

Second Regular Session  
Seventy-third General Assembly  
STATE OF COLORADO

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 22-0025.11 Julie Pelegrin x2700

**HOUSE BILL 22-1295**

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**HOUSE SPONSORSHIP**

**Sirota and Garnett,**

**SENATE SPONSORSHIP**

**Buckner and Fenberg,**

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**House Committees**

Education  
Appropriations

**Senate Committees**

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**A BILL FOR AN ACT**

101      **CONCERNING THE DEPARTMENT OF EARLY CHILDHOOD, AND, IN**  
102            **CONNECTION THEREWITH, ESTABLISHING THE DUTIES OF THE**  
103            **DEPARTMENT OF EARLY CHILDHOOD AND THE EXECUTIVE**  
104            **DIRECTOR OF THE DEPARTMENT, RELOCATING EARLY**  
105            **CHILDHOOD PROGRAMS FROM THE DEPARTMENTS OF HUMAN**  
106            **SERVICES AND EDUCATION TO THE DEPARTMENT OF EARLY**  
107            **CHILDHOOD, AND CREATING THE COLORADO UNIVERSAL**  
108            **PRESCHOOL PROGRAM.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at*

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters or bold & italic numbers indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

<http://leg.colorado.gov>.)

**Operations of the department of early childhood:** The bill establishes the powers, functions, and responsibilities of the department of early childhood (department) and the executive director of the department (executive director) in overseeing and administering early childhood and family support programs and services (programs and services). The bill relocates most programs from the department of human services and the department of education to the department, effective July 1, 2022; the authority to operate a preschool program transfers July 1, 2023. The department may enter into memoranda of understanding and interagency agreements to allow the department of human services and the department of education to continue operating programs, as necessary, to accomplish the transfer of programs, personnel, property, records, information systems, and funding to the department over time without interruption of service. Any existing contracts, claims, and liabilities that pertain to the transferred programs and functions transfer to the department. The rules that pertain to a particular program or function that is transferred to the department remain in effect and apply to the department and to persons or entities affected by the programs and functions until the executive director repromulgates the rules. The department is authorized to accept, use, and administer federal money made available for the purpose of early childhood programs and services operated by the department.

**Department rules (pgs 9-13):** The bill authorizes the executive director to promulgate rules for the department and the programs administered by the department. The executive director must convene a 15-member rules advisory council (council) to provide consultation and advice with regard to the rules of the department and the programs administered by the department. The bill establishes the membership of the council to include a variety of persons who have experience with programs and services.

The bill requires the department to:

- Exercise specified functions and the bill specifies principles the department must follow in exercising the functions; (pgs 19-24)
- Develop and implement a single, unified electronic application for families to use to apply for all publicly funded early childhood programs and services the department administers. The application must be functional by July 1, 2023, for purposes of the Colorado universal preschool program (preschool program). (pgs 24-25)
- Work with local coordinating organizations, state and local agencies, and program providers to collect, share, manage, use, and protect data pertaining to programs and services.

The department must regularly inform the public of progress made in improving the delivery of programs and services. (pgs 25-29)

- Contract with a public or private entity to independently evaluate the department's governance and performance after the first 3 years of operation and to evaluate early childhood programs that were not transferred to the department and recommend whether to transfer those programs. By November 1, 2025, the independent evaluator must submit the report to the governor, the early childhood leadership commission, and committees of the general assembly. (pgs 29-31)
- Collaborate with other state departments to prepare an annual report concerning transitioning and implementing programs and services and cross-agency collaboration. The department shall include the report in its annual hearing pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act". (pgs 31-33)

**Local coordinating organization (pgs 33-52):** The bill directs the department to solicit applications from local public entities and nonprofit organizations to serve as local coordinating organizations (LCOs) in communities throughout the state. The department must review the applications and, to the extent possible, select an LCO for every community in the state. If there is an area for which an LCO is not selected, the department will serve as the LCO until an organization is selected. An LCO is responsible for working with the families, program and service providers, and local governments in the community and with the department to increase access to, coordinate, and allocate funding for program and service providers in the community. The bill specifies the responsibilities of the LCO, including the requirement to adopt a community plan (plan), subject to approval by the department, to address specified issues, including:

- Assisting families in applying for programs and services;
- Recruiting and ensuring a mixed delivery system of public and private preschool program providers;
- Allocating funding among providers, based on parent choice, to maximize funding to meet community needs for programs and services;
- Supporting increased recruitment and retention of individuals in the early care and education workforce;
- Securing additional local resources and funding for programs and services; and
- Providing transparency concerning the amount of money available for and used to support programs and services.

The LCO must submit the proposed plan to the department, and the department may require revisions before approving the plan.

The department shall enter into a coordinator agreement with each LCO that specifies the duties of the LCO in implementing the plan; other responsibilities the LCO must meet, including responsibilities concerning the preschool program; performance expectations that the LCO is to meet; and the duties of the department to support and assist the LCO. The term of the initial coordinator agreement is 3 years and subsequent agreements must have 3- to 5-year terms. At the conclusion of a coordinator agreement, the department must solicit and review LCO applications for the community and may select the same or a new organization to serve as the LCO. The bill specifies the department's duties concerning LCOs, including annually reviewing each LCO's performance.

**Transfer of department of human services programs:** Effective July 1, 2022, the bill transfers the authority for the following programs and functions from the department of human services to the department. The programs are relocated within the bill without substantive change, except as noted:

- Early childhood councils (pgs 52-63);
- Family resource centers (pgs 63-71);
- The child abuse prevention trust fund (pgs 71-80);
- The child care services and substance use disorder treatment pilot program (pgs 81-83);
- Early intervention services for infants and toddlers (pgs 83-108);
- The Colorado nurse home visitor program (pgs 108-122);
- Social-emotional learning programs grant program (pgs 122-128). The bill codifies the social-emotional learning programs grant program, currently operated by the department of human services as the incredible years program, to provide grants to operate programs for teachers and parents and directly for young children. The department shall administer the grant program in collaboration with an implementation partner that the department selects. The bill specifies the duties of the implementation partner, the grant application requirements, and the program and curriculum requirements a grantee must meet.
- The early childhood mental health consultation program (pgs 128-137);
- Emergency relief grant programs (pgs 137-158);
- The Colorado child care assistance program (CCCAP) (pgs 159-183). The bill requires the department, after consulting with county departments of human and social services and child care providers and by July 1, 2025, to develop a

calculation for provider rates that more accurately reflects the cost of child care, while still complying with federal law and procedures. The bill authorizes the executive director to adjust the percentage of the federal poverty rate used to determine eligibility for child care assistance in order to align eligibility across early care and education programs to the extent allowed by federal law. Effective July 1, 2023, a county shall not require a person who applies for child care assistance to participate in child support establishment, modification, or enforcement services. Beginning July 1, 2023, a county may give priority for services to a working family over a family enrolled in postsecondary education or workforce training only if the county does not have sufficient funding and has approval for the prioritization from the department. Each county shall pay providers for care in alignment with common private-market practices, and the department rules for payment policies must not be based on daily reimbursement rates and must incentivize providers to promote regular program attendance. The bill requires the executive director to adopt rules pertaining to children who are enrolled in both CCCAP and the preschool program to ensure funds may be blended or braided at the state and local levels and eligibility and authorization for services are aligned, to the extent practicable. Each county must enter into an annual performance contract with the department with regard to implementing CCCAP.

- Quality improvement initiatives for early childhood care and education programs (pgs 225-233);
- Colorado infant and toddler quality and availability grant program (pgs 233-237);
- Child care licensing (pgs 237-330). The bill transfers from the department of human services to the department the authority for licensing child care centers, family child care homes, and other facilities generally providing less than 24-hour care for children. The licensing authority is transferred without substantive change except for the creation of a public preschool provider license that is focused on ensuring the health and safety of children in public preschool classrooms. The authority for licensing residential and day treatment facilities and child placement agencies remains in the department of human services.
- Early childhood workforce development (pgs 330-335). The bill requires the department to create a plan for recruiting, training, and retaining a well-compensated,

well-prepared, high-quality early childhood workforce and specifies the issues to be addressed. The department must make the plan publicly available on the department's website and submit a copy to the early childhood leadership commission, the governor's office, and committees of the general assembly. The department must collaborate with other state departments to periodically review and assess the implementation of recruitment, preparation, professional development, and retention initiatives for the early childhood workforce.

**Transfer of department of education programs:** Effective July 1, 2022, the bill transfers responsibilities concerning early childhood workforce development, including the professional development information system, from the department of education to the department. Effective July 1, 2023, the bill moves the authority to operate a statewide preschool program from the department of education to the department.

**Colorado universal preschool program (pgs 183-225):** The bill creates the Colorado universal preschool program to provide 10 hours per week of preschool services for children in the year preceding eligibility for kindergarten, including children with disabilities (universal preschool services); preschool services for all 3-year-old children with disabilities and a limited number of other 3-year-old children who are in low-income families or meet qualifying factors; preschool services for children younger than 3 years of age in limited circumstances; and additional hours of preschool services in the year preceding eligibility for kindergarten (additional preschool services) for children who are in low-income families or meet qualifying factors.

The department shall administer the preschool program, which will begin enrolling students for the 2023-24 school year. The department shall work with the LCOs to make available throughout the state a mixed delivery system of public and private preschool providers to accommodate parent choice. The executive director shall, by rule, establish quality standards, as described in the bill, that preschool providers must meet. The department shall collaborate with the department of education through an interagency agreement to ensure all 3- and 4-year-old children with disabilities are served in accordance with federal and state requirements for children with disabilities.

The department shall implement a process of continuous evaluation and improvement for preschool providers and contract with an independent evaluator to measure the preschool program's success in improving the overall learning and school readiness of children who are served in the preschool program. The department shall publicly communicate the evaluation results and consider the results in reviewing the preschool quality standards; recruiting, training, and retaining a high-quality early childhood workforce; and establishing goals for the

preschool program.

The department shall annually establish per-child rates for universal preschool services; preschool services for children 3 years of age and, in limited circumstances, younger; and additional preschool services. The department shall by rule establish the formulas for determining the per-child rates, taking into account the cost of providing preschool services and variations in the cost resulting from regional differences and circumstances and from characteristics of children who enroll in the preschool program. In addition to distributing preschool program funding based on the per-child rates, the department may distribute funding to preschool providers to achieve specified purposes. The department shall distribute the funding to preschool providers throughout the fiscal year based on preschool enrollment, and each preschool provider shall use the funding only to pay the costs of providing preschool services.

In allocating the preschool funding, the department must prioritize funding for universal preschool services, including services for children with disabilities; preschool services for 3-year-old children with disabilities; and preschool services for other 3-year-old, and in limited circumstances younger, children up to a specified amount. The department may then allocate funding for additional preschool services, first for children who are in low-income families and meet qualifying factors, and for specified purposes.

Each preschool provider that is a school district or charter school shall provide preschool and special education local contribution amounts that are based on the school district's local share of 50% of its per pupil revenues and the number of children enrolled by the school district or charter school in preschool for the 2022-23 fiscal year and the number of 3-year-old children with disabilities that the school district or charter school annually enrolls in preschool. The department shall decrease the amount of preschool funding distributed to each school district and charter school based on the amount of the school district's or charter school's local contributions.

Funding for the preschool program is paid from money appropriated to the preschool programs cash fund (fund), which consists of a portion of the taxes collected on sales of cigarettes and other tobacco and nicotine products and other amounts that the general assembly transfers or appropriates to the fund. For the 2023-24 fiscal year and each fiscal year thereafter, the general assembly is required to transfer to the fund an amount equal to the state share of total program attributable to preschool enrollment for the 2022-23 fiscal year, increased annually by the rate of inflation, plus an amount necessary to ensure that all 3-year-old children with disabilities who are enrolled in the preschool program are funded at the per-child rate for the applicable fiscal year.

Beginning in January of 2024, the department shall include in its

annual "SMART Act" report specified information concerning implementation of the preschool program and post the information on the department's website.

**Conforming amendments (pgs 335-485):** The bill makes substantive and technical conforming amendments to address the relocation of programs and functions to the department, including re-creating the provisions for licensing residential and day treatment facilities and child care placement agencies by the department of human services.

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

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26.5-1-103  
3 as follows:

4 **26.5-1-103. Definitions.** As used in this title 26.5, unless the  
5 context otherwise requires:

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

8 (2) ~~"Executive director" means the executive director of the~~  
9 ~~department of early childhood.~~ "DEPARTMENT RULE" MEANS A RULE  
10 PROMULGATED BY THE EXECUTIVE DIRECTOR AS AUTHORIZED IN SECTION  
11 26.5-1-105.

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

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

20 (5) "RULES ADVISORY COUNCIL" OR "COUNCIL" MEANS THE

1 COUNCIL CONVENED BY THE EXECUTIVE DIRECTOR PURSUANT TO SECTION  
2 26.5-1-105.

3 **SECTION 2.** In Colorado Revised Statutes, **add** 26.5-1-105,  
4 26.5-1-106, 26.5-1-107, 26.5-1-108, 26.5-1-109, 26.5-1-110, 26.5-1-111,  
5 and 26.5-1-112 as follows:

6 **26.5-1-105. Powers and duties of the executive director - rules**

7 **- rules advisory council - repeal.** (1) THE EXECUTIVE DIRECTOR IS  
8 AUTHORIZED TO PROMULGATE, IN ACCORDANCE WITH THE "STATE  
9 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24, ALL RULES  
10 FOR THE ADMINISTRATION OF THE DEPARTMENT AND FOR THE EXECUTION  
11 AND ADMINISTRATION OF THE FUNCTIONS SPECIFIED IN SECTION  
12 26.5-1-109 AND FOR THE PROGRAMS AND SERVICES SPECIFIED IN THIS  
13 TITLE 26.5. IN PROMULGATING RULES, THE EXECUTIVE DIRECTOR SHALL,  
14 TO THE GREATEST EXTENT POSSIBLE:

15 (a) REDUCE THE ADMINISTRATIVE BURDEN ON FAMILIES AND  
16 PROVIDERS OF ACCESSING PROGRAMS AND SERVICES, IMPLEMENTING  
17 PROGRAMS, AND PROVIDING SERVICES;

18 (b) DECREASE DUPLICATION AND CONFLICTS IN IMPLEMENTING  
19 PROGRAMS AND PROVIDING SERVICES;

20 (c) INCREASE EQUITY IN ACCESS TO PROGRAMS AND SERVICES AND  
21 IN CHILD AND FAMILY OUTCOMES;

22 (d) INCREASE ADMINISTRATIVE EFFICIENCIES AMONG THE  
23 PROGRAMS AND SERVICES PROVIDED BY THE DEPARTMENT; AND

24 (e) ENSURE THAT THE RULES ARE COORDINATED ACROSS  
25 PROGRAMS AND SERVICES SO THAT PROGRAMS ARE IMPLEMENTED AND  
26 SERVICES ARE PROVIDED WITH IMPROVED EASE OF ACCESS, QUALITY OF  
27 FAMILY AND PROVIDER EXPERIENCE, AND EASE OF IMPLEMENTATION BY

1 STATE, LOCAL, AND TRIBAL AGENCIES.

2 (2) (a) THE EXECUTIVE DIRECTOR SHALL CONVENE A RULES  
3 ADVISORY COUNCIL FOR CONSULTATION AND ADVICE IN PROMULGATING  
4 RULES FOR THE FUNCTIONS, PROGRAMS, AND SERVICES THAT THE  
5 DEPARTMENT PROVIDES. TO ENSURE THAT THE COUNCIL IS  
6 REPRESENTATIVE AND COLLABORATIVE AND EMBODIES A WIDE RANGE OF  
7 PERSPECTIVES AND EXPERIENCE WITH REGARD TO EARLY CHILDHOOD AND  
8 FAMILY SUPPORT PROGRAMS AND SERVICES, THE EXECUTIVE DIRECTOR  
9 SHALL CONDUCT OUTREACH TO A WIDE RANGE OF EARLY CHILDHOOD  
10 INDUSTRY ORGANIZATIONS AND PARTNERS AND SHALL PUBLICLY SOLICIT  
11 APPLICATIONS FROM QUALIFIED AND INTERESTED INDIVIDUALS. THE  
12 EXECUTIVE DIRECTOR SHALL APPOINT FIFTEEN PERSONS TO SERVE ON THE  
13 COUNCIL, WHICH MUST INCLUDE AT LEAST ONE PERSON FROM EACH OF THE  
14 FOLLOWING CATEGORIES:

15 (I) REPRESENTATIVES FROM PROGRAMMATICALLY DIVERSE  
16 COMMUNITIES, INCLUDING:

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

19 (B) A REPRESENTATIVE FROM A PRIVATE EARLY CHILDHOOD  
20 PROVIDER, WHO MAY BE A HEAD START PROGRAM PROVIDER; AND

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

23 (II) A REPRESENTATIVE OF COUNTY-LEVEL ADMINISTRATION OF  
24 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;

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

27 (IV) A REPRESENTATIVE WHO IS AN EXPERT IN THE FUNDING FOR

1 AND RULES AND FEDERAL REGULATIONS CONCERNING EARLY CHILDHOOD  
2 AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING THE LAWS,  
3 RULES, AND REGULATIONS PERTAINING TO CHILDREN WITH DISABILITIES;

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

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

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

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

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

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

17 (c) IN APPOINTING MEMBERS OF THE COUNCIL, THE EXECUTIVE  
18 DIRECTOR SHALL ENSURE THAT THE APPOINTED MEMBERS ARE FROM  
19 REGIONS THROUGHOUT THE STATE, INCLUDING URBAN, SUBURBAN, AND  
20 RURAL AREAS, AND, TO THE EXTENT PRACTICABLE, ARE DIVERSE WITH  
21 REGARD TO RACE, ETHNICITY, IMMIGRATION STATUS, AGE, SEXUAL  
22 ORIENTATION, GENDER IDENTITY, CULTURE, AND LANGUAGE.

23 (d) MEMBERS OF THE COUNCIL ARE APPOINTED TO SERVE  
24 FOUR-YEAR TERMS AND MAY SERVE TWO CONSECUTIVE TERMS; EXCEPT  
25 THAT, OF THE MEMBERS INITIALLY APPOINTED TO THE COUNCIL, THE  
26 EXECUTIVE DIRECTOR SHALL APPOINT FIVE MEMBERS TO SERVE TWO-YEAR  
27 TERMS, FIVE MEMBERS TO SERVE THREE-YEAR TERMS, AND FIVE MEMBERS

1 TO SERVE FOUR-YEAR TERMS. IF A VACANCY ARISES ON THE COUNCIL, THE  
2 EXECUTIVE DIRECTOR SHALL APPOINT A PERSON TO FILL THE VACANCY  
3 FOR THE REMAINDER OF THE UNEXPIRED TERM.

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

10 (f) (I) THE COUNCIL SHALL MEET AS OFTEN AS REQUESTED BY THE  
11 EXECUTIVE DIRECTOR. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
12 (2)(f)(II) OF THIS SECTION, A MEMBER OF THE COUNCIL AND A  
13 NON-COUNCIL MEMBER WHO SERVES ON A SUBCOMMITTEE MAY RECEIVE  
14 THE SAME PER DIEM COMPENSATION FOR ATTENDANCE AT COUNCIL OR  
15 SUBCOMMITTEE MEETINGS AS IS PROVIDED FOR MEMBERS OF BOARDS AND  
16 COMMISSIONS PURSUANT TO SECTION 12-20-103 (6) AND REIMBURSEMENT  
17 FOR ANY EXPENSES NECESSARY TO SUPPORT THE MEMBER'S PARTICIPATION  
18 AT A COUNCIL OR SUBCOMMITTEE MEETING, INCLUDING ANY REQUIRED  
19 DEPENDENT OR ATTENDANT CARE AND, IF THE MEMBER RESIDES MORE  
20 THAN FIFTY MILES FROM THE LOCATION OF THE COUNCIL OR  
21 SUBCOMMITTEE MEETING, EXPENSES INCURRED IN TRAVELING TO AND  
22 FROM THE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR  
23 ATTENDANT TRAVEL, FOOD, AND LODGING.

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

1 (g) IF THE EXECUTIVE DIRECTOR DECIDES NOT TO FOLLOW THE  
2 RECOMMENDATIONS OF THE COUNCIL WITH REGARD TO A RULE, THE  
3 EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN EXPLANATION OF THE  
4 RATIONALE FOR THE DECISION.

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

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

12 **26.5-1-106. Transfer of functions - employees - property -**  
13 **contracts.** (1) (a) (I) ON AND AFTER JULY 1, 2022, THE DEPARTMENT IS  
14 RESPONSIBLE FOR EXECUTING, ADMINISTERING, PERFORMING, AND  
15 ENFORCING THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
16 VESTED BEFORE JULY 1, 2022, IN:

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

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

23 (II) THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
24 CONCERNING A STATEWIDE PRESCHOOL PROGRAM ARE TRANSFERRED,  
25 EFFECTIVE JULY 1, 2022, TO THE DEPARTMENT TO THE EXTENT NECESSARY  
26 TO ESTABLISH AND AUTHORIZE ENROLLMENT IN THE COLORADO  
27 UNIVERSAL PRESCHOOL PROGRAM, AS PROVIDED IN PART 2 OF ARTICLE 4

1 OF THIS TITLE 26.5 FOR THE 2023-24 SCHOOL YEAR, AND ARE FULLY  
2 TRANSFERRED TO THE DEPARTMENT, EFFECTIVE JULY 1, 2023. THE  
3 DEPARTMENT OF EDUCATION RETAINS SUCH RIGHTS, POWERS, DUTIES,  
4 FUNCTIONS, AND OBLIGATIONS AS ARE NECESSARY TO OPERATE THE  
5 EXISTING COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF  
6 TITLE 22 FOR THE 2022-23 SCHOOL YEAR.

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

15 (c) THE RULES PERTAINING TO THE POWERS, DUTIES, FUNCTIONS,  
16 AND OBLIGATIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO  
17 SUBSECTION (1)(a) OF THIS SECTION THAT ARE ADOPTED BY THE  
18 DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN  
19 SERVICES, OR THE STATE BOARD OF EDUCATION AND ARE IN EFFECT AS OF  
20 JULY 1, 2022, CONTINUE IN EFFECT AND APPLY TO THE DEPARTMENT AND  
21 PERSONS OR ENTITIES LICENSED OR PROVIDING SERVICES PURSUANT TO  
22 THIS TITLE 26.5 UNTIL REPLACED BY RULES ADOPTED BY THE EXECUTIVE  
23 DIRECTOR PURSUANT TO SECTION 26.5-1-105.

24 (2) BEGINNING JULY 1, 2022, THE POSITIONS OF EMPLOYMENT IN  
25 THE DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF  
26 EDUCATION CONCERNING THE POWERS, DUTIES, AND FUNCTIONS  
27 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO

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

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

27 (4) EFFECTIVE JULY 1, 2022, IF THE DEPARTMENT OF HUMAN

1 SERVICES OR THE DEPARTMENT OF EDUCATION IS REFERRED TO OR  
2 DESIGNATED BY A CONTRACT OR OTHER DOCUMENT IN CONNECTION WITH  
3 THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO THE DEPARTMENT  
4 OF EARLY CHILDHOOD PURSUANT TO THIS PART 1, SUCH REFERENCE OR  
5 DESIGNATION IS DEEMED TO APPLY TO THE DEPARTMENT OF EARLY  
6 CHILDHOOD. ALL CONTRACTS ENTERED INTO BY THE SAID DEPARTMENTS  
7 BEFORE JULY 1, 2022, IN CONNECTION WITH THE POWERS, DUTIES, AND  
8 FUNCTIONS TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD  
9 PURSUANT TO THIS PART 1 ARE HEREBY VALIDATED, WITH THE  
10 DEPARTMENT OF EARLY CHILDHOOD SUCCEEDING TO ALL RIGHTS AND  
11 OBLIGATIONS UNDER SAID CONTRACTS. ANY MONEY THAT WAS  
12 PREVIOUSLY RECEIVED OR APPROPRIATED, AND REMAINS AVAILABLE, TO  
13 SATISFY OBLIGATIONS INCURRED UNDER SAID CONTRACTS IS TRANSFERRED  
14 AND FURTHER APPROPRIATED TO THE DEPARTMENT OF EARLY CHILDHOOD  
15 FOR THE PAYMENT OF SAID OBLIGATIONS.

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

24 (6) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED,  
25 ALL CLAIMS AND LIABILITIES, INCLUDING COSTS, RELATING TO THE  
26 PERFORMANCE OF THE DEPARTMENT OF HUMAN SERVICES WITH REGARD  
27 TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION

1 (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF EDUCATION WITH  
2 REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN SUBSECTION  
3 (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION ARE TRANSFERRED TO AND  
4 ASSUMED BY THE DEPARTMENT OF EARLY CHILDHOOD, EXCLUSIVELY  
5 THROUGH THE DEPARTMENT OF EARLY CHILDHOOD, AND NO OTHER PUBLIC  
6 ENTITY OR AGENCY IS RESPONSIBLE OR LIABLE FOR ANY SUCH CLAIMS,  
7 LIABILITIES, OR DAMAGES.

8 (7) THE EXECUTIVE DIRECTOR, OR AN EXECUTIVE DIRECTOR'S  
9 DESIGNEE, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE,  
10 GIFTS, GRANTS AND DONATIONS FOR ANY PURPOSE CONNECTED WITH THE  
11 POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE STATE  
12 TREASURER SHALL HOLD ANY PROPERTY SO GIVEN, BUT THE EXECUTIVE  
13 DIRECTOR, OR AN EXECUTIVE DIRECTOR'S DESIGNEE, MAY DIRECT THE  
14 DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT  
15 WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS CREATED.

16 **26.5-1-107. Final agency action - administrative law judge -**  
17 **authority of executive director - rules.** THE EXECUTIVE DIRECTOR MAY  
18 APPOINT ONE OR MORE PERSONS TO SERVE AS ADMINISTRATIVE LAW  
19 JUDGES FOR THE DEPARTMENT PURSUANT TO SECTION 24-4-105, AND  
20 PURSUANT TO PART 10 OF ARTICLE 30 OF TITLE 24, SUBJECT TO  
21 APPROPRIATIONS MADE TO THE DEPARTMENT OF PERSONNEL. HEARINGS  
22 CONDUCTED BY AN APPOINTED ADMINISTRATIVE LAW JUDGE ARE  
23 CONSIDERED INITIAL DECISIONS OF THE DEPARTMENT THAT THE  
24 EXECUTIVE DIRECTOR, OR AN EXECUTIVE DIRECTOR'S DESIGNEE, SHALL  
25 REVIEW. IF EXCEPTIONS TO THE INITIAL DECISION ARE FILED PURSUANT TO  
26 SECTION 24-4-105 (14)(a)(I), THE REVIEW MUST BE IN ACCORDANCE WITH  
27 SECTION 24-4-105 (15); EXCEPT THAT THE DEPARTMENT MAY, AT ITS

1 DISCRETION, PERMIT A PARTY TO FILE AN AUDIO RECORDING IN LIEU OF A  
2 WRITTEN TRANSCRIPT IF THE PARTY CANNOT AFFORD A WRITTEN  
3 TRANSCRIPT. THE EXECUTIVE DIRECTOR MAY ADOPT RULES DELINEATING  
4 THE CRITERIA AND PROCESS FOR FILING AN AUDIO RECORDING IN LIEU OF  
5 A WRITTEN TRANSCRIPT. IN THE ABSENCE OF AN EXCEPTION FILED  
6 PURSUANT TO SECTION 24-4-105 (14)(a)(I), THE EXECUTIVE DIRECTOR  
7 SHALL REVIEW THE INITIAL DECISION IN ACCORDANCE WITH A PROCEDURE  
8 ADOPTED BY THE EXECUTIVE DIRECTOR. THE PROCEDURE MUST BE  
9 CONSISTENT WITH FEDERAL MANDATES CONCERNING THE SINGLE STATE  
10 AGENCY REQUIREMENT. REVIEW BY THE EXECUTIVE DIRECTOR IN  
11 ACCORDANCE WITH SECTION 24-4-105 (15) OR THE PROCEDURE ADOPTED  
12 BY THE EXECUTIVE DIRECTOR PURSUANT TO THIS SECTION CONSTITUTES  
13 FINAL AGENCY ACTION.

14 **26.5-1-108. Cooperation with federal government -**  
15 **grants-in-aid - legislative intent.** (1) THE DEPARTMENT IS AUTHORIZED  
16 TO ACCEPT, USE, AND ADMINISTER ALL MONEY AND PROPERTY GRANTED  
17 OR MADE AVAILABLE TO THE STATE OR ANY STATE AGENCY FOR THE  
18 PURPOSE OF THE EARLY CHILDHOOD PROGRAMS AND SERVICES THAT ARE  
19 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 OR  
20 SUBSEQUENTLY CREATED IN THIS TITLE 26.5 OR OTHER PROGRAMS AND  
21 SERVICES THAT ARE COMPARABLE TO SAID PROGRAMS AND SERVICES,  
22 EXCEPT ANY MONEY AND PROPERTY THAT IS GRANTED OR MADE  
23 AVAILABLE TO ANOTHER SPECIFICALLY DESIGNATED AGENCY.

24 (2) IF IT IS NECESSARY TO EXECUTE A FORMAL AGREEMENT WITH  
25 A FEDERAL AGENCY OR OFFICER AS A CONDITION PRECEDENT TO  
26 RECEIVING FEDERAL MONEY OR PROPERTY PURSUANT TO SUBSECTION (1)  
27 OF THIS SECTION, THE DEPARTMENT IS AUTHORIZED TO EXECUTE SUCH AN

1 AGREEMENT, WITH THE APPROVAL OF THE ATTORNEY GENERAL, SO LONG  
2 AS THE AGREEMENT IS NOT INCONSISTENT WITH LAW.

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

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

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

1                   **26.5-1-109. Department functions - operating principles.**

2           (1) THE DEPARTMENT SHALL EXECUTE THE FOLLOWING FUNCTIONS AND  
3           OPERATE PROGRAMS AND PROVIDE SERVICES ASSOCIATED WITH THOSE  
4           FUNCTIONS AS DESCRIBED IN THIS TITLE 26.5 AND AUTHORIZED BY  
5           FEDERAL LAW:

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

10                   (b) IDENTIFY AND ADDRESS CHILD AND FAMILY TRAUMA AND  
11                   SUPPORT A TRAUMA-INFORMED, AS DEFINED IN SECTION 19-1-103,  
12                   APPROACH TO EARLY CHILDHOOD;

13                   (c) PROVIDE SUPPORT TO FAMILIES FOR HEALTHY EARLY  
14                   CHILDHOOD DEVELOPMENT;

15                   (d) PROMOTE ACCESS TO QUALITY EARLY CHILDHOOD CARE AND  
16                   EDUCATION, INCLUDING MONITORING AND INCREASING THE CAPACITY OF  
17                   QUALITY EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS TO  
18                   SUPPORT THE AVAILABILITY OF SAID PROGRAMS FOR CHILDREN  
19                   THROUGHOUT THE STATE;

20                   (e) PROMOTE AND SUPPORT ACCESS TO A COHERENT AND ALIGNED  
21                   SYSTEM OF PREPARATION AND ONGOING PROFESSIONAL DEVELOPMENT  
22                   OPPORTUNITIES FOR PERSONS WHO PROVIDE EARLY CHILDHOOD AND  
23                   FAMILY SUPPORT PROGRAMS AND SERVICES;

24                   (f) SUPPORT STATE AND LOCAL INFRASTRUCTURE FOR PROVIDING  
25                   EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES,  
26                   INCLUDING EARLY CHILDHOOD CARE AND EDUCATION AND PHYSICAL,  
27                   ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

1 (g) COLLABORATE FORMALLY AND INFORMALLY WITH ALL STATE  
2 DEPARTMENTS AND LOCAL AND TRIBAL AGENCIES THAT ADMINISTER OR  
3 OTHERWISE PROVIDE SUPPORT FOR EARLY CHILDHOOD AND FAMILY  
4 SUPPORT PROGRAMS AND SERVICES TO ENSURE EFFECTIVE AND EFFICIENT  
5 ADMINISTRATION OF SAID PROGRAMS AND SERVICES, INCLUDING  
6 COMBINING AND COORDINATING THE FUNDING FOR SAID PROGRAMS AND  
7 SERVICES THAT ARE UNDER THE JURISDICTION OF THE DEPARTMENT TO  
8 THE FULLEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAWS AND  
9 REGULATIONS, AND TO ENSURE CONSISTENCY IN THE EXPERIENCE OF  
10 FAMILIES WHO BENEFIT FROM THESE PROGRAMS AND SERVICES AND  
11 PROMOTE WHOLE-CHILD AND WHOLE-FAMILY WELL-BEING;

12 (h) COLLABORATE WITH OTHER STATE DEPARTMENTS AND LOCAL  
13 AND TRIBAL AGENCIES TO SET, AND ASSESS ACHIEVEMENT OF, STATEWIDE  
14 GOALS FOR QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY  
15 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND  
16 STATEWIDE GOALS FOR SUPPORT AND DEVELOPMENT OF THE WORKFORCE  
17 THAT PROVIDES EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND  
18 SERVICES, INCLUDING PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE  
19 FOR CHILDREN;

20 (i) COLLABORATE WITH OTHER STATE DEPARTMENTS, LOCAL, AND  
21 TRIBAL AGENCIES, AND LOCAL COORDINATING ORGANIZATIONS TO SAFELY  
22 COLLECT AND SHARE DATA, ELIMINATING DUPLICATION OF DATA  
23 COLLECTION WHEN POSSIBLE, WHILE ENSURING PRIVACY AND SECURITY  
24 FOR CHILDREN AND FAMILIES, TO ENABLE THE DEPARTMENT TO GAUGE THE  
25 STATEWIDE QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY  
26 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

27 (j) EVALUATE THE QUALITY OF EARLY CHILDHOOD AND FAMILY

1 SUPPORT PROGRAMS AND SERVICES THROUGHOUT THE STATE USING  
2 IDENTIFIED OUTCOME METRICS AND PROVIDE SUPPORT FOR EARLY  
3 CHILDHOOD PROVIDERS AND THE WORKFORCE THAT PROVIDES EARLY  
4 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING  
5 PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

6 (k) COLLABORATE WITH OTHER STATE DEPARTMENTS TO PROMOTE  
7 THE OVERALL EFFECTIVENESS OF EARLY CHILDHOOD SYSTEMS IN THE  
8 STATE BY JOINTLY IDENTIFYING METRICS THAT ALL DEPARTMENTS USE TO  
9 MONITOR EARLY CHILDHOOD OUTCOMES THROUGHOUT THE STATE, WHICH  
10 MUST INCLUDE OUTCOMES IN HEALTH, INCLUDING PHYSICAL,  
11 SOCIAL-EMOTIONAL, AND DENTAL; LEARNING; AND OVERALL WELL-BEING;  
12 AND

13 (l) SUPPORT INNOVATION IN METHODS AND STRATEGIES FOR  
14 ACCESSING AND PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT  
15 PROGRAMS AND SERVICES THROUGH RESEARCH AND REVIEW OF PROGRAMS  
16 AND SYSTEMS IMPLEMENTED WITHIN COLORADO AND IN OTHER STATES  
17 AND COUNTRIES.

18 (2) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)  
19 OF THIS SECTION AND IMPLEMENTING THE PROGRAMS AND PROVIDING THE  
20 SERVICES RELATED TO THOSE FUNCTIONS, THE DEPARTMENT SHALL  
21 ENSURE TO THE GREATEST EXTENT POSSIBLE THAT:

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

24 (I) IMPLEMENTED AND PROVIDED ACROSS FUNCTIONS RATHER  
25 THAN BEING SILOED AS INDIVIDUAL PROGRAMS, WHICH INCLUDES  
26 PROVIDING A SEAMLESS APPLICATION EXPERIENCE FOR FAMILIES AND  
27 PROVIDERS AS DESCRIBED IN SECTION 26.5-1-110, INCREASING THE

1 EFFICIENCY OF PROGRAMS AND SERVICES, AND REDUCING DUPLICATION  
2 AND ADMINISTRATIVE BURDEN;

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

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

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

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

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

23 (c) RESOURCES ARE USED WITH MAXIMUM EFFICIENCY TO ENSURE  
24 THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND  
25 SERVICE PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST  
26 POSSIBLE LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE  
27 LOWEST POSSIBLE LEVEL OF ADMINISTRATIVE BURDEN; AND

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

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

12 **26.5-1-110. Unified application - child care, services, and**  
13 **education.** (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE  
14 USE OF A SINGLE, UNIFIED ELECTRONIC APPLICATION FOR FAMILIES TO USE  
15 IN APPLYING FOR ALL PUBLICLY FUNDED EARLY CHILDHOOD PROGRAMS  
16 AND SERVICES THAT THE DEPARTMENT ADMINISTERS. THE DEPARTMENT  
17 SHALL DESIGN THE APPLICATION TO ENABLE EQUITABLE ACCESS;  
18 STREAMLINE THE ENROLLMENT AND ELIGIBILITY-DETERMINATION PROCESS  
19 FOR FAMILIES, PROVIDERS, AND STATE, LOCAL, AND TRIBAL AGENCIES;  
20 AND MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS  
21 SECTION. THE DEPARTMENT SHALL COLLABORATE WITH OTHER STATE,  
22 LOCAL, AND TRIBAL AGENCIES AS NECESSARY IN DEVELOPING, AND  
23 COLLECTING FEEDBACK CONCERNING, THE APPLICATION TO ENSURE THE  
24 LEAST AMOUNT OF DUPLICATION FOR FAMILIES AND STATE, LOCAL, AND  
25 TRIBAL AGENCIES. THE DEPARTMENT SHALL ENSURE THAT THE  
26 APPLICATION IS FUNCTIONAL BY JULY 1, 2023, FOR FAMILIES SEEKING TO  
27 ENROLL CHILDREN IN THE UNIVERSAL PRESCHOOL PROGRAM.

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

25 **26.5-1-111. Data system - collection - analysis - cross-agency**

26 **agreements.** (1) THE DEPARTMENT SHALL WORK WITH LOCAL

27 COORDINATING ORGANIZATIONS, STATE AGENCIES, LOCAL AND TRIBAL

1 AGENCIES, AND PROVIDERS, AS NECESSARY, TO COLLECT, SHARE, MANAGE,  
2 AND PROTECT QUALITATIVE AND QUANTITATIVE DATA PERTAINING TO  
3 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. THE  
4 DEPARTMENT SHALL REVIEW AND ANALYZE THE COLLECTED DATA TO  
5 ASSESS:

6 (a) THE NEEDS OF CHILDREN AND FAMILIES FOR EARLY CHILDHOOD  
7 AND FAMILY SUPPORT PROGRAMS;

8 (b) THE LOCAL AND STATEWIDE AVAILABILITY, CAPACITY, USE,  
9 AND QUALITY OF, AND FUNDING SUPPORT FOR, EARLY CHILDHOOD AND  
10 FAMILY SUPPORT PROGRAMS AND SERVICES;

11 (c) THE DEGREE TO WHICH THE DEPARTMENT AND LOCAL AND  
12 TRIBAL AGENCIES ARE REDUCING INEQUITIES IN ACCESS TO AND USE OF  
13 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND  
14 IN CHILDHOOD OUTCOMES;

15 (d) THE CAPACITY, QUALITY, TRAINING, EDUCATION, EMPLOYMENT  
16 STATUS, AND RETENTION OF AND COMPENSATION PROVIDED TO MEMBERS  
17 OF THE WORKFORCE THAT SERVES EARLY CARE AND EDUCATION, EARLY  
18 CHILDHOOD PROGRAMS AND SERVICES, AND FAMILY SUPPORT PROGRAMS  
19 AND SERVICES;

20 (e) LONG-TERM OUTCOMES FOR CHILDREN SERVED BY EARLY  
21 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING  
22 CORRELATIONS TO SCHOOL READINESS AS ASSESSED PURSUANT TO  
23 SECTION 22-7-1004 (2), TO ACADEMIC SUCCESS IN THIRD GRADE, AND TO  
24 HIGH SCHOOL GRADUATION; AND

25 (f) OTHER MEASURES THAT INDICATE THE EFFECTIVENESS OF THE  
26 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN  
27 COLORADO IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS,

1 AND THE EARLY CHILDHOOD WORKFORCE.

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

5 (a) THE NUMBER OF CHILDREN IN THE STATE WHO ARE ELIGIBLE TO  
6 RECEIVE, AND THE NUMBER OF CHILDREN WHO ACTUALLY RECEIVE,  
7 SERVICES THROUGH THE PROGRAMS ADMINISTERED BY THE DEPARTMENT;  
8 THE DEMOGRAPHICS OF SAID CHILDREN, INCLUDING SOCIOECONOMIC  
9 STATUS, RACE, ETHNICITY, LANGUAGE, AND DISABILITY; AND SAID  
10 CHILDREN'S ELIGIBILITY FOR FUNDING AND USE OF EARLY CHILDHOOD AND  
11 FAMILY SUPPORT PROGRAMS AND SERVICES;

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

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

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

27 (e) THE NUMBER OF EARLY CHILDHOOD PROGRAMS AT EACH

1 QUALITY LEVEL STATEWIDE AND IN SPECIFIC AREAS AND THE NUMBER AND  
2 DEMOGRAPHICS OF CHILDREN SERVED IN EARLY CHILDHOOD PROGRAMS AT  
3 EACH QUALITY LEVEL;

4 (f) DATA REGARDING THE EARLY CHILDHOOD WORKFORCE; AND

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

10 (3) (a) THE DEPARTMENTS OF EARLY CHILDHOOD, HUMAN  
11 SERVICES, EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH  
12 CARE POLICY AND FINANCING SHALL ENTER INTO AGREEMENTS TO ENSURE  
13 DATA PRIVACY AND SECURITY WITH REGARD TO SHARED EARLY  
14 CHILDHOOD DATA. IN COLLECTING AND SHARING DATA, THE  
15 DEPARTMENTS SHALL COORDINATE AND REQUIRE COLLECTION OF DATA IN  
16 WAYS THAT IMPOSE THE LEAST POSSIBLE BURDEN ON FAMILIES AND  
17 PROVIDERS, INCLUDING BY REDUCING REDUNDANCIES IN DATA  
18 COLLECTION ACROSS PROGRAMS.

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

24 (c) THE DEPARTMENT SHALL IDENTIFY AND PURSUE RESEARCH  
25 OPPORTUNITIES TO PROVIDE INFORMATION TO SUPPORT NEW MEASURES  
26 FOR IMPROVING THE SYSTEM OF EARLY CHILDHOOD AND FAMILY SUPPORT  
27 PROGRAMS AND SERVICES IN THE STATE AND TO UNDERSTAND THE CAUSAL

1 EFFECTS OF EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND  
2 SERVICES THAT ARE PROVIDED.

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

15 **26.5-1-112. Transition review - program review - report -**  
16 **repeal.** (1) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT  
17 WITH A PUBLIC OR PRIVATE ENTITY TO ACT AS AN INDEPENDENT  
18 EVALUATOR OF THE DEPARTMENT'S PERFORMANCE IN EXECUTING THE  
19 FUNCTIONS IDENTIFIED IN SECTION 26.5-1-109 AND IN OPERATING  
20 PROGRAMS AND PROVIDING SERVICES ASSOCIATED WITH THOSE FUNCTIONS  
21 IN ACCORDANCE WITH THIS TITLE 26.5. THE INDEPENDENT EVALUATOR  
22 SHALL COMPLETE A REVIEW OF THE OPERATIONS OF THE DEPARTMENT AND  
23 THE PROGRAMS THAT TRANSITION FROM THE DEPARTMENT OF HUMAN  
24 SERVICES AND THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT. AT  
25 A MINIMUM, IN CONDUCTING THE REVIEW, THE INDEPENDENT EVALUATOR  
26 SHALL EVALUATE AND MAKE RECOMMENDATIONS CONCERNING:

27 (I) WHETHER THE DEPARTMENT OPERATES THE PROGRAMS AND

1 PROVIDES THE SERVICES EFFICIENTLY AND ENSURES THAT THE PROGRAMS  
2 AND SERVICES ARE:

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

5 (B) EQUITY DRIVEN;

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

8 (D) MEETING HIGH QUALITY STANDARDS;

9 (E) SERVING AND SUPPORTING THE EARLY CHILDHOOD  
10 WORKFORCE; AND

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

14 (II) THE EFFECTIVENESS AND EFFICIENCY OF THE GOVERNANCE  
15 STRUCTURE AND ORGANIZATION OF THE DEPARTMENT;

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

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

23 (b) THE INDEPENDENT EVALUATOR, IN COORDINATION WITH THE  
24 DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH AND  
25 ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING, SHALL REVIEW  
26 THE PROGRAMS AND SERVICES PERTAINING TO EARLY CHILDHOOD THAT  
27 WERE NOT TRANSFERRED TO THE DEPARTMENT, INCLUDING THE FEDERAL

1 LAW AND REGULATIONS PERTAINING TO THOSE PROGRAMS AND SERVICES,  
2 TO DETERMINE WHETHER THE PROGRAMS AND SERVICES SHOULD BE  
3 TRANSFERRED TO AND OPERATED BY THE DEPARTMENT.

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

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

23 (2) (a) THE DEPARTMENT, IN COLLABORATION WITH THE  
24 DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, HUMAN SERVICES,  
25 PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH CARE POLICY AND  
26 FINANCING SHALL PREPARE AN ANNUAL REPORT CONCERNING THE  
27 PROGRESS MADE AND CHALLENGES ENCOUNTERED BY THE DEPARTMENT

1 OF EARLY CHILDHOOD IN TRANSITIONING AND IMPLEMENTING PROGRAMS  
2 AND PROVIDING SERVICES AND BY THE DEPARTMENTS AS A GROUP IN  
3 IMPLEMENTING CROSS-AGENCY COLLABORATION RELATED TO, AT A  
4 MINIMUM:

5 (I) ADMINISTRATION OF PART C OF THE FEDERAL "INDIVIDUALS  
6 WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS  
7 AMENDED, AND COORDINATION WITH THE DEPARTMENT OF EDUCATION OF  
8 THE TRANSITION OF CHILDREN FROM PART C TO PART B AS AGREED TO IN  
9 THE INTERAGENCY OPERATING AGREEMENT DESCRIBED IN SECTION  
10 26.5-3-404 (3) BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF  
11 EDUCATION;

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

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

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

25 (V) OPERATION OF EARLY CHILDHOOD AND FAMILY SUPPORT  
26 PROGRAMS AND SERVICES THAT THE DEPARTMENT ADMINISTERS,  
27 INCLUDING AT A MINIMUM, DATA CONCERNING THE CHILDREN AND

1 FAMILIES SERVED AND THE USE, AVAILABILITY, AND CAPACITY OF  
2 PROGRAMS THROUGHOUT THE STATE;

3 (VI) INTERACTION OF EARLY CHILDHOOD CARE, LEARNING, AND  
4 SUPPORTS WITH THE PUBLIC KINDERGARTEN AND ELEMENTARY  
5 EDUCATION SYSTEM TO ENSURE CHILDREN ENTER KINDERGARTEN READY  
6 TO LEARN AND ARE BEHAVIORALLY AND ACADEMICALLY SUCCESSFUL;

7 (VII) ADMINISTRATION OF THE VOLUNTARY, UNIVERSAL  
8 PRESCHOOL PROGRAM AS A SINGLE PROGRAM INTEGRATED WITH THE  
9 COLORADO PRESCHOOL PROGRAM CREATED IN ARTICLE 28 OF TITLE 22;

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

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

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

1 SUBMIT THE REPORT DESCRIBED IN THIS SUBSECTION (2) CONTINUES UNTIL  
2 REPEALED PURSUANT TO SUBSECTION (2)(c) OF THIS SECTION.

3 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
4 2028.

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

8 **ARTICLE 2**

9 **Local Infrastructure -**

10 **Early Childhood Programs and Services**

11 **PART 1**

12 **LOCAL COORDINATING ORGANIZATIONS**

13 **26.5-2-101. Legislative declaration.** (1) THE GENERAL  
14 ASSEMBLY FINDS AND DECLARES THAT:

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

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

24 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT, TO BEST  
25 SERVE THE FAMILIES AND CHILDREN IN ALL COMMUNITIES THROUGHOUT  
26 THE STATE, THE DEPARTMENT SHALL SELECT AND WORK WITH LOCAL  
27 COORDINATING ORGANIZATIONS IN COMMUNITIES THROUGHOUT THE

1 STATE TO SUPPORT ACCESS TO AND EQUITABLE DELIVERY OF EARLY  
2 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, IDENTIFY  
3 GAPS IN SERVICE, FOSTER PARTNERSHIPS, CREATE ALIGNMENT AMONG THE  
4 PUBLIC AND PRIVATE PROVIDERS AND AGENCIES WITHIN THE COMMUNITY  
5 THAT SERVE FAMILIES AND CHILDREN, AND ESTABLISH A COMPREHENSIVE,  
6 LOCALLY SUPPORTED PLAN FOR PROVIDING EARLY CHILDHOOD AND  
7 FAMILY SUPPORT PROGRAMS AND SERVICES EQUITABLY WITHIN THE  
8 COMMUNITY.

9 **26.5-2-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE  
10 CONTEXT OTHERWISE REQUIRES:

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

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

17 (3) "HEAD START AGENCY" MEANS THE LOCAL PUBLIC OR PRIVATE  
18 NONPROFIT AGENCY DESIGNATED BY THE FEDERAL DEPARTMENT OF  
19 HEALTH AND HUMAN SERVICES TO OPERATE A HEAD START PROGRAM  
20 UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL "ECONOMIC  
21 OPPORTUNITY ACT OF 1964", AS AMENDED.

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

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

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

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

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

16 **26.5-2-103. Local coordinating organization - applications -**  
17 **selection - rules.** (1) THE DEPARTMENT SHALL SOLICIT APPLICATIONS  
18 FROM LOCAL PUBLIC ENTITIES AND COLORADO-BASED NONPROFIT  
19 ORGANIZATIONS TO SERVE AS LOCAL COORDINATING ORGANIZATIONS IN  
20 COMMUNITIES THROUGHOUT THE STATE. ENTITIES THAT MAY SUBMIT  
21 APPLICATIONS INCLUDE, BUT ARE NOT LIMITED TO, COUNTY OR MUNICIPAL  
22 GOVERNMENT AGENCIES, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE  
23 SERVICES, EARLY CHILDHOOD COUNCILS, FAMILY RESOURCE CENTERS,  
24 SPECIAL TAXING DISTRICTS, HEAD START GRANTEEES, LOCAL NONPROFIT  
25 ORGANIZATIONS, CHARTER SCHOOL NETWORKS AND COLLABORATIVES,  
26 AND OTHER PUBLIC INSTITUTIONS. ENTITIES MAY APPLY SINGLY OR IN  
27 PARTNERSHIP WITH OTHER ENTITIES WITHIN THE COMMUNITY. THE

1 SOLICITATION AND SELECTION OF ENTITIES TO SERVE AS LOCAL  
2 COORDINATING ORGANIZATIONS ARE NOT SUBJECT TO THE REQUIREMENTS  
3 OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

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

8 (a) THE PROPOSED BOUNDARIES OF THE COMMUNITY WITHIN  
9 WHICH THE APPLICANT WOULD SERVE AS THE LOCAL COORDINATING  
10 ORGANIZATION FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS  
11 AND SERVICES PROVIDED TO CHILDREN AND FAMILIES WITHIN THE  
12 COMMUNITY. THE DEPARTMENT MAY REQUIRE, AND SHALL WORK WITH  
13 THE APPLICANT TO ENSURE, THAT THE APPLICANT'S PROPOSED  
14 BOUNDARIES ALIGN WITH ONE OR MORE AREAS THAT THE DEPARTMENT  
15 IDENTIFIES AS A COMMUNITY.

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

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

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

- 1 (II) EARLY CHILDHOOD COUNCILS;
- 2 (III) HEAD START AGENCIES; [REDACTED]
- 3 (IV) FAMILY RESOURCE CENTERS, AS DEFINED IN SECTION
- 4 26.5-3-102; AND
- 5 (V) COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES IN
- 6 PROVIDING CHILD CARE SERVICES THROUGH THE COLORADO CHILD CARE
- 7 ASSISTANCE PROGRAM ESTABLISHED IN PART 1 OF ARTICLE 4 OF THIS TITLE
- 8 26.5;
- 9 (d) THE APPLICANT'S PROPOSED OPERATING MODEL FOR MEETING
- 10 THE DUTIES AND RESPONSIBILITIES OF A LOCAL COORDINATING
- 11 ORGANIZATION, INCLUDING, AT A MINIMUM, THE APPLICANT'S PERSONNEL
- 12 CAPACITY AND A PROPOSED BUDGET THAT REFLECTS THE ANTICIPATED
- 13 OPERATING AND OVERHEAD COSTS AND SOURCES OF FUNDING; AND
- 14 (e) IF THE APPLICANT IS A PRESCHOOL PROVIDER, THE APPLICANT'S
- 15 PLAN FOR ENSURING THAT SERVING AS THE LOCAL COORDINATING
- 16 ORGANIZATION DOES NOT RESULT IN AN UNFAIR ADVANTAGE TO THE
- 17 APPLICANT WITH REGARD TO ALLOCATIONS OF PRESCHOOL FUNDING
- 18 GENERALLY OR IN COORDINATING WITH THE OTHER PRESCHOOL PROVIDERS
- 19 IN THE COMMUNITY TO ENSURE THE AVAILABILITY OF A MIXED DELIVERY
- 20 SYSTEM AND THE ALLOCATION OF FUNDING AMONG PRESCHOOL
- 21 PROVIDERS BASED ON PARENT CHOICE.
- 22 (3) AN APPLICANT MAY INCLUDE IN THE APPLICATION A PROPOSAL
- 23 FOR SHARED RESPONSIBILITY WITH THE DEPARTMENT FOR DISTRIBUTING
- 24 AND ADMINISTERING PUBLIC FUNDING WITHIN THE COMMUNITY, IN WHICH
- 25 CASE THE APPLICANT MUST INCLUDE IN THE APPLICATION THE APPLICANT'S
- 26 HISTORY OF AND EXPERIENCE WITH DISTRIBUTING AND ADMINISTERING
- 27 PUBLIC FUNDING.

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

10           (a) THE APPLICANT'S CAPACITY TO SUPPORT FAMILIES IN APPLYING  
11 FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

12           (b) THE APPLICANT'S CAPACITY TO EQUITABLY RECRUIT  
13 PRESCHOOL PROVIDERS TO PARTICIPATE IN THE COLORADO UNIVERSAL  
14 PRESCHOOL PROGRAM AND PROVIDE PRESCHOOL SERVICES THROUGH A  
15 MIXED DELIVERY SYSTEM THAT, TO THE FULLEST EXTENT PRACTICABLE,  
16 ACCOMMODATES PARENT CHOICE;

17           (c) THE DEMONSTRATED LEVEL OF SUPPORT FOR THE APPLICANT  
18 WITHIN THE LOCAL EARLY CHILDHOOD COMMUNITY, THE FEASIBILITY AND  
19 QUALITY OF THE APPLICANT'S PLAN TO COORDINATE WITH OTHER ENTITIES  
20 WITHIN THE PROPOSED COMMUNITY, AND THE APPLICANT'S HISTORY, IF  
21 ANY, OF COORDINATING WITH THOSE ENTITIES; AND

22           (d) THE QUALITY AND EFFICIENCY OF THE APPLICANT'S PROPOSED  
23 OPERATING MODEL AND THE LIKELIHOOD THAT THE APPLICANT WILL HAVE  
24 THE CAPACITY, EXPERIENCE, AND SUPPORT TO SUCCESSFULLY FULFILL THE  
25 RESPONSIBILITIES AND DUTIES OF A LOCAL COORDINATING ORGANIZATION.

26           (5) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AND THE  
27 DEPARTMENT SHALL ADOPT PROCEDURES AND TIMELINES AS NECESSARY

1 TO IMPLEMENT THIS PART 1, INCLUDING ADOPTING A PROCESS FOR  
2 RECEIVING AND REVIEWING APPLICATIONS THAT RESULTS IN THE INITIAL  
3 SELECTION OF LOCAL COORDINATING ORGANIZATIONS AS SOON AS  
4 PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION. THE  
5 DEPARTMENT SHALL ENTER INTO A COORDINATOR AGREEMENT WITH EACH  
6 LOCAL COORDINATING ORGANIZATION IN ACCORDANCE WITH SECTION  
7 26.5-2-105. BEFORE THE TERMINATION OR CONCLUSION OF A  
8 COORDINATOR AGREEMENT, THE DEPARTMENT SHALL SOLICIT  
9 APPLICATIONS FOR A LOCAL COORDINATING ORGANIZATION FOR THE  
10 AFFECTED COMMUNITY PURSUANT TO THIS SECTION AND MAY RE-SELECT  
11 THE SAME ENTITY TO SERVE AS A LOCAL COORDINATING ORGANIZATION.

12 **26.5-2-104. Local coordinating organization - community plan**  
13 **- duties.** (1) (a) EACH LOCAL COORDINATING ORGANIZATION SHALL  
14 ADOPT A COMMUNITY PLAN THAT FOSTERS EQUITABLE ACCESS FOR  
15 FAMILIES TO, AND ROBUST PARTICIPATION BY PROVIDERS IN, EARLY  
16 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES BY  
17 INCREASING ACCESS TO, COORDINATING, AND ALLOCATING FUNDING FOR  
18 SAID PROGRAMS AND SERVICES WITHIN THE COMMUNITY. THE COMMUNITY  
19 PLAN MUST, AT A MINIMUM, ADDRESS:

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

24 (II) THE MANNER IN WHICH THE LOCAL COORDINATING  
25 ORGANIZATION WILL RECRUIT AND WORK WITH PROVIDERS TO ENSURE  
26 THAT FAMILIES' NEEDS FOR SCHOOL- AND COMMUNITY-BASED PRESCHOOL  
27 PROVIDERS, CHILD CARE, AND OTHER EARLY CHILDHOOD SERVICES WITHIN

1 THE COMMUNITY ARE MET TO THE FULLEST EXTENT POSSIBLE;

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

10 (IV) A PLAN FOR WORKING WITH EARLY CARE AND EDUCATION  
11 PROVIDERS TO INCREASE RECRUITMENT AND RETENTION OF INDIVIDUALS  
12 IN THE EARLY CARE AND EDUCATION WORKFORCE AND TO INCREASE  
13 COMPENSATION FOR THOSE INDIVIDUALS, WITH THE GOAL OF PROVIDING  
14 A LIVING WAGE;

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

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

24 (VII) A PLAN FOR THE ALLOCATION OF FUNDING AMONG SCHOOL-  
25 AND COMMUNITY-BASED PRESCHOOL PROVIDERS AND OTHER EARLY CARE  
26 AND EDUCATION PROVIDERS IN THE COMMUNITY, WITH THE GOAL OF  
27 MAXIMIZING THE USE OF FUNDING TO MEET COMMUNITY NEEDS,

1 INCLUDING THE NEED FOR FULL-DAY SERVICES;

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

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

14 (X) THE MANNER IN WHICH THE LOCAL COORDINATING  
15 ORGANIZATION, IN ACCORDANCE WITH DEPARTMENT REQUIREMENTS, WILL  
16 ENSURE TRANSPARENCY WITHIN THE COMMUNITY CONCERNING THE  
17 AMOUNT OF MONEY AVAILABLE FOR AND USED TO SUPPORT EARLY  
18 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES FROM ALL  
19 SOURCES, INCLUDING LOCAL PROPERTY TAX AND SALES TAX, THE AMOUNT  
20 CONTRIBUTED BY SCHOOL DISTRICTS WITHIN THE COMMUNITY, AND THE  
21 MAINTENANCE OF EFFORT FOR CHILD CARE ASSISTANCE PROVIDED BY  
22 COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES WITHIN THE  
23 COMMUNITY.

24 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE  
25 INITIAL COMMUNITY PLAN THAT A LOCAL COORDINATING ORGANIZATION  
26 CREATES MAY BE LIMITED TO ADDRESSING PARTICIPATION IN THE  
27 COLORADO UNIVERSAL PRESCHOOL PROGRAM AND THE NEEDS FOR,

1 ACCESS TO, AND ALLOCATION OF FUNDING FOR SCHOOL- AND  
2 COMMUNITY-BASED PRESCHOOL PROVIDERS. WITH SUBSEQUENT  
3 REVISIONS OF THE PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL  
4 ADDRESS THE PROVISION AND COORDINATION OF ADDITIONAL EARLY  
5 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE  
6 COMMUNITY AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION.

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

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

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

3 (a) COORDINATE THE PROGRAM APPLICATION AND ENROLLMENT  
4 PROCESS FOR EARLY CHILDHOOD PROGRAMS FOR BOTH FAMILIES AND  
5 PROVIDERS AND ACROSS ALL PARTICIPATING ENTITIES WITHIN THE  
6 COMMUNITY TO FACILITATE THE GREATEST PRACTICABLE DEGREE OF  
7 FAMILY ACCESS TO EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS;

8 (b) SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY  
9 OF PRESCHOOL PROVIDERS IN THE COMMUNITY, PROVIDE UNIVERSAL  
10 ACCESS, IN ALIGNMENT WITH FAMILY CHOICE, TO HIGH-QUALITY SCHOOL-  
11 AND COMMUNITY-BASED PRESCHOOL PROVIDERS WITHIN THE COMMUNITY  
12 FOR CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR KINDERGARTEN;

13 (c) MANAGE A MIXED DELIVERY SYSTEM OF PRESCHOOL  
14 PROVIDERS;

15 (d) ALLOCATE, IN COORDINATION WITH LOCAL AND TRIBAL  
16 AGENCIES, WHEN APPLICABLE, LOCAL EARLY CHILDHOOD FUNDING AND  
17 STATE PRESCHOOL PROGRAM FUNDING TO PUBLIC AND PRIVATE PROVIDERS  
18 WITHIN THE COMMUNITY, BASED ON THE COMMUNITY PLAN, AND ENSURE,  
19 TO THE GREATEST EXTENT POSSIBLE, THAT CHILDREN WHO, PURSUANT TO  
20 DEPARTMENT RULES ADOPTED IN ACCORDANCE WITH SECTION 26.5-4-204  
21 (4)(a), ARE IN LOW-INCOME FAMILIES AND MEET QUALIFYING FACTORS ARE  
22 PRIORITIZED, AS DIRECTED BY THE DEPARTMENT, TO RECEIVE EARLY  
23 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

24 (e) SUPPORT AND ENSURE THE AVAILABILITY OF HIGH-QUALITY  
25 EARLY CHILDHOOD CARE AND EDUCATION FOR ALL CHILDREN, INCLUDING  
26 SUPPORTING ACCESS TO TRAINING AND SUPPORT FOR MEMBERS OF THE  
27 EARLY CHILDHOOD WORKFORCE;

1 (f) SUPPORT EARLY CHILDHOOD CAREGIVERS WHO ARE EXEMPT  
2 FROM LICENSING PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 IN  
3 ACCESSING FAMILY RESOURCES AND RESOURCES RELATED TO HEALTH AND  
4 SAFETY, EARLY CHILDHOOD DEVELOPMENT, AND WORKFORCE  
5 DEVELOPMENT;

6 (g) INCREASE OVER TIME THE CAPACITY OF HIGH-QUALITY EARLY  
7 CHILD CARE AND EDUCATION PROGRAMS WITHIN THE COMMUNITY TO  
8 BETTER MEET FAMILY AND COMMUNITY NEEDS;

9 (h) SUPPORT PUBLIC AND PRIVATE PROVIDERS IN RECRUITING,  
10 DEVELOPING, AND RETAINING WITHIN THE COMMUNITY A QUALITY EARLY  
11 CHILDHOOD WORKFORCE THAT IS CULTURALLY AND LINGUISTICALLY  
12 RELEVANT TO THE COMMUNITY;

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

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

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

27 (l) COMPLY WITH ANY OTHER PROVISIONS INCLUDED IN THE

1 COORDINATOR AGREEMENT ENTERED INTO BETWEEN THE LOCAL  
2 COORDINATING ORGANIZATION AND THE DEPARTMENT PURSUANT TO  
3 SECTION 26.5-2-105 (1)(b).

4 (3) EACH LOCAL COORDINATING ORGANIZATION SHALL WORK WITH  
5 ENTITIES WITHIN THE COMMUNITY, INCLUDING, AT A MINIMUM, THE  
6 ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c), TO IMPLEMENT THE  
7 COMMUNITY PLAN, WHICH MAY INCLUDE SUBCONTRACTING OR  
8 PARTNERING WITH OR OTHERWISE DELEGATING RESPONSIBILITY TO ONE OR  
9 MORE PUBLIC OR PRIVATE ENTITIES. THE LOCAL COORDINATING  
10 ORGANIZATION REMAINS RESPONSIBLE TO THE DEPARTMENT FOR  
11 IMPLEMENTING THE COMMUNITY PLAN, MEETING THE GOALS SPECIFIED IN  
12 THE COMMUNITY PLAN AND THE COORDINATOR AGREEMENT, AND  
13 MEETING ANY ADDITIONAL REQUIREMENTS IMPOSED BY THIS PART 1, BY  
14 PART 2 OF ARTICLE 4 OF THIS TITLE 26.5 CONCERNING THE COLORADO  
15 UNIVERSAL PRESCHOOL PROGRAM, BY DEPARTMENT RULE, OR BY THE  
16 COORDINATOR AGREEMENT.

17 **26.5-2-105. Department duties - coordinator agreements -**  
18 **review.** (1) TO SUPPORT AND PROVIDE OVERSIGHT FOR THE STATEWIDE  
19 SYSTEM OF LOCAL COORDINATING ORGANIZATIONS, THE DEPARTMENT  
20 SHALL:

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

24 (b) ENTER INTO A COORDINATOR AGREEMENT WITH EACH LOCAL  
25 COORDINATING ORGANIZATION THAT IS PARTIALLY BASED ON THE  
26 COMMUNITY PLAN AND THAT SPECIFIES THE RESPECTIVE DUTIES OF THE  
27 LOCAL COORDINATING ORGANIZATION AND THE DEPARTMENT IN

1 IMPLEMENTING THE COMMUNITY PLAN AND IN MEETING THE  
2 REQUIREMENTS SPECIFIED IN THIS PART 1, IN PART 2 OF ARTICLE 4 OF THIS  
3 TITLE 26.5 CONCERNING THE COLORADO UNIVERSAL PRESCHOOL  
4 PROGRAM, AND IN DEPARTMENT RULE. THE COORDINATOR AGREEMENTS  
5 ARE NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE",  
6 ARTICLES 101 TO 112 OF TITLE 24. THE TERM OF THE INITIAL  
7 COORDINATOR AGREEMENT FOR A LOCAL COORDINATING ORGANIZATION  
8 IS THREE YEARS, AND SUBSEQUENT COORDINATOR AGREEMENTS MUST  
9 HAVE TERMS OF AT LEAST THREE BUT NOT MORE THAN FIVE YEARS, AS  
10 DETERMINED BY THE DEPARTMENT. THE COORDINATOR AGREEMENT, AT  
11 A MINIMUM, MUST INCLUDE:

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

19 (II) IF THE LOCAL COORDINATING ORGANIZATION IS A PRESCHOOL  
20 PROVIDER, EXPECTATIONS THAT THE LOCAL COORDINATING  
21 ORGANIZATION MUST MEET IN ENSURING THE AVAILABILITY OF A MIXED  
22 DELIVERY SYSTEM WITHIN THE COMMUNITY THAT SUPPORTS EQUITABLE  
23 PARENT CHOICE AND IN ENSURING THAT THE ORGANIZATION IS NOT  
24 UNFAIRLY ADVANTAGED IN ALLOCATING FUNDING AMONG PRESCHOOL  
25 PROVIDERS BASED ON PARENT CHOICE;

26 (III) EXPECTATIONS THAT THE LOCAL COORDINATING  
27 ORGANIZATION MUST MEET WITH REGARD TO COORDINATING WITH

1 ENTITIES WITHIN THE COMMUNITY, INCLUDING THE ENTITIES SPECIFIED IN  
2 SECTION 26.5-2-103 (2)(c);

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

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

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

22 (d) DISTRIBUTE AND ADMINISTER PUBLIC FUNDING FOR EARLY  
23 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN  
24 ACCORDANCE WITH COMMUNITY PLANS AND IN COORDINATION WITH  
25 LOCAL AND TRIBAL AGENCIES, WHEN APPLICABLE; EXCEPT THAT THE  
26 DEPARTMENT MAY DELEGATE ALL OR A PORTION OF THE RESPONSIBILITY  
27 FOR DISTRIBUTING AND ADMINISTERING PUBLIC FUNDING TO A LOCAL

1 COORDINATING ORGANIZATION THROUGH THE ORGANIZATION'S  
2 COORDINATOR AGREEMENT;

3 (e) SUPPORT LOCAL COORDINATING ORGANIZATIONS BY PROVIDING  
4 FUNDING, TRAINING AND TECHNICAL ASSISTANCE, AND, UPON REQUEST,  
5 COLLABORATIVE SUPPORT AND ASSISTANCE IN IMPLEMENTING THE  
6 COMMUNITY PLANS;

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

12 (g) IDENTIFY SUCCESSFUL STRATEGIES AND INNOVATIONS  
13 IMPLEMENTED BY LOCAL COORDINATING ORGANIZATIONS THROUGHOUT  
14 THE STATE AND PROVIDE INFORMATION TO ASSIST LOCAL COORDINATING  
15 ORGANIZATIONS IN REPLICATING AND ADAPTING THE STRATEGIES AND  
16 INNOVATIONS IN THEIR COMMUNITIES.

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

26 (3) (a) THE DEPARTMENT SHALL IMPLEMENT A REVIEW PROCESS  
27 ESTABLISHED IN DEPARTMENT RULE BY WHICH THE DEPARTMENT AT LEAST

1 ANNUALLY REVIEWS THE PERFORMANCE OF EACH LOCAL COORDINATING  
2 ORGANIZATION IN SERVING ITS COMMUNITY, INCLUDING IMPLEMENTING  
3 THE APPROVED COMMUNITY PLAN, FULFILLING THE DUTIES SPECIFIED IN  
4 SECTION 26.5-2-104, AND COMPLYING WITH THE COORDINATOR  
5 AGREEMENT. IN IMPLEMENTING THE REVIEW PROCESS, THE DEPARTMENT  
6 SHALL, AT A MINIMUM:

7 (I) COLLABORATE WITH THE LOCAL COORDINATING ORGANIZATION  
8 TO ESTABLISH IN THE COORDINATOR AGREEMENT EXPECTATIONS,  
9 TARGETS, AND BENCHMARKS FOR IMPLEMENTING THE APPROVED  
10 COMMUNITY PLAN TO ENSURE THE PLAN IS IMPLEMENTED WITH FIDELITY  
11 AND THE LOCAL COORDINATING ORGANIZATION IS MAKING PROGRESS  
12 TOWARD ACHIEVING THE STATEWIDE GOALS FOR THE PROVISION OF EARLY  
13 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES SET BY THE  
14 DEPARTMENT;

15 (II) MEASURE THE LOCAL COORDINATING ORGANIZATION'S  
16 ATTAINMENT OF THE EXPECTATIONS, TARGETS, AND BENCHMARKS AND  
17 RECOMMEND IMPROVEMENTS AND CHANGES, INCLUDING REVISIONS TO  
18 THE COMMUNITY PLAN, AS APPROPRIATE, TO ASSIST THE LOCAL  
19 COORDINATING ORGANIZATION IN IMPROVING PERFORMANCE;

20 (III) ENSURE THAT THE LOCAL COORDINATING ORGANIZATION IS  
21 COMPLYING WITH THE REQUIREMENTS SPECIFIED IN THE COORDINATOR  
22 AGREEMENT AND WITH STATUTORY AND REGULATORY REQUIREMENTS  
23 AND DEPARTMENT GUIDELINES, INCLUDING REQUIREMENTS AND  
24 GUIDELINES CONCERNING DISTRIBUTION AND ADMINISTRATION OF  
25 FUNDING, IF THE LOCAL COORDINATING ORGANIZATION IS RESPONSIBLE  
26 FOR DISTRIBUTING AND ADMINISTERING FUNDING, AND DATA COLLECTION  
27 AND SHARING, IN IMPLEMENTING THE APPROVED COMMUNITY PLAN AND

1 OVERSEEING AND COORDINATING EARLY CHILDHOOD AND FAMILY  
2 SUPPORT PROGRAMS WITHIN THE COMMUNITY; AND

3 (IV) SOLICIT INPUT FROM FAMILIES, PROVIDERS, MEMBERS OF THE  
4 EARLY CHILDHOOD WORKFORCE, LOCAL AND TRIBAL AGENCIES, LOCAL  
5 GOVERNMENTS, THE ENTITIES SPECIFIED IN SECTION 26.5-2-103 (2)(c),  
6 AND OTHER INTERESTED PERSONS WITHIN THE COMMUNITY CONCERNING  
7 THE PERFORMANCE OF THE LOCAL COORDINATING ORGANIZATION.

8 (b) IF THE DEPARTMENT AT ANY TIME DETERMINES THAT THE  
9 LOCAL COORDINATING ORGANIZATION IS NOT MEETING THE  
10 REQUIREMENTS OF THE COORDINATOR AGREEMENT OR IS NOT PERFORMING  
11 AT THE LEVEL REQUIRED TO SUCCESSFULLY IMPLEMENT THE COMMUNITY  
12 PLAN AND TO ENSURE THAT THE COMMUNITY SUBSTANTIALLY MEETS  
13 LOCAL AND STATEWIDE GOALS FOR THE PROVISION OF EARLY CHILDHOOD  
14 AND FAMILY SUPPORT PROGRAMS AND SERVICES, THE DEPARTMENT MAY  
15 TERMINATE THE LOCAL COORDINATING ORGANIZATION'S COORDINATOR  
16 AGREEMENT AND IMPLEMENT THE APPLICATION PROCESS FOR SELECTING  
17 A NEW LOCAL COORDINATING ORGANIZATION FOR THE COMMUNITY AS  
18 PROVIDED IN SECTION 26.5-2-103.

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

25 (4) (a) FOR ANY AREA WITHIN THE STATE FOR WHICH A LOCAL  
26 COORDINATING ORGANIZATION IS NOT SELECTED OR FOR WHICH THE  
27 LOCAL COORDINATING ORGANIZATION IS NOT FULLY CAPABLE OF

1 IMPLEMENTING ALL ASPECTS OF THE COMMUNITY PLAN, THE DEPARTMENT  
2 SHALL WORK WITH THE LOCAL COORDINATING ORGANIZATION, IF ANY,  
3 AND THE FAMILIES, PROVIDERS, LOCAL GOVERNMENTS, AND LOCAL AND  
4 TRIBAL AGENCIES IN THE AREA, AS NECESSARY, TO OVERSEE AND  
5 COORDINATE THE AVAILABILITY AND PROVISION OF EARLY CHILDHOOD  
6 AND FAMILY SUPPORT PROGRAMS AND SERVICES WITHIN THE AREA UNTIL  
7 SUCH TIME AS A LOCAL COORDINATING ORGANIZATION IS SELECTED OR IS  
8 DEEMED CAPABLE OF IMPLEMENTING ALL ASPECTS OF THE COMMUNITY  
9 PLAN. AT A MINIMUM, THE DEPARTMENT SHALL:

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

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

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

20 AND

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

26 (b) THE DEPARTMENT MAY ENTER INTO AN AGREEMENT WITH THE  
27 LOCAL COORDINATING ORGANIZATION FOR ANOTHER COMMUNITY TO

1 ASSIST IN FULFILLING THE DUTIES DESCRIBED IN SUBSECTION (4)(a) OF  
2 THIS SECTION.

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

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

17 PART 2

18 EARLY CHILDHOOD COUNCILS

19 **26.5-2-201. [Formerly 26-6.5-101] Legislative declaration.**

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

1 work, and in the community.

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

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

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

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

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

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

25 **26.5-2-202. [Formerly 26-6.5-101.5] Definitions.** As used in this  
26 ~~part~~ PART 2, unless the context otherwise requires:

27 ~~(1) Repealed.~~

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

8           ~~(3)~~ (2) "County department" means the county or district  
9 department of human or social services.

10           ~~(4) to (6) Repealed.~~

11           ~~(6.5)~~ (3) "Early childhood education program" means a ~~licensed~~  
12 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~  
13 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that provides child care and  
14 education to children five years of age or younger.

15           ~~(7) and (8) Repealed.~~

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

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

20           **26.5-2-203. [Formerly 26-6.5-103] Early childhood councils -**  
21 **established - rules.** (1) There is hereby established a statewide integrated  
22 system of early childhood councils to improve and sustain the availability,  
23 accessibility, capacity, and quality of early childhood services for children  
24 and families throughout the state. The councils ~~shall~~ have consistent  
25 function and structure statewide and ~~shall be~~ ARE governed by the state  
26 department of human services with input, cooperation, and support  
27 services from the departments of HUMAN SERVICES, education, and public

1 health and environment.

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

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

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

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

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

23 **26.5-2-204. [Formerly 26-6.5-103.3] Early childhood councils**  
24 **- applications - rules.** (1) A newly established or newly identified  
25 council shall submit to the ~~state~~ department an application to become part  
26 of the statewide system of early childhood councils. The ~~state~~ department  
27 shall develop and distribute the application form and criteria and an

1 explanation of the process for joining the statewide system of early  
2 childhood councils. The ~~state~~ department shall provide support for the  
3 preparation of applications.

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

6 (a) The intended service area;

7 (b) The counties to be involved in the council;

8 (c) Participating mandatory stakeholders;

9 (d) The entity that ~~shall serve~~ SERVES as the original fiscal agent  
10 for the council; and

11 (e) The signatures of the chair or chairs of the board or boards of  
12 county commissioners for the counties involved in the council, the legal  
13 signatory for the counties, and the president of a school district board of  
14 education involved in the council.

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

18 (a) The designated service area;

19 (b) Current members;

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

22 (d) The designated fiscal agent; and

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

27 (4) Each council shall develop a strategic plan based upon an

1 assessment of the early childhood needs in the designated service area  
2 that includes:

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

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

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

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

16 **26.5-2-205. [Formerly 26-6.5-103.5] Early childhood councils**  
17 **- membership.** (1) To the extent practicable, each council ~~shall~~ MUST be  
18 representative of the various public and private stakeholders in the local  
19 community who are committed to supporting the well-being of children  
20 five years of age or younger.

21 (2) For the purposes of this ~~part~~ PART 2, each council, whether  
22 newly established in a community or newly identified to serve as a  
23 council, shall work toward consolidating and coordinating funding,  
24 including the school-readiness quality improvement funding described in  
25 ~~section 26-6.5-106~~ SECTION 26.5-5-102. Together, the councils  
26 throughout the state shall serve to create a seamless system of early  
27 childhood services representing collaboration among the various public

1 and private stakeholders for the effective delivery of early childhood  
2 services to children five years of age or younger in a manner that is  
3 responsive to local needs and conditions.

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

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

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

19 (II) Early care and education, including but not limited to licensed  
20 and legally exempt child care providers, head start grantees, and district  
21 preschool programs operating pursuant to article 28 of title 22; ~~C.R.S.~~;

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

1 et seq., as amended;

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

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

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

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

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

13 (I) Child care associations;

14 (II) Medical and dental professionals;

15 (III) School district parent organizations;

16 (IV) Head start policy councils;

17 (V) A chamber or chambers of commerce;

18 (VI) Local businesses;

19 (VII) Faith-based and nonprofit organizations;

20 (VIII) Higher education institutions; and

21 (IX) Libraries.

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

25 **26.5-2-206. [Formerly 26-6.5-103.7] Early childhood councils**  
26 **- duties.** (1) Each early childhood council ~~shall have~~ HAS, at a minimum,  
27 the following duties and functions:

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

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

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

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

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

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

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

21 **26.5-2-207. [Formerly 26-6.5-104] Early childhood councils -**  
22 **waivers - rules - funding - application.** (1) A local council may request  
23 a waiver of any rule that would prevent a council from implementing  
24 council projects. The local council shall submit the request to the early  
25 childhood leadership commission created in PART 3 OF article 1 of THIS  
26 title 26.5. The early childhood leadership commission shall consult with  
27 the affected state agency in reviewing the request. The ~~state~~ department

1 or other affected state agency shall grant waivers upon recommendation  
2 by the commission.

3 (2) (a) The ~~state department~~ EXECUTIVE DIRECTOR shall  
4 promulgate rules to develop and distribute to councils the application  
5 form and application process to be used by each council seeking to  
6 receive council infrastructure, quality improvement, technical assistance,  
7 and evaluation funding from the early childhood cash fund created in  
8 ~~section 26-6.5-109~~ SECTION 26.5-2-209 and other funding sources  
9 appropriated for early childhood services.

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

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

19 **26.5-2-208. [Formerly 26-6.5-108] Evaluation.** (1) No later than  
20 March 1, 2010, the ~~state~~ department shall, through a request for proposals  
21 process, contract with a qualified individual or entity to prepare an  
22 independent evaluation of the system of early childhood councils to  
23 determine the effectiveness of the system in serving children and families  
24 throughout the state. The evaluation ~~shall~~ MUST be completed no later  
25 than October 1, 2010, and ~~shall~~ MUST be repeated every three years  
26 thereafter.

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

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

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

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

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

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

14 **26.5-2-209. [Formerly 26-6.5-109] Early childhood cash fund**

15 - **creation.** (1) There is ~~hereby~~ created in the state treasury the early  
16 childhood cash fund, referred to in this ~~part~~ PART 2 as the "fund", that  
17 ~~shall consist~~ CONSISTS of such ~~moneys~~ MONEY as may be appropriated to  
18 the fund by the general assembly and credited to the fund pursuant to  
19 subsection (2) of this section. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS  
20 subject to annual appropriation by the general assembly for the direct and  
21 indirect costs associated with the implementation of this ~~part~~ PART 2.

22 (2) The ~~state~~ department is authorized to seek and accept gifts,  
23 grants, or donations from private and public sources for the purposes of  
24 this ~~part~~ PART 2. All private and public ~~moneys~~ MONEY received  
25 through gifts, grants, or donations ~~shall~~ MUST be transmitted to the state  
26 treasurer, who shall credit the same to the fund. The ~~moneys~~ MONEY in  
27 the fund ~~shall be~~ IS subject to annual appropriation by the general

1 assembly to the ~~state~~ department for the direct and indirect costs  
2 associated with the implementation of this ~~part~~ PART 2.

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

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

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

### 14 ARTICLE 3

#### 15 Family and Child Health and Well-being

#### 16 PART 1

#### 17 FAMILY RESOURCE CENTERS

#### 18 26.5-3-101. [Formerly 26-18-101] Legislative declaration.

19 (1) The general assembly ~~hereby~~ declares that Colorado needs healthy  
20 and cohesive families at all income levels in order for the state to be  
21 economically viable. A number of families in communities throughout  
22 Colorado temporarily may not have access to the basic necessities of life  
23 or to resources or services designed to promote individual development  
24 and family growth.

25 (2) The general assembly further declares that many of Colorado's  
26 vulnerable families, individuals, children, and youth do not necessarily  
27 live in at-risk neighborhoods. ~~Such~~ THESE persons may not have

1 appropriate resources or sufficient income for adequate housing, health  
2 care, or child care because the primary wage earners are unemployed OR  
3 underemployed or work at jobs that pay minimum wage or less. Further,  
4 many ~~such~~ OF THESE persons not only live in poverty but also experience  
5 divorce OR domestic violence or are single parents. Children and youth  
6 who are raised in vulnerable families experience an increased risk of  
7 being abused, being illiterate, being undereducated, dropping out of  
8 school, becoming teen parents, abusing drugs, and engaging in at-risk  
9 behaviors, including but not limited to criminal activities. ~~Such~~ THESE  
10 children and youth are often influenced by and ~~are~~ likely to repeat  
11 behaviors that began with their parents.

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

17 **26.5-3-102. [Formerly 26-18-102] Definitions.** As used in this  
18 ~~article~~ PART 1, unless the context otherwise requires:

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

24 (2) "Case management" means the process ~~whereby~~ THROUGH  
25 WHICH a family advocate for the family resource center assesses a family's  
26 need for services ~~in accordance with section 26-18-104 (2)~~ AS PROVIDED  
27 IN SECTION 26.5-3-103 (2).

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

9           ~~(3.5) Repealed.~~

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

18           ~~(4.5)~~ (5) "Family support and parent education" means a program  
19 or service that promotes a family's positive and meaningful engagement  
20 in its children's lives by providing an experiential and supportive adult  
21 learning environment through which a primary caregiver can learn how  
22 to create a safe, stable, and supportive family unit.

23           ~~(5)~~ (6) "Local advisory council" means the body that oversees the  
24 operation of the family resource center ~~and which is~~ AS described in  
25 ~~section 26-18-105 (1)(b)~~ SECTION 26.5-3-104 (1)(b).

26           ~~(6) Repealed.~~

27           ~~(7) "State department" means the department of human services~~

1     ~~created in section 26-1-105.~~

2             **26.5-3-103. [Formerly 26-18-104] Program created - repeal.**

3     (1) (a) There is established in the ~~prevention services division in the~~  
4     ~~department of public health and environment~~ DEPARTMENT a family  
5     resource center program. The purposes of the program are to provide  
6     grants to community applicants for the creation of family resource centers  
7     or to provide grants to family resource centers for the continued operation  
8     of the centers through which services for vulnerable families, individuals,  
9     children, and youth who live in communities or in at-risk neighborhoods  
10    are accessible and coordinated through a single point of entry.

11            ~~(a.5) On July 1, 2013, the family resource center program is~~  
12    ~~transferred to the department of human services. All program grants in~~  
13    ~~existence as of July 1, 2013, shall continue to be valid through June 30,~~  
14    ~~2015, and may be continued after said date.~~

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

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

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

1 of the county.

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

10 (2) (a) Services ~~provided by~~ THAT a family resource center ~~shall~~  
11 PROVIDES MUST be coordinated, and services should reflect the needs of  
12 the community and the resources available to support such programs and  
13 services. Services may be delivered directly to a family at the center by  
14 center staff or by providers who contract with or have provider  
15 agreements with the center. Any family resource center that provides  
16 direct services shall comply with applicable state and federal laws and  
17 regulations regarding the delivery of such services, unless required  
18 waivers or exemptions have been granted by the appropriate governing  
19 body.

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

26 (I) A negotiated agreement that includes reciprocal responsibilities  
27 of the individual or family members and the personnel of each human

- 1 service agency providing services to the family;
- 2 (II) A commitment of resources as available and necessary to meet
- 3 the family's plan;
- 4 (III) The delivery of applicable services to the individual or
- 5 family, if feasible, or referral to an appropriate service provider;
- 6 (IV) The coordination of services;
- 7 (V) The monitoring of the progress of the family toward greater
- 8 self-reliance or self-sufficiency and an evaluation of services provided;
- 9 and
- 10 (VI) Assistance to the individual or family in applying for the
- 11 children's basic health plan, medical assistance benefits, or other benefits.
- 12 (c) In addition to services required by ~~paragraph (b) of this~~
- 13 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, the family resource
- 14 center may provide for the direct delivery of or referral to a provider of
- 15 the following six services:
- 16 (I) Early childhood care and education, including programs that
- 17 contribute to school readiness;
- 18 (II) Family support and parent education;
- 19 (III) Well-child checkups and basic health services;
- 20 (IV) Early intervention for identifying infants, toddlers, and
- 21 preschoolers who are developmentally disabled in order to provide
- 22 necessary services to such children;
- 23 (V) Before and after school care; AND
- 24 (VI) Programs for children and youth.
- 25 (d) A family resource center may also provide services, including,
- 26 but not limited to, the following:
- 27 (I) Additional educational programs, such as mentoring programs

1 for students in elementary, junior, and senior high schools; adult  
2 education and family literacy programs; and educational programs that  
3 link families with local schools and alternative educational programs,  
4 including links with boards of cooperative services;

5 (II) Job skills training and self-sufficiency programs for adults and  
6 youth;

7 (III) Social, health, mental health, and child welfare services and  
8 housing, homeless, food and nutrition, domestic violence support,  
9 recreation, and substance abuse services;

10 (IV) Outreach, education, and support programs, including  
11 programs aimed at preventing teen pregnancies and school dropouts and  
12 programs providing parent support and advocacy; AND

13 (V) Transportation services to obtain other services provided  
14 pursuant to this subsection (2).

15 ~~(e) (Deleted by amendment, L. 2000, p. 583, § 4, effective May~~  
16 ~~18, 2000.)~~

17 **26.5-3-104. [Formerly 26-18-105] Selection of centers - grants.**

18 (1) The ~~state~~ department may award a grant for the purpose of  
19 establishing a family resource center based on a plan submitted to the  
20 ~~state~~ department by the applicant or for the continued operation of a  
21 family resource center. The plan ~~shall~~ MUST meet specific criteria ~~which~~  
22 ~~the state~~ THAT THE department is ~~hereby~~ authorized to set, but the criteria  
23 ~~shall~~ MUST include at least the following provisions:

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

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

- 1 (I) Families living in the community;
- 2 (II) Local public or private service provider agencies;
- 3 (III) Local job skills training programs, if any;
- 4 (IV) Local governing bodies;
- 5 (V) Local businesses serving families in the community; and
- 6 (VI) Local professionals serving families in the community;
- 7 (c) ~~That~~ The advisory council ~~shall establish~~ ESTABLISHES rules
- 8 concerning the operation of the family resource center, including
- 9 provisions for staffing;
- 10 (d) ~~That services provided by~~ SERVICES the family resource center
- 11 ~~shall be~~ PROVIDES ARE coordinated and tailored to the specific needs of
- 12 individuals and families who live in the community;
- 13 (e) ~~That~~ The family resource center: ~~will:~~
- 14 (I) ~~Promote and support~~ PROMOTES AND SUPPORTS, AND DOES not
- 15 supplant, successful individual and family functioning and ~~increase~~
- 16 INCREASES the recognition of the importance of successful individuals
- 17 and families in the community;
- 18 (II) ~~Contribute~~ CONTRIBUTES to the strength of family ties;
- 19 (III) ~~Establish~~ ESTABLISHES programs that focus on the needs of
- 20 family members, such as preschool programs, family preservation
- 21 programs, and teenage pregnancy prevention programs, and ~~assist~~ ASSISTS
- 22 the individual or family in moving toward greater self-sufficiency;
- 23 (IV) ~~Recognize~~ RECOGNIZES the diversity of families within the
- 24 community;
- 25 (V) ~~Support~~ SUPPORTS family stability and unity;
- 26 (VI) ~~Treat~~ TREATS families as partners in providing services;
- 27 (VII) ~~Encourage~~ ENCOURAGES intergovernmental cooperation and

1 a community-based alliance between government and the private sector.  
2 ~~Such~~ THIS cooperation may include, but ~~NEED~~ not be limited to, the  
3 pooling of public and private funds available to state agencies upon  
4 appropriation or transfer by the general assembly.

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

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

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

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

15 (2) ~~Repealed.~~

16 (3) (2) If the ~~state~~ department determines, from any report  
17 submitted by a local advisory council or any other source, that the  
18 operation of a family resource center is not in compliance with this ~~article~~  
19 PART 1 or any rule adopted pursuant to the provisions of this ~~article~~ PART  
20 1, the ~~state~~ department may impose sanctions, including termination of  
21 the grant.

22 PART 2

23 CHILD ABUSE PREVENTION TRUST FUND

24 **26.5-3-201. [Formerly 19-3.5-101] Short title.** The short title of  
25 this ~~article 3.5~~ PART 2 is the "Colorado Child Abuse Prevention Trust  
26 Fund Act".

27 **26.5-3-202. [Formerly 19-3.5-102] Legislative declaration.**

1 (1) The general assembly finds that:

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

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

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

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

20 **26.5-3-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

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

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

25 (3) "CHILD ABUSE" HAS THE MEANING AS PROVIDED FOR THE TERM  
26 "ABUSE" IN SECTION 19-1-103 (1).

27 (4) "PREVENTION PROGRAM" MEANS A PROGRAM OF DIRECT CHILD

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

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

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

12 **26.5-3-204. [Formerly 19-3.5-103] Colorado child abuse**  
13 **prevention board - creation - members - terms - vacancies.** (1) The  
14 Colorado child abuse prevention board referred to in this article 3.5 as the  
15 "~~board~~"; is transferred to the DEPARTMENT OF EARLY CHILDHOOD FROM  
16 THE department of human services. ~~from the department of public health~~  
17 ~~and environment.~~ The board shall exercise its powers and duties as if  
18 transferred by a **type 2** transfer. Persons appointed to the board continue  
19 serving until completion of their terms and may be reappointed as  
20 provided in this section.

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

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

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

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

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

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

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

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

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

25           (i) Four appointees who represent county leadership, as either a  
26 county commissioner or a director of public health or of human or social  
27 services, as designated by statewide organizations representing county

1 commissioners, human services directors, and public health officials,  
2 three of whom must have expertise in human services or child welfare  
3 practice;

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

10 (k) One member who is a member of the senate and who is  
11 appointed by the president of the senate and one member who is a  
12 member of the house of representatives and who is appointed by the  
13 speaker of the house of representatives.

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

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

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

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

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

25 **26.5-3-205. [Formerly 19-3.5-104] Powers and duties of the**  
26 **board.** (1) The board has the following powers and duties:

27 (a) To advise and make recommendations to the governor, state

1 agencies, and other relevant entities concerning the implementation of  
2 and future revisions to any state plan developed to prevent child  
3 maltreatment;

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

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

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

7 (III) Increases in consistent high-quality caregiving;

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

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

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

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

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

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

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

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

10 (h) To distribute money and make grant awards from the Colorado  
11 child abuse prevention trust fund, created in ~~section 19-3.5-105~~ SECTION  
12 26.5-3-206, in accordance with ~~section 19-3.5-106~~ SECTION 26.5-3-207  
13 and for:

14 (I) The establishment, promotion, and maintenance of primary and  
15 secondary child maltreatment prevention programs, including pilot  
16 programs or services identified in the federal Title IV-E prevention  
17 services clearinghouse and programs that are under evaluation for  
18 purposes of petitioning the federal government for inclusion in the federal  
19 Title IV-E prevention services clearinghouse;

20 (II) Programs to prevent child sexual abuse;

21 (III) Programs to reduce the occurrence of prenatal substance  
22 exposure;

23 (IV) Programs to reduce the occurrence of other adverse  
24 childhood experiences;

25 (V) Programs to reduce poverty or help families get out of  
26 poverty;

27 (VI) Programs to create housing stability; and

1 (VII) Operational expenses of the board, including allowable  
2 expenses pursuant to ~~section 19-3.5-103 (5)~~ SECTION 26.5-3-204 (5);

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

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

10 **26.5-3-206. [Formerly 19-3.5-105] Colorado child abuse**  
11 **prevention trust fund - creation - source of funds.** (1) There is created  
12 in the state treasury the Colorado child abuse prevention trust fund.  
13 ~~referred to in this article 3.5 as the "trust fund"~~. The board shall  
14 administer the trust fund, which consists of:

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

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

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

23 (d) Reimbursement money received for prevention services and  
24 programs identified in the federal Title IV-E PREVENTION SERVICES  
25 clearinghouse pursuant to the federal "Family First Prevention Services  
26 Act of 2018". Beginning July 1, 2021, the ~~state~~ department shall transmit  
27 federal Title IV-E reimbursements for prevention services to the state

1 treasurer, who shall credit the reimbursements to the trust fund.

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

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

11 **26.5-3-207. [Formerly 19-3.5-106] Disbursement of grants from**  
12 **the trust fund - restrictions.** (1) Grants may be awarded to provide  
13 money for the start-up, continuance, or expansion of primary or secondary  
14 prevention programs, including pilot programs and educational programs  
15 for professionals and the public, and to study and evaluate primary and  
16 secondary prevention programs. In addition, grants may be awarded for  
17 programs to prevent and reduce the occurrence of prenatal substance  
18 exposure and an evidence-based or research-based child sexual abuse  
19 prevention training model to prevent and reduce the occurrence of child  
20 sexual abuse.

21 (2) The distribution of money credited to the trust fund by  
22 reimbursement for prevention services and programs identified in the  
23 federal Title IV-E prevention services clearinghouse must fund programs  
24 and services that align with the state's prevention strategy, pursuant to the  
25 federal "Family First Prevention Services Act of 2018", including  
26 consideration of variable needs and resources across the state and  
27 data-driven approaches, and be informed by the ~~state~~ department in

1 consultation with county departments OF HUMAN OR SOCIAL SERVICES and  
2 other entities that deliver the eligible services or programs. Eligible  
3 services or programs may include those under evaluation for the purposes  
4 of petitioning the federal government for inclusion in the federal Title  
5 IV-E prevention services clearinghouse; except that, if the service or  
6 program at the time of federal review is rated to not meet criteria for  
7 inclusion in the federal Title IV-E prevention services clearinghouse,  
8 money credited to the trust fund by reimbursement for prevention services  
9 must not be allocated for that purpose in the next fiscal year, unless there  
10 is an evaluation of the service or program already underway that will  
11 build substantial new evidence that has the potential to change the service  
12 or program rating, or the service or program has been submitted to the  
13 federal clearinghouse for re-review.

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

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

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

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

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

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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

1     ~~26~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or as defined in ~~section~~  
2     ~~26-6-102~~ SECTION 26.5-5-303 and that serves children under five years of  
3     age in at least three facilities that provide substance use disorder  
4     treatment to parenting women. Applicants for mobile child care pilot  
5     grants must demonstrate a commitment of sources of private money for  
6     mobile child care to ensure that the mobile child care pilot model is an  
7     initiative of a public-private partnership. The mobile child care pilot  
8     model may be expanded to serve additional ages or additional regions  
9     using gifts, grants, or donations from private or public sources that the  
10    ~~state~~ department may seek, accept, and expend.

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

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

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

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

1 awarded and the outcome of the grants.

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

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

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

11 **26.5-3-303. [Formerly 26-6.9-103] Repeal of part.** This article  
12 ~~6.9~~ PART 3 is repealed, effective July 1, 2028.

13 PART 4

14 COORDINATED SYSTEM OF PAYMENT FOR EARLY  
15 INTERVENTION SERVICES FOR INFANTS AND TODDLERS

16 **26.5-3-401. [Formerly 27-10.5-701] Legislative declaration.**

17 (1) The general assembly hereby finds that:

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

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

27 (c) The capacity of families to meet the special needs of their

1 infants and toddlers with disabilities needs to be supported and enhanced;

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

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

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

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

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

27 (i) Existing levels of local, state, federal, and private funding may

1 be more efficiently used, more children may be served, and a higher  
2 quality of services may be provided if the existing early intervention  
3 system is modified to create a more coherent and coordinated system of  
4 payment for early intervention services;

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

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

12 **26.5-3-402. [Formerly 27-10.5-702] Definitions - repeal.** As used  
13 in this ~~part 7~~ PART 4, unless the context otherwise requires:

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

19 (2) "Carrier" has the same meaning as set forth in section  
20 10-16-102 (8). ~~€:R:S:~~

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

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

1 designated service area. Notwithstanding the provisions of section  
2 27-10.5-104 (4), if the department of health care policy and financing is  
3 unable to designate a community-centered board or other entity to serve  
4 as the broker for a particular designated service area, the department shall  
5 serve as the broker for the designated service area and may contract  
6 directly with early intervention service providers to provide early  
7 intervention services to eligible children in the designated service area.

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

9 (b) **[Formerly 27-10.5-702 (3) as it will become effective July**  
10 **1, 2024]** ~~"Certified early intervention service broker" or "broker"~~ means  
11 ON AND AFTER JULY 1, 2024, a case management agency or an entity, as  
12 those terms are defined in section 25.5-6-1702, that has entered into a  
13 contract with the department to perform the duties and functions specified  
14 in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular defined service  
15 area. Notwithstanding ~~the provisions of section 27-10.5-104 (4)~~, if there  
16 is not a case management agency or an entity and the department is  
17 unable to designate an organization to serve as the broker for a particular  
18 defined service area, the department shall serve as the broker for the  
19 defined service area and may contract directly with early intervention  
20 service providers to provide early intervention services to eligible  
21 children in the defined service area.

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

26 (a) Part C child find, which is the program component of IDEA  
27 that requires states to find, identify, locate, evaluate, and serve children

1 from birth through two years of age; and

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

5 (5) "Coordinated system of payment" means the policies and  
6 procedures developed by the department, in cooperation with the  
7 departments of education, health care policy and financing, and public  
8 health and environment, AND WITH the division of insurance in the  
9 department of regulatory agencies, private health insurance carriers, and  
10 certified early intervention service brokers, to ensure that available public  
11 and private sources of funds to pay for early intervention services for  
12 eligible children are accessed and utilized in an efficient manner.

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

14 (6) "DEFINED SERVICE AREA" HAS THE SAME MEANING AS  
15 PROVIDED IN SECTION 25.5-6-1702 (7).

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

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

19 ~~(6.5)~~ (8) "Early intervention evaluations" means evaluations  
20 conducted pursuant to the early intervention program for infants and  
21 toddlers under part C of the federal "~~Individuals with Disabilities~~  
22 ~~Education Act~~", 20 U.S.C. sec. 1400 et seq. IDEA.

23 ~~(7)~~ (9) "Early intervention services" means services as defined by  
24 the department in accordance with part C that are authorized through an  
25 eligible child's IFSP and are provided to families at no cost or through the  
26 application of a sliding fee schedule. Early intervention services, as  
27 specified in an eligible child's IFSP, shall qualify as meeting the standard

1 for medically necessary services as used by private health insurance and  
2 as used by public medical assistance, to the extent allowed pursuant to  
3 section 25.5-1-124. ~~C.R.S.~~

4 ~~(8)~~ (10) "Early intervention state plan" means the state plan for a  
5 comprehensive and coordinated system of early intervention services  
6 required pursuant to part C.

7 ~~(9)~~ (11) "Eligible child" means an infant or toddler, from birth  
8 through two years of age, who, as defined by the department in  
9 accordance with part C, has significant delays in development or has a  
10 diagnosed physical or mental condition that has a high probability of  
11 resulting in significant delays in development or who is eligible for  
12 services pursuant to section 27-10.5-102 (11)(c).

13 ~~(10)~~ (12) "Evaluation" means:

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

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

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

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

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

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

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

5 ~~(11)~~ (14) "Individualized family service plan" or "IFSP" means a  
6 written plan developed pursuant to 20 U.S.C. sec. 1436, AS AMENDED,  
7 and 34 CFR 303.340, OR ANY SUCCESSOR REGULATION, that authorizes  
8 the provision of early intervention services to an eligible child and the  
9 child's family. An IFSP ~~shall serve~~ SERVES as the individualized plan,  
10 pursuant to section 27-10.5-102 (20)(c), for a child from birth through  
11 two years of age.

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

14 ~~(12)~~ (16) "Multidisciplinary team" means the involvement of two  
15 or more disciplines or professions in the provision of integrated and  
16 coordinated services, including evaluation and assessment activities  
17 defined in 34 CFR 303.321, OR ANY SUCCESSOR REGULATION, and  
18 development of the child's IFSP.

19 ~~(13)~~ (17) "Part B" means the program component of IDEA that  
20 requires states to find, identify, locate, evaluate, and serve children with  
21 disabilities from three to twenty-one years of age.

22 ~~(14)~~ (18) "Part C" means the early intervention program for  
23 infants and toddlers who are eligible for services under part C of ~~the~~  
24 ~~federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400~~  
25 ~~et seq.~~ IDEA.

26 ~~(15)~~ (19) "Private health insurance" means a health coverage plan,  
27 as defined in section 10-16-102 (34), ~~C.R.S.~~, that is purchased by

1 individuals or groups to provide, deliver, arrange for, pay for, or  
2 reimburse any of the costs of health-care services, as defined in section  
3 10-16-102 (33), ~~C.R.S.~~, provided to a person entitled to receive benefits  
4 or services under the health coverage plan.

5 ~~(16)~~ (20) "Public medical assistance" means medical services that  
6 are provided by the state through the "Colorado Medical Assistance Act",  
7 articles 4 to 6 of title 25.5, ~~C.R.S.~~, or the "Children's Basic Health Plan  
8 Act", article 8 of title 25.5, ~~C.R.S.~~, or other public medical assistance  
9 funding sources to qualifying individuals.

10 ~~(17)~~ (21) "Qualified early intervention service provider" or  
11 "qualified provider" means a person or agency, as defined by the  
12 department by rule in accordance with part C, who provides early  
13 intervention services or early intervention evaluations and is listed on the  
14 registry of early intervention service providers pursuant to ~~section~~  
15 ~~27-10.5-708 (1)(a)~~ SECTION 26.5-3-408 (1). In the event of a shortage of  
16 qualified early intervention evaluators, the department may contract with  
17 an administrative unit to conduct early intervention evaluations if a  
18 contract is entered between the department and the administrative unit,  
19 including written consent of the director of special education, with  
20 conditions for conducting and completing the evaluations, including  
21 identification of staff, costs for services, timelines for contract  
22 completion, and any other contract elements.

23 ~~(18)~~ (22) "Service coordination" means the activities carried out  
24 by a service coordinator to coordinate evaluation and intake activities,  
25 assist, and enable an eligible child and the eligible child's family to  
26 receive the rights, procedural safeguards, and services that are authorized  
27 to be provided under ~~the early intervention program~~ PART C.

1           (19) (23) "State interagency coordinating council" means the  
2 council that is established pursuant to part C and appointed by the  
3 governor to advise and assist the lead agency designated or established  
4 under part C.

5           **26.5-3-403. [Formerly 27-10.5-703] Early intervention services**  
6 **- administration - duties of department - rules.** (1) Subject to annual  
7 appropriation from the general assembly, the department shall administer  
8 early intervention services and shall coordinate early intervention services  
9 with existing services provided to eligible infants and toddlers from birth  
10 through two years of age CHILDREN and their families.

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

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

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

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

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

26           (d) ~~To~~ Ensure that an individualized family service plan is  
27 developed for infants and toddlers from birth through two years of age

1 who are eligible for early intervention services. The IFSP must be  
2 developed in compliance with part C requirements, including the  
3 mandatory IFSP meeting at which the family receives information  
4 concerning the results of the initial early intervention evaluation. The  
5 initial IFSP must be developed in collaboration with a representative from  
6 an evaluation provider that participated in the child's evaluation. The  
7 representative shall participate in the initial meeting for the development  
8 of the child's IFSP.

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

10 (f) (I) (A) [**Formerly 27-10.5-703 (3)(f) as it exists until July 1,**  
11 **2024**] ~~To~~ PRIOR TO JULY 1, 2024, coordinate training and provide  
12 technical assistance to community-centered boards, service providers, and  
13 other constituents who are involved in the delivery of early intervention  
14 services to ~~infants and toddlers from birth through two years of age~~  
15 ELIGIBLE CHILDREN.

16 (B) THIS SUBSECTION (3)(f)(I) IS REPEALED, EFFECTIVE JULY 1,  
17 2024.

18 (II) [**Formerly 27-10.5-703 (3)(f) as it will become effective July**  
19 **1, 2024**] ~~To~~ ON AND AFTER JULY 1, 2024, coordinate training and provide  
20 technical assistance to certified early intervention service brokers, service  
21 providers, and other constituents who are involved in the delivery of early  
22 intervention services to ~~infants and toddlers from birth through two years~~  
23 ~~of age~~ ELIGIBLE CHILDREN;

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

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

1 (i) [Formerly 27-10.5-702 (3)(i) as it will become effective July  
2 1, 2024] ~~To~~ ON AND AFTER JULY 1, 2024, certify early intervention  
3 service brokers within a defined service area.

4 **26.5-3-404. [Formerly 27-10.5-704] Child find - responsibilities**  
5 **- interagency operating agreements.** (1) The department ~~has~~ SHALL  
6 PERFORM the following responsibilities and duties for ~~children from birth~~  
7 ~~through two years of age~~ INFANTS AND TODDLERS who are referred for  
8 early intervention services:

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

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

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

24 (d) ~~To~~ Facilitate the implementation of part C child find and early  
25 intervention evaluations, and the use of medicaid funds, the department  
26 and entities that conduct early intervention evaluations may, when  
27 appropriate, share information with the department of education, the

1 department of health care policy and financing, or other entities that  
2 conduct early intervention evaluations, so long as each department or  
3 local agency acts in compliance with the federal "Health Insurance  
4 Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as  
5 amended, and the federal "Family Educational Rights and Privacy Act of  
6 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and  
7 applicable guidelines adopted thereto.

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

12 (3) On or before July 1, 2022, the department shall establish a  
13 state-level interagency operating agreement, referred to in this section as  
14 the "agreement", with the department of ~~human services~~ EDUCATION  
15 concerning the coordination of transitions of children from part C child  
16 find to part B child find. In developing the agreement, the department and  
17 the department of ~~human services~~ EDUCATION shall involve stakeholder  
18 participation, including representatives from administrative units and part  
19 C entities. The agreement must also include:

20 (a) The definition of a child who is potentially eligible for part B;

21 (b) The processes for a parent of a child to opt out of required  
22 notifications;

23 (c) The required notification concerning a child who is potentially  
24 eligible for part B;

25 (d) A process for resolving disputes between an administrative  
26 unit and a part C entity concerning the satisfaction of agreement  
27 requirements, including remedies and sanctions;

1 (e) A process for resolving disputes between the department and  
2 the department of ~~human services~~ EDUCATION concerning systemic and  
3 statewide issues related to agreement requirements;

4 (f) The development and delivery of standardized communication  
5 materials for a parent of a child who is potentially eligible for part B,  
6 including information concerning eligibility, referral, evaluation, and  
7 service delivery;

8 (g) The development and delivery of standardized training for part  
9 C and part B providers, including information concerning eligibility,  
10 referral, evaluation, and service delivery for the programs;

11 (h) The process for transferring a child's assessment, IFSP, and  
12 other necessary information to an administrative unit for consideration of  
13 a part B evaluation and eligibility determination, if a parent has provided  
14 written consent;

15 (i) (I) Processes to ensure timely notification to the administrative  
16 unit if a child is potentially eligible for part B. At a minimum, timely  
17 notification must occur not later than when a child is two years and six  
18 months of age; except that timely notification must occur not later than  
19 when a child is two years and three months of age if a child has a low  
20 incidence diagnosis including, but not limited to, visual impairment,  
21 including blindness; hearing impairment, including deafness; or  
22 deaf-blind.

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

27 (j) A process for including an administrative unit representative

1 in a transition conference for a child who transitions from part C to part  
2 B;

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

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

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

16 **26.5-3-405. [Formerly 27-10.5-705] Authorized services -**  
17 **conditions of funding - purchases of services - rules - repeal.**

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

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

25 (b) **[Formerly 27-10.5-702 (1) as it will become effective July**  
26 **1, 2024]** The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as  
27 necessary, in accordance with this ~~part 7 and consistent with section~~

1 ~~27-10.5-104.5~~ PART 4, to implement, ON AND AFTER JULY 1, 2024, the  
2 purchase of early intervention services directly or through certified early  
3 intervention service brokers.

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

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

11 (b) **[Formerly 27-10.5-705 (2) as it will become effective July**  
12 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service  
13 brokers and service agencies receiving money pursuant to ~~section~~  
14 ~~27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions  
15 of this ~~article 10.5~~ PART 4 and the rules promulgated pursuant to this  
16 ~~article 10.5~~ PART 4.

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

22 (a) (I) Service coordination with families of eligible ~~infants and~~  
23 ~~toddlers from birth through two years of age~~ CHILDREN. The purpose of  
24 service and support coordination ~~shall be~~ IS to enable a family to utilize  
25 service systems to meet its needs in an effective manner and increase the  
26 family's confidence and competence. Service coordination is to be  
27 rendered in an interagency context that emphasizes interagency

1 collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice  
2 as to who ~~shall perform~~ PERFORMS certain facets of service coordination  
3 as established in the family's individualized family service plan.

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

8 ~~(H)~~ (A) Coordinate with the local interagency effort regarding  
9 outreach, identification, screening, multidisciplinary assessment, and  
10 eligibility determination for families served by the community-centered  
11 board who requested the services;

12 ~~(HH)~~ (B) Coordinate with the local family support services  
13 program; and

14 ~~(HH)~~ (C) Coordinate with other appropriate state agencies  
15 providing programs for infants and toddlers.

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

18 (c) **[Formerly 27-10.5-705 (3) as it will become effective July**  
19 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service  
20 brokers shall obtain or provide early intervention services, subject to  
21 available appropriations, including but not limited to:

22 ~~(a)~~ (I) Service coordination with families of eligible ~~infants and~~  
23 ~~toddlers from birth through two years of age~~ CHILDREN. The purpose of  
24 service and support coordination ~~shall be~~ IS to enable a family to utilize  
25 service systems to meet its needs in an effective manner and increase the  
26 family's confidence and competence. Service coordination is to be  
27 rendered in an interagency context that emphasizes interagency

1 collaboration. A family ~~shall~~ MUST have, to the extent possible, a choice  
2 as to who ~~shall perform~~ PERFORMS certain facets of service coordination  
3 as established in the family's individualized family service plan.

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

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

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

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

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

21 **26.5-3-406. [Formerly 27-10.5-706] Coordinated system of**  
22 **payment for early intervention services - duties of departments -**  
23 **repeal.** (1) In order to implement the provisions of this ~~part 7~~ PART 4, the  
24 department, as lead agency for part C, ~~shall be~~ IS responsible for the  
25 following, subject to available appropriations:

26 (a) Establishing an early intervention state plan for a statewide,  
27 comprehensive system of early intervention evaluations and early

1 intervention services in accordance with part C child find;

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

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

16 (d) (I) **[Formerly 27-10.5-706 (1)(d) as it exists until July 1,**  
17 **2024]** (A) PRIOR TO JULY 1, 2024, certifying community-centered boards  
18 or other entities as determined by the department as early intervention  
19 service brokers for early intervention services provided pursuant to this  
20 ~~part 7 and~~ PART 4.

21 (B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,  
22 2024.

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

27 (e) Ensuring an appropriate allocation of payment responsibilities

1 for early intervention services among federal, state, local, and private  
2 sources, including public medical assistance and private insurance  
3 coverage.

4 (2) Any additional source of ~~moneys~~ MONEY that may become  
5 available for the payment of early intervention services on or after July 1,  
6 2008, as a result of the development and implementation of a statewide,  
7 comprehensive system of early intervention services and a coordinated  
8 system of payments for early intervention services ~~shall~~ MUST not replace  
9 or reduce any other federal or state ~~moneys~~ MONEY available for the  
10 payment of early intervention services on or before July 1, 2008.

11 (3) (a) **[Formerly 27-10.5-706 (3) as it exists until July 1,**  
12 **2024]** (I) PRIOR TO JULY 1, 2024, nothing in this ~~part 7 shall be construed~~  
13 ~~to inhibit, encumber, or control~~ PART 4 INHIBITS, ENCUMBERS, OR  
14 CONTROLS the use of local ~~moneys~~ MONEY, including county grants,  
15 revenues from local mill levies, and private grants and contributions, that  
16 a community-centered board or county government may elect to allocate  
17 for the benefit of eligible children.

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

19 (b) **[Formerly 27-10.5-706 (3) as it will become effective July**  
20 **1, 2024]** ON AND AFTER JULY 1, 2024, nothing in this ~~part 7~~ PART 4  
21 inhibits, encumbers, or controls the use of local money, including county  
22 grants, revenues from local mill levies, and private grants and  
23 contributions, that a certified early intervention service broker or county  
24 government may elect to allocate for the benefit of eligible children.

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

1 this subsection (4) shall DOES not prohibit any adjustments to public  
2 medical assistance required by section 25.5-1-124. C.R.S.

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

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

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

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

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

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

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

26 (2) The division of insurance in the department of regulatory  
27 agencies shall provide assistance to the department related to the

1 requirements and implementation of section 10-16-104 (1.3) C.R.S., and  
2 insurance laws and rules related to billing and claims handling.

3 ~~(3) (a) Any appropriation for the 2021-22 budget year to the~~  
4 ~~department of human services for part C responsibilities that is in addition~~  
5 ~~to an appropriation pursuant to House Bill 18-1333, enacted in 2018,~~  
6 ~~must be allocated to the department of education to reimburse~~  
7 ~~administrative units for their proportionate share of unfunded costs of part~~  
8 ~~C evaluations during the 2021-22 state fiscal year.~~

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

10 **26.5-3-408. [Formerly 27-10.5-708] Certified early intervention**  
11 **service brokers - duties - payment for early intervention services -**  
12 **fees - repeal. (1) (a) [Formerly 27-10.5-708 (1) as it exists until July 1,**  
13 **2024] (I) PRIOR TO JULY 1, 2024, for each designated service area in the**  
14 **state, the certified early intervention service broker for the area shall:**

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

21 ~~(b) (B) Accept and process claims for reimbursement for early~~  
22 ~~intervention services provided under this part 7 PURSUANT TO THIS PART~~  
23 ~~4 by qualified providers;~~

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

27 ~~(d) (D) Ensure payment to a qualified provider for early~~

1 intervention services rendered by the qualified provider.

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

3 (b) [Formerly 27-10.5-708 (1) as it will become effective July  
4 1, 2024] ON AND AFTER JULY 1, 2024, for each defined service area in the  
5 state, the certified early intervention service broker for the area shall:

6 (a) (I) Establish a registry of qualified early intervention service  
7 providers to provide early intervention services to eligible children in the  
8 defined service area. The certified early intervention service broker for a  
9 defined service area may provide early intervention services directly or  
10 may subcontract the provision of services to other qualified providers on  
11 the registry.

12 (b) (II) Accept and process claims for reimbursement for early  
13 intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART  
14 4 by qualified providers;

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

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

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

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

8 (4) Use of a certified early intervention broker is voluntary; except  
9 that private health insurance carriers that are included ~~under~~ PURSUANT  
10 TO section 10-16-104 (1.3) ~~€:R:S.~~, are required to make payment in trust  
11 ~~under section 27-10.5-709~~ PURSUANT TO SECTION 26.5-3-409. Nothing in  
12 this ~~part 7~~ PART 4 prohibits a qualified provider of early intervention  
13 services from directly billing the appropriate program of public medical  
14 assistance or a participating provider, as defined in section 10-16-102  
15 (46) ~~€:R:S.~~, or from directly billing a private health insurance carrier for  
16 services rendered ~~under this part 7~~ PURSUANT TO THIS PART 4 for  
17 insurance plans that are not included ~~under~~ PURSUANT TO section  
18 10-16-104 (1.3). ~~€:R:S.~~

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

24 **26.5-3-409. [Formerly 27-10.5-709] Payment from private**  
25 **health insurance for early intervention services - trust fund.**

26 (1) Private health insurance carriers that are required to make payment  
27 of benefits for early intervention services for which coverage is required

1 pursuant to section 10-16-104 (1.3) ~~C.R.S.~~, shall pay benefits to the  
2 department in trust for payment to a broker or provider for early  
3 intervention services provided to an eligible child. Upon notification from  
4 the department that a child is eligible, the child's private health insurance  
5 carrier ~~shall have~~ HAS thirty days to make payment to the department.

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

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

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

2 (II) All interest derived from the deposit and investment of  
3 ~~moneys~~ MONEY in the early intervention services trust fund ~~shall~~ MUST be  
4 credited to the trust fund, may be appropriated to the department in  
5 accordance with this ~~paragraph (b)~~ SUBSECTION (2)(b)(II), and ~~shall~~  
6 ~~constitute~~ CONSTITUTES state fiscal year spending for purposes of section  
7 20 of article X of the state constitution.

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

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

26 **26.5-3-410. [Formerly 27-10.5-710] Annual report -**  
27 **cooperation from certified early intervention service brokers and**

1 **qualified providers.** (1) Notwithstanding section 24-1-136 (11)(a)(I), by  
2 November 1, 2008, and by November 1 each year thereafter, the  
3 department shall submit an annual report to the general assembly  
4 regarding the various funding sources used for early intervention services,  
5 the number of eligible children served, the average cost of early  
6 intervention services, and any other information the department deems  
7 appropriate. The department shall submit the report to the joint budget  
8 committee as part of the department's annual budget request. The  
9 department shall also submit the report to the health and human services  
10 committees and the education committees of the senate and house of  
11 representatives, or any successor committees.

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

17 PART 5

18 COLORADO NURSE

19 HOME VISITOR PROGRAM

20 **26.5-3-501. [Formerly 26-6.4-101] Short title.** ~~This article shall~~  
21 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 5 IS the  
22 "Colorado Nurse Home Visitor Program Act".

23 **26.5-3-502. [Formerly 26-6.4-102] Legislative declaration.**  
24 (1) The general assembly hereby finds that in order to adequately care for  
25 their newborns and young children, new mothers may often benefit from  
26 receiving professional assistance and information. Without such  
27 assistance and information, a young mother may develop habits or

1 practices that are detrimental to her health and well-being and the health  
2 and well-being of her child. The general assembly further finds that  
3 inadequate prenatal care and inadequate care in infancy and early  
4 childhood often inhibit a child's ability to learn and develop throughout  
5 ~~his or her~~ THE CHILD'S childhood and may have lasting, adverse effects on  
6 the child's ability to function as an adult. The general assembly recognizes  
7 that implementation of a nurse home visitor program that provides  
8 educational, health, and other resources for new young mothers during  
9 pregnancy and the first years of their infants' lives has been proven to  
10 significantly reduce the amount of drug, including nicotine, and alcohol  
11 use and abuse by mothers, the occurrence of criminal activity committed  
12 by mothers and their children under fifteen years of age, and the number  
13 of reported incidents of child abuse and neglect. Such a program has also  
14 been proven to reduce the number of subsequent births, increase the  
15 length of time between subsequent births, and reduce the mother's need  
16 for other forms of public assistance. It is the intent of the general  
17 assembly that such a program be established for the state of Colorado,  
18 beginning with a limited number of participants and expanding by the  
19 year 2010 to be available to all low-income, first-time mothers in the state  
20 who consent to receiving services.

21 (2) The general assembly further finds that, to implement such a  
22 program efficiently and effectively and to promote the successful  
23 implementation of partnerships between state public entities and the  
24 private sector, responsibility for the program should be divided between  
25 the ~~state~~ department, which ~~shall be~~ IS responsible for financial  
26 administration of the program, and a health sciences facility at the  
27 university of Colorado, which ~~shall be~~ IS responsible for programmatic

1 and clinical support, evaluation, and monitoring for the program, and  
2 such other responsibilities as described in this ~~article~~ PART 5. It is the  
3 intent of the general assembly that the ~~state~~ department and the health  
4 sciences facility work collaboratively to share information in order to  
5 promote efficient and effective program implementation; however,  
6 neither entity is responsible for the other entity's statutorily prescribed  
7 duties.

8 **26.5-3-503. [Formerly 26-6.4-103] Definitions.** As used in this  
9 ~~article 6.4~~ PART 5, unless the context otherwise requires:

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

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

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

23 (4) "Master settlement agreement" means the master settlement  
24 agreement, the smokeless tobacco master settlement agreement, and the  
25 consent decree approved and entered by the court in the case denominated  
26 *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*  
27 *Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown &*

1 *Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco*  
2 *Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*  
3 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*  
4 *Tobacco Institute, Inc., Case No. 97 CV 3432, in the district court for the*  
5 *city and county of Denver.*

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

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

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

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

17 **26.5-3-504. [Formerly 26-6.4-104] Nurse home visitor program**  
18 **- created - rules.** (1) (a) There is established the nurse home visitor  
19 program to provide regular, in-home, visiting nurse services to  
20 low-income, first-time mothers, with their consent, during their  
21 pregnancies and through their children's second birthday. The program  
22 ~~shall provide~~ PROVIDES trained visiting nurses to help educate mothers on  
23 the importance of nutrition and avoiding alcohol and drugs, including  
24 nicotine, and to assist and educate mothers in providing general care for  
25 their children and in improving health outcomes for their children. In  
26 addition, visiting nurses may help mothers in locating assistance with  
27 educational achievement and employment. Any assistance provided

1 through the program ~~shall be~~ IS provided only with the consent of the  
2 low-income, first-time mother, and she may refuse further services at any  
3 time.

4 (b) ~~The nurse home visitor program created in article 31 of title~~  
5 ~~25 C.R.S., as it existed prior to July 1, 2013, is transferred to the state~~  
6 ~~department of human services. All rules, orders, and awards of the state~~  
7 ~~board of health concerning the nurse home visitor program adopted prior~~  
8 ~~to July 1, 2013, continue to be effective until revised, amended, repealed,~~  
9 ~~or nullified pursuant to law. All grants in existence as of July 1, 2013, are~~  
10 ~~valid through June 30, 2014, and may be extended or renewed beyond~~  
11 ~~said date.~~ THE NURSE HOME VISITOR PROGRAM, AS IT EXISTED PRIOR TO  
12 JULY 1, 2022, IS TRANSFERRED TO THE DEPARTMENT OF EARLY  
13 CHILDHOOD. ALL RULES, ORDERS, AND AWARDS OF THE STATE BOARD OF  
14 HEALTH CONCERNING THE NURSE HOME VISITOR PROGRAM ADOPTED PRIOR  
15 TO JULY 1, 2022, CONTINUE TO BE EFFECTIVE UNTIL REVISED, AMENDED,  
16 REPEALED, OR NULLIFIED PURSUANT TO LAW. ALL GRANTS IN EXISTENCE  
17 AS OF JULY 1, 2022, ARE VALID THROUGH JUNE 30, 2023, AND MAY BE  
18 EXTENDED OR RENEWED BEYOND SAID DATE.

19 (2) The program ~~shall~~ MUST be administered in communities  
20 throughout the state by entities selected on a competitive basis by the  
21 health sciences facility and approved by the ~~state board~~ EXECUTIVE  
22 DIRECTOR. Any entity that seeks to administer the program shall submit  
23 an application to the ~~state~~ department as provided in ~~section 26-6.4-106~~  
24 SECTION 26.5-3-506. The entities selected pursuant to ~~section 26-6.4-107~~  
25 SECTION 26.5-3-507 are expected to provide services to a minimum of one  
26 hundred low-income, first-time mothers in the community in which the  
27 entity administers the program; except that the ~~state board~~ EXECUTIVE

1 DIRECTOR may grant a waiver of this requirement if the population base  
2 of the community does not have the capacity to enroll one hundred  
3 eligible families. The ~~state board~~ EXECUTIVE DIRECTOR shall consult with  
4 the health sciences facility prior to granting the waiver to ensure that the  
5 entity can implement the program within the smaller community and  
6 maintain compliance with the program requirements. A mother is eligible  
7 to receive services through the program if she is pregnant with her first  
8 child, or her first child is less than one month old, and her gross annual  
9 income does not exceed two hundred percent of the federal poverty line.

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

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

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

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

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

27 (e) Criminal activity engaged in by mothers receiving services

1 through the model program and their children.

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

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

17 **26.5-3-505. [Formerly 26-6.4-105] Health sciences facility -**  
18 **duties.** (1) The president of the university of Colorado shall identify a  
19 facility at the university of Colorado health sciences center with the  
20 knowledge and expertise necessary to:

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

24 (b) Provide programmatic and clinical support, evaluation, and  
25 monitoring for the program, including nurse practice support and training,  
26 clinical and programmatic technical assistance, compliance monitoring  
27 and support, program development and implementation support, and

1 performance improvement monitoring and support, in communities  
2 throughout the state;

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

5 (d) Work with the state auditor's office as required in section  
6 2-3-113 (4). ~~C.R.S.~~

7 ~~(1.5)~~ (2) The health sciences facility is not responsible for the  
8 duties assigned to the ~~state~~ department with respect to the program ~~under~~  
9 ~~section 26-6.4-107 (2)(a.5)~~ PURSUANT TO SECTION 26.5-3-507 (2)(b).

10 ~~(2)~~ (3) The health sciences facility shall perform the duties set  
11 forth in subsection (1) of this section to ensure that the program is  
12 implemented and operated according to the program training  
13 requirements, protocols, management information systems, and  
14 evaluation requirements established by DEPARTMENT rule. ~~of the state~~  
15 ~~board~~. The health sciences facility shall evaluate overall program  
16 implementation, operation, and effectiveness, and include that evaluation,  
17 along with any recommendations concerning the program's selected  
18 entities or changes in the program's implementation, operation, and  
19 effectiveness, including program training requirements, protocols,  
20 management information systems, or evaluation requirements, in the  
21 annual report submitted to the ~~state~~ department pursuant to ~~section~~  
22 ~~26-6.4-108~~ SECTION 26.5-3-508.

23 ~~(3)~~ (4) The ~~state~~ department shall compensate the health sciences  
24 facility for the health sciences facility's actual costs incurred in  
25 performing its duties ~~under this article~~ PURSUANT TO THIS PART 5, as  
26 determined by the health sciences facility. Such duties and actual costs  
27 ~~shall~~ MUST be included in the scope of work in the agreement between the

1 state department and the health sciences facility for implementation of  
2 those duties and shall MUST include the costs incurred by any contractor  
3 or subcontractor of the health sciences facility for those duties. Such  
4 compensation shall MUST be paid out of the amount allocated for the  
5 health sciences facility's costs, in accordance with the maximum  
6 allocation of three percent of the amount annually allocated for the  
7 program under section ~~26-6.4-107(2)~~ PURSUANT TO SECTION 26.5-3-507  
8 (2).

9 **26.5-3-506. [Formerly 26-6.4-106] Program applications -**  
10 **requirements.** (1) An entity that seeks to administer the program in a  
11 community shall MUST submit an application to the state department in  
12 accordance with DEPARTMENT rules adopted by ~~the state board~~, in  
13 consultation with ~~the state department~~ and the health sciences facility. At  
14 a minimum, the application must specify the basic elements and  
15 procedures that the entity shall MUST use in administering the program.  
16 Basic program elements must include the following:

17 (a) The specific training each nurse employed by the entity must  
18 receive to provide home nursing services through the program, which  
19 training must meet or exceed the visiting nurse training requirements  
20 established by DEPARTMENT rule; ~~of the state board~~;

21 (b) The protocols the entity must follow in administering the  
22 program, which protocols at a minimum must comply with the program  
23 protocols established by DEPARTMENT rule; ~~of the state board~~;

24 (c) The management information system the entity must use in  
25 administering the program, which at a minimum must comply with the  
26 management information system requirements established by  
27 DEPARTMENT rule; ~~of the state board~~;

1 (d) The reporting and evaluation system the entity must use in  
2 measuring the effectiveness of the program in assisting low-income,  
3 first-time mothers, which at a minimum must meet the reporting and  
4 evaluation requirements specified by ~~rule of the state board~~ DEPARTMENT  
5 RULE; AND

6 (e) An annual report to both the health sciences facility and the  
7 community in which the entity administers the program that reports on the  
8 effectiveness of the program within the community and is written in a  
9 manner that is understandable for both the health sciences facility and  
10 members of the community.

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

14 (3) The ~~state~~ department shall initially review the applications  
15 received pursuant to this section and submit to the health sciences facility  
16 for review those applications that include the basic program elements as  
17 required by ~~the rules adopted by the state board~~ DEPARTMENT RULES.  
18 Following its review, the health sciences facility shall submit to the ~~state~~  
19 ~~board~~ EXECUTIVE DIRECTOR a list of the applying entities that the health  
20 sciences facility recommends to administer the program in communities  
21 throughout the state.

22 **26.5-3-507. [Formerly 26-6.4-107] Selection of entities to**  
23 **administer the program - grants - nurse home visitor program fund**  
24 **- created.** (1) On receipt of the list of entities recommended by the health  
25 sciences facility, the ~~state board~~ EXECUTIVE DIRECTOR shall select the  
26 entities that will administer the program in communities throughout the  
27 state. In selecting entities, the ~~state board~~ EXECUTIVE DIRECTOR shall give

1 special consideration to entities that are proposing to administer the  
2 program as a collaborative effort among multiple entities.

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

14 ~~(a.5)~~ (b) Except as otherwise provided in ~~section 26-6.4-108~~  
15 SECTION 26.5-3-508, the ~~state~~ department is responsible for financial  
16 administration of this ~~article~~ PART 5, which includes compensating the  
17 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION  
18 26.5-3-505 (4); paying grants to entities selected to administer the  
19 program; monitoring financial, contractual, and regulatory compliance;  
20 providing medicaid financing oversight; managing accounting and  
21 budgeting; and, in cooperation with the health sciences facility, managing  
22 grant applications as set forth in ~~section 26-6.4-106~~ SECTION 26.5-3-506.  
23 The ~~state~~ department shall also cooperate with the health sciences  
24 facility's administration of programmatic and clinical support, evaluation,  
25 and monitoring of the program. The ~~state~~ department is not responsible  
26 for any duties assigned to the health sciences facility with respect to the  
27 program, as described in ~~section 26-6.4-105~~ SECTION 26.5-3-505.

1           ~~(b)~~ (c) (I) Grants awarded pursuant to subsection (2)(a) of this  
2 section are payable from the nurse home visitor program fund, which  
3 fund is hereby created in the state treasury. The nurse home visitor  
4 program fund, referred to in this section as the "fund", is administered by  
5 the ~~state~~ department and consists of money transferred ~~thereto~~ TO THE  
6 FUND by the state treasurer from money received pursuant to the master  
7 settlement agreement in the amount described in ~~subsection (2)(d)~~  
8 SUBSECTION (2)(e) of this section. In addition, the state treasurer shall  
9 credit to the fund any public or private gifts, grants, or donations received  
10 by the ~~state~~ department to implement the program, including any money  
11 received from the United States federal government for the program. The  
12 fund is subject to annual appropriation by the general assembly to the  
13 ~~state~~ department for grants to entities for operation of the program. The  
14 ~~state~~ department may retain the amount needed to pay for the program's  
15 share of the ~~state~~ department's indirect costs, as calculated under the  
16 federally approved cost allocation plan. In addition, the ~~state~~ department  
17 may retain a total of up to five percent of the amount annually  
18 appropriated from the fund for the program, in order to compensate the  
19 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION  
20 26.5-3-505 (4), as set forth in the scope of work in the agreement between  
21 the ~~state~~ department and the health sciences facility, and to compensate  
22 the ~~state~~ department for the actual costs the ~~state~~ department incurs in  
23 implementing ~~subsection (2)(a.5)~~ SUBSECTION (2)(b) of this section, as  
24 determined by the ~~state~~ department; except that the portion of the costs to  
25 compensate the ~~state~~ department for implementing ~~subsection (2)(a.5)~~  
26 SUBSECTION (2)(b) of this section ~~shall~~ MUST not exceed two percent of  
27 the amount annually appropriated from the fund for the program, and the

1 portion of such costs to compensate the health sciences facility ~~under~~  
2 ~~section 26-6.4-105 (3)~~ PURSUANT TO SECTION 26.5-3-505 (4), as set forth  
3 in the scope of work in the contract between the ~~state~~ department and the  
4 health sciences facility, ~~shall~~ MUST not exceed three percent of the  
5 amount annually appropriated from the fund for the program. In addition,  
6 if the total amount annually appropriated from the fund for the program  
7 exceeds nineteen million dollars, the ~~state~~ department and the health  
8 sciences facility shall assess whether a smaller percentage of the  
9 appropriated funds exceeding nineteen million dollars is adequate to  
10 cover their actual costs and shall jointly submit to the general assembly  
11 a report articulating their conclusions on this subject. The actual costs of  
12 the ~~state~~ department include ~~state~~ department personnel and operating  
13 costs and any necessary transfers to the department of health care policy  
14 and financing for administrative costs incurred for the medicaid program  
15 associated with the program. The actual costs of the health sciences  
16 facility include the facility's own actual program costs and those of its  
17 contractors and subcontractors. Any costs for time studies required to  
18 obtain medicaid reimbursement for the program may be paid from  
19 program funds and are not subject to the five percent limit in this section.  
20 Notwithstanding section 24-36-114, all interest derived from the deposit  
21 and investment of money in the fund ~~shall~~ MUST be credited to the fund.  
22 Except as otherwise provided in ~~subsection (2)(b)(II)~~ SUBSECTION  
23 (2)(c)(II) of this section, all unexpended and unencumbered money in the  
24 fund at the end of any fiscal year remains in the fund and ~~shall~~ MUST not  
25 be transferred to the general fund or any other fund.

26 (II) On July 1, 2020, the state treasurer shall transfer four million  
27 two hundred thirty-seven thousand three hundred seventy-five dollars

1 from the fund to the general fund.

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

4 ~~(d)~~ ~~(f)~~ (e) Pursuant to section 24-75-1104.5 (1.7)(a), ~~€R.S.~~, and  
5 except as otherwise provided in section 24-75-1104.5 (5), ~~€R.S.~~, for the  
6 2016-17 fiscal year and for each fiscal year thereafter so long as the state  
7 receives ~~moneys~~ MONEY pursuant to the master settlement agreement, the  
8 state treasurer shall transfer to the fund twenty-six and seven-tenths of the  
9 master settlement agreement ~~moneys~~ MONEY received by the state, other  
10 than attorney fees and costs, during the preceding fiscal year. The transfer  
11 ~~shall~~ MUST be from ~~moneys~~ MONEY credited to the tobacco litigation  
12 settlement cash fund created in section 24-22-115. ~~€R.S.~~

13 ~~(H) and (HH) Repealed.~~

14 **26.5-3-508. [Formerly 26-6.4-108] Annual program review -**  
15 **audit.** (1) The health sciences facility shall annually prepare and submit  
16 to the ~~state~~ department a report including an evaluation of the  
17 implementation of the program, the results achieved by the program based  
18 on the annual reports submitted by the administering entities pursuant to  
19 ~~section 26-6.4-106 (1)(e)~~ SECTION 26.5-3-506 (1)(e), the extent to which  
20 the program serves medicaid-eligible persons and provides services that  
21 may be provided in part through medicaid funding, and any  
22 recommendations concerning changes to the program, including any  
23 changes that may be appropriate to enable the program to receive and  
24 maximize medicaid funding. Each program contractor and subcontractor  
25 and each entity that administers the program shall work with the health  
26 sciences facility and the ~~state~~ department to prepare the reports required  
27 ~~under~~ PURSUANT TO this section and section 2-3-113 (2). ~~€R.S.~~ Any

1 entity that is administering the program is subject to a reduction in or  
2 cessation of funding if the ~~state board~~ EXECUTIVE DIRECTOR, based on  
3 recommendations from the health sciences facility, determines that the  
4 entity is not operating the program in accordance with the program  
5 requirements established by DEPARTMENT rule ~~of the state board~~ or is  
6 operating the program in such a manner that the program does not  
7 demonstrate positive results.

8 (2) The state auditor's office, pursuant to section 2-3-113, ~~C.R.S.~~,  
9 shall audit each entity administering the program to determine whether  
10 the entity is administering the program in compliance with the program  
11 requirements and in an effective manner. The audit ~~shall~~ MUST be  
12 conducted and reported in accordance with ~~the provisions of~~ section  
13 2-3-113. ~~C.R.S.~~

## 14 PART 6

### 15 SOCIAL-EMOTIONAL LEARNING PROGRAMS

16 **26.5-3-601. Legislative declaration.** (1) THE GENERAL  
17 ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

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

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

20 (2) (a) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN  
21 THE BEST INTERESTS OF THE STATE TO AUTHORIZE THE DEPARTMENT TO  
22 IMPLEMENT PROVEN, EVIDENCE-BASED, TWO-GENERATION PREVENTION  
23 PROGRAMS TO TEACH TEACHERS AND PARENTS STRATEGIES AND SKILLS TO  
24 CONNECT WITH ALL CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE  
25 CHALLENGING BEHAVIORS; TO PROMOTE CHILDREN'S SOCIAL COMPETENCE;  
26 TO REDUCE BEHAVIOR PROBLEMS; AND TO PROVIDE PROGRAMMING TO  
27 CHILDREN TO HELP THEM LEARN PROBLEM-SOLVING AND

1 EMOTION-CONTROL SKILLS. THE GOALS OF PROVIDING THESE PROGRAMS  
2 ARE TO STRENGTHEN TEACHER-CHILD AND PARENT-CHILD RELATIONSHIPS  
3 AND PROMOTE CHILD BEHAVIORAL CHANGE, INCLUDING SELF-REGULATION  
4 AND DECREASED AGGRESSIVE BEHAVIOR AND IMPULSIVITY.

5 (b) THE GENERAL ASSEMBLY FURTHER FINDS THAT, TO IMPLEMENT  
6 THESE PROGRAMS EFFICIENTLY AND EFFECTIVELY AND TO PROMOTE  
7 SUCCESSFUL PARTNERSHIPS BETWEEN STATE AGENCIES AND THE PRIVATE  
8 SECTOR, IT IS APPROPRIATE TO DIVIDE RESPONSIBILITY FOR THE PROGRAMS  
9 BETWEEN THE DEPARTMENT, WHICH IS RESPONSIBLE FOR FINANCIAL  
10 ADMINISTRATION OF THE PROGRAMS, AND AN IMPLEMENTATION PARTNER,  
11 WHICH IS RESPONSIBLE FOR PROGRAMMATIC AND CLINICAL SUPPORT,  
12 EVALUATION, AND MONITORING FOR THE PROGRAMS, AND SUCH OTHER  
13 RESPONSIBILITIES AS MAY BE DESCRIBED IN THIS PART 6. IT IS THE INTENT  
14 OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT AND THE  
15 IMPLEMENTATION PARTNER WORK COLLABORATIVELY TO SHARE  
16 INFORMATION AS NECESSARY TO PROMOTE EFFICIENT AND EFFECTIVE  
17 PROGRAM IMPLEMENTATION.

18 **26.5-3-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
19 CONTEXT OTHERWISE REQUIRES:

20 (1) "ENTITY" MEANS AN INDIVIDUAL LOCAL IMPLEMENTATION  
21 SITE, SUCH AS A PROVIDER OF EARLY CHILDHOOD SERVICES; A SCHOOL  
22 DISTRICT, AS DEFINED IN SECTION 22-7-1003, OR A CHARTER SCHOOL, AS  
23 DEFINED IN SECTION 22-60.5-102; A COMMUNITY MENTAL HEALTH  
24 CENTER; ANY OTHER GOVERNMENTAL AGENCY; OR ANY COMBINATION OF  
25 THESE ENTITIES.

26 (2) "GRANT PROGRAM" MEANS THE SOCIAL-EMOTIONAL LEARNING  
27 PROGRAMS GRANT PROGRAM CREATED IN SECTION 26.5-3-603.

1           (3) "IMPLEMENTATION PARTNER" MEANS A PRIVATE ENTITY THAT  
2 HAS EXTENSIVE EXPERIENCE AND EXPERTISE IN EARLY CHILD CARE  
3 PROGRAMMING OF THE TYPE DESCRIBED IN SECTION 26.5-3-603 AND IN  
4 IMPLEMENTATION SCIENCE AND WITH WHICH THE DEPARTMENT  
5 CONTRACTS PURSUANT TO SECTION 26.5-3-603 (2) TO ASSIST IN  
6 IMPLEMENTING THE GRANT PROGRAM.

7           (4) "SOCIAL-EMOTIONAL LEARNING PROGRAM" MEANS AN  
8 EVIDENCE-BASED, TWO-GENERATION PROGRAM THAT PROVIDES TRAINING  
9 FOR TEACHERS AND PARENTS IN STRATEGIES AND SKILLS FOR CONNECTING  
10 WITH ALL YOUNG CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE  
11 CHALLENGING BEHAVIORS, AND FOR TEACHING AND PROMOTING THE  
12 DEVELOPMENT OF SOCIAL COMPETENCE AND EMOTIONAL  
13 SELF-MONITORING AND SELF-MANAGEMENT IN YOUNG CHILDREN; AND  
14 PROVIDES DIRECT PROGRAMMING FOR YOUNG CHILDREN IN PROBLEM  
15 SOLVING, ANGER CONTROL, SELF-MONITORING OF EMOTIONS, SUCCEEDING  
16 IN SCHOOL, AND MAKING FRIENDS.

17           **26.5-3-603. Social-emotional learning programs grant**  
18 **program - created - implementation partner - application - selection**  
19 **- funding - rules.** (1) THE SOCIAL-EMOTIONAL LEARNING PROGRAMS  
20 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE DEPARTMENT  
21 SHALL ADMINISTER THE GRANT PROGRAM IN COLLABORATION WITH AN  
22 IMPLEMENTATION PARTNER SELECTED PURSUANT TO SUBSECTION (2) OF  
23 THIS SECTION. SUBJECT TO ANNUAL APPROPRIATIONS, THE DEPARTMENT  
24 SHALL AWARD GRANTS TO ENTITIES THAT APPLY PURSUANT TO  
25 SUBSECTION (3) OF THIS SECTION TO PROVIDE SOCIAL-EMOTIONAL  
26 LEARNING PROGRAMS FOR YOUNG CHILDREN AND THEIR PARENTS IN  
27 COMMUNITIES THROUGHOUT THE STATE. THE EXECUTIVE DIRECTOR IS

1 AUTHORIZED TO PROMULGATE RULES AS NECESSARY TO IMPLEMENT THE  
2 GRANT PROGRAM.

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

8 (a) ASSIST THE DEPARTMENT IN SELECTING FROM AMONG  
9 APPLICANTS THOSE ENTITIES THAT RECEIVE GRANTS TO PROVIDE  
10 SOCIAL-EMOTIONAL LEARNING PROGRAMS PURSUANT TO THIS PART 6;

11 (b) PERFORM COMMUNITY READINESS ASSESSMENTS AND PROVIDE  
12 TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF  
13 SOCIAL-EMOTIONAL LEARNING PROGRAMS BY THE ENTITIES THAT RECEIVE  
14 GRANTS;

15 (c) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT  
16 RECOMMENDATIONS FOR THE SELECTED ENTITIES TO ENSURE  
17 HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF  
18 SOCIAL-EMOTIONAL LEARNING PROGRAMS;

19 (d) PROVIDE TO THE DEPARTMENT SITE-SPECIFIC AND STATEWIDE  
20 PROCESS AND OUTCOMES EVALUATIONS OF SOCIAL-EMOTIONAL LEARNING  
21 PROGRAMS AND THE GRANT PROGRAM AS DESCRIBED IN THIS SECTION;

22 (e) ASSIST THE DEPARTMENT WITH THE FINANCIAL  
23 ADMINISTRATION OF GRANTS PURSUANT TO THIS PART 6 AND WORK WITH  
24 THE OFFICE OF THE STATE AUDITOR AS REQUIRED;

25 (f) ANNUALLY PROVIDE TO EACH ENTITY THAT RECEIVES MONEY  
26 THROUGH THE GRANT PROGRAM A DETAILED DATA REPORT OF THE  
27 ENTITY'S IMPLEMENTATION OF THE SOCIAL-EMOTIONAL LEARNING

1 PROGRAMS THAT INCLUDES AN ASSESSMENT OF THE PROGRAM'S SUCCESS  
2 IN ACHIEVING POSITIVE OUTCOMES FOR CHILDREN AND THEIR FAMILIES  
3 AND IDENTIFICATION OF AREAS FOR PRACTICE IMPROVEMENT; AND

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

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

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

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

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

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

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

1 THREE MONTHS AFTER SUBMITTING THE APPLICATION.

2 (4) THE DEPARTMENT SHALL WORK WITH THE IMPLEMENTATION  
3 PARTNER TO REVIEW AND SELECT GRANTEES FROM AMONG THE APPLYING  
4 ENTITIES. IN ADDITION TO ANY OTHER SELECTION CRITERIA THAT MAY BE  
5 IDENTIFIED IN RULES OF THE DEPARTMENT, THE DEPARTMENT SHALL BASE  
6 SELECTION OF GRANTEES ON THE APPLICANT'S USE OF A CURRICULUM THAT  
7 MEETS THE REQUIREMENTS SPECIFIED IN SUBSECTION (3)(a) OF THIS  
8 SECTION AND ON THE APPLICANT'S SERVICE TO UNDER-RESOURCED  
9 CHILDREN AND FAMILIES WHO HAVE A CLEARLY IDENTIFIED NEED OR THE  
10 OUTCOME OF THE COMMUNITY READINESS ASSESSMENT. THE DEPARTMENT  
11 SHALL PAY THE GRANTS AWARDED THROUGH THE PROGRAM FROM MONEY  
12 APPROPRIATED FOR THE PROGRAM PURSUANT TO SUBSECTION (5) OF THIS  
13 SECTION.

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

22 PART 7

23 EARLY CHILDHOOD MENTAL HEALTH

24 CONSULTATION PROGRAM

25 **26.5-3-701. [Formerly 26-6.5-401] Definitions.** As used in this  
26 ~~part 4~~ PART 7, unless the context otherwise requires:

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

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

6           ~~(3)~~ (2) "Program" means the statewide voluntary program of early  
7 childhood mental health consultation designed, implemented, and  
8 operated by the department pursuant to this ~~part 4~~ PART 7.

9           **26.5-3-702. [Formerly 26-6.5-402] Early childhood mental**  
10 **health consultation - statewide program - creation - purpose - rules.**

11 (1) (a) On or before July 1, 2022, the department shall design,  
12 implement, and operate the statewide voluntary program of early  
13 childhood mental health consultation to expand and enhance current  
14 practices across the state. The department, through the program, shall  
15 support mental health in a variety of settings, including but not limited to  
16 early child care and learning, elementary schools, home visitation, child  
17 welfare, public health, and health care, including settings providing  
18 prenatal and postpartum care.

19           (b) In designing and developing the program, the department shall  
20 work in consultation with the national center of excellence for infant and  
21 early childhood mental health consultation funded by the United States  
22 department of health and human services; nationally recognized entities  
23 that support implementation of sustainable systems or programs that focus  
24 on promoting the social, emotional, and behavioral outcomes of young  
25 children; and key stakeholders in the state, including mental health  
26 professionals, nonprofit organizations with expertise in mental health,  
27 organizations representing parents of children who would benefit from

1 early childhood mental health consultation, hospitals and other  
2 health-care provider organizations with expertise working with children  
3 facing behavioral health and other challenges to optimal growth and  
4 development, early child care and education providers, and clinicians with  
5 expertise in infant and early childhood mental health.

6 (c) The department shall coordinate with community-based  
7 organizations to ensure the effective implementation of the program and  
8 model of consultation established pursuant to ~~section 26-6.5-403~~ SECTION  
9 26.5-3-703, as well as support the availability of resources across the state  
10 to support the program and the mental health consultants in the program  
11 in their work.

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

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

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

20 (b) Support and provide guidance and training, through visits with  
21 mental health consultants in the program, to families, expecting families,  
22 caregivers, and providers across a diversity of settings in addressing the  
23 healthy social-emotional developmental needs of children and families  
24 during the prenatal period through eight years of age;

25 (c) Develop a defined model of consultation that is rooted in  
26 diversity, equity, and inclusion for the state pursuant to ~~section~~  
27 ~~26-6.5-403~~ SECTION 26.5-3-703 that includes qualifications and

1 competencies for mental health consultants, job expectations, expected  
2 outcomes, and guidance on ratios between mental health consultants in  
3 the program and the settings they support; and

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

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

13 **26.5-3-703. [Formerly 26-6.5-403] Model of early childhood**  
14 **mental health consultation - standards and guidelines - qualifications.**

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

24 (a) Clear qualifications for mental health consultants in the  
25 program, including, at a minimum, expertise in adult and child mental  
26 health theory, practice, and services; early childhood, child development,  
27 and family systems; knowledge of, and skills to address, circumstances

1 that affect children's behavior and mental health; knowledge of  
2 developmental science and milestones; knowledge of a consultative  
3 model of practice; and available resources and services to children and  
4 families to alleviate family stress;

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

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

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

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

1 professionals, and health-care professionals, including settings providing  
2 prenatal and postpartum care.

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

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

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

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

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

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

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

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

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

26 **26.5-3-704. [Formerly 26-6.5-404] Statewide professional**  
27 **development plan for early childhood mental health consultants.**

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

- 12 (2) The plan must include, at a minimum, training related to:
- 13 (a) Trauma and trauma-informed practices and interventions;
  - 14 (b) Adverse childhood experiences;
  - 15 (c) The science of resilience and interventions to promote  
16 resilience;
  - 17 (d) Child development through eight years of age;
  - 18 (e) Caregiver substance use and effective family interventions;
  - 19 (f) Impact of inequity and bias on children, families, caregivers,  
20 mental health consultants, and providers, and strategies to mitigate such  
21 impact;
  - 22 (g) Sensory processing issues;
  - 23 (h) The needs of children with developmental delays and  
24 disabilities, including children born prematurely or with special  
25 health-care needs, and special education law;
  - 26 (i) Colorado's child protection and foster care system;
  - 27 (j) Occupational therapy, speech therapy, physical therapy, and

- 1 mental health therapy;
- 2 (k) Other public and private supports and services;
- 3 (l) Early childhood social-emotional development and family
- 4 systems;
- 5 (m) Early childhood mental health diagnosis and effective
- 6 treatment models; and
- 7 (n) Consultation as a model of adult learning.

8 (3) The plan must also:

9 (a) Allow mental health consultants in the program to access

10 regionally appropriate and culturally responsive programs to best link

11 them to the children and families in their communities and their unique

12 needs;

13 (b) Include strategies for mental health consultants in the program

14 to establish individualized coaching as requested by teachers, caregivers,

15 and families; and

16 (c) Provide opportunities for regular support meetings between

17 mental health consultants in the program; supervisors, including reflective

18 supervisors; and peer mental health consultants. The support meetings

19 must include reflections on the practice impact of attitudes and values.

20 **26.5-3-705. [Formerly 26-6.5-405] Statewide qualifications and**

21 **competencies for early childhood mental health consultants.** The

22 department shall ensure that each mental health consultant funded

23 through the program meets the qualifications and competencies outlined

24 in the program as designed and developed pursuant to this ~~part 4~~ PART 7.

25 **26.5-3-706. [Formerly 26-6.5-406] Data collection - reporting.**

26 (1) On or before July 1, 2023, the department shall develop a statewide

27 data collection and information system to analyze implementation data

1 and selected outcomes to identify areas for improvement, promote  
2 accountability, and provide insights to continually improve child and  
3 program outcomes. The data collection and information system, and any  
4 related processes, must place the least burden possible on the mental  
5 health consultants in the program. In selecting the implementation data  
6 and outcomes, the department shall incorporate the variability across  
7 diverse settings and populations.

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

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

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

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

1 (SMART) Government Act" in January 2027.

2 **26.5-3-707. [Formerly 26-6.5-407] Funding support.** The  
3 department and the department of health care policy and financing shall  
4 explore funding options for the program and improving access to mental  
5 health consultants, including access to various funding sources, as well  
6 as the children's basic health plan, article 8 of title 25.5, and the state  
7 medical assistance program, articles 4 to 6 of title 25.5. On or before  
8 January 1, 2023, the departments shall report on any identified funding  
9 options to the joint budget committee of the general assembly as  
10 necessary thereafter, in accordance with section 24-1-136.

11 PART 8

12 EMERGENCY RELIEF GRANT PROGRAMS

13 **26.5-3-801. [Formerly 26-6-801] Legislative declaration.**

14 (1) The general assembly finds and declares that:

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

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

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

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

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

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

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

26 (h) Most child care in Colorado is owned or operated by women,  
27 and more than forty percent of our child care workforce is composed of

1 women of color. Furthermore, throughout the COVID-19 public health  
2 emergency, women of color have been more likely to be on the front lines  
3 as essential workers and are more likely to lose their jobs.

4 (i) Despite women's steadily increasing labor participation rates  
5 and earning trajectories over the past twenty-five years, the COVID-19  
6 public health emergency threatens to set back a generation of progress.  
7 When women exit the workforce, they face more barriers than men do to  
8 return, and their future earning potential and path to retirement security  
9 suffers.

10 (j) Women have been disproportionately impacted by the  
11 COVID-19 public health emergency: Almost one hundred seventy-nine  
12 thousand women left Colorado's labor force between February and May  
13 2020, compared to eighty-eight thousand men. Nationally, four times as  
14 many women as men dropped out of the labor force in September 2020  
15 alone. The impact of this trend on the United States' economy and the  
16 well-being of women and families is estimated to amount to  
17 approximately sixty-four million five hundred thousand dollars in lost  
18 income and economic activity.

19 (2) (a) Therefore, the general assembly finds it is a matter of  
20 statewide concern that we take immediate action to save and protect our  
21 child care infrastructure, including offering a wide range of child care  
22 options, including but not limited to public and private child care centers,  
23 day care centers, school-age child care centers, before- and after-school  
24 programs, nursery schools, kindergartens, preschools, church day care  
25 centers, day camps, summer camps, facilities for children with intellectual  
26 and developmental disabilities, and other facilities described in ~~section~~  
27 ~~26-6-102(5)~~ SECTION 26.5-5-303. Supporting this mixed delivery of child

1 care enables the state to invest in its children's futures, advance gender  
2 equity in the home and the workplace, and rebuild an economy that works  
3 for all Coloradans. When Colorado families have access to child care,  
4 everyone benefits.

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

10 **26.5-3-802. [Formerly 26-6-802] Child care sustainability grant**  
11 **program - created - timeline and criteria - grant awards - definitions.**

12 (1) As used in this section, unless the context otherwise requires:

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

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

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

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

26 (2) The child care sustainability grant program is created in the  
27 ~~state~~ department. The purpose of the grant program is to address the

1 extent to which reduced enrollment and increased costs are impacting the  
2 sustainability of licensed child care in Colorado, including licensed child  
3 care capacity and quality level. The grant program will provide financial  
4 support to eligible entities, including those that are in danger of closing.

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

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

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

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

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

20 (III) Requiring that the eligible entity has provided written  
21 commitment to submit any reports required by the ~~state~~ department;

22 (IV) Supporting, as much as possible, eligible entities that are not  
23 already fully supported through existing state or federal funds, such as the  
24 head start program, as defined in ~~section 26-2-802.5 (4)~~ SECTION  
25 26.5-4-103 (5), or the Colorado preschool program, created in article 28  
26 of title 22; and

27 (V) Considering an eligible entity's quality rating through the

1 Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION  
2 26.5-5-101.

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

5 ~~(6) Repealed.~~

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

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

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

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

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

21 (e) "Eligible entity" means a licensed child care provider that is  
22 open and operating or an applicant actively pursuing a child care provider  
23 license through the ~~state~~ department's child care licensing and  
24 administration unit. "Eligible entity" includes family, friends, or  
25 neighbors who provide license-exempt child care pursuant to ~~this article~~  
26 **6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5**, but who are actively obtaining  
27 a license through the ~~state department's~~ DIVISION WITHIN THE

1 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and  
2 administration. ~~unit.~~

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

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

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

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

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

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

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

25 (4) (a) ~~On or before January 2, 2021, the state~~ THE department  
26 shall develop an application process for an eligible entity to follow when  
27 requesting a grant from the grant program. The application must include

1 the award criteria set forth in subsection (4)(c) of this section and any  
2 applicable timelines established by the ~~state~~ department. The ~~state~~  
3 department shall award grants to an eligible entity based on the eligible  
4 entity's need as well as the application criteria set forth in subsection  
5 (4)(c) of this section.

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

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

16 (I) A fiscal agreement with the Colorado child care assistance  
17 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE  
18 4 OF THIS TITLE 26.5;

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

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

25 (IV) An application to the ~~state department's~~ DIVISION WITHIN THE  
26 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and  
27 administration ~~unit~~ and are working with their licensing specialist to

1 determine capital or facility improvement or expansion needs and  
2 opportunities.

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

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

7 (II) Provide a written commitment to submit any reports required  
8 by the ~~state~~ department to demonstrate progress toward successful  
9 licensing or expansion through the ~~state department's~~ DIVISION WITHIN  
10 THE DEPARTMENT THAT IS RESPONSIBLE FOR licensing and administration.  
11 ~~unit.~~

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

15 ~~(6) Repealed.~~

16 **26.5-3-804. [Formerly 26-6-804] Employer-based child care**  
17 **facility grant program - created - timeline and criteria - eligibility -**  
18 **grant awards - reports - definitions - repeal.** (1) As used in this  
19 section, unless the context otherwise requires:

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

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

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

27 (d) "Grant program" means the employer-based child care facility

1 grant program created in subsection (2) of this section.

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

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

14 (a) A business plan that includes:

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

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

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

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

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

27 (VI) If the eligible entity leases the space to be renovated,

1 remodeled, retrofitted, or have a new facility constructed on the property,  
2 a copy of a current, valid lease that contains specific authorizations from  
3 the property owner to make the requested alterations to the property or a  
4 written statement from the landlord expressing consent to the requested  
5 alterations;

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

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

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

16 (c) Written assurance that the employees of the eligible entity will  
17 have first priority for open slots at the child care center before those slots  
18 are offered to nonemployees.

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

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

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

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

27 (a) A location that prevents the applicant from offering child care

1 programs on the ground floor; and

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

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

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

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

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

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

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

17 (f) Applicants with staff that represent or reflect the linguistic and  
18 cultural diversity of the families living or working in their community,  
19 including dual-language learners; and

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

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

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

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

3 (I) Child care subsidies;

4 (II) Preschool and early childhood education assistance; and

5 (III) Child nutrition programs.

6 (8) On or before January 30, 2023, and on or before January 30,  
7 2024, the department shall report progress on the grant program as part  
8 of its "State Measurement for Accountable, Responsive, and Transparent  
9 (SMART) Government Act" hearing required by section 2-7-203. At a  
10 minimum, the report must include:

11 (a) The number of eligible entities that received a grant through  
12 the grant program;

13 (b) The number of children and families that received child care  
14 services as a result of the grants, reported in aggregate and by grantee;

15 (c) The number of early childhood educators and staff hired as a  
16 result of the grant program;

17 (d) The Colorado shines quality rating of each grantee;

18 (e) Any innovative approaches that were used as a result of the  
19 grant program that may be replicated by other employers; and

20 (f) Any other relevant information about the grant program,  
21 including the industry type of the entity and geographic region served by  
22 the entity.

23 (9) This section is repealed, effective July 1, 2024.

24 **26.5-3-805. [Formerly 26-6-805] Early care and education**  
25 **recruitment and retention grant and scholarship program - created**  
26 **- criteria and eligibility - grant and scholarship awards - reports -**  
27 **rules - definitions. (1) As used in this section, unless the context**

1 otherwise requires:

2 (a) "Early childhood educator" means an individual who holds an  
3 early childhood professional credential or qualification.

4 (b) "Eligible entity" is any entity described in subsection (3) of  
5 this section.

6 (c) "Program" means the early care and education recruitment and  
7 retention grant and scholarship program created in subsection (2) of this  
8 section.

9 (2) There is created in the department the early care and education  
10 recruitment and retention grant and scholarship program. The department  
11 shall administer, directly or by contract, the program. The purposes of the  
12 program are to:

13 (a) Increase the number of individuals throughout the state who  
14 are qualified to serve as early childhood educators, including qualified  
15 multilingual and culturally competent educators, in programs licensed by  
16 the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF  
17 THIS TITLE 26.5 that serve children five years of age or younger; and

18 (b) Retain early childhood educators who are working in programs  
19 licensed by the department that serve children five years of age or  
20 younger.

21 (3) The department shall establish a process for eligible entities  
22 to apply for a grant that aligns with the purposes of the program. Entities  
23 that are eligible to apply for a grant from the program include, but are not  
24 limited to:

25 (a) Nonprofit entities that administer or plan to administer  
26 scholarship programs that are aligned with the purposes of the program;

27 (b) Early child care and education programs licensed by the

1 department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS  
2 TITLE 26.5 and that are serving children five years of age or younger; and

3 (c) Institutions of higher education that administer scholarship  
4 programs that are aligned with the purposes of the program.

5 (4) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules  
6 regarding criteria, timelines, and the administration of the program  
7 pursuant to the requirements outlined in this section.

8 (5) The department shall seek and accept applications from  
9 eligible entities to award program grant money for eligible purposes. The  
10 department shall coordinate with the department of higher education to  
11 ensure effective administration of program grant money awarded to state  
12 public institutions of higher education. Eligible expenditures of grant or  
13 scholarship money by recipients include:

14 (a) Administration by a nonprofit entity of a scholarship program  
15 up to a fixed dollar amount or percentage of grant proceeds, as  
16 determined and published by the department;

17 (b) Payment of tuition, fees, and materials, including books and  
18 any other materials as determined by the department, for courses that lead  
19 to a degree or credential or for other formal training, any of which results  
20 in a recipient who was not qualified to become qualified as an early  
21 childhood educator in a child care program licensed pursuant to ~~part 1 of~~  
22 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children  
23 five years of age or younger;

24 (c) Payment of tuition, fees, and materials, including books and  
25 any other materials as determined by the department, for a recipient who  
26 is already credentialed as an early childhood educator for courses that  
27 lead to a degree or a higher level credential or for other formal training,

1 any of which results in the recipient being eligible for a higher level  
2 credential in the department's professional development information  
3 system or a higher degree or qualification that results in longer retention  
4 of the recipient in a child care program licensed pursuant to ~~part 1 of this~~  
5 ~~article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children five  
6 years of age or younger;

7 (d) Payment for costs associated with a credentialed early  
8 childhood educator earning a coaching, formal trainer, mentorship, or  
9 professional development certification that allows the early childhood  
10 educator to serve as a trainer or mentor of other current or potential early  
11 childhood educators pursuing programming that leads to a credential;

12 (e) Payments to licensed providers to cover paid release time for  
13 individuals, substitutes, and program costs to allow eligible individuals  
14 to pursue programs, course work, credentials, degrees, and other formal  
15 training that increases the number of qualified early childhood educators  
16 or retains current early childhood educators in child care programs  
17 licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF  
18 ARTICLE 5 OF THIS TITLE 26.5;

19 (f) Payments to licensed providers, schools, community colleges,  
20 institutions of higher education, early childhood councils, or other local  
21 nonprofit entities to cover the costs of "grow-your-own" programs that  
22 support current parents, staff, or local community members to meet  
23 qualifications to serve as an early childhood educator to complete  
24 appropriate programs, certifications, or training that results in participants  
25 being able to serve as qualified early childhood educators in child care  
26 programs licensed by the department pursuant to ~~part 1 of this article 6~~  
27 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5;

1 (g) Payments to licensed providers to cover the costs of promoting  
2 teachers to coaching and mentorship roles with the intent of increasing  
3 access to coaching and professional learning communities and to provide  
4 flexibility in scheduling for early childhood educators;

5 (h) Raises, bonuses, and other financial incentives, including loan  
6 forgiveness provided by licensed early childhood educator programs or  
7 through scholarship programs, for current or potential early childhood  
8 educators to reward progress toward qualifications that allow the  
9 individual to serve as an early childhood educator in an early child care  
10 and education program licensed by the department pursuant to ~~part 1 of~~  
11 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, or to improve  
12 retention of early childhood educators in early child care and education  
13 programs licensed by the department pursuant to ~~part 1 of this article 6~~  
14 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5; and

15 (i) Payments for registered apprenticeships for work-based  
16 learning opportunities for individuals interested in entering the field of  
17 early child care and education, serving children five years of age or  
18 younger, so that they can receive on-the-job training, classroom  
19 instruction, and financial rewards for gains in skills and earn credentials,  
20 credits, or higher education degrees. Any such apprenticeship program  
21 must create pathways into the early child care and education profession.  
22 The department, in consultation with the department of labor and  
23 employment, the department of higher education, and the department of  
24 education, shall:

25 (I) Define and establish eligibility criteria for eligible entities to  
26 receive money to implement apprenticeships;

27 (II) Establish program standards for formally recognized early

1 childhood apprenticeship programs. These standards must address  
2 expectations for employer involvement; on-the-job training, credit, and  
3 credential attainment; ensuring the availability of relevant training and  
4 classroom instruction; rewards for skills gains; and support for local  
5 implementation; and

6 (III) Add monetary awards for the following uses of early  
7 childhood apprenticeships, as appropriate:

8 (A) Supporting existing apprenticeship programs or the creation  
9 of new apprenticeship programs by making money available to eligible  
10 entities;

11 (B) Supporting existing apprenticeship programs by expanding  
12 their reach to serve more apprentices;

13 (C) Technical assistance relating to establishing the partnerships  
14 necessary to create apprenticeships;

15 (D) Money for the recruitment of mentor teachers;

16 (E) Incentives for program participants;

17 (F) Financial rewards for skills gained in the apprenticeship  
18 program;

19 (G) Incentives for department-licensed providers to participate in  
20 apprenticeships;

21 (H) Money to cover the costs of classroom training and  
22 instruction;

23 (I) Money to cover the costs of earning a credential; and

24 (J) Money to support on-the-job training.

25 (6) (a) As part of participating in the program, the department  
26 shall require each eligible entity, as described in subsection (3) of this  
27 section, that receives grant program money to report program outcomes

1 to the department, as applicable, including, but not limited to, the  
2 increase, as a result of the program, in the number of individuals  
3 credentialed to teach or who receive a higher level credential to teach at  
4 early child care and education programs licensed by the department  
5 pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5  
6 that serve children five years of age or younger, as well as information  
7 relating to retention of early childhood educators as a result of the  
8 program.

9 (b) So long as the department is awarding grant and scholarship  
10 money pursuant to this part 8, the department shall summarize and post,  
11 at least every two years, the information described in subsection (6)(a) of  
12 this section on the portion of the department's website relating to early  
13 childhood education.

14 **26.5-3-806. [Formerly 26-6-806] Child care teacher salary**  
15 **grant program - created - timeline - criteria and eligibility - grant**  
16 **awards - reports - definitions.** (1) As used in this section, unless the  
17 context otherwise requires:

18 (a) "CCCAP" means the Colorado child care assistance program  
19 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS  
20 TITLE 26.5.

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

23 (c) "Eligible entity" means a child care center licensed pursuant  
24 to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or a  
25 family child care home that has the following components:

- 26 (I) Authorization to serve families pursuant to CCCAP; and  
27 (II) A quality rating of at least a level three pursuant to the

1 Colorado shines quality rating and improvement system established in  
2 ~~section 26-6.5-106~~ SECTION 26.5-5-101.

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

5 (e) "Grant program" means the child care teacher salary grant  
6 program created in subsection (2) of this section.

7 (2) There is created in the department the child care teacher salary  
8 grant program. The purpose of the grant program is to allow eligible  
9 entities to apply for a grant to increase the salaries of its early childhood  
10 educators.

11 (3) The department shall solicit and review applications from  
12 eligible entities. Each application must, at a minimum, include:

13 (a) A description of the number of early childhood educators  
14 proposed to receive a salary increase;

15 (b) Verification that the eligible entity has had a quality rating of  
16 at least level three under the Colorado shines quality rating and  
17 improvement system during the past twelve months and specification of  
18 that quality rating level;

19 (c) Verification that the eligible entity is authorized to administer  
20 subsidies under CCCAP;

21 (d) Verification that the eligible entity is actively serving families  
22 that are subsidized through CCCAP; and

23 (e) Written attestation the money received from the grant program  
24 will only be used to increase salaries of early childhood educators, as  
25 specified in subsection (4) of this section.

26 (4) The department shall establish the percentage of salary  
27 increase for each early childhood educator, based on the number of

1 applications and available appropriations.

2 **26.5-3-807. [Formerly 26-6-807] Community innovation and**  
3 **resilience for care and learning equity (CIRCLE) grant program -**  
4 **created - criteria - definitions.** (1) As used in this section, unless the  
5 context otherwise requires:

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

8 (b) "Eligible entity" includes any one of the following:

9 (I) A child care center or family child care home that is eligible to  
10 receive federal child care and development block grant funding pursuant  
11 to 42 U.S.C. sec. 9858;

12 (II) A local early childhood council, as defined in ~~section~~  
13 ~~26-6.5-101.5~~ SECTION 26.5-2-202; or

14 (III) Any other community-based or education-based entity or  
15 government agency approved by the department and that proposes grant  
16 activities described in subsection (2) of this section.

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

19 (d) "Grant program" means the community innovation and  
20 resilience for care and learning equity (CIRCLE) grant program created  
21 in subsection (2) of this section.

22 (2) There is created in the department the community innovation  
23 and resilience for care and learning equity (CIRCLE) grant program. The  
24 purpose of the grant program is to address systemic challenges for early  
25 care and learning providers that have worsened as a result of the  
26 economic, social, and health impacts of the COVID-19 public health  
27 emergency and to promote innovation to improve outcomes for children

1 and families.

2 (3) An eligible entity may apply for a grant from the grant  
3 program for the following purposes:

4 (a) Improving the affordability of child care for families whose  
5 children are not served by the Colorado child care assistance program,  
6 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS  
7 TITLE 26.5, including, but not limited to, any of the following approaches:

- 8 (I) Tuition subsidies or scholarships;
- 9 (II) Developing public-private partnerships; or
- 10 (III) Employer-based cost-sharing approaches;
- 11 (b) Increasing access to child care for children from birth to three  
12 years of age;
- 13 (c) Strengthening business practices of child care programs;
- 14 (d) Ensuring equitable access for children, including children with  
15 special needs and dual-language learner children; or
- 16 (e) Other approaches to improve early childhood transitions,  
17 workforce preparation, affordability, outcomes, or innovative practices.

18 (4) The department shall solicit and review applications from  
19 eligible entities. Each application must include, at a minimum:

- 20 (a) A description of the activities for which the eligible entity will  
21 use the grant money;
- 22 (b) A description of any partnerships that an eligible entity intends  
23 to establish to carry out its grant activities;
- 24 (c) A description of how the activities listed in subsection (4)(a)  
25 of this section will achieve the purposes of the grant program; and
- 26 (d) A detailed budget to carry out the activities listed in subsection  
27 (4)(a) of this section.

1 PART 9

2 FAMILY STRENGTHENING HOME VISITING PROGRAMS

3 26.5-3-901. Legislative declaration. (1) THE GENERAL  
4 ASSEMBLY FINDS AND DECLARES THAT:

5 (a) TRADITIONAL METHODS OF DELIVERING  
6 FAMILY-STRENGTHENING SERVICE PROGRAMS, WHICH OFTEN REQUIRE  
7 PARENTS AND THEIR CHILDREN TO TRAVEL TO A PROGRAM SITE TO ACCESS  
8 SERVICES DELIVERED SIMULTANEOUSLY TO MULTIPLE FAMILIES, OFTEN  
9 CREATE BARRIERS, SUCH AS LIMITED ACCESS TO TRANSPORTATION OR  
10 CREATION OF A STIGMA AROUND RECEIVING SERVICES, THAT PREVENT  
11 FAMILIES, ESPECIALLY LOW-INCOME FAMILIES, FROM RECEIVING THE  
12 BENEFITS OF THE SERVICES;

13 (b) EVIDENCE DEMONSTRATES THAT VOLUNTARY, HIGH-QUALITY,  
14 EVIDENCE-BASED PROGRAMS THAT DELIVER FAMILY-STRENGTHENING  
15 SUPPORT SERVICES HELP PARENTS AND OTHER CAREGIVERS DEVELOP THE  
16 SKILLS AND CONFIDENCE NEEDED TO PROMOTE THEIR CHILDREN'S  
17 HEALTHY DEVELOPMENT AND LEARNING;

18 (c) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT IS  
19 SUCCESSFULLY USED TO DELIVER A WIDE ARRAY OF HIGH-QUALITY,  
20 VOLUNTARY FAMILY-STRENGTHENING SUPPORT SERVICES AND THAT  
21 ENABLES FAMILIES TO OVERCOME BARRIERS TO ACCESS BECAUSE THE  
22 SERVICES ARE DELIVERED IN THE HOME OR OTHER CONVENIENT SETTINGS,  
23 WHICH ARE OFTEN SELECTED BY THE FAMILY;

24 (d) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT CAN  
25 BE LEVERAGED TO PROVIDE HIGH-QUALITY, VOLUNTARY,  
26 FAMILY-STRENGTHENING SUPPORT SERVICES TO MORE COLORADO  
27 FAMILIES WHO HAVE FEWER RESOURCES AND ARE EXPOSED TO RISK

1 FACTORS THAT MAY LEAD TO POOR OUTCOMES IN CHILD DEVELOPMENT.  
2 USING HOME VISITING TO PROVIDE THESE SERVICES RESULTS IN A STRONG  
3 RETURN ON INVESTMENT BY IMPROVING SCHOOL READINESS AND HELPING  
4 COLORADO'S CHILDREN REACH THEIR FULL POTENTIAL.

5 (e) FAMILY-STRENGTHENING SUPPORT SERVICES THAT ARE  
6 DELIVERED THROUGH HOME VISITING HAVE ALSO DEMONSTRATED  
7 IMPROVED FAMILY AND CHILD OUTCOMES BY PROMOTING SOLID  
8 PARENT-CHILD RELATIONSHIPS, IMPROVING CHILD AND PARENTAL  
9 SOCIAL-EMOTIONAL AND PHYSICAL HEALTH, IMPROVING FAMILY  
10 ECONOMIC SECURITY, IDENTIFYING DEVELOPMENTAL DELAYS EARLY,  
11 PROVIDING TIMELY CHILD WELFARE INTERVENTION SERVICES, AND  
12 PREVENTING TRAUMA AND TOXIC STRESS.

13 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT  
14 AUTHORIZING GRANT PROGRAMS TO SUPPORT HOME VISITING PROGRAMS  
15 THAT DELIVER HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING  
16 SUPPORT SERVICES IS ONE OF THE BEST STRATEGIES AVAILABLE TO  
17 SUPPORT PARENTS AND OTHER CAREGIVERS IN PREPARING CHILDREN FOR  
18 FUTURE SUCCESS AND ENSURE ALL COLORADO CHILDREN ARE READY TO  
19 LEARN WHEN THEY ARRIVE AT SCHOOL.

20 **26.5-3-902. Definition.** AS USED IN THIS PART 9, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES, "HOME VISITING" MEANS A  
22 TWO-GENERATION DELIVERY STRATEGY THAT IS DESIGNED TO OVERCOME  
23 BARRIERS TO ACCESSING SERVICES BY PROVIDING A COMPREHENSIVE  
24 ARRAY OF VOLUNTARY, EVIDENCE-BASED, FAMILY-STRENGTHENING  
25 SERVICES TO A FAMILY IN A LOCATION USUALLY SELECTED BY THE FAMILY  
26 THAT IS CONGRUENT WITH THE SERVICES BEING PROVIDED, WHICH  
27 LOCATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAMILY'S

1 HOME, A HEALTH CARE SETTING, OR A FAMILY RESOURCE CENTER.

2 **26.5-3-903. Family-strengthening grant programs - authorized**  
3 **requirements - implementation partner - rules. (1)** THE DEPARTMENT

4 IS AUTHORIZED TO OPERATE GRANT PROGRAMS TO SUPPORT LOCAL  
5 PROVIDERS IN DELIVERING HIGH-QUALITY, VOLUNTARY,  
6 FAMILY-STRENGTHENING SUPPORT SERVICES USING HOME VISITING  
7 STRATEGIES THAT ARE DESIGNED TO OVERCOME THE ACCESS BARRIERS  
8 OFTEN CREATED BY TRADITIONAL DELIVERY STRATEGIES. THE EXECUTIVE  
9 DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT GRANT  
10 PROGRAMS AS AUTHORIZED IN THIS SECTION.

11 (2) ANY GRANT PROGRAMS THAT THE DEPARTMENT OPERATES  
12 PURSUANT TO THIS SECTION MUST BE DESIGNED TO AWARD GRANTS TO  
13 FAMILY SUPPORT SERVICES PROVIDERS THAT PROVIDE A CONTINUUM OF  
14 HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES  
15 THAT:

16 (a) SERVE FAMILIES AT SOME POINT DURING THE PERIOD THAT  
17 EXTENDS FROM PREGNANCY THROUGH THE CHILD'S ENROLLMENT IN EARLY  
18 ELEMENTARY SCHOOL GRADES;

19 (b) ARE EVIDENCE-BASED AND HAVE DEMONSTRATED SIGNIFICANT  
20 POSITIVE OUTCOMES IN ONE OR MORE OF THE FOLLOWING AREAS:

21 (I) CHILD DEVELOPMENT AND SCHOOL READINESS;

22 (II) FAMILY ECONOMIC SELF-SUFFICIENCY;

23 (III) MATERNAL AND CHILD HEALTH;

24 (IV) REDUCTIONS IN CHILD MALTREATMENT;

25 (V) FAMILY LINKAGES AND REFERRALS TO RESOURCES; AND

26 (VI) POSITIVE PARENTING PRACTICES; AND

27 (c) ARE DELIVERED USING A HOME VISITING STRATEGY TO PROVIDE

1 FAMILY SERVICES THAT IS BASED ON A NATIONAL MODEL FOR HOME  
2 VISITING SERVICES OR HAS BEEN OTHERWISE PROVEN EFFECTIVE IN  
3 OVERCOMING BARRIERS TO ACCESSING SERVICES;

4 (3) IN IMPLEMENTING A FAMILY-STRENGTHENING GRANT PROGRAM  
5 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH AN  
6 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS BASED ON A  
7 NATIONAL MODEL FOR DELIVERING FAMILY-STRENGTHENING SERVICES,  
8 THE DEPARTMENT SHALL CONTRACT WITH A LOCAL PUBLIC OR PRIVATE  
9 ENTITY THAT IS CERTIFIED, OR OTHERWISE AUTHORIZED, TO LEAD IN  
10 IMPLEMENTING THE NATIONAL MODEL IN THE STATE, TO ACT AS THE  
11 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS NOT BASED ON A  
12 NATIONAL MODEL, THE DEPARTMENT SHALL ISSUE A REQUEST FOR  
13 PROPOSALS TO SELECT AN IMPLEMENTATION PARTNER. THE PUBLIC OR  
14 PRIVATE ENTITY THAT THE DEPARTMENT SELECTS MUST, AT A MINIMUM,  
15 HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE WITH HOME VISITING  
16 AND THE TYPES OF FAMILY-STRENGTHENING SERVICES THAT MEET THE  
17 PURPOSE OF THE GRANT PROGRAM. THE DUTIES OF AN IMPLEMENTATION  
18 PARTNER MAY BE ESTABLISHED BY DEPARTMENT RULE AND MAY VARY  
19 BASED ON THE PURPOSE OF A PARTICULAR GRANT PROGRAM, BUT MUST, AT  
20 A MINIMUM, INCLUDE:

21 (a) ASSISTING THE DEPARTMENT IN REVIEWING APPLICATIONS AND  
22 SELECTING GRANTEEES; AND

23 (b) WORKING WITH APPLICANTS TO COMPLETE A COMMUNITY  
24 READINESS ASSESSMENT WHEN NEEDED.

25 (4) THIS PART 9 DOES NOT APPLY TO NOR AFFECT  
26 IMPLEMENTATION OF THE "COLORADO NURSE HOME VISITOR PROGRAM  
27 ACT", PART 5 OF THIS ARTICLE 3.

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**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;

1 (b) Adopt a consistent, statewide plan for child care provider  
2 reimbursement rates with a goal of a floor of the seventy-fifth percentile  
3 of each county's market rate PAYMENT RATES THAT ADEQUATELY COVER  
4 THE COST OF QUALITY CHILD CARE to facilitate and increase access to  
5 high-quality child care for low-income families;

6 (c) Achieve parity across counties in the state with regard to the  
7 CCCAP program and funding allocation.

8 **26.5-4-103. [Formerly 26-2-802.5] Definitions.** As used in this  
9 ~~part 8~~ PART 1, unless the context otherwise requires:

10 (1) "Child care assistance program" or "CCCAP" means the  
11 Colorado child care assistance program established in this ~~part 8~~ PART 1.

12 (2) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" MEANS THE  
13 STATE PRESCHOOL PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 4.

14 ~~(2)~~(3) "Early care and education provider" means a school district  
15 or provider that is licensed pursuant to ~~part 1 of article 6 of this title~~ PART  
16 3 OF ARTICLE 5 OF THIS TITLE 26.5 or that participates in the Colorado  
17 preschool program pursuant to article 28 of title 22, ~~C.R.S.~~ AS IT EXISTS  
18 PRIOR TO JULY 1, 2023, OR THE COLORADO UNIVERSAL PRESCHOOL  
19 PROGRAM PURSUANT TO PART 2 OF THIS ARTICLE 4.

20 ~~(3) "Early childhood council" means an early childhood council~~  
21 ~~established pursuant to part 1 of article 6.5 of this title.~~

22 (4) "ENROLLMENT CONTRACT" MEANS A CONTRACTUAL  
23 AGREEMENT DIRECTLY WITH A PROVIDER OR NETWORK THAT ASSURES A  
24 SPECIFIED NUMBER OF CHILD CARE SERVICE ENROLLMENTS WILL BE MADE  
25 AVAILABLE TO SERVE A SPECIFIED NUMBER OF CHILDREN WHO QUALIFY  
26 FOR CHILD CARE ASSISTANCE. ENROLLMENT CONTRACTS ARE AN  
27 ALLOWABLE USE OF FEDERAL CHILD CARE FUNDS.

1           ~~(4)~~ (5) "Head start program" means a program operated by a local  
2 public or private nonprofit agency designated by the federal department  
3 of health and human services to operate a head start program ~~under~~  
4 PURSUANT TO the provisions of Title V of the federal "Economic  
5 Opportunity Act of 1964", as amended.

6           ~~(5)~~ (6) "High-quality early childhood program" means a program  
7 that is operated by a provider with a fiscal agreement through CCCAP  
8 and that is in the top three levels of the state's quality rating and  
9 improvement system, is accredited by a ~~state~~ department-approved  
10 accrediting body, or is an early head start or head start program that meets  
11 federal standards.

12           ~~(6)~~ (7) "Participant" means a participant, as defined in section  
13 26-2-703 (15), in the Colorado works program.

14           ~~(7)~~ (8) "Provider" means a child care provider licensed pursuant  
15 to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5  
16 that has ~~a fiscal agreement with the county~~ AN AGREEMENT OR  
17 ENROLLMENT CONTRACT to participate in the child care assistance  
18 program.

19           ~~(8)~~ (9) "Regular ~~daily~~ provider reimbursement rate" means the  
20 base ~~daily~~ rate paid for child care and excludes any additional payment  
21 for ~~absences, holidays, and other~~ additional fees that are included in the  
22 reimbursement paid to providers.

23           ~~(9)~~ "Tiered reimbursement" means a pay structure that reflects an  
24 ~~increased rate of reimbursement for high-quality early childhood~~  
25 ~~programs that receive CCCAP moneys.~~

26           (10) "Works program" means the Colorado works program  
27 established pursuant to part 7 of ~~this article~~ ARTICLE 2 OF TITLE 26.

1           **26.5-4-104. [Formerly 26-2-803] Provider rates.** (1) (a) ~~The~~  
2 ~~state department, in consultation with the counties, shall contract every~~  
3 ~~three years for a market rate study of provider rates that account for~~  
4 ~~quality of care, age group, and type of care for each county as~~  
5 ~~recommended by the early childhood leadership commission created in~~  
6 ~~section 26.5-1-302. Notwithstanding the provisions of section 24-1-136~~  
7 ~~(11)(a)(I), copies of the study must be provided to the joint budget~~  
8 ~~committee on or before January 2, 2024, and on or before January 2 every~~  
9 ~~three years thereafter~~ NO LATER THAN JULY 1, 2025, AND AT LEAST EVERY  
10 THREE YEARS THEREAFTER, THE DEPARTMENT, IN CONSULTATION WITH  
11 COUNTY DEPARTMENTS AND CHILD CARE PROVIDERS, SHALL DEVELOP THE  
12 CALCULATION OF PROVIDER RATES WITH THE GOAL OF EVENTUALLY  
13 ENSURING THE PROVIDER RATES MORE ACCURATELY REFLECT THE COST OF  
14 CHILD CARE RATHER THAN FAMILIES' ABILITY TO PAY. THE DEPARTMENT  
15 MAY CONTRACT FOR ASSISTANCE IN DEVELOPING THE CALCULATION. THE  
16 CALCULATION MUST ACCOUNT FOR THE COST OF QUALITY CARE AND MAY  
17 VARY BY AGE GROUP, REGION, AND TYPE OF CARE. THE DEPARTMENT  
18 MUST ENSURE THAT THE CALCULATION OF PROVIDER RATES COMPLIES  
19 WITH FEDERAL REGULATIONS AND, IF REQUIRED BY FEDERAL LAW, MUST  
20 OBTAIN APPROVAL BEFORE CHANGING THE CALCULATION OF OR PROCESS  
21 FOR SETTING THE PROVIDER RATES.

22           (b) AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF  
23 THIS SECTION, THE EXECUTIVE DIRECTOR SHALL CONVENE A WORKING  
24 GROUP OF COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES AND  
25 CHILD CARE PROVIDERS TO DISCUSS PROVIDER RATES AND THE PROVIDER  
26 RATE CALCULATION DESCRIBED IN SUBSECTION (1)(a) OF THIS SECTION.

27           (2) ~~On or before July 1, 2016, the state-established provider~~

1 reimbursement rates for each county must include a system of tiered  
2 reimbursement for providers that enroll children participating in CCCAP  
3 THE DEPARTMENT SHALL ESTABLISH THE PROVIDER RATES BASED ON THE  
4 CALCULATION DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
5 AND SHALL UPDATE THE RATES ON A REGULAR BASIS.

6 (3) ~~On or before July 1, 2016, the state board shall promulgate~~  
7 ~~rules related to the structure of tiered reimbursement~~ THE DEPARTMENT  
8 SHALL PROVIDE AN EXPLANATION OF THE CALCULATION OF THE PROVIDER  
9 RATES TO THE JOINT BUDGET COMMITTEE ON OR BEFORE NOVEMBER 1,  
10 2024, AND ON OR BEFORE NOVEMBER 1 EVERY THREE YEARS THEREAFTER.

11 **26.5-4-105. [Formerly 26-2-804] Funding - allocation -**  
12 **maintenance of effort - rules.** (1) Starting with the 2018-19 state fiscal  
13 year, ~~or when the rules required by subsection (2)(a) of this section are~~  
14 ~~established, whichever is later,~~ and subject to available appropriations,  
15 annually the state department shall establish the amount of each county's  
16 block grant for CCCAP. The block grant shall MUST be based upon each  
17 county's percentage of the estimated total number of children eligible to  
18 participate in CCCAP times the appropriate reimbursement rate for each  
19 county as determined by the state required by ~~section 26-2-803~~ SECTION  
20 26.5-4-104. Counties are only required to spend the state CCCAP  
21 allocation and the maintenance of effort for that allocation.

22 (2) (a) THE DEPARTMENT MAY ADJUST THE amount of each  
23 county's block grant determined by subsection (1) of this section. ~~may be~~  
24 ~~adjusted by the state department. The state department~~ THE EXECUTIVE  
25 DIRECTOR shall, in consultation with the counties, adopt rules regarding  
26 adjustments to the amount of a block grant, and the rules must address the  
27 following factors:

- 1 (I) The cost of living;
- 2 (II) The cost of high-quality early childhood programs;
- 3 (III) The cost of programs;
- 4 (IV) The regional market rates for CCCAP OR COSTS FOR CHILD  
5 CARE;
- 6 (V) Drastic economic changes; and
- 7 (VI) Geographic differences within a county.

8 (b) The ~~state~~ department may make an adjustment to the amount  
9 of a block grant authorized by rules promulgated pursuant to subsection  
10 (2)(a) of this section.

11 (3) The money in a county block grant allocated to a county  
12 pursuant to this section must only be used for the provision of child care  
13 services ~~under~~ PURSUANT TO DEPARTMENT rules promulgated by the state  
14 ~~board~~ pursuant to this ~~part 8~~ PART 1.

15 (4) Money transferred from the county block grant temporary  
16 assistance for needy families program pursuant to section 26-2-714 (7) to  
17 the child care development fund may be used for child care quality  
18 improvement activities as identified in the federal "Child Care and  
19 Development Block Grant Act of 2014", 42 U.S.C. sec. ~~9858(e)~~ 9858e,  
20 as amended.

21 (5) For state fiscal year 2005-06 and for each state fiscal year  
22 thereafter, each county is required to meet a level of county spending for  
23 CCCAP that is equal to the county's proportionate share of the total  
24 county funds set forth in the annual general appropriation act for CCCAP  
25 for that state fiscal year. The level of county spending is known as the  
26 county's maintenance of effort for CCCAP for that state fiscal year. For  
27 any state fiscal year, the ~~state~~ department is authorized to adjust a county's

1 maintenance of effort, reflected as a percentage of the total county funds  
2 set forth in the annual general appropriation act for CCCAP for that state  
3 fiscal year, so that the percentage equals the county's proportionate share  
4 of the total state and federal funds appropriated for CCCAP for that state  
5 fiscal year. For any state fiscal year, the sum of all counties' maintenance  
6 of effort must be equal to or greater than the total county funds set forth  
7 in the general appropriation act for the state fiscal year 1996-97 for  
8 employment-related child care.

9 **26.5-4-106. [Formerly 26-2-805] Services - eligibility -**  
10 **assistance provided - waiting lists - rules - exceptions from**  
11 **cooperating with child support establishment - repeal.** (1) Subject to  
12 available appropriations and pursuant to DEPARTMENT rules promulgated  
13 ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a county  
14 shall provide child care assistance to a participant or any person or family  
15 whose income is not more than one hundred eighty-five percent of the  
16 federal poverty level. Subject to available appropriations and ~~only~~ as  
17 necessary to comply with federal law ~~the state board~~ OR TO ALIGN  
18 ELIGIBILITY ACROSS EARLY CARE AND EDUCATION PROGRAMS  
19 SPECIFICALLY TO MEET THE EARLY CARE AND EDUCATION NEEDS OF  
20 SIMILAR POPULATIONS AND AS ALLOWED BY FEDERAL REGULATIONS, THE  
21 EXECUTIVE DIRECTOR BY RULE may adjust the percentage of the federal  
22 poverty level used to determine child care assistance eligibility ~~by~~  
23 ~~promulgating a rule~~ AND SHALL REVISE INCOME AND VERIFICATION  
24 REQUIREMENTS THAT PROMOTE ALIGNMENT AND SIMPLIFICATION.

25 (2) (a) ~~Beginning July 1, 2018, or when the rules required by~~  
26 ~~section 26-2-804 (2)(a) are established, whichever is later,~~ A county may  
27 provide child care assistance for any family whose income at initial

1 determination exceeds the requirements of subsection (1) of this section  
2 but does not exceed the maximum federal level for eligibility for services  
3 of eighty-five percent of the state median income for a family of the same  
4 size if it

5 ~~(F) is serving all eligible families who have applied for CCCAP~~  
6 ~~and whose income level is below that requirement. and~~

7 ~~(H) Uses only local money to serve such families.~~

8 (b) If, during a participant's, person's, or family's twelve-month  
9 eligibility period, the participant's, person's, or family's income rises to or  
10 above the level set by ~~the state board~~ DEPARTMENT rule at which the  
11 county may deny such participant, person, or family child care assistance,  
12 the county shall continue providing the current CCCAP subsidy until that  
13 participant's, person's, or family's next twelve-month redetermination.

14 (c) If, at the time of a participant's, person's, or family's  
15 twelve-month eligibility redetermination, the participant's, person's, or  
16 family's income rises to or above the level set by ~~the state board~~  
17 DEPARTMENT RULE at which the county may deny child care assistance,  
18 or if that income level rises above the maximum federal eligibility level  
19 of eighty-five percent of the state median income for a family of the same  
20 size, the county shall immediately notify the participant, person, or family  
21 that it is no longer eligible for CCCAP.

22 ~~(d) and (e) Repealed.~~

23 (3) (a) Subject to available appropriations, pursuant to rules  
24 promulgated by ~~the state board~~ for implementation of this ~~part 8~~ PART 1,  
25 and except as provided for in ~~paragraph (b) of this subsection (3)~~ IN  
26 SUBSECTION (3)(b) OF THIS SECTION, a county shall provide child care  
27 assistance for a family transitioning off the works program due to

1 employment or job training without requiring the family to apply for  
2 low-income child care but shall redetermine the family's eligibility within  
3 ~~six~~ TWELVE months after the transition.

4 (b) A family that transitions off the works program must not be  
5 automatically transitioned to CCCAP pursuant to ~~paragraph (a) of this~~  
6 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION if either of the  
7 following conditions apply:

8 (I) The family is leaving the works program due to a violation of  
9 program requirements as defined in part 7 of ~~this article~~ ARTICLE 2 OF  
10 TITLE 26, by DEPARTMENT rule; ~~of the state board, or by policy of a~~  
11 ~~county department; or~~

12 (II) The family is leaving the works program due to employment  
13 and will be at an income level that exceeds the ~~county-adopted~~ income  
14 eligibility limit for the ~~county's~~ CCCAP.

15 (c) ~~At the county's discretion, a family that transitions off the~~  
16 ~~works program, is eligible for CCCAP, and resides in a county that has~~  
17 ~~families on its waiting list may be added to the waiting list or be provided~~  
18 ~~child care assistance without first being added to the waiting list.~~

19 (4) (a) (I) A recipient of child care assistance through CCCAP  
20 ~~shall be~~ IS responsible for paying a portion of ~~his or her~~ THE RECIPIENT'S  
21 child care costs based upon the recipient's income and the formula  
22 developed by DEPARTMENT rule. ~~of the state board.~~

23 (H) ~~After promulgation of rules by the state board, subject to~~  
24 ~~available appropriations, and upon notification to counties by the state~~  
25 ~~department that the relevant human services case management systems,~~  
26 ~~including the Colorado child care automated tracking system, are capable~~  
27 ~~of accommodating this subparagraph (H), on or before July 1, 2016, the~~

1 formula must include a tiered reduced copayment structure for children  
2 attending high-quality care.

3 (HH) (II) Notwithstanding the provisions of subparagraph (H) of  
4 this paragraph (a), Upon notification to counties by the state department  
5 that the relevant human services case management systems, including the  
6 Colorado child care automated tracking system, are capable of  
7 accommodating this subparagraph (HH) SUBSECTION (4)(a)(II), for a  
8 family living at or below one hundred percent of the federal poverty level,  
9 the family copayment responsibility must be restricted to no more than  
10 one percent of the family's gross monthly income as determined based on  
11 one month of income.

12 (IV) (III) Pursuant to DEPARTMENT rules promulgated by the state  
13 board and upon notification to counties by the state department that the  
14 relevant human services case management systems, including the  
15 Colorado child care automated tracking system, are capable of  
16 accommodating this subparagraph (IV) SUBSECTION (4)(a)(III), income  
17 received during the past thirty days must be used in determining the  
18 copayment, unless on a case-by-case basis the prior thirty-day period does  
19 not provide an accurate indication of anticipated income, in which case  
20 a county can require evidence of up to twelve of the most recent months  
21 of income. A family may also provide evidence of up to twelve of the  
22 most recent months of income if it chooses to do so if such evidence more  
23 accurately reflects an ability to afford the required family copayment.

24 (b) The state board EXECUTIVE DIRECTOR BY RULE shall establish,  
25 and periodically revise, by rule AT LEAST EVERY FIVE YEARS REVIEW AND  
26 REVISE, AS APPROPRIATE, a copayment schedule so that the copayment  
27 gradually increases as the family income approaches self-sufficiency

1 income levels. This revised copayment schedule should allow families to  
2 retain a portion of ~~its~~ THEIR increases in income.

3 (c) A participant who is employed shall pay a portion of ~~his or her~~  
4 THE PARTICIPANT'S income for child care assistance under CCCAP. The  
5 participant's required copayment ~~under~~ PURSUANT TO the provisions of  
6 this ~~paragraph (c)~~ SUBSECTION (4)(c) must be determined by a formula  
7 established by DEPARTMENT rule ~~of the state board~~ that takes into  
8 consideration the factors set forth in ~~paragraphs (a) and (b) of this~~  
9 ~~subsection (4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION.

10 (5) (a) On and after July 1, 2014, and except as otherwise  
11 provided in ~~paragraph (a.5) or (a.7) of this subsection (5)~~ SUBSECTION  
12 (5)(b) OR (5)(c) OF THIS SECTION, a county may require a person who  
13 receives child care assistance pursuant to this section and who is not  
14 otherwise a participant to apply, pursuant to section 26-13-106 (2), for  
15 child support establishment, modification, and enforcement services  
16 related to any support owed by obligors to their children and to cooperate  
17 with the delegate child support enforcement unit to receive these services;  
18 except that a person is not required to submit a written application for  
19 child support establishment, modification, and enforcement services if the  
20 person shows good cause to the county implementing the Colorado child  
21 care assistance program for not receiving these services.

22 ~~(a.5)~~ (b) A county shall not require an applicant who is a teen  
23 parent, as defined by DEPARTMENT rule, ~~of the state board~~, and who is not  
24 otherwise a participant to submit a written application for child support  
25 establishment, modification, and enforcement services as a condition of  
26 receiving child care assistance ~~under~~ PURSUANT TO this section until the  
27 teen parent has graduated from high school or successfully completed a

1 high school equivalency examination. After the teen parent has been  
2 determined eligible for child care assistance and ~~his or her~~ THE TEEN  
3 PARENT'S chosen child care provider is receiving subsidy payments, a  
4 county may require the teen parent to regularly attend, at no cost and at  
5 a location and time most convenient to the teen parent, information  
6 sessions with the county child support staff focused on understanding the  
7 benefits of child support to the child, the family as a whole, and the  
8 benefits of two-parent engagement in a child's life. Once a person who  
9 receives child care assistance pursuant to this section no longer meets the  
10 definition of a teen parent or has either graduated from high school or  
11 successfully completed a high school equivalency examination, the  
12 county may require that person to cooperate with child support  
13 establishment and enforcement as a condition of continued receipt of  
14 child care assistance. ~~Nothing in this section prevents~~ THIS SECTION DOES  
15 NOT PREVENT a teen parent from establishing child support.

16 (a.7) (c) (I) A county shall not require an applicant to submit a  
17 written application for child support establishment, modification, and  
18 enforcement services as a condition of receiving child care assistance or  
19 to establish good cause for not cooperating with child support  
20 establishment as a condition of receiving child care assistance if the  
21 applicant:

22 (A) Submits a statement that ~~he or she~~ THE APPLICANT is a victim  
23 of domestic violence, as defined in section 18-6-800.3 (1) ~~€R.S.~~, and in  
24 part 8 of article 6 of title 18; ~~€R.S.~~; or a victim of a sexual offense, as  
25 described in part 4 of article 3 of title 18, ~~€R.S.~~, section 18-6-301,  
26 ~~€R.S.~~, or section 18-6-302; ~~€R.S.~~; or a victim of harassment, as  
27 described in section 18-9-111; ~~€R.S.~~; or a victim of stalking, as

1 described in section 18-3-602; ~~C.R.S.~~;

2 (B) Indicates in that statement that ~~he or she~~ THE APPLICANT fears  
3 for his or her safety or the safety of ~~his or her~~ THE APPLICANT'S children  
4 if the applicant were to pursue child support enforcement pursuant to  
5 section 26-13-106 (2); and

6 (C) Submits evidence that ~~he or she~~ THE APPLICANT is a victim of  
7 domestic violence, a sexual offense, harassment, or stalking as described  
8 in ~~sub-subparagraph (A) of this subparagraph (F)~~ SUBSECTION (5)(c)(I)(A)  
9 OF THIS SECTION.

10 (II) For purposes of ~~sub-subparagraph (C) of subparagraph (F) of~~  
11 ~~this paragraph (a.7)~~ SUBSECTION (5)(c)(I)(C) OF THIS SECTION, sufficient  
12 evidence includes, but is not limited to, evidence identified for  
13 participation in the address confidentiality program included in section  
14 24-30-2105 (3)(c)(I) to (3)(c)(IV), ~~C.R.S.~~, or from a "victim's advocate",  
15 as defined in section 13-90-107 (1)(k)(II), ~~C.R.S.~~; from whom the  
16 applicant has sought assistance.

17 (III) A county may provide information about the importance of  
18 establishing child support to a victim of domestic violence, a sexual  
19 offense, harassment, or stalking who chooses not to engage in child  
20 support establishment or to pursue a good cause waiver from cooperation.

21 ~~(b)~~ (d) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
22 rules for the implementation of this subsection (5), including but not  
23 limited to rules establishing good cause for not receiving these services;  
24 ~~and~~ rules for the imposition of sanctions upon a person who fails, without  
25 good cause as determined by the county implementing the Colorado child  
26 care assistance program, to apply for child support enforcement services  
27 or to cooperate with the delegate child support enforcement unit as

1 required by this subsection (5); ~~The state board shall revise its~~ AND rules  
2 regarding the option of counties to make cooperation with child support  
3 establishment and enforcement a condition of receiving child care  
4 assistance for teen parents and for victims of domestic violence, sexual  
5 offense, harassment, or stalking.

6 ~~(e)~~ (e) (I) On July 1, 2017, and every July 1 thereafter through  
7 July 1, 2025, each county department shall report to the ~~state~~ department  
8 information related to teen parents in the Colorado child care assistance  
9 program. The ~~state board~~ EXECUTIVE DIRECTOR shall establish, by rule,  
10 criteria to be reported annually by each county, including but not limited  
11 to:

12 (A) The total number of cases in each county that are receiving  
13 services from a county child support services office that involve custodial  
14 parties who are nineteen years of age or younger and the number of  
15 children being served;

16 (B) The total number of teen parents in each county that are  
17 receiving Colorado child care assistance;

18 (C) For each teen parent receiving child care assistance in the  
19 county, longitudinal data indicating whether paternity has been  
20 established and whether child support has been established for the child  
21 and reported for the child from birth to age four;

22 (D) For each teen parent receiving child care assistance in the  
23 county, longitudinal data indicating whether the teen parent achieved  
24 economic self-sufficiency and avoided becoming a Colorado works  
25 participant while in school and reported for the child from the child's birth  
26 to age four;

27 (E) For each teen parent receiving child care assistance in the

1 county, longitudinal data indicating the total amount and the percentage  
2 of child support collected for the benefit of the child and reported for the  
3 child from birth to age four.

4 (II) The reports filed with the ~~state~~ department as a result of this  
5 ~~paragraph (c)~~ SUBSECTION (5)(e) are public records available for public  
6 inspection.

7 ~~(d)~~ (f) Upon notification that the relevant ~~human services~~ case  
8 management systems are capable of accommodating the provisions in  
9 ~~paragraphs (a.5) and (a.7) of this subsection (5)~~ SUBSECTIONS (5)(b) AND  
10 (5)(c) OF THIS SECTION, the ~~state~~ department is required to start tracking  
11 counties' compliance with ~~paragraphs (a.5) and (a.7) of this subsection (5)~~  
12 SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION. The ~~state~~ department  
13 shall notify counties when the ~~human services~~ case management systems  
14 are functional and when the tracking of compliance will begin.

15 (g) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

16 ~~(6) Repealed.~~

17 (6) EFFECTIVE JULY 1, 2023, A COUNTY SHALL NOT REQUIRE A  
18 PERSON WHO APPLIES FOR CHILD CARE ASSISTANCE PURSUANT TO THIS  
19 SECTION TO PARTICIPATE IN CHILD SUPPORT ESTABLISHMENT,  
20 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT  
21 OWED BY OBLIGORS TO THEIR CHILDREN OR TO COOPERATE WITH THE  
22 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS A CONDITION OF  
23 RECEIVING CHILD CARE ASSISTANCE SERVICES. THIS SUBSECTION (6) DOES  
24 NOT PROHIBIT A COUNTY FROM EDUCATING APPLICANTS ABOUT THE  
25 BENEFITS OF CHILD SUPPORT AND CHILD SUPPORT ESTABLISHMENT,  
26 MODIFICATION, AND ENFORCEMENT SERVICES, AND HOW TO ENGAGE IN  
27 THE CHILD SUPPORT PROCESS.

1 (7) (a) For a family with a child who is enrolled in both CCCAP  
2 and a head start program OR, AS SOON AS PRACTICABLE AFTER JULY 1,  
3 2023, BOTH CCCAP AND THE COLORADO UNIVERSAL PRESCHOOL  
4 PROGRAM, the family's CCCAP eligibility redetermination must occur no  
5 sooner than the end of the last month of the child's first full twelve-month  
6 program year of enrollment in the head start OR COLORADO UNIVERSAL  
7 PRESCHOOL program. Child care assistance program eligibility  
8 redetermination for a child enrolled in both programs must occur once  
9 every twelve months thereafter.

10 ~~(b) to (d) Repealed.~~

11 ~~(e)~~ (b) Notwithstanding the provisions of section 26-1-127 (2)(a),  
12 a family that receives child care assistance pursuant to this ~~part 8~~ PART 1  
13 is not required to report income or activity changes during the  
14 twelve-month eligibility period; except that, within the twelve-month  
15 eligibility period, a family is required to report a change in income if the  
16 family's income exceeds eighty-five percent of the state median income.  
17 ~~If a family no longer participates in the activity under which it was made~~  
18 ~~eligible in the child care case, the family shall report that change within~~  
19 ~~four weeks from the time it ceased participating in the eligible activity.~~

20 ~~(f)~~ (c) A parent must not be determined ineligible to receive child  
21 care assistance pursuant to this ~~part 8~~ PART 1 as a result of:

22 (I) Taking maternity leave;

23 (II) Being a separated spouse or parent under a validly issued  
24 temporary order for parental responsibilities or child custody where the  
25 other spouse or parent has disqualifying financial resources;

26 (III) Each instance of nontemporary job loss for less than ninety  
27 days; or

1 (IV) A temporary break in eligible activity, as defined by  
2 DEPARTMENT rule. ~~of the state board.~~

3 ~~(g) and (h) Repealed.~~

4 (i) (d) Subject to available appropriations and pursuant to  
5 DEPARTMENT rules promulgated by the state board for the implementation  
6 of this ~~part 8~~ PART 1, a parent who is enrolled in a postsecondary  
7 education program or a workforce training program is eligible for  
8 CCCAP for at least any two years of the postsecondary education or  
9 workforce training program, provided all other CCCAP eligibility  
10 requirements are met during those two years. ON AND AFTER JULY 1,  
11 2023, a county may ONLY give priority for services to a working family  
12 over a family enrolled in postsecondary education or workforce training  
13 IF THE COUNTY DOES NOT HAVE SUFFICIENT FUNDING AND HAS RECEIVED  
14 APPROVAL FROM THE DEPARTMENT BEFORE IMPLEMENTING THE  
15 PRIORITIZATION.

16 (j) (e) To provide continuous child care with the least disruption  
17 to the child, ~~the hours authorized for the provision of child care through~~  
18 ~~CCCAP must include authorized hours for the child that promote~~  
19 continuous, consistent, and regular care and must not be linked directly  
20 to a parent's employment, education, or workforce training schedule.  
21 Pursuant to DEPARTMENT rules, ~~promulgated by the state board,~~ the  
22 ~~number of hours authorized for~~ AMOUNT OF child care AUTHORIZED  
23 should be based on ~~the number of hours the parent is participating in an~~  
24 ~~eligible activity and the PARENT'S AND child's needs for CHILD care.~~

25 (8) Pursuant to DEPARTMENT rules ~~promulgated by the state board~~  
26 and upon notification to counties by the state department that the relevant  
27 ~~human services~~ case management systems, including the Colorado child

1 care automated tracking system, are capable of accommodating this  
2 subsection (8), income received during the past thirty days must be used  
3 in determining eligibility unless, on a case-by-case basis, the prior  
4 thirty-day period does not provide an accurate indication of anticipated  
5 income, in which case a county can require evidence of up to twelve of  
6 the most recent months of income. A family may also provide evidence  
7 of up to twelve of the most recent months of income if it chooses to do so  
8 if such evidence more accurately reflects a family's current income level.

9 (9) A county has the authority to develop a voucher system for  
10 families enrolled in CCCAP through which they can secure relative or  
11 unlicensed child care.

12 (10) An early care and education provider or county may conduct  
13 a pre-eligibility determination for child care assistance for a family to  
14 facilitate the determination process. The early care and education provider  
15 shall submit its pre-eligibility documentation to the county for final  
16 determination of eligibility for child care assistance. The early care and  
17 education provider or county may provide services to the family prior to  
18 final determination of eligibility, and the county shall reimburse a  
19 provider for such services only if the county determines the family is  
20 eligible for services and there is no need to place the family on a waiting  
21 list. If the family is found ineligible for services, the county shall not  
22 reimburse the early care and education provider for any services provided  
23 during the period between its pre-eligibility determination and the  
24 county's final determination of eligibility.

25 (11) A provider OR A LOCAL COORDINATING ORGANIZATION, AS  
26 DEFINED IN SECTION 26.5-2-102, may accept a family's CCCAP  
27 application and submit it to the county on behalf of a family seeking child

1 care assistance.

2 (12) Each county:

3 (a) Upon notification to counties by the state department that the  
4 relevant ~~human services~~ case management systems, including the  
5 Colorado child care automated tracking system, are capable of  
6 accommodating this ~~paragraph (a)~~ SUBSECTION (12)(a), and pursuant to  
7 DEPARTMENT rules, ~~promulgated by the state board~~, in addition to regular  
8 ~~daily~~ provider reimbursement rates, shall ~~reimburse providers according~~  
9 ~~to the following schedule~~: PAY PROVIDERS FOR CARE IN ALIGNMENT WITH  
10 COMMON PRACTICES IN THE PRIVATE MARKET FOR CHILD CARE. THE  
11 DEPARTMENT RULES GOVERNING PAYMENT POLICIES MUST ALLOW DAILY  
12 REIMBURSEMENT RATES ONLY FOR DROP-IN CHILD CARE, BACK-UP CHILD  
13 CARE, AND CARE THAT IS COMMONLY PAID ON A DAILY REIMBURSEMENT  
14 BASIS IN THE CHILD CARE MARKET AND MUST INCENTIVIZE PROVIDERS TO  
15 PROMOTE REGULAR PROGRAM ATTENDANCE.

16 ~~(I) For providers in the first level of the state department's quality~~  
17 ~~rating and improvement system, for no fewer than six absences or~~  
18 ~~holidays per year;~~

19 ~~(II) For providers in the second level of the state department's~~  
20 ~~quality rating and improvement system, for no fewer than ten absences or~~  
21 ~~holidays per year; and~~

22 ~~(III) For providers in the top three levels of the state department's~~  
23 ~~quality rating and improvement system, for no fewer than fifteen absences~~  
24 ~~or holidays per year.~~

25 (b) Shall maintain a current and accurate waiting list of parents  
26 who have inquired about securing a CCCAP subsidy and are likely to be  
27 eligible for CCCAP based on self-reported income and job, education, or

1 workforce training activity if families are not able to be served at the time  
2 of application due to funding concerns. Counties may enroll families off  
3 waiting lists according to local priorities and may require an applicant to  
4 restate ~~his or her~~ THE APPLICANT'S intention to be kept on the waiting list  
5 every six months in order to maintain ~~his or her~~ THE APPLICANT'S place on  
6 the waiting list.

7 (c) Shall post eligibility, authorization, and administration policies  
8 and procedures so they are easily accessible and readable to a layperson.  
9 The policies must be sent to the ~~state~~ department for compilation.

10 (d) May use its CCCAP allocation to provide ~~direct~~ ENROLLMENT  
11 contracts or grants to early care and education providers: ~~for a~~  
12 ~~county-determined number of CCCAP slots for a twelve-month period~~ TO  
13 SUPPORT IMPLEMENTATION OF THE LOCAL COMMUNITY PLAN DESCRIBED  
14 IN SECTION 26.5-2-104; to increase the supply and improve the quality of  
15 child care for infants and toddlers, children with disabilities, after-hours  
16 care, and children in underserved neighborhoods; TO PROVIDE STABILITY  
17 FOR THE EARLY CHILDHOOD SECTOR; AND TO IMPROVE ALIGNMENT WITH  
18 THE PROVISION OF ADDITIONAL PRESCHOOL SERVICES, AS DEFINED IN  
19 SECTION 26.5-4-203, TO WORKING FAMILIES WHO NEED ADDITIONAL CARE;

20 (e) Subject to available appropriations and pursuant to  
21 DEPARTMENT rules, ~~promulgated by the state board for the~~  
22 ~~implementation of this part 8~~; and upon notification to counties by the  
23 ~~state~~ department that the relevant ~~human services~~ case management  
24 systems, including the Colorado child care automated tracking system, are  
25 capable of accommodating this subsection (12)(e), ~~must determine that~~  
26 ~~a recipient of benefits from the food assistance program established in~~  
27 ~~part 3 of this article 2 is eligible for CCCAP if he or she meets all other~~

1 ~~CCCAP eligibility criteria and may~~ SHALL use eligibility determination  
2 information from other public assistance programs and systems to  
3 determine CCCAP eligibility, INCLUDING ELIGIBILITY DETERMINATION  
4 INFORMATION USED FOR CHILDREN PARTICIPATING IN THE COLORADO  
5 UNIVERSAL PRESCHOOL PROGRAM; and

6 (f) ~~Subject to available capacity to raise federal or state funding,~~  
7 Shall prioritize child care assistance for certified foster parents, certified  
8 kinship foster parents, noncertified kinship care providers that provide  
9 care for children with an open child welfare case who are in the legal  
10 custody of a county department, and noncertified kinship care providers  
11 that provide care for children with an open child welfare case who are not  
12 in the legal custody of a county department.

13 (13) FOR CHILDREN WHO ARE ENROLLED IN BOTH CCCAP AND THE  
14 COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE EXECUTIVE DIRECTOR  
15 SHALL ADOPT RULES AS NECESSARY TO ENSURE:

16 (a) FUNDS MAY BE BLENDED OR BRAIDED AT THE STATE AND  
17 LOCAL LEVEL TO ENSURE FAMILIES CAN SEAMLESSLY ACCESS EARLY  
18 CHILDHOOD EDUCATION AND SERVICES AND PROVIDERS FACE THE FEWEST  
19 POSSIBLE SYSTEMS TO NAVIGATE TO SECURE PAYMENT FOR SERVICES; AND

20 (b) ELIGIBILITY AND AUTHORIZATION FOR SERVICES FOR THE  
21 PORTIONS OF BOTH PROGRAMS THAT ARE TARGETED TO SIMILAR  
22 POPULATIONS ARE ALIGNED TO THE GREATEST EXTENT PRACTICABLE AS  
23 ALLOWED BY FEDERAL REGULATIONS, INCLUDING ENSURING THE STATE  
24 TAKES MAXIMUM ADVANTAGE OF FLEXIBILITY IN FEDERAL REGULATIONS  
25 TO ENSURE THAT CHILDREN WHO ARE ELIGIBLE FOR BOTH PROGRAMS CAN  
26 SEAMLESSLY ACCESS THE LENGTH AND QUALITY OF PROGRAMMING THAT  
27 PARENTS, CHILDREN, AND FAMILIES NEED.

1           ~~(13)~~ (14) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
2 rules for the implementation of this ~~part 8~~ PART 1.

3           **26.5-4-107. [Formerly 26-2-805.5] Exemptions - requirements.**

4           (1) Notwithstanding any provision of ~~section 26-2-805~~ SECTION  
5 26.5-4-106 to the contrary, an exempt family child care home provider,  
6 as defined in ~~section 26-6-102~~ ~~(12)~~ SECTION 26.5-5-303, is not eligible to  
7 receive child care assistance ~~moneys~~ MONEY through CCCAP if ~~he or she~~  
8 THE PROVIDER fails to meet the criteria established in ~~section 26-6-120~~  
9 SECTION 26.5-5-326.

10           (2) As a prerequisite to entering into a valid CCCAP contract with  
11 a county office or to being a party to any other payment agreement for the  
12 provision of care for a child whose care is funded in whole or in part with  
13 ~~moneys~~ MONEY received on the child's behalf from publicly funded state  
14 child care assistance programs, an exempt family child care home  
15 provider shall sign an attestation that affirms ~~he or she~~ THE PROVIDER, and  
16 any qualified adult residing in the exempt family child care home, has not  
17 been determined to be insane or mentally incompetent by a court of  
18 competent jurisdiction and a court has not entered, pursuant to part 3 or  
19 4 of article 14 of title 15, ~~€R.S.~~, or section 27-65-109 (4) or 27-65-127,  
20 ~~€R.S.~~, an order specifically finding that the mental incompetency or  
21 insanity is of such a degree that the provider cannot safely operate an  
22 exempt family child care home.

23           **26.5-4-108. [Formerly 26-2-806] No individual entitlement.**

24           (1) Nothing in this ~~part 8~~ PART 1 or any rules promulgated pursuant to  
25 this ~~part 8~~ PART 1 shall be interpreted to create a legal entitlement in any  
26 person to child care assistance.

27           (2) No county may create or shall be deemed to create a legal

1 entitlement in any person to assistance ~~under~~ PURSUANT TO this ~~part~~  
2 PART 1.

3 **26.5-4-109. [Formerly 26-2-809] Colorado child care assistance**  
4 **program - reporting requirements.** (1) On or before December 1,  
5 2016, and on or before December 1 each year thereafter, the ~~state~~  
6 department shall prepare a report on CCCAP. Notwithstanding section  
7 24-1-136 (11)(a)(I), the ~~state~~ department shall provide the report to the  
8 public health care and human services committee of the house of  
9 representatives and the health and human services committee of the  
10 senate, or any successor committees. The report must include, at a  
11 minimum, the following information related to benchmarks of success for  
12 CCCAP:

13 (a) The number of children and families served through CCCAP  
14 statewide and by county;

15 (b) The average length of time that parents remain in the  
16 workforce while receiving CCCAP subsidies, even when their income  
17 increases;

18 (c) The average number of months of uninterrupted, continuous  
19 care for children enrolled in CCCAP;

20 (d) The number and percent of all children enrolled in CCCAP  
21 who receive care at each level of the state's quality and improvement  
22 rating system;

23 (e) The average length of time a family is authorized for a  
24 CCCAP subsidy, disaggregated by recipients' eligible activities, such as  
25 job search, employment, workforce training, and postsecondary  
26 education;

27 (f) The number of families on each county's wait list as of

1 November 1 of each year, as well as the average length of time each  
2 family remains on the wait list in each county;

3 (g) The number of families and children statewide and by county  
4 that exit CCCAP due to their family incomes exceeding the eligibility  
5 limits;

6 (h) The number of families and children statewide and by county  
7 that reenter CCCAP within two years of exiting due to their family  
8 incomes exceeding the eligibility limits; and

9 (i) An estimate of unmet need for CCCAP in each county and  
10 throughout the state based on estimates of the number of children and  
11 families who are likely to be eligible for CCCAP in each county but who  
12 are not enrolled in CCCAP.

13 **26.5-4-110. Performance contracts.** (1) (a) EACH COUNTY,  
14 EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO  
15 AN ANNUAL PERFORMANCE CONTRACT WITH THE DEPARTMENT THAT  
16 IDENTIFIES THE COUNTY'S OR GROUP OF COUNTIES' DUTIES AND  
17 RESPONSIBILITIES IN IMPLEMENTING THE CHILD CARE ASSISTANCE  
18 PROGRAM. THE PERFORMANCE CONTRACT MUST INCLUDE, BUT NEED NOT  
19 BE LIMITED TO, REQUIREMENTS AND PROVISIONS THAT ADDRESS THE  
20 COUNTY'S OR GROUP OF COUNTIES' DUTY TO ADMINISTER AND IMPLEMENT  
21 THE CHILD CARE ASSISTANCE PROGRAM USING FAIR AND OBJECTIVE  
22 CRITERIA.

23 (b) A COUNTY OR GROUP OF COUNTIES MAY BE SANCTIONED FOR  
24 NOT MEETING ANY OBLIGATION UNDER THE PERFORMANCE CONTRACT.  
25 THE SANCTIONS MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT  
26 AND MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT  
27 ALLOCATION.

1 (2) THE PERFORMANCE CONTRACT MUST SET FORTH THE  
2 CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ELECT THAT IT OR  
3 ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES'  
4 ADMINISTRATION AND IMPLEMENTATION OF THE CHILD CARE ASSISTANCE  
5 PROGRAM.

6 (3) IF THE DEPARTMENT AND THE COUNTY OR GROUP OF COUNTIES  
7 ARE UNABLE TO REACH AGREEMENT ON THE CONTRACT, EITHER PARTY  
8 MAY REQUEST THE EXECUTIVE DIRECTOR TO CONSIDER THE MATTER, AND  
9 THE EXECUTIVE DIRECTOR SHALL SCHEDULE THE MATTER FOR A HEARING  
10 WITHIN THIRTY DAYS AFTER RECEIPT OF THE REQUEST. THE EXECUTIVE  
11 DIRECTOR SHALL ISSUE A DECISION ON THE MATTER, WHICH IS BINDING ON  
12 ALL PARTIES. IF NECESSARY TO ASSURE SERVICES ARE AVAILABLE WITHIN  
13 THE COUNTY OR GROUP OF COUNTIES, THE DEPARTMENT MAY ENTER INTO  
14 A TEMPORARY AGREEMENT WITH THE COUNTY OR GROUP OF COUNTIES OR  
15 WITH ANOTHER PUBLIC OR PRIVATE AGENT UNTIL THE EXECUTIVE  
16 DIRECTOR RESOLVES THE MATTER.

17 PART 2

18 COLORADO UNIVERSAL PRESCHOOL PROGRAM

19 **26.5-4-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE  
20 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT".

21 **26.5-4-202. Legislative declaration.** (1) (a) THE GENERAL  
22 ASSEMBLY FINDS AND DECLARES THAT:

23 (I) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS  
24 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN  
25 1988, AND FULL-DAY KINDERGARTEN, ADOPTED IN 2019;

26 (II) SINCE ESTABLISHING THE COLORADO PRESCHOOL PROGRAM,  
27 COLORADO HAS STEADILY INCREASED ITS INVESTMENT IN HIGH-QUALITY

1 PRESCHOOL PROGRAMMING, SECURING A SIGNIFICANT RETURN ON  
2 INVESTMENT BY IMPROVING CHILD OUTCOMES YEAR OVER YEAR BY  
3 EXPANDING ACCESS TO PRESCHOOL FOR CHILDREN IN LOW-INCOME  
4 FAMILIES AND THOSE WHO ARE AT RISK OF ENTERING KINDERGARTEN  
5 WITHOUT BEING PREPARED TO LEARN;

6 (III) STATE AND NATIONAL RESEARCH DEMONSTRATE THE  
7 POSITIVE AND LONG- AND SHORT-TERM IMPACTS OF HIGH-QUALITY  
8 PRESCHOOL, INCLUDING IMPROVED EARLY LITERACY, REDUCED GRADE  
9 RETENTION, DECREASED PROBABILITY OF DEVELOPING A SIGNIFICANT  
10 READING DEFICIENCY, IMPROVED PERFORMANCE ON STATEWIDE  
11 STANDARDS-BASED ASSESSMENTS, AND INCREASED RATE OF HIGH SCHOOL  
12 GRADUATION;

13 (IV) RESEARCH DEMONSTRATES THAT ECONOMICALLY  
14 DISADVANTAGED CHILDREN DERIVE GREATER BENEFITS FROM PRESCHOOL  
15 PROGRAMS IN STATES THAT OFFER UNIVERSAL PROGRAMS THAN IN STATES  
16 THAT OFFER PRESCHOOL PROGRAMS SPECIFICALLY FOR ECONOMICALLY  
17 DISADVANTAGED CHILDREN.

18 (V) IN THE 2020 GENERAL ELECTION, THE VOTERS OF COLORADO  
19 APPROVED PROPOSITION EE BY A NEARLY TWO-TO-ONE MARGIN,  
20 ESTABLISHING A DEDICATED SOURCE OF FUNDING FOR STATEWIDE,  
21 VOLUNTARY, UNIVERSAL PRESCHOOL PROGRAMMING FOR CHILDREN IN THE  
22 YEAR PRECEDING KINDERGARTEN AND FOR ADDITIONAL PRESCHOOL  
23 PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN  
24 WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED  
25 TO LEARN. WITH THE PASSAGE OF THIS MEASURE, COLORADO VOTERS IN  
26 RURAL, URBAN, AND SUBURBAN COMMUNITIES HAVE DEMONSTRATED  
27 THEIR STRONG COMMITMENT TO EXPANDING ACCESS TO QUALITY

1 PRESCHOOL FOR CHILDREN REGARDLESS OF THEIR ECONOMIC  
2 CIRCUMSTANCES.

3 (VI) CREATING A STATEWIDE, MIXED DELIVERY SYSTEM OF  
4 PRESCHOOL PROVIDERS TO MAKE PRESCHOOL PROGRAMMING  
5 UNIVERSALLY AVAILABLE TO CHILDREN THROUGHOUT COLORADO  
6 COMPOUNDS THE BENEFITS FOR CHILDREN WHO ARE IN LOW-INCOME  
7 FAMILIES AND INCREASES THE ULTIMATE SOCIAL AND ECONOMIC BENEFITS  
8 OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR THE STATE AS A WHOLE.

9 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE  
10 BEST INTERESTS OF THE STATE AND CONSISTENT WITH THE WILL OF THE  
11 VOTERS OF COLORADO TO ESTABLISH THE COLORADO UNIVERSAL  
12 PRESCHOOL PROGRAM TO PROVIDE HIGH-QUALITY, VOLUNTARY  
13 PRESCHOOL PROGRAMMING THROUGH A MIXED DELIVERY SYSTEM FOR  
14 CHILDREN THROUGHOUT THE STATE IN THE YEAR PRECEDING  
15 KINDERGARTEN ENROLLMENT AND TO PROVIDE FOR ADDITIONAL  
16 PRESCHOOL SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES  
17 OR WHO MEET IDENTIFIED QUALIFYING FACTORS.

18 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
19 THAT:

20 (I) IN 2000, THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF  
21 THE STATE CONSTITUTION, WHICH REQUIRES THE GENERAL ASSEMBLY TO  
22 ANNUALLY INCREASE, BY AT LEAST THE RATE OF INFLATION, THE  
23 STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC  
24 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR PUBLIC  
25 EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE;

26 (II) IN THE 2001-02 FISCAL YEAR AND IN EVERY FISCAL YEAR  
27 SINCE, THE INCREASES TO STATEWIDE BASE PER PUPIL FUNDING HAVE

1 AUTOMATICALLY APPLIED TO FUNDING FOR PRESCHOOL SERVICES  
2 PROVIDED BY SCHOOL DISTRICTS, BECAUSE THE FUNDING FOR PRESCHOOL  
3 SERVICES HAS BEEN CALCULATED THROUGH THE SCHOOL FINANCE  
4 FORMULA ESTABLISHED IN ARTICLE 54 OF TITLE 22, WHICH APPLIES TO  
5 FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION;

6 (III) TO EFFECTIVELY AND EFFICIENTLY PROVIDE PRESCHOOL  
7 SERVICES THROUGH A MIXED DELIVERY SYSTEM OF SCHOOL- AND  
8 COMMUNITY-BASED PRESCHOOL PROVIDERS, AND TO ENSURE THAT  
9 FUNDING CALCULATIONS ACCOUNT FOR THE UNIQUE STANDARDS AND  
10 FEATURES OF PRESCHOOL PROGRAMS, STATE FUNDING FOR PRESCHOOL  
11 SERVICES, INCLUDING PRESCHOOL SERVICES FOR CHILDREN WITH  
12 DISABILITIES, MUST BE APPROPRIATED AND ALLOCATED SEPARATELY FROM  
13 THE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION,  
14 AND, BEGINNING IN THE 2023-24 FISCAL YEAR, THE STATEWIDE BASE PER  
15 PUPIL FUNDING AMOUNT SET ANNUALLY FOR PUBLIC ELEMENTARY AND  
16 SECONDARY EDUCATION WILL NO LONGER APPLY TO FUNDING FOR  
17 PRESCHOOL SERVICES;

18 (IV) TO CONTINUE TO MEET THE INTENT OF SECTION 17(1) OF  
19 ARTICLE IX OF THE STATE CONSTITUTION WITH REGARD TO FUNDING FOR  
20 PRESCHOOL SERVICES, IT IS APPROPRIATE FOR THE DEPARTMENT OF EARLY  
21 CHILDHOOD TO ESTABLISH A PER-CHILD CONSTITUTIONAL COMPLIANCE  
22 RATE FOR THE 2023-24 FISCAL YEAR THAT EQUALS THE PORTION OF THE  
23 STATEWIDE BASE PER PUPIL FUNDING AMOUNT ESTABLISHED FOR THE  
24 2023-24 FISCAL YEAR THAT APPLIES TO THE NUMBER OF HOURS OF  
25 UNIVERSAL PRESCHOOL SERVICES PROVIDED TO AN ELIGIBLE CHILD, AND  
26 TO INCREASE THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE  
27 ANNUALLY BY THE RATE OF INFLATION.

1 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT, BY  
2 ESTABLISHING A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE AND  
3 ENSURING THAT THE PER-CHILD RATE THAT THE DEPARTMENT ANNUALLY  
4 ESTABLISHES FOR UNIVERSAL PRESCHOOL SERVICES AND FOR PRESCHOOL  
5 SERVICES PROVIDED TO CHILDREN WHO ARE THREE YEARS OF AGE OR  
6 YOUNGER MEETS OR EXCEEDS THE PER-CHILD CONSTITUTIONAL  
7 COMPLIANCE RATE, FUNDING FOR THE COLORADO UNIVERSAL PRESCHOOL  
8 PROGRAM SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF  
9 SECTION 17 (1) OF ARTICLE IX OF THE STATE CONSTITUTION.

10 (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
11 THAT:

12 (I) IN APPROVING PROPOSITION EE, THE VOTERS SUPPORTED  
13 FUNDING FOR TEN HOURS OF HIGH-QUALITY PRESCHOOL PROGRAMMING  
14 FOR ALL COLORADO CHILDREN IN THE YEAR PRECEDING KINDERGARTEN  
15 ENROLLMENT, AS WELL AS ADDITIONAL PRESCHOOL PROGRAMMING FOR  
16 CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING  
17 PREPARED TO LEARN, INCLUDING CHILDREN IN LOW-INCOME FAMILIES;

18 (II) RESEARCH DEMONSTRATES THAT PARTICIPATING IN  
19 HIGH-QUALITY PRESCHOOL PROGRAMS HELPS TO ENSURE THAT CHILDREN  
20 IN LOW-INCOME FAMILIES ARE ABLE TO ENTER KINDERGARTEN ON PAR  
21 WITH THEIR PEERS IN HIGHER-INCOME FAMILIES; AND

22 (III) FOR THE PRESCHOOL PROGRAM TO SERVE CHILDREN  
23 EQUITABLY, THE STATE MUST INVEST IN ADDITIONAL HOURS OF  
24 PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES, IN  
25 ADDITION TO FUNDING THE TEN HOURS OF UNIVERSAL PRESCHOOL  
26 SERVICES.

27 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE

1 BEST INTERESTS OF THE STATE TO ALLOCATE THE AMOUNT APPROPRIATED  
2 FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO PROVIDE  
3 ADEQUATE FUNDING FOR BOTH A HIGH-QUALITY UNIVERSAL PRESCHOOL  
4 PROGRAM AND ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN  
5 LOW-INCOME FAMILIES.

6 (4) THE GENERAL ASSEMBLY RECOGNIZES THE REQUIREMENT OF  
7 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20  
8 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, TO PROVIDE EDUCATIONAL  
9 SERVICES TO EVERY THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY,  
10 IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.  
11 THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17  
12 OF ARTICLE IX OF THE STATE CONSTITUTION, MEETING THE OBLIGATION OF  
13 SERVING ALL THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES  
14 THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IS AN  
15 IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL  
16 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
17 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
18 STATE CONSTITUTION.

19 **26.5-4-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
20 CONTEXT OTHERWISE REQUIRES:

21 (1) "ADDITIONAL PRESCHOOL SERVICES" MEANS HOURS OF  
22 PRESCHOOL SERVICES PROVIDED TO A CHILD IN THE YEAR PRECEDING  
23 ENROLLMENT IN KINDERGARTEN THAT ARE IN ADDITION TO THE  
24 UNIVERSAL PRESCHOOL SERVICES THE CHILD RECEIVES.

25 (2) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS:

26 (a) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART  
27 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL

1 AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A  
2 CHARTER SCHOOL AUTHORIZED BY THE COLORADO SCHOOL FOR THE DEAF  
3 AND THE BLIND PURSUANT TO SECTION 22-80-102 (4)(b);

4 (b) AUTHORIZED IN ITS CHARTER CONTRACT TO PROVIDE  
5 PRESCHOOL SERVICES; AND

6 (c) LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE  
7 26.5 TO OPERATE AS A PRESCHOOL PROVIDER.

8 (3) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING AS  
9 PROVIDED IN SECTION 22-20-103.

10 (4) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR  
11 "PRESCHOOL PROGRAM" MEANS THE PROGRAM ESTABLISHED WITHIN THE  
12 DEPARTMENT PURSUANT TO SECTION 26.5-4-204, AND INCLUDES ALL  
13 PARTICIPATING PRESCHOOL PROVIDERS.

14 (5) "COMMUNITY PLAN" MEANS THE COMMUNITY PLAN ADOPTED  
15 BY A LOCAL COORDINATING ORGANIZATION PURSUANT TO SECTION  
16 26.5-2-104.

17 (6) "ECEA" MEANS THE "EXCEPTIONAL CHILDREN'S  
18 EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, AND ITS IMPLEMENTING  
19 RULES.

20 (7) "ELIGIBLE CHILD" MEANS A CHILD WHO IS ELIGIBLE TO RECEIVE  
21 PRESCHOOL SERVICES AS PROVIDED IN SECTION 26.5-4-204 (3).

22 (8) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES  
23 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS  
24 IMPLEMENTING REGULATIONS.

25 (9) "INDIVIDUALIZED EDUCATION PROGRAM" HAS THE SAME  
26 MEANING AS PROVIDED IN SECTION 22-20-103.

27 (10) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN

1 THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR  
2 STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKWOOD  
3 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE  
4 SUCCESSOR INDEX.

5 (11) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY  
6 SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO  
7 IMPLEMENT A COMMUNITY PLAN FOR EARLY CHILDHOOD AND FAMILY  
8 SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED COMMUNITY.

9 (12) "MIXED DELIVERY SYSTEM" MEANS A SYSTEM FOR  
10 DELIVERING PRESCHOOL SERVICES THROUGH A COMBINATION OF SCHOOL-  
11 AND COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE FUNDED BY A  
12 COMBINATION OF PUBLIC AND PRIVATE MONEY.

13 (13) "PARENT" HAS THE SAME MEANING AS PROVIDED IN SECTION  
14 22-20-103.

15 (14) "PRESCHOOL PROVIDER" MEANS ANY OF THE FOLLOWING  
16 ENTITIES THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS  
17 TITLE 26.5:

18 (I) A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION  
19 26.5-5-303;

20 (II) A CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303;

21 (III) A SCHOOL DISTRICT LICENSED TO OPERATE AS A PRESCHOOL  
22 PROVIDER;

23 (IV) A CHARTER SCHOOL LICENSED TO OPERATE AS A PRESCHOOL  
24 PROVIDER; OR

25 (V) A HEAD START PROGRAM.

26 (15) "QUALIFYING FACTOR" MEANS A CHILD OR FAMILY  
27 CIRCUMSTANCE, AS IDENTIFIED BY DEPARTMENT RULE PURSUANT TO

1 SECTION 26.5-4-204 (4)(a)(II), THAT MAY NEGATIVELY IMPACT A CHILD'S  
2 COGNITIVE, ACADEMIC, SOCIAL, PHYSICAL, OR BEHAVIORAL HEALTH OR  
3 DEVELOPMENT.

4 (16) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED  
5 PURSUANT TO ARTICLE 30 OF TITLE 22 THAT PROVIDES PRESCHOOL  
6 SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS  
7 TITLE 26.5 AS A PRESCHOOL PROVIDER; OR A BOARD OF COOPERATIVE  
8 SERVICES ORGANIZED PURSUANT TO ARTICLE 5 OF TITLE 22 THAT  
9 PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF  
10 ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER.

11 (17) "UNIVERSAL PRESCHOOL SERVICES" MEANS TEN HOURS OF  
12 PRESCHOOL SERVICES PER WEEK MADE AVAILABLE, AT NO CHARGE, TO  
13 CHILDREN IN THE STATE DURING THE SCHOOL YEAR PRECEDING THE  
14 SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN  
15 KINDERGARTEN.

16 **26.5-4-204. Colorado universal preschool program - created**  
17 **- eligibility - rules - workforce development plan.** (1) THERE IS  
18 CREATED IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL  
19 PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PRESCHOOL  
20 PROGRAM IN ACCORDANCE WITH THIS PART 2 AND SHALL ENSURE THAT,  
21 FOR THE 2023-24 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER,  
22 FAMILIES MAY ENROLL THEIR CHILDREN IN PRESCHOOL PROVIDERS THAT  
23 RECEIVE FUNDING THROUGH THE PRESCHOOL PROGRAM. THE PURPOSES OF  
24 THE PRESCHOOL PROGRAM ARE:

25 (a) TO PROVIDE CHILDREN IN COLORADO ACCESS TO VOLUNTARY,  
26 HIGH-QUALITY, UNIVERSAL PRESCHOOL SERVICES FREE OF CHARGE IN THE  
27 SCHOOL YEAR BEFORE A CHILD ENROLLS IN KINDERGARTEN;

1 (b) TO PROVIDE ACCESS TO ADDITIONAL PRESCHOOL SERVICES IN  
2 THE SCHOOL YEAR BEFORE KINDERGARTEN ELIGIBILITY FOR CHILDREN IN  
3 LOW-INCOME FAMILIES AND CHILDREN WHO LACK OVERALL LEARNING  
4 READINESS DUE TO QUALIFYING FACTORS;

5 (c) TO PROVIDE ACCESS TO PRESCHOOL SERVICES FOR CHILDREN  
6 WHO ARE THREE YEARS OF AGE, OR IN LIMITED CIRCUMSTANCES YOUNGER  
7 THAN THREE YEARS OF AGE, AND ARE CHILDREN WITH DISABILITIES, ARE  
8 IN LOW-INCOME FAMILIES, OR LACK OVERALL LEARNING READINESS DUE  
9 TO QUALIFYING FACTORS; AND

10 (d) TO ESTABLISH QUALITY STANDARDS FOR PUBLICLY FUNDED  
11 PRESCHOOL PROVIDERS THAT PROMOTE CHILDREN'S EARLY LEARNING AND  
12 DEVELOPMENT, SCHOOL READINESS, AND HEALTHY BEGINNINGS.

13 (2) FOR THE 2023-24 SCHOOL YEAR AND EACH SCHOOL YEAR  
14 THEREAFTER, SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY  
15 OF PRESCHOOL PROVIDERS, PARENTS THROUGHOUT THE STATE MAY  
16 ENROLL THEIR CHILDREN, FREE OF CHARGE, IN TEN HOURS PER WEEK OF  
17 PUBLICLY FUNDED PRESCHOOL SERVICES FOR THE SCHOOL YEAR  
18 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILDREN ARE ELIGIBLE TO  
19 ENROLL IN KINDERGARTEN. THE DEPARTMENT, WORKING WITH LOCAL  
20 COORDINATING ORGANIZATIONS, SHALL IDENTIFY AND RECRUIT  
21 PRESCHOOL PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE  
22 COLORADO UNIVERSAL PRESCHOOL PROGRAM. IN IDENTIFYING AND  
23 RECRUITING PRESCHOOL PROVIDERS, THE DEPARTMENT AND LOCAL  
24 COORDINATING ORGANIZATIONS SHALL, TO THE EXTENT PRACTICABLE,  
25 ESTABLISH A MIXED DELIVERY SYSTEM IN COMMUNITIES THROUGHOUT THE  
26 STATE THAT ENABLES PARENTS TO SELECT PRESCHOOL PROVIDERS FOR  
27 THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR

1 RESPECTIVE COMMUNITIES.

2 (3) (a) FOR THE 2023-24 SCHOOL YEAR AND FOR EACH SCHOOL  
3 YEAR THEREAFTER:

4 (I) SUBJECT TO THE AVAILABILITY AND CAPACITY OF PRESCHOOL  
5 PROVIDERS, EVERY CHILD IN THE STATE MAY RECEIVE TEN HOURS OF  
6 PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, DURING THE SCHOOL  
7 YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO  
8 ENROLL IN KINDERGARTEN.

9 (II) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS  
10 THREE YEARS OF AGE, IS NOT ELIGIBLE TO ENROLL IN KINDERGARTEN IN  
11 THE NEXT SCHOOL YEAR, AND IS A CHILD WITH DISABILITIES, IS IN A  
12 LOW-INCOME FAMILY, OR MEETS AT LEAST ONE QUALIFYING FACTOR MAY  
13 RECEIVE THE NUMBER OF HOURS OF PRESCHOOL SERVICES ESTABLISHED BY  
14 DEPARTMENT RULE.

15 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, A COMMUNITY IN  
16 WHICH A SCHOOL DISTRICT OPERATED A DISTRICT PRESCHOOL PROGRAM  
17 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,  
18 2023, WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE,  
19 MAY CONTINUE TO PROVIDE PRESCHOOL SERVICES FOR THE NUMBER OF  
20 HOURS ESTABLISHED BY DEPARTMENT RULE FOR THE SAME NUMBER OF  
21 CHILDREN UNDER THREE YEARS OF AGE THAT RECEIVED PRESCHOOL  
22 SERVICES IN THE 2022-23 SCHOOL YEAR, SO LONG AS EACH CHILD WHO  
23 RECEIVES THE PRESCHOOL SERVICES IS IN A LOW-INCOME FAMILY OR  
24 MEETS AT LEAST ONE QUALIFYING FACTOR.

25 (IV) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS IN  
26 A LOW-INCOME FAMILY OR WHO MEETS AT LEAST ONE QUALIFYING FACTOR  
27 MAY RECEIVE ADDITIONAL PRESCHOOL SERVICES FOR THE NUMBER OF

1 HOURS ESTABLISHED BY DEPARTMENT RULE IN THE SCHOOL YEAR  
2 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL  
3 IN KINDERGARTEN.

4 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(a) OF  
5 THIS SECTION TO THE CONTRARY:

6 (I) THE STATE SHALL PROVIDE TO EACH THREE- OR  
7 FOUR-YEAR-OLD CHILD WITH A DISABILITY WHOSE PARENT ENROLLS THE  
8 CHILD IN THE PRESCHOOL PROGRAM AN EDUCATIONAL PROGRAM IN  
9 ACCORDANCE WITH IDEA AND ECEA AND THE CHILD'S INDIVIDUALIZED  
10 EDUCATION PROGRAM; AND

11 (II) FOR A SCHOOL YEAR IN WHICH FEDERAL MONEY IS PROVIDED  
12 TO THE STATE TO FUND PRESCHOOL, OTHER THAN FEDERAL MONEY  
13 PROVIDED THROUGH IDEA, THE EXECUTIVE DIRECTOR MAY ALLOCATE  
14 SAID FUNDING TO PROVIDE THE NUMBER OF HOURS OF PRESCHOOL  
15 SERVICES ALLOWED UNDER FEDERAL LAW FOR ALL CHILDREN DEFINED AS  
16 ELIGIBLE UNDER FEDERAL LAW.

17 (4) (a) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO  
18 IMPLEMENT THE PRESCHOOL PROGRAM, WHICH MUST INCLUDE:

19 (I) THE LEVEL OF INCOME THAT IDENTIFIES A FAMILY AS BEING  
20 LOW-INCOME FOR PURPOSES OF IDENTIFYING CHILDREN WHO ARE THREE  
21 YEARS OF AGE OR YOUNGER AND ARE ELIGIBLE FOR PRESCHOOL SERVICES  
22 AND PRIORITIZING FUNDING FOR THOSE ADDITIONAL PRESCHOOL SERVICES.  
23 THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, ENSURE  
24 THAT THE INCOME ELIGIBILITY REQUIREMENTS FOR OTHER PUBLICLY  
25 FUNDED CHILD CARE PROGRAMS ARE ALIGNED WITH THE INCOME LEVEL  
26 SET PURSUANT TO THIS SUBSECTION (4)(a)(I).

27 (II) THE QUALIFYING FACTORS THAT A CHILD MUST MEET TO BE

1 ELIGIBLE TO RECEIVE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE  
2 DIRECTOR SHALL ENSURE THAT THE QUALIFYING FACTORS ARE REVIEWED  
3 AND, AS NECESSARY, REVISED AT LEAST EVERY FIVE YEARS. THE PURPOSE  
4 OF THE QUALIFYING FACTORS IS TO IDENTIFY CHILDREN WHO ARE AT RISK  
5 OF ENTERING KINDERGARTEN WITHOUT BEING READY FOR SCHOOL. THE  
6 QUALIFYING FACTORS MUST INCLUDE IDENTIFICATION AS A  
7 DUAL-LANGUAGE LEARNER OR A CHILD WITH DISABILITIES AND MAY  
8 INCLUDE SUCH OTHER FACTORS AS THE DEPARTMENT MAY IDENTIFY.

9 (III) THE NUMBER OF HOURS OF PRESCHOOL SERVICES THAT AN  
10 ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(II) OR  
11 (3)(a)(III) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN  
12 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN  
13 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED  
14 EDUCATION PROGRAM;

15 (IV) THE NUMBER OF HOURS OF ADDITIONAL PRESCHOOL SERVICES  
16 THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION  
17 (3)(a)(IV) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN  
18 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN  
19 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED  
20 EDUCATION PROGRAM;

21 (V) PRESCHOOL QUALITY STANDARDS, AS PROVIDED IN SECTION  
22 26.5-4-205;

23 (VI) THE FORMULAS FOR SETTING THE PER-CHILD RATES FOR  
24 UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR ELIGIBLE  
25 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN  
26 SUBSECTIONS (3)(a)(II) AND (3)(a)(III) OF THIS SECTION, AND FOR  
27 ADDITIONAL PRESCHOOL SERVICES, AS PROVIDED IN SECTION 26.5-4-208;

1 AND

2 (VII) SUCH OTHER RULES AS ARE REQUIRED IN THIS PART 2 OR AS  
3 MAY BE NECESSARY TO IMPLEMENT THE PRESCHOOL PROGRAM.

4 (b) IN ADOPTING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE  
5 EXTENT POSSIBLE:

6 (I) ALIGN ALL RULES PERTAINING TO FUNDING AND PRESCHOOL  
7 PROVIDER REQUIREMENTS TO FACILITATE COMBINING AND COORDINATING  
8 FEDERAL, STATE, PRESCHOOL PROGRAM, AND CHILD CARE FUNDING TO THE  
9 GREATEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAW AND  
10 REGULATION; AND

11 (II) ALIGN PRESCHOOL QUALITY STANDARDS AND REQUIREMENTS  
12 WITH THE CHILD CARE LICENSING REQUIREMENTS AND LICENSING  
13 REQUIREMENTS FOR SCHOOL DISTRICT AND CHARTER SCHOOL PRESCHOOL  
14 PROGRAMS, AS PROVIDED IN PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, TO  
15 REDUCE CONFLICTS AND DUPLICATION.

16 (5) IN DEVELOPING A PLAN FOR RECRUITING, TRAINING, AND  
17 RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY  
18 STATEWIDE EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION  
19 26.5-6-101, THE DEPARTMENT SHALL ENSURE THAT THE PLAN  
20 SPECIFICALLY ADDRESSES STRATEGIES FOR BUILDING AND SUPPORTING  
21 THE PRESCHOOL WORKFORCE, ESPECIALLY WITH RESPECT TO:

22 (a) SIMPLIFYING THE PROCESS FOR ATTAINING CREDENTIALS,  
23 MEETING QUALIFICATIONS, AND DEMONSTRATING PROFESSIONAL  
24 COMPETENCIES;

25 (b) MINIMIZING REGULATORY AND ADMINISTRATIVE BARRIERS TO  
26 ENTRY, INCLUDING BARRIERS FACED BY INDIVIDUALS WHO SPEAK  
27 LANGUAGES OTHER THAN ENGLISH;

- 1 (c) INCREASING DIVERSITY IN THE PRESCHOOL WORKFORCE;
- 2 (d) ESTABLISHING GOALS FOR INCREASING THE QUALIFICATIONS OF
- 3 PRESCHOOL TEACHERS OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING
- 4 THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE
- 5 DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH
- 6 SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS
- 7 EMPLOYED BY PRESCHOOL PROVIDERS; AND
- 8 (e) RECRUITING, COMPENSATING, PROVIDING CONTINUING
- 9 PROFESSIONAL DEVELOPMENT FOR, AND RETAINING INDIVIDUALS IN THE
- 10 PRESCHOOL WORKFORCE, INCLUDING STRATEGIES FOR ACHIEVING THE
- 11 GOAL OF COMPENSATING THOSE INDIVIDUALS AT A LIVING WAGE.

12 **26.5-4-205. Quality standards - evaluation - support.**

13 (1)(a) THE DEPARTMENT SHALL DEVELOP AND THE EXECUTIVE DIRECTOR

14 SHALL ESTABLISH BY RULE THE QUALITY STANDARDS THAT EACH

15 PRESCHOOL PROVIDER MUST MEET TO RECEIVE FUNDING THROUGH THE

16 COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE QUALITY STANDARDS

17 MUST, AT A MINIMUM, ADDRESS THE ISSUES SPECIFIED IN THIS SECTION

18 AND MUST REFLECT NATIONAL AND COMMUNITY-INFORMED BEST

19 PRACTICES WITH REGARD TO SCHOOL READINESS, ACADEMIC AND

20 COGNITIVE DEVELOPMENT, HEALTHY ENVIRONMENTS, SOCIAL-EMOTIONAL

21 LEARNING, AND CHILD AND FAMILY OUTCOMES. THE DEPARTMENT AND

22 THE EXECUTIVE DIRECTOR SHALL WORK WITH FAMILIES, EDUCATORS, AND

23 PROGRAM ADMINISTRATORS TO REVIEW AND, AS NECESSARY, REVISE THE

24 QUALITY STANDARDS AT LEAST EVERY FIVE YEARS TO ENSURE THE

25 STANDARDS CONTINUE TO REFLECT NATIONAL BEST PRACTICES AND MEET

26 THE OTHER REQUIREMENTS SPECIFIED IN THIS SECTION. IN DEVELOPING,

27 REVIEWING, REVISING, AND ADOPTING THE QUALITY STANDARDS, THE

1 DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL CONSIDER, AT A  
2 MINIMUM:

3 (I) THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL  
4 PROVIDERS PARTICIPATING IN THE COLORADO PRESCHOOL PROGRAM  
5 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,  
6 2023;

7 (II) NATIONALLY ACCEPTED STANDARDS FOR PRESCHOOL  
8 PROGRAMS;

9 (III) THE CHILD CARE LICENSING REQUIREMENTS ESTABLISHED  
10 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 WITH WHICH  
11 PRESCHOOL PROVIDERS ARE REQUIRED TO COMPLY; AND

12 (IV) THE NEED TO ENSURE THE AVAILABILITY OF PRESCHOOL  
13 SERVICES FOR ELIGIBLE CHILDREN THROUGHOUT THE STATE WHILE  
14 MAINTAINING THE QUALITY OF THE PRESCHOOL PROVIDERS.

15 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS  
16 SECTION, THE DEPARTMENT SHALL ENSURE THAT EACH PRESCHOOL  
17 PROVIDER THAT PARTICIPATES IN THE PRESCHOOL PROGRAM MEETS THE  
18 QUALITY STANDARDS ESTABLISHED BY RULE IN ACCORDANCE WITH THIS  
19 SECTION. THE DEPARTMENT MAY WORK WITH A LOCAL COORDINATING  
20 ORGANIZATION TO ENSURE THAT A PRESCHOOL PROVIDER MEETS THE  
21 QUALITY STANDARDS. THE DEPARTMENT MAY PROHIBIT A PRESCHOOL  
22 PROVIDER THAT FAILS TO MEET ONE OR MORE OF THE QUALITY STANDARDS  
23 FROM PARTICIPATING IN THE PRESCHOOL PROGRAM.

24 (II) IF NECESSARY TO ENSURE THE AVAILABILITY OF A MIXED  
25 DELIVERY SYSTEM WITHIN A COMMUNITY, THE DEPARTMENT MAY ALLOW  
26 A PRESCHOOL PROVIDER THAT DOES NOT MEET THE QUALITY STANDARDS  
27 TO PARTICIPATE IN THE PRESCHOOL PROGRAM FOR A LIMITED TIME WHILE

1 WORKING TOWARD COMPLIANCE WITH THE QUALITY STANDARDS; EXCEPT  
2 THAT EACH PRESCHOOL PROVIDER MUST MEET ALL QUALITY STANDARDS  
3 RELATING TO HEALTH AND SAFETY AS A CONDITION OF PARTICIPATING IN  
4 THE PRESCHOOL PROGRAM.

5 (2) AT A MINIMUM, THE QUALITY STANDARDS ESTABLISHED IN  
6 RULE MUST INCLUDE:

7 (a) THE MINIMUM NUMBERS OF CONTACT HOURS OF  
8 INSTRUCTIONAL SERVICES PER SCHOOL YEAR FOR UNIVERSAL PRESCHOOL  
9 SERVICES FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN THREE YEARS  
10 OF AGE AND YOUNGER, AND FOR ADDITIONAL PRESCHOOL SERVICES. THE  
11 MINIMUM NUMBER OF CONTACT HOURS OF INSTRUCTIONAL SERVICES  
12 ESTABLISHED IN RULE FOR UNIVERSAL PRESCHOOL SERVICES MUST NOT BE  
13 LESS THAN THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR.

14 (b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE  
15 ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE  
16 PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS  
17 AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING,  
18 INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND  
19 CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY;

20 (c) THE MAXIMUM ALLOWABLE EDUCATOR-TO-CHILD RATIOS AND  
21 GROUP SIZES, ALIGNED WITH NATIONAL BEST PRACTICES. THE  
22 DEPARTMENT, BY RULE, MAY IMPLEMENT A WAIVER PROCESS TO ALLOW  
23 A PRESCHOOL PROVIDER THAT IMPLEMENTS A NATIONALLY RECOGNIZED  
24 PRESCHOOL PROGRAM MODEL TO IMPLEMENT THE EDUCATOR-TO-CHILD  
25 RATIOS AND GROUP SIZES THAT SUPPORT THE INSTRUCTIONAL PRACTICES  
26 OF THE MODEL, SO LONG AS THE PRESCHOOL PROVIDER MEETS THE  
27 NATIONAL STANDARDS FOR THE MODEL OR IS ACCREDITED TO PROVIDE THE

1 MODEL.

2 (d) QUALIFICATIONS FOR PRESCHOOL TEACHERS. THE QUALITY  
3 STANDARDS MUST NOT REQUIRE PRESCHOOL TEACHERS TO BE LICENSED  
4 PURSUANT TO ARTICLE 60.5 OF TITLE 22 AND MUST ALLOW A PRESCHOOL  
5 PROVIDER TO EMPLOY A NONLICENSED PRESCHOOL TEACHER AS LONG AS  
6 THE TEACHER MEETS OTHER QUALIFICATIONS ESTABLISHED IN  
7 DEPARTMENT RULE. THE DEPARTMENT SHALL WORK WITH THE  
8 DEPARTMENT OF EDUCATION TO ENSURE THAT A PRESCHOOL EDUCATOR  
9 MAY MEET THE QUALIFICATIONS FOR PRESCHOOL EDUCATORS BY  
10 DEMONSTRATING COMPLIANCE WITH THE QUALIFICATIONS FOR AN EARLY  
11 CHILDHOOD TEACHING LICENSE ENDORSEMENT PROVIDED BY THE  
12 DEPARTMENT OF EDUCATION.

13 (e) REQUIREMENTS FOR CONTINUING PROFESSIONAL DEVELOPMENT  
14 FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER, WHICH MUST BE  
15 FOCUSED ON IMPROVING TEACHER-CHILD INTERACTIONS AND QUALITY OF  
16 INSTRUCTION, INCLUDING IMPROVING FIDELITY IN IMPLEMENTING  
17 EVIDENCE-BASED CURRICULA AND STUDENT OUTCOMES, AND MAY ALLOW  
18 FOR TRAINING IN EARLY LANGUAGE AND LITERACY DEVELOPMENT AND  
19 THE SCIENCE OF READING THAT IS APPROPRIATE FOR EARLY CHILDHOOD  
20 EDUCATION AND COMPARABLE TO THE TRAINING REQUIRED FOR EARLY  
21 GRADE TEACHERS PURSUANT TO THE "COLORADO READ ACT", PART 12  
22 OF ARTICLE 7 OF TITLE 22. THE DEPARTMENT SHALL WORK WITH THE  
23 DEPARTMENT OF EDUCATION TO ALLOW, TO THE FULLEST EXTENT  
24 POSSIBLE, A TEACHER WHO IS LICENSED BY THE DEPARTMENT OF  
25 EDUCATION TO USE THE PROFESSIONAL DEVELOPMENT REQUIRED TO  
26 RENEW THE TEACHING LICENSE TO ALSO MEET THE PROFESSIONAL  
27 DEVELOPMENT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR

1 TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER.

2 (f) STANDARDS FOR PRESCHOOL SERVICES THAT, AT A MINIMUM,  
3 ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT  
4 GUIDELINES ACROSS ALL EARLY CHILDHOOD DOMAINS APPROVED BY THE  
5 EARLY CHILDHOOD LEADERSHIP COMMISSION AND WITH THE COLORADO  
6 ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION  
7 PURSUANT TO SECTION 22-7-1005, ARE CULTURALLY INCLUSIVE, AND ARE  
8 SUPPORTED BY THE DEPARTMENT IN IMPLEMENTATION;

9 (g) STANDARDS FOR INSTRUCTIONAL PRACTICE THAT, AT A  
10 MINIMUM, MUST ENSURE THAT THE INSTRUCTIONAL PRACTICE  
11 IMPLEMENTED BY PRESCHOOL PROVIDERS:

12 (I) PROMOTES LEARNING THROUGH DEVELOPMENTALLY  
13 APPROPRIATE PRACTICES THAT INCLUDE A MIX OF STRUCTURED ACTIVITIES  
14 AND PLAY; AND

15 (II) INCREASES AND SUPPORTS LEARNING USING INSTRUCTIONAL  
16 PRACTICES THAT BUILD ON PREVIOUS LEARNING AND INCLUDE A FOCUS ON  
17 AGE-APPROPRIATE CLASSROOM ENVIRONMENTS AND ONGOING INFORMAL  
18 ASSESSMENTS OF LEARNING;

19 (h) LIMITATIONS ON THE USE OF, AND REQUIRED PROCEDURES FOR,  
20 OUT-OF-SCHOOL SUSPENSION AND EXPULSION IN ACCORDANCE WITH  
21 SECTION 22-33-106.1. IN ADDITION, TO REDUCE THE USE OF  
22 EXCLUSIONARY DISCIPLINE, THE STANDARDS MUST REFLECT BEST  
23 PRACTICES IN EARLY CHILDHOOD MENTAL HEALTH, INCLUDING  
24 PROMOTING ACCESS TO EARLY CHILDHOOD MENTAL HEALTH  
25 CONSULTATION.

26 (i) STANDARDS FOR FAMILY AND COMMUNITY ENGAGEMENT TO  
27 ENSURE THAT THE PRESCHOOL PROVIDER ENGAGES WITH PARENTS AND

1 NEIGHBORHOOD LEADERS IN A FORMAL AND MEANINGFUL WAY,  
2 INCLUDING SEEKING INPUT FOR POLICY AND PROGRAMMING DECISIONS;

3 (j) REQUIREMENTS FOR SERVING CHILDREN WHO ARE DUAL  
4 LANGUAGE LEARNERS, WHICH MUST, AT A MINIMUM, INCLUDE:

5 (I) IDENTIFYING, SCREENING, AND ASSESSING CHILDREN IN THEIR  
6 HOME LANGUAGES;

7 (II) COMMUNICATING WITH CHILDREN'S PARENTS IN THEIR HOME  
8 LANGUAGES; AND

9 (III) USING TEACHING STRATEGIES THAT HAVE BEEN SHOWN TO  
10 MEET THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS;

11 (k) REQUIREMENTS FOR OFFERING VOLUNTARY VISION, HEARING,  
12 DENTAL, AND HEALTH SCREENINGS, AND, UPON PARENT REQUEST,  
13 REFERRALS TO APPROPRIATE HEALTH PROVIDERS FOR CHILDREN WHO ARE  
14 ENROLLED BY A PRESCHOOL PROVIDER; AND

15 (l) REQUIREMENTS FOR PROVIDING VOLUNTARY DEVELOPMENTAL  
16 SCREENINGS, WHICH MUST, AT A MINIMUM, INCLUDE THE USE OF VALID  
17 AND RELIABLE SCREENING TOOLS THAT ARE DEVELOPMENTALLY,  
18 CULTURALLY, AND LINGUISTICALLY APPROPRIATE.

19 (3) (a) USING THE PROCEDURES SPECIFIED IN SUBSECTION (3)(b)  
20 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A RESOURCE BANK OF  
21 PRESCHOOL CURRICULA FOR USE BY PRESCHOOL PROVIDERS. THE  
22 RESOURCE BANK MAY INCLUDE ONLY CURRICULA THAT, AT A MINIMUM:

23 (I) ARE SUPPORTED BY EVIDENCE THAT USE OF THE CURRICULA  
24 IMPROVES STUDENT OUTCOMES;

25 (II) ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY  
26 RELEVANT, AND LINGUISTICALLY RESPONSIVE TO COMMUNITIES BEING  
27 SERVED;

1 (III) PROMOTE LITERACY, AS DEVELOPMENTALLY APPROPRIATE,  
2 BASED ON THE SCIENCE OF READING BY PROVIDING LANGUAGE  
3 DEVELOPMENT, INCLUDING SPEECH SOUNDS, VOCABULARY, GRAMMAR,  
4 AND USE, AND PROVIDING DEVELOPMENTALLY APPROPRIATE INSTRUCTION  
5 TO SUPPORT CHILDREN'S SUCCESS IN EARLY ELEMENTARY GRADES WHEN  
6 RECEIVING INSTRUCTION PURSUANT TO THE "COLORADO READ ACT",  
7 PART 12 OF ARTICLE 7 OF TITLE 22, IN THE AREAS OF PHONEMIC  
8 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,  
9 INCLUDING ORAL SKILLS; AND READING COMPREHENSION; AND

10 (IV) ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND  
11 DEVELOPMENT GUIDELINES APPROVED BY THE EARLY CHILDHOOD  
12 LEADERSHIP COMMISSION.

13 (b) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A  
14 PROCEDURE FOR IDENTIFYING THE CURRICULA IT INCLUDES IN THE  
15 RESOURCE BANK OF PRESCHOOL CURRICULA. AT A MINIMUM, THE  
16 PROCEDURE MUST INCLUDE:

17 (I) SOLICITING THROUGH PUBLIC NOTICE, ACCEPTING, AND  
18 PROMPTLY REVIEWING CURRICULA FROM PRESCHOOL PROVIDERS AND  
19 FROM PUBLISHERS;

20 (II) EVALUATING THE CURRICULA THAT THE DEPARTMENT  
21 IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON THE CRITERIA  
22 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ANY ADDITIONAL  
23 CRITERIA SPECIFIED IN DEPARTMENT RULE;

24 (III) PROVIDING NOTICE TO PRESCHOOL PROVIDERS AND  
25 PUBLISHERS THAT SUBMIT CURRICULA CONCERNING WHETHER THE  
26 SUBMITTED CURRICULA WAS INCLUDED IN THE RESOURCE BANK AND, IF  
27 EXCLUDED FROM THE RESOURCE BANK, THE REASONS FOR EXCLUSION;

1 AND

2 (IV) REVIEWING THE RESOURCE BANK AT LEAST EVERY THREE  
3 YEARS TO UPDATE THE RESOURCE BANK AND ADD CURRICULA WHEN  
4 APPROPRIATE. IN REVIEWING AND UPDATING THE RESOURCE BANK, THE  
5 DEPARTMENT SHALL, AT A MINIMUM, COMPLY WITH THE PROCEDURES  
6 DESCRIBED IN SUBSECTIONS (3)(b)(I) TO (3)(b)(III) OF THIS SECTION.

7 (c) THE DEPARTMENT SHALL MAKE THE RESOURCE BANK  
8 ACCESSIBLE TO THE PUBLIC THROUGH THE DEPARTMENT WEBSITE.

9 **26.5-4-206. Preschool special education services - department**  
10 **collaboration - memorandum of understanding.** (1) THE DEPARTMENT  
11 SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION THROUGH A  
12 MEMORANDUM OF UNDERSTANDING AS DESCRIBED IN SUBSECTION (2) OF  
13 THIS SECTION TO ENSURE ALL CHILDREN WITH DISABILITIES ARE SERVED  
14 EQUITABLY IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, ENSURE  
15 ACCESS TO CLASSROOMS THAT MEET THE INDIVIDUAL NEEDS OF CHILDREN  
16 WITH DISABILITIES BASED ON THEIR INDIVIDUALIZED EDUCATION  
17 PROGRAMS, AND ENSURE THAT PRESCHOOL PROVIDERS OPERATE IN  
18 ACCORDANCE WITH FEDERAL AND STATE LAW CONCERNING EDUCATION  
19 FOR PRESCHOOL-AGE CHILDREN WITH DISABILITIES. IN COLLABORATING  
20 PURSUANT TO THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF  
21 EDUCATION SHALL, AT A MINIMUM:

22 (a) SUPPORT LOCAL IMPLEMENTATION OF BEST PRACTICES;

23 (b) CREATE TRAINING FOR PRESCHOOL PROVIDERS CONCERNING  
24 THE LEGAL OBLIGATIONS FOR SERVING CHILDREN WITH DISABILITIES,  
25 INCLUDING THE RESPONSIBILITIES AND OBLIGATIONS OF ADMINISTRATIVE  
26 UNITS SPECIFIED IN IDEA AND ECEA; AND

27 (c) COLLABORATE TO ENSURE PRESCHOOL SERVICES DELIVERED

1 THROUGH THE PRESCHOOL PROGRAM TO CHILDREN WITH DISABILITIES ARE  
2 DELIVERED IN COMPLIANCE WITH IDEA AND ECEA.

3 (2) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION  
4 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT, AT A  
5 MINIMUM:

6 (a) DEFINES THE ROLES AND RESPONSIBILITIES OF BOTH  
7 DEPARTMENTS, ADMINISTRATIVE UNITS AS DEFINED IN SECTION 22-20-103,  
8 AND PRESCHOOL PROVIDERS, RECOGNIZING THAT THE DEPARTMENT OF  
9 EDUCATION IS THE IDENTIFIED AGENCY RESPONSIBLE FOR COMPLIANCE  
10 WITH THE PART B COMPONENT OF IDEA, AS DESCRIBED IN SECTION  
11 22-20-103 (4)(b);

12 (b) DESCRIBES DATA COLLECTION AND SHARING RESPONSIBILITIES  
13 IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND TIMELINES, ENSURING  
14 THAT ALL CRITICAL DATA CAN BE DISAGGREGATED, WHILE ADHERING TO  
15 REQUIREMENTS FOR PROTECTING PERSONALLY IDENTIFIABLE  
16 INFORMATION;

17 (c) DESCRIBES EACH DEPARTMENT'S ROLE IN HELPING PRESCHOOL  
18 PROVIDERS AND COMMUNITIES PROVIDE INCLUSIVE, INDIVIDUALIZED,  
19 MEANINGFUL, CULTURALLY RELEVANT, LINGUISTICALLY RELEVANT,  
20 ACTIVE, AND PARTICIPATORY LEARNING FOR ALL CHILDREN WITH  
21 DISABILITIES, IN ACCORDANCE WITH EACH CHILD'S INDIVIDUALIZED  
22 EDUCATION PROGRAM;

23 (d) ESTABLISHES PROCEDURES FOR HOLDING ALL PRESCHOOL  
24 PROVIDERS ACCOUNTABLE FOR PROVIDING EQUITABLE ACCESS AND  
25 SUPPORTS FOR CHILDREN WITH DISABILITIES;

26 (e) RECOMMENDS TRAINING PROGRAMS FOR PRESCHOOL  
27 PROVIDERS IN WORKING WITH CHILDREN WITH DISABILITIES;

1 (f) WITH REGARD TO PRESCHOOL PROGRAM RULES, ESTABLISHES  
2 PROCESSES TO:

3 [REDACTED]  
4 (I) ENSURE THAT PRESCHOOL PROGRAM REQUIREMENTS ARE IN  
5 COMPLIANCE WITH AND DO NOT CONFLICT WITH IDEA AND ECEA; AND

6 [REDACTED]  
7 (II) ENSURE PRESCHOOL PROGRAM RULES ADDRESS ALL LEGAL  
8 REQUIREMENTS FOR THE PROVISION OF PRESCHOOL SERVICES TO ELIGIBLE  
9 CHILDREN WITH DISABILITIES.

10 **26.5-4-207. Preschool program evaluation and improvement**  
11 **process - independent evaluator.** (1) THE DEPARTMENT SHALL DEVELOP  
12 AND IMPLEMENT A PROCESS FOR CONTINUOUS EVALUATION AND  
13 IMPROVEMENT OF PRESCHOOL PROVIDERS WHO PARTICIPATE IN THE  
14 COLORADO UNIVERSAL PRESCHOOL PROGRAM. AT A MINIMUM, THE  
15 PROCESS MUST INCLUDE A REQUIREMENT THAT PRESCHOOL PROVIDERS  
16 USE ASSESSMENT AND CONTINUOUS IMPROVEMENT STRATEGIES THAT:

17 (a) ARE IMPLEMENTED THROUGH A COORDINATED SYSTEM THAT  
18 INCLUDES THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE;  
19 CURRICULUM; PROFESSIONAL DEVELOPMENT; DEVELOPMENTALLY  
20 APPROPRIATE, AGE-APPROPRIATE, AND WHOLE-CHILD ASSESSMENT THAT  
21 MAY BE BASED ON OBSERVATIONAL ASSESSMENTS OF CHILDREN'S  
22 DEVELOPMENT AND CLASSROOM-BASED TEACHER-CHILD INTERACTIONS;  
23 AND DATA COLLECTION;

24 (b) SUPPORT BOTH CONTINUOUS PROGRAM IMPROVEMENT AND THE  
25 DEPARTMENT'S INDEPENDENT EVALUATION OF THE PRESCHOOL PROGRAM  
26 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;

27 (c) ARE DESIGNED TO INFORM CURRICULUM IMPLEMENTATION,

1 PROFESSIONAL DEVELOPMENT, TEACHER SUPPORTS, AND RESOURCE  
2 ALLOCATION; AND

3 (d) ARE APPROPRIATE FOR USE WITH YOUNG CHILDREN AND FOR  
4 THE PURPOSES FOR WHICH THEY ARE USED.

5 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT  
6 EVALUATOR TO MEASURE THE SUCCESS OF THE COLORADO UNIVERSAL  
7 PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL  
8 READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH  
9 THE PRESCHOOL PROGRAM. IN EVALUATING THE SUCCESS OF THE  
10 PRESCHOOL PROGRAM, THE DEPARTMENT SHALL ENSURE THE  
11 INDEPENDENT EVALUATOR HAS ACCESS TO THE NECESSARY DATA TO  
12 MEASURE IMMEDIATE AND LONG-TERM CHILD OUTCOMES AND TO PROVIDE  
13 RECOMMENDATIONS TO IMPROVE TEACHING AND LEARNING, ASSESS  
14 PROFESSIONAL DEVELOPMENT INPUTS AND OUTCOMES, AND IMPROVE  
15 TEACHER-CHILD INTERACTIONS. THE DEPARTMENT SHALL TAKE INTO  
16 ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE  
17 INDEPENDENT EVALUATOR IN IMPLEMENTING THE PROCESS FOR  
18 CONTINUOUS EVALUATION AND IMPROVEMENT DESCRIBED IN SUBSECTION  
19 (1) OF THIS SECTION.

20 (3) THE DEPARTMENT SHALL COMMUNICATE THE EVALUATIONS  
21 AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR TO FAMILIES,  
22 COMMUNITIES, PRESCHOOL PROVIDERS, LOCAL COORDINATING  
23 ORGANIZATIONS, THE STATE BOARD OF EDUCATION, AND THE GENERAL  
24 ASSEMBLY, AS APPROPRIATE, TO INFORM AND IMPROVE EARLY CHILDHOOD  
25 TEACHING AND EDUCATION AND POLICY-MAKING RELATED TO EARLY  
26 CHILDHOOD EDUCATION.

27 (4) THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE

1 EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR  
2 IN REVIEWING AND REVISING THE PRESCHOOL QUALITY STANDARDS  
3 PURSUANT TO SECTION 26.5-4-205; THE PLAN FOR RECRUITING, TRAINING,  
4 AND RETAINING A HIGH-QUALITY EARLY CHILDHOOD WORKFORCE  
5 PURSUANT TO SECTION 26.5-6-101; AND THE STATE GOALS FOR  
6 IMPLEMENTING THE PRESCHOOL PROGRAM.

7 **26.5-4-208. Preschool provider funding - per-child rates - local**  
8 **contribution - distribution and use of money - definitions.** (1) (a) THE  
9 DEPARTMENT, IN ACCORDANCE WITH THE INTENT SPECIFIED IN SECTION  
10 26.5-4-202 (3), SHALL ANNUALLY ESTABLISH THE PER-CHILD RATES FOR  
11 UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR ELIGIBLE  
12 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN  
13 SECTION 26.5-4-204 (3)(a)(II) AND (3)(a)(III), AND FOR ADDITIONAL  
14 PRESCHOOL SERVICES. THE DEPARTMENT SHALL ADOPT ONE OR MORE  
15 FORMULAS FOR ANNUALLY SETTING THE PER-CHILD RATES, WHICH  
16 FORMULAS MUST, AT A MINIMUM, TAKE INTO ACCOUNT:

17 (I) THE COST OF PROVIDING PRESCHOOL SERVICES THAT MEET THE  
18 QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO  
19 SECTION 26.5-4-205 (2);

20 (II) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES  
21 THAT RESULT FROM REGIONAL DIFFERENCES AND CIRCUMSTANCES, WHICH  
22 MAY INCLUDE DIFFICULTIES IN ACHIEVING ECONOMIES OF SCALE IN RURAL  
23 AREAS AND IN RECRUITING AND RETAINING PRESCHOOL EDUCATORS; AND

24 (III) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES  
25 THAT RESULT FROM THE CHARACTERISTICS OF CHILDREN, WHICH MUST  
26 INCLUDE A CHILD'S IDENTIFICATION AS A CHILD IN A LOW-INCOME FAMILY,  
27 AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A CHILD'S

1 IDENTIFICATION AS A DUAL LANGUAGE LEARNER.

2 (b) IN ESTABLISHING THE FORMULAS DESCRIBED IN SUBSECTION  
3 (1)(a) OF THIS SECTION AND ANNUALLY SETTING THE PER-CHILD RATES,  
4 THE DEPARTMENT MUST CONSIDER STRATEGIES TO MITIGATE THE EFFECT  
5 OF PRESCHOOL FUNDING ON THE AVAILABILITY OF CHILD CARE SERVICES  
6 FOR INFANTS AND TODDLERS WITHIN COMMUNITIES AND AREAS IN THE  
7 STATE.

8 (c) IN ESTABLISHING THE FORMULA FOR ADDITIONAL PRESCHOOL  
9 SERVICES, IN ADDITION TO THE CONSIDERATIONS SPECIFIED IN SUBSECTION  
10 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE AMOUNT OF  
11 LOCAL FUNDING AVAILABLE TO ASSIST FAMILIES WITHIN A COMMUNITY  
12 BASED ON THE COMMUNITY PLAN OR AVAILABLE WITHIN AN AREA THAT  
13 DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. A PRESCHOOL  
14 PROVIDER IS PROHIBITED FROM CHARGING A FEE FOR ADDITIONAL  
15 PRESCHOOL SERVICES TO A FAMILY THAT PARTICIPATES IN THE PRESCHOOL  
16 PROGRAM THAT EXCEEDS THE AMOUNT CHARGED TO FAMILIES THAT DO  
17 NOT RECEIVE ADDITIONAL PRESCHOOL SERVICES.

18 (d) IN ADDITION TO DISTRIBUTING FUNDING BASED ON THE  
19 PER-CHILD RATES ESTABLISHED PURSUANT TO SUBSECTION (1)(a) OF THIS  
20 SECTION, THE DEPARTMENT MAY BY RULE DISTRIBUTE FUNDING TO  
21 ACHIEVE A SPECIFIED PURPOSE, WHICH MAY INCLUDE FUNDING FOR  
22 ADMINISTRATIVE UNITS TO PROVIDE SPECIAL EDUCATION SERVICES  
23 THROUGH THE PRESCHOOL PROGRAM AND FUNDING FOR MEASURES  
24 RELATED TO RECRUITING, TRAINING, AND RETAINING PRESCHOOL  
25 EDUCATORS. THE DEPARTMENT MAY CHOOSE TO DISTRIBUTE FUNDING  
26 PURSUANT TO THIS SUBSECTION (1)(d) ONLY AFTER THE DEPARTMENT  
27 ALLOCATES THE AMOUNTS NECESSARY TO FUND PRESCHOOL SERVICES FOR

1 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, UP TO  
2 THE AMOUNTS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND TO  
3 FULLY FUND UNIVERSAL PRESCHOOL SERVICES FOR ALL ELIGIBLE  
4 CHILDREN WHO ENROLL.

5 (e) IN ESTABLISHING THE FORMULAS AND OTHER DISTRIBUTION  
6 AMOUNTS, THE DEPARTMENT SHALL CONSULT WITH THE RULES ADVISORY  
7 COUNCIL, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND  
8 MEMBERS OF THE EARLY CHILDHOOD COMMUNITY, INCLUDING PARENTS OF  
9 PRESCHOOL-AGE CHILDREN, PRESCHOOL EDUCATORS, PRESCHOOL  
10 PROVIDERS, EARLY CHILDHOOD COUNCILS, SCHOOL DISTRICTS, CHARTER  
11 SCHOOLS, REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN  
12 SERVICES AND SOCIAL SERVICES, LOCAL COORDINATING ORGANIZATIONS,  
13 AND INDIVIDUALS WITH FINANCIAL EXPERTISE IN PUBLIC AND PRIVATE  
14 FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES.

15 (2) BEFORE FINALIZING THE PER-CHILD RATES IN A FISCAL YEAR,  
16 THE DEPARTMENT SHALL:

17 (a) (I) ENSURE THAT THE PER-CHILD RATES FOR UNIVERSAL  
18 PRESCHOOL SERVICES AND FOR PRESCHOOL SERVICES FOR ELIGIBLE  
19 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN  
20 SECTION 26.5-4-204 (3)(a)(II) AND (3)(a)(III) MEET OR EXCEED THE  
21 CONSTITUTIONAL COMPLIANCE RATE FOR THE APPLICABLE FISCAL YEAR,  
22 AS DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

23 (II) FOR THE 2023-24 FISCAL YEAR, THE CONSTITUTIONAL  
24 COMPLIANCE RATE IS FORTY PERCENT OF THE STATEWIDE BASE PER PUPIL  
25 FUNDING THAT THE GENERAL ASSEMBLY ESTABLISHES IN SECTION  
26 22-54-104 (5)(a) FOR THE 2023-24 FISCAL YEAR. FOR THE 2024-25 FISCAL  
27 YEAR AND EACH FISCAL YEAR THEREAFTER, THE CONSTITUTIONAL

1 COMPLIANCE RATE IS THE 2023-24 FISCAL YEAR INCREASED ANNUALLY BY  
2 THE RATE OF INFLATION.

3 (b) COMPARE THE AMOUNT OF FUNDING THAT THE PER-CHILD  
4 RATES DIRECT TOWARD UNIVERSAL PRESCHOOL SERVICES WITH THE  
5 AMOUNT OF FUNDING THE RATES DIRECT TOWARD ADDITIONAL PRESCHOOL  
6 SERVICES AND PREPARE AN ANALYSIS OF THE EFFICACY OF THE BALANCE  
7 BETWEEN FUNDING FOR UNIVERSAL PRESCHOOL SERVICES AND  
8 ADDITIONAL PRESCHOOL SERVICES IN OPTIMIZING SUPPORT FOR CHILDREN  
9 IN LOW-INCOME FAMILIES AND CHILDREN WHO MEET QUALIFYING FACTORS  
10 WHILE ENSURING HIGH-QUALITY UNIVERSAL PRESCHOOL SERVICES. THE  
11 DEPARTMENT SHALL MAKE THE ANALYSIS AVAILABLE TO THE PUBLIC.

12 (c) CONSIDER THE IMPACT ON THE LEVEL OF FUNDING FOR  
13 PRESCHOOL PROVIDERS AS A RESULT OF THE PER-CHILD RATES AND THE  
14 LEVELS OF ENROLLMENT AS COMPARED TO PREVIOUS STATE FISCAL YEARS,  
15 INCLUDING STATE FISCAL YEARS PRECEDING THE 2023-24 STATE FISCAL  
16 YEAR. THE DEPARTMENT MAY CONSIDER A SPECIFIED PURPOSE  
17 DISTRIBUTION AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO  
18 REDUCE ANY IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL  
19 PROVIDERS.

20 (3) (a) BEGINNING IN THE 2023-24 FISCAL YEAR AND FOR EACH  
21 FISCAL YEAR THEREAFTER, THE DEPARTMENT, WORKING WITH LOCAL  
22 COORDINATING ORGANIZATIONS AS PROVIDED IN EACH LOCAL  
23 COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT WITH THE  
24 DEPARTMENT, SHALL DISTRIBUTE THE FUNDING APPROPRIATED TO THE  
25 DEPARTMENT FOR PRESCHOOL SERVICES FROM THE PRESCHOOL PROGRAMS  
26 CASH FUND AND ANY AMOUNT RECEIVED PURSUANT TO SECTION  
27 26.5-4-209 (2). THE DEPARTMENT AND LOCAL COORDINATING

1 ORGANIZATIONS, AS APPLICABLE, SHALL BASE THE AMOUNTS DISTRIBUTED  
2 ON THE PER-CHILD RATES AND ANY SPECIAL PURPOSE DISTRIBUTIONS  
3 ESTABLISHED FOR THE APPLICABLE FISCAL YEAR PURSUANT TO  
4 SUBSECTION (1) OF THIS SECTION. AT THE START OF EACH FISCAL YEAR,  
5 THE DEPARTMENT, AND LOCAL COORDINATING ORGANIZATIONS AS  
6 APPLICABLE, SHALL DISTRIBUTE A PORTION OF THE FUNDING TO  
7 PRESCHOOL PROVIDERS BASED ON THE NUMBERS AND TYPES OF ELIGIBLE  
8 CHILDREN EXPECTED TO ENROLL IN PRESCHOOL AS ESTIMATED IN THE  
9 COMMUNITY PLANS OR AS ESTIMATED BY THE DEPARTMENT FOR AN AREA  
10 THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. THE  
11 DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS  
12 APPLICABLE, SHALL CONTINUE DISTRIBUTING PORTIONS OF THE FUNDING  
13 PERIODICALLY THROUGHOUT THE SCHOOL YEAR AND SHALL ADJUST THE  
14 AMOUNTS DISTRIBUTED BASED ON THE ACTUAL NUMBERS AND TYPES OF  
15 ELIGIBLE CHILDREN ENROLLED BY PRESCHOOL PROVIDERS.

16 (b) THE DEPARTMENT SHALL ENSURE THAT FUNDING IS ALLOCATED  
17 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS  
18 OF AGE OR YOUNGER, UP TO THE AMOUNTS DESCRIBED IN SUBSECTION  
19 (3)(c) OF THIS SECTION, AND FOR ALL ELIGIBLE CHILDREN WHO ENROLL IN  
20 UNIVERSAL PRESCHOOL SERVICES BEFORE FUNDING IS ALLOCATED FOR  
21 ADDITIONAL PRESCHOOL SERVICES OR FOR SPECIFIED PURPOSES AS  
22 DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION. IN ALLOCATING  
23 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN,  
24 THE DEPARTMENT SHALL FIRST ALLOCATE FUNDING FOR ADDITIONAL  
25 PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME  
26 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN  
27 ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR THE

1 REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

2 (c) (I) IN DISTRIBUTING FUNDING FOR PRESCHOOL SERVICES  
3 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL ENSURE, TO THE  
4 EXTENT POSSIBLE, THAT:

5 (A) THE AMOUNT OF STATE FUNDING APPROPRIATED IN THE  
6 2022-23 FISCAL YEAR TO PROVIDE PRESCHOOL SERVICES THROUGH THE  
7 "COLORADO PRESCHOOL PROGRAM ACT", ARTICLE 28 OF TITLE 22, AS IT  
8 EXISTS PRIOR TO JULY 1, 2023, FOR CHILDREN WHO ARE THREE YEARS OF  
9 AGE, FUNDING FOR THREE-YEAR-OLD CHILDREN WITH DISABILITIES WHO  
10 ENROLL IN THE PRESCHOOL PROGRAM, AND ANY ADDITIONAL AMOUNT THE  
11 GENERAL ASSEMBLY MAY APPROPRIATE IN A SUBSEQUENT FISCAL YEAR  
12 SPECIFICALLY TO SERVE ELIGIBLE CHILDREN WHO ARE THREE YEARS OF  
13 AGE WHO ARE NOT CHILDREN WITH DISABILITIES, IS DISTRIBUTED TO  
14 PROVIDE PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE  
15 YEARS OF AGE AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(II) IN THE  
16 2023-24 FISCAL YEAR AND IN EACH FISCAL YEAR THEREAFTER; AND

17 (B) THE AMOUNT OF STATE FUNDING APPROPRIATED IN THE  
18 2022-23 FISCAL YEAR TO PROVIDE PRESCHOOL SERVICES THROUGH THE  
19 "COLORADO PRESCHOOL PROGRAM ACT", ARTICLE 28 OF TITLE 22, AS IT  
20 EXISTS PRIOR TO JULY 1, 2023, TO CHILDREN YOUNGER THAN THREE YEARS  
21 OF AGE, AND ANY ADDITIONAL AMOUNT THE GENERAL ASSEMBLY MAY  
22 APPROPRIATE IN A SUBSEQUENT FISCAL YEAR SPECIFICALLY TO SERVE  
23 ELIGIBLE CHILDREN WHO ARE YOUNGER THAN THREE YEARS OF AGE, IS  
24 DISTRIBUTED TO PROVIDE PRESCHOOL SERVICES TO ELIGIBLE CHILDREN  
25 YOUNGER THAN THREE YEARS OF AGE, AS DESCRIBED IN SECTION  
26 26.5-4-204 (3)(a)(III), IN THE 2023-24 FISCAL YEAR AND IN EACH FISCAL  
27 YEAR THEREAFTER.

1           (II)     THE DEPARTMENT AND LOCAL COORDINATING  
2 ORGANIZATIONS, AS APPLICABLE, SHALL DISTRIBUTE THE FUNDING FOR  
3 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR  
4 YOUNGER AS DESCRIBED IN THIS SUBSECTION (3)(c) ONLY TO PRESCHOOL  
5 PROVIDERS THAT ARE SCHOOL DISTRICTS OR CHARTER SCHOOLS FOR THE  
6 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE AND YOUNGER WHOM  
7 THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLS IN ACCORDANCE  
8 WITH THE PRESCHOOL PROGRAM; EXCEPT THAT, IN A FISCAL YEAR IN  
9 WHICH THE GENERAL ASSEMBLY SPECIFICALLY APPROPRIATES AN AMOUNT  
10 TO PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR  
11 YOUNGER WHO DO NOT HAVE DISABILITIES THAT EXCEEDS THE AMOUNT  
12 APPROPRIATED FOR THAT PURPOSE IN THE 2022-23 FISCAL YEAR, THE  
13 DEPARTMENT MAY DISTRIBUTE IN ACCORDANCE WITH THE APPLICABLE  
14 COMMUNITY PLANS ALL OR ANY PORTION OF THE EXCESS APPROPRIATION  
15 AMOUNT TO COMMUNITY-BASED PRESCHOOL PROVIDERS. A SCHOOL  
16 DISTRICT MAY DISTRIBUTE ALL OR A PORTION OF THE AMOUNT RECEIVED  
17 PURSUANT TO THIS SUBSECTION (3)(c)(II) TO A HEAD START AGENCY OR  
18 COMMUNITY-BASED PRESCHOOL PROVIDER THAT PROVIDES PRESCHOOL  
19 SERVICES PURSUANT TO A CONTRACT WITH THE SCHOOL DISTRICT.

20           (III) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(c)(I)  
21 OF THIS SECTION TO THE CONTRARY, IN A FISCAL YEAR IN WHICH THE  
22 AMOUNT APPROPRIATED TO FUND PRESCHOOL SERVICES FOR CHILDREN  
23 WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SUBSECTION  
24 (3)(c)(I) OF THIS SECTION IS MORE THAN IS REQUIRED TO FULLY FUND THE  
25 NUMBER OF SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR  
26 PRESCHOOL SERVICES, THE DEPARTMENT MAY DISTRIBUTE THE EXCESS  
27 AMOUNT TO FUND UNIVERSAL PRESCHOOL SERVICES, ADDITIONAL

1 PRESCHOOL SERVICES, OR SPECIAL PURPOSE DISTRIBUTIONS IN  
2 ACCORDANCE WITH THIS SECTION.

3 (IV) IN A FISCAL YEAR IN WHICH THE AMOUNT APPROPRIATED TO  
4 FUND PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE  
5 OR YOUNGER AS DESCRIBED IN SUBSECTION (3)(c)(I) OF THIS SECTION IS  
6 LESS THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE  
7 CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE  
8 DEPARTMENT SHALL FIRST PROVIDE FUNDING FOR THE ELIGIBLE CHILDREN  
9 WITH DISABILITIES AND ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME  
10 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN  
11 PROVIDE FUNDING FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN  
12 LOW-INCOME FAMILIES. IF ANY AMOUNT OF THE APPROPRIATION  
13 DESCRIBED IN SUBSECTION (3)(c)(I) OF THIS SECTION REMAINS, THE  
14 DEPARTMENT, WORKING WITH THE RULES ADVISORY COUNCIL, THE LOCAL  
15 COORDINATING ORGANIZATIONS, AND ANY OTHER INTERESTED PERSONS,  
16 SHALL ESTABLISH THE PRIORITY FOR DISTRIBUTING THE FUNDING AMONG  
17 THE REMAINING ELIGIBLE CHILDREN.

18 (4)(a) EACH PRESCHOOL PROVIDER THAT IS A SCHOOL DISTRICT OR  
19 A CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT SHALL PROVIDE  
20 THE PRESCHOOL AND SPECIAL EDUCATION LOCAL CONTRIBUTION AMOUNTS  
21 DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION. IN DISTRIBUTING  
22 FUNDING FOR PRESCHOOL SERVICES PURSUANT TO THIS SECTION, THE  
23 DEPARTMENT OR THE LOCAL COORDINATING ORGANIZATION, AS  
24 APPLICABLE, SHALL ASSUME THAT EACH SCHOOL DISTRICT AND EACH  
25 CHARTER SCHOOL AUTHORIZED BY A SCHOOL DISTRICT ANNUALLY APPLIES  
26 THE PRESCHOOL AND SPECIAL EDUCATION LOCAL CONTRIBUTION AMOUNTS  
27 DESCRIBED IN SUBSECTION (4)(b) OF THIS SECTION IN PROVIDING

1 PRESCHOOL SERVICES AND REDUCE THE AMOUNT DISTRIBUTED TO SCHOOL  
2 DISTRICTS AND DISTRICT CHARTER SCHOOLS BY THE AMOUNTS OF THE  
3 PRESCHOOL AND SPECIAL EDUCATION LOCAL CONTRIBUTIONS.

4 (b) (I) (A) FOR THE 2023-24 FISCAL YEAR, THE PRESCHOOL LOCAL  
5 CONTRIBUTION FOR A SCHOOL DISTRICT IS AN AMOUNT EQUAL TO FIFTY  
6 PERCENT OF THE SCHOOL DISTRICT'S PER PUPIL REVENUES FOR THE  
7 2022-23 FISCAL YEAR MULTIPLIED BY THE SCHOOL DISTRICT'S LOCAL  
8 SHARE PERCENTAGE OF TOTAL PROGRAM DETERMINED PURSUANT TO  
9 SECTION 22-54-106 (1)(a) FOR THE 2022-23 FISCAL YEAR, MULTIPLIED BY  
10 THE SCHOOL DISTRICT'S PRESCHOOL ENROLLMENT FOR THE 2022-23 FISCAL  
11 YEAR.

12 (B) FOR THE 2023-24 FISCAL YEAR, THE PRESCHOOL LOCAL  
13 CONTRIBUTION FOR A DISTRICT CHARTER SCHOOL IS AN AMOUNT EQUAL TO  
14 FIFTY PERCENT OF THE AUTHORIZING SCHOOL DISTRICT'S PER PUPIL  
15 REVENUES FOR THE 2022-23 FISCAL YEAR MULTIPLIED BY THE  
16 AUTHORIZING SCHOOL DISTRICT'S LOCAL SHARE PERCENTAGE OF TOTAL  
17 PROGRAM DETERMINED PURSUANT TO SECTION 22-54-106 (1)(a) FOR THE  
18 2022-23 FISCAL YEAR, MULTIPLIED BY THE DISTRICT CHARTER SCHOOL'S  
19 PRESCHOOL ENROLLMENT FOR THE 2022-23 FISCAL YEAR.

20 (C) FOR THE 2024-25 FISCAL YEAR AND EACH FISCAL YEAR  
21 THEREAFTER, THE AMOUNTS OF A SCHOOL DISTRICT'S PRESCHOOL LOCAL  
22 CONTRIBUTION AND OF A DISTRICT CHARTER SCHOOL'S PRESCHOOL LOCAL  
23 CONTRIBUTION AS DESCRIBED IN SUBSECTIONS (4)(b)(I)(A) AND  
24 (4)(b)(I)(B) OF THIS SECTION, RESPECTIVELY, INCREASE ANNUALLY BY THE  
25 RATE OF INFLATION.

26 (II) (A) FOR THE 2023-24 FISCAL YEAR AND EACH FISCAL YEAR  
27 THEREAFTER, THE SPECIAL EDUCATION LOCAL CONTRIBUTION FOR A

1 SCHOOL DISTRICT IS AN AMOUNT EQUAL TO FIFTY PERCENT OF THE SCHOOL  
2 DISTRICT'S PER PUPIL REVENUES FOR THE APPLICABLE FISCAL YEAR  
3 MULTIPLIED BY THE SCHOOL DISTRICT'S LOCAL SHARE PERCENTAGE OF  
4 TOTAL PROGRAM DETERMINED PURSUANT TO SECTION 22-54-106 (1)(a)  
5 FOR THE APPLICABLE FISCAL YEAR, MULTIPLIED BY THE NUMBER OF  
6 THREE-YEAR-OLD CHILDREN WITH DISABILITIES FOR WHOM THE SCHOOL  
7 DISTRICT PROVIDES AN EDUCATIONAL PROGRAM FOR THE APPLICABLE  
8 FISCAL YEAR, AS CERTIFIED TO THE DEPARTMENT OF EDUCATION  
9 PURSUANT TO SECTION 22-54-112.

10 (B) FOR THE 2023-24 FISCAL YEAR AND EACH FISCAL YEAR  
11 THEREAFTER, THE SPECIAL EDUCATION LOCAL CONTRIBUTION FOR A  
12 DISTRICT CHARTER SCHOOL IS AN AMOUNT EQUAL TO FIFTY PERCENT OF  
13 THE AUTHORIZING SCHOOL DISTRICT'S PER PUPIL REVENUES FOR THE  
14 APPLICABLE FISCAL YEAR MULTIPLIED BY THE AUTHORIZING SCHOOL  
15 DISTRICT'S LOCAL SHARE PERCENTAGE OF TOTAL PROGRAM DETERMINED  
16 PURSUANT TO SECTION 22-54-106 (1)(a) FOR THE APPLICABLE FISCAL  
17 YEAR, MULTIPLIED BY THE NUMBER OF THREE-YEAR-OLD CHILDREN WITH  
18 DISABILITIES FOR WHOM THE DISTRICT CHARTER SCHOOL PROVIDES AN  
19 EDUCATIONAL PROGRAM FOR THE APPLICABLE FISCAL YEAR, AS CERTIFIED  
20 TO THE DEPARTMENT OF EDUCATION PURSUANT TO SECTION 22-54-112.

21 (c) AS USED IN THIS SUBSECTION (4), UNLESS THE CONTEXT  
22 OTHERWISE REQUIRES:

23 (I) "PER PUPIL REVENUES" HAS THE SAME MEANING AS PROVIDED  
24 IN SECTION 22-54-103.

25 (II) "PRESCHOOL ENROLLMENT" MEANS THE NUMBER OF CHILDREN  
26 FOR WHICH A SCHOOL DISTRICT OR DISTRICT CHARTER SCHOOL RECEIVED  
27 FUNDING THROUGH THE "COLORADO PRESCHOOL PROGRAM ACT",

1 ARTICLE 28 OF TITLE 22, AS IT EXISTS BEFORE JULY 1, 2023, FOR THE  
2 2022-23 FISCAL YEAR.

3 (5) A PRESCHOOL PROVIDER THAT RECEIVES FUNDING DISTRIBUTED  
4 PURSUANT TO THIS SECTION SHALL USE THE MONEY ONLY TO PAY THE  
5 COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO ELIGIBLE  
6 CHILDREN ENROLLED BY THE PRESCHOOL PROVIDER OR BY A  
7 SUBCONTRACTED PRESCHOOL PROVIDER AS AUTHORIZED FOR A SCHOOL  
8 DISTRICT IN SUBSECTION (3)(c)(II) OF THIS SECTION. COSTS OF PROVIDING  
9 PRESCHOOL SERVICES INCLUDE:

- 10 (a) TEACHER AND PARAPROFESSIONAL SALARIES AND BENEFITS;
- 11 (b) THE COST OF PROVIDING TO TEACHERS AND  
12 PARAPROFESSIONALS ANY PROFESSIONAL DEVELOPMENT ACTIVITIES  
13 ASSOCIATED WITH THE PRESCHOOL SERVICES;
- 14 (c) THE COSTS INCURRED IN PURCHASING SUPPLIES AND  
15 MATERIALS USED IN PROVIDING THE PRESCHOOL SERVICES;
- 16 (d) ANY ADDITIONAL COSTS THAT A PRESCHOOL PROVIDER WOULD  
17 NOT HAVE INCURRED BUT FOR THE SERVICES PROVIDED IN CONJUNCTION  
18 WITH THE PRESCHOOL SERVICES; AND
- 19 (e) A REASONABLE ALLOCATION OF OVERHEAD COSTS AS  
20 PROVIDED BY DEPARTMENT RULE.

21 **26.5-4-209. Preschool programs cash fund - created - use.**

22 (1) (a) [Formerly 24-22-118 (3)(a)] The preschool programs cash fund  
23 is hereby created in the state treasury. The fund consists of money  
24 credited to the fund pursuant to ~~subsection (2) of this section and~~ SECTION  
25 24-22-118 (2), money transferred to the fund pursuant to section  
26 39-28-116 (6), MONEY ANNUALLY TRANSFERRED TO THE FUND AS  
27 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, AND ANY ADDITIONAL

1 MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE  
2 FUND. The state treasurer shall credit all interest and income derived from  
3 the deposit and investment of money in the preschool programs cash fund  
4 to the fund. The general assembly shall annually appropriate money in the  
5 preschool programs cash fund to a designated department for the purposes  
6 ~~set forth in this subsection (3)~~ THE DEPARTMENT TO IMPLEMENT THE  
7 PRESCHOOL PROGRAM.

8 (b) FOR THE 2023-24 FISCAL YEAR AND EACH FISCAL YEAR  
9 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY TRANSFER TO  
10 THE PRESCHOOL PROGRAMS CASH FUND FROM THE GENERAL FUND OR THE  
11 STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE  
12 STATE CONSTITUTION AN AMOUNT EQUAL TO:

13 (I) THE AMOUNT APPROPRIATED FOR THE STATE SHARE OF TOTAL  
14 PROGRAM AS DESCRIBED IN SECTION 22-54-106 IN THE 2022-23 BUDGET  
15 YEAR THAT WAS ATTRIBUTABLE TO THE TOTAL STATEWIDE PRESCHOOL  
16 PROGRAM ENROLLMENT, AS DEFINED IN SECTION 22-54-103 (9.5) AS IT  
17 EXISTS PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR, INCREASED  
18 ANNUALLY BEGINNING IN THE 2024-25 FISCAL YEAR BY THE RATE OF  
19 INFLATION; PLUS

20 (II) THE DIFFERENCE BETWEEN THE TOTAL AMOUNT OF THE  
21 SPECIAL EDUCATION CONTRIBUTION DESCRIBED IN SECTION 26.5-4-208  
22 (4)(b)(II) FOR ALL SCHOOL DISTRICTS AND CHARTER SCHOOLS FOR THE  
23 APPLICABLE FISCAL YEAR AND AN AMOUNT EQUAL TO THE PER-CHILD RATE  
24 ESTABLISHED FOR THE APPLICABLE FISCAL YEAR FOR PRESCHOOL SERVICES  
25 FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE MULTIPLIED BY  
26 THE NUMBER OF THREE-YEAR-OLD CHILDREN WITH DISABILITIES ENROLLED  
27 IN THE PRESCHOOL PROGRAM FOR THE APPLICABLE FISCAL YEAR.

1           (2) IN ADDITION TO THE MONEY APPROPRIATED FROM THE FUND,  
2 THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE  
3 GIFTS, GRANTS, AND DONATIONS TO IMPLEMENT THE PRESCHOOL  
4 PROGRAM.

5           (3) (a) **[Formerly 24-22-118 (3)(b)]** ~~A designated~~ THE department  
6 shall prioritize ~~its~~ THE use of money APPROPRIATED from the preschool  
7 programs cash fund to ~~expand and enhance the Colorado preschool~~  
8 ~~program or any successor program in order to offer at least ten hours per~~  
9 ~~week of voluntary preschool free of charge to every child in Colorado~~  
10 ~~during the last year of preschool before his or her entry to kindergarten~~  
11 PROVIDE FUNDING FOR TEN HOURS OF VOLUNTARY PRESCHOOL SERVICES  
12 PER WEEK, AT NO CHARGE, TO COLORADO CHILDREN DURING THE SCHOOL  
13 YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO  
14 ENROLL IN KINDERGARTEN AND TO PROVIDE FUNDING FOR PRESCHOOL  
15 SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR  
16 YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(II) AND (3)(a)(III).

17           (b) The ~~designated~~ department shall use ~~the~~ money remaining in  
18 the preschool programs cash fund after the ~~use identified in subsection~~  
19 ~~(3)(b)(I)~~ USES DESCRIBED IN SUBSECTION (3)(a) of this section to provide  
20 additional preschool ~~programming for low-income families and children~~  
21 ~~at risk of entering kindergarten without being school ready~~ SERVICES FOR  
22 CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET AT LEAST  
23 ONE QUALIFYING FACTOR.

24           (4) **[Formerly 24-22-118 (3)(d)]** In furtherance of the purposes set  
25 forth in ~~subsection (3)(b)~~ SUBSECTION (3) of this section and ~~in order~~ to  
26 meet an expansion of ~~current preschool populations, a designated~~  
27 PRESCHOOL POPULATIONS, IN ADDITION TO THE USE DESCRIBED IN

1 SUBSECTION (3)(b) OF THIS SECTION, THE department may use money  
2 REMAINING in the fund AFTER MEETING THE USES DESCRIBED IN  
3 SUBSECTION (3)(a) OF THIS SECTION to ensure the availability of quality,  
4 voluntary ~~mixed-delivery~~ preschool SERVICES PROVIDED THROUGH A  
5 MIXED DELIVERY SYSTEM by means the department deems appropriate  
6 including:

7 (a) Recruiting, training, and retaining early childhood education  
8 professionals;

9 (b) Expanding or improving the staff, facilities, equipment,  
10 technology, and physical infrastructure of ~~preschool programs offered by~~  
11 ~~licensed providers so as~~ PRESCHOOL PROVIDERS to increase preschool  
12 access;

13 (c) Parent and family outreach to facilitate timely and effective  
14 enrollment; and

15 (d) Such other uses as are consistent with and further the purpose  
16 of ~~this section~~ THE PRESCHOOL PROGRAM.

17 (5) [~~Formerly 24-22-118 (3)(e)~~] The ~~designated~~ department may  
18 use money appropriated from the preschool programs cash fund for the  
19 ADMINISTRATIVE costs of a ~~third-party entity that administers the program~~  
20 ~~established on behalf of the designated department in accordance with~~  
21 ~~this subsection (3)~~ LOCAL COORDINATING ORGANIZATIONS.

22 **26.5-4-210. Reporting.** (1) BEGINNING WITH THE HEARING HELD  
23 IN JANUARY OF 2025 AS PART OF THE ANNUAL HEARING HELD PURSUANT  
24 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
25 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
26 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND  
27 EFFECTIVENESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN

1 THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

2 (a) THE NUMBER OF ELIGIBLE CHILDREN SERVED BY PRESCHOOL  
3 PROVIDERS, SPECIFYING:

4 (I) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ONLY  
5 UNIVERSAL PRESCHOOL SERVICES;

6 (II) THE NUMBER OF ELIGIBLE CHILDREN THREE YEARS OF AGE AND  
7 YOUNGER WHO RECEIVED PRESCHOOL SERVICES;

8 (III) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED  
9 ADDITIONAL PRESCHOOL SERVICES;

10 (IV) THE NUMBER AND PERCENTAGE OF ELIGIBLE CHILDREN  
11 ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME  
12 FAMILIES AND WHO MET ONE OR MORE QUALIFYING FACTORS, INCLUDING  
13 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET; AND

14 (V) THE DEMOGRAPHICS OF THE ELIGIBLE CHILDREN ENROLLED IN  
15 THE PRESCHOOL PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE,  
16 ETHNICITY, DISABILITY, AND INCOME;

17 (b) THE NUMBER OF CHILDREN WHO WERE ELIGIBLE TO RECEIVE  
18 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES BUT DID NOT DUE TO  
19 INSUFFICIENT FUNDING AND THE AMOUNT THAT WOULD HAVE FULLY  
20 FUNDED ADDITIONAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN;

21 (c) THE NUMBER OF ELIGIBLE CHILDREN WHO DID NOT ENROLL IN  
22 PRESCHOOL PROVIDERS;

23 (d) THE EXTENT TO WHICH A MIXED DELIVERY SYSTEM OF  
24 PRESCHOOL PROVIDERS IS AVAILABLE AND THE ENROLLMENT CAPACITY OF  
25 THE MIXED DELIVERY SYSTEM THROUGHOUT THE STATE;

26 (e) THE AMOUNT OF FUNDING DISTRIBUTED TO PRESCHOOL  
27 PROVIDERS THROUGH THE PRESCHOOL PROGRAM, IN TOTAL AND

1 DISAGGREGATED BY COMMUNITIES WITH LOCAL COORDINATING  
2 ORGANIZATIONS AND AREAS OF THE STATE THAT DO NOT HAVE LOCAL  
3 COORDINATION ORGANIZATIONS;

4 (f) THE PER-CHILD RATES ESTABLISHED PURSUANT TO SECTION  
5 26.5-4-208 (1) FOR UNIVERSAL PRESCHOOL SERVICES, PRESCHOOL  
6 SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR  
7 YOUNGER, AND ADDITIONAL PRESCHOOL SERVICES FOR THE FISCAL YEAR  
8 WITH AN EXPLANATION OF THE FORMULAS FOR DETERMINING THE  
9 PER-CHILD RATES;

10 (g) OF THE AMOUNT APPROPRIATED FROM THE PRESCHOOL  
11 PROGRAMS CASH FUND, THE AMOUNT, EXPRESSED AS A DOLLAR AMOUNT  
12 AND A PERCENTAGE OF THE TOTAL APPROPRIATION, THAT:

13 (I) WAS DISTRIBUTED TO FUND UNIVERSAL PRESCHOOL SERVICES;

14 (II) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR  
15 ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER;

16 (III) WAS DISTRIBUTED TO FUND ADDITIONAL PRESCHOOL  
17 SERVICES;

18 (IV) WAS DISTRIBUTED FOR SPECIFIED PURPOSES PURSUANT TO  
19 SECTION 26.5-4-208 (1)(d) WITH AN EXPLANATION OF EACH SPECIFIED  
20 PURPOSE AND THE PRESCHOOL PROVIDERS OR COMMUNITIES THAT  
21 RECEIVED THE DISTRIBUTIONS;

22 (V) IS ATTRIBUTABLE TO EACH WEIGHTING FACTOR, IF ANY,  
23 INCLUDED IN THE FORMULAS CREATED PURSUANT TO SECTION 26.5-4-208  
24 (1); AND

25 (VI) WAS SPENT ON ADMINISTRATIVE EXPENSES OF THE  
26 DEPARTMENT AND EACH LOCAL COORDINATING ORGANIZATION;

27 (h) THE NUMBER OF ELIGIBLE CHILDREN FOR WHOM ADDITIONAL

1 PRESCHOOL SERVICES OR OTHER FULL-DAY PRESCHOOL SERVICES WERE  
2 PROVIDED USING RESOURCES OTHER THAN THE MONEY DISTRIBUTED  
3 THROUGH THE PRESCHOOL PROGRAM AND THE SOURCES OF THOSE  
4 RESOURCES;

5 (i) QUANTITATIVE DATA, AND QUALITATIVE DATA IF AVAILABLE,  
6 INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE,  
7 DEMONSTRATING THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN  
8 IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN  
9 WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM,  
10 INCLUDING THE RESULTS OF THE INDEPENDENT EVALUATION CONDUCTED  
11 PURSUANT TO SECTION 26.5-4-207 (2);

12 (j) THE CHANGES, IF ANY, IN THE AVAILABILITY OF CHILD CARE FOR  
13 INFANTS AND TODDLERS, STATEWIDE AND WITHIN COMMUNITIES OR  
14 AREAS, FOLLOWING IMPLEMENTATION OF THE PRESCHOOL PROGRAM;

15 (k) ANY OTHER INFORMATION THAT INDICATES THE  
16 EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN SERVING ELIGIBLE  
17 CHILDREN THROUGHOUT THE STATE; AND

18 (l) ANY RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY  
19 CHANGES TO IMPROVE THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM.

20 (2) THE DEPARTMENT MAY REQUEST AND LOCAL COORDINATING  
21 ORGANIZATIONS AND PRESCHOOL PROVIDERS SHALL PROVIDE  
22 INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE  
23 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

24 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE  
25 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT  
26 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

1 PART 3

2 KINDERGARTEN READINESS ONLINE PILOT PROGRAM

3 **26.5-4-301. Legislative declaration.** (1) THE GENERAL  
4 ASSEMBLY FINDS AND DECLARES THAT:

5 (a) ALL CHILDREN IN THE YEAR BEFORE THEY ARE ELIGIBLE TO  
6 ENROLL IN KINDERGARTEN SHOULD HAVE ACCESS TO SOCIAL-EMOTIONAL  
7 AND ACADEMIC SUPPORTS THAT ARE IMPORTANT FOR SCHOOL READINESS;

8 (b) THE STATE SHOULD PROVIDE A WIDE RANGE OF CHOICES FOR  
9 FAMILIES TO ACCESS KINDERGARTEN READINESS SUPPORTS, INCLUDING  
10 THE OPTION FOR ONLINE KINDERGARTEN READINESS PROGRAMS; AND

11 (c) TO RECEIVE STATE FUNDING, AN ONLINE KINDERGARTEN  
12 READINESS PROGRAM SHOULD DEMONSTRATE STRONG EVIDENCE OF  
13 EFFECTIVENESS IN TEACHING A DIVERSE ARRAY OF CHILDREN, PROVIDE  
14 EVIDENCE-BASED ONLINE CURRICULUM, INCORPORATE FAMILY  
15 ENGAGEMENT, AND UNDERGO PERIODIC EVALUATION TO MEASURE  
16 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

17 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO BEST  
18 SERVE ALL FAMILIES, IT IS APPROPRIATE FOR THE STATE TO SUPPORT AN  
19 ONLINE KINDERGARTEN READINESS PILOT PROGRAM AS A CHOICE FOR  
20 PARENTS WHO SEEK TO ACCESS ACADEMIC AND READINESS SUPPORT  
21 SERVICES FOR THEIR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN  
22 ELIGIBILITY.

23 **26.5-4-302. Online kindergarten readiness pilot program -**  
24 **created- survey - provider selection - funding.** (1) THERE IS CREATED  
25 IN THE DEPARTMENT THE ONLINE KINDERGARTEN READINESS PILOT  
26 PROGRAM, REFERRED TO IN THIS PART 3 AS THE "PILOT PROGRAM", TO  
27 PROVIDE FUNDING FOR A VOLUNTARY, ONLINE KINDERGARTEN READINESS

1 PROGRAM THAT SERVES CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR  
2 KINDERGARTEN ENROLLMENT. THE PURPOSES OF THE PILOT PROGRAM ARE  
3 TO:

4 (a) HELP ENSURE THAT, IN THE YEAR BEFORE ELIGIBILITY FOR  
5 KINDERGARTEN ENROLLMENT, CHILDREN RECEIVE PERSONALIZED, ONLINE  
6 SUPPORT IN READING, MATHEMATICS, AND SCIENCE THAT IS  
7 DEVELOPMENTALLY APPROPRIATE;

8 (b) PROVIDE TRAINING FOR PARENTS AND OTHER FAMILY MEMBERS  
9 TO HELP THEM ASSIST THEIR CHILDREN IN LEARNING; AND

10 (c) RAISE THE LEVEL OF KINDERGARTEN READINESS FOR ALL  
11 CHILDREN, INCLUDING CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

12 (2) THE DEPARTMENT SHALL CONDUCT A STATEWIDE SURVEY TO  
13 DETERMINE THE NUMBER OF FAMILIES WHO WOULD BE INTERESTED IN  
14 PARTICIPATING IN THE PILOT PROGRAM. THE DEPARTMENT SHALL COMPILE  
15 AND SUBMIT THE RESULTS OF THE SURVEY BY DECEMBER 1, 2022, TO THE  
16 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE OFFICE  
17 OF STATE PLANNING AND BUDGETING.

18 (3) (a) THE DEPARTMENT SHALL ISSUE A REQUEST FOR PROPOSALS  
19 FOR A PROVIDER TO MAKE AN ONLINE KINDERGARTEN READINESS  
20 PROGRAM AVAILABLE TO FAMILIES STATEWIDE. AT A MINIMUM, A  
21 PROVIDER MUST DEMONSTRATE:

22 (I) THE ABILITY TO PROVIDE TECHNOLOGY TO FAMILIES THAT  
23 CHOOSE TO PARTICIPATE IN THE ONLINE PROGRAM BUT DO NOT HAVE THE  
24 APPROPRIATE TECHNOLOGY TO BE ABLE TO DO SO;

25 (II) THE USE OF A CURRICULUM THAT IS DEVELOPMENTALLY  
26 APPROPRIATE AND EVIDENCE BASED AND HAS DEMONSTRATED  
27 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN;

1 (III) STRONG EVIDENCE OF THE EFFECTIVENESS OF THE PROVIDER'S  
2 ONLINE KINDERGARTEN READINESS PROGRAM OVERALL IN PREPARING  
3 CHILDREN TO LEARN IN KINDERGARTEN AND IN DEVELOPING STRONG  
4 SOCIAL-EMOTIONAL SKILLS IN CHILDREN WHO PARTICIPATE IN THE  
5 PROGRAM; AND

6 (IV) AN EFFECTIVE PLAN FOR RECRUITING FAMILIES FROM DIVERSE  
7 BACKGROUNDS IN ALL GEOGRAPHIC AREAS OF THE STATE TO  
8 VOLUNTARILY ENROLL IN THE PROGRAM.

9 (b) BY MARCH 15, 2023, BASED ON THE PROPOSALS RECEIVED, THE  
10 DEPARTMENT SHALL SELECT AND CONTRACT WITH A SINGLE PROVIDER TO  
11 PROVIDE AN ONLINE KINDERGARTEN READINESS PROGRAM. AT A  
12 MINIMUM, THE CONTRACT MUST REQUIRE THE PROVIDER TO PROVIDE  
13 STATEWIDE NOTICE OF THE AVAILABILITY OF THE ONLINE KINDERGARTEN  
14 READINESS PROGRAM AND BEGIN ENROLLING FAMILIES, FREE OF CHARGE,  
15 FOR THE 2023-24 SCHOOL YEAR.

16 **26.5-4-303. Reporting.** (1) BEGINNING WITH THE HEARING HELD  
17 IN JANUARY OF 2025, AS PART OF THE ANNUAL HEARING HELD PURSUANT  
18 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
19 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
20 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION OF  
21 THE PILOT PROGRAM, INCLUDING:

22 (a) THE NUMBER OF CHILDREN ENROLLED IN THE PILOT PROGRAM  
23 FOR THE PRECEDING FISCAL YEAR;

24 (b) THE NUMBER AND PERCENTAGE OF CHILDREN ENROLLED IN THE  
25 PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET  
26 ONE OR MORE OF THE QUALIFYING FACTORS ESTABLISHED IN DEPARTMENT  
27 RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), INCLUDING

1 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET;

2 (c) THE DEMOGRAPHICS OF THE CHILDREN ENROLLED IN THE PILOT  
3 PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY,  
4 DISABILITY, AND INCOME;

5 (d) QUANTITATIVE AND, TO THE EXTENT AVAILABLE, QUALITATIVE  
6 DATA, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE  
7 AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PILOT PROGRAM  
8 IN IMPROVING THE OVERALL LEARNING AND KINDERGARTEN READINESS OF  
9 CHILDREN ENROLLED IN THE PILOT PROGRAM; AND

10 (e) ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE  
11 THE EFFECTIVENESS OF THE PILOT PROGRAM IN PREPARING CHILDREN TO  
12 LEARN IN KINDERGARTEN.

13 (2) THE DEPARTMENT MAY REQUEST AND THE PROVIDER SHALL  
14 PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE  
15 THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

16 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE  
17 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT  
18 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

19 **26.5-4-304. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE  
20 JULY 1, 2029.

21 **ARTICLE 5**

22 **Quality Improvement Initiatives**

23 **PART 1**

24 **QUALITY IMPROVEMENT**

25 **26.5-5-101. Colorado shines quality rating and improvement**  
26 **system - created.** (1) [Formerly 26-6.5-106 (5)] The Colorado shines  
27 quality rating and improvement system, referred to in this ~~section~~ PART 1

1 as the "Colorado shines system", ~~shall~~ IS CREATED IN THE DEPARTMENT  
2 TO measure the level of preparedness of and quality of services provided  
3 by an early childhood education program to prepare children to enter  
4 elementary school. The Colorado shines system ~~shall~~ MUST:

5 (a) Measure and support the elements of quality of an early  
6 childhood education program, including, but not limited to:

7 (I) The quality of the learning environment;

8 (II) The quality of adult-child interactions;

9 (III) Adult-to-child ratios;

10 (IV) Provider training and education, including recognized  
11 credentials through the ~~state~~ department's voluntary credentialing system  
12 developed pursuant to ~~section 26-6.5-107~~ SECTION 26.5-6-102; and

13 (V) Parent-involvement activities at the early care and education  
14 facility;

15 (b) Be variable to inform parents, counties, and other purchasers  
16 of early childhood education about the level of quality at an early  
17 childhood education program in a simple and easy-to-understand manner;

18 (c) Be supported by statistically valid research as a reliable  
19 measure of quality of an early childhood education program;

20 (d) Include a quality improvement plan that facilitates goal setting  
21 and planning related to improving program quality over time; and

22 (e) Have demonstrated effectiveness at improving the level of  
23 quality of early childhood education programs in geographically diverse  
24 Colorado communities.

25 (2) THE DEPARTMENT SHALL PERIODICALLY REVIEW AND REVISE  
26 THE QUALITY STANDARDS ESTABLISHED FOR THE COLORADO SHINES  
27 SYSTEM WITH THE GOAL OF ALIGNING THOSE STANDARDS WITH THE

1 QUALITY STANDARDS ESTABLISHED PURSUANT TO SECTION 26.5-4-205 FOR  
2 PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO UNIVERSAL  
3 PRESCHOOL PROGRAM.

4 **26.5-5-102. School-readiness quality improvement program -**  
5 **created - rules.** (1) [Formerly 26-6.5-106 (3)] On and after July 1,  
6 2018, and continuing thereafter subject to sufficient and available federal  
7 funding, there is created the school-readiness quality improvement  
8 program, referred to in this section as the "program", which is  
9 administered by the department as part of the Colorado shines ~~quality~~  
10 ~~rating and improvement~~ system. The ~~state~~ department shall award  
11 school-readiness quality improvement funding to eligible early childhood  
12 councils identified or established throughout the state pursuant to ~~section~~  
13 ~~26-6.5-103~~ SECTION 26.5-2-203. THE DEPARTMENT SHALL AWARD  
14 school-readiness quality improvement funding ~~shall be awarded~~ to  
15 improve the school readiness of children five years of age and younger  
16 who are enrolled in early childhood education programs. THE  
17 DEPARTMENT SHALL AWARD school-readiness quality improvement  
18 funding ~~shall be awarded~~ to eligible early childhood councils based ~~upon~~  
19 ON allocations made at the discretion of the ~~state~~ department and subject  
20 to available funding. Nothing in this section or in any rules promulgated  
21 pursuant to this section creates a legal entitlement in any early childhood  
22 council to school-readiness quality improvement funding. Money  
23 awarded must be used to improve the school readiness of children, five  
24 years of age and younger, cared for in early childhood education  
25 programs.

26 (2) [Formerly 26-6.5-106 (3.5)] Communities throughout the state  
27 that do not have an early childhood council may identify an existing early

1 childhood council in another community or establish a new early  
2 childhood council pursuant to ~~sections 26-6.5-103.3 and 26-6.5-103.5~~  
3 SECTIONS 26.5-2-204 AND 26.5-2-205 to work toward the development  
4 and implementation of a comprehensive early childhood system to ensure  
5 the school readiness of young children in the community.

6 (3) [Formerly 26-6.5-106 (4)] (a) An early childhood council  
7 seeking school-readiness quality improvement funding from the state  
8 department pursuant to this section ~~shall~~ MUST apply directly to the state  
9 department in the manner specified by DEPARTMENT rule. ~~of the state~~  
10 ~~board~~. An early childhood council applying for school-readiness quality  
11 improvement funding pursuant to this section ~~shall~~ MUST develop and  
12 submit a school-readiness plan to improve the school readiness of  
13 children in the community as described in ~~subsection (6)~~ SUBSECTION (5)  
14 of this section and shall meet any additional eligibility requirements  
15 specified by DEPARTMENT rule. ~~of the state board~~.

16 (b) Early childhood councils that receive school-readiness quality  
17 improvement funding pursuant to this section shall prioritize the  
18 distribution of the money to participating early childhood education  
19 programs that serve children five years of age or younger with risk factors  
20 associated with not being school ready, including but not limited to  
21 children living in low-income families, as specified by DEPARTMENT rule.  
22 ~~of the state board~~.

23 (4) [Formerly 26-6.5-106 (4.5)] (a) The state department may  
24 provide technical assistance and financial incentives to:

25 (I) Programs that are rated in the Colorado shines system at a level  
26 one or two to support the programs in advancing to a level three or higher  
27 quality level; and

1 (II) Programs that are rated in the Colorado shines system at a  
2 level three, four, or five to support the programs in maintaining a high  
3 quality level or advancing to a higher quality level.

4 (b) The early childhood council may support the ~~state~~ department  
5 with the assistance described in ~~subsection (4.5)(a)~~ SUBSECTION (4)(a) of  
6 this section by providing local community outreach and engagement  
7 strategies.

8 (5) **[Formerly 26-6.5-106 (6)]** Each early childhood council  
9 seeking to apply for school-readiness quality improvement funding  
10 pursuant to this section ~~shall~~ MUST prepare and submit to the ~~state~~  
11 department a three-year school-readiness plan that outlines strategies to  
12 improve the school readiness of children. The school-readiness plan, at  
13 a minimum, must include:

14 (a) A narrative that demonstrates the need to improve quality and  
15 increase the capacity for early childhood education programs in its service  
16 area;

17 (b) A plan that describes how the early childhood council will  
18 target and recruit programs that are rated in the Colorado shines system  
19 at a level one or higher. The early childhood council must target and  
20 recruit programs to increase the access and availability of quality child  
21 care for children participating in the Colorado child care assistance  
22 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE  
23 4 OF THIS TITLE 26.5. If the early childhood council received  
24 school-readiness quality improvement funding prior to the 2020-21 fiscal  
25 year, the early childhood council shall amend the three-year school  
26 readiness plan to comply with the requirements of this section.

27 (c) Strategies developed jointly with community partners to

1 include, at a minimum, county departments of human or social services  
2 to target school-readiness quality improvement funding to improve the  
3 level of quality at participating early childhood education programs.

4 ~~(d) (Deleted by amendment, L. 2018.)~~

5 (6) [Formerly 26-6.5-106 (7)] (a) The ~~state board~~ EXECUTIVE  
6 DIRECTOR shall promulgate rules for the implementation of this section,  
7 including but not limited to rules that:

8 (I) Specify the procedure by which an early childhood council  
9 may apply for school-readiness quality improvement funding pursuant to  
10 the program; and

11 (II) Specify the manner in which school-readiness quality  
12 improvement funding is distributed to early childhood councils, ensuring  
13 an equitable distribution between rural and urban communities; and

14 (III) Identify any additional eligibility requirements for early  
15 childhood councils seeking school-readiness quality improvement  
16 funding.

17 (b) At a minimum, the rules promulgated pursuant to this  
18 ~~subsection (7)~~ SUBSECTION (6) must identify a specific and measurable  
19 level of improvement in the Colorado shines system that an early  
20 childhood education program must achieve within each Colorado shines  
21 rating cycle in order to continue receiving school-readiness quality  
22 improvement funding, as well as the eligibility criteria for continued  
23 participation in the program. IN ADDITION, THE DEPARTMENT BY RULE  
24 MAY REQUIRE PRESCHOOL PROVIDERS TO ATTAIN WITHIN A COLORADO  
25 SHINES RATING CYCLE SPECIFIC AND MEASURABLE IMPROVEMENT ON THE  
26 QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PURSUANT  
27 TO SECTION 26.5-4-205.

1           (7) [Formerly 26-6.5-106 (8)] (a) The school-readiness quality  
2 improvement program is funded using federal child care development  
3 fund money or other federal or state money annually appropriated for the  
4 program. The ~~state~~ department shall allocate the money to the eligible  
5 early childhood councils for distribution to early childhood education  
6 programs, as provided in this section.

7           (b) If money is required to match the federal child care  
8 development funds, such matching money may be from, but need not be  
9 limited to, general fund money appropriated by the general assembly,  
10 local money, or private matching money. The general assembly is not  
11 obligated to appropriate general fund money if private matching money  
12 is not available or later becomes unavailable.

13           (c) The ~~state~~ department is authorized to enter into a sole-source  
14 contract with an organization to provide the following:

- 15           (I) Quality rating assessments;
- 16           (II) Technical assistance for early childhood education programs;
- 17           (III) Community infrastructure and resource development for  
18 improving the quality of early childhood education;
- 19           (IV) Parent and consumer education on the importance of quality  
20 early childhood education; and
- 21           (V) Professional development activities.

22           (8) [Formerly 26-6.5-106 (9)] (a) Each early childhood council  
23 shall submit a report to the ~~state~~ department on or before August 15,  
24 2019, and on or before August 15 each year thereafter. The report must  
25 address the quality improvement of the participating early childhood  
26 education programs and the overall effectiveness of the Colorado shines  
27 system at IN preparing children with identified risk factors for school. At

1 a minimum, the report must address:

2 (I) The number of early childhood education programs and  
3 children who participated in the Colorado shines system, including the  
4 number of children five years of age or younger served as a result of the  
5 school-readiness quality improvement funding in home-based programs  
6 and in center-based programs;

7 (II) The baseline quality ratings of each participating early  
8 childhood education program for each Colorado shines rating cycle;

9 (III) An analysis and explanation of the quality improvement  
10 strategies undertaken at each early childhood education program;

11 (IV) The barriers to quality improvement that were encountered;  
12 and

13 (V) Any other data required by the ~~state~~ department.

14 (b) (I) ~~Notwithstanding section 24-1-136 (11)(a)(I),~~ On or before  
15 December 1, 2019, and on or before December 1 every three years  
16 thereafter, the ~~state~~ department, or any private entity with which the ~~state~~  
17 department is authorized to contract for this purpose, shall submit a  
18 consolidated statewide report, based upon the reports prepared and  
19 submitted by the early childhood councils, addressing the items set forth  
20 in ~~subsection (9)(a)~~ SUBSECTION (8)(a) of this section to the early  
21 childhood and school readiness legislative commission and to the  
22 members of the education committees of the house of representatives and  
23 the senate, ~~of the general assembly,~~ or any successor ~~committee~~  
24 COMMITTEES.

25 (II) Notwithstanding section 24-1-136 (11)(a)(I), the report  
26 required in ~~subsection (9)(b)(I)~~ SUBSECTION (8)(b)(I) of this section  
27 continues indefinitely.

1 (c) Reporting early childhood councils, as well as the ~~state~~  
2 department or any private entity with which it may contract for reporting  
3 purposes, may draw upon the evaluations and studies prepared by a  
4 nationally recognized research firm to report on the school readiness of  
5 children in quality-rated early childhood education programs.

6 (d) Each early childhood council shall work with state and local  
7 agencies, such as school districts, to support efforts to track, through high  
8 school graduation, the future academic performance of children who  
9 receive services from early childhood education programs that receive  
10 funding pursuant to this section.

11 **26.5-5-103. [Formerly 26-6.5-104.5.] Quality evaluation and**  
12 **improvement of early childhood care and education programs - use**  
13 **of Colorado works money.** Counties are urged to partner with for-profit  
14 or not-for-profit organizations that evaluate the quality of early childhood  
15 care and education programs in the early childhood councils and assign  
16 ratings ~~thereto~~ in an effort to assess the success of such programs and to  
17 improve the ultimate delivery of early childhood care and education.  
18 Counties so partnering are further encouraged to match private  
19 investments in such early childhood care and education programs with  
20 county block grant ~~moneys~~ MONEY for Colorado works pursuant to part  
21 7 of article 2 of ~~this title~~ TITLE 26 and federal child care development  
22 funds in an effort to improve the overall quality of those programs.  
23 Counties so partnering are further encouraged to expend local funds to  
24 promote the objectives of this part 1 and improve the delivery of early  
25 childhood services, including the continuation of those funding sources  
26 developed to support pilot site agency activities.

27

PART 2

1 COLORADO INFANT AND TODDLER QUALITY  
2 AND AVAILABILITY GRANT PROGRAM

3 **26.5-5-201. [Formerly 26-6.7-101] Short title.** ~~This article shall~~  
4 ~~be known and may be cited as the~~ THE SHORT TITLE OF THIS PART 2 IS THE  
5 "Colorado Infant and Toddler Quality and Availability Grant Program".

6 **26.5-5-202. [Formerly 26-6.7-102] Definitions.** As used in this  
7 ~~article 6.7~~ PART 2, unless the context otherwise requires:

8 (1) "Colorado child care assistance program" or "CCCAP" means  
9 the Colorado child care assistance program created in ~~part 8 of article 2~~  
10 ~~of this title 26~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5.

11 ~~(1.3)~~ (2) "Colorado shines system" means the Colorado shines  
12 quality rating and improvement system established in ~~section 26-6.5-106~~  
13 SECTION 26.5-5-101.

14 ~~(2)~~ (3) "County department" means a county or district department  
15 of human or social services.

16 ~~(3)~~ (4) "Early childhood council" means an early childhood  
17 council established pursuant to ~~part 1 of article 6.5 of this title~~ PART 2 OF  
18 ARTICLE 2 OF THIS TITLE 26.5.

19 ~~(4)~~ (5) "Early childhood education program" means a ~~licensed~~  
20 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~  
21 ~~PART 3 OF THIS ARTICLE 5~~ that provides child care and education to infants  
22 and toddlers living in low-income families.

23 ~~(5)~~ (6) "Grant program" means the Colorado infant and toddler  
24 quality and availability grant program created in ~~section 26-6.7-103~~  
25 SECTION 26.5-5-203.

26 ~~(6) Repealed.~~

27 **26.5-5-203. [Formerly 26-6.7-103] Colorado infant and toddler**

1 **quality and availability grant program - creation.** Subject to available  
2 appropriations, there is hereby created in the state department the  
3 Colorado infant and toddler quality and availability grant program. Grants  
4 are awarded through the Colorado shines system to improve quality in  
5 licensed infant and toddler care and increase the number of low-income  
6 infants and toddlers served through high-quality early childhood  
7 education programs, as well as promote voluntary family partnerships, as  
8 determined for the Colorado shines system. A program is considered  
9 "high quality" if it is rated in the top three levels of the state's Colorado  
10 shines system. Early childhood councils may apply for money through the  
11 state department, which administers the program as part of the Colorado  
12 shines system. An early childhood education program that is within the  
13 service area of an early childhood council may apply to the early  
14 childhood council for money that would allow the program to increase the  
15 number of infants and toddlers living in low-income families served  
16 through high-quality early childhood education programs.

17 **26.5-5-204. [Formerly 26-6.7-104] Eligibility for grants -**  
18 **applications - deadlines.** (1) The state department shall develop an  
19 application process and issue a request for proposals for the grant  
20 program, including notification of available money to early childhood  
21 councils, eligibility criteria, proposal requirements, and award criteria.

22 (2) An applicant to the grant program is eligible for a grant award  
23 pursuant to this ~~article 6.7~~ PART 2 if:

24 (a) The application is made by an early childhood council and  
25 includes strategies developed jointly with community partners, including,  
26 at a minimum, county departments of human or social services. If an early  
27 childhood council serves more than one county, it may submit a single

1 application for the counties that make up its designated service area.

2 (b) The early childhood education programs to which the grant  
3 money will be distributed have achieved a quality rating pursuant to the  
4 Colorado shines system of at least a level two, or are licensed programs  
5 with a demonstrated hardship that are actively working toward achieving  
6 a Colorado shines system level two rating, and have fiscal agreements  
7 with CCCAP;

8 (c) The early childhood council demonstrates a need and provides  
9 a plan to improve quality and increase the capacity for early childhood  
10 education programs that serve infants and toddlers three years of age or  
11 younger in its designated service area. The early childhood education  
12 programs may be home-based or center-based.

13 (d) The applicant meets any other criteria set forth in the  
14 application process developed pursuant to this section.

15 (e) ~~(Deleted by amendment, L. 2018.)~~

16 (3) Subject to available appropriations, the ~~state~~ department shall  
17 review applications and determine which applicants will receive grants  
18 and the amount of each grant.

19 **26.5-5-205. [Formerly 26-6.7-105] Reporting requirements.**

20 (1) No later than August 15 each year, an early childhood council that  
21 ~~received the~~ RECEIVES A grant shall provide the ~~state~~ department with an  
22 annual report concerning the outcomes of the grant. The report must  
23 include, at a minimum:

24 (a) A summary of data received from early childhood education  
25 programs that received grant money;

26 (b) The number of infants and toddlers under three years of age  
27 served because of the grant program in home-based programs and the

- 1 number served in center-based programs;
- 2 (c) The length of time services were provided;
- 3 (d) A detailed description of quality improvements made using
- 4 grant ~~moneys~~ MONEY;
- 5 (e) A description of how the grantee's program met the stated
- 6 outcomes in its application;
- 7 (f) A summary of the number of jobs created through the grant
- 8 program; and
- 9 (g) Any other data required by the ~~state~~ department.
- 10 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before
- 11 December 1, 2014, and each December 1 thereafter, the ~~state~~ department
- 12 shall provide a written report on the grant program to the public health
- 13 care and human services committee of the house of representatives and
- 14 the health and human services committee of the senate, or any successor
- 15 committees. The report must include a summary of the data received
- 16 pursuant to subsection (1) of this section, the total amount of grants and
- 17 grant ~~moneys~~ MONEY awarded, and the total increase in the number of
- 18 infants and toddlers under three years of age served by the grant program.

19 PART 3

20 CHILD CARE LICENSING

21 **26.5-5-301. [Formerly 26-6-101] Short title.** ~~This part 1 shall be~~

22 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 3 IS the "Child

23 Care Licensing Act".

24 **26.5-5-302. [Formerly 26-6-101.4] Legislative declaration**

25 **concerning the protections afforded by regulation.** (1) The general

26 assembly finds and declares that increasing numbers of children in

27 Colorado are spending a significant portion of their day in care settings

1 outside their own homes. ~~In addition, some children are placed in~~  
2 ~~facilities for residential care for their protection and well-being.~~ The  
3 general assembly finds that regulation and licensing of child care facilities  
4 contribute to a safe and healthy environment for children. The provision  
5 of such environment affords benefits to children, their families, their  
6 communities, and the larger society. The general assembly acknowledges  
7 that there is a need to balance accessibility and quality of care when  
8 regulating child care facilities. It is the intent of the general assembly that  
9 those who regulate and those who are regulated work together to meet the  
10 needs of the children, their families, and the child care industry.

11 (2) In balancing the needs of children and their families with the  
12 needs of the child care industry, the general assembly also recognizes the  
13 financial demands with which the department of human services is faced  
14 in its attempt to ensure a safe and sanitary environment for those children  
15 of the state of Colorado who are in child care facilities. In an effort to  
16 reduce the risk to children outside their homes while recognizing the  
17 financial constraints placed upon the department, it is the intent of the  
18 general assembly that the limited resources available be focused primarily  
19 on those child care facilities that have demonstrated that children in their  
20 care may be at higher risk pursuant to ~~section 26-6-107~~ SECTION  
21 26.5-5-316.

22 **26.5-5-303. [Formerly 26-6-102] Definitions - repeal.** As used  
23 in this ~~article 6~~ PART 3, unless the context otherwise requires:

24 (1) "Affiliate of a licensee" means:

25 (a) Any person or entity that owns more than five percent of the  
26 ownership interest in the business operated by the licensee or the  
27 applicant for a license; or

1 (b) Any person who is directly responsible for the care and  
2 welfare of children served; or

3 (c) Any executive, officer, member of the governing board, or  
4 employee of a licensee; or

5 (d) A relative of a licensee, which relative provides care to  
6 children at the licensee's facility or is otherwise involved in the  
7 management or operations of the licensee's facility.

8 (2) "Application" means a declaration of intent to obtain or  
9 continue a license ~~or certificate~~ for a child care facility. ~~or a child~~  
10 ~~placement agency.~~

11 (3) ~~"Certificate" means a legal document granting permission to~~  
12 ~~operate a foster care home or a kinship foster care home.~~

13 (4) ~~"Certification" means the process by which a county~~  
14 ~~department of human or social services, a child placement agency, or a~~  
15 ~~federally recognized tribe pursuant to applicable federal law approves the~~  
16 ~~operation of a foster care home.~~

17 (5) (3) (a) (I) [Formerly 26-6-102 (5) as it exists until July 1,  
18 2024] "Child care center", PRIOR TO JULY 1, 2024, means a facility, by  
19 whatever name known, that is maintained for the whole or part of a day  
20 for the care of five or more children, unless otherwise specified in this  
21 subsection (5)(a) SUBSECTION (3)(a)(I), who are eighteen years of age or  
22 younger and who are not related to the owner, operator, or manager  
23 thereof, whether the facility is operated with or without compensation for  
24 such care and with or without stated educational purposes. The term  
25 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD  
26 care centers, school-age child care centers, before- and after-school  
27 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND

1 summer camps and centers for developmentally disabled children and  
2 those facilities that give twenty-four-hour care for children and includes  
3 those facilities for children under six years of age with stated educational  
4 purposes operated in conjunction with a public, private, or parochial  
5 college or a private or parochial school; except that the term does not  
6 apply to any kindergarten maintained in connection with a public, private,  
7 or parochial elementary school system of at least six grades. or operated  
8 as a component of a school district's preschool program operated pursuant  
9 to article 28 of title 22. The term also includes respite child care centers  
10 the provide care for three or more children or youth, as defined in  
11 subsection (33.5) of this section.

12 (b) (II) The term does not include any facility licensed as a family  
13 child care home, a foster care home, or a specialized group facility that is  
14 licensed to provide care for three or more children pursuant to subsection  
15 (36) of this section but that is providing care for three or fewer children  
16 who are determined to have a developmental disability by a  
17 community-centered board or who are diagnosed with a serious emotional  
18 disturbance. THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1,  
19 2024.

20 (a) (b) [Formerly 26-6-102 (5) as it becomes effective July 1,  
21 2024] "Child care center", ON AND AFTER JULY 1, 2024, means a facility,  
22 by whatever name known, that is maintained for the whole or part of a  
23 day for the care of five or more children, unless otherwise specified in  
24 this subsection (5)(a) SUBSECTION (3)(b), who are eighteen years of age  
25 or younger and who are not related to the owner, operator, or manager  
26 thereof, whether the facility is operated with or without compensation for  
27 such care and with or without stated educational purposes. The term

1 includes, but is not limited to, facilities commonly known as ~~day~~ CHILD  
2 care centers, school-age child care centers, before- and after-school  
3 programs, ~~nursery schools~~, kindergartens, preschools, day camps, AND  
4 summer camps, ~~and centers for developmentally disabled children and~~  
5 ~~those facilities that give twenty-four-hour care for children~~, and includes  
6 those facilities for children under six years of age with stated educational  
7 purposes operated in conjunction with a public, private, or parochial  
8 college or a private or parochial school; except that the term does not  
9 apply to any kindergarten maintained in connection with a public, private,  
10 or parochial elementary school system of at least six grades. ~~or operated~~  
11 ~~as a component of a school district's preschool program operated pursuant~~  
12 ~~to article 28 of title 22. The term also includes respite child care centers~~  
13 ~~that provide care for three or more children or youth, as defined in~~  
14 ~~subsection (33.5) of this section.~~

15 ~~(b) The term does not include any facility licensed as a family~~  
16 ~~child care home, a foster care home, or a specialized group facility that is~~  
17 ~~licensed to provide care for three or more children pursuant to subsection~~  
18 ~~(36) of this section, but that is providing care for three or fewer children~~  
19 ~~who are determined to have an intellectual and developmental disability~~  
20 ~~by a case management agency, as defined in section 25.5-6-1702, or who~~  
21 ~~are diagnosed with a serious emotional disturbance.~~

22 ~~(6) (4) "Child care provider", as used in section 26-6-119 SECTION~~  
23 ~~26.5-5-325, means a licensee, or an affiliate of a licensee, when the~~  
24 ~~licensee holds a license to operate a family child care home pursuant to~~  
25 ~~this part † PART 3.~~

26 ~~(7) "Child placement agency" means any corporation, partnership,~~  
27 ~~association, firm, agency, institution, or person unrelated to the child~~

1 ~~being placed, who places, who facilitates placement for a fee, or who~~  
2 ~~arranges for placement, for care of any child under the age of eighteen~~  
3 ~~years with any family, person, or institution. A child placement agency~~  
4 ~~may place, facilitate placement, or arrange for the placement of a child for~~  
5 ~~the purpose of adoption, treatment, or foster care. The natural parents or~~  
6 ~~guardian of any child who places said child for care with any facility~~  
7 ~~licensed as a "family child care home" or "child care center" as defined~~  
8 ~~by this section shall not be deemed a child placement agency.~~

9 (8) (5) (a) "Children's resident camp" means a facility operating  
10 for three or more consecutive twenty-four-hour days during one or more  
11 seasons of the year for the care of five or more children. The facility ~~shall~~  
12 ~~have~~ HAS as its purpose a group living experience offering education and  
13 recreational activities in an outdoor environment. The recreational  
14 experiences may occur at the permanent camp premises or on trips off the  
15 premises.

16 (b) A children's resident camp ~~shall serve~~ SERVES children who  
17 have completed kindergarten or are six years of age or older through  
18 children younger than nineteen years of age; except that a person nineteen  
19 years of age or twenty years of age may attend a children's resident camp  
20 if, within six months prior to attending the children's resident camp, ~~he or~~  
21 ~~she~~ THE PERSON has attended or has graduated from high school.

22 (9) ~~"Cradle care home" means a facility that is certified by a child~~  
23 ~~placement agency for the care of a child, or children in the case of~~  
24 ~~multiple-birth siblings, who is twelve months of age or younger, in a~~  
25 ~~place of residence for the purpose of providing twenty-four-hour family~~  
26 ~~care for six months or less in anticipation of a voluntary relinquishment~~  
27 ~~of the child or children pursuant to article 5 of title 19, C.R.S., or while~~

1 a county prepares an expedited permanency plan for an infant in its  
2 custody.

3 (10) (a) (I) "Day treatment center" means a facility that:

4 (A) Except as provided in subparagraph (II) of this paragraph (a),  
5 provides less than twenty-four-hour care for groups of five or more  
6 children who are three years of age or older, but less than twenty-one  
7 years of age; and

8 (B) Provides a structured program of various types of  
9 psycho-social and behavioral treatment to prevent or reduce the need for  
10 placement of the child out of the home or community.

11 (II) Nothing in this subsection (10) prohibits a day treatment  
12 center from allowing a person who reaches twenty-one years of age after  
13 the commencement of an academic year from attending an educational  
14 program at the day treatment center through the end of the semester in  
15 which the twenty-first birthday occurs or until the person completes the  
16 educational program, whichever comes first.

17 (b) "Day treatment center" shall not include special education  
18 programs operated by a public or private school system or programs that  
19 are licensed by other rules of the department for less than  
20 twenty-four-hour care of children, such as a child care center.

21 (11) "Department" or "state department" means the state  
22 department of human services.

23 (12) (6) "Exempt family child care home provider" means a family  
24 child care home provider who is exempt from certain provisions of this  
25 part 1 pursuant to section 26-6-103 (1)(i) PART 3 PURSUANT TO SECTION  
26 26.5-5-304 (1)(f).

27 (13) (7) "Family child care home" means a facility for child care

1 OPERATED WITH OR WITHOUT COMPENSATION OR EDUCATIONAL PURPOSES  
2 in a place of residence of a family or person for the purpose of providing  
3 less than twenty-four-hour care for children under the age of eighteen  
4 years who are not related to the head of such home. "Family child care  
5 home" may include infant-toddler child care homes, large child care  
6 homes, experienced provider child care homes, and such other types of  
7 family child care homes designated by ~~rules of the state board pursuant~~  
8 ~~to section 26-6-106 (2)(p)~~ DEPARTMENT RULES PURSUANT TO SECTION  
9 26.5-5-314 (2)(n), as the ~~state board~~ EXECUTIVE DIRECTOR deems  
10 necessary and appropriate.

11 (14) "Foster care home" means a home that is certified by a county  
12 department or a child placement agency pursuant to section 26-6-106.3,  
13 or a federally recognized tribe pursuant to applicable federal law, for  
14 child care in a place of residence of a family or person for the purpose of  
15 providing twenty-four-hour family foster care for a child under the age of  
16 twenty-one years. A foster care home may include foster care for a child  
17 who is unrelated to the head of the home or foster care provided through  
18 a kinship foster care home but does not include noncertified kinship care,  
19 as defined in section 19-1-103. The term includes any foster care home  
20 receiving a child for regular twenty-four-hour care and any home  
21 receiving a child from any state-operated institution for child care or from  
22 any child placement agency, as defined in subsection (7) of this section.  
23 "Foster care home" also includes those homes licensed by the department  
24 of human services pursuant to section 26-6-104 that receive neither  
25 money from the counties nor children placed by the counties.

26 (14.5) (8) "Governing body" means the individual, partnership,  
27 corporation, or association in which the ultimate authority and legal

1 responsibility is vested for the administration and operation of a child  
2 care facility.

3 ~~(15)~~ (9) "Guardian" means a person who is entrusted by law with  
4 the care of a child under eighteen years of age.

5 ~~(16)~~ (10) "Guest child care facility" means a facility operated by  
6 a ski area, as that term is defined in section 33-44-103 (6), ~~C.R.S.~~, where  
7 children are cared for:

8 (a) While parents or persons in charge of such child are  
9 patronizing the ski area;

10 (b) Fewer than ten total hours per day;

11 (c) Fewer than ten consecutive days per year; and

12 (d) Fewer than forty-five days in a calendar year, with thirty or  
13 fewer of such forty-five days occurring in either the winter or summer  
14 months.

15 ~~(17)~~ "Homeless youth shelter" means a facility that, ~~in addition to~~  
16 ~~other services it may provide, provides services and mass temporary~~  
17 ~~shelter for a period of three days or more to youths who are at least eleven~~  
18 ~~years of age, or older, and who otherwise are homeless youth as that term~~  
19 ~~is defined in section 26-5.7-102 (2).~~

20 ~~(18)~~ (11) "ICON" means the computerized database of court  
21 records known as the integrated Colorado online network used by the  
22 state judicial department.

23 ~~(19)~~ "Kin" ~~may be a relative of the child, a person ascribed by the~~  
24 ~~family as having a family-like relationship with the child, or a person that~~  
25 ~~has a prior significant relationship with the child. These relationships take~~  
26 ~~into account cultural values and continuity of significant relationships~~  
27 ~~with the child.~~

1           ~~(20)~~ (12) "Kindergarten" means any facility providing an  
2 educational program for children only for the year preceding their  
3 entrance to the first grade, whether such facility is called a kindergarten,  
4 nursery school, preschool, or any other name.

5           ~~(21)~~ "Kinship foster care home" means a foster care home that is  
6 certified by a county department or a licensed child placement agency  
7 pursuant to section 26-6-106.3 or a federally recognized tribe pursuant to  
8 applicable federal law as having met the foster care certification  
9 requirements and where the foster care of the child is provided by kin.  
10 Kinship foster care providers are eligible for foster care reimbursement.  
11 A kinship foster care home provides twenty-four-hour foster care for a  
12 child or youth under the age of twenty-one years.

13           ~~(22)~~ (13) "License" means a legal document issued pursuant to  
14 this ~~part~~ PART 3 granting permission to operate a child care facility. ~~or~~  
15 ~~child placement agency~~. A license may be in the form of a provisional,  
16 probationary, permanent, or time-limited license.

17           ~~(22.5)~~ (14) "Licensee" means the entity or individual to which a  
18 license is issued and that has the legal capacity to enter into an agreement  
19 or contract, assume obligations, incur and pay debts, sue and be sued in  
20 its own right, and be held responsible for its actions. A licensee may be  
21 a governing body.

22           ~~(23)~~ (15) "Licensing" means ~~except as otherwise provided in~~  
23 ~~subsection (14) of this section~~, the process by which the department  
24 approves a facility ~~or agency~~ for the purpose of conducting business as a  
25 child care facility. ~~or child placement agency~~.

26           ~~(24)~~ "Medical foster care" means a program of foster care that  
27 provides home-based care for medically fragile children and youth who

1 would otherwise be confined to a hospital or institutional setting and  
2 includes, but is not limited to, the following:

3 (a) ~~Infants impacted by prenatal drug and alcohol abuse;~~

4 (b) ~~Children with developmental disabilities which require~~  
5 ~~ongoing medical intervention;~~

6 (c) ~~Children and youth diagnosed with acquired immune~~  
7 ~~deficiency syndrome or human immunodeficiency virus;~~

8 (d) ~~Children with a failure to thrive or other nutritional disorders;~~  
9 and

10 (e) ~~Children dependent on technology such as respirators,~~  
11 ~~tracheotomy tubes, or ventilators in order to survive.~~

12 ~~(25)~~ (16) (a) "Negative licensing action" means a final agency  
13 action resulting in the denial of an application, the imposition of fines, or  
14 the suspension or revocation of a license issued pursuant to this ~~part 1~~  
15 PART 3 or the demotion of such a license to a probationary license.

16 (b) ~~For the purposes of this subsection (25)~~ AS USED IN THIS  
17 SUBSECTION (16), "final agency action" means the determination made by  
18 the department, after AN opportunity for A hearing, to deny, suspend,  
19 revoke, or demote to probationary status a license issued pursuant to this  
20 ~~part 1~~ PART 3 or an agreement between the department and the licensee  
21 concerning the demotion of such a license to a probationary license.

22 ~~(26)~~ (17) (a) "Neighborhood youth organization" means a  
23 nonprofit organization that is designed to serve youth as young as six  
24 years of age and as old as eighteen years of age and that operates  
25 primarily during times of the day when school is not in session and  
26 provides research-based, age-appropriate, and character-building  
27 activities designed exclusively for the development of youth from six to

1 eighteen years of age. These activities ~~shall~~ MUST occur primarily in a  
2 facility leased or owned by the neighborhood youth organization. The  
3 activities ~~shall~~ MUST occur in an environment in which youth have written  
4 parental or legal guardian consent to become a youth member of the  
5 neighborhood youth organization and to arrive at and depart from the  
6 primary location of the activity on their own accord, without supervision  
7 by a parent, legal guardian, or organization.

8 (b) A neighborhood youth organization ~~shall~~ DOES not include  
9 faith-based centers, organizations or programs operated by state or city  
10 parks or special districts, or departments or facilities that are currently  
11 licensed as child care centers. ~~as defined in subsection (5) of this section.~~

12 ~~(27) "Out-of-home placement provider consortium" means a~~  
13 ~~group of service providers that are formally organized and managed to~~  
14 ~~achieve the goals of the county, group of counties, or mental health~~  
15 ~~agency contracting for additional services other than treatment-related or~~  
16 ~~child maintenance services.~~

17 (18) "OCCASIONAL CARE" MEANS CARE OF CHILDREN, WITH OR  
18 WITHOUT COMPENSATION, THAT IS PROVIDED ON AN INFREQUENT AND  
19 IRREGULAR BASIS WITH NO APPARENT PATTERN.

20 ~~(28)~~ (19) "Person" means any corporation, partnership,  
21 association, firm, agency, institution, or individual.

22 ~~(29)~~ (20) "Place of residence" means the place or abode where a  
23 person actually lives and provides child care.

24 (21) "PUBLIC PRESCHOOL PROVIDER" MEANS A SCHOOL DISTRICT,  
25 OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO ARTICLE 30.5 OF TITLE  
26 22, THAT PROVIDES A PRESCHOOL PROGRAM.

27 ~~(30)~~ (22) "Public services short-term child care facility" means a

1 facility that is operated by or for a county department of human or social  
2 services or a court and that provides care for a child:

3 (a) While the child's parent or the person in charge of the child is  
4 conducting business with the county department of human or social  
5 services or participating in court proceedings;

6 (b) Fewer than ten total hours per day;

7 (c) Fewer than fifteen consecutive days per year; and

8 (d) Fewer than forty-five days in a calendar year.

9 ~~(30.3) "Qualified individual" means a trained professional or~~  
10 ~~licensed clinician, as defined in the federal "Family First Prevention~~  
11 ~~Services Act". "Qualified individual" must be approved to serve as a~~  
12 ~~qualified individual according to the state plan. "Qualified individual"~~  
13 ~~must not be an interested party or participant in the juvenile court~~  
14 ~~proceeding and must be free of any personal or business relationship that~~  
15 ~~would cause a conflict of interest in evaluating the child, juvenile, or~~  
16 ~~youth and making recommendations concerning the child's, juvenile's, or~~  
17 ~~youth's placement and therapeutic needs, according to the federal Title~~  
18 ~~IV-E state plan or any waiver in accordance with 42 U.S.C. sec. 675a.~~

19 ~~(30.5) "Qualified residential treatment program" means a licensed~~  
20 ~~and accredited program that has a trauma-informed treatment model that~~  
21 ~~is designed to address the child's or youth's needs, including clinical~~  
22 ~~needs, as appropriate, of children and youth with serious emotional or~~  
23 ~~behavioral disorders or disturbances in accordance with the federal~~  
24 ~~"Family First Prevention Services Act", 42 U.S.C. 672 (k)(4), and is able~~  
25 ~~to implement the treatment identified for the child or youth by the~~  
26 ~~assessment of the child or youth required in section 19-1-115 (4)(c)(i).~~

27 ~~(31) (23) "Related" means any of the following relationships by~~

1 blood, marriage, or adoption: Parent, grandparent, brother, sister,  
2 stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.

3 ~~(32)~~ (24) "Relative" means any of the following relationships by  
4 blood, marriage, or adoption: Parent, grandparent, son, daughter,  
5 grandson, granddaughter, brother, sister, stepparent, stepbrother,  
6 stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

7 ~~(33)~~ "Residential child care facility" means a facility licensed by  
8 the state department pursuant to this part 1 to provide twenty-four-hour  
9 group care and treatment for five or more children operated under private,  
10 public, or nonprofit sponsorship. "Residential child care facility" includes  
11 community-based residential child care facilities, qualified residential  
12 treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,  
13 and therapeutic residential child care facilities as defined in rule by the  
14 state board, and psychiatric residential treatment facilities as defined in  
15 section 25.5-4-103 (19.5). A residential child care facility may be eligible  
16 for designation by the executive director of the state department pursuant  
17 to article 65 of title 27. A child who is admitted to a residential child care  
18 facility must be:

19 (a) Five years of age or older but less than eighteen years of age;

20 or

21 (b) Less than twenty-one years of age and placed by court order  
22 or voluntary placement; or

23 (c) Accompanied by a parent if less than five years of age.

24 ~~(33.5)~~ "Respite child care center" means a facility for the purpose  
25 of providing temporary twenty-four-hour group care for three or more  
26 children or youth who are placed in certified foster care homes or  
27 approved noncertified kinship care homes, and children or youth with

1 ~~open cases through a regional accountable entity. A respite child care~~  
2 ~~center is not a treatment facility, but rather its primary purpose is~~  
3 ~~providing recreational activities, peer engagement, and skill development~~  
4 ~~to the children and youth in its care. A respite child care center serves~~  
5 ~~children and youth from five years of age to twenty-one years of age. A~~  
6 ~~respite child care center may offer care for only part of a day. For~~  
7 ~~purposes of this subsection (33.5), "respite child care" means an alternate~~  
8 ~~form of care to enable caregivers to be temporarily relieved of caregiving~~  
9 ~~responsibilities.~~

10 (34) (25) "Routine medications", as used in ~~section 26-6-119~~  
11 SECTION 26.5-5-325, means any prescribed oral, topical, or inhaled  
12 medication, or unit dose epinephrine, that is administered pursuant to  
13 ~~section 26-6-119~~ SECTION 26.5-5-325.

14 (35) ~~"Secure residential treatment center" means a facility~~  
15 ~~operated under private ownership that is licensed by the department~~  
16 ~~pursuant to this part 1 to provide twenty-four-hour group care and~~  
17 ~~treatment in a secure setting for five or more children or persons up to the~~  
18 ~~age of twenty-one years over whom the juvenile court retains jurisdiction~~  
19 ~~pursuant to section 19-2.5-103 (6) who are committed by a court pursuant~~  
20 ~~to an adjudication of delinquency or pursuant to a determination of guilt~~  
21 ~~of a delinquent act or having been convicted as an adult and sentenced for~~  
22 ~~an act that would be a crime if committed in Colorado, or in the~~  
23 ~~committing jurisdiction, to be placed in a secure facility.~~

24 (35.5) (26) "Sibling" means one or more individuals having one  
25 or both parents in common.

26 (36) (a) ~~"Specialized group facility" means a facility sponsored~~  
27 ~~and supervised by a county department or a licensed child placement~~

1 ~~agency for the purpose of providing twenty-four-hour care for three or~~  
2 ~~more children, but fewer than twelve children, whose special needs can~~  
3 ~~best be met through the medium of a small group. A child who is~~  
4 ~~admitted to a specialized group facility must be:~~

5 ~~(I) At least seven years of age or older but less than eighteen years~~  
6 ~~of age;~~

7 ~~(II) Less than twenty-one years of age and placed by court order~~  
8 ~~or voluntary placement; or~~

9 ~~(III) Accompanied by a parent or legal guardian if less than seven~~  
10 ~~years of age.~~

11 ~~(b) "Specialized group facility" includes specialized group homes~~  
12 ~~and specialized group centers.~~

13 ~~(37) (27) "Substitute child care provider" means a person who~~  
14 ~~provides temporary care for a child or children in a licensed child care~~  
15 ~~facility, including a child care center and a family child care home.~~

16 ~~(37.5) (28) "Substitute placement agency" means any corporation,~~  
17 ~~partnership, association, firm, agency, or institution that places or that~~  
18 ~~facilitates or arranges placement of short-term or long-term substitute~~  
19 ~~child care providers in licensed child care facilities providing less than~~  
20 ~~twenty-four-hour care.~~

21 ~~(38) (29) "Supervisory employee" means, for purposes of section~~  
22 ~~26-6-103.5 AS USED IN SECTION 26.5-5-307:~~

23 ~~(a) A person directly responsible for managing a guest child care~~  
24 ~~facility and the employees of the facility; or~~

25 ~~(b) A person directly responsible for managing a public services~~  
26 ~~short-term child care facility and the employees of the facility.~~

27 ~~(39) "Therapeutic foster care" means a program of foster care that~~

1 incorporates treatment for the special physical, psychological, or  
2 emotional needs of a child placed with specially trained foster parents, but  
3 does not include medical foster care.

4 (40) "Treatment foster care" means a clinically effective  
5 alternative to residential treatment facilities that combines the treatment  
6 technologies typically associated with more restrictive settings with a  
7 nurturing and individualized family environment.

8 (41) (30) "Youth member" means a youth who is six years of age  
9 through eighteen years of age whose parent or legal guardian has  
10 provided written consent for the youth to participate in the activities of a  
11 neighborhood youth organization and who pays the required dues of the  
12 neighborhood youth organization.

13 **26.5-5-304. [Formerly 26-6-103] Application of part -**  
14 **definition - repeal.** (1) This part + PART 3 does not apply to:

15 (a) Special schools or classes operated primarily for religious  
16 instruction or for a single skill-building purpose, AS DEFINED IN  
17 DEPARTMENT RULE;

18 (b) A child care facility which THAT is approved, certified, or  
19 licensed by any other state agency, or by a federal government department  
20 or agency, which THAT has standards for operation of the facility and  
21 inspects or monitors the facility;

22 (c) Facilities operated in connection with a church, shopping  
23 center, or business where children are cared for during short periods of  
24 time while parents, persons in charge of such children, or employees of  
25 the church, shopping center, or business whose children are being cared  
26 for at such location are attending church services at such location or  
27 shopping, patronizing, or working on the premises of any such business;

1 (d) Occasional care of children that has no apparent pattern and  
2 occurs with or without compensation;

3 (e) The care of a child by a person in ~~his or her~~ THE PERSON'S  
4 private residence when the parent, guardian, or other person having legal  
5 custody of such child gives his consent to such care and when the person  
6 giving such care is not regularly engaged in the business of giving such  
7 care; OR

8 ~~(f) Juvenile courts;~~

9 ~~(g) Repealed.~~

10 ~~(h) Nursing homes which have children as residents.~~

11 ~~(i)~~ (f) (I) An individual who provides less than twenty-four-hour  
12 child care in a place of residence when one of the following conditions is  
13 met:

14 (A) The children being cared for are related ~~as defined in section~~  
15 ~~26-6-102 (31) and (32)~~, to the caregiver, are children who are related to  
16 each other as siblings ~~as defined in section 26-6-102 (35.5)~~, from a single  
17 family that is unrelated to the caregiver, or a combination of such  
18 children; or

19 (B) There are no more than four children being cared for, with no  
20 more than two children under two years of age from multiple families,  
21 regardless of the children's relation to the caregiver.

22 ~~(1.5)~~ (II) An individual providing child care in a place of residence  
23 authorized pursuant to ~~subsection (1)(i)(I)~~ SUBSECTION (1)(f)(I) of this  
24 section shall notify the parents of the children in the individual's care that  
25 the individual is operating under a legal license exemption and that the  
26 state has not verified the health and safety of the care setting or performed  
27 background checks on the individual or anyone else residing in the

1 residence.

2 ~~(1.7)~~ (III) On or before July 1, 2021, and every year thereafter, the  
3 department shall report the number of complaints filed against child care  
4 providers who are claiming an exemption from licensing pursuant to  
5 ~~subsection (1)(i)(I)(B)~~ SUBSECTION (1)(f)(I)(B) of this section.

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

8 (2) ~~For purposes of~~ AS USED IN this section, "short periods of  
9 time" means fewer than three hours in any twenty-four-hour period.

10 (3) A licensee or governing body that ~~HAS HAD ITS LICENSE~~  
11 ~~SUSPENDED PURSUANT TO SECTION 24-4-104~~ OR has received a final  
12 agency action resulting in the ~~suspension or~~ revocation of a license issued  
13 pursuant to this ~~part 1~~ PART 3 is prohibited from operating pursuant to  
14 subsection (1) of this section, except when the children being cared for  
15 are related as defined in ~~section 26-6-102 (31) and (32)~~, to the caregiver.

16 ~~(4) Repealed.~~

17 ~~(5)~~ (4) The department shall provide education and information  
18 in an accessible manner on the state licensing website for child care  
19 providers who are exempt pursuant to this section but are interested in  
20 becoming a licensed child care provider.

21 ~~(6)~~ (5) On or before December 31, 2021, and ongoing thereafter,  
22 the department shall report on the portion of its state child care provider  
23 website that is accessible to families, and in an accessible and prominent  
24 manner, the name and location of any child care provider who is  
25 operating outside the exemptions described in this section and to whom  
26 one or more cease-and-desist orders have been issued. If more than one  
27 cease-and-desist order has been issued to the same provider, the website

1 must include the total number of such orders. This requirement for  
2 website posting for child care providers who are operating outside the  
3 exemptions described in this section must be made public by electronic  
4 means, in a consumer-friendly and easily accessible format, organized by  
5 provider, and include the date or dates of the cease-and-desist order or  
6 orders.

7 **26.5-5-305. Public preschool provider - licensing - rules.**

8 PUBLIC PRESCHOOL PROVIDERS ARE SUBJECT TO THE REQUIREMENTS OF  
9 THIS PART 3. BECAUSE OF THE UNIQUE CIRCUMSTANCES PRESENTED BY  
10 PRESCHOOL CLASSROOMS PROVIDED BY SCHOOL DISTRICTS AND CHARTER  
11 SCHOOLS, WHICH CIRCUMSTANCES DO NOT ARISE IN CLASSROOMS FOR  
12 OLDER CHILDREN AND YOUTH, THE DEPARTMENT SHALL LICENSE PUBLIC  
13 PRESCHOOL PROVIDERS ONLY TO PROTECT THE HEALTH AND SAFETY OF  
14 CHILDREN IN PUBLIC PRESCHOOL CLASSROOMS. NOTWITHSTANDING ANY  
15 PROVISION OF THIS PART 3 TO THE CONTRARY, LICENSING FOR PUBLIC  
16 PRESCHOOL PROVIDERS MUST FOCUS ONLY ON THOSE ASPECTS OF THE  
17 PRESCHOOL PROGRAM AND ENVIRONMENT THAT AFFECT CHILDREN'S  
18 HEALTH AND SAFETY AND ARE NOT ALREADY ACTIVELY REGULATED BY  
19 OTHER FEDERAL OR STATE AGENCIES OR DEPARTMENTS. THE DEPARTMENT  
20 SHALL ALIGN ANY REQUIREMENTS FOR THE LICENSE RELATED TO  
21 QUALIFICATIONS OR CREDENTIALING OF PROGRAM STAFF WITH THE  
22 REQUIREMENTS FOR AN EARLY CHILDHOOD ENDORSEMENT FOR A LICENSE  
23 ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5  
24 OF TITLE 22.

25 **26.5-5-306. [Formerly 26-6-103.3] Substitute child care**  
26 **providers - substitute placement agency - licensing - rules.**

27 (1) Substitute placement agencies are subject to the requirements of this

1 ~~part 1. The state~~ PART 3. THE department shall license substitute  
2 placement agencies to place or facilitate or arrange for the placement of  
3 short-term and long-term substitute child care providers in licensed  
4 facilities providing less than twenty-four-hour care.

5 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
6 for substitute placement agencies and substitute child care providers. At  
7 a minimum, ~~state board~~ THE rules must require that the substitute child  
8 care provider demonstrate that ~~he or she~~ THE PROVIDER has the training  
9 and certification for the child care license type and position in which the  
10 substitute child care provider is placed. Pursuant to ~~section 26-6-107~~  
11 ~~(1)(a)(I)(C)~~ SECTION 26.5-5-316 (1)(a)(I)(C), each substitute child care  
12 provider shall pay for and submit to a fingerprint-based criminal history  
13 record check and a review of the records and reports of child abuse or  
14 neglect maintained by the state department OF HUMAN SERVICES to  
15 determine whether the substitute child care provider has been found to be  
16 responsible in a confirmed report of child abuse or neglect. When the  
17 results of a fingerprint-based criminal history record check or any other  
18 records check performed on a person pursuant to this subsection (2)  
19 reveal a record of arrest without a disposition, the ~~state board~~  
20 DEPARTMENT RULES shall require that person to submit to a name-based  
21 criminal history record check, as defined in section 22-2-119.3 (6)(d). The  
22 substitute placement agency shall not place a substitute child care  
23 provider who is convicted of any of the crimes specified in ~~section~~  
24 ~~26-6-104 (7) or section 26-6-108~~ SECTION 26.5-5-309 (4) OR 26.5-5-317.

25 **26.5-5-307. [Formerly 26-6-103.5] Application of part - guest**  
26 **child care facilities - public services short-term child care facilities -**  
27 **definition.** (1) Guest child care facilities and public services short-term

1 child care facilities ~~shall be~~ ARE subject only to the requirements of this  
2 section and ~~shall~~ ARE otherwise ~~be~~ excluded from the requirements of this  
3 ~~part~~ PART 3. Each guest child care facility and each public services  
4 short-term child care facility shall post a notice in bold print and in plain  
5 view on the premises of the child care facility. The notice ~~shall~~ MUST  
6 specify the telephone number and address of the appropriate division  
7 within the ~~state~~ department for investigating child care facility complaints  
8 and ~~shall~~ MUST state that any complaint about the guest child care  
9 facility's or the public services short-term child care facility's compliance  
10 with these requirements should be directed to such division.

11 (2) A person or entity shall not operate a guest child care facility  
12 or a public services short-term child care facility unless the following  
13 requirements are met:

14 (a) The guest child care facility or public services short-term child  
15 care facility is inspected not less frequently than one time per year by the  
16 department of public health and environment, and it conforms to the  
17 sanitary standards prescribed by such department under the provisions of  
18 section 25-1.5-101 (1)(h); ~~C.R.S.~~;

19 (b) The guest child care facility or public services short-term child  
20 care facility is inspected not less frequently than one time per year by the  
21 local fire department, and it conforms to the fire prevention and  
22 protection requirements of the local fire department in the locality of the  
23 facility, or in lieu thereof, the division of labor standards and statistics;

24 (c) The guest child care facility or public services short-term child  
25 care facility retains, on the premises at all times, the records of the  
26 inspections required by ~~paragraphs (a) and (b) of this subsection~~ (2)  
27 SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION for the current calendar

1 year and the immediately preceding calendar year;

2 (d) The guest child care facility or public services short-term child  
3 care facility retains, on the premises at all times, a record of children  
4 cared for over the course of the current calendar year and the immediately  
5 preceding calendar year;

6 (e) At least one supervisory employee ~~as that term is defined in~~  
7 ~~section 26-6-102 (38)~~, is on duty at the guest child care facility or public  
8 services short-term child care facility at all times when the facility is  
9 operating;

10 (f) (I) The guest child care facility or public services short-term  
11 child care facility requires all supervisory employees of the guest child  
12 care facility or public services short-term child care facility and applicants  
13 for supervisory employee positions at the guest child care facility or  
14 public services short-term child care facility to obtain a fingerprint-based  
15 criminal history check utilizing the Colorado bureau of investigation and,  
16 for supervisory employees hired on or after August 10, 2011, the federal  
17 bureau of investigation and requests the ~~state~~ department to ascertain  
18 whether the person being investigated has been convicted of any of the  
19 criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION  
20 26.5-5-309 (4)(a)(I) or whether the person has been determined to have  
21 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~  
22 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care  
23 facility or public services short-term child care facility prohibits the hiring  
24 of any such person as a supervisory employee or terminates the  
25 employment of any such person as a supervisory employee upon  
26 confirmation of such a criminal history;

27 (H) ~~(Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~

1     ~~560, § 1, effective August 10, 2011.)~~

2           ~~(HH)~~ (II) The guest child care facility or public services short-term  
3 child care facility requests the ~~state~~ department to access records and  
4 reports of child abuse or neglect to determine whether the supervisory  
5 employee or applicant for a supervisory employee position has been  
6 found to be responsible in a confirmed report of child abuse or neglect  
7 and the guest child care facility or public services short-term child care  
8 facility prohibits the hiring of any such person as a supervisory employee  
9 or terminates the employment of any such person as a supervisory  
10 employee. Information shall be made available pursuant to section  
11 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF  
12 HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

13           ~~(HV)~~ (III) (A) The guest child care facility or public services  
14 short-term child care facility requests the ~~state~~ department to obtain a  
15 comparison search on the ICON system at the state judicial department  
16 with the name and date of birth information and any other available  
17 source of criminal history information that the ~~state~~ department  
18 determines is appropriate, whether or not the criminal history background  
19 check confirms a criminal history, in order to determine the crime or  
20 crimes, if any, for which the supervisory employee or applicant for a  
21 supervisory employee position was arrested or convicted and the  
22 disposition thereof; and

23           (B) The guest child care facility or public services short-term child  
24 care facility requests the ~~state~~ department to obtain such information  
25 concerning the supervisory employee or applicant for a supervisory  
26 employee position from any other recognized database, if any, that is  
27 accessible on a statewide basis as set forth by rules promulgated by the

1 ~~state board~~ EXECUTIVE DIRECTOR;

2 ~~(V)~~ (IV) When the results of a fingerprint-based criminal history  
3 record check or any other records check performed pursuant to this  
4 subsection (2)(f) reveal a record of arrest without a disposition, the guest  
5 child care facility or public services short-term child care facility shall  
6 require the supervisory employee or applicant for a supervisory employee  
7 position to submit to a name-based criminal history record check, as  
8 defined in section 22-2-119.3 (6)(d);

9 (g) (I) The guest child care facility or public services short-term  
10 child care facility requires all other employees of the guest child care  
11 facility or public services short-term child care facility to obtain a  
12 fingerprint-based criminal history check utilizing the Colorado bureau of  
13 investigation and, for employees hired on or after August 10, 2011, the  
14 federal bureau of investigation and requests the ~~state~~ department to  
15 ascertain whether the person being investigated has been convicted of any  
16 of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION  
17 26.5-5-309 (4)(a)(I) or whether the person has been determined to have  
18 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~  
19 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care  
20 facility or public services short-term child care facility terminates the  
21 employment of any such person as an employee upon confirmation of  
22 such a criminal history;

23 ~~(H) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~  
24 ~~560, § 1, effective August 10, 2011.)~~

25 ~~(H)~~ (II) The guest child care facility or public services short-term  
26 child care facility requests the ~~state~~ department to access records and  
27 reports of child abuse or neglect to determine whether the employee has

1     been found to be responsible in a confirmed report of child abuse or  
2     neglect and the guest child care facility or public services short-term child  
3     care facility terminates the employment of any such person. Information  
4     shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and  
5     rules promulgated by the state board OF HUMAN SERVICES pursuant to  
6     section 19-3-313.5 (4). ~~C.R.S.~~

7             ~~(IV)~~ (III) (A) The guest child care facility or public services  
8     short-term child care facility requests the ~~state~~ department to obtain a  
9     comparison search on the ICON system at the state judicial department  
10    with the name and date of birth information and any other available  
11    source of criminal history information that the ~~state~~ department  
12    determines is appropriate, whether or not the criminal history background  
13    check confirms a criminal history, in order to determine the crime or  
14    crimes, if any, for which the employee was arrested or convicted and the  
15    disposition thereof; and

16            (B) The guest child care facility or public services short-term child  
17    care facility requests the ~~state~~ department to obtain such information  
18    concerning the employee from any other recognized database, if any, that  
19    is accessible on a statewide basis as set forth by rules promulgated by the  
20    ~~state board~~ EXECUTIVE DIRECTOR; and

21            (h) The guest child care facility or public services short-term child  
22    care facility maintains the following employee-to-child ratios at all times  
23    when the facility is operating:

24            (I) One child care facility employee for every five children ages  
25    six weeks to eighteen months;

26            (II) One child care facility employee for every five children ages  
27    twelve months to thirty-six months;

1 (III) One child care facility employee for every seven children  
2 ages twenty-four months to thirty-six months;

3 (IV) One child care facility employee for every eight children ages  
4 two and one-half years to three years;

5 (V) One child care facility employee for every ten children ages  
6 three years to four years;

7 (VI) One child care facility employee for every twelve children  
8 ages four years to five years;

9 (VII) One child care facility employee for every fifteen children  
10 ages five years of age and older; and

11 (VIII) One child care facility employee for every ten children in  
12 a mixed age group, ages two and one-half years to six years.

13 ~~(2.5)~~(3) In addition to the requirements specified in subsection (2)  
14 of this section, a public services short-term child care facility shall ensure  
15 that at least one employee is on duty at the facility at all times when the  
16 facility is operating who holds a current department-approved first aid  
17 and safety certificate that includes certification in cardiopulmonary  
18 resuscitation training for all ages of children.

19 ~~(3)~~ (4) (a) If the guest child care facility or public services  
20 short-term child care facility refuses to hire a supervisory employee or  
21 terminates the employment of a supervisory employee as a result of  
22 information disclosed in an investigation of the supervisory employee or  
23 applicant ~~therefor pursuant to paragraph (f) of subsection (2)~~ FOR A  
24 SUPERVISORY POSITION PURSUANT TO SUBSECTION (2)(f) of this section,  
25 the guest child care facility or public services short-term child care  
26 facility shall not be subject to civil liability for such refusal to hire.

27 (b) If the guest child care facility or public services short-term

1 child care facility terminates the employment of an employee as a result  
2 of the information disclosed in an investigation of the employee pursuant  
3 to ~~paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section, the  
4 guest child care facility or public services short-term child care facility  
5 shall not be subject to civil liability for such termination of employment.

6 ~~(4)~~ (5) A guest child care facility employee or supervisory  
7 employee applicant who has obtained a fingerprint-based criminal history  
8 check pursuant to ~~paragraph (f) or (g) of subsection (2)~~ SUBSECTION (2)(f)  
9 OR (2)(g) of this section, or pursuant to ~~subsection (5)~~ SUBSECTION (6) of  
10 this section, ~~shall not be~~ IS NOT required to obtain a new fingerprint-based  
11 criminal history check if ~~he or she~~ the EMPLOYEE OR APPLICANT returns  
12 to a guest child care facility to work in subsequent seasons. The ~~state~~  
13 department shall maintain the results of the initial background check and  
14 receive subsequent notification of activity on the record for the purpose  
15 of redetermining, if necessary, whether the employee or supervisory  
16 employee applicant has been convicted of any of the criminal offenses  
17 specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I), or  
18 whether the employee or supervisory employee applicant has a pattern of  
19 misdemeanor convictions as described in ~~section 26-6-108 (8)(b)~~ SECTION  
20 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the  
21 ~~state~~ department for information concerning subsequent convictions, if  
22 any, prior to rehiring such employee.

23 ~~(5)~~ (6) The requirements of ~~paragraphs (f) and (g) of subsection~~  
24 ~~(2)~~ SUBSECTIONS (2)(f) AND (2)(g) of this section ~~shall~~ DO not apply to  
25 those employees of guest child care facilities concerning whom criminal  
26 history background checks were conducted on or after July 1, 2001, and  
27 before July 1, 2002, for purposes of state child care licensure

1 requirements.

2 ~~(6)~~ (7) For purposes of AS USED IN this section, a "guest child care  
3 facility" does not include a ski school. For purposes of AS USED IN this  
4 section, "ski school" means a school located at the ski area in which the  
5 guest child care facility is located for purposes of teaching children how  
6 to ski or snowboard.

7 ~~(7)~~ (8) The state department shall have the authority DEPARTMENT  
8 IS AUTHORIZED to receive, respond to, and investigate any complaint  
9 concerning compliance with the requirements set forth in this ~~part~~ PART  
10 3 for a guest child care facility or a public services short-term child care  
11 facility.

12 **26.5-5-308. [Formerly 26-6-103.7] Application of part -**  
13 **neighborhood youth organizations - rules - licensing - duties and**  
14 **responsibilities - definitions.** (1) Notwithstanding any provision of this  
15 ~~part~~ PART 3 to the contrary, a neighborhood youth organization that is  
16 not otherwise licensed to operate under this ~~part~~ PART 3 may obtain a  
17 neighborhood youth organization license pursuant to this section. A  
18 neighborhood youth organization that obtains a license pursuant to this  
19 section ~~shall be~~ IS subject only to the requirements of this section and  
20 ~~shall~~ IS otherwise be exempt from the requirements of this ~~part~~ PART 3.

21 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
22 to establish a neighborhood youth organization license, including but not  
23 limited to the fee required to apply for and obtain the license. The rules  
24 shall not concern staff-to-youth ratios.

25 (3) A neighborhood youth organization licensed pursuant to this  
26 section and operating in the state of Colorado ~~shall have~~ HAS the  
27 following duties and responsibilities:

1 (a) To inform a parent or legal guardian of the requirements of  
2 this subsection (3) and to post a notice in bold print and in plain view on  
3 the premises of the facility in which the neighborhood youth organization  
4 operates that lists the following information:

5 (I) The requirements of this subsection (3); and

6 (II) The telephone number and address of the appropriate division  
7 within the ~~state~~ department for investigating complaints concerning a  
8 neighborhood youth organization, with the instruction that any complaint  
9 regarding the neighborhood youth organization's compliance with these  
10 requirements be directed to that division;

11 (b) Prior to admitting an interested youth member into the  
12 neighborhood youth organization, to require the youth member's parent  
13 or legal guardian to sign a statement authorizing the youth member to  
14 arrive and depart from the organization without supervision by a parent,  
15 A legal guardian, or the organization;

16 (c) To establish a process to receive and resolve complaints from  
17 parents or legal guardians;

18 (d) To establish a process to report known or suspected child  
19 abuse or neglect to appropriate authorities pursuant to section 19-3-304;  
20 ~~C.R.S.~~;

21 (e) To maintain, either at the neighborhood youth organization or  
22 at a central administrative facility, records for each youth member  
23 admitted into the neighborhood youth organization containing, at a  
24 minimum, the following information:

25 (I) The youth member's full name;

26 (II) The youth member's date of birth;

27 (III) The name, address, and telephone number of a parent or legal

1 guardian of the youth member;

2 (IV) The name and telephone number of at least one emergency  
3 contact person for the youth member; and

4 (V) A parent's or legal guardian's written authorization for the  
5 youth member to attend the neighborhood youth organization;

6 (f) To require a youth member's parent or legal guardian to sign  
7 a statement authorizing the neighborhood youth organization to provide  
8 transportation prior to field trips or to and from the neighborhood youth  
9 organization; and

10 (g) To follow the requirements specified in subsection (4) of this  
11 section for a fingerprint-based or other criminal history record check of  
12 each employee and volunteer who works with or will work with youth  
13 members five or more days in a calendar month.

14 (4) A licensed neighborhood youth organization shall require all  
15 employees and volunteers who work directly with or will work directly  
16 with youth members five or more days in a calendar month to obtain,  
17 prior to employment, and every two years thereafter, one of the following:

18 (a) A fingerprint-based criminal history records check utilizing the  
19 Colorado bureau of investigation and request the ~~state~~ department to  
20 ascertain whether the person being investigated has been convicted of  
21 felony child abuse as specified in section 18-6-401 ~~C.R.S.~~, or a felony  
22 offense involving unlawful sexual behavior as defined in section  
23 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization shall not hire  
24 a person as an employee or approve a person as a volunteer after  
25 confirmation of such a criminal history.

26 (b) A federal bureau of investigation fingerprint-based criminal  
27 history records check utilizing the Colorado bureau of investigation if the

1 employee, volunteer, or applicant has resided in the state of Colorado less  
2 than two years. The neighborhood youth organization shall request the  
3 ~~state~~ department to ascertain whether the person being investigated has  
4 been convicted of felony child abuse as specified in section 18-6-401  
5 ~~€:R:S.~~, or a felony offense involving unlawful sexual behavior as defined  
6 in section 16-22-102 (9). ~~€:R:S.~~ The neighborhood youth organization  
7 shall not hire a person as an employee or approve a person as a volunteer  
8 after confirmation of such a criminal history.

9 (c) A comparison search by the ~~state~~ department on the ICON  
10 system of the state judicial department or a comparison search on any  
11 other database that is recognized on a statewide basis by using the name,  
12 date of birth, and social security number information that the ~~state~~  
13 department determines is appropriate to determine whether the person  
14 being investigated has been convicted of felony child abuse as specified  
15 in section 18-6-401 ~~€:R:S.~~, or a felony offense involving unlawful sexual  
16 behavior as defined in section 16-22-102 (9). ~~€:R:S.~~ The neighborhood  
17 youth organization shall not hire a person as an employee or approve a  
18 person as a volunteer after confirmation of such a criminal history.

19 (d) A separate background check by a private entity regulated as  
20 a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that  
21 ~~shall~~ MUST disclose, at a minimum, sexual offenders and felony  
22 convictions and include a social security number trace, a national criminal  
23 file check, and a state or county criminal file search. The separate  
24 background check ~~shall~~ MUST ascertain whether the person being  
25 investigated has been convicted of felony child abuse as specified in  
26 section 18-6-401 ~~€:R:S.~~, or a felony offense involving unlawful sexual  
27 behavior as defined in section 16-22-102 (9). ~~€:R:S.~~ The neighborhood

1 youth organization shall not hire a person as an employee or approve a  
2 person as a volunteer after confirmation of such a criminal history.

3 (5) A person who visits or takes part in the activities of a licensed  
4 neighborhood youth organization but who is not required to obtain a  
5 criminal history record check pursuant to subsection (4) of this section  
6 ~~shall~~ MUST at all times be under the supervision of an employee or  
7 volunteer who has been hired or approved after obtaining a criminal  
8 history record check pursuant to subsection (4) of this section.

9 (6) The governing board of each licensed neighborhood youth  
10 organization shall adopt minimum standards for operating the licensed  
11 neighborhood youth organization, including but not limited to standards  
12 concerning staff, staff training, health and safety, and mechanisms for  
13 assessing and enforcing the licensed neighborhood youth organization's  
14 compliance with the standards adopted.

15 (7) ~~The state department shall have the authority~~ DEPARTMENT IS  
16 AUTHORIZED to receive, respond to, and investigate any complaint  
17 concerning compliance with the requirements set forth in this section for  
18 a licensed neighborhood youth organization.

19 (8) A licensed neighborhood youth organization ~~shall not be~~ IS  
20 NOT required to obtain or keep on file immunization records for youth  
21 members participating in the organization's activities.

22 (9) As used in this section, unless the context otherwise requires:

23 (a) "Employee" means a paid employee of a neighborhood youth  
24 organization who is eighteen years of age or older.

25 (b) "Volunteer" means a person who volunteers ~~his or her~~  
26 assistance to a neighborhood youth organization and who is eighteen  
27 years of age or older.

1           **26.5-5-309. [Formerly 26-6-104] Licenses - definition - rules.**

2           (1) (a) Except as otherwise SPECIFICALLY provided in ~~paragraph (b) of~~  
3 ~~this subsection (1) or elsewhere in this part 1~~ IN THIS PART 3, a person  
4 shall not operate an agency or facility defined in this ~~part 1~~ PART 3  
5 without first being licensed by the state department to operate or maintain  
6 ~~such~~ THE agency or facility and paying the prescribed fee. ~~Except as~~  
7 ~~otherwise provided in paragraph (c) of this subsection (1), any~~ A license  
8 issued by the state department is permanent unless otherwise revoked or  
9 suspended pursuant to ~~section 26-6-108~~ SECTION 26.5-5-317.

10           ~~(b) A person operating a foster care home is not required to~~  
11 ~~obtain a license from the state department to operate the foster care home~~  
12 ~~if the person holds a certificate issued pursuant to section 26-6-106.3 to~~  
13 ~~operate the home from any county department or a child placement~~  
14 ~~agency licensed under the provisions of this part 1. A certificate is~~  
15 ~~considered a license for the purpose of this part 1, including but not~~  
16 ~~limited to the investigation and criminal history background checks~~  
17 ~~required under sections 26-6-106.3 and 26-6-107.~~

18           ~~(c) (I) On and after July 1, 2002, and contingent upon the time~~  
19 ~~lines for implementation of the computer "trails" enhancements, child~~  
20 ~~placement agencies that certify foster care homes shall be licensed~~  
21 ~~annually until the implementation of any risk-based schedule for the~~  
22 ~~renewal of child placement agency licenses pursuant to subparagraph (II)~~  
23 ~~of this paragraph (c). The state board shall promulgate rules specifying~~  
24 ~~the procedural requirements associated with the renewal of such child~~  
25 ~~placement agency licenses. Such rules shall include requirements that the~~  
26 ~~state department conduct assessments of the child placement agency.~~

27           ~~(II) (A) On and after January 1, 2004, and upon the functionality~~

1 of the computer "trails" enhancements, the state department may  
2 implement a schedule for relicensing of child placement agencies that  
3 certify foster care homes that is based on risk factors such that child  
4 placement agencies with low risk factors shall renew their licenses less  
5 frequently than child placement agencies with higher risk factors.

6 (B) ~~Prior to January 1, 2004, and contingent upon the time lines~~  
7 ~~for implementation of the computer "trails" enhancements, the state~~  
8 ~~department shall create classifications of child placement agency licenses~~  
9 ~~that certify foster care homes that are based on risk factors as those~~  
10 ~~factors are established by rule of the state board.~~

11 (H) ~~On and after July 1, 2021, all residential child care facilities~~  
12 ~~must be licensed annually. The state board shall promulgate rules~~  
13 ~~specifying the procedural requirements associated with the license~~  
14 ~~renewal for residential child care facilities. The rules must include a~~  
15 ~~requirement that the state department conduct assessments of the~~  
16 ~~residential child care facility.~~

17 (d) ~~Repealed.~~

18 (2) ~~No person shall receive or accept a child under eighteen years~~  
19 ~~of age for placement, or place any child either temporarily or permanently~~  
20 ~~in a home, other than with persons related to the child, without first~~  
21 ~~obtaining a license as a child placement agency from the department, and~~  
22 ~~paying the fee prescribed therefor.~~

23 (2.5) ~~(Deleted by amendment, L. 96, p. 254, § 5, effective July 1,~~  
24 ~~1996.)~~

25 (3) (2) ~~THE DEPARTMENT MAY ISSUE a provisional license ONCE~~  
26 ~~for a period of six months may be issued once to an applicant for an~~  
27 ~~original license, permitting the applicant to operate a family child care~~

1 home ~~foster care home~~, or child care center if the applicant is temporarily  
2 unable to conform to all standards required under this ~~part~~ PART 3, upon  
3 proof by the applicant that the applicant is attempting to conform to ~~such~~  
4 THE standards or to comply with any other requirements. The applicant  
5 has the right to appeal any standard that the applicant believes presents an  
6 undue hardship or has been applied too stringently by the department.  
7 Upon the filing of an appeal, the department shall proceed in the manner  
8 prescribed for licensee appeals in ~~section 26-6-106 (3)~~ SECTION  
9 26.5-5-314 (5).

10 ~~(4)~~ (3) (a) The department shall not issue a license for a child care  
11 center ~~residential child care facility, or secure residential treatment center~~  
12 until the facilities to be operated or maintained by the applicant or  
13 licensee are approved by the department of public health and environment  
14 as conforming to the sanitary standards prescribed by ~~the~~ SAID department  
15 pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to  
16 fire prevention and protection requirements of local fire departments in  
17 the locality of the facility or, in lieu thereof, of the division of labor  
18 standards and statistics IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

19 (b) A child care center that provides child care exclusively to  
20 school-age children and operates on the property of a school district,  
21 district charter school, or institute charter school may satisfy any fire or  
22 radon inspection requirement required by law by providing a copy of a  
23 satisfactory fire or radon inspection report of the property of a school  
24 district, district charter school, or institute charter school where the child  
25 care is provided if the fire or radon inspection report was completed  
26 within the preceding twelve months. The department shall not require a  
27 duplicate fire or radon inspection if a satisfactory fire or radon inspection

1 report of the property was completed within the preceding twelve months.

2 ~~(5) No person shall send or bring into this state any child for the~~  
3 ~~purposes of foster care or adoption without sending notice of the pending~~  
4 ~~placement and receiving the consent of the department or its designated~~  
5 ~~agent to the placement. The notice shall contain:~~

6 ~~(a) The name and the date and place of birth of the child;~~

7 ~~(b) The identity and address or addresses of the parents or legal~~  
8 ~~guardian;~~

9 ~~(c) The identity and address of the person sending or bringing the~~  
10 ~~child;~~

11 ~~(d) The name and address of the person to or with which the~~  
12 ~~sending person proposes to send, bring, or place the child;~~

13 ~~(e) A full statement of the reasons for the proposed action and~~  
14 ~~evidence of the authority pursuant to which the placement is proposed to~~  
15 ~~be made.~~

16 ~~(6) The state board of human services shall establish rules and~~  
17 ~~regulations for the approval of foster care homes and child care centers~~  
18 ~~that provide twenty-four-hour care of children between eighteen and~~  
19 ~~twenty-one years of age for whom the county department is financially~~  
20 ~~responsible and when placed in foster care by the county department.~~

21 ~~(6.5) On and after July 1, 2005, and subject to designation as a~~  
22 ~~qualified accrediting entity as required by the "Intercountry Adoption Act~~  
23 ~~of 2000", 42 U.S.C. sec. 14901 et seq., the state department may license~~  
24 ~~and accredit a child placement agency for purposes of providing adoption~~  
25 ~~services for convention adoptions pursuant to the "Intercountry Adoption~~  
26 ~~Act of 2000", 42 U.S.C. sec. 14901 et seq. The state board of human~~  
27 ~~services may adopt rules consistent with federal law governing the~~

1 procedures for adverse actions regarding accreditation, which procedures  
2 may vary from the procedures set forth in the "State Administrative  
3 Procedure Act", article 4 of title 24. C.R.S.

4 ~~(7)(a)(f)~~ (4) (a) (I) The state department shall not issue a license  
5 to operate a family child care home ~~a foster care home~~, OR a child care  
6 center ~~a residential child care facility, a secure residential treatment~~  
7 ~~center, or a child placement agency~~, and any license or certificate issued  
8 prior to August 7, 2006, shall be ~~revoked or suspended~~, if the applicant  
9 for the license, ~~or certificate~~, an affiliate of the applicant, a person  
10 employed by the applicant, or a person who resides with the applicant at  
11 the facility has been convicted of:

12 (A) Child abuse, as specified in section 18-6-401; ~~C.R.S.~~;

13 (B) A crime of violence, as defined in section 18-1.3-406; ~~C.R.S.~~;

14 (C) Any offenses involving unlawful sexual behavior, as defined  
15 in section 16-22-102 (9); ~~C.R.S.~~;

16 (D) Any felony, the underlying factual basis of which has been  
17 found by the court on the record to include an act of domestic violence,  
18 as defined in section 18-6-800.3; ~~C.R.S.~~;

19 ~~(D.5)~~ (E) Any felony involving physical assault, battery, or a  
20 drug-related offense within the five years preceding the date of  
21 application for a license; ~~or certificate~~;

22 ~~(E)~~ (F) A pattern of misdemeanor convictions, as defined by  
23 DEPARTMENT rule, ~~of the state board~~, within the ten years immediately  
24 preceding the date of submission of the application;

25 ~~(F)~~ (G) Any offense in any other state, the elements of which are  
26 substantially similar to the elements of any one of the offenses described  
27 in ~~sub-subparagraphs (A) to (E) of this subparagraph (f)~~ SUBSECTION

1 (4)(a)(I)(A) TO (4)(a)(I)(F) OF THIS SECTION.

2 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS  
3 SUBSECTION (4)(a), "convicted" means a conviction by a jury or by a court  
4 and ~~shall also include~~ ALSO INCLUDES a deferred judgment and sentence  
5 agreement, a deferred prosecution agreement, a deferred adjudication  
6 agreement, an adjudication, and a plea of guilty or nolo contendere.

7

8 (b) The DEPARTMENT SHALL DETERMINE THE convictions  
9 identified in ~~paragraph (a) of this subsection (7)~~ shall be determined  
10 SUBSECTION (4)(a) OF THIS SECTION according to the records of the  
11 Colorado bureau of investigation, the ICON system at the state judicial  
12 department, or any other source, as set forth in ~~section 26-6-107~~  
13 ~~(1)(a)(1.5)~~ SECTION 26.5-5-316 (1)(a)(II). A certified copy of the judgment  
14 of a court of competent jurisdiction of such conviction, deferred judgment  
15 and sentence agreement, deferred prosecution agreement, or deferred  
16 adjudication agreement ~~shall be~~ IS prima facie evidence of ~~such~~ THE  
17 conviction or agreement. ~~No~~ THE DEPARTMENT SHALL NOT ISSUE A  
18 license ~~or certificate~~ to operate a family child care home ~~a foster care~~  
19 ~~home~~, OR a child care center ~~a residential child care facility~~, a secure  
20 residential child care facility, or a child placement agency shall be issued  
21 if the ~~state~~ department has a certified court order from another state  
22 indicating that the person applying for ~~such a~~ THE license ~~or certificate~~  
23 has been convicted of child abuse or any unlawful sexual offense against  
24 a child under a law of any other state or the United States, or the ~~state~~  
25 department has a certified court order from another state that the person  
26 applying for the license ~~or certificate~~ has entered into a deferred judgment  
27 or deferred prosecution agreement in another state as to child abuse or

1 any sexual offense against a child.

2 ~~(7.5) (a) No later than January 1, 2004, the state board shall~~  
3 ~~promulgate rules that require all current and prospective employees of a~~  
4 ~~county department who in their position have direct contact with any~~  
5 ~~child in the process of being placed, or who has been placed, in foster~~  
6 ~~care to submit a set of fingerprints for purposes of obtaining a~~  
7 ~~fingerprint-based criminal history record check, unless the person has~~  
8 ~~already submitted a set of fingerprints. The check must be conducted in~~  
9 ~~the same manner as provided in subsection (7) of this section and in~~  
10 ~~section 26-6-107 (1)(a). The person's employment is conditional upon a~~  
11 ~~satisfactory criminal background check and subject to the same grounds~~  
12 ~~for denial or dismissal as set forth in subsection (7) of this section and in~~  
13 ~~section 26-6-107 (1)(a). The costs for the fingerprint-based criminal~~  
14 ~~history record check must be borne by the applicant.~~

15 ~~(b) When the results of a fingerprint-based criminal history record~~  
16 ~~check performed pursuant to this subsection (7.5) reveal a record of arrest~~  
17 ~~without a disposition, the state department shall require the person to~~  
18 ~~submit to a name-based criminal history record check, as defined in~~  
19 ~~section 22-2-119.3 (6)(d). The costs for the name-based criminal history~~  
20 ~~record check must be borne by the applicant.~~

21 ~~(8) (5) The state department shall not issue a license to operate~~  
22 ~~any AN agency or facility defined in this part † PART 3 if the person~~  
23 ~~applying for such THE license or an affiliate of the applicant, a person~~  
24 ~~employed by the applicant, or a person who resides with the applicant at~~  
25 ~~the facility,~~

26 ~~(a) has been determined to be insane or mentally incompetent by~~  
27 ~~a court of competent jurisdiction and should a court enter A COURT HAS~~

1 ENTERED, pursuant to part 3 or part 4 of article 14 of title 15 C.R.S., or  
2 section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding  
3 that the mental incompetency or insanity is of such a degree that the  
4 applicant is incapable of operating a family child care home  ~~foster care~~  
5  ~~home;~~ OR child care center.  ~~or child placement agency;~~ The record of such  
6 THE determination and entry of  ~~such order being~~ THE ORDER ARE  
7 conclusive evidence  ~~thereof~~ OF THE DETERMINATION.

8 (b) ~~(Deleted by amendment, L. 2006, p. 725, § 3, effective August~~  
9  ~~7, 2006.)~~

10 (9) ~~The state department is strongly encouraged to examine and~~  
11  ~~report to the general assembly on the benefits of licensing any private;~~  
12  ~~nonprofit child placement agency that is dedicated to serving the special~~  
13  ~~needs of foster care children through services delivered by specialized~~  
14  ~~foster care parents in conjunction with and supported by staff of the child~~  
15  ~~placement agency. Such child placement agencies examined shall be able~~  
16  ~~to:~~

17 (a) ~~Offer the following services:~~

18 (I) ~~Provision of educated, skilled, and experienced foster care~~  
19  ~~parents;~~

20 (II) ~~Social work support for the foster care child and foster care~~  
21  ~~family;~~

22 (III) ~~Twenty-four-hour, on-call availability;~~

23 (IV) ~~Monthly foster care parent support group meetings;~~

24 (V) ~~On-going educational and networking opportunities for any~~  
25  ~~foster care family;~~

26 (VI) ~~Individualized treatment plans developed through team~~  
27  ~~collaboration;~~

- 1           ~~(VII) Professional and family networking opportunities; and~~
- 2           ~~(VIII) Respite support and reimbursement;~~
- 3           ~~(b) Provide a form of specialized foster care including, but not~~
- 4 ~~limited to, the following types of care:~~
- 5           ~~(I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~
- 6 ~~22, 2003.)~~
- 7           ~~(II) Medical foster care;~~
- 8           ~~(III) Respite foster care;~~
- 9           ~~(IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~
- 10 ~~22, 2003.)~~
- 11           ~~(V) Therapeutic foster care;~~
- 12           ~~(VI) Developmentally disabled foster care; and~~
- 13           ~~(VII) Treatment foster care.~~

14           (6) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION  
15 SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND  
16 EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST  
17 COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD  
18 EDUCATOR CREDENTIALING COMPLIANCE REQUIREMENTS. THE STATE  
19 AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS  
20 ACROSS THE AGENCIES TO REDUCE THE ADMINISTRATIVE AND PAPERWORK  
21 BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS.  
22 THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF  
23 PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING  
24 REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND  
25 PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

26           **26.5-5-310. [Formerly 26-6-104.5 (1) to (3)] Compliance with**  
27 **local government zoning regulations - notice to local governments -**

1 **provisional licensure - rules.** (1) (a) The department shall require any  
2 child care facility seeking licensure pursuant to ~~section 26-6-104~~ SECTION  
3 26.5-5-309 to comply with any applicable zoning and land use  
4 development regulations of the municipality, city and county, or county  
5 where the facility is situated. Failure to comply with applicable zoning  
6 and land use regulations constitutes grounds for the denial of a license to  
7 a facility.

8 (b) Notwithstanding subsection (1)(a) of this section to the  
9 contrary, the availability of safe, affordable, and licensed family child  
10 care homes is a matter of statewide concern. Therefore, permitting  
11 fragmented regulation among jurisdictions impedes and infringes upon  
12 the department's appropriate and consistent licensing and regulation of  
13 family child care homes throughout the state. Accordingly, local  
14 governing authorities shall treat family child care homes as residential  
15 property use in the application of local regulations, including zoning, land  
16 use development, fire and life safety, sanitation, and building codes.  
17 Local governing authorities shall not impose any additional regulations  
18 governing family child care homes that do not also apply to other  
19 residential properties, provided that the foregoing does not restrict an  
20 authority's ability to prohibit, on a case-by-case basis, the operation in  
21 immediately adjacent residences of two or more large family child care  
22 homes, as that term is defined by DEPARTMENT rules ~~by the department~~  
23 ~~that governs~~ THAT GOVERN the operation of family child care homes, or  
24 to manage the flow of traffic and parking related to adjacent large family  
25 child care homes. Residential use of property for zoning purposes  
26 includes all forms of residential zoning and, specifically, although not  
27 exclusively, single-family residential zoning.

1 (2) The department shall assure that timely written notice is  
2 provided to the municipality, city and county, or county where a child  
3 care facility is situated, including the address of the facility and the  
4 population and number of persons to be served by the facility, when any  
5 of the following occurs:

6 (a) A person applies for a license to operate a child care facility  
7 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309; OR

8 (b) A license is granted to operate a child care facility pursuant to  
9 ~~section 26-6-104~~; or SECTION 26.5-5-309.

10 (c) ~~A change is made in the license of a residential child care  
11 facility, specialized group facility, homeless youth shelter, or secure  
12 residential treatment center.~~

13 (d) ~~(Deleted by amendment, L. 2006, p. 727, § 4, effective August  
14 7, 2006.)~~

15 (3) Notwithstanding any other provision of law, in the event of a  
16 zoning or other delay or dispute between a child care facility and the  
17 municipality, city and county, or county where the facility is situated, the  
18 department may grant a provisional license to the facility for up to six  
19 months pending resolution of the delay or dispute.

20 **26.5-5-311. [Formerly 26-6-105] Fees - when original**  
21 **applications, reapplications, and renewals for licensure are required**  
22 **- creation of child care licensing cash fund - rules.** (1) (a) The state  
23 department is hereby authorized to establish, pursuant to rules  
24 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR, permanent,  
25 time-limited, and provisional license fees and fees for continuation ~~or~~  
26 ~~renewal, whichever is applicable~~, of a license for the following types of  
27 child care arrangements:

1 (I) Family child care homes, including any special type of family  
2 child care home designated by DEPARTMENT rules ~~of the state board~~  
3 pursuant to ~~section 26-6-106 (2)(p)~~ SECTION 26.5-5-314 (2)(n), but  
4 excluding homes certified by county departments or child placement  
5 agencies;

6 (II) Child care centers;

7 ~~(III) Secure residential treatment centers;~~

8 ~~(IV) Residential child care facilities;~~

9 ~~(V) Child placement agencies;~~

10 ~~(VI) Repealed.~~

11 ~~(VII) Homeless youth shelters;~~

12 ~~(VIII) Day treatment centers;~~

13 ~~(IX) Specialized group facilities;~~

14 ~~(X)~~ (III) Children's resident camps; and

15 ~~(XI)~~ (IV) Substitute placement agencies.

16 (b) The ~~state~~ department may also establish fees pursuant to rules  
17 promulgated by the ~~state board of human services~~ EXECUTIVE DIRECTOR  
18 for the following situations:

19 (I) Issuance of a duplicate license;

20 (II) Change of license due to an increase in licensing capacity or  
21 a change in the age of children served;

22 (III) Obtaining the criminal record of an applicant and any person  
23 living with or employed by the applicant, which may include costs  
24 associated with the taking of fingerprints;

25 (IV) Checking the records and reports of child abuse or neglect  
26 maintained by the state department OF HUMAN SERVICES for an owner,  
27 employee, or resident of a facility or agency or an applicant for a license

1 to operate a facility or agency;

2 (V) Filing of appeals;

3 (VI) Duplication of licensing records for the public;

4 (VII) Duplication of licensing records in electronic format for the  
5 public; AND

6 ~~(VIII) Accrediting a child placement agency for purposes of~~  
7 ~~providing adoption services for convention adoptions pursuant to the~~  
8 ~~"Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq.;~~

9 ~~(IX) (VIII) Insufficient funds payment and collection of overdue~~  
10 ~~fees and fines. and~~

11 ~~(X) Collection of fees for scanning of adoption records pursuant~~  
12 ~~to section 19-5-307. C.R.S.~~

13 (c) The fees established pursuant to this subsection (1) ~~shall~~ MUST  
14 not exceed the direct and indirect costs incurred by the department. The  
15 ~~division involved in licensing child care facilities~~ DEPARTMENT shall  
16 develop and implement an objective and systematic approach for setting,  
17 monitoring, and revising child care licensing fees by developing and  
18 using an ongoing method to track all direct and indirect costs associated  
19 with child care inspection licensing, developing a methodology to assess  
20 the relationship between licensing costs and fees, and annually  
21 reassessing costs and fees and reporting the results to the ~~state board~~  
22 EXECUTIVE DIRECTOR. In developing a fee schedule, the department  
23 should consider the licensed capacity of facilities and the time needed to  
24 license facilities.

25 (2) (a) The fees specified in subsection (1) of this section ~~shall~~  
26 MUST be paid when application is made for any license ~~or when renewal~~  
27 ~~of a child placement agency license is sought and shall not be~~ IS SOUGHT

1 AND ARE NOT subject to refund. Applications for licenses ~~shall be~~ ARE  
2 required in the situations that are set forth in ~~paragraph (b) of this~~  
3 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and ~~shall~~ MUST be  
4 made on forms prescribed by the ~~state~~ department. Each completed  
5 application ~~shall~~ MUST set forth such information as required by the ~~state~~  
6 department. All licenses ~~shall~~ continue in force until revoked,  
7 surrendered, or expired.

8 (b) (I) An original application and fee are required:

9 (A) When an individual, partnership, corporation, or association  
10 plans to open a child care center OR children's resident camp; ~~secure~~  
11 ~~residential treatment center, residential child care facility, homeless youth~~  
12 ~~shelter, day treatment center, specialized group facility, or child~~  
13 ~~placement agency;~~

14 (B) When the child care center OR children's resident camp ~~secure~~  
15 ~~residential treatment center, residential child care facility, homeless youth~~  
16 ~~shelter, day treatment center, or specialized group facility~~ plans to move  
17 the center or facility to a different building at a different location;

18 (C) When the management or governing body of a child care  
19 center OR children's resident camp ~~secure residential treatment center,~~  
20 ~~residential child care facility, homeless youth shelter, day treatment~~  
21 ~~center, specialized group facility, or child placement agency~~ is acquired  
22 by a different individual, association, partnership, or corporation;

23 ~~(C.5)~~ (D) When a change occurs in the operating entity of a child  
24 care center OR children's resident camp ~~secure residential treatment~~  
25 ~~center, residential child care facility, homeless youth shelter, day~~  
26 ~~treatment center, specialized group facility, or child placement agency~~  
27 resulting in a new federal employee identification number; except that, if

1 the reason for the issuance of a new federal employee identification  
2 number is solely due to a change in the corporate structure of the  
3 operating entity and either the management or governing body of the  
4 entity remains the same as originally licensed and the entity is operating  
5 in the same facility or facilities as originally licensed, the state department  
6 shall treat the entity's status as a renewal and assess the applicable  
7 renewal fee. Only newly hired employees ~~shall be~~ ARE required to  
8 undergo criminal background checks as required in ~~section 26-6-107~~  
9 SECTION 26.5-5-316.

10 ~~(D)~~ (E) When a family or person plans to open a family child care  
11 home, including any special type of family child care home designated by  
12 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~  
13 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n);

14 ~~(E)~~ (F) When a family or person who operates a family child care  
15 home, including any special type of family child care home designated by  
16 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~  
17 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n),  
18 moves to a new residence.

19 (II) THE DEPARTMENT MAY REQUIRE AND RECEIVE a reapplication  
20 and fee ~~shall be required and received by the state department~~ in the  
21 manner specified in DEPARTMENT rules. ~~promulgated by the state board.~~  
22 ~~An individual, partnership, corporation, or association seeking to renew~~  
23 ~~a child placement agency license shall submit a reapplication and fee to~~  
24 ~~the state department as specified in rules promulgated by the state board.~~

25 (3) ~~Nothing in this section shall prevent any~~ THIS SECTION DOES  
26 NOT PREVENT A city or city and county from imposing ~~additional~~ fees IN  
27 ADDITION to those FEES specified under this section.

1 (4) THE DEPARTMENT SHALL TRANSMIT all fees collected pursuant  
2 to this section ~~shall be transmitted~~ to the state treasurer, who shall credit  
3 the ~~same~~ FEES to the child care licensing cash fund, which is hereby  
4 created. The general assembly shall make annual appropriations from the  
5 child care licensing cash fund for expenditures incurred by the department  
6 in the performance of its duties under this ~~part~~ PART 3. THE TREASURER  
7 SHALL CREDIT TO THE FUND all interest derived from the deposit and  
8 investment of ~~moneys~~ MONEY in the fund. ~~shall be credited to the fund.~~  
9 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~  
10 MONEY in the fund ~~shall remain therein and shall not be~~ REMAINS IN THE  
11 FUND AND IS NOT credited or transferred to the general fund or any other  
12 fund.

13 **26.5-5-312. [Formerly 26-6-105.5] Application forms - criminal**  
14 **sanctions for perjury.** (1) (a) (I) All applications for the licensure of a  
15 child care facility ~~or the certification of a foster care home~~ pursuant to  
16 this ~~part~~ PART 3 MUST include the notice to the applicant that is set  
17 forth in ~~paragraph (b) of this subsection~~ (I) SUBSECTION (1)(b) OF THIS  
18 SECTION.

19 (II) Every application used in the state of Colorado for  
20 employment with a child care provider or facility ~~shall~~ MUST include the  
21 notice to the applicant that is set forth in ~~paragraph (b) of this subsection~~  
22 (I) SUBSECTION (1)(b) OF THIS SECTION.

23 (b) Each application described in ~~paragraph (a) of this subsection~~  
24 (I) ~~shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST contain the following  
25 notice to the applicant:

26 Any applicant who knowingly or willfully makes a false  
27 statement of any material fact or thing in this application is

1 ~~guilty of~~ COMMITS perjury in the second degree as defined  
2 in section 18-8-503, Colorado Revised Statutes, and, upon  
3 conviction thereof, shall be punished accordingly.

4 (2) Any person applying for the licensure of a child care facility  
5 ~~or the certification of a foster care home~~ pursuant to this ~~part~~ PART 3 or  
6 any person applying to work at such a facility as an employee who  
7 knowingly or willfully makes a false statement of any material fact or  
8 thing in the application ~~is guilty of~~ COMMITS perjury in the second degree  
9 as defined in section 18-8-503, ~~C.R.S.~~, and, upon conviction thereof, ~~shall~~  
10 MUST be punished accordingly.

11 ~~(3) Every application for certification or licensure as a foster care~~  
12 ~~home shall provide notice to the applicant that the applicant may be~~  
13 ~~subject to immediate revocation of certification or licensure or other~~  
14 ~~negative licensing action as set forth in this section, section 26-6-107.7,~~  
15 ~~and as described by rule of the state board.~~

16 **26.5-5-313. [Formerly 26-6-105.7] Applications - materials**  
17 **waivers - appeals - rules.** (1) A child care center that is subject to the  
18 licensing requirements of this ~~part~~ PART 3 is also subject to the  
19 provisions of this section.

20 (2) (a) The department shall make available to licensed child care  
21 centers and include with every application form for licensure information  
22 concerning the manner in which a child care center may apply for a  
23 waiver to use certain materials in its program and curriculum. The waiver  
24 request ~~shall~~ MUST be included in a center's application for licensure or,  
25 in the case of a licensed child care center, may be submitted at any time.

26 (b) A child care center seeking a waiver for the use of certain  
27 materials ~~shall~~ MUST adopt a policy that:

1 (I) Ensures that instructors in the child care center are trained in  
2 the use of the materials in a way that provides reasonable safety  
3 provisions for use by children; and

4 (II) Requires parental notification of the use of the materials in the  
5 child care center and the potential safety risks associated with the  
6 materials. The policy ~~shall~~ MUST require the child care center to obtain  
7 signed parental consent forms acknowledging awareness of the risks in  
8 using the materials in the child care center.

9 (3) If a licensed child care center receives notice of a violation  
10 pursuant to this ~~part~~ PART 3, information concerning the waiver and  
11 appeal process described in this section ~~shall~~ MUST be included in the  
12 notification to the child care center.

13 (4) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
14 for the implementation of this section, including:

15 (a) The requirements for the granting of a waiver request, ~~which~~  
16 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the  
17 department make a decision on the waiver request and notify the child  
18 care center of its decision no later than sixty calendar days after receipt  
19 of the request;

20 (b) The requirements for the denial of a waiver request, ~~which~~  
21 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the  
22 department make a decision on the waiver request and notify the child  
23 care center of its decision no later than sixty calendar days after receipt  
24 of the request; AND

25 (c) The process by which a child care center may appeal a denial  
26 of a waiver request, which process ~~shall include, but need not be limited~~  
27 ~~to~~ MUST, AT A MINIMUM, PROVIDE THAT:

1 (I) ~~That~~ Upon the receipt of a denial of a waiver request, a child  
2 care center has up to forty-five calendar days to appeal the denial decision  
3 to the department;

4 (II) ~~That~~ The department shall act upon the appeal within  
5 forty-five calendar days;

6 (III) ~~That~~ The department shall provide notice of its decision on  
7 the appeal within ten calendar days after its decision to the appealing  
8 child care center; and

9 (IV) ~~That~~ The appealing child care center has the right to meet in  
10 person with department personnel concerning the appeal. ~~but that the~~  
11 ~~entire appeals process shall last no more than one hundred calendar days~~  
12 ~~after the date of the notice of denial of the waiver request.~~

13 (5) Whenever practicable, the department shall use the same  
14 inspector for:

15 (a) Multiple visits to a single child care center seeking a waiver  
16 pursuant to this section; or

17 (b) Multiple visits to two or more individually licensed child care  
18 centers that are wholly owned, operated, and controlled by a common  
19 ownership group.

20 (6) The department shall not post a denial of a waiver made  
21 pursuant to this section on its website until the appeal is final.

22 **26.5-5-314. [Formerly 26-6-106] Standards for facilities and**  
23 **agencies - rules - definition.** (1) ~~(a)~~ The department shall prescribe and  
24 publish standards for licensing. The standards must be applicable to the  
25 various types of facilities and agencies for child care regulated and  
26 licensed by this ~~part 1~~, ~~except that the department shall prescribe and~~  
27 ~~publish separate standards for the licensing of child placement agencies~~

1 ~~operating for the purpose of adoptive placement and adoption-related~~  
2 ~~services~~ PART 3. The department shall seek the advice and assistance of  
3 persons representative of the various types of child care facilities and  
4 agencies in establishing the standards, including the advice and assistance  
5 of the department of public safety and councils and associations  
6 representing fire marshals and building code officials in the promulgation  
7 of any rules related to adequate fire protection and prevention, as allowed  
8 in subsection (2)(e) of this section, in a family child care home. The  
9 standards must be established by rules promulgated by the ~~state board of~~  
10 ~~human services~~ EXECUTIVE DIRECTOR and be issued, published, and  
11 become effective only in conformity with article 4 of title 24.

12 (b) ~~(Deleted by amendment, L. 96, p. 258, § 7, effective July 1,~~  
13 ~~1996.)~~

14 (2) THE standards prescribed by ~~such~~ DEPARTMENT rules are  
15 restricted to:

16 (a) The operation and conduct of the facility or agency and the  
17 responsibility it assumes for child care;

18 (b) The character, suitability, and qualifications of the applicant  
19 for a license and of other persons directly responsible for the care and  
20 welfare of children served, including whether an affiliate of the licensee  
21 has ever been the subject of a negative licensing action;

22 (c) The general financial ability and competence of the applicant  
23 for a license to provide necessary care for children and to maintain  
24 prescribed standards;

25 (d) The number of individuals or staff required to ~~insure~~ ENSURE  
26 adequate supervision and care of children served;

27 (e) (I) The appropriateness, safety, cleanliness, and general

1 adequacy of the premises, including maintenance of adequate fire  
2 protection and prevention and health standards in conformance with state  
3 laws and municipal ordinances, to provide for the physical comfort, care,  
4 well-being, and safety of the children served.

5 (II) A child care center that provides child care exclusively to  
6 school-age children and operates on the property of a school district,  
7 district charter school, or institute charter school may satisfy any fire or  
8 radon inspection requirement required by law by providing a copy of a  
9 satisfactory fire or radon inspection report of the property of a school  
10 district, district charter school, or institute charter school where the child  
11 care is provided if the fire or radon inspection report was completed  
12 within the preceding twelve months. The department shall not require a  
13 duplicate fire or radon inspection if a satisfactory fire or radon inspection  
14 report of the property was completed within the preceding twelve months.

15 (III) The department shall require an annual inspection of  
16 playground facilities on the property where a child care center operates.  
17 For purposes of a playground facility inspection, the department shall  
18 accept as satisfactory proof of valid certification of the playground  
19 facility, certification, or a copy of certification, from an individual who  
20 is licensed or certified to perform playground safety inspections through  
21 the national recreation and park association, or other nationally  
22 recognized playground facility safety organization. The department shall  
23 not require a duplicate inspection if a satisfactory inspection report was  
24 completed within the preceding twelve months.

25 (f) Keeping of records for food, clothing, equipment, and  
26 individual supplies;

27 (g) Provisions to safeguard the legal rights of children served;

1 (h) Maintenance of records pertaining to the admission, progress,  
2 health, and discharge of children;

3 (i) Filing of reports with the department;

4 (j) Discipline of children;

5 ~~(k) Standards for the short-term confinement of a child in defined~~  
6 ~~emergency situations. An emergency situation means any situation where~~  
7 ~~the child is determined to be a danger to himself or others and to be~~  
8 ~~beyond control, all other reasonable means to calm the child have failed,~~  
9 ~~and the child's welfare or the welfare of those around the child demand~~  
10 ~~that the child be confined for a period not to exceed two hours. Standards~~  
11 ~~for such short-term confinement shall include:~~

12 ~~(I) Definition of emergency purposes for the short-term~~  
13 ~~confinement in accordance with this paragraph (k);~~

14 ~~(II) Duration and frequency of the confinement;~~

15 ~~(III) Facility staff requirements;~~

16 ~~(IV) Criteria for the short-term placement of a child in the~~  
17 ~~short-term confinement room;~~

18 ~~(V) Documentation and review of the confinement;~~

19 ~~(VI) Review and biannual inspection by the department of the~~  
20 ~~short-term confinement facility;~~

21 ~~(VII) Physical requirements for the short-term confinement room;~~

22 ~~(VIII) Certification or approval from the department prior to the~~  
23 ~~establishment of the short-term confinement room;~~

24 ~~(IX) A neutral fact finder to determine if the child's situation~~  
25 ~~merits short-term confinement;~~

26 ~~(X) At a minimum, a fifteen minute checking and review by staff~~  
27 ~~of a child placed in short-term confinement;~~

1           ~~(XI) Review by staff of any confinement subsequent to each~~  
2 ~~period of such confinement;~~

3           ~~(XII) Daily review of the use of the short-term confinement~~  
4 ~~rooms; and~~

5           ~~(XIII) Revocation or suspension of licensure for failure to comply~~  
6 ~~with the standards set forth in this paragraph (k).~~

7           ~~(l) Standards for security in secure residential treatment centers~~  
8 ~~and residential child care facilities provided through the physical~~  
9 ~~environment and staffing. Such standards shall include, but not be limited~~  
10 ~~to: the following:~~

11           ~~(I) Locked doors;~~

12           ~~(II) Fencing;~~

13           ~~(III) The staff requirements to ensure security;~~

14           ~~(IV) Inspections;~~

15           ~~(V) Physical requirements for program space and for secure~~  
16 ~~sleeping of the residents in the secure residential treatment center or~~  
17 ~~residential child care facility;~~

18           ~~(VI) Other security considerations that are necessary to protect the~~  
19 ~~residents of the secure residential treatment center or residential child care~~  
20 ~~facility or the public.~~

21           ~~(m) (k) Standards for the appropriateness, safety, and adequacy of~~  
22 ~~transportation services of children to and from child care centers;~~

23           ~~(n) (l) Except as provided for in paragraph (n.5) of this subsection~~  
24 ~~(2) OTHERWISE PROVIDED IN SUBSECTION (2)(m) OF THIS SECTION,~~  
25 ~~provisions that ensure that family child care homes foster care homes; and~~  
26 ~~child care centers verify, in accordance with part 9 of article 4 of title 25,~~  
27 ~~C.R.S., that each child has received appropriate immunizations against~~

1 contagious diseases as follows:

2 (I) Children up to twenty-four months of age ~~shall be~~ ARE required  
3 to be immunized in accordance with the "Infant Immunization Act", part  
4 17 of article 4 of title 25; ~~C.R.S.~~;

5 (II) Children over twenty-four months of age ~~shall be~~ ARE  
6 required to be immunized in accordance with part 9 of article 4 of title 25;  
7 ~~C.R.S.~~;

8 ~~(n.5)~~ (m) Provisions that allow any child care center that allows  
9 any child to enroll and attend the center on a short-term basis of up to  
10 fifteen days in a fifteen-consecutive-day period, no more than twice in a  
11 calendar year, with each fifteen-consecutive-day period separated by at  
12 least sixty days, to do so without obtaining verification of immunization  
13 for that child, as provided for in section 25-4-902. ~~C.R.S.~~ Any child care  
14 center that chooses to allow children to enroll and attend on a short-term  
15 basis pursuant to the provisions of this ~~paragraph (n.5)~~ SUBSECTION  
16 (2)(m) shall provide notification to all parents that the child care center  
17 allows children to enroll and attend on a short-term basis without  
18 obtaining proof of immunization; AND

19 ~~(o) Standards for adoption agencies that may include but need not~~  
20 ~~be limited to:~~

21 ~~(I) Specific criteria and minimum credentials, qualifications,~~  
22 ~~training, and education of staff necessary for each of the types of adoption~~  
23 ~~for which an applicant may seek to be licensed, including but not limited~~  
24 ~~to:~~

25 ~~(A) Traditional adoptions with adopting parents who are~~  
26 ~~unknown;~~

27 ~~(B) Family adoptions, including stepparent and grandparent~~

1 adoptions;

2 ~~(C) Interstate adoptions;~~

3 ~~(D) International adoptions;~~

4 ~~(E) Identified or designated adoptions; and~~

5 ~~(F) Special needs adoptions;~~

6 ~~(H) The continuing education requirements necessary to maintain~~  
7 ~~the adoption agency's license, taking into account the type and specialty~~  
8 ~~of such agency's license;~~

9 ~~(HH) The operation and conduct of the agency and the~~  
10 ~~responsibility it assumes in adoption cases;~~

11 ~~(IV) The character, suitability, and qualifications of the applicant~~  
12 ~~for a license and for all direct service staff employed or contracted with~~  
13 ~~by the agency;~~

14 ~~(V) The general financial ability and competence of the applicant~~  
15 ~~for license, either original or renewal, to provide necessary services for~~  
16 ~~the adoption of children and to maintain prescribed standards;~~

17 ~~(VI) Proper maintenance of records; and~~

18 ~~(VII) Provisions to safeguard the legal rights of children served;~~

19 ~~(p) (n) Rules governing different types of family child care homes~~  
20 ~~as that term is defined in section 26-6-102 (13); as well as any other types~~  
21 ~~of family child care homes that may by necessity be established by rule~~  
22 ~~of the state board EXECUTIVE DIRECTOR.~~

23 ~~(q) (I) Standards for the training of foster care parents, which must~~  
24 ~~include, at a minimum:~~

25 ~~(A) Twenty-seven hours of initial training, consisting of at least~~  
26 ~~twelve hours of training prior to the placement of a child and completion~~  
27 ~~of the remaining training within three months after such placement;~~

1           ~~(B) Twenty hours per year of continuing training for foster care~~  
2     ~~parents;~~

3           ~~(C) In addition to the hours described in subsection (2)(q)(I)(B)~~  
4     ~~of this section, twelve hours per year for foster care parents providing~~  
5     ~~therapeutic foster care;~~

6           ~~(D) Training concerning individualized education programs as~~  
7     ~~defined in section 22-20-103 (15). C.R.S. The departments of human~~  
8     ~~services and education shall ensure coordination between local county~~  
9     ~~departments of human or social services and local school districts or~~  
10    ~~administrative units to make such training available upon the request of~~  
11    ~~a foster parent.~~

12          ~~(E) The training described in section 19-7-104.~~

13          ~~(H) The training described in subparagraph (I) of this paragraph~~  
14    ~~(q) may include, but shall not be limited to, in-home training.~~

15          ~~(H) The department shall consult with county departments and~~  
16    ~~child placement agencies in prescribing such standards in order to insure~~  
17    ~~a more uniform application throughout the state.~~

18          ~~(IV) The hours of training prior to the placement of a child that is~~  
19    ~~described in sub-subparagraph (A) of subparagraph (I) of this paragraph~~  
20    ~~(q) may be completed within four months after such placement if such~~  
21    ~~placement was an emergency placement, as such term shall be defined by~~  
22    ~~rule of the state board.~~

23          ~~(r) Initial and ongoing training of providers of foster care services~~  
24    ~~in facilities licensed and certified pursuant to this part 1 including~~  
25    ~~orientation and prelicensing training for child placement agency staff;~~

26          ~~(s) Standards for the training of providers of cradle care home~~  
27    ~~services that shall be substantially similar to the training required of~~

1 ~~adoptive parents prior to adopting an infant, including ongoing training~~  
2 ~~hours appropriate to the services provided.~~

3 ~~(2.3)~~ (3) (a) For purposes of this subsection ~~(2.3)~~ AS USED IN THIS  
4 SUBSECTION (3), "program" means child care offered by a child care  
5 center that holds a license pursuant to this ~~part~~ PART 3, provides child  
6 care exclusively to school-age children, and operates on the property of  
7 a school district, district charter school, or institute charter school,  
8 referred to in this ~~subsection (2.3)~~ SUBSECTION (3) as "school property".

9 (b) When an agency or entity performs an inspection required by  
10 law for a program, the agency or entity shall provide a copy of the  
11 inspection report to the appropriate official of the school district, district  
12 charter school, or institute charter school where the child care center  
13 operates.

14 (c) If all of the requirements in section 22-1-119.5 and any  
15 additional DEPARTMENT rules ~~of the state board~~ are met, a school-age  
16 child enrolled in a program on school property may possess and  
17 self-administer medication for asthma, a food allergy, or anaphylaxis. The  
18 ~~state board~~ EXECUTIVE DIRECTOR may adopt additional rules for programs  
19 on school property concerning the authority to possess and self-administer  
20 medication for asthma, a food allergy, or anaphylaxis.

21 ~~(2.6)~~ (4) If all of the requirements in section 22-1-119.5 and any  
22 additional DEPARTMENT rules ~~of the state board~~ are met, a child enrolled  
23 in a large child care center, as defined by rule promulgated by the ~~state~~  
24 ~~board~~ EXECUTIVE DIRECTOR, may possess and self-administer medication  
25 for asthma, a food allergy, or anaphylaxis. The ~~state board~~ EXECUTIVE  
26 DIRECTOR may adopt additional rules concerning the authority to possess  
27 and self-administer medication for asthma, a food allergy, or anaphylaxis.

1           ~~(3)~~ (5) Any applicant or person licensed to operate a child care  
2 facility or agency under the provisions of this ~~part~~ PART 3 has the right  
3 to appeal any standard that, in ~~his or her~~ THE APPLICANT'S OR PERSON'S  
4 opinion, works an undue hardship or when, in ~~his or her~~ THE APPLICANT'S  
5 OR PERSON'S opinion, a standard has been too stringently applied by  
6 representatives of the department. The department shall designate a panel  
7 of persons representing various state and local governmental agencies  
8 with an interest in and concern for children to hear such appeal and to  
9 make recommendations to the department. The membership of the  
10 appeals review panel ~~shall~~ MUST include, but need not be limited to, a  
11 representative from child care providers, a representative from a local  
12 early childhood council or local child care resource and referral agency,  
13 a state-level early childhood representative with early care and education  
14 expertise, and a parent representative. THE EXECUTIVE DIRECTOR OR THE  
15 EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT all members to the  
16 appeals review panel. ~~shall be appointed by the executive director or his~~  
17 ~~or her designee and shall~~ MEMBERS OF THE APPEALS REVIEW PANEL serve  
18 terms of no more than three years. Representatives to the appeals review  
19 panel may serve successive terms.

20           ~~(4)~~ The state board may promulgate rules to regulate the operation  
21 of out-of-home placement provider consortia. The regulation shall not  
22 include licensure of out-of-home placement provider consortia.

23           ~~(5)~~ The state board shall promulgate rules to define the  
24 requirements for licensure for a licensed host family home serving  
25 homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this  
26 title.

27           ~~(6)~~ (a) A county director of human or social services, or his or her

1 ~~designee, may approve, at his or her discretion, a waiver of non-safety~~  
2 ~~licensing standards for kinship foster care. A waiver may only be~~  
3 ~~approved if:~~

4 ~~(I) It concerns non-safety licensing standards, as set forth by rule~~  
5 ~~of the state board pursuant to paragraph (d) of this subsection (6);~~

6 ~~(II) The safety and well-being of the child or children receiving~~  
7 ~~care is not compromised; and~~

8 ~~(III) The waiver request is in writing.~~

9 ~~(b) In addition to an approved waiver of non-safety licensing~~  
10 ~~standards, a county director of human or social services, or his or her~~  
11 ~~designee, may limit or restrict a license issued to a kinship foster care~~  
12 ~~entity or require that entity to enter into a compliance agreement to ensure~~  
13 ~~the safety and well-being of the child or children in that entity's care.~~

14 ~~(c) A kinship foster care entity may not appeal a denial of a~~  
15 ~~waiver requested pursuant to paragraph (a) of this subsection (6).~~

16 ~~(d) The state board shall promulgate rules concerning the waiver~~  
17 ~~of non-safety licensing standards for kinship foster care. The rules shall~~  
18 ~~include, but need not be limited to, a listing of non-safety licensing~~  
19 ~~standards that may not be waived and circumstances in which waivers do~~  
20 ~~not apply. The state board shall also define by rule the meaning of~~  
21 ~~"kinship foster care" for the purposes of this subsection (6).~~

22 ~~(7) (6) The state board EXECUTIVE DIRECTOR shall promulgate~~  
23 ~~rules concerning standards for licensing early care and education~~  
24 ~~programs that facilitate the recruitment and retention of Colorado's early~~  
25 ~~childhood educator workforce as described in section 26-6-122 SECTION~~  
26 ~~26.5-6-103.~~

27 **26.5-5-315. [Formerly 26-6-106.2] Staffing during emergency**

1 **circumstances - definitions.** (1) During an emergency circumstance, a  
2 child care center may permit an employee who has successfully  
3 completed criminal background check requirements but is not a qualified  
4 caregiver to supervise children for not more than two hours while the  
5 child care center secures a qualified caregiver.

6 (2) Notwithstanding subsection (1) of this section, a large child  
7 care center, as defined by DEPARTMENT rule ~~promulgated by the state~~  
8 ~~board~~, or a child care center that operates on the property of a school  
9 district, district charter school, or institute charter school, may permit an  
10 employee of the child care center or an employee of the school district,  
11 district charter school, or institute charter school who has successfully  
12 completed criminal background check requirements but is not a qualified  
13 caregiver to supervise children for an amount of time that is reasonably  
14 necessary to address an emergency circumstance.

15 (3) During an emergency circumstance, a child care center shall  
16 maintain the staff-to-child ratio required by ~~department~~ rule OF THE  
17 EXECUTIVE DIRECTOR.

18 (4) As used in this section, unless the context otherwise requires,  
19 "emergency circumstance" includes, but is not limited to, illness, death,  
20 accident, law enforcement action, road closure, hazardous weather,  
21 emergency bodily function, child elopement, or providing emergency  
22 attention or care to a child.

23 **26.5-5-316. Investigations and inspections - local authority -**  
24 **reports - rules.** (1) (a) (I) (A) [Formerly 26-6-107 (1)] The state  
25 department shall investigate and pass on each original application for a  
26 license, each application for a permanent or time-limited license  
27 following the issuance of a probationary or provisional license, and each

1 application for renewal, to operate a facility or an agency prior to granting  
2 ~~such~~ THE license or renewal. As part of ~~such~~ THE investigation, the ~~state~~  
3 department shall require each individual, including but not limited to the  
4 applicant, any owner, employee, newly hired employee, licensee, and any  
5 adult who is eighteen years of age and older who resides in the licensed  
6 facility to obtain a fingerprint-based criminal history record check by  
7 reviewing any record that is used to assist the ~~state~~ department in  
8 ascertaining whether the person being investigated has been convicted of  
9 any of the criminal offenses specified in ~~section 26-6-104 (7)~~ SECTION  
10 26.5-5-309 (4) or any other felony. The ~~state board~~ EXECUTIVE DIRECTOR  
11 shall promulgate rules that define and identify what the criminal history  
12 record check entails.

13 (B) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR  
14 pursuant to this subsection (1)(a)(I) must allow an exemption from the  
15 fingerprint-based criminal history record check and the check of the  
16 records and reports of child abuse or neglect maintained by the state  
17 department OF HUMAN SERVICES for those out-of-state employees working  
18 in Colorado at a children's resident camp in a temporary capacity for a  
19 camp that is in operation for fewer than ninety days. Each person so  
20 exempted from fingerprinting and the check of the records and reports of  
21 child abuse or neglect maintained by the state department OF HUMAN  
22 SERVICES shall sign a statement that affirmatively states that ~~he or she~~ THE  
23 PERSON has not been convicted of any charge of child abuse, unlawful  
24 sexual offense, or any felony. Prospective employers of ~~such~~ exempted  
25 persons shall conduct reference checks of the prospective employees in  
26 order to verify previous work history and shall conduct personal  
27 interviews with each ~~such~~ prospective employee.

1           (C) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR  
2 pursuant to this subsection (1)(a)(I) must require the fingerprint-based  
3 criminal history record check in all circumstances, other than those  
4 identified in subsection (1)(a)(I)(B) ~~or (1)(a)(I)(C.7)~~ OR (1)(a)(I)(D) of  
5 this section, to include a fingerprint-based criminal history record check  
6 utilizing the records of the Colorado bureau of investigation and the  
7 federal bureau of investigation and, for any new owner, new applicant,  
8 newly hired employee, new licensee, or individual who begins residing  
9 in the licensed facility. As part of the investigation, the records and  
10 reports of child abuse or neglect maintained by the state department OF  
11 HUMAN SERVICES must be accessed to determine whether the owner,  
12 applicant, employee, newly hired employee, licensee, or individual who  
13 resides in the licensed facility being investigated has been found to be  
14 responsible in a confirmed report of child abuse or neglect. Information  
15 is made available pursuant to section 19-1-307 (2)(j) and rules  
16 promulgated by the state board OF HUMAN SERVICES pursuant to section  
17 19-3-313.5 (4). Except as provided ~~for in subsection (1)(a)(I)(C.7)~~ IN  
18 SUBSECTION (1)(a)(I)(D) of this section, any change in ownership of a  
19 licensed facility or the addition of a new resident adult or newly hired  
20 employee to the licensed facility requires a new investigation as provided  
21 ~~for~~ in this section.

22           ~~(C.5) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163,~~  
23 ~~p. 562, § 3, effective August 10, 2011.)~~

24           ~~(C.7)~~ (D) ~~Where~~ WHEN two or more individually licensed  
25 facilities are wholly owned, operated, and controlled by a common  
26 ownership group or school district, a fingerprint-based criminal history  
27 record check and a check of the records and reports of child abuse or

1 neglect maintained by the STATE department OF HUMAN SERVICES,  
2 completed for one of the licensed facilities of the common ownership  
3 group or school district pursuant to this section for any individual for  
4 whom such a check is required under this ~~part~~ PART 3 may satisfy the  
5 record check requirement for any other licensed facility under the same  
6 common ownership group or school district. A new fingerprint-based  
7 criminal history record check or new check of the records and reports of  
8 child abuse or neglect maintained by the STATE department OF HUMAN  
9 SERVICES is not required of such an individual if the common ownership  
10 group or school district maintains a central records management system  
11 for employees of all its licensed facilities; takes action as required  
12 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 when informed of the  
13 results of a fingerprint-based criminal history record check or check of  
14 the records and reports of child abuse or neglect maintained by the STATE  
15 department OF HUMAN SERVICES that requires action pursuant to this ~~part~~  
16 ~~+~~ PART 3; and informs the department whenever an additional licensed  
17 facility comes under or is no longer under its ownership or control.

18 ~~(D)~~ (E) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
19 rules to implement this ~~subparagraph (F)~~ SUBSECTION (1)(a)(I).

20 ~~(F.5)~~ (II) Rules promulgated by the ~~state board~~ EXECUTIVE  
21 DIRECTOR pursuant to subsection (1)(a)(I) of this section must also  
22 include:

23 (A) A comparison search on the ICON system at the state judicial  
24 department with the name and date of birth information and any other  
25 available source of criminal history information that the ~~state~~ department  
26 determines is appropriate for each circumstance in which the ~~CBF~~  
27 fingerprint check CONDUCTED BY THE COLORADO BUREAU OF

1 INVESTIGATION either does not confirm a criminal history or confirms a  
2 criminal history, in order to determine the crime or crimes for which the  
3 person was arrested or convicted and the disposition thereof;

4 (B) Any other recognized database, if any, that is accessible on a  
5 statewide basis as set forth by DEPARTMENT rules; ~~promulgated by the~~  
6 ~~state board~~; and

7 (C) When the results of an investigation performed pursuant to  
8 subsection (1)(a)(I) of this section or this ~~subsection (1)(a)(I.5)~~  
9 SUBSECTION (1)(a)(II) reveal a record of arrest without a disposition, a  
10 name-based criminal history record check, as defined in section  
11 22-2-119.3 (6)(d).

12 ~~(H)~~ (III) If the operator of a facility or agency refuses to hire an  
13 applicant as a result of information disclosed in the investigation of the  
14 applicant pursuant to ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION  
15 (1)(a)(I) OF THIS SECTION, the employer ~~shall not be~~ IS NOT subject to civil  
16 liability for such refusal to hire. If a former employer of the applicant  
17 releases information requested by the prospective employer pertaining to  
18 the applicant's former performance, the former employer ~~shall not be~~ IS  
19 NOT subject to civil liability for the information given.

20 ~~(a.5) An applicant for certification as a foster care home shall~~  
21 ~~provide the child placement agency or the county department from whom~~  
22 ~~the certification is sought with a list of all the prior child placement~~  
23 ~~agencies and county departments to which the applicant had previously~~  
24 ~~applied, and a release of information from such child placement agencies~~  
25 ~~and county departments to which the applicant had previously applied, to~~  
26 ~~obtain information about the application and any certification given by~~  
27 ~~such child placement agencies and county departments. A child placement~~

1 agency or county department from whom the certification is sought shall  
2 conduct a reference check of the applicant and any adult resident of the  
3 foster care home by contacting all of the child placement agencies and  
4 county departments identified by the applicant before issuing the  
5 certification for that foster care home. Child placement agencies and  
6 county departments shall be held harmless for information released, in  
7 good faith, to other child placement agencies or county departments.

8 (a.7) (I) For all applicants applying to be a foster care home or  
9 kinship foster care home, regardless of reimbursement, the county  
10 department or child placement agency shall require each adult who is  
11 eighteen years of age or older and who resides in the home to obtain a  
12 fingerprint-based criminal history record check through the Colorado  
13 bureau of investigation and the federal bureau of investigation. The  
14 applicant must provide the county department or child placement agency  
15 with the addresses where the applicant and any adult residing in the home  
16 has lived in the preceding five years, including addresses from other  
17 states. The county department or the child placement agency shall  
18 conduct the following background checks of the applicant or an adult  
19 residing in the home:

20 (A) A fingerprint-based criminal history record check to  
21 determine if the applicant or adult residing in the home has been  
22 convicted of any of the crimes listed in section 26-6-106.3(5)(a);

23 (B) A check of the ICON system at the state judicial department  
24 to determine the status or disposition of any pending criminal charges  
25 brought against the applicant or adult who resides in the home that were  
26 identified by the fingerprint-based criminal history record check through  
27 the Colorado bureau of investigation and the federal bureau of

1 investigation;

2 ~~(C) A check of the state department's automated database for~~  
3 ~~information to determine if the applicant or adult who resides in the home~~  
4 ~~has been identified as having a finding of child abuse or neglect and~~  
5 ~~whether such finding has been determined to present an unsafe placement~~  
6 ~~for a child;~~

7 ~~(D) A check against the state's sex offender registry and against~~  
8 ~~the national sex offender public registry operated by the United States~~  
9 ~~department of justice that checks names and addresses in the registries~~  
10 ~~and the interactive database system for Colorado to determine if the~~  
11 ~~applicant or adult who resides at the home is a registered sex offender;~~  
12 ~~and~~

13 ~~(E) When the results of a fingerprint-based criminal history record~~  
14 ~~check performed pursuant to this subsection (1)(a.7)(I) reveal a record of~~  
15 ~~arrest without a disposition, a name-based criminal history record check,~~  
16 ~~as defined in section 22-2-119.3 (6)(d).~~

17 ~~(H) In addition to the fingerprint-based criminal history record~~  
18 ~~check, the county department or child placement agency shall contact the~~  
19 ~~appropriate entity in each state in which the applicant or any adult~~  
20 ~~residing in the home has resided within the preceding five years to~~  
21 ~~determine whether the individual has been found to be responsible in a~~  
22 ~~confirmed report of child abuse or neglect.~~

23 ~~(HH) The screening request in Colorado for criminal history record~~  
24 ~~checks through the Colorado bureau of investigation and the federal~~  
25 ~~bureau of investigation shall be made pursuant to section 19-1-307~~  
26 ~~(2)(k.5), C.R.S., rules promulgated by the state board pursuant to section~~  
27 ~~19-3-313.5, C.R.S., and 42 U.S.C. sec. 671 (a)(20).~~

1           ~~(IV) An investigation pursuant to this paragraph (a.7) shall be~~  
2           ~~conducted for any new resident adult whenever the adult is added to the~~  
3           ~~foster care home or kinship care home. Information obtained from any~~  
4           ~~state records of abuse or neglect shall not be used for any purpose other~~  
5           ~~than conducting the investigation for placement or certification.~~

6           (b) (I) When the ~~state department county department, or child~~  
7           ~~placement agency~~ DEPARTMENT is able to certify that the applicant or  
8           licensee is competent and will operate adequate facilities to care for  
9           children under the requirements of this ~~part~~ PART 3 and that standards  
10          are being met and will be complied with, it shall issue the license for  
11          which applied. The ~~state~~ department shall inspect or cause to be inspected  
12          the facilities to be operated by an applicant for an original license before  
13          the license is granted and shall thereafter inspect or cause to be inspected  
14          the facilities of all licensees that, during the period of licensure, have  
15          been found to be the subject of complaints or to be out of compliance  
16          with the standards set forth in ~~section 26-6-106~~ SECTION 26.5-5-314 and  
17          ~~the~~ DEPARTMENT rules of ~~the state department~~ or that otherwise appear to  
18          be placing children at risk. The ~~state~~ department may make such other  
19          inspections as it deems necessary to ensure that the requirements of this  
20          ~~article~~ PART 3 are being met and that the health, safety, and welfare of the  
21          children being placed are protected. ~~If, as a result of an inspection of a~~  
22          ~~certified foster care home, the state department determines that any child~~  
23          ~~residing in such foster care home is subject to an immediate and direct~~  
24          ~~threat to his or her safety and welfare as defined by rules promulgated by~~  
25          ~~the state board or that a substantial violation of a fundamental standard~~  
26          ~~of care warrants immediate action, the state department may require a~~  
27          ~~county department to immediately remove such child from the foster care~~

1 home:

2 (II) The ~~state board~~ EXECUTIVE DIRECTOR shall adopt rules  
3 concerning the on-site public availability of the most recent inspection  
4 report results of child care center facilities and family child care home  
5 facilities, when requested. The ~~state board~~ EXECUTIVE DIRECTOR shall  
6 also adopt rules concerning a requirement that all facilities licensed under  
7 this ~~part~~ † PART 3 post their licenses and information regarding the  
8 procedures for filing a complaint under this ~~part~~ † PART 3 directly with the  
9 ~~state~~ department, which rules ~~shall~~ MUST require that each such facility  
10 display its license and complaint procedures in a prominent and  
11 conspicuous location at all times during operational hours of the facility.  
12 ~~except that such rules shall not require foster care homes to post their~~  
13 ~~licenses and such rules shall not require foster care homes and child~~  
14 ~~placement agencies to post information regarding the procedures for~~  
15 ~~filing a complaint under this part † directly with the state department. The~~  
16 ~~state board shall adopt rules requiring foster care homes to make their~~  
17 ~~licenses available to their patrons for inspection, upon request, and~~  
18 ~~requiring foster care homes and child placement agencies to make the~~  
19 ~~information concerning the filing of complaints available to their patrons~~  
20 ~~for inspection, upon request.~~

21 (III) If, as a result of an inspection of a licensed child care center  
22 facility or family child care home facility, the ~~state~~ department determines  
23 that there were no serious violations of any of the standards prescribed  
24 and published by the ~~state~~ department or any of the provisions of this ~~part~~  
25 † PART 3, within twenty days after completing the inspection the ~~state~~  
26 department shall send a written notice to ~~such~~ THE facility indicating such  
27 fact. Within ten days after receipt of ~~such~~ THE written notice, the licensee

1 shall provide a copy of the written notice to the parents and legal  
2 guardians of the children cared for at the child care center facility or  
3 family child care home facility.

4 ~~(1.5) Repealed.~~

5 (2) **[Formerly 26-6-107.5 (1)]** When the ~~state~~ department receives  
6 a serious complaint about a child care facility licensed pursuant to this  
7 ~~part~~ PART 3 alleging the immediate risk of health or safety of the  
8 children cared for in such facility, the ~~state~~ department shall respond to  
9 THE COMPLAINT and conduct an on-site investigation concerning ~~such~~ THE  
10 complaint within forty-eight hours ~~of~~ AFTER its receipt.

11 (3) (a) (I) **[Formerly 26-6-107 (2)]** Except as otherwise provided  
12 in ~~subparagraph (II) of this paragraph (a), the state~~ SUBSECTION (3)(a)(II)  
13 OF THIS SECTION, THE department may authorize or contract with any  
14 county department, the county department of health, or any other publicly  
15 or privately operated organization that has a declared interest in children  
16 and experience working with children or on behalf of children to  
17 investigate and inspect the facilities applying for an original or renewal  
18 license or applying for a permanent license following the issuance of a  
19 probationary or provisional license under this ~~part~~ PART 3 and may  
20 accept reports on such investigations and inspections from such agencies  
21 or organizations as a basis for such licensing. When contracting for  
22 investigations and inspections, the ~~state~~ department shall assure that the  
23 contractor is qualified by training and experience and has no conflict of  
24 interest with respect to the facilities to be inspected.

25 (II) The ~~state~~ department shall not authorize or contract with any  
26 county department, the county department of health, or any other publicly  
27 or privately operated organization that has a declared interest in children

1 and experience working with children or on behalf of children for  
2 investigations and inspections described in ~~subparagraph (f) of this~~  
3 ~~paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION of any facilities that  
4 provide twenty-four-hour care and are licensed pursuant to this ~~part~~  
5 PART 3.

6 (b) A city, county, or city and county may impose and enforce  
7 higher standards and requirements for facilities licensed under this ~~part~~  
8 ~~+~~ PART 3 than the standards and requirements specified under this ~~part~~  
9 PART 3.

10 (4) [Formerly 26-6-107 (3)] Every facility licensed under this ~~part~~  
11 ~~+~~ PART 3 shall keep and maintain such records as the department may  
12 prescribe pertaining to the admission, progress, health, and discharge of  
13 children under the care of the facility, and shall report relative thereto to  
14 the department whenever called for, upon forms prescribed by the  
15 department. THE FACILITY AND THE DEPARTMENT SHALL KEEP all records  
16 regarding children and all facts learned about children and their relatives  
17 ~~shall be kept confidential. both by the facility and the department.~~

18 **26.5-5-317. [Formerly 26-6-108] Denial of license - suspension**  
19 **- revocation - probation - refusal to renew license - fines.** (1) When an  
20 application for a license has been denied by the department, the  
21 department shall notify the applicant in writing of the denial by mailing  
22 a notice to ~~him or her~~ THE APPLICANT at the address shown on the  
23 application. Any applicant ~~believing himself or herself~~ WHO IS aggrieved  
24 by the denial may pursue the remedy for review as provided in ~~subsection~~  
25 ~~(3)~~ SUBSECTION (9) of this section if ~~he or she~~ THE APPLICANT, within  
26 thirty days after receiving the notice, petitions the department to set a date  
27 and place for hearing, affording ~~him or her~~ THE APPLICANT an opportunity

1 to be heard in person or by counsel. All hearings on the denial of licenses  
2 shall be conducted in conformity with the provisions and procedures  
3 specified in article 4 of title 24, ~~€R.S.~~, as in the case of the suspension  
4 and revocation of licenses.

5 (2) The department may deny an application, or suspend, revoke,  
6 or make probationary the license of any facility regulated and licensed  
7 under this ~~part~~ PART 3 or assess a fine against the licensee pursuant to  
8 ~~section 26-6-114~~ SECTION 26.5-5-323 ~~should~~ IF the licensee, an affiliate  
9 of the licensee, a person employed by the licensee, or a person who  
10 resides with the licensee at the facility:

11 (a) ~~Be~~ IS convicted of any felony, other than those offenses  
12 specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4), or child abuse,  
13 as specified in section 18-6-401, ~~€R.S.~~, the record of conviction being  
14 conclusive evidence thereof, notwithstanding section 24-5-101; ~~€R.S.~~,  
15 or have entered into a deferred judgment agreement or a deferred  
16 prosecution agreement to any felony, other than those offenses specified  
17 in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4) OR child abuse, as  
18 specified in section 18-6-401; ~~€R.S.~~, or should the department have a  
19 certified court order from another state indicating that the applicant,  
20 licensee, person employed by the licensee, or any person residing with the  
21 licensee has been convicted of a felony, other than those offenses  
22 specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4), under a law of  
23 any other state or the United States or has entered into a deferred  
24 judgment agreement or a deferred prosecution agreement in another state  
25 as to a felony, other than those offenses specified in ~~section 26-6-104 (7)~~  
26 SECTION 26.5-5-309 (4); or

27 ~~(a.5)~~ (b) ~~Be~~ IS convicted of third degree assault, as described in

1 section 18-3-204; ~~€R.S.~~; any misdemeanor, the underlying factual basis  
2 of which has been found by the court on the record to include an act of  
3 domestic violence, as defined in section 18-6-800.3; ~~€R.S.~~; the violation  
4 of a protection order, as described in section 18-6-803.5; ~~€R.S.~~; any  
5 misdemeanor offense of child abuse as defined in section 18-6-401;  
6 ~~€R.S.~~; or any misdemeanor offense in any other state, the elements of  
7 which are substantially similar to the elements of any one of the offenses  
8 described in this ~~paragraph (a.5)~~ SUBSECTION (2)(b). For purposes of this  
9 ~~paragraph (a.5), "convicted" shall have~~ AS USED IN THIS SUBSECTION  
10 (2)(b), "CONVICTED" HAS the same meaning as set forth in ~~section~~  
11 ~~26-6-104 (7)(a)(H)~~ SECTION 26.5-5-309 (4)(a)(II).

12 (b) (c) ~~Be~~ IS determined to be insane or mentally incompetent by  
13 a court of competent jurisdiction and, ~~should a court enter~~ IF A COURT  
14 ENTERS, pursuant to part 3 or part 4 of article 14 of title 15, ~~€R.S.~~; or  
15 section 27-65-109 (4) or 27-65-127, ~~€R.S.~~; an order specifically finding  
16 that the mental incompetency or insanity is of such a degree that the  
17 licensee is incapable of operating a family child care home ~~foster care~~  
18 ~~home~~; or child care center, the record of such determination and entry of  
19 such order being conclusive evidence thereof; or

20 (e) (d) ~~Use~~ USES any controlled substance, as defined in section  
21 18-18-102 (5), ~~€R.S.~~; including retail marijuana, or ~~consume~~ CONSUMES  
22 any alcoholic beverage during the operating hours of the facility or ~~be~~ IS  
23 under the influence of a controlled substance or alcoholic beverage during  
24 the operating hours of the facility; or

25 (e.5) (e) ~~Be~~ IS convicted of unlawful use of a controlled substance  
26 as specified in section 18-18-404; ~~€R.S.~~; unlawful distribution,  
27 manufacturing, dispensing, sale, or possession of a controlled substance

1 as specified in section 18-18-403.5 OR 18-18-405; ~~or 18-18-405.5, C.R.S.~~;  
2 or unlawful offenses relating to marijuana or marijuana concentrate as  
3 specified in section 18-18-406; ~~C.R.S.~~; or

4 ~~(d)~~ (f) Consistently ~~fail~~ FAILS to maintain standards prescribed and  
5 published by the department; or

6 ~~(e)~~ (g) ~~Furnish or make~~ FURNISHES OR MAKES any misleading or  
7 any false statement or report to the department; or

8 ~~(f)~~ (h) ~~Refuse~~ REFUSES to submit to the department any reports or  
9 ~~refuse~~ REFUSES to make available to the department any records required  
10 by it in making investigation of the facility for licensing purposes; or

11 ~~(g)~~ (i) ~~Fail or refuse~~ FAILS OR REFUSES to submit to an  
12 investigation or inspection by the department or to admit authorized  
13 representatives of the department at any reasonable time for the purpose  
14 of investigation or inspection; or

15 ~~(h)~~ (j) ~~Fail~~ FAILS to provide, maintain, equip, and keep in safe and  
16 sanitary condition premises established or used for child care pursuant to  
17 standards prescribed by the department of public health and environment  
18 and the department ~~of human services~~ or by ordinances or regulations  
19 applicable to the location of such facility; or

20 ~~(i)~~ (k) Willfully or deliberately ~~violate~~ VIOLATES any of the  
21 provisions of this ~~part~~ PART 3 OR ANY OF THE STANDARDS PRESCRIBED  
22 AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 3; or

23 ~~(j)~~ (l) ~~Fail~~ FAILS to maintain financial resources adequate for the  
24 satisfactory care of children served in regard to upkeep of premises and  
25 provision for personal care, medical services, clothing, and other  
26 essentials in the proper care of children; or

27 ~~(k)~~ (m) ~~Be~~ IS charged with the commission of an act of child

1 abuse or an unlawful sexual offense, as specified in section 18-3-411 (1),  
2 C.R.S., if:

3 (I) Such individual has admitted committing the act or offense and  
4 the admission is documented or uncontroverted; or

5 (II) The administrative law judge finds that such charge is  
6 supported by substantial evidence; or

7 ~~(h)~~ (n) ~~Admit~~ ADMITS to an act of child abuse or if substantial  
8 evidence is found that the licensee, person employed by the licensee, or  
9 person who resides with the licensee in the licensed facility has  
10 committed an act of child abuse. ~~For the purposes of this paragraph (h) AS~~  
11 ~~USED IN THIS SUBSECTION~~ (2)(n), "child abuse" has the same meaning as  
12 that ascribed to the term "abuse" or "child abuse or neglect" in section  
13 19-1-103 (1); C.R.S.; or

14 ~~(m)~~ (o) ~~Be~~ IS the subject of a negative licensing action. ~~or~~

15 ~~(n)~~ Misuse any public funds that are provided to any foster care  
16 home or any child placement agency that places or arranges for placement  
17 of a child in foster care for the purposes of providing foster care services,  
18 child placement services related to the provision of foster care, or any  
19 administrative costs related to the provision of such foster care services  
20 or such foster-care-related child placement services. The state board shall  
21 promulgate rules defining the term "misuse", which rules shall take into  
22 account similar definitions in federal law and may include references to  
23 relevant circulars of the federal office of management and budget.

24 ~~(2.2)~~ (3) The state department may deny an application to renew  
25 a license based on the grounds set forth in subsection (2) of this section.  
26 The denial is effective upon the expiration of the existing license. The  
27 existing license ~~shall not~~ DOES NOT continue in effect even though the

1 applicant for renewal files a request for hearing or appeal.

2 ~~(2.3)~~ (4) The state department may deny an application for a child  
3 care facility license pursuant to this ~~part 1 if such~~ PART 3 IF THE applicant  
4 is a relative affiliate of a licensee ~~as described in section 26-6-102 (1)(d)~~;  
5 of a child care facility licensed pursuant to this ~~part 1~~ PART 3, which  
6 licensee is the subject of a previous negative licensing action or is the  
7 subject of a pending investigation by the state department that may result  
8 in a negative licensing action.

9 ~~(2.4) The state department may deny an application for a child~~  
10 ~~placement agency license pursuant to this part 1 if such applicant is a~~  
11 ~~relative affiliate of a licensee as described in section 26-6-102 (1)(d), of~~  
12 ~~a child placement agency licensed pursuant to this part 1, which licensee~~  
13 ~~is the subject of a previous negative licensing action or is the subject of~~  
14 ~~a pending investigation by the state department that may result in a~~  
15 ~~negative licensing action.~~

16 ~~(2.5)~~ (5) (a) (I) The state department shall deny an application for  
17 a license under the circumstances described in ~~section 26-6-104 (7)~~  
18 SECTION 26.5-5-309 (4). The state department shall revoke or suspend a  
19 license previously issued if:

20 (A) The licensee, person employed by the licensee, or person  
21 residing with the licensee is thereafter convicted or if it is later discovered  
22 that the licensee, person employed by the licensee, or person residing with  
23 the licensee had previously been convicted of any of the criminal offenses  
24 set forth in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4); or

25 (B) The department has a certified court order from another state  
26 indicating that the licensee, person employed by the licensee, or person  
27 residing with the licensee is thereafter convicted of, or if it is later

1 discovered that the licensee, person employed by the licensee, or person  
2 residing with the licensee had previously been convicted of a criminal  
3 offense under a law of any other state or of the United States that is  
4 similar to any of the criminal offenses set forth in ~~section 26-6-104 (7)~~  
5 SECTION 26.5-5-309 (4); or

6 (C) The licensee, an affiliate of the licensee, a person employed  
7 by the licensee, or a person who resides with the licensee at the facility  
8 has been determined to be insane or mentally incompetent by a court of  
9 competent jurisdiction ~~and, should a court enter~~ AND THE COURT HAS  
10 ENTERED pursuant to part 3 or part 4 of article 14 of title 15 ~~€R.S.~~, or  
11 section 27-65-109 (4) or 27-65-127, ~~€R.S.~~, an order specifically finding  
12 that the mental incompetency or insanity is of such a degree that the  
13 licensee is incapable of operating a family child care home ~~foster care~~  
14 ~~home~~, or child care center, the record of ~~such~~ THE determination and entry  
15 of ~~such~~ THE order being conclusive evidence thereof.

16 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS  
17 SUBSECTION (5)(a), "convicted" means a conviction by a jury or by a court  
18 and ~~shall also include~~ INCLUDES a deferred judgment and sentence  
19 agreement, a deferred prosecution agreement, a deferred adjudication  
20 agreement, an adjudication, and a plea of guilty or nolo contendere.

21 (b) A certified copy of the judgment of a court of competent  
22 jurisdiction of such conviction or deferred judgment and sentence  
23 agreement, deferred prosecution agreement, deferred adjudication  
24 agreement, or a certified court order from another state indicating such an  
25 agreement from another state ~~shall be~~ IS prima facie evidence of such  
26 conviction or agreement.

27 ~~(2.6)~~ (6) The state department shall deny an application for an

1 entity licensed under this ~~article~~ PART 3 and shall revoke the license of an  
2 entity licensed under this ~~article~~ PART 3 if the entity cultivates marijuana  
3 pursuant to the authority in section 16 of article XVIII of the state  
4 constitution.

5 ~~(2.7)~~ (7) The department may assess fines, pursuant to the  
6 provisions of ~~section 26-6-114~~ SECTION 26.5-5-323, against a licensee or  
7 a person employed by the licensee who willfully and deliberately or  
8 consistently violates the standards prescribed and published by the  
9 department or the provisions of this ~~part 1~~ PART 3.

10 ~~(2.9)~~ (8) The DEPARTMENT SHALL DETERMINE THE EXISTENCE OF  
11 convictions identified in this section ~~shall be determined~~ according to the  
12 records of the Colorado bureau of investigation, the ICON system at the  
13 state judicial department, or any other source, as set forth in ~~section~~  
14 ~~26-6-107 (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(II).

15 ~~(3)~~ (9) The department shall suspend or revoke a license only in  
16 conformity with the provisions and procedures specified in article 4 of  
17 title 24, C.R.S., and after a hearing thereon as provided in said article 4;  
18 except that AN ADMINISTRATIVE LAW JUDGE            SHALL CONDUCT all  
19 hearings under this ~~part 1~~ ~~shall be conducted by an administrative law~~  
20 ~~judge of the department who shall render his or her recommendation to~~  
21 ~~PART 3 AND ISSUE AN INITIAL DECISION. The executive director of the~~  
22 ~~department of human services who shall render~~ SHALL REVIEW THE  
23 INITIAL DECISION AND ISSUE the final decision of the department. ~~and no~~  
24 ~~licensee shall be~~ A LICENSEE IS NOT entitled to a right to cure any of the  
25 charges described in ~~paragraph (a), (b), (c), or (k)(I) of subsection (2)~~  
26 SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) of this section. ~~No such~~  
27 ~~hearing shall~~ A HEARING DOES NOT prevent or delay any injunctive

1 proceedings instituted under the provisions of ~~section 26-6-111~~ SECTION  
2 26.5-5-320.

3 ~~(4) The provisions of paragraph (c) of subsection (2) of this~~  
4 ~~section shall not apply to foster care homes, unless such use or~~  
5 ~~consumption impairs the licensee's ability to properly care for children.~~

6 ~~(5) Only upon the request of a county department, a child~~  
7 ~~placement agency licensed pursuant to this part 1 that places or arranges~~  
8 ~~for placement of a child in foster care may certify the home of a relative~~  
9 ~~of the child placed therein as a foster care home.~~

10 **26.5-5-318. [Formerly 26-6-108.5] Notice of negative licensing**  
11 **action - filing of complaints.** (1) (a) When a child care center facility or  
12 family child care home facility licensed pursuant to this ~~part 1~~ PART 3 has  
13 been notified by the department of a negative licensing action or the  
14 imposition of a fine pursuant to ~~section 26-6-108 (2) and (2.7)~~ SECTION  
15 26.5-5-317 (2) AND (7), it shall, within ten days after receipt of the notice,  
16 provide the department with the names and mailing addresses of the  
17 parents or legal guardians of each child cared for at the child care center  
18 facility or family child care home facility. The department shall maintain  
19 the confidentiality of the names and mailing addresses provided to it  
20 pursuant to this subsection (1).

21 (b) Within twenty days after receipt of the names and addresses  
22 of parents and legal guardians pursuant to ~~paragraph (a) of this subsection~~  
23 ~~(1)~~ SUBSECTION (1)(a) OF THIS SECTION, the department shall send a  
24 written notice to each ~~such~~ parent or legal guardian identifying the  
25 negative licensing action or the fine imposed and providing a description  
26 of the basis for the action as it relates to the impact on the health, safety,  
27 and welfare of the children in the care of the facility. ~~Such notice shall be~~

1 ~~sent~~ THE DEPARTMENT SHALL SEND THE NOTICE to the parents and legal  
2 guardians by first-class mail.

3 (c) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
4 concerning the assessment of a fine against a licensee that is equal to the  
5 direct and indirect costs associated with the mailing of the notice  
6 described in ~~paragraph (b) of this subsection (1)~~ SUBSECTION (1)(b) OF  
7 THIS SECTION against the facility.

8 (d) ~~Nothing in this subsection (1) precludes the state~~ THIS  
9 SUBSECTION (1) DOES NOT PRECLUDE THE department or a county  
10 department of human or social services from notifying parents of serious  
11 violations of any of the standards prescribed and published by the  
12 department or any of the provisions of this ~~part 1~~ PART 3 that could  
13 impact the health, safety, or welfare of a child cared for at the facility or  
14 home.

15 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
16 requiring child care center facilities and family child care home facilities  
17 to provide written notice to the parents and legal guardians of the children  
18 cared for in such facilities of the procedures by which to file a complaint  
19 against the facility or an employee of the facility with the ~~division of child~~  
20 ~~care in the department. Such rules shall specify what~~ DEPARTMENT. THE  
21 RULES MUST SPECIFY THE information the notice ~~shall~~ MUST contain, but  
22 ~~shall~~ MUST require that the notice include the current mailing address and  
23 telephone number of the ~~division of child care in~~ APPROPRIATE DIVISION  
24 WITHIN the department.

25 (3) The department shall track and record complaints made to the  
26 department that are brought against family child care homes and shall  
27 identify which complaints were brought against licensed family child care

1 homes, ~~as defined in section 26-6-102 (13)~~, unlicensed family child care  
2 homes, or legally exempt family child care homes. ~~as defined in section~~  
3 ~~26-6-102 (12)~~.

4 **26.5-5-319. [Formerly 26-6-109] Institutes.**

5 (1) ~~Repealed.~~

6 (2) The department is authorized to hold institutes and programs  
7 for licensees under this ~~part 1 in order~~ PART 3 to assist in the improvement  
8 of standards and practices of facilities operated and maintained by  
9 licensees and in the more efficient and practical administration and  
10 enforcement of this ~~part 1~~ PART 3. In conducting ~~such~~ institutes and  
11 programs, the department may request the assistance of health, education,  
12 and fire safety officials.

13 **26.5-5-320. [Formerly 26-6-111] Injunctive proceedings.** The  
14 department, in the name of the people of the state of Colorado, through  
15 the attorney general of the state, must apply for an injunction in any court  
16 of competent jurisdiction to enjoin any person from operating any facility  
17 without a license that is required to be licensed under this ~~part 1~~ PART 3.  
18 If the person does not have a valid license pursuant to this ~~part 1~~ PART 3,  
19 the person's license has been revoked pursuant to ~~section 26-6-108~~  
20 SECTION 26.5-5-317, or the person does not meet the licensing exemption  
21 criteria set forth in ~~section 26-6-103~~ SECTION 26.5-5-304, yet provides  
22 child care, and has a pattern of providing such child care without a valid  
23 license as required by this ~~part 1~~ PART 3, and despite having received  
24 notification from the department that the person or facility is in violation  
25 of the law, then ~~such~~ THE person is providing unlicensed and illegal child  
26 care. At the time the department applies for an injunction, the department  
27 shall notify law enforcement of the injunction proceedings. If it is

1 established that the defendant has been or is so operating ~~such~~ THE facility  
2 without a valid license, the court shall enter a decree enjoining the  
3 defendant from further operating the facility unless and until the person  
4 obtains a license ~~therefor~~ TO OPERATE THE FACILITY. In case of violation  
5 of any injunction issued pursuant to this section, the court may summarily  
6 try and punish the offender for contempt of court. Such injunctive  
7 proceedings are in addition to and not in lieu of the penalty provided in  
8 ~~section 26-6-112~~ SECTION 26.5-5-321.

9 **26.5-5-321. [Formerly 26-6-112] Penalty - short title.** (1) On or  
10 after July 1, 2021, any person violating any provision of this ~~part~~ PART  
11 3, intentionally making any false statement or report to the department or  
12 to any agency delegated by the department to make an investigation or  
13 inspection pursuant to the provisions of this ~~part~~ PART 3, or violating a  
14 cease-and-desist order that is not cured ~~is guilty of~~ COMMITS a petty  
15 offense and, upon conviction, shall be punished by a fine of up to five  
16 hundred dollars, a sentence of up to ten days in jail, or both.

17 (2) The short title of this section is the "Elle Matthews Act for  
18 Increased Safety in Child Care".

19 **26.5-5-322. [Formerly 26-6-113] Periodic review of licensing**  
20 **rules and procedures - legislative declaration.** (1) The general  
21 assembly finds that changes in demographics and economic trends in  
22 Colorado have increased the need for high-quality and affordable child  
23 care. The general assembly also recognizes that the provision of child  
24 care in this state and in the nation is a rapidly growing industry subject to  
25 many changes. The general assembly further finds that there is a need for  
26 continuing comprehensive review of the rules ~~and regulations~~ and the  
27 licensing procedures governing child care centers AND family child care

1 homes ~~and foster care homes~~ that includes the adequate and full  
2 participation of parents, consumers, child care providers, and interested  
3 persons. The general assembly finds that such a review with the goal of  
4 identifying problems in the fragmentation and lack of uniformity of  
5 standards in the licensing process would benefit the state and result in  
6 improvements in the regulation of this industry that is so vital to the  
7 health and well-being of the state's children and citizens.

8 (2) ~~Beginning with fiscal year 1995-1996, an initial~~  
9 ~~comprehensive rule and regulation review shall be conducted in~~  
10 ~~conjunction with the performance audit required by section 26-6-107~~  
11 ~~(1.5), and, at least every fifth fiscal year thereafter~~ BY JULY 1, 2023, AND  
12 AT LEAST EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL  
13 CONDUCT a comprehensive review of the licensing rules ~~and regulations~~  
14 for child care centers AND family child care homes ~~and foster care homes~~  
15 and the procedures relating to and governing child care centers AND  
16 family child care homes, ~~and foster care homes shall be conducted by the~~  
17 ~~department~~, including procedures for the review of backgrounds of  
18 employees and owners. In conducting such periodic review, the  
19 department shall consult with parents and consumers of child care, child  
20 care providers, the department of public health and environment, THE  
21 DEPARTMENT OF HUMAN SERVICES, experts in the child care field, and  
22 other interested parties throughout the state. The periodic review ~~shall~~  
23 MUST include an examination of the rules ~~and regulations~~ applicable to  
24 child care centers AND family child care homes, ~~and foster care homes~~,  
25 the process of licensing such facilities, uniformity of standards or lack  
26 thereof in the licensing process, statewide standardization of  
27 investigations and enforcement of licensing by the department,

1 duplication and conflicts in ~~regulations~~ RULES, requirements, or  
2 procedures between the department and the department of public health  
3 and environment, and recommendations for streamlining and unifying the  
4 licensing process. ~~Said review shall~~ THE REVIEW MUST also include an  
5 examination of ~~regulations~~ RULES and procedures regarding the general  
6 physical and mental health of employees and owners. At the conclusion  
7 of each review, the department shall report its findings and conclusions  
8 and its recommendations for administrative changes and for legislation  
9 to the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
10 CHILDHOOD and the executive director of the department of public health  
11 and environment.

12 **26.5-5-323. [Formerly 26-6-114] Civil penalties - fines - child**  
13 **care cash fund - created.** (1) In addition to any other penalty otherwise  
14 provided by law, including ~~section 26-6-112~~ SECTION 26.5-5-321, any  
15 person violating any provision of this ~~part~~ PART 3 or intentionally  
16 making any false statement or report to the department or to any agency  
17 delegated by the department to make an investigation or inspection under  
18 the provisions of this ~~part~~ PART 3 may be assessed a civil penalty up to  
19 a maximum of ten thousand dollars as follows:

- 20 (a) Two hundred ~~and~~ fifty dollars a day for the first day;  
21 (b) Five hundred dollars a day for the second day; and  
22 (c) One thousand dollars a day for the third and subsequent days.

23 ~~(2) Repealed.~~

24 ~~(3)~~ (2) Each day in which a person is in violation of any provision  
25 of this ~~part~~ PART 3 may constitute a separate offense.

26 ~~(4)~~ (3) The department may assess a civil penalty in conformity  
27 with the provisions and procedures specified in article 4 of title 24;

1 C.R.S.; except that all hearings conducted pursuant to this section shall  
2 MUST be before an administrative law judge, of the department, who shall  
3 render his or her recommendation to WHO SHALL ISSUE AN INITIAL  
4 DECISION. The executive director of the department who render SHALL  
5 REVIEW THE INITIAL DECISION AND ISSUE the final decision of the  
6 department.

7 (5) (4) The DEPARTMENT SHALL TRANSMIT THE fines collected  
8 pursuant to this section, section 26-6-108 (2) and (2.7), and section  
9 26-6-108.5 (1)(c) shall be transmitted SECTION 26.5-5-317 (2) AND (7),  
10 AND SECTION 26.5-5-318 (1)(c) to the state treasurer, who shall credit the  
11 same to the child care cash fund, which fund is hereby created in the state  
12 treasury. THE STATE TREASURER SHALL CREDIT TO THE FUND all interest  
13 derived from the deposit and investment of moneys in the fund shall be  
14 credited to the fund MONEY IN THE FUND. At the end of any fiscal year, all  
15 unexpended and unencumbered moneys MONEY in the fund shall remain  
16 therein REMAINS IN THE FUND and shall is not be credited or transferred  
17 to the general fund or any other fund. Moneys MONEY in the child care  
18 cash fund are hereby IS continuously appropriated to the department to  
19 fund activities related to the improvement of the quality of child care in  
20 the state of Colorado.

21 **26.5-5-324. [Formerly 26-6-116] Child care resource and**  
22 **referral system - created.** (†) The state department shall design and  
23 develop a child care resource and referral system, referred to in this  
24 section as the "system", to assist in promoting availability, accessibility,  
25 and quality of child care services in Colorado. The executive director, or  
26 his or her designee, shall have the authority THE EXECUTIVE DIRECTOR'S  
27 DESIGNEE, IS AUTHORIZED, within available appropriations, to designate

1 a public or private entity ~~that shall be~~ TO BE responsible for the  
2 administration of the system, and may enter into a contract with the  
3 administering entity for ~~such~~ THIS purpose. The executive director shall  
4 designate or redesignate ~~such~~ AN administering entity on a biennial basis.

5 (2) ~~Repealed.~~

6 **26.5-5-325. [Formerly 26-6-119] Family child care homes -**  
7 **administration of routine medications - parental direction - rules.**

8 (1) The delegation of nursing tasks by a registered nurse pursuant to  
9 section 12-255-131 ~~shall not be~~ IS NOT required for the administration of  
10 routine medications by a child care provider to children cared for in  
11 family child care homes licensed pursuant to this ~~part~~ PART 3, subject  
12 to the following conditions:

13 (a) The parent of the child cared for in the licensed family child  
14 care home has daily physical contact with the child care provider that  
15 actually administers the routine medication;

16 (b) The child care provider has successfully completed a  
17 medication administration instructional program that is approved by the  
18 ~~state~~ department;

19 (c) Routine medications are administered in compliance with rules  
20 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR pursuant to  
21 subsection (2) of this section;

22 (d) If the routine medication involves the administration of unit  
23 dose epinephrine, the administration is accompanied by a written protocol  
24 by the prescribing health-care professional that identifies the factors for  
25 determining the need for the administration of the medication and is  
26 limited to emergency situations; and

27 (e) If the routine medication involves the administration of a

1 nebulized inhaled medication, the administration is accompanied by a  
2 written protocol by the prescribing health-care professional that identifies  
3 the factors for determining the need for the administration of the  
4 medication.

5 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
6 concerning the medically acceptable procedures and standards to be  
7 followed by child care providers administering routine medications to  
8 children cared for in family child care homes.

9 **26.5-5-326. [Formerly 26-6-120] Exempt family child care**  
10 **home providers - fingerprint-based criminal history record check -**  
11 **child care assistance program money - temporary care - rules -**  
12 **definitions.** (1) (a) (I) An exempt family child care home provider who  
13 provides care for a child and an individual who provides care for a child  
14 who is related to the individual, referred to collectively in this section as  
15 a "qualified provider", ~~shall be~~ IS subject to a fingerprint-based criminal  
16 history record check, referred to in this section as an "FCC", as provided  
17 in this section and the rules authorized in ~~section 26-6-107 (1)(a)(I) and~~  
18 ~~(1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(I) AND (1)(a)(II), if the child's care  
19 is funded in whole or in part with ~~moneys~~ MONEY received on the child's  
20 behalf from the publicly funded Colorado child care assistance program.  
21 The provisions of this section ~~shall~~ apply to exempt family child care  
22 home providers or individuals who provide care to a related child who  
23 receive ~~moneys~~ MONEY from the publicly funded Colorado child care  
24 assistance program pursuant to contracts or other payment agreements  
25 entered into or renewed on or after May 25, 2006.

26 (II) Each adult eighteen years of age or older who resides with a  
27 qualified provider where the care is provided, referred to in this section

1 as a "qualified adult", ~~shall be~~ IS subject to the FCC required pursuant to  
2 this section.

3 (III) The FCC required for a qualified provider or qualified adult  
4 pursuant to this section ~~shall~~ MUST include a fingerprint-based criminal  
5 history records check utilizing the records of the Colorado bureau of  
6 investigation and, for qualified providers or qualified adults applying for  
7 child care assistance program ~~moneys~~ MONEY on or after August 10,  
8 2011, the federal bureau of investigation. As part of the FCC, the ~~state~~  
9 department shall access the records and reports of child abuse or neglect  
10 maintained by the state department OF HUMAN SERVICES to determine  
11 whether the subject of the FCC has been found to be responsible in a  
12 confirmed report of child abuse or neglect. Information shall be made  
13 available pursuant to section 19-1-307 (2)(j), ~~C.R.S.~~, and rules  
14 promulgated by the state board OF HUMAN SERVICES pursuant to section  
15 19-3-313.5 (4). ~~C.R.S.~~

16 (IV) The FCC required pursuant to this section ~~shall be~~ IS a  
17 prerequisite to the issuance or renewal of a contract for receipt of ~~moneys~~  
18 MONEY under the Colorado child care assistance program as provided in  
19 ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. The  
20 ~~state~~ department shall not issue or renew a contract for payment of  
21 ~~moneys~~ MONEY under the Colorado child care assistance program to a  
22 qualified provider who fails to submit to the FCC or fails to submit  
23 fingerprints for a qualified adult.

24 (b) A qualified provider shall notify the county with whom ~~he or~~  
25 ~~she~~ THE QUALIFIED PROVIDER has contracted pursuant to the Colorado  
26 child care assistance program upon any change of circumstances that  
27 results in the presence of a new qualified adult. A new qualified adult is

1 required to undergo an FCC as provided in this section, even if the  
2 Colorado child care assistance program contract is not subject to renewal  
3 when the qualified adult moves into the residence where the care is  
4 provided.

5 (c) A qualified provider or qualified adult who undergoes an FCC  
6 shall, with submittal of ~~his or her~~ fingerprints, pay to the state department  
7 a fee established by ~~rule of the state board pursuant to subsection (5)~~  
8 DEPARTMENT RULE PURSUANT TO SUBSECTION (6) of this section to offset  
9 the costs associated with processing the FCC through the Colorado  
10 bureau of investigation and the federal bureau of investigation.

11 ~~(1.5)~~ (2) (a) When the results of an FCC performed pursuant to  
12 subsection (1) of this section reveal a record of arrest without a  
13 disposition, the ~~state~~ department shall require that person to submit to a  
14 name-based criminal history record check, as defined in section  
15 22-2-119.3 (6)(d).

16 (b) A person who undergoes a name-based criminal history record  
17 check shall pay to the ~~state~~ department a fee established by ~~rule of the~~  
18 ~~state board pursuant to subsection (5)~~ DEPARTMENT RULE PURSUANT TO  
19 SUBSECTION (6) of this section to offset the costs associated with  
20 performing the name-based criminal history record check.

21 ~~(2)~~ (3) THE DEPARTMENT OR A COUNTY DEPARTMENT SHALL NOT  
22 ISSUE OR RENEW a contract to provide ~~moneys~~ MONEY TO A QUALIFIED  
23 PROVIDER under the Colorado child care assistance program pursuant to  
24 ~~part 8 of article 2 of this title shall not be issued or renewed by the state~~  
25 ~~department or a county department to a qualified provider~~ PART 1 OF  
26 ARTICLE 4 OF THIS TITLE 26.5 if the qualified provider or a qualified adult  
27 has been convicted of:

1 (a) Child abuse, as described in section 18-6-401; ~~C.R.S.~~;

2 (b) A crime of violence, as defined in section 18-1.3-406; ~~C.R.S.~~;

3 (c) Any felony offense involving unlawful sexual behavior, as  
4 defined in section 16-22-102 (9); ~~C.R.S.~~;

5 (d) Any felony, the underlying factual basis of which has been  
6 found by the court on the record to include an act of domestic violence,  
7 as defined in section 18-6-800.3; ~~C.R.S.~~;

8 (e) Any felony involving physical assault, battery, or a  
9 drug-related offense within the five years preceding the date of the FCC;  
10 or

11 (f) Any offense in any other state, the elements of which are  
12 substantially similar to the elements of any one of the offenses described  
13 in ~~paragraphs (a) to (c) of this subsection (2)~~ SUBSECTIONS (3)(a) TO  
14 (3)(e) OF THIS SECTION.

15 ~~(3)~~ (4) The ~~state~~ department or a county department shall not issue  
16 or renew a contract to provide money pursuant to the Colorado child care  
17 assistance program pursuant to ~~part 8 of article 2 of this title 26~~ PART 1 OF  
18 ARTICLE 4 OF THIS TITLE 26.5 to a qualified provider if the qualified  
19 provider or a qualified adult:

20 (a) Has a pattern of misdemeanor or petty offense convictions  
21 occurring within the ten years preceding submission of the application,  
22 including petty offense convictions pursuant to ~~section 26-6-112~~ SECTION  
23 26.5-5-321. The ~~state board~~ EXECUTIVE DIRECTOR shall define by rule  
24 what constitutes a pattern of misdemeanor or petty offense convictions.

25 (b) Has been determined to be insane or mentally incompetent by  
26 a court of competent jurisdiction and a court has entered, pursuant to part  
27 3 or 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or

1 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental  
2 incompetency or insanity is of such a degree that the qualified provider  
3 cannot safely operate a child care home. The record of ~~such~~ THE  
4 determination and entry of ~~such~~ THE order ~~shall be~~ ARE conclusive  
5 evidence thereof. A qualified provider shall sign an attestation affirming  
6 the lack of such a finding prior to entering into or renewing a contract for  
7 ~~moneys~~ MONEY under the Colorado child care assistance program,  
8 pursuant to ~~section 26-2-805.5 (2)~~ SECTION 26.5-4-107 (2).

9 (4) (5) A qualified provider who has submitted to an FCC by the  
10 Colorado bureau of investigation and the federal bureau of investigation  
11 may, pending the receipt of the results of the FCC, continue to receive  
12 ~~moneys~~ MONEY from the Colorado child care assistance program.

13 (5) (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
14 rules to establish the amount of the fee to collect from a qualified  
15 provider or qualified adult who is subject to an FCC pursuant to  
16 subsection (1) of this section or a name-based criminal history record  
17 check pursuant to ~~subsection (1.5)~~ SUBSECTION (2) of this section. The  
18 state department is authorized to collect the fee at the time of the FCC or  
19 name-based criminal history record check.

20 **26.5-5-327. [Formerly 26-6-121 (3)]. Unique student identifying**  
21 **numbers - rules.** (3) ~~Following adoption of the protocols, the state board~~  
22 THE EXECUTIVE DIRECTOR shall promulgate rules pursuant to the "~~State~~  
23 ~~Administrative Procedure Act~~", article 4 of title 24, C.R.S., as necessary  
24 for the assignment of uniquely identifying ~~student~~ numbers to ~~students~~  
25 ~~receiving~~ CHILDREN WHO RECEIVE early childhood ~~education~~ services.  
26 ~~The state board shall collaborate with the state board of education in~~  
27 ~~promulgating any necessary rules to ensure that they do not conflict with~~

1 ~~any rules promulgated by the state board of education pursuant to section~~  
2 ~~22-2-134, C.R.S.~~ AT A MINIMUM, THE RULES MUST INCLUDE CHILDREN  
3 WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY SUBSIDIZED EARLY  
4 CHILDHOOD SERVICES, INCLUDING BUT NOT LIMITED TO SERVICES  
5 PROVIDED THROUGH THE CHILD CARE DEVELOPMENT BLOCK GRANT, THE  
6 COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND HEAD START.

## 7 **ARTICLE 6**

### 8 **Early Childhood Workforce**

#### 9 **26.5-6-101. Plan for early childhood workforce development.**

10 (1) THE DEPARTMENT, IN PARTNERSHIP WITH THE EARLY CHILDHOOD  
11 LEADERSHIP COMMISSION, SHALL DEVELOP A PLAN FOR RECRUITING,  
12 TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED,  
13 HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE. IN  
14 DEVELOPING THE PLAN, THE DEPARTMENT AND THE COMMISSION SHALL  
15 WORK WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND  
16 LABOR AND EMPLOYMENT AND WITH ORGANIZATIONS THAT HAVE  
17 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE. AT A  
18 MINIMUM, THE PLAN MUST:

19 (a) TAKE INTO ACCOUNT EXISTING EARLY CHILDHOOD WORKFORCE  
20 QUALIFICATION PATHWAYS AND CREATE A SIMPLIFIED PROCESS FOR  
21 PERSONS IN THE WORKFORCE TO ATTAIN CREDENTIALS AND MEET  
22 QUALIFICATIONS;

23 (b) ENSURE THE ABILITY TO OVERCOME ANY REGULATORY AND  
24 SYSTEMIC BARRIERS FOR ENTRY INTO THE EARLY CHILDHOOD WORKFORCE  
25 BY ADDRESSING ADMINISTRATIVE AND POLICY BARRIERS TO ENTRY,  
26 INCLUDING ADDRESSING BARRIERS FACED BY INDIVIDUALS WHO SPEAK  
27 LANGUAGES OTHER THAN ENGLISH;

1 (c) ADDRESS STRATEGIES FOR RECRUITING AND PROVIDING  
2 INCENTIVES FOR DIVERSE, NONTRADITIONAL WORKFORCE MEMBERS, SUCH  
3 AS HIGH SCHOOL STUDENTS, TEACHERS FROM OTHER COUNTRIES, AND  
4 PARENTS, AND REDUCING BARRIERS THAT PREVENT THESE INDIVIDUALS  
5 FROM JOINING THE EARLY CHILDHOOD WORKFORCE;

6 (d) PROMOTE A COHERENT AND ALIGNED SYSTEM OF PREPARATION  
7 AND ONGOING PROFESSIONAL DEVELOPMENT FOR INDIVIDUALS IN THE  
8 EARLY CHILDHOOD WORKFORCE;

9 (e) SIMPLIFY THE REQUIREMENTS AN INDIVIDUAL MUST MEET TO  
10 ENTER THE EARLY CHILDHOOD WORKFORCE, CLEARLY ARTICULATE THE  
11 COMPETENCIES THAT MEMBERS OF THE EARLY CHILDHOOD WORKFORCE  
12 ARE EXPECTED TO ACHIEVE OVER TIME, ALIGN THE SYSTEM OF  
13 PROFESSIONAL LEARNING AND DEVELOPMENT FOR EARLY CHILDHOOD  
14 SERVICES, AND REDUCE REGULATORY BARRIERS WHEN POSSIBLE TO  
15 PROMOTE ATTAINMENT OF THESE COMPETENCIES THROUGH IDENTIFIED  
16 PROFESSIONAL DEVELOPMENT PARTNERS, INCLUDING INSTITUTIONS OF  
17 HIGHER EDUCATION;

18 (f) ESTABLISH GOALS FOR INCREASING THE QUALIFICATIONS OF  
19 MEMBERS OF THE EARLY CHILDHOOD WORKFORCE OVER TIME, INCLUDING  
20 STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED  
21 ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR  
22 BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING  
23 CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS;

24 ■  
25 (g) ADDRESS STRATEGIES FOR INCREASING THE COMPENSATION  
26 FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE WITH THE GOAL  
27 OF ENSURING THAT ALL INDIVIDUALS IN THE EARLY CHILDHOOD

1 WORKFORCE RECEIVE A LIVING WAGE; AND

2 (h) ADDRESS OTHER SUSTAINABLE AND EVIDENCE-BASED  
3 STRATEGIES TO RECRUIT, PREPARE, COMPENSATE, PROVIDE CONTINUING  
4 PROFESSIONAL DEVELOPMENT FOR, AND RETAIN MEMBERS OF THE EARLY  
5 CHILDHOOD WORKFORCE.

6 (2) THE DEPARTMENT SHALL MAKE THE PLAN PUBLICLY  
7 AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SHALL SUBMIT A COPY  
8 OF THE PLAN AND ANY SUBSEQUENT REVISIONS TO THE PLAN TO THE  
9 EARLY CHILDHOOD LEADERSHIP COMMISSION, TO THE GOVERNOR'S OFFICE,  
10 AND TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR  
11 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION  
12 AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE  
13 SENATE, OR ANY SUCCESSOR COMMITTEES.

14 (3) THE DEPARTMENT, WORKING WITH THE DEPARTMENTS OF  
15 EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT, SHALL  
16 PERIODICALLY REVIEW AND ASSESS THE IMPLEMENTATION OF  
17 RECRUITMENT, PREPARATION, PROFESSIONAL DEVELOPMENT, AND  
18 RETENTION INITIATIVES FOR THE EARLY CHILDHOOD WORKFORCE. IN  
19 REVIEWING THESE INITIATIVES, THE DEPARTMENT SHALL SOLICIT  
20 FEEDBACK FROM, AT A MINIMUM, INDIVIDUALS IN THE EARLY CHILDHOOD  
21 WORKFORCE, FAMILIES, EARLY CARE AND EDUCATION PROVIDERS, THE  
22 EARLY CHILDHOOD LEADERSHIP COMMISSION, AND ORGANIZATIONS WITH  
23 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE.

24 **26.5-6-102. [Formerly 26-6.5-107] Voluntary child care**  
25 **credentialing system - rules.** The ~~state~~ department shall develop and  
26 maintain a statewide voluntary child care credentialing system that  
27 recognizes the training and educational achievements of persons

1 providing early childhood care and education. The use of the voluntary  
2 child care credentialing system must include but need not be limited to the  
3 early childhood councils ESTABLISHED PURSUANT TO PART 2 OF ARTICLE  
4 2 OF THIS TITLE 26.5. The voluntary child care credentialing system is a  
5 multi-tiered system of graduated credentials that reflects the increased  
6 training, education, knowledge, skills, and competencies of persons  
7 working in early childhood care and education services in the various  
8 councils. The voluntary child care credentialing system must award credit  
9 for the education and training of persons working in early childhood care  
10 and education concerning the prevention of child sexual abuse. ~~Such~~ THIS  
11 education and training includes understanding healthy child development,  
12 creating safe environments for children, recognizing signs of abuse and  
13 problematic behaviors, and responsible methods of response to  
14 disclosures or concerns of abuse or potential abuse. The ~~state board~~  
15 EXECUTIVE DIRECTOR shall promulgate such rules as are necessary for the  
16 statewide implementation of the voluntary child care credentialing  
17 system.

18 **26.5-6-103. [Formerly 26-6-122] Pathways to the classroom**  
19 **and retention strategies for early childhood educators - standards -**  
20 **alignment across agencies - report - rules.** (1) The ~~state board~~  
21 EXECUTIVE DIRECTOR shall promulgate rules establishing standards for  
22 licensing that allow an early care and education program to be licensed  
23 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 for a period of time  
24 determined by the ~~state board if a state-board-approved number~~  
25 EXECUTIVE DIRECTOR, IF A NUMBER, AS SPECIFIED IN DEPARTMENT RULE,  
26 of aspiring early childhood educators in the program are pursuing a  
27 state-agency-approved early childhood credential and other quality,

1 safety, and supervision conditions are met.

2 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
3 that allow an early childhood educator to earn points toward an early  
4 childhood credential that meets child care licensing standards based on  
5 the candidate's prior experience and demonstrated competency. The  
6 licensing pathway must also include ways in which a candidate in a  
7 second career or changing careers can earn points or credits for prior  
8 experience and competencies that apply toward the qualifications for an  
9 early childhood educator credential. The standards and credential  
10 awarding process may use validated tools to award points for  
11 demonstrated competencies.

12 (3) The ~~state~~ department and the department of education shall  
13 align, to the extent possible, the state's early childhood professional  
14 credential, department of education educator licensing, and child care  
15 program licensing ~~in order~~ to make the requirements as consistent and  
16 clear as possible to educators and providers. The alignment process must  
17 include examining strategies that support reciprocity for early childhood  
18 educator credentials or qualifications earned outside of Colorado.

19 ~~(4) The state department and the department of education shall~~  
20 ~~streamline all paperwork that licensed early care and education programs~~  
21 ~~and early childhood educators must complete to meet child care licensing~~  
22 ~~and early childhood educator credentialing compliance requirements. The~~  
23 ~~state agencies shall identify ways to share information and reports across~~  
24 ~~the agencies in order to reduce the administrative and paperwork burden~~  
25 ~~on early care and education programs and educators. The streamlining~~  
26 ~~process must include a systems scan of programs and initiatives,~~  
27 ~~identification of overlapping reporting requirements, and ways to reduce~~

1 ~~the administrative and paperwork burden on programs and educators.~~

2       ~~(5)~~ (4) Notwithstanding section 24-1-136 (11)(a)(I), no later than  
3 January 31, 2022, and no later than January 31 each year thereafter, the  
4 ~~state~~ department shall prepare a written report concerning Colorado's  
5 current supply of qualified early childhood educators.

6       ~~(6)~~ (5) The ~~state~~ department, the department of higher education,  
7 and the department of education shall develop resources to support local  
8 communities to increase concurrent enrollment opportunities for high  
9 school students or other nontraditional students to earn higher education  
10 credits and degrees that allow them to serve as early childhood educators  
11 and shall support career pathways for high school students earning  
12 college credits toward becoming early childhood educators, including  
13 concurrent enrollment, career and technical education, the ASCENT  
14 program, and other career pathways.

15       **SECTION 4.** In Colorado Revised Statutes, 26.5-1-104, **repeal**  
16 (5) as follows:

17       **26.5-1-104. Department of early childhood - created -**  
18 **executive director - powers, duties, and functions.** (5) ~~The executive~~  
19 ~~director shall establish a work group to identify programs and services~~  
20 ~~that may be addressed in subsequent transition phases and develop a~~  
21 ~~continuing, comprehensive plan for transitioning programs and services~~  
22 ~~to the department, which must include consideration of the fiscal impact~~  
23 ~~of transitioning the programs and services.~~

24       **SECTION 5.** In Colorado Revised Statutes, 24-75-1401, **amend**  
25 (3) as follows:

26       **24-75-1401. Indirect costs excess recovery fund - creation -**  
27 **departmental accounts - use of fund - definitions - repeal.** (3) (a) Each

1 account of the indirect costs excess recovery fund is subject to annual  
2 appropriation for indirect costs by its corresponding department for the  
3 sole purpose of paying any indirect costs incurred by agencies within the  
4 department during a fiscal year that exceed their actual indirect cost  
5 collections for the fiscal year.

6 (b) (I) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,  
7 FOR THE 2022-23 STATE FISCAL YEAR, A PORTION OF THE AMOUNT  
8 CREDITED TO THE ACCOUNT CREATED FOR THE DEPARTMENT OF HUMAN  
9 SERVICES IN THE INDIRECT COSTS EXCESS RECOVERY FUND MAY BE USED  
10 FOR INDIRECT COSTS BILLED TO THE DEPARTMENT OF EARLY CHILDHOOD.

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

12 **SECTION 6.** In Colorado Revised Statutes, 22-2-112, **add** (8) as  
13 follows:

14 **22-2-112. Commissioner - duties - report - legislative**  
15 **declaration.** (8) NOTWITHSTANDING ANY PROVISION OF SECTION  
16 22-2-111 TO THE CONTRARY, THE COMMISSIONER SHALL ENSURE THAT THE  
17 DEPARTMENT OF EDUCATION COOPERATES WITH THE DEPARTMENT OF  
18 EARLY CHILDHOOD AS PROVIDED IN SECTION 26.5-1-111 IN SHARING,  
19 MANAGING, AND PROTECTING QUALITATIVE AND QUANTITATIVE DATA  
20 NEEDED TO MEASURE LONGITUDINAL OUTCOMES OF EARLY CHILDHOOD  
21 PROGRAMS AND SERVICES.

22 **SECTION 7.** In Colorado Revised Statutes, **recreate and**  
23 **reenact, with amendments,** 22-28-113 as follows:

24 **22-28-113. Repeal of article.** THIS ARTICLE 28 IS REPEALED,  
25 EFFECTIVE JULY 1, 2023.

26 **SECTION 8.** In Colorado Revised Statutes, 22-30.5-112, **amend**  
27 (1)(a) as follows:

1           **22-30.5-112. Charter schools - financing - guidelines -**  
2 **definitions - repeal.** (1) (a) (I) (A) PRIOR TO JULY 1, 2023, for purposes  
3 of the "Public School Finance Act of 1994", article 54 of this title, pupils  
4 enrolled in a charter school ~~shall be~~ ARE included in the pupil enrollment,  
5 the online pupil enrollment, or the preschool program enrollment,  
6 whichever is applicable, of the school district that granted its charter. The  
7 school district that granted its charter shall report to the department the  
8 number of pupils included in the school district's pupil enrollment, the  
9 school district's online pupil enrollment, and the school district's  
10 preschool program enrollment that are actually enrolled in each charter  
11 school.

12           (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,  
13 2023.

14           (II) ON AND AFTER JULY 1, 2023, FOR PURPOSES OF THE "PUBLIC  
15 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, PUPILS  
16 ENROLLED IN A CHARTER SCHOOL ARE INCLUDED IN THE PUPIL  
17 ENROLLMENT OR THE ONLINE PUPIL ENROLLMENT, WHICHEVER IS  
18 APPLICABLE, OF THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER. THE  
19 SCHOOL DISTRICT THAT GRANTED ITS CHARTER SHALL REPORT TO THE  
20 DEPARTMENT THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT'S  
21 PUPIL ENROLLMENT AND THE SCHOOL DISTRICT'S ONLINE PUPIL  
22 ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

23           **SECTION 9.** In Colorado Revised Statutes, 22-54-103, **amend**  
24 (1.5)(c)(II), (5.5), (7)(e)(I) introductory portion, (10)(d), (10)(f), and (14);  
25 and **add** (7)(f) and (9.5)(c) as follows:

26           **22-54-103. Definitions.** As used in this article 54, unless the  
27 context otherwise requires:

1 (1.5) (c) For purposes of subsection (1.5)(a)(VI) of this section:

2 (II) (A) "District pupil enrollment" means, FOR THE 2021-22 AND  
3 2022-23 BUDGET YEARS, the pupil enrollment of the district, as  
4 determined in accordance with subsection (10) of this section, minus the  
5 number of pupils enrolled in the Colorado preschool program pursuant to  
6 article 28 of this title 22 and the number of three-year-old or four-year-old  
7 pupils with disabilities receiving educational programs pursuant to article  
8 20 of this title 22.

9 (B) "DISTRICT PUPIL ENROLLMENT" MEANS, FOR THE 2023-24  
10 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE PUPIL  
11 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH  
12 SUBSECTION (10) OF THIS SECTION.

13 (5.5) (a) "District percentage of at-risk pupils" means, FOR  
14 BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the number of  
15 at-risk pupils in the district, as determined in accordance with subsection  
16 (1.5) of this section, divided by the pupil enrollment of the district, as  
17 determined in accordance with subsection (10) of this section; except that  
18 pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in  
19 the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE  
20 22, AS IT EXISTS PRIOR TO JULY 1, 2023, and the number of three-year-old  
21 or four-year-old pupils with disabilities receiving educational programs  
22 pursuant to article 20 of this ~~title~~ TITLE 22.

23 (b) "DISTRICT PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE  
24 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE  
25 NUMBER OF AT-RISK PUPILS IN THE DISTRICT, AS DETERMINED IN  
26 ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE  
27 PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE

1 WITH SUBSECTION (10) OF THIS SECTION.

2 (7) "Funded pupil count" means:

3 (e) (I) For budget years commencing on and after July 1, 2009,  
4 BUT PRIOR TO JULY 1, 2023, the district's online pupil enrollment for the  
5 applicable budget year plus the district's preschool program enrollment  
6 for the applicable budget year plus the district's supplemental  
7 kindergarten enrollment for the applicable budget year plus the district's  
8 extended high school pupil enrollment for the applicable budget year, plus  
9 the greater of:

10 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,  
11 2023, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE  
12 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN  
13 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S  
14 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET  
15 YEAR, PLUS THE GREATER OF:

16 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
17 BUDGET YEAR; OR

18 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
19 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
20 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

21 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
22 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
23 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

24 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
25 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
26 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

27 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE

1 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
2 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

3 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
4 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A  
5 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL  
6 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING  
7 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
8 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE  
9 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL  
10 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO  
11 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
12 22-54-104.

13 (III) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE  
14 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
15 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
16 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR  
17 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUBSECTION  
18 (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR ACCOUNTABLE  
19 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE  
20 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF  
21 THE STATE CONSTITUTION.

22 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
23 CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR  
24 THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S  
25 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S  
26 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE  
27 ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS

1       ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY  
2       CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER  
3       SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE  
4       ORIGINALLY AUTHORIZING DISTRICT.

5               (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7)(f)  
6       TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET  
7       YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A  
8       DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
9       SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE  
10      DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

11              (VI) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR  
12      THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL  
13      ENROLLMENT PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION FOR A  
14      DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL  
15      PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S  
16      PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16  
17      BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY  
18      KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS  
19      AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE  
20      PURSUANT TO THIS SUBSECTION (7)(f)(VI) DOES NOT AFFECT OR CHANGE  
21      THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR  
22      SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE  
23      STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,  
24      2019.

25              (9.5) (c) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE JULY 1,  
26      2023.

27              (10) (d) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1,

1 2023, a three- or four-year-old pupil with a disability receiving an  
2 educational program under the "Exceptional Children's Educational Act",  
3 article 20 of this title, shall be counted as a half-day pupil.

4 (II) Notwithstanding any provision of this subsection (10) to the  
5 contrary, for budget years commencing on or after July 1, 2005, BUT  
6 PRIOR TO JULY 1, 2023, a district may choose to determine the number of  
7 three- and four-year-old pupils with disabilities enrolled and receiving  
8 educational programs under the "Exceptional Children's Educational  
9 Act", article 20 of this ~~title~~ TITLE 22, as of November 1 within the  
10 applicable budget year or the school date nearest said date, rather than on  
11 the pupil enrollment count day, as evidenced by the actual attendance of  
12 such pupils on November 1 or the school date nearest said date. The  
13 "pupil enrollment" of the district ~~shall~~ MUST include the number of pupils  
14 so enrolled who ~~shall be~~ ARE counted as half-day pupils.

15 (III) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS  
16 THEREAFTER, A DISTRICT SHALL NOT INCLUDE A THREE- OR  
17 FOUR-YEAR-OLD PUPIL WITH A DISABILITY WHO IS RECEIVING AN  
18 EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S  
19 EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, BUT IS NOT ENROLLED  
20 IN KINDERGARTEN, IN THE DISTRICT'S PUPIL ENROLLMENT, BUT SHALL  
21 CERTIFY TO THE DEPARTMENT THE NUMBER OF SAID THREE- AND  
22 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE RECEIVING AN  
23 EDUCATIONAL PROGRAM FROM THE DISTRICT FOR PURPOSES OF RECEIVING  
24 FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22. A  
25 DISTRICT MAY CHOOSE TO DETERMINE THE NUMBER OF SAID THREE- AND  
26 FOUR-YEAR-OLD PUPILS WITH DISABILITIES AS OF NOVEMBER 1 WITHIN  
27 THE APPLICABLE BUDGET YEAR OR THE SCHOOL DATE NEAREST SAID DATE,

1 RATHER THAN ON THE PUPIL ENROLLMENT COUNT DAY, AS EVIDENCED BY  
2 THE ACTUAL ATTENDANCE OF SUCH PUPILS ON NOVEMBER 1 OR THE  
3 SCHOOL DATE NEAREST SAID DATE.

4 (f) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2023, in  
5 certifying the district's pupil enrollment to the state board pursuant to the  
6 provisions of section 22-54-112, the district shall specify the number of  
7 pupils enrolled in kindergarten through twelfth grade, specifying those  
8 who are enrolled as full-time pupils and those who are enrolled as less  
9 than full-time pupils; the number of expelled pupils receiving educational  
10 services pursuant to section 22-33-203; the number of pupils enrolled in  
11 the district's preschool program; the number of pupils receiving  
12 educational programs under the "Exceptional Children's Educational  
13 Act", article 20 of this title 22; the number of at-risk pupils; and the  
14 number of English language learner pupils.

15 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
16 THEREAFTER, IN CERTIFYING THE DISTRICT'S PUPIL ENROLLMENT TO THE  
17 STATE BOARD PURSUANT TO THE PROVISIONS OF SECTION 22-54-112, THE  
18 DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS ENROLLED IN  
19 KINDERGARTEN THROUGH TWELFTH GRADE, SPECIFYING THOSE WHO ARE  
20 ENROLLED AS FULL-TIME PUPILS AND THOSE WHO ARE ENROLLED AS LESS  
21 THAN FULL-TIME PUPILS; THE NUMBER OF EXPELLED PUPILS RECEIVING  
22 EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; THE NUMBER  
23 OF AT-RISK PUPILS; THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS;  
24 AND THE NUMBER OF PUPILS RECEIVING EDUCATIONAL PROGRAMS UNDER  
25 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
26 TITLE 22, WHO ARE ENROLLED IN KINDERGARTEN THROUGH TWELFTH  
27 GRADE.

1 (14) (a) "Statewide average percentage of at-risk pupils" means,  
2 FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the total number  
3 of at-risk pupils in all districts, as determined in accordance with  
4 subsection (1.5) of this section, divided by the pupil enrollment of all  
5 districts, as determined in accordance with subsection (10) of this section;  
6 except that pupil enrollment ~~shall~~ DOES not include the number of pupils  
7 enrolled in the Colorado preschool program pursuant to article 28 of this  
8 title and the number of three-year-old or four-year-old pupils with  
9 disabilities receiving educational programs pursuant to article 20 of this  
10 title.

11 (b) "STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS"  
12 MEANS, FOR THE 2023 BUDGET YEAR AND EACH BUDGET YEAR  
13 THEREAFTER, THE TOTAL NUMBER OF AT-RISK PUPILS IN ALL DISTRICTS, AS  
14 DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION,  
15 DIVIDED BY THE PUPIL ENROLLMENT OF ALL DISTRICTS, AS DETERMINED IN  
16 ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

17 **SECTION 10.** In Colorado Revised Statutes, 22-54-108.5, **repeal**  
18 (2)(c) as follows:

19 **22-54-108.5. Authorization of additional local revenues for**  
20 **full-day kindergarten - definitions.** (2) A district that obtains voter  
21 approval pursuant to this section to impose an additional mill levy to fund  
22 excess full-day kindergarten program costs in the district shall:

23 (c) ~~Not be authorized to serve children through a full-day~~  
24 ~~kindergarten component of the district's preschool program established~~  
25 ~~pursuant to article 28 of this title.~~

26 **SECTION 11.** In Colorado Revised Statutes, 22-54-112, **amend**  
27 (2)(a) and (2)(c) as follows:

1           **22-54-112. Reports to the state board.** (2) (a) (I) FOR BUDGET  
2 YEARS COMMENCING PRIOR TO JULY 1, 2023, on or before November 10  
3 of each year, the secretary of the board of education of each district shall  
4 certify to the state board the pupil enrollment, the online pupil enrollment,  
5 the extended high school pupil enrollment, and the preschool program  
6 enrollment of the district taken in the preceding October or previously in  
7 November.

8           (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
9 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE  
10 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL  
11 CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT, THE ONLINE PUPIL  
12 ENROLLMENT, AND THE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT OF  
13 THE DISTRICT TAKEN IN THE PRECEDING OCTOBER.

14           (III) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
15 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE  
16 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL  
17 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND  
18 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN  
19 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER  
20 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
21 TITLE 22, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN  
22 NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART  
23 1 OF ARTICLE 20 OF THIS TITLE 22.

24           (c) (I) On or before November 10 of each year, the secretary of the  
25 state charter school institute board shall certify to the state board the pupil  
26 enrollment and the online pupil enrollment of each institute charter school  
27 taken in the preceding October.

1 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
2 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE  
3 SECRETARY OF THE STATE CHARTER SCHOOL INSTITUTE BOARD SHALL  
4 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND  
5 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN  
6 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER  
7 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
8 TITLE 22, FROM EACH INSTITUTE CHARTER SCHOOL, AS DETERMINED IN THE  
9 PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF  
10 DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE  
11 22.

12 **SECTION 12.** In Colorado Revised Statutes, 22-54-126, **amend**  
13 (1)(a) as follows:

14 **22-54-126. Declining enrollment districts with new charter**  
15 **schools - additional aid - definitions - repeal.** (1) As used in this  
16 section, unless the context otherwise requires:

17 (a) (I) (A) "Declining enrollment district" means, FOR BUDGET  
18 YEARS COMMENCING PRIOR TO JULY 1, 2023, a district whose funded pupil  
19 count is greater than the sum of the district's pupil enrollment, preschool  
20 program enrollment, and online pupil enrollment.

21 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,  
22 2023.

23 (II) "DECLINING ENROLLMENT DISTRICT" MEANS, FOR THE 2023-24  
24 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT WHOSE  
25 FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL  
26 ENROLLMENT AND ONLINE PUPIL ENROLLMENT.

27 **SECTION 13.** In Colorado Revised Statutes, 22-55-102, **amend**

1 (10) as follows:

2 **22-55-102. Definitions.** As used in this article 55, unless the  
3 context otherwise requires:

4 (10) "Preschool programs" includes, but is not limited to, the  
5 Colorado preschool program created pursuant to section 22-28-104, ASIT  
6 EXISTS PRIOR TO JULY 1, 2023, AND THE COLORADO UNIVERSAL  
7 PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF TITLE 26.5.

8 **SECTION 14.** In Colorado Revised Statutes, 22-55-106, **amend**  
9 (1)(b); and **add** (1)(c) as follows:

10 **22-55-106. Statewide base per pupil funding - increases.**

11 (1) (b) For the school district budget year 2011-12 and each school  
12 district budget year thereafter THROUGH THE 2022-23 BUDGET YEAR, the  
13 general assembly shall annually increase the statewide base per pupil  
14 funding for public education from preschool through the twelfth grade by  
15 at least the rate of inflation for the calendar year ending in the  
16 immediately preceding school district budget year.

17 (c) FOR THE SCHOOL DISTRICT BUDGET YEAR 2023-24 AND FOR  
18 EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL  
19 ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR  
20 PUBLIC EDUCATION FROM KINDERGARTEN THROUGH THE TWELFTH GRADE  
21 BY AT LEAST THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN  
22 THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR.

23 **SECTION 15.** In Colorado Revised Statutes, **add** part 9 to article  
24 6 of title 26 as follows:

25 PART 9

26 FOSTER CARE, RESIDENTIAL, DAY TREATMENT,

27 **AND** CHILD PLACEMENT AGENCY LICENSING

1           **26-6-901. Short title.** THE SHORT TITLE OF THIS PART 9 IS THE  
2 "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING  
3 ACT".

4           **26-6-902. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
5 FINDS THAT REGULATION AND LICENSING OF FOSTER CARE HOMES,  
6 RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES AND CHILD  
7 PLACEMENT AGENCIES CONTRIBUTE TO A SAFE AND HEALTHY  
8 ENVIRONMENT FOR CHILDREN AND YOUTH. THE PROVISION OF SUCH AN  
9 ENVIRONMENT AFFORDS BENEFITS TO CHILDREN AND YOUTH, THEIR  
10 FAMILIES, THEIR COMMUNITIES, AND THE LARGER SOCIETY. IT IS THE  
11 INTENT OF THE GENERAL ASSEMBLY THAT THOSE WHO REGULATE AND  
12 THOSE WHO ARE REGULATED WORK TOGETHER TO MEET THE NEEDS OF THE  
13 CHILDREN, YOUTH, THEIR FAMILIES, FOSTER CARE PROVIDERS, CHILD  
14 PLACEMENT AGENCIES, AND RESIDENTIAL AND DAY TREATMENT CHILD  
15 CARE FACILITIES.

16           (2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES  
17 WITH THE NEEDS OF CHILD PLACEMENT AGENCIES AND THE RESIDENTIAL  
18 AND DAY TREATMENT CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY  
19 ALSO RECOGNIZES THE FINANCIAL DEMANDS THE DEPARTMENT OF HUMAN  
20 SERVICES FACES IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY  
21 ENVIRONMENT FOR CHILDREN OF THE STATE OF COLORADO WHO ARE IN  
22 FOSTER CARE WITH CHILD PLACEMENT AGENCIES OR IN RESIDENTIAL AND  
23 DAY TREATMENT CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE  
24 RISK TO CHILDREN PLACED OUTSIDE THEIR HOMES WHILE RECOGNIZING  
25 THE FINANCIAL CONSTRAINTS PLACED ON THE DEPARTMENT, IT IS THE  
26 INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES  
27 AVAILABLE ARE FOCUSED PRIMARILY ON RESIDENTIAL AND DAY

1 TREATMENT CHILD CARE FACILITIES AND AGENCIES THAT HAVE  
2 DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK.

3 **26-6-903. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

5 (1) "AFFILIATE OF A LICENSEE" MEANS:

6 (a) A PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF  
7 THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE  
8 OR THE APPLICANT FOR A LICENSE; OR

9 (b) A PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND  
10 WELFARE OF CHILDREN SERVED; OR

11 (c) AN EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD,  
12 OR EMPLOYEE OF A LICENSEE; OR

13 (d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE  
14 TO CHILDREN AT THE LICENSEE'S FACILITY OR AGENCY OR IS OTHERWISE  
15 INVOLVED IN THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S  
16 FACILITY OR AGENCY.

17 (2) "APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN  
18 OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY  
19 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

20 (3) "CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING  
21 PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE  
22 HOME.

23 (4) "CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY  
24 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT  
25 AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE  
26 FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME.

27 (5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER

1 NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR-HOUR CARE FOR  
2 FIVE OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN THIS  
3 SUBSECTION (5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR  
4 MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR  
5 WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED  
6 EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO,  
7 FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES,  
8 DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE  
9 RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

10 (6) "CHILD PLACEMENT AGENCY" OR "AGENCY" MEANS A  
11 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION,  
12 OR PERSON UNRELATED TO THE CHILD BEING PLACED, WHO PLACES,  
13 FACILITATES PLACEMENT FOR A FEE, OR ARRANGES FOR PLACEMENT FOR  
14 CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE WITH A FAMILY, PERSON,  
15 OR INSTITUTION. A CHILD PLACEMENT AGENCY MAY PLACE, FACILITATE  
16 PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE  
17 PURPOSE OF ADOPTION, FOSTER CARE, TREATMENT FOSTER CARE, OR  
18 THERAPEUTIC FOSTER CARE. THE NATURAL PARENTS OR GUARDIAN OF A  
19 CHILD WHO PLACE THE CHILD FOR CARE WITH A FACILITY LICENSED AS A  
20 FAMILY CHILD CARE HOME OR CHILD CARE CENTER, AS DEFINED IN SECTION  
21 26.5-5-303, ARE NOT A CHILD PLACEMENT AGENCY.

22 (7) "CRADLE CARE HOME" MEANS A FACILITY THAT IS CERTIFIED  
23 BY A CHILD PLACEMENT AGENCY FOR THE CARE OF A CHILD, OR CHILDREN  
24 IN THE CASE OF MULTIPLE-BIRTH SIBLINGS, WHO IS TWELVE MONTHS OF  
25 AGE OR YOUNGER, IN A PLACE OF RESIDENCE FOR THE PURPOSE OF  
26 PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR SIX MONTHS OR LESS  
27 IN ANTICIPATION OF A VOLUNTARY RELINQUISHMENT OF THE CHILD OR

1 CHILDREN, PURSUANT TO ARTICLE 5 OF TITLE 19, OR WHILE A COUNTY  
2 PREPARES AN EXPEDITED PERMANENCY PLAN FOR AN INFANT IN ITS  
3 CUSTODY.

4 (8) (a) (I) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

5 (A) EXCEPT AS PROVIDED IN SUBSECTION (8)(a)(II) OF THIS  
6 SECTION, PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF  
7 FIVE OR MORE CHILDREN WHO ARE THREE YEARS OF AGE OR OLDER, BUT  
8 LESS THAN TWENTY-ONE YEARS OF AGE; AND

9 (B) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF  
10 PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE  
11 THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR  
12 COMMUNITY.

13 (II) NOTHING IN THIS SUBSECTION (8) PROHIBITS A DAY  
14 TREATMENT CENTER FROM ALLOWING A PERSON WHO REACHES  
15 TWENTY-ONE YEARS OF AGE AFTER THE COMMENCEMENT OF AN  
16 ACADEMIC YEAR FROM ATTENDING AN EDUCATIONAL PROGRAM AT THE  
17 DAY TREATMENT CENTER THROUGH THE END OF THE SEMESTER IN WHICH  
18 THE TWENTY-FIRST BIRTHDAY OCCURS OR UNTIL THE PERSON COMPLETES  
19 THE EDUCATIONAL PROGRAM, WHICHEVER COMES FIRST.

20 (b) "DAY TREATMENT CENTER" DOES NOT INCLUDE SPECIAL  
21 EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL  
22 SYSTEM OR PROGRAMS THAT ARE LICENSED BY THE DEPARTMENT OF  
23 EARLY CHILDHOOD FOR LESS THAN TWENTY-FOUR-HOUR CARE OF  
24 CHILDREN, SUCH AS A CHILD CARE CENTER.

25 (9) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE  
26 DEPARTMENT OF HUMAN SERVICES.

27 (10) "FOSTER CARE HOME" MEANS A HOME THAT IS CERTIFIED BY

1 A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY PURSUANT TO  
2 SECTION 26-6-910, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO  
3 APPLICABLE FEDERAL LAW, FOR CHILD CARE IN A PLACE OF RESIDENCE OF  
4 A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING  
5 TWENTY-FOUR-HOUR FAMILY FOSTER CARE FOR A CHILD UNDER THE AGE  
6 OF TWENTY-ONE YEARS. A FOSTER CARE HOME MAY INCLUDE FOSTER  
7 CARE FOR A CHILD WHO IS UNRELATED TO THE HEAD OF THE HOME OR  
8 FOSTER CARE PROVIDED THROUGH A KINSHIP FOSTER CARE HOME BUT  
9 DOES NOT INCLUDE NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION  
10 19-1-103. THE TERM INCLUDES A FOSTER CARE HOME THAT RECEIVES A  
11 CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND A HOME THAT  
12 RECEIVES A CHILD FROM A STATE-OPERATED INSTITUTION FOR CHILD CARE  
13 OR FROM A CHILD PLACEMENT AGENCY. "FOSTER CARE HOME" ALSO  
14 INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT PURSUANT TO  
15 SECTION 26-6-905 THAT RECEIVE NEITHER MONEY FROM THE COUNTIES  
16 NOR CHILDREN PLACED BY THE COUNTIES.

17 (11) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,  
18 CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND  
19 LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND  
20 OPERATION OF A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY  
21 OR A CHILD PLACEMENT AGENCY.

22 (12) "GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW  
23 WITH THE CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE.

24 (13) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN  
25 ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND  
26 MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO  
27 YOUTHS WHO ARE AT LEAST ELEVEN YEARS OF AGE OR OLDER AND WHO

1 OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION  
2 26-5.7-102 (2).

3 (14) "ICON" MEANS THE COMPUTERIZED DATABASE OF COURT  
4 RECORDS KNOWN AS THE INTEGRATED COLORADO ONLINE NETWORK USED  
5 BY THE STATE JUDICIAL DEPARTMENT.

6 (15) "KIN" MEANS A RELATIVE OF THE CHILD, A PERSON ASCRIBED  
7 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,  
8 OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE  
9 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES  
10 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

11 (16) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME  
12 THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A LICENSED CHILD  
13 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910 OR A FEDERALLY  
14 RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW AS HAVING  
15 MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE  
16 FOSTER CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE  
17 PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP  
18 FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A  
19 CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

20 (17) "LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO  
21 THIS PART 9 GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY  
22 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A  
23 LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY,  
24 PERMANENT, OR TIME-LIMITED LICENSE.

25 (18) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A  
26 LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN  
27 AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS,

1 SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS  
2 ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

3 (19) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN  
4 SUBSECTION (10) OF THIS SECTION, THE PROCESS BY WHICH THE  
5 DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF  
6 CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD  
7 CARE FACILITY OR CHILD PLACEMENT AGENCY.

8 (20) "MEDICAL FOSTER CARE" MEANS A PROGRAM OF FOSTER CARE  
9 THAT PROVIDES HOME-BASED CARE FOR MEDICALLY FRAGILE CHILDREN  
10 AND YOUTH WHO WOULD OTHERWISE BE CONFINED TO A HOSPITAL OR  
11 INSTITUTIONAL SETTING AND INCLUDES, BUT IS NOT LIMITED TO:

12 (a) INFANTS IMPACTED BY PRENATAL DRUG AND ALCOHOL ABUSE;

13 (b) CHILDREN WITH DEVELOPMENTAL DISABILITIES THAT REQUIRE  
14 ONGOING MEDICAL INTERVENTION;

15 (c) CHILDREN AND YOUTH DIAGNOSED WITH ACQUIRED IMMUNE  
16 DEFICIENCY SYNDROME OR HUMAN IMMUNODEFICIENCY VIRUS;

17 (d) CHILDREN WITH A FAILURE TO THRIVE OR OTHER NUTRITIONAL  
18 DISORDERS; AND

19 (e) CHILDREN DEPENDENT ON TECHNOLOGY SUCH AS RESPIRATORS,  
20 TRACHEOTOMY TUBES, OR VENTILATORS TO SURVIVE.

21 (21) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY  
22 ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF  
23 FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED  
24 PURSUANT TO THIS PART 9 OR THE DEMOTION OF SUCH A LICENSE TO A  
25 PROBATIONARY LICENSE.

26 (b) AS USED IN THIS SUBSECTION (21), "FINAL AGENCY ACTION"  
27 MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER THE

1 OPPORTUNITY FOR A HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE  
2 TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 9  
3 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE  
4 CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY  
5 LICENSE.

6 (22) "OUT-OF-HOME PLACEMENT PROVIDER CONSORTIUM" MEANS  
7 A GROUP OF SERVICE PROVIDERS THAT ARE FORMALLY ORGANIZED AND  
8 MANAGED TO ACHIEVE THE GOALS OF THE COUNTY, GROUP OF COUNTIES,  
9 OR MENTAL HEALTH AGENCY CONTRACTING FOR ADDITIONAL SERVICES  
10 OTHER THAN TREATMENT-RELATED OR CHILD MAINTENANCE SERVICES.

11 (23) "PERSON" MEANS A CORPORATION, PARTNERSHIP,  
12 ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR INDIVIDUAL.

13 (24) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE  
14 A PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

15 (25) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL  
16 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST  
17 PREVENTION SERVICES ACT". A "QUALIFIED INDIVIDUAL" MUST BE  
18 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE  
19 STATE PLAN. A "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED  
20 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST  
21 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD  
22 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR  
23 YOUTH OR MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,  
24 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS  
25 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN  
26 ACCORDANCE WITH 42 U.S.C. SEC. 675a.

27 (26) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A

1 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED  
2 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR  
3 YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF  
4 CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL  
5 DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL  
6 "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. 672 (k)(4), AND  
7 IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR  
8 YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH REQUIRED IN  
9 SECTION 19-1-115 (4)(e)(I).

10 (27) "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS  
11 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, BROTHER,  
12 SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, UNCLE, AUNT, NIECE,  
13 NEPHEW, OR COUSIN.

14 (28) "RELATIVE" MEANS ANY OF THE FOLLOWING RELATIONSHIPS  
15 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON,  
16 DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER,  
17 STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER,  
18 UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

19 (29) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY  
20 LICENSED BY THE STATE DEPARTMENT PURSUANT TO THIS PART 9 TO  
21 PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT FOR FIVE OR  
22 MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT  
23 SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES  
24 COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED  
25 RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102  
26 (2); SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT  
27 FACILITIES AS DEFINED IN SECTION 25.5-4-103 (19.5). A RESIDENTIAL

1 CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE  
2 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE  
3 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE  
4 FACILITY MUST BE:

5 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS  
6 OF AGE; OR

7 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT  
8 ORDER OR VOLUNTARY PLACEMENT; OR

9 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

10 (30) "RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR  
11 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A  
12 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC  
13 RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND  
14 HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A  
15 GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE  
16 RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR  
17 HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME.

18 (31) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE  
19 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE  
20 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED  
21 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,  
22 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL  
23 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A  
24 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING  
25 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT  
26 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER  
27 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE

1 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY  
2 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (31), "RESPITE CHILD  
3 CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO  
4 BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES.

5 (32) "SECURE RESIDENTIAL TREATMENT CENTER" MEANS A  
6 FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE  
7 DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR  
8 GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE OR MORE  
9 CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE YEARS OVER  
10 WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION  
11 19-2.5-103 (6) WHO ARE COMMITTED BY A COURT, PURSUANT TO AN  
12 ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF  
13 GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT  
14 AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN  
15 COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A  
16 SECURE FACILITY.

17 (33) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR  
18 BOTH PARENTS IN COMMON.

19 (34) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY  
20 SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED  
21 CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING  
22 TWENTY-FOUR-HOUR CARE FOR THREE OR MORE CHILDREN, BUT FEWER  
23 THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET  
24 THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO  
25 A SPECIALIZED GROUP FACILITY MUST BE:

26 (I) AT LEAST SEVEN YEARS OF AGE OR OLDER BUT LESS THAN  
27 EIGHTEEN YEARS OF AGE;

1 (II) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY  
2 COURT ORDER OR VOLUNTARY PLACEMENT; OR

3 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS  
4 THAN SEVEN YEARS OF AGE.

5 (b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP  
6 HOMES AND SPECIALIZED GROUP CENTERS.

7 (35) "THERAPEUTIC FOSTER CARE" MEANS A PROGRAM OF FOSTER  
8 CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL,  
9 PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH  
10 SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL  
11 FOSTER CARE.

12 (36) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE  
13 ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES  
14 THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE  
15 RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY  
16 ENVIRONMENT.

17 **26-6-904. Applicability of part.** (1) THIS PART 9 DOES NOT  
18 APPLY TO:

19 (a) A CHILD CARE FACILITY THAT IS APPROVED, CERTIFIED, OR  
20 LICENSED BY ANOTHER STATE AGENCY OR BY A FEDERAL GOVERNMENT  
21 DEPARTMENT OR AGENCY THAT HAS STANDARDS FOR OPERATION OF THE  
22 FACILITY AND INSPECTS OR MONITORS THE FACILITY;

23 (b) OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT  
24 PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION;

25 (c) JUVENILE COURTS; OR

26 (d) NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

27 (2) A LICENSEE OR GOVERNING BODY FOR WHICH THE LICENSE IS

1 SUSPENDED PURSUANT TO SECTION 24-4-104 OR THAT HAS RECEIVED A  
2 FINAL AGENCY ACTION RESULTING IN THE REVOCATION OF A LICENSE  
3 ISSUED PURSUANT TO THIS PART 9 IS PROHIBITED FROM OPERATING,  
4 EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED TO THE  
5 CAREGIVER.

6 **26-6-905. Licenses - out-of-state notices and consent -**  
7 **demonstration pilot program - definition - rules.** (1) (a) EXCEPT AS  
8 OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION OR  
9 ELSEWHERE IN THIS PART 9, A PERSON SHALL NOT OPERATE A RESIDENTIAL  
10 OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY  
11 WITHOUT FIRST BEING LICENSED BY THE STATE DEPARTMENT TO OPERATE  
12 OR MAINTAIN THE FACILITY OR AGENCY AND PAYING THE PRESCRIBED FEE.  
13 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION,  
14 A LICENSE THAT THE STATE DEPARTMENT ISSUES IS PERMANENT UNLESS  
15 OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-914.

16 (b) A PERSON OPERATING A FOSTER CARE HOME IS NOT REQUIRED  
17 TO OBTAIN A LICENSE FROM THE STATE DEPARTMENT TO OPERATE THE  
18 FOSTER CARE HOME IF THE PERSON HOLDS A CERTIFICATE ISSUED  
19 PURSUANT TO SECTION 26-6-910 TO OPERATE THE HOME FROM A COUNTY  
20 DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE  
21 PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR  
22 THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE  
23 INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED  
24 UNDER SECTIONS 26-6-910 AND 26-6-912.

25 (c) (I) ON AND AFTER JULY 1, 2002, AND CONTINGENT UPON THE  
26 TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS"  
27 ENHANCEMENTS, CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER

1 CARE HOMES MUST BE LICENSED ANNUALLY UNTIL THE IMPLEMENTATION  
2 OF ANY RISK-BASED SCHEDULE FOR THE RENEWAL OF CHILD PLACEMENT  
3 AGENCY LICENSES PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.  
4 THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE  
5 PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF CHILD  
6 PLACEMENT AGENCY LICENSES. THE RULES MUST INCLUDE THE  
7 REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF  
8 THE CHILD PLACEMENT AGENCY.

9 (II) (A) ON AND AFTER JANUARY 1, 2004, AND UPON THE  
10 FUNCTIONALITY OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE  
11 DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD  
12 PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED  
13 ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK  
14 FACTORS MUST RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD  
15 PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

16 (B) PRIOR TO JANUARY 1, 2004, AND CONTINGENT UPON THE TIME  
17 LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS,  
18 THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD  
19 PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT  
20 ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY  
21 RULE OF THE STATE BOARD.

22 (III) ON AND AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE  
23 FACILITIES MUST BE LICENSED ANNUALLY. THE STATE BOARD SHALL  
24 PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS  
25 ASSOCIATED WITH THE LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE  
26 FACILITIES. THE RULES MUST INCLUDE A REQUIREMENT THAT THE STATE  
27 DEPARTMENT CONDUCT ASSESSMENTS OF THE RESIDENTIAL CHILD CARE

1 FACILITY.

2 (2) A PERSON SHALL NOT RECEIVE OR ACCEPT A CHILD UNDER  
3 EIGHTEEN YEARS OF AGE FOR PLACEMENT, OR PLACE A CHILD EITHER  
4 TEMPORARILY OR PERMANENTLY IN A HOME, OTHER THAN WITH PERSONS  
5 RELATED TO THE CHILD, WITHOUT FIRST OBTAINING A LICENSE AS A CHILD  
6 PLACEMENT AGENCY FROM THE DEPARTMENT, AND PAYING THE FEE  
7 PRESCRIBED FOR THE LICENSE.

8 (3) THE DEPARTMENT MAY ISSUE A ONE-TIME PROVISIONAL  
9 LICENSE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL  
10 LICENSE FOR A FOSTER CARE HOME, PERMITTING THE APPLICANT TO  
11 OPERATE THE FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY  
12 UNABLE TO CONFORM TO ALL STANDARDS REQUIRED UNDER THIS PART 9,  
13 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO  
14 CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER  
15 REQUIREMENTS. THE APPLICANT HAS THE RIGHT TO APPEAL ANY  
16 STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP  
17 OR HAS BEEN APPLIED TOO STRINGENTLY BY THE DEPARTMENT. UPON THE  
18 FILING OF AN APPEAL, THE DEPARTMENT SHALL PROCEED IN THE MANNER  
19 PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

20 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A  
21 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY UNTIL THE  
22 FACILITIES THAT THE APPLICANT OR LICENSEE WILL OPERATE OR MAINTAIN  
23 ARE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND  
24 ENVIRONMENT AS CONFORMING TO THE SANITARY STANDARDS  
25 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-101  
26 (1)(h) AND UNLESS THE FACILITIES CONFORM TO FIRE PREVENTION AND  
27 PROTECTION REQUIREMENTS OF LOCAL FIRE DEPARTMENTS IN THE

1 LOCALITY OF THE FACILITY OR, IN LIEU THEREOF, OF THE DIVISION OF  
2 LABOR STANDARDS AND STATISTICS.

3 (5) A PERSON SHALL NOT SEND OR BRING INTO THIS STATE A CHILD  
4 FOR THE PURPOSES OF FOSTER CARE OR ADOPTION WITHOUT SENDING  
5 NOTICE OF THE PENDING PLACEMENT AND RECEIVING THE CONSENT OF THE  
6 DEPARTMENT, OR ITS DESIGNATED AGENT, TO THE PLACEMENT. THE  
7 NOTICE MUST CONTAIN:

8 (a) THE NAME AND THE DATE AND PLACE OF BIRTH OF THE CHILD;

9 (b) THE IDENTITY AND ADDRESS OR ADDRESSES OF THE PARENTS  
10 OR LEGAL GUARDIAN;

11 (c) THE IDENTITY AND ADDRESS OF THE PERSON SENDING OR  
12 BRINGING THE CHILD;

13 (d) THE NAME AND ADDRESS OF THE PERSON TO OR WITH WHOM  
14 THE SENDING PERSON PROPOSES TO SEND, BRING, OR PLACE THE CHILD;

15 (e) A FULL STATEMENT OF THE REASONS FOR THE PROPOSED  
16 ACTION AND EVIDENCE OF THE AUTHORITY PURSUANT TO WHICH THE  
17 PLACEMENT IS PROPOSED TO BE MADE.

18 (6) THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH  
19 RULES FOR THE APPROVAL OF FOSTER CARE HOMES AND CHILD CARE  
20 CENTERS THAT PROVIDE TWENTY-FOUR-HOUR CARE OF CHILDREN  
21 BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE  
22 COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED  
23 IN FOSTER CARE BY THE COUNTY DEPARTMENT.

24 (7) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS  
25 A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY  
26 ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE  
27 DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY

1 FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTIONAL  
2 ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000",  
3 42 U.S.C. SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY  
4 ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE  
5 PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH  
6 PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE  
7 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

8 (8) (a) (I) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO  
9 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A  
10 CHILD PLACEMENT AGENCY, AND ANY LICENSE OR CERTIFICATE ISSUED  
11 PRIOR TO AUGUST 7, 2006, IS REVOKED OR SUSPENDED IF THE APPLICANT  
12 FOR THE LICENSE OR CERTIFICATE, AN AFFILIATE OF THE APPLICANT, A  
13 PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH  
14 THE APPLICANT AT THE FACILITY HAS BEEN CONVICTED OF:

15 (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

16 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

17 (C) ANY OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
18 DEFINED IN SECTION 16-22-102 (9);

19 (D) ANY FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
20 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
21 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

22 (E) ANY FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A  
23 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF  
24 APPLICATION FOR A LICENSE OR CERTIFICATE;

25 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
26 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY  
27 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR

1 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH  
2 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE  
3 OFFENSES DESCRIBED IN SUBSECTIONS (8)(a)(I)(A) TO (8)(a)(I)(F) OF THIS  
4 SECTION.

5 (II) AS USED IN THIS SUBSECTION (8)(a), "CONVICTED" MEANS A  
6 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED  
7 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION  
8 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
9 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

10 (III) AN APPLICANT, LICENSEE, OR EMPLOYEE OF THE APPLICANT  
11 OR LICENSEE WHO MEETS THE DEFINITION OF A DEPARTMENT EMPLOYEE  
12 OR AN INDEPENDENT CONTRACTOR, AS THOSE TERMS ARE DEFINED IN  
13 SECTION 27-90-111, OR WHO WORKS FOR A CONTRACTING AGENCY, AS  
14 DEFINED IN SECTION 27-90-111, AND WHO WILL HAVE DIRECT CONTACT  
15 WITH VULNERABLE PERSONS, AS DEFINED IN SECTION 27-90-111 (2)(e), IS  
16 REQUIRED TO SUBMIT TO A STATE AND NATIONAL FINGERPRINT-BASED  
17 CRIMINAL HISTORY RECORD CHECK IN THE SAME MANNER AS REQUIRED  
18 PURSUANT TO SECTION 27-90-111 (9); EXCEPT THAT THE STATE  
19 DEPARTMENT SHALL NOT BEAR THE COST OF THE CRIMINAL HISTORY  
20 RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III). THE STATE  
21 DEPARTMENT MAY ALSO CONDUCT A COMPARISON SEARCH ON THE  
22 COLORADO STATE COURTS PUBLIC ACCESS SYSTEM TO DETERMINE THE  
23 CRIME OR CRIMES FOR WHICH THE INDIVIDUAL HAVING DIRECT CONTACT  
24 WITH VULNERABLE PERSONS WAS ARRESTED OR CONVICTED AND THE  
25 DISPOSITION OF SUCH CRIME OR CRIMES. THE CRIMINAL HISTORY RECORD  
26 CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III) MUST BE SUBMITTED TO  
27 THE STATE DEPARTMENT PRIOR TO THE INDIVIDUAL HAVING DIRECT

1 CONTACT WITH VULNERABLE PERSONS, AND AN APPLICANT, LICENSEE, OR  
2 EMPLOYEE OF AN APPLICANT OR LICENSEE MUST NOT BE ALLOWED TO  
3 HAVE DIRECT CONTACT WITH VULNERABLE PERSONS IF HE OR SHE DOES  
4 NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8) AND IN  
5 SECTION 27-90-111 (9).

6 (b) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS  
7 IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION ACCORDING TO THE  
8 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON  
9 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS  
10 SET FORTH IN SECTION 26-6-912 (1)(a)(II). A CERTIFIED COPY OF THE  
11 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION,  
12 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED  
13 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS  
14 PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT. A LICENSE OR  
15 CERTIFICATE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE  
16 FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY SHALL NOT  
17 BE ISSUED IF THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER  
18 FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE  
19 LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF CHILD ABUSE OR ANY  
20 UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY  
21 OTHER STATE OR THE UNITED STATES OR THE STATE DEPARTMENT HAS A  
22 CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON  
23 APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A  
24 DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN  
25 ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A  
26 CHILD.

27 (9) (a) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD

1 SHALL PROMULGATE RULES THAT REQUIRE ALL CURRENT AND  
2 PROSPECTIVE EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR  
3 POSITION HAVE DIRECT CONTACT WITH A CHILD IN THE PROCESS OF BEING  
4 PLACED OR WHO HAS BEEN PLACED IN FOSTER CARE TO SUBMIT A SET OF  
5 FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED  
6 CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY  
7 SUBMITTED A SET OF FINGERPRINTS. THE CHECK MUST BE CONDUCTED IN  
8 THE SAME MANNER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND  
9 IN SECTION 26-6-912 (1)(a). THE PERSON'S EMPLOYMENT IS CONDITIONAL  
10 UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND SUBJECT TO  
11 THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH IN  
12 SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE  
13 COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
14 MUST BE BORNE BY THE APPLICANT.

15 (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
16 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (9)  
17 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE  
18 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED  
19 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
20 (6)(d). THE COSTS FOR THE NAME-BASED CRIMINAL HISTORY RECORD  
21 CHECK MUST BE BORNE BY THE APPLICANT.

22 (10) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO  
23 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY,  
24 FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY IF THE PERSON  
25 APPLYING FOR THE LICENSE OR AN AFFILIATE OF THE APPLICANT, A PERSON  
26 EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE  
27 APPLICANT AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR

1 MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND,  
2 IF THE COURT ENTERS, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF  
3 TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER  
4 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS  
5 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A  
6 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE  
7 HOME, OR CHILD PLACEMENT AGENCY, THE RECORD OF SUCH  
8 DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE  
9 EVIDENCE THEREOF.

10 (11) THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO  
11 EXAMINE AND REPORT TO THE GENERAL ASSEMBLY ON THE BENEFITS OF  
12 LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS  
13 DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN  
14 THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN  
15 CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT  
16 AGENCY. THE CHILD PLACEMENT AGENCIES EXAMINED MUST BE ABLE TO:

17 (a) OFFER THE FOLLOWING SERVICES:

18 (I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER  
19 CARE PARENTS;

20 (II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND  
21 FOSTER CARE FAMILY;

22 (III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

23 (IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

24 (V) ONGOING EDUCATIONAL AND NETWORKING OPPORTUNITIES  
25 FOR ANY FOSTER CARE FAMILY;

26 (VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH  
27 TEAM COLLABORATION;

- 1 (VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES;
- 2 AND
- 3 (VIII) RESPITE SUPPORT AND REIMBURSEMENT;
- 4 (b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING,
- 5 BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:
- 6 (I) MEDICAL FOSTER CARE;
- 7 (II) RESPITE FOSTER CARE;
- 8 (III) THERAPEUTIC FOSTER CARE;
- 9 (IV) DEVELOPMENTALLY DISABLED FOSTER CARE; AND
- 10 (V) TREATMENT FOSTER CARE.

11 **26-6-906. Compliance with local government zoning**  
12 **regulations - notice to local governments - provisional licensure -**  
13 **repeal.** (1) THE DEPARTMENT SHALL REQUIRE A RESIDENTIAL OR DAY  
14 TREATMENT CHILD CARE FACILITY SEEKING A LICENSE PURSUANT TO  
15 SECTION 26-6-905 TO COMPLY WITH ANY APPLICABLE ZONING AND LAND  
16 USE DEVELOPMENT REGULATIONS OF THE MUNICIPALITY, CITY AND  
17 COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO  
18 COMPLY WITH APPLICABLE ZONING AND LAND USE REGULATIONS  
19 CONSTITUTES GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

20 (2) THE DEPARTMENT SHALL ENSURE THAT TIMELY WRITTEN  
21 NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR  
22 COUNTY WHERE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY  
23 IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE  
24 POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY,  
25 WHEN ANY OF THE FOLLOWING OCCURS:

- 26 (a) A PERSON APPLIES FOR A LICENSE TO OPERATE A FACILITY
- 27 PURSUANT TO SECTION 26-6-905;

1 (b) A LICENSE IS GRANTED TO OPERATE A FACILITY PURSUANT TO  
2 SECTION 26-6-905; OR

3 (c) A CHANGE IS MADE IN THE LICENSE OF A FACILITY.

4 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
5 CONTRARY, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE  
6 BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR  
7 COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT  
8 A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO SIX MONTHS PENDING  
9 RESOLUTION OF THE DELAY OR DISPUTE.

10 (4) (a) (I) PRIOR TO JULY 1, 2024, THE PROVISIONS OF THIS  
11 SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO  
12 THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO  
13 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9  
14 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE  
15 DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY BY A COMMUNITY  
16 CENTERED BOARD OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

17 (II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

18 (b) ON AND AFTER JULY 1, 2024, THE PROVISIONS OF THIS SECTION  
19 DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS  
20 PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO  
21 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9  
22 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE  
23 DETERMINED TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL  
24 DISABILITY BY A CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION  
25 25.5-6-1702, OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

26 **26-6-907. Fees - when original applications, reapplications,**  
27 **and renewals for licensure are required - creation of child welfare**

1     **licensing cash fund.** (1) (a) THE STATE DEPARTMENT IS AUTHORIZED TO  
2 ESTABLISH, PURSUANT TO RULES PROMULGATED BY THE STATE BOARD,  
3 PERMANENT, TIME-LIMITED, AND PROVISIONAL LICENSE FEES AND FEES  
4 FOR CONTINUATION OR RENEWAL, WHICHEVER IS APPLICABLE, OF A  
5 LICENSE FOR THE FOLLOWING TYPES OF CHILD CARE ARRANGEMENTS:

6           (I) SECURE RESIDENTIAL TREATMENT CENTERS;

7           (II) RESIDENTIAL CHILD CARE FACILITIES, INCLUDING ANY SPECIAL  
8 TYPE OF RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY RULE OF THE  
9 STATE BOARD;

10          (III) CHILD PLACEMENT AGENCIES, INCLUDING ANY SPECIAL TYPE  
11 OF FOSTER CARE HOME THE CHILD PLACEMENT AGENCY IS AUTHORIZED TO  
12 CERTIFY BY RULE OF THE STATE BOARD;

13          (IV) HOMELESS YOUTH SHELTERS;

14          (V) DAY TREATMENT CENTERS;

15          (VI) SPECIALIZED GROUP FACILITIES; AND

16          (VII) RESPITE CHILD CARE CENTERS.

17          (b) THE STATE DEPARTMENT MAY ALSO ESTABLISH FEES PURSUANT  
18 TO RULES PROMULGATED BY THE STATE BOARD FOR THE FOLLOWING  
19 SITUATIONS:

20           (I) ISSUANCE OF A DUPLICATE LICENSE;

21           (II) CHANGE OF LICENSE DUE TO AN INCREASE IN LICENSING  
22 CAPACITY OR A CHANGE IN THE AGE OF CHILDREN SERVED;

23           (III) OBTAINING THE CRIMINAL RECORD OF AN APPLICANT AND  
24 ANY PERSON LIVING WITH OR EMPLOYED BY THE APPLICANT, WHICH MAY  
25 INCLUDE COSTS ASSOCIATED WITH THE TAKING OF FINGERPRINTS;

26           (IV) CHECKING THE RECORDS AND REPORTS OF CHILD ABUSE OR  
27 NEGLECT MAINTAINED BY THE STATE DEPARTMENT FOR AN OWNER,

1 EMPLOYEE, OR RESIDENT OF A FACILITY OR AGENCY OR AN APPLICANT FOR  
2 A LICENSE TO OPERATE A FACILITY OR AGENCY;

3 (V) FILING OF APPEALS;

4 (VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC;

5 (VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC  
6 FORMAT FOR THE PUBLIC;

7 (VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES  
8 OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS  
9 PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C.  
10 SEC. 14901 ET SEQ.;

11 (IX) INSUFFICIENT FUNDS PAYMENT AND COLLECTION OF OVERDUE  
12 FEES AND FINES; AND

13 (X) COLLECTION OF FEES FOR SCANNING OF ADOPTION RECORDS  
14 PURSUANT TO SECTION 19-5-307.

15 (c) THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1)  
16 MUST NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE  
17 DEPARTMENT. THE DIVISION RESPONSIBLE FOR LICENSING FACILITIES AND  
18 AGENCIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND  
19 SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING  
20 LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO  
21 TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH FACILITY AND  
22 AGENCY LICENSING, INSPECTION, AND MONITORING; DEVELOPING A  
23 METHODOLOGY TO ASSESS THE RELATIONSHIP BETWEEN LICENSING COSTS  
24 AND FEES; AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING  
25 THE RESULTS TO THE STATE BOARD. IN DEVELOPING A FEE SCHEDULE, THE  
26 DEPARTMENT SHOULD CONSIDER THE LICENSED CAPACITY OF FACILITIES  
27 AND THE TIME NEEDED TO LICENSE FACILITIES.

1           (2) (a) AN APPLICANT SHALL PAY THE FEES SPECIFIED IN  
2 SUBSECTION (1) OF THIS SECTION WHEN APPLYING FOR ISSUANCE,  
3 CONTINUANCE, OR RENEWAL OF A LICENSE. FEES ARE NOT SUBJECT TO  
4 REFUND. AN APPLICATION FOR A LICENSE IS REQUIRED IN THE SITUATIONS  
5 THAT ARE SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION AND MUST BE  
6 MADE ON FORMS PRESCRIBED BY THE STATE DEPARTMENT. EACH  
7 COMPLETED APPLICATION MUST SET FORTH THE INFORMATION REQUIRED  
8 BY THE STATE DEPARTMENT. ALL LICENSES CONTINUE IN FORCE UNTIL  
9 REVOKED, SURRENDERED, OR EXPIRED.

10           (b) (I) AN ORIGINAL APPLICATION AND FEE ARE REQUIRED:

11           (A) WHEN AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR  
12 ASSOCIATION PLANS TO OPEN A FOSTER CARE HOME OR A RESIDENTIAL OR  
13 DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY;

14           (B) WHEN A FACILITY OR FOSTER CARE HOME PLANS TO MOVE TO  
15 A DIFFERENT BUILDING AT A DIFFERENT LOCATION;

16           (C) WHEN THE MANAGEMENT OR GOVERNING BODY OF A FACILITY  
17 OR AGENCY IS ACQUIRED BY A DIFFERENT INDIVIDUAL, ASSOCIATION,  
18 PARTNERSHIP, OR CORPORATION; AND

19           (D) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A  
20 FACILITY OR AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE  
21 IDENTIFICATION NUMBER; EXCEPT THAT, IF THE REASON FOR THE ISSUANCE  
22 OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO  
23 A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING FACILITY OR  
24 AGENCY AND EITHER THE MANAGEMENT OR GOVERNING BODY OF THE  
25 FACILITY OR AGENCY REMAINS THE SAME AS ORIGINALLY LICENSED AND  
26 THE FACILITY OR AGENCY IS OPERATING IN THE SAME BUILDING OR  
27 BUILDINGS AS ORIGINALLY LICENSED, THE STATE DEPARTMENT SHALL

1 TREAT THE FACILITY'S OR AGENCY'S STATUS AS A RENEWAL AND ASSESS  
2 THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES ARE  
3 REQUIRED TO UNDERGO CRIMINAL BACKGROUND CHECKS AS REQUIRED IN  
4 SECTION 26-6-912.

5 (II) A REAPPLICATION AND FEE ARE REQUIRED AND MUST BE  
6 RECEIVED BY THE STATE DEPARTMENT IN THE MANNER SPECIFIED IN RULES  
7 PROMULGATED BY THE STATE BOARD. AN INDIVIDUAL, PARTNERSHIP,  
8 CORPORATION, OR ASSOCIATION SEEKING TO RENEW A FACILITY OR  
9 AGENCY LICENSE MUST SUBMIT A REAPPLICATION AND FEE TO THE STATE  
10 DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

11 (3) THIS SECTION DOES NOT PREVENT A CITY OR CITY AND COUNTY  
12 FROM IMPOSING FEES IN ADDITION TO THOSE FEES SPECIFIED IN THIS  
13 SECTION.

14 (4) (a) THE DEPARTMENT SHALL TRANSMIT ALL FEES COLLECTED  
15 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL  
16 CREDIT THE SAME TO THE CHILD WELFARE LICENSING CASH FUND CREATED  
17 IN SUBSECTION (4)(b) OF THIS SECTION. THE GENERAL ASSEMBLY SHALL  
18 MAKE ANNUAL APPROPRIATIONS FROM THE CHILD WELFARE LICENSING  
19 CASH FUND FOR EXPENDITURES INCURRED BY THE DEPARTMENT IN THE  
20 PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 9.

21 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE  
22 LICENSING CASH FUND, CREATED PURSUANT TO SECTION 26-6-105 (4), AS  
23 IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO LICENSING  
24 FEES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS  
25 RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD  
26 WELFARE LICENSING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE  
27 STATE TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST

1 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO  
2 THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND  
3 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT  
4 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER  
5 FUND.

6 **26-6-908. Application forms - criminal sanctions for perjury.**

7 (1) (a) (I) ALL APPLICATIONS FOR THE LICENSURE OF CHILD PLACEMENT  
8 AGENCY OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR  
9 THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9  
10 MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN  
11 SUBSECTION (1)(b) OF THIS SECTION.

12 (II) EVERY APPLICATION USED IN THE STATE OF COLORADO FOR  
13 EMPLOYMENT WITH A FACILITY OR AGENCY MUST INCLUDE THE NOTICE TO  
14 THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

15 (b) EACH APPLICATION DESCRIBED IN SUBSECTION (1)(a) OF THIS  
16 SECTION MUST CONTAIN THE FOLLOWING NOTICE TO THE APPLICANT:

17 ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A  
18 FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN  
19 THIS APPLICATION COMMITS PERJURY IN THE SECOND  
20 DEGREE AS DEFINED IN SECTION 18-8-503, COLORADO  
21 REVISED STATUTES, AND, UPON CONVICTION THEREOF,  
22 SHALL BE PUNISHED ACCORDINGLY.

23 (2) A PERSON APPLYING FOR THE LICENSURE OF A FACILITY OR  
24 AGENCY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO  
25 THIS PART 9, OR A PERSON APPLYING TO WORK AT A FACILITY OR AGENCY  
26 AS AN EMPLOYEE, WHO KNOWINGLY OR WILLFULLY MAKES A FALSE  
27 STATEMENT OF ANY MATERIAL FACT OR THING IN THE APPLICATION

1       COMMITTS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION  
2       18-8-503 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED  
3       ACCORDINGLY.

4               (3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A  
5       FOSTER CARE HOME MUST PROVIDE NOTICE TO THE APPLICANT THAT THE  
6       APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF  
7       CERTIFICATION OR LICENSURE OR OTHER NEGATIVE LICENSING ACTION AS  
8       SET FORTH IN THIS SECTION (3) AND SECTION 26-6-913 AND AS DESCRIBED  
9       BY RULE OF THE STATE BOARD.

10              **26-6-909. Standards for facilities and agencies - rules.** (1) THE  
11       DEPARTMENT SHALL PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING.  
12       THE STANDARDS MUST BE APPLICABLE TO CHILD PLACEMENT AGENCIES  
13       AND THE VARIOUS TYPES OF RESIDENTIAL AND DAY TREATMENT CHILD  
14       CARE FACILITIES REGULATED AND LICENSED BY THIS PART 9; EXCEPT THAT  
15       THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH SEPARATE STANDARDS  
16       FOR THE LICENSING OF CHILD PLACEMENT AGENCIES OPERATING FOR THE  
17       PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES.  
18       THE DEPARTMENT SHALL SEEK THE ADVICE AND ASSISTANCE OF PERSONS  
19       REPRESENTATIVE OF THE VARIOUS TYPES OF FACILITIES AND AGENCIES IN  
20       ESTABLISHING THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE  
21       OF THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS  
22       REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE  
23       PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION  
24       AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION.  
25       THE STANDARDS MUST BE ESTABLISHED BY RULES PROMULGATED BY THE  
26       STATE BOARD AND BE ISSUED, PUBLISHED, AND BECOME EFFECTIVE ONLY  
27       IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

1           (2) STANDARDS PRESCRIBED BY STATE BOARD RULES PURSUANT  
2 TO THIS SECTION ARE RESTRICTED TO:

3           (a) THE OPERATION AND CONDUCT OF THE FACILITY OR AGENCY  
4 AND THE RESPONSIBILITY IT ASSUMES FOR CHILD CARE;

5           (b) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE  
6 APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE  
7 FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER  
8 AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A  
9 NEGATIVE LICENSING ACTION;

10          (c) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE  
11 APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN  
12 AND TO MAINTAIN PRESCRIBED STANDARDS;

13          (d) THE NUMBER OF INDIVIDUALS OR STAFF REQUIRED TO ENSURE  
14 ADEQUATE SUPERVISION AND CARE OF CHILDREN SERVED;

15          (e) (I) THE APPROPRIATENESS, SAFETY, CLEANLINESS, AND  
16 GENERAL ADEQUACY OF THE PREMISES, INCLUDING MAINTENANCE OF  
17 ADEQUATE FIRE PROTECTION AND PREVENTION AND HEALTH STANDARDS  
18 IN CONFORMANCE WITH STATE LAWS AND MUNICIPAL ORDINANCES, TO  
19 PROVIDE FOR THE PHYSICAL COMFORT, CARE, WELL-BEING, AND SAFETY OF  
20 THE CHILDREN SERVED.

21          (II) A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO  
22 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL  
23 DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL  
24 MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED  
25 BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE OR RADON  
26 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT  
27 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD

1 CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS  
2 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE DEPARTMENT  
3 SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A  
4 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS  
5 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

6 (f) KEEPING OF RECORDS FOR FOOD, CLOTHING, EQUIPMENT, AND  
7 INDIVIDUAL SUPPLIES;

8 (g) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN  
9 SERVED;

10 (h) MAINTENANCE OF RECORDS PERTAINING TO THE ADMISSION,  
11 PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN;

12 (i) FILING OF REPORTS WITH THE DEPARTMENT;

13 (j) DISCIPLINE OF CHILDREN;

14 (k) STANDARDS FOR SECLUSION OF A CHILD IN ACCORDANCE WITH  
15 ARTICLE 20 OF THIS TITLE 26. STANDARDS FOR SECLUSION MUST INCLUDE:

16 (I) THE BASIS FOR THE USE OF SECLUSION IN ACCORDANCE WITH  
17 SECTION 26-20-103;

18 (II) DURATION AND FREQUENCY OF THE SECLUSION;

19 (III) FACILITY STAFF REQUIREMENTS;

20 (IV) CRITERIA FOR THE SHORT-TERM PLACEMENT OF A CHILD IN  
21 SECLUSION;

22 (V) DOCUMENTATION AND REVIEW OF THE SECLUSION;

23 (VI) REVIEW AND BIENNIAL INSPECTION BY THE DEPARTMENT OF  
24 THE SECLUSION ROOM OR AREA;

25 (VII) PHYSICAL REQUIREMENTS FOR THE SECLUSION ROOM OR  
26 AREA;

27 (VIII) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT

1 PRIOR TO THE ESTABLISHMENT OF THE SECLUSION ROOM OR AREA;

2 (IX) A NEUTRAL FACT FINDER TO DETERMINE IF THE CHILD'S  
3 SITUATION MERITS SECLUSION;

4 (X) AT A MINIMUM, A FIFTEEN-MINUTE CHECKING AND REVIEW BY  
5 STAFF OF A CHILD PLACED IN SECLUSION;

6 (XI) REVIEW BY STAFF OF ANY SECLUSION SUBSEQUENT TO EACH  
7 PERIOD OF SECLUSION;

8 (XII) DAILY REVIEW OF THE USE OF THE SECLUSION ROOMS OR  
9 AREAS; AND

10 (XIII) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO  
11 COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (2)(k).

12 (l) STANDARDS FOR SECURITY IN SECURE RESIDENTIAL TREATMENT  
13 CENTERS AND RESIDENTIAL CHILD CARE FACILITIES PROVIDED THROUGH  
14 THE PHYSICAL ENVIRONMENT AND STAFFING. THE STANDARDS MUST  
15 INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

16 (I) LOCKED DOORS;

17 (II) FENCING;

18 (III) STAFF REQUIREMENTS TO ENSURE SECURITY;

19 (IV) INSPECTIONS;

20 (V) PHYSICAL REQUIREMENTS FOR PROGRAM SPACE AND FOR  
21 SECURE SLEEPING OF THE RESIDENTS IN THE SECURE RESIDENTIAL  
22 TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY; AND

23 (VI) OTHER SECURITY CONSIDERATIONS THAT ARE NECESSARY TO  
24 PROTECT THE RESIDENTS OF THE SECURE RESIDENTIAL TREATMENT  
25 CENTER OR RESIDENTIAL CHILD CARE FACILITY OR THE PUBLIC.

26 (m) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND  
27 ADEQUACY OF TRANSPORTATION SERVICES OF CHILDREN TO AND FROM

1 FACILITIES;

2 (n) EXCEPT AS PROVIDED IN SUBSECTION (2)(o) OF THIS SECTION,  
3 PROVISIONS THAT ENSURE THAT FOSTER CARE HOMES AND CHILD CARE  
4 CENTERS VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25,  
5 THAT EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST  
6 CONTAGIOUS DISEASES AS FOLLOWS:

7 (I) CHILDREN UP TO TWENTY-FOUR MONTHS OF AGE ARE REQUIRED  
8 TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT IMMUNIZATION  
9 ACT", PART 17 OF ARTICLE 4 OF TITLE 25;

10 (II) CHILDREN OVER TWENTY-FOUR MONTHS OF AGE ARE  
11 REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4  
12 OF TITLE 25;

13 (o) PROVISIONS THAT ALLOW A FACILITY THAT ALLOWS A CHILD TO  
14 ENROLL AND ATTEND THE FACILITY ON A SHORT-TERM BASIS OF UP TO  
15 FIFTEEN DAYS IN A FIFTEEN-CONSECUTIVE-DAY PERIOD, NO MORE THAN  
16 TWICE IN A CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY  
17 PERIOD SEPARATED BY AT LEAST SIXTY DAYS, TO DO SO WITHOUT  
18 OBTAINING VERIFICATION OF IMMUNIZATION FOR THAT CHILD, AS  
19 PROVIDED IN SECTION 25-4-902. A FACILITY THAT CHOOSES TO ALLOW  
20 CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO  
21 THE PROVISIONS OF THIS SUBSECTION (2)(o) SHALL PROVIDE NOTIFICATION  
22 TO ALL PARENTS THAT THE FACILITY ALLOWS CHILDREN TO ENROLL AND  
23 ATTEND ON A SHORT-TERM BASIS WITHOUT OBTAINING PROOF OF  
24 IMMUNIZATION.

25 (p) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE, BUT  
26 NEED NOT BE LIMITED TO:

27 (I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS,

1 QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR  
2 EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO  
3 BE LICENSED, INCLUDING, BUT NOT LIMITED TO:

4 (A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE  
5 UNKNOWN;

6 (B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND  
7 GRANDPARENT ADOPTIONS;

8 (C) INTERSTATE ADOPTIONS;

9 (D) INTERNATIONAL ADOPTIONS;

10 (E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND

11 (F) SPECIAL NEEDS ADOPTIONS;

12 (II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO  
13 MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE  
14 TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;

15 (III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE  
16 RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;

17 (IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE  
18 APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED  
19 OR CONTRACTED WITH BY THE AGENCY;

20 (V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE  
21 APPLICANT FOR A LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE  
22 NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN  
23 PRESCRIBED STANDARDS;

24 (VI) PROPER MAINTENANCE OF RECORDS; AND

25 (VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN  
26 SERVED;

27 (q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS,

1 WHICH MUST INCLUDE, AT A MINIMUM:

2 (A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF  
3 AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A  
4 CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE  
5 MONTHS AFTER SUCH PLACEMENT;

6 (B) TWENTY HOURS PER YEAR OF CONTINUING TRAINING;

7 (C) IN ADDITION TO THE HOURS DESCRIBED IN SUBSECTION  
8 (2)(q)(I)(B) OF THIS SECTION, TWELVE HOURS PER YEAR FOR FOSTER CARE  
9 PARENTS PROVIDING THERAPEUTIC FOSTER CARE;

10 (D) TRAINING CONCERNING INDIVIDUALIZED EDUCATION  
11 PROGRAMS, AS DEFINED IN SECTION 22-20-103 (15). THE DEPARTMENTS  
12 OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION  
13 BETWEEN LOCAL COUNTY DEPARTMENTS AND LOCAL SCHOOL DISTRICTS  
14 OR ADMINISTRATIVE UNITS TO MAKE SUCH TRAINING AVAILABLE UPON THE  
15 REQUEST OF A FOSTER PARENT.

16 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

17 (II) THE TRAINING DESCRIBED IN SUBSECTION (2)(q)(I) OF THIS  
18 SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IN-HOME TRAINING.

19 (III) THE DEPARTMENT SHALL CONSULT WITH COUNTY  
20 DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING THE  
21 TRAINING STANDARDS IN ORDER TO ENSURE A MORE UNIFORM  
22 APPLICATION THROUGHOUT THE STATE.

23 (IV) THE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A  
24 CHILD DESCRIBED IN SUBSECTION (2)(q)(I)(A) OF THIS SECTION MAY BE  
25 COMPLETED WITHIN FOUR MONTHS AFTER THE PLACEMENT IF THE  
26 PLACEMENT WAS AN EMERGENCY PLACEMENT, AS DEFINED BY RULE OF  
27 THE STATE BOARD.

1 (r) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE  
2 SERVICES IN FACILITIES AND AGENCIES LICENSED AND CERTIFIED  
3 PURSUANT TO THIS PART 9, INCLUDING ORIENTATION AND PRELICENSING  
4 TRAINING FOR CHILD PLACEMENT AGENCY STAFF; AND

5 (s) STANDARDS FOR THE TRAINING OF PROVIDERS OF CRADLE CARE  
6 HOME SERVICES THAT MUST BE SUBSTANTIALLY SIMILAR TO THE TRAINING  
7 REQUIRED OF ADOPTIVE PARENTS PRIOR TO ADOPTING AN INFANT,  
8 INCLUDING ONGOING TRAINING HOURS APPROPRIATE TO THE SERVICES  
9 PROVIDED.

10 (3) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY  
11 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN  
12 A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY MAY POSSESS  
13 AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR  
14 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES  
15 CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER  
16 MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

17 (4) AN APPLICANT OR PERSON LICENSED TO OPERATE A FACILITY  
18 OR AGENCY UNDER THE PROVISIONS OF THIS PART 9 HAS THE RIGHT TO  
19 APPEAL ANY STANDARD THAT, IN THE APPLICANT'S OR PERSON'S OPINION,  
20 CREATES AN UNDUE HARDSHIP OR WHEN, IN THE APPLICANT'S OR PERSON'S  
21 OPINION, A STANDARD HAS BEEN TOO STRINGENTLY APPLIED BY  
22 REPRESENTATIVES OF THE DEPARTMENT. THE DEPARTMENT SHALL  
23 DESIGNATE A PANEL OF PERSONS REPRESENTING VARIOUS STATE AND  
24 LOCAL GOVERNMENTAL AGENCIES WITH AN INTEREST IN AND CONCERN  
25 FOR CHILDREN TO HEAR THE APPEAL AND TO MAKE RECOMMENDATIONS TO  
26 THE DEPARTMENT. THE MEMBERSHIP OF THE APPEALS REVIEW PANEL MUST  
27 INCLUDE, BUT NEED NOT BE LIMITED TO, A REPRESENTATIVE FROM A

1 TWENTY-FOUR-HOUR CHILD CARE FACILITY; A REPRESENTATIVE FROM A  
2 LICENSED CHILD PLACEMENT AGENCY; A REPRESENTATIVE WITH CHILD  
3 PLACEMENT EXPERIENCE FROM A COUNTY DEPARTMENT; AND A  
4 REPRESENTATIVE FROM AT LEAST ONE OTHER STATE DEPARTMENT, OR  
5 FROM THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR  
6 CHILD WELFARE, WHO HAS EDUCATION AND EXPERTISE IN  
7 TRAUMA-INFORMED CARE AND CHILD WELFARE. THE EXECUTIVE  
8 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT ALL  
9 MEMBERS TO THE APPEALS REVIEW PANEL. REPRESENTATIVES TO THE  
10 APPEALS REVIEW PANEL SERVE TERMS OF NO MORE THAN THREE YEARS  
11 AND MAY SERVE SUCCESSIVE TERMS.

12 (5) THE STATE BOARD MAY PROMULGATE RULES TO REGULATE THE  
13 OPERATION OF OUT-OF-HOME PLACEMENT PROVIDER CONSORTIA. THE  
14 REGULATION SHALL NOT INCLUDE LICENSING OF OUT-OF-HOME  
15 PLACEMENT PROVIDER CONSORTIA.

16 (6) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE  
17 REQUIREMENTS FOR LICENSURE FOR A LICENSED HOST FAMILY HOME  
18 SERVING HOMELESS YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT",  
19 ARTICLE 5.7 OF THIS TITLE 26.

20 (7) (a) A COUNTY DIRECTOR, OR THE COUNTY DIRECTOR'S  
21 DESIGNEE, MAY APPROVE, AT THE COUNTY DIRECTOR'S DISCRETION, A  
22 WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER  
23 CARE. A WAIVER MAY BE APPROVED ONLY IF:

24 (I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET  
25 FORTH BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (7)(d) OF  
26 THIS SECTION;

27 (II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN

1 RECEIVING CARE IS NOT COMPROMISED; AND

2 (III) THE WAIVER REQUEST IS IN WRITING.

3 (b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY  
4 LICENSING STANDARDS, A COUNTY DIRECTOR OF HUMAN OR SOCIAL  
5 SERVICES, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY LIMIT OR RESTRICT  
6 A LICENSE ISSUED TO A KINSHIP FOSTER CARE ENTITY OR REQUIRE THAT  
7 ENTITY TO ENTER INTO A COMPLIANCE AGREEMENT TO ENSURE THE  
8 SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN IN THAT ENTITY'S  
9 CARE.

10 (c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF  
11 A WAIVER REQUESTED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

12 (d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING  
13 THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER  
14 CARE. THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A LISTING  
15 OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE WAIVED AND  
16 CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE STATE BOARD  
17 SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP FOSTER CARE" FOR  
18 THE PURPOSES OF THIS SUBSECTION (7).

19 (8) THE EXECUTIVE DIRECTOR HAS THE POWER TO DIRECT THE  
20 ADMINISTRATION OR MONITORING OF MEDICATIONS TO PERSONS IN  
21 FACILITIES PURSUANT TO SECTION 25-1.5-301 (2)(e).

22 **26-6-910. Certification and annual recertification of foster**  
23 **care homes by county departments and licensed child placement**  
24 **agencies - background and reference check requirements - definition.**

25 (1) THIS SECTION APPLIES TO FOSTER CARE HOMES, INCLUDING KINSHIP  
26 FOSTER CARE HOMES, CERTIFIED BY COUNTY DEPARTMENTS OR LICENSED  
27 CHILD PLACEMENT AGENCIES. EXCEPT AS OTHERWISE PROVIDED IN

1 SUBSECTION (4) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO  
2 FOSTER CARE HOMES THAT ARE LICENSED BY THE STATE DEPARTMENT  
3 PURSUANT TO THE REQUIREMENTS OF SECTION 26-6-905 AND THAT DO NOT  
4 RECEIVE MONEY FROM THE COUNTIES OR CHILDREN PLACED BY THE  
5 COUNTIES. A FOSTER CARE HOME LICENSED BY THE STATE DEPARTMENT  
6 MUST UNDERGO ALL OF THE BACKGROUND CHECKS AND REQUIREMENTS  
7 SET FORTH IN SECTION 26-6-905 OR AS OTHERWISE STATED IN THIS PART  
8 9.

9 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A  
10 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A  
11 CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF  
12 THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE  
13 OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND  
14 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED PURSUANT TO THIS  
15 SECTION AND SECTION 26-6-912. EACH CERTIFICATE MUST BE IN THE FORM  
16 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT  
17 THE PERSON OPERATING THE FOSTER CARE HOME IS A SUITABLE PERSON TO  
18 OPERATE A FOSTER CARE HOME OR PROVIDE CARE FOR A CHILD, AND  
19 CONTAIN ANY OTHER INFORMATION THAT THE STATE DEPARTMENT  
20 REQUIRES. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH  
21 CERTIFICATE SHALL NOTIFY THE STATE DEPARTMENT ABOUT THE  
22 CERTIFICATION IN A METHOD AND TIME FRAME AS SET BY RULE ADOPTED  
23 BY THE STATE BOARD.

24 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY  
25 DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY, MAY RECEIVE FOR  
26 CARE A CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY  
27 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT

1 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD  
2 PLACEMENT AGENCY.

3 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
4 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO  
5 LICENSED AS A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION  
6 26.5-5-303, BY THE DEPARTMENT OF EARLY CHILDHOOD SO LONG AS THE  
7 LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO SEPARATE  
8 LICENSING ENTITIES.

9 (5) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO AN  
10 APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT OR  
11 A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF  
12 THIS PART 9 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR  
13 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE  
14 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

15 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
16 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL  
17 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,  
18 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN  
19 CONVICTED OF:

20 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

21 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

22 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
23 DEFINED IN SECTION 16-22-102 (9);

24 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
25 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
26 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

27 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A

1 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF  
2 APPLICATION FOR A CERTIFICATE;

3 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
4 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS PRECEDING THE DATE  
5 OF THE APPLICATION FOR THE CERTIFICATE; OR

6 (VII) AN OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH  
7 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE  
8 OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS  
9 SECTION;

10 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
11 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY  
12 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, THE EMPLOYEE,  
13 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE  
14 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD  
15 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE  
16 FEDERAL BUREAU OF INVESTIGATION;

17 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE  
18 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON  
19 WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS  
20 HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE  
21 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR  
22 A CHILD;

23 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
24 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
25 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
26 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
27 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON

1 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX  
2 OFFENDER; AND

3 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
4 HISTORY RECORD CHECK OR ANY OTHER RECORD CHECK PERFORMED  
5 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST  
6 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR LICENSED CHILD  
7 PLACEMENT AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A  
8 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
9 22-2-119.3 (6)(d).

10 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY  
11 LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL NOT ISSUE  
12 A CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER  
13 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE  
14 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE  
15 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

16 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN  
17 SUBSECTION (5)(a) OF THIS SECTION AS VERIFIED THROUGH A  
18 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED  
19 CRIMINAL HISTORY RECORD CHECK, IF NECESSARY, AND A CHECK OF THE  
20 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

21 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE  
22 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S  
23 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO  
24 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

25 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER  
26 REGISTRY CREATED PURSUANT TO SECTION 16-22-110 OR IS A REGISTERED  
27 SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A CHECK OF THE

1 NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED  
2 STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS PROVISION DOES NOT  
3 APPLY TO AN ADULT RESIDENT WHO HAS BEEN PLACED IN THE FOSTER  
4 CARE FACILITY OR HOME FOR TREATMENT UNDER AN ADULT CHILD  
5 WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KNOWN  
6 NAMES AND ADDRESSES OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO  
7 RESIDES AT THE FACILITY OR THE HOME IN THE INTERACTIVE DATABASE  
8 SYSTEM FOR COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC  
9 REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND  
10 ADDRESSES.

11 (7) AS USED IN THIS SECTION, "CONVICTED" MEANS A CONVICTION  
12 BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND  
13 SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A  
14 DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF  
15 GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A  
16 DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN  
17 DIVERSION, AS DEFINED IN SECTION 19-2.5-102, AND DOES NOT APPLY TO  
18 A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN  
19 AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT  
20 DIVERSION PROGRAM, AS DESCRIBED IN SECTION 19-3-310.

21 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBSECTIONS (5)(a) AND  
22 (6)(a) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE  
23 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL  
24 BUREAU OF INVESTIGATION AND THE ICON SYSTEM AT THE STATE  
25 JUDICIAL DEPARTMENT. THE SCREENING REQUEST IN COLORADO MUST BE  
26 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY  
27 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.

1 671 (a)(20). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
2 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND  
3 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR  
4 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A  
5 CONVICTION OR AGREEMENT.

6 (b) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
7 AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE  
8 HOME OR A KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR  
9 THE COUNTY DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER  
10 STATE INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

11 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL  
12 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER STATE OR  
13 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY  
14 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN  
15 SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION; OR

16 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED  
17 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY  
18 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE  
19 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES  
20 DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION.

21 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, A  
22 PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY  
23 A COUNTY DEPARTMENT OR BY A LICENSED CHILD PLACEMENT AGENCY IF  
24 THE PERSON IS A RELATIVE OF AN EMPLOYEE OF THE CHILD WELFARE  
25 DIVISION OR UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER  
26 CARE HOME OR A RELATIVE OF AN OWNER, OFFICER, EXECUTIVE, MEMBER  
27 OF THE GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT

1 AGENCY CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN  
2 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT  
3 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9)  
4 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR  
5 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER  
6 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UNLESS OTHERWISE  
7 PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO  
8 WHICH THE APPLICATION IS REFERRED MAY CERTIFY AND SUPERVISE A  
9 FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY  
10 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN  
11 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT  
12 OF THE TWO COUNTY DEPARTMENTS.

13 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9,  
14 AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR  
15 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS  
16 PART 9 OR A RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER, OR  
17 EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN PROPERTY  
18 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN  
19 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A  
20 FOSTER CARE HOME.

21 (11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
22 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD  
23 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT  
24 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE  
25 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE  
26 STANDARDS REQUIRED UNDER THIS PART 9 UPON PROOF BY THE APPLICANT  
27 THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR

1 TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A  
2 RIGHT TO APPEAL TO THE STATE DEPARTMENT ANY STANDARD THAT THE  
3 APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN  
4 APPLIED TOO STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED  
5 CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE  
6 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE  
7 APPEALS IN SECTION 26-6-909 (4).

8 **26-6-911. Foster care - kinship care - rules applying generally**  
9 **- rule-making.** (1) THE STATE BOARD SHALL PROMULGATE RULES THAT  
10 APPLY TO FOSTER CARE GENERALLY, REGARDLESS OF WHETHER THE  
11 FOSTER CARE IS PROVIDED BY A FOSTER CARE HOME CERTIFIED BY A  
12 COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY, AND TO  
13 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. THE STATE BOARD SHALL  
14 DEVELOP THE RULES IN CONSULTATION WITH THE STATE DEPARTMENT,  
15 COUNTY DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH  
16 EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.

17 (2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF  
18 THIS SECTION MUST INCLUDE THE FOLLOWING:

19 (a) USING THE STATE DEPARTMENT'S AUTOMATED DATABASE, THE  
20 PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS AND CHILD  
21 PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE WHEN THE  
22 STATE DEPARTMENT HAS IDENTIFIED A CONFIRMED REPORT OF CHILD  
23 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103, THAT INVOLVES A  
24 FOSTER CARE HOME, AS WELL AS THE SUSPENSION OF ANY FURTHER  
25 PLACEMENTS IN THE FOSTER CARE HOME UNTIL THE INVESTIGATION IS  
26 CONCLUDED;

27 (b) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD

1 LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE  
2 PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE  
3 FOSTER PARENTS;

4 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL  
5 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE  
6 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS  
7 SPECIFIED IN SECTION 26-6-910 (5) AND (6) HAVE BEEN COMPLETED FOR  
8 ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED  
9 BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND ANY ADULT  
10 RESIDENT OF THE FOSTER CARE HOME, PRIOR TO PLACING A CHILD IN  
11 FOSTER CARE WITH THAT PERSON;

12 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD  
13 PLACEMENT AGENCY SHALL TAKE IF A DISQUALIFYING FACTOR IS FOUND  
14 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION  
15 26-6-910 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5);

16 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE  
17 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE  
18 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT  
19 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY  
20 ACTIONS;

21 (f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE  
22 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE  
23 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND  
24 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE  
25 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER  
26 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND  
27 SHALL INSPECT THE ENTIRE PREMISES OF THE FOSTER CARE HOME,

1 INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF THE  
2 FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD  
3 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE  
4 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION  
5 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR  
6 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY  
7 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

8 (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER  
9 CARE PARENTS BY A LICENSED HEALTH-CARE PROFESSIONAL THAT  
10 REQUIRE A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL  
11 ABILITY TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE  
12 LICENSED HEALTH-CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN  
13 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A  
14 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF  
15 A CERTIFICATE MUST BE CONDITIONED ON THE SATISFACTORY REPORT OF  
16 A LICENSED MENTAL HEALTH PRACTITIONER.

17 (h) THE COMMUNICATION REQUIREMENTS THAT MUST BE  
18 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME  
19 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS  
20 SET FORTH IN SECTION 26-6-910 (4).

21 (3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT  
22 ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR  
23 CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER  
24 CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS  
25 WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME.  
26 AFTER CONDUCTING THE REVIEW, THE STATE DEPARTMENT SHALL  
27 RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS

1 SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF THESE PERSONS  
2 BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

3 **26-6-912. Investigations and inspections - local authority -**  
4 **reports - rules.** (1) (a) (I) (A) THE STATE DEPARTMENT SHALL  
5 INVESTIGATE AND PASS ON EACH APPLICATION FOR ISSUANCE OF A  
6 LICENSE, EACH APPLICATION FOR A PERMANENT OR TIME-LIMITED LICENSE  
7 FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE,  
8 AND EACH APPLICATION FOR RENEWAL OF A LICENSE TO OPERATE A  
9 FACILITY OR AN AGENCY PRIOR TO GRANTING THE LICENSE OR RENEWAL.  
10 AS PART OF THE INVESTIGATION, THE STATE DEPARTMENT SHALL REQUIRE  
11 EACH INDIVIDUAL, INCLUDING BUT NOT LIMITED TO THE APPLICANT, AN  
12 OWNER, AN EMPLOYEE, A NEWLY HIRED EMPLOYEE, A LICENSEE, AND AN  
13 ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND RESIDES IN THE  
14 LICENSED FACILITY, TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY  
15 RECORD CHECK BY REVIEWING ANY RECORD THAT IS USED TO ASSIST THE  
16 STATE DEPARTMENT IN ASCERTAINING WHETHER THE PERSON BEING  
17 INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES  
18 SPECIFIED IN SECTION 26-6-905 (8) OR ANY OTHER FELONY. THE STATE  
19 BOARD SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE  
20 CRIMINAL HISTORY RECORD CHECK ENTAILS.

21 (B) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO  
22 THIS SUBSECTION (1)(a)(I) MUST REQUIRE THE FINGERPRINT-BASED  
23 CRIMINAL HISTORY RECORD CHECK IN ALL CIRCUMSTANCES, OTHER THAN  
24 THOSE IDENTIFIED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, TO  
25 INCLUDE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING  
26 THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
27 FEDERAL BUREAU OF INVESTIGATION AND TO APPLY TO ANY NEW OWNER,

1 NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL  
2 WHO BEGINS RESIDING IN THE LICENSED FACILITY. AS PART OF THE  
3 INVESTIGATION, THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT  
4 MAINTAINED BY THE STATE DEPARTMENT MUST BE ACCESSED TO  
5 DETERMINE WHETHER THE OWNER, APPLICANT, EMPLOYEE, NEWLY HIRED  
6 EMPLOYEE, LICENSEE, OR INDIVIDUAL WHO RESIDES IN THE LICENSED  
7 FACILITY BEING INVESTIGATED HAS BEEN FOUND TO BE RESPONSIBLE IN A  
8 CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. INFORMATION IS MADE  
9 AVAILABLE PURSUANT TO SECTION 19-1-307 (2)(j) AND RULES  
10 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5  
11 (4). EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION,  
12 ANY CHANGE IN OWNERSHIP OF A LICENSED FACILITY OR AGENCY OR  
13 ADDITION OF A NEW RESIDENT ADULT OR NEWLY HIRED EMPLOYEE TO THE  
14 LICENSED FACILITY REQUIRES A NEW INVESTIGATION AS PROVIDED IN THIS  
15 SECTION.

16 (C) WHEN TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE  
17 WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP  
18 GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY  
19 RECORD CHECK AND A CHECK OF THE RECORDS AND REPORTS OF CHILD  
20 ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT, COMPLETED FOR  
21 ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR  
22 SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR AN INDIVIDUAL FOR  
23 WHOM THE CHECK IS REQUIRED PURSUANT TO THIS PART 9, MAY SATISFY  
24 THE RECORD CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY  
25 UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A  
26 NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR NEW  
27 CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT

1 MAINTAINED BY THE DEPARTMENT IS NOT REQUIRED OF SUCH AN  
2 INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT  
3 MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES  
4 OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT  
5 TO SECTION 26-6-905 WHEN INFORMED OF THE RESULTS OF A  
6 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR CHECK OF THE  
7 RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE  
8 DEPARTMENT THAT REQUIRES ACTION PURSUANT TO THIS PART 9; AND  
9 INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED  
10 FACILITY COMES UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR  
11 CONTROL.

12 (D) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT  
13 THIS SUBSECTION (1)(a)(I).

14 (II) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO  
15 SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE :

16 (A) A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE  
17 JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION  
18 AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION  
19 THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE FOR EACH  
20 CIRCUMSTANCE IN WHICH THE COLORADO BUREAU OF INVESTIGATION  
21 FINGERPRINT CHECK EITHER DOES NOT CONFIRM A CRIMINAL HISTORY OR  
22 CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR  
23 CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CONVICTED AND THE  
24 DISPOSITION THEREOF;

25 (B) ANY OTHER RECOGNIZED DATABASE THAT IS ACCESSIBLE ON  
26 A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE  
27 BOARD; AND

1 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED  
2 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION  
3 (1)(a)(II) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A  
4 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
5 22-2-119.3 (6)(d).

6 (III) IF THE OPERATOR OF A FACILITY OR AGENCY REFUSES TO HIRE  
7 AN APPLICANT AS A RESULT OF INFORMATION DISCLOSED IN THE  
8 INVESTIGATION OF THE APPLICANT PURSUANT TO SUBSECTION (1)(a)(I) OF  
9 THIS SECTION, THE FACILITY OR AGENCY IS NOT SUBJECT TO CIVIL  
10 LIABILITY FOR THE REFUSAL TO HIRE. IF A FORMER EMPLOYER OF THE  
11 APPLICANT RELEASES INFORMATION REQUESTED BY THE FACILITY OR  
12 AGENCY PERTAINING TO THE APPLICANT'S FORMER PERFORMANCE, THE  
13 FORMER EMPLOYER IS NOT SUBJECT TO CIVIL LIABILITY FOR THE  
14 INFORMATION GIVEN.

15 (b) AN APPLICANT FOR CERTIFICATION AS A FOSTER CARE HOME  
16 SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY  
17 DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT WITH A LIST OF  
18 ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS  
19 TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, AND A RELEASE OF  
20 INFORMATION FROM THE CHILD PLACEMENT AGENCIES AND COUNTY  
21 DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, TO  
22 OBTAIN INFORMATION ABOUT THE APPLICATION AND ANY CERTIFICATION  
23 GIVEN BY THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS.  
24 A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE  
25 CERTIFICATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE  
26 APPLICANT AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME BY  
27 CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY

1 DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE  
2 CERTIFICATION FOR THAT FOSTER CARE HOME. CHILD PLACEMENT  
3 AGENCIES AND COUNTY DEPARTMENTS ARE HELD HARMLESS FOR  
4 INFORMATION RELEASED, IN GOOD FAITH, TO OTHER CHILD PLACEMENT  
5 AGENCIES OR COUNTY DEPARTMENTS.

6 (c) (I) FOR ALL APPLICANTS APPLYING TO BE A FOSTER CARE HOME  
7 OR KINSHIP FOSTER CARE HOME, REGARDLESS OF REIMBURSEMENT, THE  
8 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REQUIRE  
9 EACH ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES  
10 IN THE HOME TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY  
11 RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND  
12 THE FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT MUST PROVIDE  
13 THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY WITH THE  
14 ADDRESSES WHERE THE APPLICANT AND ANY ADULT RESIDING IN THE  
15 HOME HAVE LIVED IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES  
16 FROM OTHER STATES. THE COUNTY DEPARTMENT OR THE CHILD  
17 PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING BACKGROUND  
18 CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE HOME:

19 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO  
20 DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN  
21 CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-910 (5)(a);

22 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
23 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING  
24 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO  
25 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED  
26 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF  
27 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

1 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED  
2 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT  
3 WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF  
4 CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN  
5 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

6 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
7 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
8 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
9 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
10 FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES  
11 IN THE HOME IS A REGISTERED SEX OFFENDER; AND

12 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
13 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION  
14 (1)(c)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A  
15 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
16 22-2-119.3 (6)(d).

17 (II) IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY  
18 RECORD CHECK, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY  
19 SHALL CONTACT THE APPROPRIATE ENTITY IN EACH STATE IN WHICH THE  
20 APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS RESIDED WITHIN  
21 THE PRECEDING FIVE YEARS TO DETERMINE WHETHER THE INDIVIDUAL HAS  
22 BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE  
23 OR NEGLECT.

24 (III) THE SCREENING REQUEST IN COLORADO FOR CRIMINAL  
25 HISTORY RECORD CHECKS THROUGH THE COLORADO BUREAU OF  
26 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION MUST BE  
27 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY

1 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.  
2 671 (a)(20).

3 (IV) THE DEPARTMENT MUST CONDUCT AN INVESTIGATION  
4 PURSUANT TO THIS SUBSECTION (1)(c) FOR ANY NEW RESIDENT ADULT  
5 WHENEVER THE ADULT IS ADDED TO THE FOSTER CARE HOME OR KINSHIP  
6 CARE HOME. THE DEPARTMENT SHALL NOT USE INFORMATION OBTAINED  
7 FROM STATE RECORDS OF ABUSE OR NEGLECT FOR ANY PURPOSE OTHER  
8 THAN CONDUCTING THE INVESTIGATION FOR PLACEMENT OR  
9 CERTIFICATION.

10 (d) (I) WHEN THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR  
11 CHILD PLACEMENT AGENCY IS ABLE TO CERTIFY THAT THE APPLICANT OR  
12 LICENSEE IS COMPETENT AND WILL OPERATE ADEQUATE FACILITIES TO  
13 CARE FOR CHILDREN PURSUANT TO THE REQUIREMENTS OF THIS PART 9  
14 AND THAT STANDARDS ARE BEING MET AND WILL BE COMPLIED WITH, IT  
15 SHALL ISSUE THE LICENSE FOR WHICH THE APPLICANT OR LICENSEE  
16 APPLIED. THE STATE DEPARTMENT SHALL INSPECT OR CAUSE TO BE  
17 INSPECTED THE FACILITIES TO BE OPERATED BY AN APPLICANT FOR AN  
18 ORIGINAL LICENSE BEFORE THE LICENSE IS GRANTED AND SHALL  
19 THEREAFTER INSPECT OR CAUSE TO BE INSPECTED THE FACILITIES OF ALL  
20 LICENSEES THAT, DURING THE PERIOD OF LICENSURE, HAVE BEEN FOUND  
21 TO BE THE SUBJECT OF COMPLAINTS OR TO BE OUT OF COMPLIANCE WITH  
22 THE STANDARDS SET FORTH IN SECTION 26-6-909 AND THE RULES OF THE  
23 STATE DEPARTMENT, OR THAT OTHERWISE APPEAR TO BE PLACING  
24 CHILDREN AT RISK. THE STATE DEPARTMENT MAY MAKE SUCH OTHER  
25 INSPECTIONS AS IT DEEMS NECESSARY TO ENSURE THAT THE  
26 REQUIREMENTS OF THIS PART 9 ARE BEING MET AND THAT THE HEALTH,  
27 SAFETY, AND WELFARE OF THE CHILDREN BEING PLACED ARE PROTECTED.

1 IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME,  
2 THE STATE DEPARTMENT DETERMINES THAT A CHILD RESIDING IN THE  
3 FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO  
4 THE CHILD'S SAFETY AND WELFARE AS DEFINED BY RULES PROMULGATED  
5 BY THE STATE BOARD OR THAT A SUBSTANTIAL VIOLATION OF A  
6 FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE  
7 STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO  
8 IMMEDIATELY REMOVE THE CHILD FROM THE FOSTER CARE HOME.

9 (II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE  
10 ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT  
11 RESULTS OF FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO  
12 ADOPT RULES CONCERNING A REQUIREMENT THAT ALL FACILITIES  
13 LICENSED PURSUANT TO THIS PART 9 POST THEIR LICENSES AND  
14 INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT  
15 PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE DEPARTMENT,  
16 WHICH RULES MUST REQUIRE THAT EACH FACILITY DISPLAY ITS LICENSE  
17 AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS  
18 LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY;  
19 EXCEPT THAT THE RULES MUST NOT REQUIRE FOSTER CARE HOMES TO POST  
20 THEIR LICENSES AND THE RULES MUST NOT REQUIRE FOSTER CARE HOMES  
21 AND CHILD PLACEMENT AGENCIES TO POST INFORMATION REGARDING THE  
22 PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9  
23 DIRECTLY WITH THE STATE DEPARTMENT. THE STATE BOARD SHALL ADOPT  
24 RULES REQUIRING FOSTER CARE HOMES TO MAKE THEIR LICENSES  
25 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST, AND  
26 REQUIRING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO  
27 MAKE THE INFORMATION CONCERNING THE FILING OF COMPLAINTS

1 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST.

2 (e) NOTWITHSTANDING ANY PROVISION OF THIS PART 9 TO THE  
3 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO AN INTERAGENCY  
4 AGREEMENT OR A MEMORANDUM OF UNDERSTANDING, OR BOTH, AS  
5 NECESSARY TO COMPLETE THE CRIMINAL HISTORY RECORD CHECKS AND  
6 OTHER BACKGROUND CHECKS REQUIRED IN THIS SECTION.

7 (2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
8 (2)(a)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY AUTHORIZE OR  
9 CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF  
10 HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION  
11 THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING  
12 WITH CHILDREN OR ON BEHALF OF CHILDREN TO INVESTIGATE AND INSPECT  
13 THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR  
14 APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A  
15 PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 9 AND  
16 MAY ACCEPT REPORTS ON THE INVESTIGATIONS AND INSPECTIONS FROM  
17 THE AGENCIES OR ORGANIZATIONS AS A BASIS FOR LICENSING. WHEN  
18 CONTRACTING FOR INVESTIGATIONS AND INSPECTIONS, THE STATE  
19 DEPARTMENT SHALL ENSURE THAT THE CONTRACTOR IS QUALIFIED BY  
20 TRAINING AND EXPERIENCE AND HAS NO CONFLICT OF INTEREST WITH  
21 RESPECT TO THE FACILITIES TO BE INSPECTED.

22 (II) THE STATE DEPARTMENT SHALL NOT AUTHORIZE OR CONTRACT  
23 WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR  
24 ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS  
25 A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH  
26 CHILDREN OR ON BEHALF OF CHILDREN FOR INVESTIGATIONS AND  
27 INSPECTIONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION OF ANY

1 FACILITIES THAT PROVIDE TWENTY-FOUR-HOUR CARE AND ARE LICENSED  
2 PURSUANT TO THIS PART 9.

3 (b) A CITY, COUNTY, OR CITY AND COUNTY MAY IMPOSE AND  
4 ENFORCE HIGHER STANDARDS AND REQUIREMENTS FOR FACILITIES  
5 LICENSED PURSUANT TO THIS PART 9 THAN THE STANDARDS AND  
6 REQUIREMENTS SPECIFIED PURSUANT TO THIS PART 9.

7 (3) EVERY FACILITY AND AGENCY LICENSED PURSUANT TO THIS  
8 PART 9 SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE DEPARTMENT  
9 MAY PRESCRIBE PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND  
10 DISCHARGE OF CHILDREN UNDER THE CARE OF THE FACILITY OR AGENCY  
11 AND SHALL REPORT RELATIVE THERETO TO THE DEPARTMENT WHENEVER  
12 CALLED FOR, UPON FORMS PRESCRIBED BY THE DEPARTMENT. BOTH THE  
13 FACILITY OR AGENCY AND THE DEPARTMENT SHALL KEEP CONFIDENTIAL  
14 ALL RECORDS REGARDING CHILDREN AND ALL FACTS LEARNED ABOUT  
15 CHILDREN AND THEIR RELATIVES.

16 (4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT  
17 SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY  
18 DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.

19 (5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT  
20 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL  
21 COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD  
22 CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN  
23 WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT IN  
24 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET  
25 FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE  
26 OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL  
27 REPORTS BASED ON THEIR SITE VISITS.

1           (6) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS  
2 COMPLAINT ABOUT A FACILITY OR AGENCY LICENSED PURSUANT TO THIS  
3 PART 9 ALLEGING THE IMMEDIATE RISK TO THE HEALTH OR SAFETY OF THE  
4 CHILDREN CARED FOR IN THE FACILITY, THE STATE DEPARTMENT SHALL  
5 RESPOND TO THE COMPLAINT AND CONDUCT AN ON-SITE INVESTIGATION  
6 CONCERNING THE COMPLAINT WITHIN FORTY-EIGHT HOURS AFTER ITS  
7 RECEIPT.

8           **26-6-913. Revocation of certification of foster care home -**  
9 **emergency procedures - due process.** NOTWITHSTANDING ANY OTHER  
10 PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT  
11 IMMEDIATELY TO REVOKE THE CERTIFICATION OF A COUNTY-CERTIFIED  
12 FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO  
13 BELIEVE THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO  
14 AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE  
15 OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF  
16 CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS  
17 PURSUANT TO THIS SECTION, A DUE PROCESS HEARING SHALL BE HELD  
18 WITHIN FIVE DAYS AFTER THE ACTION AND CONDUCTED AS THE HEARING  
19 WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24.

20           **26-6-914. Denial of license - suspension - revocation -**  
21 **probation - refusal to renew license - fines - definitions.** (1) WHEN THE  
22 DEPARTMENT HAS DENIED AN APPLICATION FOR A LICENSE, THE  
23 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE DENIAL BY  
24 MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON THE  
25 APPLICATION. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL MAY  
26 PURSUE THE REMEDY FOR REVIEW AS PROVIDED IN SUBSECTION (10) OF  
27 THIS SECTION IF THE APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING

1 THE NOTICE, PETITIONS THE DEPARTMENT TO SET A DATE AND PLACE FOR  
2 HEARING, AFFORDING THE APPLICANT AN OPPORTUNITY TO BE HEARD IN  
3 PERSON OR BY COUNSEL. ALL HEARINGS ON THE DENIAL OF LICENSES  
4 SHALL BE CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND  
5 PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AS IN THE CASE OF THE  
6 SUSPENSION AND REVOCATION OF LICENSES.

7 (2) THE DEPARTMENT MAY DENY AN APPLICATION, OR SUSPEND,  
8 REVOKE, OR MAKE PROBATIONARY THE LICENSE, OF ANY FACILITY OR  
9 AGENCY REGULATED AND LICENSED PURSUANT TO THIS PART 9 OR ASSESS  
10 A FINE AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921 IF THE  
11 LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE  
12 LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY  
13 OR AGENCY:

14 (a) IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES  
15 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN  
16 SECTION 18-6-401, THE RECORD OF CONVICTION BEING CONCLUSIVE  
17 EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, OR HAVE  
18 ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED  
19 PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES  
20 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN  
21 SECTION 18-6-401, OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER  
22 FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE,  
23 PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE  
24 LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE  
25 OFFENSES SPECIFIED IN SECTION 26-6-905 (8), UNDER A LAW OF ANOTHER  
26 STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED  
27 JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN

1 ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED  
2 IN SECTION 26-6-905 (8); OR

3 (b) IS CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN  
4 SECTION 18-3-204; ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS  
5 OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN  
6 ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3; THE  
7 VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION  
8 18-6-803.5; ANY MISDEMEANOR OFFENSE OF CHILD ABUSE, AS DEFINED IN  
9 SECTION 18-6-401; OR ANY MISDEMEANOR OFFENSE IN ANOTHER STATE,  
10 THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS  
11 OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS SUBSECTION (2)(b). AS  
12 USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS THE SAME MEANING  
13 AS SET FORTH IN SECTION 26-6-905 (8)(a)(II).

14 (c) IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY  
15 A COURT OF COMPETENT JURISDICTION AND, A COURT HAS ENTERED,  
16 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION  
17 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE  
18 MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE  
19 LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE  
20 RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING  
21 CONCLUSIVE EVIDENCE THEREOF; OR

22 (d) USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION  
23 18-18-102 (5), INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY  
24 ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY  
25 OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE  
26 OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE  
27 FACILITY OR AGENCY; OR

1 (e) IS CONVICTED OF UNLAWFUL USE OF A CONTROLLED  
2 SUBSTANCE AS SPECIFIED IN SECTION 18-18-404; UNLAWFUL  
3 DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A  
4 CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-403.5 OR  
5 18-18-405; OR UNLAWFUL OFFENSES RELATING TO MARIJUANA OR  
6 MARIJUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406; OR

7 (f) CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED  
8 AND PUBLISHED BY THE DEPARTMENT; OR

9 (g) FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE  
10 STATEMENT OR REPORT TO THE DEPARTMENT; OR

11 (h) REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR  
12 REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS  
13 REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY  
14 FOR LICENSING PURPOSES; OR

15 (i) FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR  
16 INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED  
17 REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR  
18 THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

19 (j) FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND  
20 SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE  
21 PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC  
22 HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES  
23 OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF  
24 SUCH FACILITY; OR

25 (k) WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE  
26 PROVISIONS OF THIS PART 9 OR ANY OF THE STANDARDS PRESCRIBED AND  
27 PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 9; OR

1 (l) FAILS TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE  
2 SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF  
3 PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES,  
4 CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

5 (m) IS CHARGED WITH THE COMMISSION OF AN ACT OF CHILD  
6 ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION  
7 18-3-411 (1), IF:

8 (I) THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR  
9 OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

10 (II) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE CHARGE IS  
11 SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

12 (n) ADMITS TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL  
13 EVIDENCE IS FOUND THAT THE LICENSEE, PERSON EMPLOYED BY THE  
14 LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE IN THE LICENSED  
15 FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE. AS USED  
16 IN THIS SUBSECTION (2)(n), "CHILD ABUSE" HAS THE SAME MEANING AS  
17 THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN  
18 SECTION 19-1-103 (1).

19 (o) IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR

20 (p) MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER  
21 CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES  
22 FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF  
23 PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED  
24 TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS  
25 RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR  
26 FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES. THE STATE BOARD  
27 SHALL PROMULGATE RULES DEFINING THE TERM "MISUSE", WHICH RULES

1 MUST TAKE INTO ACCOUNT SIMILAR DEFINITIONS IN FEDERAL LAW AND  
2 MAY INCLUDE REFERENCES TO RELEVANT CIRCULARS OF THE FEDERAL  
3 OFFICE OF MANAGEMENT AND BUDGET.

4 (3) THE STATE DEPARTMENT MAY DENY AN APPLICATION TO  
5 RENEW A LICENSE BASED ON THE GROUNDS SET FORTH IN SUBSECTION (2)  
6 OF THIS SECTION. THE DENIAL IS EFFECTIVE UPON THE EXPIRATION OF THE  
7 EXISTING LICENSE. THE EXISTING LICENSE DOES NOT CONTINUE IN EFFECT  
8 EVEN THOUGH THE APPLICANT FOR RENEWAL FILES A REQUEST FOR  
9 HEARING OR APPEAL.

10 (4) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A  
11 FACILITY OR AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT  
12 IS A RELATIVE AFFILIATE OF A LICENSEE OF A FACILITY OR AGENCY  
13 LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF  
14 A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING  
15 INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A  
16 NEGATIVE LICENSING ACTION.

17 (5) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A  
18 CHILD PLACEMENT AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE  
19 APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A CHILD  
20 PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH  
21 LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR  
22 IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT  
23 THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

24 (6) (a) (I) THE STATE DEPARTMENT SHALL DENY AN APPLICATION  
25 FOR A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION  
26 26-6-905 (8). THE STATE DEPARTMENT SHALL REVOKE OR SUSPEND A  
27 LICENSE PREVIOUSLY ISSUED IF:

1 (A) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR  
2 PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED, OR IF IT  
3 IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE  
4 LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY  
5 BEEN CONVICTED, OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN  
6 SECTION 26-6-905 (8); OR

7 (B) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM  
8 ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY  
9 THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER  
10 CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON  
11 EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE  
12 HAD PREVIOUSLY BEEN CONVICTED OF, A CRIMINAL OFFENSE UNDER A LAW  
13 OF ANOTHER STATE OR OF THE UNITED STATES THAT IS SIMILAR TO ANY  
14 OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

15 (C) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON  
16 EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE  
17 LICENSEE AT THE FACILITY OR AGENCY HAS BEEN DETERMINED TO BE  
18 INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT  
19 JURISDICTION AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART  
20 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN  
21 ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR  
22 INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF  
23 OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION  
24 AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

25 (II) AS USED IN THIS SUBSECTION (6)(a), "CONVICTED" MEANS A  
26 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED  
27 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION

1 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
2 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

3 (b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
4 COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND  
5 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR  
6 DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER  
7 FROM ANOTHER STATE INDICATING AN AGREEMENT FROM ANOTHER STATE,  
8 IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.

9 (7) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A  
10 FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 AND SHALL  
11 REVOKE THE LICENSE OF A FACILITY OR AGENCY LICENSED PURSUANT TO  
12 THIS PART 9 IF THE FACILITY OR AGENCY CULTIVATES MARIJUANA  
13 PURSUANT TO THE AUTHORITY IN SECTION 16 OF ARTICLE XVIII OF THE  
14 STATE CONSTITUTION.

15 (8) THE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE  
16 PROVISIONS OF SECTION 26-6-921, AGAINST A LICENSEE OR A PERSON  
17 EMPLOYED BY THE LICENSEE WHO WILLFULLY AND DELIBERATELY OR  
18 CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY  
19 THE DEPARTMENT OR THE PROVISIONS OF THIS PART 9.

20 (9) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS  
21 IDENTIFIED IN THIS SECTION ACCORDING TO THE RECORDS OF THE  
22 COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE  
23 JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION  
24 26-6-912 (1)(a)(II).

25 (10) THE DEPARTMENT SHALL SUSPEND OR REVOKE A LICENSE  
26 ONLY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED  
27 IN ARTICLE 4 OF TITLE 24, AND AFTER A HEARING THEREON AS PROVIDED

1 IN SAID ARTICLE 4; EXCEPT THAT ALL HEARINGS UNDER THIS PART 9 MUST  
2 BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT,  
3 WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR  
4 OF THE DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE  
5 DEPARTMENT, AND NO LICENSEE IS ENTITLED TO A RIGHT TO CURE ANY OF  
6 THE CHARGES DESCRIBED IN SUBSECTION (2)(a), (2)(c), (2)(d), OR  
7 (2)(m)(I) OF THIS SECTION. THE HEARING SHALL NOT PREVENT OR DELAY  
8 ANY INJUNCTIVE PROCEEDINGS INSTITUTED PURSUANT TO THE PROVISIONS  
9 OF SECTION 26-6-918.

10 (11) THE PROVISIONS OF SUBSECTION (2)(d) OF THIS SECTION DO  
11 NOT APPLY TO FOSTER CARE HOMES, UNLESS SUCH USE OR CONSUMPTION  
12 IMPAIRS THE LICENSEE'S ABILITY TO PROPERLY CARE FOR CHILDREN.

13 (12) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS  
14 PART 9 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER  
15 CARE MAY CERTIFY THE HOME OF A RELATIVE OF THE CHILD PLACED  
16 THEREIN AS A FOSTER CARE HOME ONLY UPON THE REQUEST OF A COUNTY  
17 DEPARTMENT.

18 **26-6-915. Notice of negative licensing action - filing of**  
19 **complaints.** (1) (a) WHEN A FACILITY OR AGENCY LICENSED PURSUANT  
20 TO THIS PART 9 HAS BEEN NOTIFIED BY THE DEPARTMENT OF A NEGATIVE  
21 LICENSING ACTION OR THE IMPOSITION OF A FINE PURSUANT TO SECTION  
22 26-6-914 (2) AND (8), IT SHALL, WITHIN TEN DAYS AFTER RECEIVING THE  
23 NOTICE, PROVIDE THE DEPARTMENT WITH THE NAMES AND MAILING  
24 ADDRESSES OF THE PARENTS OR LEGAL GUARDIANS OF EACH CHILD CARED  
25 FOR AT THE FACILITY OR AGENCY. THE DEPARTMENT SHALL MAINTAIN THE  
26 CONFIDENTIALITY OF THE NAMES AND MAILING ADDRESSES PROVIDED TO  
27 IT PURSUANT TO THIS SUBSECTION (1).

1           (b) WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND  
2 ADDRESSES OF PARENTS AND LEGAL GUARDIANS PURSUANT TO  
3 SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL SEND A  
4 WRITTEN NOTICE TO EACH SUCH PARENT OR LEGAL GUARDIAN  
5 IDENTIFYING THE NEGATIVE LICENSING ACTION OR THE FINE IMPOSED AND  
6 PROVIDING A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES  
7 TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN  
8 IN THE CARE OF THE FACILITY OR AGENCY. THE DEPARTMENT SHALL SEND  
9 THE NOTICE TO THE PARENTS AND LEGAL GUARDIANS BY FIRST-CLASS  
10 MAIL.

11           (c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING  
12 THE ASSESSMENT OF A FINE AGAINST A LICENSEE THAT IS EQUAL TO THE  
13 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE MAILING OF THE  
14 NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

15           (d) THIS SUBSECTION (1) DOES NOT PRECLUDE THE STATE  
16 DEPARTMENT OR A COUNTY DEPARTMENT FROM NOTIFYING PARENTS OR  
17 LEGAL GUARDIANS OF SERIOUS VIOLATIONS OF ANY OF THE STANDARDS  
18 PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR ANY OF THE  
19 PROVISIONS OF THIS PART 9 THAT COULD IMPACT THE HEALTH, SAFETY, OR  
20 WELFARE OF A CHILD CARED FOR AT THE FACILITY OR HOME.

21           (2) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING  
22 FACILITIES AND AGENCIES TO PROVIDE WRITTEN NOTICE TO THE PARENTS  
23 AND LEGAL GUARDIANS OF THE CHILDREN CARED FOR IN THE FACILITIES  
24 AND AGENCIES OF THE PROCEDURES BY WHICH TO FILE A COMPLAINT  
25 AGAINST THE FACILITY OR AGENCY OR AN EMPLOYEE OF THE FACILITY OR  
26 AGENCY WITH THE DIVISION WITHIN THE DEPARTMENT THAT IS  
27 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING. THE RULES MUST

1 SPECIFY THE INFORMATION THAT THE NOTICE MUST CONTAIN AND MUST  
2 REQUIRE THAT THE NOTICE INCLUDE THE CURRENT MAILING ADDRESS AND  
3 TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT THAT IS  
4 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING.

5 **26-6-916. Institutes.** THE DEPARTMENT MAY HOLD INSTITUTES  
6 AND PROGRAMS FOR LICENSEES UNDER THIS PART 9 TO ASSIST IN THE  
7 IMPROVEMENT OF STANDARDS AND PRACTICES OF FACILITIES OPERATED  
8 AND MAINTAINED BY LICENSEES AND IN THE MORE EFFICIENT AND  
9 PRACTICAL ADMINISTRATION AND ENFORCEMENT OF THIS PART 9. IN  
10 CONDUCTING THE INSTITUTES AND PROGRAMS, THE DEPARTMENT MAY  
11 REQUEST THE ASSISTANCE OF HEALTH, EDUCATION, AND FIRE SAFETY  
12 OFFICIALS.

13 **26-6-917. Acceptance of federal grants.** THE DEPARTMENT IS  
14 AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF  
15 FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH  
16 THE PROVISIONS OF THIS PART 9. THE EXECUTIVE DIRECTOR OF THE  
17 DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO  
18 DIRECT THE DISPOSITION OF ANY GRANTS SO ACCEPTED IN CONFORMITY  
19 WITH THE TERMS AND CONDITIONS UNDER WHICH THEY ARE GIVEN.

20 **26-6-918. Injunctive proceedings.** THE DEPARTMENT, IN THE  
21 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE  
22 ATTORNEY GENERAL OF THE STATE, MUST APPLY FOR AN INJUNCTION IN  
23 ANY COURT OF COMPETENT JURISDICTION TO ENJOIN A PERSON FROM  
24 OPERATING A FACILITY OR AGENCY WITHOUT A LICENSE THAT IS REQUIRED  
25 TO BE LICENSED PURSUANT TO THIS PART 9. IF THE PERSON DOES NOT HAVE  
26 A VALID LICENSE PURSUANT TO THIS PART 9, THE PERSON'S LICENSE HAS  
27 BEEN REVOKED PURSUANT TO SECTION 26-6-914, OR THE PERSON DOES

1 NOT MEET THE LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION  
2 26-6-904, YET PROVIDES CHILD CARE AND HAS A PATTERN OF PROVIDING  
3 THE CHILD CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 9,  
4 AND DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT  
5 THAT THE PERSON, FACILITY OR AGENCY IS IN VIOLATION OF THE LAW,  
6 THEN THE PERSON, FACILITY, OR AGENCY IS PROVIDING UNLICENSED AND  
7 ILLEGAL CHILD CARE. AT THE TIME THE DEPARTMENT APPLIES FOR AN  
8 INJUNCTION, THE DEPARTMENT SHALL NOTIFY LAW ENFORCEMENT OF THE  
9 INJUNCTION PROCEEDINGS. IF IT IS ESTABLISHED THAT THE DEFENDANT  
10 HAS BEEN OR IS OPERATING THE FACILITY OR AGENCY WITHOUT A VALID  
11 LICENSE, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT  
12 FROM FURTHER OPERATING THE FACILITY UNLESS AND UNTIL THE PERSON  
13 OBTAINS A LICENSE AS REQUIRED BY THIS PART 9. IN CASE OF A VIOLATION  
14 OF AN INJUNCTION ISSUED PURSUANT TO THIS SECTION, THE COURT MAY  
15 SUMMARILY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT.  
16 INJUNCTIVE PROCEEDINGS PURSUANT TO THIS SECTION ARE IN ADDITION  
17 TO AND NOT IN LIEU OF THE PENALTY PROVIDED IN SECTION 26-6-919.

18 **26-6-919. Penalty.** ON OR AFTER JULY 1, 2021, A PERSON  
19 VIOLATING ANY PROVISION OF THIS PART 9, INTENTIONALLY MAKING A  
20 FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO AN AGENCY  
21 DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR  
22 INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9, OR VIOLATING  
23 A CEASE-AND-DESIST ORDER THAT IS NOT CURED IS GUILTY OF A PETTY  
24 OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF UP TO  
25 FIVE HUNDRED DOLLARS, A SENTENCE OF UP TO TEN DAYS IN JAIL, OR  
26 BOTH.

27 **26-6-920. Periodic review of licensing regulations and**

1 **procedures.** AT LEAST EVERY FIVE YEARS, THE DEPARTMENT SHALL  
2 CONDUCT A COMPREHENSIVE REVIEW OF THE LICENSING RULES FOR  
3 FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES AND THE  
4 PROCEDURES RELATING TO AND GOVERNING FOSTER CARE HOMES AND  
5 AGENCIES, INCLUDING PROCEDURES FOR THE REVIEW OF BACKGROUNDS OF  
6 EMPLOYEES AND OWNERS. IN CONDUCTING THE PERIODIC REVIEW, THE  
7 DEPARTMENT SHALL CONSULT WITH FOSTER CARE PROVIDERS, CHILD  
8 PLACEMENT AGENCIES, COUNTY DEPARTMENTS, THE DEPARTMENT OF  
9 PUBLIC HEALTH AND ENVIRONMENT, AND OTHER INTERESTED PARTIES  
10 THROUGHOUT THE STATE. THE PERIODIC REVIEW MUST INCLUDE AN  
11 EXAMINATION OF THE RULES APPLICABLE TO FOSTER CARE HOMES AND  
12 CHILD PLACEMENT AGENCIES; THE PROCESS OF LICENSING FOSTER CARE  
13 HOMES AND CHILD PLACEMENT AGENCIES; UNIFORMITY OF STANDARDS OR  
14 LACK THEREOF IN THE LICENSING PROCESS; STATEWIDE STANDARDIZATION  
15 OF INVESTIGATIONS AND ENFORCEMENT OF LICENSING BY THE  
16 DEPARTMENT; DUPLICATION AND CONFLICTS IN RULES, REQUIREMENTS, OR  
17 PROCEDURES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF  
18 PUBLIC HEALTH AND ENVIRONMENT; AND RECOMMENDATIONS FOR  
19 STREAMLINING AND UNIFYING THE LICENSING PROCESS. THE REVIEW MUST  
20 ALSO INCLUDE AN EXAMINATION OF RULES AND PROCEDURES REGARDING  
21 THE GENERAL PHYSICAL AND MENTAL HEALTH OF FOSTER CARE  
22 PROVIDERS, EMPLOYEES, AND OWNERS. AT THE CONCLUSION OF EACH  
23 REVIEW, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND CONCLUSIONS  
24 AND ITS RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES AND FOR  
25 LEGISLATION TO THE STATE BOARD.

26 **26-6-921. Civil penalties - fines - child welfare cash fund -**  
27 **created.** (1) IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED

1 BY LAW, INCLUDING SECTION 26-6-919, A PERSON WHO VIOLATES ANY  
2 PROVISION OF THIS PART 9 OR INTENTIONALLY MAKES A FALSE STATEMENT  
3 OR REPORT TO THE DEPARTMENT OR TO ANY AGENCY DELEGATED BY THE  
4 DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO  
5 THE PROVISIONS OF THIS PART 9 MAY BE ASSESSED A CIVIL PENALTY UP TO  
6 A MAXIMUM OF TEN THOUSAND DOLLARS, AS FOLLOWS:

- 7 (a) TWO HUNDRED AND FIFTY DOLLARS A DAY FOR THE FIRST DAY;
- 8 (b) FIVE HUNDRED DOLLARS A DAY FOR THE SECOND DAY; AND
- 9 (c) ONE THOUSAND DOLLARS A DAY FOR THE THIRD AND  
10 SUBSEQUENT DAYS.

11 (2) EACH DAY IN WHICH A PERSON IS IN VIOLATION OF ANY  
12 PROVISION OF THIS PART 9 MAY CONSTITUTE A SEPARATE OFFENSE.

13 (3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY IN  
14 CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN  
15 ARTICLE 4 OF TITLE 24; EXCEPT THAT ALL HEARINGS CONDUCTED  
16 PURSUANT TO THIS SECTION MUST BE BEFORE AN ADMINISTRATIVE LAW  
17 JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO  
18 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHO SHALL RENDER THE  
19 FINAL DECISION OF THE DEPARTMENT.

20 (4) (a) THE DEPARTMENT SHALL TRANSMIT FINES COLLECTED  
21 PURSUANT TO THIS SECTION, SECTION 26-6-914 (2) AND (8), AND SECTION  
22 26-6-915 (1)(c) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
23 TO THE CHILD WELFARE CASH FUND, CREATED IN SUBSECTION (4)(b) OF  
24 THIS SECTION.

25 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE CASH  
26 FUND, CREATED PURSUANT TO SECTION 26-6-114 (5), AS IT EXISTED PRIOR  
27 TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO FINES AND CIVIL PENALTIES

1 COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE  
2 FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE  
3 CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY.  
4 THE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT  
5 AND INVESTMENT OF MONEY IN THE CHILD WELFARE CASH FUND TO THE  
6 FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND  
7 UNENCUMBERED MONEY IN THE CHILD WELFARE CASH FUND REMAINS IN  
8 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND  
9 OR ANY OTHER FUND. MONEY IN THE CHILD WELFARE CASH FUND IS  
10 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND ACTIVITIES  
11 RELATED TO THE IMPROVEMENT OF THE QUALITY OF CHILD CARE IN THE  
12 STATE OF COLORADO.

13 **26-6-922. Child placement agencies - information sharing -**  
14 **investigations by state department - recovery of money - rule-making.**

15 (1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A  
16 CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED  
17 TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF  
18 THIS PART 9 OR A RULE OF THE STATE BOARD, IT SHALL COMMUNICATE THE  
19 INFORMATION TO THE STATE DEPARTMENT. A COUNTY DEPARTMENT  
20 SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE  
21 DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT  
22 AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD  
23 PLACEMENT AGENCY.

24 (2) UPON RECEIVING A REQUEST FOR INVESTIGATION OF A CHILD  
25 PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE  
26 DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON  
27 CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY

1 DEPARTMENT. THE STATE DEPARTMENT SHALL INCLUDE IN ITS REPORT TO  
2 THE COUNTY DEPARTMENT THE CHILD PLACEMENT AGENCY'S RESPONSE,  
3 IF ANY, TO THE FINDINGS.

4 (3) THE STATE DEPARTMENT SHALL PROVIDE TO COUNTY  
5 DEPARTMENTS AND AFFECTED CHILD PLACEMENT AGENCIES DIRECT  
6 ACCESS TO INFORMATION CONCERNING THE RESULTS OF AN  
7 INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST THE  
8 AFFECTED CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE  
9 SERVICES IN COLORADO.

10 (4) (a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE  
11 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER  
12 FEDERAL AGENCIES AND WITH COUNTY DEPARTMENTS, SHALL SEEK  
13 RECOVERY FROM A CHILD PLACEMENT AGENCY OF ANY PUBLIC FUNDS  
14 THAT THE CHILD PLACEMENT AGENCY HAS MISUSED, AS THE TERM  
15 "MISUSE" IS DEFINED BY RULES PROMULGATED PURSUANT TO SECTION  
16 26-6-914 (2)(p).

17 (b) A COUNTY AND CHILD PLACEMENT AGENCY THAT ENTERS INTO  
18 A CONTRACT FOR THE PROVISION OF FOSTER CARE SERVICES SHALL  
19 INCLUDE A PROVISION IN THE CONTRACT THAT RECOGNIZES A RIGHT OF  
20 THE STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY  
21 FUNDS MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD  
22 SUBSEQUENT PAYMENTS. THE PROVISION IN THE CONTRACT MUST PROVIDE  
23 FOR AN APPEAL OF THE DECISION TO RECOVER OR WITHHOLD THE FUNDS.  
24 THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE  
25 PROCEDURES FOR THE APPEAL, WHICH RULES MUST REQUIRE, AT A  
26 MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT AGENCY.

27 **SECTION 16.** In Colorado Revised Statutes, 2-3-113, **amend**

1 (1)(a) as follows:

2 **2-3-113. Programs that receive tobacco settlement money -**  
3 **program review - definitions.** (1) As used in this section:

4 (a) "Health sciences facility" has the meaning set forth in ~~section~~  
5 ~~26-6.4-103 (2), C.R.S.~~ SECTION 26.5-3-503. For purposes of this section,  
6 "health sciences facility" includes any contractor or subcontractor  
7 engaged by the health sciences facility to assist in the implementation and  
8 monitoring of the nurse home visitor program established ~~under article~~  
9 ~~6.4 of title 26, C.R.S.~~ PURSUANT TO PART 5 OF ARTICLE 3 OF TITLE 26.5.

10 **SECTION 17.** In Colorado Revised Statutes, 2-3-1203, **repeal**  
11 (14)(a)(V); and **add** (16)(a)(VII) and (23) as follows:

12 **2-3-1203. Sunset review of advisory committees - legislative**  
13 **declaration - definition - repeal.** (14) (a) The following statutory  
14 authorizations for the designated advisory committees are scheduled for  
15 repeal on September 1, 2023:

16 (V) ~~The early childhood leadership commission created in section~~  
17 ~~26.5-1-302;~~

18 (16) (a) The following statutory authorizations for the designated  
19 advisory committees will repeal on September 1, 2025:

20 (VII) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED  
21 IN SECTION 26.5-1-302.

22 (23) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE  
23 DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON JULY 1, 2032:

24 (I) THE RULES ADVISORY COUNCIL OF THE DEPARTMENT OF EARLY  
25 CHILDHOOD CONVENED PURSUANT TO SECTION 26.5-1-105 (2).

26 (b) THIS SUBSECTION (23) IS REPEALED, EFFECTIVE JULY 1, 2034.

27 **SECTION 18.** In Colorado Revised Statutes, 8-3.7-103, **amend**

1 (3) introductory portion as follows:

2 **8-3.7-103. Colorado office of new Americans - creation - duties**

3 **- report.** (3) As funding allows, the ONA shall promote integration  
4 activities among immigrants by using a model similar to the family  
5 resource center program set forth in ~~article 18 of title 26~~ PART 1 OF  
6 ARTICLE 3 OF TITLE 26.5 with the goal of implementing immigrant support  
7 through community-based initiatives and nonprofit organizations where  
8 immigrants and immigrant families can access formal and informal  
9 support to promote their health, economic well-being, and integration.

10 The activities ~~shall~~ MUST include, but NEED not be limited to:

11 **SECTION 19.** In Colorado Revised Statutes, 10-16-104, **amend**  
12 (1.3)(a)(III), (1.3)(a)(VI), and (1.3)(d.5)(I) as follows:

13 **10-16-104. Mandatory coverage provisions - definitions -**  
14 **rules.** (1.3) **Early intervention services.** (a) As used in this subsection  
15 (1.3), unless the context otherwise requires:

16 (III) "Eligible child" means an infant or toddler, from birth  
17 through two years of age, who is an eligible dependent and who, as  
18 defined by the department pursuant to ~~section 27-10.5-702 (9), C.R.S.~~,  
19 SECTION 26.5-3-402 (11) has significant delays in development or has a  
20 diagnosed physical or mental condition that has a high probability of  
21 resulting in significant delays in development or who is eligible for  
22 services pursuant to section 27-10.5-102 (11)(c). ~~C.R.S.~~

23 (VI) "Qualified early intervention service provider" or "qualified  
24 provider" means a person or agency, as defined by the division in  
25 accordance with part C, who provides early intervention services and is  
26 listed on the registry of early intervention service providers pursuant to  
27 ~~section 27-10.5-708 (1)(a), C.R.S.~~ SECTION 26.5-3-408 (1).

1 (d.5) (I) Upon notice from the department of ~~human services~~  
2 EARLY CHILDHOOD pursuant to ~~section 27-10.5-709 (1), C.R.S.~~, SECTION  
3 26.5-3-409 (1) that a child is eligible for early intervention services, the  
4 carrier shall submit payment of benefits for the eligible child in  
5 accordance with this ~~subparagraph (I)~~ SUBSECTION (1.3)(d.5)(I) and  
6 ~~section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1). If the eligible  
7 child is covered by a grandfathered health benefit plan, the carrier shall  
8 submit payment in the amount specified in ~~sub-subparagraph (B) of~~  
9 ~~subparagraph (H) of paragraph (b) of this subsection (1.3)~~ SUBSECTION  
10 (1.3)(b)(II)(B) OF THIS SECTION, as adjusted annually pursuant to said  
11 ~~sub-subparagraph~~ SUBSECTION. If the eligible child is covered by any  
12 other policy or contract subject to this subsection (1.3), the carrier shall  
13 submit payment in an amount that equals the approximate value of the  
14 number of early intervention services or visits specified by the  
15 commissioner pursuant to ~~sub-subparagraph (A) of subparagraph (H) of~~  
16 ~~paragraph (b) of this subsection (1.3)~~ SUBSECTION (1.3)(b)(II)(A) OF THIS  
17 SECTION.

18 **SECTION 20.** In Colorado Revised Statutes, 12-245-208, **amend**  
19 (1)(a) as follows:

20 **12-245-208. Provisional license - fees.** (1) (a) The board may  
21 issue a provisional license to an applicant who has completed a  
22 post-graduate degree that meets the educational requirements for  
23 licensure in section 12-245-304, 12-245-404, 12-245-504, 12-245-604,  
24 or 12-245-804, as applicable, and who is working in a residential child  
25 care facility as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903 under  
26 the supervision of a licensee.

27 **SECTION 21.** In Colorado Revised Statutes, 12-255-127, **amend**

1 (1)(l) as follows:

2 **12-255-127. Exclusions.** (1) This part 1 does not prohibit:

3 (l) The administration of medications by child care providers to  
4 children cared for in family child care homes pursuant to ~~section 26-6-119~~  
5 SECTION 26.5-5-325;

6 **SECTION 22.** In Colorado Revised Statutes, 13-1-127, **amend**  
7 (1)(a.5) as follows:

8 **13-1-127. Entities - school districts - legislative declaration -**  
9 **representation - definitions.** (1) As used in this section, unless the  
10 context otherwise requires:

11 (a.5) "Corporate licensed child placement agency" means an entity  
12 that places, or arranges for placement of, the care of any child with any  
13 family, person, or institution other than persons related to said child and  
14 that is licensed by the department of human services pursuant to ~~section~~  
15 ~~26-6-104, C.R.S.~~, SECTION 26-6-905 as a child placement agency.

16 **SECTION 23.** In Colorado Revised Statutes, 13-3-113, **amend**  
17 (5)(d) as follows:

18 **13-3-113. "Family-friendly Courts Act".** (5) **Grant**  
19 **applications - duties of judicial districts.** (d) The judicial districts that  
20 are selected by the state court administrator to provide family-friendly  
21 court services that provide child care services shall meet the licensing  
22 requirements for child care facilities set forth in ~~part 1 of article 6 of title~~  
23 ~~26, C.R.S.~~ PART 3 OF ARTICLE 5 OF TITLE 26.5, and all child care licensing  
24 rules promulgated by the ~~state board of human services in connection~~  
25 ~~therewith~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
26 CHILDHOOD.

27 **SECTION 24.** In Colorado Revised Statutes, 13-20-1201, **amend**

1 (9) as follows:

2 **13-20-1201. Definitions.** As used in this part 12, unless the  
3 context otherwise requires:

4 (9) "Youth-related activity or program" means an event, program,  
5 service, or any other enterprise that involves participation by a minor,  
6 including but not limited to youth programs, educational programs, and  
7 religious activities operated by an individual or organization that provides  
8 activities, services, trips, or events for minors with adults who are placed  
9 in positions of responsibility, trust, or supervision over the participating  
10 minors, regardless of the particular location, length, goals, or format of  
11 the activities, services, trips, or events. "Youth-related activity or  
12 program" includes transportation, lodging, and unscheduled activities  
13 provided in relation to any activities, services, trips, or events when a  
14 youth-related activity or program employee, agent, or volunteer is  
15 responsible for the supervision of the participating minors. "Youth-related  
16 activity or program" also includes an educational program operated by an  
17 educational entity for students in kindergarten through twelfth grade, or  
18 any portion thereof; a district preschool program ~~as described in section~~  
19 ~~22-28-103~~, under the supervision of the educational entity or its  
20 employees or agents; or before- and after-school activities conducted  
21 under the supervision of the educational entity or its employees or agents.

22 **SECTION 25.** In Colorado Revised Statutes, 13-32-101, **amend**  
23 (5)(a)(I) as follows:

24 **13-32-101. Docket fees in civil actions - judicial stabilization**  
25 **cash fund - justice center cash fund - justice center maintenance fund**  
26 **- created - report - legislative declaration.** (5) (a) Each fee collected  
27 pursuant to subsection (1)(a) or (1)(a.5) of this section must be

1 transmitted to the state treasurer and divided as follows:

2 (I) Fifteen dollars must be deposited in the Colorado child abuse  
3 prevention trust fund created in ~~section 19-3.5-105~~ SECTION 26.5-3-206;

4 **SECTION 26.** In Colorado Revised Statutes, 16-11.3-103,  
5 **amend** (2)(g)(II) as follows:

6 **16-11.3-103. Duties of the commission - mission - staffing -**  
7 **report - definition.** (2) The commission has the following duties:

8 (g) (II) ~~For purposes of~~ AS USED IN this subsection (2)(g),  
9 "facility" means a residential child care facility, specialized group facility,  
10 foster care home, ~~family child care home~~, or any other facility subject  
11 LICENSED PURSUANT to ~~the Colorado "Child Care Licensing Act", part 1~~  
12 ~~of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD  
13 CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5;  
14 noncertified kinship care providers that provide care for children with an  
15 open child welfare case who are in the legal custody of a county  
16 department; or a facility or community placement, as described in section  
17 19-2.5-1502, for a juvenile committed to the custody of the department  
18 of human services. "Facility" does not include any adult detention or  
19 correctional facility.

20 **SECTION 27.** In Colorado Revised Statutes, 19-1-103, **amend**  
21 (24), (64), (67), (73), and (86); and **repeal** (18), (22), (109), (115), and  
22 (142) as follows:

23 **19-1-103. Definitions.** As used in this title 19 or in the specified  
24 portion of this title 19, unless the context otherwise requires:

25 (18) ~~"Board", as used in article 3.5 of this title 19, means the~~  
26 ~~Colorado child abuse prevention board created in section 19-3.5-103.~~

27 (22) ~~"Child abuse", as used in article 3.5 of this title 19, means~~

1 ~~any act that reasonably may be construed to fall under the definition of~~  
2 ~~abuse or child abuse or neglect in subsection (1) of this section.~~

3 (24) "Child care center" means a child care center licensed and  
4 approved pursuant to ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26  
5 OR PART 3 OF ARTICLE 5 OF TITLE 26.5. If the facility is located in another  
6 state, the department of human services OR THE DEPARTMENT OF EARLY  
7 CHILDHOOD, AS APPROPRIATE, shall designate, upon certification, that an  
8 appropriate available space does not exist in a child care facility in this  
9 state, and the facility must be licensed or approved as required by law in  
10 that state.

11 (64) "Family child care home" means a family child care home  
12 licensed and approved pursuant to ~~article 6 of title 26~~ PART 3 OF ARTICLE  
13 5 OF TITLE 26.5. If ~~such~~ THE facility is located in another state, the  
14 department of ~~human services~~ EARLY CHILDHOOD shall designate, upon  
15 certification, that an appropriate available space does not exist in a facility  
16 in this state. An out-of-state family child care home must be licensed or  
17 approved as required by law in that state.

18 (67) "Foster care home" means a foster care home certified  
19 pursuant to PART 9 OF article 6 of title 26.

20 (73) "Group care facilities and homes" means places other than  
21 foster family care homes providing care for small groups of children.  
22 Group care facilities and homes are licensed as provided in ~~article 6 of~~  
23 ~~title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26 or meet the requirements of  
24 section 25.5-10-214.

25 (86) "Institutional abuse", as used in part 3 of article 3 of this title  
26 19, means any case of abuse, as defined in subsection (1) of this section,  
27 that occurs in any public or private facility in the state that provides child

1 care out of the home, supervision, or maintenance. "Institutional abuse"  
2 includes an act or omission that threatens the life, health, or welfare of a  
3 child or a person who is younger than twenty-one years of age who is  
4 under the continuing jurisdiction of the court pursuant to this title 19.  
5 "Institutional abuse" does not include abuse that occurs in any public,  
6 private, or parochial school system, including any preschool operated in  
7 connection with said system; except that, to the extent the school system  
8 provides extended day services, abuse that occurs while such services are  
9 provided is institutional abuse. ~~For the purposes of AS USED IN~~ this  
10 subsection (86), "facility" means a residential child care facility,  
11 specialized group facility, foster care home, ~~family child care home~~, or  
12 any other facility ~~subject LICENSED PURSUANT to the Colorado "Child~~  
13 ~~Care Licensing Act"~~, ~~part 1 of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF  
14 TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF  
15 ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide  
16 care for children with an open child welfare case who are in the legal  
17 custody of a county department of human or social services; or a facility  
18 or community placement, as described in section 19-2.5-1502, for a  
19 juvenile committed to the custody of the department of human services.  
20 "Facility" does not include any adult detention or correctional facility.

21 (109) ~~"Prevention program"~~, as used in ~~article 3.5 of this title 19,~~  
22 ~~means a program of direct child abuse prevention services to a child,~~  
23 ~~parent, or guardian and includes research or education programs related~~  
24 ~~to the prevention of child abuse. Such a prevention program may be~~  
25 ~~classified as a primary prevention program when it is available to the~~  
26 ~~community on a voluntary basis and as a secondary prevention program~~  
27 ~~when it is directed toward groups of individuals who have been identified~~

1 as high risk.

2 (115) "Recipient", as used in article 3.5 of this title 19, means and  
3 is limited to a nonprofit or public organization that receives a grant from  
4 the trust fund created in section 19-3.5-105.

5 (142) "Trust fund", as used in article 3.5 of this title 19, means the  
6 Colorado child abuse prevention trust fund created in section 19-3.5-105.

7 **SECTION 28.** In Colorado Revised Statutes, 19-1-307, **amend**  
8 (2) introductory portion, (2)(e.5)(I) introductory portion, (2)(e.5)(I)(K),  
9 (2)(j), (2)(j.5), (2)(j.7), (2)(j.8), (2)(k), (2)(k.5), (2)(l), (2)(m) introductory  
10 portion, (2)(m)(I), (2)(r), (2)(s), (2)(y), and (2.5)(a) as follows:

11 **19-1-307. Dependency and neglect records and information -**  
12 **access - fee - rules - records and reports fund - misuse of information**  
13 **- penalty - adult protective services data system check. (2) Records**  
14 **and reports - access to certain persons - agencies.** Except as set forth  
15 in section 19-1-303, only the following persons or agencies shall have  
16 access to child abuse or neglect records and reports:

17 (e.5) (I) A mandatory reporter specified in this subsection  
18 (2)(e.5)(I) who is and continues to be officially and professionally  
19 involved in the ongoing care of the child who was the subject of the  
20 report, but only with regard to information that the mandatory reporter has  
21 a need to know in order to fulfill his or her THE MANDATORY REPORTER'S  
22 professional and official role in maintaining the child's safety. A county  
23 department shall request written affirmation from a mandatory reporter  
24 stating that the reporter continues to be officially and professionally  
25 involved in the ongoing care of the child who was the subject of the  
26 report and describing the nature of the involvement, unless the county  
27 department has actual knowledge that the mandatory reporter continues

1 to be officially and professionally involved in the ongoing care of the  
2 child who was the subject of the report. This subsection (2)(e.5)(I) applies  
3 to:

4 (K) Social workers or workers with any facility or agency that is  
5 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART~~  
6 ~~9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

7 (j) The state department of human services OR DEPARTMENT OF  
8 EARLY CHILDHOOD or a county or district department of human or social  
9 services or a child placement agency investigating an applicant for a  
10 license to operate a child care facility or agency pursuant to ~~section~~  
11 ~~26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, when the applicant, as a  
12 requirement of the license application, has given written authorization to  
13 the licensing authority to obtain information contained in records or  
14 reports of child abuse or neglect. Access to the records and reports of  
15 child abuse or neglect granted to the named department or agencies must  
16 serve only as the basis for further investigation.

17 (j.5) The ~~state department of human services,~~ DEPARTMENT OF  
18 EARLY CHILDHOOD, or a county or district department of human or social  
19 services investigating an exempt family child care home provider  
20 pursuant to ~~section 26-6-120~~ SECTION 26.5-5-326, as a prerequisite to  
21 issuance or renewal of a contract or any payment agreement to receive  
22 money for the care of a child from publicly funded state child care  
23 assistance programs. Access to the records and reports of child abuse or  
24 neglect granted to the named department or agencies must serve only as  
25 the basis for further investigation.

26 (j.7) The ~~state department of human services~~ DEPARTMENT OF  
27 EARLY CHILDHOOD investigating an applicant for an employee or

1 volunteer position with, or an employee or volunteer of, a licensed  
2 neighborhood youth organization pursuant to ~~section 26-6-103.7 (4);~~  
3 ~~C.R.S.~~ SECTION 26.5-5-308, when the applicant, employee, or volunteer  
4 has given written authorization to the ~~state department of human services~~  
5 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child  
6 abuse or neglect;

7 (j.8) The state department of human services OR DEPARTMENT OF  
8 EARLY CHILDHOOD investigating any person required to submit to a  
9 background check pursuant to section 26-6-705 (2), when the person has  
10 given written authorization to the state department of human services OR  
11 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child  
12 abuse or neglect;

13 (k) The state department of human services OR DEPARTMENT OF  
14 EARLY CHILDHOOD, when requested in writing by any operator of a  
15 facility or agency that is licensed by the state department of human  
16 services pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR DEPARTMENT  
17 OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-5-316, to check records  
18 or reports of child abuse or neglect for the purpose of screening an  
19 applicant for employment or a current employee. Any ~~such~~ operator who  
20 requests ~~such~~ information concerning an individual who is neither a  
21 current employee nor an applicant for employment commits a class 2  
22 misdemeanor and shall be punished as provided in section 18-1.3-501.  
23 Within ten days ~~of~~ AFTER the operator's request, the state department of  
24 human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the  
25 date of the report of the incident, the location of investigation, the type of  
26 abuse and neglect, and the county ~~which~~ THAT investigated the incident  
27 contained in the confirmed reports of child abuse and neglect. Any ~~such~~

1 operator who releases any information obtained under this subsection  
2 (2)(k) to any other person ~~shall be deemed to have violated~~ VIOLATES the  
3 provisions of subsection (4) of this section and ~~shall be~~ IS subject to the  
4 penalty therefor.

5 (k.5) The state department of human services OR DEPARTMENT OF  
6 EARLY CHILDHOOD, when requested in writing by a qualified county  
7 department, individual, or child placement agency approved to conduct  
8 home study investigations and reports pursuant to section 19-5-207.5  
9 (2)(b)(I) for purposes of screening a prospective adoptive parent or any  
10 adult residing in the home under section 19-5-207 (2.5)(c), or  
11 investigating a prospective foster care parent, kinship care parent, or an  
12 adult residing in the home under ~~section 26-6-107 (1)(a.7), C.R.S.~~  
13 SECTION 26-6-912 (1)(c). Within ten days after the request, the state  
14 department of human services OR DEPARTMENT OF EARLY CHILDHOOD  
15 shall provide the date of the report of the incident, the location of  
16 investigation, the type of abuse and neglect, and the county that  
17 investigated the incident contained in the confirmed reports of child abuse  
18 or neglect. The county department, individual, or child placement agency  
19 ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of  
20 this section. With respect to screening a prospective adoptive parent, any  
21 employee of the county department or the child placement agency or any  
22 individual who releases any information obtained ~~under this paragraph~~  
23 ~~(k.5)~~ PURSUANT TO THIS SUBSECTION (2)(k.5) to any person other than the  
24 adoption court ~~shall be deemed to have violated~~ VIOLATES the provisions  
25 of subsection (4) of this section and ~~shall be~~ IS subject to THE penalty  
26 therefor.

1           (l) The state department of human services OR DEPARTMENT OF  
2 EARLY CHILDHOOD, when requested in writing by the department of  
3 education to check records or reports of child abuse or neglect for the  
4 purpose of aiding the department of education in its investigation of an  
5 allegation of abuse by an employee of a school district in this state.  
6 Within ten days of the department of education's request, the state  
7 department of human services OR DEPARTMENT OF EARLY CHILDHOOD  
8 shall provide the date of the report of the incident, the location of  
9 investigation, the type of abuse or neglect, and the county ~~which~~ THAT  
10 investigated the incident contained in the confirmed reports of child abuse  
11 or neglect. The department of education ~~shall be~~ IS subject to the fee  
12 assessment established in subsection (2.5) of this section. Any employee  
13 of the department of education who releases any information obtained  
14 under this ~~paragraph (l)~~ SUBSECTION (2)(1) to any person not authorized  
15 to receive ~~such~~ THE information pursuant to the provisions of section  
16 22-32-109.7 C.R.S., or any member of the board of education of a school  
17 district who releases ~~such~~ THE information obtained pursuant to said  
18 section ~~shall be deemed to have violated~~ VIOLATES the provisions of  
19 subsection (4) of this section and ~~shall be~~ IS subject to the penalty ~~therefor~~  
20 FOR THE VIOLATION.

21           (m) The DEPARTMENT OF EARLY CHILDHOOD, state department of  
22 human services, and ~~the~~ county departments of human or social services,  
23 for the following purposes:

24           (I) Screening any person who seeks employment with, is currently  
25 employed by, or ~~who~~ volunteers for service with the DEPARTMENT OF  
26 EARLY CHILDHOOD, state department of human services, department of  
27 health care policy and financing, or a county department of human or

1 social services, if the person's responsibilities include direct contact with  
2 children;

3 (r) ~~The state department of human services~~ DEPARTMENT OF  
4 EARLY CHILDHOOD investigating an applicant for a supervisory employee  
5 position or an employee of a guest child care facility or a public services  
6 short-term child care facility pursuant to ~~section 26-6-103.5, C.R.S.~~  
7 SECTION 26.5-5-307, when the applicant or employee, as a requirement of  
8 application for employment, has given written authorization to the ~~state~~  
9 ~~department of human services~~ DEPARTMENT OF EARLY CHILDHOOD to  
10 check records or reports of child abuse or neglect;

11 (s) The state department of human services OR THE DEPARTMENT  
12 OF EARLY CHILDHOOD investigating a prospective CASA volunteer for the  
13 CASA program when the prospective CASA volunteer has given written  
14 authorization to the CASA program to check any records or reports of  
15 child abuse or neglect pursuant to section 19-1-205 (3)(a.5);

16 (y) The state department of human services OR DEPARTMENT OF  
17 EARLY CHILDHOOD, when requested in writing by an individual to check  
18 records or reports of child abuse or neglect for the purpose of screening  
19 that individual when ~~such~~ THAT individual's responsibilities include care  
20 of children, treatment of children, supervision of children, or  
21 unsupervised contact with children.

22 (2.5) **Fee - rules - records and reports fund.** (a) Any person or  
23 agency provided information from the state department of human services  
24 OR DEPARTMENT OF EARLY CHILDHOOD pursuant to subsections (2)(i),  
25 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and any child placement  
26 agency must be assessed a fee that is established and collected by the state  
27 department of human services pursuant to parameters set forth in rule

1 established by the state board of human services OR THE DEPARTMENT OF  
2 EARLY CHILDHOOD PURSUANT TO PARAMETERS SET FORTH IN RULE  
3 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
4 EARLY CHILDHOOD, WHICHEVER IS APPLICABLE. At a minimum, the rules  
5 must include a provision requiring the state department of human services  
6 OR DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE, to provide notice  
7 of the fee to interested persons and the maximum fee amount that the  
8 department shall not exceed without the express approval of the state  
9 board of human services OR EXECUTIVE DIRECTOR OF THE DEPARTMENT  
10 OF EARLY CHILDHOOD, AS APPLICABLE. The fee established must not  
11 exceed the direct and indirect costs of administering subsections (2)(i),  
12 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and the direct and indirect  
13 costs of administering section 19-3-313.5 (3) and (4).

14 **SECTION 29.** In Colorado Revised Statutes, 19-2.5-1511,  
15 **amend** (3)(c)(II) as follows:

16 **19-2.5-1511. Juvenile detention services and facilities to be**  
17 **provided by department of human services - education - expenses -**  
18 **definition.** (3) (c) (II) ~~For the purpose of~~ AS USED IN this subsection  
19 (3)(c), "total district enrollment" means:

20 (A) FOR THE 2022-23 BUDGET YEAR, the total of the pupil  
21 enrollment in the school district, plus the district online enrollment, the  
22 district preschool program enrollment, and the pupil enrollment in each  
23 institute charter school that is located within the school district, as  
24 determined in accordance with article 54 of title 22;

25 (B) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS  
26 THEREAFTER, THE TOTAL OF THE PUPIL ENROLLMENT IN THE SCHOOL  
27 DISTRICT, PLUS THE DISTRICT ONLINE ENROLLMENT AND THE PUPIL

1 ENROLLMENT IN EACH INSTITUTE CHARTER SCHOOL THAT IS LOCATED  
2 WITHIN THE SCHOOL DISTRICT, AS DETERMINED IN ACCORDANCE WITH  
3 ARTICLE 54 OF TITLE 22.

4 **SECTION 30.** In Colorado Revised Statutes, 19-3-304, **amend**  
5 **(2)(m), (2)(ll), and (2)(mm); and add (2)(nn)** as follows:

6 **19-3-304. Persons required to report child abuse or neglect.**

7 (2) Persons required to report such abuse or neglect or circumstances or  
8 conditions include any:

9 (m) Social worker or worker in any facility or agency that is  
10 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART~~  
11 ~~9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

12 (ll) Officials or employees of county departments of health,  
13 human services, or social services; ~~and~~

14 (mm) Naturopathic doctor registered under article 250 of title 12;

15 ~~AND~~

16 (nn) EMPLOYEES OF THE DEPARTMENT OF EARLY CHILDHOOD.

17 **SECTION 31.** In Colorado Revised Statutes, 19-3-308, **amend**  
18 **(4)(a.5)(I)** introductory portion as follows:

19 **19-3-308. Action upon report of intrafamilial, institutional, or**  
20 **third-party abuse - investigations - child protection team - rules -**

21 **report.** (4.5) (a.5) (I) The state department shall adopt rules that specify  
22 that, prior to notice of an investigation being sent to the parents or legal  
23 guardians of children cared for at a child care center, as that term is  
24 defined in ~~section 26-6-102 (5), C.R.S. SECTION 26-6-903 OR 26.5-5-303,~~  
25 or a family child care home, as that term is defined in ~~section 26-6-102~~  
26 ~~(13), C.R.S. SECTION 26.5-5-303,~~ which children were not involved in the  
27 incident being investigated, the state department or the county department

1 shall ensure that:

2 **SECTION 32.** In Colorado Revised Statutes, 19-3-406, **amend**  
3 (4.5)(a)(I) and (8)(b) as follows:

4 **19-3-406. Fingerprint-based criminal history record check -**  
5 **providers of emergency placement for children - use of criminal**  
6 **justice records - definitions - rules.** (4.5) (a) If a relative or other  
7 person was not disqualified as an emergency placement based upon the  
8 fingerprint-based criminal history record check and the child was placed  
9 in an emergency placement with such person, the county department shall  
10 perform the following additional background checks of the relative or  
11 other person:

12 (I) A check of the ICON system at the state judicial department  
13 pursuant to ~~section 26-6-106.3, C.R.S.,~~ SECTION 26-6-910 (5)(b) to  
14 determine the status or disposition of any criminal charges;

15 (8) (b) The county department shall notify the Colorado bureau of  
16 investigation within five calendar days after submitting the request for a  
17 fingerprint-based criminal history record check when the county  
18 department intends to accept an application for foster care certification  
19 from that person so that the flagging and automatic notification to the  
20 county department of new arrests pursuant to ~~paragraph (a) of this~~  
21 ~~subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION occurs for that person  
22 and continues through the duration of the individual's foster care  
23 certification. The county department shall use the same fingerprints  
24 received under this subsection (8) and any updated fingerprint-based  
25 criminal history record check results from the automatic notification as  
26 a substitute for meeting the fingerprint requirements for a person who is  
27 applying for foster care certification pursuant to ~~section 26-6-106.3,~~

1 ~~C.R.S.~~ SECTION 26-9-910.

2 **SECTION 33.** In Colorado Revised Statutes, 19-3-508, **amend**  
3 (8) as follows:

4 **19-3-508. Neglected or dependent child - disposition -**  
5 **concurrent planning.** (8) When entering a decree placing the child in  
6 the legal custody of a relative or placing the child in the legal custody of  
7 a county department for placement in a foster care home, the court shall  
8 ensure that the child's placement at the time of the hearing is in the best  
9 interests of the child and shall inquire about documentation that the  
10 county department or a licensed child placement agency has adequately  
11 screened the foster care provider or the family member who is seeking to  
12 care for the child and any adult residing in that home and that all of the  
13 criminal history record checks and other background checks have been  
14 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION  
15 26-6-910 or 19-3-407.

16 **SECTION 34.** In Colorado Revised Statutes, 19-3-605, **amend**  
17 (3)(b) as follows:

18 **19-3-605. Request for placement with family members.**  
19 (3) (b) Whether the child's placement at the time of the hearing is a safe  
20 and potentially permanent placement for the child, including  
21 documentation that a county department or a licensed child placement  
22 agency has adequately screened the family member who is seeking to care  
23 for the child and any adult residing in the home and that all of the  
24 criminal history record checks and other background checks have been  
25 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION  
26 26-6-910 or ~~section~~ 19-3-407;

27 **SECTION 35.** In Colorado Revised Statutes, 19-3.3-103, **amend**

1 (1)(a)(II)(D), (1)(a.5)(I), (3), and (5) as follows:

2 **19-3.3-103. Office of the child protection ombudsman - powers**  
3 **and duties - access to information - confidentiality - testimony -**  
4 **judicial review - definitions.** (1) The ombudsman has the following  
5 duties, at a minimum:

6 (a) (II) (D) The ombudsman must have access to all information,  
7 records, or documents described in subsection (1)(a)(II)(A) of this section  
8 created in an investigation of an event or incident described in subsection  
9 (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the  
10 state from any entity, including but not limited to a coroner's office, law  
11 enforcement agency, hospital, court, the office of state registrar of vital  
12 statistics described in section 25-2-103, and a state-licensed out-of-home  
13 placement provider, as defined in ~~section 26-6-102~~ SECTION 26-5-104.

14 (a.5) (I) Notwithstanding any provision of this section to the  
15 contrary, the ombudsman may self-initiate an independent and impartial  
16 investigation and ongoing review of the safety and well-being of an  
17 unaccompanied immigrant child who lives in a state-licensed residential  
18 child care facility, as defined in ~~section 26-6-102~~ SECTION 26-6-903, and  
19 who is in the custody of the office of refugee resettlement of the federal  
20 department of health and human services as set forth in 8 U.S.C. sec.  
21 1232 et seq. The ombudsman may seek resolution of such investigation  
22 and ongoing review, which may include, but need not be limited to,  
23 referring an investigation and ongoing review to the state department or  
24 appropriate agency or entity and making a recommendation for action  
25 relating to an investigation and ongoing review.

26 (3) The ombudsman, employees of the office, and any persons  
27 acting on behalf of the office shall comply with all state and federal

1 confidentiality laws that govern the DEPARTMENT OF EARLY CHILDHOOD,  
2 THE state department, or a county department with respect to the treatment  
3 of confidential information or records and the disclosure of such  
4 information and records.

5 (5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the  
6 ombudsman shall act independently OF THE DIVISION WITHIN THE  
7 DEPARTMENT OF EARLY CHILDHOOD THAT IS RESPONSIBLE FOR CHILD  
8 CARE, of the divisions within the state department that are responsible for  
9 child welfare OR youth services, ~~or child care~~, of the county departments  
10 of human or social services, and of all judicial agencies, including, but  
11 not limited to, the office of the child's representative, the office of the  
12 respondent parents' counsel, the office of state public defender, the office  
13 of alternate defense counsel, and the office of attorney regulation counsel.  
14 Any recommendations made by the ombudsman or positions taken by the  
15 ombudsman do not reflect those of the DEPARTMENT OF EARLY  
16 CHILDHOOD, state department, judicial department, or ~~of the~~ county  
17 departments of human or social services.

18 **SECTION 36.** In Colorado Revised Statutes, 19-5-205.5, **amend**  
19 (2)(a) as follows:

20 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**  
21 **- authority for state department to select agencies - legislative**  
22 **declaration.** (2) (a) The department is authorized to select nonpublic,  
23 licensed child placement agencies authorized to handle adoptions or  
24 nonpublic agencies that meet the qualifying criteria to be licensed child  
25 placement agencies pursuant to ~~article 6 of title 26, C.R.S.~~ PART 9 OF  
26 ARTICLE 6 OF TITLE 26, and any implementing rules ~~or regulations~~  
27 promulgated by the department for the provision of services to individuals

1 seeking assistance in nonpublic agency interstate or foreign adoption  
2 cases pursuant to this part 2. The department shall, by rule, establish  
3 qualifying criteria by which such nonpublic agencies ~~shall be~~ ARE  
4 selected for this purpose.

5 **SECTION 37.** In Colorado Revised Statutes, 19-5-213.5, **amend**  
6 (3)(a) as follows:

7 **19-5-213.5. Unauthorized advertising for adoption purposes**  
8 **- exceptions - penalty - definitions.** (3) Subsection (2) of this section  
9 does not apply to:

10 (a) An employee of the state department of human services, a  
11 county department of human or social services, or a child placement  
12 agency that is licensed pursuant to ~~part 1 of article 6 of title 26~~ PART 9 OF  
13 ARTICLE 6 OF TITLE 26 who is acting within the scope of ~~his or her~~ THE  
14 EMPLOYEE'S employment to place a child for adoption or in foster care;

15 **SECTION 38.** In Colorado Revised Statutes, 19-7-103, **amend**  
16 (1) as follows:

17 **19-7-103. Access to extracurricular activities - legislative**  
18 **declaration - rules.** (1) The general assembly finds and declares that it  
19 is important for youth in foster care, excluding those in the custody of the  
20 division of youth services or a state mental hospital, to have increased  
21 access to normative, developmentally appropriate extracurricular  
22 activities to help prepare them for independence. Foster parents and group  
23 home parents or group center administrators shall make a reasonable  
24 effort to allow a youth in their care to participate in extracurricular,  
25 cultural, educational, work-related, and personal enrichment activities.  
26 The department of human services shall promulgate rules for the  
27 implementation of this section. The rules must address policies, including

1 but not limited to waiver of any fingerprint-based criminal history records  
2 checks for community entities, excluding all individuals required to  
3 obtain a fingerprint-based criminal history records check pursuant to  
4 ~~section 26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, providing  
5 extracurricular activities and guidelines for determining in what situations  
6 it is appropriate to waive fingerprint-based criminal history records  
7 checks, to allow youth in foster care, excluding those in the custody of the  
8 division of youth services or a state mental hospital, who are twelve years  
9 of age and older to participate in age-appropriate extracurricular  
10 enrichment, social activities, and activities designed to assist those youth  
11 to make the transition to independence, build life skills, and enhance  
12 opportunities to make positive connections.

13 **SECTION 39.** In Colorado Revised Statutes, 22-2-139, **amend**  
14 (2) introductory portion and (2)(a) as follows:

15 **22-2-139. Memorandum of understanding - notification of risk**  
16 **- rules.** (2) Beginning August 15, 2010, a state-licensed day treatment  
17 facility, facility school, or hospital licensed or certified pursuant to  
18 section 25-3-101 ~~C.R.S.~~, that is transferring a student to a public school  
19 shall notify the appropriate school district child welfare education liaison,  
20 designated pursuant to section 22-32-138 (2)(a), of the pending  
21 enrollment in a public school of a student who:

22 (a) Is transferring to a public school from a state-licensed day  
23 treatment facility licensed by the department of human services pursuant  
24 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined  
25 in section 22-2-402 (1), or hospital, licensed or certified pursuant to  
26 section 25-3-101; ~~C.R.S.~~; and

27 **SECTION 40.** In Colorado Revised Statutes, 22-2-402, **amend**

1 (3) as follows:

2 **22-2-402. Definitions.** As used in this part 4, unless the context  
3 otherwise requires:

4 (3) "Facility" means a day treatment center, residential child care  
5 facility, or other facility licensed by the department of human services  
6 pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 or a hospital  
7 licensed by the department of public health and environment pursuant to  
8 section 25-1.5-103. ~~C.R.S.~~

9 **SECTION 41.** In Colorado Revised Statutes, 22-2-409, **amend**  
10 (1) introductory portion and (1)(a) as follows:

11 **22-2-409. Notification of risk.** (1) Beginning August 15, 2010,  
12 a state-licensed day treatment facility, facility school, or hospital licensed  
13 or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall notify the  
14 appropriate child welfare education liaison, designated pursuant to section  
15 22-32-138 (2)(a), of a student who:

16 (a) Is transferring to a public school from a state-licensed day  
17 treatment facility licensed by the department of human services pursuant  
18 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined  
19 in section 22-2-402 (1), or hospital licensed or certified pursuant to  
20 section 25-3-101; ~~C.R.S.~~; and

21 **SECTION 42.** In Colorado Revised Statutes, 22-7-1202, **amend**  
22 (1)(b) as follows:

23 **22-7-1202. Legislative declaration.** (1) The general assembly  
24 finds that:

25 (b) Colorado has prioritized early learning through its investments  
26 in the Colorado preschool program, established in 1988, IN THE  
27 COLORADO UNIVERSAL PRESCHOOL PROGRAM ESTABLISHED IN 2022, and

1 full-day kindergarten, and the general assembly recognizes that these  
2 investments can best be leveraged by adopting policies that support a  
3 continuum of learning from preschool through third grade and beyond;

4 **SECTION 43.** In Colorado Revised Statutes, 22-11-104, **amend**  
5 (1) as follows:

6 **22-11-104. Rules - college and career readiness achievement**  
7 **standards.** (1) The state board shall promulgate rules pursuant to the  
8 "State Administrative Procedure Act", article 4 of title 24, as required in  
9 this article 11 and may promulgate such additional rules as it finds  
10 necessary for the implementation of this article 11, including but not  
11 limited to rules establishing a numbering system to uniquely identify  
12 individual students, including students enrolled PRIOR TO JULY 1, 2023,  
13 in the Colorado preschool program created pursuant to section 22-28-104,  
14 AS IT EXISTS PRIOR TO JULY 1, 2023.

15 **SECTION 44.** In Colorado Revised Statutes, 22-11-305, **amend**  
16 (4)(b) and (4)(c) as follows:

17 **22-11-305. Accredited with priority improvement plan - school**  
18 **district or institute - plan contents - adoption.** (4) An early childhood  
19 learning needs assessment must determine the extent to which:

20 (b) Children are enrolled in publicly funded early learning and  
21 development programs within the school district or in private early  
22 learning and development programs that participate in the Colorado  
23 shines quality rating and improvement system established in ~~section~~  
24 ~~26-6.5-106~~ SECTION 26.5-5-101;

25 (c) The school district and the district public schools work with an  
26 early childhood council established pursuant to ~~part 1 of article 6.5 of title~~  
27 ~~26~~ PART 2 OF ARTICLE 2 OF TITLE 26.5 or early childhood community

1 agencies existing within the school district;

2 **SECTION 45.** In Colorado Revised Statutes, 22-11-405, **amend**  
3 (4.5)(b) and (4.5)(c) as follows:

4 **22-11-405. School priority improvement plan - contents.**

5 (4.5) An early childhood learning needs assessment must determine the  
6 extent to which:

7 (b) Children are enrolled in publicly funded early learning and  
8 development programs within the neighborhood of the public school or  
9 in private early learning and development programs that participate in the  
10 school-readiness quality improvement program created in ~~section~~  
11 ~~26-6.5-106~~ SECTION 26.5-5-102 and are located within the neighborhood  
12 of the public school; except that a public school must include this  
13 information in the early childhood learning needs assessment only if the  
14 information is readily available to the public school;

15 (c) The public school works with an early childhood council  
16 established pursuant to ~~part 1 of article 6.5 of title 26~~ PART 2 OF ARTICLE  
17 2 OF TITLE 26.5 or early childhood community agencies existing within  
18 the neighborhood of the public school;

19 **SECTION 46.** In Colorado Revised Statutes, 22-20-103, **amend**  
20 (12.3), (12.7), and (13.3) as follows:

21 **22-20-103. Definitions - repeal.** As used in this part 1, unless the  
22 context otherwise requires:

23 (12.3) "Facility" means a day treatment center, residential child  
24 care facility, or other facility licensed by the department of human  
25 services pursuant to ~~section 26-6-104, C.R.S.~~, SECTION 26-6-905 or a  
26 hospital licensed by the department of public health and environment  
27 pursuant to section 25-1.5-103. ~~C.R.S.~~

1 (12.7) "Foster home" has the same meaning as a "foster care  
2 home" as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903 and must be  
3 licensed by the state department of human services or certified by a  
4 county department of human or social services or certified by a child  
5 placement agency as defined in ~~section 26-6-102 (7)~~ SECTION 26-6-903.

6 (13.3) "Group home" means a congregate care facility licensed by  
7 the department of human services pursuant to ~~section 26-6-104, C.R.S.~~  
8 SECTION 26-6-905.

9 **SECTION 47.** In Colorado Revised Statutes, 22-20-118.5,  
10 **amend** (1), (2) introductory portion, (2)(e), (2)(l), and (3) as follows:

11 **22-20-118.5. Child find - responsibilities - interagency**  
12 **operating agreements.** (1) As of July 1, 2022, the department of ~~human~~  
13 ~~services~~ EARLY CHILDHOOD shall administer part C child find pursuant to  
14 ~~part 7 of article 10.5 of title 27~~ PART 4 OF ARTICLE 3 OF TITLE 26.5; except  
15 that, ~~on and after~~ BEGINNING May 1, 2022, AND CONTINUING UNTIL JULY  
16 1, 2022, the department of human services shall administer the referral  
17 intake process for part C child find evaluations.

18 (2) On or before July 1, 2022, the department shall establish a  
19 state-level interagency operating agreement, referred to in this section as  
20 the "agreement", with the department of ~~human services~~ EARLY  
21 CHILDHOOD concerning the coordination of transitions of children from  
22 part C child find to part B child find. In developing the agreement, the  
23 department and the department of ~~human services~~ EARLY CHILDHOOD  
24 shall involve stakeholder participation, including representatives from  
25 administrative units and part C entities. The agreement must also include:

26 (e) A process for resolving disputes between the department and  
27 the department of ~~human services~~ EARLY CHILDHOOD concerning systemic

1 and statewide issues related to agreement requirements;

2 (1) A process for timely transferring data that is required by law  
3 between the department and the department of ~~human services~~ EARLY  
4 CHILDHOOD.

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

12 **SECTION 48.** In Colorado Revised Statutes, 22-28-103, **amend**  
13 the introductory portion and (2) as follows:

14 **22-28-103. Definitions.** As used in this ~~article~~ ARTICLE 28, unless  
15 the context otherwise requires:

16 (2) "Child care agency" means a facility defined as a child care  
17 center pursuant to the provisions of ~~section 26-6-102(5), C.R.S.~~ SECTION  
18 26.5-5-303.

19 **SECTION 49.** In Colorado Revised Statutes, 22-28-108, **amend**  
20 (1)(a) as follows:

21 **22-28-108. Criteria for district preschool programs.**

22 (1)(a) The department shall establish basic program standards for district  
23 preschool programs using nationally accepted standards for preschool  
24 programs and requiring compliance with the Colorado rules for ~~child care~~  
25 ~~centers~~ PUBLIC PRESCHOOL PROVIDERS promulgated by the ~~department of~~  
26 ~~human services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
27 CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

1           **SECTION 50.** In Colorado Revised Statutes, 22-28-111, **amend**  
2 (1)(b) as follows:

3           **22-28-111. Coordination of district preschool program with**  
4 **extended day services.** (1) (b) Any extended day services provided  
5 pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS  
6 SECTION, regardless of whether provided by a school district, head start  
7 agency, or public or private child care agencies, ~~shall~~ MUST meet the  
8 appropriate standards for licensing established by the department of  
9 ~~human services~~ EARLY CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~  
10 SECTION 26.5-5-314.

11           **SECTION 51.** In Colorado Revised Statutes, 22-33-106.1,  
12 **amend** (1)(b)(I) as follows:

13           **22-33-106.1. Suspension - expulsion - preschool through**  
14 **second grade - definitions.** (1) As used in this section, unless the  
15 context otherwise requires:

16           (b) "Enrolling entity" means:

17           (I) A community-based preschool program that includes students  
18 who are funded through the "Colorado Preschool Program Act", article  
19 28 of this title 22, AS IT EXISTS PRIOR TO JULY 1, 2023, OR THROUGH THE  
20 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT", PART 2 OF ARTICLE  
21 4 OF TITLE 26.5, or students who are funded with state or federal money  
22 to educate children with disabilities;

23           **SECTION 52.** In Colorado Revised Statutes, 22-51-102, **amend**  
24 (2.5)(a) as follows:

25           **22-51-102. Definitions.** As used in this article 51, unless the  
26 context otherwise requires:

27           (2.5) "Facility" means any of the following facilities that operates

1 a facility school:

2 (a) A day treatment center, residential child care facility, or other  
3 facility licensed by the department of human services pursuant to ~~section~~  
4 ~~26-6-104, C.R.S.~~ SECTION 26-6-905;

5 **SECTION 53.** In Colorado Revised Statutes, 22-100-101, **amend**  
6 (4) as follows:

7 **22-100-101. Definitions.** As used in this article 100, unless the  
8 context otherwise requires:

9 (4) "Participating provider" means a school district, charter  
10 school, board of cooperative services that operates a public school, or  
11 ~~residential child care center~~ RESIDENTIAL OR DAY TREATMENT CHILD CARE  
12 FACILITY AS defined in ~~section 26-6-102 (5)~~ SECTION 26-6-903 that  
13 participates in the federal "Richard B. Russell National School Lunch  
14 Act", 42 U.S.C. sec. 1751 et seq., **AS AMENDED**, and that has been selected  
15 by the department to participate in the school food purchasing program  
16 pursuant to section 22-100-102 (2)(b).

17 **SECTION 54.** In Colorado Revised Statutes, 24-1-120, **amend**  
18 (4) introductory portion; and **repeal** (10) as follows:

19 **24-1-120. Department of human services - creation.** (4) Unless  
20 otherwise transferred to the DEPARTMENT OF EARLY CHILDHOOD,  
21 department of health care policy and financing, or the department of  
22 public health and environment, the department of human services shall  
23 exercise the following powers and perform the following duties:

24 (10) ~~The powers, duties, and functions of the Colorado child~~  
25 ~~abuse prevention board, created in section 19-3.5-103, are transferred by~~  
26 ~~a type 2 transfer to the department of human services.~~

27 **SECTION 55.** In Colorado Revised Statutes, **amend** 24-1-120.5

1 as follows:

2 **24-1-120.5. Department of early childhood - creation.**

3 (1) There is created the department of early childhood, the head of which  
4 is the executive director of the department of early childhood, which  
5 office is created. The governor shall appoint the executive director, with  
6 the consent of the senate, and the executive director serves at the pleasure  
7 of the governor. The reappointment of an executive director after an  
8 initial election of a governor is subject to the provisions of section  
9 24-20-109.

10 (2) The early childhood leadership commission created in part 3  
11 of article 1 of title 26.5 and its powers, duties, and functions are  
12 transferred by a **type 2** transfer to the department of early childhood.

13 (3) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO  
14 CHILD ABUSE PREVENTION BOARD, CREATED IN SECTION 26.5-3-204, ARE  
15 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY  
16 CHILDHOOD.

17 (4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE  
18 COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 1  
19 OF ARTICLE 4 OF TITLE 26.5 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO  
20 THE DEPARTMENT OF EARLY CHILDHOOD.

21 **SECTION 56.** In Colorado Revised Statutes, 24-1.9-102, **amend**  
22 (1)(a.5) as follows:

23 **24-1.9-102. Memorandum of understanding - local-level**  
24 **interagency oversight groups - individualized service and support**  
25 **teams - coordination of services for children and families -**  
26 **requirements - waiver.** (1) (a.5) In addition to the parties specified in  
27 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,

1 the memorandums of understanding entered into pursuant to this  
2 subsection (1) may include family resource centers created pursuant to  
3 ~~article 18 of title 26, C.R.S.~~ PART 1 OF ARTICLE 3 OF TITLE 26.5.

4 **SECTION 57.** In Colorado Revised Statutes, 24-4-105, **amend**  
5 (14)(a)(I) as follows:

6 **24-4-105. Hearings and determinations - repeal.** (14) (a) For  
7 the purpose of a decision by an agency that conducts a hearing or an  
8 initial decision by an administrative law judge or a hearing officer, the  
9 record must include: All pleadings, applications, evidence, exhibits, and  
10 other papers presented or considered, matters officially noticed, rulings  
11 upon exceptions, any findings of fact and conclusions of law proposed by  
12 any party, and any written brief filed. The agency, administrative law  
13 judge, or hearing officer may permit oral argument. The agency, the  
14 administrative law judge, or the hearing officer shall not receive or  
15 consider ex parte material or representation of any kind offered without  
16 notice. The agency, an administrative law judge, or hearing officer, with  
17 the consent of all parties, may eliminate or summarize any part of the  
18 record where this may be done without affecting the decision. In any case  
19 in which the agency has conducted the hearing, the agency shall prepare,  
20 file, and serve upon each party its decision. In any case in which an  
21 administrative law judge or a hearing officer has conducted the hearing,  
22 the administrative law judge or the hearing officer shall prepare and file  
23 an initial decision that the agency shall serve upon each party, except  
24 where all parties with the consent of the agency have expressly waived  
25 their right to have an initial decision rendered by such administrative law  
26 judge or hearing officer. Each decision and initial decision must include  
27 a statement of findings and conclusions upon all the material issues of

1 fact, law, or discretion presented by the record and the appropriate order,  
2 sanction, relief, or denial. An appeal to the agency must be made as  
3 follows:

4 (I) With regard to initial decisions regarding agency action by the  
5 department of health care policy and financing, THE DEPARTMENT OF  
6 EARLY CHILDHOOD, the state department of human services, or county  
7 department of human or social services, or any contractor acting for any  
8 such department, under section 26-1-106 (1)(a), **26.5-1-107**, or  
9 25.5-1-107, by filing exceptions within fifteen days after service of the  
10 initial decision upon the parties, unless extended by the department of  
11 health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD,  
12 or the state department of human services, as applicable, or unless a  
13 review has been initiated in accordance with this subsection (14)(a)(I)  
14 upon motion of the applicable department within fifteen days after service  
15 of the initial decision. In the event a party fails to file an exception within  
16 fifteen days, the applicable department may allow, upon a showing of  
17 good cause by the party, for an extension of up to an additional fifteen  
18 days to reconsider the final agency action.

19 **SECTION 58.** In Colorado Revised Statutes, 24-22-118, **amend**  
20 (2)(d)(III), (2)(e)(IV), and (2)(f)(IV) as follows:

21 **24-22-118. Revenue from nicotine products and additional**  
22 **tobacco taxes - 2020 tax holding fund - preschool programs cash fund**  
23 **- creation - definitions.** (2) The state treasurer shall transfer the money  
24 in the 2020 tax holding fund as follows:

25 (d) For the fiscal year commencing on July 1, 2023:

26 (III) The remainder to the preschool programs cash fund created  
27 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

1 (e) For each fiscal year commencing on or after July 1, 2024, but  
2 before July 1, 2027:

3 (IV) The remainder to the preschool programs cash fund created  
4 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

5 (f) For each fiscal year commencing on or after July 1, 2027:

6 (IV) The remainder to the preschool programs cash fund created  
7 in ~~subsection (3) of this section~~ SECTION 26.5-4-209.

8 **SECTION 59.** In Colorado Revised Statutes, 24-75-1104.5,  
9 **amend** (1.7) introductory portion, (1.7)(a), and (3) as follows:

10 **24-75-1104.5. Use of settlement money - programs.**

11 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of  
12 this section, and except that disputed payments received by the state in the  
13 2015-16 fiscal year or in any year thereafter are excluded from the  
14 calculation of allocations ~~under~~ PURSUANT TO this subsection (1.7), for  
15 the 2016-17 fiscal year and for each fiscal year thereafter, the following  
16 programs, services, and funds ~~shall~~ receive the following specified  
17 percentages of the total amount of settlement ~~moneys~~ MONEY received by  
18 the state in the preceding fiscal year:

19 (a) The Colorado nurse home visitor program created in ~~article 6.4~~  
20 ~~of title 26, C.R.S., shall receive~~ PART 5 OF ARTICLE 3 OF TITLE 26.5  
21 RECEIVES twenty-six and seven-tenths percent of the settlement ~~moneys~~  
22 MONEY;

23 (3) Notwithstanding subsection (1.7) of this section, for purposes  
24 of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104  
25 (2), 25.5-6-805 (2), 25.5-8-105 (3), ~~26-6.4-107 (2)(d)(I), 26.5-3-507~~  
26 ~~(2)(e)~~, 26-6.8-102 (2)(d), and 28-5-709 (2)(a), settlement ~~moneys~~ MONEY  
27 received and allocated by the state pursuant to subsection (1.7) of this

1 section during the same fiscal year ~~are~~ IS deemed to be ~~moneys~~ MONEY  
2 received for or during the preceding fiscal year.

3 **SECTION 60.** In Colorado Revised Statutes, 24-101-105, **amend**  
4 (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and **add**  
5 (1)(a)(XVI) as follows:

6 **24-101-105. Application of this code.** (1) (a) This code ~~shall~~  
7 **apply** APPLIES to all publicly funded contracts entered into by all  
8 governmental bodies of the executive branch of this state; except that this  
9 code ~~shall~~ DOES not apply to:

10 (XIV) Annuities; **and**

11 (XV) Real property or interest in real property; **AND**

12 (XVI) THE DEPARTMENT OF EARLY CHILDHOOD AND LOCAL  
13 COORDINATING ORGANIZATIONS, INCLUDING ENTITIES THAT APPLY TO  
14 SERVE AS LOCAL COORDINATING ORGANIZATIONS, PURSUANT TO PART 1  
15 OF ARTICLE 2 OF TITLE 26.5.

16 **SECTION 61.** In Colorado Revised Statutes, 25-1.5-101, **amend**  
17 (1)(h) as follows:

18 **25-1.5-101. Powers and duties of department - laboratory cash**  
19 **fund - report - dispensation of payments under contracts with**  
20 **grantees - definitions - repeal.** (1) The department has, in addition to all  
21 other powers and duties imposed upon it by law, the powers and duties  
22 provided in this section as follows:

23 (h) To establish and enforce sanitary standards for the operation  
24 and maintenance of orphanages, day care nurseries, foster homes, family  
25 care homes, summer camps for children, lodging houses, guest child care  
26 facilities ~~as defined in section 26-6-102(16), C.R.S.,~~ **AND** public services  
27 short-term child care facilities ~~as defined in section 26-6-102(30), C.R.S.,~~

1 SECTION 26.5-5-303, hotels, public conveyances and stations, schools,  
2 factories, workshops, industrial and labor camps, recreational resorts and  
3 camps, swimming pools, public baths, mobile home parks, and other  
4 buildings, centers, and places used for public gatherings;

5 **SECTION 62.** In Colorado Revised Statutes, 25-1.5-103, **amend**  
6 (2) introductory portion and (2)(a.3)(I) as follows:

7 **25-1.5-103. Health facilities - powers and duties of department**  
8 **- limitations on rules promulgated by department - definitions.**

9 (2) ~~For purposes of this section~~ AS USED IN THIS SECTION, unless the  
10 context otherwise requires:

11 (a.3) "Behavioral health entity" means a facility or provider  
12 organization engaged in providing community-based health services,  
13 which may include behavioral health disorder services, alcohol use  
14 disorder services, or substance use disorder services, including crisis  
15 stabilization, acute or ongoing treatment, or community mental health  
16 center services as described in section 27-66-101 (2) and (3), but does not  
17 include:

18 (I) Residential child care facilities, as defined in ~~section 26-6-102~~  
19 ~~(33)~~ SECTION 26-6-903; or

20 **SECTION 63.** In Colorado Revised Statutes, 25-1.5-301, **amend**  
21 (2)(e) and (2)(f) as follows:

22 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
23 otherwise requires:

24 (2) "Facility" means:

25 (e) Residential child care facilities for children as defined in  
26 ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903;

27 (f) Secure residential treatment centers as defined in ~~section~~

1 ~~26-6-102 (35), C.R.S.~~ SECTION 26-6-903;

2 **SECTION 64.** In Colorado Revised Statutes, 25-4-901, **amend**  
3 (2)(a), (2)(b)(I), (2)(b)(I.5), and (3) as follows:

4 **25-4-901. Definitions.** As used in this part 9, unless the context  
5 otherwise requires:

6 (2) (a) "School" means, except as otherwise provided in ~~paragraph~~  
7 ~~(b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, a public,  
8 private, or parochial nursery school, day care center, child care facility or  
9 child care center as defined in ~~section 26-6-102 (5), C.R.S.~~; SECTION  
10 26-6-903 OR ~~26.5-5-303~~, family child care home, foster care home,  
11 head start program, kindergarten, elementary or secondary school through  
12 grade twelve, or college or university.

13 (b) "School" does not include:

14 (I) A public services short-term child care facility as defined in  
15 ~~section 26-6-102 (30), C.R.S.~~ SECTION 26.5-5-303;

16 (I.5) A guest child care facility, as defined in ~~section 26-6-102~~  
17 ~~(16), C.R.S.~~ SECTION 26.5-5-303, or a ski school as defined in ~~section~~  
18 ~~26-6-103.5 (6), C.R.S.~~ section 26.5-5-307 (7); or

19 (3) "Student" means any person enrolled in a Colorado school or  
20 child care center as defined in subsection (2) of this section. "Student"  
21 does not include a child who enrolls and attends a licensed child care  
22 center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26.5-5-303,  
23 which is located at a ski area, for up to fifteen days or less in a  
24 fifteen-consecutive-day period, no more than twice in a calendar year,  
25 with each fifteen-consecutive-day period separated by at least sixty days.

26 **SECTION 65.** In Colorado Revised Statutes, 25-27.5-102,  
27 **amend** (6.3) as follows:

1           **25-27.5-102. Definitions - repeal.** As used in this article 27.5,  
2 unless the context otherwise requires:

3           (6.3) "Qualified early intervention service provider" has the  
4 meaning set forth in ~~section 27-10.5-702, C.R.S.~~ SECTION 26.5-3-402.

5           **SECTION 66.** In Colorado Revised Statutes, 25-27.6-102,  
6 **amend** (6)(a) as follows:

7           **25-27.6-102. Definitions.** As used in this article 27.6, unless the  
8 context otherwise requires:

9           (6) "Behavioral health entity" means a facility or provider  
10 organization engaged in providing community-based health services,  
11 which may include behavioral health disorder services, alcohol use  
12 disorder services, or substance use disorder services, including crisis  
13 stabilization, acute or ongoing treatment, or community mental health  
14 center services as described in section 27-66-101 (2) and (3), but does not  
15 include:

16           (a) Residential child care facilities, as defined in ~~section 26-6-102~~  
17 ~~(33)~~ SECTION 26-6-903; or

18           **SECTION 67.** In Colorado Revised Statutes, 25.5-1-124, **amend**  
19 (1), (2), (3), and (5)(a) as follows:

20           **25.5-1-124. Early intervention payment system - participation**  
21 **by state department - rules - definitions.** (1) The state department shall  
22 participate in the development and implementation of the coordinated  
23 system of payment for early intervention services authorized pursuant to  
24 ~~part 7 of article 10.5 of title 27, C.R.S.,~~ PART 4 OF ARTICLE 3 OF TITLE 26.5  
25 and part C of the federal "Individuals with Disabilities Education Act",  
26 20 U.S.C. sec. 1400 et seq., as amended.

27           (2) The state department shall ensure that the early intervention

1 services and payments for recipients of medical assistance ~~under this title~~  
2 PURSUANT TO THIS TITLE 25.5 are integrated into the coordinated early  
3 intervention payment system developed pursuant to ~~part 7 of article 10.5~~  
4 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. To the extent  
5 necessary to achieve the coordinated payment system and coverage of  
6 those early intervention services ~~under this title~~ PURSUANT TO THIS TITLE  
7 25.5, the state department shall amend the state plan for medical  
8 assistance or seek the necessary federal authorization, promulgate rules,  
9 and modify the billing system for medical assistance to facilitate the  
10 coordinated payment system.

11 (3) The state department shall also make any modifications  
12 necessary to the "Children's Basic Health Plan Act", article 8 of this ~~title~~  
13 TITLE 25.5, including promulgating rules, to ensure that the children's  
14 basic health plan is integrated into the coordinated early intervention  
15 payment system developed pursuant to ~~part 7 of article 10.5 of title 27,~~  
16 ~~C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5.

17 (5) (a) As used in this section, unless the context otherwise  
18 requires, "early intervention services" means those services defined as  
19 early intervention services by the department of ~~human services~~ EARLY  
20 CHILDHOOD in accordance with ~~section 27-10.5-702 (7), C.R.S.,~~ SECTION  
21 26.5-3-402 ■ (9) that are determined, through negotiation between the  
22 state department and the department of ~~human services~~ EARLY  
23 CHILDHOOD, to be medically necessary under medical assistance and  
24 cost-effective. After negotiating the scope of early intervention services  
25 to be covered under medical assistance, the state department and the  
26 department of ~~human services~~ EARLY CHILDHOOD shall submit to the joint  
27 budget committee of the general assembly, as part of each department's

1 annual budget request, a proposal for the scope of coverage of early  
2 intervention services under medical assistance, including the anticipated  
3 costs of such coverage and whether the payment of such costs through  
4 medical assistance is cost-effective.

5 **SECTION 68.** In Colorado Revised Statutes, 25.5-4-103, **amend**  
6 (19.5) as follows:

7 **25.5-4-103. Definitions.** As used in this article 4 and articles 5  
8 and 6 of this title 25.5, unless the context otherwise requires:

9 (19.5) "Psychiatric residential treatment facility" means a facility  
10 that is licensed as a residential child care facility, as defined in ~~section~~  
11 ~~26-6-102(33)~~ SECTION 26-6-903, that is not a hospital, and that provides  
12 inpatient psychiatric services for individuals who are less than twenty-one  
13 years of age under the direction of a physician licensed pursuant to article  
14 240 of title 12, and that meets any other requirement established in rule  
15 by the state board.

16 **SECTION 69.** In Colorado Revised Statutes, 25.5-10-209,  
17 **amend** (2)(d) and (2)(f) as follows:

18 **25.5-10-209. Community-centered boards - designation -**  
19 **purchase of services and supports - performance audits - Colorado**  
20 **local government audit law - public disclosure of board**  
21 **administration and operations - repeal.** (2) Once a  
22 community-centered board has been designated pursuant to this section,  
23 it shall, subject to available appropriations:

24 (d) Determine eligibility and develop an individualized plan for  
25 each person who receives services or supports pursuant to section  
26 25.5-10-211; except that, for a child from birth through two years of age,  
27 eligibility determination and development of an individualized family

1 service plan are made pursuant to the provisions of ~~part 7 of article 10.5~~  
2 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

3 (f) Obtain or provide early intervention services and supports  
4 pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART  
5 4 OF ARTICLE 3 OF TITLE 26.5;

6 **SECTION 70.** In Colorado Revised Statutes, 25.5-10-211,  
7 **amend** (2)(a), (2)(b)(II), (4)(a), and (4)(c) as follows:

8 **25.5-10-211. Eligibility determination - individualized plan -**  
9 **periodic review - rules - repeal.** (2) (a) Following intake and  
10 assessment, pursuant to subsection (2)(b) of this section, the designated  
11 community-centered board or the case management agency chosen by the  
12 person shall develop an individualized plan as provided by rules  
13 promulgated by the state board. The designated community-centered  
14 board shall develop an individualized family service plan for a child with  
15 disabilities from birth through two years of age pursuant to ~~section~~  
16 ~~27-10.5-703~~ SECTION 26.5-3-403.

17 (b) (II) The designated community-centered board shall develop  
18 an individualized plan for persons eligible for other programs, as defined  
19 in section 25.5-10-202, and for a child with disabilities from birth through  
20 two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

21 (4) (a) Each person receiving services must receive periodic and  
22 adequate reviews to ascertain whether the services and supports specified  
23 in ~~his or her~~ THE PERSON'S individualized plan have been provided,  
24 determine the appropriateness of current services and supports, identify  
25 whether the outcomes specified in the person's individualized plan have  
26 been achieved, and modify and revise current services or supports to meet  
27 the identified needs and preferences of the person receiving services. The

1 designated community-centered board shall develop modifications or  
2 revisions to the individualized family service plan for a child with  
3 disabilities from birth through two years of age pursuant to ~~section~~  
4 ~~27-10.5-703, C.R.S.~~ SECTION 26.5-3-403.

5 (c) A person's individualized plan must be reviewed at least  
6 annually; except that an individualized family service plan for a child  
7 with disabilities from birth through two years of age must be reviewed as  
8 required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF  
9 ARTICLE 3 OF TITLE 26.5.

10 **SECTION 71.** In Colorado Revised Statutes, 25.5-10-212,  
11 **amend** (1) introductory portion as follows:

12 **25.5-10-212. Procedure for resolving disputes over eligibility,**  
13 **modification of services or supports, and termination of services or**  
14 **supports.** (1) Every state or local service agency receiving state ~~moneys~~  
15 MONEY pursuant to section 25.5-10-206 shall adopt a procedure for the  
16 resolution of disputes arising between the service agency and any  
17 recipient of, or applicant for, services or supports authorized ~~under~~  
18 PURSUANT TO section 25.5-10-206. Procedures for the resolution of  
19 disputes regarding early intervention services must comply with IDEA  
20 and with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF  
21 TITLE 26.5. The procedures must be consistent with rules promulgated by  
22 the state board pursuant to article 4 of title 24 ~~C.R.S.~~, and must apply to  
23 the following disputes:

24 **SECTION 72.** In Colorado Revised Statutes, 25.5-10-219,  
25 **amend** (1) and (2) as follows:

26 **25.5-10-219. Right to individualized plan or individualized**  
27 **family service plan - repeal.** (1) Each person receiving services ~~shall~~

1 MUST have an individualized plan, an individualized family service plan,  
2 or a similar plan specified by the state department that qualifies as an  
3 individualized plan that is developed by the person's interdisciplinary  
4 team. The individualized family service plan for a child with disabilities  
5 from birth through two years of age shall be developed in compliance  
6 with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE  
7 26.5.

8 (2) Pursuant to section 25.5-10-211, the individualized plan for  
9 each person who receives services or supports shall be reviewed at least  
10 annually and modified as necessary or appropriate; except that an  
11 individualized family service plan for a child with disabilities from birth  
12 through two years of age shall be reviewed as required pursuant to ~~part~~  
13 ~~7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. A  
14 review ~~shall consist~~ CONSISTS of, but is not limited to, the determination  
15 by the interdisciplinary team as to whether the needs and preferences of  
16 the person receiving services or supports are accurately reflected in the  
17 plan, whether the services and supports provided pursuant to the plan are  
18 appropriate to meet the person's needs and preferences, and what actions  
19 are necessary for the plan to be achieved.

20 **SECTION 73.** In Colorado Revised Statutes, 26-1-107, **amend**  
21 (6)(e) as follows:

22 **26-1-107. State board of human services - rules.** (6) The state  
23 board shall:

24 (e) Adopt rules and regulations for the purpose of establishing  
25 guidelines for the placement of children from locations outside of  
26 Colorado into this state for foster care or adoption pursuant to section  
27 19-5-203 ~~C.R.S.~~, or section ~~26-6-104~~ OR ~~26-6-905~~ or the terms of the

1 "Interstate Compact on Placement of Children" as set forth in part 18 of  
2 article 60 of title 24; C.R.S.;

3 **SECTION 74.** In Colorado Revised Statutes, 26-1-111, **amend**  
4 (2)(d)(II)(C) and (2)(f); and **repeal** (2)(t) as follows:

5 **26-1-111. Activities of the state department under the**  
6 **supervision of the executive director - cash fund - report - rules -**  
7 **statewide adoption resource registry.** (2) The state department, under  
8 the supervision of the executive director, shall:

9 (d) (II) (C) For fiscal year 2003-04 and each fiscal year thereafter,  
10 after the amounts described in ~~sub-subparagraph (A) or (B)~~ of this  
11 ~~subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS  
12 SECTION are set aside, the total amount of ~~moneys~~ MONEY remaining shall  
13 be transmitted to the state treasurer, who shall credit the same to the  
14 excess federal Title IV-E reimbursements cash fund, which fund is hereby  
15 created and referred to in this ~~sub-subparagraph (C)~~ SUBSECTION  
16 (2)(d)(II)(C) as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS  
17 subject to annual appropriation by the general assembly to the state  
18 department for allocation to counties to help defray the costs of  
19 performing administrative functions related to obtaining federal  
20 reimbursement ~~moneys~~ MONEY available under the Title IV-E program.  
21 In addition, the general assembly may annually appropriate ~~moneys~~  
22 MONEY in the fund to the DEPARTMENT OF EARLY CHILDHOOD FOR  
23 ALLOCATION TO THE COUNTIES FOR THE PROVISION OF CHILD CARE  
24 ASSISTANCE, AS DESCRIBED IN SECTION 26.5-4-105, AND TO THE state  
25 department for allocation to the counties for the provision of assistance,  
26 as defined in section 26-2-703 (2); ~~child care assistance, as described in~~  
27 ~~section 26-2-805~~, social services, as defined in section 26-2-103 (11); and

1 child welfare services, as defined in section 26-5-101 (3). For fiscal year  
2 2004-05, and in subsequent years if so specified by the general assembly  
3 in the annual appropriations act, the counties shall expend the ~~moneys~~  
4 MONEY allocated by the DEPARTMENT OF EARLY CHILDHOOD FOR THE  
5 PROVISION OF CHILD CARE ASSISTANCE AND BY THE state department for  
6 the provision of assistance, ~~child care assistance~~, social services, and  
7 child welfare services pursuant to this ~~sub-subparagraph (C)~~ SUBSECTION  
8 (2)(d)(II)(C) in a manner that will be applied toward the state's  
9 maintenance of historic effort as specified in section 409 (a)(7) of the  
10 federal "Social Security Act", as amended. Any ~~moneys~~ MONEY in the  
11 fund not expended for the purposes specified in this ~~sub-subparagraph (C)~~  
12 SUBSECTION (2)(d)(II)(C) may be invested by the state treasurer as  
13 provided by law. THE STATE TREASURER SHALL CREDIT all interest and  
14 income derived from the investment and deposit of ~~moneys~~ MONEY in the  
15 fund ~~shall be credited~~ to the fund. Any unexpended and unencumbered  
16 ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~shall~~  
17 ~~remain~~ REMAINS in the fund and ~~shall not be~~ IS NOT credited or transferred  
18 or revert to the general fund or another fund.

19 (f) Designate child placement agencies licensed pursuant to ~~article~~  
20 ~~6 of this title~~ PART 9 OF ARTICLE 6 OF THIS TITLE 26 or county departments  
21 to act as agents of the state department for the purpose of authorizing  
22 child care placement as set forth in section 26-1-107 (6)(e) and county  
23 departments to serve as agents of the state department in the performance  
24 of certain public assistance and welfare and related activities in the  
25 county;

26 (t) ~~Administer early childhood programs in accordance with~~  
27 ~~statute and rule and, where applicable, review applications submitted by~~

1 ~~entities to receive funding through the programs, award grants based on~~  
2 ~~the applications, or in the case of the nurse home visitor program,~~  
3 ~~applications selected by the health sciences center, and notify the state~~  
4 ~~board of the grants awarded and the amounts of the grants. Participation~~  
5 ~~in an early childhood program administered by the state department is~~  
6 ~~voluntary. The early childhood programs are not designed or intended to~~  
7 ~~interfere with the rights of parents to raise their children.~~

8           **SECTION 75.** In Colorado Revised Statutes, 26-1-122, **amend**  
9 (6)(a) and (6)(c) as follows:

10           **26-1-122. County appropriations and expenditures -**  
11 **advancements - procedures.** (6) (a) Notwithstanding any other  
12 provision of this section, the board of county commissioners in each  
13 county of this state shall annually appropriate as provided by law such  
14 funds as ~~shall be~~ ARE necessary to defray the county's maintenance of  
15 effort requirement for the Colorado works program, created in part 7 of  
16 article 2 of this ~~title~~ TITLE 26, and the Colorado child care assistance  
17 program, created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF  
18 TITLE 26.5, including the costs allocated to the administration of each, and  
19 shall include in the tax levy for such county the sums appropriated for that  
20 purpose. The county's maintenance of effort requirement for the Colorado  
21 works program for state fiscal year 1997-98 and for state fiscal years  
22 thereafter ~~shall be~~ IS the targeted spending level identified in section  
23 26-2-714 (6). Such appropriation ~~shall~~ MUST be based upon the county  
24 social services budget prepared by the county department pursuant to  
25 section 26-1-124, after taking into account state advancements provided  
26 for in this section.

27           (c) The state department shall establish rules concerning what

1 ~~shall constitute~~ CONSTITUTES administrative costs and program costs for  
2 the Colorado works program. THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT OF EARLY CHILDHOOD, IN COORDINATION WITH COUNTY  
4 DEPARTMENTS, SHALL ESTABLISH RULES CONCERNING WHAT CONSTITUTES  
5 ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO CHILD  
6 CARE ASSISTANCE PROGRAM. The state treasurer shall make advancements  
7 to county departments for the costs of administering the Colorado works  
8 program and the Colorado child care assistance program from funds  
9 appropriated or made available for such purpose, upon authorization of  
10 THE DEPARTMENT OF EARLY CHILDHOOD OR the state department, AS  
11 APPLICABLE; except that in no event shall THE DEPARTMENT OF EARLY  
12 CHILDHOOD OR the state department authorize expenditures greater than  
13 the annual appropriation by the general assembly for such administrative  
14 costs of the county departments. As funds are advanced, adjustment shall  
15 be made from subsequent monthly payments for those purposes.

16 **SECTION 76.** In Colorado Revised Statutes, 26-1-124, **amend**  
17 (2) as follows:

18 **26-1-124. County social services budget.** (2) Before such  
19 budget is adopted by the board of county commissioners, it ~~shall~~ MUST be  
20 submitted by the county board to the state department for review. The  
21 state department SHALL review THE BUDGET IN CONSULTATION WITH THE  
22 DEPARTMENT OF EARLY CHILDHOOD AND shall include IN THE REVIEW an  
23 assessment as to whether the county budget includes adequate funding for  
24 the county's maintenance of effort for the Colorado works program  
25 created in part 7 of article 2 of this ~~title~~ TITLE 26 and the Colorado child  
26 care assistance program created in ~~part 8 of article 2 of this title~~ PART 1  
27 OF ARTICLE 4 OF TITLE 26.5.

1           **SECTION 77.** In Colorado Revised Statutes, 26-1-127, **amend**  
2 (1), (1.5), (2)(a), and (3) as follows:

3           **26-1-127. Fraudulent acts.** (1) Any person who obtains or any  
4 person who willfully aids or abets another to obtain public assistance or  
5 vendor payments or medical assistance as defined in this title 26 OR CHILD  
6 CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to  
7 which the person is not entitled or in an amount greater than that to which  
8 the person is justly entitled or payment of any forfeited installment grants  
9 or benefits to which the person is not entitled or in a greater amount than  
10 that to which the person is entitled, by means of a willfully false  
11 statement or representation, or by impersonation, or by any other  
12 fraudulent device, commits the crime of theft, which crime is classified  
13 in accordance with section 18-4-401 (2) and which crime is punished as  
14 provided in section 18-1.3-401 if the crime is classified as a felony, or  
15 section 18-1.3-501 if the crime is classified as a misdemeanor. To the  
16 extent not otherwise prohibited by state or federal law, any person  
17 violating the provisions of this subsection (1) is disqualified from  
18 participation in the ~~public assistance~~ program ~~under~~ PURSUANT TO article  
19 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a  
20 recipient is found to have committed an intentional program violation for  
21 one year for a first offense, two years for a second offense, and  
22 permanently for a third or subsequent offense. Such disqualification is  
23 mandatory and is in addition to any other penalty imposed by law.

24           (1.5) To the extent not otherwise prohibited by state or federal  
25 law, any person against whom a county department of social services or  
26 the state department obtains a civil judgment in a state or federal court of  
27 record in this state based on allegations that the person obtained or

1 willfully aided and abetted another to obtain public assistance or vendor  
2 payments or medical assistance as defined in this title 26 OR CHILD CARE  
3 ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5 to which  
4 the person is not entitled or in an amount greater than that to which the  
5 person is justly entitled or payment of any forfeited installment grants or  
6 benefits to which the person is not entitled or in a greater amount than  
7 that to which the person is entitled, by means of a willfully false  
8 statement or representation, or by impersonation, or by any other  
9 fraudulent device, is disqualified from participation in the public  
10 assistance program under PURSUANT TO article 2 of this title 26 OR PART  
11 1 OF ARTICLE 4 OF TITLE 26.5 in which a recipient is found to have  
12 committed an intentional program violation for one year for a first  
13 incident, two years for a second incident, and permanently for a third or  
14 subsequent incident. Such disqualification is mandatory and is in addition  
15 to any other remedy available to a judgment creditor.

16 (2) (a) If, at any time during the continuance of public assistance  
17 under PURSUANT TO this title 26 OR CHILD CARE ASSISTANCE PURSUANT  
18 TO PART 1 OF ARTICLE 4 OF TITLE 26.5, the recipient thereof acquires any  
19 property or receives any increase in income or property, or both, in excess  
20 of that declared at the time of determination or redetermination of  
21 eligibility or if there is any other change in circumstances affecting the  
22 recipient's eligibility, it shall be the duty of the recipient to notify the  
23 county department within thirty days in writing or take steps to secure  
24 county assistance to prepare such notification in writing of the acquisition  
25 of such property, receipt of such income, or change in such  
26 circumstances; and any recipient of such public assistance who knowingly  
27 fails to do so commits a petty offense and shall be punished as provided

1 in section 18-1.3-503. If such property or income is received infrequently  
2 or irregularly and does not exceed a total value of ninety dollars in any  
3 calendar quarter, such property or income ~~shall be~~ IS excluded from the  
4 thirty-day written reporting requirement but ~~shall be~~ MUST BE reported at  
5 the time of the next redetermination of eligibility of a recipient.

6 (3) Any recipient or vendor who falsifies any report required  
7 ~~under~~ PURSUANT TO this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5  
8 commits a petty offense and ~~shall be~~ IS punished as provided in section  
9 18-1.3-503.

10 **SECTION 78.** In Colorado Revised Statutes, 26-1-201, **amend**  
11 (1)(h) as follows:

12 **26-1-201. Programs administered - services provided -**  
13 **department of human services.** (1) This section specifies the programs  
14 to be administered and the services to be provided by the department of  
15 human services. These programs and services include the following:

16 (h) ~~The "Child Care Licensing Act" as specified in article 6 of this~~  
17 ~~title~~ "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY  
18 LICENSING ACT", PART 9 OF ARTICLE 6 OF THIS TITLE 26;

19 **SECTION 79.** In Colorado Revised Statutes, 26-2-703, **amend**  
20 (4) as follows:

21 **26-2-703. Definitions.** As used in this part 7, unless the context  
22 otherwise requires:

23 (4) "Colorado child care assistance program" means the state  
24 program of child care assistance implemented pursuant to the provisions  
25 of ~~part 8 of this article and rules of the state board~~ PART 1 OF ARTICLE 4  
26 OF TITLE 26.5 AND RULES OF THE EXECUTIVE DIRECTOR OF THE  
27 DEPARTMENT OF EARLY CHILDHOOD.

1           **SECTION 80.** In Colorado Revised Statutes, 26-2-706.6, **amend**  
2 (6) as follows:

3           **26-2-706.6. Payments and services under Colorado works -**  
4 **rules. (6) Child care assistance.** Subject to available appropriations and  
5 pursuant to rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF  
6 THE DEPARTMENT OF EARLY CHILDHOOD, a county may provide child care  
7 assistance to a participant pursuant to the provisions of ~~part 8 of this~~  
8 ~~article and rules promulgated by the state board for implementation of~~  
9 ~~said part 8~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES PROMULGATED  
10 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD  
11 FOR IMPLEMENTATION OF SAID PART 1.

12           **SECTION 81.** In Colorado Revised Statutes, 26-2-714, **amend**  
13 (9)(d) as follows:

14           **26-2-714. County block grants formula - use of money - rules.**  
15 (9) (d) A county may make a transfer authorized by ~~paragraph (a) of this~~  
16 ~~subsection (9)~~ SUBSECTION (9)(a) OF THIS SECTION, within the limitations  
17 imposed by state and federal law on such transfers, in order to fund  
18 various programs for the improvement of child care. ~~Such~~ THE transfers  
19 may be used for minor remodeling of licensed child care facilities or  
20 facilities legally exempt from licensing requirements pursuant to ~~section~~  
21 ~~26-6-103 (1)~~ **SECTION 26.5-5-304**, including but not limited to physical  
22 modifications for the purpose of licensure or accreditation, construction  
23 or improvement of fencing or other safety and security fixtures or other  
24 uses not prohibited under 42 U.S.C. sec. 1397d.

25           **SECTION 82.** In Colorado Revised Statutes, 26-2-715, **amend**  
26 (1)(a) introductory portion, (1)(a)(I), and (2) as follows:

27           **26-2-715. Performance contracts.** (1) (a) Each county, either

1 acting singly or with a group of counties, shall enter into an annual  
2 performance contract with the state department that shall identify the  
3 county's or group of counties' duties and responsibilities in implementing  
4 the works program. ~~and the Colorado child care assistance program,~~  
5 ~~described in part 8 of this article.~~ The performance contract shall MUST  
6 include but NEED not be limited to:

7 (I) Requirements and provisions that address the county's or group  
8 of counties' duty to administer and implement the works program ~~and the~~  
9 ~~Colorado child care assistance program~~ using fair and objective criteria;

10 (2) The performance contract shall set forth the circumstances  
11 under which the state department may elect that it or its agent assume the  
12 county's or group of counties' administration and implementation of the  
13 works program. ~~and the Colorado child care assistance program.~~

14 **SECTION 83.** In Colorado Revised Statutes, 26-5-101, **amend**  
15 (4.7) as follows:

16 **26-5-101. Definitions.** As used in this article 5, unless the context  
17 otherwise requires:

18 (4.7) "Former foster care youth" means a youth at least eighteen  
19 years of age but younger than twenty-one years of age who was formerly  
20 in the legal custody or legal authority of a county department and who  
21 was placed in a certified or noncertified kinship care placement, as  
22 defined in ~~section 26-6-102 (21)~~; SECTION 26-6-903, a certified or  
23 licensed facility, or a foster care home, as defined in ~~section 26-6-102~~  
24 ~~(14)~~ SECTION 26-6-903, and certified pursuant to PART 9 OF article 6 of  
25 this title 26.

26 **SECTION 84.** In Colorado Revised Statutes, 26-5-102, **amend**  
27 (3)(a) as follows:

1           **26-5-102. Provision of child welfare services - system reform**  
2           **goals - out-of-home placements for children and youth with**  
3           **intellectual and developmental disabilities - rules - definition.**

4           (3) (a) On or before August 1, 2018, the state department shall develop  
5           a program to serve children and youth with intellectual and  
6           developmental disabilities who are placed by county departments of  
7           human or social services in a licensed out-of-home setting, as defined in  
8           ~~section 26-6-102(33)~~ SECTION 26-6-903, and children or youth committed  
9           to or in the custody of the state department.

10           **SECTION 85.** In Colorado Revised Statutes, 26-5-104, **amend**  
11           (6.2)(c) as follows:

12           **26-5-104. Funding of child welfare services provider contracts**  
13           **- funding mechanism review - fund - report - rules - definitions -**  
14           **repeal.** (6.2) As used in this section, unless the context otherwise  
15           requires:

16           (c) "Licensed out-of-home placement provider" means a licensed  
17           residential child care facility, a child placement agency, a secure  
18           residential treatment center, a psychiatric residential treatment facility, a  
19           qualified residential treatment program, or therapeutic foster care, as  
20           defined in ~~section 26-6-102~~ SECTION 26-6-903.

21           **SECTION 86.** In Colorado Revised Statutes, 26-5.3-106, **amend**  
22           (1.5) as follows:

23           **26-5.3-106. State's savings - cash fund created - use of money**  
24           **in fund - plan required.** (1.5) All ~~moneys~~ MONEY in the fund ~~shall be~~  
25           IS subject to annual appropriation by the general assembly and shall be  
26           used for the purposes set forth in the plan for improving the child welfare  
27           system in the state, developed in accordance with subsection (2) of this

1 section, for the implementation of the emergency assistance program  
2 established pursuant to section 26-5.3-104 and for the family resource  
3 center program established pursuant to ~~section 26-18-104~~ SECTION  
4 26.5-3-103. Federal funds received by the state for the emergency  
5 assistance program shall be used only for such program and not for any  
6 other purpose. In accordance with section 24-36-114, ~~C.R.S.~~, all interest  
7 derived from the deposit and investment of ~~moneys~~ MONEY in the fund  
8 ~~shall~~ MUST be credited to the general fund. It is the general assembly's  
9 intent that no additional state or county general fund ~~moneys shall be~~  
10 MONEY IS used to finance the implementation of the plan established in  
11 accordance with subsection (2) of this section.

12 **SECTION 87.** In Colorado Revised Statutes, 26-5.7-102, **amend**  
13 (3) and (3.5) as follows:

14 **26-5.7-102. Definitions.** As used in this article 5.7, unless the  
15 context otherwise requires:

16 (3) "Homeless youth shelter" means a facility that is licensed  
17 pursuant to ~~section 26-6-104~~ SECTION 26-6-905.

18 (3.5) "Licensed host family home" means a home that meets the  
19 requirements established by the state board by rule pursuant to ~~section~~  
20 ~~26-6-106 (5)~~ SECTION 26-6-909 (6).

21 **SECTION 88.** In Colorado Revised Statutes, 26-6-704, **amend**  
22 (2)(b) as follows:

23 **26-6-704. Temporary care assistance program - limitations on**  
24 **duration of delegation - approved temporary caregiver.** (2) (b) (I) A  
25 minor subject to the power of attorney that delegates temporary care  
26 responsibility of the minor to an approved temporary caregiver is not  
27 deemed placed in a foster care home, as defined in ~~section 26-6-102 (14)~~

1 SECTION 26-6-903, and the approved temporary caregiver is not deemed  
2 to be providing foster care nor be subject to the licensing requirements of  
3 foster care.

4 (II) Nothing in this section disqualifies an approved temporary  
5 caregiver from being or becoming a foster care home certified by a county  
6 department or private agency pursuant to ~~section 26-6-106.3~~ SECTION  
7 26-6-910.

8 **SECTION 89.** In Colorado Revised Statutes, 26-6-705, **amend**  
9 (2)(a)(I) as follows:

10 **26-6-705. Approval of temporary caregiver - background**  
11 **check - training.** (2) (a) A child placement agency operating a temporary  
12 care assistance program shall require an applicant to become an approved  
13 temporary caregiver and any other person who resides in the applicant's  
14 home and is eighteen years of age or older to submit to the following  
15 background checks:

16 (I) A fingerprint-based criminal history record check through the  
17 Colorado bureau of investigation and the federal bureau of investigation  
18 in the same manner as described in ~~section 26-6-107(1)(a)(I)(C)~~ SECTION  
19 26-6-912 (1)(a)(I)(B);

20 **SECTION 90.** In Colorado Revised Statutes, 26-7-102, **amend**  
21 (4) as follows:

22 **26-7-102. Definitions.** As used in this article 7, unless the context  
23 otherwise requires:

24 (4) "Child placement agency" means any entity that, pursuant to  
25 the requirements in ~~section 26-6-102(7)~~ SECTION 26-6-903, may place,  
26 facilitate placement, or arrange for the placement of an eligible child or  
27 youth for the purpose of adoption, treatment, or foster care. Only eligible

1 children or youth who are placed by a county department or through a  
2 child placement agency that is designated as a nonprofit entity and  
3 licensed by the state department are eligible to receive benefits pursuant  
4 to this article 7.

5 **SECTION 91.** In Colorado Revised Statutes, 26.5-1-303, **amend**  
6 (1)(d) and (2)(a) as follows:

7 **26.5-1-303. Early childhood leadership commission - duties.**

8 (1) In addition to any other duties specified in law, the commission has  
9 the following duties:

10 (d) To consider and recommend waivers from state regulations on  
11 behalf of early childhood councils as provided in ~~section 26-6.5-104 (1)~~  
12 SECTION 26.5-2-207;

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

15 (a) Members of the early childhood councils established pursuant  
16 to ~~section 26-6.5-103~~ SECTION 26.5-2-203; and

17 **SECTION 92.** In Colorado Revised Statutes, **amend** 26.5-1-304  
18 as follows:

19 **26.5-1-304. Repeal of part.** This part 3 is repealed, effective  
20 ~~September 1, 2023~~ SEPTEMBER 1, 2025. Before its repeal, the commission  
21 is subject to review in accordance with section 2-3-1203.

22 **SECTION 93.** In Colorado Revised Statutes, 27-10.5-102,  
23 **amend** (12) and (30); and **repeal** (17.5) as follows:

24 **27-10.5-102. Definitions - repeal.** As used in this article 10.5,  
25 unless the context otherwise requires:

26 (12) "Early intervention services and supports" means services  
27 described in and provided pursuant to ~~part 7 of this article~~ PART 4 OF

1 ARTICLE 3 OF TITLE 26.5, including education, training, and assistance in  
2 child development, parent education, therapies, and other activities for  
3 infants and toddlers and their families that are designed to meet the  
4 developmental needs of infants and toddlers including, but not limited to,  
5 cognition, speech, communication, physical, motor, vision, hearing,  
6 social-emotional, and self-help skills.

7 (17.5) ~~"IDEA" means the federal "Individuals with Disabilities~~  
8 ~~Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as~~  
9 ~~amended, and its implementing regulations, 34 CFR part 303.~~

10 (30) "Services and supports" means one or more of the following:  
11 Education, training, therapies, identification of natural supports, and other  
12 activities provided to:

13 (a) Enable persons with intellectual and developmental disabilities  
14 to make responsible choices, exert greater control over their lives,  
15 experience presence and inclusion in their communities, develop their  
16 competencies and talents, maintain relationships, foster a sense of  
17 belonging, and experience personal security and self-respect; AND

18 (b) ~~Enhance child development and healthy parent-child and~~  
19 ~~family interaction for eligible infants and toddlers and their families~~  
20 ~~pursuant to part 7 of this article; and~~

21 (c) Enable families who choose or desire to maintain a family  
22 member with an intellectual and developmental disability at home to  
23 obtain support and to enjoy a typical lifestyle.

24 **SECTION 94.** In Colorado Revised Statutes, 27-10.5-103, **repeal**  
25 (1)(b) and (2)(j) as follows:

26 **27-10.5-103. Duties of the executive director - rules -**  
27 **definition.** (1) In order to implement the provisions of this article 10.5,

1 the executive director shall carry out the following duties, subject to  
2 available appropriations:

3 ~~(b) Conduct appropriate part C child find activities as described~~  
4 ~~in section 27-10.5-704. Part C child find activities conducted by the~~  
5 ~~department include, but need not be limited to, early intervention~~  
6 ~~evaluations, case management, referrals to public education systems or~~  
7 ~~other community resources, implementation of state-level interagency~~  
8 ~~operating agreements, and public outreach and awareness of early~~  
9 ~~intervention evaluations and services.~~

10 (2) In accordance with section 24-4-103, and in coordination with  
11 the requirements of article 10 of title 25.5, the department shall adopt  
12 such rules as are necessary to carry out the provisions and purposes of this  
13 article 10.5, including but not limited to the following:

14 ~~(j) Child find activities, as described in section 27-10.5-704.~~

15 **SECTION 95.** In Colorado Revised Statutes, 27-10.5-104, **repeal**  
16 (1)(a), (3), and (5)(b) as follows:

17 **27-10.5-104. Authorized services and supports - conditions of**  
18 **funding - purchase of services and supports - boards of county**  
19 **commissioners - appropriation - repeal.** (1) Subject to annual  
20 appropriations by the general assembly, the department shall provide or  
21 purchase, pursuant to subsection (4) of this section, authorized services  
22 and supports from community-centered boards or service agencies for  
23 persons who have been determined to be eligible for such services and  
24 supports pursuant to section 27-10.5-106, and as specified in the eligible  
25 person's individualized plan. Those services and supports may include,  
26 but need not be limited to, the following:

27 ~~(a) Early intervention services and supports that offer infants and~~

1 ~~toddlers and their families services and supports to enhance child~~  
2 ~~development in the areas of cognition, speech, communication, physical,~~  
3 ~~motor, vision, hearing, social-emotional development, and self-help~~  
4 ~~skills; parent-child or family interaction; and early identification,~~  
5 ~~screening, and assessment services that are provided pursuant to part 7 of~~  
6 ~~this article;~~

7 (3) ~~Service and support coordination shall be purchased pursuant~~  
8 ~~to part 7 of this article.~~

9 (5) (b) ~~The department is authorized to use up to three percent of~~  
10 ~~the appropriation allocated for early intervention services and supports for~~  
11 ~~training and technical assistance to ensure that the latest developments for~~  
12 ~~early intervention services and supports are rapidly integrated into service~~  
13 ~~provision throughout the state.~~

14 **SECTION 96.** In Colorado Revised Statutes, 27-10.5-105,  
15 **amend (1)(c) and (1)(e) and amend as they exist until July 1, 2024, (1)**  
16 **introductory portion and (1)(a); and as follows:**

17 **27-10.5-105. Case management agencies - purchase of services**  
18 **and supports.** (1) Once a community-centered board has been  
19 designated pursuant to section 25.5-10-209, ~~C.R.S.~~, it shall, subject to  
20 available appropriations:

21 (a) Determine eligibility and develop an individualized plan for  
22 each person who receives services or supports pursuant to section  
23 25.5-10-211; ~~C.R.S.~~; except that, for a child from birth through two years  
24 of age, eligibility determination and development of an individualized  
25 family service plan shall be made pursuant to ~~part 7 of this article~~ PART  
26 4 OF ARTICLE 3 OF TITLE 26.5;

27 (c) Obtain or provide early intervention services and supports

1 pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

2 (e) Pursuant to ~~section 27-10.5-704~~ SECTION 26.5-3-404,  
3 collaborate with the department OF EARLY CHILDHOOD as it develops and  
4 implements a statewide plan for public education outreach and awareness  
5 efforts related to part C child find and the availability of early  
6 intervention services.

7 **SECTION 97.** In Colorado Revised Statutes, 27-10.5-105,  
8 **amend as it will become effective July 1, 2024,** (1)(a) as follows:

9 **27-10.5-105. Case management agencies - purchase of services**  
10 **and supports.** (1) Once a case management agency has been designated  
11 pursuant to section 25.5-6-1703, it shall, subject to available  
12 appropriations:

13 (a) Determine eligibility and develop an individualized plan for  
14 each person who receives long-term services or supports pursuant to  
15 section 25.5-6-1704; except that, for a child from birth through two years  
16 of age, eligibility determination and development of an individualized  
17 family service plan must be made pursuant to ~~part 7 of this article 10.5~~  
18 PART 4 OF ARTICLE 3 OF TITLE 26.5;

19 **SECTION 98.** In Colorado Revised Statutes, 27-10.5-107,  
20 **amend** (1) introductory portion as follows:

21 **27-10.5-107. Procedure for resolving disputes over eligibility,**  
22 **modification of services or supports, and termination of services or**  
23 **supports.** (1) Every state or local service agency receiving state ~~moneys~~  
24 MONEY pursuant to section 27-10.5-104 or ~~section 25.5-10-105 C.R.S.,~~  
25 shall adopt a procedure for the resolution of disputes arising between the  
26 service agency and any recipient of, or applicant for, services or supports  
27 authorized ~~under~~ PURSUANT TO section 27-10.5-104 or ~~section~~

1 25.5-10-105. ~~C.R.S. Procedures for the resolution of disputes regarding~~  
2 ~~early intervention services shall be in compliance with IDEA.~~ The  
3 procedures ~~shall~~ MUST be consistent with rules promulgated by the  
4 department pursuant to article 4 of title 24 ~~C.R.S.~~, and ~~shall~~ MUST be  
5 applicable to the following disputes:

6 **SECTION 99.** In Colorado Revised Statutes, 27-60-113, **amend**  
7 (2) as follows:

8 **27-60-113. Out-of-home placement for children and youth**  
9 **with mental or behavioral needs - rules - report - legislative**  
10 **declaration - repeal.** (2) On or before August 1, 2021, the state  
11 department shall develop a program to provide emergency resources to  
12 licensed providers to help remove barriers such providers face in serving  
13 children and youth whose behavioral or mental health needs require  
14 services and treatment in a residential child care facility. Any such  
15 licensed provider shall meet the requirements of a qualified residential  
16 treatment program, as defined in section 26-5.4-102, a psychiatric  
17 residential treatment facility, as defined in ~~section 26-5.4-103 (19.5)~~  
18 **SECTION 25.5-4-103 (19.5)**, or therapeutic foster care, as defined in  
19 ~~section 26-6-102 (39)~~ SECTION 26-6-903.

20 **SECTION 100.** In Colorado Revised Statutes, 27-65-102, **amend**  
21 (1.5)(a) and (18) as follows:

22 **27-65-102. Definitions.** As used in this article 65, unless the  
23 context otherwise requires:

24 (1.5) "Behavioral health entity" means a facility or provider  
25 organization engaged in providing community-based health services,  
26 which may include behavioral health disorder services, alcohol use  
27 disorder services, or substance use disorder services, including crisis

1 stabilization, acute or ongoing treatment, or community mental health  
2 center services as described in section 27-66-101 (2) and (3), but does not  
3 include:

4 (a) Residential child care facilities as defined in ~~section 26-6-102~~  
5 ~~(33)~~ SECTION 26-6-903; or

6 (18) "Residential child care facility" means a facility licensed by  
7 the state department of human services pursuant to ~~article 6 of title 26,~~  
8 ~~C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 to provide group care and  
9 treatment for children as such facility is defined in ~~section 26-6-102 (33),~~  
10 ~~C.R.S.~~ SECTION 26-6-903. A residential child care facility may be eligible  
11 for designation by the executive director of the department of human  
12 services pursuant to this ~~article~~ ARTICLE 65.

13 **SECTION 101.** In Colorado Revised Statutes, 27-66-101, **amend**  
14 (1.5)(a) as follows:

15 **27-66-101. Definitions.** As used in this article 66, unless the  
16 context otherwise requires:

17 (1.5) "Behavioral health entity" means a facility or provider  
18 organization engaged in providing community-based health services,  
19 which may include behavioral health disorder services, alcohol use  
20 disorder services, or substance use disorder services, including crisis  
21 stabilization, acute or ongoing treatment, or community mental health  
22 center services as described in subsections (2) and (3) of this section, but  
23 does not include:

24 (a) Residential child care facilities as defined in ~~section 26-6-102~~  
25 ~~(33)~~ SECTION 26-6-903; or

26 **SECTION 102.** In Colorado Revised Statutes, **amend** 27-66-110  
27 as follows:

1           **27-66-110. Trauma-informed care standards of approval.** The  
2 office of behavioral health shall establish care standards and an approval  
3 process that a qualified residential treatment program, as defined in  
4 ~~section 26-6-102 (30.5)~~ SECTION 26-6-903, must meet to ensure that  
5 qualified residential treatment programs have a trauma-informed  
6 treatment model that addresses the needs of children and youth with  
7 serious emotional or behavioral health disorders or disturbances.

8           **SECTION 103.** In Colorado Revised Statutes, 27-80-121, **amend**  
9 (1) introductory portion as follows:

10           **27-80-121. Perinatal substance use data linkage project -**  
11 **center for research into substance use disorder prevention,**  
12 **treatment, and recovery support strategies - report.** (1) The center for  
13 research into substance use disorder prevention, treatment, and recovery  
14 support strategies established in section 27-80-118, referred to in this  
15 section as the "center", in partnership with an institution of higher  
16 education and the state substance abuse trend and response task force  
17 established in section 18-18.5-103, may conduct a statewide perinatal  
18 substance use data linkage project that uses ongoing collection, analysis,  
19 interpretation, and dissemination of data for the planning,  
20 implementation, and evaluation of public health actions to improve  
21 outcomes for families impacted by substance use during pregnancy. The  
22 data linkage project shall utilize data from the medical assistance  
23 program, articles 4 to 6 of title 25.5; the electronic prescription drug  
24 monitoring program created in part 4 of article 280 of title 12; the  
25 Colorado TRAILS system, as defined in section 16-20.5-102 (10); the  
26 Colorado immunization information system, created pursuant to section  
27 25-4-2401, et seq.; the Colorado child care assistance program, created

1 in ~~part 8 of article 2 of title 26~~ PART 1 OF ARTICLE 4 OF TITLE 26.5; the  
2 office of behavioral health in the department of human services; and birth  
3 and death records to examine the following:

4 **SECTION 104.** In Colorado Revised Statutes, 27-81-102, **amend**  
5 (3.5)(a) as follows:

6 **27-81-102. Definitions.** As used in this article 81, unless the  
7 context otherwise requires:

8 (3.5) "Behavioral health entity" means a facility or provider  
9 organization engaged in providing community-based health services,  
10 which may include behavioral health disorder services, alcohol use  
11 disorder services, or substance use disorder services, including crisis  
12 stabilization, acute or ongoing treatment, or community mental health  
13 center services as described in section 27-66-101 (2) and (3), but does not  
14 include:

15 (a) Residential child care facilities as defined in ~~section 26-6-102~~  
16 ~~(33)~~ SECTION 26-6-903; or

17 **SECTION 105.** In Colorado Revised Statutes, 27-90-111, **amend**  
18 (11.5)(b) as follows:

19 **27-90-111. Employment of personnel - screening of applicants**  
20 **- disqualifications from employment - contracts - rules - definitions.**

21 (11.5) (b) If the contracting agency is also licensed pursuant to ~~section~~  
22 ~~26-6-104~~ SECTION 26-6-905 and has conducted a criminal history record  
23 check pursuant to ~~section 26-6-104 (7)(a)(II)~~ SECTION 26-6-905  
24 (8)(a)(III) for its employees who will have direct contact with vulnerable  
25 persons as a result of the contract, the department may accept such  
26 criminal history record check to satisfy the requirements of this  
27 subsection (11.5).

1           **SECTION 106.** In Colorado Revised Statutes, 38-33.3-106.5,  
2 **amend** (1)(k)(I) as follows:

3           **38-33.3-106.5. Prohibitions contrary to public policy -**  
4 **patriotic, political, or religious expression - emergency vehicles - fire**  
5 **prevention - renewable energy generation devices - affordable**  
6 **housing - drought prevention measures - child care - definitions.**

7 (1) Notwithstanding any provision in the declaration, bylaws, or rules  
8 and regulations of the association to the contrary, an association shall not  
9 prohibit any of the following:

10           (k) (I) The operation of a family child care home, as defined in  
11 ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that is licensed ~~under part 1~~  
12 ~~of article 6 of title 26~~ PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5.

13           **SECTION 107.** In Colorado Revised Statutes, 39-1-102, **amend**  
14 (15.5)(a)(II) introductory portion as follows:

15           **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,  
16 unless the context otherwise requires:

17           (15.5) (a) "School" means:  
18           (II) An institution that is licensed as a child care center pursuant  
19 to ~~article 6 of title 26, C.R.S.,~~ PART 3 OF ARTICLE 5 OF TITLE 26.5 that is:

20           **SECTION 108.** In Colorado Revised Statutes, 39-3-110, **amend**  
21 (1) introductory portion and (1)(a) as follows:

22           **39-3-110. Property - integral part of child care center -**  
23 **charitable purposes - exemption - limitations.** (1) Property, real and  
24 personal, ~~which~~ THAT is owned and used solely and exclusively for  
25 strictly charitable purposes and not for private gain or corporate profit  
26 ~~shall~~ MUST be exempt from the levy and collection of property tax if such  
27 property is used as an integral part of a child care center:

1 (a) Which is licensed pursuant to ~~article 6 of title 26, C.R.S.~~ PART  
2 3 OF ARTICLE 5 OF TITLE 26.5;

3 **SECTION 109.** In Colorado Revised Statutes, 39-3-112, **amend**  
4 (1)(b) as follows:

5 **39-3-112. Residential property - orphanage - low-income**  
6 **elderly or individuals with disabilities - homeless or abused -**  
7 **low-income households - charitable purposes - exemption -**  
8 **limitations - definitions.** (1) As used in this section, unless the context  
9 otherwise requires:

10 (b) "Family service facility" means a facility ~~which~~ THAT is  
11 operated as a residential facility for single-parent families; ~~which~~ THAT  
12 houses only such families, exclusive of necessary housing facilities for  
13 resident managerial personnel; ~~which~~ THAT provides, in addition to  
14 housing, counseling in such areas as career development, parenting skills,  
15 and financial budgeting; and ~~which~~ THAT is a child care center licensed  
16 pursuant to ~~the provisions of section 26-6-104, C.R.S.~~ SECTION  
17 26.5-5-309.

18 **SECTION 110.** In Colorado Revised Statutes, 39-22-119, **amend**  
19 (3) as follows:

20 **39-22-119. Expenses related to child care - credits against state**  
21 **tax.** (3) The child care expenses credits allowed under subsections (1)  
22 and (1.7) of this section shall not be allowed to a resident individual who  
23 is receiving child care assistance from the ~~state department of human~~  
24 ~~services~~ DEPARTMENT OF EARLY CHILDHOOD except to the extent of the  
25 taxpayer's unreimbursed out-of-pocket expenses that result in a federal  
26 credit for child care expenses.

27 **SECTION 111.** In Colorado Revised Statutes, 39-22-121, **amend**

1 (2) introductory portion, (2)(a), (6.5) introductory portion, and (6.5)(a)  
2 introductory portion as follows:

3 **39-22-121. Credit for child care facilities - repeal.**

4 (2) Monetary contributions to promote child care in the state ~~shall~~ MUST  
5 include the following types of contributions:

6 (a) Donating money for the establishment or operation of a child  
7 care facility that uses the donation to provide child care, a child care  
8 program that is not a child care facility but provides child care services  
9 similar to those provided by a child care center, as defined in ~~section~~  
10 ~~26-6-102 (5)~~ SECTIONS 26-6-903 AND 26.5-5-303, or any other program  
11 that received donations for which a credit was allowed to the donor  
12 pursuant to this section for any income tax year that ended before January  
13 1, 2004, in the state;

14 (6.5) ~~For the purposes of~~ AS USED IN this section, "child care  
15 facility" means:

16 (a) Any facility required to be licensed pursuant to ~~part 1 of article~~  
17 ~~6 of title 26, C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF  
18 ARTICLE 5 OF TITLE 26.5 and ~~shall~~ MUST include, but is not limited to:

19 **SECTION 112.** In Colorado Revised Statutes, 39-22-517, **amend**  
20 (1) and (2) as follows:

21 **39-22-517. Tax credit for child care center investments.**

22 (1) With respect to taxable years commencing on or after January 1,  
23 1992, there ~~shall be~~ IS allowed to any person operating a child care center  
24 LICENSED PURSUANT TO SECTION 26-6-905 OR 26.5-5-309, family child  
25 care home LICENSED PURSUANT TO SECTION 26.5-5-309, or foster care  
26 home licensed pursuant to ~~the provisions of section 26-6-104, C.R.S.~~  
27 SECTION 26-6-905 a credit against the tax imposed by this ~~article~~ ARTICLE

1 22 in the amount of twenty percent of the taxpayer's annual investment in  
2 tangible personal property to be used in such child care center, family  
3 child care home, or foster care home. Such credit ~~shall be~~ IS in addition  
4 to any credit for which the taxpayer may be eligible pursuant to ~~the~~  
5 ~~provisions of~~ section 39-22-507.5 or ~~section~~ 39-22-507.6.

6 (2) With respect to taxable years commencing on or after July 1,  
7 1992, there ~~shall be~~ IS allowed to any sole proprietorship, partnership,  
8 limited liability corporation, subchapter S corporation, or regular  
9 corporation ~~which~~ THAT provides child care facilities ~~which~~ that are  
10 incidental to their business and are licensed pursuant to ~~section 26-6-104,~~  
11 ~~C.R.S.,~~ SECTION 26-6-905 OR 26.5-5-309 for the use of its employees a  
12 credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of  
13 ten percent of the taxpayer's annual investment in tangible personal  
14 property to be used in such child care facilities. Such credit ~~shall be~~ IS in  
15 addition to any credit for which the taxpayer may be eligible pursuant to  
16 the provisions of section 39-22-507.5 or ~~section~~ 39-22-507.6.

17 **SECTION 113.** In Colorado Revised Statutes, 39-28-116, **amend**  
18 (6) as follows:

19 **39-28-116. Minimum price for cigarettes.** (6) In its annual June  
20 forecast, legislative council staff shall report an estimate for the current  
21 state fiscal year of the additional sales tax revenue that is attributable to  
22 the applicable minimum price set forth in this section. On June 30 of the  
23 fiscal year, the state treasurer shall transfer an amount equal to  
24 seventy-three percent of the legislative council staff estimate from the  
25 general fund to the preschool programs cash fund created in ~~section~~  
26 ~~24-22-118 (3)(a)~~ SECTION 26.5-4-209.

27 **SECTION 114.** In Colorado Revised Statutes, 42-1-102, **amend**

1 (88.5)(b)(II) as follows:

2 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,  
3 unless the context otherwise requires:

4 (88.5) (b) "School vehicle" does not include:

5 (II) A motor vehicle that is owned by or under contract to a child  
6 care center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903  
7 OR 26.5-5-303, and that is used for the transportation of children who are  
8 served by the child care center.

9 **SECTION 115.** In Colorado Revised Statutes, 42-4-236, **amend**  
10 (1)(a) as follows:

11 **42-4-236. Child restraint systems required - definitions -**  
12 **exemptions.** (1) As used in this section, unless the context otherwise  
13 requires:

14 (a) "Child care center" means a facility required to be licensed  
15 under the "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY  
16 LICENSING ACT", PART 9 OF ARTICLE 6 OF TITLE 26, OR THE "Child Care  
17 Licensing Act", ~~part 1 of article 6 of title 26, C.R.S.~~ PART 3 OF ARTICLE  
18 5 OF TITLE 26.5.

19 **SECTION 116.** In Colorado Revised Statutes, **repeal** 22-2-134;  
20 22-2-134.5; and part 3 of article 6.2 of title 26.

21 **SECTION 117.** In Colorado Revised Statutes, **repeal** article 3.5  
22 of title 19; 24-22-118 (3); part 8 of article 2, parts 1 and 8 of article 6,  
23 article 6.4, parts 1 and 4 of article 6.5, article 6.7, article 6.9, and article  
24 18 of title 26; and part 7 of article 10.5 of title 27.

25 **SECTION 118.** In Colorado Revised Statutes, **repeal, as they**  
26 **will become effective July 1, 2024,** 26-6-102 (5)(a); 26-6-104.5 (4);  
27 27-10.5-702 (3); 27-10.5-703 (3)(f), (3)(g), (3)(h), and (3)(i); 27-10.5-705

1 (1), (2), (3) introductory portion, (3)(b) introductory portion, and  
2 (3)(b)(I); 27-10.5-706 (1)(d) and (3); and 27-10.5-708 (1) introductory  
3 portion, (1)(a), and (1)(c).

4 **SECTION 119. Effective date.** This act takes effect July 1, 2022;  
5 except that this section 117, sections 1, 2, and 118 of this act, and part 1  
6 of article 2 of title 26.5 added in section 3 of this act take effect upon  
7 passage.

8 **SECTION 120. Safety clause.** The general assembly hereby  
9 finds, determines, and declares that this act is necessary for the immediate  
10 preservation of the public peace, health, or safety.