A NEWLY HIRED EMPLOYEE, A LICENSEE, AND AN ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND RESIDES IN THE LICENSED FACILITY, TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK BY REVIEWING ANY RECORD THAT IS USED TO ASSIST THE STATE DEPARTMENT IN ASCERTAINING WHETHER THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-905 (8) OR ANY OTHER FELONY. THE STATE BOARD SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE CRIMINAL HISTORY RECORD CHECK ENTAILS.

(B) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO THIS SUBSECTION (1)(a)(I) MUST REQUIRE THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK IN ALL CIRCUMSTANCES, OTHER THAN THOSE

IDENTIFIED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, TO INCLUDE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION AND TO APPLY TO ANY NEW OWNER, NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL WHO BEGINS RESIDING IN THE LICENSED FACILITY. AS PART OF THE INVESTIGATION, THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE STATE DEPARTMENT MUST BE ACCESSED TO DETERMINE WHETHER THE OWNER, APPLICANT, EMPLOYEE, NEWLY HIRED EMPLOYEE, LICENSEE, OR INDIVIDUAL WHO RESIDES IN THE LICENSED FACILITY BEING INVESTIGATED HAS BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. INFORMATION IS MADE AVAILABLE PURSUANT TO SECTION 19-1-307 (2)(j) AND RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5 (4). EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, ANY CHANGE IN OWNERSHIP OF A LICENSED FACILITY OR AGENCY OR ADDITION OF A NEW RESIDENT ADULT OR NEWLY HIRED EMPLOYEE TO THE LICENSED FACILITY REQUIRES A NEW INVESTIGATION AS PROVIDED IN THIS SECTION.

(C) WHEN TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK AND A CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT, COMPLETED FOR ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR AN INDIVIDUAL FOR WHOM THE CHECK IS REQUIRED PURSUANT TO THIS PART 9, MAY SATISFY THE RECORD CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR NEW CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT IS NOT REQUIRED OF SUCH AN INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT TO SECTION 26-6-905 WHEN INFORMED OF THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT THAT REQUIRES ACTION PURSUANT TO THIS PART 9; AND INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED FACILITY COMES UNDER OR IS NO LONGER UNDER ITS

OWNERSHIP OR CONTROL.

(D) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT THIS SUBSECTION (1)(a)(I).

(II) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE:

(A) A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE FOR EACH CIRCUMSTANCE IN WHICH THE COLORADO BUREAU OF INVESTIGATION FINGERPRINT CHECK EITHER DOES NOT CONFIRM A CRIMINAL HISTORY OR CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CONVICTED AND THE DISPOSITION THEREOF;

(B) ANY OTHER RECOGNIZED DATABASE THAT IS ACCESSIBLE ON A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE BOARD; AND

(C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION (1)(a)(II) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A NAME-BASED JUDICIAL RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(III) IF THE OPERATOR OF A FACILITY OR AGENCY REFUSES TO HIRE AN APPLICANT AS A RESULT OF INFORMATION DISCLOSED IN THE INVESTIGATION OF THE APPLICANT PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION, THE FACILITY OR AGENCY IS NOT SUBJECT TO CIVIL LIABILITY FOR THE REFUSAL TO HIRE. IF A FORMER EMPLOYER OF THE APPLICANT RELEASES INFORMATION REQUESTED BY THE FACILITY OR AGENCY PERTAINING TO THE APPLICANT'S FORMER PERFORMANCE, THE FORMER EMPLOYER IS NOT SUBJECT TO CIVIL LIABILITY FOR THE INFORMATION GIVEN.

(b) AN APPLICANT FOR CERTIFICATION AS A FOSTER CARE HOME SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT WITH A LIST OF

ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, AND A RELEASE OF INFORMATION FROM THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, TO OBTAIN INFORMATION ABOUT THE APPLICATION AND ANY CERTIFICATION GIVEN BY THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS. A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE APPLICANT AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME BY CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE CERTIFICATION FOR THAT FOSTER CARE HOME. CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS ARE HELD HARMLESS FOR INFORMATION RELEASED, IN GOOD FAITH, TO OTHER CHILD PLACEMENT AGENCIES OR COUNTY DEPARTMENTS.

(c) (I) FOR ALL APPLICANTS APPLYING TO BE A FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME, REGARDLESS OF REIMBURSEMENT, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REQUIRE EACH ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES IN THE HOME TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT MUST PROVIDE THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY WITH THE ADDRESSES WHERE THE APPLICANT AND ANY ADULT RESIDING IN THE HOME HAVE LIVED IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES FROM OTHER STATES. THE COUNTY DEPARTMENT OR THE CHILD PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE HOME:

(A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-910 (5)(a);

(B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

(C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

(D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES IN THE HOME IS A REGISTERED SEX OFFENDER; AND

(E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (1)(c)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3 (6)(d).

(II) IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL CONTACT THE APPROPRIATE ENTITY IN EACH STATE IN WHICH THE APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS RESIDED WITHIN THE PRECEDING FIVE YEARS TO DETERMINE WHETHER THE INDIVIDUAL HAS BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT.

(III) THE SCREENING REQUEST IN COLORADO FOR CRIMINAL HISTORY RECORD CHECKS THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION MUST BE MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC. 671 (a)(20).

(IV) THE DEPARTMENT MUST CONDUCT AN INVESTIGATION PURSUANT TO THIS SUBSECTION (1)(c) FOR ANY NEW RESIDENT ADULT WHENEVER THE ADULT IS ADDED TO THE FOSTER CARE HOME OR KINSHIP CARE HOME. THE DEPARTMENT SHALL NOT USE INFORMATION OBTAINED FROM STATE RECORDS OF ABUSE OR NEGLECT FOR ANY PURPOSE OTHER THAN CONDUCTING THE INVESTIGATION FOR PLACEMENT OR CERTIFICATION.

(d) (I) WHEN THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR CHILD PLACEMENT AGENCY IS ABLE TO CERTIFY THAT THE APPLICANT OR LICENSEE IS COMPETENT AND WILL OPERATE ADEQUATE FACILITIES TO CARE FOR CHILDREN PURSUANT TO THE REQUIREMENTS OF THIS PART 9 AND THAT STANDARDS ARE BEING MET AND WILL BE COMPLIED WITH, IT SHALL ISSUE THE LICENSE FOR WHICH THE APPLICANT OR LICENSEE APPLIED. THE STATE 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 26-6-909 AND THE RULES OF THE STATE DEPARTMENT, OR THAT OTHERWISE APPEAR TO BE PLACING CHILDREN AT RISK. THE STATE DEPARTMENT MAY MAKE SUCH OTHER INSPECTIONS AS IT DEEMS NECESSARY TO ENSURE THAT THE REQUIREMENTS OF THIS PART 9 ARE BEING MET AND THAT THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN BEING PLACED ARE PROTECTED. IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME, THE STATE DEPARTMENT DETERMINES THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE AS DEFINED BY RULES PROMULGATED BY THE STATE BOARD OR THAT A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO IMMEDIATELY REMOVE THE CHILD FROM THE FOSTER CARE HOME.

(II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT RESULTS OF FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO ADOPT RULES CONCERNING A REQUIREMENT THAT ALL FACILITIES LICENSED PURSUANT TO THIS PART 9 POST THEIR LICENSES AND INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE DEPARTMENT, WHICH RULES MUST REQUIRE THAT EACH FACILITY DISPLAY ITS LICENSE AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY; EXCEPT THAT THE RULES MUST NOT REQUIRE FOSTER CARE HOMES TO POST THEIR LICENSES AND THE RULES MUST NOT REQUIRE FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO POST INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE

DEPARTMENT. THE STATE BOARD SHALL ADOPT RULES REQUIRING FOSTER CARE HOMES TO MAKE THEIR LICENSES AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST, AND REQUIRING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO MAKE THE INFORMATION CONCERNING THE FILING OF COMPLAINTS AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST.

(e) NOTWITHSTANDING ANY PROVISION OF THIS PART 9 TO THE CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO AN INTERAGENCY AGREEMENT OR A MEMORANDUM OF UNDERSTANDING, OR BOTH, AS NECESSARY TO COMPLETE THE CRIMINAL HISTORY RECORD CHECKS AND OTHER BACKGROUND CHECKS REQUIRED IN THIS SECTION.

(2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (2)(a)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY AUTHORIZE OR CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH CHILDREN OR ON BEHALF OF CHILDREN TO INVESTIGATE AND INSPECT THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 9 AND MAY ACCEPT REPORTS ON THE INVESTIGATIONS AND INSPECTIONS FROM THE AGENCIES OR ORGANIZATIONS AS A BASIS FOR LICENSING. WHEN CONTRACTING FOR INVESTIGATIONS AND INSPECTIONS, THE STATE DEPARTMENT SHALL ENSURE THAT THE CONTRACTOR IS QUALIFIED BY TRAINING AND EXPERIENCE AND HAS NO CONFLICT OF INTEREST WITH RESPECT TO THE FACILITIES TO BE INSPECTED.

(II) THE STATE DEPARTMENT SHALL NOT AUTHORIZE OR CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH CHILDREN OR ON BEHALF OF CHILDREN FOR INVESTIGATIONS AND INSPECTIONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION OF ANY FACILITIES THAT PROVIDE TWENTY-FOUR-HOUR CARE AND ARE LICENSED PURSUANT TO THIS PART 9.

(b) A CITY, COUNTY, OR CITY AND COUNTY MAY IMPOSE AND ENFORCE HIGHER STANDARDS AND REQUIREMENTS FOR FACILITIES LICENSED

PURSUANT TO THIS PART 9 THAN THE STANDARDS AND REQUIREMENTS SPECIFIED PURSUANT TO THIS PART 9.

(3) EVERY FACILITY AND AGENCY LICENSED PURSUANT TO THIS PART 9 SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE DEPARTMENT MAY PRESCRIBE PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN UNDER THE CARE OF THE FACILITY OR AGENCY AND SHALL REPORT RELATIVE THERETO TO THE DEPARTMENT WHENEVER CALLED FOR, UPON FORMS PRESCRIBED BY THE DEPARTMENT. BOTH THE FACILITY OR AGENCY AND THE DEPARTMENT SHALL KEEP CONFIDENTIAL ALL RECORDS REGARDING CHILDREN AND ALL FACTS LEARNED ABOUT CHILDREN AND THEIR RELATIVES.

(4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.

(5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT IN THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL REPORTS BASED ON THEIR SITE VISITS.

(6) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS COMPLAINT ABOUT A FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 ALLEGING THE IMMEDIATE RISK TO THE HEALTH OR SAFETY OF THE CHILDREN CARED FOR IN THE FACILITY, THE STATE DEPARTMENT SHALL RESPOND TO THE COMPLAINT AND CONDUCT AN ON-SITE INVESTIGATION CONCERNING THE COMPLAINT WITHIN FORTY-EIGHT HOURS AFTER ITS RECEIPT.

26-6-913. Revocation of certification of foster care home - emergency procedures - due process. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT IMMEDIATELY TO REVOKE THE CERTIFICATION OF A COUNTY-CERTIFIED FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO

BELIEVE THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS PURSUANT TO THIS SECTION, A DUE PROCESS HEARING SHALL BE HELD WITHIN FIVE DAYS AFTER THE ACTION AND CONDUCTED AS THE HEARING WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24.

26-6-914. Denial of license - suspension - revocation - probation - refusal to renew license - fines - definitions. (1) WHEN THE DEPARTMENT HAS DENIED AN APPLICATION FOR A LICENSE, THE DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE DENIAL BY MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON THE APPLICATION. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL MAY PURSUE THE REMEDY FOR REVIEW AS PROVIDED IN SUBSECTION (10) OF THIS SECTION IF THE APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING THE NOTICE, PETITIONS THE DEPARTMENT TO SET A DATE AND PLACE FOR HEARING, AFFORDING THE APPLICANT AN OPPORTUNITY TO BE HEARD IN PERSON OR BY COUNSEL. ALL HEARINGS ON THE DENIAL OF LICENSES SHALL BE CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AS IN THE CASE OF THE SUSPENSION AND REVOCATION OF LICENSES.

(2) THE DEPARTMENT MAY DENY AN APPLICATION, OR SUSPEND, REVOKE, OR MAKE PROBATIONARY THE LICENSE, OF ANY FACILITY OR AGENCY REGULATED AND LICENSED PURSUANT TO THIS PART 9 OR ASSESS A FINE AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921 IF THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY OR AGENCY:

(a) IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, THE RECORD OF CONVICTION BEING CONCLUSIVE EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, OR HAVE ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401, OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE, PERSON

EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905 (8), UNDER A LAW OF ANOTHER STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED IN SECTION 26-6-905 (8); OR

(b) IS CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN SECTION 18-3-204; ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3; THE VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION 18-6-803.5; ANY MISDEMEANOR OFFENSE OF CHILD ABUSE, AS DEFINED IN SECTION 18-6-401; OR ANY MISDEMEANOR OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS SUBSECTION (2)(b). AS USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS THE SAME MEANING AS SET FORTH IN SECTION 26-6-905 (8)(a)(II).

(c) IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND, A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF; OR

(d) USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 18-18-102 (5), INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY OR AGENCY; OR

(e) IS CONVICTED OF UNLAWFUL USE OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-404; UNLAWFUL DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-403.5 OR 18-18-405; OR

UNLAWFUL OFFENSES RELATING TO MARIJUANA OR MARIJUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406; OR

(f) CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED AND PUBLISHED BY THE DEPARTMENT; OR

(g) FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE STATEMENT OR REPORT TO THE DEPARTMENT; OR

(h) REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY FOR LICENSING PURPOSES; OR

(i) FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

(j) FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF SUCH FACILITY; OR

(k) WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE PROVISIONS OF THIS PART 9 OR ANY OF THE STANDARDS PRESCRIBED AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 9; OR

(l) FAILS TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES, CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

(m) IS CHARGED WITH THE COMMISSION OF AN ACT OF CHILD ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION 18-3-411(1), IF:

(I) THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR

OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

(II) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE CHARGE IS SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

(n) ADMITS TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL EVIDENCE IS FOUND THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE IN THE LICENSED FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE. AS USED IN THIS SUBSECTION (2)(n), "CHILD ABUSE" HAS THE SAME MEANING AS THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN SECTION 19-1-103 (1).

(o) IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR

(p) MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES. THE STATE BOARD SHALL PROMULGATE RULES DEFINING THE TERM "MISUSE", WHICH RULES MUST TAKE INTO ACCOUNT SIMILAR DEFINITIONS IN FEDERAL LAW AND MAY INCLUDE REFERENCES TO RELEVANT CIRCULARS OF THE FEDERAL OFFICE OF MANAGEMENT AND BUDGET.

(3) THE STATE DEPARTMENT MAY DENY AN APPLICATION TO RENEW A LICENSE BASED ON THE GROUNDS SET FORTH IN SUBSECTION (2) OF THIS SECTION. THE DENIAL IS EFFECTIVE UPON THE EXPIRATION OF THE EXISTING LICENSE. THE EXISTING LICENSE DOES NOT CONTINUE IN EFFECT EVEN THOUGH THE APPLICANT FOR RENEWAL FILES A REQUEST FOR HEARING OR APPEAL.

(4) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A FACILITY OR AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A

NEGATIVE LICENSING ACTION.

(5) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A CHILD PLACEMENT AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

(6) (a) (I) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION 26-6-905 (8). THE STATE DEPARTMENT SHALL REVOKE OR SUSPEND A LICENSE PREVIOUSLY ISSUED IF:

(A) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY BEEN CONVICTED, OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

(B) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY BEEN CONVICTED OF, A CRIMINAL OFFENSE UNDER A LAW OF ANOTHER STATE OR OF THE UNITED STATES THAT IS SIMILAR TO ANY OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

(C) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY OR AGENCY HAS BEEN DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

(II) AS USED IN THIS SUBSECTION (6)(a), "CONVICTED" MEANS A CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, AND A PLEA OF GUILTY OR NOLO CONTENDERE.

(b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER FROM ANOTHER STATE INDICATING AN AGREEMENT FROM ANOTHER STATE, IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.

(7) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 AND SHALL REVOKE THE LICENSE OF A FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 IF THE FACILITY OR AGENCY CULTIVATES MARIJUANA PURSUANT TO THE AUTHORITY IN SECTION 16 OF ARTICLE XVIII OF THE STATE CONSTITUTION.

(8) THE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE PROVISIONS OF SECTION 26-6-921, AGAINST A LICENSEE OR A PERSON EMPLOYED BY THE LICENSEE WHO WILLFULLY AND DELIBERATELY OR CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR THE PROVISIONS OF THIS PART 9.

(9) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS IDENTIFIED IN THIS SECTION ACCORDING TO THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION 26-6-912 (1)(a)(II).

(10) THE DEPARTMENT SHALL SUSPEND OR REVOKE A LICENSE ONLY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AND AFTER A HEARING THEREON AS PROVIDED IN SAID ARTICLE 4; EXCEPT THAT ALL HEARINGS UNDER THIS PART 9 MUST BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE DEPARTMENT, AND NO LICENSEE IS ENTITLED TO A RIGHT TO CURE ANY OF

THE CHARGES DESCRIBED IN SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) OF THIS SECTION. THE HEARING SHALL NOT PREVENT OR DELAY ANY INJUNCTIVE PROCEEDINGS INSTITUTED PURSUANT TO THE PROVISIONS OF SECTION 26-6-918.

(11) THE PROVISIONS OF SUBSECTION (2)(d) OF THIS SECTION DO NOT APPLY TO FOSTER CARE HOMES, UNLESS SUCH USE OR CONSUMPTION IMPAIRS THE LICENSEE'S ABILITY TO PROPERLY CARE FOR CHILDREN.

(12) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER CARE MAY CERTIFY THE HOME OF A RELATIVE OF THE CHILD PLACED THEREIN AS A FOSTER CARE HOME ONLY UPON THE REQUEST OF A COUNTY DEPARTMENT.

26-6-915. Notice of negative licensing action - filing of complaints. (1) (a) WHEN A FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 HAS BEEN NOTIFIED BY THE DEPARTMENT OF A NEGATIVE LICENSING ACTION OR THE IMPOSITION OF A FINE PURSUANT TO SECTION 26-6-914 (2) AND (8), IT SHALL, WITHIN TEN DAYS AFTER RECEIVING THE NOTICE, PROVIDE THE DEPARTMENT WITH THE NAMES AND MAILING ADDRESSES OF THE PARENTS OR LEGAL GUARDIANS OF EACH CHILD CARED FOR AT THE FACILITY OR AGENCY. THE DEPARTMENT SHALL MAINTAIN THE CONFIDENTIALITY OF THE NAMES AND MAILING ADDRESSES PROVIDED TO IT PURSUANT TO THIS SUBSECTION (1).

(b) WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND ADDRESSES OF PARENTS AND LEGAL GUARDIANS PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL SEND A WRITTEN NOTICE TO EACH SUCH PARENT OR LEGAL GUARDIAN IDENTIFYING THE NEGATIVE LICENSING ACTION OR THE FINE IMPOSED AND PROVIDING A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN IN THE CARE OF THE FACILITY OR AGENCY. THE DEPARTMENT SHALL SEND THE NOTICE TO THE PARENTS AND LEGAL GUARDIANS BY FIRST-CLASS MAIL.

(c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING THE ASSESSMENT OF A FINE AGAINST A LICENSEE THAT IS EQUAL TO THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE MAILING OF THE NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

(d) THIS SUBSECTION (1) DOES NOT PRECLUDE THE STATE DEPARTMENT OR A COUNTY DEPARTMENT FROM NOTIFYING PARENTS OR LEGAL GUARDIANS OF SERIOUS VIOLATIONS OF ANY OF THE STANDARDS PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR ANY OF THE PROVISIONS OF THIS PART 9 THAT COULD IMPACT THE HEALTH, SAFETY, OR WELFARE OF A CHILD CARED FOR AT THE FACILITY OR HOME.

(2) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING FACILITIES AND AGENCIES TO PROVIDE WRITTEN NOTICE TO THE PARENTS AND LEGAL GUARDIANS OF THE CHILDREN CARED FOR IN THE FACILITIES AND AGENCIES OF THE PROCEDURES BY WHICH TO FILE A COMPLAINT AGAINST THE FACILITY OR AGENCY OR AN EMPLOYEE OF THE FACILITY OR AGENCY WITH THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR FACILITY AND AGENCY LICENSING. THE RULES MUST SPECIFY THE INFORMATION THAT THE NOTICE MUST CONTAIN AND MUST REQUIRE THAT THE NOTICE INCLUDE THE CURRENT MAILING ADDRESS AND TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR FACILITY AND AGENCY LICENSING.

26-6-916. Institutes. THE DEPARTMENT MAY HOLD INSTITUTES AND PROGRAMS FOR LICENSEES UNDER THIS PART 9 TO ASSIST IN THE IMPROVEMENT OF STANDARDS AND PRACTICES OF FACILITIES OPERATED AND MAINTAINED BY LICENSEES AND IN THE MORE EFFICIENT AND PRACTICAL ADMINISTRATION AND ENFORCEMENT OF THIS PART 9. IN CONDUCTING THE INSTITUTES AND PROGRAMS, THE DEPARTMENT MAY REQUEST THE ASSISTANCE OF HEALTH, EDUCATION, AND FIRE SAFETY OFFICIALS.

26-6-917. Acceptance of federal grants. THE DEPARTMENT IS AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH THE PROVISIONS OF THIS PART 9. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO DIRECT THE DISPOSITION OF ANY GRANTS SO ACCEPTED IN CONFORMITY WITH THE TERMS AND CONDITIONS UNDER WHICH THEY ARE GIVEN.

26-6-918. Injunctive proceedings. THE DEPARTMENT, IN THE NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE ATTORNEY GENERAL OF THE STATE, MUST APPLY FOR AN INJUNCTION IN ANY COURT OF COMPETENT JURISDICTION TO ENJOIN A PERSON FROM OPERATING A FACILITY OR AGENCY WITHOUT A LICENSE THAT IS REQUIRED TO BE LICENSED

PURSUANT TO THIS PART 9. IF THE PERSON DOES NOT HAVE A VALID LICENSE PURSUANT TO THIS PART 9, THE PERSON'S LICENSE HAS BEEN REVOKED PURSUANT TO SECTION 26-6-914, OR THE PERSON DOES NOT MEET THE LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION 26-6-904, YET PROVIDES CHILD CARE AND HAS A PATTERN OF PROVIDING THE CHILD CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 9, AND DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT THAT THE PERSON, FACILITY OR AGENCY IS IN VIOLATION OF THE LAW, THEN THE PERSON, FACILITY, OR AGENCY IS PROVIDING UNLICENSED AND ILLEGAL CHILD CARE. AT THE TIME THE DEPARTMENT APPLIES FOR AN INJUNCTION, THE DEPARTMENT SHALL NOTIFY LAW ENFORCEMENT OF THE INJUNCTION PROCEEDINGS. IF IT IS ESTABLISHED THAT THE DEFENDANT HAS BEEN OR IS OPERATING THE FACILITY OR AGENCY WITHOUT A VALID LICENSE, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT FROM FURTHER OPERATING THE FACILITY UNLESS AND UNTIL THE PERSON OBTAINS A LICENSE AS REQUIRED BY THIS PART 9. IN CASE OF A VIOLATION OF AN INJUNCTION ISSUED PURSUANT TO THIS SECTION, THE COURT MAY SUMMARILY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT. INJUNCTIVE PROCEEDINGS PURSUANT TO THIS SECTION ARE IN ADDITION TO AND NOT IN LIEU OF THE PENALTY PROVIDED IN SECTION 26-6-919.

26-6-919. Penalty. ON OR AFTER JULY 1, 2021, A PERSON VIOLATING ANY PROVISION OF THIS PART 9, INTENTIONALLY MAKING A FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO AN AGENCY DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9, OR VIOLATING A CEASE-AND-DESIST ORDER THAT IS NOT CURED IS GUILTY OF A PETTY OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF UP TO FIVE HUNDRED DOLLARS, A SENTENCE OF UP TO TEN DAYS IN JAIL, OR BOTH.

26-6-920. Periodic review of licensing regulations and procedures. AT LEAST EVERY FIVE YEARS, THE DEPARTMENT SHALL CONDUCT A COMPREHENSIVE REVIEW OF THE LICENSING RULES FOR FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES AND THE PROCEDURES RELATING TO AND GOVERNING FOSTER CARE HOMES AND AGENCIES, INCLUDING PROCEDURES FOR THE REVIEW OF BACKGROUNDS OF EMPLOYEES AND OWNERS. IN CONDUCTING THE PERIODIC REVIEW, THE DEPARTMENT SHALL CONSULT WITH FOSTER CARE PROVIDERS, CHILD PLACEMENT AGENCIES, COUNTY DEPARTMENTS, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, AND OTHER INTERESTED PARTIES THROUGHOUT THE

STATE. THE PERIODIC REVIEW MUST INCLUDE AN EXAMINATION OF THE RULES APPLICABLE TO FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES; THE PROCESS OF LICENSING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES; UNIFORMITY OF STANDARDS OR LACK THEREOF IN THE LICENSING PROCESS; STATEWIDE STANDARDIZATION OF INVESTIGATIONS AND ENFORCEMENT OF LICENSING BY THE DEPARTMENT; DUPLICATION AND CONFLICTS IN RULES, REQUIREMENTS, OR PROCEDURES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT; AND RECOMMENDATIONS FOR STREAMLINING AND UNIFYING THE LICENSING PROCESS. THE REVIEW MUST ALSO INCLUDE AN EXAMINATION OF RULES AND PROCEDURES REGARDING THE GENERAL PHYSICAL AND MENTAL HEALTH OF FOSTER CARE PROVIDERS, EMPLOYEES, AND OWNERS. AT THE CONCLUSION OF EACH REVIEW, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND CONCLUSIONS AND ITS RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES AND FOR LEGISLATION TO THE STATE BOARD.

26-6-921. Civil penalties - fines - child welfare cash fund - created. (1) IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED BY LAW, INCLUDING SECTION 26-6-919, A PERSON WHO VIOLATES ANY PROVISION OF THIS PART 9 OR INTENTIONALLY MAKES A FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO ANY AGENCY DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9 MAY BE ASSESSED A CIVIL PENALTY UP TO A MAXIMUM OF TEN THOUSAND DOLLARS, AS FOLLOWS:

- (a) TWO HUNDRED AND FIFTY DOLLARS A DAY FOR THE FIRST DAY;
- (b) FIVE HUNDRED DOLLARS A DAY FOR THE SECOND DAY; AND
- (c) ONE THOUSAND DOLLARS A DAY FOR THE THIRD AND SUBSEQUENT DAYS.

(2) EACH DAY IN WHICH A PERSON IS IN VIOLATION OF ANY PROVISION OF THIS PART 9 MAY CONSTITUTE A SEPARATE OFFENSE.

(3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24; EXCEPT THAT ALL HEARINGS CONDUCTED PURSUANT TO THIS SECTION MUST BE BEFORE AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR OF THE

DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE DEPARTMENT.

(4) (a) THE DEPARTMENT SHALL TRANSMIT FINES COLLECTED PURSUANT TO THIS SECTION, SECTION 26-6-914 (2) AND (8), AND SECTION 26-6-915 (1)(c) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE CHILD WELFARE CASH FUND, CREATED IN SUBSECTION (4)(b) OF THIS SECTION.

(b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE CASH FUND, CREATED PURSUANT TO SECTION 26-6-114 (5), AS IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO FINES AND CIVIL PENALTIES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY. THE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE CHILD WELFARE CASH FUND TO THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND UNENCUMBERED MONEY IN THE CHILD WELFARE CASH FUND REMAINS IN THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER FUND. MONEY IN THE CHILD WELFARE CASH FUND IS CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND ACTIVITIES RELATED TO THE IMPROVEMENT OF THE QUALITY OF CHILD CARE IN THE STATE OF COLORADO.

26-6-922. Child placement agencies - information sharing - investigations by state department - recovery of money - rule-making.

(1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF THIS PART 9 OR A RULE OF THE STATE BOARD, IT SHALL COMMUNICATE THE INFORMATION TO THE STATE DEPARTMENT. A COUNTY DEPARTMENT SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD PLACEMENT AGENCY.

(2) UPON RECEIVING A REQUEST FOR INVESTIGATION OF A CHILD PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY

DEPARTMENT. THE STATE DEPARTMENT SHALL INCLUDE IN ITS REPORT TO THE COUNTY DEPARTMENT THE CHILD PLACEMENT AGENCY'S RESPONSE, IF ANY, TO THE FINDINGS.

(3) THE STATE DEPARTMENT SHALL PROVIDE TO COUNTY DEPARTMENTS AND AFFECTED CHILD PLACEMENT AGENCIES DIRECT ACCESS TO INFORMATION CONCERNING THE RESULTS OF AN INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST THE AFFECTED CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE SERVICES IN COLORADO.

(4) (a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER FEDERAL AGENCIES AND WITH COUNTY DEPARTMENTS, SHALL SEEK RECOVERY FROM A CHILD PLACEMENT AGENCY OF ANY PUBLIC FUNDS THAT THE CHILD PLACEMENT AGENCY HAS MISUSED, AS THE TERM "MISUSE" IS DEFINED BY RULES PROMULGATED PURSUANT TO SECTION 26-6-914 (2)(p).

(b) A COUNTY AND CHILD PLACEMENT AGENCY THAT ENTERS INTO A CONTRACT FOR THE PROVISION OF FOSTER CARE SERVICES SHALL INCLUDE A PROVISION IN THE CONTRACT THAT RECOGNIZES A RIGHT OF THE STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY FUNDS MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD SUBSEQUENT PAYMENTS. THE PROVISION IN THE CONTRACT MUST PROVIDE FOR AN APPEAL OF THE DECISION TO RECOVER OR WITHHOLD THE FUNDS. THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE PROCEDURES FOR THE APPEAL, WHICH RULES MUST REQUIRE, AT A MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT AGENCY.

SECTION 18. In Colorado Revised Statutes, 2-3-113, amend (1)(a) as follows:

2-3-113. Programs that receive tobacco settlement money - program review - definitions. (1) As used in this section:

(a) "Health sciences facility" has the meaning set forth in section 26-6.4-103 (2), C.R.S. SECTION 26.5-3-503. For purposes of this section, "health sciences facility" includes any contractor or subcontractor engaged by the health sciences facility to assist in the implementation and monitoring of the nurse home visitor program established under article 6.4

of title 26, C.R.S. PURSUANT TO PART 5 OF ARTICLE 3 OF TITLE 26.5.

SECTION 19. In Colorado Revised Statutes, 2-3-1203, **repeal** (14)(a)(V); and **add** (16)(a)(VII) and (23) as follows:

2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal. (14) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2023:

(V) ~~The early childhood leadership commission created in section 26.5-1-302;~~

(16) (a) The following statutory authorizations for the designated advisory committees will repeal on September 1, 2025:

(VII) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 26.5-1-302.

(23) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON JULY 1, 2032:

(I) THE RULES ADVISORY COUNCIL OF THE DEPARTMENT OF EARLY CHILDHOOD CONVENED PURSUANT TO SECTION 26.5-1-105 (2).

(b) THIS SUBSECTION (23) IS REPEALED, EFFECTIVE JULY 1, 2034.

SECTION 20. In Colorado Revised Statutes, 8-3.7-103, **amend** (3) introductory portion as follows:

8-3.7-103. Colorado office of new Americans - creation - duties - report. (3) As funding allows, the ONA shall promote integration activities among immigrants by using a model similar to the family resource center program set forth in ~~article 18 of title 26~~ PART 1 OF ARTICLE 3 OF TITLE 26.5 with the goal of implementing immigrant support through community-based initiatives and nonprofit organizations where immigrants and immigrant families can access formal and informal support to promote their health, economic well-being, and integration. The activities ~~shall~~ ~~MUST~~ include, but NEED not be limited to:

SECTION 21. In Colorado Revised Statutes, 10-16-104, **amend** (1.3)(a)(III), (1.3)(a)(VI), and (1.3)(d.5)(I) as follows:

10-16-104. Mandatory coverage provisions - definitions - rules.

(1.3) **Early intervention services.** (a) As used in this subsection (1.3), unless the context otherwise requires:

(III) "Eligible child" means an infant or toddler, from birth through two years of age, who is an eligible dependent and who, as defined by the department pursuant to ~~section 27-10.5-702 (9), C.R.S.~~ SECTION 26.5-3-402 (11) has significant delays in development or has a diagnosed physical or mental condition that has a high probability of resulting in significant delays in development or who is eligible for services pursuant to section 27-10.5-102 (11)(c). ~~C.R.S.~~

(VI) "Qualified early intervention service provider" or "qualified provider" means a person or agency, as defined by the division in accordance with part C, who provides early intervention services and is listed on the registry of early intervention service providers pursuant to ~~section 27-10.5-708 (1)(a), C.R.S.~~ SECTION 26.5-3-408 (1).

(d.5) (I) Upon notice from the department of ~~human services~~ **EARLY CHILDHOOD** pursuant to ~~section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1) that a child is eligible for early intervention services, the carrier shall submit payment of benefits for the eligible child in accordance with this ~~subparagraph (I) SUBSECTION (1.3)(d.5)(I) and section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1). If the eligible child is covered by a grandfathered health benefit plan, the carrier shall submit payment in the amount specified in ~~sub-subparagraph (B) of subparagraph (II) of paragraph (b) of this subsection (1.3) SUBSECTION (1.3)(b)(II)(B) OF THIS SECTION~~, as adjusted annually pursuant to said ~~sub-subparagraph~~ SUBSECTION. If the eligible child is covered by any other policy or contract subject to this subsection (1.3), the carrier shall submit payment in an amount that equals the approximate value of the number of early intervention services or visits specified by the commissioner pursuant to ~~sub-subparagraph (A) of subparagraph (II) of paragraph (b) of this subsection (1.3) SUBSECTION (1.3)(b)(II)(A) OF THIS SECTION~~.

SECTION 22. In Colorado Revised Statutes, 12-245-208, **amend** (1)(a) as follows:

12-245-208. Provisional license - fees. (1) (a) The board may issue a provisional license to an applicant who has completed a post-graduate degree that meets the educational requirements for licensure in section 12-245-304, 12-245-404, 12-245-504, 12-245-604, or 12-245-804, as applicable, and who is working in a residential child care facility as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903 under the supervision of a licensee.

SECTION 23. In Colorado Revised Statutes, 12-255-127, **amend** (1)(l) as follows:

12-255-127. Exclusions. (1) This part 1 does not prohibit:

(l) The administration of medications by child care providers to children cared for in family child care homes pursuant to ~~section 26-6-119~~ SECTION 26.5-5-325;

SECTION 24. In Colorado Revised Statutes, 13-1-127, **amend** (1)(a.5) as follows:

13-1-127. Entities - school districts - legislative declaration - representation - definitions. (1) As used in this section, unless the context otherwise requires:

(a.5) "Corporate licensed child placement agency" means an entity that places, or arranges for placement of, the care of any child with any family, person, or institution other than persons related to said child and that is licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 as a child placement agency.

SECTION 25. In Colorado Revised Statutes, 13-3-113, **amend** (5)(d) as follows:

13-3-113. "Family-friendly Courts Act". (5) **Grant applications - duties of judicial districts.** (d) The judicial districts that are selected by the state court administrator to provide family-friendly court services that provide child care services shall meet the licensing requirements for child care facilities set forth in ~~part 1 of article 6 of title 26, C.R.S.~~ PART 3 OF ARTICLE 5 OF TITLE 26.5, and all child care licensing rules promulgated by the ~~state board of human services in connection therewith~~ EXECUTIVE

DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD.

SECTION 26. In Colorado Revised Statutes, 13-20-1201, **amend** (9) as follows:

13-20-1201. Definitions. As used in this part 12, unless the context otherwise requires:

(9) "Youth-related activity or program" means an event, program, service, or any other enterprise that involves participation by a minor, including but not limited to youth programs, educational programs, and religious activities operated by an individual or organization that provides activities, services, trips, or events for minors with adults who are placed in positions of responsibility, trust, or supervision over the participating minors, regardless of the particular location, length, goals, or format of the activities, services, trips, or events. "Youth-related activity or program" includes transportation, lodging, and unscheduled activities provided in relation to any activities, services, trips, or events when a youth-related activity or program employee, agent, or volunteer is responsible for the supervision of the participating minors. "Youth-related activity or program" also includes an educational program operated by an educational entity for students in kindergarten through twelfth grade, or any portion thereof; a district preschool program ~~as described in section 22-28-103~~, under the supervision of the educational entity or its employees or agents; or before- and after-school activities conducted under the supervision of the educational entity or its employees or agents.

SECTION 27. In Colorado Revised Statutes, 13-32-101, **amend** (5)(a)(I) as follows:

13-32-101. Docket fees in civil actions - judicial stabilization cash fund - justice center cash fund - justice center maintenance fund - created - report - legislative declaration. (5) (a) Each fee collected pursuant to subsection (1)(a) or (1)(a.5) of this section must be transmitted to the state treasurer and divided as follows:

(I) Fifteen dollars must be deposited in the Colorado child abuse prevention trust fund created in ~~section 19-3.5-105~~ SECTION 26.5-3-206;

SECTION 28. In Colorado Revised Statutes, 13-54.5-101, **amend**

(2)(d) as follows:

13-54.5-101. Definitions. As used in this article 54.5, unless the context otherwise requires:

(2) (d) For the purposes of writs of garnishment issued by a county department of human or social services responsible for administering the state public assistance programs AND THE COLORADO CHILD CARE ASSISTANCE PROGRAM, which writs are issued as a result of a judgment for a debt for fraudulently obtained public assistance OR CHILD CARE ASSISTANCE, fraudulently obtained overpayments of public assistance OR CHILD CARE ASSISTANCE, or excess public assistance OR CHILD CARE ASSISTANCE paid for which the recipient was ineligible, "earnings" includes workers' compensation benefits.

SECTION 29. In Colorado Revised Statutes, 13-54.5-104, **amend** (1)(c)(II) as follows:

13-54.5-104. Priority between multiple garnishments.
(1) (c) (II) Notwithstanding any other provision of this subsection (1), a continuing garnishment obtained pursuant to section 26-2-128(1)(a) C.R.S., OR SECTION 26.5-4-116 (1) for the satisfaction of a judgment for fraudulently obtained public assistance OR CHILD CARE ASSISTANCE or fraudulently obtained overpayments has priority over any other continuing garnishment other than a garnishment for collection of child support under subparagraph (f) of this paragraph (c) PURSUANT TO SUBSECTION (1)(c)(I) OF THIS SECTION.

SECTION 30. In Colorado Revised Statutes, **amend** 14-10-107.7 as follows:

14-10-107.7. Required notice of involvement with state department of human services. When filing a petition for dissolution of marriage or legal separation, a petition in support or proceedings for the allocation of parental responsibilities with respect to the children of the marriage, or any other matter pursuant to this article 10 with the court, if the parties have joint legal responsibility for a child for whom the petition seeks an order of child support, the parties are required to indicate on a form prepared by the court whether or not the parties or the dependent children of the parties have received within the last five years or are currently

receiving benefits or public assistance, INCLUDING CHILD CARE ASSISTANCE, from either the state department of human services or A county department of human or social services. If the parties indicate that they have received such benefits or assistance, the court shall inform the appropriate delegate child support enforcement unit so that the unit can determine whether any support enforcement services are required. There is no penalty for failure to report as specified in this section.

SECTION 31. In Colorado Revised Statutes, 14-14-102, **amend (7)** as follows:

14-14-102. Definitions. As used in this article 14, unless the context otherwise requires:

(7) "Public assistance" means assistance payments and social services provided to or on behalf of eligible recipients through programs administered or supervised by the state department of human services, either in cooperation with the federal government or independently without federal aid, pursuant to article 2 of title 26, ~~C.R.S.~~ OR BY THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5.

SECTION 32. In Colorado Revised Statutes, 15-12-805, **amend (1)(f.7)** as follows:

15-12-805. Classification of claims. (1) The personal representative shall pay allowed claims against the estate of a decedent in the following order:

(f.7) The claim of a county department of human or social services, ~~or the state department of human services, OR THE DEPARTMENT OF EARLY CHILDHOOD~~ for the excess public assistance, INCLUDING CHILD CARE ASSISTANCE, paid ~~OR PROVIDED~~ for which the recipient was ineligible;

SECTION 33. In Colorado Revised Statutes, 16-11.3-103, **amend (2)(g)(II)** as follows:

16-11.3-103. Duties of the commission - mission - staffing - report - definition. (2) The commission has the following duties:

(g) (II) ~~For purposes of~~ AS USED IN this subsection (2)(g), "facility"

means a residential child care facility, specialized group facility, foster care home, ~~family child care home~~, or any other facility ~~subject~~ LICENSED PURSUANT to the Colorado "Child Care Licensing Act", part 1 of article 6 of title 26 PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department; or a facility or community placement, as described in section 19-2.5-1502, for a juvenile committed to the custody of the department of human services. "Facility" does not include any adult detention or correctional facility.

SECTION 34. In Colorado Revised Statutes, 19-1-103, **amend** (24), (64), (67), (73), and (86); and **repeal** (18), (22), (109), (115), and (142) as follows:

19-1-103. Definitions. As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(18) ~~"Board"~~, as used in article 3.5 of this title 19, means the Colorado child abuse prevention board created in section 19-3.5-103.

(22) ~~"Child abuse"~~, as used in article 3.5 of this title 19, means any act that reasonably may be construed to fall under the definition of abuse or child abuse or neglect in subsection (1) of this section.

(24) "Child care center" means a child care center licensed and approved pursuant to ~~article 6 of title 26 PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5~~. If the facility is located in another state, the department of human services OR THE DEPARTMENT OF EARLY CHILDHOOD, AS APPROPRIATE, shall designate, upon certification, that an appropriate available space does not exist in a child care facility in this state, and the facility must be licensed or approved as required by law in that state.

(64) "Family child care home" means a family child care home licensed and approved pursuant to ~~article 6 of title 26 PART 3 OF ARTICLE 5 OF TITLE 26.5~~. If ~~such~~ THE facility is located in another state, the department of human services EARLY CHILDHOOD shall designate, upon certification, that an appropriate available space does not exist in a facility in this state. An out-of-state family child care home must be licensed or approved as

required by law in that state.

(67) "Foster care home" means a foster care home certified pursuant to PART 9 OF article 6 of title 26.

(73) "Group care facilities and homes" means places other than foster family care homes providing care for small groups of children. Group care facilities and homes are licensed as provided in ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26 or meet the requirements of section 25.5-10-214.

(86) "Institutional abuse", as used in part 3 of article 3 of this title 19, means any case of abuse, as defined in subsection (1) of this section, that occurs in any public or private facility in the state that provides child care out of the home, supervision, or maintenance. "Institutional abuse" includes an act or omission that threatens the life, health, or welfare of a child or a person who is younger than twenty-one years of age who is under the continuing jurisdiction of the court pursuant to this title 19. "Institutional abuse" does not include abuse that occurs in any public, private, or parochial school system, including any preschool operated in connection with said system; except that, to the extent the school system provides extended day services, abuse that occurs while such services are provided is institutional abuse. ~~For the purposes of AS USED IN~~ this subsection (86), "facility" means a residential child care facility, specialized group facility, foster care home, ~~family child care home~~, or any other facility ~~subject LICENSED PURSUANT to the Colorado "Child Care Licensing Act", part 1 of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department of human or social services; or a facility or community placement, as described in section 19-2.5-1502, for a juvenile committed to the custody of the department of human services. "Facility" does not include any adult detention or correctional facility.

(109) "Prevention program", as used in article 3.5 of this title 19, means a program of direct child abuse prevention services to a child, parent, or guardian and includes research or education programs related to the prevention of child abuse. Such a prevention program may be classified as a primary prevention program when it is available to the community on a

~~voluntary basis and as a secondary prevention program when it is directed toward groups of individuals who have been identified as high risk.~~

(115) ~~"Recipient"~~, as used in article 3.5 of this title 19, means and is limited to a nonprofit or public organization that receives a grant from the trust fund created in section 19-3.5-105.

(142) ~~"Trust fund"~~, as used in article 3.5 of this title 19, means the Colorado child abuse prevention trust fund created in section 19-3.5-105.

SECTION 35. In Colorado Revised Statutes, 19-1-307, **amend** (2) introductory portion, (2)(e.5)(I) introductory portion, (2)(e.5)(I)(K), (2)(j), (2)(j.5), (2)(j.7), (2)(j.8), (2)(k), (2)(k.5), (2)(l), (2)(m) introductory portion, (2)(m)(I), (2)(r), (2)(s), (2)(y), and (2.5)(a) as follows:

19-1-307. Dependency and neglect records and information - access - fee - rules - records and reports fund - misuse of information - penalty - adult protective services data system check. (2) Records and reports - access to certain persons - agencies. Except as set forth in section 19-1-303, only the following persons or agencies shall have access to child abuse or neglect records and reports:

(e.5)(I) A mandatory reporter specified in this subsection (2)(e.5)(I) who is and continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report, but only with regard to information that the mandatory reporter has a need to know in order to fulfill ~~his or her~~ THE MANDATORY REPORTER'S professional and official role in maintaining the child's safety. A county department shall request written affirmation from a mandatory reporter stating that the reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report and describing the nature of the involvement, unless the county department has actual knowledge that the mandatory reporter continues to be officially and professionally involved in the ongoing care of the child who was the subject of the report. This subsection (2)(e.5)(I) applies to:

(K) Social workers or workers with any facility or agency that is licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

(j) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD or a county or district department of human or social services or a child placement agency investigating an applicant for a license to operate a child care facility or agency pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, when the applicant, as a requirement of the license application, has given written authorization to the licensing authority to obtain information contained in records or reports of child abuse or neglect. Access to the records and reports of child abuse or neglect granted to the named department or agencies must serve only as the basis for further investigation.

(j.5) The state department of human services, DEPARTMENT OF EARLY CHILDHOOD, or a county or district department of human or social services investigating an exempt family child care home provider pursuant to ~~section 26-6-120~~ SECTION 26.5-5-326, as a prerequisite to issuance or renewal of a contract or any payment agreement to receive money for the care of a child from publicly funded state child care assistance programs. Access to the records and reports of child abuse or neglect granted to the named department or agencies must serve only as the basis for further investigation.

(j.7) The state department of human services DEPARTMENT OF EARLY CHILDHOOD investigating an applicant for an employee or volunteer position with, or an employee or volunteer of, a licensed neighborhood youth organization pursuant to ~~section 26-6-103.7(4), C.R.S.~~ SECTION 26.5-5-308, when the applicant, employee, or volunteer has given written authorization to the state department of human services DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child abuse or neglect;

(j.8) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD investigating any person required to submit to a background check pursuant to section 26-6-705 (2), when the person has given written authorization to the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child abuse or neglect;

(k) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD, when requested in writing by any operator of a facility or agency that is licensed by the state department of human services pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR DEPARTMENT OF EARLY

CHILDHOOD PURSUANT TO SECTION 26.5-5-316, to check records or reports of child abuse or neglect for the purpose of screening an applicant for employment or a current employee. Any ~~such~~ operator who requests ~~such~~ information concerning an individual who is neither a current employee nor an applicant for employment commits a class 2 misdemeanor and shall be punished as provided in section 18-1.3-501. Within ten days ~~of~~ AFTER the operator's request, the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the date of the report of the incident, the location of investigation, the type of abuse and neglect, and the county ~~which~~ THAT investigated the incident contained in the confirmed reports of child abuse and neglect. Any ~~such~~ operator who releases any information obtained under this subsection (2)(k) to any other person ~~shall be deemed to have violated~~ VIOLATES the provisions of subsection (4) of this section and ~~shall be~~ IS subject to the penalty therefor.

(k.5) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD, when requested in writing by a qualified county department, individual, or child placement agency approved to conduct home study investigations and reports pursuant to section 19-5-207.5 (2)(b)(I) for purposes of screening a prospective adoptive parent or any adult residing in the home under section 19-5-207 (2.5)(c), or investigating a prospective foster care parent, kinship care parent, or an adult residing in the home under ~~section 26-6-107 (1)(a.7), C.R.S.~~ SECTION 26-6-912 (1)(c). Within ten days after the request, the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the date of the report of the incident, the location of investigation, the type of abuse and neglect, and the county that investigated the incident contained in the confirmed reports of child abuse or neglect. The county department, individual, or child placement agency ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of this section. With respect to screening a prospective adoptive parent, any employee of the county department or the child placement agency or any individual who releases any information obtained ~~under this paragraph (k.5) PURSUANT TO THIS SUBSECTION (2)(k.5)~~ to any person other than the adoption court ~~shall be deemed to have violated~~ VIOLATES the provisions of subsection (4) of this section and ~~shall be~~ IS subject to THE penalty therefor.

(l) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD, when requested in writing by the department of education to check records or reports of child abuse or neglect for the

purpose of aiding the department of education in its investigation of an allegation of abuse by an employee of a school district in this state. Within ten days of the department of education's request, the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the date of the report of the incident, the location of investigation, the type of abuse or neglect, and the county ~~which~~ THAT investigated the incident contained in the confirmed reports of child abuse or neglect. The department of education ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of this section. Any employee of the department of education who releases any information obtained under this ~~paragraph (1)~~ SUBSECTION (2)(1) to any person not authorized to receive ~~such~~ THE information pursuant to the provisions of section 22-32-109.7 C.R.S., or any member of the board of education of a school district who releases ~~such~~ THE information obtained pursuant to said section ~~shall be deemed to have violated~~ VIOLATES the provisions of subsection (4) of this section and ~~shall be~~ IS subject to the penalty therefor FOR THE VIOLATION.

(m) The DEPARTMENT OF EARLY CHILDHOOD, state department of human services, and ~~the~~ county departments of human or social services, for the following purposes:

(I) Screening any person who seeks employment with, is currently employed by, or ~~who~~ volunteers for service with the DEPARTMENT OF EARLY CHILDHOOD, state department of human services, department of health care policy and financing, or a county department of human or social services, if the person's responsibilities include direct contact with children;

(r) The ~~state department of human services~~ DEPARTMENT OF EARLY CHILDHOOD investigating an applicant for a supervisory employee position or an employee of a guest child care facility or a public services short-term child care facility pursuant to ~~section 26-6-103.5, C.R.S.~~ SECTION 26.5-5-307, when the applicant or employee, as a requirement of application for employment, has given written authorization to the ~~state department of human services~~ DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child abuse or neglect;

(s) The state department of human services OR THE DEPARTMENT OF EARLY CHILDHOOD investigating a prospective CASA volunteer for the CASA program when the prospective CASA volunteer has given written authorization to the CASA program to check any records or reports of child

abuse or neglect pursuant to section 19-1-205 (3)(a.5);

(y) The state department of human services OR DEPARTMENT OF EARLY CHILDHOOD, when requested in writing by an individual to check records or reports of child abuse or neglect for the purpose of screening that individual when ~~such~~ THAT individual's responsibilities include care of children, treatment of children, supervision of children, or unsupervised contact with children.

(2.5) Fee - rules - records and reports fund. (a) Any person or agency provided information from the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD pursuant to subsections (2)(i), (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and any child placement agency must be assessed a fee that is established and collected by the state department of human services pursuant to parameters set forth in rule established by the state board of human services OR THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO PARAMETERS SET FORTH IN RULE ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, WHICHEVER IS APPLICABLE. At a minimum, the rules must include a provision requiring the state department of human services OR DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE, to provide notice of the fee to interested persons and the maximum fee amount that the department shall not exceed without the express approval of the state board of human services OR EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE. The fee established must not exceed the direct and indirect costs of administering subsections (2)(i), (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and the direct and indirect costs of administering section 19-3-313.5 (3) and (4).

SECTION 36. In Colorado Revised Statutes, 19-2.5-1511, amend (3)(c)(II) as follows:

19-2.5-1511. Juvenile detention services and facilities to be provided by department of human services - education - expenses - definition. (3)(c)(II) For the purpose of AS USED IN this subsection (3)(c), "total district enrollment" means:

(A) FOR THE 2022-23 BUDGET YEAR, the total of the pupil enrollment in the school district, plus the district online enrollment, the district preschool program enrollment, and the pupil enrollment in each

institute charter school that is located within the school district, as determined in accordance with article 54 of title 22;

(B) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS THEREAFTER, THE TOTAL OF THE PUPIL ENROLLMENT IN THE SCHOOL DISTRICT, PLUS THE DISTRICT ONLINE ENROLLMENT AND THE PUPIL ENROLLMENT IN EACH INSTITUTE CHARTER SCHOOL THAT IS LOCATED WITHIN THE SCHOOL DISTRICT, AS DETERMINED IN ACCORDANCE WITH ARTICLE 54 OF TITLE 22.

SECTION 37. In Colorado Revised Statutes, 19-3-304, **amend** (2)(m), (2)(ll), and (2)(mm); and **add** (2)(nn) as follows:

19-3-304. Persons required to report child abuse or neglect.

(2) Persons required to report such abuse or neglect or circumstances or conditions include any:

(m) Social worker or worker in any facility or agency that is licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S.~~ PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;

(ll) Officials or employees of county departments of health, human services, or social services; and

(mm) Naturopathic doctor registered under article 250 of title 12; AND

(nn) EMPLOYEES OF THE DEPARTMENT OF EARLY CHILDHOOD.

SECTION 38. In Colorado Revised Statutes, 19-3-308, **amend** (4.5)(a.5)(I) introductory portion as follows:

19-3-308. Action upon report of intrafamilial, institutional, or third-party abuse - investigations - child protection team - rules - report. (4.5) (a.5) (I) The state department shall adopt rules that specify that, prior to notice of an investigation being sent to the parents or legal guardians of children cared for at a child care center, as that term is defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903 OR 26.5-5-303, or a family child care home, as that term is defined in ~~section 26-6-102 (13), C.R.S.~~ SECTION 26.5-5-303, which children were not involved in the

incident being investigated, the state department or the county department shall ensure that:

SECTION 39. In Colorado Revised Statutes, 19-3-406, **amend** (4.5)(a)(I) and (8)(b) as follows:

19-3-406. Fingerprint-based criminal history record check - providers of emergency placement for children - use of criminal justice records - definitions - rules. (4.5) (a) If a relative or other person was not disqualified as an emergency placement based upon the fingerprint-based criminal history record check and the child was placed in an emergency placement with such person, the county department shall perform the following additional background checks of the relative or other person:

(I) A check of the ICON system at the state judicial department pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION 26-6-910 (5)(b) to determine the status or disposition of any criminal charges;

(8) (b) The county department shall notify the Colorado bureau of investigation within five calendar days after submitting the request for a fingerprint-based criminal history record check when the county department intends to accept an application for foster care certification from that person so that the flagging and automatic notification to the county department of new arrests pursuant to ~~paragraph (a) of this subsection (8) SUBSECTION (8)(a) OF THIS SECTION~~ occurs for that person and continues through the duration of the individual's foster care certification. The county department shall use the same fingerprints received under this subsection (8) and any updated fingerprint-based criminal history record check results from the automatic notification as a substitute for meeting the fingerprint requirements for a person who is applying for foster care certification pursuant to ~~section 26-6-106.3, C.R.S.~~ SECTION 26-9-910.

SECTION 40. In Colorado Revised Statutes, 19-3-508, **amend** (8) as follows:

19-3-508. Neglected or dependent child - disposition - concurrent planning. (8) When entering a decree placing the child in the legal custody of a relative or placing the child in the legal custody of a county department for placement in a foster care home, the court shall ensure that the child's placement at the time of the hearing is in the best

interests of the child and shall inquire about documentation that the county department or a licensed child placement agency has adequately screened the foster care provider or the family member who is seeking to care for the child and any adult residing in that home and that all of the criminal history record checks and other background checks have been completed as required pursuant to ~~section 26-6-106.3, C.R.S., SECTION 26-6-910 or 19-3-407.~~

SECTION 41. In Colorado Revised Statutes, 19-3-605, amend (3)(b) as follows:

19-3-605. Request for placement with family members.
(3) (b) Whether the child's placement at the time of the hearing is a safe and potentially permanent placement for the child, including documentation that a county department or a licensed child placement agency has adequately screened the family member who is seeking to care for the child and any adult residing in the home and that all of the criminal history record checks and other background checks have been completed as required pursuant to ~~section 26-6-106.3, C.R.S., SECTION 26-6-910 or section 19-3-407;~~

SECTION 42. In Colorado Revised Statutes, 19-3.3-103, amend (1)(a)(II)(D), (1)(a.5)(I), (3), and (5) as follows:

19-3.3-103. Office of the child protection ombudsman - powers and duties - access to information - confidentiality - testimony - judicial review - definitions. (1) The ombudsman has the following duties, at a minimum:

(a) (II) (D) The ombudsman must have access to all information, records, or documents described in subsection (1)(a)(II)(A) of this section created in an investigation of an event or incident described in subsection (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the state from any entity, including but not limited to a coroner's office, law enforcement agency, hospital, court, the office of state registrar of vital statistics described in section 25-2-103, and a state-licensed out-of-home placement provider, as defined in ~~section 26-6-102 SECTION 26-5-104.~~

(a.5) (I) Notwithstanding any provision of this section to the contrary, the ombudsman may self-initiate an independent and impartial

investigation and ongoing review of the safety and well-being of an unaccompanied immigrant child who lives in a state-licensed residential child care facility, as defined in ~~section 26-6-102~~ SECTION 26-6-903, and who is in the custody of the office of refugee resettlement of the federal department of health and human services as set forth in 8 U.S.C. sec. 1232 et seq. The ombudsman may seek resolution of such investigation and ongoing review, which may include, but need not be limited to, referring an investigation and ongoing review to the state department or appropriate agency or entity and making a recommendation for action relating to an investigation and ongoing review.

(3) The ombudsman, employees of the office, and any persons acting on behalf of the office shall comply with all state and federal confidentiality laws that govern the DEPARTMENT OF EARLY CHILDHOOD, THE state department, or a county department with respect to the treatment of confidential information or records and the disclosure of such information and records.

(5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the ombudsman shall act independently OF THE DIVISION WITHIN THE DEPARTMENT OF EARLY CHILDHOOD THAT IS RESPONSIBLE FOR CHILD CARE, of the divisions within the state department that are responsible for child welfare OR youth services, ~~or child care~~; of the county departments of human or social services, and of all judicial agencies, including, but not limited to, the office of the child's representative, the office of the respondent parents' counsel, the office of state public defender, the office of alternate defense counsel, and the office of attorney regulation counsel. Any recommendations made by the ombudsman or positions taken by the ombudsman do not reflect those of the DEPARTMENT OF EARLY CHILDHOOD, state department, judicial department, or ~~of the~~ county departments of human or social services.

SECTION 43. In Colorado Revised Statutes, 19-5-205.5, amend (2)(a) as follows:

19-5-205.5. Nonpublic agency interstate and foreign adoptions - authority for state department to select agencies - legislative declaration. (2) (a) The department is authorized to select nonpublic, licensed child placement agencies authorized to handle adoptions or nonpublic agencies that meet the qualifying criteria to be licensed child

placement agencies pursuant to ~~article 6 of title 26, C.R.S. PART 9 OF ARTICLE 6 OF TITLE 26~~, and any implementing rules ~~or regulations~~ promulgated by the department for the provision of services to individuals seeking assistance in nonpublic agency interstate or foreign adoption cases pursuant to this part 2. The department shall, by rule, establish qualifying criteria by which such nonpublic agencies ~~shall be~~ ARE selected for this purpose.

SECTION 44. In Colorado Revised Statutes, 19-5-213.5, **amend** (3)(a) as follows:

19-5-213.5. Unauthorized advertising for adoption purposes - exceptions - penalty - definitions. (3) Subsection (2) of this section does not apply to:

(a) An employee of the state department of human services, a county department of human or social services, or a child placement agency that is licensed pursuant to ~~part 1 of article 6 of title 26 PART 9 OF ARTICLE 6 OF TITLE 26~~ who is acting within the scope of ~~his or her~~ THE EMPLOYEE'S employment to place a child for adoption or in foster care;

SECTION 45. In Colorado Revised Statutes, 19-7-103, **amend** (1) as follows:

19-7-103. Access to extracurricular activities - legislative declaration - rules. (1) The general assembly finds and declares that it is important for youth in foster care, excluding those in the custody of the division of youth services or a state mental hospital, to have increased access to normative, developmentally appropriate extracurricular activities to help prepare them for independence. Foster parents and group home parents or group center administrators shall make a reasonable effort to allow a youth in their care to participate in extracurricular, cultural, educational, work-related, and personal enrichment activities. The department of human services shall promulgate rules for the implementation of this section. The rules must address policies, including but not limited to waiver of any fingerprint-based criminal history records checks for community entities, excluding all individuals required to obtain a fingerprint-based criminal history records check pursuant to ~~section 26-6-107 SECTION 26-6-912 OR 26.5-5-316~~, providing extracurricular activities and guidelines for determining in what situations it is appropriate

to waive fingerprint-based criminal history records checks, to allow youth in foster care, excluding those in the custody of the division of youth services or a state mental hospital, who are twelve years of age and older to participate in age-appropriate extracurricular enrichment, social activities, and activities designed to assist those youth to make the transition to independence, build life skills, and enhance opportunities to make positive connections.

SECTION 46. In Colorado Revised Statutes, 22-2-139, **amend** (2) introductory portion and (2)(a) as follows:

22-2-139. Memorandum of understanding - notification of risk - rules. (2) Beginning August 15, 2010, a state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, that is transferring a student to a public school shall notify the appropriate school district child welfare education liaison, designated pursuant to section 22-32-138 (2)(a), of the pending enrollment in a public school of a student who:

(a) Is transferring to a public school from a state-licensed day treatment facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined in section 22-2-402 (1), or hospital, licensed or certified pursuant to section 25-3-101; ~~C.R.S.~~; and

SECTION 47. In Colorado Revised Statutes, 22-2-402, **amend** (3) as follows:

22-2-402. Definitions. As used in this part 4, unless the context otherwise requires:

(3) "Facility" means a day treatment center, residential child care facility, or other facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 or a hospital licensed by the department of public health and environment pursuant to section 25-1.5-103. ~~C.R.S.~~

SECTION 48. In Colorado Revised Statutes, 22-2-409, **amend** (1) introductory portion and (1)(a) as follows:

22-2-409. Notification of risk. (1) Beginning August 15, 2010, a state-licensed day treatment facility, facility school, or hospital licensed or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall notify the appropriate child welfare education liaison, designated pursuant to section 22-32-138 (2)(a), of a student who:

(a) Is transferring to a public school from a state-licensed day treatment facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined in section 22-2-402 (1), or hospital licensed or certified pursuant to section 25-3-101; ~~C.R.S.~~; and

SECTION 49. In Colorado Revised Statutes, 22-7-1202, **amend** (1)(b) as follows:

22-7-1202. Legislative declaration. (1) The general assembly finds that:

(b) Colorado has prioritized early learning through its investments in the Colorado preschool program, established in 1988, IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM ESTABLISHED IN 2022, and full-day kindergarten, and the general assembly recognizes that these investments can best be leveraged by adopting policies that support a continuum of learning from preschool through third grade and beyond;

SECTION 50. In Colorado Revised Statutes, 22-11-104, **amend** (1) as follows:

22-11-104. Rules - college and career readiness achievement standards. (1) The state board shall promulgate rules pursuant to the "State Administrative Procedure Act", article 4 of title 24, as required in this article 11 and may promulgate such additional rules as it finds necessary for the implementation of this article 11, including but not limited to rules establishing a numbering system to uniquely identify individual students, including students enrolled PRIOR TO JULY 1, 2023, in the Colorado preschool program created pursuant to section 22-28-104, AS IT EXISTS PRIOR TO JULY 1, 2023.

SECTION 51. In Colorado Revised Statutes, 22-11-305, **amend** (4)(b) and (4)(c) as follows:

22-11-305. Accredited with priority improvement plan - school district or institute - plan contents - adoption. (4) An early childhood learning needs assessment must determine the extent to which:

- (b) Children are enrolled in publicly funded early learning and development programs within the school district or in private early learning and development programs that participate in the Colorado Shines quality rating and improvement system established in ~~section 26-6.5-106 SECTION 26.5-5-101~~;
- (c) The school district and the district public schools work with an early childhood council established pursuant to ~~part 1 of article 6.5 of title 26 PART 2 OF ARTICLE 2 OF TITLE 26.5~~ or early childhood community agencies existing within the school district;

SECTION 52. In Colorado Revised Statutes, 22-11-405, amend (4.5)(b) and (4.5)(c) as follows:

22-11-405. School priority improvement plan - contents. (4.5) An early childhood learning needs assessment must determine the extent to which:

- (b) Children are enrolled in publicly funded early learning and development programs within the neighborhood of the public school or in private early learning and development programs that participate in the school-readiness quality improvement program created in ~~section 26-6.5-106 SECTION 26.5-5-102~~ and are located within the neighborhood of the public school; except that a public school must include this information in the early childhood learning needs assessment only if the information is readily available to the public school;
- (c) The public school works with an early childhood council established pursuant to ~~part 1 of article 6.5 of title 26 PART 2 OF ARTICLE 2 OF TITLE 26.5~~ or early childhood community agencies existing within the neighborhood of the public school;

SECTION 53. In Colorado Revised Statutes, 22-20-103, amend (12.3), (12.7), and (13.3) as follows:

22-20-103. Definitions - repeal. As used in this part 1, unless the

context otherwise requires:

(12.3) "Facility" means a day treatment center, residential child care facility, or other facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S., SECTION 26-6-905~~ or a hospital licensed by the department of public health and environment pursuant to section 25-1.5-103. ~~C.R.S.~~

(12.7) "Foster home" has the same meaning as a "foster care home" as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903 and must be licensed by the state department of human services or certified by a county department of human or social services or certified by a child placement agency as defined in ~~section 26-6-102 (7)~~ SECTION 26-6-903.

(13.3) "Group home" means a congregate care facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905.

SECTION 54. In Colorado Revised Statutes, 22-20-118.5, amend (1), (2) introductory portion, (2)(e), (2)(l), and (3) as follows:

22-20-118.5. Child find - responsibilities - interagency operating agreements. (1) As of July 1, 2022, the department of ~~human services~~ EARLY CHILDHOOD shall administer part C child find pursuant to ~~part 7 of article 10.5 of title 27~~ PART 4 OF ARTICLE 3 OF TITLE 26.5; except that, ~~on and after~~ BEGINNING May 1, 2022, AND CONTINUING UNTIL JULY 1, 2022, the department of human services shall administer the referral intake process for part C child find evaluations.

(2) On or before July 1, 2022, the department shall establish a state-level interagency operating agreement, referred to in this section as the "agreement", with the department of ~~human services~~ EARLY CHILDHOOD concerning the coordination of transitions of children from part C child find to part B child find. In developing the agreement, the department and the department of ~~human services~~ EARLY CHILDHOOD shall involve stakeholder participation, including representatives from administrative units and part C entities. The agreement must also include:

(e) A process for resolving disputes between the department and the department of ~~human services~~ EARLY CHILDHOOD concerning systemic and

statewide issues related to agreement requirements;

(l) A process for timely transferring data that is required by law between the department and the department of ~~human services~~ EARLY CHILDHOOD.

(3) The department and the department of ~~human services~~ EARLY CHILDHOOD shall review and revise the agreement to account for any changes to state or federal law, as necessary. At a minimum, the agreement must be reviewed once every five years. In the review and revision of the agreement, the department and the department of ~~human services~~ EARLY CHILDHOOD shall involve stakeholder participation, including representatives from administrative units and part C entities.

SECTION 55. In Colorado Revised Statutes, 22-28-103, **amend** the introductory portion and (2) as follows:

22-28-103. Definitions. As used in this ~~article~~ ARTICLE 28, unless the context otherwise requires:

(2) "Child care agency" means a facility defined as a child care center pursuant to the provisions of ~~section 26-6-102 (5), C.R.S.~~ SECTION 26.5-5-303.

SECTION 56. In Colorado Revised Statutes, 22-28-108, **amend** (1)(a) as follows:

22-28-108. Criteria for district preschool programs. (1) (a) The department shall establish basic program standards for district preschool programs using nationally accepted standards for preschool programs and requiring compliance with the Colorado rules for ~~child care centers~~ PUBLIC PRESCHOOL PROVIDERS promulgated by the ~~department of human services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

SECTION 57. In Colorado Revised Statutes, 22-28-111, **amend** (1)(b) as follows:

22-28-111. Coordination of district preschool program with extended day services. (1) (b) Any extended day services provided

pursuant to paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION, regardless of whether provided by a school district, head start agency, or public or private child care agencies, ~~shall~~ MUST meet the appropriate standards for licensing established by the department of ~~human services~~ ~~EARLY CHILDHOOD~~ pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

SECTION 58. In Colorado Revised Statutes, 22-33-106.1, **amend** (1)(b)(I) as follows:

22-33-106.1. Suspension - expulsion - preschool through second grade - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Enrolling entity" means:

(I) A community-based preschool program that includes students who are funded through the "Colorado Preschool Program Act", article 28 of this title 22, AS IT EXISTS PRIOR TO JULY 1, 2023, OR THROUGH THE "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT", PART 2 OF ARTICLE 4 OF TITLE 26.5, or students who are funded with state or federal money to educate children with disabilities;

SECTION 59. In Colorado Revised Statutes, 22-51-102, **amend** (2.5)(a) as follows:

22-51-102. Definitions. As used in this article 51, unless the context otherwise requires:

(2.5) "Facility" means any of the following facilities that operates a facility school:

(a) A day treatment center, residential child care facility, or other facility licensed by the department of human services pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905;

SECTION 60. In Colorado Revised Statutes, 22-100-101, **amend** (4) as follows:

22-100-101. Definitions. As used in this article 100, unless the

context otherwise requires:

(4) "Participating provider" means a school district, charter school, board of cooperative services that operates a public school, or ~~residential child care center~~ RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY AS defined in ~~section 26-6-102~~ (5) SECTION 26-6-903 that participates in the federal "Richard B. Russell National School Lunch Act", 42 U.S.C. sec. 1751 et seq., AS AMENDED, and that has been selected by the department to participate in the school food purchasing program pursuant to section 22-100-102 (2)(b).

SECTION 61. In Colorado Revised Statutes, 24-1-120, **amend** (4) introductory portion; and **repeal** (10) as follows:

24-1-120. Department of human services - creation. (4) Unless otherwise transferred to the DEPARTMENT OF EARLY CHILDHOOD, department of health care policy and financing, or the department of public health and environment, the department of human services shall exercise the following powers and perform the following duties:

(10) The powers, duties, and functions of the Colorado child abuse prevention board, created in section 19-3.5-103, are transferred by a **type 2** transfer to the department of human services.

SECTION 62. In Colorado Revised Statutes, **amend** 24-1-120.5 as follows:

24-1-120.5. Department of early childhood - creation. (1) There is created the department of early childhood, the head of which is the executive director of the department of early childhood, which office is created. The governor shall appoint the executive director, with the consent of the senate, and the executive director serves at the pleasure of the governor. The reappointment of an executive director after an initial election of a governor is subject to the provisions of section 24-20-109.

(2) The early childhood leadership commission created in part 3 of article 1 of title 26.5 and its powers, duties, and functions are transferred by a **type 2** transfer to the department of early childhood.

(3) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO CHILD

ABUSE PREVENTION BOARD, CREATED IN SECTION 26.5-3-204, ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY CHILDHOOD.

(4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY CHILDHOOD.

SECTION 63. In Colorado Revised Statutes, 24-1.9-102, **amend** (1)(a.5) as follows:

24-1.9-102. Memorandum of understanding - local-level interagency oversight groups - individualized service and support teams - coordination of services for children and families - requirements - waiver. (1) (a.5) In addition to the parties specified in paragraph (a) of this subsection (1) SUBSECTION (1)(a) OF THIS SECTION, the memorandums of understanding entered into pursuant to this subsection (1) may include family resource centers created pursuant to article 18 of title 26, C.R.S. PART 1 OF ARTICLE 3 OF TITLE 26.5.

SECTION 64. In Colorado Revised Statutes, 24-4-105, **amend** (14)(a)(I) as follows:

24-4-105. Hearings and determinations - repeal. (14) (a) For the purpose of a decision by an agency that conducts a hearing or an initial decision by an administrative law judge or a hearing officer, the record must include: All pleadings, applications, evidence, exhibits, and other papers presented or considered, matters officially noticed, rulings upon exceptions, any findings of fact and conclusions of law proposed by any party, and any written brief filed. The agency, administrative law judge, or hearing officer may permit oral argument. The agency, the administrative law judge, or the hearing officer shall not receive or consider ex parte material or representation of any kind offered without notice. The agency, an administrative law judge, or hearing officer, with the consent of all parties, may eliminate or summarize any part of the record where this may be done without affecting the decision. In any case in which the agency has conducted the hearing, the agency shall prepare, file, and serve upon each party its decision. In any case in which an administrative law judge or a hearing officer has conducted the hearing, the administrative law judge or

the hearing officer shall prepare and file an initial decision that the agency shall serve upon each party, except where all parties with the consent of the agency have expressly waived their right to have an initial decision rendered by such administrative law judge or hearing officer. Each decision and initial decision must include a statement of findings and conclusions upon all the material issues of fact, law, or discretion presented by the record and the appropriate order, sanction, relief, or denial. An appeal to the agency must be made as follows:

(I) With regard to initial decisions regarding agency action by the department of health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD, the state department of human services, or county department of human or social services, or any contractor acting for any such department, under section 26-1-106 (1)(a), **26.5-1-107**, or 25.5-1-107 (1)(a), by filing exceptions within fifteen days after service of the initial decision upon the parties, unless extended by the department of health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD, or the state department of human services, as applicable, or unless a review has been initiated in accordance with this subsection (14)(a)(I) upon motion of the applicable department within fifteen days after service of the initial decision. In the event a party fails to file an exception within fifteen days, the applicable department may allow, upon a showing of good cause by the party, for an extension of up to an additional fifteen days to reconsider the final agency action.

SECTION 65. In Colorado Revised Statutes, 24-22-118, amend (2)(d)(III), (2)(e)(IV), and (2)(f)(IV) as follows:

24-22-118. Revenue from nicotine products and additional tobacco taxes - 2020 tax holding fund - preschool programs cash fund - creation - definitions. (2) The state treasurer shall transfer the money in the 2020 tax holding fund as follows:

(d) For the fiscal year commencing on July 1, 2023:

(III) The remainder to the preschool programs cash fund created in subsection (3) of this section SECTION 26.5-4-209;

(e) For each fiscal year commencing on or after July 1, 2024, but before July 1, 2027:

(IV) The remainder to the preschool programs cash fund created in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

(f) For each fiscal year commencing on or after July 1, 2027:

(IV) The remainder to the preschool programs cash fund created in ~~subsection (3) of this section~~ SECTION 26.5-4-209.

SECTION 66. In Colorado Revised Statutes, 24-75-1104.5, **amend** (1.7) introductory portion, (1.7)(a), and (3) as follows:

24-75-1104.5. Use of settlement money - programs. (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of this section, and except that disputed payments received by the state in the 2015-16 fiscal year or in any year thereafter are excluded from the calculation of allocations ~~under PURSUANT TO~~ this subsection (1.7), for the 2016-17 fiscal year and for each fiscal year thereafter, the following programs, services, and funds **shall** receive the following specified percentages of the total amount of settlement ~~moneys~~ MONEY received by the state in the preceding fiscal year:

(a) The Colorado nurse home visitor program created in ~~article 6.4 of title 26, C.R.S.~~, **shall receive** PART 5 OF ARTICLE 3 OF TITLE 26.5 RECEIVES twenty-six and seven-tenths percent of the settlement ~~moneys~~ MONEY;

(3) Notwithstanding subsection (1.7) of this section, for purposes of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104 (2), 25.5-6-805 (2), 25.5-8-105 (3), ~~26-6.4-107 (2)(d)(I), 26.5-3-507 (2)(e),~~ 26-6.8-102 (2)(d), and 28-5-709 (2)(a), settlement ~~moneys~~ MONEY received and allocated by the state pursuant to subsection (1.7) of this section during the same fiscal year ~~are~~ IS deemed to be ~~moneys~~ MONEY received for or during the preceding fiscal year.

SECTION 67. In Colorado Revised Statutes, 24-101-105, **amend** (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and **add** (1)(a)(XVII) as follows:

24-101-105. Application of this code. (1) (a) This code **shall apply** APPLIES to all publicly funded contracts entered into by all governmental

bodies of the executive branch of this state; except that this code ~~shall~~ DOES not apply to:

(XIV) Annuities; ~~and~~

(XV) Real property or interest in real property; ~~AND~~

(XVII) THE DEPARTMENT OF EARLY CHILDHOOD IN SOLICITING AND SELECTING ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS PURSUANT TO SECTION 26.5-2-103 AND COORDINATING AGREEMENTS ENTERED INTO PURSUANT TO SECTION 26.5-2-105.

SECTION 68. In Colorado Revised Statutes, 25-1.5-101, **amend** (1)(h) as follows:

25-1.5-101. Powers and duties of department - laboratory cash fund - report - dispensation of payments under contracts with grantees - definitions - repeal. (1) The department has, in addition to all other powers and duties imposed upon it by law, the powers and duties provided in this section as follows:

(h) To establish and enforce sanitary standards for the operation and maintenance of orphanages, day care nurseries, foster homes, family care homes, summer camps for children, lodging houses, guest child care facilities ~~as defined in section 26-6-102 (16), C.R.S., AND~~ public services short-term child care facilities as defined in ~~section 26-6-102 (30), C.R.S.,~~ SECTION 26.5-5-303, hotels, public conveyances and stations, schools, factories, workshops, industrial and labor camps, recreational resorts and camps, swimming pools, public baths, mobile home parks, and other buildings, centers, and places used for public gatherings;

SECTION 69. In Colorado Revised Statutes, 25-1.5-103, **amend** (2) introductory portion and (2)(a.3)(I) as follows:

25-1.5-103. Health facilities - powers and duties of department - limitations on rules promulgated by department - definitions. (2) ~~For purposes of this section AS USED IN THIS SECTION,~~ unless the context otherwise requires:

(a.3) "Behavioral health entity" means a facility or provider

organization engaged in providing community-based health services, which may include behavioral health disorder services, alcohol use disorder services, or substance use disorder services, including crisis stabilization, acute or ongoing treatment, or community mental health center services as described in section 27-66-101 (2) and (3), but does not include:

(I) Residential child care facilities, as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903; or

SECTION 70. In Colorado Revised Statutes, 25-1.5-301, **amend** (2)(e) and (2)(f) as follows:

25-1.5-301. Definitions. As used in this part 3, unless the context otherwise requires:

(2) "Facility" means:

(e) Residential child care facilities for children as defined in ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903;

(f) Secure residential treatment centers as defined in ~~section 26-6-102 (35), C.R.S.~~ SECTION 26-6-903;

SECTION 71. In Colorado Revised Statutes, 25-4-901, **amend** (2)(a), (2)(b)(I), (2)(b)(I.5), and (3) as follows:

25-4-901. Definitions. As used in this part 9, unless the context otherwise requires:

(2) (a) "School" means, except as otherwise provided in paragraph (b) of this subsection (2) SUBSECTION (2)(b) OF THIS SECTION, a public, private, or parochial nursery school, day care center, child care facility or child care center as defined in ~~section 26-6-102 (5), C.R.S.~~, SECTION 26-6-903 OR 26.5-5-303, family child care home, foster care home, head start program, kindergarten, elementary or secondary school through grade twelve, or college or university.

(b) "School" does not include:

(I) A public services short-term child care facility as defined in

~~section 26-6-102 (30), C.R.S. SECTION 26.5-5-303;~~

(I.5) A guest child care facility, as defined in ~~section 26-6-102 (16), C.R.S. SECTION 26.5-5-303~~, or a ski school as defined in ~~section 26-6-103.5 (6), C.R.S. section 26.5-5-307 (7)~~; or

(3) "Student" means any person enrolled in a Colorado school or child care center as defined in subsection (2) of this section. "Student" does not include a child who enrolls and attends a licensed child care center, as defined in ~~section 26-6-102 (5), C.R.S. SECTION 26.5-5-303~~, which is located at a ski area, for up to fifteen days or less in a fifteen-consecutive-day period, no more than twice in a calendar year, with each fifteen-consecutive-day period separated by at least sixty days.

SECTION 72. In Colorado Revised Statutes, 25-27.5-102, **amend** (6.3) as follows:

25-27.5-102. Definitions - repeal. As used in this article 27.5, unless the context otherwise requires:

(6.3) "Qualified early intervention service provider" has the meaning set forth in ~~section 27-10.5-702, C.R.S. SECTION 26.5-3-402~~.

SECTION 73. In Colorado Revised Statutes, 25-27.6-102, **amend** (6)(a) as follows:

25-27.6-102. Definitions. As used in this article 27.6, unless the context otherwise requires:

(6) "Behavioral health entity" means a facility or provider organization engaged in providing community-based health services, which may include behavioral health disorder services, alcohol use disorder services, or substance use disorder services, including crisis stabilization, acute or ongoing treatment, or community mental health center services as described in section 27-66-101 (2) and (3), but does not include:

(a) Residential child care facilities, as defined in ~~section 26-6-102 (33) SECTION 26-6-903~~; or

SECTION 74. In Colorado Revised Statutes, 25.5-1-124, **amend**

(1), (2), (3), and (5)(a) as follows:

25.5-1-124. Early intervention payment system - participation by state department - rules - definitions. (1) The state department shall participate in the development and implementation of the coordinated system of payment for early intervention services authorized pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~, PART 4 OF ARTICLE 3 OF TITLE 26.5 and part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended.

(2) The state department shall ensure that the early intervention services and payments for recipients of medical assistance ~~under this title PURSUANT TO THIS~~ TITLE 25.5 are integrated into the coordinated early intervention payment system developed pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. To the extent necessary to achieve the coordinated payment system and coverage of those early intervention services ~~under this title PURSUANT TO THIS~~ TITLE 25.5, the state department shall amend the state plan for medical assistance or seek the necessary federal authorization, promulgate rules, and modify the billing system for medical assistance to facilitate the coordinated payment system.

(3) The state department shall also make any modifications necessary to the "Children's Basic Health Plan Act", article 8 of this ~~title~~ TITLE 25.5, including promulgating rules, to ensure that the children's basic health plan is integrated into the coordinated early intervention payment system developed pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5.

(5)(a) As used in this section, unless the context otherwise requires, "early intervention services" means those services defined as early intervention services by the department of ~~human services~~ EARLY CHILDHOOD in accordance with ~~section 27-10.5-702 (7), C.R.S.~~, SECTION 26.5-3-402 (9) that are determined, through negotiation between the state department and the department of ~~human services~~ EARLY CHILDHOOD, to be medically necessary under medical assistance and cost-effective. After negotiating the scope of early intervention services to be covered under medical assistance, the state department and the department of ~~human services~~ EARLY CHILDHOOD shall submit to the joint budget committee of the general assembly, as part of each department's annual budget request, a proposal for the scope of coverage of early intervention services under

medical assistance, including the anticipated costs of such coverage and whether the payment of such costs through medical assistance is cost-effective.

SECTION 75. In Colorado Revised Statutes, 25.5-4-103, **amend** (19.5) as follows:

25.5-4-103. Definitions. As used in this article 4 and articles 5 and 6 of this title 25.5, unless the context otherwise requires:

(19.5) "Psychiatric residential treatment facility" means a facility that is licensed as a residential child care facility, as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903, that is not a hospital, and that provides inpatient psychiatric services for individuals who are less than twenty-one years of age under the direction of a physician licensed pursuant to article 240 of title 12, and that meets any other requirement established in rule by the state board.

SECTION 76. In Colorado Revised Statutes, 25.5-4-301, **amend** (1)(b) as follows:

25.5-4-301. Recoveries - overpayments - penalties - interest - adjustments - liens - review or audit procedures. (1) (b) Recipient income applied pursuant to section 25.5-4-209 (1) ~~shall~~ DOES not disqualify any recipient, as defined in section 26-2-103 (8), ~~C.R.S.~~, from receiving benefits ~~under this article PURSUANT TO THIS ARTICLE~~ 4, article 5 or 6 of this title ~~TITLE~~ 25.5, or public assistance ~~under article 2 of title 26, C.R.S.~~ PURSUANT TO ARTICLE 2 OF TITLE 26, AND DOES NOT DISQUALIFY AN INDIVIDUAL FROM RECEIVING CHILD CARE ASSISTANCE PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5. If, at any time during the continuance of medical benefits, the recipient becomes possessed of property having a value in excess of that amount set by law or by the rules of the state department or receives any increase in income, it is the duty of the recipient to notify the county department thereof, and the county department may, after investigation, either revoke such medical benefits or alter the amount thereof, as the circumstances may require.

SECTION 77. In Colorado Revised Statutes, 25.5-10-209, **amend** (2)(d) and (2)(f) as follows:

25.5-10-209. Community-centered boards - designation - purchase of services and supports - performance audits - Colorado local government audit law - public disclosure of board administration and operations - repeal. (2) Once a community-centered board has been designated pursuant to this section, it shall, subject to available appropriations:

(d) Determine eligibility and develop an individualized plan for each person who receives services or supports pursuant to section 25.5-10-211; except that, for a child from birth through two years of age, eligibility determination and development of an individualized family service plan are made pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S. PART 4 OF ARTICLE 3 OF TITLE 26.5;~~

(f) Obtain or provide early intervention services and supports pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S. PART 4 OF ARTICLE 3 OF TITLE 26.5;~~

SECTION 78. In Colorado Revised Statutes, 25.5-10-211, **amend** (2)(a), (2)(b)(II), (4)(a), and (4)(c) as follows:

25.5-10-211. Eligibility determination - individualized plan - periodic review - rules - repeal. (2) (a) Following intake and assessment, pursuant to subsection (2)(b) of this section, the designated community-centered board or the case management agency chosen by the person shall develop an individualized plan as provided by rules promulgated by the state board. The designated community-centered board shall develop an individualized family service plan for a child with disabilities from birth through two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

(b) (II) The designated community-centered board shall develop an individualized plan for persons eligible for other programs, as defined in section 25.5-10-202, and for a child with disabilities from birth through two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

(4) (a) Each person receiving services must receive periodic and adequate reviews to ascertain whether the services and supports specified in ~~his or her~~ THE PERSON'S individualized plan have been provided, determine the appropriateness of current services and supports, identify

whether the outcomes specified in the person's individualized plan have been achieved, and modify and revise current services or supports to meet the identified needs and preferences of the person receiving services. The designated community-centered board shall develop modifications or revisions to the individualized family service plan for a child with disabilities from birth through two years of age pursuant to ~~section 27-10.5-703, C.R.S.~~ SECTION 26.5-3-403.

(c) A person's individualized plan must be reviewed at least annually; except that an individualized family service plan for a child with disabilities from birth through two years of age must be reviewed as required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5.

SECTION 79. In Colorado Revised Statutes, 25.5-10-212, **amend** (1) introductory portion as follows:

25.5-10-212. Procedure for resolving disputes over eligibility, modification of services or supports, and termination of services or supports. (1) Every state or local service agency receiving state ~~money~~ MONEY pursuant to section 25.5-10-206 shall adopt a procedure for the resolution of disputes arising between the service agency and any recipient of, or applicant for, services or supports authorized ~~under~~ PURSUANT TO section 25.5-10-206. Procedures for the resolution of disputes regarding early intervention services must comply with IDEA and with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. The procedures must be consistent with rules promulgated by the state board pursuant to article 4 of title 24 C.R.S., and must apply to the following disputes:

SECTION 80. In Colorado Revised Statutes, 25.5-10-219, **amend** (1) and (2) as follows:

25.5-10-219. Right to individualized plan or individualized family service plan - repeal. (1) Each person receiving services shall MUST have an individualized plan, an individualized family service plan, or a similar plan specified by the state department that qualifies as an individualized plan that is developed by the person's interdisciplinary team. The individualized family service plan for a child with disabilities from birth through two years of age shall be developed in compliance with part

~~7 of article 10.5 of title 27, C.R.S. PART 4 OF ARTICLE 3 OF TITLE 26.5.~~

(2) Pursuant to section 25.5-10-211, the individualized plan for each person who receives services or supports shall be reviewed at least annually and modified as necessary or appropriate; except that an individualized family service plan for a child with disabilities from birth through two years of age shall be reviewed as required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S. PART 4 OF ARTICLE 3 OF TITLE 26.5.~~ A review ~~shall consist~~ CONSISTS of, but is not limited to, the determination by the interdisciplinary team as to whether the needs and preferences of the person receiving services or supports are accurately reflected in the plan, whether the services and supports provided pursuant to the plan are appropriate to meet the person's needs and preferences, and what actions are necessary for the plan to be achieved.

SECTION 81. In Colorado Revised Statutes, 26-1-107, **amend** (6)(e) as follows:

26-1-107. State board of human services - rules. (6) The state board shall:

(e) Adopt rules and regulations for the purpose of establishing guidelines for the placement of children from locations outside of Colorado into this state for foster care or adoption pursuant to section 19-5-203 C.R.S., ~~or section 26-6-104 OR 26-6-905 or the terms of the "Interstate Compact on Placement of Children" as set forth in part 18 of article 60 of title 24; C.R.S.;~~

SECTION 82. In Colorado Revised Statutes, 26-1-111, **amend** (2)(d)(II)(C), (2)(f), and (2)(u); and **repeal** (2)(t) as follows:

26-1-111. Activities of the state department under the supervision of the executive director - cash fund - report - rules - statewide adoption resource registry. (2) The state department, under the supervision of the executive director, shall:

(d) (II) (C) For fiscal year 2003-04 and each fiscal year thereafter, after the amounts described in ~~sub-subparagraph (A) or (B) of this subparagraph (H) SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS SECTION~~ are set aside, the total amount of ~~moneys~~ MONEY remaining shall

be transmitted to the state treasurer, who shall credit the same to the excess federal Title IV-E reimbursements cash fund, which fund is hereby created and referred to in this ~~sub-subparagraph (C)~~ SUBSECTION (2)(d)(II)(C) as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual appropriation by the general assembly to the state department for allocation to counties to help defray the costs of performing administrative functions related to obtaining federal reimbursement ~~moneys~~ MONEY available under the Title IV-E program. In addition, the general assembly may annually appropriate ~~moneys~~ MONEY in the fund to the DEPARTMENT OF EARLY CHILDHOOD FOR ALLOCATION TO THE COUNTIES FOR THE PROVISION OF CHILD CARE ASSISTANCE, AS DESCRIBED IN SECTION 26.5-4-105, AND TO THE state department for allocation to the counties for the provision of assistance, as defined in section 26-2-703 (2); ~~child care assistance, as described in section 26-2-805~~, social services, as defined in section 26-2-103 (11); and child welfare services, as defined in section 26-5-101 (3). For fiscal year 2004-05, and in subsequent years if so specified by the general assembly in the annual appropriations act, the counties shall expend the ~~moneys~~ MONEY allocated by the DEPARTMENT OF EARLY CHILDHOOD FOR THE PROVISION OF CHILD CARE ASSISTANCE AND BY THE state department for the provision of assistance, ~~child care assistance~~, social services, and child welfare services pursuant to this ~~sub-subparagraph (C)~~ SUBSECTION (2)(d)(II)(C) in a manner that will be applied toward the state's maintenance of historic effort as specified in section 409 (a)(7) of the federal "Social Security Act", as amended. Any ~~moneys~~ MONEY in the fund not expended for the purposes specified in this ~~sub-subparagraph (C)~~ SUBSECTION (2)(d)(II)(C) may be invested by the state treasurer as provided by law. THE STATE TREASURER SHALL CREDIT all interest and income derived from the investment and deposit of ~~moneys~~ MONEY in the fund ~~shall be credited~~ to the fund. Any unexpended and unencumbered ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~shall remain~~ REMAINS in the fund and ~~shall not be~~ IS NOT credited or transferred or revert to the general fund or another fund.

(f) Designate child placement agencies licensed pursuant to ~~article 6 of this title~~ PART 9 OF ARTICLE 6 OF THIS TITLE 26 or county departments to act as agents of the state department for the purpose of authorizing child care placement as set forth in section 26-1-107 (6)(e) and county departments to serve as agents of the state department in the performance of certain public assistance and welfare and related activities in the county;

(t) Administer early childhood programs in accordance with statute and rule and, where applicable, review applications submitted by entities to receive funding through the programs, award grants based on the applications, or in the case of the nurse home visitor program, applications selected by the health sciences center, and notify the state board of the grants awarded and the amounts of the grants. Participation in an early childhood program administered by the state department is voluntary. The early childhood programs are not designed or intended to interfere with the rights of parents to raise their children.

(u) Coordinate prevention and intervention programs, OTHER THAN PROGRAMS CREATED IN TITLE 26.5, focused on positive youth development in accordance with state law and rules. The coordination must include the state youth development plan developed pursuant to section 26-6.8-103.5 SECTION 26-1-111.3 that identifies key issues affecting youth to align strategic efforts and achieve positive outcomes for youth.

SECTION 83. In Colorado Revised Statutes, 26-1-114.5, **amend** (3) introductory portion as follows:

26-1-114.5. Records - access by county auditor. (3) Information required to be kept confidential or exempt from public disclosure pursuant to any other law or rule of the state department of human services OR THE DEPARTMENT OF EARLY CHILDHOOD or upon subpoena, search warrant, discovery proceedings, or otherwise, including personal identifying information, that is obtained by an auditor pursuant to subsection (1) of this section must not be:

SECTION 84. In Colorado Revised Statutes, 26-1-116, **amend** (3) as follows:

26-1-116. County boards - district boards. (3) The county board may hold a meeting to address the public assistance and welfare duties, responsibilities, and activities of the county department in conjunction with a meeting of the board of county commissioners, upon full and timely notice given pursuant to the provisions of section 24-6-402. E.R.S. The county board shall act in accordance with rules adopted by the state board when addressing public assistance, and welfare duties, responsibilities, and activities of the county department. THE COUNTY BOARD SHALL ACT IN ACCORDANCE WITH RULES ADOPTED BY THE EXECUTIVE DIRECTOR OF THE

DEPARTMENT OF EARLY CHILDHOOD WHEN ADDRESSING CHILD CARE ASSISTANCE DUTIES, RESPONSIBILITIES, AND ACTIVITIES OF THE COUNTY DEPARTMENT.

SECTION 85. In Colorado Revised Statutes, 26-1-117, **amend (1)** as follows:

26-1-117. County director - district director. (1) It is the duty of the county board to appoint a county director, who ~~shall be~~ IS charged with the executive and administrative duties and responsibilities of the county department, subject to the policies ~~rules, and regulations~~ AND RULES of the state department AND THE DEPARTMENT OF EARLY CHILDHOOD, and who ~~shall serve~~ SERVES as secretary to the county board, unless a secretary is otherwise appointed by the board. The BOARD OF COUNTY COMMISSIONERS OF THE COUNTY SHALL ESTABLISH THE salary of the county director. ~~shall be established by the board of county commissioners of the county.~~ The state department shall reimburse the salary of the county director as provided in section 26-1-120.

SECTION 86. In Colorado Revised Statutes, 26-1-118, **amend (1)** and (2) as follows:

26-1-118. Duties of county departments, county directors, and district attorneys. (1) (a) The county departments or other state designated agencies, where applicable, shall serve as agents of the state department and ~~shall be~~ ARE charged with the administration of public assistance, and welfare and related activities in the respective counties in accordance with the rules ~~and regulations~~ of the state department.

(b) THE COUNTY DEPARTMENTS OR OTHER STATE DESIGNATED AGENCIES, WHERE APPLICABLE, SHALL SERVE AS AGENTS OF THE DEPARTMENT OF EARLY CHILDHOOD AND ARE CHARGED WITH THE ADMINISTRATION OF CHILD CARE ASSISTANCE AND RELATED ACTIVITIES IN THE RESPECTIVE COUNTIES IN ACCORDANCE WITH THE RULES OF THE DEPARTMENT OF EARLY CHILDHOOD.

(2) The county departments or other state designated agencies, where applicable, shall report to the state department AND THE DEPARTMENT OF EARLY CHILDHOOD at such times and in such manner and form as the state department AND THE DEPARTMENT OF EARLY CHILDHOOD may from

time to time direct. The state department AND THE DEPARTMENT OF EARLY CHILDHOOD may require a county department to report information concerning county employees, including but not limited to qualifications, work schedules, pay, duties, evaluations, training, and corrective and disciplinary actions. A county department may provide ~~such~~ THE information by use of a unique identifier for each employee that provides the information without identifying the name of the employee. However, nothing in this section ~~shall be construed to prevent~~ PREVENTS access by the state department OR THE DEPARTMENT OF EARLY CHILDHOOD to individual employee files, to the extent permitted by state and federal law, for purposes of carrying out the responsibility of the state department for the supervision and administration of programs funded in whole or in part by the state department OR FOR PURPOSES OF CARRYING OUT THE RESPONSIBILITY OF THE DEPARTMENT OF EARLY CHILDHOOD FOR THE SUPERVISION AND ADMINISTRATION OF CHILD CARE ASSISTANCE. The state department AND THE DEPARTMENT OF EARLY CHILDHOOD shall maintain the confidentiality of such records in a manner consistent with state and federal law.

SECTION 87. In Colorado Revised Statutes, 26-1-122, **amend** (6)(a) and (6)(c) as follows:

26-1-122. County appropriations and expenditures - advancements - procedures. (6) (a) Notwithstanding any other provision of this section, the board of county commissioners in each county of this state shall annually appropriate as provided by law such funds as ~~shall be~~ ARE necessary to defray the county's maintenance of effort requirement for the Colorado works program, created in part 7 of article 2 of this title TITLE 26, and the Colorado child care assistance program, created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF TITLE 26.5, including the costs allocated to the administration of each, and shall include in the tax levy for such county the sums appropriated for that purpose. The county's maintenance of effort requirement for the Colorado works program for state fiscal year 1997-98 and for state fiscal years thereafter ~~shall be~~ IS the targeted spending level identified in section 26-2-714 (6). Such appropriation ~~shall~~ MUST be based upon the county social services budget prepared by the county department pursuant to section 26-1-124, after taking into account state advancements provided for in this section.

(c) The state department shall establish rules concerning what ~~shall~~ constitute CONSTITUTES administrative costs and program costs for the

Colorado works program. THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, IN COORDINATION WITH COUNTY DEPARTMENTS, SHALL ESTABLISH RULES CONCERNING WHAT CONSTITUTES ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM. The state treasurer shall make advancements to county departments for the costs of administering the Colorado works program and the Colorado child care assistance program from funds appropriated or made available for such purpose, upon authorization of THE DEPARTMENT OF EARLY CHILDHOOD OR the state department, AS APPLICABLE; except that in no event shall THE DEPARTMENT OF EARLY CHILDHOOD OR the state department authorize expenditures greater than the annual appropriation by the general assembly for such administrative costs of the county departments. As funds are advanced, adjustment shall be made from subsequent monthly payments for those purposes.

SECTION 88. In Colorado Revised Statutes, 26-1-123, **amend** (2) and (3)(a) as follows:

26-1-123. County social services fund. (2) The county social services fund ~~shall consist~~ CONSISTS of all ~~moneys~~ MONEY appropriated by the board of county commissioners for public assistance and welfare and related purposes; all ~~moneys~~ MONEY allotted, allocated, or apportioned to the county by the state department OR THE DEPARTMENT OF EARLY CHILDHOOD; such funds as are granted to the state of Colorado by the federal government for public assistance and welfare and related purposes and allocated to the county by the state department OR THE DEPARTMENT OF EARLY CHILDHOOD; and such other ~~moneys~~ MONEY as may be provided from time to time from other sources. The fund ~~shall be~~ IS available for the program and administrative costs of the county department.

(3) (a) The county board shall administer the fund pursuant to rules adopted by the state department AND BY THE DEPARTMENT OF EARLY CHILDHOOD FOR PURPOSES OF CHILD CARE ASSISTANCE. The county treasurer ~~shall be~~ IS the treasurer and custodian of the fund and shall disburse money from the fund only upon special county social services warrants drawn by the person duly appointed by the county board. The county treasurer shall not collect any fee as provided in section 30-1-102 ~~E.R.S.~~, for the collection or deposit of any ~~moneys~~ MONEY in the county social services fund. Warrants ~~shall~~ MUST be signed by one member of the county board, who shall be designated by resolution for that purpose, and also signed by the

person duly appointed by the county board. Such signatures ~~shall~~ indicate the approval of the board of county commissioners and the county board of social services. At such time as Title XVI of the ~~social security act~~ FEDERAL "SOCIAL SECURITY ACT", as amended by Public Law 92-603, becomes effective, the state board by rule may make other provision for the issuance and signing of warrants under the old age pension, aid to the blind, and aid to the needy disabled.

SECTION 89. In Colorado Revised Statutes, 26-1-124, **amend** (2) as follows:

26-1-124. County social services budget. (2) Before such budget is adopted by the board of county commissioners, it ~~shall~~ **MUST** be submitted by the county board to the state department for review. The state department **SHALL** review THE BUDGET IN CONSULTATION WITH THE DEPARTMENT OF EARLY CHILDHOOD AND shall include IN THE REVIEW an assessment as to whether the county budget includes adequate funding for the county's maintenance of effort for the Colorado works program created in part 7 of article 2 of this ~~title~~ TITLE 26 and the Colorado child care assistance program created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF TITLE 26.5.

SECTION 90. In Colorado Revised Statutes, 26-1-127, **amend** (1), (1.5), (2)(a), and (3) as follows:

26-1-127. Fraudulent acts. (1) Any person who obtains or any person who willfully aids or abets another to obtain public assistance or vendor payments or medical assistance as defined in this title 26 OR CHILD CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, commits the crime of theft, which crime is classified in accordance with section 18-4-401 (2) and which crime is punished as provided in section 18-1.3-401 if the crime is classified as a felony, or section 18-1.3-501 if the crime is classified as a misdemeanor. To the extent not otherwise prohibited by state or federal law, any person violating the provisions of this subsection (1) is disqualified from participation in the ~~public assistance~~

program under PURSUANT TO article 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a recipient is found to have committed an intentional program violation for one year for a first offense, two years for a second offense, and permanently for a third or subsequent offense. Such disqualification is mandatory and is in addition to any other penalty imposed by law.

(1.5) To the extent not otherwise prohibited by state or federal law, any person against whom a county department of social services, or the state department, OR THE DEPARTMENT OF EARLY CHILDHOOD, obtains a civil judgment in a state or federal court of record in this state based on allegations that the person obtained or willfully aided and abetted another to obtain public assistance or vendor payments or medical assistance as defined in this title 26 OR CHILD CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to which the person is not entitled or in an amount greater than that to which the person is justly entitled or payment of any forfeited installment grants or benefits to which the person is not entitled or in a greater amount than that to which the person is entitled, by means of a willfully false statement or representation, or by impersonation, or by any other fraudulent device, is disqualified from participation in the public assistance program under PURSUANT TO article 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a recipient is found to have committed an intentional program violation for one year for a first incident, two years for a second incident, and permanently for a third or subsequent incident. Such disqualification is mandatory and is in addition to any other remedy available to a judgment creditor.

(2) (a) If, at any time during the continuance of public assistance under PURSUANT TO this title 26 OR CHILD CARE ASSISTANCE PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5, the recipient thereof acquires any property or receives any increase in income or property, or both, in excess of that declared at the time of determination or redetermination of eligibility or if there is any other change in circumstances affecting the recipient's eligibility, it shall be the duty of the recipient to notify the county department within thirty days in writing or take steps to secure county assistance to prepare such notification in writing of the acquisition of such property, receipt of such income, or change in such circumstances; and any recipient of such public assistance who knowingly fails to do so commits a petty offense and shall be punished as provided in section 18-1.3-503. If such property or income is received infrequently or irregularly and does not

exceed a total value of ninety dollars in any calendar quarter, such property or income ~~shall be~~ IS excluded from the thirty-day written reporting requirement but ~~shall be~~ MUST BE reported at the time of the next redetermination of eligibility of a recipient.

(3) Any recipient or vendor who falsifies any report required ~~under~~ PURSUANT TO this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 commits a petty offense and ~~shall be~~ IS punished as provided in section 18-1.3-503.

SECTION 91. In Colorado Revised Statutes, 26-1-201, **amend** (1)(h) as follows:

26-1-201. Programs administered - services provided - department of human services. (1) This section specifies the programs to be administered and the services to be provided by the department of human services. These programs and services include the following:

(h) The "Child Care Licensing Act" as specified in article 6 of this title "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING ACT", PART 9 OF ARTICLE 6 OF THIS TITLE 26;

SECTION 92. In Colorado Revised Statutes, 26-2-103, **amend** (11)(b) as follows:

26-2-103. Definitions. As used in this article 2 and article 1 of this title 26, unless the context otherwise requires:

(11)(b) "Social services" does not include medicaid services unless those services are delegated to the state department. "Social services" does not include medical services covered by the old age pension health and medical care program, the children's basic health plan, or the Colorado indigent care program. "SOCIAL SERVICES" DOES NOT INCLUDE CHILD CARE ASSISTANCE PROVIDED THROUGH THE COLORADO CHILD CARE ASSISTANCE PROGRAM PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5.

SECTION 93. In Colorado Revised Statutes, 26-2-703, **amend** (4) as follows:

26-2-703. Definitions. As used in this part 7, unless the context otherwise requires:

(4) "Colorado child care assistance program" means the state program of child care assistance implemented pursuant to the provisions of ~~part 8 of this article and rules of the state board~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES OF THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD.

SECTION 94. In Colorado Revised Statutes, 26-2-706.6, **amend** (6) as follows:

26-2-706.6. Payments and services under Colorado works - rules. (6) **Child care assistance.** Subject to available appropriations and pursuant to rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, a county may provide child care assistance to a participant pursuant to the provisions of ~~part 8 of this article and rules promulgated by the state board for implementation of said part 8~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES PROMULGATED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD FOR IMPLEMENTATION OF SAID PART 1.

SECTION 95. In Colorado Revised Statutes, 26-2-714, **amend** (9)(d) as follows:

26-2-714. County block grants formula - use of money - rules. (9) (d) A county may make a transfer authorized by paragraph (a) of this ~~subsection~~ (9) SUBSECTION (9)(a) OF THIS SECTION, within the limitations imposed by state and federal law on such transfers, in order to fund various programs for the improvement of child care. ~~Such~~ THE transfers may be used for minor remodeling of licensed child care facilities or facilities legally exempt from licensing requirements pursuant to ~~section 26-6-103(1)~~ SECTION 26.5-5-304, including but not limited to physical modifications for the purpose of licensure or accreditation, construction or improvement of fencing or other safety and security fixtures or other uses not prohibited under 42 U.S.C. sec. 1397d.

SECTION 96. In Colorado Revised Statutes, 26-2-715, **amend** (1)(a) introductory portion, (1)(a)(I), and (2) as follows:

26-2-715. Performance contracts. (1) (a) Each county, either acting singly or with a group of counties, shall enter into an annual performance contract with the state department that shall identify the

county's or group of counties' duties and responsibilities in implementing the works program. ~~and the Colorado child care assistance program, described in part 8 of this article.~~ The performance contract shall ~~MUST~~ include but NEED not be limited to:

(I) Requirements and provisions that address the county's or group of counties' duty to administer and implement the works program ~~and the Colorado child care assistance program~~ using fair and objective criteria;

(2) The performance contract shall set forth the circumstances under which the state department may elect that it or its agent assume the county's or group of counties' administration and implementation of the works program. ~~and the Colorado child care assistance program.~~

SECTION 97. In Colorado Revised Statutes, 26-5-101, **amend** (4.7) as follows:

26-5-101. Definitions. As used in this article 5, unless the context otherwise requires:

(4.7) "Former foster care youth" means a youth at least eighteen years of age but younger than twenty-one years of age who was formerly in the legal custody or legal authority of a county department and who was placed in a certified or noncertified kinship care placement, as defined in ~~section 26-6-102 (21)~~; SECTION 26-6-903, a certified or licensed facility, or a foster care home, as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903, and certified pursuant to PART 9 OF article 6 of this title 26.

SECTION 98. In Colorado Revised Statutes, 26-5-102, **amend** (3)(a) as follows:

26-5-102. Provision of child welfare services - system reform goals - out-of-home placements for children and youth with intellectual and developmental disabilities - rules - definition. (3) (a) On or before August 1, 2018, the state department shall develop a program to serve children and youth with intellectual and developmental disabilities who are placed by county departments of human or social services in a licensed out-of-home setting, as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903, and children or youth committed to or in the custody of the state department.

SECTION 99. In Colorado Revised Statutes, 26-5-104, amend (6.2)(c) as follows:

26-5-104. Funding of child welfare services provider contracts - funding mechanism review - fund - report - rules - definitions - repeal.
(6.2) As used in this section, unless the context otherwise requires:

(c) "Licensed out-of-home placement provider" means a licensed residential child care facility, a child placement agency, a secure residential treatment center, a psychiatric residential treatment facility, a qualified residential treatment program, or therapeutic foster care, as defined in ~~section 26-6-102~~ SECTION 26-6-903.

SECTION 100. In Colorado Revised Statutes, 26-5.3-106, amend (1.5) as follows:

26-5.3-106. State's savings - cash fund created - use of money in fund - plan required. (1.5) All ~~moneys~~ MONEY in the fund ~~shall be~~ IS subject to annual appropriation by the general assembly and shall be used for the purposes set forth in the plan for improving the child welfare system in the state, developed in accordance with subsection (2) of this section, for the implementation of the emergency assistance program established pursuant to section 26-5.3-104 and for the family resource center program established pursuant to ~~section 26-18-104~~ SECTION 26.5-3-103. Federal funds received by the state for the emergency assistance program shall be used only for such program and not for any other purpose. In accordance with section 24-36-114, C.R.S., all interest derived from the deposit and investment of ~~moneys~~ MONEY in the fund ~~shall~~ MUST be credited to the general fund. It is the general assembly's intent that no additional state or county general fund ~~moneys shall be~~ MONEY IS used to finance the implementation of the plan established in accordance with subsection (2) of this section.

SECTION 101. In Colorado Revised Statutes, 26-5.7-102, amend (3) and (3.5) as follows:

26-5.7-102. Definitions. As used in this article 5.7, unless the context otherwise requires:

(3) "Homeless youth shelter" means a facility that is licensed

pursuant to ~~section 26-6-104~~ SECTION 26-6-905.

(3.5) "Licensed host family home" means a home that meets the requirements established by the state board by rule pursuant to ~~section 26-6-106 (5)~~ SECTION 26-6-909 (6).

SECTION 102. In Colorado Revised Statutes, 26-6-704, **amend** (2)(b) as follows:

26-6-704. Temporary care assistance program - limitations on duration of delegation - approved temporary caregiver. (2) (b) (I) A minor subject to the power of attorney that delegates temporary care responsibility of the minor to an approved temporary caregiver is not deemed placed in a foster care home, as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903, and the approved temporary caregiver is not deemed to be providing foster care nor be subject to the licensing requirements of foster care.

(II) Nothing in this section disqualifies an approved temporary caregiver from being or becoming a foster care home certified by a county department or private agency pursuant to ~~section 26-6-106.3~~ SECTION 26-6-910.

SECTION 103. In Colorado Revised Statutes, 26-6-705, **amend** (2)(a)(I) as follows:

26-6-705. Approval of temporary caregiver - background check - training. (2) (a) A child placement agency operating a temporary care assistance program shall require an applicant to become an approved temporary caregiver and any other person who resides in the applicant's home and is eighteen years of age or older to submit to the following background checks:

(I) A fingerprint-based criminal history record check through the Colorado bureau of investigation and the federal bureau of investigation in the same manner as described in ~~section 26-6-107 (1)(a)(I)(C)~~ SECTION 26-6-912 (1)(a)(I)(B);

SECTION 104. In Colorado Revised Statutes, 26-7-102, **amend** (4) as follows:

26-7-102. Definitions. As used in this article 7, unless the context otherwise requires:

(4) "Child placement agency" means any entity that, pursuant to the requirements in ~~section 26-6-102 (7)~~ SECTION 26-6-903, may place, facilitate placement, or arrange for the placement of an eligible child or youth for the purpose of adoption, treatment, or foster care. Only eligible children or youth who are placed by a county department or through a child placement agency that is designated as a nonprofit entity and licensed by the state department are eligible to receive benefits pursuant to this article 7.

SECTION 105. In Colorado Revised Statutes, **amend as added by section 17 of House Bill 22-1295** 26-6-911 (2)(b) as follows:

26-6-911. Foster care - kinship care - rules applying generally - rule-making. (2) At a minimum, the rules described in subsection (1) of this section must include the following:

(b) The immediate notification of a child's guardian ad litem OR COUNSEL FOR YOUTH upon the child's placement in a foster care home, and the provision of the guardian ad litem's OR COUNSEL FOR YOUTH'S contact information to the foster parents;

SECTION 106. In Colorado Revised Statutes, 26-13-125, **amend (8)(b)** as follows:

26-13-125. State directory of new hires - definitions.
(8) (b) Information contained within the reports ~~shall~~ MUST be made available to the administrators of the following programs for purposes of establishing or verifying eligibility or benefit amounts: Public assistance pursuant to the Colorado works program, as defined in section 26-2-703 (5); medicaid; food stamps; supplemental security income benefits; cash assistance programs ~~under~~ PURSUANT TO this title; public assistance as defined in section 26-2-103 (7); CHILD CARE ASSISTANCE PURSUANT TO PART 1 OF ARTICLE 4 OF TITLE 26.5; and unemployment compensation.

SECTION 107. In Colorado Revised Statutes, 26.5-1-303, **amend (1)(d) and (2)(a)** as follows:

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

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

(d) To consider and recommend waivers from state regulations on behalf of early childhood councils as provided in ~~section 26-6.5-104 (1)~~ SECTION 26.5-2-207;

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

(a) Members of the early childhood councils established pursuant to ~~section 26-6.5-103~~ SECTION 26.5-2-203; and

SECTION 108. In Colorado Revised Statutes, **amend** 26.5-1-304 as follows:

26.5-1-304. Repeal of part. This part 3 is repealed, effective ~~September 1, 2023~~ SEPTEMBER 1, 2025. Before its repeal, the commission is subject to review in accordance with section 2-3-1203.

SECTION 109. In Colorado Revised Statutes, 27-10.5-102, **amend** (12) and (30); and **repeal** (17.5) as follows:

27-10.5-102. Definitions - repeal. As used in this article 10.5, unless the context otherwise requires:

(12) "Early intervention services and supports" means services described in and provided pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5, including education, training, and assistance in child development, parent education, therapies, and other activities for infants and toddlers and their families that are designed to meet the developmental needs of infants and toddlers including, but not limited to, cognition, speech, communication, physical, motor, vision, hearing, social-emotional, and self-help skills.

(17.5) "~~IDEA~~" means the federal "~~Individuals with Disabilities Education Improvement Act of 2004~~", 20 U.S.C. sec. 1400 et seq., as amended, and its implementing regulations, 34 CFR part 303.

(30) "Services and supports" means one or more of the following:

Education, training, therapies, identification of natural supports, and other activities provided to:

- (a) Enable persons with intellectual and developmental disabilities to make responsible choices, exert greater control over their lives, experience presence and inclusion in their communities, develop their competencies and talents, maintain relationships, foster a sense of belonging, and experience personal security and self-respect; AND
- (b) ~~Enhance child development and healthy parent-child and family interaction for eligible infants and toddlers and their families pursuant to part 7 of this article, and~~
- (c) Enable families who choose or desire to maintain a family member with an intellectual and developmental disability at home to obtain support and to enjoy a typical lifestyle.

SECTION 110. In Colorado Revised Statutes, 27-10.5-103, ~~repeal~~ (1)(b) and (2)(j) as follows:

27-10.5-103. Duties of the executive director - rules - definition.

(1) In order to implement the provisions of this article 10.5, the executive director shall carry out the following duties, subject to available appropriations:

(b) ~~Conduct appropriate part C child find activities as described in section 27-10.5-704. Part C child find activities conducted by the department include, but need not be limited to, early intervention evaluations, case management, referrals to public education systems or other community resources, implementation of state-level interagency operating agreements, and public outreach and awareness of early intervention evaluations and services.~~

(2) In accordance with section 24-4-103, and in coordination with the requirements of article 10 of title 25.5, the department shall adopt such rules as are necessary to carry out the provisions and purposes of this article 10.5, including but not limited to the following:

(j) ~~Child find activities, as described in section 27-10.5-704.~~

SECTION 111. In Colorado Revised Statutes, 27-10.5-104, **repeal** (1)(a), (3), and (5)(b) as follows:

27-10.5-104. Authorized services and supports - conditions of funding - purchase of services and supports - boards of county commissioners - appropriation - repeal. (1) Subject to annual appropriations by the general assembly, the department shall provide or purchase, pursuant to subsection (4) of this section, authorized services and supports from community-centered boards or service agencies for persons who have been determined to be eligible for such services and supports pursuant to section 27-10.5-106, and as specified in the eligible person's individualized plan. Those services and supports may include, but need not be limited to, the following:

(a) ~~Early intervention services and supports that offer infants and toddlers and their families services and supports to enhance child development in the areas of cognition, speech, communication, physical, motor, vision, hearing, social-emotional development, and self-help skills; parent-child or family interaction; and early identification, screening, and assessment services that are provided pursuant to part 7 of this article;~~

(3) ~~Service and support coordination shall be purchased pursuant to part 7 of this article.~~

(5) (b) ~~The department is authorized to use up to three percent of the appropriation allocated for early intervention services and supports for training and technical assistance to ensure that the latest developments for early intervention services and supports are rapidly integrated into service provision throughout the state.~~

SECTION 112. In Colorado Revised Statutes, 27-10.5-105, **amend** (1)(c) and (1)(e) and **amend as they exist until July 1, 2024**, (1) introductory portion and (1)(a) as follows:

27-10.5-105. Case management agencies - purchase of services and supports. (1) Once a community-centered board has been designated pursuant to section 25.5-10-209, C.R.S., it shall, subject to available appropriations:

(a) Determine eligibility and develop an individualized plan for each

person who receives services or supports pursuant to section 25.5-10-211; ~~C.R.S.~~; except that, for a child from birth through two years of age, eligibility determination and development of an individualized family service plan shall be made pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

(c) Obtain or provide early intervention services and supports pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

(e) Pursuant to ~~section 27-10.5-704~~ SECTION 26.5-3-404, collaborate with the department OF EARLY CHILDHOOD as it develops and implements a statewide plan for public education outreach and awareness efforts related to part C child find and the availability of early intervention services.

SECTION 113. In Colorado Revised Statutes, 27-10.5-105, **amend as it will become effective July 1, 2024**, (1)(a) as follows:

27-10.5-105. Case management agencies - purchase of services and supports. (1) Once a case management agency has been designated pursuant to section 25.5-6-1703, it shall, subject to available appropriations:

(a) Determine eligibility and develop an individualized plan for each person who receives long-term services or supports pursuant to section 25.5-6-1704; except that, for a child from birth through two years of age, eligibility determination and development of an individualized family service plan must be made pursuant to ~~part 7 of this article~~ 10.5 PART 4 OF ARTICLE 3 OF TITLE 26.5;

SECTION 114. In Colorado Revised Statutes, 27-10.5-107, **amend** (1) introductory portion as follows:

27-10.5-107. Procedure for resolving disputes over eligibility, modification of services or supports, and termination of services or supports. (1) Every state or local service agency receiving state ~~money~~ MONEY pursuant to section 27-10.5-104 or ~~section 25.5-10-105~~ ~~C.R.S.~~, shall adopt a procedure for the resolution of disputes arising between the service agency and any recipient of, or applicant for, services or supports authorized under PURSUANT TO section 27-10.5-104 or ~~section 25.5-10-105~~ ~~C.R.S.~~ Procedures for the resolution of disputes regarding early intervention services shall be in compliance with IDEA. The procedures shall MUST be

consistent with rules promulgated by the department pursuant to article 4 of title 24 C.R.S., and shall MUST be applicable to the following disputes:

SECTION 115. In Colorado Revised Statutes, 27-60-113, **amend** (2) as follows:

27-60-113. Out-of-home placement for children and youth with mental or behavioral needs - rules - report - legislative declaration - repeal. (2) On or before August 1, 2021, the state department shall develop a program to provide emergency resources to licensed providers to help remove barriers such providers face in serving children and youth whose behavioral or mental health needs require services and treatment in a residential child care facility. Any such licensed provider shall meet the requirements of a qualified residential treatment program, as defined in section 26-5.4-102, a psychiatric residential treatment facility, as defined in section 26-5.4-103 (19.5) SECTION 25.5-4-103 (19.5), or therapeutic foster care, as defined in section 26-6-102 (39) SECTION 26-6-903.

SECTION 116. In Colorado Revised Statutes, 27-65-102, **amend** (1.5)(a) and (18) as follows:

27-65-102. Definitions. As used in this article 65, unless the context otherwise requires:

(1.5) "Behavioral health entity" means a facility or provider organization engaged in providing community-based health services, which may include behavioral health disorder services, alcohol use disorder services, or substance use disorder services, including crisis stabilization, acute or ongoing treatment, or community mental health center services as described in section 27-66-101 (2) and (3), but does not include:

(a) Residential child care facilities as defined in section 26-6-102 (33) SECTION 26-6-903; or

(18) "Residential child care facility" means a facility licensed by the state department of human services pursuant to ~~article 6 of title 26, C.R.S., PART 9 OF ARTICLE 6 OF TITLE 26~~ to provide group care and treatment for children as such facility is defined in ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903. A residential child care facility may be eligible for designation by the executive director of the department of human services pursuant to

this article ARTICLE 65.

SECTION 117. In Colorado Revised Statutes, 27-66-101, **amend** (1.5)(a) as follows:

27-66-101. Definitions. As used in this article 66, unless the context otherwise requires:

(1.5) "Behavioral health entity" means a facility or provider organization engaged in providing community-based health services, which may include behavioral health disorder services, alcohol use disorder services, or substance use disorder services, including crisis stabilization, acute or ongoing treatment, or community mental health center services as described in subsections (2) and (3) of this section, but does not include:

(a) Residential child care facilities as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903; or

SECTION 118. In Colorado Revised Statutes, **amend** 27-66-110 as follows:

27-66-110. Trauma-informed care standards of approval. The office of behavioral health shall establish care standards and an approval process that a qualified residential treatment program, as defined in ~~section 26-6-102 (30.5)~~ SECTION 26-6-903, must meet to ensure that qualified residential treatment programs have a trauma-informed treatment model that addresses the needs of children and youth with serious emotional or behavioral health disorders or disturbances.

SECTION 119. In Colorado Revised Statutes, 27-80-121, **amend** (1) introductory portion as follows:

27-80-121. Perinatal substance use data linkage project - center for research into substance use disorder prevention, treatment, and recovery support strategies - report. (1) The center for research into substance use disorder prevention, treatment, and recovery support strategies established in section 27-80-118, referred to in this section as the "center", in partnership with an institution of higher education and the state substance abuse trend and response task force established in section 18-18.5-103, may conduct a statewide perinatal substance use data linkage

project that uses ongoing collection, analysis, interpretation, and dissemination of data for the planning, implementation, and evaluation of public health actions to improve outcomes for families impacted by substance use during pregnancy. The data linkage project shall utilize data from the medical assistance program, articles 4 to 6 of title 25.5; the electronic prescription drug monitoring program created in part 4 of article 280 of title 12; the Colorado TRAILS system, as defined in section 16-20.5-102 (10); the Colorado immunization information system, created pursuant to section 25-4-2401, et seq.; the Colorado child care assistance program, created in ~~part 8 of article 2 of title 26~~ PART 1 OF ARTICLE 4 OF TITLE 26.5; the office of behavioral health in the department of human services; and birth and death records to examine the following:

SECTION 120. In Colorado Revised Statutes, 27-81-102, **amend** (3.5)(a) as follows:

27-81-102. Definitions. As used in this article 81, unless the context otherwise requires:

(3.5) "Behavioral health entity" means a facility or provider organization engaged in providing community-based health services, which may include behavioral health disorder services, alcohol use disorder services, or substance use disorder services, including crisis stabilization, acute or ongoing treatment, or community mental health center services as described in section 27-66-101 (2) and (3), but does not include:

(a) Residential child care facilities as defined in ~~section 26-6-102~~ (33) SECTION 26-6-903; or

SECTION 121. In Colorado Revised Statutes, 27-90-111, **amend** (11.5)(b) as follows:

27-90-111. Employment of personnel - screening of applicants - disqualifications from employment - contracts - rules - definitions. (11.5) (b) If the contracting agency is also licensed pursuant to ~~section 26-6-104~~ SECTION 26-6-905 and has conducted a criminal history record check pursuant to ~~section 26-6-104(7)(a)(III)~~ SECTION 26-6-905 (8)(a)(III) for its employees who will have direct contact with vulnerable persons as a result of the contract, the department may accept such criminal history record check to satisfy the requirements of this subsection (11.5).

SECTION 122. In Colorado Revised Statutes, **amend 38-10-111.5** as follows:

38-10-111.5. Trusts to establish or maintain eligibility for certain public assistance void - exceptions. Any trust established by or for a person that consists of the person's individual assets, income, or property of any kind ~~shall be~~ is void for the purpose of establishing or maintaining eligibility for any public assistance as provided by article 2 of title 26, ~~C.R.S.~~, CHILD CARE ASSISTANCE AS PROVIDED BY PART 1 OF ARTICLE 4 OF TITLE 26.5, or medical assistance as provided by articles 4, 5, and 6 of title 25.5, ~~C.R.S.~~, unless the trust is established in accordance with the provisions of sections 15-14-412.6 to 15-14-412.9. ~~C.R.S.~~

SECTION 123. In Colorado Revised Statutes, 38-33.3-106.5, **amend (1)(k)(I)** as follows:

38-33.3-106.5. Prohibitions contrary to public policy - patriotic, political, or religious expression - emergency vehicles - fire prevention - renewable energy generation devices - affordable housing - drought prevention measures - child care - definitions. (1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

(k) (I) The operation of a family child care home, as defined in ~~section 26-6-102-(13)~~ SECTION 26.5-5-303, that is licensed ~~under part 1 of article 6 of title 26~~ PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5.

SECTION 124. In Colorado Revised Statutes, 39-1-102, **amend (15.5)(a)(II)** introductory portion as follows:

39-1-102. Definitions. As used in articles 1 to 13 of this title 39, unless the context otherwise requires:

(15.5) (a) "School" means:

(II) An institution that is licensed as a child care center pursuant to ~~article 6 of title 26, C.R.S.~~, PART 3 OF ARTICLE 5 OF TITLE 26.5 that is:

SECTION 125. In Colorado Revised Statutes, 39-3-110, **amend (1)**

introductory portion and (1)(a) as follows:

39-3-110. Property - integral part of child care center - charitable purposes - exemption - limitations. (1) Property, real and personal, ~~which~~ THAT is owned and used solely and exclusively for strictly charitable purposes and not for private gain or corporate profit ~~shall~~ MUST be exempt from the levy and collection of property tax if such property is used as an integral part of a child care center:

(a) Which is licensed pursuant to ~~article 6 of title 26, C.R.S. PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

SECTION 126. In Colorado Revised Statutes, 39-3-112, **amend** (1)(b) as follows:

39-3-112. Residential property - orphanage - low-income elderly or individuals with disabilities - homeless or abused - low-income households - charitable purposes - exemption - limitations - definitions. (1) As used in this section, unless the context otherwise requires:

(b) "Family service facility" means a facility ~~which~~ THAT is operated as a residential facility for single-parent families; ~~which~~ THAT houses only such families, exclusive of necessary housing facilities for resident managerial personnel; ~~which~~ THAT provides, in addition to housing, counseling in such areas as career development, parenting skills, and financial budgeting; and ~~which~~ THAT is a child care center licensed pursuant to the provisions of section 26-6-104, C.R.S. SECTION 26.5-5-309.

SECTION 127. In Colorado Revised Statutes, 39-21-108, **amend** (3)(a)(I)(A) and (3)(b); and **add** (3)(a)(IX) as follows:

39-21-108. Refunds. (3) (a) (I) (A) Whenever it is established that any taxpayer has, for any period open under the statutes, overpaid a tax covered by articles 22 and 26 to 29 of this title 39, article 60 of title 34, and article 3 of title 42 and that: There is an unpaid balance of tax and interest accrued, according to the records of the executive director, owing by such taxpayer for any other period; there is an amount required to be repaid to the unemployment compensation fund pursuant to section 8-81-101 (4), the amount of which has been determined to be owing as a result of a final agency determination or judicial decision or that has been reduced to

judgment by the division of unemployment insurance in the department of labor and employment; there is any unpaid child support debt as set forth in section 14-14-104, or child support arrearages that are the subject of enforcement services provided pursuant to section 26-13-106, as certified by the department of human services; there are any unpaid obligations owing to the state as set forth in section 26-2-133, for overpayment of public assistance or medical assistance benefits, the amount of which has been determined to be owing as a result of final agency determination or judicial decision or that has been reduced to judgment, as certified by the department of human services; THERE ARE ANY UNPAID OBLIGATIONS Owing TO THE STATE AS SET FORTH IN SECTION 26.5-4-119, FOR OVERPAYMENT OF CHILD CARE ASSISTANCE, THE AMOUNT OF WHICH HAS BEEN DETERMINED TO BE Owing AS A RESULT OF FINAL AGENCY DETERMINATION OR JUDICIAL DECISION OR THAT HAS BEEN REDUCED TO JUDGMENT AS CERTIFIED BY THE DEPARTMENT OF EARLY CHILDHOOD; there is any unpaid loan or other obligation due to a state-supported institution of higher education as set forth in section 23-5-115, the amount of which has been determined to be owing as a result of a final agency determination or judicial decision or that has been reduced to judgment, as certified by the appropriate institution; there is any unpaid loan due to the student loan division of the department of higher education as set forth in section 23-3.1-104 (1)(p), the amount of which has been determined to be owing as a result of a final agency determination or judicial decision or that has been reduced to judgment, as certified by the division; there is any unpaid loan due to the collegeinvest division of the department of higher education as set forth in section 23-3.1-206, the amount of which has been determined to be owing as a result of a final agency determination or judicial decision or that has been reduced to judgment; there is any outstanding judicial fine, fee, cost, or surcharge as set forth in section 16-11-101.8, or judicial restitution as set forth in section 16-18.5-106.8, the amount of which has been determined to be owing as a result of a final judicial department determination or certified by the judicial department as a judgment owed the state or a victim; there is any unpaid debt owing to the state or any agency thereof by such taxpayer, and that is found to be owing as a result of a final agency determination or the amount of which has been reduced to judgment and as certified by the state agency; or the taxpayer is a qualified individual identified pursuant to section 39-22-120 (10) or 39-22-2003 (9), so much of the overpayment of tax plus interest allowable thereon as does not exceed the amount of such unpaid balance or unpaid debt must be credited first to the unpaid balance of tax and interest accrued and then to the unpaid debt,

and any excess of the overpayment must be refunded. If the taxpayer elects to designate his or her refund as a credit against a subsequent year's tax liability, the amount allowed to be so credited must be reduced first by the unpaid balance of tax and interest accrued and then by the unpaid debt. If the taxpayer filed a joint return, the executive director shall notify the other taxpayer named on the joint return that the portion of the overpayment that is generated by the other taxpayer's income will be refunded upon receipt of a request detailing said amount.

(IX) ANY MONEY WITHHELD FOR PAYMENT OF OBLIGATIONS OWED TO THE DEPARTMENT OF EARLY CHILDHOOD FOR OVERPAYMENT OF CHILD CARE ASSISTANCE BENEFITS PURSUANT TO THIS SUBSECTION (3) SHALL BE DEPOSITED WITH THE STATE TREASURER FOR DISBURSEMENT BY THE DEPARTMENT OF EARLY CHILDHOOD. FOR ALL NAMES AND ASSOCIATED AMOUNTS CERTIFIED BY THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-4-119, THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF REVENUE SHALL PROVIDE TO THE DEPARTMENT OF EARLY CHILDHOOD THE NAMES OF TAXPAYERS AND THE ASSOCIATED AMOUNTS DEPOSITED WITH THE STATE TREASURER AND ANY OTHER IDENTIFYING INFORMATION AS REQUIRED BY THE DEPARTMENT OF EARLY CHILDHOOD.

(b) In the event there are debts for overpayments of unemployment insurance pursuant to section 8-81-101 (4), ~~C.R.S.~~, debts for unpaid child support, as set forth in section 26-13-111, ~~C.R.S.~~, debts for overpayment of public assistance or medical assistance benefits, as set forth in section 26-2-133, ~~C.R.S.~~, DEBTS FOR OVERPAYMENT OF CHILDCARE ASSISTANCE, AS SET FORTH IN SECTION 26.5-4-119, debts for any unpaid loan or other obligation due to a state-supported institution of higher education, as set forth in section 23-5-115, ~~C.R.S.~~, debts for any unpaid loan due to the student loan division of the department of higher education, as set forth in section 23-3.1-104 (1)(p), ~~C.R.S.~~, any amounts owed for judicial fines, fees, costs, or surcharges, as set forth in section 16-11-101.8, ~~C.R.S.~~, any amounts owed for judicial restitution, as set forth in section 16-18.5-106.8, ~~C.R.S.~~, and other unpaid debts owing to the state or any agency thereof, as set forth in this subsection (3), then credit to the unpaid debts shall be prorated on the basis of the ratio of the amount of each such unpaid debt as compared to the total amount of unpaid debts.

SECTION 128. In Colorado Revised Statutes, 39-22-119, amend (3) as follows:

39-22-119. Expenses related to child care - credits against state tax. (3) The child care expenses credits allowed under subsections (1) and (1.7) of this section shall not be allowed to a resident individual who is receiving child care assistance from the ~~state department of human services~~ DEPARTMENT OF EARLY CHILDHOOD except to the extent of the taxpayer's unreimbursed out-of-pocket expenses that result in a federal credit for child care expenses.

SECTION 129. In Colorado Revised Statutes, 39-22-121, ~~amend~~ (2) introductory portion, (2)(a), (6.5) introductory portion, and (6.5)(a) introductory portion as follows:

39-22-121. Credit for child care facilities - repeal. (2) Monetary contributions to promote child care in the state ~~shall~~ MUST include the following types of contributions:

(a) Donating money for the establishment or operation of a child care facility that uses the donation to provide child care, a child care program that is not a child care facility but provides child care services similar to those provided by a child care center, as defined in ~~section 26-6-102 (5)~~ SECTIONS 26-6-903 AND 26.5-5-303, or any other program that received donations for which a credit was allowed to the donor pursuant to this section for any income tax year that ended before January 1, 2004, in the state;

(6.5) ~~For the purposes of~~ AS USED IN this section, "child care facility" means:

(a) Any facility required to be licensed pursuant to ~~part 1 of article 6 of title 26, C.R.S., PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5 and~~ ~~shall~~ MUST include, but is not limited to:

SECTION 130. In Colorado Revised Statutes, 39-22-517, ~~amend~~ (1) and (2) as follows:

39-22-517. Tax credit for child care center investments. (1) With respect to taxable years commencing on or after January 1, 1992, there ~~shall be~~ IS allowed to any person operating a child care center LICENSED PURSUANT TO SECTION 26-6-905 OR 26.5-5-309, family child care home LICENSED PURSUANT TO SECTION 26.5-5-309, or foster care home licensed

pursuant to the provisions of section 26-6-104, C.R.S. SECTION 26-6-905 a credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of twenty percent of the taxpayer's annual investment in tangible personal property to be used in such child care center, family child care home, or foster care home. Such credit shall be IS in addition to any credit for which the taxpayer may be eligible pursuant to the provisions of section 39-22-507.5 or section 39-22-507.6.

(2) With respect to taxable years commencing on or after July 1, 1992, there shall be IS allowed to any sole proprietorship, partnership, limited liability corporation, subchapter S corporation, or regular corporation ~~which~~ THAT provides child care facilities ~~which~~ THAT are incidental to their business and are licensed pursuant to section 26-6-104, C.R.S., SECTION 26-6-905 OR 26.5-5-309 for the use of its employees a credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of ten percent of the taxpayer's annual investment in tangible personal property to be used in such child care facilities. Such credit shall be IS in addition to any credit for which the taxpayer may be eligible pursuant to the provisions of section 39-22-507.5 or section 39-22-507.6.

SECTION 131. In Colorado Revised Statutes, 39-28-116, amend (6) as follows:

39-28-116. Minimum price for cigarettes. (6) In its annual June forecast, legislative council staff shall report an estimate for the current state fiscal year of the additional sales tax revenue that is attributable to the applicable minimum price set forth in this section. On June 30 of the fiscal year, the state treasurer shall transfer an amount equal to seventy-three percent of the legislative council staff estimate from the general fund to the preschool programs cash fund created in section 24-22-118 (3)(a) SECTION 26.5-4-209.

SECTION 132. In Colorado Revised Statutes, 42-1-102, amend (88.5)(b)(II) as follows:

42-1-102. Definitions. As used in articles 1 to 4 of this title 42, unless the context otherwise requires:

(88.5) (b) "School vehicle" does not include:

(II) A motor vehicle that is owned by or under contract to a child care center, as defined in ~~section 26-6-102(5), C.R.S. SECTION 26-6-903 OR 26.5-5-303~~, and that is used for the transportation of children who are served by the child care center.

SECTION 133. In Colorado Revised Statutes, 42-4-236, **amend** (1)(a) as follows:

42-4-236. Child restraint systems required - definitions - exemptions. (1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING ACT", PART 9 OF ARTICLE 6 OF TITLE 26, OR THE "Child Care Licensing Act", ~~part 1 of article 6 of title 26, C.R.S. PART 3 OF ARTICLE 5 OF TITLE 26.5.~~

SECTION 134. In Colorado Revised Statutes, **repeal** 22-2-134; 22-2-134.5; and part 3 of article 6.2 of title 26.

SECTION 135. In Colorado Revised Statutes, **repeal** article 3.5 of title 19; 24-22-118 (3); part 8 of article 2, parts 1 and 8 of article 6, article 6.4, parts 1 and 4 of article 6.5, article 6.7, article 6.9, and article 18 of title 26; and part 7 of article 10.5 of title 27.

SECTION 136. In Colorado Revised Statutes, **repeal, as they will become effective July 1, 2024**, 26-6-102 (5)(a); 26-6-104.5 (4); 27-10.5-702 (3); 27-10.5-703 (3)(f), (3)(g), (3)(h), and (3)(i); 27-10.5-705 (1), (2), (3) introductory portion, (3)(b) introductory portion, and (3)(b)(I); 27-10.5-706 (1)(d) and (3); and 27-10.5-708 (1) introductory portion, (1)(a), and (1)(c).

SECTION 137. Appropriation - adjustments to 2022 long bill.
(1) To implement this act, all of the appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of human services for use by the office of early childhood are reduced to zero, and all of the related FTE are reduced to zero.

(2) All of the anticipated amount of federal funds received for the

2022-23 state fiscal year by the department of human services for use by the office of early childhood included in the annual general appropriation act for the 2022-23 state fiscal year are reduced to \$0, and all of the related FTE are reduced to zero.

(3) To implement this act, all of the appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of early childhood are reduced to \$0, and all of the related FTE are reduced to zero.

(4) To implement this act, appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of human services for use by the executive director's office are adjusted as follows:

(a) The appropriation for health, life, and dental is decreased by \$1,255,561, which consists of \$385,885 general fund, \$3,362 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., \$617,510 from various sources of cash funds, and \$248,804 federal funds from child care development funds;

(b) The appropriation for short-term disability is decreased by \$8,072, which consists of \$3,656 general fund, \$283 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., \$2,781 from various sources of cash funds, and \$1,352 federal funds from child care development funds;

(c) The appropriation for S.B. 04-257 amortization equalization disbursement is decreased by \$225,005, which consists of \$121,777 general fund, \$29,943 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and \$46,851 federal funds from child care development funds;

(d) The appropriation for S.B. 06-235 supplemental amortization equalization disbursement is decreased by \$225,005, which consists of \$121,777 general fund, \$29,943 from the marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and \$46,851 federal funds from child care development funds;

(e) The appropriation for salary survey is decreased by \$155,063,

which consists of \$79,987 general fund and \$75,076 federal funds from child care development funds; and

(f) The appropriation for shift differential is decreased by \$113,658, which consists of \$41,594 from various sources of cash funds and \$72,064 federal funds from child care development funds.

(5) (a) To implement this act, appropriations made in the annual general appropriation act for the 2022-23 state fiscal year to the department of human services are decreased as follows:

	Total Funds	General Fund	Reappropriated Funds
(1) Executive Director's Office			
Personal Services	\$97,507	\$4,418	\$93,089
Operating Expenses	39,280	2,204	37,076
Workers' Compensation	66,234	3,839	62,395
Legal Services	398,449	11,803	386,646
Administrative Law Judge Services	25,790	0	25,790
Payment to Risk Management and Property Funds	3,653	212	3,441
(2) Administration and Finance			
(A) Administration			
Personal Services	1,232,716	220,182	1,012,534
Operating Expenses	25,309	2,019	23,290
(B) Information Technology			
Operating Expenses	9,771	328	9,443
Microcomputer Lease Payments	12,029	380	11,649
County Financial Management System	31,514	0	31,514
Client Index Project	660	20	640
Payments to OIT	1,763,376	39,053	1,724,323
CORE Operations	37,195	2,762	34,433
Enterprise Content Management	21,197	1,722	19,475
(C) Operations			
Vehicle Lease Payments	8,906	608	8,298
Capital Complex Leased Space	300,029	22,117	277,912
Utilities	497	30	467
(D) Special Purpose			
Injury Prevention Program	1,304	100	1,204
Health Insurance Portability and Accountability Act of 1996 - Security Remediation	<u>8,898</u>	<u>822</u>	<u>8,076</u>
TOTAL	\$4,084,314	\$312,619	\$3,771,695

(b) For purposes of subsection (5)(a) of this section, the decreased reappropriated funds are all from indirect cost recoveries.

(6) (a) To implement this act, appropriations made from reappropriated funds in the annual general appropriation act for the 2022-23 state fiscal year to the department of human services are increased by \$1,405,014 as follows:

(1) Executive Director's Office

(A) General Administration

Personal Services	\$97,507
Operating Expenses	\$39,280

(2) Administration and Finance

(A) Administration

Personal Services	\$1,232,916
Operating Expenses	\$25,309

(D) Special Purpose

Injury Prevention	\$1,304
HIPPA	\$8,898

(b) The reappropriated funds specified in subsection (6)(a) of this section are funds received by the department of human services from the department of early childhood.

(7) (a) To implement this act, the appropriation made in the annual general appropriation act for the 2022-23 state fiscal year to the department of health care policy and financing for use by department of human services Medicaid-funded programs for division of community and family support, early intervention services is decreased by \$4,063,691. This appropriation is from the general fund, which is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year.

(b) The decrease of the appropriation in subsection (7)(a) of this section is based on the assumption that the anticipated amount of federal funds received for the 2022-23 state fiscal year by the department of health care policy and financing for division of community and family support, early intervention services will decrease by \$4,063,691.

(c) For the 2022-23 state fiscal year, \$4,063,691 is appropriated to the department of health care policy and financing for use by the executive

director's office, transfers to/from other departments. This appropriation is from the general fund, which is subject to the "(M)" notation as defined in the annual general appropriation act for the same fiscal year. To implement this act, the department may use this appropriation for transfer to the department of early childhood for early intervention services.

(d) For the 2022-23 state fiscal year, the general assembly anticipates that the department of health care policy and financing will receive \$4,063,691 in federal funds for transfer to the department of early childhood for early intervention services to implement this act. The appropriation in subsection (7)(c) of this section is based on the assumption that the department will receive this amount of federal funds.

(8) To implement this act, the general fund appropriation made in the annual general appropriation act for the 2022-23 state fiscal year to the governor - lieutenant governor - state planning and budgeting for use by the office of the governor, special purpose for legal services is decreased by \$177,426.

(9) To implement this act, the appropriation from reappropriated funds made in the annual general appropriation act for the 2022-23 state fiscal year to the department of education for appropriated sponsored programs is decreased by \$651,922, and the related FTE is decreased by 6.0 FTE.

(10) (a) Section 24-75-112, C.R.S., provides definitions in order to specify the purposes of certain line items of appropriation in subsection (10)(c) of this section.

(b) Section 24-75-108 and section 2 of the annual general appropriation act for the 2022-23 state fiscal year apply to the appropriations in subsection (10)(c) of this section as if the appropriations were included in the act.

(c)

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
		\$	\$	\$	\$	\$	
PART III							
DEPARTMENT OF EARLY CHILDHOOD							
(1) EXECUTIVE DIRECTOR'S OFFICE							
(A) General Administration							
Personal Services	3,201,419 (30.4 FTE)	2,144,852		27,542 ^a		1,029,025 ^b	
Health, Life, and Dental	1,561,561	591,885		700,872 ^c		268,804 ^d	
Short-term Disability	11,866	6,509		3,817 ^c		1,540 ^d	
S.B. 04-257 Amortization							
Equalization Disbursement	336,601	205,700		78,515 ^c		52,386 ^d	
S.B. 06-235 Supplemental Amortization Equalization Disbursement	336,601	205,700		78,515 ^c		52,386 ^d	
Salary Survey	155,063	79,987				75,076 ^d	
Shift Differential	113,658			41,594 ^c		72,064 ^d	
Workers' Compensation	66,234	3,839			62,395 ^e		
Operating Expenses	43,427	30,442		405 ^a	467 ^c	12,113 ^f	
Legal Services	694,159	307,513			386,646 ^e		
Administrative Law Judge Services	25,790				25,790 ^e		
Payment to Risk Management and Property Funds	3,653	212			3,441 ^e		
Vehicle Lease Payments	8,906	608			8,298 ^e		
Capital Outlay	86,800	86,800					
Capitol Complex Leased Space	300,029	22,117			277,912 ^e		

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
Operational Support Contract with the Department of Human Services						
	1,405,014		229,745		1,175,269 ^e	
	<u>8,350,781</u>					

^a These amounts shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S.

^b Of this amount, \$887,363 shall be from Child Care Development Funds and \$141,662(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

^c Of these amounts, \$714,753 shall be from various cash funds, \$125,029 shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S., and \$63,531 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

^d These amounts shall be from Child Care Development Funds.

^e These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

^f Of this amount, \$11,775 shall be from Child Care Development Funds and \$338(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

(B) Information Technology Systems

Information Technology Contracts and Equipment	5,021,705	3,948,984	72,721 ^a	1,000,000 ^b
Payments to OIT	1,763,376	39,053	1,724,323 ^a	
CORE Operations	37,195	2,762		34,433 ^a
Child Care Automated Tracking System	<u>4,259,933</u>			4,259,933 ^b
	<u>11,082,209</u>			

^a These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

^b These amounts shall be from Child Care Development Funds.

19,432,990

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$
(2) PARTNERSHIPS AND COLLABORATIONS						
Personal Services	1,216,887 (10.4 FTE)		293,202			923,685 ^a
Operating Expenses	213,056		45,846			167,210 ^a
Capital Outlay	6,200		6,200			
Local Coordinating Organizations	5,273,021					5,273,021 ^a
Early Childhood Councils ¹	3,331,173					3,331,173 ^a
Child Care Resource and Referrals	2,489,666					2,489,666 ^a
Family Resource Centers	1,661,578		1,661,578			
Indirect Cost Assessment	<u>241,942</u>					241,942 ^a
		14,433,523				

^a These amounts shall be from Child Care Development Funds.

(3) EARLY LEARNING ACCESS AND QUALITY						
Personal Services	8,962,932 (59.9 FTE)		625,330		500,110 ^a	7,837,492 ^b
Operating Expenses	803,174			10,800 ^a		792,374 ^b
Capital Outlay	62,000			49,600 ^a		12,400 ^b
Child Care Assistance Program	157,916,576		28,790,460		15,064,026(I) ^c	114,062,090 ^d
Intrastate Child Care Assistance Program Redistribution	500,000					500,000 ^b

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
		\$	\$	\$	\$	\$
Child Care Assistance						
Program Stimulus -						
Eligibility Expansion and						
Infant and Toddler Care						
Reimbursement	25,970,215					25,970,215 ^b
Workforce Recruitment and						
Retention Grants	11,551,160					11,551,160 ^b
Professional Development						
and Training	7,217,451					7,217,451 ^b
Early Childhood Quality and						
Availability	24,909,892		3,043,243			21,866,649 ^b
Local Capacity Building						
Grants	17,319,546					17,319,546 ^b
Indirect Cost Assessment	<u>2,620,768</u>					2,620,768 ^b
	257,833,714					

^a These amounts shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S.

^b These amounts shall be from Child Care Development Funds.

^c This amount shall be from local funds and reflects the local share of the costs of administering the Child Care Assistance Program and the local share of child care subsidies. The (L) notation and the (I) notation apply to this amount.

^d Of this amount, \$113,962,090 shall be from Child Care Development Funds and \$100,000 shall be from the Title XX Social Services Block Grant.

(4) COMMUNITY AND FAMILY SUPPORT

Personal Services	4,213,192 (25.8 FTE)	2,135,321	378,689 ^a	1,699,182 ^b
Operating Expenses	332,341	185,233	52,188 ^c	94,920 ^d
Early Intervention	79,446,457	54,770,474	10,516,016(I) ^e	8,127,382 ^f
Home Visiting	26,790,628	597,969	24,429,322 ^h	1,763,337(I) ⁱ

ITEM & SUBTOTAL	APPROPRIATION FROM					
	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$
Child Maltreatment Prevention	13,575,660	8,091,046		1,346,216 ^f		4,138,398(I) ^k
Early Childhood Mental Health Services ²	6,188,456	1,333,541				4,854,915 ^l
Social-Emotional Learning Programs Grants	777,926			777,926 ^m		
Child Care Services and Substance Use Disorder Treatment Pilot Program	500,000	500,000			125,940 ⁿ	372,141 ^o
Indirect Cost Assessment	<u>498,081</u>					
	132,322,741					

^a Of this amount, \$198,861 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$90,452 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S., \$88,267 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$1,109(I) shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

^b Of this amount, \$131,066 shall be from Child Care Development Funds, \$1,407,469(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act, \$95,779(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$64,868(I) reflects funds anticipated to be received pursuant to the Community-based Child Abuse Prevention Grant fund.

^c Of this amount, \$29,084 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$20,254 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$2,850 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.

^d Of this amount, \$35,902 shall be from Child Care Development Funds, \$32,944(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act, \$21,024(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$5,050(I) reflects funds anticipated to be received pursuant to the Community-based Child Abuse Prevention Grant fund.

^e This amount shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

^f This amount shall be from Medicaid funds transferred from the Department of Health Care Policy and Financing.

^g This amount reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

^h This amount shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., which is received as a damage award and, as such, does not constitute fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM					
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS	
		\$	\$	\$	\$	\$	
ⁱ This amount shall be from the Maternal, Infant and Early Childhood Home Visiting Grant program.							
^j Of this amount, \$1,074,400(I)(L) shall be from local funds and \$271,816 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.							
^k Of this amount, \$3,390,000 reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$748,398(I) reflects funds anticipated to be received pursuant to the Community-based Child Abuse Prevention Grant fund.							
^l This amount shall be from Child Care Development Funds.							
^m This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.							
ⁿ This amount shall be from various sources of cash funds.							
^o Of this amount, \$59,606 shall be from Child Care Development Funds and \$312,535(I) shall be from various sources of federal funds.							
(5) LICENSING AND ADMINISTRATION							
Personal Services	9,460,393 (59.1 FTE)	2,403,584		1,052,212 ^a		6,004,597 ^b	
Operating Expenses	1,037,528	14,619		265,915 ^c		756,994 ^d	
Background Investigation Unit	1,524,812 (12.5 FTE)			1,524,812 ^e			
Indirect Cost Assessment	<u>1,136,458</u>			101,138 ^f		1,035,320 ^b	
	13,159,191						

^a Of this amount, \$1,042,212 shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S. and \$10,000(I) shall be from the Child Care Cash Fund created in Section 26.5-5-323 (4), C.R.S. The Child Care Cash Fund amount is shown for informational purposes as it is continuously appropriated for activities related to the improvement of the quality of child care in Colorado, pursuant to Section 26.5-5-323 (4), C.R.S.

^b These amounts shall be from Child Care Development Funds.

^c This amount shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S.

^d Of this amount, \$606,994 shall be from Child Care Development Funds and \$150,000(I) shall be from Title IV-E of the Social Security Act. The amount from Title IV-E of the Social Security Act is reflected pursuant to Section 26-1-111 (2)(d)(II)(B), C.R.S., and shall be used in determining the amount to be deposited to the Excess Federal Title IV-E Reimbursements Cash Fund pursuant to Section 26-1-111 (2)(d)(II)(C), C.R.S.

^e Of this amount, \$1,143,273 shall be from the Records and Reports Fund created in Section 19-1-307 (2.5), C.R.S. and \$381,539 shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S.

^f This amount shall be from various sources of cash funds.

ITEM & SUBTOTAL	TOTAL	APPROPRIATION FROM				
		GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$
TOTALS PART III (EARLY CHILDHOOD)	\$437,182,159	112,404,354		57,126,170^a	11,899,077	255,752,558^b

^a Of this amount, \$26,665,551 contains an (I) notation and is included for informational purposes only.

^b Of this amount, \$14,914,387 contains an (I) notation and is included for informational purposes only.

FOOTNOTES -- The following statements are referenced to the numbered footnotes throughout subsection 10(c).

- 1 Department of Early Childhood, Partnerships and Collaborations, Early Childhood Councils -- It is the General Assembly's intent that these funds be allocated to existing Early Childhood Councils.
- 2 Department of Early Childhood, Community and Family Support, Early Childhood Mental Health Services -- It is the General Assembly's intent that this appropriation be used for the purpose of supporting early childhood mental health specialists in each community mental health center.

(11) For the 2022-23 state fiscal year, \$76,400 is appropriated to the department of education for use by the management and administration. This appropriation is from the general fund. To implement this act, the division may use this appropriation for information technology services.

(12) For the 2022-23 state fiscal year, \$118,284 is appropriated to the department of law. This appropriation is from reappropriated funds received from the department of early childhood under subsection (10)(c) of this section and is based on an assumption that the department of law will require an additional 0.7 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the department of early childhood.

SECTION 138. Effective date. (1) This act takes effect July 1, 2022; except that:

(a) This section 138, sections 1, 2, and 139 of this act, and part 1 of article 2 of title 26.5 added in section 3 of this act take effect upon passage; and

(b) Section 105 of this act takes effect only if House Bill 22-1038 becomes law, in which case section 105 takes effect January 9, 2023.

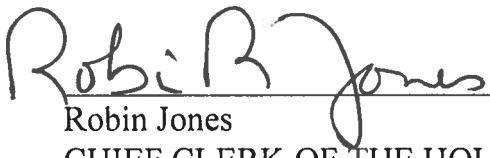
SECTION 139. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.



Alec Garnett
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



Steve Fenberg
PRESIDENT OF
THE SENATE

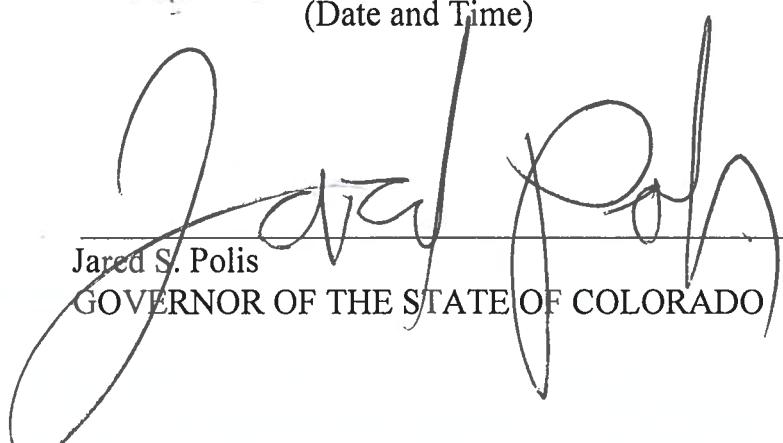


Robin Jones
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Cindi L. Markwell
SECRETARY OF
THE SENATE

APPROVED April 25, 2022 at 12:30 pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO