

**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 Committees**

Education  
Appropriations

**Senate Committees**

Education  
Appropriations

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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, ██████████ CREATING THE COLORADO UNIVERSAL**  
108              **PRESCHOOL PROGRAM, AND MAKING AND ADJUSTING**  
109              **APPROPRIATIONS.**

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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*

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

HOUSE  
3rd Reading Unamended  
March 25, 2022

HOUSE  
Amended 2nd Reading  
March 24, 2022

*applies to the reengrossed version of this bill will be available at <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) (a) 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 (I) REDUCE THE ADMINISTRATIVE BURDEN ON FAMILIES AND  
16 PROVIDERS OF ACCESSING PROGRAMS AND SERVICES, IMPLEMENTING  
17 PROGRAMS, AND PROVIDING SERVICES;

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

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

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

24 (V) 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 (b) THE DEPARTMENT MAY ADOPT GUIDELINES AND PROCEDURES  
3 TO ASSIST IN THE IMPLEMENTATION AND DELIVERY OF THE PROGRAMS AND  
4 SERVICES THAT THE DEPARTMENT PROVIDES PURSUANT TO THIS TITLE  
5 26.5. WHEN APPROPRIATE TO REDUCE POTENTIAL ADMINISTRATIVE  
6 BURDEN, THE DEPARTMENT MAY DIFFERENTIATE IN THE ADOPTED  
7 GUIDELINES AND PROCEDURES AMONG COMMUNITIES, INCLUDING  
8 COMMUNITIES IN RURAL AREAS, BASED ON COMMUNITY CAPACITY AND  
9 READINESS FOR IMPLEMENTING PROGRAMS AND DELIVERING SERVICES.

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

23 (I) REPRESENTATIVES FROM PROGRAMMATICALLY DIVERSE  
24 COMMUNITIES, INCLUDING:

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

27 (B) A REPRESENTATIVE FROM A PRIVATE EARLY CHILDHOOD

1 PROVIDER, WHO MAY BE A HEAD START PROGRAM PROVIDER; AND

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

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

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

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

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

13 AND

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

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

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

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

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

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

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

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

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

18 (f) (I) THE COUNCIL SHALL MEET AS OFTEN AS REQUESTED BY THE  
19 EXECUTIVE DIRECTOR. EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
20 (2)(f)(II) OF THIS SECTION, A MEMBER OF THE COUNCIL AND A  
21 NON-COUNCIL MEMBER WHO SERVES ON A SUBCOMMITTEE MAY RECEIVE  
22 THE SAME PER DIEM COMPENSATION FOR ATTENDANCE AT COUNCIL OR  
23 SUBCOMMITTEE MEETINGS AS IS PROVIDED FOR MEMBERS OF BOARDS AND  
24 COMMISSIONS PURSUANT TO SECTION 12-20-103 (6) AND REIMBURSEMENT  
25 FOR ANY EXPENSES NECESSARY TO SUPPORT THE MEMBER'S PARTICIPATION  
26 AT A COUNCIL OR SUBCOMMITTEE MEETING, INCLUDING ANY REQUIRED  
27 DEPENDENT OR ATTENDANT CARE AND, IF THE MEMBER RESIDES MORE

1 THAN FIFTY MILES FROM THE LOCATION OF THE COUNCIL OR  
2 SUBCOMMITTEE MEETING, EXPENSES INCURRED IN TRAVELING TO AND  
3 FROM THE MEETING, INCLUDING ANY REQUIRED DEPENDENT OR  
4 ATTENDANT TRAVEL, FOOD, AND LODGING.

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

9 (g) IF THE EXECUTIVE DIRECTOR DECIDES NOT TO FOLLOW THE  
10 RECOMMENDATIONS OF THE COUNCIL WITH REGARD TO A RULE, THE  
11 EXECUTIVE DIRECTOR SHALL PROVIDE A WRITTEN EXPLANATION OF THE  
12 RATIONALE FOR THE DECISION.

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

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

20 **26.5-1-106. Transfer of functions - employees - property -**  
21 **contracts.** (1) (a) (I) ON AND AFTER JULY 1, 2022, THE DEPARTMENT IS  
22 RESPONSIBLE FOR EXECUTING, ADMINISTERING, PERFORMING, AND  
23 ENFORCING THE RIGHTS, POWERS, DUTIES, FUNCTIONS, AND OBLIGATIONS  
24 VESTED BEFORE JULY 1, 2022, IN:

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

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

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

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

24 (c) THE RULES PERTAINING TO THE POWERS, DUTIES, FUNCTIONS,  
25 AND OBLIGATIONS TRANSFERRED TO THE DEPARTMENT PURSUANT TO  
26 SUBSECTION (1)(a) OF THIS SECTION THAT ARE ADOPTED BY THE  
27 DEPARTMENT OF HUMAN SERVICES, THE STATE BOARD OF HUMAN

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

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

21 (3) BEGINNING JULY 1, 2022, ALL ITEMS OF PROPERTY, REAL AND  
22 PERSONAL, INCLUDING OFFICE FURNITURE AND FIXTURES, BOOKS,  
23 DOCUMENTS, RECORDS, AND INFORMATION SYSTEMS WITH THE  
24 SUPPORTING HARDWARE, SOFTWARE, LICENSES, AND DATA, OF THE  
25 DEPARTMENT OF HUMAN SERVICES AND THE DEPARTMENT OF EDUCATION  
26 PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS TRANSFERRED TO  
27 THE DEPARTMENT OF EARLY CHILDHOOD PURSUANT TO THIS PART 1 ARE

1 TRANSFERRED TO THE DEPARTMENT OF EARLY CHILDHOOD AND BECOME  
2 THE PROPERTY OF SAID DEPARTMENT. THE EXECUTIVE DIRECTOR, OR THE  
3 EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ESTABLISH THE ACTUAL DATE OF  
4 SAID TRANSFERS IN MEMORANDA OF UNDERSTANDING, INTERAGENCY  
5 AGREEMENTS, OR BOTH, AS APPROPRIATE, ENTERED INTO BETWEEN THE  
6 DEPARTMENT OF EARLY CHILDHOOD AND THE DEPARTMENT OF HUMAN  
7 SERVICES OR THE DEPARTMENT OF EDUCATION, AS APPLICABLE, PURSUANT  
8 TO SUBSECTION (1)(b) OF THIS SECTION.

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

25 (5) ON AND AFTER JULY 1, 2022, UNLESS OTHERWISE SPECIFIED, IF  
26 A PROVISION OF LAW REFERS TO THE DEPARTMENT OF HUMAN SERVICES  
27 WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS SPECIFIED IN

1 SUBSECTION (1)(a)(I)(A) OF THIS SECTION OR TO THE DEPARTMENT OF  
2 EDUCATION WITH REGARD TO THE POWERS, DUTIES, OR FUNCTIONS  
3 SPECIFIED IN SUBSECTION (1)(a)(I)(B) OR (1)(a)(II) OF THIS SECTION, SAID  
4 LAW IS CONSTRUED AS REFERRING TO THE DEPARTMENT OF EARLY  
5 CHILDHOOD.

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

17 (7) THE EXECUTIVE DIRECTOR, OR THE EXECUTIVE DIRECTOR'S  
18 DESIGNEE, MAY ACCEPT, ON BEHALF OF AND IN THE NAME OF THE STATE,  
19 GIFTS, GRANTS AND DONATIONS FOR ANY PURPOSE CONNECTED WITH THE  
20 POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT. THE STATE  
21 TREASURER SHALL HOLD ANY PROPERTY SO GIVEN, BUT THE EXECUTIVE  
22 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, MAY DIRECT THE  
23 DISPOSITION OF ANY PROPERTY SO GIVEN FOR ANY PURPOSE CONSISTENT  
24 WITH THE TERMS AND CONDITIONS UNDER WHICH THE GIFT WAS CREATED.

25 **26.5-1-107. Final agency action - authority of executive**  
26 **director - rules. HEARINGS** \_\_\_\_\_ CONDUCTED BY AN APPOINTED  
27 ADMINISTRATIVE LAW JUDGE ARE CONSIDERED INITIAL DECISIONS OF THE

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

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

1           (2) IF IT IS NECESSARY TO EXECUTE A FORMAL AGREEMENT WITH  
2 A FEDERAL AGENCY OR OFFICER AS A CONDITION PRECEDENT TO  
3 RECEIVING FEDERAL MONEY OR PROPERTY PURSUANT TO SUBSECTION (1)  
4 OF THIS SECTION, THE DEPARTMENT IS AUTHORIZED TO EXECUTE SUCH AN  
5 AGREEMENT, WITH THE APPROVAL OF THE ATTORNEY GENERAL, SO LONG  
6 AS THE AGREEMENT IS NOT INCONSISTENT WITH LAW.

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

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

25           (5) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE  
26 RESPONSIBILITY FOR ADMINISTERING AND THE POWER TO EXPEND FEDERAL  
27 MONEY PERTAINING TO THE POWERS, DUTIES, AND FUNCTIONS THAT ARE

1 TRANSFERRED TO THE DEPARTMENT PURSUANT TO THIS PART 1 TRANSFER  
2 TO THE DEPARTMENT IN ACCORDANCE WITH THE MEMORANDA OF  
3 UNDERSTANDING, INTERAGENCY AGREEMENTS, OR BOTH, AS APPROPRIATE,  
4 DESCRIBED IN SECTION 26.5-1-106 (1)(b).

5 **26.5-1-109. Department functions - operating principles.**

6 (1) THE DEPARTMENT SHALL EXECUTE THE FOLLOWING FUNCTIONS AND  
7 OPERATE PROGRAMS AND PROVIDE SERVICES ASSOCIATED WITH THOSE  
8 FUNCTIONS AS DESCRIBED IN THIS TITLE 26.5 AND AUTHORIZED BY  
9 FEDERAL LAW:

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

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

17 (c) PROVIDE SUPPORT TO FAMILIES FOR HEALTHY EARLY  
18 CHILDHOOD DEVELOPMENT;

19 (d) PROMOTE ACCESS TO QUALITY EARLY CHILDHOOD CARE AND  
20 EDUCATION, INCLUDING MONITORING AND INCREASING THE CAPACITY OF  
21 QUALITY EARLY CHILDHOOD CARE AND EDUCATION PROGRAMS TO  
22 SUPPORT THE AVAILABILITY OF SAID PROGRAMS FOR CHILDREN  
23 THROUGHOUT THE STATE;

24 (e) PROMOTE AND SUPPORT ACCESS TO A COHERENT AND ALIGNED  
25 SYSTEM OF PREPARATION AND ONGOING PROFESSIONAL DEVELOPMENT  
26 OPPORTUNITIES FOR PERSONS WHO PROVIDE EARLY CHILDHOOD AND  
27 FAMILY SUPPORT PROGRAMS AND SERVICES;

1 (f) SUPPORT STATE AND LOCAL INFRASTRUCTURE FOR PROVIDING  
2 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES,  
3 INCLUDING EARLY CHILDHOOD CARE AND EDUCATION AND PHYSICAL,  
4 ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

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

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

24 (i) COLLABORATE WITH OTHER STATE DEPARTMENTS, LOCAL, AND  
25 TRIBAL AGENCIES, AND LOCAL COORDINATING ORGANIZATIONS TO SAFELY  
26 COLLECT AND SHARE DATA, ELIMINATING DUPLICATION OF DATA  
27 COLLECTION WHEN POSSIBLE, WHILE ENSURING PRIVACY AND SECURITY

1 FOR CHILDREN AND FAMILIES, TO ENABLE THE DEPARTMENT TO GAUGE THE  
2 STATEWIDE QUALITY, AVAILABILITY, CAPACITY, AND DELIVERY OF EARLY  
3 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES;

4 (j) EVALUATE THE QUALITY OF EARLY CHILDHOOD AND FAMILY  
5 SUPPORT PROGRAMS AND SERVICES THROUGHOUT THE STATE USING  
6 IDENTIFIED OUTCOME METRICS AND PROVIDE SUPPORT FOR EARLY  
7 CHILDHOOD PROVIDERS AND THE WORKFORCE THAT PROVIDES EARLY  
8 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES, INCLUDING  
9 PHYSICAL, ORAL, AND BEHAVIORAL HEALTH CARE FOR CHILDREN;

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

17 (l) SUPPORT INNOVATION IN METHODS AND STRATEGIES FOR  
18 ACCESSING AND PROVIDING EARLY CHILDHOOD AND FAMILY SUPPORT  
19 PROGRAMS AND SERVICES THROUGH RESEARCH AND REVIEW OF PROGRAMS  
20 AND SYSTEMS IMPLEMENTED WITHIN COLORADO AND IN OTHER STATES  
21 AND COUNTRIES.

22 (2) IN EXECUTING THE FUNCTIONS DESCRIBED IN SUBSECTION (1)  
23 OF THIS SECTION AND IMPLEMENTING THE PROGRAMS AND PROVIDING THE  
24 SERVICES RELATED TO THOSE FUNCTIONS, THE DEPARTMENT SHALL  
25 ENSURE TO THE GREATEST EXTENT POSSIBLE THAT:

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

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

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

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

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

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

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

27 (c) RESOURCES ARE USED WITH MAXIMUM EFFICIENCY TO ENSURE

1 THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND  
2 SERVICE PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST  
3 POSSIBLE LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE  
4 LOWEST POSSIBLE LEVEL OF ADMINISTRATIVE BURDEN; AND

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

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

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

23 **26.5-1-110. Unified application - child care, services, and**  
24 **education.** (1) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT THE  
25 USE OF A SINGLE, UNIFIED ELECTRONIC APPLICATION FOR FAMILIES TO USE  
26 IN APPLYING FOR ALL PUBLICLY FUNDED EARLY CHILDHOOD PROGRAMS  
27 AND SERVICES THAT THE DEPARTMENT ADMINISTERS. THE DEPARTMENT

1 SHALL DESIGN THE APPLICATION TO ENABLE EQUITABLE ACCESS;  
2 STREAMLINE THE ENROLLMENT AND ELIGIBILITY-DETERMINATION PROCESS  
3 FOR FAMILIES, PROVIDERS, AND STATE, LOCAL, AND TRIBAL AGENCIES;  
4 AND MEET THE REQUIREMENTS SPECIFIED IN SUBSECTION (2) OF THIS  
5 SECTION. THE DEPARTMENT SHALL COLLABORATE WITH OTHER STATE,  
6 LOCAL, AND TRIBAL AGENCIES AS NECESSARY IN DEVELOPING, AND  
7 COLLECTING FEEDBACK CONCERNING, THE APPLICATION TO ENSURE THE  
8 LEAST AMOUNT OF DUPLICATION FOR FAMILIES AND STATE, LOCAL, AND  
9 TRIBAL AGENCIES. THE DEPARTMENT SHALL ENSURE THAT THE  
10 APPLICATION IS FUNCTIONAL BY JULY 1, 2023, FOR FAMILIES SEEKING TO  
11 ENROLL CHILDREN IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM  
12 PURSUANT TO PART 2 OF ARTICLE 4 OF THIS TITLE 26.5.

- 13 (2) AT A MINIMUM, THE UNIFIED APPLICATION MUST:
- 14 (a) BE AVAILABLE IN MULTIPLE LANGUAGES;
  - 15 (b) BE ACCESSIBLE ON MOBILE ELECTRONIC DEVICES AND  
16 AVAILABLE IN PAPER COPY;
  - 17 (c) COLLECT FROM FAMILIES ONLY THE MINIMUM INFORMATION  
18 NECESSARY TO APPLY FOR PROGRAMS AND SERVICES AND ENABLE  
19 FAMILIES TO APPLY FOR A SINGLE PROGRAM OR SERVICE OR FOR MULTIPLE  
20 PROGRAMS AND SERVICES SIMULTANEOUSLY OR OVER TIME;
  - 21 (d) ADHERE TO ALL STATE AND FEDERAL DATA PRIVACY AND  
22 SECURITY LAWS AND REGULATIONS;
  - 23 (e) REDUCE DUPLICATION IN AND THE COMPLEXITY OF THE  
24 INFORMATION COLLECTED FROM PROVIDERS;
  - 25 (f) INCLUDE CONSIDERATION OF ALL SOURCES FROM WHICH THE  
26 APPLICANT MAY BE ELIGIBLE FOR FUNDING TO ENSURE THAT ALL OF THE  
27 FUNDING FOR WHICH THE APPLICANT IS ELIGIBLE IS COMBINED AND

1 COORDINATED TO THE FULLEST EXTENT ALLOWED UNDER STATE AND  
2 FEDERAL LAWS AND REGULATIONS IN PROVIDING THE PROGRAMS AND  
3 SERVICES FOR WHICH THE APPLICANT IS APPLYING;

4 (g) ALLOW FOR CUSTOMIZATION AS MAY BE NECESSARY FOR  
5 CERTAIN PROGRAMS OR SERVICES; AND

6 (h) COORDINATE WITH OTHER AGENCIES AND PROGRAMS, AS  
7 APPROPRIATE, TO ENSURE APPROPRIATE REFERRAL OF CHILDREN AND  
8 FAMILIES TO EARLY CHILDHOOD PROGRAMS ADMINISTERED BY OTHER  
9 DEPARTMENTS.

10 **26.5-1-111. Data system - collection - analysis - cross-agency**

11 **agreements.** (1) THE DEPARTMENT SHALL WORK WITH LOCAL  
12 COORDINATING ORGANIZATIONS, STATE AGENCIES, LOCAL AND TRIBAL  
13 AGENCIES, AND PROVIDERS, AS NECESSARY, TO COLLECT, SHARE, MANAGE,  
14 AND PROTECT QUALITATIVE AND QUANTITATIVE DATA PERTAINING TO  
15 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES. THE  
16 DEPARTMENT SHALL REVIEW AND ANALYZE THE COLLECTED DATA TO  
17 ASSESS:

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

20 (b) THE LOCAL AND STATEWIDE AVAILABILITY, CAPACITY, USE,  
21 AND QUALITY OF, AND FUNDING SUPPORT FOR, EARLY CHILDHOOD AND  
22 FAMILY SUPPORT PROGRAMS AND SERVICES;

23 (c) THE DEGREE TO WHICH THE DEPARTMENT AND LOCAL AND  
24 TRIBAL AGENCIES ARE REDUCING INEQUITIES IN ACCESS TO AND USE OF  
25 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES AND  
26 IN CHILDHOOD OUTCOMES;

27 (d) THE CAPACITY, QUALITY, TRAINING, EDUCATION, EMPLOYMENT

1 STATUS, AND RETENTION OF AND COMPENSATION PROVIDED TO MEMBERS  
2 OF THE WORKFORCE THAT SERVES EARLY CARE AND EDUCATION, EARLY  
3 CHILDHOOD PROGRAMS AND SERVICES, AND FAMILY SUPPORT PROGRAMS  
4 AND SERVICES;

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

10 (f) OTHER MEASURES THAT INDICATE THE EFFECTIVENESS OF THE  
11 EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN  
12 COLORADO IN SERVING AND SUPPORTING CHILDREN, FAMILIES, PROVIDERS,  
13 AND THE EARLY CHILDHOOD WORKFORCE.

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

17 (a) THE NUMBER OF CHILDREN IN THE STATE WHO ARE ELIGIBLE TO  
18 RECEIVE, AND THE NUMBER OF CHILDREN WHO ACTUALLY RECEIVE,  
19 SERVICES THROUGH THE PROGRAMS ADMINISTERED BY THE DEPARTMENT;  
20 THE DEMOGRAPHICS OF SAID CHILDREN, INCLUDING SOCIOECONOMIC  
21 STATUS, RACE, ETHNICITY, LANGUAGE, AND DISABILITY; AND SAID  
22 CHILDREN'S ELIGIBILITY FOR FUNDING AND USE OF EARLY CHILDHOOD AND  
23 FAMILY SUPPORT PROGRAMS AND SERVICES;

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

26 (c) INFORMATION THAT ENABLES THE DEPARTMENT, LOCAL  
27 COORDINATING ORGANIZATIONS, AND LOCAL AND TRIBAL AGENCIES TO

1 ASSESS ON A CONTINUING BASIS THE NEEDS FOR EARLY CHILDHOOD AND  
2 FAMILY SUPPORT PROGRAMS AND SERVICES IN AN AREA AND MAKE  
3 DECISIONS CONCERNING THE PROVISION OF PROGRAMS AND SERVICES;

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

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

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

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

22 (3) (a) THE DEPARTMENTS OF EARLY CHILDHOOD, HUMAN  
23 SERVICES, EDUCATION, PUBLIC HEALTH AND ENVIRONMENT, AND HEALTH  
24 CARE POLICY AND FINANCING SHALL ENTER INTO AGREEMENTS TO ENSURE  
25 DATA PRIVACY AND SECURITY WITH REGARD TO SHARED EARLY  
26 CHILDHOOD DATA. IN COLLECTING AND SHARING DATA, THE  
27 DEPARTMENTS SHALL COORDINATE AND REQUIRE COLLECTION OF DATA IN

1 WAYS THAT IMPOSE THE LEAST POSSIBLE BURDEN ON FAMILIES AND  
2 PROVIDERS, INCLUDING BY REDUCING REDUNDANCIES IN DATA  
3 COLLECTION ACROSS PROGRAMS.

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

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

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

27 **26.5-1-112. Transition review - program review - report -**

1     **repeal.** (1) (a) THE DEPARTMENT SHALL ENTER INTO AN AGREEMENT  
2     WITH A PUBLIC OR PRIVATE ENTITY TO ACT AS AN INDEPENDENT  
3     EVALUATOR OF THE DEPARTMENT'S PERFORMANCE IN EXECUTING THE  
4     FUNCTIONS IDENTIFIED IN SECTION 26.5-1-109 AND IN OPERATING  
5     PROGRAMS AND PROVIDING SERVICES ASSOCIATED WITH THOSE FUNCTIONS  
6     IN ACCORDANCE WITH THIS TITLE 26.5. THE INDEPENDENT EVALUATOR  
7     SHALL COMPLETE A REVIEW OF THE OPERATIONS OF THE DEPARTMENT AND  
8     THE PROGRAMS THAT TRANSITION FROM THE DEPARTMENT OF HUMAN  
9     SERVICES AND THE DEPARTMENT OF EDUCATION TO THE DEPARTMENT. AT  
10    A MINIMUM, IN CONDUCTING THE REVIEW, THE INDEPENDENT EVALUATOR  
11    SHALL EVALUATE AND MAKE RECOMMENDATIONS CONCERNING:

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

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

17           (B) EQUITY DRIVEN;

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

20           (D) MEETING HIGH QUALITY STANDARDS;

21           (E) SERVING AND SUPPORTING THE EARLY CHILDHOOD  
22    WORKFORCE; AND

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

26           (II) THE EFFECTIVENESS AND EFFICIENCY OF THE GOVERNANCE  
27    STRUCTURE AND ORGANIZATION OF THE DEPARTMENT, INCLUDING

1 WHETHER TO CREATE A TYPE 1 POLICY BOARD WITHIN THE DEPARTMENT  
2 TO BE APPOINTED BY THE GOVERNOR WITH THE CONSENT OF THE SENATE  
3 AND TRANSFER RULE-MAKING AUTHORITY AND OVERSIGHT OF THE  
4 DEPARTMENT FROM THE EXECUTIVE DIRECTOR TO THE POLICY BOARD;

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

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

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

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

27 (c) NO LATER THAN NOVEMBER 1, 2025, THE INDEPENDENT

1 EVALUATOR SHALL SUBMIT A REPORT CONCERNING THE REVIEW OF  
2 OPERATIONS PURSUANT TO SUBSECTION (1)(a) OF THIS SECTION AND THE  
3 REVIEW OF THE TRANSFER OF ADDITIONAL PROGRAMS AND SERVICES  
4 PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION TO THE DEPARTMENT;  
5 THE GOVERNOR; THE EARLY CHILDHOOD LEADERSHIP COMMISSION; THE  
6 PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND  
7 THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY  
8 SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES  
9 COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY  
10 SUCCESSOR COMMITTEES.

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

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

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

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

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

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

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

26 (VI) INTERACTION OF EARLY CHILDHOOD CARE, LEARNING, AND  
27 SUPPORTS WITH THE PUBLIC KINDERGARTEN AND ELEMENTARY

1 EDUCATION SYSTEM TO ENSURE CHILDREN ENTER KINDERGARTEN READY  
2 TO LEARN AND ARE BEHAVIORALLY AND ACADEMICALLY SUCCESSFUL;

3  
4 (VII) ALIGNMENT OF THE OPERATION OF EARLY CHILDHOOD  
5 PROGRAMS AND SERVICES WITH THE CHILD WELFARE SYSTEM OPERATED  
6 BY THE DEPARTMENT OF HUMAN SERVICES AND LOCAL AGENCIES; AND

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

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

24 (c) THIS SUBSECTION (2) IS REPEALED, EFFECTIVE SEPTEMBER 1,  
25 2028.

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

1 follows:

2 **ARTICLE 2**

3 **Local Infrastructure -**

4 **Early Childhood Programs and Services**

5 **PART 1**

6 **LOCAL COORDINATING ORGANIZATIONS**

7 **26.5-2-101. Legislative declaration.** (1) THE GENERAL  
8 ASSEMBLY FINDS AND DECLARES THAT:

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

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

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

1 FAMILY SUPPORT PROGRAMS AND SERVICES EQUITABLY WITHIN THE  
2 COMMUNITY.

3 **26.5-2-102. Definitions.** AS USED IN THIS PART 1, UNLESS THE  
4 CONTEXT OTHERWISE REQUIRES:

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

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

11 (3) "HEAD START AGENCY" MEANS THE LOCAL PUBLIC OR PRIVATE  
12 NONPROFIT AGENCY DESIGNATED BY THE FEDERAL DEPARTMENT OF  
13 HEALTH AND HUMAN SERVICES TO OPERATE A HEAD START PROGRAM  
14 UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL "ECONOMIC  
15 OPPORTUNITY ACT OF 1964", AS AMENDED.

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

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

27 (6) "MIXED DELIVERY SYSTEM" HAS THE SAME MEANING AS

1 PROVIDED IN SECTION 26.5-4-203.

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

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

10 **26.5-2-103. Local coordinating organization - applications -**

11 **selection - rules.** (1) THE DEPARTMENT SHALL SOLICIT APPLICATIONS  
12 FROM LOCAL PUBLIC ENTITIES AND COLORADO-BASED NONPROFIT  
13 ORGANIZATIONS TO SERVE AS LOCAL COORDINATING ORGANIZATIONS IN  
14 COMMUNITIES THROUGHOUT THE STATE. ENTITIES THAT MAY SUBMIT  
15 APPLICATIONS INCLUDE, BUT ARE NOT LIMITED TO, COUNTY OR MUNICIPAL  
16 GOVERNMENT AGENCIES, SCHOOL DISTRICTS, BOARDS OF COOPERATIVE  
17 SERVICES, EARLY CHILDHOOD COUNCILS, FAMILY RESOURCE CENTERS,  
18 SPECIAL TAXING DISTRICTS, HEAD START GRANTEEES, LOCAL NONPROFIT  
19 ORGANIZATIONS, CHARTER SCHOOL NETWORKS AND COLLABORATIVES,  
20 AND OTHER PUBLIC INSTITUTIONS. ENTITIES MAY APPLY SINGLY OR IN  
21 PARTNERSHIP WITH OTHER ENTITIES WITHIN THE COMMUNITY. THE  
22 SOLICITATION AND SELECTION OF ENTITIES TO SERVE AS LOCAL  
23 COORDINATING ORGANIZATIONS ARE NOT SUBJECT TO THE REQUIREMENTS  
24 OF THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24.

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

1 MINIMUM, THE APPLICATION MUST INCLUDE:

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

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

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

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

27 (II) EARLY CHILDHOOD COUNCILS;

1 (III) HEAD START AGENCIES; [REDACTED]

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

4 (V) COUNTY DEPARTMENTS OF HUMAN AND SOCIAL SERVICES IN  
5 PROVIDING CHILD CARE SERVICES THROUGH THE COLORADO CHILD CARE  
6 ASSISTANCE PROGRAM ESTABLISHED IN PART 1 OF ARTICLE 4 OF THIS TITLE  
7 26.5;

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

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

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

27 (4) THE DEPARTMENT, IN ACCORDANCE WITH DEPARTMENT RULES,

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

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

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

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

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

25 (5) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES AND THE  
26 DEPARTMENT SHALL ADOPT PROCEDURES AND TIMELINES AS NECESSARY  
27 TO IMPLEMENT THIS PART 1, INCLUDING ADOPTING A PROCESS FOR

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

11 **26.5-2-104. Local coordinating organization - community plan**  
12 **- duties.** (1) (a) EACH LOCAL COORDINATING ORGANIZATION SHALL  
13 ADOPT A COMMUNITY PLAN THAT FOSTERS EQUITABLE ACCESS FOR  
14 FAMILIES TO, AND ROBUST PARTICIPATION BY PROVIDERS IN, EARLY  
15 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES BY  
16 INCREASING ACCESS TO, COORDINATING, AND ALLOCATING FUNDING FOR  
17 SAID PROGRAMS AND SERVICES WITHIN THE COMMUNITY. THE COMMUNITY  
18 PLAN MUST, AT A MINIMUM, ADDRESS:

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

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

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

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

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

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

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

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

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

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

22 (b) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION, THE  
23 INITIAL COMMUNITY PLAN THAT A LOCAL COORDINATING ORGANIZATION  
24 CREATES MAY BE LIMITED TO ADDRESSING PARTICIPATION IN THE  
25 COLORADO UNIVERSAL PRESCHOOL PROGRAM AND THE NEEDS FOR,  
26 ACCESS TO, AND ALLOCATION OF FUNDING FOR SCHOOL- AND  
27 COMMUNITY-BASED PRESCHOOL PROVIDERS. WITH SUBSEQUENT

1 REVISIONS OF THE PLAN, THE LOCAL COORDINATING ORGANIZATION SHALL  
2 ADDRESS THE PROVISION AND COORDINATION OF ADDITIONAL EARLY  
3 CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES IN THE  
4 COMMUNITY AS PROVIDED IN SUBSECTION (1)(a) OF THIS SECTION.

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

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

27 (2) EACH LOCAL COORDINATING ORGANIZATION SHALL IMPLEMENT

1 THE COMMUNITY PLAN AND SHALL:

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

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

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

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

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

27 (f) SUPPORT EARLY CHILDHOOD CAREGIVERS WHO ARE EXEMPT

1 FROM LICENSING PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 IN  
2 ACCESSING FAMILY RESOURCES AND RESOURCES RELATED TO HEALTH AND  
3 SAFETY, EARLY CHILDHOOD DEVELOPMENT, AND WORKFORCE  
4 DEVELOPMENT;

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

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

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

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

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

26 (l) COMPLY WITH ANY OTHER PROVISIONS INCLUDED IN THE  
27 COORDINATOR AGREEMENT ENTERED INTO BETWEEN THE LOCAL

1 COORDINATING ORGANIZATION AND THE DEPARTMENT PURSUANT TO  
2 SECTION 26.5-2-105 (1)(b).

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

16 **26.5-2-105. Department duties - coordinator agreements -**  
17 **review.** (1) TO SUPPORT AND PROVIDE OVERSIGHT FOR THE STATEWIDE  
18 SYSTEM OF LOCAL COORDINATING ORGANIZATIONS, THE DEPARTMENT  
19 SHALL:

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

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

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

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

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

25 (III) EXPECTATIONS THAT THE LOCAL COORDINATING  
26 ORGANIZATION MUST MEET WITH REGARD TO COORDINATING WITH  
27 ENTITIES WITHIN THE COMMUNITY, INCLUDING THE ENTITIES SPECIFIED IN

1 SECTION 26.5-2-103 (2)(c);

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

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

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

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

1 COORDINATOR AGREEMENT;

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

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

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

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

1 REASONABLE TIME, AS DETERMINED BY THE DEPARTMENT.

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

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

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

24 (III) ENSURE THAT THE LOCAL COORDINATING ORGANIZATION IS  
25 COMPLYING WITH THE REQUIREMENTS SPECIFIED IN THE COORDINATOR  
26 AGREEMENT AND WITH STATUTORY AND REGULATORY REQUIREMENTS  
27 AND DEPARTMENT GUIDELINES, INCLUDING REQUIREMENTS AND

1 GUIDELINES CONCERNING DISTRIBUTION AND ADMINISTRATION OF  
2 FUNDING, IF THE LOCAL COORDINATING ORGANIZATION IS RESPONSIBLE  
3 FOR DISTRIBUTING AND ADMINISTERING FUNDING, AND DATA COLLECTION  
4 AND SHARING, IN IMPLEMENTING THE APPROVED COMMUNITY PLAN AND  
5 OVERSEEING AND COORDINATING EARLY CHILDHOOD AND FAMILY  
6 SUPPORT PROGRAMS WITHIN THE COMMUNITY; AND

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

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

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

1 COMMUNITY.

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

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

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

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

25 (IV) ALLOCATE, DISTRIBUTE, AND ADMINISTER STATE FUNDING  
26 AND COORDINATE WITH LOCAL AND TRIBAL AGENCIES AND LOCAL  
27 GOVERNMENTS TO ALLOCATE, COMBINE, AND DISTRIBUTE LOCAL FUNDING

1 FOR EARLY CHILDHOOD AND FAMILY SUPPORT PROGRAMS AND SERVICES  
2 WITHIN THE AREA.

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

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

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

21 PART 2

22 EARLY CHILDHOOD COUNCILS

23 **26.5-2-201. [Formerly 26-6.5-101] Legislative declaration.**

24 (1) The general assembly hereby finds and declares that there is a critical  
25 need to increase services for young children and their families, including  
26 those families with members who are entering the workforce due to  
27 Colorado's reform of the welfare system, making the transition off of

1 welfare, or needing child care assistance to avoid the welfare system. The  
2 statewide need includes increasing and sustaining the quality,  
3 accessibility, capacity, and affordability of services for children and their  
4 parents to help parents raise their children to be successful at school, at  
5 work, and in the community.

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

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

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

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

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

25 (7) It is therefore in the state's best interest to establish a  
26 comprehensive system of early childhood councils to increase and sustain  
27 the availability, accessibility, capacity, and quality of early childhood

1 services throughout the state, as provided in this ~~part~~ PART 2.

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

4 ~~(1) Repealed.~~

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

12 ~~(3)~~ (2) "County department" means the county or district  
13 department of human or social services.

14 ~~(4) to (6) Repealed.~~

15 ~~(6.5)~~ (3) "Early childhood education program" means a licensed  
16 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~  
17 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that provides child care and  
18 education to children five years of age or younger.

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

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

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

24 **26.5-2-203. [Formerly 26-6.5-103] Early childhood councils -**  
25 **established - rules.** (1) There is hereby established a statewide integrated  
26 system of early childhood councils to improve and sustain the availability,  
27 accessibility, capacity, and quality of early childhood services for children

1 and families throughout the state. The councils ~~shall~~ have consistent  
2 function and structure statewide and ~~shall be~~ ARE governed by the state  
3 department of ~~human services~~ with input, cooperation, and support  
4 services from the departments of HUMAN SERVICES, education, and public  
5 health and environment.

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

11 (3) For new councils or for existing councils or partnerships that  
12 decide to reconfigure ~~under this part~~ ~~† PURSUANT TO THIS PART 2~~, the  
13 board or boards of county commissioners shall designate a convening  
14 entity, which may include but is not limited to a local resource and  
15 referral agency, a county department of human services or social services,  
16 a local school district, a department of public health, or, **PRIOR TO JULY 1,**  
17 **2023**, a Colorado preschool program council. The convening entity may  
18 convene a council either as part of a single county or as part of a  
19 multi-county regional network.

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

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

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

27 **26.5-2-204. [Formerly 26-6.5-103.3] Early childhood councils**

1     **- applications - rules.** (1) A newly established or newly identified  
2 council shall submit to the ~~state~~ department an application to become part  
3 of the statewide system of early childhood councils. The ~~state~~ department  
4 shall develop and distribute the application form and criteria and an  
5 explanation of the process for joining the statewide system of early  
6 childhood councils. The ~~state~~ department shall provide support for the  
7 preparation of applications.

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

10            (a) The intended service area;

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

12            (c) Participating mandatory stakeholders;

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

15            (e) The signatures of the chair or chairs of the board or boards of  
16 county commissioners for the counties involved in the council, the legal  
17 signatory for the counties, and the president of a school district board of  
18 education involved in the council.

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

22            (a) The designated service area;

23            (b) Current members;

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

26            (d) The designated fiscal agent; and

27            (e) Signatures of the current organization leadership, the fiscal

1 agent, the chair or chairs of the board or boards of county commissioners  
2 of the counties involved in the council, and the president of a school  
3 district board of education involved in the council.

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

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

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

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

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

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

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

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

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

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

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

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

27 (III) Health care, including but not limited to local public health

1 agencies; health-care providers; supplemental food programs for women,  
2 infants, and children as provided for in 42 U.S.C. sec. 1786; early  
3 periodic screening and diagnosis and treatment programs as required by  
4 federal law; and part B and part C of the federal "Individuals With  
5 Disabilities Education Improvement Act of 2004", 42 20 U.S.C. sec. 1400  
6 et seq., as amended;

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

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

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

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

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

18 (I) Child care associations;

19 (II) Medical and dental professionals;

20 (III) School district parent organizations;

21 (IV) Head start policy councils;

22 (V) A chamber or chambers of commerce;

23 (VI) Local businesses;

24 (VII) Faith-based and nonprofit organizations;

25 (VIII) Higher education institutions; and

26 (IX) Libraries.

27 (4) Each member of a council shall sign a memorandum of

1 understanding on behalf of the organization ~~he or she~~ THE MEMBER  
2 represents to participate in and collaborate on the work of the council.

3 **26.5-2-206. [Formerly 26-6.5-103.7] Early childhood councils**  
4 **- duties.** (1) Each early childhood council ~~shall have~~ HAS, at a minimum,  
5 the following duties and functions:

6 (a) To apply for early childhood funding pursuant to ~~section~~  
7 ~~26-6.5-104~~ SECTION 26.5-2-207;

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

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

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

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

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

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

26 **26.5-2-207. [Formerly 26-6.5-104] Early childhood councils -**  
27 **waivers - rules - funding - application.** (1) A local council may request

1 a waiver of any rule that would prevent a council from implementing  
2 council projects. The local council shall submit the request to the early  
3 childhood leadership commission created in PART 3 OF article 1 of THIS  
4 title 26.5. The early childhood leadership commission shall consult with  
5 the affected state agency in reviewing the request. The ~~state~~ department  
6 or other affected state agency shall grant waivers upon recommendation  
7 by the commission.

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

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

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

24 **26.5-2-208. [Formerly 26-6.5-108] Evaluation.** (1) No later than  
25 March 1, 2010, the ~~state~~ department shall, through a request for proposals  
26 process, contract with a qualified individual or entity to prepare an  
27 independent evaluation of the system of early childhood councils to

1 determine the effectiveness of the system in serving children and families  
2 throughout the state. The evaluation ~~shall~~ MUST be completed no later  
3 than October 1, 2010, and ~~shall~~ MUST be repeated every three years  
4 thereafter.

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

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

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

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

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

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

19 **26.5-2-209. [Formerly 26-6.5-109] Early childhood cash fund**  
20 **- creation.** (1) There is ~~hereby~~ created in the state treasury the early  
21 childhood cash fund, referred to in this ~~part~~ PART 2 as the "fund", that  
22 ~~shall consist~~ CONSISTS of such ~~moneys~~ MONEY as may be appropriated to  
23 the fund by the general assembly and credited to the fund pursuant to  
24 subsection (2) of this section. The ~~moneys~~ MONEY in the fund ~~shall be~~ IS  
25 subject to annual appropriation by the general assembly for the direct and  
26 indirect costs associated with the implementation of this ~~part~~ PART 2.

27 (2) The ~~state~~ department is authorized to seek and accept gifts,

1 grants, or donations from private and public sources for the purposes of  
2 this ~~part~~ PART 2. All private and public ~~moneys~~ MONEY received  
3 through gifts, grants, or donations ~~shall~~ MUST be transmitted to the state  
4 treasurer, who shall credit the same to the fund. The ~~moneys~~ MONEY in  
5 the fund ~~shall be~~ IS subject to annual appropriation by the general  
6 assembly to the ~~state~~ department for the direct and indirect costs  
7 associated with the implementation of this ~~part~~ PART 2.

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

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

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

### 19 ARTICLE 3

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

#### 21 PART 1

#### 22 FAMILY RESOURCE CENTERS

#### 23 26.5-3-101. [Formerly 26-18-101] Legislative declaration.

24 (1) The general assembly ~~hereby~~ declares that Colorado needs healthy  
25 and cohesive families at all income levels in order for the state to be  
26 economically viable. A number of families in communities throughout  
27 Colorado temporarily may not have access to the basic necessities of life

1 or to resources or services designed to promote individual development  
2 and family growth.

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

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

22 **26.5-3-102. [Formerly 26-18-102] Definitions.** As used in this  
23 ~~article~~ PART 1, unless the context otherwise requires:

24 (1) "At-risk neighborhood" means an urban or rural neighborhood  
25 or community in which there are incidences of poverty, unemployment  
26 and underemployment, substance abuse, crime, school dropouts,  
27 illiteracy, teen pregnancies and teen parents, domestic violence, or other

1 conditions that put families at risk.

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

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

14 ~~(3.5) Repealed.~~

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

23 ~~(4.5)~~ (5) "Family support and parent education" means a program  
24 or service that promotes a family's positive and meaningful engagement  
25 in its children's lives by providing an experiential and supportive adult  
26 learning environment through which a primary caregiver can learn how  
27 to create a safe, stable, and supportive family unit.

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

4           ~~(6) Repealed.~~

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

7           **26.5-3-103. [Formerly 26-18-104] Program created - repeal.**

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

16           ~~(a.5) On July 1, 2013, the family resource center program is~~  
17 ~~transferred to the department of human services. All program grants in~~  
18 ~~existence as of July 1, 2013, shall continue to be valid through June 30,~~  
19 ~~2015, and may be continued after said date.~~

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

27           (c) (I) The family resource center program may receive direct

1 appropriations from the state general fund.

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

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

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

25 (b) Each family resource center shall provide case management  
26 by a family advocate who screens and assesses a family's needs and  
27 strengths. The family advocate shall then assist the family with setting its

1 own goals and, together with the family, develop a written plan to pursue  
2 the family's goals in working toward a greater level of self-reliance or in  
3 attaining self-sufficiency. The plan shall MUST provide for the following:

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

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

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

11 (IV) The coordination of services;

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

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

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

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

23 (II) Family support and parent education;

24 (III) Well-child checkups and basic health services;

25 (IV) Early intervention for identifying infants, toddlers, and  
26 preschoolers who are developmentally disabled in order to provide  
27 necessary services to such children;

1 (V) Before and after school care; AND

2 (VI) Programs for children and youth.

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

5 (I) Additional educational programs, such as mentoring programs  
6 for students in elementary, junior, and senior high schools; adult  
7 education and family literacy programs; and educational programs that  
8 link families with local schools and alternative educational programs,  
9 including links with boards of cooperative services;

10 (II) Job skills training and self-sufficiency programs for adults and  
11 youth;

12 (III) Social, health, mental health, and child welfare services and  
13 housing, homeless, food and nutrition, domestic violence support,  
14 recreation, and substance abuse services;

15 (IV) Outreach, education, and support programs, including  
16 programs aimed at preventing teen pregnancies and school dropouts and  
17 programs providing parent support and advocacy; AND

18 (V) Transportation services to obtain other services provided  
19 pursuant to this subsection (2).

20 ~~(e) (Deleted by amendment, L. 2000, p. 583, § 4, effective May~~  
21 ~~18, 2000.)~~

22 **26.5-3-104. [Formerly 26-18-105] Selection of centers - grants.**

23 (1) The ~~state~~ department may award a grant for the purpose of  
24 establishing a family resource center based on a plan submitted to the  
25 ~~state~~ department by the applicant or for the continued operation of a  
26 family resource center. The plan ~~shall~~ MUST meet specific criteria ~~which~~  
27 ~~the state~~ THAT THE department is ~~hereby~~ authorized to set, but the criteria

1 ~~shall~~ MUST include at least the following provisions:

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

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

6 (I) Families living in the community;

7 (II) Local public or private service provider agencies;

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

9 (IV) Local governing bodies;

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

11 (VI) Local professionals serving families in the community;

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

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

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

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

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

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

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

3 (V) ~~Support~~ SUPPORTS family stability and unity;

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

5 (VII) ~~Encourage~~ ENCOURAGES intergovernmental cooperation and  
6 a community-based alliance between government and the private sector.

7 ~~Such~~ THIS cooperation may include, but ~~NEED~~ not be limited to, the  
8 pooling of public and private funds available to state agencies upon  
9 appropriation or transfer by the general assembly.

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

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

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

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

20 ~~(2) Repealed.~~

21 ~~(3)~~ (2) If the ~~state~~ department determines, from any report  
22 submitted by a local advisory council or any other source, that the  
23 operation of a family resource center is not in compliance with this ~~article~~  
24 PART 1 or any rule adopted pursuant to the provisions of this ~~article~~ PART  
25 1, the ~~state~~ department may impose sanctions, including termination of  
26 the grant.

27

## PART 2

1 CHILD ABUSE PREVENTION TRUST FUND

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

5 26.5-3-202. [Formerly 19-3.5-102] Legislative declaration.

6 (1) The general assembly finds that:

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

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

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

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

25 26.5-3-203. Definitions. AS USED IN THIS PART 2, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "BOARD" MEANS THE COLORADO CHILD ABUSE PREVENTION

1 BOARD CREATED IN SECTION 26.5-3-204.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15           (k) One member who is a member of the senate and who is  
16 appointed by the president of the senate and one member who is a  
17 member of the house of representatives and who is appointed by the  
18 speaker of the house of representatives.

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

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

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

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

27           (5) Except as provided in section 2-2-326, members serve without

1 compensation but are entitled to reimbursement for actual and necessary  
2 expenses incurred in the performance of their duties.

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

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

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

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

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

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

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

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

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

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

25 (e) (I) To identify opportunities for, and barriers to, the alignment  
26 of standards, rules, policies, and procedures across programs and agencies  
27 that support families. The board shall submit recommendations developed

1 pursuant to this subsection (1)(e)(I) to the department, ~~of human services,~~  
2 which shall then include such recommendations as part of its presentation  
3 to its committee of reference at a hearing held pursuant to section 2-7-203  
4 (2)(a) of the "State Measurement for Accountable, Responsive, and  
5 Transparent (SMART) Government Act" in January 2022.

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

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

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

15 (h) To distribute money and make grant awards from the Colorado  
16 child abuse prevention trust fund, created in ~~section 19-3.5-105~~ SECTION  
17 26.5-3-206, in accordance with ~~section 19-3.5-106~~ SECTION 26.5-3-207  
18 and for:

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

25 (II) Programs to prevent child sexual abuse;

26 (III) Programs to reduce the occurrence of prenatal substance  
27 exposure;

1 (IV) Programs to reduce the occurrence of other adverse  
2 childhood experiences;

3 (V) Programs to reduce poverty or help families get out of  
4 poverty;

5 (VI) Programs to create housing stability; and

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

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

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

15 **26.5-3-206. [Formerly 19-3.5-105] Colorado child abuse**  
16 **prevention trust fund - creation - source of funds.** (1) There is created  
17 in the state treasury the Colorado child abuse prevention trust fund.  
18 ~~referred to in this article 3.5 as the "trust fund"~~. The board shall  
19 administer the trust fund, which consists of:

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

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

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

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

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

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

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

26 (2) The distribution of money credited to the trust fund by  
27 reimbursement for prevention services and programs identified in the

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

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

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

24 **26.5-3-208. [Formerly 19-3.5-107] Report - repeal of part.**

25 (1) The department of ~~human services~~ shall contract for an independent  
26 evaluation of the trust fund, including administrative costs of operating  
27 the trust fund and the cost-effectiveness and the impact of the grants on

1 reducing and preventing child abuse. The department of ~~human services~~  
2 shall provide a report of the evaluation to the house of representatives and  
3 senate health and human services committees, or any successor  
4 committees, on or before November 1, 2026.

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

6 PART 3  
7 CHILD CARE SERVICES AND  
8 SUBSTANCE USE DISORDER TREATMENT

9 **26.5-3-301. [Formerly 26-6.9-101] Definitions.** As used in this  
10 ~~article 6.9~~ PART 3, unless the context otherwise requires:

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

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

15 **26.5-3-302. [Formerly 26-6.9-102] Child care services and**  
16 **substance use disorder treatment pilot program - created - purposes**  
17 **- eligibility - evaluation - funding - rules.** (1) (a) There is created in the  
18 ~~state~~ department the child care services and substance use disorder  
19 treatment pilot program. The ~~state~~ department shall administer the pilot  
20 program as a two-generation initiative. The purpose of the pilot program  
21 is to:

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

27 (II) Provide a grant to enhance the capacity of the existing child

1 care resource and referral program's centralized call center to serve  
2 pregnant and parenting women seeking or participating in substance use  
3 disorder treatment; and

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

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

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

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

27 (b) On or before June 30, 2023, the ~~state~~ department shall provide

1 to the health and insurance and public health care and human services  
2 committees of the house of representatives and the health and human  
3 services committee of the senate, or any successor committees, any  
4 completed pilot program evaluations pursuant to subsection (3)(a) of this  
5 section, as well as a summary of the pilot program, including grants  
6 awarded and the outcome of the grants.

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

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

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

16 **26.5-3-303. [Formerly 26-6.9-103] Repeal of part.** This ~~article~~  
17 ~~6.9~~ PART 3 is repealed, effective July 1, 2028.

18 PART 4

19 COORDINATED SYSTEM OF PAYMENT FOR EARLY  
20 INTERVENTION SERVICES FOR INFANTS AND TODDLERS

21 **26.5-3-401. [Formerly 27-10.5-701] Legislative declaration.**

22 (1) The general assembly hereby finds that:

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

27 (b) The longer a child's developmental delays are not addressed,

1 the more developmental difficulties the child will experience in the  
2 future, the less prepared the child will be for school, the more special  
3 education needs the child is likely to have, and the more costly those  
4 problems will be to address;

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

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

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

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

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

27 (h) Pursuant to part C of the federal "Individuals with Disabilities

1 Education Act", 20 U.S.C. sec. 1400 et seq., ~~AS AMENDED~~, there is an  
2 urgent and substantial need to facilitate the coordination of payment for  
3 early intervention services from federal, state, local, and private sources,  
4 including public medical assistance and private insurance coverage;

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

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

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

17 **26.5-3-402. [Formerly 27-10.5-702] Definitions - repeal.** As used  
18 in this ~~part 7~~ PART 4, unless the context otherwise requires:

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

24 (2) "Carrier" has the same meaning as set forth in section  
25 10-16-102 (8). ~~C.R.S.~~

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

1 (a) (I) [Formerly 27-10.5-702 (3) as it exists until July 1, 2024]

2 PRIOR TO JULY 1, 2024, a community-centered board or other entity  
3 designated by the department of health care policy and financing pursuant  
4 to section 25.5-10-209 ~~C.R.S.~~, to perform the duties and functions  
5 specified in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular  
6 designated service area. Notwithstanding the provisions of section  
7 27-10.5-104 (4), if the department of health care policy and financing is  
8 unable to designate a community-centered board or other entity to serve  
9 as the broker for a particular designated service area, the department shall  
10 serve as the broker for the designated service area and may contract  
11 directly with early intervention service providers to provide early  
12 intervention services to eligible children in the designated service area.

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

14 (b) [Formerly 27-10.5-702 (3) as it will become effective July

15 1, 2024] "~~Certified early intervention service broker~~" or "~~broker~~" means

16 ON AND AFTER JULY 1, 2024, a case management agency or an entity, as  
17 those terms are defined in section 25.5-6-1702, that has entered into a  
18 contract with the department to perform the duties and functions specified  
19 in ~~section 27-10.5-708~~ SECTION 26.5-3-408 in a particular defined service  
20 area. Notwithstanding ~~the provisions of~~ section 27-10.5-104 (4), if there  
21 is not a case management agency or an entity and the department is  
22 unable to designate an organization to serve as the broker for a particular  
23 defined service area, the department shall serve as the broker for the  
24 defined service area and may contract directly with early intervention  
25 service providers to provide early intervention services to eligible  
26 children in the defined service area.

27 (4) "Child find" means the program component of IDEA that

1 requires states to find, identify, locate, evaluate, and serve all children  
2 with disabilities, from birth to twenty-one years of age. Child find  
3 includes:

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

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

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

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

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

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

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

26 ~~(6.5)~~ (8) "Early intervention evaluations" means evaluations  
27 conducted pursuant to the early intervention program for infants and

1 toddlers under part C of the federal "~~Individuals with Disabilities~~  
2 ~~Education Act~~", 20 U.S.C. sec. 1400 et seq. IDEA.

3       ~~(7)~~ (9) "Early intervention services" means services as defined by  
4 the department in accordance with part C that are authorized through an  
5 eligible child's IFSP and are provided to families at no cost or through the  
6 application of a sliding fee schedule. Early intervention services, as  
7 specified in an eligible child's IFSP, ~~shall~~ qualify as meeting the standard  
8 for medically necessary services as used by private health insurance and  
9 as used by public medical assistance, to the extent allowed pursuant to  
10 section 25.5-1-124. ~~C.R.S.~~

11       ~~(8)~~ (10) "Early intervention state plan" means the state plan for a  
12 comprehensive and coordinated system of early intervention services  
13 required pursuant to part C.

14       ~~(9)~~ (11) "Eligible child" means an infant or toddler, from birth  
15 through two years of age, who, as defined by the department in  
16 accordance with part C, has significant delays in development or has a  
17 diagnosed physical or mental condition that has a high probability of  
18 resulting in significant delays in development or who is eligible for  
19 services pursuant to section 27-10.5-102 (11)(c).

20       ~~(10)~~ (12) "Evaluation" means:

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

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

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

27       (III) Identifying any early intervention services that might serve

1 the child's needs; and

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

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

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

12 ~~(14)~~ (14) "Individualized family service plan" or "IFSP" means a  
13 written plan developed pursuant to 20 U.S.C. sec. 1436, AS AMENDED,  
14 and 34 CFR 303.340, OR ANY SUCCESSOR REGULATION, that authorizes  
15 the provision of early intervention services to an eligible child and the  
16 child's family. An IFSP ~~shall serve~~ SERVES as the individualized plan,  
17 pursuant to section 27-10.5-102 (20)(c), for a child from birth through  
18 two years of age.

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

21 ~~(16)~~ (16) "Multidisciplinary team" means the involvement of two  
22 or more disciplines or professions in the provision of integrated and  
23 coordinated services, including evaluation and assessment activities  
24 defined in 34 CFR 303.321, OR ANY SUCCESSOR REGULATION, and  
25 development of the child's IFSP.

26 ~~(17)~~ (17) "Part B" means the program component of IDEA that  
27 requires states to find, identify, locate, evaluate, and serve children with

1 disabilities from three to twenty-one years of age.

2 ~~(14)~~ (18) "Part C" means the early intervention program for  
3 infants and toddlers who are eligible for services under part C of ~~the~~  
4 ~~federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400~~  
5 ~~et seq.~~ IDEA.

6 ~~(15)~~ (19) "Private health insurance" means a health coverage plan,  
7 as defined in section 10-16-102 (34), ~~C.R.S.~~, that is purchased by  
8 individuals or groups to provide, deliver, arrange for, pay for, or  
9 reimburse any of the costs of health-care services, as defined in section  
10 10-16-102 (33), ~~C.R.S.~~, provided to a person entitled to receive benefits  
11 or services under the health coverage plan.

12 ~~(16)~~ (20) "Public medical assistance" means medical services that  
13 are provided by the state through the "Colorado Medical Assistance Act",  
14 articles 4 to 6 of title 25.5, ~~C.R.S.~~, or the "Children's Basic Health Plan  
15 Act", article 8 of title 25.5, ~~C.R.S.~~, or other public medical assistance  
16 funding sources to qualifying individuals.

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

1 identification of staff, costs for services, timelines for contract  
2 completion, and any other contract elements.

3 ~~(18)~~ (22) "Service coordination" means the activities carried out  
4 by a service coordinator to coordinate evaluation and intake activities,  
5 assist, and enable an eligible child and the eligible child's family to  
6 receive the rights, procedural safeguards, and services that are authorized  
7 to be provided under ~~the early intervention program~~ PART C.

8 ~~(19)~~ (23) "State interagency coordinating council" means the  
9 council that is established pursuant to part C and appointed by the  
10 governor to advise and assist the lead agency designated or established  
11 under part C.

12 **26.5-3-403. [Formerly 27-10.5-703] Early intervention services**  
13 **- administration - duties of department - rules.** (1) Subject to annual  
14 appropriation from the general assembly, the department shall administer  
15 early intervention services and shall coordinate early intervention services  
16 with existing services provided to eligible ~~infants and toddlers from birth~~  
17 ~~through two years of age~~ CHILDREN and their families.

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

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

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

27 (b) ~~To~~ Develop and promulgate rules, FOR PROMULGATION BY THE

1 EXECUTIVE DIRECTOR, after consultation with the state interagency  
2 coordinating council;

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

6 (d) ~~☐~~ Ensure that an individualized family service plan is  
7 developed for infants and toddlers from birth through two years of age  
8 who are eligible for early intervention services. The IFSP must be  
9 developed in compliance with part C requirements, including the  
10 mandatory IFSP meeting at which the family receives information  
11 concerning the results of the initial early intervention evaluation. The  
12 initial IFSP must be developed in collaboration with a representative from  
13 an evaluation provider that participated in the child's evaluation. The  
14 representative shall participate in the initial meeting for the development  
15 of the child's IFSP.

16 (e) ~~☐~~ Allocate ~~moneys~~ MONEY;

17 (f) (I) (A) **[Formerly 27-10.5-703 (3)(f) as it exists until July 1,**  
18 **2024]** ~~☐~~ PRIOR TO JULY 1, 2024, coordinate training and provide  
19 technical assistance to community-centered boards, service providers, and  
20 other constituents who are involved in the delivery of early intervention  
21 services to ~~infants and toddlers from birth through two years of age~~  
22 ELIGIBLE CHILDREN.

23 (B) THIS SUBSECTION (3)(f)(I) IS REPEALED, EFFECTIVE JULY 1,  
24 2024.

25 (II) **[Formerly 27-10.5-703 (3)(f) as it will become effective July**  
26 **1, 2024]** ~~☐~~ ON AND AFTER JULY 1, 2024, coordinate training and provide  
27 technical assistance to certified early intervention service brokers, service

1 providers, and other constituents who are involved in the delivery of early  
2 intervention services to ~~infants and toddlers from birth through two years~~  
3 ~~of age~~ ELIGIBLE CHILDREN;

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

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

8 (i) **[Formerly 27-10.5-702 (3)(i) as it will become effective July**  
9 **1, 2024]** ~~To~~ ON AND AFTER JULY 1, 2024, certify early intervention  
10 service brokers within a defined service area.

11 **26.5-3-404. [Formerly 27-10.5-704] Child find - responsibilities**  
12 **- interagency operating agreements.** (1) The department ~~has~~ SHALL  
13 PERFORM the following responsibilities and duties for ~~children from birth~~  
14 ~~through two years of age~~ INFANTS AND TODDLERS who are referred for  
15 early intervention services:

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

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

25 (c) ~~To~~ Facilitate the implementation of early intervention  
26 evaluations that are the responsibility of the department pursuant to this  
27 ~~part 7~~ PART 4 and ~~to~~ implement an effective and collaborative system of

1 early intervention services. The department shall enter into any necessary  
2 interagency operating agreements at the state level and the local level and  
3 LOCAL LEVELS FOR SUCH FACILITATION AND IMPLEMENTATION.

4 (d) ~~To~~ Facilitate the implementation of part C child find and early  
5 intervention evaluations, and the use of medicaid funds, the department  
6 and entities that conduct early intervention evaluations may, when  
7 appropriate, share information with the department of education, the  
8 department of health care policy and financing, or other entities that  
9 conduct early intervention evaluations, so long as each department or  
10 local agency acts in compliance with the federal "Health Insurance  
11 Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as  
12 amended, and the federal "Family Educational Rights and Privacy Act of  
13 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and  
14 applicable guidelines adopted thereto.

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

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

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

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

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

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

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

11 (f) The development and delivery of standardized communication  
12 materials for a parent of a child who is potentially eligible for part B,  
13 including information concerning eligibility, referral, evaluation, and  
14 service delivery;

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

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

22 (i) (I) Processes to ensure timely notification to the administrative  
23 unit if a child is potentially eligible for part B. At a minimum, timely  
24 notification must occur not later than when a child is two years and six  
25 months of age; except that timely notification must occur not later than  
26 when a child is two years and three months of age if a child has a low  
27 incidence diagnosis including, but not limited to, visual impairment,

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

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

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

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

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

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

23 **26.5-3-405. [Formerly 27-10.5-705] Authorized services -**  
24 **conditions of funding - purchases of services - rules - repeal.**

25 (1) (a) **[Formerly 27-10.5-705 (1) as it exists until July 1, 2024]** (I) The  
26 ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as are necessary,  
27 in accordance with this ~~part 7~~ and consistent with section ~~27-10.5-104.5~~,

1 PART 4, to implement, PRIOR TO JULY 1, 2024, the purchase of early  
2 intervention services directly or through community-centered boards or  
3 certified early intervention service brokers.

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

5 (b) **[Formerly 27-10.5-702 (1) as it will become effective July**  
6 **1, 2024]** The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules as  
7 necessary, in accordance with this ~~part 7 and consistent with section~~  
8 ~~27-10.5-104.5~~ PART 4, to implement, ON AND AFTER JULY 1, 2024, the  
9 purchase of early intervention services directly or through certified early  
10 intervention service brokers.

11 (2) (a) **[Formerly 27-10.5-705 (2) as it exists until July 1, 2024]**

12 (I) PRIOR TO JULY 1, 2024, community-centered boards, certified early  
13 intervention service brokers, and service agencies receiving ~~moneys~~  
14 MONEY pursuant to ~~section 27-10.5-708~~ SECTION 26.5-3-408 shall comply  
15 with all of the provisions of this ~~article~~ PART 4 and the rules promulgated  
16 pursuant to this ~~article~~ PART 4.

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

18 (b) **[Formerly 27-10.5-705 (2) as it will become effective July**  
19 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service  
20 brokers and service agencies receiving money pursuant to ~~section~~  
21 ~~27-10.5-708~~ SECTION 26.5-3-408 shall comply with all of the provisions  
22 of this ~~article 10.5~~ PART 4 and the rules promulgated pursuant to this  
23 ~~article 10.5~~ PART 4.

24 (3) **[Formerly 27-10.5-705 (3) as it exists until July 1, 2024]**

25 (a) PRIOR TO JULY 1, 2024, community-centered boards and certified  
26 early intervention service brokers shall obtain or provide early  
27 intervention services, subject to available appropriations, including but

1 not limited to:

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

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

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

19 ~~(HH)~~ (B) Coordinate with the local family support services  
20 program; and

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

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

25 (c) **[Formerly 27-10.5-705 (3) as it will become effective July**  
26 **1, 2024]** ON AND AFTER JULY 1, 2024, certified early intervention service  
27 brokers shall obtain or provide early intervention services, subject to

1 available appropriations, including but not limited to:

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

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

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

19 ~~(HH)~~ (B) Coordinate with the local family support services  
20 program; and

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

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

1           **26.5-3-406. [Formerly 27-10.5-706] Coordinated system of**  
2 **payment for early intervention services - duties of departments -**  
3 **repeal.** (1) In order to implement the provisions of this ~~part 7~~ PART 4, the  
4 department, as lead agency for part C, ~~shall be~~ IS responsible for the  
5 following, subject to available appropriations:  
6           (a) Establishing an early intervention state plan for a statewide,  
7 comprehensive system of early intervention evaluations and early  
8 intervention services in accordance with part C child find;  
9           (b) Establishing an interagency operating agreement between the  
10 department and the departments of education, health care policy and  
11 financing, and public health and environment regarding the  
12 responsibilities of each department to assist in the development and  
13 implementation of a statewide, comprehensive system of early  
14 intervention services and a coordinated system of payments for early  
15 intervention services;  
16           (c) Developing, in cooperation with the department of education,  
17 the department of health care policy and financing, the department of  
18 public health and environment, the division of insurance in the  
19 department of regulatory agencies, private health insurance carriers, and  
20 certified early intervention service brokers, a coordinated system of  
21 payment of early intervention services using public and private ~~moneys~~  
22 MONEY;  
23           (d) (I) **[Formerly 27-10.5-706 (1)(d) as it exists until July 1,**  
24 **2024]** (A) PRIOR TO JULY 1, 2024, certifying community-centered boards  
25 or other entities as determined by the department as early intervention  
26 service brokers for early intervention services provided pursuant to this  
27 ~~part 7 and~~ PART 4.

1 (B) THIS SUBSECTION (1)(d)(I) IS REPEALED, EFFECTIVE JULY 1,  
2 2024.

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

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

11 (2) Any additional source of ~~moneys~~ MONEY that may become  
12 available for the payment of early intervention services on or after July 1,  
13 2008, as a result of the development and implementation of a statewide,  
14 comprehensive system of early intervention services and a coordinated  
15 system of payments for early intervention services ~~shall~~ MUST not replace  
16 or reduce any other federal or state ~~moneys~~ MONEY available for the  
17 payment of early intervention services on or before July 1, 2008.

18 (3) (a) [Formerly 27-10.5-706 (3) as it exists until July 1,  
19 2024] (I) PRIOR TO JULY 1, 2024, nothing in this ~~part 7~~ shall be construed  
20 to ~~inhibit, encumber, or control~~ PART 4 INHIBITS, ENCUMBERS, OR  
21 CONTROLS the use of local ~~moneys~~ MONEY, including county grants,  
22 revenues from local mill levies, and private grants and contributions, that  
23 a community-centered board or county government may elect to allocate  
24 for the benefit of eligible children.

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

26 (b) [Formerly 27-10.5-706 (3) as it will become effective July  
27 1, 2024] ON AND AFTER JULY 1, 2024, nothing in this ~~part 7~~ PART 4

1 inhibits, encumbers, or controls the use of local money, including county  
2 grants, revenues from local mill levies, and private grants and  
3 contributions, that a certified early intervention service broker or county  
4 government may elect to allocate for the benefit of eligible children.

5 (4) In developing a coordinated system of payment, the  
6 department shall not directly or indirectly create a new entitlement for  
7 early intervention services funded from the state general fund. However,  
8 this subsection (4) shall DOES not prohibit any adjustments to public  
9 medical assistance required by section 25.5-1-124. ~~C.R.S.~~

10 **26.5-3-407. [Formerly 27-10.5-707] Cooperation among state**  
11 **agencies - implementing coordinated payment system - revisions to**  
12 **rules.** (1) The departments of education, health care policy and  
13 financing, and public health and environment shall cooperate with the  
14 department to implement the provisions of this ~~part 7~~ PART 4 and each  
15 department shall:

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

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

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

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

1 article 16 of title 10; ~~C.R.S.~~;

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

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

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

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

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

17 **26.5-3-408. [Formerly 27-10.5-708] Certified early intervention**  
18 **service brokers - duties - payment for early intervention services -**  
19 **fees - repeal. (1) (a) [Formerly 27-10.5-708 (1) as it exists until July 1,**  
20 **2024] (I) PRIOR TO JULY 1, 2024, for each designated service area in the**  
21 **state, the certified early intervention service broker for the area shall:**

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

1           ~~(b)~~ (B) Accept and process claims for reimbursement for early  
2 intervention services provided ~~under this part 7~~ PURSUANT TO THIS PART  
3 4 by qualified providers;

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

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

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

10           (b) [**Formerly 27-10.5-708 (1) as it will become effective July**  
11 **1, 2024**] ON AND AFTER JULY 1, 2024, for each defined service area in the  
12 state, the certified early intervention service broker for the area shall:

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

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

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

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

27           (2) Certified early intervention service brokers shall use

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

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

15 (4) Use of a certified early intervention broker is voluntary; except  
16 that private health insurance carriers that are included ~~under~~ PURSUANT  
17 TO section 10-16-104 (1.3) ~~C.R.S.~~, are required to make payment in trust  
18 ~~under section 27-10.5-709~~ PURSUANT TO SECTION 26.5-3-409. Nothing in  
19 this ~~part 7~~ PART 4 prohibits a qualified provider of early intervention  
20 services from directly billing the appropriate program of public medical  
21 assistance or a participating provider, as defined in section 10-16-102  
22 (46) ~~C.R.S.~~, or from directly billing a private health insurance carrier for  
23 services rendered ~~under this part 7~~ PURSUANT TO THIS PART 4 for  
24 insurance plans that are not included ~~under~~ PURSUANT TO section  
25 10-16-104 (1.3). ~~C.R.S.~~

26 (5) To the extent requested by the department, certified early  
27 intervention service brokers shall participate in ongoing reviews of

1 funding practices for early intervention services and the development or  
2 revision of procedures for a coordinated system of payment for early  
3 intervention services.

4 **26.5-3-409. [Formerly 27-10.5-709] Payment from private**  
5 **health insurance for early intervention services - trust fund.**

6 (1) Private health insurance carriers that are required to make payment  
7 of benefits for early intervention services for which coverage is required  
8 pursuant to section 10-16-104 (1.3) ~~C.R.S.~~, shall pay benefits to the  
9 department in trust for payment to a broker or provider for early  
10 intervention services provided to an eligible child. Upon notification from  
11 the department that a child is eligible, the child's private health insurance  
12 carrier ~~shall have~~ HAS thirty days to make payment to the department.

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

1 assembly.

2 (b) (I) For the 2008-09 fiscal year and each fiscal year thereafter,  
3 the general assembly shall make appropriations to the department from  
4 the principal of the early intervention services trust fund for the direct and  
5 indirect costs of administering this section. Any ~~moneys~~ MONEY  
6 appropriated to the department pursuant to this ~~paragraph (b)~~ shall  
7 ~~constitute~~ SUBSECTION (2)(b)(I) CONSTITUTES state fiscal year spending  
8 for purposes of section 20 of article X of the state constitution.

9 (II) All interest derived from the deposit and investment of  
10 ~~moneys~~ MONEY in the early intervention services trust fund shall MUST be  
11 credited to the trust fund, may be appropriated to the department in  
12 accordance with this ~~paragraph (b)~~ SUBSECTION (2)(b)(II), and shall  
13 ~~constitute~~ CONSTITUTES state fiscal year spending for purposes of section  
14 20 of article X of the state constitution.

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

23 (3) No later than March 1, 2009, and no later than April 1 each  
24 year thereafter, the department shall provide a report to each private  
25 health insurance carrier that has made payments of benefits for an eligible  
26 child to the department in trust. The report shall MUST specify the total  
27 amount of benefits paid to brokers or qualified providers for services

1 provided to the eligible child during the prior calendar year, including the  
2 amount paid to each broker or qualified provider and the services  
3 provided to the eligible child. The DEPARTMENT SHALL PROVIDE THE  
4 report required by this subsection (3) ~~shall be provided~~ at least annually  
5 and more often, as determined by the department and the carrier.

6 **26.5-3-410. [Formerly 27-10.5-710] Annual report -**  
7 **cooperation from certified early intervention service brokers and**  
8 **qualified providers.** (1) Notwithstanding section 24-1-136(11)(a)(I), by  
9 November 1, 2008, and by November 1 each year thereafter, the  
10 department shall submit an annual report to the general assembly  
11 regarding the various funding sources used for early intervention services,  
12 the number of eligible children served, the average cost of early  
13 intervention services, and any other information the department deems  
14 appropriate. The department shall submit the report to the joint budget  
15 committee as part of the department's annual budget request. The  
16 department shall also submit the report to the health and human services  
17 committees and the education committees of the senate and house of  
18 representatives, or any successor committees.

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

24 PART 5

25 COLORADO NURSE

26 HOME VISITOR PROGRAM

27 **26.5-3-501. [Formerly 26-6.4-101] Short title.** ~~This article shall~~

1 ~~be known and may be cited as~~ THE SHORT TITLE OF THIS PART 5 IS the  
2 "Colorado Nurse Home Visitor Program Act".

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

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

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

15           **26.5-3-503. [Formerly 26-6.4-103] Definitions.** As used in this  
16 ~~article 6.4~~ PART 5, unless the context otherwise requires:

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

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

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

3 (4) "Master settlement agreement" means the master settlement  
4 agreement, the smokeless tobacco master settlement agreement, and the  
5 consent decree approved and entered by the court in the case denominated  
6 *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*  
7 *Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown &*  
8 *Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco*  
9 *Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*  
10 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*  
11 *Tobacco Institute, Inc.*, Case No. 97 CV 3432, in the district court for the  
12 city and county of Denver.

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

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

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

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

24 **26.5-3-504. [Formerly 26-6.4-104] Nurse home visitor program**  
25 **- created - rules.** (1) (a) There is established the nurse home visitor  
26 program to provide regular, in-home, visiting nurse services to  
27 low-income, first-time mothers, with their consent, during their

1 pregnancies and through their children's second birthday. The program  
2 ~~shall provide~~ PROVIDES trained visiting nurses to help educate mothers on  
3 the importance of nutrition and avoiding alcohol and drugs, including  
4 nicotine, and to assist and educate mothers in providing general care for  
5 their children and in improving health outcomes for their children. In  
6 addition, visiting nurses may help mothers in locating assistance with  
7 educational achievement and employment. Any assistance provided  
8 through the program ~~shall be~~ IS provided only with the consent of the  
9 low-income, first-time mother, and she may refuse further services at any  
10 time.

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

26 (2) The program ~~shall~~ MUST be administered in communities  
27 throughout the state by entities selected on a competitive basis by the

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

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

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

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

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

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

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

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

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

24 **26.5-3-505. [Formerly 26-6.4-105] Health sciences facility -**  
25 **duties.** (1) The president of the university of Colorado shall identify a  
26 facility at the university of Colorado health sciences center with the  
27 knowledge and expertise necessary to:

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

4 (b) Provide programmatic and clinical support, evaluation, and  
5 monitoring for the program, including nurse practice support and training,  
6 clinical and programmatic technical assistance, compliance monitoring  
7 and support, program development and implementation support, and  
8 performance improvement monitoring and support, in communities  
9 throughout the state;

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

12 (d) Work with the state auditor's office as required in section  
13 2-3-113 (4). ~~C.R.S.~~

14 ~~(1.5)~~ (2) The health sciences facility is not responsible for the  
15 duties assigned to the ~~state~~ department with respect to the program ~~under~~  
16 ~~section 26-6.4-107 (2)(a.5)~~ PURSUANT TO SECTION 26.5-3-507 (2)(b).

17 ~~(2)~~ (3) The health sciences facility shall perform the duties set  
18 forth in subsection (1) of this section to ensure that the program is  
19 implemented and operated according to the program training  
20 requirements, protocols, management information systems, and  
21 evaluation requirements established by DEPARTMENT rule. ~~of the state~~  
22 ~~board~~. The health sciences facility shall evaluate overall program  
23 implementation, operation, and effectiveness, and include that evaluation,  
24 along with any recommendations concerning the program's selected  
25 entities or changes in the program's implementation, operation, and  
26 effectiveness, including program training requirements, protocols,  
27 management information systems, or evaluation requirements, in the

1 annual report submitted to the ~~state~~ department pursuant to ~~section~~  
2 ~~26-6.4-108~~ SECTION 26.5-3-508.

3 (3) (4) The ~~state~~ department shall compensate the health sciences  
4 facility for the health sciences facility's actual costs incurred in  
5 performing its duties ~~under this article~~ PURSUANT TO THIS PART 5, as  
6 determined by the health sciences facility. Such duties and actual costs  
7 ~~shall~~ MUST be included in the scope of work in the agreement between the  
8 ~~state~~ department and the health sciences facility for implementation of  
9 those duties and ~~shall~~ MUST include the costs incurred by any contractor  
10 or subcontractor of the health sciences facility for those duties. Such  
11 compensation ~~shall~~ MUST be paid out of the amount allocated for the  
12 health sciences facility's costs, in accordance with the maximum  
13 allocation of three percent of the amount annually allocated for the  
14 program ~~under section 26-6.4-107 (2)~~ PURSUANT TO SECTION 26.5-3-507  
15 (2).

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

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

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

4 (c) The management information system the entity must use in  
5 administering the program, which at a minimum must comply with the  
6 management information system requirements established by  
7 DEPARTMENT rule; ~~of the state board;~~

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

13 (e) An annual report to both the health sciences facility and the  
14 community in which the entity administers the program that reports on the  
15 effectiveness of the program within the community and is written in a  
16 manner that is understandable for both the health sciences facility and  
17 members of the community.

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

21 (3) The ~~state~~ department shall initially review the applications  
22 received pursuant to this section and submit to the health sciences facility  
23 for review those applications that include the basic program elements as  
24 required by ~~the rules adopted by the state board~~ DEPARTMENT RULES.  
25 Following its review, the health sciences facility shall submit to the ~~state~~  
26 ~~board~~ EXECUTIVE DIRECTOR a list of the applying entities that the health  
27 sciences facility recommends to administer the program in communities

1 throughout the state.

2 **26.5-3-507. [Formerly 26-6.4-107] Selection of entities to**  
3 **administer the program - grants - nurse home visitor program fund**

4 **- created.** (1) On receipt of the list of entities recommended by the health  
5 sciences facility, the ~~state board~~ EXECUTIVE DIRECTOR shall select the  
6 entities that will administer the program in communities throughout the  
7 state. In selecting entities, the ~~state board~~ EXECUTIVE DIRECTOR shall give  
8 special consideration to entities that are proposing to administer the  
9 program as a collaborative effort among multiple entities.

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

21 ~~(a.5)~~ (b) Except as otherwise provided in ~~section 26-6.4-108~~  
22 SECTION 26.5-3-508, the ~~state~~ department is responsible for financial  
23 administration of this ~~article~~ PART 5, which includes compensating the  
24 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION  
25 26.5-3-505 (4); paying grants to entities selected to administer the  
26 program; monitoring financial, contractual, and regulatory compliance;  
27 providing medicaid financing oversight; managing accounting and

1 budgeting; and, in cooperation with the health sciences facility, managing  
2 grant applications as set forth in ~~section 26-6.4-106~~ SECTION 26.5-3-506.  
3 The ~~state~~ department shall also cooperate with the health sciences  
4 facility's administration of programmatic and clinical support, evaluation,  
5 and monitoring of the program. The ~~state~~ department is not responsible  
6 for any duties assigned to the health sciences facility with respect to the  
7 program, as described in ~~section 26-6.4-105~~ SECTION 26.5-3-505.

8 (b) (c) (I) Grants awarded pursuant to subsection (2)(a) of this  
9 section are payable from the nurse home visitor program fund, which  
10 fund is hereby created in the state treasury. The nurse home visitor  
11 program fund, referred to in this section as the "fund", is administered by  
12 the ~~state~~ department and consists of money transferred ~~thereto~~ TO THE  
13 FUND by the state treasurer from money received pursuant to the master  
14 settlement agreement in the amount described in ~~subsection (2)(d)~~  
15 SUBSECTION (2)(e) of this section. In addition, the state treasurer shall  
16 credit to the fund any public or private gifts, grants, or donations received  
17 by the ~~state~~ department to implement the program, including any money  
18 received from the United States federal government for the program. The  
19 fund is subject to annual appropriation by the general assembly to the  
20 ~~state~~ department for grants to entities for operation of the program. The  
21 ~~state~~ department may retain the amount needed to pay for the program's  
22 share of the ~~state~~ department's indirect costs, as calculated under the  
23 federally approved cost allocation plan. In addition, the ~~state~~ department  
24 may retain a total of up to five percent of the amount annually  
25 appropriated from the fund for the program, in order to compensate the  
26 health sciences facility pursuant to ~~section 26-6.4-105 (3)~~ SECTION  
27 26.5-3-505 (4), as set forth in the scope of work in the agreement between

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

1 and investment of money in the fund ~~shall~~ MUST be credited to the fund.  
2 Except as otherwise provided in ~~subsection (2)(b)(H)~~ SUBSECTION  
3 (2)(c)(II) of this section, all unexpended and unencumbered money in the  
4 fund at the end of any fiscal year remains in the fund and ~~shall~~ MUST not  
5 be transferred to the general fund or any other fund.

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

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

11 ~~(d)~~ (f) (e) Pursuant to section 24-75-1104.5 (1.7)(a), ~~€R.S.~~, and  
12 except as otherwise provided in section 24-75-1104.5 (5), ~~€R.S.~~, for the  
13 2016-17 fiscal year and for each fiscal year thereafter so long as the state  
14 receives ~~moneys~~ MONEY pursuant to the master settlement agreement, the  
15 state treasurer shall transfer to the fund twenty-six and seven-tenths of the  
16 master settlement agreement ~~moneys~~ MONEY received by the state, other  
17 than attorney fees and costs, during the preceding fiscal year. The transfer  
18 ~~shall~~ MUST be from ~~moneys~~ MONEY credited to the tobacco litigation  
19 settlement cash fund created in section 24-22-115. ~~€R.S.~~

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

21 **26.5-3-508. [Formerly 26-6.4-108] Annual program review -**  
22 **audit.** (1) The health sciences facility shall annually prepare and submit  
23 to the ~~state~~ department a report including an evaluation of the  
24 implementation of the program, the results achieved by the program based  
25 on the annual reports submitted by the administering entities pursuant to  
26 ~~section 26-6.4-106 (1)(e)~~ SECTION 26.5-3-506 (1)(e), the extent to which  
27 the program serves medicaid-eligible persons and provides services that

1 may be provided in part through medicaid funding, and any  
2 recommendations concerning changes to the program, including any  
3 changes that may be appropriate to enable the program to receive and  
4 maximize medicaid funding. Each program contractor and subcontractor  
5 and each entity that administers the program shall work with the health  
6 sciences facility and the ~~state~~ department to prepare the reports required  
7 ~~under~~ PURSUANT TO this section and section 2-3-113 (2). ~~C.R.S.~~ Any  
8 entity that is administering the program is subject to a reduction in or  
9 cessation of funding if the ~~state board~~ EXECUTIVE DIRECTOR, based on  
10 recommendations from the health sciences facility, determines that the  
11 entity is not operating the program in accordance with the program  
12 requirements established by DEPARTMENT rule ~~of the state board~~ or is  
13 operating the program in such a manner that the program does not  
14 demonstrate positive results.

15 (2) The state auditor's office, pursuant to section 2-3-113, ~~C.R.S.~~,  
16 shall audit each entity administering the program to determine whether  
17 the entity is administering the program in compliance with the program  
18 requirements and in an effective manner. The audit ~~shall~~ MUST be  
19 conducted and reported in accordance with ~~the provisions of~~ section  
20 2-3-113. ~~C.R.S.~~

21 PART 6

22 SOCIAL-EMOTIONAL LEARNING PROGRAMS

23 **26.5-3-601. Legislative declaration.** (1) THE GENERAL  
24 ASSEMBLY FINDS AND DECLARES THAT:

25 (a) YOUNG CHILDREN FROM LOW-INCOME FAMILIES OFTEN  
26 STRUGGLE TO ACHIEVE THE SAME OUTCOMES AS THEIR PEERS FROM  
27 HIGHER-INCOME FAMILIES BECAUSE THEY RARELY HAVE ACCESS TO THE

1 SAME SUPPORTS, PARTICULARLY THOSE SUPPORTS WITH A FOCUS ON THE  
2 DEVELOPMENT OF SOCIAL-EMOTIONAL SKILLS LIKE EMOTION REGULATION,  
3 PRO-SOCIAL COMMUNICATION, AND PROBLEM SOLVING;

4 (b) EXPOSURE TO POVERTY, A STRESSFUL HOME ENVIRONMENT,  
5 AND DELAYS IN THE DEVELOPMENT OF BEHAVIORAL AND ACADEMIC  
6 SKILLS AT A YOUNG AGE ARE STRONG PREDICTORS OF LATER ACADEMIC  
7 CHALLENGES, HEALTH ISSUES, BEHAVIOR PROBLEMS, SUBSTANCE ABUSE,  
8 LOWER EDUCATIONAL ATTAINMENT, LOWER RATES OF EMPLOYMENT, TEEN  
9 PARENTHOOD, AND THE LIKELY RECURRENCE OF THESE RISK FACTORS FOR  
10 THE NEXT GENERATION OF CHILDREN;

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

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

27 (2) (a) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN

1 THE BEST INTERESTS OF THE STATE TO AUTHORIZE THE DEPARTMENT TO  
2 IMPLEMENT PROVEN, EVIDENCE-BASED, TWO-GENERATION PREVENTION  
3 PROGRAMS TO TEACH TEACHERS AND PARENTS STRATEGIES AND SKILLS TO  
4 CONNECT WITH ALL CHILDREN, ESPECIALLY THOSE WHO DEMONSTRATE  
5 CHALLENGING BEHAVIORS; TO PROMOTE CHILDREN'S SOCIAL COMPETENCE;  
6 TO REDUCE BEHAVIOR PROBLEMS; AND TO PROVIDE PROGRAMMING TO  
7 CHILDREN TO HELP THEM LEARN PROBLEM-SOLVING AND  
8 EMOTION-CONTROL SKILLS. THE GOALS OF PROVIDING THESE PROGRAMS  
9 ARE TO STRENGTHEN TEACHER-CHILD AND PARENT-CHILD RELATIONSHIPS  
10 AND PROMOTE CHILD BEHAVIORAL CHANGE, INCLUDING SELF-REGULATION  
11 AND DECREASED AGGRESSIVE BEHAVIOR AND IMPULSIVITY.

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

25 **26.5-3-602. Definitions.** AS USED IN THIS PART 6, UNLESS THE  
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "ENTITY" MEANS AN INDIVIDUAL LOCAL IMPLEMENTATION

1 SITE, SUCH AS A PROVIDER OF EARLY CHILDHOOD SERVICES; A SCHOOL  
2 DISTRICT, AS DEFINED IN SECTION 22-7-1003, OR A CHARTER SCHOOL, AS  
3 DEFINED IN SECTION 22-60.5-102; A COMMUNITY MENTAL HEALTH  
4 CENTER; ANY OTHER GOVERNMENTAL AGENCY; OR ANY COMBINATION OF  
5 THESE ENTITIES.

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

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

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

24 **26.5-3-603. Social-emotional learning programs grant**  
25 **program - created - implementation partner - application - selection**  
26 **- funding - rules.** (1) THE SOCIAL-EMOTIONAL LEARNING PROGRAMS  
27 GRANT PROGRAM IS CREATED IN THE DEPARTMENT. THE DEPARTMENT

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

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

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

18 (b) PERFORM COMMUNITY READINESS ASSESSMENTS AND PROVIDE  
19 TRAINING, COACHING, AND MONITORING FOR THE IMPLEMENTATION OF  
20 SOCIAL-EMOTIONAL LEARNING PROGRAMS BY THE ENTITIES THAT RECEIVE  
21 GRANTS;

22 (c) PROVIDE ONGOING QUALITY ASSESSMENTS AND IMPROVEMENT  
23 RECOMMENDATIONS FOR THE SELECTED ENTITIES TO ENSURE  
24 HIGH-QUALITY IMPLEMENTATION AND SUSTAINABILITY OF  
25 SOCIAL-EMOTIONAL LEARNING PROGRAMS;

26 (d) PROVIDE TO THE DEPARTMENT SITE-SPECIFIC AND STATEWIDE  
27 PROCESS AND OUTCOMES EVALUATIONS OF SOCIAL-EMOTIONAL LEARNING

1 PROGRAMS AND THE GRANT PROGRAM AS DESCRIBED IN THIS SECTION;

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

5 (f) ANNUALLY PROVIDE TO EACH ENTITY THAT RECEIVES MONEY  
6 THROUGH THE GRANT PROGRAM A DETAILED DATA REPORT OF THE  
7 ENTITY'S IMPLEMENTATION OF THE SOCIAL-EMOTIONAL LEARNING  
8 PROGRAMS THAT INCLUDES AN ASSESSMENT OF THE PROGRAM'S SUCCESS  
9 IN ACHIEVING POSITIVE OUTCOMES FOR CHILDREN AND THEIR FAMILIES  
10 AND IDENTIFICATION OF AREAS FOR PRACTICE IMPROVEMENT; AND

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

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

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

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

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

27 (III) HAVE BEEN PREVIOUSLY IMPLEMENTED WITH SUCCESS BY

1 EARLY CHILDHOOD PROGRAM PROVIDERS IN COLORADO; AND

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

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

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

1 INCURRED IN CONTRACTING WITH THE IMPLEMENTATION PARTNER.

2 PART 7

3 EARLY CHILDHOOD MENTAL HEALTH

4 CONSULTATION PROGRAM

5 **26.5-3-701. [Formerly 26-6.5-401] Definitions.** As used in this  
6 ~~part 4~~ PART 7, unless the context otherwise requires:

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

8 ~~(2)~~ (1) "Mental health consultant" means an early childhood  
9 mental health consultant who is funded by appropriations allocated or  
10 awarded to the department for the program and who meets the  
11 qualifications outlined in the program designed and developed pursuant  
12 to this ~~part 4~~ PART 7.

13 ~~(3)~~ (2) "Program" means the statewide voluntary program of early  
14 childhood mental health consultation designed, implemented, and  
15 operated by the department pursuant to this ~~part 4~~ PART 7.

16 **26.5-3-702. [Formerly 26-6.5-402] Early childhood mental**  
17 **health consultation - statewide program - creation - purpose - rules.**

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

26 (b) In designing and developing the program, the department shall  
27 work in consultation with the national center of excellence for infant and

1 early childhood mental health consultation funded by the United States  
2 department of health and human services; nationally recognized entities  
3 that support implementation of sustainable systems or programs that focus  
4 on promoting the social, emotional, and behavioral outcomes of young  
5 children; and key stakeholders in the state, including mental health  
6 professionals, nonprofit organizations with expertise in mental health,  
7 organizations representing parents of children who would benefit from  
8 early childhood mental health consultation, hospitals and other  
9 health-care provider organizations with expertise working with children  
10 facing behavioral health and other challenges to optimal growth and  
11 development, early child care and education providers, and clinicians with  
12 expertise in infant and early childhood mental health.

13 (c) The department shall coordinate with community-based  
14 organizations to ensure the effective implementation of the program and  
15 model of consultation established pursuant to ~~section 26-6.5-403~~ SECTION  
16 26.5-3-703, as well as support the availability of resources across the state  
17 to support the program and the mental health consultants in the program  
18 in their work.

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

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

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

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

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

5 (c) Develop a defined model of consultation that is rooted in  
6 diversity, equity, and inclusion for the state pursuant to ~~section~~  
7 ~~26-6.5-403~~ SECTION 26.5-3-703 that includes qualifications and  
8 competencies for mental health consultants, job expectations, expected  
9 outcomes, and guidance on ratios between mental health consultants in  
10 the program and the settings they support; and

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

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

20 **26.5-3-703. [Formerly 26-6.5-403] Model of early childhood**  
21 **mental health consultation - standards and guidelines - qualifications.**

22 (1) On or before July 1, 2022, the department shall design and develop,  
23 in consultation with the stakeholders listed in ~~section 26-6.5-402 (1)(b)~~  
24 SECTION 26.5-3-702 (1)(b), a model of consultation for the program that  
25 includes qualifications for mental health consultants, job expectations,  
26 expected outcomes, and guidance on ratios between mental health  
27 consultants and the settings they support, referred to in this section as "the

1 model". The model must include standards and guidelines to ensure the  
2 program is implemented effectively, with primary consideration given to  
3 evidence-based services. The standards and guidelines must include:

4 (a) Clear qualifications for mental health consultants in the  
5 program, including, at a minimum, expertise in adult and child mental  
6 health theory, practice, and services; early childhood, child development,  
7 and family systems; knowledge of, and skills to address, circumstances  
8 that affect children's behavior and mental health; knowledge of  
9 developmental science and milestones; knowledge of a consultative  
10 model of practice; and available resources and services to children and  
11 families to alleviate family stress;

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

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

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

27 (e) Guidance on the diverse settings in which and types of

1 providers with whom mental health consultants in the program may work  
2 to meet the varied needs of children and families from prenatal through  
3 eight years of age. The model must include provisions that ensure that  
4 mental health consultants in the program may work with a diversity of  
5 professionals and caregivers, including but not limited to early child care  
6 and education teachers and providers, elementary school teachers and  
7 administrators, home visitors, child welfare caseworkers, public health  
8 professionals, and health-care professionals, including settings providing  
9 prenatal and postpartum care.

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

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

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

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

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

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

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

1 resources and supports;

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

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

6 **26.5-3-704. [Formerly 26-6.5-404] Statewide professional**  
7 **development plan for early childhood mental health consultants.**

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

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

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

21 (b) Adverse childhood experiences;

22 (c) The science of resilience and interventions to promote  
23 resilience;

24 (d) Child development through eight years of age;

25 (e) Caregiver substance use and effective family interventions;

26 (f) Impact of inequity and bias on children, families, caregivers,  
27 mental health consultants, and providers, and strategies to mitigate such

- 1 impact;
- 2 (g) Sensory processing issues;
- 3 (h) The needs of children with developmental delays and  
4 disabilities, including children born prematurely or with special  
5 health-care needs, and special education law;
- 6 (i) Colorado's child protection and foster care system;
- 7 (j) Occupational therapy, speech therapy, physical therapy, and  
8 mental health therapy;
- 9 (k) Other public and private supports and services;
- 10 (l) Early childhood social-emotional development and family  
11 systems;
- 12 (m) Early childhood mental health diagnosis and effective  
13 treatment models; and
- 14 (n) Consultation as a model of adult learning.
- 15 (3) The plan must also:
- 16 (a) Allow mental health consultants in the program to access  
17 regionally appropriate and culturally responsive programs to best link  
18 them to the children and families in their communities and their unique  
19 needs;
- 20 (b) Include strategies for mental health consultants in the program  
21 to establish individualized coaching as requested by teachers, caregivers,  
22 and families; and
- 23 (c) Provide opportunities for regular support meetings between  
24 mental health consultants in the program; supervisors, including reflective  
25 supervisors; and peer mental health consultants. The support meetings  
26 must include reflections on the practice impact of attitudes and values.

27 **26.5-3-705. [Formerly 26-6.5-405] Statewide qualifications and**

1 **competencies for early childhood mental health consultants.** The  
2 department shall ensure that each mental health consultant funded  
3 through the program meets the qualifications and competencies outlined  
4 in the program as designed and developed pursuant to this ~~part 4~~ PART 7.

5 **26.5-3-706. [Formerly 26-6.5-406] Data collection - reporting.**

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

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

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

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

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

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

18 PART 8

19 EMERGENCY RELIEF GRANT PROGRAMS

20 **26.5-3-801. [Formerly 26-6-801] Legislative declaration.**

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

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

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

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

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

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

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

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

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

11 (i) Despite women's steadily increasing labor participation rates  
12 and earning trajectories over the past twenty-five years, the COVID-19  
13 public health emergency threatens to set back a generation of progress.  
14 When women exit the workforce, they face more barriers than men do to  
15 return, and their future earning potential and path to retirement security  
16 suffers.

17 (j) Women have been disproportionately impacted by the  
18 COVID-19 public health emergency: Almost one hundred seventy-nine  
19 thousand women left Colorado's labor force between February and May  
20 2020, compared to eighty-eight thousand men. Nationally, four times as  
21 many women as men dropped out of the labor force in September 2020  
22 alone. The impact of this trend on the United States' economy and the  
23 well-being of women and families is estimated to amount to  
24 approximately sixty-four million five hundred thousand dollars in lost  
25 income and economic activity.

26 (2) (a) Therefore, the general assembly finds it is a matter of  
27 statewide concern that we take immediate action to save and protect our

1 child care infrastructure, including offering a wide range of child care  
2 options, including but not limited to public and private child care centers,  
3 day care centers, school-age child care centers, before- and after-school  
4 programs, nursery schools, kindergartens, preschools, church day care  
5 centers, day camps, summer camps, facilities for children with intellectual  
6 and developmental disabilities, and other facilities described in ~~section~~  
7 ~~26-6-102(5)~~ SECTION 26.5-5-303. Supporting this mixed delivery of child  
8 care enables the state to invest in its children's futures, advance gender  
9 equity in the home and the workplace, and rebuild an economy that works  
10 for all Coloradans. When Colorado families have access to child care,  
11 everyone benefits.

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

17 **26.5-3-802. [Formerly 26-6-802] Child care sustainability grant**  
18 **program - created - timeline and criteria - grant awards - definitions.**

19 (1) As used in this section, unless the context otherwise requires:

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

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

27 (c) "Grant program" means the child care sustainability grant

1 program created in subsection (2) of this section.

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

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

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

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

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

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

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

27 (III) Requiring that the eligible entity has provided written

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

2 (IV) Supporting, as much as possible, eligible entities that are not  
3 already fully supported through existing state or federal funds, such as the  
4 head start program, as defined in ~~section 26-2-802.5 (4)~~ SECTION  
5 26.5-4-103; or the Colorado preschool program, created in article 28 of  
6 title 22; and

7 (V) Considering an eligible entity's quality rating through the  
8 Colorado shines system, established in ~~section 26-6.5-106 (5)~~ SECTION  
9 26.5-5-101.

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

12 ~~(6) Repealed.~~

13 **26.5-3-803. [Formerly 26-6-803] Emerging and expanding child**  
14 **care grant program - created - timeline and criteria - grant awards**  
15 **- definitions.** (1) As used in this section, unless the context otherwise  
16 requires:

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

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

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

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

1 (e) "Eligible entity" means a licensed child care provider that is  
2 open and operating or an applicant actively pursuing a child care provider  
3 license through the ~~state~~ department's child care licensing and  
4 administration unit. "Eligible entity" includes family, friends, or  
5 neighbors who provide license-exempt child care pursuant to ~~this article~~  
6 ~~6 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5~~, but who are actively obtaining  
7 a license through the ~~state department's~~ DIVISION WITHIN THE  
8 DEPARTMENT THAT IS RESPONSIBLE FOR child care licensing and  
9 administration. ~~unit~~.

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

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

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

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

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

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

1 educational supplies, and capital and facility improvement costs.

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

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

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

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

23 (I) A fiscal agreement with the Colorado child care assistance  
24 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE  
25 4 OF THIS TITLE 26.5;

26 (II) A commitment to engaging in quality improvement activities  
27 through the Colorado shines system, established in ~~section 26-6.5-106(5)~~

1 SECTION 26.5-5-101, within eighteen months of receipt of their grant  
2 award;

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

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

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

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

14 (II) Provide a written commitment to submit any reports required  
15 by the ~~state~~ department to demonstrate progress toward successful  
16 licensing or expansion through the ~~state department's~~ DIVISION WITHIN  
17 THE DEPARTMENT THAT IS RESPONSIBLE FOR licensing and administration.  
18 ~~unit.~~

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

22 ~~(6) Repealed.~~

23 **26.5-3-804. [Formerly 26-6-804] Employer-based child care**  
24 **facility grant program - created - timeline and criteria - eligibility -**  
25 **grant awards - reports - definitions - repeal.** (1) As used in this  
26 section, unless the context otherwise requires:

27 (a) "Child care center" has the same meaning as set forth in

1 ~~section 26-6-102~~ SECTION 26.5-5-303.

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

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

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

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

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

21 (a) A business plan that includes:

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

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

27 (III) A description of how the eligible entity will address the

1 particular child care needs among the eligible entity's employees, such as  
2 nontraditional-hour care or infant and toddler care;

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

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

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

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

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

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

23 (c) Written assurance that the employees of the eligible entity will  
24 have first priority for open slots at the child care center before those slots  
25 are offered to nonemployees.

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

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

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

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

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

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

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

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

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

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

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

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

24 (f) Applicants with staff that represent or reflect the linguistic and  
25 cultural diversity of the families living or working in their community,  
26 including dual-language learners; and

27 (g) Applicants whose primary industry and area of business is

1 other than child care.

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

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

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

10 (I) Child care subsidies;

11 (II) Preschool and early childhood education assistance; and

12 (III) Child nutrition programs.

13 (8) On or before January 30, 2023, and on or before January 30,  
14 2024, the department shall report progress on the grant program as part  
15 of its "State Measurement for Accountable, Responsive, and Transparent  
16 (SMART) Government Act" hearing required by section 2-7-203. At a  
17 minimum, the report must include:

18 (a) The number of eligible entities that received a grant through  
19 the grant program;

20 (b) The number of children and families that received child care  
21 services as a result of the grants, reported in aggregate and by grantee;

22 (c) The number of early childhood educators and staff hired as a  
23 result of the grant program;

24 (d) The Colorado shines quality rating of each grantee;

25 (e) Any innovative approaches that were used as a result of the  
26 grant program that may be replicated by other employers; and

27 (f) Any other relevant information about the grant program,

1 including the industry type of the entity and geographic region served by  
2 the entity.

3 (9) This section is repealed, effective July 1, 2024.

4 **26.5-3-805. [Formerly 26-6-805] Early care and education**  
5 **recruitment and retention grant and scholarship program - created**  
6 **- criteria and eligibility - grant and scholarship awards - reports -**  
7 **rules - definitions.** (1) As used in this section, unless the context  
8 otherwise requires:

9 (a) "Early childhood educator" means an individual who holds an  
10 early childhood professional credential or qualification.

11 (b) "Eligible entity" is any entity described in subsection (3) of  
12 this section.

13 (c) "Program" means the early care and education recruitment and  
14 retention grant and scholarship program created in subsection (2) of this  
15 section.

16 (2) There is created in the department the early care and education  
17 recruitment and retention grant and scholarship program. The department  
18 shall administer, directly or by contract, the program. The purposes of the  
19 program are to:

20 (a) Increase the number of individuals throughout the state who  
21 are qualified to serve as early childhood educators, including qualified  
22 multilingual and culturally competent educators, in programs licensed by  
23 the department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF  
24 THIS TITLE 26.5 that serve children five years of age or younger; and

25 (b) Retain early childhood educators who are working in programs  
26 licensed by the department that serve children five years of age or  
27 younger.

1 (3) The department shall establish a process for eligible entities  
2 to apply for a grant that aligns with the purposes of the program. Entities  
3 that are eligible to apply for a grant from the program include, but are not  
4 limited to:

5 (a) Nonprofit entities that administer or plan to administer  
6 scholarship programs that are aligned with the purposes of the program;

7 (b) Early child care and education programs licensed by the  
8 department pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS  
9 TITLE 26.5 and that are serving children five years of age or younger; and

10 (c) Institutions of higher education that administer scholarship  
11 programs that are aligned with the purposes of the program.

12 (4) The ~~department~~ EXECUTIVE DIRECTOR shall promulgate rules  
13 regarding criteria, timelines, and the administration of the program  
14 pursuant to the requirements outlined in this section.

15 (5) The department shall seek and accept applications from  
16 eligible entities to award program grant money for eligible purposes. The  
17 department shall coordinate with the department of higher education to  
18 ensure effective administration of program grant money awarded to state  
19 public institutions of higher education. Eligible expenditures of grant or  
20 scholarship money by recipients include:

21 (a) Administration by a nonprofit entity of a scholarship program  
22 up to a fixed dollar amount or percentage of grant proceeds, as  
23 determined and published by the department;

24 (b) Payment of tuition, fees, and materials, including books and  
25 any other materials as determined by the department, for courses that lead  
26 to a degree or credential or for other formal training, any of which results  
27 in a recipient who was not qualified to become qualified as an early

1 childhood educator in a child care program licensed pursuant to ~~part 1 of~~  
2 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children  
3 five years of age or younger;

4 (c) Payment of tuition, fees, and materials, including books and  
5 any other materials as determined by the department, for a recipient who  
6 is already credentialed as an early childhood educator for courses that  
7 lead to a degree or a higher level credential or for other formal training,  
8 any of which results in the recipient being eligible for a higher level  
9 credential in the department's professional development information  
10 system or a higher degree or qualification that results in longer retention  
11 of the recipient in a child care program licensed pursuant to ~~part 1 of this~~  
12 ~~article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 that serves children five  
13 years of age or younger;

14 (d) Payment for costs associated with a credentialed early  
15 childhood educator earning a coaching, formal trainer, mentorship, or  
16 professional development certification that allows the early childhood  
17 educator to serve as a trainer or mentor of other current or potential early  
18 childhood educators pursuing programming that leads to a credential;

19 (e) Payments to licensed providers to cover paid release time for  
20 individuals, substitutes, and program costs to allow eligible individuals  
21 to pursue programs, course work, credentials, degrees, and other formal  
22 training that increases the number of qualified early childhood educators  
23 or retains current early childhood educators in child care programs  
24 licensed by the department pursuant to ~~part 1 of this article 6~~ PART 3 OF  
25 ARTICLE 5 OF THIS TITLE 26.5;

26 (f) Payments to licensed providers, schools, community colleges,  
27 institutions of higher education, early childhood councils, or other local

1 nonprofit entities to cover the costs of "grow-your-own" programs that  
2 support current parents, staff, or local community members to meet  
3 qualifications to serve as an early childhood educator to complete  
4 appropriate programs, certifications, or training that results in participants  
5 being able to serve as qualified early childhood educators in child care  
6 programs licensed by the department pursuant to ~~part 1 of this article 6~~  
7 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5;

8 (g) Payments to licensed providers to cover the costs of promoting  
9 teachers to coaching and mentorship roles with the intent of increasing  
10 access to coaching and professional learning communities and to provide  
11 flexibility in scheduling for early childhood educators;

12 (h) Raises, bonuses, and other financial incentives, including loan  
13 forgiveness provided by licensed early childhood educator programs or  
14 through scholarship programs, for current or potential early childhood  
15 educators to reward progress toward qualifications that allow the  
16 individual to serve as an early childhood educator in an early child care  
17 and education program licensed by the department pursuant to ~~part 1 of~~  
18 ~~this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, or to improve  
19 retention of early childhood educators in early child care and education  
20 programs licensed by the department pursuant to ~~part 1 of this article 6~~  
21 PART 3 OF ARTICLE 5 OF THIS TITLE 26.5; and

22 (i) Payments for registered apprenticeships for work-based  
23 learning opportunities for individuals interested in entering the field of  
24 early child care and education, serving children five years of age or  
25 younger, so that they can receive on-the-job training, classroom  
26 instruction, and financial rewards for gains in skills and earn credentials,  
27 credits, or higher education degrees. Any such apprenticeship program

1 must create pathways into the early child care and education profession.

2 The department, in consultation with the department of labor and  
3 employment, the department of higher education, and the department of  
4 education, shall:

5 (I) Define and establish eligibility criteria for eligible entities to  
6 receive money to implement apprenticeships;

7 (II) Establish program standards for formally recognized early  
8 childhood apprenticeship programs. These standards must address  
9 expectations for employer involvement; on-the-job training, credit, and  
10 credential attainment; ensuring the availability of relevant training and  
11 classroom instruction; rewards for skills gains; and support for local  
12 implementation; and

13 (III) Add monetary awards for the following uses of early  
14 childhood apprenticeships, as appropriate:

15 (A) Supporting existing apprenticeship programs or the creation  
16 of new apprenticeship programs by making money available to eligible  
17 entities;

18 (B) Supporting existing apprenticeship programs by expanding  
19 their reach to serve more apprentices;

20 (C) Technical assistance relating to establishing the partnerships  
21 necessary to create apprenticeships;

22 (D) Money for the recruitment of mentor teachers;

23 (E) Incentives for program participants;

24 (F) Financial rewards for skills gained in the apprenticeship  
25 program;

26 (G) Incentives for department-licensed providers to participate in  
27 apprenticeships;

1 (H) Money to cover the costs of classroom training and  
2 instruction;

3 (I) Money to cover the costs of earning a credential; and

4 (J) Money to support on-the-job training.

5 (6) (a) As part of participating in the program, the department  
6 shall require each eligible entity, as described in subsection (3) of this  
7 section, that receives grant program money to report program outcomes  
8 to the department, as applicable, including, but not limited to, the  
9 increase, as a result of the program, in the number of individuals  
10 credentialed to teach or who receive a higher level credential to teach at  
11 early child care and education programs licensed by the department  
12 pursuant to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5  
13 that serve children five years of age or younger, as well as information  
14 relating to retention of early childhood educators as a result of the  
15 program.

16 (b) So long as the department is awarding grant and scholarship  
17 money pursuant to this part 8, the department shall summarize and post,  
18 at least every two years, the information described in subsection (6)(a) of  
19 this section on the portion of the department's website relating to early  
20 childhood education.

21 **26.5-3-806. [Formerly 26-6-806] Child care teacher salary**  
22 **grant program - created - timeline - criteria and eligibility - grant**  
23 **awards - reports - definitions.** (1) As used in this section, unless the  
24 context otherwise requires:

25 (a) "CCCAP" means the Colorado child care assistance program  
26 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS  
27 TITLE 26.5.

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

3 (c) "Eligible entity" means a child care center licensed pursuant  
4 to ~~part 1 of this article 6~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 or a  
5 family child care home that has the following components:

6 (I) Authorization to serve families pursuant to CCCAP; and

7 (II) A quality rating of at least a level three pursuant to the  
8 Colorado shines quality rating and improvement system established in  
9 ~~section 26-6.5-106~~ SECTION 26.5-5-101.

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

12 (e) "Grant program" means the child care teacher salary grant  
13 program created in subsection (2) of this section.

14 (2) There is created in the department the child care teacher salary  
15 grant program. The purpose of the grant program is to allow eligible  
16 entities to apply for a grant to increase the salaries of its early childhood  
17 educators.

18 (3) The department shall solicit and review applications from  
19 eligible entities. Each application must, at a minimum, include:

20 (a) A description of the number of early childhood educators  
21 proposed to receive a salary increase;

22 (b) Verification that the eligible entity has had a quality rating of  
23 at least level three under the Colorado shines quality rating and  
24 improvement system during the past twelve months and specification of  
25 that quality rating level;

26 (c) Verification that the eligible entity is authorized to administer  
27 subsidies under CCCAP;

1 (d) Verification that the eligible entity is actively serving families  
2 that are subsidized through CCCAP; and

3 (e) Written attestation the money received from the grant program  
4 will only be used to increase salaries of early childhood educators, as  
5 specified in subsection (4) of this section.

6 (4) The department shall establish the percentage of salary  
7 increase for each early childhood educator, based on the number of  
8 applications and available appropriations.

9 **26.5-3-807. [Formerly 26-6-807] Community innovation and**  
10 **resilience for care and learning equity (CIRCLE) grant program -**  
11 **created - criteria - definitions.** (1) As used in this section, unless the  
12 context otherwise requires:

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

15 (b) "Eligible entity" includes any one of the following:

16 (I) A child care center or family child care home that is eligible to  
17 receive federal child care and development block grant funding pursuant  
18 to 42 U.S.C. sec. 9858;

19 (II) A local early childhood council, as defined in ~~section~~  
20 ~~26-6.5-101.5~~ SECTION 26.5-2-202; or

21 (III) Any other community-based or education-based entity or  
22 government agency approved by the department and that proposes grant  
23 activities described in subsection (2) of this section.

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

26 (d) "Grant program" means the community innovation and  
27 resilience for care and learning equity (CIRCLE) grant program created

1 in subsection (2) of this section.

2 (2) There is created in the department the community innovation  
3 and resilience for care and learning equity (CIRCLE) grant program. The  
4 purpose of the grant program is to address systemic challenges for early  
5 care and learning providers that have worsened as a result of the  
6 economic, social, and health impacts of the COVID-19 public health  
7 emergency and to promote innovation to improve outcomes for children  
8 and families.

9 (3) An eligible entity may apply for a grant from the grant  
10 program for the following purposes:

11 (a) Improving the affordability of child care for families whose  
12 children are not served by the Colorado child care assistance program,  
13 created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE 4 OF THIS  
14 TITLE 26.5, including, but not limited to, any of the following approaches:

15 (I) Tuition subsidies or scholarships;

16 (II) Developing public-private partnerships; or

17 (III) Employer-based cost-sharing approaches;

18 (b) Increasing access to child care for children from birth to three  
19 years of age;

20 (c) Strengthening business practices of child care programs;

21 (d) Ensuring equitable access for children, including children with  
22 special needs and dual-language learner children; or

23 (e) Other approaches to improve early childhood transitions,  
24 workforce preparation, affordability, outcomes, or innovative practices.

25 (4) The department shall solicit and review applications from  
26 eligible entities. Each application must include, at a minimum:

27 (a) A description of the activities for which the eligible entity will

- 1 use the grant money;
- 2 (b) A description of any partnerships that an eligible entity intends
- 3 to establish to carry out its grant activities;
- 4 (c) A description of how the activities listed in subsection (4)(a)
- 5 of this section will achieve the purposes of the grant program; and
- 6 (d) A detailed budget to carry out the activities listed in subsection
- 7 (4)(a) of this section.

8 **PART 9**

9 **FAMILY STRENGTHENING HOME VISITING PROGRAMS**

10 **26.5-3-901. Legislative declaration.** (1) **THE GENERAL**

11 **ASSEMBLY FINDS AND DECLARES THAT:**

12 (a) **TRADITIONAL METHODS OF DELIVERING**

13 **FAMILY-STRENGTHENING SERVICE PROGRAMS, WHICH OFTEN REQUIRE**

14 **PARENTS AND THEIR CHILDREN TO TRAVEL TO A PROGRAM SITE TO ACCESS**

15 **SERVICES DELIVERED SIMULTANEOUSLY TO MULTIPLE FAMILIES, OFTEN**

16 **CREATE BARRIERS, SUCH AS LIMITED ACCESS TO TRANSPORTATION OR**

17 **CREATION OF A STIGMA AROUND RECEIVING SERVICES, THAT PREVENT**

18 **FAMILIES, ESPECIALLY LOW-INCOME FAMILIES, FROM RECEIVING THE**

19 **BENEFITS OF THE SERVICES;**

20 (b) **EVIDENCE DEMONSTRATES THAT VOLUNTARY, HIGH-QUALITY,**

21 **EVIDENCE-BASED PROGRAMS THAT DELIVER FAMILY-STRENGTHENING**

22 **SUPPORT SERVICES HELP PARENTS AND OTHER CAREGIVERS DEVELOP THE**

23 **SKILLS AND CONFIDENCE NEEDED TO PROMOTE THEIR CHILDREN'S**

24 **HEALTHY DEVELOPMENT AND LEARNING;**

25 (c) **HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT IS**

26 **SUCCESSFULLY USED TO DELIVER A WIDE ARRAY OF HIGH-QUALITY,**

27 **VOLUNTARY FAMILY-STRENGTHENING SUPPORT SERVICES AND THAT**

1 ENABLES FAMILIES TO OVERCOME BARRIERS TO ACCESS BECAUSE THE  
2 SERVICES ARE DELIVERED IN THE HOME OR OTHER CONVENIENT SETTINGS,  
3 WHICH ARE OFTEN SELECTED BY THE FAMILY;

4 (d) HOME VISITING IS A SERVICE DELIVERY STRATEGY THAT CAN  
5 BE LEVERAGED TO PROVIDE HIGH-QUALITY, VOLUNTARY,  
6 FAMILY-STRENGTHENING SUPPORT SERVICES TO MORE COLORADO  
7 FAMILIES WHO HAVE FEWER RESOURCES AND ARE EXPOSED TO RISK  
8 FACTORS THAT MAY LEAD TO POOR OUTCOMES IN CHILD DEVELOPMENT.  
9 USING HOME VISITING TO PROVIDE THESE SERVICES RESULTS IN A STRONG  
10 RETURN ON INVESTMENT BY IMPROVING SCHOOL READINESS AND HELPING  
11 COLORADO'S CHILDREN REACH THEIR FULL POTENTIAL.

12 (e) FAMILY-STRENGTHENING SUPPORT SERVICES THAT ARE  
13 DELIVERED THROUGH HOME VISITING HAVE ALSO DEMONSTRATED  
14 IMPROVED FAMILY AND CHILD OUTCOMES BY PROMOTING SOLID  
15 PARENT-CHILD RELATIONSHIPS, IMPROVING CHILD AND PARENTAL  
16 SOCIAL-EMOTIONAL AND PHYSICAL HEALTH, IMPROVING FAMILY  
17 ECONOMIC SECURITY, IDENTIFYING DEVELOPMENTAL DELAYS EARLY,  
18 PROVIDING TIMELY CHILD WELFARE INTERVENTION SERVICES, AND  
19 PREVENTING TRAUMA AND TOXIC STRESS.

20 (2) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT  
21 AUTHORIZING GRANT PROGRAMS TO SUPPORT HOME VISITING PROGRAMS  
22 THAT DELIVER HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING  
23 SUPPORT SERVICES IS ONE OF THE BEST STRATEGIES AVAILABLE TO  
24 SUPPORT PARENTS AND OTHER CAREGIVERS IN PREPARING CHILDREN FOR  
25 FUTURE SUCCESS AND ENSURE ALL COLORADO CHILDREN ARE READY TO  
26 LEARN WHEN THEY ARRIVE AT SCHOOL.

27 **26.5-3-902. Definition.** AS USED IN THIS PART 9, UNLESS THE

1 CONTEXT OTHERWISE REQUIRES, "HOME VISITING" MEANS A  
2 TWO-GENERATION DELIVERY STRATEGY THAT IS DESIGNED TO OVERCOME  
3 BARRIERS TO ACCESSING SERVICES BY PROVIDING A COMPREHENSIVE  
4 ARRAY OF VOLUNTARY, EVIDENCE-BASED, FAMILY-STRENGTHENING  
5 SERVICES TO A FAMILY IN A LOCATION USUALLY SELECTED BY THE FAMILY  
6 THAT IS CONGRUENT WITH THE SERVICES BEING PROVIDED, WHICH  
7 LOCATION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FAMILY'S  
8 HOME, A HEALTH CARE SETTING, OR A FAMILY RESOURCE CENTER.

9 **26.5-3-903. Family-strengthening grant programs - authorized**  
10 **requirements - implementation partner - rules.** (1) THE DEPARTMENT  
11 IS AUTHORIZED TO OPERATE GRANT PROGRAMS TO SUPPORT LOCAL  
12 PROVIDERS IN DELIVERING HIGH-QUALITY, VOLUNTARY,  
13 FAMILY-STRENGTHENING SUPPORT SERVICES USING HOME VISITING  
14 STRATEGIES THAT ARE DESIGNED TO OVERCOME THE ACCESS BARRIERS  
15 OFTEN CREATED BY TRADITIONAL DELIVERY STRATEGIES. THE EXECUTIVE  
16 DIRECTOR MAY PROMULGATE RULES AS NECESSARY TO IMPLEMENT GRANT  
17 PROGRAMS AS AUTHORIZED IN THIS SECTION.

18 (2) ANY GRANT PROGRAMS THAT THE DEPARTMENT OPERATES  
19 PURSUANT TO THIS SECTION MUST BE DESIGNED TO AWARD GRANTS TO  
20 FAMILY SUPPORT SERVICES PROVIDERS THAT PROVIDE A CONTINUUM OF  
21 HIGH-QUALITY, VOLUNTARY, FAMILY-STRENGTHENING SUPPORT SERVICES  
22 THAT:

23 (a) SERVE FAMILIES AT SOME POINT DURING THE PERIOD THAT  
24 EXTENDS FROM PREGNANCY THROUGH THE CHILD'S ENROLLMENT IN EARLY  
25 ELEMENTARY SCHOOL GRADES;

26 (b) ARE EVIDENCE-BASED AND HAVE DEMONSTRATED SIGNIFICANT  
27 POSITIVE OUTCOMES IN ONE OR MORE OF THE FOLLOWING AREAS:

- 1 (I) CHILD DEVELOPMENT AND SCHOOL READINESS;
- 2 (II) FAMILY ECONOMIC SELF-SUFFICIENCY;
- 3 (III) MATERNAL AND CHILD HEALTH;
- 4 (IV) REDUCTIONS IN CHILD MALTREATMENT;
- 5 (V) FAMILY LINKAGES AND REFERRALS TO RESOURCES; AND
- 6 (VI) POSITIVE PARENTING PRACTICES; AND

7 (c) ARE DELIVERED USING A HOME VISITING STRATEGY TO PROVIDE  
8 FAMILY SERVICES THAT IS BASED ON A NATIONAL MODEL FOR HOME  
9 VISITING SERVICES OR HAS BEEN OTHERWISE PROVEN EFFECTIVE IN  
10 OVERCOMING BARRIERS TO ACCESSING SERVICES;

11 (3) IN IMPLEMENTING A FAMILY-STRENGTHENING GRANT PROGRAM  
12 PURSUANT TO THIS SECTION, THE DEPARTMENT SHALL CONTRACT WITH AN  
13 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS BASED ON A  
14 NATIONAL MODEL FOR DELIVERING FAMILY-STRENGTHENING SERVICES,  
15 THE DEPARTMENT SHALL CONTRACT WITH A LOCAL PUBLIC OR PRIVATE  
16 ENTITY THAT IS CERTIFIED, OR OTHERWISE AUTHORIZED, TO LEAD IN  
17 IMPLEMENTING THE NATIONAL MODEL IN THE STATE, TO ACT AS THE  
18 IMPLEMENTATION PARTNER. IF A GRANT PROGRAM IS NOT BASED ON A  
19 NATIONAL MODEL, THE DEPARTMENT SHALL ISSUE A REQUEST FOR  
20 PROPOSALS TO SELECT AN IMPLEMENTATION PARTNER. THE PUBLIC OR  
21 PRIVATE ENTITY THAT THE DEPARTMENT SELECTS MUST, AT A MINIMUM,  
22 HAVE DEMONSTRATED EXPERIENCE AND EXPERTISE WITH HOME VISITING  
23 AND THE TYPES OF FAMILY-STRENGTHENING SERVICES THAT MEET THE  
24 PURPOSE OF THE GRANT PROGRAM. THE DUTIES OF AN IMPLEMENTATION  
25 PARTNER MAY BE ESTABLISHED BY DEPARTMENT RULE AND MAY VARY  
26 BASED ON THE PURPOSE OF A PARTICULAR GRANT PROGRAM, BUT MUST, AT  
27 A MINIMUM, INCLUDE:

1 (a) ASSISTING THE DEPARTMENT IN REVIEWING APPLICATIONS AND  
2 SELECTING GRANTEES; AND

3 (b) WORKING WITH APPLICANTS TO COMPLETE A COMMUNITY  
4 READINESS ASSESSMENT WHEN NEEDED.

5 (4) THIS PART 9 DOES NOT APPLY TO NOR AFFECT  
6 IMPLEMENTATION OF THE "COLORADO NURSE HOME VISITOR PROGRAM  
7 ACT", PART 5 OF THIS ARTICLE 3.

8 **ARTICLE 4**

9 **Child Care and Education**

10 **PART 1**

11 **COLORADO CHILD CARE ASSISTANCE PROGRAM**

12 **26.5-4-101. [Formerly 26-2-801] Short title.** ~~This part 8 shall be~~  
13 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 1 IS the  
14 "Colorado Child Care Assistance Program Act".

15 **26.5-4-102. [Formerly 26-2-802] Legislative declaration.**

16 (1) The general assembly hereby finds and declares that:

17 (a) The state's policies in connection with the provision of child  
18 care assistance and the effective delivery of such assistance are critical to  
19 the ultimate success of any welfare reform program;

20 (b) Children in low-income families who receive services through  
21 a child care assistance program need and deserve the same access to a  
22 broad range of child care providers as do children in families who do not  
23 need assistance;

24 (c) It is critical to provide low- to moderate-income families with  
25 access to high-quality, affordable child care that fosters healthy child  
26 development and school readiness, while at the same time promotes  
27 family self-sufficiency and attachment to the workforce; and

1 (d) Individual counties play a vital role in administering the child  
2 care assistance program and have local knowledge of their individual  
3 community needs.

4 (2) Therefore, the general assembly hereby finds and declares that  
5 it is in the best interests of the state to:

6 (a) Adopt the Colorado child care assistance program set forth in  
7 this ~~part 8~~ PART 1;

8 (b) Adopt a consistent, statewide plan for child care provider  
9 reimbursement rates with a goal of ~~a floor of the seventy-fifth percentile~~  
10 ~~of each county's market rate~~ PAYMENT RATES THAT ADEQUATELY COVER  
11 THE COST OF QUALITY CHILD CARE to facilitate and increase access to  
12 high-quality child care for low-income families;

13 (c) Achieve parity across counties in the state with regard to the  
14 CCCAP program and funding allocation.

15 **26.5-4-103. [Formerly 26-2-802.5] Definitions.** As used in this  
16 ~~part 8~~ PART 1, unless the context otherwise requires:

17 (1) "Child care assistance program" or "CCCAP" means the  
18 Colorado child care assistance program established in this ~~part 8~~ PART 1.

19 (2) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" MEANS THE  
20 STATE PRESCHOOL PROGRAM ESTABLISHED IN PART 2 OF THIS ARTICLE 4.

21 (3) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT  
22 DEPARTMENT OF HUMAN OR SOCIAL SERVICES.

23 ~~(2)~~ (4) "Early care and education provider" means a school district  
24 or provider that is licensed pursuant to ~~part 1 of article 6 of this title~~ PART  
25 3 OF ARTICLE 5 OF THIS TITLE 26.5 or that participates in the Colorado  
26 preschool program pursuant to article 28 of title 22, ~~C.R.S.~~ AS IT EXISTS  
27 PRIOR TO JULY 1, 2023, OR THE COLORADO UNIVERSAL PRESCHOOL

1 PROGRAM PURSUANT TO PART 2 OF THIS ARTICLE 4.

2 ~~(3) "Early childhood council" means an early childhood council~~  
3 ~~established pursuant to part 1 of article 6.5 of this title.~~

4 (5) "ENROLLMENT CONTRACT" MEANS A CONTRACTUAL  
5 AGREEMENT DIRECTLY WITH A PROVIDER OR NETWORK THAT ASSURES A  
6 SPECIFIED NUMBER OF CHILD CARE SERVICE ENROLLMENTS WILL BE MADE  
7 AVAILABLE TO SERVE A SPECIFIED NUMBER OF CHILDREN WHO QUALIFY  
8 FOR CHILD CARE ASSISTANCE. ENROLLMENT CONTRACTS ARE AN  
9 ALLOWABLE USE OF FEDERAL CHILD CARE FUNDS.

10 ~~(4)~~ (6) "Head start program" means a program operated by a local  
11 public or private nonprofit agency designated by the federal department  
12 of health and human services to operate a head start program ~~under~~  
13 PURSUANT TO the provisions of Title V of the federal "Economic  
14 Opportunity Act of 1964", as amended.

15 ~~(5)~~ (7) "High-quality early childhood program" means a program  
16 that is operated by a provider with a fiscal agreement through CCCAP  
17 and that is in the top three levels of the state's quality rating and  
18 improvement system, is accredited by a ~~state~~ department-approved  
19 accrediting body, or is an early head start or head start program that meets  
20 federal standards.

21 ~~(6)~~ (8) "Participant" means a participant, as defined in section  
22 26-2-703 (15), in the Colorado works program.

23 ~~(7)~~ (9) "Provider" means a child care provider licensed pursuant  
24 to ~~part 1 of article 6 of this title~~ PART 3 OF ARTICLE 5 OF THIS TITLE 26.5  
25 that has ~~a fiscal agreement with the county~~ AN AGREEMENT OR  
26 ENROLLMENT CONTRACT to participate in the child care assistance  
27 program.

1           (8) (10) "Regular ~~daily~~ provider reimbursement rate" means the  
2 base ~~daily~~ rate paid for child care and excludes any additional payment  
3 for ~~absences, holidays, and other~~ additional fees that are included in the  
4 reimbursement paid to providers.

5           (9) "~~Tiered reimbursement~~" means a pay structure that reflects an  
6 ~~increased rate of reimbursement for high-quality early childhood~~  
7 ~~programs that receive CCCAP moneys.~~

8           (11) "Works program" means the Colorado works program  
9 established pursuant to part 7 of ~~this article~~ ARTICLE 2 OF TITLE 26.

10           **26.5-4-104. [Formerly 26-2-803] Provider rates - provider**  
11 **recruitment.** (1) (a) ~~The state department, in consultation with the~~  
12 ~~counties, shall contract every three years for a market rate study of~~  
13 ~~provider rates that account for quality of care, age group, and type of care~~  
14 ~~for each county as recommended by the early childhood leadership~~  
15 ~~commission created in section 26.5-1-302. Notwithstanding the~~  
16 ~~provisions of section 24-1-136 (11)(a)(I), copies of the study must be~~  
17 ~~provided to the joint budget committee on or before January 2, 2024, and~~  
18 ~~on or before January 2 every three years thereafter~~ NO LATER THAN JULY  
19 1, 2025, AND AT LEAST EVERY THREE YEARS THEREAFTER, THE  
20 DEPARTMENT, IN CONSULTATION WITH COUNTY DEPARTMENTS AND CHILD  
21 CARE PROVIDERS, SHALL DEVELOP THE CALCULATION OF PROVIDER RATES  
22 WITH THE GOAL OF EVENTUALLY ENSURING THE PROVIDER RATES MORE  
23 ACCURATELY REFLECT THE COST OF CHILD CARE RATHER THAN FAMILIES'  
24 ABILITY TO PAY. THE DEPARTMENT MAY CONTRACT FOR ASSISTANCE IN  
25 DEVELOPING THE CALCULATION. THE CALCULATION MUST ACCOUNT FOR  
26 THE COST OF QUALITY CARE AND MAY VARY BY AGE GROUP, REGION, AND  
27 TYPE OF CARE. THE DEPARTMENT MUST ENSURE THAT THE CALCULATION

1 OF PROVIDER RATES COMPLIES WITH FEDERAL REGULATIONS AND, IF  
2 REQUIRED BY FEDERAL LAW, MUST OBTAIN APPROVAL BEFORE CHANGING  
3 THE CALCULATION OF OR PROCESS FOR SETTING THE PROVIDER RATES.  
4 BEFORE ADOPTING A CHANGE TO THE PROVIDER RATES OR OTHER  
5 PAYMENT POLICIES, THE DEPARTMENT, IN CONSULTATION WITH THE  
6 COUNTY DEPARTMENTS AND PROVIDERS, SHALL ANALYZE THE  
7 ANTICIPATED IMPACT OF THE CHANGE TO THE COLORADO CHILD CARE  
8 ASSISTANCE PROGRAM, INCLUDING THE IMPACT ON THE COSTS OF  
9 SERVICES AND ON THE FAMILIES AND PROVIDERS THAT PARTICIPATE IN  
10 CCCAP. THE DEPARTMENT SHALL INCLUDE AN ANALYSIS COMPLETED  
11 PURSUANT TO THIS SUBSECTION (1)(a) IN THE REPORT DESCRIBED IN  
12 SECTION 26.5-4-109.

13 (b) AS SOON AS PRACTICABLE FOLLOWING THE EFFECTIVE DATE OF  
14 THIS SECTION, BUT NO LATER THAN OCTOBER 1, 2022, THE EXECUTIVE  
15 DIRECTOR SHALL CONVENE A WORKING GROUP OF COUNTY DEPARTMENTS  
16 \_\_\_ AND CHILD CARE PROVIDERS TO DISCUSS PROVIDER RATES AND THE  
17 PROVIDER RATE CALCULATION DESCRIBED IN SUBSECTION (1)(a) OF THIS  
18 SECTION.

19 ~~(2) On or before July 1, 2016, the state-established provider~~  
20 ~~reimbursement rates for each county must include a system of tiered~~  
21 ~~reimbursement for providers that enroll children participating in CCCAP~~  
22 THE DEPARTMENT SHALL ESTABLISH THE PROVIDER RATES BASED ON THE  
23 CALCULATION DEVELOPED PURSUANT TO SUBSECTION (1) OF THIS SECTION  
24 AND SHALL UPDATE THE RATES ON A REGULAR BASIS.

25 ~~(3) On or before July 1, 2016, the state board shall promulgate~~  
26 ~~rules related to the structure of tiered reimbursement~~ THE DEPARTMENT  
27 SHALL INCLUDE AN EXPLANATION OF THE CALCULATION OF THE PROVIDER

1 RATES IN THE REPORT ON CCCAP REQUIRED PURSUANT TO SECTION  
2 26.5-4-109, BEGINNING WITH THE REPORT SUBMITTED ON NOVEMBER 1,  
3 2024, AND IN EACH SUBSEQUENT REPORT.

4 (4) THE DEPARTMENT, WORKING WITH EARLY CHILDHOOD  
5 COUNCILS AS DEFINED IN SECTION 26.5-2-202, COUNTY DEPARTMENTS,  
6 AND LOCAL COORDINATING ORGANIZATIONS, AS DEFINED IN SECTION  
7 26.5-2-102, SHALL IDENTIFY AND RECRUIT PROVIDERS THROUGHOUT THE  
8 STATE TO PARTICIPATE IN THE CHILD CARE ASSISTANCE PROGRAM. IN  
9 IDENTIFYING AND RECRUITING PROVIDERS, THE DEPARTMENT AND LOCAL  
10 COORDINATING ORGANIZATIONS SHALL ESTABLISH A MIXED DELIVERY  
11 SYSTEM OF PUBLIC AND PRIVATE PROVIDERS IN COMMUNITIES  
12 THROUGHOUT THE STATE THAT ENABLES PARENTS TO SELECT CCCAP  
13 PROVIDERS FOR THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE  
14 WITHIN THEIR RESPECTIVE COMMUNITIES. \_\_\_

15 **26.5-4-105. [Formerly 26-2-804] Funding - allocation -**  
16 **maintenance of effort - allocation committee - rules.** (1) THERE IS  
17 CREATED THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION  
18 COMMITTEE CONSISTING OF ELEVEN MEMBERS, EIGHT OF WHOM ARE  
19 APPOINTED BY A STATEWIDE ASSOCIATION OF COUNTIES AND THREE OF  
20 WHOM ARE APPOINTED BY THE DEPARTMENT. OF THE MEMBERS  
21 APPOINTED BY THE STATEWIDE ASSOCIATION OF COUNTIES, AT LEAST TWO  
22 MEMBERS MUST BE FROM SMALL OR MEDIUM-SIZED COUNTIES AND AT  
23 LEAST THREE MUST BE FROM LARGE COUNTIES, ONE APPOINTEE OF WHOM  
24 MUST BE A REPRESENTATIVE FROM THE COUNTY THAT HAS THE GREATEST  
25 PERCENTAGE OF THE STATE'S CHILD CARE ASSISTANCE PROGRAM  
26 CASELOAD. THE APPOINTING AUTHORITIES SHALL CONSULT WITH EACH  
27 OTHER TO ENSURE THAT THE CHILD CARE ASSISTANCE PROGRAM

1 ALLOCATION COMMITTEE IS REPRESENTATIVE OF THE COUNTIES IN THE  
2 STATE. THE CHILD CARE ASSISTANCE PROGRAM ALLOCATION COMMITTEE  
3 SHALL DEVELOP ITS OWN OPERATIONAL PROCEDURES.

4 ~~(1) (2) (a) Starting with the 2018-19 2023-24 state fiscal year, or~~  
5 ~~when the rules required by subsection (2)(a) of this section are~~  
6 ~~established, whichever is later, and subject to available appropriations,~~  
7 ~~annually the state department shall~~ THE DEPARTMENT, UPON RECEIVING  
8 RECOMMENDATIONS FROM THE CHILD CARE ASSISTANCE PROGRAM  
9 ALLOCATION COMMITTEE, SHALL ANNUALLY establish the amount of each  
10 county's block grant for CCCAP BASED ON AN ALLOCATION FORMULA  
11 AGREED UPON BY THE DEPARTMENT AND THE CHILD CARE ASSISTANCE  
12 PROGRAM ALLOCATION COMMITTEE. ~~The block grant shall be based upon~~  
13 ~~each county's percentage of the estimated total number of children~~  
14 ~~eligible to participate in CCCAP times the appropriate reimbursement rate~~  
15 ~~for each county as determined by the state required by section 26-2-803~~  
16 Counties are only required to spend the state CCCAP allocation and the  
17 maintenance of effort for that allocation.

18 (b) IF THE DEPARTMENT AND THE CHILD CARE ASSISTANCE  
19 PROGRAM ALLOCATION COMMITTEE DO NOT REACH AN AGREEMENT ON  
20 THE ALLOCATION FORMULA ON OR BEFORE JUNE 1 OF A STATE FISCAL  
21 YEAR FOR THE SUCCEEDING STATE FISCAL YEAR, THE DEPARTMENT AND  
22 THE CHILD CARE ASSISTANCE PROGRAM COMMITTEE SHALL SUBMIT  
23 ALTERNATIVES TO THE JOINT BUDGET COMMITTEE OF THE GENERAL  
24 ASSEMBLY FROM WHICH THE JOINT BUDGET COMMITTEE SHALL SELECT AN  
25 ALLOCATION FORMULA BEFORE THE BEGINNING OF THE SUCCEEDING STATE  
26 FISCAL YEAR.

27 ~~(2) (3) The amount of each county's block grant determined by~~

1 subsection (1) of this section may be adjusted by the state department.  
2 The state department shall, in consultation with the counties, THE  
3 DEPARTMENT, AFTER INPUT FROM THE CHILD CARE ASSISTANCE PROGRAM  
4 ALLOCATION COMMITTEE, SHALL adopt rules regarding adjustments to the  
5 amount of a block grant, and the rules must address the following factors:

- 6 (F) (a) The cost of living;
- 7 (H) (b) The cost of high-quality early childhood programs;
- 8 (H) (c) The cost of programs;
- 9 (V) (d) The regional market rates OR COSTS for CCCAP;
- 10 (V) (e) Drastic economic changes; and
- 11 (VI) (f) Geographic differences within a county; AND
- 12 (g) OTHER FACTORS AS DETERMINED BY THE CHILD CARE  
13 ASSISTANCE PROGRAM ALLOCATION COMMITTEE.

14 (b) The state department may make an adjustment to the amount  
15 of a block grant authorized by rules promulgated pursuant to subsection  
16 (2)(a) of this section.

17 (3) The money in a county block grant allocated to a county  
18 pursuant to this section must only be used for the provision of child care  
19 services under PURSUANT TO DEPARTMENT rules promulgated by the state  
20 board pursuant to this part 8 PART 1.

21 (4) (5) Money transferred from the county block grant temporary  
22 assistance for needy families program pursuant to section 26-2-714 (7) to  
23 the child care development fund may be used for child care quality  
24 improvement activities as identified in the federal "Child Care and  
25 Development Block Grant Act of 2014", 42 U.S.C. sec. 9858 (e) 9858e,  
26 as amended.

27 (5) (6) For state fiscal year 2005-06 and for each state fiscal year

1 thereafter, each county is required to meet a level of county spending for  
2 CCCAP that is equal to the county's proportionate share of the total  
3 county funds set forth in the annual general appropriation act for CCCAP  
4 for that state fiscal year. The level of county spending is known as the  
5 county's maintenance of effort for CCCAP for that state fiscal year. For  
6 any state fiscal year, the ~~state~~ department is authorized to adjust a county's  
7 maintenance of effort, reflected as a percentage of the total county funds  
8 set forth in the annual general appropriation act for CCCAP for that state  
9 fiscal year, so that the percentage equals the county's proportionate share  
10 of the total state and federal funds appropriated for CCCAP for that state  
11 fiscal year. For any state fiscal year, the sum of all counties' maintenance  
12 of effort must be equal to or greater than the total county funds set forth  
13 in the general appropriation act for the state fiscal year 1996-97 for  
14 employment-related child care.

15 **26.5-4-106. [Formerly 26-2-805] Services - eligibility -**  
16 **assistance provided - waiting lists - rules - exceptions from**  
17 **cooperating with child support establishment - repeal.** (1) Subject to  
18 available appropriations and pursuant to DEPARTMENT rules promulgated  
19 ~~by the state board~~ for the implementation of this ~~part 8~~ PART 1, a county  
20 shall provide child care assistance to a participant or any person or family  
21 whose income is not more than one hundred eighty-five percent of the  
22 federal poverty level. Subject to available appropriations and ~~only~~ as  
23 necessary to comply with federal law ~~the state board~~ OR TO ALIGN  
24 ELIGIBILITY ACROSS EARLY CARE AND EDUCATION PROGRAMS  
25 SPECIFICALLY TO MEET THE EARLY CARE AND EDUCATION, INCOME  
26 SECURITY, AND CHILD WELFARE NEEDS OF SIMILAR POPULATIONS AND AS  
27 ALLOWED BY FEDERAL REGULATIONS, THE EXECUTIVE DIRECTOR BY RULE

1 may adjust the percentage of the federal poverty level used to determine  
2 child care assistance eligibility ~~by promulgating a rule~~ AND SHALL REVISE  
3 INCOME AND VERIFICATION REQUIREMENTS THAT PROMOTE ALIGNMENT  
4 AND SIMPLIFICATION.

5 (2) (a) ~~Beginning July 1, 2018, or when the rules required by~~  
6 ~~section 26-2-804 (2)(a) are established, whichever is later,~~ A county may  
7 provide child care assistance for any family whose income at initial  
8 determination exceeds the requirements of subsection (1) of this section  
9 but does not exceed the maximum federal level for eligibility for services  
10 of eighty-five percent of the state median income for a family of the same  
11 size if it

12 ~~(F)~~ is serving all eligible families who have applied for CCCAP  
13 and whose income level is below that requirement. ~~and~~

14 ~~(H) Uses only local money to serve such families.~~

15 (b) If, during a participant's, person's, or family's twelve-month  
16 eligibility period, the participant's, person's, or family's income rises to or  
17 above the level set by ~~the state board~~ DEPARTMENT rule at which the  
18 county may deny such participant, person, or family child care assistance,  
19 the county shall continue providing the current CCCAP subsidy until that  
20 participant's, person's, or family's next twelve-month redetermination.

21 (c) If, at the time of a participant's, person's, or family's  
22 twelve-month eligibility redetermination, the participant's, person's, or  
23 family's income rises to or above the level set by ~~the state board~~  
24 DEPARTMENT RULE at which the county may deny child care assistance,  
25 or if that income level rises above the maximum federal eligibility level  
26 of eighty-five percent of the state median income for a family of the same  
27 size, the county shall immediately notify the participant, person, or family

1 that it is no longer eligible for CCCAP.

2 ~~(d) and (e) Repealed.~~

3 (3) (a) Subject to available appropriations, pursuant to rules  
4 promulgated by the state board for implementation of this ~~part 8~~ PART 1,  
5 and except as provided for in ~~paragraph (b) of this subsection (3)~~ IN  
6 SUBSECTION (3)(b) OF THIS SECTION, a county shall provide child care  
7 assistance for a family transitioning off the works program due to  
8 employment or job training without requiring the family to apply for  
9 low-income child care but shall redetermine the family's eligibility within  
10 ~~six~~ TWELVE months after the transition.

11 (b) A family that transitions off the works program must not be  
12 automatically transitioned to CCCAP pursuant to ~~paragraph (a) of this~~  
13 ~~subsection (3)~~ SUBSECTION (3)(a) OF THIS SECTION if either of the  
14 following conditions apply:

15 (I) The family is leaving the works program due to a violation of  
16 program requirements as defined in part 7 of ~~this article~~ ARTICLE 2 OF  
17 TITLE 26 OR by DEPARTMENT rule; ~~of the state board, or by policy of a~~  
18 ~~county department; or~~

19 (II) The family is leaving the works program due to employment  
20 and will be at an income level that exceeds the ~~county-adopted~~ income  
21 eligibility limit for the ~~county's~~ CCCAP.

22 ~~(c) At the county's discretion, a family that transitions off the~~  
23 ~~works program, is eligible for CCCAP, and resides in a county that has~~  
24 ~~families on its waiting list may be added to the waiting list or be provided~~  
25 ~~child care assistance without first being added to the waiting list.~~

26 (4) (a) (I) A recipient of child care assistance through CCCAP  
27 ~~shall be~~ IS responsible for paying a portion of ~~his or her~~ THE RECIPIENT'S

1 child care costs based upon the recipient's income and the formula  
2 developed by DEPARTMENT rule. ~~of the state board.~~

3 ~~(H) After promulgation of rules by the state board, subject to~~  
4 ~~available appropriations, and upon notification to counties by the state~~  
5 ~~department that the relevant human services case management systems,~~  
6 ~~including the Colorado child care automated tracking system, are capable~~  
7 ~~of accommodating this subparagraph (H), on or before July 1, 2016, the~~  
8 ~~formula must include a tiered reduced copayment structure for children~~  
9 ~~attending high-quality care.~~

10 (HH) (II) Notwithstanding the provisions of subparagraph (H) of  
11 this paragraph (a), Upon notification to counties by the state department  
12 that the relevant human services case management systems, including the  
13 Colorado child care automated tracking system, are capable of  
14 accommodating this ~~subparagraph (H)~~ SUBSECTION (4)(a)(II), for a  
15 family living at or below one hundred percent of the federal poverty level,  
16 the family copayment responsibility must be restricted to no more than  
17 one percent of the family's gross monthly income as determined based on  
18 one month of income.

19 ~~(IV)~~ (III) Pursuant to DEPARTMENT rules ~~promulgated by the state~~  
20 ~~board~~ and upon notification to counties by the state department that the  
21 relevant ~~human services~~ case management systems, including the  
22 Colorado child care automated tracking system, are capable of  
23 accommodating this ~~subparagraph (IV)~~ SUBSECTION (4)(a)(III), income  
24 received during the past thirty days must be used in determining the  
25 copayment, unless on a case-by-case basis the prior thirty-day period does  
26 not provide an accurate indication of anticipated income, in which case  
27 a county can require evidence of up to twelve of the most recent months

1 of income. A family may also provide evidence of up to twelve of the  
2 most recent months of income if it chooses to do so if such evidence more  
3 accurately reflects an ability to afford the required family copayment.

4 (b) The ~~state board~~ EXECUTIVE DIRECTOR BY RULE shall establish,  
5 and ~~periodically revise, by rule~~ AT LEAST EVERY FIVE YEARS REVIEW AND  
6 REVISE, AS APPROPRIATE, a copayment schedule so that the copayment  
7 gradually increases as the family income approaches self-sufficiency  
8 income levels. This revised copayment schedule should allow families to  
9 retain a portion of ~~its~~ THEIR increases in income.

10 (c) A participant who is employed shall pay a portion of ~~his or her~~  
11 THE PARTICIPANT'S income for child care assistance under CCCAP. The  
12 participant's required copayment ~~under~~ PURSUANT TO the provisions of  
13 this ~~paragraph (c)~~ SUBSECTION (4)(c) must be determined by a formula  
14 established by DEPARTMENT rule ~~of the state board~~ that takes into  
15 consideration the factors set forth in ~~paragraphs (a) and (b) of this~~  
16 ~~subsection (4)~~ SUBSECTIONS (4)(a) AND (4)(b) OF THIS SECTION.

17 (5) (a) On and after July 1, 2014, and except as otherwise  
18 provided in ~~paragraph (a.5) or (a.7) of this subsection (5)~~ SUBSECTION  
19 (5)(b) OR (5)(c) OF THIS SECTION, a county may require a person who  
20 receives child care assistance pursuant to this section and who is not  
21 otherwise a participant to apply, pursuant to section 26-13-106 (2), for  
22 child support establishment, modification, and enforcement services  
23 related to any support owed by obligors to their children and to cooperate  
24 with the delegate child support enforcement unit to receive these services;  
25 except that a person is not required to submit a written application for  
26 child support establishment, modification, and enforcement services if the  
27 person shows good cause to the county implementing the Colorado child

1 care assistance program for not receiving these services.

2 ~~(a.5)~~ (b) A county shall not require an applicant who is a teen  
3 parent, as defined by DEPARTMENT rule, ~~of the state board~~, and who is not  
4 otherwise a participant to submit a written application for child support  
5 establishment, modification, and enforcement services as a condition of  
6 receiving child care assistance ~~under~~ PURSUANT TO this section until the  
7 teen parent has graduated from high school or successfully completed a  
8 high school equivalency examination. After the teen parent has been  
9 determined eligible for child care assistance and ~~his or her~~ THE TEEN  
10 PARENT'S chosen child care provider is receiving subsidy payments, a  
11 county may require the teen parent to regularly attend, at no cost and at  
12 a location and time most convenient to the teen parent, information  
13 sessions with the county child support staff focused on understanding the  
14 benefits of child support to the child, the family as a whole, and the  
15 benefits of two-parent engagement in a child's life. Once a person who  
16 receives child care assistance pursuant to this section no longer meets the  
17 definition of a teen parent or has either graduated from high school or  
18 successfully completed a high school equivalency examination, the  
19 county may require that person to cooperate with child support  
20 establishment and enforcement as a condition of continued receipt of  
21 child care assistance. ~~Nothing in this section prevents~~ THIS SECTION DOES  
22 NOT PREVENT a teen parent from establishing child support.

23 ~~(a.7)~~ (c) (I) A county shall not require an applicant to submit a  
24 written application for child support establishment, modification, and  
25 enforcement services as a condition of receiving child care assistance or  
26 to establish good cause for not cooperating with child support  
27 establishment as a condition of receiving child care assistance if the

1 applicant:

2 (A) Submits a statement that ~~he or she~~ THE APPLICANT is a victim  
3 of domestic violence, as defined in section 18-6-800.3 (1) ~~€:R:S;~~, and in  
4 part 8 of article 6 of title 18; ~~€:R:S;~~ or a victim of a sexual offense, as  
5 described in part 4 of article 3 of title 18, ~~€:R:S;~~ section 18-6-301,  
6 ~~€:R:S;~~ or section 18-6-302; ~~€:R:S;~~ or a victim of harassment, as  
7 described in section 18-9-111; ~~€:R:S;~~ or a victim of stalking, as  
8 described in section 18-3-602; ~~€:R:S;~~

9 (B) Indicates in that statement that ~~he or she~~ THE APPLICANT fears  
10 for his or her safety or the safety of ~~his or her~~ THE APPLICANT'S children  
11 if the applicant were to pursue child support enforcement pursuant to  
12 section 26-13-106 (2); and

13 (C) Submits evidence that ~~he or she~~ THE APPLICANT is a victim of  
14 domestic violence, a sexual offense, harassment, or stalking as described  
15 in ~~sub-subparagraph (A) of this subparagraph (I)~~ SUBSECTION (5)(c)(I)(A)  
16 OF THIS SECTION.

17 (II) For purposes of ~~sub-subparagraph (C) of subparagraph (I) of~~  
18 ~~this paragraph (a.7)~~ SUBSECTION (5)(c)(I)(C) OF THIS SECTION, sufficient  
19 evidence includes, but is not limited to, evidence identified for  
20 participation in the address confidentiality program included in section  
21 24-30-2105 (3)(c)(I) to (3)(c)(IV), ~~€:R:S;~~ or from a "victim's advocate",  
22 as defined in section 13-90-107 (1)(k)(II), ~~€:R:S;~~ from whom the  
23 applicant has sought assistance.

24 (III) A county may provide information about the importance of  
25 establishing child support to a victim of domestic violence, a sexual  
26 offense, harassment, or stalking who chooses not to engage in child  
27 support establishment or to pursue a good cause waiver from cooperation.

1           ~~(b)~~ (d) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
2 rules for the implementation of this subsection (5), including but not  
3 limited to rules establishing good cause for not receiving these services;  
4 ~~and~~ rules for the imposition of sanctions upon a person who fails, without  
5 good cause as determined by the county implementing the Colorado child  
6 care assistance program, to apply for child support enforcement services  
7 or to cooperate with the delegate child support enforcement unit as  
8 required by this subsection (5); ~~The state board shall revise its~~ AND rules  
9 regarding the option of counties to make cooperation with child support  
10 establishment and enforcement a condition of receiving child care  
11 assistance for teen parents and for victims of domestic violence, sexual  
12 offense, harassment, or stalking.

13           ~~(c)~~ (e) (I) On July 1, 2017, and every July 1 thereafter through  
14 July 1, 2025, each county department shall report to the ~~state~~ department  
15 information related to teen parents in the Colorado child care assistance  
16 program. The ~~state board~~ EXECUTIVE DIRECTOR shall establish, by rule,  
17 criteria to be reported annually by each county, including but not limited  
18 to:

19           (A) The total number of cases in each county that are receiving  
20 services from a county child support services office that involve custodial  
21 parties who are nineteen years of age or younger and the number of  
22 children being served;

23           (B) The total number of teen parents in each county that are  
24 receiving Colorado child care assistance;

25           (C) For each teen parent receiving child care assistance in the  
26 county, longitudinal data indicating whether paternity has been  
27 established and whether child support has been established for the child

1 and reported for the child from birth to age four;

2 (D) For each teen parent receiving child care assistance in the  
3 county, longitudinal data indicating whether the teen parent achieved  
4 economic self-sufficiency and avoided becoming a Colorado works  
5 participant while in school and reported for the child from the child's birth  
6 to age four;

7 (E) For each teen parent receiving child care assistance in the  
8 county, longitudinal data indicating the total amount and the percentage  
9 of child support collected for the benefit of the child and reported for the  
10 child from birth to age four.

11 (II) The reports filed with the ~~state~~ department as a result of this  
12 ~~paragraph (c)~~ SUBSECTION (5)(e) are public records available for public  
13 inspection.

14 ~~(d)~~ (f) Upon notification that the relevant ~~human services~~ case  
15 management systems are capable of accommodating the provisions in  
16 ~~paragraphs (a.5) and (a.7) of this subsection (5)~~ SUBSECTIONS (5)(b) AND  
17 (5)(c) OF THIS SECTION, the ~~state~~ department is required to start tracking  
18 counties' compliance with ~~paragraphs (a.5) and (a.7) of this subsection (5)~~  
19 SUBSECTIONS (5)(b) AND (5)(c) OF THIS SECTION. The ~~state~~ department  
20 shall notify counties when the ~~human services~~ case management systems  
21 are functional and when the tracking of compliance will begin.

22 (g) THIS SUBSECTION (5) IS REPEALED, EFFECTIVE JULY 1, 2023.

23 ~~(6) Repealed.~~

24 (6) EFFECTIVE JULY 1, 2023, A COUNTY SHALL NOT REQUIRE A  
25 PERSON WHO APPLIES FOR CHILD CARE ASSISTANCE PURSUANT TO THIS  
26 SECTION TO PARTICIPATE IN CHILD SUPPORT ESTABLISHMENT,  
27 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT

1 OWED BY OBLIGORS TO THEIR CHILDREN OR TO COOPERATE WITH THE  
2 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS A CONDITION OF  
3 RECEIVING CHILD CARE ASSISTANCE SERVICES. THIS SUBSECTION (6) DOES  
4 NOT PROHIBIT A COUNTY FROM EDUCATING APPLICANTS ABOUT THE  
5 BENEFITS OF CHILD SUPPORT AND CHILD SUPPORT ESTABLISHMENT,  
6 MODIFICATION, AND ENFORCEMENT SERVICES, AND HOW TO ENGAGE IN  
7 THE CHILD SUPPORT PROCESS.

8 (7) (a) For a family with a child who is enrolled in both CCCAP  
9 and a head start program OR, AS SOON AS PRACTICABLE AFTER JULY 1,  
10 2023, BOTH CCCAP AND THE COLORADO UNIVERSAL PRESCHOOL  
11 PROGRAM, the family's CCCAP eligibility redetermination must occur no  
12 sooner than the end of the last month of the child's first full twelve-month  
13 program year of enrollment in the head start OR COLORADO UNIVERSAL  
14 PRESCHOOL program. Child care assistance program eligibility  
15 redetermination for a child enrolled in both programs must occur once  
16 every twelve months thereafter.

17 ~~(b) to (d) Repealed.~~

18 ~~(e) (b) Notwithstanding the provisions of section 26-1-127 (2)(a),~~  
19 ~~a family that receives child care assistance pursuant to this part 8 PART 1~~  
20 ~~is not required to report income or activity changes during the~~  
21 ~~twelve-month eligibility period; except that, within the twelve-month~~  
22 ~~eligibility period, a family is required to report a change in income if the~~  
23 ~~family's income exceeds eighty-five percent of the state median income.~~  
24 ~~If a family no longer participates in the activity under which it was made~~  
25 ~~eligible in the child care case, the family shall report that change within~~  
26 ~~four weeks from the time it ceased participating in the eligible activity.~~

27 ~~(f) (c) A parent must not be determined ineligible to receive child~~

1 care assistance pursuant to this ~~part 8~~ PART 1 as a result of:

2 (I) Taking maternity leave;

3 (II) Being a separated spouse or parent under a validly issued  
4 temporary order for parental responsibilities or child custody where the  
5 other spouse or parent has disqualifying financial resources;

6 (III) Each instance of nontemporary job loss for less than ninety  
7 days; or

8 (IV) A temporary break in eligible activity, as defined by  
9 DEPARTMENT rule. ~~of the state board.~~

10 ~~(g) and (h) Repealed.~~

11 ~~(i)~~ (d) Subject to available appropriations and pursuant to  
12 DEPARTMENT rules promulgated by the state board for the implementation  
13 of this ~~part 8~~ PART 1, a parent who is enrolled in a postsecondary  
14 education program or a workforce training program is eligible for  
15 CCCAP for at least any two years of the postsecondary education or  
16 workforce training program, provided all other CCCAP eligibility  
17 requirements are met during those two years. ON AND AFTER JULY 1,  
18 2023, a county may ONLY give priority for services to a working family  
19 over a family enrolled in postsecondary education or workforce training  
20 IF THE COUNTY DOES NOT HAVE SUFFICIENT FUNDING AND HAS RECEIVED  
21 APPROVAL FROM THE DEPARTMENT BEFORE IMPLEMENTING THE  
22 PRIORITIZATION.

23 ~~(j)~~ (e) To provide continuous child care with the least disruption  
24 to the child, ~~the hours authorized for the provision of child care through~~  
25 ~~CCCAP must include authorized hours for the child that promote~~  
26 continuous, consistent, and regular care and must not be linked directly  
27 to a parent's employment, education, or workforce training schedule.

1 Pursuant to DEPARTMENT rules, ~~promulgated by the state board~~, the  
2 ~~number of hours authorized for~~ AMOUNT OF child care AUTHORIZED  
3 should be based on ~~the number of hours the parent is participating in an~~  
4 ~~eligible activity and the PARENT'S AND child's needs for CHILD care.~~

5 (8) Pursuant to DEPARTMENT rules ~~promulgated by the state board~~  
6 and upon notification to counties by the ~~state~~ department that the relevant  
7 ~~human services~~ case management systems, including the Colorado child  
8 care automated tracking system, are capable of accommodating this  
9 subsection (8), income received during the past thirty days must be used  
10 in determining eligibility unless, on a case-by-case basis, the prior  
11 thirty-day period does not provide an accurate indication of anticipated  
12 income, in which case a county can require evidence of up to twelve of  
13 the most recent months of income. A family may also provide evidence  
14 of up to twelve of the most recent months of income if it chooses to do so  
15 if such evidence more accurately reflects a family's current income level.

16 (9) A county has the authority to develop a voucher system for  
17 families enrolled in CCCAP through which they can secure relative or  
18 unlicensed child care.

19 (10) An early care and education provider or county may conduct  
20 a pre-eligibility determination for child care assistance for a family to  
21 facilitate the determination process. The early care and education provider  
22 shall submit its pre-eligibility documentation to the county for final  
23 determination of eligibility for child care assistance. The early care and  
24 education provider or county may provide services to the family prior to  
25 final determination of eligibility, and the county shall reimburse a  
26 provider for such services only if the county determines the family is  
27 eligible for services and there is no need to place the family on a waiting

1 list. If the family is found ineligible for services, the county shall not  
2 reimburse the early care and education provider for any services provided  
3 during the period between its pre-eligibility determination and the  
4 county's final determination of eligibility.

5 (11) A provider OR A LOCAL COORDINATING ORGANIZATION, AS  
6 DEFINED IN SECTION 26.5-2-102, may accept a family's CCCAP  
7 application and submit it to the county on behalf of a family seeking child  
8 care assistance.

9 (12) Each county:

10 (a) Upon notification to counties by the state department that the  
11 relevant ~~human services~~ case management systems, including the  
12 Colorado child care automated tracking system, are capable of  
13 accommodating this ~~paragraph (a)~~ SUBSECTION (12)(a), and pursuant to  
14 DEPARTMENT rules, ~~promulgated by the state board~~, in addition to regular  
15 ~~daily~~ provider reimbursement rates, shall ~~reimburse providers according~~  
16 ~~to the following schedule:~~ PAY PROVIDERS FOR CARE IN ALIGNMENT WITH  
17 COMMON PRACTICES IN THE PRIVATE MARKET FOR CHILD CARE. THE  
18 DEPARTMENT RULES GOVERNING PAYMENT POLICIES MUST ALLOW DAILY  
19 REIMBURSEMENT RATES ONLY FOR DROP-IN CHILD CARE, BACK-UP CHILD  
20 CARE, AND CARE THAT IS COMMONLY PAID ON A DAILY REIMBURSEMENT  
21 BASIS IN THE CHILD CARE MARKET AND MUST INCENTIVIZE PROVIDERS TO  
22 PROMOTE REGULAR PROGRAM ATTENDANCE.

23 ~~(I) For providers in the first level of the state department's quality~~  
24 ~~rating and improvement system, for no fewer than six absences or~~  
25 ~~holidays per year;~~

26 ~~(II) For providers in the second level of the state department's~~  
27 ~~quality rating and improvement system, for no fewer than ten absences or~~

1     ~~holidays per year; and~~

2             ~~(III) For providers in the top three levels of the state department's~~  
3     ~~quality rating and improvement system, for no fewer than fifteen absences~~  
4     ~~or holidays per year.~~

5             (b) Shall maintain a current and accurate waiting list of parents  
6     who have inquired about securing a CCCAP subsidy and are likely to be  
7     eligible for CCCAP based on self-reported income and job, education, or  
8     workforce training activity if families are not able to be served at the time  
9     of application due to funding concerns. Counties may enroll families off  
10    waiting lists according to local priorities and may require an applicant to  
11    restate ~~his or her~~ THE APPLICANT'S intention to be kept on the waiting list  
12    every six months in order to maintain ~~his or her~~ THE APPLICANT'S place on  
13    the waiting list.

14            (c) Shall post eligibility, authorization, and administration policies  
15    and procedures so they are easily accessible and readable to a layperson.  
16    The policies must be sent to the ~~state~~ department for compilation.

17            (d) May use its CCCAP allocation to provide ~~direct~~ ENROLLMENT  
18    contracts or grants to early care and education providers: ~~for a~~  
19    ~~county-determined number of CCCAP slots for a twelve-month period~~ TO  
20    SUPPORT IMPLEMENTATION OF THE LOCAL COMMUNITY PLAN DESCRIBED  
21    IN SECTION 26.5-2-104; to increase the supply and improve the quality of  
22    child care for infants and toddlers, children with disabilities, after-hours  
23    care, and children in underserved neighborhoods; TO PROVIDE STABILITY  
24    FOR THE EARLY CHILDHOOD SECTOR; AND TO IMPROVE ALIGNMENT WITH  
25    THE PROVISION OF ADDITIONAL PRESCHOOL SERVICES, AS DEFINED IN  
26    SECTION 26.5-4-203, TO WORKING FAMILIES WHO NEED ADDITIONAL CARE;

27            (e) Subject to available appropriations and pursuant to

1 DEPARTMENT rules, ~~promulgated by the state board for the~~  
2 ~~implementation of this part 8~~, and upon notification to counties by the  
3 ~~state~~ department that the relevant ~~human services~~ case management  
4 systems, including the Colorado child care automated tracking system, are  
5 capable of accommodating this subsection (12)(e), ~~must determine that~~  
6 ~~a recipient of benefits from the food assistance program established in~~  
7 ~~part 3 of this article 2 is eligible for CCCAP if he or she meets all other~~  
8 ~~CCCAP eligibility criteria and may~~ SHALL use eligibility determination  
9 information from other public assistance programs and systems to  
10 determine CCCAP eligibility, INCLUDING ELIGIBILITY DETERMINATION  
11 INFORMATION USED FOR CHILDREN PARTICIPATING IN THE COLORADO  
12 UNIVERSAL PRESCHOOL PROGRAM; and

13 (f) ~~Subject to available capacity to raise federal or state funding,~~  
14 ~~Shall~~ prioritize child care assistance for certified foster parents, certified  
15 kinship foster parents, 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, and noncertified kinship care providers  
18 that provide care for children with an open child welfare case who are not  
19 in the legal custody of a county department.

20 (13) FOR CHILDREN WHO ARE ENROLLED IN BOTH CCCAP AND THE  
21 COLORADO UNIVERSAL PRESCHOOL PROGRAM, THE EXECUTIVE DIRECTOR  
22 SHALL ADOPT RULES AS NECESSARY TO ENSURE:

23 (a) FUNDS MAY BE BLENDED OR BRAIDED AT THE STATE AND  
24 LOCAL LEVEL TO ENSURE FAMILIES CAN SEAMLESSLY ACCESS EARLY  
25 CHILDHOOD EDUCATION AND SERVICES AND PROVIDERS FACE THE FEWEST  
26 POSSIBLE SYSTEMS TO NAVIGATE TO SECURE PAYMENT FOR SERVICES; AND

27 (b) ELIGIBILITY AND AUTHORIZATION FOR SERVICES FOR THE

1 PORTIONS OF BOTH PROGRAMS THAT ARE TARGETED TO SIMILAR  
2 POPULATIONS ARE ALIGNED TO THE GREATEST EXTENT PRACTICABLE AS  
3 ALLOWED BY FEDERAL REGULATIONS, INCLUDING ENSURING THE STATE  
4 TAKES MAXIMUM ADVANTAGE OF FLEXIBILITY IN FEDERAL REGULATIONS  
5 TO ENSURE THAT CHILDREN WHO ARE ELIGIBLE FOR BOTH PROGRAMS CAN  
6 SEAMLESSLY ACCESS THE LENGTH AND QUALITY OF PROGRAMMING THAT  
7 PARENTS, CHILDREN, AND FAMILIES NEED.

8 (13) (14) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
9 rules for the implementation of this ~~part 8~~ PART 1.

10 **26.5-4-107. [Formerly 26-2-805.5] Exemptions - requirements.**

11 (1) Notwithstanding any provision of ~~section 26-2-805~~ SECTION  
12 26.5-4-106 to the contrary, an exempt family child care home provider,  
13 as defined in ~~section 26-6-102~~ (12) SECTION 26.5-5-303, is not eligible to  
14 receive child care assistance ~~moneys~~ MONEY through CCCAP if ~~he or she~~  
15 THE PROVIDER fails to meet the criteria established in ~~section 26-6-120~~  
16 SECTION 26.5-5-326.

17 (2) As a prerequisite to entering into a valid CCCAP contract with  
18 a county office or to being a party to any other payment agreement for the  
19 provision of care for a child whose care is funded in whole or in part with  
20 ~~moneys~~ MONEY received on the child's behalf from publicly funded state  
21 child care assistance programs, an exempt family child care home  
22 provider shall sign an attestation that affirms ~~he or she~~ THE PROVIDER, and  
23 any qualified adult residing in the exempt family child care home, has not  
24 been determined to be insane or mentally incompetent by a court of  
25 competent jurisdiction and a court has not entered, pursuant to part 3 or  
26 4 of article 14 of title 15, ~~€R.S.~~, or section 27-65-109 (4) or 27-65-127,  
27 ~~€R.S.~~, an order specifically finding that the mental incompetency or

1 insanity is of such a degree that the provider cannot safely operate an  
2 exempt family child care home.

3 **26.5-4-108. [Formerly 26-2-806] No individual entitlement.**

4 (1) Nothing in this ~~part 8~~ PART 1 or any rules promulgated pursuant to  
5 this ~~part 8~~ PART 1 shall be interpreted to create a legal entitlement in any  
6 person to child care assistance.

7 (2) No county may create or shall be deemed to create a legal  
8 entitlement in any person to assistance ~~under~~ PURSUANT TO this ~~part 8~~  
9 PART 1.

10 **26.5-4-109. [Formerly 26-2-809] Colorado child care assistance**

11 **program - reporting requirements.** (1) On or before December 1,  
12 2016, and on or before December 1 each year thereafter, the state  
13 NOVEMBER 1, 2022, AND ON OR BEFORE NOVEMBER 1 EACH YEAR  
14 THEREAFTER, THE department shall prepare a report on CCCAP.  
15 Notwithstanding section 24-1-136 (11)(a)(I), the state department shall  
16 provide the report to the public health care JOINT BUDGET COMMITTEE OF  
17 THE GENERAL ASSEMBLY, THE PUBLIC AND BEHAVIORAL HEALTH and  
18 human services committee of the house of representatives, and the health  
19 and human services committee of the senate, or any successor  
20 committees. The report must include, at a minimum, the following  
21 information related to benchmarks of success for CCCAP:

22 (a) The number of children and families served through CCCAP  
23 statewide and by county, WHICH, BEGINNING NOVEMBER 1, 2024, MUST  
24 INCLUDE THE NUMBER OF CHILDREN SERVED IN PART-TIME CHILD CARE  
25 THROUGH CCCAP AND THE NUMBER OF CHILDREN SERVED IN FULL-TIME  
26 CHILD CARE THROUGH CCCAP, BOTH GROUPS DISAGGREGATED BY AGES  
27 FROM BIRTH THROUGH THIRTEEN YEARS OF AGE;

1 (b) The average length of time that parents remain in the  
2 workforce while receiving CCCAP subsidies, even when their income  
3 increases;

4 (c) The average number of months of uninterrupted, continuous  
5 care for children enrolled in CCCAP;

6 (d) The number and percent of all children enrolled in CCCAP  
7 who receive care at each level of the state's quality and improvement  
8 rating system;

9 (e) The average length of time a family is authorized for a  
10 CCCAP subsidy, disaggregated by recipients' eligible activities, such as  
11 job search, employment, workforce training, and postsecondary  
12 education;

13 (f) The number of families on each county's wait list as of  
14 November 1 of each year, as well as the average length of time each  
15 family remains on the wait list in each county;

16 (g) The number of families and children statewide and by county  
17 that exit CCCAP due to their family incomes exceeding the eligibility  
18 limits;

19 (h) The number of families and children statewide and by county  
20 that reenter CCCAP within two years of exiting due to their family  
21 incomes exceeding the eligibility limits; and

22 (i) An estimate of unmet need for CCCAP in each county and  
23 throughout the state based on estimates of the number of children and  
24 families who are likely to be eligible for CCCAP in each county but who  
25 are not enrolled in CCCAP, DISAGGREGATED BY ESTIMATED AGES FROM  
26 BIRTH THROUGH THIRTEEN YEARS OF AGE; AND

27 (j) BEGINNING WITH THE REPORT SUBMITTED NOVEMBER 1, 2024,

1 AND IN EACH ANNUAL REPORT THEREAFTER:

2 (I) A YEAR-OVER-YEAR COMPARISON OF THE NUMBER OF  
3 CHILDREN SERVED BY CCCAP TO SHOW FLUCTUATIONS IN THE NUMBER  
4 OF CHILDREN SERVED;

5 (II) THE NUMBER OF INFORMAL, LICENSE-EXEMPT PROVIDERS,  
6 IN-HOME PROVIDERS, COMMUNITY-BASED PROVIDERS, AND SCHOOL-BASED  
7 PROVIDERS THAT AGREE TO SERVE CHILDREN WITH A CCCAP SUBSIDY  
8 COMPARED TO THE TOTAL NUMBER OF PROVIDERS;

9 (III) THE NUMBER OF PROVIDER AGREEMENTS AND ENROLLMENT  
10 CONTRACTS WITH PROVIDERS;

11 (IV) AN EXPLANATION OF THE CALCULATION OF THE MOST  
12 RECENTLY ADOPTED PROVIDER RATES; AND

13 (V) AN EXPLANATION OF THE QUALITY INCENTIVES MADE  
14 AVAILABLE TO PROVIDERS.

15 **26.5-4-110. Performance contracts.** (1) (a) EACH COUNTY,  
16 EITHER ACTING SINGLY OR WITH A GROUP OF COUNTIES, SHALL ENTER INTO  
17 AN ANNUAL PERFORMANCE CONTRACT WITH THE DEPARTMENT THAT  
18 IDENTIFIES THE COUNTY'S OR GROUP OF COUNTIES' AND THE  
19 DEPARTMENT'S DUTIES AND RESPONSIBILITIES IN IMPLEMENTING THE  
20 CHILD CARE ASSISTANCE PROGRAM. THE PERFORMANCE CONTRACT MUST  
21 INCLUDE, BUT NEED NOT BE LIMITED TO, REQUIREMENTS AND PROVISIONS  
22 THAT ADDRESS EACH PARTY'S DUTIES AND RESPONSIBILITIES TO WORK IN  
23 A COLLABORATIVE MANNER TO ADMINISTER, FINANCIALLY SUPPORT, AND  
24 IMPLEMENT THE CHILD CARE ASSISTANCE PROGRAM USING FAIR AND  
25 OBJECTIVE CRITERIA.

26 (b) A COUNTY OR GROUP OF COUNTIES MAY BE PENALIZED FOR NOT  
27 MEETING ANY OBLIGATION UNDER THE PERFORMANCE CONTRACT. THE

1 PENALTIES MUST BE IDENTIFIED IN THE PERFORMANCE CONTRACT AND  
2 MAY INCLUDE A REDUCTION IN A FUTURE COUNTY BLOCK GRANT  
3 ALLOCATION.

4 (2) THE PERFORMANCE CONTRACT MUST SET FORTH THE  
5 CIRCUMSTANCES UNDER WHICH THE DEPARTMENT MAY ELECT THAT IT OR  
6 ITS AGENT ASSUME THE COUNTY'S OR GROUP OF COUNTIES'  
7 ADMINISTRATION AND IMPLEMENTATION OF THE CHILD CARE ASSISTANCE  
8 PROGRAM.

9 (3) IF A DISAGREEMENT CONCERNING THE PERFORMANCE  
10 CONTRACT ARISES BETWEEN THE COUNTY OR GROUP OF COUNTIES AND  
11 THE DEPARTMENT, EITHER PARTY MAY REQUEST RESOLUTION OF THE  
12 DISAGREEMENT THROUGH AN INDEPENDENT DISPUTE RESOLUTION PROCESS  
13 THAT IS AGREED UPON BY THE PARTIES. \_\_\_\_ IF NECESSARY TO ASSURE  
14 SERVICES ARE AVAILABLE WITHIN THE COUNTY OR GROUP OF COUNTIES,  
15 THE DEPARTMENT MAY ENTER INTO A TEMPORARY AGREEMENT WITH THE  
16 COUNTY OR GROUP OF COUNTIES OR WITH ANOTHER PUBLIC OR PRIVATE  
17 AGENT UNTIL THE DISAGREEMENT IS RESOLVED.

18 PART 2

19 COLORADO UNIVERSAL PRESCHOOL PROGRAM

20 **26.5-4-201. Short title.** THE SHORT TITLE OF THIS PART 2 IS THE  
21 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT".

22 **26.5-4-202. Legislative declaration.** (1) (a) THE GENERAL  
23 ASSEMBLY FINDS AND DECLARES THAT:

24 (I) COLORADO HAS PRIORITIZED EARLY LEARNING THROUGH ITS  
25 INVESTMENTS IN THE COLORADO PRESCHOOL PROGRAM, ESTABLISHED IN  
26 1988, AND FULL-DAY KINDERGARTEN, ADOPTED IN 2019;

27 (II) SINCE ESTABLISHING THE COLORADO PRESCHOOL PROGRAM,

1 COLORADO HAS STEADILY INCREASED ITS INVESTMENT IN HIGH-QUALITY  
2 PRESCHOOL PROGRAMMING, SECURING A SIGNIFICANT RETURN ON  
3 INVESTMENT BY IMPROVING CHILD OUTCOMES YEAR OVER YEAR BY  
4 EXPANDING ACCESS TO PRESCHOOL FOR CHILDREN IN LOW-INCOME  
5 FAMILIES AND THOSE WHO ARE AT RISK OF ENTERING KINDERGARTEN  
6 WITHOUT BEING PREPARED TO LEARN;

7 (III) STATE AND NATIONAL RESEARCH DEMONSTRATE THE  
8 POSITIVE AND LONG- AND SHORT-TERM IMPACTS OF HIGH-QUALITY  
9 PRESCHOOL, INCLUDING IMPROVED EARLY LITERACY, REDUCED GRADE  
10 RETENTION, DECREASED PROBABILITY OF DEVELOPING A SIGNIFICANT  
11 READING DEFICIENCY, IMPROVED PERFORMANCE ON STATEWIDE  
12 STANDARDS-BASED ASSESSMENTS, AND INCREASED RATE OF HIGH SCHOOL  
13 GRADUATION;

14 (IV) RESEARCH DEMONSTRATES THAT ECONOMICALLY  
15 DISADVANTAGED CHILDREN DERIVE GREATER BENEFITS FROM PRESCHOOL  
16 PROGRAMS IN STATES THAT OFFER UNIVERSAL PROGRAMS THAN IN STATES  
17 THAT OFFER PRESCHOOL PROGRAMS SPECIFICALLY FOR ECONOMICALLY  
18 DISADVANTAGED CHILDREN.

19 (V) IN THE 2020 GENERAL ELECTION, THE VOTERS OF COLORADO  
20 APPROVED PROPOSITION EE BY A NEARLY TWO-TO-ONE MARGIN,  
21 ESTABLISHING A DEDICATED SOURCE OF FUNDING FOR STATEWIDE,  
22 VOLUNTARY, UNIVERSAL PRESCHOOL PROGRAMMING FOR CHILDREN IN THE  
23 YEAR PRECEDING KINDERGARTEN AND FOR ADDITIONAL PRESCHOOL  
24 PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES AND CHILDREN  
25 WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING PREPARED  
26 TO LEARN. WITH THE PASSAGE OF THIS MEASURE, COLORADO VOTERS IN  
27 RURAL, URBAN, AND SUBURBAN COMMUNITIES HAVE DEMONSTRATED

1 THEIR STRONG COMMITMENT TO EXPANDING ACCESS TO QUALITY  
2 PRESCHOOL FOR CHILDREN REGARDLESS OF THEIR ECONOMIC  
3 CIRCUMSTANCES.

4 (VI) CREATING A STATEWIDE, MIXED DELIVERY SYSTEM OF  
5 PRESCHOOL PROVIDERS TO MAKE PRESCHOOL PROGRAMMING  
6 UNIVERSALLY AVAILABLE TO CHILDREN THROUGHOUT COLORADO  
7 COMPOUNDS THE BENEFITS FOR CHILDREN WHO ARE IN LOW-INCOME  
8 FAMILIES AND INCREASES THE ULTIMATE SOCIAL AND ECONOMIC BENEFITS  
9 OF HIGH-QUALITY PRESCHOOL PROGRAMMING FOR THE STATE AS A WHOLE.

10 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE  
11 BEST INTERESTS OF THE STATE AND CONSISTENT WITH THE WILL OF THE  
12 VOTERS OF COLORADO TO ESTABLISH THE COLORADO UNIVERSAL  
13 PRESCHOOL PROGRAM TO PROVIDE HIGH-QUALITY, VOLUNTARY  
14 PRESCHOOL PROGRAMMING THROUGH A MIXED DELIVERY SYSTEM FOR  
15 CHILDREN THROUGHOUT THE STATE IN THE YEAR PRECEDING  
16 KINDERGARTEN ENROLLMENT AND TO PROVIDE FOR ADDITIONAL  
17 PRESCHOOL SERVICES FOR CHILDREN WHO ARE IN LOW-INCOME FAMILIES  
18 OR WHO MEET IDENTIFIED QUALIFYING FACTORS.

19 (2) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
20 THAT:

21 (I) IN 2000, THE VOTERS APPROVED SECTION 17 OF ARTICLE IX OF  
22 THE STATE CONSTITUTION, WHICH REQUIRES THE GENERAL ASSEMBLY TO  
23 ANNUALLY INCREASE, BY AT LEAST THE RATE OF INFLATION, THE  
24 STATEWIDE BASE PER PUPIL FUNDING, AS DEFINED BY THE "PUBLIC  
25 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22, FOR PUBLIC  
26 EDUCATION FROM PRESCHOOL THROUGH TWELFTH GRADE;

27 (II) IN THE 2001-02 FISCAL YEAR AND IN EVERY FISCAL YEAR

1 SINCE, THE INCREASES TO STATEWIDE BASE PER PUPIL FUNDING HAVE  
2 AUTOMATICALLY APPLIED TO FUNDING FOR PRESCHOOL SERVICES  
3 PROVIDED BY SCHOOL DISTRICTS, BECAUSE THE FUNDING FOR PRESCHOOL  
4 SERVICES HAS BEEN CALCULATED THROUGH THE SCHOOL FINANCE  
5 FORMULA ESTABLISHED IN ARTICLE 54 OF TITLE 22, WHICH APPLIES TO  
6 FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION;

7 (III) TO EFFECTIVELY AND EFFICIENTLY PROVIDE PRESCHOOL  
8 SERVICES THROUGH A MIXED DELIVERY SYSTEM OF SCHOOL- AND  
9 COMMUNITY-BASED PRESCHOOL PROVIDERS, AND TO ENSURE THAT  
10 FUNDING CALCULATIONS ACCOUNT FOR THE UNIQUE STANDARDS AND  
11 FEATURES OF PRESCHOOL PROGRAMS, STATE FUNDING FOR PRESCHOOL  
12 SERVICES, INCLUDING PRESCHOOL SERVICES FOR CHILDREN WITH  
13 DISABILITIES, MUST BE APPROPRIATED AND ALLOCATED SEPARATELY FROM  
14 THE FUNDING FOR PUBLIC ELEMENTARY AND SECONDARY EDUCATION,  
15 AND, BEGINNING IN THE 2023-24 FISCAL YEAR, THE STATEWIDE BASE PER  
16 PUPIL FUNDING AMOUNT SET ANNUALLY FOR PUBLIC ELEMENTARY AND  
17 SECONDARY EDUCATION WILL NO LONGER APPLY TO FUNDING FOR  
18 PRESCHOOL SERVICES;

19 (IV) TO CONTINUE TO MEET THE INTENT OF SECTION 17(1) OF  
20 ARTICLE IX OF THE STATE CONSTITUTION WITH REGARD TO FUNDING FOR  
21 PRESCHOOL SERVICES, IT IS APPROPRIATE FOR THE DEPARTMENT OF EARLY  
22 CHILDHOOD TO ESTABLISH A PER-CHILD CONSTITUTIONAL COMPLIANCE  
23 RATE FOR THE 2023-24 FISCAL YEAR THAT EQUALS THE PORTION OF THE  
24 STATEWIDE BASE PER PUPIL FUNDING AMOUNT ESTABLISHED FOR THE  
25 2023-24 FISCAL YEAR THAT APPLIES TO THE NUMBER OF HOURS OF  
26 UNIVERSAL PRESCHOOL SERVICES PROVIDED TO AN ELIGIBLE CHILD, AND  
27 TO INCREASE THE PER-CHILD CONSTITUTIONAL COMPLIANCE RATE

1 ANNUALLY BY THE RATE OF INFLATION.

2 (b) THE GENERAL ASSEMBLY, THEREFORE, DECLARES THAT, BY  
3 ESTABLISHING A PER-CHILD CONSTITUTIONAL COMPLIANCE RATE AND  
4 ENSURING THAT THE PER-CHILD RATE THAT THE DEPARTMENT ANNUALLY  
5 ESTABLISHES FOR UNIVERSAL PRESCHOOL SERVICES AND FOR PRESCHOOL  
6 SERVICES PROVIDED TO CHILDREN WHO ARE THREE YEARS OF AGE OR  
7 YOUNGER MEETS OR EXCEEDS THE PER-CHILD CONSTITUTIONAL  
8 COMPLIANCE RATE, FUNDING FOR THE COLORADO UNIVERSAL PRESCHOOL  
9 PROGRAM SUBSTANTIALLY COMPLIES WITH THE REQUIREMENTS OF  
10 SECTION 17 (1) OF ARTICLE IX OF THE STATE CONSTITUTION.

11 (3) (a) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES  
12 THAT:

13 (I) IN APPROVING PROPOSITION EE, THE VOTERS SUPPORTED  
14 FUNDING FOR TEN HOURS OF HIGH-QUALITY PRESCHOOL PROGRAMMING  
15 FOR ALL COLORADO CHILDREN IN THE YEAR PRECEDING KINDERGARTEN  
16 ENROLLMENT, AS WELL AS ADDITIONAL PRESCHOOL PROGRAMMING FOR  
17 CHILDREN WHO ARE AT RISK OF ENTERING KINDERGARTEN WITHOUT BEING  
18 PREPARED TO LEARN, INCLUDING CHILDREN IN LOW-INCOME FAMILIES;

19 (II) RESEARCH DEMONSTRATES THAT PARTICIPATING IN  
20 HIGH-QUALITY PRESCHOOL PROGRAMS HELPS TO ENSURE THAT CHILDREN  
21 IN LOW-INCOME FAMILIES ARE ABLE TO ENTER KINDERGARTEN ON PAR  
22 WITH THEIR PEERS IN HIGHER-INCOME FAMILIES; AND

23 (III) FOR THE PRESCHOOL PROGRAM TO SERVE CHILDREN  
24 EQUITABLY, THE STATE MUST INVEST IN ADDITIONAL HOURS OF  
25 PRESCHOOL PROGRAMMING FOR CHILDREN IN LOW-INCOME FAMILIES, IN  
26 ADDITION TO FUNDING THE TEN HOURS OF UNIVERSAL PRESCHOOL  
27 SERVICES.

1 (b) THE GENERAL ASSEMBLY FINDS, THEREFORE, THAT IT IS IN THE  
2 BEST INTERESTS OF THE STATE TO ALLOCATE THE AMOUNT APPROPRIATED  
3 FOR THE COLORADO UNIVERSAL PRESCHOOL PROGRAM TO PROVIDE  
4 ADEQUATE FUNDING FOR BOTH A HIGH-QUALITY UNIVERSAL PRESCHOOL  
5 PROGRAM AND ADDITIONAL PRESCHOOL PROGRAMMING FOR CHILDREN IN  
6 LOW-INCOME FAMILIES.

7 (4) THE GENERAL ASSEMBLY RECOGNIZES THE REQUIREMENT OF  
8 THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20  
9 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, TO PROVIDE EDUCATIONAL  
10 SERVICES TO EVERY THREE- OR FOUR-YEAR-OLD CHILD WITH A DISABILITY,  
11 IN ACCORDANCE WITH THE CHILD'S INDIVIDUALIZED EDUCATION PROGRAM.  
12 THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17  
13 OF ARTICLE IX OF THE STATE CONSTITUTION, MEETING THE OBLIGATION OF  
14 SERVING ALL THREE- AND FOUR-YEAR-OLD CHILDREN WITH DISABILITIES  
15 THROUGH THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IS AN  
16 IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL  
17 PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE  
18 EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE  
19 STATE CONSTITUTION.

20 **26.5-4-203. Definitions.** AS USED IN THIS PART 2, UNLESS THE  
21 CONTEXT OTHERWISE REQUIRES:

22 (1) "ADDITIONAL PRESCHOOL SERVICES" MEANS HOURS OF  
23 PRESCHOOL SERVICES PROVIDED TO A CHILD IN THE YEAR PRECEDING  
24 ENROLLMENT IN KINDERGARTEN THAT ARE IN ADDITION TO THE  
25 UNIVERSAL PRESCHOOL SERVICES THE CHILD RECEIVES.

26 (2) "CHARTER SCHOOL" MEANS A CHARTER SCHOOL THAT IS:

27 (a) A DISTRICT CHARTER SCHOOL AUTHORIZED PURSUANT TO PART

1 1 OF ARTICLE 30.5 OF TITLE 22, AN INSTITUTE CHARTER SCHOOL  
2 AUTHORIZED PURSUANT TO PART 5 OF ARTICLE 30.5 OF TITLE 22, OR A  
3 CHARTER SCHOOL AUTHORIZED BY THE COLORADO SCHOOL FOR THE DEAF  
4 AND THE BLIND PURSUANT TO SECTION 22-80-102 (4)(b);

5 (b) AUTHORIZED IN ITS CHARTER CONTRACT TO PROVIDE  
6 PRESCHOOL SERVICES; AND

7 (c) LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE  
8 26.5 TO OPERATE AS A PRESCHOOL PROVIDER.

9 (3) "CHILDREN WITH DISABILITIES" HAS THE SAME MEANING AS  
10 PROVIDED IN SECTION 22-20-103.

11 (4) "COLORADO UNIVERSAL PRESCHOOL PROGRAM" OR  
12 "PRESCHOOL PROGRAM" MEANS THE PROGRAM ESTABLISHED WITHIN THE  
13 DEPARTMENT PURSUANT TO SECTION 26.5-4-204, AND INCLUDES ALL  
14 PARTICIPATING PRESCHOOL PROVIDERS.

15 (5) "COMMUNITY PLAN" MEANS THE COMMUNITY PLAN ADOPTED  
16 BY A LOCAL COORDINATING ORGANIZATION PURSUANT TO SECTION  
17 26.5-2-104.

18 (6) "ECEA" MEANS THE "EXCEPTIONAL CHILDREN'S  
19 EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, AND ITS IMPLEMENTING  
20 RULES.

21 (7) "ELIGIBLE CHILD" MEANS A CHILD WHO IS ELIGIBLE TO RECEIVE  
22 PRESCHOOL SERVICES AS PROVIDED IN SECTION 26.5-4-204 (3).

23 (8) "IDEA" MEANS THE FEDERAL "INDIVIDUALS WITH DISABILITIES  
24 EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND ITS  
25 IMPLEMENTING REGULATIONS.

26 (9) "INDIVIDUALIZED EDUCATION PROGRAM" HAS THE SAME  
27 MEANING AS PROVIDED IN SECTION 22-20-103.

1 (10) "INFLATION" MEANS THE ANNUAL PERCENTAGE CHANGE IN  
2 THE UNITED STATES DEPARTMENT OF LABOR BUREAU OF LABOR  
3 STATISTICS CONSUMER PRICE INDEX FOR DENVER-AURORA-LAKWOOD  
4 FOR ALL ITEMS PAID BY ALL URBAN CONSUMERS, OR ITS APPLICABLE  
5 SUCCESSOR INDEX.

6 (11) "LOCAL COORDINATING ORGANIZATION" MEANS THE ENTITY  
7 SELECTED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-2-103 TO  
8 IMPLEMENT A COMMUNITY PLAN FOR EARLY CHILDHOOD AND FAMILY  
9 SUPPORT PROGRAMS AND SERVICES WITHIN A SPECIFIED COMMUNITY.

10 (12) "MIXED DELIVERY SYSTEM" MEANS A SYSTEM FOR  
11 DELIVERING PRESCHOOL SERVICES THROUGH A COMBINATION OF SCHOOL-  
12 AND COMMUNITY-BASED PRESCHOOL PROVIDERS THAT ARE FUNDED BY A  
13 COMBINATION OF PUBLIC AND PRIVATE MONEY.

14 (13) "PARENT" HAS THE SAME MEANING AS PROVIDED IN SECTION  
15 22-20-103.

16 (14) "PRESCHOOL PROVIDER" MEANS ANY OF THE FOLLOWING  
17 ENTITIES THAT IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS  
18 TITLE 26.5:

19 (I) A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION  
20 26.5-5-303;

21 (II) A CHILD CARE CENTER, AS DEFINED IN SECTION 26.5-5-303;

22 (III) A SCHOOL DISTRICT LICENSED TO OPERATE AS A PUBLIC  
23 PRESCHOOL PROVIDER;

24 (IV) A CHARTER SCHOOL LICENSED TO OPERATE AS A PUBLIC  
25 PRESCHOOL PROVIDER; OR

26 (V) A HEAD START PROGRAM.

27 (15) "QUALIFYING FACTOR" MEANS A CHILD OR FAMILY

1 CIRCUMSTANCE, AS IDENTIFIED BY DEPARTMENT RULE PURSUANT TO  
2 SECTION 26.5-4-204 (4)(a)(II), THAT MAY NEGATIVELY IMPACT A CHILD'S  
3 COGNITIVE, ACADEMIC, SOCIAL, PHYSICAL, OR BEHAVIORAL HEALTH OR  
4 DEVELOPMENT.

5 (16) "SCHOOL DISTRICT" MEANS A SCHOOL DISTRICT ORGANIZED  
6 PURSUANT TO ARTICLE 30 OF TITLE 22 THAT PROVIDES PRESCHOOL  
7 SERVICES AND IS LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF THIS  
8 TITLE 26.5 AS A PRESCHOOL PROVIDER; OR A BOARD OF COOPERATIVE  
9 SERVICES ORGANIZED PURSUANT TO ARTICLE 5 OF TITLE 22 THAT  
10 PROVIDES PRESCHOOL SERVICES AND IS LICENSED PURSUANT TO PART 3 OF  
11 ARTICLE 5 OF THIS TITLE 26.5 AS A PRESCHOOL PROVIDER.

12 (17) "UNIVERSAL PRESCHOOL SERVICES" MEANS TEN HOURS OF  
13 PRESCHOOL SERVICES PER WEEK MADE AVAILABLE, AT NO CHARGE, TO  
14 CHILDREN IN THE STATE DURING THE SCHOOL YEAR PRECEDING THE  
15 SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO ENROLL IN  
16 KINDERGARTEN.

17 **26.5-4-204. Colorado universal preschool program - created**  
18 **- eligibility - rules - workforce development plan.** (1) THERE IS  
19 CREATED IN THE DEPARTMENT THE COLORADO UNIVERSAL PRESCHOOL  
20 PROGRAM. THE DEPARTMENT SHALL ADMINISTER THE PRESCHOOL  
21 PROGRAM IN ACCORDANCE WITH THIS PART 2 AND SHALL ENSURE THAT,  
22 FOR THE 2023-24 SCHOOL YEAR AND SCHOOL YEARS THEREAFTER,  
23 FAMILIES MAY ENROLL THEIR CHILDREN IN PRESCHOOL PROVIDERS THAT  
24 RECEIVE FUNDING THROUGH THE PRESCHOOL PROGRAM. THE PURPOSES OF  
25 THE PRESCHOOL PROGRAM ARE:

26 (a) TO PROVIDE CHILDREN IN COLORADO ACCESS TO VOLUNTARY,  
27 HIGH-QUALITY, UNIVERSAL PRESCHOOL SERVICES FREE OF CHARGE IN THE

1 SCHOOL YEAR BEFORE A CHILD ENROLLS IN KINDERGARTEN;

2 (b) TO PROVIDE ACCESS TO ADDITIONAL PRESCHOOL SERVICES IN  
3 THE SCHOOL YEAR BEFORE KINDERGARTEN ELIGIBILITY FOR CHILDREN IN  
4 LOW-INCOME FAMILIES AND CHILDREN WHO LACK OVERALL LEARNING  
5 READINESS DUE TO QUALIFYING FACTORS;

6 (c) TO PROVIDE ACCESS TO PRESCHOOL SERVICES FOR CHILDREN  
7 WHO ARE THREE YEARS OF AGE, OR IN LIMITED CIRCUMSTANCES YOUNGER  
8 THAN THREE YEARS OF AGE, AND ARE CHILDREN WITH DISABILITIES, ARE  
9 IN LOW-INCOME FAMILIES, OR LACK OVERALL LEARNING READINESS DUE  
10 TO QUALIFYING FACTORS; AND

11 (d) TO ESTABLISH QUALITY STANDARDS FOR PUBLICLY FUNDED  
12 PRESCHOOL PROVIDERS THAT PROMOTE CHILDREN'S EARLY LEARNING AND  
13 DEVELOPMENT, SCHOOL READINESS, AND HEALTHY BEGINNINGS.

14 (2) FOR THE 2023-24 SCHOOL YEAR AND EACH SCHOOL YEAR  
15 THEREAFTER, SUBJECT TO THE AVAILABILITY AND ENROLLMENT CAPACITY  
16 OF PRESCHOOL PROVIDERS, PARENTS THROUGHOUT THE STATE MAY  
17 ENROLL THEIR CHILDREN, FREE OF CHARGE, IN TEN HOURS PER WEEK OF  
18 PUBLICLY FUNDED PRESCHOOL SERVICES FOR THE SCHOOL YEAR  
19 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILDREN ARE ELIGIBLE TO  
20 ENROLL IN KINDERGARTEN. THE DEPARTMENT, WORKING WITH LOCAL  
21 COORDINATING ORGANIZATIONS, SHALL IDENTIFY AND RECRUIT  
22 PRESCHOOL PROVIDERS THROUGHOUT THE STATE TO PARTICIPATE IN THE  
23 COLORADO UNIVERSAL PRESCHOOL PROGRAM. IN IDENTIFYING AND  
24 RECRUITING PRESCHOOL PROVIDERS, THE DEPARTMENT AND LOCAL  
25 COORDINATING ORGANIZATIONS SHALL, TO THE EXTENT PRACTICABLE,  
26 ESTABLISH A MIXED DELIVERY SYSTEM IN COMMUNITIES THROUGHOUT THE  
27 STATE THAT ENABLES PARENTS TO SELECT PRESCHOOL PROVIDERS FOR

1 THEIR CHILDREN FROM AS BROAD A RANGE AS POSSIBLE WITHIN THEIR  
2 RESPECTIVE COMMUNITIES.

3 (3) (a) FOR THE 2023-24 SCHOOL YEAR AND FOR EACH SCHOOL  
4 YEAR THEREAFTER:

5 (I) SUBJECT TO THE AVAILABILITY AND CAPACITY OF PRESCHOOL  
6 PROVIDERS, EVERY CHILD IN THE STATE MAY RECEIVE TEN HOURS OF  
7 PRESCHOOL SERVICES PER WEEK, AT NO CHARGE, DURING THE SCHOOL  
8 YEAR PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO  
9 ENROLL IN KINDERGARTEN.

10 (II) PURSUANT TO IDEA AND ECEA, EVERY CHILD WHO IS THREE  
11 OR FOUR YEARS OF AGE AND IS A CHILD WITH DISABILITIES MUST BE  
12 OFFERED PRESCHOOL SERVICES IN ACCORDANCE WITH THE CHILD'S  
13 INDIVIDUALIZED EDUCATION PROGRAM.

14 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS  
15 THREE YEARS OF AGE, IS NOT ELIGIBLE TO ENROLL IN KINDERGARTEN IN  
16 THE NEXT SCHOOL YEAR, AND IS IN A LOW-INCOME FAMILY OR MEETS  
17 AT LEAST ONE QUALIFYING FACTOR MAY RECEIVE THE NUMBER OF HOURS  
18 OF PRESCHOOL SERVICES ESTABLISHED BY DEPARTMENT RULE.

19 (IV) SUBJECT TO AVAILABLE APPROPRIATIONS, A COMMUNITY IN  
20 WHICH A SCHOOL DISTRICT OPERATED A DISTRICT PRESCHOOL PROGRAM  
21 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,  
22 2023, WITH A WAIVER TO SERVE CHILDREN UNDER THREE YEARS OF AGE,  
23 MAY CONTINUE TO PROVIDE PRESCHOOL SERVICES FOR THE NUMBER OF  
24 HOURS ESTABLISHED BY DEPARTMENT RULE FOR THE SAME NUMBER OF  
25 CHILDREN UNDER THREE YEARS OF AGE THAT RECEIVED PRESCHOOL  
26 SERVICES IN THE 2022-23 SCHOOL YEAR, SO LONG AS EACH CHILD WHO  
27 RECEIVES THE PRESCHOOL SERVICES IS IN A LOW-INCOME FAMILY OR

1 MEETS AT LEAST ONE QUALIFYING FACTOR.

2 (V) SUBJECT TO AVAILABLE APPROPRIATIONS, A CHILD WHO IS IN  
3 A LOW-INCOME FAMILY OR WHO MEETS AT LEAST ONE QUALIFYING FACTOR  
4 MAY RECEIVE ADDITIONAL PRESCHOOL SERVICES FOR THE NUMBER OF  
5 HOURS ESTABLISHED BY DEPARTMENT RULE IN THE SCHOOL YEAR  
6 PRECEDING THE SCHOOL YEAR IN WHICH THE CHILD IS ELIGIBLE TO ENROLL  
7 IN KINDERGARTEN.

8 (b) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(a) OF  
9 THIS SECTION TO THE CONTRARY:

10 (I) THE STATE SHALL PROVIDE TO EACH THREE- OR  
11 FOUR-YEAR-OLD CHILD WITH A DISABILITY WHOSE PARENT ENROLLS THE  
12 CHILD IN THE PRESCHOOL PROGRAM AN EDUCATIONAL PROGRAM IN  
13 ACCORDANCE WITH IDEA AND ECEA AND THE CHILD'S INDIVIDUALIZED  
14 EDUCATION PROGRAM; AND

15 (II) FOR A SCHOOL YEAR IN WHICH FEDERAL MONEY IS PROVIDED  
16 TO THE STATE TO FUND PRESCHOOL, OTHER THAN FEDERAL MONEY  
17 PROVIDED THROUGH IDEA, THE EXECUTIVE DIRECTOR MAY ALLOCATE  
18 SAID FUNDING TO PROVIDE THE NUMBER OF HOURS OF PRESCHOOL  
19 SERVICES ALLOWED UNDER FEDERAL LAW FOR ALL CHILDREN DEFINED AS  
20 ELIGIBLE UNDER FEDERAL LAW.

21 (4) (a) THE EXECUTIVE DIRECTOR SHALL ADOPT RULES TO  
22 IMPLEMENT THE PRESCHOOL PROGRAM, WHICH MUST INCLUDE:

23 (I) THE LEVEL OF INCOME THAT IDENTIFIES A FAMILY AS BEING  
24 LOW-INCOME FOR PURPOSES OF IDENTIFYING CHILDREN WHO ARE THREE  
25 YEARS OF AGE OR YOUNGER AND ARE ELIGIBLE FOR PRESCHOOL SERVICES  
26 AND PRIORITIZING FUNDING FOR THOSE ADDITIONAL PRESCHOOL SERVICES.  
27 THE EXECUTIVE DIRECTOR SHALL, TO THE EXTENT PRACTICABLE, ENSURE

1 THAT THE INCOME ELIGIBILITY REQUIREMENTS FOR OTHER PUBLICLY  
2 FUNDED CHILD CARE PROGRAMS ARE ALIGNED WITH THE INCOME LEVEL  
3 SET PURSUANT TO THIS SUBSECTION (4)(a)(I).

4 (II) THE QUALIFYING FACTORS THAT A CHILD MUST MEET TO BE  
5 ELIGIBLE TO RECEIVE ADDITIONAL PRESCHOOL SERVICES. THE EXECUTIVE  
6 DIRECTOR SHALL ENSURE THAT THE QUALIFYING FACTORS ARE REVIEWED  
7 AND, AS NECESSARY, REVISED AT LEAST EVERY FIVE YEARS. THE PURPOSE  
8 OF THE QUALIFYING FACTORS IS TO IDENTIFY CHILDREN WHO ARE AT RISK  
9 OF ENTERING KINDERGARTEN WITHOUT BEING READY FOR SCHOOL. THE  
10 QUALIFYING FACTORS MUST INCLUDE IDENTIFICATION AS A  
11 DUAL-LANGUAGE LEARNER OR A CHILD WITH DISABILITIES AND MAY  
12 INCLUDE SUCH OTHER FACTORS AS THE DEPARTMENT MAY IDENTIFY.

13 (III) THE NUMBER OF HOURS OF PRESCHOOL SERVICES THAT AN  
14 ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION (3)(a)(III) OR  
15 (3)(a)(IV) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN  
16 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN  
17 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED  
18 EDUCATION PROGRAM;

19 (IV) THE NUMBER OF HOURS OF ADDITIONAL PRESCHOOL SERVICES  
20 THAT AN ELIGIBLE CHILD MAY RECEIVE PURSUANT TO SUBSECTION  
21 (3)(a)(V) OF THIS SECTION; EXCEPT THAT THE NUMBER OF HOURS FOR AN  
22 ELIGIBLE CHILD WHO IS A CHILD WITH DISABILITIES ARE DETERMINED IN  
23 ACCORDANCE WITH IDEA, ECEA, AND THE CHILD'S INDIVIDUALIZED  
24 EDUCATION PROGRAM;

25 (V) PRESCHOOL QUALITY STANDARDS, AS PROVIDED IN SECTION  
26 26.5-4-205;

27 (VI) THE FORMULAS FOR SETTING THE PER-CHILD RATES FOR

1 UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR  
2 CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE  
3 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN  
4 SUBSECTIONS (3)(a)(III) AND (3)(a)(IV) OF THIS SECTION, AND FOR  
5 ADDITIONAL PRESCHOOL SERVICES, AS PROVIDED IN SECTION 26.5-4-208;  
6 AND

7 (VII) SUCH OTHER RULES AS ARE REQUIRED IN THIS PART 2 OR AS  
8 MAY BE NECESSARY TO IMPLEMENT THE PRESCHOOL PROGRAM.

9 (b) IN ADOPTING RULES, THE EXECUTIVE DIRECTOR SHALL, TO THE  
10 EXTENT POSSIBLE:

11 (I) ALIGN ALL RULES PERTAINING TO FUNDING AND PRESCHOOL  
12 PROVIDER REQUIREMENTS TO FACILITATE COMBINING AND COORDINATING  
13 FEDERAL, STATE, PRESCHOOL PROGRAM, AND CHILD CARE FUNDING TO THE  
14 GREATEST EXTENT ALLOWED UNDER STATE AND FEDERAL LAW AND  
15 REGULATION; AND

16 (II) ALIGN PRESCHOOL QUALITY STANDARDS AND REQUIREMENTS  
17 WITH THE CHILD CARE LICENSING REQUIREMENTS AND LICENSING  
18 REQUIREMENTS FOR SCHOOL DISTRICT AND CHARTER SCHOOL PRESCHOOL  
19 PROGRAMS, AS PROVIDED IN PART 3 OF ARTICLE 5 OF THIS TITLE 26.5, TO  
20 REDUCE CONFLICTS AND DUPLICATION.

21 (5) IN DEVELOPING A PLAN FOR RECRUITING, TRAINING, AND  
22 RETAINING A WELL-COMPENSATED, WELL-PREPARED, HIGH-QUALITY  
23 STATEWIDE EARLY CHILDHOOD WORKFORCE PURSUANT TO SECTION  
24 26.5-6-101, THE DEPARTMENT SHALL ENSURE THAT THE PLAN  
25 SPECIFICALLY ADDRESSES STRATEGIES FOR BUILDING AND SUPPORTING  
26 THE PRESCHOOL WORKFORCE, ESPECIALLY WITH RESPECT TO:

27 (a) SIMPLIFYING THE PROCESS FOR ATTAINING CREDENTIALS,

1 MEETING QUALIFICATIONS, AND DEMONSTRATING PROFESSIONAL  
2 COMPETENCIES;

3 (b) MINIMIZING REGULATORY AND ADMINISTRATIVE BARRIERS TO  
4 ENTRY, INCLUDING BARRIERS FACED BY INDIVIDUALS WHO SPEAK  
5 LANGUAGES OTHER THAN ENGLISH;

6 (c) INCREASING DIVERSITY IN THE PRESCHOOL WORKFORCE;

7 (d) ESTABLISHING GOALS FOR INCREASING THE QUALIFICATIONS OF  
8 PRESCHOOL TEACHERS OVER TIME, INCLUDING STRATEGIES FOR ACHIEVING  
9 THE GOAL OF SUPPORTING INCREASED ATTAINMENT OF BACCALAUREATE  
10 DEGREES IN EARLY CHILDHOOD OR BACCALAUREATE DEGREES WITH  
11 SUPPLEMENTAL EARLY LEARNING CREDENTIALS FOR LEAD TEACHERS  
12 EMPLOYED BY PRESCHOOL PROVIDERS; AND

13 (e) RECRUITING, COMPENSATING, PROVIDING CONTINUING  
14 PROFESSIONAL DEVELOPMENT FOR, AND RETAINING INDIVIDUALS IN THE  
15 PRESCHOOL WORKFORCE, INCLUDING STRATEGIES FOR ACHIEVING THE  
16 GOAL OF COMPENSATING THOSE INDIVIDUALS AT A LIVING WAGE.

17 **26.5-4-205. Quality standards - evaluation - support.**

18 (1)(a) THE DEPARTMENT SHALL DEVELOP AND THE EXECUTIVE DIRECTOR  
19 SHALL ESTABLISH BY RULE THE QUALITY STANDARDS THAT EACH  
20 PRESCHOOL PROVIDER MUST MEET TO RECEIVE FUNDING THROUGH THE  
21 COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE QUALITY STANDARDS  
22 MUST, AT A MINIMUM, ADDRESS THE ISSUES SPECIFIED IN THIS SECTION  
23 AND MUST REFLECT NATIONAL AND COMMUNITY-INFORMED BEST  
24 PRACTICES WITH REGARD TO SCHOOL READINESS, ACADEMIC AND  
25 COGNITIVE DEVELOPMENT, HEALTHY ENVIRONMENTS, SOCIAL-EMOTIONAL  
26 LEARNING, AND CHILD AND FAMILY OUTCOMES. THE DEPARTMENT AND  
27 THE EXECUTIVE DIRECTOR SHALL WORK WITH FAMILIES, EDUCATORS, AND

1 PROGRAM ADMINISTRATORS TO REVIEW AND, AS NECESSARY, REVISE THE  
2 QUALITY STANDARDS AT LEAST EVERY FIVE YEARS TO ENSURE THE  
3 STANDARDS CONTINUE TO REFLECT NATIONAL BEST PRACTICES AND MEET  
4 THE OTHER REQUIREMENTS SPECIFIED IN THIS SECTION. IN DEVELOPING,  
5 REVIEWING, REVISING, AND ADOPTING THE QUALITY STANDARDS, THE  
6 DEPARTMENT AND THE EXECUTIVE DIRECTOR SHALL CONSIDER, AT A  
7 MINIMUM:

8 (I) THE QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL  
9 PROVIDERS PARTICIPATING IN THE COLORADO PRESCHOOL PROGRAM  
10 PURSUANT TO ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1,  
11 2023;

12 (II) NATIONALLY ACCEPTED STANDARDS FOR PRESCHOOL  
13 PROGRAMS;

14 (III) THE CHILD CARE LICENSING REQUIREMENTS ESTABLISHED  
15 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 WITH WHICH  
16 PRESCHOOL PROVIDERS ARE REQUIRED TO COMPLY; AND

17 (IV) THE NEED TO ENSURE THE AVAILABILITY OF PRESCHOOL  
18 SERVICES FOR ELIGIBLE CHILDREN THROUGHOUT THE STATE WHILE  
19 MAINTAINING THE QUALITY OF THE PRESCHOOL PROVIDERS.

20 (b) (I) EXCEPT AS PROVIDED IN SUBSECTION (1)(b)(II) OF THIS  
21 SECTION, THE DEPARTMENT SHALL ENSURE THAT EACH PRESCHOOL  
22 PROVIDER THAT PARTICIPATES IN THE PRESCHOOL PROGRAM MEETS THE  
23 QUALITY STANDARDS ESTABLISHED BY RULE IN ACCORDANCE WITH THIS  
24 SECTION. THE DEPARTMENT MAY WORK WITH A LOCAL COORDINATING  
25 ORGANIZATION TO ENSURE THAT A PRESCHOOL PROVIDER MEETS THE  
26 QUALITY STANDARDS. THE DEPARTMENT MAY PROHIBIT A PRESCHOOL  
27 PROVIDER THAT FAILS TO MEET ONE OR MORE OF THE QUALITY STANDARDS

1 FROM PARTICIPATING IN THE PRESCHOOL PROGRAM.

2 (II) IF NECESSARY TO ENSURE THE AVAILABILITY OF A MIXED  
3 DELIVERY SYSTEM WITHIN A COMMUNITY, THE DEPARTMENT MAY ALLOW  
4 A PRESCHOOL PROVIDER THAT DOES NOT MEET THE QUALITY STANDARDS  
5 TO PARTICIPATE IN THE PRESCHOOL PROGRAM FOR A LIMITED TIME WHILE  
6 WORKING TOWARD COMPLIANCE WITH THE QUALITY STANDARDS; EXCEPT  
7 THAT EACH PRESCHOOL PROVIDER MUST MEET ALL QUALITY STANDARDS  
8 RELATING TO HEALTH AND SAFETY AS A CONDITION OF PARTICIPATING IN  
9 THE PRESCHOOL PROGRAM.

10 (2) AT A MINIMUM, THE QUALITY STANDARDS ESTABLISHED IN  
11 RULE MUST INCLUDE:

12 (a) THE MINIMUM NUMBERS OF CONTACT HOURS OF  
13 INSTRUCTIONAL SERVICES PER SCHOOL YEAR FOR UNIVERSAL PRESCHOOL  
14 SERVICES FOR PRESCHOOL SERVICES PROVIDED TO CHILDREN THREE YEARS  
15 OF AGE AND YOUNGER, AND FOR ADDITIONAL PRESCHOOL SERVICES. THE  
16 MINIMUM NUMBER OF CONTACT HOURS OF INSTRUCTIONAL SERVICES  
17 ESTABLISHED IN RULE FOR UNIVERSAL PRESCHOOL SERVICES MUST NOT BE  
18 LESS THAN THREE HUNDRED SIXTY HOURS PER SCHOOL YEAR.

19 (b) A REQUIREMENT THAT EACH PRESCHOOL PROVIDER PROVIDE  
20 ELIGIBLE CHILDREN AN EQUAL OPPORTUNITY TO ENROLL AND RECEIVE  
21 PRESCHOOL SERVICES REGARDLESS OF RACE, ETHNICITY, RELIGIOUS  
22 AFFILIATION, SEXUAL ORIENTATION, GENDER IDENTITY, LACK OF HOUSING,  
23 INCOME LEVEL, OR DISABILITY, AS SUCH CHARACTERISTICS AND  
24 CIRCUMSTANCES APPLY TO THE CHILD OR THE CHILD'S FAMILY;

25 (c) THE MAXIMUM ALLOWABLE EDUCATOR-TO-CHILD RATIOS AND  
26 GROUP SIZES, ALIGNED WITH NATIONAL BEST PRACTICES. THE  
27 DEPARTMENT, BY RULE, MAY IMPLEMENT A WAIVER PROCESS TO ALLOW

1 A PRESCHOOL PROVIDER THAT IMPLEMENTS A NATIONALLY RECOGNIZED  
2 PRESCHOOL PROGRAM MODEL TO IMPLEMENT THE EDUCATOR-TO-CHILD  
3 RATIOS AND GROUP SIZES THAT SUPPORT THE INSTRUCTIONAL PRACTICES  
4 OF THE MODEL, SO LONG AS THE PRESCHOOL PROVIDER MEETS THE  
5 NATIONAL STANDARDS FOR THE MODEL OR IS ACCREDITED TO PROVIDE THE  
6 MODEL.

7 (d) QUALIFICATIONS FOR PRESCHOOL TEACHERS. THE QUALITY  
8 STANDARDS MUST NOT REQUIRE PRESCHOOL TEACHERS TO BE LICENSED  
9 PURSUANT TO ARTICLE 60.5 OF TITLE 22 AND MUST ALLOW A PRESCHOOL  
10 PROVIDER TO EMPLOY A NONLICENSED PRESCHOOL TEACHER AS LONG AS  
11 THE TEACHER MEETS OTHER QUALIFICATIONS ESTABLISHED IN  
12 DEPARTMENT RULE. THE DEPARTMENT SHALL WORK WITH THE  
13 DEPARTMENT OF EDUCATION TO ENSURE THAT A PRESCHOOL EDUCATOR  
14 MAY MEET THE QUALIFICATIONS FOR PRESCHOOL EDUCATORS BY  
15 DEMONSTRATING COMPLIANCE WITH THE QUALIFICATIONS FOR AN EARLY  
16 CHILDHOOD TEACHING LICENSE ENDORSEMENT PROVIDED BY THE  
17 DEPARTMENT OF EDUCATION.

18 (e) REQUIREMENTS FOR CONTINUING PROFESSIONAL DEVELOPMENT  
19 FOR TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER, WHICH MUST BE  
20 FOCUSED ON IMPROVING TEACHER-CHILD INTERACTIONS AND QUALITY OF  
21 INSTRUCTION, INCLUDING IMPROVING FIDELITY IN IMPLEMENTING  
22 EVIDENCE-BASED CURRICULA AND STUDENT OUTCOMES, AND MAY ALLOW  
23 FOR TRAINING IN EARLY LANGUAGE AND LITERACY DEVELOPMENT AND  
24 THE SCIENCE OF READING THAT IS APPROPRIATE FOR EARLY CHILDHOOD  
25 EDUCATION AND COMPARABLE TO THE TRAINING REQUIRED FOR EARLY  
26 GRADE TEACHERS PURSUANT TO THE "COLORADO READ ACT", PART 12  
27 OF ARTICLE 7 OF TITLE 22. THE DEPARTMENT SHALL WORK WITH THE

1 DEPARTMENT OF EDUCATION TO ALLOW, TO THE FULLEST EXTENT  
2 POSSIBLE, A TEACHER WHO IS LICENSED BY THE DEPARTMENT OF  
3 EDUCATION TO USE THE PROFESSIONAL DEVELOPMENT REQUIRED TO  
4 RENEW THE TEACHING LICENSE TO ALSO MEET THE PROFESSIONAL  
5 DEVELOPMENT REQUIREMENTS ESTABLISHED BY THE DEPARTMENT FOR  
6 TEACHERS EMPLOYED BY A PRESCHOOL PROVIDER.

7 (f) STANDARDS FOR PRESCHOOL SERVICES THAT, AT A MINIMUM,  
8 ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND DEVELOPMENT  
9 GUIDELINES ACROSS ALL EARLY CHILDHOOD DOMAINS APPROVED BY THE  
10 EARLY CHILDHOOD LEADERSHIP COMMISSION AND WITH THE COLORADO  
11 ACADEMIC STANDARDS ADOPTED BY THE STATE BOARD OF EDUCATION  
12 PURSUANT TO SECTION 22-7-1005, ARE CULTURALLY INCLUSIVE, AND ARE  
13 SUPPORTED BY THE DEPARTMENT IN IMPLEMENTATION;

14 (g) STANDARDS FOR INSTRUCTIONAL PRACTICE THAT, AT A  
15 MINIMUM, MUST ENSURE THAT THE INSTRUCTIONAL PRACTICE  
16 IMPLEMENTED BY PRESCHOOL PROVIDERS:

17 (I) PROMOTES LEARNING THROUGH DEVELOPMENTALLY  
18 APPROPRIATE PRACTICES THAT INCLUDE A MIX OF STRUCTURED ACTIVITIES  
19 AND PLAY; AND

20 (II) INCREASES AND SUPPORTS LEARNING USING INSTRUCTIONAL  
21 PRACTICES THAT BUILD ON PREVIOUS LEARNING AND INCLUDE A FOCUS ON  
22 AGE-APPROPRIATE CLASSROOM ENVIRONMENTS AND ONGOING INFORMAL  
23 ASSESSMENTS OF LEARNING;

24 (h) LIMITATIONS ON THE USE OF, AND REQUIRED PROCEDURES FOR,  
25 OUT-OF-SCHOOL SUSPENSION AND EXPULSION IN ACCORDANCE WITH  
26 SECTION 22-33-106.1. IN ADDITION, TO REDUCE THE USE OF  
27 EXCLUSIONARY DISCIPLINE, THE STANDARDS MUST REFLECT BEST

1 PRACTICES IN EARLY CHILDHOOD MENTAL HEALTH, INCLUDING  
2 PROMOTING ACCESS TO EARLY CHILDHOOD MENTAL HEALTH  
3 CONSULTATION.

4 (i) STANDARDS FOR FAMILY AND COMMUNITY ENGAGEMENT TO  
5 ENSURE THAT THE PRESCHOOL PROVIDER ENGAGES WITH PARENTS AND  
6 NEIGHBORHOOD LEADERS IN A FORMAL AND MEANINGFUL WAY,  
7 INCLUDING SEEKING INPUT FOR POLICY AND PROGRAMMING DECISIONS;

8 (j) REQUIREMENTS FOR SERVING CHILDREN WHO ARE DUAL  
9 LANGUAGE LEARNERS, WHICH MUST, AT A MINIMUM, INCLUDE:

10 (I) IDENTIFYING, SCREENING, AND ASSESSING CHILDREN IN THEIR  
11 HOME LANGUAGES;

12 (II) COMMUNICATING WITH CHILDREN'S PARENTS IN THEIR HOME  
13 LANGUAGES; AND

14 (III) USING TEACHING STRATEGIES THAT HAVE BEEN SHOWN TO  
15 MEET THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS;

16 (k) REQUIREMENTS FOR OFFERING VOLUNTARY VISION, HEARING,  
17 DENTAL, AND HEALTH SCREENINGS, AND, UPON PARENT REQUEST,  
18 REFERRALS TO APPROPRIATE HEALTH PROVIDERS FOR CHILDREN WHO ARE  
19 ENROLLED BY A PRESCHOOL PROVIDER; AND

20 (l) REQUIREMENTS FOR PROVIDING VOLUNTARY DEVELOPMENTAL  
21 SCREENINGS, WHICH MUST, AT A MINIMUM, INCLUDE THE USE OF VALID  
22 AND RELIABLE SCREENING TOOLS THAT ARE DEVELOPMENTALLY,  
23 CULTURALLY, AND LINGUISTICALLY APPROPRIATE.

24 (3) (a) USING THE PROCEDURES SPECIFIED IN SUBSECTION (3)(b)  
25 OF THIS SECTION, THE DEPARTMENT SHALL CREATE A RESOURCE BANK OF  
26 PRESCHOOL CURRICULA FOR USE BY PRESCHOOL PROVIDERS. THE  
27 RESOURCE BANK MAY INCLUDE ONLY CURRICULA THAT, AT A MINIMUM:

1 (I) ARE SUPPORTED BY EVIDENCE THAT USE OF THE CURRICULA  
2 IMPROVES STUDENT OUTCOMES;

3 (II) ARE DEVELOPMENTALLY APPROPRIATE, CULTURALLY  
4 RELEVANT, AND LINGUISTICALLY RESPONSIVE TO COMMUNITIES BEING  
5 SERVED;

6 (III) PROMOTE LITERACY, AS DEVELOPMENTALLY APPROPRIATE,  
7 BASED ON THE SCIENCE OF READING BY PROVIDING LANGUAGE  
8 DEVELOPMENT, INCLUDING SPEECH SOUNDS, VOCABULARY, GRAMMAR,  
9 AND USE, AND PROVIDING DEVELOPMENTALLY APPROPRIATE INSTRUCTION  
10 TO SUPPORT CHILDREN'S SUCCESS IN EARLY ELEMENTARY GRADES WHEN  
11 RECEIVING INSTRUCTION PURSUANT TO THE "COLORADO READ ACT",  
12 PART 12 OF ARTICLE 7 OF TITLE 22, IN THE AREAS OF PHONEMIC  
13 AWARENESS; PHONICS; VOCABULARY DEVELOPMENT; READING FLUENCY,  
14 INCLUDING ORAL SKILLS; AND READING COMPREHENSION; AND

15 (IV) ARE ALIGNED WITH THE COLORADO EARLY LEARNING AND  
16 DEVELOPMENT GUIDELINES APPROVED BY THE EARLY CHILDHOOD  
17 LEADERSHIP COMMISSION.

18 (b) THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT A  
19 PROCEDURE FOR IDENTIFYING THE CURRICULA IT INCLUDES IN THE  
20 RESOURCE BANK OF PRESCHOOL CURRICULA. AT A MINIMUM, THE  
21 PROCEDURE MUST INCLUDE:

22 (I) SOLICITING THROUGH PUBLIC NOTICE, ACCEPTING, AND  
23 PROMPTLY REVIEWING CURRICULA FROM PRESCHOOL PROVIDERS AND  
24 FROM PUBLISHERS;

25 (II) EVALUATING THE CURRICULA THAT THE DEPARTMENT  
26 IDENTIFIES OR RECEIVES, WHICH EVALUATION IS BASED ON THE CRITERIA  
27 SPECIFIED IN SUBSECTION (3)(a) OF THIS SECTION AND ANY ADDITIONAL

1 CRITERIA SPECIFIED IN DEPARTMENT RULE;

2 (III) PROVIDING NOTICE TO PRESCHOOL PROVIDERS AND  
3 PUBLISHERS THAT SUBMIT CURRICULA CONCERNING WHETHER THE  
4 SUBMITTED CURRICULA WAS INCLUDED IN THE RESOURCE BANK AND, IF  
5 EXCLUDED FROM THE RESOURCE BANK, THE REASONS FOR EXCLUSION;  
6 AND

7 (IV) REVIEWING THE RESOURCE BANK AT LEAST EVERY THREE  
8 YEARS TO UPDATE THE RESOURCE BANK AND ADD CURRICULA WHEN  
9 APPROPRIATE. IN REVIEWING AND UPDATING THE RESOURCE BANK, THE  
10 DEPARTMENT SHALL, AT A MINIMUM, COMPLY WITH THE PROCEDURES  
11 DESCRIBED IN SUBSECTIONS (3)(b)(I) TO (3)(b)(III) OF THIS SECTION.

12 (c) THE DEPARTMENT SHALL ALLOW PRESCHOOL PROVIDERS AND  
13 PUBLISHERS TO SUBMIT CURRICULA TO THE DEPARTMENT AT ANY TIME TO  
14 BE REVIEWED AND CONSIDERED FOR INCLUSION IN THE RESOURCE BANK,  
15 REGARDLESS OF THE SCHEDULE FOR REVIEWING THE RESOURCE BANK. THE  
16 DEPARTMENT SHALL REVIEW ALL SUBMITTED CURRICULA IN ACCORDANCE  
17 WITH THE ADOPTED PROCEDURES DESCRIBED IN SUBSECTION (3)(b) OF THIS  
18 SECTION.

19 (d) THE DEPARTMENT SHALL MAKE THE RESOURCE BANK  
20 ACCESSIBLE TO THE PUBLIC THROUGH THE DEPARTMENT WEBSITE.

21 **26.5-4-206. Preschool special education services - department**  
22 **collaboration - memorandum of understanding.** (1) THE DEPARTMENT  
23 SHALL COLLABORATE WITH THE DEPARTMENT OF EDUCATION THROUGH A  
24 MEMORANDUM OF UNDERSTANDING AS DESCRIBED IN SUBSECTION (2) OF  
25 THIS SECTION TO ENSURE ALL CHILDREN WITH DISABILITIES ARE SERVED  
26 EQUITABLY IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM, ENSURE  
27 ACCESS TO CLASSROOMS THAT MEET THE INDIVIDUAL NEEDS OF CHILDREN

1 WITH DISABILITIES BASED ON THEIR INDIVIDUALIZED EDUCATION  
2 PROGRAMS, AND ENSURE THAT PRESCHOOL PROVIDERS OPERATE IN  
3 ACCORDANCE WITH FEDERAL AND STATE LAW CONCERNING EDUCATION  
4 FOR PRESCHOOL-AGE CHILDREN WITH DISABILITIES. IN COLLABORATING  
5 PURSUANT TO THIS SECTION, THE DEPARTMENT AND THE DEPARTMENT OF  
6 EDUCATION SHALL, AT A MINIMUM:

- 7 (a) SUPPORT LOCAL IMPLEMENTATION OF BEST PRACTICES;
- 8 (b) CREATE TRAINING FOR PRESCHOOL PROVIDERS CONCERNING  
9 THE LEGAL OBLIGATIONS FOR SERVING CHILDREN WITH DISABILITIES,  
10 INCLUDING THE RESPONSIBILITIES AND OBLIGATIONS OF ADMINISTRATIVE  
11 UNITS SPECIFIED IN IDEA AND ECEA; AND

12 (c) COLLABORATE TO ENSURE PRESCHOOL SERVICES DELIVERED  
13 THROUGH THE PRESCHOOL PROGRAM TO CHILDREN WITH DISABILITIES ARE  
14 DELIVERED IN COMPLIANCE WITH IDEA AND ECEA.

15 (2) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION  
16 SHALL ENTER INTO A MEMORANDUM OF UNDERSTANDING THAT, AT A  
17 MINIMUM:

- 18 (a) DEFINES THE ROLES AND RESPONSIBILITIES OF BOTH  
19 DEPARTMENTS, ADMINISTRATIVE UNITS AS DEFINED IN SECTION 22-20-103,  
20 AND PRESCHOOL PROVIDERS, RECOGNIZING THAT THE DEPARTMENT OF  
21 EDUCATION IS THE IDENTIFIED AGENCY RESPONSIBLE FOR COMPLIANCE  
22 WITH THE PART B COMPONENT OF IDEA, AS DESCRIBED IN SECTION  
23 22-20-103 (4)(b);

- 24 (b) DESCRIBES DATA COLLECTION AND SHARING RESPONSIBILITIES  
25 IN ACCORDANCE WITH FEDERAL REQUIREMENTS AND TIMELINES, ENSURING  
26 THAT ALL CRITICAL DATA CAN BE DISAGGREGATED, WHILE ADHERING TO  
27 REQUIREMENTS FOR PROTECTING PERSONALLY IDENTIFIABLE

1 INFORMATION;

2 (c) DESCRIBES EACH DEPARTMENT'S ROLE IN HELPING PRESCHOOL  
3 PROVIDERS AND COMMUNITIES PROVIDE INCLUSIVE, INDIVIDUALIZED,  
4 MEANINGFUL, CULTURALLY RELEVANT, LINGUISTICALLY RELEVANT,  
5 ACTIVE, AND PARTICIPATORY LEARNING FOR ALL CHILDREN WITH  
6 DISABILITIES, IN ACCORDANCE WITH EACH CHILD'S INDIVIDUALIZED  
7 EDUCATION PROGRAM;

8 (d) ESTABLISHES PROCEDURES FOR HOLDING ALL PRESCHOOL  
9 PROVIDERS ACCOUNTABLE FOR PROVIDING ACCESS AND SUPPORTS FOR  
10 CHILDREN WITH DISABILITIES;

11 (e) RECOMMENDS TRAINING PROGRAMS FOR PRESCHOOL  
12 PROVIDERS IN WORKING WITH CHILDREN WITH DISABILITIES;

13 (f) WITH REGARD TO PRESCHOOL PROGRAM RULES, ESTABLISHES  
14 PROCESSES TO:

15  
16 (I) ENSURE THAT PRESCHOOL PROGRAM REQUIREMENTS ARE IN  
17 COMPLIANCE WITH AND DO NOT CONFLICT WITH IDEA AND ECEA; AND

18  
19 (II) ENSURE PRESCHOOL PROGRAM RULES ADDRESS ALL LEGAL  
20 REQUIREMENTS FOR THE PROVISION OF PRESCHOOL SERVICES TO ELIGIBLE  
21 CHILDREN WITH DISABILITIES.

22 **26.5-4-207. Preschool program evaluation and improvement**  
23 **process - independent evaluator.** (1) THE DEPARTMENT SHALL DEVELOP  
24 AND IMPLEMENT A PROCESS FOR CONTINUOUS EVALUATION AND  
25 IMPROVEMENT OF PRESCHOOL PROVIDERS WHO PARTICIPATE IN THE  
26 COLORADO UNIVERSAL PRESCHOOL PROGRAM. AT A MINIMUM, THE  
27 PROCESS MUST INCLUDE A REQUIREMENT THAT PRESCHOOL PROVIDERS

1 USE ASSESSMENT AND CONTINUOUS IMPROVEMENT STRATEGIES THAT:

2 (a) ARE IMPLEMENTED THROUGH A COORDINATED SYSTEM THAT  
3 INCLUDES THE QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE;  
4 CURRICULUM; PROFESSIONAL DEVELOPMENT; DEVELOPMENTALLY  
5 APPROPRIATE, AGE-APPROPRIATE, AND WHOLE-CHILD ASSESSMENT THAT  
6 MAY BE BASED ON OBSERVATIONAL ASSESSMENTS OF CHILDREN'S  
7 DEVELOPMENT AND CLASSROOM-BASED TEACHER-CHILD INTERACTIONS;  
8 AND DATA COLLECTION;

9 (b) SUPPORT BOTH CONTINUOUS PROGRAM IMPROVEMENT AND THE  
10 DEPARTMENT'S INDEPENDENT EVALUATION OF THE PRESCHOOL PROGRAM  
11 AS PROVIDED IN SUBSECTION (2) OF THIS SECTION;

12 (c) ARE DESIGNED TO INFORM CURRICULUM IMPLEMENTATION,  
13 PROFESSIONAL DEVELOPMENT, TEACHER SUPPORTS, AND RESOURCE  
14 ALLOCATION; AND

15 (d) ARE APPROPRIATE FOR USE WITH YOUNG CHILDREN AND FOR  
16 THE PURPOSES FOR WHICH THEY ARE USED.

17 (2) THE DEPARTMENT SHALL CONTRACT WITH AN INDEPENDENT  
18 EVALUATOR TO MEASURE THE SUCCESS OF THE COLORADO UNIVERSAL  
19 PRESCHOOL PROGRAM IN IMPROVING THE OVERALL LEARNING AND SCHOOL  
20 READINESS OF CHILDREN WHO RECEIVE PRESCHOOL SERVICES THROUGH  
21 THE PRESCHOOL PROGRAM. IN EVALUATING THE SUCCESS OF THE  
22 PRESCHOOL PROGRAM, THE DEPARTMENT SHALL ENSURE THE  
23 INDEPENDENT EVALUATOR HAS ACCESS TO THE NECESSARY DATA TO  
24 MEASURE IMMEDIATE AND LONG-TERM CHILD OUTCOMES AND TO PROVIDE  
25 RECOMMENDATIONS TO IMPROVE TEACHING AND LEARNING, ASSESS  
26 PROFESSIONAL DEVELOPMENT INPUTS AND OUTCOMES, AND IMPROVE  
27 TEACHER-CHILD INTERACTIONS. THE DEPARTMENT SHALL TAKE INTO

1 ACCOUNT THE EVALUATIONS AND RECOMMENDATIONS OF THE  
2 INDEPENDENT EVALUATOR IN IMPLEMENTING THE PROCESS FOR  
3 CONTINUOUS EVALUATION AND IMPROVEMENT DESCRIBED IN SUBSECTION  
4 (1) OF THIS SECTION.

5 (3) THE DEPARTMENT SHALL COMMUNICATE THE EVALUATIONS  
6 AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR TO FAMILIES,  
7 COMMUNITIES, PRESCHOOL PROVIDERS, LOCAL COORDINATING  
8 ORGANIZATIONS, THE STATE BOARD OF EDUCATION, AND THE GENERAL  
9 ASSEMBLY, AS APPROPRIATE, TO INFORM AND IMPROVE EARLY CHILDHOOD  
10 TEACHING AND EDUCATION AND POLICY-MAKING RELATED TO EARLY  
11 CHILDHOOD EDUCATION.

12 (4) THE DEPARTMENT SHALL TAKE INTO ACCOUNT THE  
13 EVALUATIONS AND RECOMMENDATIONS OF THE INDEPENDENT EVALUATOR  
14 IN REVIEWING AND REVISING THE PRESCHOOL QUALITY STANDARDS  
15 PURSUANT TO SECTION 26.5-4-205; THE PLAN FOR RECRUITING, TRAINING,  
16 AND RETAINING A HIGH-QUALITY EARLY CHILDHOOD WORKFORCE  
17 PURSUANT TO SECTION 26.5-6-101; AND THE STATE GOALS FOR  
18 IMPLEMENTING THE PRESCHOOL PROGRAM.

19 **26.5-4-208. Preschool provider funding - per-child rates - local**  
20 **contribution - distribution and use of money - definitions - repeal.**

21 (1) (a) THE DEPARTMENT, IN ACCORDANCE WITH THE INTENT SPECIFIED  
22 IN SECTION 26.5-4-202 (3), SHALL ANNUALLY ESTABLISH THE PER-CHILD  
23 RATES FOR UNIVERSAL PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES  
24 FOR CHILDREN WITH DISABILITIES, FOR PRESCHOOL SERVICES FOR ELIGIBLE  
25 CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN  
26 SECTION 26.5-4-204 (3)(a)(III) AND (3)(a)(IV), AND FOR ADDITIONAL  
27 PRESCHOOL SERVICES. IN ESTABLISHING THE PER-CHILD RATES, THE

1 DEPARTMENT, AT A MINIMUM, SHALL ENSURE THAT THE PER-CHILD RATE  
2 FOR PRESCHOOL SERVICES FOR CHILDREN WITH DISABILITIES IS AT LEAST  
3 EQUAL TO THE GREATER OF THE PER-CHILD RATE FOR UNIVERSAL  
4 PRESCHOOL SERVICES OR THE STATE PER PUPIL PRESCHOOL FUNDING RATE  
5 FOR CHILDREN WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR, AS  
6 DEFINED IN SUBSECTION (6) OF THIS SECTION. THE DEPARTMENT SHALL  
7 ADOPT ONE OR MORE FORMULAS FOR ANNUALLY SETTING THE PER-CHILD  
8 RATES, WHICH FORMULAS MUST, AT A MINIMUM, TAKE INTO ACCOUNT:

9 (I) THE COST OF PROVIDING PRESCHOOL SERVICES THAT MEET THE  
10 QUALITY STANDARDS ESTABLISHED IN DEPARTMENT RULE PURSUANT TO  
11 SECTION 26.5-4-205 (2);

12 (II) THE RESPONSIBILITIES OF THE STATE AND ADMINISTRATIVE  
13 UNITS TO MEET THE SPECIAL EDUCATION FUNDING MAINTENANCE OF  
14 EFFORT REQUIREMENTS SPECIFIED IN IDEA;

15 (III) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES  
16 THAT RESULT FROM REGIONAL DIFFERENCES AND CIRCUMSTANCES, WHICH  
17 MAY INCLUDE DIFFICULTIES IN ACHIEVING ECONOMIES OF SCALE IN RURAL  
18 AREAS AND IN RECRUITING AND RETAINING PRESCHOOL EDUCATORS; AND

19 (IV) VARIATIONS IN THE COST OF PROVIDING PRESCHOOL SERVICES  
20 THAT RESULT FROM THE CHARACTERISTICS OF CHILDREN, WHICH MUST  
21 INCLUDE A CHILD'S IDENTIFICATION AS A CHILD IN A LOW-INCOME FAMILY,  
22 AND MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A CHILD'S  
23 IDENTIFICATION AS A DUAL LANGUAGE LEARNER.

24 (b) IN ESTABLISHING THE FORMULAS DESCRIBED IN SUBSECTION  
25 (1)(a) OF THIS SECTION AND ANNUALLY SETTING THE PER-CHILD RATES,  
26 THE DEPARTMENT MUST CONSIDER STRATEGIES TO MITIGATE THE EFFECT  
27 OF PRESCHOOL FUNDING ON THE AVAILABILITY OF CHILD CARE SERVICES

1 FOR INFANTS AND TODDLERS WITHIN COMMUNITIES AND AREAS IN THE  
2 STATE.

3 (c) IN ESTABLISHING THE FORMULA FOR ADDITIONAL PRESCHOOL  
4 SERVICES, IN ADDITION TO THE CONSIDERATIONS SPECIFIED IN SUBSECTION  
5 (1)(a) OF THIS SECTION, THE DEPARTMENT MAY CONSIDER THE AMOUNT OF  
6 LOCAL FUNDING AVAILABLE TO ASSIST FAMILIES WITHIN A COMMUNITY  
7 BASED ON THE COMMUNITY PLAN OR AVAILABLE WITHIN AN AREA THAT  
8 DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. A PRESCHOOL  
9 PROVIDER IS PROHIBITED FROM CHARGING A FEE FOR ADDITIONAL  
10 PRESCHOOL SERVICES TO A FAMILY THAT PARTICIPATES IN THE PRESCHOOL  
11 PROGRAM THAT EXCEEDS THE AMOUNT CHARGED TO FAMILIES THAT DO  
12 NOT RECEIVE ADDITIONAL PRESCHOOL SERVICES.

13 (d) IN ADDITION TO DISTRIBUTING FUNDING BASED ON THE  
14 PER-CHILD RATES ESTABLISHED PURSUANT TO SUBSECTION (1)(a) OF THIS  
15 SECTION, THE DEPARTMENT MAY BY RULE DISTRIBUTE FUNDING TO  
16 ACHIEVE A SPECIFIED PURPOSE, WHICH MAY INCLUDE FUNDING FOR  
17 ADMINISTRATIVE UNITS TO PROVIDE SPECIAL EDUCATION SERVICES  
18 THROUGH THE PRESCHOOL PROGRAM AND FUNDING FOR MEASURES  
19 RELATED TO RECRUITING, TRAINING, AND RETAINING PRESCHOOL  
20 EDUCATORS. THE DEPARTMENT MAY CHOOSE TO DISTRIBUTE FUNDING  
21 PURSUANT TO THIS SUBSECTION (1)(d) ONLY AFTER THE DEPARTMENT  
22 ALLOCATES THE AMOUNTS NECESSARY TO FUND PRESCHOOL SERVICES FOR  
23 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, UP TO  
24 THE AMOUNTS DESCRIBED IN SUBSECTION (2)(c) OF THIS SECTION, AND TO  
25 FULLY FUND UNIVERSAL PRESCHOOL SERVICES FOR ALL ELIGIBLE  
26 CHILDREN WHO ENROLL.

27 (e) IN ESTABLISHING THE FORMULAS AND OTHER DISTRIBUTION

1 AMOUNTS, THE DEPARTMENT SHALL CONSULT WITH THE RULES ADVISORY  
2 COUNCIL, THE EARLY CHILDHOOD LEADERSHIP COMMISSION, AND  
3 MEMBERS OF THE EARLY CHILDHOOD COMMUNITY, INCLUDING PARENTS OF  
4 PRESCHOOL-AGE CHILDREN, PRESCHOOL EDUCATORS, PRESCHOOL  
5 PROVIDERS, EARLY CHILDHOOD COUNCILS, SCHOOL DISTRICTS, CHARTER  
6 SCHOOLS, REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN  
7 SERVICES AND SOCIAL SERVICES, LOCAL COORDINATING ORGANIZATIONS,  
8 AND INDIVIDUALS WITH FINANCIAL EXPERTISE IN PUBLIC AND PRIVATE  
9 FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES.

10 (2) BEFORE FINALIZING THE PER-CHILD RATES IN A FISCAL YEAR,  
11 THE DEPARTMENT SHALL:

12 (a) (I) ENSURE THAT THE PER-CHILD RATES FOR UNIVERSAL  
13 PRESCHOOL SERVICES, FOR PRESCHOOL SERVICES FOR CHILDREN WITH  
14 DISABILITIES, AND FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO  
15 ARE THREE YEARS OF AGE OR YOUNGER AS DESCRIBED IN SECTION  
16 26.5-4-204 (3)(a)(III) AND (3)(a)(IV) MEET OR EXCEED THE  
17 CONSTITUTIONAL COMPLIANCE RATE FOR THE APPLICABLE FISCAL YEAR,  
18 AS DESCRIBED IN SUBSECTION (2)(a)(II) OF THIS SECTION.

19 (II) FOR THE 2023-24 FISCAL YEAR, THE CONSTITUTIONAL  
20 COMPLIANCE RATE IS FORTY PERCENT OF THE STATEWIDE BASE PER PUPIL  
21 FUNDING THAT THE GENERAL ASSEMBLY ESTABLISHES IN SECTION  
22 22-54-104 (5)(a) FOR THE 2023-24 FISCAL YEAR. FOR THE 2024-25 FISCAL  
23 YEAR AND EACH FISCAL YEAR THEREAFTER, THE CONSTITUTIONAL  
24 COMPLIANCE RATE IS THE 2023-24 FISCAL YEAR CONSTITUTIONAL  
25 COMPLIANCE RATE INCREASED ANNUALLY, BEGINNING IN THE 2024-25  
26 FISCAL YEAR, BY THE RATE OF INFLATION.

27 (b) COMPARE THE AMOUNT OF FUNDING THAT THE PER-CHILD

1 RATES DIRECT TOWARD UNIVERSAL PRESCHOOL SERVICES WITH THE  
2 AMOUNT OF FUNDING THE RATES DIRECT TOWARD ADDITIONAL PRESCHOOL  
3 SERVICES AND PREPARE AN ANALYSIS OF THE EFFICACY OF THE BALANCE  
4 BETWEEN FUNDING FOR UNIVERSAL PRESCHOOL SERVICES AND  
5 ADDITIONAL PRESCHOOL SERVICES IN OPTIMIZING SUPPORT FOR CHILDREN  
6 IN LOW-INCOME FAMILIES AND CHILDREN WHO MEET QUALIFYING FACTORS  
7 WHILE ENSURING HIGH-QUALITY UNIVERSAL PRESCHOOL SERVICES. THE  
8 DEPARTMENT SHALL MAKE THE ANALYSIS AVAILABLE TO THE PUBLIC.

9 (c) CONSIDER THE IMPACT ON THE LEVEL OF FUNDING FOR  
10 PRESCHOOL PROVIDERS AS A RESULT OF THE PER-CHILD RATES AND THE  
11 LEVELS OF ENROLLMENT AS COMPARED TO PREVIOUS STATE FISCAL YEARS,  
12 INCLUDING STATE FISCAL YEARS PRECEDING THE 2023-24 STATE FISCAL  
13 YEAR. THE DEPARTMENT MAY CONSIDER A SPECIFIED PURPOSE  
14 DISTRIBUTION AS DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION TO  
15 REDUCE ANY IMPACT ON THE LEVEL OF FUNDING FOR PRESCHOOL  
16 PROVIDERS.

17 (3) (a) BEGINNING IN THE 2023-24 FISCAL YEAR AND FOR EACH  
18 FISCAL YEAR THEREAFTER, THE DEPARTMENT, WORKING WITH LOCAL  
19 COORDINATING ORGANIZATIONS AS PROVIDED IN EACH LOCAL  
20 COORDINATING ORGANIZATION'S COORDINATOR AGREEMENT WITH THE  
21 DEPARTMENT, SHALL DISTRIBUTE THE FUNDING APPROPRIATED TO THE  
22 DEPARTMENT FOR PRESCHOOL SERVICES FROM THE PRESCHOOL PROGRAMS  
23 CASH FUND AND ANY AMOUNT RECEIVED PURSUANT TO SECTION  
24 26.5-4-209 (2). THE DEPARTMENT AND LOCAL COORDINATING  
25 ORGANIZATIONS, AS APPLICABLE, SHALL BASE THE AMOUNTS DISTRIBUTED  
26 ON THE PER-CHILD RATES AND ANY SPECIAL PURPOSE DISTRIBUTIONS  
27 ESTABLISHED FOR THE APPLICABLE FISCAL YEAR PURSUANT TO

1 SUBSECTION (1) OF THIS SECTION. AT THE START OF EACH FISCAL YEAR,  
2 THE DEPARTMENT, AND LOCAL COORDINATING ORGANIZATIONS AS  
3 APPLICABLE, SHALL DISTRIBUTE A PORTION OF THE FUNDING TO  
4 PRESCHOOL PROVIDERS BASED ON THE NUMBERS AND TYPES OF ELIGIBLE  
5 CHILDREN EXPECTED TO ENROLL IN PRESCHOOL AS ESTIMATED IN THE  
6 COMMUNITY PLANS OR AS ESTIMATED BY THE DEPARTMENT FOR AN AREA  
7 THAT DOES NOT HAVE A LOCAL COORDINATING ORGANIZATION. THE  
8 DEPARTMENT AND LOCAL COORDINATING ORGANIZATIONS, AS  
9 APPLICABLE, SHALL CONTINUE DISTRIBUTING PORTIONS OF THE FUNDING  
10 PERIODICALLY THROUGHOUT THE SCHOOL YEAR AND SHALL ADJUST THE  
11 AMOUNTS DISTRIBUTED BASED ON THE ACTUAL NUMBERS AND TYPES OF  
12 ELIGIBLE CHILDREN ENROLLED BY PRESCHOOL PROVIDERS.

13 (b) THE DEPARTMENT SHALL ENSURE THAT FUNDING IS ALLOCATED  
14 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS  
15 OF AGE OR YOUNGER, AS DESCRIBED IN SUBSECTION (3)(c) OF THIS  
16 SECTION, FOR CHILDREN WITH DISABILITIES, AND FOR ALL ELIGIBLE  
17 CHILDREN WHO ENROLL IN UNIVERSAL PRESCHOOL SERVICES, INCLUDING  
18 CHILDREN WITH DISABILITIES, BEFORE FUNDING IS ALLOCATED FOR  
19 ADDITIONAL PRESCHOOL SERVICES OR FOR SPECIFIED PURPOSES AS  
20 DESCRIBED IN SUBSECTION (1)(d) OF THIS SECTION. IN ALLOCATING  
21 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN,  
22 THE DEPARTMENT SHALL FIRST ALLOCATE FUNDING FOR ADDITIONAL  
23 PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME  
24 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN  
25 ALLOCATE FUNDING FOR ADDITIONAL PRESCHOOL SERVICES FOR THE  
26 REMAINING ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

27 (c) (I) (A) IN DISTRIBUTING FUNDING FOR PRESCHOOL SERVICES

1 PURSUANT TO THIS SECTION FOR THE 2023-24 FISCAL YEAR AND EACH  
2 FISCAL YEAR THEREAFTER, THE DEPARTMENT SHALL ENSURE THAT THE  
3 AMOUNT OF FUNDING REQUIRED TO PROVIDE PRESCHOOL SERVICES TO ALL  
4 THREE-YEAR-OLD CHILDREN WITH DISABILITIES WHO ENROLL IN THE  
5 PRESCHOOL PROGRAM IS ANNUALLY DISTRIBUTED TO THE ENROLLING  
6 PRESCHOOL PROVIDERS AND THE AMOUNT DESCRIBED IN SUBSECTION  
7 (3)(c)(I)(B) OF THIS SECTION IS DISTRIBUTED TO PROVIDE PRESCHOOL  
8 SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR  
9 YOUNGER, AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND  
10 (3)(a)(IV).

11 (B) TO PROVIDE SERVICES FOR ELIGIBLE CHILDREN WHO ARE  
12 THREE YEARS OF AGE OR YOUNGER, THE DEPARTMENT SHALL ANNUALLY  
13 DISTRIBUTE THE AMOUNT ALLOTTED FOR THE 2022-23 FISCAL YEAR TO  
14 PROVIDE PRESCHOOL SERVICES FOR CHILDREN THREE YEARS OF AGE OR  
15 YOUNGER THROUGH THE "COLORADO PRESCHOOL PROGRAM ACT",  
16 ARTICLE 28 OF TITLE 22, AS IT EXISTS PRIOR TO JULY 1, 2023, CALCULATED  
17 AS AN AMOUNT EQUAL TO THE NUMBER OF CHILDREN THREE YEARS OF AGE  
18 OR YOUNGER ENROLLED BY EACH SCHOOL DISTRICT FOR THE 2022-23  
19 FISCAL YEAR MULTIPLIED BY THE PER PUPIL FUNDING, AS DESCRIBED IN  
20 SECTION 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE, FOR THE  
21 ENROLLING SCHOOL DISTRICT FOR THE 2022-23 FISCAL YEAR.

22 (II) THE DEPARTMENT AND LOCAL COORDINATING  
23 ORGANIZATIONS, AS APPLICABLE, SHALL DISTRIBUTE THE FUNDING FOR  
24 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR  
25 YOUNGER AS DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION  
26 ONLY TO PRESCHOOL PROVIDERS THAT ARE SCHOOL DISTRICTS OR  
27 CHARTER SCHOOLS FOR THE ELIGIBLE CHILDREN WHO ARE THREE YEARS

1 OF AGE AND YOUNGER WHOM THE SCHOOL DISTRICT OR CHARTER SCHOOL  
2 ENROLLS IN ACCORDANCE WITH THE PRESCHOOL PROGRAM; EXCEPT THAT,  
3 IN A FISCAL YEAR IN WHICH THE GENERAL ASSEMBLY SPECIFICALLY  
4 APPROPRIATES AN AMOUNT TO PROVIDE PRESCHOOL SERVICES FOR  
5 CHILDREN THREE YEARS OF AGE OR YOUNGER WHO DO NOT HAVE  
6 DISABILITIES THAT EXCEEDS THE AMOUNT DESCRIBED IN SUBSECTION  
7 (3)(c)(I)(B) OF THIS SECTION, THE DEPARTMENT MAY DISTRIBUTE IN  
8 ACCORDANCE WITH THE APPLICABLE COMMUNITY PLANS ALL OR ANY  
9 PORTION OF THE EXCESS APPROPRIATION AMOUNT TO COMMUNITY-BASED  
10 PRESCHOOL PROVIDERS. A SCHOOL DISTRICT MAY DISTRIBUTE ALL OR A  
11 PORTION OF THE AMOUNT RECEIVED PURSUANT TO THIS SUBSECTION  
12 (3)(c)(II) TO A HEAD START AGENCY OR COMMUNITY-BASED PRESCHOOL  
13 PROVIDER THAT PROVIDES PRESCHOOL SERVICES PURSUANT TO A  
14 CONTRACT WITH THE SCHOOL DISTRICT.

15 (III) NOTWITHSTANDING ANY PROVISION OF SUBSECTION (3)(c)(I)  
16 OF THIS SECTION TO THE CONTRARY, IN A FISCAL YEAR IN WHICH THE  
17 AMOUNT DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND  
18 PRESCHOOL SERVICES FOR CHILDREN WHO ARE THREE YEARS OF AGE OR  
19 YOUNGER IS MORE THAN IS REQUIRED TO FULLY FUND THE NUMBER OF  
20 SAID ELIGIBLE CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL  
21 SERVICES, THE DEPARTMENT MAY DISTRIBUTE THE EXCESS AMOUNT TO  
22 FUND UNIVERSAL PRESCHOOL SERVICES, ADDITIONAL PRESCHOOL  
23 SERVICES, OR SPECIAL PURPOSE DISTRIBUTIONS IN ACCORDANCE WITH THIS  
24 SECTION.

25 (IV) IN A FISCAL YEAR IN WHICH THE AMOUNT DESCRIBED IN  
26 SUBSECTION (3)(c)(I)(B) OF THIS SECTION TO FUND PRESCHOOL SERVICES  
27 FOR CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER IS LESS

1 THAN IS REQUIRED TO FULLY FUND THE NUMBER OF SAID ELIGIBLE  
2 CHILDREN WHO ACTUALLY ENROLL FOR PRESCHOOL SERVICES, THE  
3 DEPARTMENT SHALL FIRST PROVIDE FUNDING FOR THE ELIGIBLE CHILDREN  
4 WITH DISABILITIES AND ELIGIBLE CHILDREN WHO ARE IN LOW-INCOME  
5 FAMILIES AND MEET AT LEAST ONE QUALIFYING FACTOR AND THEN  
6 PROVIDE FUNDING FOR THE REMAINING ELIGIBLE CHILDREN WHO ARE IN  
7 LOW-INCOME FAMILIES. IF ANY AMOUNT OF THE APPROPRIATION  
8 DESCRIBED IN SUBSECTION (3)(c)(I)(B) OF THIS SECTION REMAINS, THE  
9 DEPARTMENT, WORKING WITH THE RULES ADVISORY COUNCIL, THE LOCAL  
10 COORDINATING ORGANIZATIONS, AND ANY OTHER INTERESTED PERSONS,  
11 SHALL ESTABLISH THE PRIORITY FOR DISTRIBUTING THE FUNDING AMONG  
12 THE REMAINING ELIGIBLE CHILDREN.

13 (4) (a) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO  
14 THE CONTRARY, IF THE FUNDING THAT A PRESCHOOL PROVIDER THAT IS A  
15 SCHOOL DISTRICT OR A CHARTER SCHOOL RECEIVES PURSUANT TO THIS  
16 SECTION FOR ELIGIBLE CHILDREN ENROLLED IN THE PRESCHOOL PROGRAM  
17 FOR THE 2023-24 FISCAL YEAR, CALCULATED AS THE PER-CHILD RATES FOR  
18 THE 2023-24 FISCAL YEAR MULTIPLIED BY THE NUMBER OF ELIGIBLE  
19 CHILDREN THE PRESCHOOL PROVIDER ENROLLS FOR THE 2023-24 FISCAL  
20 YEAR, IS LESS THAN THE AMOUNT OF FUNDING ALLOTTED FOR THE 2022-23  
21 FISCAL YEAR FOR THE CHILDREN THE PRESCHOOL PROVIDER ENROLLED  
22 THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO  
23 JULY 1, 2023, CALCULATED AS FIFTY PERCENT OF THE PRESCHOOL  
24 PROVIDER'S PER PUPIL FUNDING, AS DESCRIBED IN SECTION 22-54-104 (3)  
25 OR (3.5), WHICHEVER IS APPLICABLE, FOR THE 2022-23 FISCAL YEAR  
26 MULTIPLIED BY THE NUMBER OF CHILDREN THE PRESCHOOL PROVIDER  
27 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM AND

1 DIRECTLY SERVED FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT  
2 SHALL DISTRIBUTE TO THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL  
3 YEAR AN AMOUNT EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

4 (b) NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE  
5 CONTRARY, IF THE FUNDING THAT A COMMUNITY-BASED PRESCHOOL  
6 PROVIDER RECEIVES PURSUANT TO THIS SECTION FOR ELIGIBLE CHILDREN  
7 ENROLLED IN THE PRESCHOOL PROGRAM FOR THE 2023-24 FISCAL YEAR,  
8 CALCULATED AS THE PER-CHILD RATES FOR THE 2023-24 FISCAL YEAR  
9 MULTIPLIED BY THE NUMBER OF ELIGIBLE CHILDREN THE PRESCHOOL  
10 PROVIDER ENROLLS FOR THE 2023-24 FISCAL YEAR, IS LESS THAN THE  
11 AMOUNT OF FUNDING THE COMMUNITY-BASED PRESCHOOL PROVIDER  
12 RECEIVED FOR THE 2022-23 FISCAL YEAR PURSUANT TO A CONTRACT WITH  
13 A SCHOOL DISTRICT OR CHARTER SCHOOL TO INDIRECTLY SERVE CHILDREN  
14 THE SCHOOL DISTRICT OR CHARTER SCHOOL ENROLLED THROUGH THE  
15 COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY 1, 2023,  
16 FOR THE 2022-23 FISCAL YEAR, THE DEPARTMENT SHALL DISTRIBUTE TO  
17 THE PRESCHOOL PROVIDER FOR THE 2023-24 FISCAL YEAR AN AMOUNT  
18 EQUAL TO THE DIFFERENCE IN SAID AMOUNTS.

19 (c) ANY AMOUNT DISTRIBUTED PURSUANT TO THIS SUBSECTION (4)  
20 IS IN ADDITION TO THE AMOUNT CALCULATED FOR THE PRESCHOOL  
21 PROVIDER FOR THE 2023-24 FISCAL YEAR PURSUANT TO THIS SECTION.

22 (d) THE DEPARTMENT SHALL COLLECT, AND PRESCHOOL  
23 PROVIDERS SHALL PROVIDE, THE INFORMATION REQUIRED TO IMPLEMENT  
24 THIS SUBSECTION (4), WHICH MAY INCLUDE BUT NEED NOT BE LIMITED TO:

25 (I) A SCHOOL DISTRICT'S PER PUPIL FUNDING AMOUNT  
26 CALCULATED FOR THE 2022-23 FISCAL YEAR PURSUANT TO SECTION  
27 22-54-104 (3) OR (3.5), WHICHEVER IS APPLICABLE;

1 (II) THE NUMBER OF PUPILS THAT A PRESCHOOL PROVIDER  
2 ENROLLED THROUGH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS  
3 PRIOR TO JULY 1, 2023, FOR THE 2022-23 FISCAL YEAR; AND

4 (III) THE AMOUNTS PAID BY SCHOOL DISTRICTS AND CHARTER  
5 SCHOOLS TO COMMUNITY-BASED PRESCHOOL PROVIDERS PURSUANT TO  
6 CONTRACTS ENTERED INTO FOR THE 2022-23 FISCAL YEAR IN ACCORDANCE  
7 WITH THE COLORADO PRESCHOOL PROGRAM, AS IT EXISTS PRIOR TO JULY  
8 1, 2023.

9 (e) THIS SUBSECTION (4) IS REPEALED, EFFECTIVE JULY 1, 2024.

10 ■ ■

11 (5) A PRESCHOOL PROVIDER THAT RECEIVES FUNDING DISTRIBUTED  
12 PURSUANT TO THIS SECTION SHALL USE THE MONEY ONLY TO PAY THE  
13 COSTS OF PROVIDING PRESCHOOL SERVICES DIRECTLY TO ELIGIBLE  
14 CHILDREN ENROLLED BY THE PRESCHOOL PROVIDER OR BY A  
15 SUBCONTRACTED PRESCHOOL PROVIDER AS AUTHORIZED FOR A SCHOOL  
16 DISTRICT IN SUBSECTION (3)(c)(II) OF THIS SECTION. COSTS OF PROVIDING  
17 PRESCHOOL SERVICES INCLUDE:

18 (a) TEACHER AND PARAPROFESSIONAL SALARIES AND BENEFITS;

19 (b) THE COST OF PROVIDING TO TEACHERS AND  
20 PARAPROFESSIONALS ANY PROFESSIONAL DEVELOPMENT ACTIVITIES  
21 ASSOCIATED WITH THE PRESCHOOL SERVICES;

22 (c) THE COSTS INCURRED IN PURCHASING SUPPLIES AND  
23 MATERIALS USED IN PROVIDING THE PRESCHOOL SERVICES;

24 (d) ANY ADDITIONAL COSTS THAT A PRESCHOOL PROVIDER WOULD  
25 NOT HAVE INCURRED BUT FOR THE SERVICES PROVIDED IN CONJUNCTION  
26 WITH THE PRESCHOOL SERVICES; AND

27 (e) A REASONABLE ALLOCATION OF OVERHEAD COSTS AS

1 PROVIDED BY DEPARTMENT RULE.

2 (6) FOR PURPOSES OF THIS SECTION, UNLESS THE CONTEXT  
3 OTHERWISE REQUIRES:

4 (a) "DISTRICT EXTENDED HIGH SCHOOL PUPIL ENROLLMENT" HAS  
5 THE SAME MEANING AS PROVIDED IN SECTION 22-54-103.

6 (b) "FUNDED PUPIL COUNT" HAS THE SAME MEANING AS PROVIDED  
7 IN SECTION 22-54-103.

8 (c) "ONLINE PUPIL ENROLLMENT" HAS THE SAME MEANING AS  
9 PROVIDED IN SECTION 22-54-103.

10 (d) "STATE AVERAGE PER PUPIL FUNDING AMOUNT" MEANS THE  
11 STATEWIDE TOTAL AMOUNT OF PER PUPIL FUNDING, AS DESCRIBED IN  
12 SECTION 22-54-104 (3) OR (3.5), CALCULATED FOR ALL SCHOOL DISTRICTS  
13 FOR THE 2022-23 BUDGET YEAR DIVIDED BY THE STATEWIDE TOTAL  
14 FUNDED PUPIL COUNT, MINUS THE STATEWIDE TOTAL DISTRICT EXTENDED  
15 HIGH SCHOOL PUPIL ENROLLMENT AND THE STATEWIDE TOTAL ONLINE  
16 PUPIL ENROLLMENT, FOR THE 2022-23 BUDGET YEAR.

17 (e) "STATE PER PUPIL PRESCHOOL FUNDING RATE FOR CHILDREN  
18 WITH DISABILITIES FOR THE 2022-23 BUDGET YEAR" MEANS AN AMOUNT  
19 EQUAL TO THE STATE'S SHARE PERCENTAGE OF STATEWIDE TOTAL  
20 PROGRAM FUNDING FOR ALL SCHOOL DISTRICTS CALCULATED PURSUANT  
21 TO THE "PUBLIC SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF TITLE 22,  
22 FOR THE 2022-23 BUDGET YEAR MULTIPLIED BY THE STATE AVERAGE PER  
23 PUPIL FUNDING AMOUNT FOR THE 2022-23 BUDGET YEAR.

24 **26.5-4-209. Preschool programs cash fund - created - use.**

25 (1) (a) [Formerly 24-22-118 (3)(a)] The preschool programs cash fund  
26 is hereby created in the state treasury. The fund consists of money  
27 credited to the fund pursuant to ~~subsection (2) of this section and~~ SECTION

1 24-22-118 (2), money transferred to the fund pursuant to section  
2 39-28-116 (6), MONEY ANNUALLY TRANSFERRED TO THE FUND AS  
3 PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION, AND ANY ADDITIONAL  
4 MONEY THE GENERAL ASSEMBLY MAY APPROPRIATE OR TRANSFER TO THE  
5 FUND. The state treasurer shall credit all interest and income derived from  
6 the deposit and investment of money in the preschool programs cash fund  
7 to the fund. The general assembly shall annually appropriate money in the  
8 preschool programs cash fund to ~~a designated department for the purposes~~  
9 ~~set forth in this subsection~~ (3) THE DEPARTMENT TO IMPLEMENT THE  
10 PRESCHOOL PROGRAM.

11 (b) (I) FOR THE 2023-24 FISCAL YEAR, THE GENERAL ASSEMBLY  
12 SHALL TRANSFER TO THE PRESCHOOL PROGRAMS CASH FUND FROM THE  
13 GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17  
14 OF ARTICLE IX OF THE STATE CONSTITUTION AN AMOUNT EQUAL TO THE  
15 DIFFERENCE BETWEEN THE AMOUNT OF THE STATE SHARE OF TOTAL  
16 PROGRAM CALCULATED PURSUANT TO ARTICLE 54 OF TITLE 22 FOR THE  
17 2022-23 BUDGET YEAR, AFTER APPLICATION OF THE BUDGET  
18 STABILIZATION FACTOR AND AFTER ANY MID-YEAR ADJUSTMENT, AND THE  
19 AMOUNT THAT THE STATE SHARE OF TOTAL PROGRAM, AFTER APPLICATION  
20 OF THE BUDGET STABILIZATION FACTOR AND AFTER ANY MID-YEAR  
21 ADJUSTMENT, WOULD BE FOR THE 2022-23 BUDGET YEAR IF CALCULATED  
22 WITHOUT INCLUDING THE STATEWIDE PRESCHOOL PROGRAM ENROLLMENT,  
23 AS DEFINED IN SECTION 22-54-103, FOR THE 2022-23 BUDGET YEAR AND  
24 THE NUMBER OF THREE- AND FOUR-YEAR-OLD PUPILS WITH DISABILITIES  
25 RECEIVING AN EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL  
26 CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF TITLE 22, FOR THE  
27 2022-23 BUDGET YEAR.

1 (II) FOR THE 2024-25 FISCAL YEAR AND FOR EACH FISCAL YEAR  
2 THEREAFTER, THE GENERAL ASSEMBLY SHALL ANNUALLY TRANSFER TO  
3 THE PRESCHOOL PROGRAMS CASH FUND FROM THE GENERAL FUND OR THE  
4 STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE  
5 STATE CONSTITUTION AN AMOUNT EQUAL TO THE AMOUNT DESCRIBED IN  
6 SUBSECTION (1)(b)(I) OF THIS SECTION INCREASED ANNUALLY, BEGINNING  
7 IN THE 2024-25 FISCAL YEAR, BY THE RATE OF INFLATION.

8 (2) IN ADDITION TO THE MONEY APPROPRIATED FROM THE FUND,  
9 THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND PUBLIC AND PRIVATE  
10 GIFTS, GRANTS, AND DONATIONS TO IMPLEMENT THE PRESCHOOL  
11 PROGRAM.

12 (3) (a) ~~Formerly 24-22-118 (3)(b)] A designated~~ THE department  
13 shall prioritize ~~its~~ THE use of money APPROPRIATED from the preschool  
14 programs cash fund to ~~expand and enhance the Colorado preschool~~  
15 ~~program or any successor program in order to offer at least ten hours per~~  
16 ~~week of voluntary preschool free of charge to every child in Colorado~~  
17 ~~during the last year of preschool before his or her entry to kindergarten~~  
18 PROVIDE FUNDING FOR TEN HOURS OF VOLUNTARY PRESCHOOL SERVICES  
19 PER WEEK, AT NO CHARGE, TO COLORADO CHILDREN DURING THE SCHOOL  
20 YEAR PRECEDING THE SCHOOL YEAR IN WHICH A CHILD IS ELIGIBLE TO  
21 ENROLL IN KINDERGARTEN, TO PROVIDE FUNDING FOR PRESCHOOL  
22 SERVICES FOR CHILDREN WITH DISABILITIES, AND TO PROVIDE FUNDING  
23 FOR PRESCHOOL SERVICES FOR ELIGIBLE CHILDREN WHO ARE THREE YEARS  
24 OF AGE OR YOUNGER AS DESCRIBED IN SECTION 26.5-4-204 (3)(a)(III) AND  
25 (3)(a)(IV).

26 (b) The ~~designated~~ department shall use ~~the~~ money remaining in  
27 the preschool programs cash fund after the ~~use identified in subsection~~

1 ~~(3)(b)(i)~~ USES DESCRIBED IN SUBSECTION (3)(a) of this section to provide  
2 additional preschool programming for low-income families and children  
3 at risk of entering kindergarten without being school ready SERVICES FOR  
4 CHILDREN WHO ARE IN LOW-INCOME FAMILIES OR WHO MEET AT LEAST  
5 ONE QUALIFYING FACTOR.

6 (4) **[Formerly 24-22-118 (3)(d)]** In furtherance of the purposes set  
7 forth in ~~subsection (3)(b)~~ SUBSECTION (3) of this section and in order to  
8 meet an expansion of ~~current preschool populations, a designated~~  
9 PRESCHOOL POPULATIONS, IN ADDITION TO THE USE DESCRIBED IN  
10 SUBSECTION (3)(b) OF THIS SECTION, THE department may use money  
11 REMAINING in the fund AFTER MEETING THE USES DESCRIBED IN  
12 SUBSECTION (3)(a) OF THIS SECTION to ensure the availability of quality,  
13 voluntary ~~mixed-delivery~~ preschool SERVICES PROVIDED THROUGH A  
14 MIXED DELIVERY SYSTEM by means the department deems appropriate  
15 including:

16 (a) Recruiting, training, and retaining early childhood education  
17 professionals;

18 (b) Expanding or improving the staff, facilities, equipment,  
19 technology, and physical infrastructure of ~~preschool programs offered by~~  
20 ~~licensed providers so as~~ PRESCHOOL PROVIDERS to increase preschool  
21 access;

22 (c) Parent and family outreach to facilitate timely and effective  
23 enrollment; and

24 (d) Such other uses as are consistent with and further the purpose  
25 of ~~this section~~ THE PRESCHOOL PROGRAM.

26 (5) **[Formerly 24-22-118 (3)(e)]** The ~~designated~~ department may  
27 use money appropriated from the preschool programs cash fund for the

1 ADMINISTRATIVE costs of a ~~third-party entity that administers the program~~  
2 ~~established on behalf of the designated department in accordance with~~  
3 ~~this subsection~~ (3) LOCAL COORDINATING ORGANIZATIONS.

4 **26.5-4-210. Reporting.** (1) BEGINNING WITH THE HEARING HELD  
5 IN JANUARY OF 2025 AS PART OF THE ANNUAL HEARING HELD PURSUANT  
6 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
7 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
8 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION AND  
9 EFFECTIVENESS OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM IN  
10 THE PRECEDING FISCAL YEAR. AT A MINIMUM, THE REPORT MUST INCLUDE:

11 (a) THE NUMBER OF ELIGIBLE CHILDREN SERVED BY PRESCHOOL  
12 PROVIDERS, SPECIFYING:

13 (I) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED ONLY  
14 UNIVERSAL PRESCHOOL SERVICES;

15 (II) THE NUMBER OF ELIGIBLE CHILDREN WITH DISABILITIES WHO  
16 RECEIVED PRESCHOOL SERVICES;

17 (III) THE NUMBER OF ELIGIBLE CHILDREN THREE YEARS OF AGE  
18 AND YOUNGER WHO RECEIVED PRESCHOOL SERVICES;

19 (IV) THE NUMBER OF ELIGIBLE CHILDREN WHO RECEIVED  
20 ADDITIONAL PRESCHOOL SERVICES;

21 (V) THE NUMBER AND PERCENTAGE OF ELIGIBLE CHILDREN  
22 ENROLLED IN THE PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME  
23 FAMILIES AND WHO MET ONE OR MORE QUALIFYING FACTORS, INCLUDING  
24 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET; AND

25 (VI) THE DEMOGRAPHICS OF THE ELIGIBLE CHILDREN ENROLLED  
26 IN THE PRESCHOOL PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE,  
27 ETHNICITY, DISABILITY, AND INCOME;

1 (b) THE NUMBER OF CHILDREN WHO WERE ELIGIBLE TO RECEIVE  
2 FUNDING FOR ADDITIONAL PRESCHOOL SERVICES BUT DID NOT DUE TO  
3 INSUFFICIENT FUNDING AND THE AMOUNT THAT WOULD HAVE FULLY  
4 FUNDED ADDITIONAL PRESCHOOL SERVICES FOR ALL ELIGIBLE CHILDREN;

5 (c) THE NUMBER OF ELIGIBLE CHILDREN WHO DID NOT ENROLL IN  
6 PRESCHOOL PROVIDERS;

7 (d) THE EXTENT TO WHICH A MIXED DELIVERY SYSTEM OF  
8 PRESCHOOL PROVIDERS IS AVAILABLE AND THE ENROLLMENT CAPACITY OF  
9 THE MIXED DELIVERY SYSTEM THROUGHOUT THE STATE;

10 (e) THE AMOUNT OF FUNDING DISTRIBUTED TO PRESCHOOL  
11 PROVIDERS THROUGH THE PRESCHOOL PROGRAM, IN TOTAL AND  
12 DISAGGREGATED BY COMMUNITIES WITH LOCAL COORDINATING  
13 ORGANIZATIONS AND AREAS OF THE STATE THAT DO NOT HAVE LOCAL  
14 COORDINATION ORGANIZATIONS;

15 (f) THE PER-CHILD RATES ESTABLISHED PURSUANT TO SECTION  
16 26.5-4-208 (1) FOR UNIVERSAL PRESCHOOL SERVICES, PRESCHOOL  
17 SERVICES FOR CHILDREN WITH DISABILITIES, PRESCHOOL SERVICES FOR  
18 ELIGIBLE CHILDREN WHO ARE THREE YEARS OF AGE OR YOUNGER, AND  
19 ADDITIONAL PRESCHOOL SERVICES FOR THE FISCAL YEAR WITH AN  
20 EXPLANATION OF THE FORMULAS FOR DETERMINING THE PER-CHILD RATES;

21 (g) OF THE AMOUNT APPROPRIATED FROM THE PRESCHOOL  
22 PROGRAMS CASH FUND, THE AMOUNT, EXPRESSED AS A DOLLAR AMOUNT  
23 AND A PERCENTAGE OF THE TOTAL APPROPRIATION, THAT:

24 (I) WAS DISTRIBUTED TO FUND UNIVERSAL PRESCHOOL SERVICES;

25 (II) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR  
26 CHILDREN WITH DISABILITIES;

27 (III) WAS DISTRIBUTED TO FUND PRESCHOOL SERVICES FOR

1 ELIGIBLE CHILDREN THREE YEARS OF AGE AND YOUNGER;

2 (IV) WAS DISTRIBUTED TO FUND ADDITIONAL PRESCHOOL  
3 SERVICES;

4 (V) WAS DISTRIBUTED FOR SPECIFIED PURPOSES PURSUANT TO  
5 SECTION 26.5-4-208 (1)(d) WITH AN EXPLANATION OF EACH SPECIFIED  
6 PURPOSE AND THE PRESCHOOL PROVIDERS OR COMMUNITIES THAT  
7 RECEIVED THE DISTRIBUTIONS;

8 (VI) IS ATTRIBUTABLE TO EACH WEIGHTING FACTOR, IF ANY,  
9 INCLUDED IN THE FORMULAS CREATED PURSUANT TO SECTION 26.5-4-208  
10 (1); AND

11 (VII) WAS SPENT ON ADMINISTRATIVE EXPENSES OF THE  
12 DEPARTMENT AND EACH LOCAL COORDINATING ORGANIZATION;

13 (h) THE NUMBER OF ELIGIBLE CHILDREN FOR WHOM ADDITIONAL  
14 PRESCHOOL SERVICES OR OTHER FULL-DAY PRESCHOOL SERVICES WERE  
15 PROVIDED USING RESOURCES OTHER THAN THE MONEY DISTRIBUTED  
16 THROUGH THE PRESCHOOL PROGRAM AND THE SOURCES OF THOSE  
17 RESOURCES;

18 (i) QUANTITATIVE DATA, AND QUALITATIVE DATA IF AVAILABLE,  
19 INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE AVAILABLE,  
20 DEMONSTRATING THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN  
21 IMPROVING THE OVERALL LEARNING AND SCHOOL READINESS OF CHILDREN  
22 WHO RECEIVE PRESCHOOL SERVICES THROUGH THE PRESCHOOL PROGRAM,  
23 INCLUDING THE RESULTS OF THE INDEPENDENT EVALUATION CONDUCTED  
24 PURSUANT TO SECTION 26.5-4-207 (2);

25 (j) THE CHANGES, IF ANY, IN THE AVAILABILITY OF CHILD CARE FOR  
26 INFANTS AND TODDLERS, STATEWIDE AND WITHIN COMMUNITIES OR  
27 AREAS, FOLLOWING IMPLEMENTATION OF THE PRESCHOOL PROGRAM;

1 (k) ANY OTHER INFORMATION THAT INDICATES THE  
2 EFFECTIVENESS OF THE PRESCHOOL PROGRAM IN SERVING ELIGIBLE  
3 CHILDREN THROUGHOUT THE STATE; AND

4 (1) ANY RECOMMENDATIONS FOR LEGISLATIVE OR REGULATORY  
5 CHANGES TO IMPROVE THE EFFECTIVENESS OF THE PRESCHOOL PROGRAM.

6 (2) THE DEPARTMENT MAY REQUEST AND LOCAL COORDINATING  
7 ORGANIZATIONS AND PRESCHOOL PROVIDERS SHALL PROVIDE  
8 INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE THE  
9 REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

10 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE  
11 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT  
12 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

13 **PART 3**

14 **KINDERGARTEN READINESS ONLINE PILOT PROGRAM**

15 **26.5-4-301. Legislative declaration.** (1) THE GENERAL  
16 ASSEMBLY FINDS AND DECLARES THAT:

17 (a) ALL CHILDREN IN THE YEAR BEFORE THEY ARE ELIGIBLE TO  
18 ENROLL IN KINDERGARTEN SHOULD HAVE ACCESS TO SOCIAL-EMOTIONAL  
19 AND ACADEMIC SUPPORTS THAT ARE IMPORTANT FOR SCHOOL READINESS;

20 (b) THE STATE SHOULD PROVIDE A WIDE RANGE OF CHOICES FOR  
21 FAMILIES TO ACCESS KINDERGARTEN READINESS SUPPORTS, INCLUDING  
22 THE OPTION FOR ONLINE KINDERGARTEN READINESS PROGRAMS; AND

23 (c) TO RECEIVE STATE FUNDING, AN ONLINE KINDERGARTEN  
24 READINESS PROGRAM SHOULD DEMONSTRATE STRONG EVIDENCE OF  
25 EFFECTIVENESS IN TEACHING A DIVERSE ARRAY OF CHILDREN, PROVIDE  
26 EVIDENCE-BASED ONLINE CURRICULUM, INCORPORATE FAMILY  
27 ENGAGEMENT, AND UNDERGO PERIODIC EVALUATION TO MEASURE

1 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN.

2 (2) THE GENERAL ASSEMBLY THEREFORE FINDS THAT, TO BEST  
3 SERVE ALL FAMILIES, IT IS APPROPRIATE FOR THE STATE TO SUPPORT AN  
4 ONLINE KINDERGARTEN READINESS PILOT PROGRAM AS A CHOICE FOR  
5 PARENTS WHO SEEK TO ACCESS ACADEMIC AND READINESS SUPPORT  
6 SERVICES FOR THEIR CHILDREN IN THE YEAR PRECEDING KINDERGARTEN  
7 ELIGIBILITY.

8 **26.5-4-302. Online kindergarten readiness pilot program -**  
9 **created- survey - provider selection - funding.** (1) THERE IS CREATED

10 IN THE DEPARTMENT THE ONLINE KINDERGARTEN READINESS PILOT  
11 PROGRAM, REFERRED TO IN THIS PART 3 AS THE "PILOT PROGRAM", TO  
12 PROVIDE FUNDING FOR A VOLUNTARY, ONLINE KINDERGARTEN READINESS  
13 PROGRAM THAT SERVES CHILDREN IN THE YEAR BEFORE ELIGIBILITY FOR  
14 KINDERGARTEN ENROLLMENT. THE PURPOSES OF THE PILOT PROGRAM ARE  
15 TO:

16 (a) HELP ENSURE THAT, IN THE YEAR BEFORE ELIGIBILITY FOR  
17 KINDERGARTEN ENROLLMENT, CHILDREN RECEIVE PERSONALIZED, ONLINE  
18 SUPPORT IN READING, MATHEMATICS, AND SCIENCE THAT IS  
19 DEVELOPMENTALLY APPROPRIATE;

20 (b) PROVIDE TRAINING FOR PARENTS AND OTHER FAMILY MEMBERS  
21 TO HELP THEM ASSIST THEIR CHILDREN IN LEARNING; AND

22 (c) RAISE THE LEVEL OF KINDERGARTEN READINESS FOR ALL  
23 CHILDREN, INCLUDING CHILDREN WHO ARE IN LOW-INCOME FAMILIES.

24 (2) THE DEPARTMENT SHALL CONDUCT A STATEWIDE SURVEY TO  
25 DETERMINE THE NUMBER OF FAMILIES WHO WOULD BE INTERESTED IN  
26 PARTICIPATING IN THE PILOT PROGRAM. THE DEPARTMENT SHALL COMPILE  
27 AND SUBMIT THE RESULTS OF THE SURVEY BY DECEMBER 1, 2022, TO THE

1 JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY AND THE OFFICE  
2 OF STATE PLANNING AND BUDGETING.

3 (3) (a) THE DEPARTMENT SHALL ISSUE A REQUEST FOR  
4 INFORMATION FOR A PROVIDER TO MAKE AN ONLINE KINDERGARTEN  
5 READINESS PROGRAM AVAILABLE TO FAMILIES STATEWIDE. AT A  
6 MINIMUM, A PROVIDER MUST DEMONSTRATE:

7 (I) THE ABILITY TO PROVIDE TECHNOLOGY TO FAMILIES THAT  
8 CHOOSE TO PARTICIPATE IN THE ONLINE PROGRAM BUT DO NOT HAVE THE  
9 APPROPRIATE TECHNOLOGY TO BE ABLE TO DO SO;

10 (II) THE USE OF A CURRICULUM THAT IS DEVELOPMENTALLY  
11 APPROPRIATE AND EVIDENCE BASED AND HAS DEMONSTRATED  
12 EFFECTIVENESS IN PREPARING CHILDREN TO LEARN IN KINDERGARTEN;

13 (III) STRONG EVIDENCE OF THE EFFECTIVENESS OF THE PROVIDER'S  
14 ONLINE KINDERGARTEN READINESS PROGRAM OVERALL IN PREPARING  
15 CHILDREN TO LEARN IN KINDERGARTEN AND IN DEVELOPING STRONG  
16 SOCIAL-EMOTIONAL SKILLS IN CHILDREN WHO PARTICIPATE IN THE  
17 PROGRAM; AND

18 (IV) AN EFFECTIVE PLAN FOR RECRUITING FAMILIES FROM DIVERSE  
19 BACKGROUNDS IN ALL GEOGRAPHIC AREAS OF THE STATE TO  
20 VOLUNTARILY ENROLL IN THE PROGRAM.

21 (b) BY MAY 1, 2023, BASED ON THE RESPONSES TO THE REQUEST  
22 FOR INFORMATION, THE DEPARTMENT, SUBJECT TO AVAILABLE  
23 APPROPRIATIONS FOR THE 2023-24 FISCAL YEAR, MAY SELECT AND  
24 CONTRACT WITH A SINGLE PROVIDER TO PROVIDE AN ONLINE  
25 KINDERGARTEN READINESS PROGRAM. AT A MINIMUM, THE CONTRACT  
26 MUST REQUIRE THE PROVIDER TO PROVIDE STATEWIDE NOTICE OF THE  
27 AVAILABILITY OF THE ONLINE KINDERGARTEN READINESS PROGRAM AND

1 BEGIN ENROLLING FAMILIES, FREE OF CHARGE, FOR THE 2023-24 SCHOOL  
2 YEAR.

3 **26.5-4-303. Reporting.** (1) BEGINNING WITH THE HEARING HELD  
4 IN JANUARY OF 2025, AS PART OF THE ANNUAL HEARING HELD PURSUANT  
5 TO THE "STATE MEASUREMENT FOR ACCOUNTABLE, RESPONSIVE, AND  
6 TRANSPARENT (SMART) GOVERNMENT ACT", PART 2 OF ARTICLE 7 OF  
7 TITLE 2, THE DEPARTMENT SHALL REPORT ON THE IMPLEMENTATION OF  
8 THE PILOT PROGRAM, INCLUDING:

9 (a) THE NUMBER OF CHILDREN ENROLLED IN THE PILOT PROGRAM  
10 FOR THE PRECEDING FISCAL YEAR;

11 (b) THE NUMBER AND PERCENTAGE OF CHILDREN ENROLLED IN THE  
12 PRESCHOOL PROGRAM WHO WERE IN LOW-INCOME FAMILIES AND WHO MET  
13 ONE OR MORE OF THE QUALIFYING FACTORS ESTABLISHED IN DEPARTMENT  
14 RULE PURSUANT TO SECTION 26.5-4-204 (4)(a)(II), INCLUDING  
15 IDENTIFYING THE QUALIFYING FACTORS THAT WERE MET;

16 (c) THE DEMOGRAPHICS OF THE CHILDREN ENROLLED IN THE PILOT  
17 PROGRAM, INCLUDING, BUT NOT LIMITED TO, RACE, ETHNICITY,  
18 DISABILITY, AND INCOME;

19 (d) QUANTITATIVE AND, TO THE EXTENT AVAILABLE, QUALITATIVE  
20 DATA, INCLUDING STUDENT OUTCOMES TO THE EXTENT THEY ARE  
21 AVAILABLE, DEMONSTRATING THE EFFECTIVENESS OF THE PILOT PROGRAM  
22 IN IMPROVING THE OVERALL LEARNING AND KINDERGARTEN READINESS OF  
23 CHILDREN ENROLLED IN THE PILOT PROGRAM; AND

24 (e) ANY ADDITIONAL INFORMATION NECESSARY TO DETERMINE  
25 THE EFFECTIVENESS OF THE PILOT PROGRAM IN PREPARING CHILDREN TO  
26 LEARN IN KINDERGARTEN.

27 (2) THE DEPARTMENT MAY REQUEST AND THE PROVIDER SHALL

1 PROVIDE INFORMATION AS NECESSARY FOR THE DEPARTMENT TO PREPARE  
2 THE REPORT DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

3 (3) THE DEPARTMENT SHALL ANNUALLY PUBLISH ON THE  
4 DEPARTMENT WEBSITE THE INFORMATION PROVIDED IN THE REPORT  
5 DESCRIBED IN SUBSECTION (1) OF THIS SECTION.

6 **26.5-4-304. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE  
7 JULY 1, 2029.

## 8 ARTICLE 5

### 9 Quality Improvement Initiatives

#### 10 PART 1

#### 11 QUALITY IMPROVEMENT

12 **26.5-5-101. Colorado shines quality rating and improvement**  
13 **system - created.** (1) [Formerly 26-6.5-106 (5)] The Colorado shines  
14 quality rating and improvement system, referred to in this ~~section~~ PART 1  
15 as the "Colorado shines system", ~~shall~~ IS CREATED IN THE DEPARTMENT  
16 TO measure the level of preparedness of and quality of services provided  
17 by an early childhood education program to prepare children to enter  
18 elementary school. The Colorado shines system ~~shall~~ MUST:

19 (a) Measure and support the elements of quality of an early  
20 childhood education program, including, but not limited to:

21 (I) The quality of the learning environment;

22 (II) The quality of adult-child interactions;

23 (III) Adult-to-child ratios;

24 (IV) Provider training and education, including recognized  
25 credentials through the ~~state~~ department's voluntary credentialing system  
26 developed pursuant to ~~section 26-6.5-107~~ SECTION 26.5-6-102; and

27 (V) Parent-involvement activities at the early care and education

1 facility;

2 (b) Be variable to inform parents, counties, and other purchasers  
3 of early childhood education about the level of quality at an early  
4 childhood education program in a simple and easy-to-understand manner;

5 (c) Be supported by statistically valid research as a reliable  
6 measure of quality of an early childhood education program;

7 (d) Include a quality improvement plan that facilitates goal setting  
8 and planning related to improving program quality over time; and

9 (e) Have demonstrated effectiveness at improving the level of  
10 quality of early childhood education programs in geographically diverse  
11 Colorado communities.

12 (2) THE DEPARTMENT SHALL PERIODICALLY REVIEW AND REVISE  
13 THE QUALITY STANDARDS ESTABLISHED FOR THE COLORADO SHINES  
14 SYSTEM WITH THE GOAL OF ALIGNING THOSE STANDARDS WITH THE  
15 QUALITY STANDARDS ESTABLISHED PURSUANT TO SECTION 26.5-4-205 FOR  
16 PRESCHOOL PROVIDERS PARTICIPATING IN THE COLORADO UNIVERSAL  
17 PRESCHOOL PROGRAM.

18 **26.5-5-102. School-readiness quality improvement program -**  
19 **created - rules. (1) [Formerly 26-6.5-106 (3)]** On and after July 1,  
20 2018, and continuing thereafter subject to sufficient and available federal  
21 funding, there is created the school-readiness quality improvement  
22 program, referred to in this section as the "program", which is  
23 administered by the department as part of the Colorado shines ~~quality~~  
24 ~~rating and improvement~~ system. The state department shall award  
25 school-readiness quality improvement funding to eligible early childhood  
26 councils identified or established throughout the state pursuant to ~~section~~  
27 ~~26-6.5-103~~ SECTION 26.5-2-203. THE DEPARTMENT SHALL AWARD

1 school-readiness quality improvement funding ~~shall be awarded~~ to  
2 improve the school readiness of children five years of age and younger  
3 who are enrolled in early childhood education programs. THE  
4 DEPARTMENT SHALL AWARD school-readiness quality improvement  
5 funding ~~shall be awarded~~ to eligible early childhood councils based ~~upon~~  
6 ON allocations made at the discretion of the ~~state~~ department and subject  
7 to available funding. Nothing in this section or in any rules promulgated  
8 pursuant to this section creates a legal entitlement in any early childhood  
9 council to school-readiness quality improvement funding. Money  
10 awarded must be used to improve the school readiness of children, five  
11 years of age and younger, cared for in early childhood education  
12 programs.

13 (2) **[Formerly 26-6.5-106 (3.5)]** Communities throughout the state  
14 that do not have an early childhood council may identify an existing early  
15 childhood council in another community or establish a new early  
16 childhood council pursuant to ~~sections 26-6.5-103.3 and 26-6.5-103.5~~  
17 SECTIONS 26.5-2-204 AND 26.5-2-205 to work toward the development  
18 and implementation of a comprehensive early childhood system to ensure  
19 the school readiness of young children in the community.

20 (3) **[Formerly 26-6.5-106 (4)]** (a) An early childhood council  
21 seeking school-readiness quality improvement funding from the ~~state~~  
22 department pursuant to this section ~~shall~~ MUST apply directly to the ~~state~~  
23 department in the manner specified by DEPARTMENT rule. ~~of the state~~  
24 ~~board~~. An early childhood council applying for school-readiness quality  
25 improvement funding pursuant to this section ~~shall~~ MUST develop and  
26 submit a school-readiness plan to improve the school readiness of  
27 children in the community as described in ~~subsection (6)~~ SUBSECTION (5)

1 of this section and shall meet any additional eligibility requirements  
2 specified by DEPARTMENT rule. ~~of the state board.~~

3 (b) Early childhood councils that receive school-readiness quality  
4 improvement funding pursuant to this section shall prioritize the  
5 distribution of the money to participating early childhood education  
6 programs that serve children five years of age or younger with risk factors  
7 associated with not being school ready, including but not limited to  
8 children living in low-income families, as specified by DEPARTMENT rule.  
9 ~~of the state board.~~

10 (4) **[Formerly 26-6.5-106 (4.5)]** (a) The ~~state~~ department may  
11 provide technical assistance and financial incentives to:

12 (I) Programs that are rated in the Colorado shines system at a level  
13 one or two to support the programs in advancing to a level three or higher  
14 quality level; and

15 (II) Programs that are rated in the Colorado shines system at a  
16 level three, four, or five to support the programs in maintaining a high  
17 quality level or advancing to a higher quality level.

18 (b) The early childhood council may support the ~~state~~ department  
19 with the assistance described in ~~subsection (4.5)(a)~~ SUBSECTION (4)(a) of  
20 this section by providing local community outreach and engagement  
21 strategies.

22 (5) **[Formerly 26-6.5-106 (6)]** Each early childhood council  
23 seeking to apply for school-readiness quality improvement funding  
24 pursuant to this section ~~shall~~ MUST prepare and submit to the ~~state~~  
25 department a three-year school-readiness plan that outlines strategies to  
26 improve the school readiness of children. The school-readiness plan, at  
27 a minimum, must include:

1 (a) A narrative that demonstrates the need to improve quality and  
2 increase the capacity for early childhood education programs in its service  
3 area;

4 (b) A plan that describes how the early childhood council will  
5 target and recruit programs that are rated in the Colorado shines system  
6 at a level one or higher. The early childhood council must target and  
7 recruit programs to increase the access and availability of quality child  
8 care for children participating in the Colorado child care assistance  
9 program, created in ~~part 8 of article 2 of this title 26~~ PART 1 OF ARTICLE  
10 4 OF THIS TITLE 26.5. If the early childhood council received  
11 school-readiness quality improvement funding prior to the 2020-21 fiscal  
12 year, the early childhood council shall amend the three-year school  
13 readiness plan to comply with the requirements of this section.

14 (c) Strategies developed jointly with community partners to  
15 include, at a minimum, county departments of human or social services  
16 to target school-readiness quality improvement funding to improve the  
17 level of quality at participating early childhood education programs.

18 ~~(d) (Deleted by amendment, L. 2018.)~~

19 (6) **[Formerly 26-6.5-106 (7)]** (a) The ~~state board~~ EXECUTIVE  
20 DIRECTOR shall promulgate rules for the implementation of this section,  
21 including but not limited to rules that:

22 (I) Specify the procedure by which an early childhood council  
23 may apply for school-readiness quality improvement funding pursuant to  
24 the program; and

25 (II) Specify the manner in which school-readiness quality  
26 improvement funding is distributed to early childhood councils, ensuring  
27 an equitable distribution between rural and urban communities; and

1 (III) Identify any additional eligibility requirements for early  
2 childhood councils seeking school-readiness quality improvement  
3 funding.

4 (b) At a minimum, the rules promulgated pursuant to this  
5 ~~subsection (7)~~ SUBSECTION (6) must identify a specific and measurable  
6 level of improvement in the Colorado shines system that an early  
7 childhood education program must achieve within each Colorado shines  
8 rating cycle in order to continue receiving school-readiness quality  
9 improvement funding, as well as the eligibility criteria for continued  
10 participation in the program. IN ADDITION, THE DEPARTMENT BY RULE  
11 MAY REQUIRE PRESCHOOL PROVIDERS TO ATTAIN WITHIN A COLORADO  
12 SHINES RATING CYCLE SPECIFIC AND MEASURABLE IMPROVEMENT ON THE  
13 QUALITY STANDARDS ESTABLISHED FOR PRESCHOOL PROVIDERS PURSUANT  
14 TO SECTION 26.5-4-205.

15 (7) [Formerly 26-6.5-106 (8)] (a) The school-readiness quality  
16 improvement program is funded using federal child care development  
17 fund money or other federal or state money annually appropriated for the  
18 program. The ~~state~~ department shall allocate the money to the eligible  
19 early childhood councils for distribution to early childhood education  
20 programs, as provided in this section.

21 (b) If money is required to match the federal child care  
22 development funds, such matching money may be from, but need not be  
23 limited to, general fund money appropriated by the general assembly,  
24 local money, or private matching money. The general assembly is not  
25 obligated to appropriate general fund money if private matching money  
26 is not available or later becomes unavailable.

27 (c) The ~~state~~ department is authorized to enter into a sole-source

1 contract with an organization to provide the following:

2 (I) Quality rating assessments;

3 (II) Technical assistance for early childhood education programs;

4 (III) Community infrastructure and resource development for  
5 improving the quality of early childhood education;

6 (IV) Parent and consumer education on the importance of quality  
7 early childhood education; and

8 (V) Professional development activities.

9 (8) [Formerly 26-6.5-106 (9)] (a) Each early childhood council  
10 shall submit a report to the ~~state~~ department on or before August 15,  
11 2019, and on or before August 15 each year thereafter. The report must  
12 address the quality improvement of the participating early childhood  
13 education programs and the overall effectiveness of the Colorado shines  
14 system ~~at~~ IN preparing children with identified risk factors for school. At  
15 a minimum, the report must address:

16 (I) The number of early childhood education programs and  
17 children who participated in the Colorado shines system, including the  
18 number of children five years of age or younger served as a result of the  
19 school-readiness quality improvement funding in home-based programs  
20 and in center-based programs;

21 (II) The baseline quality ratings of each participating early  
22 childhood education program for each Colorado shines rating cycle;

23 (III) An analysis and explanation of the quality improvement  
24 strategies undertaken at each early childhood education program;

25 (IV) The barriers to quality improvement that were encountered;  
26 and

27 (V) Any other data required by the ~~state~~ department.

1           (b) (I) ~~Notwithstanding section 24-1-136 (11)(a)(I),~~ On or before  
2           December 1, 2019, and on or before December 1 every three years  
3           thereafter, the ~~state~~ department, or any private entity with which the ~~state~~  
4           department is authorized to contract for this purpose, shall submit a  
5           consolidated statewide report, based upon the reports prepared and  
6           submitted by the early childhood councils, addressing the items set forth  
7           in ~~subsection (9)(a)~~ SUBSECTION (8)(a) of this section to the early  
8           childhood and school readiness legislative commission and to the  
9           members of the education committees of the house of representatives and  
10          the senate, ~~of the general assembly,~~ or any successor ~~committee~~  
11          COMMITTEES.

12          (II) Notwithstanding section 24-1-136 (11)(a)(I), the report  
13          required in ~~subsection (9)(b)(I)~~ SUBSECTION (8)(b)(I) of this section  
14          continues indefinitely.

15          (c) Reporting early childhood councils, as well as the ~~state~~  
16          department or any private entity with which it may contract for reporting  
17          purposes, may draw upon the evaluations and studies prepared by a  
18          nationally recognized research firm to report on the school readiness of  
19          children in quality-rated early childhood education programs.

20          (d) Each early childhood council shall work with state and local  
21          agencies, such as school districts, to support efforts to track, through high  
22          school graduation, the future academic performance of children who  
23          receive services from early childhood education programs that receive  
24          funding pursuant to this section.

25                 **26.5-5-103. [Formerly 26-6.5-104.5.] Quality evaluation and**  
26                 **improvement of early childhood care and education programs - use**  
27                 **of Colorado works money.** Counties are urged to partner with for-profit

1 or not-for-profit organizations that evaluate the quality of early childhood  
2 care and education programs in the early childhood councils and assign  
3 ratings thereto in an effort to assess the success of such programs and to  
4 improve the ultimate delivery of early childhood care and education.  
5 Counties so partnering are further encouraged to match private  
6 investments in such early childhood care and education programs with  
7 county block grant moneys MONEY for Colorado works pursuant to part  
8 7 of article 2 of this title TITLE 26 and federal child care development  
9 funds in an effort to improve the overall quality of those programs.  
10 Counties so partnering are further encouraged to expend local funds to  
11 promote the objectives of this part 1 and improve the delivery of early  
12 childhood services, including the continuation of those funding sources  
13 developed to support pilot site agency activities.

## 14 PART 2

### 15 COLORADO INFANT AND TODDLER QUALITY

#### 16 AND AVAILABILITY GRANT PROGRAM

17 **26.5-5-201. [Formerly 26-6.7-101] Short title.** ~~This article shall~~  
18 ~~be known and may be cited as the~~ THE SHORT TITLE OF THIS PART 2 IS THE  
19 "Colorado Infant and Toddler Quality and Availability Grant Program".

20 **26.5-5-202. [Formerly 26-6.7-102] Definitions.** As used in this  
21 ~~article 6.7~~ PART 2, unless the context otherwise requires:

22 (1) "Colorado child care assistance program" or "CCCAP" means  
23 the Colorado child care assistance program created in ~~part 8 of article 2~~  
24 ~~of this title 26~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5.

25 ~~(1.3)~~ (2) "Colorado shines system" means the Colorado shines  
26 quality rating and improvement system established in ~~section 26-6.5-106~~  
27 SECTION 26.5-5-101.

1           (2)(3) "County department" means a county or district department  
2 of human or social services.

3           (3) (4) "Early childhood council" means an early childhood  
4 council established pursuant to ~~part 1 of article 6.5 of this title~~ PART 2 OF  
5 ARTICLE 2 OF THIS TITLE 26.5.

6           (4) (5) "Early childhood education program" means a ~~licensed~~  
7 child care program LICENSED pursuant to ~~part 1 of article 6 of this title 26~~  
8 ~~PART 3 OF THIS ARTICLE 5~~ that provides child care and education to infants  
9 and toddlers living in low-income families.

10           (5) (6) "Grant program" means the Colorado infant and toddler  
11 quality and availability grant program created in ~~section 26-6.7-103~~  
12 SECTION 26.5-5-203.

13           (6) ~~Repealed.~~

14           **26.5-5-203. [Formerly 26-6.7-103] Colorado infant and toddler**  
15 **quality and availability grant program - creation.** Subject to available  
16 appropriations, there is hereby created in the ~~state~~ department the  
17 Colorado infant and toddler quality and availability grant program. Grants  
18 are awarded through the Colorado shines system to improve quality in  
19 licensed infant and toddler care and increase the number of low-income  
20 infants and toddlers served through high-quality early childhood  
21 education programs, as well as promote voluntary family partnerships, as  
22 determined for the Colorado shines system. A program is considered  
23 "high quality" if it is rated in the top three levels of the state's Colorado  
24 shines system. Early childhood councils may apply for money through the  
25 ~~state~~ department, which administers the program as part of the Colorado  
26 shines system. An early childhood education program that is within the  
27 service area of an early childhood council may apply to the early

1 childhood council for money that would allow the program to increase the  
2 number of infants and toddlers living in low-income families served  
3 through high-quality early childhood education programs.

4 **26.5-5-204. [Formerly 26-6.7-104] Eligibility for grants -**  
5 **applications - deadlines.** (1) The ~~state~~ department shall develop an  
6 application process and issue a request for proposals for the grant  
7 program, including notification of available money to early childhood  
8 councils, eligibility criteria, proposal requirements, and award criteria.

9 (2) An applicant to the grant program is eligible for a grant award  
10 pursuant to this ~~article 6.7~~ PART 2 if:

11 (a) The application is made by an early childhood council and  
12 includes strategies developed jointly with community partners, including,  
13 at a minimum, county departments of human or social services. If an early  
14 childhood council serves more than one county, it may submit a single  
15 application for the counties that make up its designated service area.

16 (b) The early childhood education programs to which the grant  
17 money will be distributed have achieved a quality rating pursuant to the  
18 Colorado shines system of at least a level two, or are licensed programs  
19 with a demonstrated hardship that are actively working toward achieving  
20 a Colorado shines system level two rating, and have fiscal agreements  
21 with CCCAP;

22 (c) The early childhood council demonstrates a need and provides  
23 a plan to improve quality and increase the capacity for early childhood  
24 education programs that serve infants and toddlers three years of age or  
25 younger in its designated service area. The early childhood education  
26 programs may be home-based or center-based.

27 (d) The applicant meets any other criteria set forth in the

1 application process developed pursuant to this section.

2 (e) ~~(Deleted by amendment, L. 2018.)~~

3 (3) Subject to available appropriations, the ~~state~~ department shall  
4 review applications and determine which applicants will receive grants  
5 and the amount of each grant.

6 **26.5-5-205. [Formerly 26-6.7-105] Reporting requirements.**

7 (1) No later than August 15 each year, an early childhood council that  
8 ~~received the~~ RECEIVES A grant shall provide the ~~state~~ department with an  
9 annual report concerning the outcomes of the grant. The report must  
10 include, at a minimum:

11 (a) A summary of data received from early childhood education  
12 programs that received grant money;

13 (b) The number of infants and toddlers under three years of age  
14 served because of the grant program in home-based programs and the  
15 number served in center-based programs;

16 (c) The length of time services were provided;

17 (d) A detailed description of quality improvements made using  
18 grant ~~moneys~~ MONEY;

19 (e) A description of how the grantee's program met the stated  
20 outcomes in its application;

21 (f) A summary of the number of jobs created through the grant  
22 program; and

23 (g) Any other data required by the ~~state~~ department.

24 (2) Notwithstanding section 24-1-136 (11)(a)(I), on or before  
25 December 1, 2014, and each December 1 thereafter, the ~~state~~ department  
26 shall provide a written report on the grant program to the public health  
27 care and human services committee of the house of representatives and

1 the health and human services committee of the senate, or any successor  
2 committees. The report must include a summary of the data received  
3 pursuant to subsection (1) of this section, the total amount of grants and  
4 grant ~~moneys~~ MONEY awarded, and the total increase in the number of  
5 infants and toddlers under three years of age served by the grant program.

### 6 PART 3

#### 7 CHILD CARE LICENSING

8 **26.5-5-301. [Formerly 26-6-101] Short title.** ~~This part 1 shall be~~  
9 ~~known and may be cited as~~ THE SHORT TITLE OF THIS PART 3 IS the "Child  
10 Care Licensing Act".

11 **26.5-5-302. [Formerly 26-6-101.4] Legislative declaration**  
12 **concerning the protections afforded by regulation.** (1) The general  
13 assembly finds and declares that increasing numbers of children in  
14 Colorado are spending a significant portion of their day in care settings  
15 outside their own homes. ~~In addition, some children are placed in~~  
16 ~~facilities for residential care for their protection and well-being.~~ The  
17 general assembly finds that regulation and licensing of child care facilities  
18 contribute to a safe and healthy environment for children. The provision  
19 of such environment affords benefits to children, their families, their  
20 communities, and the larger society. The general assembly acknowledges  
21 that there is a need to balance accessibility and quality of care when  
22 regulating child care facilities. It is the intent of the general assembly that  
23 those who regulate and those who are regulated work together to meet the  
24 needs of the children, their families, and the child care industry.

25 (2) In balancing the needs of children and their families with the  
26 needs of the child care industry, the general assembly also recognizes the  
27 financial demands with which the department of ~~human services~~ is faced

1 in its attempt to ensure a safe and sanitary environment for those children  
2 of the state of Colorado who are in child care facilities. In an effort to  
3 reduce the risk to children outside their homes while recognizing the  
4 financial constraints placed upon the department, it is the intent of the  
5 general assembly that the limited resources available be focused primarily  
6 on those child care facilities that have demonstrated that children in their  
7 care may be at higher risk pursuant to ~~section 26-6-107~~ SECTION  
8 26.5-5-316.

9 **26.5-5-303. [Formerly 26-6-102] Definitions - repeal.** As used  
10 in this ~~article 6~~ PART 3, unless the context otherwise requires:

11 (1) "Affiliate of a licensee" means:

12 (a) Any person or entity that owns more than five percent of the  
13 ownership interest in the business operated by the licensee or the  
14 applicant for a license; or

15 (b) Any person who is directly responsible for the care and  
16 welfare of children served; or

17 (c) Any executive, officer, member of the governing board, or  
18 employee of a licensee; or

19 (d) A relative of a licensee, which relative provides care to  
20 children at the licensee's facility or is otherwise involved in the  
21 management or operations of the licensee's facility.

22 (2) "Application" means a declaration of intent to obtain or  
23 continue a license ~~or certificate~~ for a child care facility. ~~or a child~~  
24 ~~placement agency.~~

25 (3) ~~"Certificate" means a legal document granting permission to~~  
26 ~~operate a foster care home or a kinship foster care home.~~

27 (4) ~~"Certification" means the process by which a county~~

1 department of human or social services, a child placement agency, or a  
2 federally recognized tribe pursuant to applicable federal law approves the  
3 operation of a foster care home.

4 (5) (3) (a) (I) [Formerly 26-6-102 (5) as it exists until July 1,  
5 2024] "Child care center", PRIOR TO JULY 1, 2024, means a facility, by  
6 whatever name known, that is maintained for the whole or part of a day  
7 for the care of five or more children, unless otherwise specified in this  
8 subsection (5)(a) SUBSECTION (3)(a)(I), who are eighteen years of age or  
9 younger and who are not related to the owner, operator, or manager  
10 thereof, whether the facility is operated with or without compensation for  
11 such care and with or without stated educational purposes. The term  
12 includes, but is not limited to, facilities commonly known as day CHILD  
13 care centers, school-age child care centers, before- and after-school  
14 programs, nursery schools, kindergartens, preschools, day camps, AND  
15 summer camps and centers for developmentally disabled children and  
16 those facilities that give twenty-four-hour care for children and includes  
17 those facilities for children under six years of age with stated educational  
18 purposes operated in conjunction with a public, private, or parochial  
19 college or a private or parochial school; except that the term does not  
20 apply to any kindergarten maintained in connection with a public, private,  
21 or parochial elementary school system of at least six grades. or operated  
22 as a component of a school district's preschool program operated pursuant  
23 to article 28 of title 22. The term also includes respite child care centers  
24 the provide care for three or more children or youth, as defined in  
25 subsection (33.5) of this section.

26 (b) (II) The term does not include any facility licensed as a family  
27 child care home, a foster care home, or a specialized group facility that is

1 licensed to provide care for three or more children pursuant to subsection  
2 (36) of this section but that is providing care for three or fewer children  
3 who are determined to have a developmental disability by a  
4 community-centered board or who are diagnosed with a serious emotional  
5 disturbance. THIS SUBSECTION (3)(a) IS REPEALED, EFFECTIVE JULY 1,  
6 2024.

7 (a) (b) [Formerly 26-6-102 (5) as it becomes effective July 1,  
8 2024] "Child care center", ON AND AFTER JULY 1, 2024, means a facility,  
9 by whatever name known, that is maintained for the whole or part of a  
10 day for the care of five or more children, unless otherwise specified in  
11 this subsection (5)(a) SUBSECTION (3)(b), who are eighteen years of age  
12 or younger and who are not related to the owner, operator, or manager  
13 thereof, whether the facility is operated with or without compensation for  
14 such care and with or without stated educational purposes. The term  
15 includes, but is not limited to, facilities commonly known as day CHILD  
16 care centers, school-age child care centers, before- and after-school  
17 programs, nursery schools, kindergartens, preschools, day camps, AND  
18 summer camps, and centers for developmentally disabled children and  
19 those facilities that give twenty-four-hour care for children, and includes  
20 those facilities for children under six years of age with stated educational  
21 purposes operated in conjunction with a public, private, or parochial  
22 college or a private or parochial school; except that the term does not  
23 apply to any kindergarten maintained in connection with a public, private,  
24 or parochial elementary school system of at least six grades. or operated  
25 as a component of a school district's preschool program operated pursuant  
26 to article 28 of title 22. The term also includes respite child care centers  
27 that provide care for three or more children or youth, as defined in

1 subsection (33.5) of this section.

2 (b) ~~The term does not include any facility licensed as a family~~  
3 ~~child care home, a foster care home, or a specialized group facility that is~~  
4 ~~licensed to provide care for three or more children pursuant to subsection~~  
5 ~~(36) of this section, but that is providing care for three or fewer children~~  
6 ~~who are determined to have an intellectual and developmental disability~~  
7 ~~by a case management agency, as defined in section 25.5-6-1702, or who~~  
8 ~~are diagnosed with a serious emotional disturbance.~~

9 (6) (4) "Child care provider", as used in ~~section 26-6-119~~ SECTION  
10 26.5-5-325, means a licensee, or an affiliate of a licensee, when the  
11 licensee holds a license to operate a family child care home pursuant to  
12 this ~~part~~ PART 3.

13 (7) ~~"Child placement agency" means any corporation, partnership,~~  
14 ~~association, firm, agency, institution, or person unrelated to the child~~  
15 ~~being placed, who places, who facilitates placement for a fee, or who~~  
16 ~~arranges for placement, for care of any child under the age of eighteen~~  
17 ~~years with any family, person, or institution. A child placement agency~~  
18 ~~may place, facilitate placement, or arrange for the placement of a child for~~  
19 ~~the purpose of adoption, treatment, or foster care. The natural parents or~~  
20 ~~guardian of any child who places said child for care with any facility~~  
21 ~~licensed as a "family child care home" or "child care center" as defined~~  
22 ~~by this section shall not be deemed a child placement agency.~~

23 (8) (5) (a) "Children's resident camp" means a facility operating  
24 for three or more consecutive twenty-four-hour days during one or more  
25 seasons of the year for the care of five or more children. The facility ~~shall~~  
26 ~~have~~ HAS as its purpose a group living experience offering education and  
27 recreational activities in an outdoor environment. The recreational

1 experiences may occur at the permanent camp premises or on trips off the  
2 premises.

3 (b) A children's resident camp ~~shall serve~~ SERVES children who  
4 have completed kindergarten or are six years of age or older through  
5 children younger than nineteen years of age; except that a person nineteen  
6 years of age or twenty years of age may attend a children's resident camp  
7 if, within six months prior to attending the children's resident camp, ~~he or~~  
8 ~~she~~ THE PERSON has attended or has graduated from high school.

9 (9) "~~Cradle care home~~" means a facility that is certified by a child  
10 placement agency for the care of a child, or children in the case of  
11 multiple-birth siblings, who is twelve months of age or younger, in a  
12 place of residence for the purpose of providing twenty-four-hour family  
13 care for six months or less in anticipation of a voluntary relinquishment  
14 of the child or children pursuant to article 5 of title 19, C.R.S., or while  
15 a county prepares an expedited permanency plan for an infant in its  
16 custody.

17 (10) (a) (I) "~~Day treatment center~~" means a facility that:

18 (A) ~~Except as provided in subparagraph (II) of this paragraph (a),~~  
19 ~~provides less than twenty-four-hour care for groups of five or more~~  
20 ~~children who are three years of age or older, but less than twenty-one~~  
21 ~~years of age; and~~

22 (B) ~~Provides a structured program of various types of~~  
23 ~~psycho-social and behavioral treatment to prevent or reduce the need for~~  
24 ~~placement of the child out of the home or community.~~

25 (II) ~~Nothing in this subsection (10) prohibits a day treatment~~  
26 ~~center from allowing a person who reaches twenty-one years of age after~~  
27 ~~the commencement of an academic year from attending an educational~~

1 program at the day treatment center through the end of the semester in  
2 which the twenty-first birthday occurs or until the person completes the  
3 educational program, whichever comes first.

4 (b) ~~"Day treatment center" shall not include special education~~  
5 ~~programs operated by a public or private school system or programs that~~  
6 ~~are licensed by other rules of the department for less than~~  
7 ~~twenty-four-hour care of children, such as a child care center.~~

8 (11) ~~"Department" or "state department" means the state~~  
9 ~~department of human services.~~

10 (12) (6) "Exempt family child care home provider" means a family  
11 child care home provider who is exempt from certain provisions of this  
12 ~~part 1 pursuant to section 26-6-103 (1)(i)~~ PART 3 PURSUANT TO SECTION  
13 26.5-5-304 (1)(f).

14 (13) (7) "Family child care home" means a facility for child care  
15 OPERATED WITH OR WITHOUT COMPENSATION OR EDUCATIONAL PURPOSES  
16 in a place of residence of a family or person for the purpose of providing  
17 less than twenty-four-hour care for children under the age of eighteen  
18 years who are not related to the head of such home. "Family child care  
19 home" may include infant-toddler child care homes, large child care  
20 homes, experienced provider child care homes, and such other types of  
21 family child care homes designated by ~~rules of the state board pursuant~~  
22 ~~to section 26-6-106 (2)(p)~~ DEPARTMENT RULES PURSUANT TO SECTION  
23 26.5-5-314 (2)(n), as the ~~state board~~ EXECUTIVE DIRECTOR deems  
24 necessary and appropriate.

25 (14) ~~"Foster care home" means a home that is certified by a county~~  
26 ~~department or a child placement agency pursuant to section 26-6-106.3,~~  
27 ~~or a federally recognized tribe pursuant to applicable federal law, for~~

1 child care in a place of residence of a family or person for the purpose of  
2 providing twenty-four-hour family foster care for a child under the age of  
3 twenty-one years. A foster care home may include foster care for a child  
4 who is unrelated to the head of the home or foster care provided through  
5 a kinship foster care home but does not include noncertified kinship care,  
6 as defined in section 19-1-103. The term includes any foster care home  
7 receiving a child for regular twenty-four-hour care and any home  
8 receiving a child from any state-operated institution for child care or from  
9 any child placement agency, as defined in subsection (7) of this section.  
10 "Foster care home" also includes those homes licensed by the department  
11 of human services pursuant to section 26-6-104 that receive neither  
12 money from the counties nor children placed by the counties.

13 (14.5) (8) "Governing body" means the individual, partnership,  
14 corporation, or association in which the ultimate authority and legal  
15 responsibility is vested for the administration and operation of a child  
16 care facility.

17 (15) (9) "Guardian" means a person who is entrusted by law with  
18 the care of a child under eighteen years of age.

19 (16) (10) "Guest child care facility" means a facility operated by  
20 a ski area, as that term is defined in section 33-44-103 (6), C.R.S., where  
21 children are cared for:

- 22 (a) While parents or persons in charge of such child are  
23 patronizing the ski area;
- 24 (b) Fewer than ten total hours per day;
- 25 (c) Fewer than ten consecutive days per year; and
- 26 (d) Fewer than forty-five days in a calendar year, with thirty or  
27 fewer of such forty-five days occurring in either the winter or summer

1 months.

2 ~~(17)~~ "Homeless youth shelter" means a facility that, in addition to  
3 ~~other services it may provide, provides services and mass temporary~~  
4 ~~shelter for a period of three days or more to youths who are at least eleven~~  
5 ~~years of age, or older, and who otherwise are homeless youth as that term~~  
6 ~~is defined in section 26-5.7-102 (2).~~

7 ~~(18)~~ (11) "ICON" means the computerized database of court  
8 records known as the integrated Colorado online network used by the  
9 state judicial department.

10 ~~(19)~~ "Kin" may be a relative of the child, a person ascribed by the  
11 family as having a family-like relationship with the child, or a person that  
12 has a prior significant relationship with the child. These relationships take  
13 into account cultural values and continuity of significant relationships  
14 with the child.

15 ~~(20)~~ (12) "Kindergarten" means any facility providing an  
16 educational program for children only for the year preceding their  
17 entrance to the first grade, whether such facility is called a kindergarten,  
18 nursery school, preschool, or any other name.

19 ~~(21)~~ "Kinship foster care home" means a foster care home that is  
20 certified by a county department or a licensed child placement agency  
21 pursuant to section 26-6-106.3 or a federally recognized tribe pursuant to  
22 applicable federal law as having met the foster care certification  
23 requirements and where the foster care of the child is provided by kin.  
24 Kinship foster care providers are eligible for foster care reimbursement.  
25 A kinship foster care home provides twenty-four-hour foster care for a  
26 child or youth under the age of twenty-one years.

27 ~~(22)~~ (13) "License" means a legal document issued pursuant to

1 this ~~part~~ PART 3 granting permission to operate a child care facility. ~~or~~  
2 ~~child placement agency~~. A license may be in the form of a provisional,  
3 probationary, permanent, or time-limited license.

4 ~~(22.5)~~ (14) "Licensee" means the entity or individual to which a  
5 license is issued and that has the legal capacity to enter into an agreement  
6 or contract, assume obligations, incur and pay debts, sue and be sued in  
7 its own right, and be held responsible for its actions. A licensee may be  
8 a governing body.

9 ~~(23)~~ (15) "Licensing" means ~~except as otherwise provided in~~  
10 ~~subsection (14) of this section~~, the process by which the department  
11 approves a facility ~~or agency~~ for the purpose of conducting business as a  
12 child care facility. ~~or child placement agency~~.

13 ~~(24)~~ "Medical foster care" means ~~a program of foster care that~~  
14 ~~provides home-based care for medically fragile children and youth who~~  
15 ~~would otherwise be confined to a hospital or institutional setting and~~  
16 ~~includes, but is not limited to, the following:~~

- 17 ~~(a) Infants impacted by prenatal drug and alcohol abuse;~~
- 18 ~~(b) Children with developmental disabilities which require~~  
19 ~~ongoing medical intervention;~~
- 20 ~~(c) Children and youth diagnosed with acquired immune~~  
21 ~~deficiency syndrome or human immunodeficiency virus;~~
- 22 ~~(d) Children with a failure to thrive or other nutritional disorders;~~  
23 ~~and~~
- 24 ~~(e) Children dependent on technology such as respirators,~~  
25 ~~tracheotomy tubes, or ventilators in order to survive.~~

26 ~~(25)~~ (16) (a) "Negative licensing action" means a final agency  
27 action resulting in the denial of an application, the imposition of fines, or

1 the suspension or revocation of a license issued pursuant to this ~~part 1~~  
2 PART 3 or the demotion of such a license to a probationary license.

3 (b) ~~For the purposes of this subsection (25)~~ AS USED IN THIS  
4 SUBSECTION (16), "final agency action" means the determination made by  
5 the department, after AN opportunity for A hearing, to deny, suspend,  
6 revoke, or demote to probationary status a license issued pursuant to this  
7 ~~part 1~~ PART 3 or an agreement between the department and the licensee  
8 concerning the demotion of such a license to a probationary license.

9 ~~(26)~~ (17) (a) "Neighborhood youth organization" means a  
10 nonprofit organization that is designed to serve youth as young as six  
11 years of age and as old as eighteen years of age and that operates  
12 primarily during times of the day when school is not in session and  
13 provides research-based, age-appropriate, and character-building  
14 activities designed exclusively for the development of youth from six to  
15 eighteen years of age. These activities ~~shall~~ MUST occur primarily in a  
16 facility leased or owned by the neighborhood youth organization. The  
17 activities ~~shall~~ MUST occur in an environment in which youth have written  
18 parental or legal guardian consent to become a youth member of the  
19 neighborhood youth organization and to arrive at and depart from the  
20 primary location of the activity on their own accord, without supervision  
21 by a parent, legal guardian, or organization.

22 (b) A neighborhood youth organization ~~shall~~ DOES not include  
23 faith-based centers, organizations or programs operated by state or city  
24 parks or special districts, or departments or facilities that are currently  
25 licensed as child care centers. ~~as defined in subsection (5) of this section.~~

26 ~~(27)~~ "Out-of-home placement provider consortium" means a  
27 ~~group of service providers that are formally organized and managed to~~

1 ~~achieve the goals of the county, group of counties, or mental health~~  
2 ~~agency contracting for additional services other than treatment-related or~~  
3 ~~child maintenance services.~~

4 (18) "OCCASIONAL CARE" MEANS CARE OF CHILDREN, WITH OR  
5 WITHOUT COMPENSATION, THAT IS PROVIDED ON AN INFREQUENT AND  
6 IRREGULAR BASIS WITH NO APPARENT PATTERN.

7 ~~(28)~~ (19) "Person" means any corporation, partnership,  
8 association, firm, agency, institution, or individual.

9 ~~(29)~~ (20) "Place of residence" means the place or abode where a  
10 person actually lives and provides child care.

11 (21) "PUBLIC PRESCHOOL PROVIDER" MEANS A SCHOOL DISTRICT,  
12 OR A CHARTER SCHOOL AUTHORIZED PURSUANT TO ARTICLE 30.5 OF TITLE  
13 22, THAT PROVIDES A PRESCHOOL PROGRAM.

14 ~~(30)~~ (22) "Public services short-term child care facility" means a  
15 facility that is operated by or for a county department of human or social  
16 services or a court and that provides care for a child:

17 (a) While the child's parent or the person in charge of the child is  
18 conducting business with the county department of human or social  
19 services or participating in court proceedings;

20 (b) Fewer than ten total hours per day;

21 (c) Fewer than fifteen consecutive days per year; and

22 (d) Fewer than forty-five days in a calendar year.

23 ~~(30.3) "Qualified individual" means a trained professional or~~  
24 ~~licensed clinician, as defined in the federal "Family First Prevention~~  
25 ~~Services Act". "Qualified individual" must be approved to serve as a~~  
26 ~~qualified individual according to the state plan. "Qualified individual"~~  
27 ~~must not be an interested party or participant in the juvenile court~~

1 proceeding and must be free of any personal or business relationship that  
2 would cause a conflict of interest in evaluating the child, juvenile, or  
3 youth and making recommendations concerning the child's, juvenile's, or  
4 youth's placement and therapeutic needs, according to the federal Title  
5 IV-E state plan or any waiver in accordance with 42 U.S.C. sec. 675a.

6 (30.5) "Qualified residential treatment program" means a licensed  
7 and accredited program that has a trauma-informed treatment model that  
8 is designed to address the child's or youth's needs, including clinical  
9 needs, as appropriate, of children and youth with serious emotional or  
10 behavioral disorders or disturbances in accordance with the federal  
11 "Family First Prevention Services Act", 42 U.S.C. 672 (k)(4), and is able  
12 to implement the treatment identified for the child or youth by the  
13 assessment of the child or youth required in section 19-1-115 (4)(c)(i).

14 (31) (23) "Related" means any of the following relationships by  
15 blood, marriage, or adoption: Parent, grandparent, brother, sister,  
16 stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.

17 (32) (24) "Relative" means any of the following relationships by  
18 blood, marriage, or adoption: Parent, grandparent, son, daughter,  
19 grandson, granddaughter, brother, sister, stepparent, stepbrother,  
20 stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

21 (33) "Residential child care facility" means a facility licensed by  
22 the state department pursuant to this part 1 to provide twenty-four-hour  
23 group care and treatment for five or more children operated under private,  
24 public, or nonprofit sponsorship. "Residential child care facility" includes  
25 community-based residential child care facilities, qualified residential  
26 treatment programs, as defined in section 26-5.4-102 (2), shelter facilities,  
27 and therapeutic residential child care facilities as defined in rule by the

1 state board, and psychiatric residential treatment facilities as defined in  
2 section 25.5-4-103 (19.5). A residential child care facility may be eligible  
3 for designation by the executive director of the state department pursuant  
4 to article 65 of title 27. A child who is admitted to a residential child care  
5 facility must be:

6 (a) Five years of age or older but less than eighteen years of age;

7 or

8 (b) Less than twenty-one years of age and placed by court order  
9 or voluntary placement; or

10 (c) Accompanied by a parent if less than five years of age.

11 (33.5) "Respite child care center" means a facility for the purpose  
12 of providing temporary twenty-four-hour group care for three or more  
13 children or youth who are placed in certified foster care homes or  
14 approved noncertified kinship care homes, and children or youth with  
15 open cases through a regional accountable entity. A respite child care  
16 center is not a treatment facility, but rather its primary purpose is  
17 providing recreational activities, peer engagement, and skill development  
18 to the children and youth in its care. A respite child care center serves  
19 children and youth from five years of age to twenty-one years of age. A  
20 respite child care center may offer care for only part of a day. For  
21 purposes of this subsection (33.5), "respite child care" means an alternate  
22 form of care to enable caregivers to be temporarily relieved of caregiving  
23 responsibilities.

24 (34) (25) "Routine medications", as used in section 26-6-119  
25 SECTION 26.5-5-325, means any prescribed oral, topical, or inhaled  
26 medication, or unit dose epinephrine, that is administered pursuant to  
27 section 26-6-119 SECTION 26.5-5-325.

1           ~~(35) "Secure residential treatment center" means a facility~~  
2           ~~operated under private ownership that is licensed by the department~~  
3           ~~pursuant to this part 1 to provide twenty-four-hour group care and~~  
4           ~~treatment in a secure setting for five or more children or persons up to the~~  
5           ~~age of twenty-one years over whom the juvenile court retains jurisdiction~~  
6           ~~pursuant to section 19-2.5-103 (6) who are committed by a court pursuant~~  
7           ~~to an adjudication of delinquency or pursuant to a determination of guilt~~  
8           ~~of a delinquent act or having been convicted as an adult and sentenced for~~  
9           ~~an act that would be a crime if committed in Colorado, or in the~~  
10           ~~committing jurisdiction, to be placed in a secure facility.~~

11           ~~(35.5) (26) "Sibling" means one or more individuals having one~~  
12           ~~or both parents in common.~~

13           ~~(36) (a) "Specialized group facility" means a facility sponsored~~  
14           ~~and supervised by a county department or a licensed child placement~~  
15           ~~agency for the purpose of providing twenty-four-hour care for three or~~  
16           ~~more children, but fewer than twelve children, whose special needs can~~  
17           ~~best be met through the medium of a small group. A child who is~~  
18           ~~admitted to a specialized group facility must be:~~

19           ~~(I) At least seven years of age or older but less than eighteen years~~  
20           ~~of age;~~

21           ~~(II) Less than twenty-one years of age and placed by court order~~  
22           ~~or voluntary placement; or~~

23           ~~(III) Accompanied by a parent or legal guardian if less than seven~~  
24           ~~years of age.~~

25           ~~(b) "Specialized group facility" includes specialized group homes~~  
26           ~~and specialized group centers.~~

27           ~~(37) (27) "Substitute child care provider" means a person who~~

1 provides temporary care for a child or children in a licensed child care  
2 facility, including a child care center and a family child care home.

3 ~~(37.5)~~ (28) "Substitute placement agency" means any corporation,  
4 partnership, association, firm, agency, or institution that places or that  
5 facilitates or arranges placement of short-term or long-term substitute  
6 child care providers in licensed child care facilities providing less than  
7 twenty-four-hour care.

8 ~~(38)~~ (29) "Supervisory employee" means, ~~for purposes of section~~  
9 ~~26-6-103.5~~ AS USED IN SECTION 26.5-5-307:

10 (a) A person directly responsible for managing a guest child care  
11 facility and the employees of the facility; or

12 (b) A person directly responsible for managing a public services  
13 short-term child care facility and the employees of the facility.

14 ~~(39)~~ "Therapeutic foster care" means a program of foster care that  
15 ~~incorporates treatment for the special physical, psychological, or~~  
16 ~~emotional needs of a child placed with specially trained foster parents, but~~  
17 ~~does not include medical foster care.~~

18 ~~(40)~~ "Treatment foster care" means a clinically effective  
19 alternative to residential treatment facilities that combines the treatment  
20 technologies typically associated with more restrictive settings with a  
21 nurturing and individualized family environment.

22 ~~(41)~~ (30) "Youth member" means a youth who is six years of age  
23 through eighteen years of age whose parent or legal guardian has  
24 provided written consent for the youth to participate in the activities of a  
25 neighborhood youth organization and who pays the required dues of the  
26 neighborhood youth organization.

27 **26.5-5-304. [Formerly 26-6-103] Application of part -**

1 **definition - repeal.** (1) This ~~part~~ PART 3 does not apply to:

2 (a) Special schools or classes operated primarily for religious  
3 instruction or for a single skill-building purpose, AS DEFINED IN  
4 DEPARTMENT RULE;

5 (b) A child care facility ~~which~~ THAT is approved, certified, or  
6 licensed by any other state agency, or by a federal government department  
7 or agency, ~~which~~ THAT has standards for operation of the facility and  
8 inspects or monitors the facility;

9 (c) Facilities operated in connection with a church, shopping  
10 center, or business where children are cared for during short periods of  
11 time while parents, persons in charge of such children, or employees of  
12 the church, shopping center, or business whose children are being cared  
13 for at such location are attending church services at such location or  
14 shopping, patronizing, or working on the premises of any such business;

15 (d) Occasional care of children that has no apparent pattern and  
16 occurs with or without compensation;

17 (e) The care of a child by a person in ~~his or her~~ THE PERSON'S  
18 private residence when the parent, guardian, or other person having legal  
19 custody of such child gives ~~his~~ consent to such care and when the person  
20 giving such care is not regularly engaged in the business of giving such  
21 care; OR

22 ~~(f) Juvenile courts;~~

23 ~~(g) Repealed.~~

24 ~~(h) Nursing homes which have children as residents.~~

25 ~~(i)~~ (f) (I) An individual who provides less than twenty-four-hour  
26 child care in a place of residence when one of the following conditions is  
27 met:

1 (A) The children being cared for are related ~~as defined in section~~  
2 ~~26-6-102 (31) and (32)~~, to the caregiver, are children who are related to  
3 each other as siblings ~~as defined in section 26-6-102 (35.5)~~, from a single  
4 family that is unrelated to the caregiver, or a combination of such  
5 children; or

6 (B) There are no more than four children being cared for, with no  
7 more than two children under two years of age from multiple families,  
8 regardless of the children's relation to the caregiver.

9 ~~(F.5)~~ (II) An individual providing child care in a place of residence  
10 authorized pursuant to ~~subsection (1)(i)(F)~~ SUBSECTION (1)(f)(I) of this  
11 section shall notify the parents of the children in the individual's care that  
12 the individual is operating under a legal license exemption and that the  
13 state has not verified the health and safety of the care setting or performed  
14 background checks on the individual or anyone else residing in the  
15 residence.

16 ~~(F.7)~~ (III) On or before July 1, 2021, and every year thereafter, the  
17 department shall report the number of complaints filed against child care  
18 providers who are claiming an exemption from licensing pursuant to  
19 ~~subsection (1)(i)(F)(B)~~ SUBSECTION (1)(f)(I)(B) of this section.

20 ~~(H)~~ (IV) This ~~subsection (1)(i)~~ SUBSECTION (1)(f) is repealed,  
21 effective September 1, 2026.

22 (2) ~~For purposes of~~ AS USED IN this section, "short periods of  
23 time" means fewer than three hours in any twenty-four-hour period.

24 (3) A licensee or governing body that HAS HAD ITS LICENSE  
25 SUSPENDED PURSUANT TO SECTION 24-4-104 OR has received a final  
26 agency action resulting in the suspension or revocation of a license issued  
27 pursuant to this ~~part~~ PART 3 is prohibited from operating pursuant to

1 subsection (1) of this section, except when the children being cared for  
2 are related as defined in section 26-6-102 (31) and (32), to the caregiver.

3 ~~(4) Repealed.~~

4 ~~(5)~~ (4) The department shall provide education and information  
5 in an accessible manner on the state licensing website for child care  
6 providers who are exempt pursuant to this section but are interested in  
7 becoming a licensed child care provider.

8 ~~(6)~~ (5) On or before December 31, 2021, and ongoing thereafter,  
9 the department shall report on the portion of its state child care provider  
10 website that is accessible to families, and in an accessible and prominent  
11 manner, the name and location of any child care provider who is  
12 operating outside the exemptions described in this section and to whom  
13 one or more cease-and-desist orders have been issued. If more than one  
14 cease-and-desist order has been issued to the same provider, the website  
15 must include the total number of such orders. This requirement for  
16 website posting for child care providers who are operating outside the  
17 exemptions described in this section must be made public by electronic  
18 means, in a consumer-friendly and easily accessible format, organized by  
19 provider, and include the date or dates of the cease-and-desist order or  
20 orders.

21 **26.5-5-305. Public preschool provider - licensing - rules.**

22 PUBLIC PRESCHOOL PROVIDERS ARE SUBJECT TO THE REQUIREMENTS OF  
23 THIS PART 3. BECAUSE OF THE UNIQUE CIRCUMSTANCES PRESENTED BY  
24 PRESCHOOL CLASSROOMS PROVIDED BY SCHOOL DISTRICTS AND CHARTER  
25 SCHOOLS, WHICH CIRCUMSTANCES DO NOT ARISE IN CLASSROOMS FOR  
26 OLDER CHILDREN AND YOUTH, THE DEPARTMENT SHALL LICENSE PUBLIC  
27 PRESCHOOL PROVIDERS ONLY TO PROTECT THE HEALTH AND SAFETY OF

1 CHILDREN IN PUBLIC PRESCHOOL CLASSROOMS. NOTWITHSTANDING ANY  
2 PROVISION OF THIS PART 3 TO THE CONTRARY, LICENSING FOR PUBLIC  
3 PRESCHOOL PROVIDERS MUST FOCUS ONLY ON THOSE ASPECTS OF THE  
4 PRESCHOOL PROGRAM AND ENVIRONMENT THAT AFFECT CHILDREN'S  
5 HEALTH AND SAFETY AND ARE NOT ALREADY ACTIVELY REGULATED BY  
6 OTHER FEDERAL OR STATE AGENCIES OR DEPARTMENTS. THE DEPARTMENT  
7 SHALL ALIGN ANY REQUIREMENTS FOR THE LICENSE RELATED TO  
8 QUALIFICATIONS OR CREDENTIALING OF PROGRAM STAFF WITH THE  
9 REQUIREMENTS FOR AN EARLY CHILDHOOD ENDORSEMENT FOR A LICENSE  
10 ISSUED BY THE DEPARTMENT OF EDUCATION PURSUANT TO ARTICLE 60.5  
11 OF TITLE 22.

12 **26.5-5-306. [Formerly 26-6-103.3] Substitute child care**  
13 **providers - substitute placement agency - licensing - rules.**

14 (1) Substitute placement agencies are subject to the requirements of this  
15 ~~part 1. The state~~ PART 3. THE department shall license substitute  
16 placement agencies to place or facilitate or arrange for the placement of  
17 short-term and long-term substitute child care providers in licensed  
18 facilities providing less than twenty-four-hour care.

19 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
20 for substitute placement agencies and substitute child care providers. At  
21 a minimum, ~~state board~~ THE rules must require that the substitute child  
22 care provider demonstrate that ~~he or she~~ THE PROVIDER has the training  
23 and certification for the child care license type and position in which the  
24 substitute child care provider is placed. Pursuant to ~~section 26-6-107~~  
25 ~~(1)(a)(I)(C)~~ SECTION 26.5-5-316 (1)(a)(I)(C), each substitute child care  
26 provider shall pay for and submit to a fingerprint-based criminal history  
27 record check and a review of the records and reports of child abuse or

1 neglect maintained by the state department OF HUMAN SERVICES to  
2 determine whether the substitute child care provider has been found to be  
3 responsible in a confirmed report of child abuse or neglect. When the  
4 results of a fingerprint-based criminal history record check or any other  
5 records check performed on a person pursuant to this subsection (2)  
6 reveal a record of arrest without a disposition, the ~~state board~~  
7 DEPARTMENT RULES shall require that person to submit to a name-based  
8 criminal history record check, as defined in section 22-2-119.3 (6)(d). The  
9 substitute placement agency shall not place a substitute child care  
10 provider who is convicted of any of the crimes specified in ~~section~~  
11 ~~26-6-104 (7) or section 26-6-108~~ SECTION 26.5-5-309 (4) OR 26.5-5-317.

12 **26.5-5-307. [Formerly 26-6-103.5] Application of part - guest**  
13 **child care facilities - public services short-term child care facilities -**  
14 **definition.** (1) Guest child care facilities and public services short-term  
15 child care facilities ~~shall be~~ ARE subject only to the requirements of this  
16 section and ~~shall~~ ARE otherwise ~~be~~ excluded from the requirements of this  
17 ~~part~~ PART 3. Each guest child care facility and each public services  
18 short-term child care facility shall post a notice in bold print and in plain  
19 view on the premises of the child care facility. The notice ~~shall~~ MUST  
20 specify the telephone number and address of the appropriate division  
21 within the ~~state~~ department for investigating child care facility complaints  
22 and ~~shall~~ MUST state that any complaint about the guest child care  
23 facility's or the public services short-term child care facility's compliance  
24 with these requirements should be directed to such division.

25 (2) A person or entity shall not operate a guest child care facility  
26 or a public services short-term child care facility unless the following  
27 requirements are met:

1 (a) The guest child care facility or public services short-term child  
2 care facility is inspected not less frequently than one time per year by the  
3 department of public health and environment, and it conforms to the  
4 sanitary standards prescribed by such department under the provisions of  
5 section 25-1.5-101 (1)(h); ~~C.R.S.~~;

6 (b) The guest child care facility or public services short-term child  
7 care facility is inspected not less frequently than one time per year by the  
8 local fire department, and it conforms to the fire prevention and  
9 protection requirements of the local fire department in the locality of the  
10 facility, or in lieu thereof, the division of labor standards and statistics;

11 (c) The guest child care facility or public services short-term child  
12 care facility retains, on the premises at all times, the records of the  
13 inspections required by ~~paragraphs (a) and (b) of this subsection (2)~~  
14 ~~SUBSECTIONS (2)(a) AND (2)(b) OF THIS SECTION~~ for the current calendar  
15 year and the immediately preceding calendar year;

16 (d) The guest child care facility or public services short-term child  
17 care facility retains, on the premises at all times, a record of children  
18 cared for over the course of the current calendar year and the immediately  
19 preceding calendar year;

20 (e) At least one supervisory employee ~~as that term is defined in~~  
21 ~~section 26-6-102 (38)~~; is on duty at the guest child care facility or public  
22 services short-term child care facility at all times when the facility is  
23 operating;

24 (f) (I) The guest child care facility or public services short-term  
25 child care facility requires all supervisory employees of the guest child  
26 care facility or public services short-term child care facility and applicants  
27 for supervisory employee positions at the guest child care facility or

1 public services short-term child care facility to obtain a fingerprint-based  
2 criminal history check utilizing the Colorado bureau of investigation and,  
3 for supervisory employees hired on or after August 10, 2011, the federal  
4 bureau of investigation and requests the ~~state~~ department to ascertain  
5 whether the person being investigated has been convicted of any of the  
6 criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION  
7 26.5-5-309 (4)(a)(I) or whether the person has been determined to have  
8 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~  
9 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care  
10 facility or public services short-term child care facility prohibits the hiring  
11 of any such person as a supervisory employee or terminates the  
12 employment of any such person as a supervisory employee upon  
13 confirmation of such a criminal history;

14 ~~(H) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~  
15 ~~560, § 1, effective August 10, 2011.)~~

16 ~~(HH) (II)~~ (II) The guest child care facility or public services short-term  
17 child care facility requests the ~~state~~ department to access records and  
18 reports of child abuse or neglect to determine whether the supervisory  
19 employee or applicant for a supervisory employee position has been  
20 found to be responsible in a confirmed report of child abuse or neglect  
21 and the guest child care facility or public services short-term child care  
22 facility prohibits the hiring of any such person as a supervisory employee  
23 or terminates the employment of any such person as a supervisory  
24 employee. Information shall be made available pursuant to section  
25 19-1-307 (2)(r) ~~C.R.S.~~, and rules promulgated by the state board OF  
26 HUMAN SERVICES pursuant to section 19-3-313.5 (4). ~~C.R.S.~~

27 ~~(HV) (III) (A)~~ (III) (A) The guest child care facility or public services

1 short-term child care facility requests the ~~state~~ department to obtain a  
2 comparison search on the ICON system at the state judicial department  
3 with the name and date of birth information and any other available  
4 source of criminal history information that the ~~state~~ department  
5 determines is appropriate, whether or not the criminal history background  
6 check confirms a criminal history, in order to determine the crime or  
7 crimes, if any, for which the supervisory employee or applicant for a  
8 supervisory employee position was arrested or convicted and the  
9 disposition thereof; and

10 (B) The guest child care facility or public services short-term child  
11 care facility requests the ~~state~~ department to obtain such information  
12 concerning the supervisory employee or applicant for a supervisory  
13 employee position from any other recognized database, if any, that is  
14 accessible on a statewide basis as set forth by rules promulgated by the  
15 ~~state board~~ EXECUTIVE DIRECTOR;

16 ~~(V)~~ (IV) When the results of a fingerprint-based criminal history  
17 record check or any other records check performed pursuant to this  
18 subsection (2)(f) reveal a record of arrest without a disposition, the guest  
19 child care facility or public services short-term child care facility shall  
20 require the supervisory employee or applicant for a supervisory employee  
21 position to submit to a name-based criminal history record check, as  
22 defined in section 22-2-119.3 (6)(d);

23 (g) (I) The guest child care facility or public services short-term  
24 child care facility requires all other employees of the guest child care  
25 facility or public services short-term child care facility to obtain a  
26 fingerprint-based criminal history check utilizing the Colorado bureau of  
27 investigation and, for employees hired on or after August 10, 2011, the

1 federal bureau of investigation and requests the ~~state~~ department to  
2 ascertain whether the person being investigated has been convicted of any  
3 of the criminal offenses specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION  
4 26.5-5-309 (4)(a)(I) or whether the person has been determined to have  
5 a pattern of misdemeanor convictions as described in ~~section 26-6-104~~  
6 ~~(7)(a)(I)(E)~~ SECTION 26.5-5-309 (4)(a)(I)(F) and the guest child care  
7 facility or public services short-term child care facility terminates the  
8 employment of any such person as an employee upon confirmation of  
9 such a criminal history;

10 ~~(H) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163, p.~~  
11 ~~560, § 1, effective August 10, 2011.)~~

12 ~~(HH) (II)~~ The guest child care facility or public services short-term  
13 child care facility requests the ~~state~~ department to access records and  
14 reports of child abuse or neglect to determine whether the employee has  
15 been found to be responsible in a confirmed report of child abuse or  
16 neglect and the guest child care facility or public services short-term child  
17 care facility terminates the employment of any such person. Information  
18 shall be made available pursuant to section 19-1-307 (2)(r) ~~C.R.S.~~, and  
19 rules promulgated by the state board OF HUMAN SERVICES pursuant to  
20 section 19-3-313.5 (4). ~~C.R.S.~~

21 ~~(HV) (III) (A)~~ The guest child care facility or public services  
22 short-term child care facility requests the ~~state~~ department to obtain a  
23 comparison search on the ICON system at the state judicial department  
24 with the name and date of birth information and any other available  
25 source of criminal history information that the ~~state~~ department  
26 determines is appropriate, whether or not the criminal history background  
27 check confirms a criminal history, in order to determine the crime or

1 crimes, if any, for which the employee was arrested or convicted and the  
2 disposition thereof; and

3 (B) The guest child care facility or public services short-term child  
4 care facility requests the ~~state~~ department to obtain such information  
5 concerning the employee from any other recognized database, if any, that  
6 is accessible on a statewide basis as set forth by rules promulgated by the  
7 ~~state board~~ EXECUTIVE DIRECTOR; and

8 (h) The guest child care facility or public services short-term child  
9 care facility maintains the following employee-to-child ratios at all times  
10 when the facility is operating:

11 (I) One child care facility employee for every five children ages  
12 six weeks to eighteen months;

13 (II) One child care facility employee for every five children ages  
14 twelve months to thirty-six months;

15 (III) One child care facility employee for every seven children  
16 ages twenty-four months to thirty-six months;

17 (IV) One child care facility employee for every eight children ages  
18 two and one-half years to three years;

19 (V) One child care facility employee for every ten children ages  
20 three years to four years;

21 (VI) One child care facility employee for every twelve children  
22 ages four years to five years;

23 (VII) One child care facility employee for every fifteen children  
24 ages five years of age and older; and

25 (VIII) One child care facility employee for every ten children in  
26 a mixed age group, ages two and one-half years to six years.

27 ~~(2.5)~~(3) In addition to the requirements specified in subsection (2)

1 of this section, a public services short-term child care facility shall ensure  
2 that at least one employee is on duty at the facility at all times when the  
3 facility is operating who holds a current department-approved first aid  
4 and safety certificate that includes certification in cardiopulmonary  
5 resuscitation training for all ages of children.

6 ~~(3)~~ (4) (a) If the guest child care facility or public services  
7 short-term child care facility refuses to hire a supervisory employee or  
8 terminates the employment of a supervisory employee as a result of  
9 information disclosed in an investigation of the supervisory employee or  
10 applicant ~~therefor pursuant to paragraph (f) of subsection (2)~~ FOR A  
11 SUPERVISORY POSITION PURSUANT TO SUBSECTION (2)(f) of this section,  
12 the guest child care facility or public services short-term child care  
13 facility shall not be subject to civil liability for such refusal to hire.

14 (b) If the guest child care facility or public services short-term  
15 child care facility terminates the employment of an employee as a result  
16 of the information disclosed in an investigation of the employee pursuant  
17 to ~~paragraph (g) of subsection (2)~~ SUBSECTION (2)(g) of this section, the  
18 guest child care facility or public services short-term child care facility  
19 shall not be subject to civil liability for such termination of employment.

20 ~~(4)~~ (5) A guest child care facility employee or supervisory  
21 employee applicant who has obtained a fingerprint-based criminal history  
22 check pursuant to ~~paragraph (f) or (g) of subsection (2)~~ SUBSECTION (2)(f)  
23 OR (2)(g) of this section, or pursuant to ~~subsection (5)~~ SUBSECTION (6) of  
24 this section, ~~shall not be~~ IS NOT required to obtain a new fingerprint-based  
25 criminal history check if ~~he or she~~ the EMPLOYEE OR APPLICANT returns  
26 to a guest child care facility to work in subsequent seasons. The ~~state~~  
27 department shall maintain the results of the initial background check and

1 receive subsequent notification of activity on the record for the purpose  
2 of redetermining, if necessary, whether the employee or supervisory  
3 employee applicant has been convicted of any of the criminal offenses  
4 specified in ~~section 26-6-104 (7)(a)(I)~~ SECTION 26.5-5-309 (4)(a)(I), or  
5 whether the employee or supervisory employee applicant has a pattern of  
6 misdemeanor convictions as described in ~~section 26-6-108 (8)(b)~~ SECTION  
7 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the  
8 ~~state~~ department for information concerning subsequent convictions, if  
9 any, prior to rehiring such employee.

10 ~~(5)~~ (6) The requirements of ~~paragraphs (f) and (g) of subsection~~  
11 ~~(2)~~ SUBSECTIONS (2)(f) AND (2)(g) of this section shall DO not apply to  
12 those employees of guest child care facilities concerning whom criminal  
13 history background checks were conducted on or after July 1, 2001, and  
14 before July 1, 2002, for purposes of state child care licensure  
15 requirements.

16 ~~(6)~~ (7) For purposes of AS USED IN this section, a "guest child care  
17 facility" does not include a ski school. For purposes of AS USED IN this  
18 section, "ski school" means a school located at the ski area in which the  
19 guest child care facility is located for purposes of teaching children how  
20 to ski or snowboard.

21 ~~(7)~~ (8) The ~~state department shall have the authority~~ DEPARTMENT  
22 IS AUTHORIZED to receive, respond to, and investigate any complaint  
23 concerning compliance with the requirements set forth in this ~~part~~ PART  
24 3 for a guest child care facility or a public services short-term child care  
25 facility.

26 **26.5-5-308. [Formerly 26-6-103.7] Application of part -**  
27 **neighborhood youth organizations - rules - licensing - duties and**

1 **responsibilities - definitions.** (1) Notwithstanding any provision of this  
2 ~~part 1~~ PART 3 to the contrary, a neighborhood youth organization that is  
3 not otherwise licensed to operate under this ~~part 1~~ PART 3 may obtain a  
4 neighborhood youth organization license pursuant to this section. A  
5 neighborhood youth organization that obtains a license pursuant to this  
6 section ~~shall be~~ IS subject only to the requirements of this section and  
7 ~~shall~~ IS otherwise be exempt from the requirements of this ~~part 1~~ PART 3.

8 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
9 to establish a neighborhood youth organization license, including but not  
10 limited to the fee required to apply for and obtain the license. The rules  
11 shall not concern staff-to-youth ratios.

12 (3) A neighborhood youth organization licensed pursuant to this  
13 section and operating in the state of Colorado ~~shall have~~ HAS the  
14 following duties and responsibilities:

15 (a) To inform a parent or legal guardian of the requirements of  
16 this subsection (3) and to post a notice in bold print and in plain view on  
17 the premises of the facility in which the neighborhood youth organization  
18 operates that lists the following information:

19 (I) The requirements of this subsection (3); and

20 (II) The telephone number and address of the appropriate division  
21 within the ~~state~~ department for investigating complaints concerning a  
22 neighborhood youth organization, with the instruction that any complaint  
23 regarding the neighborhood youth organization's compliance with these  
24 requirements be directed to that division;

25 (b) Prior to admitting an interested youth member into the  
26 neighborhood youth organization, to require the youth member's parent  
27 or legal guardian to sign a statement authorizing the youth member to

1 arrive and depart from the organization without supervision by a parent,  
2 A legal guardian, or the organization;

3 (c) To establish a process to receive and resolve complaints from  
4 parents or legal guardians;

5 (d) To establish a process to report known or suspected child  
6 abuse or neglect to appropriate authorities pursuant to section 19-3-304;  
7 ~~C.R.S.~~;

8 (e) To maintain, either at the neighborhood youth organization or  
9 at a central administrative facility, records for each youth member  
10 admitted into the neighborhood youth organization containing, at a  
11 minimum, the following information:

12 (I) The youth member's full name;

13 (II) The youth member's date of birth;

14 (III) The name, address, and telephone number of a parent or legal  
15 guardian of the youth member;

16 (IV) The name and telephone number of at least one emergency  
17 contact person for the youth member; and

18 (V) A parent's or legal guardian's written authorization for the  
19 youth member to attend the neighborhood youth organization;

20 (f) To require a youth member's parent or legal guardian to sign  
21 a statement authorizing the neighborhood youth organization to provide  
22 transportation prior to field trips or to and from the neighborhood youth  
23 organization; and

24 (g) To follow the requirements specified in subsection (4) of this  
25 section for a fingerprint-based or other criminal history record check of  
26 each employee and volunteer who works with or will work with youth  
27 members five or more days in a calendar month.

1 (4) A licensed neighborhood youth organization shall require all  
2 employees and volunteers who work directly with or will work directly  
3 with youth members five or more days in a calendar month to obtain,  
4 prior to employment, and every two years thereafter, one of the following:

5 (a) A fingerprint-based criminal history records check utilizing the  
6 Colorado bureau of investigation and request the ~~state~~ department to  
7 ascertain whether the person being investigated has been convicted of  
8 felony child abuse as specified in section 18-6-401 ~~C.R.S.~~, or a felony  
9 offense involving unlawful sexual behavior as defined in section  
10 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization shall not hire  
11 a person as an employee or approve a person as a volunteer after  
12 confirmation of such a criminal history.

13 (b) A federal bureau of investigation fingerprint-based criminal  
14 history records check utilizing the Colorado bureau of investigation if the  
15 employee, volunteer, or applicant has resided in the state of Colorado less  
16 than two years. The neighborhood youth organization shall request the  
17 ~~state~~ department to ascertain whether the person being investigated has  
18 been convicted of felony child abuse as specified in section 18-6-401  
19 ~~C.R.S.~~, or a felony offense involving unlawful sexual behavior as defined  
20 in section 16-22-102 (9). ~~C.R.S.~~ The neighborhood youth organization  
21 shall not hire a person as an employee or approve a person as a volunteer  
22 after confirmation of such a criminal history.

23 (c) A comparison search by the ~~state~~ department on the ICON  
24 system of the state judicial department or a comparison search on any  
25 other database that is recognized on a statewide basis by using the name,  
26 date of birth, and social security number information that the ~~state~~  
27 department determines is appropriate to determine whether the person

1 being investigated has been convicted of felony child abuse as specified  
2 in section 18-6-401 ~~C.R.S.~~, or a felony offense involving unlawful sexual  
3 behavior as defined in section 16-22-102 (9). ~~C.R.S.~~ The neighborhood  
4 youth organization shall not hire a person as an employee or approve a  
5 person as a volunteer after confirmation of such a criminal history.

6 (d) A separate background check by a private entity regulated as  
7 a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that  
8 ~~shall~~ MUST disclose, at a minimum, sexual offenders and felony  
9 convictions and include a social security number trace, a national criminal  
10 file check, and a state or county criminal file search. The separate  
11 background check ~~shall~~ MUST ascertain whether the person being  
12 investigated has been convicted of felony child abuse as specified in  
13 section 18-6-401 ~~C.R.S.~~, or a felony offense involving unlawful sexual  
14 behavior as defined in section 16-22-102 (9). ~~C.R.S.~~ The neighborhood  
15 youth organization shall not hire a person as an employee or approve a  
16 person as a volunteer after confirmation of such a criminal history.

17 (5) A person who visits or takes part in the activities of a licensed  
18 neighborhood youth organization but who is not required to obtain a  
19 criminal history record check pursuant to subsection (4) of this section  
20 ~~shall~~ MUST at all times be under the supervision of an employee or  
21 volunteer who has been hired or approved after obtaining a criminal  
22 history record check pursuant to subsection (4) of this section.

23 (6) The governing board of each licensed neighborhood youth  
24 organization shall adopt minimum standards for operating the licensed  
25 neighborhood youth organization, including but not limited to standards  
26 concerning staff, staff training, health and safety, and mechanisms for  
27 assessing and enforcing the licensed neighborhood youth organization's

1 compliance with the standards adopted.

2 (7) ~~The state department shall have the authority~~ DEPARTMENT IS  
3 AUTHORIZED to receive, respond to, and investigate any complaint  
4 concerning compliance with the requirements set forth in this section for  
5 a licensed neighborhood youth organization.

6 (8) A licensed neighborhood youth organization ~~shall not be~~ IS  
7 NOT required to obtain or keep on file immunization records for youth  
8 members participating in the organization's activities.

9 (9) As used in this section, unless the context otherwise requires:

10 (a) "Employee" means a paid employee of a neighborhood youth  
11 organization who is eighteen years of age or older.

12 (b) "Volunteer" means a person who volunteers ~~his or her~~  
13 assistance to a neighborhood youth organization and who is eighteen  
14 years of age or older.

15 **26.5-5-309. [Formerly 26-6-104] Licenses - definition - rules.**

16 (1) ~~(a) Except as otherwise SPECIFICALLY provided in paragraph (b) of~~  
17 ~~this subsection (1) or elsewhere in this part †~~ IN THIS PART 3, a person  
18 shall not operate an agency or facility defined in this ~~part †~~ PART 3  
19 without first being licensed by the ~~state~~ department to operate or maintain  
20 ~~such~~ THE agency or facility and paying the prescribed fee. ~~Except as~~  
21 ~~otherwise provided in paragraph (c) of this subsection (1), any~~ A license  
22 issued by the ~~state~~ department is permanent unless otherwise revoked or  
23 suspended pursuant to ~~section 26-6-108~~ SECTION 26.5-5-317.

24 ~~(b) A person operating a foster care home is not required to~~  
25 ~~obtain a license from the state department to operate the foster care home~~  
26 ~~if the person holds a certificate issued pursuant to section 26-6-106.3 to~~  
27 ~~operate the home from any county department or a child placement~~

1 ~~agency licensed under the provisions of this part 1. A certificate is~~  
2 ~~considered a license for the purpose of this part 1, including but not~~  
3 ~~limited to the investigation and criminal history background checks~~  
4 ~~required under sections 26-6-106.3 and 26-6-107.~~

5 ~~(c) (I) On and after July 1, 2002, and contingent upon the time~~  
6 ~~lines for implementation of the computer "trails" enhancements, child~~  
7 ~~placement agencies that certify foster care homes shall be licensed~~  
8 ~~annually until the implementation of any risk-based schedule for the~~  
9 ~~renewal of child placement agency licenses pursuant to subparagraph (H)~~  
10 ~~of this paragraph (c). The state board shall promulgate rules specifying~~  
11 ~~the procedural requirements associated with the renewal of such child~~  
12 ~~placement agency licenses. Such rules shall include requirements that the~~  
13 ~~state department conduct assessments of the child placement agency.~~

14 ~~(H) (A) On and after January 1, 2004, and upon the functionality~~  
15 ~~of the computer "trails" enhancements, the state department may~~  
16 ~~implement a schedule for relicensing of child placement agencies that~~  
17 ~~certify foster care homes that is based on risk factors such that child~~  
18 ~~placement agencies with low risk factors shall renew their licenses less~~  
19 ~~frequently than child placement agencies with higher risk factors.~~

20 ~~(B) Prior to January 1, 2004, and contingent upon the time lines~~  
21 ~~for implementation of the computer "trails" enhancements, the state~~  
22 ~~department shall create classifications of child placement agency licenses~~  
23 ~~that certify foster care homes that are based on risk factors as those~~  
24 ~~factors are established by rule of the state board.~~

25 ~~(H) On and after July 1, 2021, all residential child care facilities~~  
26 ~~must be licensed annually. The state board shall promulgate rules~~  
27 ~~specifying the procedural requirements associated with the license~~

1 ~~renewal for residential child care facilities. The rules must include a~~  
2 ~~requirement that the state department conduct assessments of the~~  
3 ~~residential child care facility.~~

4 ~~(d) Repealed.~~

5 ~~(2) No person shall receive or accept a child under eighteen years~~  
6 ~~of age for placement, or place any child either temporarily or permanently~~  
7 ~~in a home, other than with persons related to the child, without first~~  
8 ~~obtaining a license as a child placement agency from the department, and~~  
9 ~~paying the fee prescribed therefor.~~

10 ~~(2.5) (Deleted by amendment, L. 96, p. 254, § 5, effective July 1,~~  
11 ~~1996.)~~

12 ~~(3) (2) THE DEPARTMENT MAY ISSUE a provisional license ONCE~~  
13 ~~for a period of six months may be issued once to an applicant for an~~  
14 ~~original license, permitting the applicant to operate a family child care~~  
15 ~~home foster care home, or child care center if the applicant is temporarily~~  
16 ~~unable to conform to all standards required under this part † PART 3, upon~~  
17 ~~proof by the applicant that the applicant is attempting to conform to such~~  
18 ~~THE standards or to comply with any other requirements. The applicant~~  
19 ~~has the right to appeal any standard that the applicant believes presents an~~  
20 ~~undue hardship or has been applied too stringently by the department.~~  
21 ~~Upon the filing of an appeal, the department shall proceed in the manner~~  
22 ~~prescribed for licensee appeals in section 26-6-106 (3) SECTION~~  
23 ~~26.5-5-314 (5).~~

24 ~~(4) (3) (a) The department shall not issue a license for a child care~~  
25 ~~center residential child care facility, or secure residential treatment center~~  
26 ~~until the facilities to be operated or maintained by the applicant or~~  
27 ~~licensee are approved by the department of public health and environment~~

1 as conforming to the sanitary standards prescribed by ~~the~~ SAID department  
2 pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to  
3 fire prevention and protection requirements of local fire departments in  
4 the locality of the facility or, in lieu thereof, of the division of labor  
5 standards and statistics IN THE DEPARTMENT OF LABOR AND EMPLOYMENT.

6 (b) A child care center that provides child care exclusively to  
7 school-age children and operates on the property of a school district,  
8 district charter school, or institute charter school may satisfy any fire or  
9 radon inspection requirement required by law by providing a copy of a  
10 satisfactory fire or radon inspection report of the property of a school  
11 district, district charter school, or institute charter school where the child  
12 care is provided if the fire or radon inspection report was completed  
13 within the preceding twelve months. The department shall not require a  
14 duplicate fire or radon inspection if a satisfactory fire or radon inspection  
15 report of the property was completed within the preceding twelve months.

16 ~~(5) No person shall send or bring into this state any child for the~~  
17 ~~purposes of foster care or adoption without sending notice of the pending~~  
18 ~~placement and receiving the consent of the department or its designated~~  
19 ~~agent to the placement. The notice shall contain:~~

20 (a) ~~The name and the date and place of birth of the child;~~

21 (b) ~~The identity and address or addresses of the parents or legal~~  
22 ~~guardian;~~

23 (c) ~~The identity and address of the person sending or bringing the~~  
24 ~~child;~~

25 (d) ~~The name and address of the person to or with which the~~  
26 ~~sending person proposes to send, bring, or place the child;~~

27 (e) ~~A full statement of the reasons for the proposed action and~~

1 evidence of the authority pursuant to which the placement is proposed to  
2 be made.

3 ~~(6) The state board of human services shall establish rules and~~  
4 ~~regulations for the approval of foster care homes and child care centers~~  
5 ~~that provide twenty-four-hour care of children between eighteen and~~  
6 ~~twenty-one years of age for whom the county department is financially~~  
7 ~~responsible and when placed in foster care by the county department.~~

8 ~~(6.5) On and after July 1, 2005, and subject to designation as a~~  
9 ~~qualified accrediting entity as required by the "Intercountry Adoption Act~~  
10 ~~of 2000", 42 U.S.C. sec. 14901 et seq., the state department may license~~  
11 ~~and accredit a child placement agency for purposes of providing adoption~~  
12 ~~services for convention adoptions pursuant to the "Intercountry Adoption~~  
13 ~~Act of 2000", 42 U.S.C. sec. 14901 et seq. The state board of human~~  
14 ~~services may adopt rules consistent with federal law governing the~~  
15 ~~procedures for adverse actions regarding accreditation, which procedures~~  
16 ~~may vary from the procedures set forth in the "State Administrative~~  
17 ~~Procedure Act", article 4 of title 24. C.R.S.~~

18 ~~(7)(a)(f) (4) (a) (I) The state department shall not issue a license~~  
19 ~~to operate a family child care home a foster care home, OR a child care~~  
20 ~~center a residential child care facility, a secure residential treatment~~  
21 ~~center, or a child placement agency, and any license or certificate issued~~  
22 ~~prior to August 7, 2006, shall be revoked or suspended, if the applicant~~  
23 ~~for the license, or certificate, an affiliate of the applicant, a person~~  
24 ~~employed by the applicant, or a person who resides with the applicant at~~  
25 ~~the facility has been convicted of:~~

26 (A) Child abuse, as specified in section 18-6-401; C.R.S.;

27 (B) A crime of violence, as defined in section 18-1.3-406; C.R.S.;

1 (C) Any offenses involving unlawful sexual behavior, as defined  
2 in section 16-22-102 (9); ~~C.R.S.~~;

3 (D) Any felony, the underlying factual basis of which has been  
4 found by the court on the record to include an act of domestic violence,  
5 as defined in section 18-6-800.3; ~~C.R.S.~~;

6 ~~(D.5)~~ (E) Any felony involving physical assault, battery, or a  
7 drug-related offense within the five years preceding the date of  
8 application for a license; ~~or certificate;~~

9 ~~(E)~~ (F) A pattern of misdemeanor convictions, as defined by  
10 DEPARTMENT rule, ~~of the state board,~~ within the ten years immediately  
11 preceding the date of submission of the application;

12 ~~(F)~~ (G) Any offense in any other state, the elements of which are  
13 substantially similar to the elements of any one of the offenses described  
14 in ~~sub-subparagraphs (A) to (E) of this subparagraph (F)~~ SUBSECTION  
15 (4)(a)(I)(A) TO (4)(a)(I)(F) OF THIS SECTION.

16 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS  
17 SUBSECTION (4)(a), "convicted" means a conviction by a jury or by a court  
18 and ~~shall also include~~ ALSO 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 ~~(III) Any applicant, licensee, or employee of the applicant or~~  
22 ~~licensee who meets the definition of a department employee or an~~  
23 ~~independent contractor, as those terms are defined in section 27-90-111,~~  
24 ~~or who works for a contracting agency, as defined in section 27-90-111,~~  
25 ~~and who will have direct contact with vulnerable persons, as defined in~~  
26 ~~section 27-90-111 (2)(c), is required to submit to a state and national~~  
27 ~~fingerprint-based criminal history record check in the same manner as~~

1 ~~required pursuant to section 27-90-111 (9); except that the state~~  
2 ~~department shall not bear the cost of such criminal history record check~~  
3 ~~required by this subsection (7)(a)(III). The state department may also~~  
4 ~~conduct a comparison search on the Colorado state courts public access~~  
5 ~~system to determine the crime or crimes for which the individual having~~  
6 ~~direct contact with vulnerable persons was arrested or convicted and the~~  
7 ~~disposition of such crime or crimes. The criminal history record check~~  
8 ~~required by this subsection (7)(a)(III) must be submitted to the state~~  
9 ~~department prior to the individual having direct contact with vulnerable~~  
10 ~~persons, and an applicant, licensee, or employee of an applicant or~~  
11 ~~licensee must not be allowed to have direct contact with vulnerable~~  
12 ~~persons if he or she does not meet the requirements set forth in this~~  
13 ~~subsection (7) and in section 27-90-111 (9).~~

14 (b) THE DEPARTMENT SHALL DETERMINE THE convictions  
15 identified in ~~paragraph (a) of this subsection (7) shall be determined~~  
16 ~~SUBSECTION (4)(a) OF THIS SECTION~~ according to the records of the  
17 Colorado bureau of investigation, the ICON system at the state judicial  
18 department, or any other source, as set forth in ~~section 26-6-107~~  
19 ~~(1)(a)(1.5) SECTION 26.5-5-316 (1)(a)(II)~~. A certified copy of the judgment  
20 of a court of competent jurisdiction of such conviction, deferred judgment  
21 and sentence agreement, deferred prosecution agreement, or deferred  
22 adjudication agreement ~~shall be~~ IS prima facie evidence of ~~such~~ THE  
23 conviction or agreement. ~~No~~ THE DEPARTMENT SHALL NOT ISSUE A  
24 license ~~or certificate~~ to operate a family child care home a foster care  
25 home, OR a child care center a residential child care facility, a secure  
26 residential child care facility, or a child placement agency shall be issued  
27 if the state department has a certified court order from another state

1 indicating that the person applying for such a THE license or certificate  
2 has been convicted of child abuse or any unlawful sexual offense against  
3 a child under a law of any other state or the United States, or the state  
4 department has a certified court order from another state that the person  
5 applying for the license or certificate has entered into a deferred judgment  
6 or deferred prosecution agreement in another state as to child abuse or  
7 any sexual offense against a child.

8 ~~(7.5) (a) No later than January 1, 2004, the state board shall~~  
9 ~~promulgate rules that require all current and prospective employees of a~~  
10 ~~county department who in their position have direct contact with any~~  
11 ~~child in the process of being placed, or who has been placed, in foster~~  
12 ~~care to submit a set of fingerprints for purposes of obtaining a~~  
13 ~~fingerprint-based criminal history record check, unless the person has~~  
14 ~~already submitted a set of fingerprints. The check must be conducted in~~  
15 ~~the same manner as provided in subsection (7) of this section and in~~  
16 ~~section 26-6-107 (1)(a). The person's employment is conditional upon a~~  
17 ~~satisfactory criminal background check and subject to the same grounds~~  
18 ~~for denial or dismissal as set forth in subsection (7) of this section and in~~  
19 ~~section 26-6-107 (1)(a). The costs for the fingerprint-based criminal~~  
20 ~~history record check must be borne by the applicant.~~

21 ~~(b) When the results of a fingerprint-based criminal history record~~  
22 ~~check performed pursuant to this subsection (7.5) reveal a record of arrest~~  
23 ~~without a disposition, the state department shall require the person to~~  
24 ~~submit to a name-based criminal history record check, as defined in~~  
25 ~~section 22-2-119.3 (6)(d). The costs for the name-based criminal history~~  
26 ~~record check must be borne by the applicant.~~

27 ~~(8) (5) The state department shall not issue a license to operate~~

1 any AN agency or facility defined in this ~~part~~ PART 3 if the person  
2 applying for ~~such~~ THE license or an affiliate of the applicant, a person  
3 employed by the applicant, or a person who resides with the applicant at  
4 the facility,

5 (a) has been determined to be insane or mentally incompetent by  
6 a court of competent jurisdiction and ~~should a court enter~~ A COURT HAS  
7 ENTERED, pursuant to part 3 or part 4 of article 14 of title 15 C.R.S., or  
8 section 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding  
9 that the mental incompetency or insanity is of such a degree that the  
10 applicant is incapable of operating a family child care home ~~foster care~~  
11 ~~home~~; OR child care center. ~~or child placement agency~~; The record of ~~such~~  
12 THE determination and entry of ~~such order being~~ THE ORDER ARE  
13 conclusive evidence ~~thereof~~ OF THE DETERMINATION.

14 (b) ~~(Deleted by amendment, L. 2006, p. 725, § 3, effective August~~  
15 ~~7, 2006.)~~

16 (9) ~~The state department is strongly encouraged to examine and~~  
17 ~~report to the general assembly on the benefits of licensing any private,~~  
18 ~~nonprofit child placement agency that is dedicated to serving the special~~  
19 ~~needs of foster care children through services delivered by specialized~~  
20 ~~foster care parents in conjunction with and supported by staff of the child~~  
21 ~~placement agency. Such child placement agencies examined shall be able~~  
22 ~~to:~~

23 (a) Offer the following services:

24 (I) ~~Provision of educated, skilled, and experienced foster care~~  
25 ~~parents;~~

26 (II) ~~Social work support for the foster care child and foster care~~  
27 ~~family;~~

- 1           ~~(III) Twenty-four-hour, on-call availability;~~
- 2           ~~(IV) Monthly foster care parent support group meetings;~~
- 3           ~~(V) On-going educational and networking opportunities for any~~  
4 ~~foster care family;~~
- 5           ~~(VI) Individualized treatment plans developed through team~~  
6 ~~collaboration;~~
- 7           ~~(VII) Professional and family networking opportunities; and~~
- 8           ~~(VIII) Respite support and reimbursement;~~
- 9           ~~(b) Provide a form of specialized foster care including, but not~~  
10 ~~limited to, the following types of care:~~
- 11           ~~(I) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~  
12 ~~22, 2003.)~~
- 13           ~~(II) Medical foster care;~~
- 14           ~~(III) Respite foster care;~~
- 15           ~~(IV) (Deleted by amendment, L. 2003, p. 1874, § 3, effective May~~  
16 ~~22, 2003.)~~
- 17           ~~(V) Therapeutic foster care;~~
- 18           ~~(VI) Developmentally disabled foster care; and~~
- 19           ~~(VII) Treatment foster care.~~

20           (6) THE DEPARTMENT AND THE DEPARTMENT OF EDUCATION  
21 SHALL STREAMLINE ALL PAPERWORK THAT LICENSED EARLY CARE AND  
22 EDUCATION PROGRAMS AND EARLY CHILDHOOD EDUCATORS MUST  
23 COMPLETE TO MEET CHILD CARE LICENSING AND EARLY CHILDHOOD  
24 EDUCATOR CREDENTIALING COMPLIANCE REQUIREMENTS. THE STATE  
25 AGENCIES SHALL IDENTIFY WAYS TO SHARE INFORMATION AND REPORTS  
26 ACROSS THE AGENCIES TO REDUCE THE ADMINISTRATIVE AND PAPERWORK  
27 BURDEN ON EARLY CARE AND EDUCATION PROGRAMS AND EDUCATORS.

1 THE STREAMLINING PROCESS MUST INCLUDE A SYSTEMS SCAN OF  
2 PROGRAMS AND INITIATIVES, IDENTIFICATION OF OVERLAPPING REPORTING  
3 REQUIREMENTS, AND WAYS TO REDUCE THE ADMINISTRATIVE AND  
4 PAPERWORK BURDEN ON PROGRAMS AND EDUCATORS.

5 **26.5-5-310. [Formerly 26-6-104.5 (1) to (3)] Compliance with**  
6 **local government zoning regulations - notice to local governments -**  
7 **provisional licensure - rules.** (1) (a) The department shall require any  
8 child care facility seeking licensure pursuant to ~~section 26-6-104~~ SECTION  
9 26.5-5-309 to comply with any applicable zoning and land use  
10 development regulations of the municipality, city and county, or county  
11 where the facility is situated. Failure to comply with applicable zoning  
12 and land use regulations constitutes grounds for the denial of a license to  
13 a facility.

14 (b) Notwithstanding subsection (1)(a) of this section to the  
15 contrary, the availability of safe, affordable, and licensed family child  
16 care homes is a matter of statewide concern. Therefore, permitting  
17 fragmented regulation among jurisdictions impedes and infringes upon  
18 the department's appropriate and consistent licensing and regulation of  
19 family child care homes throughout the state. Accordingly, local  
20 governing authorities shall treat family child care homes as residential  
21 property use in the application of local regulations, including zoning, land  
22 use development, fire and life safety, sanitation, and building codes.  
23 Local governing authorities shall not impose any additional regulations  
24 governing family child care homes that do not also apply to other  
25 residential properties, provided that the foregoing does not restrict an  
26 authority's ability to prohibit, on a case-by-case basis, the operation in  
27 immediately adjacent residences of two or more large family child care

1 homes, as that term is defined by DEPARTMENT rules ~~by the department~~  
2 ~~that governs~~ THAT GOVERN the operation of family child care homes, or  
3 to manage the flow of traffic and parking related to adjacent large family  
4 child care homes. Residential use of property for zoning purposes  
5 includes all forms of residential zoning and, specifically, although not  
6 exclusively, single-family residential zoning.

7 (2) The department shall assure that timely written notice is  
8 provided to the municipality, city and county, or county where a child  
9 care facility is situated, including the address of the facility and the  
10 population and number of persons to be served by the facility, when any  
11 of the following occurs:

12 (a) A person applies for a license to operate a child care facility  
13 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309; OR

14 (b) A license is granted to operate a child care facility pursuant to  
15 ~~section 26-6-104~~; or SECTION 26.5-5-309.

16 ~~(c) A change is made in the license of a residential child care~~  
17 ~~facility, specialized group facility, homeless youth shelter, or secure~~  
18 ~~residential treatment center.~~

19 ~~(d) (Deleted by amendment, L. 2006, p. 727, § 4, effective August~~  
20 ~~7, 2006.)~~

21 (3) Notwithstanding any other provision of law, in the event of a  
22 zoning or other delay or dispute between a child care facility and the  
23 municipality, city and county, or county where the facility is situated, the  
24 department may grant a provisional license to the facility for up to six  
25 months pending resolution of the delay or dispute.

26 **26.5-5-311. [Formerly 26-6-105] Fees - when original**  
27 **applications, reapplications, and renewals for licensure are required**

1 - **creation of child care licensing cash fund - rules.** (1) (a) The state  
2 department is hereby authorized to establish, pursuant to rules  
3 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR, permanent,  
4 time-limited, and provisional license fees and fees for continuation ~~or~~  
5 ~~renewal, whichever is applicable,~~ of a license for the following types of  
6 child care arrangements:

7 (I) Family child care homes, including any special type of family  
8 child care home designated by DEPARTMENT rules ~~of the state board~~  
9 pursuant to ~~section 26-6-106 (2)(p)~~ SECTION 26.5-5-314 (2)(n), but  
10 excluding homes certified by county departments or child placement  
11 agencies;

12 (II) Child care centers;

13 ~~(III) Secure residential treatment centers;~~

14 ~~(IV) Residential child care facilities;~~

15 ~~(V) Child placement agencies;~~

16 ~~(VI) Repealed.~~

17 ~~(VII) Homeless youth shelters;~~

18 ~~(VIII) Day treatment centers;~~

19 ~~(IX) Specialized group facilities;~~

20 ~~(X)~~ (III) Children's resident camps; and

21 ~~(XI)~~ (IV) Substitute placement agencies.

22 (b) The state department may also establish fees pursuant to rules  
23 promulgated by the ~~state board of human services~~ EXECUTIVE DIRECTOR  
24 for the following situations:

25 (I) Issuance of a duplicate license;

26 (II) Change of license due to an increase in licensing capacity or  
27 a change in the age of children served;

1 (III) Obtaining the criminal record of an applicant and any person  
2 living with or employed by the applicant, which may include costs  
3 associated with the taking of fingerprints;

4 (IV) Checking the records and reports of child abuse or neglect  
5 maintained by the state department OF HUMAN SERVICES for an owner,  
6 employee, or resident of a facility or agency or an applicant for a license  
7 to operate a facility or agency;

8 (V) Filing of appeals;

9 (VI) Duplication of licensing records for the public;

10 (VII) Duplication of licensing records in electronic format for the  
11 public; AND

12 ~~(VIII) Accrediting a child placement agency for purposes of~~  
13 ~~providing adoption services for convention adoptions pursuant to the~~  
14 ~~"Intercountry Adoption Act of 2000", 42 U.S.C. sec. 14901 et seq.;~~

15 ~~(IX) (VIII) Insufficient funds payment and collection of overdue~~  
16 ~~fees and fines. and~~

17 ~~(X) Collection of fees for scanning of adoption records pursuant~~  
18 ~~to section 19-5-307. C.R.S.~~

19 (c) The fees established pursuant to this subsection (1) ~~shall~~ MUST  
20 not exceed the direct and indirect costs incurred by the department. The  
21 ~~division involved in licensing child care facilities~~ DEPARTMENT shall  
22 develop and implement an objective and systematic approach for setting,  
23 monitoring, and revising child care licensing fees by developing and  
24 using an ongoing method to track all direct and indirect costs associated  
25 with child care inspection licensing, developing a methodology to assess  
26 the relationship between licensing costs and fees, and annually  
27 reassessing costs and fees and reporting the results to the ~~state board~~

1 EXECUTIVE DIRECTOR. In developing a fee schedule, the department  
2 should consider the licensed capacity of facilities and the time needed to  
3 license facilities.

4 (2) (a) The fees specified in subsection (1) of this section ~~shall~~  
5 MUST be paid when application is made for any license ~~or when renewal~~  
6 ~~of a child placement agency license is sought and shall not be~~ IS SOUGHT  
7 AND ARE NOT subject to refund. Applications for licenses ~~shall be~~ ARE  
8 required in the situations that are set forth in ~~paragraph (b) of this~~  
9 ~~subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION and ~~shall~~ MUST be  
10 made on forms prescribed by the ~~state~~ department. Each completed  
11 application ~~shall~~ MUST set forth such information as required by the ~~state~~  
12 department. All licenses ~~shall~~ continue in force until revoked,  
13 surrendered, or expired.

14 (b) (I) An original application and fee are required:

15 (A) When an individual, partnership, corporation, or association  
16 plans to open a child care center OR children's resident camp; ~~secure~~  
17 ~~residential treatment center, residential child care facility, homeless youth~~  
18 ~~shelter, day treatment center, specialized group facility, or child~~  
19 ~~placement agency;~~

20 (B) When the child care center OR children's resident camp ~~secure~~  
21 ~~residential treatment center, residential child care facility, homeless youth~~  
22 ~~shelter, day treatment center, or specialized group facility~~ plans to move  
23 the center or facility to a different building at a different location;

24 (C) When the management or governing body of a child care  
25 center OR children's resident camp ~~secure residential treatment center,~~  
26 ~~residential child care facility, homeless youth shelter, day treatment~~  
27 ~~center, specialized group facility, or child placement agency~~ is acquired

1 by a different individual, association, partnership, or corporation;

2 ~~(C.5)~~ (D) When a change occurs in the operating entity of a child  
3 care center OR children's resident camp ~~secure residential treatment~~  
4 ~~center, residential child care facility, homeless youth shelter, day~~  
5 ~~treatment center, specialized group facility, or child placement agency~~  
6 resulting in a new federal employee identification number; except that, if  
7 the reason for the issuance of a new federal employee identification  
8 number is solely due to a change in the corporate structure of the  
9 operating entity and either the management or governing body of the  
10 entity remains the same as originally licensed and the entity is operating  
11 in the same facility or facilities as originally licensed, the state department  
12 shall treat the entity's status as a renewal and assess the applicable  
13 renewal fee. Only newly hired employees ~~shall be~~ ARE required to  
14 undergo criminal background checks as required in ~~section 26-6-107~~  
15 SECTION 26.5-5-316.

16 ~~(D)~~ (E) When a family or person plans to open a family child care  
17 home, including any special type of family child care home designated by  
18 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~  
19 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n);

20 ~~(E)~~ (F) When a family or person who operates a family child care  
21 home, including any special type of family child care home designated by  
22 ~~rules of the state board pursuant to section 26-6-106 (2)(p), or foster care~~  
23 ~~home~~ DEPARTMENT RULES PURSUANT TO SECTION 26.5-5-314 (2)(n),  
24 moves to a new residence.

25 (II) THE DEPARTMENT MAY REQUIRE AND RECEIVE a reapplication  
26 and fee ~~shall be required and received by the state department~~ in the  
27 manner specified in DEPARTMENT rules. ~~promulgated by the state board.~~

1 ~~An individual, partnership, corporation, or association seeking to renew~~  
2 ~~a child placement agency license shall submit a reapplication and fee to~~  
3 ~~the state department as specified in rules promulgated by the state board.~~

4 (3) ~~Nothing in this section shall prevent any~~ THIS SECTION DOES  
5 NOT PREVENT A city or city and county from imposing ~~additional~~ fees IN  
6 ADDITION to those FEES specified under this section.

7 (4) THE DEPARTMENT SHALL TRANSMIT all fees collected pursuant  
8 to this section ~~shall be transmitted~~ to the state treasurer, who shall credit  
9 the ~~same~~ FEES to the child care licensing cash fund, which is hereby  
10 created. The general assembly shall make annual appropriations from the  
11 child care licensing cash fund for expenditures incurred by the department  
12 in the performance of its duties under this ~~part~~ PART 3. THE TREASURER  
13 SHALL CREDIT TO THE FUND all interest derived from the deposit and  
14 investment of ~~moneys~~ MONEY in the fund. ~~shall be credited to the fund.~~  
15 At the end of any fiscal year, all unexpended and unencumbered ~~moneys~~  
16 MONEY in the fund ~~shall remain therein and shall not be~~ REMAINS IN THE  
17 FUND AND IS NOT credited or transferred to the general fund or any other  
18 fund.

19 **26.5-5-312. [Formerly 26-6-105.5] Application forms - criminal**  
20 **sanctions for perjury.** (1) (a) (I) All applications for the licensure of a  
21 child care facility ~~or the certification of a foster care home~~ pursuant to  
22 this ~~part~~ PART 3 MUST include the notice to the applicant that is set  
23 forth in ~~paragraph (b) of this subsection~~ (I) SUBSECTION (1)(b) OF THIS  
24 SECTION.

25 (II) Every application used in the state of Colorado for  
26 employment with a child care provider or facility ~~shall~~ MUST include the  
27 notice to the applicant that is set forth in ~~paragraph (b) of this subsection~~

1     ~~(1)~~ SUBSECTION (1)(b) OF THIS SECTION.

2             (b) Each application described in ~~paragraph (a) of this subsection~~  
3     ~~(1) shall~~ SUBSECTION (1)(a) OF THIS SECTION MUST contain the following  
4     notice to the applicant:

5             Any applicant who knowingly or willfully makes a false  
6             statement of any material fact or thing in this application is  
7             ~~guilty of~~ COMMITS perjury in the second degree as defined  
8             in section 18-8-503, Colorado Revised Statutes, and, upon  
9             conviction thereof, shall be punished accordingly.

10            (2) Any person applying for the licensure of a child care facility  
11     ~~or the certification of a foster care home~~ pursuant to this ~~part 1~~ PART 3 or  
12     any person applying to work at such a facility as an employee who  
13     knowingly or willfully makes a false statement of any material fact or  
14     thing in the application is ~~guilty of~~ COMMITS perjury in the second degree  
15     as defined in section 18-8-503, ~~C.R.S.~~, and, upon conviction thereof, ~~shall~~  
16     MUST be punished accordingly.

17            ~~(3) Every application for certification or licensure as a foster care~~  
18     ~~home shall provide notice to the applicant that the applicant may be~~  
19     ~~subject to immediate revocation of certification or licensure or other~~  
20     ~~negative licensing action as set forth in this section, section 26-6-107.7,~~  
21     ~~and as described by rule of the state board.~~

22            **26.5-5-313. [Formerly 26-6-105.7] Applications - materials**  
23     **waivers - appeals - rules.** (1) A child care center that is subject to the  
24     licensing requirements of this ~~part 1~~ PART 3 is also subject to the  
25     provisions of this section.

26            (2) (a) The department shall make available to licensed child care  
27     centers and include with every application form for licensure information

1 concerning the manner in which a child care center may apply for a  
2 waiver to use certain materials in its program and curriculum. The waiver  
3 request ~~shall~~ MUST be included in a center's application for licensure or,  
4 in the case of a licensed child care center, may be submitted at any time.

5 (b) A child care center seeking a waiver for the use of certain  
6 materials ~~shall~~ MUST adopt a policy that:

7 (I) Ensures that instructors in the child care center are trained in  
8 the use of the materials in a way that provides reasonable safety  
9 provisions for use by children; and

10 (II) Requires parental notification of the use of the materials in the  
11 child care center and the potential safety risks associated with the  
12 materials. The policy ~~shall~~ MUST require the child care center to obtain  
13 signed parental consent forms acknowledging awareness of the risks in  
14 using the materials in the child care center.

15 (3) If a licensed child care center receives notice of a violation  
16 pursuant to this ~~part~~ PART 3, information concerning the waiver and  
17 appeal process described in this section ~~shall~~ MUST be included in the  
18 notification to the child care center.

19 (4) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
20 for the implementation of this section, including:

21 (a) The requirements for the granting of a waiver request, ~~which~~  
22 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the  
23 department make a decision on the waiver request and notify the child  
24 care center of its decision no later than sixty calendar days after receipt  
25 of the request;

26 (b) The requirements for the denial of a waiver request, ~~which~~  
27 ~~requirements shall include~~ INCLUDING THE REQUIREMENT that the

1 department make a decision on the waiver request and notify the child  
2 care center of its decision no later than sixty calendar days after receipt  
3 of the request; AND

4 (c) The process by which a child care center may appeal a denial  
5 of a waiver request, which process ~~shall include, but need not be limited~~  
6 ~~to~~ MUST, AT A MINIMUM, PROVIDE THAT:

7 (I) ~~That~~ Upon the receipt of a denial of a waiver request, a child  
8 care center has up to forty-five calendar days to appeal the denial decision  
9 to the department;

10 (II) ~~That~~ The department shall act upon the appeal within  
11 forty-five calendar days;

12 (III) ~~That~~ The department shall provide notice of its decision on  
13 the appeal within ten calendar days after its decision to the appealing  
14 child care center; and

15 (IV) ~~That~~ The appealing child care center has the right to meet in  
16 person with department personnel concerning the appeal. ~~but that the~~  
17 ~~entire appeals process shall last no more than one hundred calendar days~~  
18 ~~after the date of the notice of denial of the waiver request.~~

19 (5) Whenever practicable, the department shall use the same  
20 inspector for:

21 (a) Multiple visits to a single child care center seeking a waiver  
22 pursuant to this section; or

23 (b) Multiple visits to two or more individually licensed child care  
24 centers that are wholly owned, operated, and controlled by a common  
25 ownership group.

26 (6) The department shall not post a denial of a waiver made  
27 pursuant to this section on its website until the appeal is final.

1           **26.5-5-314. [Formerly 26-6-106] Standards for facilities and**

2           **agencies - rules - definition.** (1) (a) The department shall prescribe and  
3           publish standards for licensing. The standards must be applicable to the  
4           various types of facilities and agencies for child care regulated and  
5           licensed by this ~~part 1~~; ~~except that the department shall prescribe and~~  
6           ~~publish separate standards for the licensing of child placement agencies~~  
7           ~~operating for the purpose of adoptive placement and adoption-related~~  
8           ~~services~~ PART 3. The department shall seek the advice and assistance of  
9           persons representative of the various types of child care facilities and  
10          agencies in establishing the standards, including the advice and assistance  
11          of the department of public safety and councils and associations  
12          representing fire marshals and building code officials in the promulgation  
13          of any rules related to adequate fire protection and prevention, as allowed  
14          in subsection (2)(e) of this section, in a family child care home. The  
15          standards must be established by rules promulgated by the ~~state board of~~  
16          ~~human services~~ EXECUTIVE DIRECTOR and be issued, published, and  
17          become effective only in conformity with article 4 of title 24.

18           (b) ~~(Deleted by amendment, L. 96, p. 258, § 7, effective July 1,~~  
19           ~~1996.)~~

20           (2) THE standards prescribed by ~~such~~ DEPARTMENT rules are  
21           restricted to:

22           (a) The operation and conduct of the facility or agency and the  
23           responsibility it assumes for child care;

24           (b) The character, suitability, and qualifications of the applicant  
25           for a license and of other persons directly responsible for the care and  
26           welfare of children served, including whether an affiliate of the licensee  
27           has ever been the subject of a negative licensing action;

1 (c) The general financial ability and competence of the applicant  
2 for a license to provide necessary care for children and to maintain  
3 prescribed standards;

4 (d) The number of individuals or staff required to ~~insure~~ ENSURE  
5 adequate supervision and care of children served;

6 (e) (I) The appropriateness, safety, cleanliness, and general  
7 adequacy of the premises, including maintenance of adequate fire  
8 protection and prevention and health standards in conformance with state  
9 laws and municipal ordinances, to provide for the physical comfort, care,  
10 well-being, and safety of the children served.

11 (II) A child care center that provides child care exclusively to  
12 school-age children and operates on the property of a school district,  
13 district charter school, or institute charter school may satisfy any fire or  
14 radon inspection requirement required by law by providing a copy of a  
15 satisfactory fire or radon inspection report of the property of a school  
16 district, district charter school, or institute charter school where the child  
17 care is provided if the fire or radon inspection report was completed  
18 within the preceding twelve months. The department shall not require a  
19 duplicate fire or radon inspection if a satisfactory fire or radon inspection  
20 report of the property was completed within the preceding twelve months.

21 (III) The department shall require an annual inspection of  
22 playground facilities on the property where a child care center operates.  
23 For purposes of a playground facility inspection, the department shall  
24 accept as satisfactory proof of valid certification of the playground  
25 facility, certification, or a copy of certification, from an individual who  
26 is licensed or certified to perform playground safety inspections through  
27 the national recreation and park association, or other nationally

1 recognized playground facility safety organization. The department shall  
2 not require a duplicate inspection if a satisfactory inspection report was  
3 completed within the preceding twelve months.

4 (f) Keeping of records for food, clothing, equipment, and  
5 individual supplies;

6 (g) Provisions to safeguard the legal rights of children served;

7 (h) Maintenance of records pertaining to the admission, progress,  
8 health, and discharge of children;

9 (i) Filing of reports with the department;

10 (j) Discipline of children;

11 ~~(k) Standards for the short-term confinement of a child in defined~~  
12 ~~emergency situations. An emergency situation means any situation where~~  
13 ~~the child is determined to be a danger to himself or others and to be~~  
14 ~~beyond control, all other reasonable means to calm the child have failed,~~  
15 ~~and the child's welfare or the welfare of those around the child demand~~  
16 ~~that the child be confined for a period not to exceed two hours. Standards~~  
17 ~~for such short-term confinement shall include:~~

18 ~~(I) Definition of emergency purposes for the short-term~~  
19 ~~confinement in accordance with this paragraph (k);~~

20 ~~(II) Duration and frequency of the confinement;~~

21 ~~(III) Facility staff requirements;~~

22 ~~(IV) Criteria for the short-term placement of a child in the~~  
23 ~~short-term confinement room;~~

24 ~~(V) Documentation and review of the confinement;~~

25 ~~(VI) Review and biannual inspection by the department of the~~  
26 ~~short-term confinement facility;~~

27 ~~(VII) Physical requirements for the short-term confinement room;~~

1           ~~(VIII) Certification or approval from the department prior to the~~  
2           ~~establishment of the short-term confinement room;~~

3           ~~(IX) A neutral fact finder to determine if the child's situation~~  
4           ~~merits short-term confinement;~~

5           ~~(X) At a minimum, a fifteen minute checking and review by staff~~  
6           ~~of a child placed in short-term confinement;~~

7           ~~(XI) Review by staff of any confinement subsequent to each~~  
8           ~~period of such confinement;~~

9           ~~(XII) Daily review of the use of the short-term confinement~~  
10           ~~rooms; and~~

11           ~~(XIII) Revocation or suspension of licensure for failure to comply~~  
12           ~~with the standards set forth in this paragraph (k).~~

13           ~~(l) Standards for security in secure residential treatment centers~~  
14           ~~and residential child care facilities provided through the physical~~  
15           ~~environment and staffing. Such standards shall include, but not be limited~~  
16           ~~to: the following:~~

17           ~~(I) Locked doors;~~

18           ~~(II) Fencing;~~

19           ~~(III) The staff requirements to ensure security;~~

20           ~~(IV) Inspections;~~

21           ~~(V) Physical requirements for program space and for secure~~  
22           ~~sleeping of the residents in the secure residential treatment center or~~  
23           ~~residential child care facility;~~

24           ~~(VI) Other security considerations that are necessary to protect the~~  
25           ~~residents of the secure residential treatment center or residential child care~~  
26           ~~facility or the public.~~

27           ~~(m) (k) Standards for the appropriateness, safety, and adequacy of~~

1 transportation services of children to and from child care centers;

2 ~~(n)~~ (l) Except as provided for in paragraph ~~(n.5)~~ of this subsection  
3 ~~(2)~~ OTHERWISE PROVIDED IN SUBSECTION (2)(m) OF THIS SECTION,  
4 provisions that ensure that family child care homes ~~foster care homes~~, and  
5 child care centers verify, in accordance with part 9 of article 4 of title 25,  
6 ~~€:R:S.~~, that each child has received appropriate immunizations against  
7 contagious diseases as follows:

8 (I) Children up to twenty-four months of age ~~shall be~~ ARE required  
9 to be immunized in accordance with the "Infant Immunization Act", part  
10 17 of article 4 of title 25; ~~€:R:S.~~;

11 (II) Children over twenty-four months of age ~~shall be~~ ARE  
12 required to be immunized in accordance with part 9 of article 4 of title 25;  
13 ~~€:R:S.~~;

14 ~~(n.5)~~ (m) Provisions that allow any child care center that allows  
15 any child to enroll and attend the center on a short-term basis of up to  
16 fifteen days in a fifteen-consecutive-day period, no more than twice in a  
17 calendar year, with each fifteen-consecutive-day period separated by at  
18 least sixty days, to do so without obtaining verification of immunization  
19 for that child, as provided for in section 25-4-902. ~~€:R:S.~~ Any child care  
20 center that chooses to allow children to enroll and attend on a short-term  
21 basis pursuant to the provisions of this ~~paragraph (n.5)~~ SUBSECTION  
22 (2)(m) shall provide notification to all parents that the child care center  
23 allows children to enroll and attend on a short-term basis without  
24 obtaining proof of immunization; AND

25 ~~(o)~~ Standards for adoption agencies that may include but need not  
26 be limited to:

27 ~~(I)~~ Specific criteria and minimum credentials, qualifications,

1 training, and education of staff necessary for each of the types of adoption  
2 for which an applicant may seek to be licensed, including but not limited  
3 to:

4 ~~(A) Traditional adoptions with adopting parents who are~~  
5 ~~unknown;~~

6 ~~(B) Family adoptions, including stepparent and grandparent~~  
7 ~~adoptions;~~

8 ~~(C) Interstate adoptions;~~

9 ~~(D) International adoptions;~~

10 ~~(E) Identified or designated adoptions; and~~

11 ~~(F) Special needs adoptions;~~

12 ~~(H) The continuing education requirements necessary to maintain~~  
13 ~~the adoption agency's license, taking into account the type and specialty~~  
14 ~~of such agency's license;~~

15 ~~(HH) 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 applicant~~  
18 ~~for a license and for all direct service staff employed or contracted with~~  
19 ~~by the agency;~~

20 ~~(V) The general financial ability and competence of the applicant~~  
21 ~~for license, either original or renewal, to provide necessary services for~~  
22 ~~the adoption of children and to maintain prescribed standards;~~

23 ~~(VI) Proper maintenance of records; and~~

24 ~~(VII) Provisions to safeguard the legal rights of children served;~~

25 ~~(p) (n) Rules governing different types of family child care homes~~  
26 ~~as that term is defined in section 26-6-102 (13); as well as any other types~~  
27 ~~of family child care homes that may by necessity be established by rule~~

1 of the ~~state board~~ EXECUTIVE DIRECTOR.

2 (q) ~~(I) Standards for the training of foster care parents, which must~~  
3 ~~include, at a minimum:~~

4 (A) ~~Twenty-seven hours of initial training, consisting of at least~~  
5 ~~twelve hours of training prior to the placement of a child and completion~~  
6 ~~of the remaining training within three months after such placement;~~

7 (B) ~~Twenty hours per year of continuing training for foster care~~  
8 ~~parents;~~

9 (C) ~~In addition to the hours described in subsection (2)(q)(I)(B)~~  
10 ~~of this section, twelve hours per year for foster care parents providing~~  
11 ~~therapeutic foster care;~~

12 (D) ~~Training concerning individualized education programs as~~  
13 ~~defined in section 22-20-103 (15). C.R.S. The departments of human~~  
14 ~~services and education shall ensure coordination between local county~~  
15 ~~departments of human or social services and local school districts or~~  
16 ~~administrative units to make such training available upon the request of~~  
17 ~~a foster parent.~~

18 (E) ~~The training described in section 19-7-104.~~

19 (H) ~~The training described in subparagraph (I) of this paragraph~~  
20 ~~(q) may include, but shall not be limited to, in-home training.~~

21 (HH) ~~The department shall consult with county departments and~~  
22 ~~child placement agencies in prescribing such standards in order to insure~~  
23 ~~a more uniform application throughout the state.~~

24 (IV) ~~The hours of training prior to the placement of a child that is~~  
25 ~~described in sub-subparagraph (A) of subparagraph (I) of this paragraph~~  
26 ~~(q) may be completed within four months after such placement if such~~  
27 ~~placement was an emergency placement, as such term shall be defined by~~

1 rule of the state board.

2 (r) Initial and ongoing training of providers of foster care services  
3 in facilities licensed and certified pursuant to this part 1 including  
4 orientation and prelicensing training for child placement agency staff;

5 (s) Standards for the training of providers of cradle care home  
6 services that shall be substantially similar to the training required of  
7 adoptive parents prior to adopting an infant, including ongoing training  
8 hours appropriate to the services provided.

9 (2.3) (3) (a) For purposes of this subsection (2.3) AS USED IN THIS  
10 SUBSECTION (3), "program" means child care offered by a child care  
11 center that holds a license pursuant to this part 1 PART 3, provides child  
12 care exclusively to school-age children, and operates on the property of  
13 a school district, district charter school, or institute charter school,  
14 referred to in this subsection (2.3) SUBSECTION (3) as "school property".

15 (b) When an agency or entity performs an inspection required by  
16 law for a program, the agency or entity shall provide a copy of the  
17 inspection report to the appropriate official of the school district, district  
18 charter school, or institute charter school where the child care center  
19 operates.

20 (c) If all of the requirements in section 22-1-119.5 and any  
21 additional DEPARTMENT rules of the state board are met, a school-age  
22 child enrolled in a program on school property may possess and  
23 self-administer medication for asthma, a food allergy, or anaphylaxis. The  
24 state board EXECUTIVE DIRECTOR may adopt additional rules for programs  
25 on school property concerning the authority to possess and self-administer  
26 medication for asthma, a food allergy, or anaphylaxis.

27 (2.6) (4) If all of the requirements in section 22-1-119.5 and any

1 additional DEPARTMENT rules of the state board are met, a child enrolled  
2 in a large child care center, as defined by rule promulgated by the state  
3 board EXECUTIVE DIRECTOR, may possess and self-administer medication  
4 for asthma, a food allergy, or anaphylaxis. The state board EXECUTIVE  
5 DIRECTOR may adopt additional rules concerning the authority to possess  
6 and self-administer medication for asthma, a food allergy, or anaphylaxis.

7 (3) (5) Any applicant or person licensed to operate a child care  
8 facility or agency under the provisions of this part † PART 3 has the right  
9 to appeal any standard that, in his or her THE APPLICANT'S OR PERSON'S  
10 opinion, works an undue hardship or when, in his or her THE APPLICANT'S  
11 OR PERSON'S opinion, a standard has been too stringently applied by  
12 representatives of the department. The department shall designate a panel  
13 of persons representing various state and local governmental agencies  
14 with an interest in and concern for children to hear such appeal and to  
15 make recommendations to the department. The membership of the  
16 appeals review panel shall MUST include, but need not be limited to, a  
17 representative from child care providers, a representative from a local  
18 early childhood council or local child care resource and referral agency,  
19 a state-level early childhood representative with early care and education  
20 expertise, and a parent representative. THE EXECUTIVE DIRECTOR OR THE  
21 EXECUTIVE DIRECTOR'S DESIGNEE SHALL APPOINT all members to the  
22 appeals review panel. shall be appointed by the executive director or his  
23 or her designee and shall MEMBERS OF THE APPEALS REVIEW PANEL serve  
24 terms of no more than three years. Representatives to the appeals review  
25 panel may serve successive terms.

26 (4) The state board may promulgate rules to regulate the operation  
27 of out-of-home placement provider consortia. The regulation shall not

1 include licensure of out-of-home placement provider consortia:

2 ~~(5) The state board shall promulgate rules to define the~~  
3 ~~requirements for licensure for a licensed host family home serving~~  
4 ~~homeless youth pursuant to the "Homeless Youth Act", article 5.7 of this~~  
5 ~~title:~~

6 ~~(6)(a) A county director of human or social services, or his or her~~  
7 ~~designee, may approve, at his or her discretion, a waiver of non-safety~~  
8 ~~licensing standards for kinship foster care. A waiver may only be~~  
9 ~~approved if:~~

10 ~~(I) It concerns non-safety licensing standards, as set forth by rule~~  
11 ~~of the state board pursuant to paragraph (d) of this subsection (6);~~

12 ~~(II) The safety and well-being of the child or children receiving~~  
13 ~~care is not compromised; and~~

14 ~~(III) The waiver request is in writing.~~

15 ~~(b) In addition to an approved waiver of non-safety licensing~~  
16 ~~standards, a county director of human or social services, or his or her~~  
17 ~~designee, may limit or restrict a license issued to a kinship foster care~~  
18 ~~entity or require that entity to enter into a compliance agreement to ensure~~  
19 ~~the safety and well-being of the child or children in that entity's care.~~

20 ~~(c) A kinship foster care entity may not appeal a denial of a~~  
21 ~~waiver requested pursuant to paragraph (a) of this subsection (6).~~

22 ~~(d) The state board shall promulgate rules concerning the waiver~~  
23 ~~of non-safety licensing standards for kinship foster care. The rules shall~~  
24 ~~include, but need not be limited to, a listing of non-safety licensing~~  
25 ~~standards that may not be waived and circumstances in which waivers do~~  
26 ~~not apply. The state board shall also define by rule the meaning of~~  
27 ~~"kinship foster care" for the purposes of this subsection (6).~~

1           (7) (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
2 rules concerning standards for licensing early care and education  
3 programs that facilitate the recruitment and retention of Colorado's early  
4 childhood educator workforce as described in ~~section 26-6-122~~ SECTION  
5 26.5-6-103.

6           **26.5-5-315. [Formerly 26-6-106.2] Staffing during emergency**  
7 **circumstances - definitions.** (1) During an emergency circumstance, a  
8 child care center may permit an employee who has successfully  
9 completed criminal background check requirements but is not a qualified  
10 caregiver to supervise children for not more than two hours while the  
11 child care center secures a qualified caregiver.

12           (2) Notwithstanding subsection (1) of this section, a large child  
13 care center, as defined by DEPARTMENT rule ~~promulgated by the state~~  
14 ~~board~~, or a child care center that operates on the property of a school  
15 district, district charter school, or institute charter school, may permit an  
16 employee of the child care center or an employee of the school district,  
17 district charter school, or institute charter school who has successfully  
18 completed criminal background check requirements but is not a qualified  
19 caregiver to supervise children for an amount of time that is reasonably  
20 necessary to address an emergency circumstance.

21           (3) During an emergency circumstance, a child care center shall  
22 maintain the staff-to-child ratio required by ~~department~~ rule OF THE  
23 EXECUTIVE DIRECTOR.

24           (4) As used in this section, unless the context otherwise requires,  
25 "emergency circumstance" includes, but is not limited to, illness, death,  
26 accident, law enforcement action, road closure, hazardous weather,  
27 emergency bodily function, child elopement, or providing emergency

1 attention or care to a child.

2 **26.5-5-316. Investigations and inspections - local authority -**  
3 **reports - rules.** (1) (a) (I) (A) [~~Formerly 26-6-107 (1)~~] The ~~state~~  
4 department shall investigate and pass on each original application for a  
5 license, each application for a permanent or time-limited license  
6 following the issuance of a probationary or provisional license, and each  
7 application for renewal, to operate a facility or an agency prior to granting  
8 ~~such~~ THE license or renewal. As part of ~~such~~ THE investigation, the ~~state~~  
9 department shall require each individual, including but not limited to the  
10 applicant, any owner, employee, newly hired employee, licensee, and any  
11 adult who is eighteen years of age and older who resides in the licensed  
12 facility to obtain a fingerprint-based criminal history record check by  
13 reviewing any record that is used to assist the ~~state~~ department in  
14 ascertaining whether the person being investigated has been convicted of  
15 any of the criminal offenses specified in ~~section 26-6-104 (7)~~ SECTION  
16 26.5-5-309 (4) or any other felony. The ~~state board~~ EXECUTIVE DIRECTOR  
17 shall promulgate rules that define and identify what the criminal history  
18 record check entails.

19 (B) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR  
20 pursuant to this subsection (1)(a)(I) must allow an exemption from the  
21 fingerprint-based criminal history record check and the check of the  
22 records and reports of child abuse or neglect maintained by the state  
23 department OF HUMAN SERVICES for those out-of-state employees working  
24 in Colorado at a children's resident camp in a temporary capacity for a  
25 camp that is in operation for fewer than ninety days. Each person so  
26 exempted from fingerprinting and the check of the records and reports of  
27 child abuse or neglect maintained by the state department OF HUMAN

1 SERVICES shall sign a statement that affirmatively states that ~~he or she~~ THE  
2 PERSON has not been convicted of any charge of child abuse, unlawful  
3 sexual offense, or any felony. Prospective employers of ~~such~~ exempted  
4 persons shall conduct reference checks of the prospective employees in  
5 order to verify previous work history and shall conduct personal  
6 interviews with each ~~such~~ prospective employee.

7 (C) Rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR  
8 pursuant to this subsection (1)(a)(I) must require the fingerprint-based  
9 criminal history record check in all circumstances, other than those  
10 identified in subsection (1)(a)(I)(B) ~~or (1)(a)(I)(C.7)~~ OR (1)(a)(I)(D) of  
11 this section, to include a fingerprint-based criminal history record check  
12 utilizing the records of the Colorado bureau of investigation and the  
13 federal bureau of investigation and, for any new owner, new applicant,  
14 newly hired employee, new licensee, or individual who begins residing  
15 in the licensed facility. As part of the investigation, the records and  
16 reports of child abuse or neglect maintained by the state department OF  
17 HUMAN SERVICES must be accessed to determine whether the owner,  
18 applicant, employee, newly hired employee, licensee, or individual who  
19 resides in the licensed facility being investigated has been found to be  
20 responsible in a confirmed report of child abuse or neglect. Information  
21 is made available pursuant to section 19-1-307 (2)(j) and rules  
22 promulgated by the state board OF HUMAN SERVICES pursuant to section  
23 19-3-313.5 (4). Except as provided ~~for in subsection (1)(a)(I)(C.7)~~ IN  
24 SUBSECTION (1)(a)(I)(D) of this section, any change in ownership of a  
25 licensed facility or the addition of a new resident adult or newly hired  
26 employee to the licensed facility requires a new investigation as provided  
27 ~~for~~ in this section.

1           ~~(C.5) (Deleted by amendment, L. 2011, (HB 11-1145), ch. 163,~~  
2 ~~p. 562, § 3, effective August 10, 2011.)~~

3           ~~(C.7)~~ (D) ~~Where~~ WHEN two or more individually licensed  
4 facilities are wholly owned, operated, and controlled by a common  
5 ownership group or school district, a fingerprint-based criminal history  
6 record check and a check of the records and reports of child abuse or  
7 neglect maintained by the STATE department OF HUMAN SERVICES,  
8 completed for one of the licensed facilities of the common ownership  
9 group or school district pursuant to this section for any individual for  
10 whom such a check is required under this ~~part~~ † PART 3 may satisfy the  
11 record check requirement for any other licensed facility under the same  
12 common ownership group or school district. A new fingerprint-based  
13 criminal history record check or new check of the records and reports of  
14 child abuse or neglect maintained by the STATE department OF HUMAN  
15 SERVICES is not required of such an individual if the common ownership  
16 group or school district maintains a central records management system  
17 for employees of all its licensed facilities; takes action as required  
18 pursuant to ~~section 26-6-104~~ SECTION 26.5-5-309 when informed of the  
19 results of a fingerprint-based criminal history record check or check of  
20 the records and reports of child abuse or neglect maintained by the STATE  
21 department OF HUMAN SERVICES that requires action pursuant to this ~~part~~  
22 † PART 3; and informs the department whenever an additional licensed  
23 facility comes under or is no longer under its ownership or control.

24           ~~(D)~~ (E) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
25 rules to implement this ~~subparagraph~~ † SUBSECTION (1)(a)(I).

26           ~~(I.5)~~ (II) Rules promulgated by the ~~state board~~ EXECUTIVE  
27 DIRECTOR pursuant to subsection (1)(a)(I) of this section must also

1 include:

2 (A) A comparison search on the ICON system at the state judicial  
3 department with the name and date of birth information and any other  
4 available source of criminal history information that the state department  
5 determines is appropriate for each circumstance in which the CBI  
6 fingerprint check CONDUCTED BY THE COLORADO BUREAU OF  
7 INVESTIGATION either does not confirm a criminal history or confirms a  
8 criminal history, in order to determine the crime or crimes for which the  
9 person was arrested or convicted and the disposition thereof;

10 (B) Any other recognized database, if any, that is accessible on a  
11 statewide basis as set forth by DEPARTMENT rules; ~~promulgated by the~~  
12 ~~state board~~; and

13 (C) When the results of an investigation performed pursuant to  
14 subsection (1)(a)(I) of this section or this ~~subsection (1)(a)(I.5)~~  
15 SUBSECTION (1)(a)(II) reveal a record of arrest without a disposition, a  
16 name-based criminal history record check, as defined in section  
17 22-2-119.3 (6)(d).

18 ~~(H)~~ (III) If the operator of a facility or agency refuses to hire an  
19 applicant as a result of information disclosed in the investigation of the  
20 applicant pursuant to ~~subparagraph (I) of this paragraph (a)~~ SUBSECTION  
21 (1)(a)(I) OF THIS SECTION, the employer ~~shall not be~~ IS NOT subject to civil  
22 liability for such refusal to hire. If a former employer of the applicant  
23 releases information requested by the prospective employer pertaining to  
24 the applicant's former performance, the former employer ~~shall not be~~ IS  
25 NOT subject to civil liability for the information given.

26 ~~(a.5) An applicant for certification as a foster care home shall~~  
27 ~~provide the child placement agency or the county department from whom~~

1 ~~the certification is sought with a list of all the prior child placement~~  
2 ~~agencies and county departments to which the applicant had previously~~  
3 ~~applied, and a release of information from such child placement agencies~~  
4 ~~and county departments to which the applicant had previously applied, to~~  
5 ~~obtain information about the application and any certification given by~~  
6 ~~such child placement agencies and county departments. A child placement~~  
7 ~~agency or county department from whom the certification is sought shall~~  
8 ~~conduct a reference check of the applicant and any adult resident of the~~  
9 ~~foster care home by contacting all of the child placement agencies and~~  
10 ~~county departments identified by the applicant before issuing the~~  
11 ~~certification for that foster care home. Child placement agencies and~~  
12 ~~county departments shall be held harmless for information released, in~~  
13 ~~good faith, to other child placement agencies or county departments.~~

14 ~~(a.7) (I) For all applicants applying to be a foster care home or~~  
15 ~~kinship foster care home, regardless of reimbursement, the county~~  
16 ~~department or child placement agency shall require each adult who is~~  
17 ~~eighteen years of age or older and who resides in the home to obtain a~~  
18 ~~fingerprint-based criminal history record check through the Colorado~~  
19 ~~bureau of investigation and the federal bureau of investigation. The~~  
20 ~~applicant must provide the county department or child placement agency~~  
21 ~~with the addresses where the applicant and any adult residing in the home~~  
22 ~~has lived in the preceding five years, including addresses from other~~  
23 ~~states. The county department or the child placement agency shall~~  
24 ~~conduct the following background checks of the applicant or an adult~~  
25 ~~residing in the home:~~

26 ~~(A) A fingerprint-based criminal history record check to~~  
27 ~~determine if the applicant or adult residing in the home has been~~

1 convicted of any of the crimes listed in section 26-6-106.3 (5)(a);

2 (B) ~~A check of the ICON system at the state judicial department~~  
3 ~~to determine the status or disposition of any pending criminal charges~~  
4 ~~brought against the applicant or adult who resides in the home that were~~  
5 ~~identified by the fingerprint-based criminal history record check through~~  
6 ~~the Colorado bureau of investigation and the federal bureau of~~  
7 ~~investigation;~~

8 (C) ~~A check of the state department's automated database for~~  
9 ~~information to determine if the applicant or adult who resides in the home~~  
10 ~~has been identified as having a finding of child abuse or neglect and~~  
11 ~~whether such finding has been determined to present an unsafe placement~~  
12 ~~for a child;~~

13 (D) ~~A check against the state's sex offender registry and against~~  
14 ~~the national sex offender public registry operated by the United States~~  
15 ~~department of justice that checks names and addresses in the registries~~  
16 ~~and the interactive database system for Colorado to determine if the~~  
17 ~~applicant or adult who resides at the home is a registered sex offender;~~  
18 ~~and~~

19 (E) ~~When the results of a fingerprint-based criminal history record~~  
20 ~~check performed pursuant to this subsection (1)(a.7)(I) reveal a record of~~  
21 ~~arrest without a disposition, a name-based criminal history record check,~~  
22 ~~as defined in section 22-2-119.3 (6)(d).~~

23 (H) ~~In addition to the fingerprint-based criminal history record~~  
24 ~~check, the county department or child placement agency shall contact the~~  
25 ~~appropriate entity in each state in which the applicant or any adult~~  
26 ~~residing in the home has resided within the preceding five years to~~  
27 ~~determine whether the individual has been found to be responsible in a~~

1 confirmed report of child abuse or neglect.

2 (III) ~~The screening request in Colorado for criminal history record~~  
3 ~~checks through the Colorado bureau of investigation and the federal~~  
4 ~~bureau of investigation shall be made pursuant to section 19-1-307~~  
5 ~~(2)(k.5), C.R.S., rules promulgated by the state board pursuant to section~~  
6 ~~19-3-313.5, C.R.S., and 42 U.S.C. sec. 671 (a)(20).~~

7 (IV) ~~An investigation pursuant to this paragraph (a.7) shall be~~  
8 ~~conducted for any new resident adult whenever the adult is added to the~~  
9 ~~foster care home or kinship care home. Information obtained from any~~  
10 ~~state records of abuse or neglect shall not be used for any purpose other~~  
11 ~~than conducting the investigation for placement or certification.~~

12 (b) (I) ~~When the state department county department, or child~~  
13 ~~placement agency DEPARTMENT is able to certify that the applicant or~~  
14 ~~licensee is competent and will operate adequate facilities to care for~~  
15 ~~children under the requirements of this part † PART 3 and that standards~~  
16 ~~are being met and will be complied with, it shall issue the license for~~  
17 ~~which applied. The state department shall inspect or cause to be inspected~~  
18 ~~the facilities to be operated by an applicant for an original license before~~  
19 ~~the license is granted and shall thereafter inspect or cause to be inspected~~  
20 ~~the facilities of all licensees that, during the period of licensure, have~~  
21 ~~been found to be the subject of complaints or to be out of compliance~~  
22 ~~with the standards set forth in section 26-6-106 SECTION 26.5-5-314 and~~  
23 ~~the DEPARTMENT rules of the state department or that otherwise appear to~~  
24 ~~be placing children at risk. The state department may make such other~~  
25 ~~inspections as it deems necessary to ensure that the requirements of this~~  
26 ~~article PART 3 are being met and that the health, safety, and welfare of the~~  
27 ~~children being placed are protected. If, as a result of an inspection of a~~

1 certified foster care home, the state department determines that any child  
2 residing in such foster care home is subject to an immediate and direct  
3 threat to his or her safety and welfare as defined by rules promulgated by  
4 the state board or that a substantial violation of a fundamental standard  
5 of care warrants immediate action, the state department may require a  
6 county department to immediately remove such child from the foster care  
7 home.

8 (II) The ~~state board~~ EXECUTIVE DIRECTOR shall adopt rules  
9 concerning the on-site public availability of the most recent inspection  
10 report results of child care center facilities and family child care home  
11 facilities, when requested. The ~~state board~~ EXECUTIVE DIRECTOR shall  
12 also adopt rules concerning a requirement that all facilities licensed under  
13 this ~~part~~ PART 3 post their licenses and information regarding the  
14 procedures for filing a complaint under this ~~part~~ PART 3 directly with the  
15 state department, which rules shall MUST require that each such facility  
16 display its license and complaint procedures in a prominent and  
17 conspicuous location at all times during operational hours of the facility.  
18 ~~except that such rules shall not require foster care homes to post their~~  
19 ~~licenses and such rules shall not require foster care homes and child~~  
20 ~~placement agencies to post information regarding the procedures for~~  
21 ~~filing a complaint under this part 1 directly with the state department. The~~  
22 ~~state board shall adopt rules requiring foster care homes to make their~~  
23 ~~licenses available to their patrons for inspection, upon request, and~~  
24 ~~requiring foster care homes and child placement agencies to make the~~  
25 ~~information concerning the filing of complaints available to their patrons~~  
26 ~~for inspection, upon request.~~

27 (III) If, as a result of an inspection of a licensed child care center

1 facility or family child care home facility, the ~~state~~ department determines  
2 that there were no serious violations of any of the standards prescribed  
3 and published by the ~~state~~ department or any of the provisions of this ~~part~~  
4 ~~† PART 3~~, within twenty days after completing the inspection the ~~state~~  
5 department shall send a written notice to ~~such~~ THE facility indicating such  
6 fact. Within ten days after receipt of ~~such~~ THE written notice, the licensee  
7 shall provide a copy of the written notice to the parents and legal  
8 guardians of the children cared for at the child care center facility or  
9 family child care home facility.

10 ~~(1.5) Repealed.~~

11 (2) **[Formerly 26-6-107.5 (1)]** When the ~~state~~ department receives  
12 a serious complaint about a child care facility licensed pursuant to this  
13 ~~part~~ ~~† PART 3~~ alleging the immediate risk of health or safety of the  
14 children cared for in such facility, the ~~state~~ department shall respond to  
15 THE COMPLAINT and conduct an on-site investigation concerning ~~such~~ THE  
16 complaint within forty-eight hours ~~of~~ AFTER its receipt.

17 (3) (a) (I) **[Formerly 26-6-107 (2)]** Except as otherwise provided  
18 in ~~subparagraph (II) of this paragraph (a), the state~~ SUBSECTION (3)(a)(II)  
19 OF THIS SECTION, THE department may authorize or contract with any  
20 county department, the county department of health, or any other publicly  
21 or privately operated organization that has a declared interest in children  
22 and experience working with children or on behalf of children to  
23 investigate and inspect the facilities applying for an original or renewal  
24 license or applying for a permanent license following the issuance of a  
25 probationary or provisional license under this ~~part~~ ~~† PART 3~~ and may  
26 accept reports on such investigations and inspections from such agencies  
27 or organizations as a basis for such licensing. When contracting for

1 investigations and inspections, the ~~state~~ department shall assure that the  
2 contractor is qualified by training and experience and has no conflict of  
3 interest with respect to the facilities to be inspected.

4 (II) The ~~state~~ department shall not authorize or contract with any  
5 county department, the county department of health, or any other publicly  
6 or privately operated organization that has a declared interest in children  
7 and experience working with children or on behalf of children for  
8 investigations and inspections described in ~~subparagraph (I) of this~~  
9 ~~paragraph (a)~~ SUBSECTION (3)(a)(I) OF THIS SECTION of any facilities that  
10 provide twenty-four-hour care and are licensed pursuant to this ~~part~~  
11 PART 3.

12 (b) A city, county, or city and county may impose and enforce  
13 higher standards and requirements for facilities licensed under this ~~part~~  
14 ~~†~~ PART 3 than the standards and requirements specified under this ~~part~~  
15 ~~†~~ PART 3.

16 (4) **[Formerly 26-6-107 (3)]** Every facility licensed under this ~~part~~  
17 ~~†~~ PART 3 shall keep and maintain such records as the department may  
18 prescribe pertaining to the admission, progress, health, and discharge of  
19 children under the care of the facility, and shall report relative thereto to  
20 the department whenever called for, upon forms prescribed by the  
21 department. THE FACILITY AND THE DEPARTMENT SHALL KEEP all records  
22 regarding children and all facts learned about children and their relatives  
23 ~~shall be kept confidential. both by the facility and the department.~~

24 **26.5-5-317. [Formerly 26-6-108] Denial of license - suspension**  
25 **- revocation - probation - refusal to renew license - fines.** (1) When an  
26 application for a license has been denied by the department, the  
27 department shall notify the applicant in writing of the denial by mailing

1 a notice to ~~him or her~~ THE APPLICANT at the address shown on the  
2 application. Any applicant ~~believing himself or herself~~ WHO IS aggrieved  
3 by the denial may pursue the remedy for review as provided in ~~subsection~~  
4 ~~(3)~~ SUBSECTION (9) of this section if ~~he or she~~ THE APPLICANT, within  
5 thirty days after receiving the notice, petitions the department to set a date  
6 and place for hearing, affording ~~him or her~~ THE APPLICANT an opportunity  
7 to be heard in person or by counsel. All hearings on the denial of licenses  
8 shall be conducted in conformity with the provisions and procedures  
9 specified in article 4 of title 24, ~~€R.S.~~, as in the case of the suspension  
10 and revocation of licenses.

11 (2) The department may deny an application, or suspend, revoke,  
12 or make probationary the license of any facility regulated and licensed  
13 under this ~~part~~ PART 3 or assess a fine against the licensee pursuant to  
14 ~~section 26-6-114~~ SECTION 26.5-5-323 ~~should~~ IF the licensee, an affiliate  
15 of the licensee, a person employed by the licensee, or a person who  
16 resides with the licensee at the facility:

17 (a) ~~Be~~ IS convicted of any felony, other than those offenses  
18 specified in ~~section 26-6-104~~ (7) SECTION 26.5-5-309 (4), or child abuse,  
19 as specified in section 18-6-401, ~~€R.S.~~, the record of conviction being  
20 conclusive evidence thereof, notwithstanding section 24-5-101; ~~€R.S.~~,  
21 or have entered into a deferred judgment agreement or a deferred  
22 prosecution agreement to any felony, other than those offenses specified  
23 in ~~section 26-6-104~~ (7) SECTION 26.5-5-309 (4) OR child abuse, as  
24 specified in section 18-6-401; ~~€R.S.~~, or should the department have a  
25 certified court order from another state indicating that the applicant,  
26 licensee, person employed by the licensee, or any person residing with the  
27 licensee has been convicted of a felony, other than those offenses

1 specified in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4), under a law of  
2 any other state or the United States or has entered into a deferred  
3 judgment agreement or a deferred prosecution agreement in another state  
4 as to a felony, other than those offenses specified in ~~section 26-6-104 (7)~~  
5 SECTION 26.5-5-309 (4); or

6 ~~(a.5)~~ (b) ~~Be~~ IS convicted of third degree assault, as described in  
7 section 18-3-204; ~~€R.S.~~; any misdemeanor, the underlying factual basis  
8 of which has been found by the court on the record to include an act of  
9 domestic violence, as defined in section 18-6-800.3; ~~€R.S.~~; the violation  
10 of a protection order, as described in section 18-6-803.5; ~~€R.S.~~; any  
11 misdemeanor offense of child abuse as defined in section 18-6-401;  
12 ~~€R.S.~~; or any misdemeanor offense in any other state, the elements of  
13 which are substantially similar to the elements of any one of the offenses  
14 described in this ~~paragraph (a.5)~~ SUBSECTION (2)(b). ~~For purposes of this~~  
15 ~~paragraph (a.5), "convicted" shall have~~ AS USED IN THIS SUBSECTION  
16 (2)(b), "CONVICTED" HAS the same meaning as set forth in ~~section~~  
17 ~~26-6-104 (7)(a)(H)~~ SECTION 26.5-5-309 (4)(a)(II).

18 ~~(b)~~ (c) ~~Be~~ IS determined to be insane or mentally incompetent by  
19 a court of competent jurisdiction and, ~~should a court enter~~ IF A COURT  
20 ENTERS, pursuant to part 3 or part 4 of article 14 of title 15, ~~€R.S.~~; or  
21 section 27-65-109 (4) or 27-65-127, ~~€R.S.~~; an order specifically finding  
22 that the mental incompetency or insanity is of such a degree that the  
23 licensee is incapable of operating a family child care home ~~foster care~~  
24 ~~home~~; or child care center, the record of such determination and entry of  
25 such order being conclusive evidence thereof; or

26 ~~(e)~~ (d) ~~Use~~ USES any controlled substance, as defined in section  
27 18-18-102 (5), ~~€R.S.~~; including retail marijuana, or ~~consume~~ CONSUMES

1 any alcoholic beverage during the operating hours of the facility or ~~be~~ IS  
2 under the influence of a controlled substance or alcoholic beverage during  
3 the operating hours of the facility; or

4 ~~(c.5)~~ (e) ~~Be~~ IS convicted of unlawful use of a controlled substance  
5 as specified in section 18-18-404; ~~C.R.S.~~; unlawful distribution,  
6 manufacturing, dispensing, sale, or possession of a controlled substance  
7 as specified in section 18-18-403.5 OR 18-18-405; ~~or 18-18-405.5, C.R.S.~~;  
8 or unlawful offenses relating to marijuana or marijuana concentrate as  
9 specified in section 18-18-406; ~~C.R.S.~~; or

10 ~~(d)~~ (f) Consistently ~~fail~~ FAILS to maintain standards prescribed and  
11 published by the department; or

12 ~~(e)~~ (g) ~~Furnish or make~~ FURNISHES OR MAKES any misleading or  
13 any false statement or report to the department; or

14 ~~(f)~~ (h) ~~Refuse~~ REFUSES to submit to the department any reports or  
15 ~~refuse~~ REFUSES to make available to the department any records required  
16 by it in making investigation of the facility for licensing purposes; or

17 ~~(g)~~ (i) ~~Fail or refuse~~ FAILS OR REFUSES to submit to an  
18 investigation or inspection by the department or to admit authorized  
19 representatives of the department at any reasonable time for the purpose  
20 of investigation or inspection; or

21 ~~(h)~~ (j) ~~Fail~~ FAILS to provide, maintain, equip, and keep in safe and  
22 sanitary condition premises established or used for child care pursuant to  
23 standards prescribed by the department of public health and environment  
24 and the department ~~of human services~~ or by ordinances or regulations  
25 applicable to the location of such facility; or

26 ~~(i)~~ (k) Willfully or deliberately ~~violate~~ VIOLATES any of the  
27 provisions of this ~~part~~ PART 3 OR ANY OF THE STANDARDS PRESCRIBED

1 ~~AND PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 3;~~ or

2 ~~(j)~~ (l) ~~Fail~~ FAILS to maintain financial resources adequate for the  
3 satisfactory care of children served in regard to upkeep of premises and  
4 provision for personal care, medical services, clothing, and other  
5 essentials in the proper care of children; or

6 ~~(k)~~ (m) ~~Be~~ IS charged with the commission of an act of child  
7 abuse or an unlawful sexual offense, as specified in section 18-3-411 (1),  
8 C.R.S., if:

9 (I) Such individual has admitted committing the act or offense and  
10 the admission is documented or uncontroverted; or

11 (II) The administrative law judge finds that such charge is  
12 supported by substantial evidence; or

13 ~~(h)~~ (n) ~~Admit~~ ADMITS to an act of child abuse or if substantial  
14 evidence is found that the licensee, person employed by the licensee, or  
15 person who resides with the licensee in the licensed facility has  
16 committed an act of child abuse. ~~For the purposes of this paragraph (h) AS~~  
17 ~~USED IN THIS SUBSECTION (2)(n), "child abuse" has the same meaning as~~  
18 ~~that ascribed to the term "abuse" or "child abuse or neglect" in section~~  
19 ~~19-1-103 (1); C.R.S.; or~~

20 ~~(m)~~ (o) ~~Be~~ IS the subject of a negative licensing action. ~~or~~

21 ~~(n) Misuse any public funds that are provided to any foster care~~  
22 ~~home or any child placement agency that places or arranges for placement~~  
23 ~~of a child in foster care for the purposes of providing foster care services,~~  
24 ~~child placement services related to the provision of foster care, or any~~  
25 ~~administrative costs related to the provision of such foster care services~~  
26 ~~or such foster-care-related child placement services. The state board shall~~  
27 ~~promulgate rules defining the term "misuse", which rules shall take into~~

1 ~~account similar definitions in federal law and may include references to~~  
2 ~~relevant circulars of the federal office of management and budget.~~

3 ~~(2.2)~~ (3) The state department may deny an application to renew  
4 a license based on the grounds set forth in subsection (2) of this section.  
5 The denial is effective upon the expiration of the existing license. The  
6 existing license ~~shall not~~ DOES NOT continue in effect even though the  
7 applicant for renewal files a request for hearing or appeal.

8 ~~(2.3)~~ (4) The state department may deny an application for a child  
9 care facility license pursuant to this ~~part 1 if such~~ PART 3 IF THE applicant  
10 is a relative affiliate of a licensee ~~as described in section 26-6-102 (1)(d);~~  
11 of a child care facility licensed pursuant to this ~~part 1~~ PART 3, which  
12 licensee is the subject of a previous negative licensing action or is the  
13 subject of a pending investigation by the state department that may result  
14 in a negative licensing action.

15 ~~(2.4)~~ The state department may deny an application for a child  
16 placement agency license pursuant to this ~~part 1 if such~~ applicant is a  
17 relative affiliate of a licensee ~~as described in section 26-6-102 (1)(d);~~ of  
18 a child placement agency licensed pursuant to this ~~part 1~~, which licensee  
19 is the subject of a previous negative licensing action or is the subject of  
20 a pending investigation by the state department that may result in a  
21 negative licensing action.

22 ~~(2.5)~~ (5) (a) (I) The state department shall deny an application for  
23 a license under the circumstances described in ~~section 26-6-104 (7)~~  
24 SECTION 26.5-5-309 (4). The state department shall revoke or suspend a  
25 license previously issued if:

26 (A) The licensee, person employed by the licensee, or person  
27 residing with the licensee is thereafter convicted or if it is later discovered

1 that the licensee, person employed by the licensee, or person residing with  
2 the licensee had previously been convicted of any of the criminal offenses  
3 set forth in ~~section 26-6-104 (7)~~ SECTION 26.5-5-309 (4); or

4 (B) The department has a certified court order from another state  
5 indicating that the licensee, person employed by the licensee, or person  
6 residing with the licensee is thereafter convicted of, or if it is later  
7 discovered that the licensee, person employed by the licensee, or person  
8 residing with the licensee had previously been convicted of a criminal  
9 offense under a law of any other state or of the United States that is  
10 similar to any of the criminal offenses set forth in ~~section 26-6-104 (7)~~  
11 SECTION 26.5-5-309 (4); or

12 (C) The licensee, an affiliate of the licensee, a person employed  
13 by the licensee, or a person who resides with the licensee at the facility  
14 has been determined to be insane or mentally incompetent by a court of  
15 competent jurisdiction ~~and, should a court enter~~ AND THE COURT HAS  
16 ENTERED pursuant to part 3 or part 4 of article 14 of title 15 ~~€:R:S.,~~ or  
17 section 27-65-109 (4) or 27-65-127, ~~€:R:S.,~~ an order specifically finding  
18 that the mental incompetency or insanity is of such a degree that the  
19 licensee is incapable of operating a family child care home ~~foster care~~  
20 ~~home,~~ or child care center, the record of ~~such~~ THE determination and entry  
21 of ~~such~~ THE order being conclusive evidence thereof.

22 (II) ~~For purposes of this paragraph (a)~~ AS USED IN THIS  
23 SUBSECTION (5)(a), "convicted" means a conviction by a jury or by a court  
24 and ~~shall also include~~ INCLUDES a deferred judgment and sentence  
25 agreement, a deferred prosecution agreement, a deferred adjudication  
26 agreement, an adjudication, and a plea of guilty or nolo contendere.

27 (b) A certified copy of the judgment of a court of competent

1 jurisdiction of such conviction or deferred judgment and sentence  
2 agreement, deferred prosecution agreement, deferred adjudication  
3 agreement, or a certified court order from another state indicating such an  
4 agreement from another state ~~shall be~~ IS prima facie evidence of such  
5 conviction or agreement.

6 ~~(2.6)~~ (6) The ~~state~~ department shall deny an application for an  
7 entity licensed under this ~~article~~ PART 3 and shall revoke the license of an  
8 entity licensed under this ~~article~~ PART 3 if the entity cultivates marijuana  
9 pursuant to the authority in section 16 of article XVIII of the state  
10 constitution.

11 ~~(2.7)~~ (7) The department may assess fines, pursuant to the  
12 provisions of ~~section 26-6-114~~ SECTION 26.5-5-323, against a licensee or  
13 a person employed by the licensee who willfully and deliberately or  
14 consistently violates the standards prescribed and published by the  
15 department or the provisions of this ~~part 1~~ PART 3.

16 ~~(2.9)~~ (8) The DEPARTMENT SHALL DETERMINE THE EXISTENCE OF  
17 convictions identified in this section ~~shall be determined~~ according to the  
18 records of the Colorado bureau of investigation, the ICON system at the  
19 state judicial department, or any other source, as set forth in ~~section~~  
20 ~~26-6-107 (1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(II).

21 ~~(3)~~ (9) The department shall suspend or revoke a license only in  
22 conformity with the provisions and procedures specified in article 4 of  
23 title 24, C.R.S., and after a hearing thereon as provided in said article 4;  
24 except that AN ADMINISTRATIVE LAW JUDGE            SHALL CONDUCT all  
25 hearings under this ~~part 1~~ ~~shall be conducted by an administrative law~~  
26 ~~judge of the department who shall render his or her recommendation to~~  
27 ~~PART 3 AND ISSUE AN INITIAL DECISION.~~ The executive director of the

1 ~~department of human services who shall render~~ SHALL REVIEW THE  
2 ~~INITIAL DECISION AND ISSUE the final decision of the department. and no~~  
3 ~~licensee shall be~~ A LICENSEE IS NOT entitled to a right to cure any of the  
4 charges described in ~~paragraph (a), (b), (c), or (k)(I) of subsection (2)~~  
5 ~~SUBSECTION (2)(a), (2)(c), (2)(d), OR (2)(m)(I) of this section. No such~~  
6 ~~hearing shall~~ A HEARING DOES NOT prevent or delay any injunctive  
7 proceedings instituted under the provisions of ~~section 26-6-111~~ SECTION  
8 26.5-5-320.

9 (4) ~~The provisions of paragraph (c) of subsection (2) of this~~  
10 ~~section shall not apply to foster care homes, unless such use or~~  
11 ~~consumption impairs the licensee's ability to properly care for children.~~

12 (5) ~~Only upon the request of a county department, a child~~  
13 ~~placement agency licensed pursuant to this part 1 that places or arranges~~  
14 ~~for placement of a child in foster care may certify the home of a relative~~  
15 ~~of the child placed therein as a foster care home.~~

16 **26.5-5-318. [Formerly 26-6-108.5] Notice of negative licensing**  
17 **action - filing of complaints.** (1) (a) When a child care center facility or  
18 family child care home facility licensed pursuant to this ~~part 1~~ PART 3 has  
19 been notified by the department of a negative licensing action or the  
20 imposition of a fine pursuant to ~~section 26-6-108 (2) and (2.7)~~ SECTION  
21 26.5-5-317 (2) AND (7), it shall, within ten days after receipt of the notice,  
22 provide the department with the names and mailing addresses of the  
23 parents or legal guardians of each child cared for at the child care center  
24 facility or family child care home facility. The department shall maintain  
25 the confidentiality of the names and mailing addresses provided to it  
26 pursuant to this subsection (1).

27 (b) Within twenty days after receipt of the names and addresses

1 of parents and legal guardians pursuant to ~~paragraph (a) of this subsection~~  
2 ~~(1) SUBSECTION (1)(a) OF THIS SECTION~~, the department shall send a  
3 written notice to each ~~such~~ parent or legal guardian identifying the  
4 negative licensing action or the fine imposed and providing a description  
5 of the basis for the action as it relates to the impact on the health, safety,  
6 and welfare of the children in the care of the facility. ~~Such notice shall be~~  
7 ~~sent~~ THE DEPARTMENT SHALL SEND THE NOTICE to the parents and legal  
8 guardians by first-class mail.

9 (c) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
10 concerning the assessment of a fine against a licensee that is equal to the  
11 direct and indirect costs associated with the mailing of the notice  
12 described in ~~paragraph (b) of this subsection~~ ~~(1) SUBSECTION (1)(b) OF~~  
13 THIS SECTION against the facility.

14 (d) ~~Nothing in this subsection (1) precludes the state~~ THIS  
15 SUBSECTION (1) DOES NOT PRECLUDE THE department or a county  
16 department of human or social services from notifying parents of serious  
17 violations of any of the standards prescribed and published by the  
18 department or any of the provisions of this ~~part 1~~ PART 3 that could  
19 impact the health, safety, or welfare of a child cared for at the facility or  
20 home.

21 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
22 requiring child care center facilities and family child care home facilities  
23 to provide written notice to the parents and legal guardians of the children  
24 cared for in such facilities of the procedures by which to file a complaint  
25 against the facility or an employee of the facility with the ~~division of child~~  
26 ~~care in the department~~. Such rules shall specify what DEPARTMENT. THE  
27 RULES MUST SPECIFY THE information the notice shall MUST contain, but

1 ~~shall~~ MUST require that the notice include the current mailing address and  
2 telephone number of the ~~division of child care in~~ APPROPRIATE DIVISION  
3 WITHIN the department.

4 (3) The department shall track and record complaints made to the  
5 department that are brought against family child care homes and shall  
6 identify which complaints were brought against licensed family child care  
7 homes, ~~as defined in section 26-6-102 (13)~~, unlicensed family child care  
8 homes, or legally exempt family child care homes. ~~as defined in section~~  
9 ~~26-6-102 (12)~~.

10 **26.5-5-319. [Formerly 26-6-109] Institutes.**

11 ~~(1) Repealed.~~

12 ~~(2)~~ The department is authorized to hold institutes and programs  
13 for licensees under this ~~part 1 in order~~ PART 3 to assist in the improvement  
14 of standards and practices of facilities operated and maintained by  
15 licensees and in the more efficient and practical administration and  
16 enforcement of this ~~part 1~~ PART 3. In conducting ~~such~~ institutes and  
17 programs, the department may request the assistance of health, education,  
18 and fire safety officials.

19 **26.5-5-320. [Formerly 26-6-111] Injunctive proceedings.** The  
20 department, in the name of the people of the state of Colorado, through  
21 the attorney general of the state, must apply for an injunction in any court  
22 of competent jurisdiction to enjoin any person from operating any facility  
23 without a license that is required to be licensed under this ~~part 1~~ PART 3.  
24 If the person does not have a valid license pursuant to this ~~part 1~~ PART 3,  
25 the person's license has been revoked pursuant to ~~section 26-6-108~~  
26 SECTION 26.5-5-317, or the person does not meet the licensing exemption  
27 criteria set forth in ~~section 26-6-103~~ SECTION 26.5-5-304, yet provides

1 child care, and has a pattern of providing such child care without a valid  
2 license as required by this ~~part~~ PART 3, and despite having received  
3 notification from the department that the person or facility is in violation  
4 of the law, then ~~such~~ THE person is providing unlicensed and illegal child  
5 care. At the time the department applies for an injunction, the department  
6 shall notify law enforcement of the injunction proceedings. If it is  
7 established that the defendant has been or is so operating ~~such~~ THE facility  
8 without a valid license, the court shall enter a decree enjoining the  
9 defendant from further operating the facility unless and until the person  
10 obtains a license ~~therefor~~ TO OPERATE THE FACILITY. In case of violation  
11 of any injunction issued pursuant to this section, the court may summarily  
12 try and punish the offender for contempt of court. Such injunctive  
13 proceedings are in addition to and not in lieu of the penalty provided in  
14 ~~section 26-6-112~~ SECTION 26.5-5-321.

15 **26.5-5-321. [Formerly 26-6-112] Penalty - short title.** (1) On or  
16 after July 1, 2021, any person violating any provision of this ~~part~~ PART  
17 3, intentionally making any false statement or report to the department or  
18 to any agency delegated by the department to make an investigation or  
19 inspection pursuant to the provisions of this ~~part~~ PART 3, or violating a  
20 cease-and-desist order that is not cured ~~is guilty of~~ COMMITS a petty  
21 offense and, upon conviction, shall be punished by a fine of up to five  
22 hundred dollars, a sentence of up to ten days in jail, or both.

23 (2) The short title of this section is the "Elle Matthews Act for  
24 Increased Safety in Child Care".

25 **26.5-5-322. [Formerly 26-6-113] Periodic review of licensing**  
26 **rules and procedures - legislative declaration.** (1) The general  
27 assembly finds that changes in demographics and economic trends in

1 Colorado have increased the need for high-quality and affordable child  
2 care. The general assembly also recognizes that the provision of child  
3 care in this state and in the nation is a rapidly growing industry subject to  
4 many changes. The general assembly further finds that there is a need for  
5 continuing comprehensive review of the rules ~~and regulations~~ and the  
6 licensing procedures governing child care centers AND family child care  
7 homes ~~and foster care homes~~ that includes the adequate and full  
8 participation of parents, consumers, child care providers, and interested  
9 persons. The general assembly finds that such a review with the goal of  
10 identifying problems in the fragmentation and lack of uniformity of  
11 standards in the licensing process would benefit the state and result in  
12 improvements in the regulation of this industry that is so vital to the  
13 health and well-being of the state's children and citizens.

14 (2) ~~Beginning with fiscal year 1995-1996, an initial~~  
15 ~~comprehensive rule and regulation review shall be conducted in~~  
16 ~~conjunction with the performance audit required by section 26-6-107~~  
17 ~~(1.5), and, at least every fifth fiscal year thereafter~~ BY JULY 1, 2023, AND  
18 AT LEAST EVERY FIVE YEARS THEREAFTER, THE DEPARTMENT SHALL  
19 CONDUCT a comprehensive review of the licensing rules ~~and regulations~~  
20 for child care centers AND family child care homes ~~and foster care homes~~  
21 and the procedures relating to and governing child care centers AND  
22 family child care homes, ~~and foster care homes shall be conducted by the~~  
23 ~~department~~, including procedures for the review of backgrounds of  
24 employees and owners. In conducting such periodic review, the  
25 department shall consult with parents and consumers of child care, child  
26 care providers, the department of public health and environment, THE  
27 DEPARTMENT OF HUMAN SERVICES, experts in the child care field, and

1 other interested parties throughout the state. The periodic review ~~shall~~  
2 MUST include an examination of the rules ~~and regulations~~ applicable to  
3 child care centers AND family child care homes, ~~and foster care homes,~~  
4 the process of licensing such facilities, uniformity of standards or lack  
5 thereof in the licensing process, statewide standardization of  
6 investigations and enforcement of licensing by the department,  
7 duplication and conflicts in ~~regulations~~ RULES, requirements, or  
8 procedures between the department and the department of public health  
9 and environment, and recommendations for streamlining and unifying the  
10 licensing process. ~~Said review shall~~ THE REVIEW MUST also include an  
11 examination of ~~regulations~~ RULES and procedures regarding the general  
12 physical and mental health of employees and owners. At the conclusion  
13 of each review, the department shall report its findings and conclusions  
14 and its recommendations for administrative changes and for legislation  
15 to the ~~state board~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
16 CHILDHOOD and the executive director of the department of public health  
17 and environment.

18 **26.5-5-323. [Formerly 26-6-114] Civil penalties - fines - child**  
19 **care cash fund - created.** (1) In addition to any other penalty otherwise  
20 provided by law, including ~~section 26-6-112~~ SECTION 26.5-5-321, any  
21 person violating any provision of this ~~part~~ PART 3 or intentionally  
22 making any false statement or report to the department or to any agency  
23 delegated by the department to make an investigation or inspection under  
24 the provisions of this ~~part~~ PART 3 may be assessed a civil penalty up to  
25 a maximum of ten thousand dollars as follows:

- 26 (a) Two hundred ~~and~~ fifty dollars a day for the first day;  
27 (b) Five hundred dollars a day for the second day; and

1 (c) One thousand dollars a day for the third and subsequent days.

2 ~~(2) Repealed.~~

3 ~~(3)~~ (2) Each day in which a person is in violation of any provision  
4 of this ~~part 1~~ PART 3 may constitute a separate offense.

5 ~~(4)~~ (3) The department may assess a civil penalty in conformity  
6 with the provisions and procedures specified in article 4 of title 24;  
7 C.R.S.; except that all hearings conducted pursuant to this section shall  
8 MUST be before an administrative law judge, ~~of the department, who shall~~  
9 ~~render his or her recommendation to~~ WHO SHALL ISSUE AN INITIAL  
10 DECISION. The executive director ~~of the department who render~~ SHALL  
11 REVIEW THE INITIAL DECISION AND ISSUE the final decision of the  
12 department.

13 ~~(5)~~ (4) The DEPARTMENT SHALL TRANSMIT THE fines collected  
14 pursuant to this section, ~~section 26-6-108 (2) and (2.7), and section~~  
15 ~~26-6-108.5 (1)(c) shall be transmitted~~ SECTION 26.5-5-317 (2) AND (7),  
16 AND SECTION 26.5-5-318 (1)(c) to the state treasurer, who shall credit the  
17 same to the child care cash fund, which fund is hereby created in the state  
18 treasury. THE STATE TREASURER SHALL CREDIT TO THE FUND all interest  
19 derived from the deposit and investment of ~~moneys in the fund shall be~~  
20 ~~credited to the fund~~ MONEY IN THE FUND. At the end of any fiscal year, all  
21 unexpended and unencumbered ~~moneys~~ MONEY in the fund shall remain  
22 ~~therein~~ REMAINS IN THE FUND and shall is not be credited or transferred  
23 to the general fund or any other fund. ~~Moneys~~ MONEY in the child care  
24 cash fund ~~are hereby~~ IS continuously appropriated to the department to  
25 fund activities related to the improvement of the quality of child care in  
26 the state of Colorado.

27 **26.5-5-324. [Formerly 26-6-116] Child care resource and**

1 **referral system - created.** ~~(1)~~ The ~~state~~ department shall design and  
2 develop a child care resource and referral system, referred to in this  
3 section as the "system", to assist in promoting availability, accessibility,  
4 and quality of child care services in Colorado. The executive director, or  
5 ~~his or her designee, shall have the authority~~ THE EXECUTIVE DIRECTOR'S  
6 DESIGNEE, IS AUTHORIZED, within available appropriations, to designate  
7 a public or private entity ~~that shall be~~ TO BE responsible for the  
8 administration of the system, and may enter into a contract with the  
9 administering entity for ~~such~~ THIS purpose. The executive director shall  
10 designate or redesignate ~~such~~ AN administering entity on a biennial basis.

11 ~~(2) Repealed.~~

12 **26.5-5-325. [Formerly 26-6-119] Family child care homes -**  
13 **administration of routine medications - parental direction - rules.**

14 (1) The delegation of nursing tasks by a registered nurse pursuant to  
15 section 12-255-131 ~~shall not be~~ IS NOT required for the administration of  
16 routine medications by a child care provider to children cared for in  
17 family child care homes licensed pursuant to this ~~part~~ PART 3, subject  
18 to the following conditions:

19 (a) The parent of the child cared for in the licensed family child  
20 care home has daily physical contact with the child care provider that  
21 actually administers the routine medication;

22 (b) The child care provider has successfully completed a  
23 medication administration instructional program that is approved by the  
24 ~~state~~ department;

25 (c) Routine medications are administered in compliance with rules  
26 promulgated by the ~~state board~~ EXECUTIVE DIRECTOR pursuant to  
27 subsection (2) of this section;

1 (d) If the routine medication involves the administration of unit  
2 dose epinephrine, the administration is accompanied by a written protocol  
3 by the prescribing health-care professional that identifies the factors for  
4 determining the need for the administration of the medication and is  
5 limited to emergency situations; and

6 (e) If the routine medication involves the administration of a  
7 nebulized inhaled medication, the administration is accompanied by a  
8 written protocol by the prescribing health-care professional that identifies  
9 the factors for determining the need for the administration of the  
10 medication.

11 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
12 concerning the medically acceptable procedures and standards to be  
13 followed by child care providers administering routine medications to  
14 children cared for in family child care homes.

15 **26.5-5-326. [Formerly 26-6-120] Exempt family child care**  
16 **home providers - fingerprint-based criminal history record check -**  
17 **child care assistance program money - temporary care - rules -**  
18 **definitions.** (1) (a) (I) An exempt family child care home provider who  
19 provides care for a child and an individual who provides care for a child  
20 who is related to the individual, referred to collectively in this section as  
21 a "qualified provider", ~~shall be~~ IS subject to a fingerprint-based criminal  
22 history record check, referred to in this section as an "FCC", as provided  
23 in this section and the rules authorized in ~~section 26-6-107 (1)(a)(I) and~~  
24 ~~(1)(a)(I.5)~~ SECTION 26.5-5-316 (1)(a)(I) AND (1)(a)(II), if the child's care  
25 is funded in whole or in part with ~~moneys~~ MONEY received on the child's  
26 behalf from the publicly funded Colorado child care assistance program.  
27 The provisions of this section ~~shall~~ apply to exempt family child care

1 home providers or individuals who provide care to a related child who  
2 receive ~~moneys~~ MONEY from the publicly funded Colorado child care  
3 assistance program pursuant to contracts or other payment agreements  
4 entered into or renewed on or after May 25, 2006.

5 (II) Each adult eighteen years of age or older who resides with a  
6 qualified provider where the care is provided, referred to in this section  
7 as a "qualified adult", ~~shall be~~ IS subject to the FCC required pursuant to  
8 this section.

9 (III) The FCC required for a qualified provider or qualified adult  
10 pursuant to this section ~~shall~~ MUST include a fingerprint-based criminal  
11 history records check utilizing the records of the Colorado bureau of  
12 investigation and, for qualified providers or qualified adults applying for  
13 child care assistance program ~~moneys~~ MONEY on or after August 10,  
14 2011, the federal bureau of investigation. As part of the FCC, the ~~state~~  
15 department shall access the records and reports of child abuse or neglect  
16 maintained by the state department OF HUMAN SERVICES to determine  
17 whether the subject of the FCC has been found to be responsible in a  
18 confirmed report of child abuse or neglect. Information shall be made  
19 available pursuant to section 19-1-307 (2)(j), ~~C.R.S.~~, and rules  
20 promulgated by the state board OF HUMAN SERVICES pursuant to section  
21 19-3-313.5 (4). ~~C.R.S.~~

22 (IV) The FCC required pursuant to this section ~~shall be~~ IS a  
23 prerequisite to the issuance or renewal of a contract for receipt of ~~moneys~~  
24 MONEY under the Colorado child care assistance program as provided in  
25 ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF THIS TITLE 26.5. The  
26 ~~state~~ department shall not issue or renew a contract for payment of  
27 ~~moneys~~ MONEY under the Colorado child care assistance program to a

1 qualified provider who fails to submit to the FCC or fails to submit  
2 fingerprints for a qualified adult.

3 (b) A qualified provider shall notify the county with whom ~~he or~~  
4 ~~she~~ THE QUALIFIED PROVIDER has contracted pursuant to the Colorado  
5 child care assistance program upon any change of circumstances that  
6 results in the presence of a new qualified adult. A new qualified adult is  
7 required to undergo an FCC as provided in this section, even if the  
8 Colorado child care assistance program contract is not subject to renewal  
9 when the qualified adult moves into the residence where the care is  
10 provided.

11 (c) A qualified provider or qualified adult who undergoes an FCC  
12 shall, with submittal of ~~his or her~~ fingerprints, pay to the state department  
13 a fee established by ~~rule of the state board pursuant to subsection (5)~~  
14 DEPARTMENT RULE PURSUANT TO SUBSECTION (6) of this section to offset  
15 the costs associated with processing the FCC through the Colorado  
16 bureau of investigation and the federal bureau of investigation.

17 ~~(1.5)~~ (2) (a) When the results of an FCC performed pursuant to  
18 subsection (1) of this section reveal a record of arrest without a  
19 disposition, the ~~state~~ department shall require that person to submit to a  
20 name-based criminal history record check, as defined in section  
21 22-2-119.3 (6)(d).

22 (b) A person who undergoes a name-based criminal history record  
23 check shall pay to the ~~state~~ department a fee established by ~~rule of the~~  
24 ~~state board pursuant to subsection (5)~~ DEPARTMENT RULE PURSUANT TO  
25 SUBSECTION (6) of this section to offset the costs associated with  
26 performing the name-based criminal history record check.

27 ~~(2)~~ (3) THE DEPARTMENT OR A COUNTY DEPARTMENT SHALL NOT

1 ISSUE OR RENEW a contract to provide ~~moneys~~ MONEY TO A QUALIFIED  
2 PROVIDER under the Colorado child care assistance program pursuant to  
3 ~~part 8 of article 2 of this title shall not be issued or renewed by the state~~  
4 ~~department or a county department to a qualified provider~~ PART 1 OF  
5 ARTICLE 4 OF THIS TITLE 26.5 if the qualified provider or a qualified adult  
6 has been convicted of:

- 7 (a) Child abuse, as described in section 18-6-401; ~~€R.S.;~~
- 8 (b) A crime of violence, as defined in section 18-1.3-406; ~~€R.S.;~~
- 9 (c) Any felony offense involving unlawful sexual behavior, as  
10 defined in section 16-22-102 (9); ~~€R.S.;~~
- 11 (d) Any felony, the underlying factual basis of which has been  
12 found by the court on the record to include an act of domestic violence,  
13 as defined in section 18-6-800.3; ~~€R.S.;~~
- 14 (e) Any felony involving physical assault, battery, or a  
15 drug-related offense within the five years preceding the date of the FCC;  
16 or
- 17 (f) Any offense in any other state, the elements of which are  
18 substantially similar to the elements of any one of the offenses described  
19 in ~~paragraphs (a) to (c) of this subsection (2)~~ SUBSECTIONS (3)(a) TO  
20 (3)(e) OF THIS SECTION.

21 ~~(3)~~(4) The ~~state~~ department or a county department shall not issue  
22 or renew a contract to provide money pursuant to the Colorado child care  
23 assistance program pursuant to ~~part 8 of article 2 of this title 26~~ PART 1 OF  
24 ARTICLE 4 OF THIS TITLE 26.5 to a qualified provider if the qualified  
25 provider or a qualified adult:

- 26 (a) Has a pattern of misdemeanor or petty offense convictions  
27 occurring within the ten years preceding submission of the application,

1 including petty offense convictions pursuant to ~~section 26-6-112~~ SECTION  
2 26.5-5-321. The ~~state board~~ EXECUTIVE DIRECTOR shall define by rule  
3 what constitutes a pattern of misdemeanor or petty offense convictions.

4 (b) Has been determined to be insane or mentally incompetent by  
5 a court of competent jurisdiction and a court has entered, pursuant to part  
6 3 or 4 of article 14 of title 15, ~~C.R.S.~~, or section 27-65-109 (4) or  
7 27-65-127, ~~C.R.S.~~, an order specifically finding that the mental  
8 incompetency or insanity is of such a degree that the qualified provider  
9 cannot safely operate a child care home. The record of ~~such~~ THE  
10 determination and entry of ~~such~~ THE order ~~shall be~~ ARE conclusive  
11 evidence thereof. A qualified provider shall sign an attestation affirming  
12 the lack of such a finding prior to entering into or renewing a contract for  
13 ~~moneys~~ MONEY under the Colorado child care assistance program,  
14 pursuant to ~~section 26-2-805.5 (2)~~ SECTION 26.5-4-107 (2).

15 ~~(4)~~ (5) A qualified provider who has submitted to an FCC by the  
16 Colorado bureau of investigation and the federal bureau of investigation  
17 may, pending the receipt of the results of the FCC, continue to receive  
18 ~~moneys~~ MONEY from the Colorado child care assistance program.

19 ~~(5)~~ (6) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate  
20 rules to establish the amount of the fee to collect from a qualified  
21 provider or qualified adult who is subject to an FCC pursuant to  
22 subsection (1) of this section or a name-based criminal history record  
23 check pursuant to ~~subsection (1.5)~~ SUBSECTION (2) of this section. The  
24 state department is authorized to collect the fee at the time of the FCC or  
25 name-based criminal history record check.

26 **26.5-5-327. [Formerly 26-6-121 (3)]. Unique student identifying**  
27 **numbers - rules.** ~~(3) Following adoption of the protocols, the state board~~

1 THE EXECUTIVE DIRECTOR shall promulgate rules pursuant to the "State  
2 ~~Administrative Procedure Act~~", article 4 of title 24, C.R.S., as necessary  
3 for the assignment of uniquely identifying student numbers to students  
4 receiving CHILDREN WHO RECEIVE early childhood education services.  
5 ~~The state board shall collaborate with the state board of education in~~  
6 ~~promulgating any necessary rules to ensure that they do not conflict with~~  
7 ~~any rules promulgated by the state board of education pursuant to section~~  
8 ~~22-2-134, C.R.S.~~ AT A MINIMUM, THE RULES MUST INCLUDE CHILDREN  
9 WHO RECEIVE STATE-SUBSIDIZED OR FEDERALLY SUBSIDIZED EARLY  
10 CHILDHOOD SERVICES, INCLUDING BUT NOT LIMITED TO SERVICES  
11 PROVIDED THROUGH THE CHILD CARE DEVELOPMENT BLOCK GRANT, THE  
12 COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND HEAD START.

13 **26.5-5-328. Applications for licenses - authority to suspend**  
14 **licenses - rules - definitions.** (1) EVERY APPLICATION BY AN INDIVIDUAL  
15 FOR A LICENSE ISSUED BY THE DEPARTMENT OR ANY AUTHORIZED AGENT  
16 OF THE DEPARTMENT MUST REQUIRE THE APPLICANT'S NAME, ADDRESS,  
17 AND SOCIAL SECURITY NUMBER OR TAX IDENTIFICATION NUMBER.

18 (2) THE DEPARTMENT OR ANY AUTHORIZED AGENT OF THE  
19 DEPARTMENT SHALL DENY, SUSPEND, OR REVOKE A LICENSE PURSUANT TO  
20 THE PROVISIONS OF SECTION 26-13-126, AND ANY RULES PROMULGATED  
21 TO IMPLEMENT SAID SECTION, IF THE DEPARTMENT OR AGENT RECEIVES A  
22 NOTICE TO DENY, SUSPEND, OR REVOKE FROM THE STATE CHILD SUPPORT  
23 ENFORCEMENT AGENCY BECAUSE THE LICENSEE OR APPLICANT IS OUT OF  
24 COMPLIANCE WITH A COURT OR ADMINISTRATIVE ORDER FOR CURRENT  
25 CHILD SUPPORT, CHILD SUPPORT DEBT, RETROACTIVE CHILD SUPPORT,  
26 CHILD SUPPORT ARREARAGES, OR CHILD SUPPORT WHEN COMBINED WITH  
27 MAINTENANCE OR BECAUSE THE LICENSEE OR APPLICANT HAS FAILED TO

1 COMPLY WITH A PROPERLY ISSUED SUBPOENA OR WARRANT RELATING TO  
2 A PATERNITY OR CHILD SUPPORT PROCEEDING. ANY SUCH DENIAL,  
3 SUSPENSION, OR REVOCATION MUST BE IN ACCORDANCE WITH THE  
4 PROCEDURES SPECIFIED BY RULE OF THE DEPARTMENT OF HUMAN  
5 SERVICES AND RULES PROMULGATED BY THE STATE BOARD OF HUMAN  
6 SERVICES FOR THE IMPLEMENTATION SECTION 26-13-126.

7 (3) (a) THE DEPARTMENT SHALL ENTER INTO A MEMORANDUM OF  
8 UNDERSTANDING WITH THE STATE CHILD SUPPORT ENFORCEMENT AGENCY,  
9 WHICH MEMORANDUM MUST IDENTIFY THE RELATIVE RESPONSIBILITIES OF  
10 THE DEPARTMENT AND THE STATE CHILD SUPPORT ENFORCEMENT AGENCY  
11 WITH RESPECT TO THE IMPLEMENTATION OF THIS SECTION AND SECTION  
12 26-13-126.

13 (b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES TO  
14 IMPLEMENT THE PROVISIONS OF THIS SECTION.

15 (4) AS USED IN THIS SECTION, "LICENSE" MEANS ANY  
16 RECOGNITION, AUTHORITY, OR PERMISSION THAT THE DEPARTMENT OR  
17 ANY AUTHORIZED AGENT OF THE DEPARTMENT IS AUTHORIZED BY LAW TO  
18 ISSUE FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR OCCUPATION OR  
19 RECREATIONAL ACTIVITY. "LICENSE" INCLUDES, BUT IS NOT LIMITED TO,  
20 A LICENSE, CERTIFICATE, CERTIFICATION, LETTER OF AUTHORIZATION, OR  
21 REGISTRATION ISSUED FOR AN INDIVIDUAL TO PRACTICE A PROFESSION OR  
22 OCCUPATION OR FOR AN INDIVIDUAL TO PARTICIPATE IN A RECREATIONAL  
23 ACTIVITY.

## ARTICLE 6

### Early Childhood Workforce

#### 26.5-6-101. Plan for early childhood workforce development.

27 (1) THE DEPARTMENT, IN PARTNERSHIP WITH THE EARLY CHILDHOOD

1 LEADERSHIP COMMISSION, SHALL DEVELOP A PLAN FOR RECRUITING,  
2 TRAINING, AND RETAINING A WELL-COMPENSATED, WELL-PREPARED,  
3 HIGH-QUALITY STATEWIDE EARLY CHILDHOOD WORKFORCE. IN  
4 DEVELOPING THE PLAN, THE DEPARTMENT AND THE COMMISSION SHALL  
5 WORK WITH THE DEPARTMENTS OF EDUCATION, HIGHER EDUCATION, AND  
6 LABOR AND EMPLOYMENT AND WITH ORGANIZATIONS THAT HAVE  
7 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE. AT A  
8 MINIMUM, THE PLAN MUST:

9 (a) TAKE INTO ACCOUNT EXISTING EARLY CHILDHOOD WORKFORCE  
10 QUALIFICATION PATHWAYS AND CREATE A SIMPLIFIED PROCESS FOR  
11 PERSONS IN THE WORKFORCE TO ATTAIN CREDENTIALS AND MEET  
12 QUALIFICATIONS;

13 (b) ENSURE THE ABILITY TO OVERCOME ANY REGULATORY AND  
14 SYSTEMIC BARRIERS FOR ENTRY INTO THE EARLY CHILDHOOD WORKFORCE  
15 BY ADDRESSING ADMINISTRATIVE AND POLICY BARRIERS TO ENTRY,  
16 INCLUDING ADDRESSING BARRIERS FACED BY INDIVIDUALS WHO SPEAK  
17 LANGUAGES OTHER THAN ENGLISH;

18 (c) ADDRESS STRATEGIES FOR RECRUITING AND PROVIDING  
19 INCENTIVES FOR DIVERSE, NONTRADITIONAL WORKFORCE MEMBERS, SUCH  
20 AS HIGH SCHOOL STUDENTS, TEACHERS FROM OTHER COUNTRIES, AND  
21 PARENTS, AND REDUCING BARRIERS THAT PREVENT THESE INDIVIDUALS  
22 FROM JOINING THE EARLY CHILDHOOD WORKFORCE;

23 (d) PROMOTE A COHERENT AND ALIGNED SYSTEM OF PREPARATION  
24 AND ONGOING PROFESSIONAL DEVELOPMENT FOR INDIVIDUALS IN THE  
25 EARLY CHILDHOOD WORKFORCE;

26 (e) SIMPLIFY THE REQUIREMENTS AN INDIVIDUAL MUST MEET TO  
27 ENTER THE EARLY CHILDHOOD WORKFORCE, CLEARLY ARTICULATE THE

1 COMPETENCIES THAT MEMBERS OF THE EARLY CHILDHOOD WORKFORCE  
2 ARE EXPECTED TO ACHIEVE OVER TIME, ALIGN THE SYSTEM OF  
3 PROFESSIONAL LEARNING AND DEVELOPMENT FOR EARLY CHILDHOOD  
4 SERVICES, AND REDUCE REGULATORY BARRIERS WHEN POSSIBLE TO  
5 PROMOTE ATTAINMENT OF THESE COMPETENCIES THROUGH IDENTIFIED  
6 PROFESSIONAL DEVELOPMENT PARTNERS, INCLUDING INSTITUTIONS OF  
7 HIGHER EDUCATION;

8 (f) ESTABLISH GOALS FOR INCREASING THE QUALIFICATIONS OF  
9 MEMBERS OF THE EARLY CHILDHOOD WORKFORCE OVER TIME, INCLUDING  
10 STRATEGIES FOR ACHIEVING THE GOAL OF SUPPORTING INCREASED  
11 ATTAINMENT OF BACCALAUREATE DEGREES IN EARLY CHILDHOOD OR  
12 BACCALAUREATE DEGREES WITH SUPPLEMENTAL EARLY LEARNING  
13 CREDENTIALS FOR LEAD TEACHERS EMPLOYED BY PRESCHOOL PROVIDERS;

14   
15 (g) ADDRESS STRATEGIES FOR INCREASING THE COMPENSATION  
16 FOR INDIVIDUALS IN THE EARLY CHILDHOOD WORKFORCE WITH THE GOAL  
17 OF ENSURING THAT ALL INDIVIDUALS IN THE EARLY CHILDHOOD  
18 WORKFORCE RECEIVE A LIVING WAGE; AND

19 (h) ADDRESS OTHER SUSTAINABLE AND EVIDENCE-BASED  
20 STRATEGIES TO RECRUIT, PREPARE, COMPENSATE, PROVIDE CONTINUING  
21 PROFESSIONAL DEVELOPMENT FOR, AND RETAIN MEMBERS OF THE EARLY  
22 CHILDHOOD WORKFORCE.

23 (2) THE DEPARTMENT SHALL MAKE THE PLAN PUBLICLY  
24 AVAILABLE ON THE DEPARTMENT'S WEBSITE AND SHALL SUBMIT A COPY  
25 OF THE PLAN AND ANY SUBSEQUENT REVISIONS TO THE PLAN TO THE  
26 EARLY CHILDHOOD LEADERSHIP COMMISSION, TO THE GOVERNOR'S OFFICE,  
27 AND TO THE EDUCATION AND THE BUSINESS AFFAIRS AND LABOR

1 COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE EDUCATION  
2 AND THE BUSINESS, LABOR, AND TECHNOLOGY COMMITTEES OF THE  
3 SENATE, OR ANY SUCCESSOR COMMITTEES.

4 (3) THE DEPARTMENT, WORKING WITH THE DEPARTMENTS OF  
5 EDUCATION, HIGHER EDUCATION, AND LABOR AND EMPLOYMENT, SHALL  
6 PERIODICALLY REVIEW AND ASSESS THE IMPLEMENTATION OF  
7 RECRUITMENT, PREPARATION, PROFESSIONAL DEVELOPMENT, AND  
8 RETENTION INITIATIVES FOR THE EARLY CHILDHOOD WORKFORCE. IN  
9 REVIEWING THESE INITIATIVES, THE DEPARTMENT SHALL SOLICIT  
10 FEEDBACK FROM, AT A MINIMUM, INDIVIDUALS IN THE EARLY CHILDHOOD  
11 WORKFORCE, FAMILIES, EARLY CARE AND EDUCATION PROVIDERS, THE  
12 EARLY CHILDHOOD LEADERSHIP COMMISSION, AND ORGANIZATIONS WITH  
13 EXPERTISE PERTAINING TO THE EARLY CHILDHOOD WORKFORCE.

14 **26.5-6-102. [Formerly 26-6.5-107] Voluntary child care**  
15 **credentialing system - rules.** The state department shall develop and  
16 maintain a statewide voluntary child care credentialing system that  
17 recognizes the training and educational achievements of persons  
18 providing early childhood care and education. The use of the voluntary  
19 child care credentialing system must include but need not be limited to the  
20 early childhood councils ESTABLISHED PURSUANT TO PART 2 OF ARTICLE  
21 2 OF THIS TITLE 26.5. The voluntary child care credentialing system is a  
22 multi-tiered system of graduated credentials that reflects the increased  
23 training, education, knowledge, skills, and competencies of persons  
24 working in early childhood care and education services in the various  
25 councils. The voluntary child care credentialing system must award credit  
26 for the education and training of persons working in early childhood care  
27 and education concerning the prevention of child sexual abuse. ~~Such~~ THIS

1 education and training includes understanding healthy child development,  
2 creating safe environments for children, recognizing signs of abuse and  
3 problematic behaviors, and responsible methods of response to  
4 disclosures or concerns of abuse or potential abuse. The ~~state board~~  
5 EXECUTIVE DIRECTOR shall promulgate such rules as are necessary for the  
6 statewide implementation of the voluntary child care credentialing  
7 system.

8 **26.5-6-103. [Formerly 26-6-122] Pathways to the classroom**  
9 **and retention strategies for early childhood educators - standards -**  
10 **alignment across agencies - report - rules.** (1) The ~~state board~~  
11 EXECUTIVE DIRECTOR shall promulgate rules establishing standards for  
12 licensing that allow an early care and education program to be licensed  
13 PURSUANT TO PART 3 OF ARTICLE 5 OF THIS TITLE 26.5 for a period of time  
14 determined by the ~~state board if a state-board-approved number~~  
15 EXECUTIVE DIRECTOR, IF A NUMBER, AS SPECIFIED IN DEPARTMENT RULE,  
16 of aspiring early childhood educators in the program are pursuing a  
17 state-agency-approved early childhood credential and other quality,  
18 safety, and supervision conditions are met.

19 (2) The ~~state board~~ EXECUTIVE DIRECTOR shall promulgate rules  
20 that allow an early childhood educator to earn points toward an early  
21 childhood credential that meets child care licensing standards based on  
22 the candidate's prior experience and demonstrated competency. The  
23 licensing pathway must also include ways in which a candidate in a  
24 second career or changing careers can earn points or credits for prior  
25 experience and competencies that apply toward the qualifications for an  
26 early childhood educator credential. The standards and credential  
27 awarding process may use validated tools to award points for

1 demonstrated competencies.

2 (3) The state department and the department of education shall  
3 align, to the extent possible, the state's early childhood professional  
4 credential, department of education educator licensing, and child care  
5 program licensing in order to make the requirements as consistent and  
6 clear as possible to educators and providers. The alignment process must  
7 include examining strategies that support reciprocity for early childhood  
8 educator credentials or qualifications earned outside of Colorado.

9 ~~(4) The state department and the department of education shall  
10 streamline all paperwork that licensed early care and education programs  
11 and early childhood educators must complete to meet child care licensing  
12 and early childhood educator credentialing compliance requirements. The  
13 state agencies shall identify ways to share information and reports across  
14 the agencies in order to reduce the administrative and paperwork burden  
15 on early care and education programs and educators. The streamlining  
16 process must include a systems scan of programs and initiatives,  
17 identification of overlapping reporting requirements, and ways to reduce  
18 the administrative and paperwork burden on programs and educators.~~

19 (5) (4) Notwithstanding section 24-1-136 (11)(a)(I), no later than  
20 January 31, 2022, and no later than January 31 each year thereafter, the  
21 state department shall prepare a written report concerning Colorado's  
22 current supply of qualified early childhood educators.

23 (6) (5) The state department, the department of higher education,  
24 and the department of education shall develop resources to support local  
25 communities to increase concurrent enrollment opportunities for high  
26 school students or other nontraditional students to earn higher education  
27 credits and degrees that allow them to serve as early childhood educators

1 and shall support career pathways for high school students earning  
2 college credits toward becoming early childhood educators, including  
3 concurrent enrollment, career and technical education, the ASCENT  
4 program, and other career pathways.

5 **SECTION 4.** In Colorado Revised Statutes, 26.5-1-104, **repeal**  
6 (5) as follows:

7 **26.5-1-104. Department of early childhood - created -**  
8 **executive director - powers, duties, and functions.** (5) ~~The executive~~  
9 ~~director shall establish a work group to identify programs and services~~  
10 ~~that may be addressed in subsequent transition phases and develop a~~  
11 ~~continuing, comprehensive plan for transitioning programs and services~~  
12 ~~to the department, which must include consideration of the fiscal impact~~  
13 ~~of transitioning the programs and services.~~

14 **SECTION 5.** In Colorado Revised Statutes, 24-75-1401, **amend**  
15 (3) as follows:

16 **24-75-1401. Indirect costs excess recovery fund - creation -**  
17 **departmental accounts - use of fund - definitions - repeal.** (3) (a) Each  
18 account of the indirect costs excess recovery fund is subject to annual  
19 appropriation for indirect costs by its corresponding department for the  
20 sole purpose of paying any indirect costs incurred by agencies within the  
21 department during a fiscal year that exceed their actual indirect cost  
22 collections for the fiscal year.

23 (b) (I) NOTWITHSTANDING SUBSECTION (3)(a) OF THIS SECTION,  
24 FOR THE 2022-23 STATE FISCAL YEAR, A PORTION OF THE AMOUNT  
25 CREDITED TO THE ACCOUNT CREATED FOR THE DEPARTMENT OF HUMAN  
26 SERVICES IN THE INDIRECT COSTS EXCESS RECOVERY FUND MAY BE USED  
27 FOR INDIRECT COSTS BILLED TO THE DEPARTMENT OF EARLY CHILDHOOD.

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

2 SECTION 6. In Colorado Revised Statutes, 22-2-112, **add** (8) as  
3 follows:

4 22-2-112. **Commissioner - duties - report - legislative**  
5 **declaration.** (8) NOTWITHSTANDING ANY PROVISION OF SECTION  
6 22-2-111 TO THE CONTRARY, THE COMMISSIONER SHALL ENSURE THAT THE  
7 DEPARTMENT OF EDUCATION COOPERATES WITH THE DEPARTMENT OF  
8 EARLY CHILDHOOD AS PROVIDED IN SECTION 26.5-1-111 IN SHARING,  
9 MANAGING, AND PROTECTING QUALITATIVE AND QUANTITATIVE DATA  
10 NEEDED TO MEASURE LONGITUDINAL OUTCOMES OF EARLY CHILDHOOD  
11 PROGRAMS AND SERVICES.

12 SECTION 7. In Colorado Revised Statutes, **recreate and**  
13 **reenact, with amendments,** 22-28-113 as follows:

14 22-28-113. **Repeal of article.** THIS ARTICLE 28 IS REPEALED,  
15 EFFECTIVE JULY 1, 2023.

16 SECTION 8. In Colorado Revised Statutes, 22-30.5-112, **amend**  
17 (1)(a) as follows:

18 22-30.5-112. **Charter schools - financing - guidelines -**  
19 **definitions - repeal.** (1) (a) (I) (A) PRIOR TO JULY 1, 2023, for purposes  
20 of the "Public School Finance Act of 1994", article 54 of this title, pupils  
21 enrolled in a charter school ~~shall be~~ ARE included in the pupil enrollment,  
22 the online pupil enrollment, or the preschool program enrollment,  
23 whichever is applicable, of the school district that granted its charter. The  
24 school district that granted its charter shall report to the department the  
25 number of pupils included in the school district's pupil enrollment, the  
26 school district's online pupil enrollment, and the school district's  
27 preschool program enrollment that are actually enrolled in each charter

1 school.

2 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,  
3 2023.

4 (II) ON AND AFTER JULY 1, 2023, FOR PURPOSES OF THE "PUBLIC  
5 SCHOOL FINANCE ACT OF 1994", ARTICLE 54 OF THIS TITLE 22, PUPILS  
6 ENROLLED IN A CHARTER SCHOOL ARE INCLUDED IN THE PUPIL  
7 ENROLLMENT OR THE ONLINE PUPIL ENROLLMENT, WHICHEVER IS  
8 APPLICABLE, OF THE SCHOOL DISTRICT THAT GRANTED ITS CHARTER. THE  
9 SCHOOL DISTRICT THAT GRANTED ITS CHARTER SHALL REPORT TO THE  
10 DEPARTMENT THE NUMBER OF PUPILS INCLUDED IN THE SCHOOL DISTRICT'S  
11 PUPIL ENROLLMENT AND THE SCHOOL DISTRICT'S ONLINE PUPIL  
12 ENROLLMENT THAT ARE ACTUALLY ENROLLED IN EACH CHARTER SCHOOL.

13 **SECTION 9.** In Colorado Revised Statutes, 22-54-103, **amend**  
14 (1.5)(c)(II), (5.5), (7)(e)(I) introductory portion, (10)(d), (10)(f), and (14);  
15 and **add** (7)(f) and (9.5)(c) as follows:

16 **22-54-103. Definitions.** As used in this article 54, unless the  
17 context otherwise requires:

18 (1.5) (c) For purposes of subsection (1.5)(a)(VI) of this section:

19 (II) (A) "District pupil enrollment" means, FOR THE 2021-22 AND  
20 2022-23 BUDGET YEARS, the pupil enrollment of the district, as  
21 determined in accordance with subsection (10) of this section, minus the  
22 number of pupils enrolled in the Colorado preschool program pursuant to  
23 article 28 of this title 22 and the number of three-year-old or four-year-old  
24 pupils with disabilities receiving educational programs pursuant to article  
25 20 of this title 22.

26 (B) "DISTRICT PUPIL ENROLLMENT" MEANS, FOR THE 2023-24  
27 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE PUPIL

1 ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE WITH  
2 SUBSECTION (10) OF THIS SECTION.

3 (5.5) (a) "District percentage of at-risk pupils" means, FOR  
4 BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the number of  
5 at-risk pupils in the district, as determined in accordance with subsection  
6 (1.5) of this section, divided by the pupil enrollment of the district, as  
7 determined in accordance with subsection (10) of this section; except that  
8 pupil enrollment ~~shall~~ DOES not include the number of pupils enrolled in  
9 the Colorado preschool program pursuant to article 28 of this ~~title~~ TITLE  
10 22, AS IT EXISTS PRIOR TO JULY 1, 2023, and the number of three-year-old  
11 or four-year-old pupils with disabilities receiving educational programs  
12 pursuant to article 20 of this ~~title~~ TITLE 22.

13 (b) "DISTRICT PERCENTAGE OF AT-RISK PUPILS" MEANS, FOR THE  
14 2023-24 BUDGET YEAR AND EACH BUDGET YEAR THEREAFTER, THE  
15 NUMBER OF AT-RISK PUPILS IN THE DISTRICT, AS DETERMINED IN  
16 ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION, DIVIDED BY THE  
17 PUPIL ENROLLMENT OF THE DISTRICT, AS DETERMINED IN ACCORDANCE  
18 WITH SUBSECTION (10) OF THIS SECTION.

19 (7) "Funded pupil count" means:

20 (e) (I) For budget years commencing on and after July 1, 2009,  
21 BUT PRIOR TO JULY 1, 2023, the district's online pupil enrollment for the  
22 applicable budget year plus the district's preschool program enrollment  
23 for the applicable budget year plus the district's supplemental  
24 kindergarten enrollment for the applicable budget year plus the district's  
25 extended high school pupil enrollment for the applicable budget year, plus  
26 the greater of:

27 (f) (I) FOR BUDGET YEARS COMMENCING ON AND AFTER JULY 1,

1 2023, THE DISTRICT'S ONLINE PUPIL ENROLLMENT FOR THE APPLICABLE  
2 BUDGET YEAR PLUS THE DISTRICT'S SUPPLEMENTAL KINDERGARTEN  
3 ENROLLMENT FOR THE APPLICABLE BUDGET YEAR PLUS THE DISTRICT'S  
4 EXTENDED HIGH SCHOOL PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET  
5 YEAR, PLUS THE GREATER OF:

6 (A) THE DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
7 BUDGET YEAR; OR

8 (B) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
9 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
10 THE IMMEDIATELY PRECEDING BUDGET YEAR; OR

11 (C) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
12 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
13 THE TWO IMMEDIATELY PRECEDING BUDGET YEARS; OR

14 (D) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
15 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
16 THE THREE IMMEDIATELY PRECEDING BUDGET YEARS; OR

17 (E) THE AVERAGE OF THE DISTRICT'S PUPIL ENROLLMENT FOR THE  
18 APPLICABLE BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR  
19 THE FOUR IMMEDIATELY PRECEDING BUDGET YEARS.

20 (II) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
21 CONTRARY, FOR PURPOSES OF SUBSECTION (7)(f)(I) OF THIS SECTION, A  
22 DISTRICT'S FUNDED PUPIL COUNT INCLUDES THE CERTIFIED PUPIL  
23 ENROLLMENT AND ONLINE PUPIL ENROLLMENT OF EACH OPERATING  
24 INSTITUTE CHARTER SCHOOL FOR WHICH THE DISTRICT IS THE ACCOUNTING  
25 DISTRICT. THE DEPARTMENT OF EDUCATION SHALL ADD THE INSTITUTE  
26 CHARTER SCHOOL'S CERTIFIED PUPIL ENROLLMENT AND ONLINE PUPIL  
27 ENROLLMENT TO THE FUNDED PUPIL COUNT OF THE DISTRICT PRIOR TO

1 CALCULATING THE DISTRICT'S TOTAL PROGRAM PURSUANT TO SECTION  
2 22-54-104.

3 (III) THE GENERAL ASSEMBLY FINDS AND DECLARES THAT FOR THE  
4 PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION,  
5 AVERAGING A DISTRICT'S PUPIL ENROLLMENT FOR THE APPLICABLE  
6 BUDGET YEAR AND THE DISTRICT'S PUPIL ENROLLMENT FOR THE FOUR  
7 IMMEDIATELY PRECEDING BUDGET YEARS PURSUANT TO SUBSECTION  
8 (7)(f)(I)(E) OF THIS SECTION IS A PROGRAM FOR ACCOUNTABLE  
9 EDUCATION REFORM AND MAY THEREFORE RECEIVE FUNDING FROM THE  
10 STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF  
11 THE STATE CONSTITUTION.

12 (IV) NOTWITHSTANDING ANY PROVISION OF LAW TO THE  
13 CONTRARY, FOR THE 2010-11 BUDGET YEAR AND EACH BUDGET YEAR  
14 THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7)(f), A DISTRICT'S  
15 PUPIL ENROLLMENT FOR THE APPLICABLE BUDGET YEAR AND A DISTRICT'S  
16 PUPIL ENROLLMENT FOR ANY PRECEDING BUDGET YEAR DO NOT INCLUDE  
17 ANY PUPIL WHO IS OR WAS ENROLLED IN A CHARTER SCHOOL THAT WAS  
18 ORIGINALLY AUTHORIZED BY THE DISTRICT BUT WAS SUBSEQUENTLY  
19 CONVERTED, ON OR AFTER JULY 1, 2010, TO AN INSTITUTE CHARTER  
20 SCHOOL OR TO A CHARTER SCHOOL OF A DISTRICT CONTIGUOUS TO THE  
21 ORIGINALLY AUTHORIZING DISTRICT.

22 (V) NOTWITHSTANDING ANY PROVISION OF THIS SUBSECTION (7)(f)  
23 TO THE CONTRARY, FOR THE 2013-14 BUDGET YEAR AND EACH BUDGET  
24 YEAR THEREAFTER, FOR THE PURPOSES OF THIS SUBSECTION (7), IF A  
25 DISTRICT'S FUNDED PUPIL COUNT CALCULATED PURSUANT TO THIS  
26 SUBSECTION (7) FOR A BUDGET YEAR IS FEWER THAN FIFTY PUPILS, THE  
27 DISTRICT'S FUNDED PUPIL COUNT FOR THE BUDGET YEAR IS FIFTY PUPILS.

1           (VI) FOR THE 2019-20 BUDGET YEAR AND EACH BUDGET YEAR  
2           THEREAFTER, SOLELY FOR THE PURPOSE OF AVERAGING PUPIL  
3           ENROLLMENT PURSUANT TO SUBSECTION (7)(f)(I) OF THIS SECTION FOR A  
4           DISTRICT THAT OPERATES A FULL-DAY KINDERGARTEN EDUCATIONAL  
5           PROGRAM, THE DEPARTMENT OF EDUCATION SHALL ADJUST THE DISTRICT'S  
6           PUPIL ENROLLMENTS FOR THE 2018-19, 2017-18, 2016-17, AND 2015-16  
7           BUDGET YEARS BY COUNTING EACH PUPIL ENROLLED IN A FULL-DAY  
8           KINDERGARTEN EDUCATIONAL PROGRAM IN ONE OF THOSE BUDGET YEARS  
9           AS A FULL-TIME STUDENT. THE ADJUSTMENT TO PUPIL ENROLLMENT MADE  
10          PURSUANT TO THIS SUBSECTION (7)(f)(VI) DOES NOT AFFECT OR CHANGE  
11          THE FUNDED PUPIL COUNT USED TO CALCULATE A DISTRICT'S FISCAL YEAR  
12          SPENDING LIMITATION PURSUANT TO SECTION 20 OF ARTICLE X OF THE  
13          STATE CONSTITUTION FOR A BUDGET YEAR COMMENCING BEFORE JULY 1,  
14          2019.

15          (9.5) (c) THIS SUBSECTION (9.5) IS REPEALED, EFFECTIVE JULY 1,  
16          2023.

17          (10) (d) (I) FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1,  
18          2023, a three- or four-year-old pupil with a disability receiving an  
19          educational program under the "Exceptional Children's Educational Act",  
20          article 20 of this title, shall be counted as a half-day pupil.

21          (II) Notwithstanding any provision of this subsection (10) to the  
22          contrary, for budget years commencing on or after July 1, 2005, BUT  
23          PRIOR TO JULY 1, 2023, a district may choose to determine the number of  
24          three- and four-year-old pupils with disabilities enrolled and receiving  
25          educational programs under the "Exceptional Children's Educational  
26          Act", article 20 of this ~~title~~ TITLE 22, as of November 1 within the  
27          applicable budget year or the school date nearest said date, rather than on

1 the pupil enrollment count day, as evidenced by the actual attendance of  
2 such pupils on November 1 or the school date nearest said date. The  
3 "pupil enrollment" of the district shall MUST include the number of pupils  
4 so enrolled who shall be ARE counted as half-day pupils.

5 (III) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS  
6 THEREAFTER, A DISTRICT SHALL NOT INCLUDE A THREE- OR  
7 FOUR-YEAR-OLD PUPIL WITH A DISABILITY WHO IS RECEIVING AN  
8 EDUCATIONAL PROGRAM UNDER THE "EXCEPTIONAL CHILDREN'S  
9 EDUCATIONAL ACT", ARTICLE 20 OF THIS TITLE 22, BUT IS NOT ENROLLED  
10 IN KINDERGARTEN, IN THE DISTRICT'S PUPIL ENROLLMENT, BUT SHALL  
11 CERTIFY TO THE DEPARTMENT THE NUMBER OF SAID THREE- AND  
12 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE RECEIVING AN  
13 EDUCATIONAL PROGRAM FROM THE DISTRICT FOR PURPOSES OF RECEIVING  
14 FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE 22. ■ ■

15 (f) (I) FOR BUDGET YEARS COMMENCING BEFORE JULY 1, 2023, in  
16 certifying the district's pupil enrollment to the state board pursuant to the  
17 provisions of section 22-54-112, the district shall specify the number of  
18 pupils enrolled in kindergarten through twelfth grade, specifying those  
19 who are enrolled as full-time pupils and those who are enrolled as less  
20 than full-time pupils; the number of expelled pupils receiving educational  
21 services pursuant to section 22-33-203; the number of pupils enrolled in  
22 the district's preschool program; the number of pupils receiving  
23 educational programs under the "Exceptional Children's Educational  
24 Act", article 20 of this title 22; the number of at-risk pupils; and the  
25 number of English language learner pupils.

26 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
27 THEREAFTER, IN CERTIFYING THE DISTRICT'S PUPIL ENROLLMENT TO THE

1 STATE BOARD PURSUANT TO THE PROVISIONS OF SECTION 22-54-112, THE  
2 DISTRICT SHALL SPECIFY THE NUMBER OF PUPILS ENROLLED IN  
3 KINDERGARTEN THROUGH TWELFTH GRADE, SPECIFYING THOSE WHO ARE  
4 ENROLLED AS FULL-TIME PUPILS AND THOSE WHO ARE ENROLLED AS LESS  
5 THAN FULL-TIME PUPILS; THE NUMBER OF EXPELLED PUPILS RECEIVING  
6 EDUCATIONAL SERVICES PURSUANT TO SECTION 22-33-203; THE NUMBER  
7 OF AT-RISK PUPILS; THE NUMBER OF ENGLISH LANGUAGE LEARNER PUPILS;  
8 AND THE NUMBER OF PUPILS RECEIVING EDUCATIONAL PROGRAMS UNDER  
9 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
10 TITLE 22, WHO ARE ENROLLED IN KINDERGARTEN THROUGH TWELFTH  
11 GRADE.

12 (14) (a) "Statewide average percentage of at-risk pupils" means,  
13 FOR BUDGET YEARS COMMENCING PRIOR TO JULY 1, 2023, the total number  
14 of at-risk pupils in all districts, as determined in accordance with  
15 subsection (1.5) of this section, divided by the pupil enrollment of all  
16 districts, as determined in accordance with subsection (10) of this section;  
17 except that pupil enrollment ~~shall~~ DOES not include the number of pupils  
18 enrolled in the Colorado preschool program pursuant to article 28 of this  
19 title and the number of three-year-old or four-year-old pupils with  
20 disabilities receiving educational programs pursuant to article 20 of this  
21 title.

22 (b) "STATEWIDE AVERAGE PERCENTAGE OF AT-RISK PUPILS"  
23 MEANS, FOR THE 2023 BUDGET YEAR AND EACH BUDGET YEAR  
24 THEREAFTER, THE TOTAL NUMBER OF AT-RISK PUPILS IN ALL DISTRICTS, AS  
25 DETERMINED IN ACCORDANCE WITH SUBSECTION (1.5) OF THIS SECTION,  
26 DIVIDED BY THE PUPIL ENROLLMENT OF ALL DISTRICTS, AS DETERMINED IN  
27 ACCORDANCE WITH SUBSECTION (10) OF THIS SECTION.

1            **SECTION 10.** In Colorado Revised Statutes, 22-54-108, **amend**  
2 **(3)(b)(I); repeal (3)(b)(IV)(C); and add (3)(b)(V) and (5) as follows:**

3            **22-54-108. Authorization of additional local revenues -**  
4 **definitions.** (3) (b) (I) Except as otherwise provided in subparagraphs  
5 (II), (III), and (IV) of this paragraph (b) SUBSECTIONS (3)(b)(II),  
6 (3)(b)(III), (3)(b)(IV), AND (3)(b)(V) OF THIS SECTION, the total additional  
7 local property tax revenues that may be received pursuant to elections  
8 held pursuant to this section shall MUST not exceed under any  
9 circumstances twenty percent of the district's total program, as determined  
10 pursuant to section 22-54-104 (2), or two hundred thousand dollars,  
11 whichever is greater.

12            (IV) (C) For purposes of this subparagraph (IV), a "small rural  
13 district" is a district in Colorado that the department of education  
14 determines is rural, based on the geographic size of the district and the  
15 distance of the district from the nearest large, urbanized area, and that  
16 enrolls fewer than one thousand students in kindergarten through twelfth  
17 grade.

18            (V) (A) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL  
19 LOCAL PROPERTY TAX REVENUES THAT A DISTRICT MAY RECEIVE  
20 PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT  
21 EXCEED UNDER ANY CIRCUMSTANCES: TWENTY-FIVE PERCENT OF THE  
22 DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND DOLLARS,  
23 WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE MAXIMUM  
24 DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE DISTRICT COULD  
25 HAVE GENERATED FOR THE 2001-02 BUDGET YEAR IF, IN ACCORDANCE  
26 WITH THE PROVISIONS OF SECTION 22-54-107.5, THE DISTRICT SUBMITTED  
27 A QUESTION TO AND RECEIVED APPROVAL OF THE ELIGIBLE ELECTORS OF

1 THE DISTRICT AT AN ELECTION HELD IN NOVEMBER 2001.  
2 (B) ON AND AFTER JULY 1, 2023, THE TOTAL ADDITIONAL LOCAL  
3 PROPERTY TAX REVENUES THAT A SMALL RURAL DISTRICT MAY RECEIVE  
4 PURSUANT TO AN ELECTION HELD PURSUANT TO THIS SECTION MUST NOT  
5 EXCEED UNDER ANY CIRCUMSTANCES: THIRTY PERCENT OF THE SMALL  
6 RURAL DISTRICT'S TOTAL PROGRAM OR TWO HUNDRED THOUSAND  
7 DOLLARS, WHICHEVER IS GREATER; PLUS AN AMOUNT EQUAL TO THE  
8 MAXIMUM DOLLAR AMOUNT OF PROPERTY TAX REVENUE THAT THE SMALL  
9 RURAL DISTRICT COULD HAVE GENERATED FOR THE 2001-02 BUDGET YEAR  
10 IF, IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22-54-107.5, THE  
11 SMALL RURAL DISTRICT SUBMITTED A QUESTION TO AND RECEIVED  
12 APPROVAL OF THE ELIGIBLE ELECTORS OF THE SMALL RURAL DISTRICT AT  
13 AN ELECTION HELD IN NOVEMBER 2001.

14 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE  
15 REQUIRES:

16 (a) "SMALL RURAL DISTRICT" MEANS A DISTRICT IN COLORADO  
17 THAT THE DEPARTMENT OF EDUCATION DETERMINES IS RURAL, BASED ON  
18 THE GEOGRAPHIC SIZE OF THE DISTRICT AND THE DISTANCE OF THE  
19 DISTRICT FROM THE NEAREST LARGE, URBANIZED AREA, AND THAT  
20 ENROLLS FEWER THAN ONE THOUSAND STUDENTS IN KINDERGARTEN  
21 THROUGH TWELFTH GRADE.

22 (b) "TOTAL PROGRAM", ON AND AFTER JULY 1, 2023, MEANS A  
23 DISTRICT'S OR SMALL RURAL DISTRICT'S TOTAL PROGRAM CALCULATED  
24 PURSUANT TO SECTION 22-54-104 (2), BEFORE APPLICATION OF THE  
25 BUDGET STABILIZATION FACTOR PURSUANT TO SECTION 22-54-104 (5)(g),  
26 PLUS THE AMOUNT THE DISTRICT OR SMALL RURAL DISTRICT RECEIVES FOR  
27 STUDENTS ENROLLED THROUGH THE COLORADO UNIVERSAL PRESCHOOL

1 PROGRAM PURSUANT TO PART 2 OF ARTICLE 4 OF TITLE 26.5.

2

3 **SECTION 11.** In Colorado Revised Statutes, 22-54-108.5, **repeal**  
4 (2)(c) as follows:

5 **22-54-108.5. Authorization of additional local revenues for**  
6 **full-day kindergarten - definitions.** (2) A district that obtains voter  
7 approval pursuant to this section to impose an additional mill levy to fund  
8 excess full-day kindergarten program costs in the district shall:

9 (c) ~~Not be authorized to serve children through a full-day~~  
10 ~~kindergarten component of the district's preschool program established~~  
11 ~~pursuant to article 28 of this title.~~

12 **SECTION 12.** In Colorado Revised Statutes, 22-54-112, **amend**  
13 (2)(a) and (2)(c) as follows:

14 **22-54-112. Reports to the state board.** (2) (a) (I) FOR BUDGET  
15 YEARS COMMENCING PRIOR TO JULY 1, 2023, on or before November 10  
16 of each year, the secretary of the board of education of each district shall  
17 certify to the state board the pupil enrollment, the online pupil enrollment,  
18 the extended high school pupil enrollment, and the preschool program  
19 enrollment of the district taken in the preceding October or previously in  
20 November.

21 (II) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR  
22 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE  
23 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL  
24 CERTIFY TO THE STATE BOARD THE PUPIL ENROLLMENT, THE ONLINE PUPIL  
25 ENROLLMENT, AND THE EXTENDED HIGH SCHOOL PUPIL ENROLLMENT OF  
26 THE DISTRICT TAKEN IN THE PRECEDING OCTOBER.

27 (III) FOR THE 2023-24 BUDGET YEAR AND EACH BUDGET YEAR

1 THEREAFTER, ON OR BEFORE NOVEMBER 10 OF EACH YEAR, THE  
2 SECRETARY OF THE BOARD OF EDUCATION OF EACH DISTRICT SHALL  
3 CERTIFY TO THE STATE BOARD THE NUMBER OF THREE- AND  
4 FOUR-YEAR-OLD PUPILS WITH DISABILITIES WHO ARE NOT ENROLLED IN  
5 KINDERGARTEN BUT ARE RECEIVING AN EDUCATIONAL PROGRAM UNDER  
6 THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", ARTICLE 20 OF THIS  
7 TITLE 22, AS DETERMINED IN THE PRECEDING OCTOBER OR PREVIOUSLY IN  
8 NOVEMBER, FOR PURPOSES OF DETERMINING FUNDING PURSUANT TO PART  
9 1 OF ARTICLE 20 OF THIS TITLE 22.

10 (c) (I) On or before November 10 of each year, the secretary of the  
11 state charter school institute board shall certify to the state board the pupil  
12 enrollment and the online pupil enrollment of each institute charter school  
13 taken in the preceding October.

14 (II) 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 STATE CHARTER SCHOOL INSTITUTE BOARD 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, FROM EACH INSTITUTE CHARTER SCHOOL, AS DETERMINED IN THE  
22 PRECEDING OCTOBER OR PREVIOUSLY IN NOVEMBER, FOR PURPOSES OF  
23 DETERMINING FUNDING PURSUANT TO PART 1 OF ARTICLE 20 OF THIS TITLE  
24 22.

25 **SECTION 13.** In Colorado Revised Statutes, 22-54-126, **amend**  
26 (1)(a) as follows:

27 **22-54-126. Declining enrollment districts with new charter**

1 **schools - additional aid - definitions - repeal.** (1) As used in this  
2 section, unless the context otherwise requires:

3 (a) (I) (A) "Declining enrollment district" means, FOR BUDGET  
4 YEARS COMMENCING PRIOR TO JULY 1, 2023, a district whose funded pupil  
5 count is greater than the sum of the district's pupil enrollment, preschool  
6 program enrollment, and online pupil enrollment.

7 (B) THIS SUBSECTION (1)(a)(I) IS REPEALED, EFFECTIVE JULY 1,  
8 2023.

9 (II) "DECLINING ENROLLMENT DISTRICT" MEANS, FOR THE 2023-24  
10 BUDGET YEAR AND BUDGET YEARS THEREAFTER, A DISTRICT WHOSE  
11 FUNDED PUPIL COUNT IS GREATER THAN THE SUM OF THE DISTRICT'S PUPIL  
12 ENROLLMENT AND ONLINE PUPIL ENROLLMENT.

13 **SECTION 14.** In Colorado Revised Statutes, 22-55-102, **amend**  
14 (10) as follows:

15 **22-55-102. Definitions.** As used in this article 55, unless the  
16 context otherwise requires:

17 (10) "Preschool programs" includes, but is not limited to, the  
18 Colorado preschool program created pursuant to section 22-28-104, AS IT  
19 EXISTS PRIOR TO JULY 1, 2023, AND THE COLORADO UNIVERSAL  
20 PRESCHOOL PROGRAM CREATED IN PART 2 OF ARTICLE 4 OF TITLE 26.5.

21 **SECTION 15.** In Colorado Revised Statutes, 22-55-106, **amend**  
22 (1)(b); and **add** (1)(c) as follows:

23 **22-55-106. Statewide base per pupil funding - increases.**

24 (1) (b) For the school district budget year 2011-12 and each school  
25 district budget year thereafter THROUGH THE 2022-23 BUDGET YEAR, the  
26 general assembly shall annually increase the statewide base per pupil  
27 funding for public education from preschool through the twelfth grade by

1 at least the rate of inflation for the calendar year ending in the  
2 immediately preceding school district budget year.

3 (c) FOR THE SCHOOL DISTRICT BUDGET YEAR 2023-24 AND FOR  
4 EACH BUDGET YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL  
5 ANNUALLY INCREASE THE STATEWIDE BASE PER PUPIL FUNDING FOR  
6 PUBLIC EDUCATION FROM KINDERGARTEN THROUGH THE TWELFTH GRADE  
7 BY AT LEAST THE RATE OF INFLATION FOR THE CALENDAR YEAR ENDING IN  
8 THE IMMEDIATELY PRECEDING SCHOOL DISTRICT BUDGET YEAR.

9 **SECTION 16.** In Colorado Revised Statutes, **add** part 9 to article  
10 6 of title 26 as follows:

11 PART 9

12 FOSTER CARE, RESIDENTIAL, DAY TREATMENT,  
13 **AND** CHILD PLACEMENT AGENCY LICENSING

14 **26-6-901. Short title.** THE SHORT TITLE OF THIS PART 9 IS THE  
15 "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY LICENSING  
16 ACT".

17 **26-6-902. Legislative declaration.** (1) THE GENERAL ASSEMBLY  
18 FINDS THAT REGULATION AND LICENSING OF FOSTER CARE HOMES,  
19 RESIDENTIAL AND DAY TREATMENT CHILD CARE FACILITIES AND CHILD  
20 PLACEMENT AGENCIES CONTRIBUTE TO A SAFE AND HEALTHY  
21 ENVIRONMENT FOR CHILDREN AND YOUTH. THE PROVISION OF SUCH AN  
22 ENVIRONMENT AFFORDS BENEFITS TO CHILDREN AND YOUTH, THEIR  
23 FAMILIES, THEIR COMMUNITIES, AND THE LARGER SOCIETY. IT IS THE  
24 INTENT OF THE GENERAL ASSEMBLY THAT THOSE WHO REGULATE AND  
25 THOSE WHO ARE REGULATED WORK TOGETHER TO MEET THE NEEDS OF THE  
26 CHILDREN, YOUTH, THEIR FAMILIES, FOSTER CARE PROVIDERS, CHILD  
27 PLACEMENT AGENCIES, AND RESIDENTIAL AND DAY TREATMENT CHILD

1 CARE FACILITIES.

2 (2) IN BALANCING THE NEEDS OF CHILDREN AND THEIR FAMILIES  
3 WITH THE NEEDS OF CHILD PLACEMENT AGENCIES AND THE RESIDENTIAL  
4 AND DAY TREATMENT CHILD CARE INDUSTRY, THE GENERAL ASSEMBLY  
5 ALSO RECOGNIZES THE FINANCIAL DEMANDS THE DEPARTMENT OF HUMAN  
6 SERVICES FACES IN ITS ATTEMPT TO ENSURE A SAFE AND SANITARY  
7 ENVIRONMENT FOR CHILDREN OF THE STATE OF COLORADO WHO ARE IN  
8 FOSTER CARE WITH CHILD PLACEMENT AGENCIES OR IN RESIDENTIAL AND  
9 DAY TREATMENT CHILD CARE FACILITIES. IN AN EFFORT TO REDUCE THE  
10 RISK TO CHILDREN PLACED OUTSIDE THEIR HOMES WHILE RECOGNIZING  
11 THE FINANCIAL CONSTRAINTS PLACED ON THE DEPARTMENT, IT IS THE  
12 INTENT OF THE GENERAL ASSEMBLY THAT THE LIMITED RESOURCES  
13 AVAILABLE ARE FOCUSED PRIMARILY ON RESIDENTIAL AND DAY  
14 TREATMENT CHILD CARE FACILITIES AND AGENCIES THAT HAVE  
15 DEMONSTRATED THAT CHILDREN IN THEIR CARE MAY BE AT HIGHER RISK.

16 **26-6-903. Definitions.** AS USED IN THIS PART 9, UNLESS THE  
17 CONTEXT OTHERWISE REQUIRES:

18 (1) "AFFILIATE OF A LICENSEE" MEANS:

19 (a) A PERSON OR ENTITY THAT OWNS MORE THAN FIVE PERCENT OF  
20 THE OWNERSHIP INTEREST IN THE BUSINESS OPERATED BY THE LICENSEE  
21 OR THE APPLICANT FOR A LICENSE; OR

22 (b) A PERSON WHO IS DIRECTLY RESPONSIBLE FOR THE CARE AND  
23 WELFARE OF CHILDREN SERVED; OR

24 (c) AN EXECUTIVE, OFFICER, MEMBER OF THE GOVERNING BOARD,  
25 OR EMPLOYEE OF A LICENSEE; OR

26 (d) A RELATIVE OF A LICENSEE, WHICH RELATIVE PROVIDES CARE  
27 TO CHILDREN AT THE LICENSEE'S FACILITY OR AGENCY OR IS OTHERWISE

1 INVOLVED IN THE MANAGEMENT OR OPERATIONS OF THE LICENSEE'S  
2 FACILITY OR AGENCY.

3 (2) "APPLICATION" MEANS A DECLARATION OF INTENT TO OBTAIN  
4 OR CONTINUE A LICENSE OR CERTIFICATE FOR A RESIDENTIAL OR DAY  
5 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY.

6 (3) "CERTIFICATE" MEANS A LEGAL DOCUMENT GRANTING  
7 PERMISSION TO OPERATE A FOSTER CARE HOME OR A KINSHIP FOSTER CARE  
8 HOME.

9 (4) "CERTIFICATION" MEANS THE PROCESS BY WHICH A COUNTY  
10 DEPARTMENT OF HUMAN OR SOCIAL SERVICES, A CHILD PLACEMENT  
11 AGENCY, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO APPLICABLE  
12 FEDERAL LAW APPROVES THE OPERATION OF A FOSTER CARE HOME.

13 (5) "CHILD CARE CENTER" MEANS A FACILITY, BY WHATEVER  
14 NAME KNOWN, THAT IS MAINTAINED FOR TWENTY-FOUR-HOUR CARE FOR  
15 FIVE OR MORE CHILDREN, UNLESS OTHERWISE SPECIFIED IN THIS  
16 SUBSECTION (5), WHO ARE NOT RELATED TO THE OWNER, OPERATOR, OR  
17 MANAGER OF THE FACILITY, WHETHER THE FACILITY IS OPERATED WITH OR  
18 WITHOUT COMPENSATION FOR SUCH CARE AND WITH OR WITHOUT STATED  
19 EDUCATIONAL PURPOSES. THE TERM INCLUDES, BUT IS NOT LIMITED TO,  
20 FACILITIES COMMONLY KNOWN AS RESIDENTIAL CHILD CARE FACILITIES,  
21 DAY TREATMENT FACILITIES, SPECIALIZED GROUP FACILITIES, SECURE  
22 RESIDENTIAL TREATMENT CENTERS, AND RESPITE CHILD CARE FACILITIES.

23 (6) "CHILD PLACEMENT AGENCY" OR "AGENCY" MEANS A  
24 CORPORATION, PARTNERSHIP, ASSOCIATION, FIRM, AGENCY, INSTITUTION,  
25 OR PERSON UNRELATED TO THE CHILD BEING PLACED, WHO PLACES,  
26 FACILITATES PLACEMENT FOR A FEE, OR ARRANGES FOR PLACEMENT FOR  
27 CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE WITH A FAMILY, PERSON,

1 OR INSTITUTION. A CHILD PLACEMENT AGENCY MAY PLACE, FACILITATE  
2 PLACEMENT, OR ARRANGE FOR THE PLACEMENT OF A CHILD FOR THE  
3 PURPOSE OF ADOPTION, FOSTER CARE, TREATMENT FOSTER CARE, OR  
4 THERAPEUTIC FOSTER CARE. THE NATURAL PARENTS OR GUARDIAN OF A  
5 CHILD WHO PLACE THE CHILD FOR CARE WITH A FACILITY LICENSED AS A  
6 FAMILY CHILD CARE HOME OR CHILD CARE CENTER, AS DEFINED IN SECTION  
7 26.5-5-303, ARE NOT A CHILD PLACEMENT AGENCY.

8 (7) "CRADLE CARE HOME" MEANS A FACILITY THAT IS CERTIFIED  
9 BY A CHILD PLACEMENT AGENCY FOR THE CARE OF A CHILD, OR CHILDREN  
10 IN THE CASE OF MULTIPLE-BIRTH SIBLINGS, WHO IS TWELVE MONTHS OF  
11 AGE OR YOUNGER, IN A PLACE OF RESIDENCE FOR THE PURPOSE OF  
12 PROVIDING TWENTY-FOUR-HOUR FAMILY CARE FOR SIX MONTHS OR LESS  
13 IN ANTICIPATION OF A VOLUNTARY RELINQUISHMENT OF THE CHILD OR  
14 CHILDREN, PURSUANT TO ARTICLE 5 OF TITLE 19, OR WHILE A COUNTY  
15 PREPARES AN EXPEDITED PERMANENCY PLAN FOR AN INFANT IN ITS  
16 CUSTODY.

17 (8) (a) (I) "DAY TREATMENT CENTER" MEANS A FACILITY THAT:

18 (A) EXCEPT AS PROVIDED IN SUBSECTION (8)(a)(II) OF THIS  
19 SECTION, PROVIDES LESS THAN TWENTY-FOUR-HOUR CARE FOR GROUPS OF  
20 FIVE OR MORE CHILDREN WHO ARE THREE YEARS OF AGE OR OLDER, BUT  
21 LESS THAN TWENTY-ONE YEARS OF AGE; AND

22 (B) PROVIDES A STRUCTURED PROGRAM OF VARIOUS TYPES OF  
23 PSYCHO-SOCIAL AND BEHAVIORAL TREATMENT TO PREVENT OR REDUCE  
24 THE NEED FOR PLACEMENT OF THE CHILD OUT OF THE HOME OR  
25 COMMUNITY.

26 (II) NOTHING IN THIS SUBSECTION (8) PROHIBITS A DAY  
27 TREATMENT CENTER FROM ALLOWING A PERSON WHO REACHES

1 TWENTY-ONE YEARS OF AGE AFTER THE COMMENCEMENT OF AN  
2 ACADEMIC YEAR FROM ATTENDING AN EDUCATIONAL PROGRAM AT THE  
3 DAY TREATMENT CENTER THROUGH THE END OF THE SEMESTER IN WHICH  
4 THE TWENTY-FIRST BIRTHDAY OCCURS OR UNTIL THE PERSON COMPLETES  
5 THE EDUCATIONAL PROGRAM, WHICHEVER COMES FIRST.

6 (b) "DAY TREATMENT CENTER" DOES NOT INCLUDE SPECIAL  
7 EDUCATION PROGRAMS OPERATED BY A PUBLIC OR PRIVATE SCHOOL  
8 SYSTEM OR PROGRAMS THAT ARE LICENSED BY THE DEPARTMENT OF  
9 EARLY CHILDHOOD FOR LESS THAN TWENTY-FOUR-HOUR CARE OF  
10 CHILDREN, SUCH AS A CHILD CARE CENTER.

11 (9) "DEPARTMENT" OR "STATE DEPARTMENT" MEANS THE STATE  
12 DEPARTMENT OF HUMAN SERVICES.

13 (10) "FOSTER CARE HOME" MEANS A HOME THAT IS CERTIFIED BY  
14 A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY PURSUANT TO  
15 SECTION 26-6-910, OR A FEDERALLY RECOGNIZED TRIBE PURSUANT TO  
16 APPLICABLE FEDERAL LAW, FOR CHILD CARE IN A PLACE OF RESIDENCE OF  
17 A FAMILY OR PERSON FOR THE PURPOSE OF PROVIDING  
18 TWENTY-FOUR-HOUR FAMILY FOSTER CARE FOR A CHILD UNDER THE AGE  
19 OF TWENTY-ONE YEARS. A FOSTER CARE HOME MAY INCLUDE FOSTER  
20 CARE FOR A CHILD WHO IS UNRELATED TO THE HEAD OF THE HOME OR  
21 FOSTER CARE PROVIDED THROUGH A KINSHIP FOSTER CARE HOME BUT  
22 DOES NOT INCLUDE NONCERTIFIED KINSHIP CARE, AS DEFINED IN SECTION  
23 19-1-103. THE TERM INCLUDES A FOSTER CARE HOME THAT RECEIVES A  
24 CHILD FOR REGULAR TWENTY-FOUR-HOUR CARE AND A HOME THAT  
25 RECEIVES A CHILD FROM A STATE-OPERATED INSTITUTION FOR CHILD CARE  
26 OR FROM A CHILD PLACEMENT AGENCY."FOSTER CARE HOME" ALSO  
27 INCLUDES THOSE HOMES LICENSED BY THE DEPARTMENT PURSUANT TO

1 SECTION 26-6-905 THAT RECEIVE NEITHER MONEY FROM THE COUNTIES  
2 NOR CHILDREN PLACED BY THE COUNTIES.

3 (11) "GOVERNING BODY" MEANS THE INDIVIDUAL, PARTNERSHIP,  
4 CORPORATION, OR ASSOCIATION IN WHICH THE ULTIMATE AUTHORITY AND  
5 LEGAL RESPONSIBILITY IS VESTED FOR THE ADMINISTRATION AND  
6 OPERATION OF A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY  
7 OR A CHILD PLACEMENT AGENCY.

8 (12) "GUARDIAN" MEANS A PERSON WHO IS ENTRUSTED BY LAW  
9 WITH THE CARE OF A CHILD UNDER EIGHTEEN YEARS OF AGE.

10 (13) "HOMELESS YOUTH SHELTER" MEANS A FACILITY THAT, IN  
11 ADDITION TO OTHER SERVICES IT MAY PROVIDE, PROVIDES SERVICES AND  
12 MASS TEMPORARY SHELTER FOR A PERIOD OF THREE DAYS OR MORE TO  
13 YOUTHS WHO ARE AT LEAST ELEVEN YEARS OF AGE OR OLDER AND WHO  
14 OTHERWISE ARE HOMELESS YOUTH AS THAT TERM IS DEFINED IN SECTION  
15 26-5.7-102 (2).

16 (14) "ICON" MEANS THE COMPUTERIZED DATABASE OF COURT  
17 RECORDS KNOWN AS THE INTEGRATED COLORADO ONLINE NETWORK USED  
18 BY THE STATE JUDICIAL DEPARTMENT.

19 (15) "KIN" MEANS A RELATIVE OF THE CHILD, A PERSON ASCRIBED  
20 BY THE FAMILY AS HAVING A FAMILY-LIKE RELATIONSHIP WITH THE CHILD,  
21 OR A PERSON THAT HAS A PRIOR SIGNIFICANT RELATIONSHIP WITH THE  
22 CHILD. THESE RELATIONSHIPS TAKE INTO ACCOUNT CULTURAL VALUES  
23 AND CONTINUITY OF SIGNIFICANT RELATIONSHIPS WITH THE CHILD.

24 (16) "KINSHIP FOSTER CARE HOME" MEANS A FOSTER CARE HOME  
25 THAT IS CERTIFIED BY A COUNTY DEPARTMENT OR A LICENSED CHILD  
26 PLACEMENT AGENCY PURSUANT TO SECTION 26-6-910 OR A FEDERALLY  
27 RECOGNIZED TRIBE PURSUANT TO APPLICABLE FEDERAL LAW AS HAVING

1 MET THE FOSTER CARE CERTIFICATION REQUIREMENTS AND WHERE THE  
2 FOSTER CARE OF THE CHILD IS PROVIDED BY KIN. KINSHIP FOSTER CARE  
3 PROVIDERS ARE ELIGIBLE FOR FOSTER CARE REIMBURSEMENT. A KINSHIP  
4 FOSTER CARE HOME PROVIDES TWENTY-FOUR-HOUR FOSTER CARE FOR A  
5 CHILD OR YOUTH UNDER THE AGE OF TWENTY-ONE YEARS.

6 (17) "LICENSE" MEANS A LEGAL DOCUMENT ISSUED PURSUANT TO  
7 THIS PART 9 GRANTING PERMISSION TO OPERATE A RESIDENTIAL OR DAY  
8 TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY. A  
9 LICENSE MAY BE IN THE FORM OF A PROVISIONAL, PROBATIONARY,  
10 PERMANENT, OR TIME-LIMITED LICENSE.

11 (18) "LICENSEE" MEANS THE ENTITY OR INDIVIDUAL TO WHICH A  
12 LICENSE IS ISSUED AND THAT HAS THE LEGAL CAPACITY TO ENTER INTO AN  
13 AGREEMENT OR CONTRACT, ASSUME OBLIGATIONS, INCUR AND PAY DEBTS,  
14 SUE AND BE SUED IN ITS OWN RIGHT, AND BE HELD RESPONSIBLE FOR ITS  
15 ACTIONS. A LICENSEE MAY BE A GOVERNING BODY.

16 (19) "LICENSING" MEANS, EXCEPT AS OTHERWISE PROVIDED IN  
17 SUBSECTION (10) OF THIS SECTION, THE PROCESS BY WHICH THE  
18 DEPARTMENT APPROVES A FACILITY OR AGENCY FOR THE PURPOSE OF  
19 CONDUCTING BUSINESS AS A RESIDENTIAL OR DAY TREATMENT CHILD  
20 CARE FACILITY OR CHILD PLACEMENT AGENCY.

21 (20) "MEDICAL FOSTER CARE" MEANS A PROGRAM OF FOSTER CARE  
22 THAT PROVIDES HOME-BASED CARE FOR MEDICALLY FRAGILE CHILDREN  
23 AND YOUTH WHO WOULD OTHERWISE BE CONFINED TO A HOSPITAL OR  
24 INSTITUTIONAL SETTING AND INCLUDES, BUT IS NOT LIMITED TO:

25 (a) INFANTS IMPACTED BY PRENATAL DRUG AND ALCOHOL ABUSE;

26 (b) CHILDREN WITH DEVELOPMENTAL DISABILITIES THAT REQUIRE  
27 ONGOING MEDICAL INTERVENTION;

1 (c) CHILDREN AND YOUTH DIAGNOSED WITH ACQUIRED IMMUNE  
2 DEFICIENCY SYNDROME OR HUMAN IMMUNODEFICIENCY VIRUS;

3 (d) CHILDREN WITH A FAILURE TO THRIVE OR OTHER NUTRITIONAL  
4 DISORDERS; AND

5 (e) CHILDREN DEPENDENT ON TECHNOLOGY SUCH AS RESPIRATORS,  
6 TRACHEOTOMY TUBES, OR VENTILATORS TO SURVIVE.

7 (21) (a) "NEGATIVE LICENSING ACTION" MEANS A FINAL AGENCY  
8 ACTION RESULTING IN THE DENIAL OF AN APPLICATION, THE IMPOSITION OF  
9 FINES, OR THE SUSPENSION OR REVOCATION OF A LICENSE ISSUED  
10 PURSUANT TO THIS PART 9 OR THE DEMOTION OF SUCH A LICENSE TO A  
11 PROBATIONARY LICENSE.

12 (b) AS USED IN THIS SUBSECTION (21), "FINAL AGENCY ACTION"  
13 MEANS THE DETERMINATION MADE BY THE DEPARTMENT, AFTER THE  
14 OPPORTUNITY FOR A HEARING, TO DENY, SUSPEND, REVOKE, OR DEMOTE  
15 TO PROBATIONARY STATUS A LICENSE ISSUED PURSUANT TO THIS PART 9  
16 OR AN AGREEMENT BETWEEN THE DEPARTMENT AND THE LICENSEE  
17 CONCERNING THE DEMOTION OF SUCH A LICENSE TO A PROBATIONARY  
18 LICENSE.

19 (22) "OUT-OF-HOME PLACEMENT PROVIDER CONSORTIUM" MEANS  
20 A GROUP OF SERVICE PROVIDERS THAT ARE FORMALLY ORGANIZED AND  
21 MANAGED TO ACHIEVE THE GOALS OF THE COUNTY, GROUP OF COUNTIES,  
22 OR MENTAL HEALTH AGENCY CONTRACTING FOR ADDITIONAL SERVICES  
23 OTHER THAN TREATMENT-RELATED OR CHILD MAINTENANCE SERVICES.

24 (23) "PERSON" MEANS A CORPORATION, PARTNERSHIP,  
25 ASSOCIATION, FIRM, AGENCY, INSTITUTION, OR INDIVIDUAL.

26 (24) "PLACE OF RESIDENCE" MEANS THE PLACE OR ABODE WHERE  
27 A PERSON ACTUALLY LIVES AND PROVIDES CHILD CARE.

1           (25) "QUALIFIED INDIVIDUAL" MEANS A TRAINED PROFESSIONAL  
2 OR LICENSED CLINICIAN, AS DEFINED IN THE FEDERAL "FAMILY FIRST  
3 PREVENTION SERVICES ACT". A "QUALIFIED INDIVIDUAL" MUST BE  
4 APPROVED TO SERVE AS A QUALIFIED INDIVIDUAL ACCORDING TO THE  
5 STATE PLAN. A "QUALIFIED INDIVIDUAL" MUST NOT BE AN INTERESTED  
6 PARTY OR PARTICIPANT IN THE JUVENILE COURT PROCEEDING AND MUST  
7 BE FREE OF ANY PERSONAL OR BUSINESS RELATIONSHIP THAT WOULD  
8 CAUSE A CONFLICT OF INTEREST IN EVALUATING THE CHILD, JUVENILE, OR  
9 YOUTH OR MAKING RECOMMENDATIONS CONCERNING THE CHILD'S,  
10 JUVENILE'S, OR YOUTH'S PLACEMENT AND THERAPEUTIC NEEDS  
11 ACCORDING TO THE FEDERAL TITLE IV-E STATE PLAN OR ANY WAIVER IN  
12 ACCORDANCE WITH 42 U.S.C. SEC. 675a.

13           (26) "QUALIFIED RESIDENTIAL TREATMENT PROGRAM" MEANS A  
14 LICENSED AND ACCREDITED PROGRAM THAT HAS A TRAUMA-INFORMED  
15 TREATMENT MODEL THAT IS DESIGNED TO ADDRESS THE CHILD'S OR  
16 YOUTH'S NEEDS, INCLUDING CLINICAL NEEDS, AS APPROPRIATE, OF  
17 CHILDREN AND YOUTH WITH SERIOUS EMOTIONAL OR BEHAVIORAL  
18 DISORDERS OR DISTURBANCES IN ACCORDANCE WITH THE FEDERAL  
19 "FAMILY FIRST PREVENTION SERVICES ACT", 42 U.S.C. 672 (k)(4), AND  
20 IS ABLE TO IMPLEMENT THE TREATMENT IDENTIFIED FOR THE CHILD OR  
21 YOUTH BY THE ASSESSMENT OF THE CHILD OR YOUTH REQUIRED IN  
22 SECTION 19-1-115 (4)(e)(I).

23           (27) "RELATED" MEANS ANY OF THE FOLLOWING RELATIONSHIPS  
24 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, BROTHER,  
25 SISTER, STEPPARENT, STEPBROTHER, STEPSISTER, UNCLE, AUNT, NIECE,  
26 NEPHEW, OR COUSIN.

27           (28) "RELATIVE" MEANS ANY OF THE FOLLOWING RELATIONSHIPS

1 BY BLOOD, MARRIAGE, OR ADOPTION: PARENT, GRANDPARENT, SON,  
2 DAUGHTER, GRANDSON, GRANDDAUGHTER, BROTHER, SISTER,  
3 STEPPARENT, STEPBROTHER, STEPSISTER, STEPSON, STEPDAUGHTER,  
4 UNCLE, AUNT, NIECE, NEPHEW, OR COUSIN.

5 (29) "RESIDENTIAL CHILD CARE FACILITY" MEANS A FACILITY  
6 LICENSED BY THE STATE DEPARTMENT PURSUANT TO THIS PART 9 TO  
7 PROVIDE TWENTY-FOUR-HOUR GROUP CARE AND TREATMENT FOR FIVE OR  
8 MORE CHILDREN OPERATED UNDER PRIVATE, PUBLIC, OR NONPROFIT  
9 SPONSORSHIP. "RESIDENTIAL CHILD CARE FACILITY" INCLUDES  
10 COMMUNITY-BASED RESIDENTIAL CHILD CARE FACILITIES; QUALIFIED  
11 RESIDENTIAL TREATMENT PROGRAMS, AS DEFINED IN SECTION 26-5.4-102  
12 (2); SHELTER FACILITIES; AND PSYCHIATRIC RESIDENTIAL TREATMENT  
13 FACILITIES AS DEFINED IN SECTION 25.5-4-103 (19.5). A RESIDENTIAL  
14 CHILD CARE FACILITY MAY BE ELIGIBLE FOR DESIGNATION BY THE  
15 EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT PURSUANT TO ARTICLE  
16 65 OF TITLE 27. A CHILD WHO IS ADMITTED TO A RESIDENTIAL CHILD CARE  
17 FACILITY MUST BE:

18 (a) FIVE YEARS OF AGE OR OLDER BUT LESS THAN EIGHTEEN YEARS  
19 OF AGE; OR

20 (b) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY COURT  
21 ORDER OR VOLUNTARY PLACEMENT; OR

22 (c) ACCOMPANIED BY A PARENT IF LESS THAN FIVE YEARS OF AGE.

23 (30) "RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY" OR  
24 "FACILITY" MEANS A RESIDENTIAL CHILD CARE FACILITY, INCLUDING A  
25 QUALIFIED RESIDENTIAL TREATMENT PROGRAM, PSYCHIATRIC  
26 RESIDENTIAL TREATMENT PROGRAM, SHELTER CARE PROGRAM, AND  
27 HOMELESS YOUTH PROGRAM; SPECIALIZED GROUP FACILITY, INCLUDING A

1 GROUP HOME AND GROUP CENTER; DAY TREATMENT CENTER; SECURE  
2 RESIDENTIAL TREATMENT CENTER; RESPITE CHILD CARE CENTER; OR  
3 HOMELESS YOUTH SHELTER, INCLUDING A HOST FAMILY HOME.

4 (31) "RESPITE CHILD CARE CENTER" MEANS A FACILITY FOR THE  
5 PURPOSE OF PROVIDING TEMPORARY TWENTY-FOUR-HOUR GROUP CARE  
6 FOR THREE OR MORE CHILDREN OR YOUTH WHO ARE PLACED IN CERTIFIED  
7 FOSTER CARE HOMES OR APPROVED NONCERTIFIED KINSHIP CARE HOMES,  
8 AND CHILDREN OR YOUTH WITH OPEN CASES THROUGH A REGIONAL  
9 ACCOUNTABLE ENTITY. A RESPITE CHILD CARE CENTER IS NOT A  
10 TREATMENT FACILITY, BUT RATHER ITS PRIMARY PURPOSE IS PROVIDING  
11 RECREATIONAL ACTIVITIES, PEER ENGAGEMENT, AND SKILL DEVELOPMENT  
12 TO THE CHILDREN AND YOUTH IN ITS CARE. A RESPITE CHILD CARE CENTER  
13 SERVES CHILDREN AND YOUTH FROM FIVE YEARS OF AGE TO TWENTY-ONE  
14 YEARS OF AGE. A RESPITE CHILD CARE CENTER MAY OFFER CARE FOR ONLY  
15 PART OF A DAY. FOR PURPOSES OF THIS SUBSECTION (31), "RESPITE CHILD  
16 CARE" MEANS AN ALTERNATE FORM OF CARE TO ENABLE CAREGIVERS TO  
17 BE TEMPORARILY RELIEVED OF CAREGIVING RESPONSIBILITIES.

18 (32) "SECURE RESIDENTIAL TREATMENT CENTER" MEANS A  
19 FACILITY OPERATED UNDER PRIVATE OWNERSHIP THAT IS LICENSED BY THE  
20 DEPARTMENT PURSUANT TO THIS PART 9 TO PROVIDE TWENTY-FOUR-HOUR  
21 GROUP CARE AND TREATMENT IN A SECURE SETTING FOR FIVE OR MORE  
22 CHILDREN OR PERSONS UP TO THE AGE OF TWENTY-ONE YEARS OVER  
23 WHOM THE JUVENILE COURT RETAINS JURISDICTION PURSUANT TO SECTION  
24 19-2.5-103 (6) WHO ARE COMMITTED BY A COURT, PURSUANT TO AN  
25 ADJUDICATION OF DELINQUENCY OR PURSUANT TO A DETERMINATION OF  
26 GUILT OF A DELINQUENT ACT OR HAVING BEEN CONVICTED AS AN ADULT  
27 AND SENTENCED FOR AN ACT THAT WOULD BE A CRIME IF COMMITTED IN

1 COLORADO, OR IN THE COMMITTING JURISDICTION, TO BE PLACED IN A  
2 SECURE FACILITY.

3 (33) "SIBLING" MEANS ONE OR MORE INDIVIDUALS HAVING ONE OR  
4 BOTH PARENTS IN COMMON.

5 (34) (a) "SPECIALIZED GROUP FACILITY" MEANS A FACILITY  
6 SPONSORED AND SUPERVISED BY A COUNTY DEPARTMENT OR A LICENSED  
7 CHILD PLACEMENT AGENCY FOR THE PURPOSE OF PROVIDING  
8 TWENTY-FOUR-HOUR CARE FOR THREE OR MORE CHILDREN, BUT FEWER  
9 THAN TWELVE CHILDREN, WHOSE SPECIAL NEEDS CAN BEST BE MET  
10 THROUGH THE MEDIUM OF A SMALL GROUP. A CHILD WHO IS ADMITTED TO  
11 A SPECIALIZED GROUP FACILITY MUST BE:

12 (I) AT LEAST SEVEN YEARS OF AGE OR OLDER BUT LESS THAN  
13 EIGHTEEN YEARS OF AGE;

14 (II) LESS THAN TWENTY-ONE YEARS OF AGE AND PLACED BY  
15 COURT ORDER OR VOLUNTARY PLACEMENT; OR

16 (III) ACCOMPANIED BY A PARENT OR LEGAL GUARDIAN IF LESS  
17 THAN SEVEN YEARS OF AGE.

18 (b) "SPECIALIZED GROUP FACILITY" INCLUDES SPECIALIZED GROUP  
19 HOMES AND SPECIALIZED GROUP CENTERS.

20 (35) "THERAPEUTIC FOSTER CARE" MEANS A PROGRAM OF FOSTER  
21 CARE THAT INCORPORATES TREATMENT FOR THE SPECIAL PHYSICAL,  
22 PSYCHOLOGICAL, OR EMOTIONAL NEEDS OF A CHILD PLACED WITH  
23 SPECIALLY TRAINED FOSTER PARENTS, BUT DOES NOT INCLUDE MEDICAL  
24 FOSTER CARE.

25 (36) "TREATMENT FOSTER CARE" MEANS A CLINICALLY EFFECTIVE  
26 ALTERNATIVE TO A RESIDENTIAL TREATMENT FACILITY THAT COMBINES  
27 THE TREATMENT TECHNOLOGIES TYPICALLY ASSOCIATED WITH MORE

1 RESTRICTIVE SETTINGS WITH A NURTURING AND INDIVIDUALIZED FAMILY  
2 ENVIRONMENT.

3 **26-6-904. Applicability of part. (1)** THIS PART 9 DOES NOT  
4 APPLY TO:

5 (a) A CHILD CARE FACILITY THAT IS APPROVED, CERTIFIED, OR  
6 LICENSED BY ANOTHER STATE AGENCY OR BY A FEDERAL GOVERNMENT  
7 DEPARTMENT OR AGENCY THAT HAS STANDARDS FOR OPERATION OF THE  
8 FACILITY AND INSPECTS OR MONITORS THE FACILITY;

9 (b) OCCASIONAL CARE OF CHILDREN THAT HAS NO APPARENT  
10 PATTERN AND OCCURS WITH OR WITHOUT COMPENSATION;

11 (c) JUVENILE COURTS; OR

12 (d) NURSING HOMES THAT HAVE CHILDREN AS RESIDENTS.

13 (2) A LICENSEE OR GOVERNING BODY FOR WHICH THE LICENSE IS  
14 SUSPENDED PURSUANT TO SECTION 24-4-104 OR THAT HAS RECEIVED A  
15 FINAL AGENCY ACTION RESULTING IN THE REVOCATION OF A LICENSE  
16 ISSUED PURSUANT TO THIS PART 9 IS PROHIBITED FROM OPERATING,  
17 EXCEPT WHEN THE CHILDREN BEING CARED FOR ARE RELATED TO THE  
18 CAREGIVER.

19 **26-6-905. Licenses - out-of-state notices and consent -**  
20 **demonstration pilot program - definition - rules. (1)** (a) EXCEPT AS  
21 OTHERWISE PROVIDED IN SUBSECTION (1)(b) OF THIS SECTION OR  
22 ELSEWHERE IN THIS PART 9, A PERSON SHALL NOT OPERATE A RESIDENTIAL  
23 OR DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY  
24 WITHOUT FIRST BEING LICENSED BY THE STATE DEPARTMENT TO OPERATE  
25 OR MAINTAIN THE FACILITY OR AGENCY AND PAYING THE PRESCRIBED FEE.  
26 EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (1)(c) OF THIS SECTION,  
27 A LICENSE THAT THE STATE DEPARTMENT ISSUES IS PERMANENT UNLESS

1 OTHERWISE REVOKED OR SUSPENDED PURSUANT TO SECTION 26-6-914.

2 (b) A PERSON OPERATING A FOSTER CARE HOME IS NOT REQUIRED  
3 TO OBTAIN A LICENSE FROM THE STATE DEPARTMENT TO OPERATE THE  
4 FOSTER CARE HOME IF THE PERSON HOLDS A CERTIFICATE ISSUED  
5 PURSUANT TO SECTION 26-6-910 TO OPERATE THE HOME FROM A COUNTY  
6 DEPARTMENT OR A CHILD PLACEMENT AGENCY LICENSED UNDER THE  
7 PROVISIONS OF THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR  
8 THE PURPOSE OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE  
9 INVESTIGATION AND CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED  
10 UNDER SECTIONS 26-6-910 AND 26-6-912.

11 (c) (I) ON AND AFTER JULY 1, 2002, AND CONTINGENT UPON THE  
12 TIME LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS"  
13 ENHANCEMENTS, CHILD PLACEMENT AGENCIES THAT CERTIFY FOSTER  
14 CARE HOMES MUST BE LICENSED ANNUALLY UNTIL THE IMPLEMENTATION  
15 OF ANY RISK-BASED SCHEDULE FOR THE RENEWAL OF CHILD PLACEMENT  
16 AGENCY LICENSES PURSUANT TO SUBSECTION (1)(c)(II) OF THIS SECTION.  
17 THE STATE BOARD SHALL PROMULGATE RULES SPECIFYING THE  
18 PROCEDURAL REQUIREMENTS ASSOCIATED WITH THE RENEWAL OF CHILD  
19 PLACEMENT AGENCY LICENSES. THE RULES MUST INCLUDE THE  
20 REQUIREMENT THAT THE STATE DEPARTMENT CONDUCT ASSESSMENTS OF  
21 THE CHILD PLACEMENT AGENCY.

22 (II) (A) ON AND AFTER JANUARY 1, 2004, AND UPON THE  
23 FUNCTIONALITY OF THE COMPUTER "TRAILS" ENHANCEMENTS, THE STATE  
24 DEPARTMENT MAY IMPLEMENT A SCHEDULE FOR RELICENSING OF CHILD  
25 PLACEMENT AGENCIES THAT CERTIFY FOSTER CARE HOMES THAT IS BASED  
26 ON RISK FACTORS SUCH THAT CHILD PLACEMENT AGENCIES WITH LOW RISK  
27 FACTORS MUST RENEW THEIR LICENSES LESS FREQUENTLY THAN CHILD

1 PLACEMENT AGENCIES WITH HIGHER RISK FACTORS.

2 (B) PRIOR TO JANUARY 1, 2004, AND CONTINGENT UPON THE TIME  
3 LINES FOR IMPLEMENTATION OF THE COMPUTER "TRAILS" ENHANCEMENTS,  
4 THE STATE DEPARTMENT SHALL CREATE CLASSIFICATIONS OF CHILD  
5 PLACEMENT AGENCY LICENSES THAT CERTIFY FOSTER CARE HOMES THAT  
6 ARE BASED ON RISK FACTORS AS THOSE FACTORS ARE ESTABLISHED BY  
7 RULE OF THE STATE BOARD.

8 (III) ON AND AFTER JULY 1, 2021, ALL RESIDENTIAL CHILD CARE  
9 FACILITIES MUST BE LICENSED ANNUALLY. THE STATE BOARD SHALL  
10 PROMULGATE RULES SPECIFYING THE PROCEDURAL REQUIREMENTS  
11 ASSOCIATED WITH THE LICENSE RENEWAL FOR RESIDENTIAL CHILD CARE  
12 FACILITIES. THE RULES MUST INCLUDE A REQUIREMENT THAT THE STATE  
13 DEPARTMENT CONDUCT ASSESSMENTS OF THE RESIDENTIAL CHILD CARE  
14 FACILITY.

15 (2) A PERSON SHALL NOT RECEIVE OR ACCEPT A CHILD UNDER  
16 EIGHTEEN YEARS OF AGE FOR PLACEMENT, OR PLACE A CHILD EITHER  
17 TEMPORARILY OR PERMANENTLY IN A HOME, OTHER THAN WITH PERSONS  
18 RELATED TO THE CHILD, WITHOUT FIRST OBTAINING A LICENSE AS A CHILD  
19 PLACEMENT AGENCY FROM THE DEPARTMENT, AND PAYING THE FEE  
20 PRESCRIBED FOR THE LICENSE.

21 (3) THE DEPARTMENT MAY ISSUE A ONE-TIME PROVISIONAL  
22 LICENSE FOR A PERIOD OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL  
23 LICENSE FOR A FOSTER CARE HOME, PERMITTING THE APPLICANT TO  
24 OPERATE THE FOSTER CARE HOME IF THE APPLICANT IS TEMPORARILY  
25 UNABLE TO CONFORM TO ALL STANDARDS REQUIRED UNDER THIS PART 9,  
26 UPON PROOF BY THE APPLICANT THAT THE APPLICANT IS ATTEMPTING TO  
27 CONFORM TO THE STANDARDS OR TO COMPLY WITH ANY OTHER

1 REQUIREMENTS. THE APPLICANT HAS THE RIGHT TO APPEAL ANY  
2 STANDARD THAT THE APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP  
3 OR HAS BEEN APPLIED TOO STRINGENTLY BY THE DEPARTMENT. UPON THE  
4 FILING OF AN APPEAL, THE DEPARTMENT SHALL PROCEED IN THE MANNER  
5 PRESCRIBED FOR LICENSEE APPEALS IN SECTION 26-6-909 (4).

6 (4) THE DEPARTMENT SHALL NOT ISSUE A LICENSE FOR A  
7 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY UNTIL THE  
8 FACILITIES THAT THE APPLICANT OR LICENSEE WILL OPERATE OR MAINTAIN  
9 ARE APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH AND  
10 ENVIRONMENT AS CONFORMING TO THE SANITARY STANDARDS  
11 PRESCRIBED BY THE DEPARTMENT PURSUANT TO SECTION 25-1.5-101  
12 (1)(h) AND UNLESS THE FACILITIES CONFORM TO FIRE PREVENTION AND  
13 PROTECTION REQUIREMENTS OF LOCAL FIRE DEPARTMENTS IN THE  
14 LOCALITY OF THE FACILITY OR, IN LIEU THEREOF, OF THE DIVISION OF  
15 LABOR STANDARDS AND STATISTICS.

16 (5) A PERSON SHALL NOT SEND OR BRING INTO THIS STATE A CHILD  
17 FOR THE PURPOSES OF FOSTER CARE OR ADOPTION WITHOUT SENDING  
18 NOTICE OF THE PENDING PLACEMENT AND RECEIVING THE CONSENT OF THE  
19 DEPARTMENT, OR ITS DESIGNATED AGENT, TO THE PLACEMENT. THE  
20 NOTICE MUST CONTAIN:

21 (a) THE NAME AND THE DATE AND PLACE OF BIRTH OF THE CHILD;

22 (b) THE IDENTITY AND ADDRESS OR ADDRESSES OF THE PARENTS  
23 OR LEGAL GUARDIAN;

24 (c) THE IDENTITY AND ADDRESS OF THE PERSON SENDING OR  
25 BRINGING THE CHILD;

26 (d) THE NAME AND ADDRESS OF THE PERSON TO OR WITH WHOM  
27 THE SENDING PERSON PROPOSES TO SEND, BRING, OR PLACE THE CHILD;

1 (e) A FULL STATEMENT OF THE REASONS FOR THE PROPOSED  
2 ACTION AND EVIDENCE OF THE AUTHORITY PURSUANT TO WHICH THE  
3 PLACEMENT IS PROPOSED TO BE MADE.

4 (6) THE STATE BOARD OF HUMAN SERVICES SHALL ESTABLISH  
5 RULES FOR THE APPROVAL OF FOSTER CARE HOMES AND CHILD CARE  
6 CENTERS THAT PROVIDE TWENTY-FOUR-HOUR CARE OF CHILDREN  
7 BETWEEN EIGHTEEN AND TWENTY-ONE YEARS OF AGE FOR WHOM THE  
8 COUNTY DEPARTMENT IS FINANCIALLY RESPONSIBLE AND WHEN PLACED  
9 IN FOSTER CARE BY THE COUNTY DEPARTMENT.

10 (7) ON AND AFTER JULY 1, 2005, AND SUBJECT TO DESIGNATION AS  
11 A QUALIFIED ACCREDITING ENTITY AS REQUIRED BY THE "INTERCOUNTRY  
12 ADOPTION ACT OF 2000", 42 U.S.C. SEC. 14901 ET SEQ., THE STATE  
13 DEPARTMENT MAY LICENSE AND ACCREDIT A CHILD PLACEMENT AGENCY  
14 FOR PURPOSES OF PROVIDING ADOPTION SERVICES FOR CONVENTIONAL  
15 ADOPTIONS PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000",  
16 42 U.S.C. SEC. 14901 ET SEQ. THE STATE BOARD OF HUMAN SERVICES MAY  
17 ADOPT RULES CONSISTENT WITH FEDERAL LAW GOVERNING THE  
18 PROCEDURES FOR ADVERSE ACTIONS REGARDING ACCREDITATION, WHICH  
19 PROCEDURES MAY VARY FROM THE PROCEDURES SET FORTH IN THE "STATE  
20 ADMINISTRATIVE PROCEDURE ACT", ARTICLE 4 OF TITLE 24.

21 (8) (a) (I) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO  
22 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR A  
23 CHILD PLACEMENT AGENCY, AND ANY LICENSE OR CERTIFICATE ISSUED  
24 PRIOR TO AUGUST 7, 2006, IS REVOKED OR SUSPENDED IF THE APPLICANT  
25 FOR THE LICENSE OR CERTIFICATE, AN AFFILIATE OF THE APPLICANT, A  
26 PERSON EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH  
27 THE APPLICANT AT THE FACILITY HAS BEEN CONVICTED OF:

- 1 (A) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;
- 2 (B) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;
- 3 (C) ANY OFFENSES INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
4 DEFINED IN SECTION 16-22-102 (9);
- 5 (D) ANY FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
6 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
7 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;
- 8 (E) ANY FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A  
9 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF  
10 APPLICATION FOR A LICENSE OR CERTIFICATE;
- 11 (F) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
12 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS IMMEDIATELY  
13 PRECEDING THE DATE OF SUBMISSION OF THE APPLICATION; OR
- 14 (G) ANY OFFENSE IN ANY OTHER STATE, THE ELEMENTS OF WHICH  
15 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE  
16 OFFENSES DESCRIBED IN SUBSECTIONS (8)(a)(I)(A) TO (8)(a)(I)(F) OF THIS  
17 SECTION.
- 18 (II) AS USED IN THIS SUBSECTION (8)(a), "CONVICTED" MEANS A  
19 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED  
20 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION  
21 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
22 AND A PLEA OF GUILTY OR NOLO CONTENDERE.
- 23 (III) AN APPLICANT, LICENSEE, OR EMPLOYEE OF THE APPLICANT  
24 OR LICENSEE WHO MEETS THE DEFINITION OF A DEPARTMENT EMPLOYEE  
25 OR AN INDEPENDENT CONTRACTOR, AS THOSE TERMS ARE DEFINED IN  
26 SECTION 27-90-111, OR WHO WORKS FOR A CONTRACTING AGENCY, AS  
27 DEFINED IN SECTION 27-90-111, AND WHO WILL HAVE DIRECT CONTACT

1 WITH VULNERABLE PERSONS, AS DEFINED IN SECTION 27-90-111 (2)(e), IS  
2 REQUIRED TO SUBMIT TO A STATE AND NATIONAL FINGERPRINT-BASED  
3 CRIMINAL HISTORY RECORD CHECK IN THE SAME MANNER AS REQUIRED  
4 PURSUANT TO SECTION 27-90-111 (9); EXCEPT THAT THE STATE  
5 DEPARTMENT SHALL NOT BEAR THE COST OF THE CRIMINAL HISTORY  
6 RECORD CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III). THE STATE  
7 DEPARTMENT MAY ALSO CONDUCT A COMPARISON SEARCH ON THE  
8 COLORADO STATE COURTS PUBLIC ACCESS SYSTEM TO DETERMINE THE  
9 CRIME OR CRIMES FOR WHICH THE INDIVIDUAL HAVING DIRECT CONTACT  
10 WITH VULNERABLE PERSONS WAS ARRESTED OR CONVICTED AND THE  
11 DISPOSITION OF SUCH CRIME OR CRIMES. THE CRIMINAL HISTORY RECORD  
12 CHECK REQUIRED BY THIS SUBSECTION (8)(a)(III) MUST BE SUBMITTED TO  
13 THE STATE DEPARTMENT PRIOR TO THE INDIVIDUAL HAVING DIRECT  
14 CONTACT WITH VULNERABLE PERSONS, AND AN APPLICANT, LICENSEE, OR  
15 EMPLOYEE OF AN APPLICANT OR LICENSEE MUST NOT BE ALLOWED TO  
16 HAVE DIRECT CONTACT WITH VULNERABLE PERSONS IF HE OR SHE DOES  
17 NOT MEET THE REQUIREMENTS SET FORTH IN THIS SUBSECTION (8) AND IN  
18 SECTION 27-90-111 (9).

19 (b) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS  
20 IDENTIFIED IN SUBSECTION (8)(a) OF THIS SECTION ACCORDING TO THE  
21 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION, THE ICON  
22 SYSTEM AT THE STATE JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS  
23 SET FORTH IN SECTION 26-6-912 (1)(a)(II). A CERTIFIED COPY OF THE  
24 JUDGMENT OF A COURT OF COMPETENT JURISDICTION OF A CONVICTION,  
25 DEFERRED JUDGMENT AND SENTENCE AGREEMENT, DEFERRED  
26 PROSECUTION AGREEMENT, OR DEFERRED ADJUDICATION AGREEMENT IS  
27 PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT. A LICENSE OR

1 CERTIFICATE TO OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE  
2 FACILITY, FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY SHALL NOT  
3 BE ISSUED IF THE STATE DEPARTMENT HAS A CERTIFIED COURT ORDER  
4 FROM ANOTHER STATE INDICATING THAT THE PERSON APPLYING FOR THE  
5 LICENSE OR CERTIFICATE HAS BEEN CONVICTED OF CHILD ABUSE OR ANY  
6 UNLAWFUL SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANY  
7 OTHER STATE OR THE UNITED STATES OR THE STATE DEPARTMENT HAS A  
8 CERTIFIED COURT ORDER FROM ANOTHER STATE THAT THE PERSON  
9 APPLYING FOR THE LICENSE OR CERTIFICATE HAS ENTERED INTO A  
10 DEFERRED JUDGMENT OR DEFERRED PROSECUTION AGREEMENT IN  
11 ANOTHER STATE AS TO CHILD ABUSE OR ANY SEXUAL OFFENSE AGAINST A  
12 CHILD.

13 (9) (a) NO LATER THAN JANUARY 1, 2004, THE STATE BOARD  
14 SHALL PROMULGATE RULES THAT REQUIRE ALL CURRENT AND  
15 PROSPECTIVE EMPLOYEES OF A COUNTY DEPARTMENT WHO IN THEIR  
16 POSITION HAVE DIRECT CONTACT WITH A CHILD IN THE PROCESS OF BEING  
17 PLACED OR WHO HAS BEEN PLACED IN FOSTER CARE TO SUBMIT A SET OF  
18 FINGERPRINTS FOR PURPOSES OF OBTAINING A FINGERPRINT-BASED  
19 CRIMINAL HISTORY RECORD CHECK, UNLESS THE PERSON HAS ALREADY  
20 SUBMITTED A SET OF FINGERPRINTS. THE CHECK MUST BE CONDUCTED IN  
21 THE SAME MANNER AS PROVIDED IN SUBSECTION (8) OF THIS SECTION AND  
22 IN SECTION 26-6-912 (1)(a). THE PERSON'S EMPLOYMENT IS CONDITIONAL  
23 UPON A SATISFACTORY CRIMINAL BACKGROUND CHECK AND SUBJECT TO  
24 THE SAME GROUNDS FOR DENIAL OR DISMISSAL AS SET FORTH IN  
25 SUBSECTION (8) OF THIS SECTION AND IN SECTION 26-6-912 (1)(a). THE  
26 COSTS FOR THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
27 MUST BE BORNE BY THE APPLICANT.

1           (b) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
2 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION (9)  
3 REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, THE STATE  
4 DEPARTMENT SHALL REQUIRE THE PERSON TO SUBMIT TO A NAME-BASED  
5 CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION 22-2-119.3  
6 (6)(d). THE COSTS FOR THE NAME-BASED CRIMINAL HISTORY RECORD  
7 CHECK MUST BE BORNE BY THE APPLICANT.

8           (10) THE STATE DEPARTMENT SHALL NOT ISSUE A LICENSE TO  
9 OPERATE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY,  
10 FOSTER CARE HOME, OR CHILD PLACEMENT AGENCY IF THE PERSON  
11 APPLYING FOR THE LICENSE OR AN AFFILIATE OF THE APPLICANT, A PERSON  
12 EMPLOYED BY THE APPLICANT, OR A PERSON WHO RESIDES WITH THE  
13 APPLICANT AT THE FACILITY HAS BEEN DETERMINED TO BE INSANE OR  
14 MENTALLY INCOMPETENT BY A COURT OF COMPETENT JURISDICTION AND,  
15 IF THE COURT ENTERS, PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF  
16 TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN ORDER  
17 SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR INSANITY IS  
18 OF SUCH A DEGREE THAT THE APPLICANT IS INCAPABLE OF OPERATING A  
19 RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY, FOSTER CARE  
20 HOME, OR CHILD PLACEMENT AGENCY, THE RECORD OF SUCH  
21 DETERMINATION AND ENTRY OF SUCH ORDER BEING CONCLUSIVE  
22 EVIDENCE THEREOF.

23           (11) THE STATE DEPARTMENT IS STRONGLY ENCOURAGED TO  
24 EXAMINE AND REPORT TO THE GENERAL ASSEMBLY ON THE BENEFITS OF  
25 LICENSING ANY PRIVATE, NONPROFIT CHILD PLACEMENT AGENCY THAT IS  
26 DEDICATED TO SERVING THE SPECIAL NEEDS OF FOSTER CARE CHILDREN  
27 THROUGH SERVICES DELIVERED BY SPECIALIZED FOSTER CARE PARENTS IN

1 CONJUNCTION WITH AND SUPPORTED BY STAFF OF THE CHILD PLACEMENT  
2 AGENCY. THE CHILD PLACEMENT AGENCIES EXAMINED MUST BE ABLE TO:

3 (a) OFFER THE FOLLOWING SERVICES:

4 (I) PROVISION OF EDUCATED, SKILLED, AND EXPERIENCED FOSTER  
5 CARE PARENTS;

6 (II) SOCIAL WORK SUPPORT FOR THE FOSTER CARE CHILD AND  
7 FOSTER CARE FAMILY;

8 (III) TWENTY-FOUR-HOUR, ON-CALL AVAILABILITY;

9 (IV) MONTHLY FOSTER CARE PARENT SUPPORT GROUP MEETINGS;

10 (V) ONGOING EDUCATIONAL AND NETWORKING OPPORTUNITIES  
11 FOR ANY FOSTER CARE FAMILY;

12 (VI) INDIVIDUALIZED TREATMENT PLANS DEVELOPED THROUGH  
13 TEAM COLLABORATION;

14 (VII) PROFESSIONAL AND FAMILY NETWORKING OPPORTUNITIES;  
15 AND

16 (VIII) RESPITE SUPPORT AND REIMBURSEMENT;

17 (b) PROVIDE A FORM OF SPECIALIZED FOSTER CARE INCLUDING,  
18 BUT NOT LIMITED TO, THE FOLLOWING TYPES OF CARE:

19 (I) MEDICAL FOSTER CARE;

20 (II) RESPITE FOSTER CARE;

21 (III) THERAPEUTIC FOSTER CARE;

22 (IV) DEVELOPMENTALLY DISABLED FOSTER CARE; AND

23 (V) TREATMENT FOSTER CARE.

24 **26-6-906. Compliance with local government zoning**  
25 **regulations - notice to local governments - provisional licensure -**  
26 **repeal.** (1) THE DEPARTMENT SHALL REQUIRE A RESIDENTIAL OR DAY  
27 TREATMENT CHILD CARE FACILITY SEEKING A LICENSE PURSUANT TO

1 SECTION 26-6-905 TO COMPLY WITH ANY APPLICABLE ZONING AND LAND  
2 USE DEVELOPMENT REGULATIONS OF THE MUNICIPALITY, CITY AND  
3 COUNTY, OR COUNTY WHERE THE FACILITY IS SITUATED. FAILURE TO  
4 COMPLY WITH APPLICABLE ZONING AND LAND USE REGULATIONS  
5 CONSTITUTES GROUNDS FOR THE DENIAL OF A LICENSE TO A FACILITY.

6 (2) THE DEPARTMENT SHALL ENSURE THAT TIMELY WRITTEN  
7 NOTICE IS PROVIDED TO THE MUNICIPALITY, CITY AND COUNTY, OR  
8 COUNTY WHERE A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY  
9 IS SITUATED, INCLUDING THE ADDRESS OF THE FACILITY AND THE  
10 POPULATION AND NUMBER OF PERSONS TO BE SERVED BY THE FACILITY,  
11 WHEN ANY OF THE FOLLOWING OCCURS:

12 (a) A PERSON APPLIES FOR A LICENSE TO OPERATE A FACILITY  
13 PURSUANT TO SECTION 26-6-905;

14 (b) A LICENSE IS GRANTED TO OPERATE A FACILITY PURSUANT TO  
15 SECTION 26-6-905; OR

16 (c) A CHANGE IS MADE IN THE LICENSE OF A FACILITY.

17 (3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
18 CONTRARY, IN THE EVENT OF A ZONING OR OTHER DELAY OR DISPUTE  
19 BETWEEN A FACILITY AND THE MUNICIPALITY, CITY AND COUNTY, OR  
20 COUNTY WHERE THE FACILITY IS SITUATED, THE DEPARTMENT MAY GRANT  
21 A PROVISIONAL LICENSE TO THE FACILITY FOR UP TO SIX MONTHS PENDING  
22 RESOLUTION OF THE DELAY OR DISPUTE.

23 (4) (a) (I) PRIOR TO JULY 1, 2024, THE PROVISIONS OF THIS  
24 SECTION DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO  
25 THIS PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO  
26 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9  
27 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE

1 DETERMINED TO HAVE A DEVELOPMENTAL DISABILITY BY A COMMUNITY  
2 CENTERED BOARD OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

3 (II) THIS SUBSECTION (4)(a) IS REPEALED, EFFECTIVE JULY 1, 2024.

4 (b) ON AND AFTER JULY 1, 2024, THE PROVISIONS OF THIS SECTION  
5 DO NOT APPLY TO A FOSTER CARE HOME CERTIFIED PURSUANT TO THIS  
6 PART 9 OR TO A SPECIALIZED GROUP FACILITY THAT IS LICENSED TO  
7 PROVIDE CARE FOR THREE OR MORE CHILDREN PURSUANT TO THIS PART 9  
8 BUT THAT IS PROVIDING CARE FOR THREE OR FEWER CHILDREN WHO ARE  
9 DETERMINED TO HAVE AN INTELLECTUAL AND DEVELOPMENTAL  
10 DISABILITY BY A CASE MANAGEMENT AGENCY, AS DEFINED IN SECTION  
11 25.5-6-1702, OR WHO HAVE A SERIOUS EMOTIONAL DISTURBANCE.

12 **26-6-907. Fees - when original applications, reapplications,**  
13 **and renewals for licensure are required - creation of child welfare**  
14 **licensing cash fund.** (1) (a) THE STATE DEPARTMENT IS AUTHORIZED TO  
15 ESTABLISH, PURSUANT TO RULES PROMULGATED BY THE STATE BOARD,  
16 PERMANENT, TIME-LIMITED, AND PROVISIONAL LICENSE FEES AND FEES  
17 FOR CONTINUATION OR RENEWAL, WHICHEVER IS APPLICABLE, OF A  
18 LICENSE FOR THE FOLLOWING TYPES OF CHILD CARE ARRANGEMENTS:

19 (I) SECURE RESIDENTIAL TREATMENT CENTERS;

20 (II) RESIDENTIAL CHILD CARE FACILITIES, INCLUDING ANY SPECIAL  
21 TYPE OF RESIDENTIAL CHILD CARE FACILITY DESIGNATED BY RULE OF THE  
22 STATE BOARD;

23 (III) CHILD PLACEMENT AGENCIES, INCLUDING ANY SPECIAL TYPE  
24 OF FOSTER CARE HOME THE CHILD PLACEMENT AGENCY IS AUTHORIZED TO  
25 CERTIFY BY RULE OF THE STATE BOARD;

26 (IV) HOMELESS YOUTH SHELTERS;

27 (V) DAY TREATMENT CENTERS;

1 (VI) SPECIALIZED GROUP FACILITIES; AND

2 (VII) RESPITE CHILD CARE CENTERS.

3 (b) THE STATE DEPARTMENT MAY ALSO ESTABLISH FEES PURSUANT  
4 TO RULES PROMULGATED BY THE STATE BOARD FOR THE FOLLOWING  
5 SITUATIONS:

6 (I) ISSUANCE OF A DUPLICATE LICENSE;

7 (II) CHANGE OF LICENSE DUE TO AN INCREASE IN LICENSING  
8 CAPACITY OR A CHANGE IN THE AGE OF CHILDREN SERVED;

9 (III) OBTAINING THE CRIMINAL RECORD OF AN APPLICANT AND  
10 ANY PERSON LIVING WITH OR EMPLOYED BY THE APPLICANT, WHICH MAY  
11 INCLUDE COSTS ASSOCIATED WITH THE TAKING OF FINGERPRINTS;

12 (IV) CHECKING THE RECORDS AND REPORTS OF CHILD ABUSE OR  
13 NEGLECT MAINTAINED BY THE STATE DEPARTMENT FOR AN OWNER,  
14 EMPLOYEE, OR RESIDENT OF A FACILITY OR AGENCY OR AN APPLICANT FOR  
15 A LICENSE TO OPERATE A FACILITY OR AGENCY;

16 (V) FILING OF APPEALS;

17 (VI) DUPLICATION OF LICENSING RECORDS FOR THE PUBLIC;

18 (VII) DUPLICATION OF LICENSING RECORDS IN ELECTRONIC  
19 FORMAT FOR THE PUBLIC;

20 (VIII) ACCREDITING A CHILD PLACEMENT AGENCY FOR PURPOSES  
21 OF PROVIDING ADOPTION SERVICES FOR CONVENTION ADOPTIONS  
22 PURSUANT TO THE "INTERCOUNTRY ADOPTION ACT OF 2000", 42 U.S.C.  
23 SEC. 14901 ET SEQ.;

24 (IX) INSUFFICIENT FUNDS PAYMENT AND COLLECTION OF OVERDUE  
25 FEES AND FINES; AND

26 (X) COLLECTION OF FEES FOR SCANNING OF ADOPTION RECORDS  
27 PURSUANT TO SECTION 19-5-307.

1           (c) THE FEES ESTABLISHED PURSUANT TO THIS SUBSECTION (1)  
2 MUST NOT EXCEED THE DIRECT AND INDIRECT COSTS INCURRED BY THE  
3 DEPARTMENT. THE DIVISION RESPONSIBLE FOR LICENSING FACILITIES AND  
4 AGENCIES SHALL DEVELOP AND IMPLEMENT AN OBJECTIVE AND  
5 SYSTEMATIC APPROACH FOR SETTING, MONITORING, AND REVISING  
6 LICENSING FEES BY DEVELOPING AND USING AN ONGOING METHOD TO  
7 TRACK ALL DIRECT AND INDIRECT COSTS ASSOCIATED WITH FACILITY AND  
8 AGENCY LICENSING, INSPECTION, AND MONITORING; DEVELOPING A  
9 METHODOLOGY TO ASSESS THE RELATIONSHIP BETWEEN LICENSING COSTS  
10 AND FEES; AND ANNUALLY REASSESSING COSTS AND FEES AND REPORTING  
11 THE RESULTS TO THE STATE BOARD. IN DEVELOPING A FEE SCHEDULE, THE  
12 DEPARTMENT SHOULD CONSIDER THE LICENSED CAPACITY OF FACILITIES  
13 AND THE TIME NEEDED TO LICENSE FACILITIES.

14           (2) (a) AN APPLICANT SHALL PAY THE FEES SPECIFIED IN  
15 SUBSECTION (1) OF THIS SECTION WHEN APPLYING FOR ISSUANCE,  
16 CONTINUANCE, OR RENEWAL OF A LICENSE. FEES ARE NOT SUBJECT TO  
17 REFUND. AN APPLICATION FOR A LICENSE IS REQUIRED IN THE SITUATIONS  
18 THAT ARE SET FORTH IN SUBSECTION (2)(b) OF THIS SECTION AND MUST BE  
19 MADE ON FORMS PRESCRIBED BY THE STATE DEPARTMENT. EACH  
20 COMPLETED APPLICATION MUST SET FORTH THE INFORMATION REQUIRED  
21 BY THE STATE DEPARTMENT. ALL LICENSES CONTINUE IN FORCE UNTIL  
22 REVOKED, SURRENDERED, OR EXPIRED.

23           (b) (I) AN ORIGINAL APPLICATION AND FEE ARE REQUIRED:

24           (A) WHEN AN INDIVIDUAL, PARTNERSHIP, CORPORATION, OR  
25 ASSOCIATION PLANS TO OPEN A FOSTER CARE HOME OR A RESIDENTIAL OR  
26 DAY TREATMENT CHILD CARE FACILITY OR CHILD PLACEMENT AGENCY;

27           (B) WHEN A FACILITY OR FOSTER CARE HOME PLANS TO MOVE TO

1 A DIFFERENT BUILDING AT A DIFFERENT LOCATION;

2 (C) WHEN THE MANAGEMENT OR GOVERNING BODY OF A FACILITY  
3 OR AGENCY IS ACQUIRED BY A DIFFERENT INDIVIDUAL, ASSOCIATION,  
4 PARTNERSHIP, OR CORPORATION; AND

5 (D) WHEN A CHANGE OCCURS IN THE OPERATING ENTITY OF A  
6 FACILITY OR AGENCY RESULTING IN A NEW FEDERAL EMPLOYEE  
7 IDENTIFICATION NUMBER; EXCEPT THAT, IF THE REASON FOR THE ISSUANCE  
8 OF A NEW FEDERAL EMPLOYEE IDENTIFICATION NUMBER IS SOLELY DUE TO  
9 A CHANGE IN THE CORPORATE STRUCTURE OF THE OPERATING FACILITY OR  
10 AGENCY AND EITHER THE MANAGEMENT OR GOVERNING BODY OF THE  
11 FACILITY OR AGENCY REMAINS THE SAME AS ORIGINALLY LICENSED AND  
12 THE FACILITY OR AGENCY IS OPERATING IN THE SAME BUILDING OR  
13 BUILDINGS AS ORIGINALLY LICENSED, THE STATE DEPARTMENT SHALL  
14 TREAT THE FACILITY'S OR AGENCY'S STATUS AS A RENEWAL AND ASSESS  
15 THE APPLICABLE RENEWAL FEE. ONLY NEWLY HIRED EMPLOYEES ARE  
16 REQUIRED TO UNDERGO CRIMINAL BACKGROUND CHECKS AS REQUIRED IN  
17 SECTION 26-6-912.

18 (II) A REAPPLICATION AND FEE ARE REQUIRED AND MUST BE  
19 RECEIVED BY THE STATE DEPARTMENT IN THE MANNER SPECIFIED IN RULES  
20 PROMULGATED BY THE STATE BOARD. AN INDIVIDUAL, PARTNERSHIP,  
21 CORPORATION, OR ASSOCIATION SEEKING TO RENEW A FACILITY OR  
22 AGENCY LICENSE MUST SUBMIT A REAPPLICATION AND FEE TO THE STATE  
23 DEPARTMENT AS SPECIFIED IN RULES PROMULGATED BY THE STATE BOARD.

24 (3) THIS SECTION DOES NOT PREVENT A CITY OR CITY AND COUNTY  
25 FROM IMPOSING FEES IN ADDITION TO THOSE FEES SPECIFIED IN THIS  
26 SECTION.

27 (4) (a) THE DEPARTMENT SHALL TRANSMIT ALL FEES COLLECTED

1 PURSUANT TO THIS SECTION TO THE STATE TREASURER, WHO SHALL  
2 CREDIT THE SAME TO THE CHILD WELFARE LICENSING CASH FUND CREATED  
3 IN SUBSECTION (4)(b) OF THIS SECTION. THE GENERAL ASSEMBLY SHALL  
4 MAKE ANNUAL APPROPRIATIONS FROM THE CHILD WELFARE LICENSING  
5 CASH FUND FOR EXPENDITURES INCURRED BY THE DEPARTMENT IN THE  
6 PERFORMANCE OF ITS DUTIES PURSUANT TO THIS PART 9.

7 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE  
8 LICENSING CASH FUND, CREATED PURSUANT TO SECTION 26-6-105 (4), AS  
9 IT EXISTED PRIOR TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO LICENSING  
10 FEES COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS  
11 RESPONSIBLE FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD  
12 WELFARE LICENSING CASH FUND, WHICH FUND IS HEREBY CREATED IN THE  
13 STATE TREASURY. THE STATE TREASURER SHALL CREDIT ALL INTEREST  
14 DERIVED FROM THE DEPOSIT AND INVESTMENT OF MONEY IN THE FUND TO  
15 THE FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND  
16 UNENCUMBERED MONEY IN THE FUND REMAINS IN THE FUND AND IS NOT  
17 BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANY OTHER  
18 FUND.

19 **26-6-908. Application forms - criminal sanctions for perjury.**

20 (1) (a) (I) ALL APPLICATIONS FOR THE LICENSURE OF CHILD PLACEMENT  
21 AGENCY OR A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY OR  
22 THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO THIS PART 9  
23 MUST INCLUDE THE NOTICE TO THE APPLICANT THAT IS SET FORTH IN  
24 SUBSECTION (1)(b) OF THIS SECTION.

25 (II) EVERY APPLICATION USED IN THE STATE OF COLORADO FOR  
26 EMPLOYMENT WITH A FACILITY OR AGENCY MUST INCLUDE THE NOTICE TO  
27 THE APPLICANT THAT IS SET FORTH IN SUBSECTION (1)(b) OF THIS SECTION.

1 (b) EACH APPLICATION DESCRIBED IN SUBSECTION (1)(a) OF THIS  
2 SECTION MUST CONTAIN THE FOLLOWING NOTICE TO THE APPLICANT:

3 ANY APPLICANT WHO KNOWINGLY OR WILLFULLY MAKES A  
4 FALSE STATEMENT OF ANY MATERIAL FACT OR THING IN  
5 THIS APPLICATION COMMITS PERJURY IN THE SECOND  
6 DEGREE AS DEFINED IN SECTION 18-8-503, COLORADO  
7 REVISED STATUTES, AND, UPON CONVICTION THEREOF,  
8 SHALL BE PUNISHED ACCORDINGLY.

9 (2) A PERSON APPLYING FOR THE LICENSURE OF A FACILITY OR  
10 AGENCY OR THE CERTIFICATION OF A FOSTER CARE HOME PURSUANT TO  
11 THIS PART 9, OR A PERSON APPLYING TO WORK AT A FACILITY OR AGENCY  
12 AS AN EMPLOYEE, WHO KNOWINGLY OR WILLFULLY MAKES A FALSE  
13 STATEMENT OF ANY MATERIAL FACT OR THING IN THE APPLICATION  
14 COMMITS PERJURY IN THE SECOND DEGREE AS DEFINED IN SECTION  
15 18-8-503 AND, UPON CONVICTION THEREOF, SHALL BE PUNISHED  
16 ACCORDINGLY.

17 (3) EVERY APPLICATION FOR CERTIFICATION OR LICENSURE AS A  
18 FOSTER CARE HOME MUST PROVIDE NOTICE TO THE APPLICANT THAT THE  
19 APPLICANT MAY BE SUBJECT TO IMMEDIATE REVOCATION OF  
20 CERTIFICATION OR LICENSURE OR OTHER NEGATIVE LICENSING ACTION AS  
21 SET FORTH IN THIS SECTION (3) AND SECTION 26-6-913 AND AS DESCRIBED  
22 BY RULE OF THE STATE BOARD.

23 **26-6-909. Standards for facilities and agencies - rules.** (1) THE  
24 DEPARTMENT SHALL PRESCRIBE AND PUBLISH STANDARDS FOR LICENSING.  
25 THE STANDARDS MUST BE APPLICABLE TO CHILD PLACEMENT AGENCIES  
26 AND THE VARIOUS TYPES OF RESIDENTIAL AND DAY TREATMENT CHILD  
27 CARE FACILITIES REGULATED AND LICENSED BY THIS PART 9; EXCEPT THAT

1 THE DEPARTMENT SHALL PRESCRIBE AND PUBLISH SEPARATE STANDARDS  
2 FOR THE LICENSING OF CHILD PLACEMENT AGENCIES OPERATING FOR THE  
3 PURPOSE OF ADOPTIVE PLACEMENT AND ADOPTION-RELATED SERVICES.  
4 THE DEPARTMENT SHALL SEEK THE ADVICE AND ASSISTANCE OF PERSONS  
5 REPRESENTATIVE OF THE VARIOUS TYPES OF FACILITIES AND AGENCIES IN  
6 ESTABLISHING THE STANDARDS, INCLUDING THE ADVICE AND ASSISTANCE  
7 OF THE DEPARTMENT OF PUBLIC SAFETY AND COUNCILS AND ASSOCIATIONS  
8 REPRESENTING FIRE MARSHALS AND BUILDING CODE OFFICIALS IN THE  
9 PROMULGATION OF ANY RULES RELATED TO ADEQUATE FIRE PROTECTION  
10 AND PREVENTION, AS ALLOWED IN SUBSECTION (2)(e) OF THIS SECTION.  
11 THE STANDARDS MUST BE ESTABLISHED BY RULES PROMULGATED BY THE  
12 STATE BOARD AND BE ISSUED, PUBLISHED, AND BECOME EFFECTIVE ONLY  
13 IN CONFORMITY WITH ARTICLE 4 OF TITLE 24.

14 (2) STANDARDS PRESCRIBED BY STATE BOARD RULES PURSUANT  
15 TO THIS SECTION ARE RESTRICTED TO:

16 (a) THE OPERATION AND CONDUCT OF THE FACILITY OR AGENCY  
17 AND THE RESPONSIBILITY IT ASSUMES FOR CHILD CARE;

18 (b) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE  
19 APPLICANT FOR A LICENSE AND OF OTHER PERSONS DIRECTLY RESPONSIBLE  
20 FOR THE CARE AND WELFARE OF CHILDREN SERVED, INCLUDING WHETHER  
21 AN AFFILIATE OF THE LICENSEE HAS EVER BEEN THE SUBJECT OF A  
22 NEGATIVE LICENSING ACTION;

23 (c) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE  
24 APPLICANT FOR A LICENSE TO PROVIDE NECESSARY CARE FOR CHILDREN  
25 AND TO MAINTAIN PRESCRIBED STANDARDS;

26 (d) THE NUMBER OF INDIVIDUALS OR STAFF REQUIRED TO ENSURE  
27 ADEQUATE SUPERVISION AND CARE OF CHILDREN SERVED;

1           (e) (I) THE APPROPRIATENESS, SAFETY, CLEANLINESS, AND  
2 GENERAL ADEQUACY OF THE PREMISES, INCLUDING MAINTENANCE OF  
3 ADEQUATE FIRE PROTECTION AND PREVENTION AND HEALTH STANDARDS  
4 IN CONFORMANCE WITH STATE LAWS AND MUNICIPAL ORDINANCES, TO  
5 PROVIDE FOR THE PHYSICAL COMFORT, CARE, WELL-BEING, AND SAFETY OF  
6 THE CHILDREN SERVED.

7           (II) A FACILITY THAT PROVIDES CHILD CARE EXCLUSIVELY TO  
8 SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL  
9 DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL  
10 MAY SATISFY ANY FIRE OR RADON INSPECTION REQUIREMENT REQUIRED  
11 BY LAW BY PROVIDING A COPY OF A SATISFACTORY FIRE OR RADON  
12 INSPECTION REPORT OF THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT  
13 CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL WHERE THE CHILD  
14 CARE IS PROVIDED IF THE FIRE OR RADON INSPECTION REPORT WAS  
15 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS. THE DEPARTMENT  
16 SHALL NOT REQUIRE A DUPLICATE FIRE OR RADON INSPECTION IF A  
17 SATISFACTORY FIRE OR RADON INSPECTION REPORT OF THE PROPERTY WAS  
18 COMPLETED WITHIN THE PRECEDING TWELVE MONTHS.

19           (f) KEEPING OF RECORDS FOR FOOD, CLOTHING, EQUIPMENT, AND  
20 INDIVIDUAL SUPPLIES;

21           (g) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN  
22 SERVED;

23           (h) MAINTENANCE OF RECORDS PERTAINING TO THE ADMISSION,  
24 PROGRESS, HEALTH, AND DISCHARGE OF CHILDREN;

25           (i) FILING OF REPORTS WITH THE DEPARTMENT;

26           (j) DISCIPLINE OF CHILDREN;

27           (k) STANDARDS FOR SECLUSION OF A CHILD IN ACCORDANCE WITH

1 ARTICLE 20 OF THIS TITLE 26. STANDARDS FOR SECLUSION MUST INCLUDE:

2 (I) THE BASIS FOR THE USE OF SECLUSION IN ACCORDANCE WITH  
3 SECTION 26-20-103;

4 (II) DURATION AND FREQUENCY OF THE SECLUSION;

5 (III) FACILITY STAFF REQUIREMENTS;

6 (IV) CRITERIA FOR THE SHORT-TERM PLACEMENT OF A CHILD IN  
7 SECLUSION;

8 (V) DOCUMENTATION AND REVIEW OF THE SECLUSION;

9 (VI) REVIEW AND BIENNIAL INSPECTION BY THE DEPARTMENT OF  
10 THE SECLUSION ROOM OR AREA;

11 (VII) PHYSICAL REQUIREMENTS FOR THE SECLUSION ROOM OR  
12 AREA;

13 (VIII) CERTIFICATION OR APPROVAL FROM THE DEPARTMENT  
14 PRIOR TO THE ESTABLISHMENT OF THE SECLUSION ROOM OR AREA;

15 (IX) A NEUTRAL FACT FINDER TO DETERMINE IF THE CHILD'S  
16 SITUATION MERITS SECLUSION;

17 (X) AT A MINIMUM, A FIFTEEN-MINUTE CHECKING AND REVIEW BY  
18 STAFF OF A CHILD PLACED IN SECLUSION;

19 (XI) REVIEW BY STAFF OF ANY SECLUSION SUBSEQUENT TO EACH  
20 PERIOD OF SECLUSION;

21 (XII) DAILY REVIEW OF THE USE OF THE SECLUSION ROOMS OR  
22 AREAS; AND

23 (XIII) REVOCATION OR SUSPENSION OF LICENSURE FOR FAILURE TO  
24 COMPLY WITH THE STANDARDS SET FORTH IN THIS SUBSECTION (2)(k).

25 (I) STANDARDS FOR SECURITY IN SECURE RESIDENTIAL TREATMENT  
26 CENTERS AND RESIDENTIAL CHILD CARE FACILITIES PROVIDED THROUGH  
27 THE PHYSICAL ENVIRONMENT AND STAFFING. THE STANDARDS MUST

1 INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:

2 (I) LOCKED DOORS;

3 (II) FENCING;

4 (III) STAFF REQUIREMENTS TO ENSURE SECURITY;

5 (IV) INSPECTIONS;

6 (V) PHYSICAL REQUIREMENTS FOR PROGRAM SPACE AND FOR  
7 SECURE SLEEPING OF THE RESIDENTS IN THE SECURE RESIDENTIAL  
8 TREATMENT CENTER OR RESIDENTIAL CHILD CARE FACILITY; AND

9 (VI) OTHER SECURITY CONSIDERATIONS THAT ARE NECESSARY TO  
10 PROTECT THE RESIDENTS OF THE SECURE RESIDENTIAL TREATMENT  
11 CENTER OR RESIDENTIAL CHILD CARE FACILITY OR THE PUBLIC.

12 (m) STANDARDS FOR THE APPROPRIATENESS, SAFETY, AND  
13 ADEQUACY OF TRANSPORTATION SERVICES OF CHILDREN TO AND FROM  
14 FACILITIES;

15 (n) EXCEPT AS PROVIDED IN SUBSECTION (2)(o) OF THIS SECTION,  
16 PROVISIONS THAT ENSURE THAT FOSTER CARE HOMES AND CHILD CARE  
17 CENTERS VERIFY, IN ACCORDANCE WITH PART 9 OF ARTICLE 4 OF TITLE 25,  
18 THAT EACH CHILD HAS RECEIVED APPROPRIATE IMMUNIZATIONS AGAINST  
19 CONTAGIOUS DISEASES AS FOLLOWS:

20 (I) CHILDREN UP TO TWENTY-FOUR MONTHS OF AGE ARE REQUIRED  
21 TO BE IMMUNIZED IN ACCORDANCE WITH THE "INFANT IMMUNIZATION  
22 ACT", PART 17 OF ARTICLE 4 OF TITLE 25;

23 (II) CHILDREN OVER TWENTY-FOUR MONTHS OF AGE ARE  
24 REQUIRED TO BE IMMUNIZED IN ACCORDANCE WITH PART 9 OF ARTICLE 4  
25 OF TITLE 25;

26 (o) PROVISIONS THAT ALLOW A FACILITY THAT ALLOWS A CHILD TO  
27 ENROLL AND ATTEND THE FACILITY ON A SHORT-TERM BASIS OF UP TO

1 FIFTEEN DAYS IN A FIFTEEN-CONSECUTIVE-DAY PERIOD, NO MORE THAN  
2 TWICE IN A CALENDAR YEAR, WITH EACH FIFTEEN-CONSECUTIVE-DAY  
3 PERIOD SEPARATED BY AT LEAST SIXTY DAYS, TO DO SO WITHOUT  
4 OBTAINING VERIFICATION OF IMMUNIZATION FOR THAT CHILD, AS  
5 PROVIDED IN SECTION 25-4-902. A FACILITY THAT CHOOSES TO ALLOW  
6 CHILDREN TO ENROLL AND ATTEND ON A SHORT-TERM BASIS PURSUANT TO  
7 THE PROVISIONS OF THIS SUBSECTION (2)(o) SHALL PROVIDE NOTIFICATION  
8 TO ALL PARENTS THAT THE FACILITY ALLOWS CHILDREN TO ENROLL AND  
9 ATTEND ON A SHORT-TERM BASIS WITHOUT OBTAINING PROOF OF  
10 IMMUNIZATION.

11 (p) STANDARDS FOR ADOPTION AGENCIES THAT MAY INCLUDE, BUT  
12 NEED NOT BE LIMITED TO:

13 (I) SPECIFIC CRITERIA AND MINIMUM CREDENTIALS,  
14 QUALIFICATIONS, TRAINING, AND EDUCATION OF STAFF NECESSARY FOR  
15 EACH OF THE TYPES OF ADOPTION FOR WHICH AN APPLICANT MAY SEEK TO  
16 BE LICENSED, INCLUDING, BUT NOT LIMITED TO:

17 (A) TRADITIONAL ADOPTIONS WITH ADOPTING PARENTS WHO ARE  
18 UNKNOWN;

19 (B) FAMILY ADOPTIONS, INCLUDING STEPPARENT AND  
20 GRANDPARENT ADOPTIONS;

21 (C) INTERSTATE ADOPTIONS;

22 (D) INTERNATIONAL ADOPTIONS;

23 (E) IDENTIFIED OR DESIGNATED ADOPTIONS; AND

24 (F) SPECIAL NEEDS ADOPTIONS;

25 (II) THE CONTINUING EDUCATION REQUIREMENTS NECESSARY TO  
26 MAINTAIN THE ADOPTION AGENCY'S LICENSE, TAKING INTO ACCOUNT THE  
27 TYPE AND SPECIALTY OF SUCH AGENCY'S LICENSE;

1 (III) THE OPERATION AND CONDUCT OF THE AGENCY AND THE  
2 RESPONSIBILITY IT ASSUMES IN ADOPTION CASES;

3 (IV) THE CHARACTER, SUITABILITY, AND QUALIFICATIONS OF THE  
4 APPLICANT FOR A LICENSE AND FOR ALL DIRECT SERVICE STAFF EMPLOYED  
5 OR CONTRACTED WITH BY THE AGENCY;

6 (V) THE GENERAL FINANCIAL ABILITY AND COMPETENCE OF THE  
7 APPLICANT FOR A LICENSE, EITHER ORIGINAL OR RENEWAL, TO PROVIDE  
8 NECESSARY SERVICES FOR THE ADOPTION OF CHILDREN AND TO MAINTAIN  
9 PRESCRIBED STANDARDS;

10 (VI) PROPER MAINTENANCE OF RECORDS; AND

11 (VII) PROVISIONS TO SAFEGUARD THE LEGAL RIGHTS OF CHILDREN  
12 SERVED;

13 (q) (I) STANDARDS FOR THE TRAINING OF FOSTER CARE PARENTS,  
14 WHICH MUST INCLUDE, AT A MINIMUM:

15 (A) TWENTY-SEVEN HOURS OF INITIAL TRAINING, CONSISTING OF  
16 AT LEAST TWELVE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A  
17 CHILD AND COMPLETION OF THE REMAINING TRAINING WITHIN THREE  
18 MONTHS AFTER SUCH PLACEMENT;

19 (B) TWENTY HOURS PER YEAR OF CONTINUING TRAINING;

20 (C) IN ADDITION TO THE HOURS DESCRIBED IN SUBSECTION  
21 (2)(q)(I)(B) OF THIS SECTION, TWELVE HOURS PER YEAR FOR FOSTER CARE  
22 PARENTS PROVIDING THERAPEUTIC FOSTER CARE;

23 (D) TRAINING CONCERNING INDIVIDUALIZED EDUCATION  
24 PROGRAMS, AS DEFINED IN SECTION 22-20-103 (15). THE DEPARTMENTS  
25 OF HUMAN SERVICES AND EDUCATION SHALL ENSURE COORDINATION  
26 BETWEEN LOCAL COUNTY DEPARTMENTS AND LOCAL SCHOOL DISTRICTS  
27 OR ADMINISTRATIVE UNITS TO MAKE SUCH TRAINING AVAILABLE UPON THE

1 REQUEST OF A FOSTER PARENT.

2 (E) THE TRAINING DESCRIBED IN SECTION 19-7-104.

3 (II) THE TRAINING DESCRIBED IN SUBSECTION (2)(q)(I) OF THIS  
4 SECTION MAY INCLUDE, BUT NEED NOT BE LIMITED TO, IN-HOME TRAINING.

5 (III) THE DEPARTMENT SHALL CONSULT WITH COUNTY  
6 DEPARTMENTS AND CHILD PLACEMENT AGENCIES IN PRESCRIBING THE  
7 TRAINING STANDARDS IN ORDER TO ENSURE A MORE UNIFORM  
8 APPLICATION THROUGHOUT THE STATE.

9 (IV) THE HOURS OF TRAINING PRIOR TO THE PLACEMENT OF A  
10 CHILD DESCRIBED IN SUBSECTION (2)(q)(I)(A) OF THIS SECTION MAY BE  
11 COMPLETED WITHIN FOUR MONTHS AFTER THE PLACEMENT IF THE  
12 PLACEMENT WAS AN EMERGENCY PLACEMENT, AS DEFINED BY RULE OF  
13 THE STATE BOARD.

14 (r) INITIAL AND ONGOING TRAINING OF PROVIDERS OF FOSTER CARE  
15 SERVICES IN FACILITIES AND AGENCIES LICENSED AND CERTIFIED  
16 PURSUANT TO THIS PART 9, INCLUDING ORIENTATION AND PRELICENSING  
17 TRAINING FOR CHILD PLACEMENT AGENCY STAFF; AND

18 (s) STANDARDS FOR THE TRAINING OF PROVIDERS OF CRADLE CARE  
19 HOME SERVICES THAT MUST BE SUBSTANTIALLY SIMILAR TO THE TRAINING  
20 REQUIRED OF ADOPTIVE PARENTS PRIOR TO ADOPTING AN INFANT,  
21 INCLUDING ONGOING TRAINING HOURS APPROPRIATE TO THE SERVICES  
22 PROVIDED.

23 (3) IF ALL OF THE REQUIREMENTS IN SECTION 22-1-119.5 AND ANY  
24 ADDITIONAL RULES OF THE STATE BOARD ARE MET, A CHILD ENROLLED IN  
25 A RESIDENTIAL OR DAY TREATMENT CHILD CARE FACILITY MAY POSSESS  
26 AND SELF-ADMINISTER MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR  
27 ANAPHYLAXIS. THE STATE BOARD MAY ADOPT ADDITIONAL RULES

1 CONCERNING THE AUTHORITY TO POSSESS AND SELF-ADMINISTER  
2 MEDICATION FOR ASTHMA, A FOOD ALLERGY, OR ANAPHYLAXIS.

3 (4) AN APPLICANT OR PERSON LICENSED TO OPERATE A FACILITY  
4 OR AGENCY UNDER THE PROVISIONS OF THIS PART 9 HAS THE RIGHT TO  
5 APPEAL ANY STANDARD THAT, IN THE APPLICANT'S OR PERSON'S OPINION,  
6 CREATES AN UNDUE HARDSHIP OR WHEN, IN THE APPLICANT'S OR PERSON'S  
7 OPINION, A STANDARD HAS BEEN TOO STRINGENTLY APPLIED BY  
8 REPRESENTATIVES OF THE DEPARTMENT. THE DEPARTMENT SHALL  
9 DESIGNATE A PANEL OF PERSONS REPRESENTING VARIOUS STATE AND  
10 LOCAL GOVERNMENTAL AGENCIES WITH AN INTEREST IN AND CONCERN  
11 FOR CHILDREN TO HEAR THE APPEAL AND TO MAKE RECOMMENDATIONS TO  
12 THE DEPARTMENT. THE MEMBERSHIP OF THE APPEALS REVIEW PANEL MUST  
13 INCLUDE, BUT NEED NOT BE LIMITED TO, A REPRESENTATIVE FROM A  
14 TWENTY-FOUR-HOUR CHILD CARE FACILITY; A REPRESENTATIVE FROM A  
15 LICENSED CHILD PLACEMENT AGENCY; A REPRESENTATIVE WITH CHILD  
16 PLACEMENT EXPERIENCE FROM A COUNTY DEPARTMENT; AND A  
17 REPRESENTATIVE FROM AT LEAST ONE OTHER STATE DEPARTMENT, OR  
18 FROM THE DIVISION WITHIN THE DEPARTMENT THAT IS RESPONSIBLE FOR  
19 CHILD WELFARE, WHO HAS EDUCATION AND EXPERTISE IN  
20 TRAUMA-INFORMED CARE AND CHILD WELFARE. THE EXECUTIVE  
21 DIRECTOR, OR THE EXECUTIVE DIRECTOR'S DESIGNEE, SHALL APPOINT ALL  
22 MEMBERS TO THE APPEALS REVIEW PANEL. REPRESENTATIVES TO THE  
23 APPEALS REVIEW PANEL SERVE TERMS OF NO MORE THAN THREE YEARS  
24 AND MAY SERVE SUCCESSIVE TERMS.

25 (5) THE STATE BOARD MAY PROMULGATE RULES TO REGULATE THE  
26 OPERATION OF OUT-OF-HOME PLACEMENT PROVIDER CONSORTIA. THE  
27 REGULATION SHALL NOT INCLUDE LICENSING OF OUT-OF-HOME

1 PLACEMENT PROVIDER CONSORTIA.

2 (6) THE STATE BOARD SHALL PROMULGATE RULES TO DEFINE THE  
3 REQUIREMENTS FOR LICENSURE FOR A LICENSED HOST FAMILY HOME  
4 SERVING HOMELESS YOUTH PURSUANT TO THE "HOMELESS YOUTH ACT",  
5 ARTICLE 5.7 OF THIS TITLE 26.

6 (7) (a) A COUNTY DIRECTOR, OR THE COUNTY DIRECTOR'S  
7 DESIGNEE, MAY APPROVE, AT THE COUNTY DIRECTOR'S DISCRETION, A  
8 WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER  
9 CARE. A WAIVER MAY BE APPROVED ONLY IF:

10 (I) IT CONCERNS NON-SAFETY LICENSING STANDARDS, AS SET  
11 FORTH BY RULE OF THE STATE BOARD PURSUANT TO SUBSECTION (7)(d) OF  
12 THIS SECTION;

13 (II) THE SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN  
14 RECEIVING CARE IS NOT COMPROMISED; AND

15 (III) THE WAIVER REQUEST IS IN WRITING.

16 (b) IN ADDITION TO AN APPROVED WAIVER OF NON-SAFETY  
17 LICENSING STANDARDS, A COUNTY DIRECTOR OF HUMAN OR SOCIAL  
18 SERVICES, OR THE COUNTY DIRECTOR'S DESIGNEE, MAY LIMIT OR RESTRICT  
19 A LICENSE ISSUED TO A KINSHIP FOSTER CARE ENTITY OR REQUIRE THAT  
20 ENTITY TO ENTER INTO A COMPLIANCE AGREEMENT TO ENSURE THE  
21 SAFETY AND WELL-BEING OF THE CHILD OR CHILDREN IN THAT ENTITY'S  
22 CARE.

23 (c) A KINSHIP FOSTER CARE ENTITY MAY NOT APPEAL A DENIAL OF  
24 A WAIVER REQUESTED PURSUANT TO SUBSECTION (7)(a) OF THIS SECTION.

25 (d) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING  
26 THE WAIVER OF NON-SAFETY LICENSING STANDARDS FOR KINSHIP FOSTER  
27 CARE. THE RULES MUST INCLUDE, BUT NEED NOT BE LIMITED TO, A LISTING

1 OF NON-SAFETY LICENSING STANDARDS THAT MAY NOT BE WAIVED AND  
2 CIRCUMSTANCES IN WHICH WAIVERS DO NOT APPLY. THE STATE BOARD  
3 SHALL ALSO DEFINE BY RULE THE MEANING OF "KINSHIP FOSTER CARE" FOR  
4 THE PURPOSES OF THIS SUBSECTION (7).

5 (8) THE EXECUTIVE DIRECTOR HAS THE POWER TO DIRECT THE  
6 ADMINISTRATION OR MONITORING OF MEDICATIONS TO PERSONS IN  
7 FACILITIES PURSUANT TO SECTION 25-1.5-301 (2)(e).

8 **26-6-910. Certification and annual recertification of foster**  
9 **care homes by county departments and licensed child placement**  
10 **agencies - background and reference check requirements - definition.**

11 (1) THIS SECTION APPLIES TO FOSTER CARE HOMES, INCLUDING KINSHIP  
12 FOSTER CARE HOMES, CERTIFIED BY COUNTY DEPARTMENTS OR LICENSED  
13 CHILD PLACEMENT AGENCIES. EXCEPT AS OTHERWISE PROVIDED IN  
14 SUBSECTION (4) OF THIS SECTION, THIS SECTION DOES NOT APPLY TO  
15 FOSTER CARE HOMES THAT ARE LICENSED BY THE STATE DEPARTMENT  
16 PURSUANT TO THE REQUIREMENTS OF SECTION 26-6-905 AND THAT DO NOT  
17 RECEIVE MONEY FROM THE COUNTIES OR CHILDREN PLACED BY THE  
18 COUNTIES. A FOSTER CARE HOME LICENSED BY THE STATE DEPARTMENT  
19 MUST UNDERGO ALL OF THE BACKGROUND CHECKS AND REQUIREMENTS  
20 SET FORTH IN SECTION 26-6-905 OR AS OTHERWISE STATED IN THIS PART  
21 9.

22 (2) A PERSON OPERATING A FOSTER CARE HOME SHALL OBTAIN A  
23 CERTIFICATE TO OPERATE THE HOME FROM A COUNTY DEPARTMENT OR A  
24 CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF  
25 THIS PART 9. A CERTIFICATE IS CONSIDERED A LICENSE FOR THE PURPOSE  
26 OF THIS PART 9, INCLUDING BUT NOT LIMITED TO THE INVESTIGATION AND  
27 CRIMINAL HISTORY BACKGROUND CHECKS REQUIRED PURSUANT TO THIS

1 SECTION AND SECTION 26-6-912. EACH CERTIFICATE MUST BE IN THE FORM  
2 PRESCRIBED AND PROVIDED BY THE STATE DEPARTMENT, CERTIFY THAT  
3 THE PERSON OPERATING THE FOSTER CARE HOME IS A SUITABLE PERSON TO  
4 OPERATE A FOSTER CARE HOME OR PROVIDE CARE FOR A CHILD, AND  
5 CONTAIN ANY OTHER INFORMATION THAT THE STATE DEPARTMENT  
6 REQUIRES. A CHILD PLACEMENT AGENCY ISSUING OR RENEWING ANY SUCH  
7 CERTIFICATE SHALL NOTIFY THE STATE DEPARTMENT ABOUT THE  
8 CERTIFICATION IN A METHOD AND TIME FRAME AS SET BY RULE ADOPTED  
9 BY THE STATE BOARD.

10 (3) A FOSTER CARE HOME, WHEN CERTIFIED BY A COUNTY  
11 DEPARTMENT OR LICENSED CHILD PLACEMENT AGENCY, MAY RECEIVE FOR  
12 CARE A CHILD FROM A SOURCE OTHER THAN THE CERTIFYING COUNTY  
13 DEPARTMENT OR CHILD PLACEMENT AGENCY UPON THE WRITTEN CONSENT  
14 AND APPROVAL OF THE CERTIFYING COUNTY DEPARTMENT OR CHILD  
15 PLACEMENT AGENCY.

16 (4) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
17 AGENCY MAY CERTIFY A FACILITY AS A FOSTER CARE HOME THAT IS ALSO  
18 LICENSED AS A FAMILY CHILD CARE HOME, AS DEFINED IN SECTION  
19 26.5-5-303, BY THE DEPARTMENT OF EARLY CHILDHOOD SO LONG AS THE  
20 LICENSURE AND CERTIFICATION ARE PROVIDED BY TWO SEPARATE  
21 LICENSING ENTITIES.

22 (5) PRIOR TO ISSUING A CERTIFICATE OR A RECERTIFICATION TO AN  
23 APPLICANT TO OPERATE A FOSTER CARE HOME, A COUNTY DEPARTMENT OR  
24 A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THE PROVISIONS OF  
25 THIS PART 9 SHALL CONDUCT THE FOLLOWING BACKGROUND CHECKS FOR  
26 THE APPLICANT FOR A CERTIFICATE, A PERSON EMPLOYED BY THE  
27 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME:

1 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK  
2 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE FEDERAL  
3 BUREAU OF INVESTIGATION TO DETERMINE IF THE APPLICANT, EMPLOYEE,  
4 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN  
5 CONVICTED OF:

6 (I) CHILD ABUSE, AS SPECIFIED IN SECTION 18-6-401;

7 (II) A CRIME OF VIOLENCE, AS DEFINED IN SECTION 18-1.3-406;

8 (III) AN OFFENSE INVOLVING UNLAWFUL SEXUAL BEHAVIOR, AS  
9 DEFINED IN SECTION 16-22-102 (9);

10 (IV) A FELONY, THE UNDERLYING FACTUAL BASIS OF WHICH HAS  
11 BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN ACT OF  
12 DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3;

13 (V) A FELONY INVOLVING PHYSICAL ASSAULT, BATTERY, OR A  
14 DRUG-RELATED OFFENSE WITHIN THE FIVE YEARS PRECEDING THE DATE OF  
15 APPLICATION FOR A CERTIFICATE;

16 (VI) A PATTERN OF MISDEMEANOR CONVICTIONS, AS DEFINED BY  
17 RULE OF THE STATE BOARD, WITHIN THE TEN YEARS PRECEDING THE DATE  
18 OF THE APPLICATION FOR THE CERTIFICATE; OR

19 (VII) AN OFFENSE IN ANOTHER STATE, THE ELEMENTS OF WHICH  
20 ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY ONE OF THE  
21 OFFENSES DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS  
22 SECTION;

23 (b) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
24 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY  
25 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT, THE EMPLOYEE,  
26 OR A PERSON WHO RESIDES AT THE FACILITY OR THE HOME THAT WERE  
27 IDENTIFIED BY THE FINGERPRINT-BASED CRIMINAL HISTORY RECORD

1 CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND THE  
2 FEDERAL BUREAU OF INVESTIGATION;

3 (c) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED DATABASE  
4 FOR INFORMATION TO DETERMINE IF THE PERSON, EMPLOYEE, OR PERSON  
5 WHO RESIDES AT THE FACILITY OR THE HOME HAS BEEN IDENTIFIED AS  
6 HAVING A FINDING OF CHILD ABUSE OR NEGLECT AND WHETHER THE  
7 FINDING HAS BEEN DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR  
8 A CHILD;

9 (d) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
10 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
11 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
12 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
13 FOR COLORADO TO DETERMINE IF THE APPLICANT, EMPLOYEE, OR PERSON  
14 WHO RESIDES AT THE FACILITY OR THE HOME IS A REGISTERED SEX  
15 OFFENDER; AND

16 (e) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
17 HISTORY RECORD CHECK OR ANY OTHER RECORD CHECK PERFORMED  
18 PURSUANT TO THIS SUBSECTION (5) REVEAL A RECORD OF ARREST  
19 WITHOUT A DISPOSITION, THE COUNTY DEPARTMENT OR LICENSED CHILD  
20 PLACEMENT AGENCY SHALL REQUIRE THE PERSON TO SUBMIT TO A  
21 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
22 22-2-119.3 (6)(d).

23 (6) A COUNTY DEPARTMENT OR A CHILD PLACEMENT AGENCY  
24 LICENSED PURSUANT TO THE PROVISIONS OF THIS PART 9 SHALL NOT ISSUE  
25 A CERTIFICATE TO OPERATE, OR A RECERTIFICATION TO OPERATE, A FOSTER  
26 CARE HOME AND SHALL REVOKE OR SUSPEND A CERTIFICATE IF THE  
27 APPLICANT FOR THE CERTIFICATE, A PERSON EMPLOYED BY THE

1 APPLICANT, OR A PERSON WHO RESIDES AT THE FACILITY OR HOME:

2 (a) HAS BEEN CONVICTED OF ANY OF THE CRIMES LISTED IN  
3 SUBSECTION (5)(a) OF THIS SECTION AS VERIFIED THROUGH A  
4 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK, A NAME-BASED  
5 CRIMINAL HISTORY RECORD CHECK, IF NECESSARY, AND A CHECK OF THE  
6 ICON SYSTEM AT THE STATE JUDICIAL DEPARTMENT;

7 (b) HAS BEEN IDENTIFIED AS HAVING A FINDING OF CHILD ABUSE  
8 OR NEGLECT THROUGH A CHECK OF THE STATE DEPARTMENT'S  
9 AUTOMATED DATABASE AND SUCH FINDING HAS BEEN DETERMINED TO  
10 PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

11 (c) IS A REGISTERED SEX OFFENDER IN THE SEX OFFENDER  
12 REGISTRY CREATED PURSUANT TO SECTION 16-22-110 OR IS A REGISTERED  
13 SEX OFFENDER IN ANOTHER STATE AS DETERMINED BY A CHECK OF THE  
14 NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY THE UNITED  
15 STATES DEPARTMENT OF JUSTICE; EXCEPT THAT THIS PROVISION DOES NOT  
16 APPLY TO AN ADULT RESIDENT WHO HAS BEEN PLACED IN THE FOSTER  
17 CARE FACILITY OR HOME FOR TREATMENT UNDER AN ADULT CHILD  
18 WAIVER. THE SEX OFFENDER REGISTRY CHECKS MUST CHECK THE KNOWN  
19 NAMES AND ADDRESSES OF THE APPLICANT, EMPLOYEE, OR A PERSON WHO  
20 RESIDES AT THE FACILITY OR THE HOME IN THE INTERACTIVE DATABASE  
21 SYSTEM FOR COLORADO AND IN THE NATIONAL SEX OFFENDER PUBLIC  
22 REGISTRY AGAINST ALL OF THE REGISTRANT'S KNOWN NAMES AND  
23 ADDRESSES.

24 (7) AS USED IN THIS SECTION, "CONVICTED" MEANS A CONVICTION  
25 BY A JURY OR BY A COURT AND INCLUDES A DEFERRED JUDGMENT AND  
26 SENTENCE AGREEMENT, A DEFERRED PROSECUTION AGREEMENT, A  
27 DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION, OR A PLEA OF

1 GUILTY OR NOLO CONTENDERE; EXCEPT THAT THIS DOES NOT APPLY TO A  
2 DIVERSION OR DEFERRAL OR PLEA FOR A JUVENILE WHO PARTICIPATED IN  
3 DIVERSION, AS DEFINED IN SECTION 19-2.5-102, AND DOES NOT APPLY TO  
4 A DIVERSION OR DEFERRAL OR PLEA FOR A PERSON WHO PARTICIPATED IN  
5 AND SUCCESSFULLY COMPLETED THE CHILD ABUSE AND CHILD NEGLECT  
6 DIVERSION PROGRAM, AS DESCRIBED IN SECTION 19-3-310.

7 (8) (a) THE CONVICTIONS IDENTIFIED IN SUBSECTIONS (5)(a) AND  
8 (6)(a) OF THIS SECTION MUST BE DETERMINED ACCORDING TO THE  
9 RECORDS OF THE COLORADO BUREAU OF INVESTIGATION OR THE FEDERAL  
10 BUREAU OF INVESTIGATION AND THE ICON SYSTEM AT THE STATE  
11 JUDICIAL DEPARTMENT. THE SCREENING REQUEST IN COLORADO MUST BE  
12 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY  
13 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.  
14 671 (a)(20). A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
15 COMPETENT JURISDICTION OF THE CONVICTION, DEFERRED JUDGMENT AND  
16 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR  
17 DEFERRED ADJUDICATION AGREEMENT IS PRIMA FACIE EVIDENCE OF A  
18 CONVICTION OR AGREEMENT.

19 (b) THE COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
20 AGENCY SHALL NOT ISSUE A CERTIFICATE TO OPERATE A FOSTER CARE  
21 HOME OR A KINSHIP FOSTER CARE HOME IF THE STATE DEPARTMENT OR  
22 THE COUNTY DEPARTMENT HAS A CERTIFIED COURT ORDER FROM ANOTHER  
23 STATE INDICATING THAT THE PERSON APPLYING FOR THE CERTIFICATE:

24 (I) HAS BEEN CONVICTED OF CHILD ABUSE OR ANY UNLAWFUL  
25 SEXUAL OFFENSE AGAINST A CHILD UNDER A LAW OF ANOTHER STATE OR  
26 THE UNITED STATES, THE ELEMENTS OF WHICH ARE SUBSTANTIALLY  
27 SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES DESCRIBED IN

1 SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION; OR

2 (II) HAS ENTERED INTO A DEFERRED JUDGMENT OR DEFERRED  
3 PROSECUTION AGREEMENT IN ANOTHER STATE AS TO CHILD ABUSE OR ANY  
4 SEXUAL OFFENSE AGAINST A CHILD, THE ELEMENTS OF WHICH ARE  
5 SUBSTANTIALLY SIMILAR TO THE ELEMENTS OF ANY OF THE OFFENSES  
6 DESCRIBED IN SUBSECTIONS (5)(a)(I) TO (5)(a)(VI) OF THIS SECTION.

7 (9) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9, A  
8 PERSON SHALL NOT OPERATE A FOSTER CARE HOME THAT IS CERTIFIED BY  
9 A COUNTY DEPARTMENT OR BY A LICENSED CHILD PLACEMENT AGENCY IF  
10 THE PERSON IS A RELATIVE OF AN EMPLOYEE OF THE CHILD WELFARE  
11 DIVISION OR UNIT OF THE COUNTY DEPARTMENT CERTIFYING THE FOSTER  
12 CARE HOME OR A RELATIVE OF AN OWNER, OFFICER, EXECUTIVE, MEMBER  
13 OF THE GOVERNING BOARD, OR EMPLOYEE OF THE CHILD PLACEMENT  
14 AGENCY CERTIFYING THE FOSTER CARE HOME. IF THE PERSON FILES AN  
15 APPLICATION WITH A COUNTY DEPARTMENT OR A CHILD PLACEMENT  
16 AGENCY THAT WOULD VIOLATE THE PROVISIONS OF THIS SUBSECTION (9)  
17 BY CERTIFYING THE FOSTER CARE HOME, THE COUNTY DEPARTMENT OR  
18 CHILD PLACEMENT AGENCY SHALL REFER THE APPLICATION TO ANOTHER  
19 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY. UNLESS OTHERWISE  
20 PROHIBITED, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY TO  
21 WHICH THE APPLICATION IS REFERRED MAY CERTIFY AND SUPERVISE A  
22 FOSTER CARE HOME OPERATED BY THE PERSON. THE COUNTY  
23 DEPARTMENT THAT REFERRED THE APPLICATION MAY PLACE A CHILD IN  
24 THE COUNTY-CERTIFIED FOSTER CARE HOME UPON WRITTEN AGREEMENT  
25 OF THE TWO COUNTY DEPARTMENTS.

26 (10) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART 9,  
27 AN OWNER, OFFICER, EXECUTIVE, MEMBER OF THE GOVERNING BOARD, OR

1 EMPLOYEE OF A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS  
2 PART 9 OR A RELATIVE OF SAID OWNER, OFFICER, EXECUTIVE, MEMBER, OR  
3 EMPLOYEE SHALL NOT HOLD A BENEFICIAL INTEREST IN PROPERTY  
4 OPERATED OR INTENDED TO BE OPERATED AS A FOSTER CARE HOME, WHEN  
5 THE PROPERTY IS CERTIFIED BY THE CHILD PLACEMENT AGENCY AS A  
6 FOSTER CARE HOME.

7 (11) A COUNTY DEPARTMENT OR LICENSED CHILD PLACEMENT  
8 AGENCY MAY ISSUE A ONE-TIME PROVISIONAL CERTIFICATE FOR A PERIOD  
9 OF SIX MONTHS TO AN APPLICANT FOR AN ORIGINAL CERTIFICATE THAT  
10 PERMITS THE APPLICANT TO OPERATE A FOSTER CARE HOME IF THE  
11 APPLICANT IS TEMPORARILY UNABLE TO CONFORM TO ALL OF THE  
12 STANDARDS REQUIRED UNDER THIS PART 9 UPON PROOF BY THE APPLICANT  
13 THAT THE APPLICANT IS ATTEMPTING TO CONFORM TO THE STANDARDS OR  
14 TO COMPLY WITH ANY OTHER REQUIREMENTS. THE APPLICANT HAS A  
15 RIGHT TO APPEAL TO THE STATE DEPARTMENT ANY STANDARD THAT THE  
16 APPLICANT BELIEVES PRESENTS AN UNDUE HARDSHIP OR HAS BEEN  
17 APPLIED TOO STRINGENTLY BY THE COUNTY DEPARTMENT OR LICENSED  
18 CHILD PLACEMENT AGENCY. UPON THE FILING OF AN APPEAL, THE STATE  
19 DEPARTMENT SHALL PROCEED IN THE MANNER PRESCRIBED FOR LICENSEE  
20 APPEALS IN SECTION 26-6-909 (4).

21 **26-6-911. Foster care - kinship care - rules applying generally**  
22 **- rule-making.** (1) THE STATE BOARD SHALL PROMULGATE RULES THAT  
23 APPLY TO FOSTER CARE GENERALLY, REGARDLESS OF WHETHER THE  
24 FOSTER CARE IS PROVIDED BY A FOSTER CARE HOME CERTIFIED BY A  
25 COUNTY DEPARTMENT OR BY A CHILD PLACEMENT AGENCY, AND TO  
26 KINSHIP CARE, INCLUDING KINSHIP FOSTER CARE. THE STATE BOARD SHALL  
27 DEVELOP THE RULES IN CONSULTATION WITH THE STATE DEPARTMENT,

1 COUNTY DEPARTMENTS, CHILD PLACEMENT AGENCIES, AND OTHERS WITH  
2 EXPERTISE IN THE DEVELOPMENT OF RULES REGARDING FOSTER CARE.

3 (2) AT A MINIMUM, THE RULES DESCRIBED IN SUBSECTION (1) OF  
4 THIS SECTION MUST INCLUDE THE FOLLOWING:

5 (a) USING THE STATE DEPARTMENT'S AUTOMATED DATABASE, THE  
6 PROCEDURES FOR NOTIFYING ALL COUNTY DEPARTMENTS AND CHILD  
7 PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE WHEN THE  
8 STATE DEPARTMENT HAS IDENTIFIED A CONFIRMED REPORT OF CHILD  
9 ABUSE OR NEGLECT, AS DEFINED IN SECTION 19-1-103, THAT INVOLVES A  
10 FOSTER CARE HOME, AS WELL AS THE SUSPENSION OF ANY FURTHER  
11 PLACEMENTS IN THE FOSTER CARE HOME UNTIL THE INVESTIGATION IS  
12 CONCLUDED;

13 (b) THE IMMEDIATE NOTIFICATION OF A CHILD'S GUARDIAN AD  
14 LITEM UPON THE CHILD'S PLACEMENT IN A FOSTER CARE HOME, AND THE  
15 PROVISION OF THE GUARDIAN AD LITEM'S CONTACT INFORMATION TO THE  
16 FOSTER PARENTS;

17 (c) A REQUIREMENT THAT ALL COUNTY DEPARTMENTS AND ALL  
18 CHILD PLACEMENT AGENCIES THAT PLACE CHILDREN IN FOSTER CARE  
19 CONDUCT AND DOCUMENT THAT ALL OF THE BACKGROUND CHECKS  
20 SPECIFIED IN SECTION 26-6-910 (5) AND (6) HAVE BEEN COMPLETED FOR  
21 ANY PERSON APPLYING TO PROVIDE FOSTER CARE, ANY PERSON EMPLOYED  
22 BY THE APPLICANT TO WORK IN A FOSTER CARE FACILITY, AND ANY ADULT  
23 RESIDENT OF THE FOSTER CARE HOME, PRIOR TO PLACING A CHILD IN  
24 FOSTER CARE WITH THAT PERSON;

25 (d) A LIST OF ACTIONS A COUNTY DEPARTMENT OR CHILD  
26 PLACEMENT AGENCY SHALL TAKE IF A DISQUALIFYING FACTOR IS FOUND  
27 DURING ANY OF THE BACKGROUND CHECKS SPECIFIED IN SECTION

1 26-6-910 (5) AND (6) AND SECTION 19-3-406 (4) AND (4.5);

2 (e) A LIST OF SANCTIONS THE STATE DEPARTMENT MAY PLACE  
3 UPON A COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY IF THE  
4 REQUIRED BACKGROUND CHECKS FOR FOSTER CARE HOMES ARE NOT  
5 COMPLETED OR DOCUMENTED, INCLUDING FINES OR DISCIPLINARY  
6 ACTIONS;

7 (f) REQUIREMENTS THAT FOSTER CARE HOMES MUST BE  
8 RECERTIFIED ANNUALLY, INCLUDING RULES SETTING FORTH THE  
9 PROCEDURAL REQUIREMENTS ASSOCIATED WITH CERTIFICATION AND  
10 RECERTIFICATION. THE RULES MUST INCLUDE REQUIREMENTS THAT THE  
11 CERTIFYING ENTITY SHALL PERFORM AN ON-SITE VISIT TO EACH FOSTER  
12 CARE HOME APPLYING FOR CERTIFICATION OR RECERTIFICATION AND  
13 SHALL INSPECT THE ENTIRE PREMISES OF THE FOSTER CARE HOME,  
14 INCLUDING SLEEPING AREAS, AS WELL AS OTHER ASSESSMENTS OF THE  
15 FOSTER CARE HOME. ONLY ONE COUNTY DEPARTMENT OR CHILD  
16 PLACEMENT AGENCY SHALL CERTIFY A FOSTER CARE HOME AT ANY ONE  
17 TIME. THE RULES MUST ALSO SPECIFY A TIME FRAME FOR NOTIFICATION  
18 AND THE METHOD FOR A CHILD PLACEMENT AGENCY ISSUING OR  
19 RENEWING A CERTIFICATE TO OPERATE A FOSTER CARE HOME TO NOTIFY  
20 THE STATE DEPARTMENT ABOUT ANY CERTIFICATION.

21 (g) RULES THAT GOVERN THE HEALTH ASSESSMENT OF FOSTER  
22 CARE PARENTS BY A LICENSED HEALTH-CARE PROFESSIONAL THAT  
23 REQUIRE A WRITTEN EVALUATION OF THE PERSON'S PHYSICAL AND MENTAL  
24 ABILITY TO CARE FOR FOSTER CHILDREN. IF, IN THE OPINION OF THE  
25 LICENSED HEALTH-CARE PROFESSIONAL OR THE ASSESSMENT WORKER, AN  
26 EMOTIONAL OR PSYCHOLOGICAL CONDITION EXISTS THAT WOULD HAVE A  
27 NEGATIVE IMPACT ON THE CARE OF FOSTER CHILDREN, THE ISSUANCE OF

1 A CERTIFICATE MUST BE CONDITIONED ON THE SATISFACTORY REPORT OF  
2 A LICENSED MENTAL HEALTH PRACTITIONER.

3 (h) THE COMMUNICATION REQUIREMENTS THAT MUST BE  
4 FOLLOWED BETWEEN TWO ENTITIES THAT LICENSE AND CERTIFY THE SAME  
5 FACILITY AS A FOSTER CARE HOME AND AS A FAMILY CHILD CARE HOME AS  
6 SET FORTH IN SECTION 26-6-910 (4).

7 (3) THE STATE DEPARTMENT SHALL REVIEW THE CURRENT  
8 ADDRESS VERIFICATION PRACTICES AND POLICIES IN OTHER STATES FOR  
9 CHECKING THE PRIOR ADDRESSES OF PERSONS WHO APPLY TO BE FOSTER  
10 CARE PROVIDERS OR KINSHIP FOSTER CARE PROVIDERS AND OF ADULTS  
11 WHO RESIDE IN THE FOSTER CARE HOME OR KINSHIP FOSTER CARE HOME.  
12 AFTER CONDUCTING THE REVIEW, THE STATE DEPARTMENT SHALL  
13 RECOMMEND TO THE STATE BOARD WHETHER RULES AND STANDARDS  
14 SHOULD BE ADOPTED FOR VERIFICATION OF ADDRESSES OF THESE PERSONS  
15 BY COUNTY DEPARTMENTS AND CHILD PLACEMENT AGENCIES.

16 **26-6-912. Investigations and inspections - local authority -**  
17 **reports - rules.** (1) (a) (I) (A) THE STATE DEPARTMENT SHALL  
18 INVESTIGATE AND PASS ON EACH APPLICATION FOR ISSUANCE OF A  
19 LICENSE, EACH APPLICATION FOR A PERMANENT OR TIME-LIMITED LICENSE  
20 FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE,  
21 AND EACH APPLICATION FOR RENEWAL OF A LICENSE TO OPERATE A  
22 FACILITY OR AN AGENCY PRIOR TO GRANTING THE LICENSE OR RENEWAL.  
23 AS PART OF THE INVESTIGATION, THE STATE DEPARTMENT SHALL REQUIRE  
24 EACH INDIVIDUAL, INCLUDING BUT NOT LIMITED TO THE APPLICANT, AN  
25 OWNER, AN EMPLOYEE, A NEWLY HIRED EMPLOYEE, A LICENSEE, AND AN  
26 ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND RESIDES IN THE  
27 LICENSED FACILITY, TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY

1 RECORD CHECK BY REVIEWING ANY RECORD THAT IS USED TO ASSIST THE  
2 STATE DEPARTMENT IN ASCERTAINING WHETHER THE PERSON BEING  
3 INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES  
4 SPECIFIED IN SECTION 26-6-905 (8) OR ANY OTHER FELONY. THE STATE  
5 BOARD SHALL PROMULGATE RULES THAT DEFINE AND IDENTIFY WHAT THE  
6 CRIMINAL HISTORY RECORD CHECK ENTAILS.

7 (B) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO  
8 THIS SUBSECTION (1)(a)(I) MUST REQUIRE THE FINGERPRINT-BASED  
9 CRIMINAL HISTORY RECORD CHECK IN ALL CIRCUMSTANCES, OTHER THAN  
10 THOSE IDENTIFIED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION, TO  
11 INCLUDE A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK USING  
12 THE RECORDS OF THE COLORADO BUREAU OF INVESTIGATION AND THE  
13 FEDERAL BUREAU OF INVESTIGATION AND TO APPLY TO ANY NEW OWNER,  
14 NEW APPLICANT, NEWLY HIRED EMPLOYEE, NEW LICENSEE, OR INDIVIDUAL  
15 WHO BEGINS RESIDING IN THE LICENSED FACILITY. AS PART OF THE  
16 INVESTIGATION, THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT  
17 MAINTAINED BY THE STATE DEPARTMENT MUST BE ACCESSED TO  
18 DETERMINE WHETHER THE OWNER, APPLICANT, EMPLOYEE, NEWLY HIRED  
19 EMPLOYEE, LICENSEE, OR INDIVIDUAL WHO RESIDES IN THE LICENSED  
20 FACILITY BEING INVESTIGATED HAS BEEN FOUND TO BE RESPONSIBLE IN A  
21 CONFIRMED REPORT OF CHILD ABUSE OR NEGLECT. INFORMATION IS MADE  
22 AVAILABLE PURSUANT TO SECTION 19-1-307 (2)(j) AND RULES  
23 PROMULGATED BY THE STATE BOARD PURSUANT TO SECTION 19-3-313.5  
24 (4). EXCEPT AS PROVIDED IN SUBSECTION (1)(a)(I)(C) OF THIS SECTION,  
25 ANY CHANGE IN OWNERSHIP OF A LICENSED FACILITY OR AGENCY OR  
26 ADDITION OF A NEW RESIDENT ADULT OR NEWLY HIRED EMPLOYEE TO THE  
27 LICENSED FACILITY REQUIRES A NEW INVESTIGATION AS PROVIDED IN THIS

1 SECTION.

2 (C) WHEN TWO OR MORE INDIVIDUALLY LICENSED FACILITIES ARE  
3 WHOLLY OWNED, OPERATED, AND CONTROLLED BY A COMMON OWNERSHIP  
4 GROUP OR SCHOOL DISTRICT, A FINGERPRINT-BASED CRIMINAL HISTORY  
5 RECORD CHECK AND A CHECK OF THE RECORDS AND REPORTS OF CHILD  
6 ABUSE OR NEGLECT MAINTAINED BY THE DEPARTMENT, COMPLETED FOR  
7 ONE OF THE LICENSED FACILITIES OF THE COMMON OWNERSHIP GROUP OR  
8 SCHOOL DISTRICT PURSUANT TO THIS SECTION FOR AN INDIVIDUAL FOR  
9 WHOM THE CHECK IS REQUIRED PURSUANT TO THIS PART 9, MAY SATISFY  
10 THE RECORD CHECK REQUIREMENT FOR ANY OTHER LICENSED FACILITY  
11 UNDER THE SAME COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT. A  
12 NEW FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR NEW  
13 CHECK OF THE RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT  
14 MAINTAINED BY THE DEPARTMENT IS NOT REQUIRED OF SUCH AN  
15 INDIVIDUAL IF THE COMMON OWNERSHIP GROUP OR SCHOOL DISTRICT  
16 MAINTAINS A CENTRAL RECORDS MANAGEMENT SYSTEM FOR EMPLOYEES  
17 OF ALL ITS LICENSED FACILITIES; TAKES ACTION AS REQUIRED PURSUANT  
18 TO SECTION 26-6-905 WHEN INFORMED OF THE RESULTS OF A  
19 FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK OR CHECK OF THE  
20 RECORDS AND REPORTS OF CHILD ABUSE OR NEGLECT MAINTAINED BY THE  
21 DEPARTMENT THAT REQUIRES ACTION PURSUANT TO THIS PART 9; AND  
22 INFORMS THE DEPARTMENT WHENEVER AN ADDITIONAL LICENSED  
23 FACILITY COMES UNDER OR IS NO LONGER UNDER ITS OWNERSHIP OR  
24 CONTROL.

25 (D) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT  
26 THIS SUBSECTION (1)(a)(I).

27 (II) RULES PROMULGATED BY THE STATE BOARD PURSUANT TO

1 SUBSECTION (1)(a)(I) OF THIS SECTION MUST ALSO INCLUDE :

2 (A) A COMPARISON SEARCH ON THE ICON SYSTEM AT THE STATE  
3 JUDICIAL DEPARTMENT WITH THE NAME AND DATE OF BIRTH INFORMATION  
4 AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL HISTORY INFORMATION  
5 THAT THE STATE DEPARTMENT DETERMINES IS APPROPRIATE FOR EACH  
6 CIRCUMSTANCE IN WHICH THE COLORADO BUREAU OF INVESTIGATION  
7 FINGERPRINT CHECK EITHER DOES NOT CONFIRM A CRIMINAL HISTORY OR  
8 CONFIRMS A CRIMINAL HISTORY, IN ORDER TO DETERMINE THE CRIME OR  
9 CRIMES FOR WHICH THE PERSON WAS ARRESTED OR CONVICTED AND THE  
10 DISPOSITION THEREOF;

11 (B) ANY OTHER RECOGNIZED DATABASE THAT IS ACCESSIBLE ON  
12 A STATEWIDE BASIS AS SET FORTH BY RULES PROMULGATED BY THE STATE  
13 BOARD; AND

14 (C) WHEN THE RESULTS OF AN INVESTIGATION PERFORMED  
15 PURSUANT TO SUBSECTION (1)(a)(I) OF THIS SECTION OR THIS SUBSECTION  
16 (1)(a)(II) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A  
17 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
18 22-2-119.3 (6)(d).

19 (III) IF THE OPERATOR OF A FACILITY OR AGENCY REFUSES TO HIRE  
20 AN APPLICANT AS A RESULT OF INFORMATION DISCLOSED IN THE  
21 INVESTIGATION OF THE APPLICANT PURSUANT TO SUBSECTION (1)(a)(I) OF  
22 THIS SECTION, THE FACILITY OR AGENCY IS NOT SUBJECT TO CIVIL  
23 LIABILITY FOR THE REFUSAL TO HIRE. IF A FORMER EMPLOYER OF THE  
24 APPLICANT RELEASES INFORMATION REQUESTED BY THE FACILITY OR  
25 AGENCY PERTAINING TO THE APPLICANT'S FORMER PERFORMANCE, THE  
26 FORMER EMPLOYER IS NOT SUBJECT TO CIVIL LIABILITY FOR THE  
27 INFORMATION GIVEN.

1           (b) AN APPLICANT FOR CERTIFICATION AS A FOSTER CARE HOME  
2 SHALL PROVIDE THE CHILD PLACEMENT AGENCY OR THE COUNTY  
3 DEPARTMENT FROM WHOM THE CERTIFICATION IS SOUGHT WITH A LIST OF  
4 ALL THE PRIOR CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS  
5 TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, AND A RELEASE OF  
6 INFORMATION FROM THE CHILD PLACEMENT AGENCIES AND COUNTY  
7 DEPARTMENTS TO WHICH THE APPLICANT HAS PREVIOUSLY APPLIED, TO  
8 OBTAIN INFORMATION ABOUT THE APPLICATION AND ANY CERTIFICATION  
9 GIVEN BY THE CHILD PLACEMENT AGENCIES AND COUNTY DEPARTMENTS.  
10 A CHILD PLACEMENT AGENCY OR COUNTY DEPARTMENT FROM WHOM THE  
11 CERTIFICATION IS SOUGHT SHALL CONDUCT A REFERENCE CHECK OF THE  
12 APPLICANT AND ANY ADULT RESIDENT OF THE FOSTER CARE HOME BY  
13 CONTACTING ALL OF THE CHILD PLACEMENT AGENCIES AND COUNTY  
14 DEPARTMENTS IDENTIFIED BY THE APPLICANT BEFORE ISSUING THE  
15 CERTIFICATION FOR THAT FOSTER CARE HOME. CHILD PLACEMENT  
16 AGENCIES AND COUNTY DEPARTMENTS ARE HELD HARMLESS FOR  
17 INFORMATION RELEASED, IN GOOD FAITH, TO OTHER CHILD PLACEMENT  
18 AGENCIES OR COUNTY DEPARTMENTS.

19           (c) (I) FOR ALL APPLICANTS APPLYING TO BE A FOSTER CARE HOME  
20 OR KINSHIP FOSTER CARE HOME, REGARDLESS OF REIMBURSEMENT, THE  
21 COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY SHALL REQUIRE  
22 EACH ADULT WHO IS EIGHTEEN YEARS OF AGE OR OLDER AND WHO RESIDES  
23 IN THE HOME TO OBTAIN A FINGERPRINT-BASED CRIMINAL HISTORY  
24 RECORD CHECK THROUGH THE COLORADO BUREAU OF INVESTIGATION AND  
25 THE FEDERAL BUREAU OF INVESTIGATION. THE APPLICANT MUST PROVIDE  
26 THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY WITH THE  
27 ADDRESSES WHERE THE APPLICANT AND ANY ADULT RESIDING IN THE

1 HOME HAVE LIVED IN THE PRECEDING FIVE YEARS, INCLUDING ADDRESSES  
2 FROM OTHER STATES. THE COUNTY DEPARTMENT OR THE CHILD  
3 PLACEMENT AGENCY SHALL CONDUCT THE FOLLOWING BACKGROUND  
4 CHECKS OF THE APPLICANT OR AN ADULT RESIDING IN THE HOME:

5 (A) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK TO  
6 DETERMINE IF THE APPLICANT OR ADULT RESIDING IN THE HOME HAS BEEN  
7 CONVICTED OF ANY OF THE CRIMES LISTED IN SECTION 26-6-910 (5)(a);

8 (B) A CHECK OF THE ICON SYSTEM AT THE STATE JUDICIAL  
9 DEPARTMENT TO DETERMINE THE STATUS OR DISPOSITION OF ANY PENDING  
10 CRIMINAL CHARGES BROUGHT AGAINST THE APPLICANT OR ADULT WHO  
11 RESIDES IN THE HOME THAT WERE IDENTIFIED BY THE FINGERPRINT-BASED  
12 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF  
13 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION;

14 (C) A CHECK OF THE STATE DEPARTMENT'S AUTOMATED  
15 DATABASE FOR INFORMATION TO DETERMINE IF THE APPLICANT OR ADULT  
16 WHO RESIDES IN THE HOME HAS BEEN IDENTIFIED AS HAVING A FINDING OF  
17 CHILD ABUSE OR NEGLECT AND WHETHER THE FINDING HAS BEEN  
18 DETERMINED TO PRESENT AN UNSAFE PLACEMENT FOR A CHILD;

19 (D) A CHECK AGAINST THE STATE'S SEX OFFENDER REGISTRY AND  
20 AGAINST THE NATIONAL SEX OFFENDER PUBLIC REGISTRY OPERATED BY  
21 THE UNITED STATES DEPARTMENT OF JUSTICE THAT CHECKS NAMES AND  
22 ADDRESSES IN THE REGISTRIES AND THE INTERACTIVE DATABASE SYSTEM  
23 FOR COLORADO TO DETERMINE IF THE APPLICANT OR ADULT WHO RESIDES  
24 IN THE HOME IS A REGISTERED SEX OFFENDER; AND

25 (E) WHEN THE RESULTS OF A FINGERPRINT-BASED CRIMINAL  
26 HISTORY RECORD CHECK PERFORMED PURSUANT TO THIS SUBSECTION  
27 (1)(c)(I) REVEAL A RECORD OF ARREST WITHOUT A DISPOSITION, A

1 NAME-BASED CRIMINAL HISTORY RECORD CHECK, AS DEFINED IN SECTION  
2 22-2-119.3 (6)(d).

3 (II) IN ADDITION TO THE FINGERPRINT-BASED CRIMINAL HISTORY  
4 RECORD CHECK, THE COUNTY DEPARTMENT OR CHILD PLACEMENT AGENCY  
5 SHALL CONTACT THE APPROPRIATE ENTITY IN EACH STATE IN WHICH THE  
6 APPLICANT OR ANY ADULT RESIDING IN THE HOME HAS RESIDED WITHIN  
7 THE PRECEDING FIVE YEARS TO DETERMINE WHETHER THE INDIVIDUAL HAS  
8 BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED REPORT OF CHILD ABUSE  
9 OR NEGLECT.

10 (III) THE SCREENING REQUEST IN COLORADO FOR CRIMINAL  
11 HISTORY RECORD CHECKS THROUGH THE COLORADO BUREAU OF  
12 INVESTIGATION AND THE FEDERAL BUREAU OF INVESTIGATION MUST BE  
13 MADE PURSUANT TO SECTION 19-1-307 (2)(k.5), RULES PROMULGATED BY  
14 THE STATE BOARD PURSUANT TO SECTION 19-3-313.5, AND 42 U.S.C. SEC.  
15 671 (a)(20).

16 (IV) THE DEPARTMENT MUST CONDUCT AN INVESTIGATION  
17 PURSUANT TO THIS SUBSECTION (1)(c) FOR ANY NEW RESIDENT ADULT  
18 WHENEVER THE ADULT IS ADDED TO THE FOSTER CARE HOME OR KINSHIP  
19 CARE HOME. THE DEPARTMENT SHALL NOT USE INFORMATION OBTAINED  
20 FROM STATE RECORDS OF ABUSE OR NEGLECT FOR ANY PURPOSE OTHER  
21 THAN CONDUCTING THE INVESTIGATION FOR PLACEMENT OR  
22 CERTIFICATION.

23 (d) (I) WHEN THE STATE DEPARTMENT, COUNTY DEPARTMENT, OR  
24 CHILD PLACEMENT AGENCY IS ABLE TO CERTIFY THAT THE APPLICANT OR  
25 LICENSEE IS COMPETENT AND WILL OPERATE ADEQUATE FACILITIES TO  
26 CARE FOR CHILDREN PURSUANT TO THE REQUIREMENTS OF THIS PART 9  
27 AND THAT STANDARDS ARE BEING MET AND WILL BE COMPLIED WITH, IT

1 SHALL ISSUE THE LICENSE FOR WHICH THE APPLICANT OR LICENSEE  
2 APPLIED. THE STATE DEPARTMENT SHALL INSPECT OR CAUSE TO BE  
3 INSPECTED THE FACILITIES TO BE OPERATED BY AN APPLICANT FOR AN  
4 ORIGINAL LICENSE BEFORE THE LICENSE IS GRANTED AND SHALL  
5 THEREAFTER INSPECT OR CAUSE TO BE INSPECTED THE FACILITIES OF ALL  
6 LICENSEES THAT, DURING THE PERIOD OF LICENSURE, HAVE BEEN FOUND  
7 TO BE THE SUBJECT OF COMPLAINTS OR TO BE OUT OF COMPLIANCE WITH  
8 THE STANDARDS SET FORTH IN SECTION 26-6-909 AND THE RULES OF THE  
9 STATE DEPARTMENT, OR THAT OTHERWISE APPEAR TO BE PLACING  
10 CHILDREN AT RISK. THE STATE DEPARTMENT MAY MAKE SUCH OTHER  
11 INSPECTIONS AS IT DEEMS NECESSARY TO ENSURE THAT THE  
12 REQUIREMENTS OF THIS PART 9 ARE BEING MET AND THAT THE HEALTH,  
13 SAFETY, AND WELFARE OF THE CHILDREN BEING PLACED ARE PROTECTED.  
14 IF, AS A RESULT OF AN INSPECTION OF A CERTIFIED FOSTER CARE HOME,  
15 THE STATE DEPARTMENT DETERMINES THAT A CHILD RESIDING IN THE  
16 FOSTER CARE HOME IS SUBJECT TO AN IMMEDIATE AND DIRECT THREAT TO  
17 THE CHILD'S SAFETY AND WELFARE AS DEFINED BY RULES PROMULGATED  
18 BY THE STATE BOARD OR THAT A SUBSTANTIAL VIOLATION OF A  
19 FUNDAMENTAL STANDARD OF CARE WARRANTS IMMEDIATE ACTION, THE  
20 STATE DEPARTMENT MAY REQUIRE A COUNTY DEPARTMENT TO  
21 IMMEDIATELY REMOVE THE CHILD FROM THE FOSTER CARE HOME.

22 (II) THE STATE BOARD SHALL ADOPT RULES CONCERNING THE  
23 ON-SITE PUBLIC AVAILABILITY OF THE MOST RECENT INSPECTION REPORT  
24 RESULTS OF FACILITIES, WHEN REQUESTED. THE STATE BOARD SHALL ALSO  
25 ADOPT RULES CONCERNING A REQUIREMENT THAT ALL FACILITIES  
26 LICENSED PURSUANT TO THIS PART 9 POST THEIR LICENSES AND  
27 INFORMATION REGARDING THE PROCEDURES FOR FILING A COMPLAINT

1 PURSUANT TO THIS PART 9 DIRECTLY WITH THE STATE DEPARTMENT,  
2 WHICH RULES MUST REQUIRE THAT EACH FACILITY DISPLAY ITS LICENSE  
3 AND COMPLAINT PROCEDURES IN A PROMINENT AND CONSPICUOUS  
4 LOCATION AT ALL TIMES DURING OPERATIONAL HOURS OF THE FACILITY;  
5 EXCEPT THAT THE RULES MUST NOT REQUIRE FOSTER CARE HOMES TO POST  
6 THEIR LICENSES AND THE RULES MUST NOT REQUIRE FOSTER CARE HOMES  
7 AND CHILD PLACEMENT AGENCIES TO POST INFORMATION REGARDING THE  
8 PROCEDURES FOR FILING A COMPLAINT PURSUANT TO THIS PART 9  
9 DIRECTLY WITH THE STATE DEPARTMENT. THE STATE BOARD SHALL ADOPT  
10 RULES REQUIRING FOSTER CARE HOMES TO MAKE THEIR LICENSES  
11 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST, AND  
12 REQUIRING FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES TO  
13 MAKE THE INFORMATION CONCERNING THE FILING OF COMPLAINTS  
14 AVAILABLE TO THEIR PATRONS FOR INSPECTION, UPON REQUEST.

15 (e) NOTWITHSTANDING ANY PROVISION OF THIS PART 9 TO THE  
16 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO AN INTERAGENCY  
17 AGREEMENT OR A MEMORANDUM OF UNDERSTANDING, OR BOTH, AS  
18 NECESSARY TO COMPLETE THE CRIMINAL HISTORY RECORD CHECKS AND  
19 OTHER BACKGROUND CHECKS REQUIRED IN THIS SECTION.

20 (2) (a) (I) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION  
21 (2)(a)(II) OF THIS SECTION, THE STATE DEPARTMENT MAY AUTHORIZE OR  
22 CONTRACT WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF  
23 HEALTH, OR ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION  
24 THAT HAS A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING  
25 WITH CHILDREN OR ON BEHALF OF CHILDREN TO INVESTIGATE AND INSPECT  
26 THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR  
27 APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A

1 PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 9 AND  
2 MAY ACCEPT REPORTS ON THE INVESTIGATIONS AND INSPECTIONS FROM  
3 THE AGENCIES OR ORGANIZATIONS AS A BASIS FOR LICENSING. WHEN  
4 CONTRACTING FOR INVESTIGATIONS AND INSPECTIONS, THE STATE  
5 DEPARTMENT SHALL ENSURE THAT THE CONTRACTOR IS QUALIFIED BY  
6 TRAINING AND EXPERIENCE AND HAS NO CONFLICT OF INTEREST WITH  
7 RESPECT TO THE FACILITIES TO BE INSPECTED.

8 (II) THE STATE DEPARTMENT SHALL NOT AUTHORIZE OR CONTRACT  
9 WITH A COUNTY DEPARTMENT, THE COUNTY DEPARTMENT OF HEALTH, OR  
10 ANOTHER PUBLICLY OR PRIVATELY OPERATED ORGANIZATION THAT HAS  
11 A DECLARED INTEREST IN CHILDREN AND EXPERIENCE WORKING WITH  
12 CHILDREN OR ON BEHALF OF CHILDREN FOR INVESTIGATIONS AND  
13 INSPECTIONS DESCRIBED IN SUBSECTION (2)(a)(I) OF THIS SECTION OF ANY  
14 FACILITIES THAT PROVIDE TWENTY-FOUR-HOUR CARE AND ARE LICENSED  
15 PURSUANT TO THIS PART 9.

16 (b) A CITY, COUNTY, OR CITY AND COUNTY MAY IMPOSE AND  
17 ENFORCE HIGHER STANDARDS AND REQUIREMENTS FOR FACILITIES  
18 LICENSED PURSUANT TO THIS PART 9 THAN THE STANDARDS AND  
19 REQUIREMENTS SPECIFIED PURSUANT TO THIS PART 9.

20 (3) EVERY FACILITY AND AGENCY LICENSED PURSUANT TO THIS  
21 PART 9 SHALL KEEP AND MAINTAIN SUCH RECORDS AS THE DEPARTMENT  
22 MAY PRESCRIBE PERTAINING TO THE ADMISSION, PROGRESS, HEALTH, AND  
23 DISCHARGE OF CHILDREN UNDER THE CARE OF THE FACILITY OR AGENCY  
24 AND SHALL REPORT RELATIVE THERETO TO THE DEPARTMENT WHENEVER  
25 CALLED FOR, UPON FORMS PRESCRIBED BY THE DEPARTMENT. BOTH THE  
26 FACILITY OR AGENCY AND THE DEPARTMENT SHALL KEEP CONFIDENTIAL  
27 ALL RECORDS REGARDING CHILDREN AND ALL FACTS LEARNED ABOUT

1 CHILDREN AND THEIR RELATIVES.

2 (4) WITHIN AVAILABLE APPROPRIATIONS, THE STATE DEPARTMENT  
3 SHALL MONITOR, ON AT LEAST A QUARTERLY BASIS, THE COUNTY  
4 DEPARTMENT CERTIFICATION OF FOSTER CARE HOMES.

5 (5) AS DESCRIBED IN SECTION 19-3.3-103, THE STATE DEPARTMENT  
6 AND THE OFFICE OF THE CHILD PROTECTION OMBUDSMAN SHALL  
7 COORDINATE SITE VISITS TO INVESTIGATE AND REVIEW RESIDENTIAL CHILD  
8 CARE FACILITIES THAT HOUSE UNACCOMPANIED IMMIGRANT CHILDREN  
9 WHO ARE IN THE CUSTODY OF THE OFFICE OF REFUGEE RESETTLEMENT IN  
10 THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AS SET  
11 FORTH IN 8 U.S.C. SEC. 1232 ET SEQ. THE STATE DEPARTMENT AND THE  
12 OFFICE OF THE CHILD PROTECTION OMBUDSMAN MAY SHARE FINAL  
13 REPORTS BASED ON THEIR SITE VISITS.

14 (6) WHEN THE STATE DEPARTMENT RECEIVES A SERIOUS  
15 COMPLAINT ABOUT A FACILITY OR AGENCY LICENSED PURSUANT TO THIS  
16 PART 9 ALLEGING THE IMMEDIATE RISK TO THE HEALTH OR SAFETY OF THE  
17 CHILDREN CARED FOR IN THE FACILITY, THE STATE DEPARTMENT SHALL  
18 RESPOND TO THE COMPLAINT AND CONDUCT AN ON-SITE INVESTIGATION  
19 CONCERNING THE COMPLAINT WITHIN FORTY-EIGHT HOURS AFTER ITS  
20 RECEIPT.

21 **26-6-913. Revocation of certification of foster care home -**  
22 **emergency procedures - due process.** NOTWITHSTANDING ANY OTHER  
23 PROVISION OF LAW TO THE CONTRARY, A COUNTY DEPARTMENT MAY ACT  
24 IMMEDIATELY TO REVOKE THE CERTIFICATION OF A COUNTY-CERTIFIED  
25 FOSTER CARE HOME WHEN THE COUNTY DEPARTMENT HAS REASON TO  
26 BELIEVE THAT A CHILD RESIDING IN THE FOSTER CARE HOME IS SUBJECT TO  
27 AN IMMEDIATE AND DIRECT THREAT TO THE CHILD'S SAFETY AND WELFARE

1 OR WHEN A SUBSTANTIAL VIOLATION OF A FUNDAMENTAL STANDARD OF  
2 CARE WARRANTS IMMEDIATE ACTION. IF THE COUNTY DEPARTMENT ACTS  
3 PURSUANT TO THIS SECTION, A DUE PROCESS HEARING SHALL BE HELD  
4 WITHIN FIVE DAYS AFTER THE ACTION AND CONDUCTED AS THE HEARING  
5 WOULD NORMALLY BE CONDUCTED PURSUANT TO ARTICLE 4 OF TITLE 24.

6 **26-6-914. Denial of license - suspension - revocation -**  
7 **probation - refusal to renew license - fines - definitions.** (1) WHEN THE  
8 DEPARTMENT HAS DENIED AN APPLICATION FOR A LICENSE, THE  
9 DEPARTMENT SHALL NOTIFY THE APPLICANT IN WRITING OF THE DENIAL BY  
10 MAILING A NOTICE TO THE APPLICANT AT THE ADDRESS SHOWN ON THE  
11 APPLICATION. AN APPLICANT WHO IS AGGRIEVED BY THE DENIAL MAY  
12 PURSUE THE REMEDY FOR REVIEW AS PROVIDED IN SUBSECTION (10) OF  
13 THIS SECTION IF THE APPLICANT, WITHIN THIRTY DAYS AFTER RECEIVING  
14 THE NOTICE, PETITIONS THE DEPARTMENT TO SET A DATE AND PLACE FOR  
15 HEARING, AFFORDING THE APPLICANT AN OPPORTUNITY TO BE HEARD IN  
16 PERSON OR BY COUNSEL. ALL HEARINGS ON THE DENIAL OF LICENSES  
17 SHALL BE CONDUCTED IN CONFORMITY WITH THE PROVISIONS AND  
18 PROCEDURES SPECIFIED IN ARTICLE 4 OF TITLE 24, AS IN THE CASE OF THE  
19 SUSPENSION AND REVOCATION OF LICENSES.

20 (2) THE DEPARTMENT MAY DENY AN APPLICATION, OR SUSPEND,  
21 REVOKE, OR MAKE PROBATIONARY THE LICENSE, OF ANY FACILITY OR  
22 AGENCY REGULATED AND LICENSED PURSUANT TO THIS PART 9 OR ASSESS  
23 A FINE AGAINST THE LICENSEE PURSUANT TO SECTION 26-6-921 IF THE  
24 LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON EMPLOYED BY THE  
25 LICENSEE, OR A PERSON WHO RESIDES WITH THE LICENSEE AT THE FACILITY  
26 OR AGENCY:

27 (a) IS CONVICTED OF A FELONY, OTHER THAN THOSE OFFENSES

1 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN  
2 SECTION 18-6-401, THE RECORD OF CONVICTION BEING CONCLUSIVE  
3 EVIDENCE THEREOF, NOTWITHSTANDING SECTION 24-5-101, OR HAVE  
4 ENTERED INTO A DEFERRED JUDGMENT AGREEMENT OR A DEFERRED  
5 PROSECUTION AGREEMENT TO A FELONY, OTHER THAN THOSE OFFENSES  
6 SPECIFIED IN SECTION 26-6-905 (8), OR CHILD ABUSE, AS SPECIFIED IN  
7 SECTION 18-6-401, OR IF THE DEPARTMENT HAS A CERTIFIED COURT ORDER  
8 FROM ANOTHER STATE INDICATING THAT THE APPLICANT, LICENSEE,  
9 PERSON EMPLOYED BY THE LICENSEE, OR ANY PERSON RESIDING WITH THE  
10 LICENSEE HAS BEEN CONVICTED OF A FELONY, OTHER THAN THOSE  
11 OFFENSES SPECIFIED IN SECTION 26-6-905 (8), UNDER A LAW OF ANOTHER  
12 STATE OR OF THE UNITED STATES OR HAS ENTERED INTO A DEFERRED  
13 JUDGMENT AGREEMENT OR A DEFERRED PROSECUTION AGREEMENT IN  
14 ANOTHER STATE AS TO A FELONY, OTHER THAN THOSE OFFENSES SPECIFIED  
15 IN SECTION 26-6-905 (8); OR

16 (b) IS CONVICTED OF THIRD DEGREE ASSAULT, AS DESCRIBED IN  
17 SECTION 18-3-204; ANY MISDEMEANOR, THE UNDERLYING FACTUAL BASIS  
18 OF WHICH HAS BEEN FOUND BY THE COURT ON THE RECORD TO INCLUDE AN  
19 ACT OF DOMESTIC VIOLENCE, AS DEFINED IN SECTION 18-6-800.3; THE  
20 VIOLATION OF A PROTECTION ORDER, AS DESCRIBED IN SECTION  
21 18-6-803.5; ANY MISDEMEANOR OFFENSE OF CHILD ABUSE, AS DEFINED IN  
22 SECTION 18-6-401; OR ANY MISDEMEANOR OFFENSE IN ANOTHER STATE,  
23 THE ELEMENTS OF WHICH ARE SUBSTANTIALLY SIMILAR TO THE ELEMENTS  
24 OF ANY ONE OF THE OFFENSES DESCRIBED IN THIS SUBSECTION (2)(b). AS  
25 USED IN THIS SUBSECTION (2)(b), "CONVICTED" HAS THE SAME MEANING  
26 AS SET FORTH IN SECTION 26-6-905 (8)(a)(II).

27 (c) IS DETERMINED TO BE INSANE OR MENTALLY INCOMPETENT BY

1 A COURT OF COMPETENT JURISDICTION AND, A COURT HAS ENTERED,  
2 PURSUANT TO PART 3 OR PART 4 OF ARTICLE 14 OF TITLE 15, OR SECTION  
3 27-65-109 (4) OR 27-65-127, AN ORDER SPECIFICALLY FINDING THAT THE  
4 MENTAL INCOMPETENCY OR INSANITY IS OF SUCH A DEGREE THAT THE  
5 LICENSEE IS INCAPABLE OF OPERATING A FACILITY OR AGENCY, THE  
6 RECORD OF SUCH DETERMINATION AND ENTRY OF SUCH ORDER BEING  
7 CONCLUSIVE EVIDENCE THEREOF; OR

8 (d) USES ANY CONTROLLED SUBSTANCE, AS DEFINED IN SECTION  
9 18-18-102 (5), INCLUDING RETAIL MARIJUANA, OR CONSUMES ANY  
10 ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE FACILITY  
11 OR AGENCY OR IS UNDER THE INFLUENCE OF A CONTROLLED SUBSTANCE  
12 OR ALCOHOLIC BEVERAGE DURING THE OPERATING HOURS OF THE  
13 FACILITY OR AGENCY; OR

14 (e) IS CONVICTED OF UNLAWFUL USE OF A CONTROLLED  
15 SUBSTANCE AS SPECIFIED IN SECTION 18-18-404; UNLAWFUL  
16 DISTRIBUTION, MANUFACTURING, DISPENSING, SALE, OR POSSESSION OF A  
17 CONTROLLED SUBSTANCE AS SPECIFIED IN SECTION 18-18-403.5 OR  
18 18-18-405; OR UNLAWFUL OFFENSES RELATING TO MARIJUANA OR  
19 MARIJUANA CONCENTRATE AS SPECIFIED IN SECTION 18-18-406; OR

20 (f) CONSISTENTLY FAILS TO MAINTAIN STANDARDS PRESCRIBED  
21 AND PUBLISHED BY THE DEPARTMENT; OR

22 (g) FURNISHES OR MAKES ANY MISLEADING OR ANY FALSE  
23 STATEMENT OR REPORT TO THE DEPARTMENT; OR

24 (h) REFUSES TO SUBMIT TO THE DEPARTMENT ANY REPORTS OR  
25 REFUSES TO MAKE AVAILABLE TO THE DEPARTMENT ANY RECORDS  
26 REQUIRED BY IT IN MAKING INVESTIGATION OF THE FACILITY OR AGENCY  
27 FOR LICENSING PURPOSES; OR

1 (i) FAILS OR REFUSES TO SUBMIT TO AN INVESTIGATION OR  
2 INSPECTION BY THE DEPARTMENT OR TO ADMIT AUTHORIZED  
3 REPRESENTATIVES OF THE DEPARTMENT AT ANY REASONABLE TIME FOR  
4 THE PURPOSE OF INVESTIGATION OR INSPECTION; OR

5 (j) FAILS TO PROVIDE, MAINTAIN, EQUIP, AND KEEP IN SAFE AND  
6 SANITARY CONDITION PREMISES ESTABLISHED OR USED FOR CHILD CARE  
7 PURSUANT TO STANDARDS PRESCRIBED BY THE DEPARTMENT OF PUBLIC  
8 HEALTH AND ENVIRONMENT AND THE DEPARTMENT OF HUMAN SERVICES  
9 OR BY ORDINANCES OR REGULATIONS APPLICABLE TO THE LOCATION OF  
10 SUCH FACILITY; OR

11 (k) WILLFULLY OR DELIBERATELY VIOLATES ANY OF THE  
12 PROVISIONS OF THIS PART 9 OR ANY OF THE STANDARDS PRESCRIBED AND  
13 PUBLISHED IN DEPARTMENT RULE PURSUANT TO THIS PART 9; OR

14 (l) FAILS TO MAINTAIN FINANCIAL RESOURCES ADEQUATE FOR THE  
15 SATISFACTORY CARE OF CHILDREN SERVED IN REGARD TO UPKEEP OF  
16 PREMISES AND PROVISION FOR PERSONAL CARE, MEDICAL SERVICES,  
17 CLOTHING, AND OTHER ESSENTIALS IN THE PROPER CARE OF CHILDREN; OR

18 (m) IS CHARGED WITH THE COMMISSION OF AN ACT OF CHILD  
19 ABUSE OR AN UNLAWFUL SEXUAL OFFENSE, AS SPECIFIED IN SECTION  
20 18-3-411 (1), IF:

21 (I) THE INDIVIDUAL HAS ADMITTED COMMITTING THE ACT OR  
22 OFFENSE AND THE ADMISSION IS DOCUMENTED OR UNCONTROVERTED; OR

23 (II) THE ADMINISTRATIVE LAW JUDGE FINDS THAT THE CHARGE IS  
24 SUPPORTED BY SUBSTANTIAL EVIDENCE; OR

25 (n) ADMITS TO AN ACT OF CHILD ABUSE OR IF SUBSTANTIAL  
26 EVIDENCE IS FOUND THAT THE LICENSEE, PERSON EMPLOYED BY THE  
27 LICENSEE, OR PERSON WHO RESIDES WITH THE LICENSEE IN THE LICENSED

1 FACILITY OR AGENCY HAS COMMITTED AN ACT OF CHILD ABUSE. AS USED  
2 IN THIS SUBSECTION (2)(n), "CHILD ABUSE" HAS THE SAME MEANING AS  
3 THAT ASCRIBED TO THE TERM "ABUSE" OR "CHILD ABUSE OR NEGLECT" IN  
4 SECTION 19-1-103 (1).

5 (o) IS THE SUBJECT OF A NEGATIVE LICENSING ACTION; OR  
6 (p) MISUSES ANY PUBLIC FUNDS THAT ARE PROVIDED TO A FOSTER  
7 CARE HOME, OR CHILD PLACEMENT AGENCY THAT PLACES OR ARRANGES  
8 FOR PLACEMENT OF A CHILD IN FOSTER CARE, FOR THE PURPOSES OF  
9 PROVIDING FOSTER CARE SERVICES, CHILD PLACEMENT SERVICES RELATED  
10 TO THE PROVISION OF FOSTER CARE, OR ANY ADMINISTRATIVE COSTS  
11 RELATED TO THE PROVISION OF FOSTER CARE SERVICES OR  
12 FOSTER-CARE-RELATED CHILD PLACEMENT SERVICES. THE STATE BOARD  
13 SHALL PROMULGATE RULES DEFINING THE TERM "MISUSE", WHICH RULES  
14 MUST TAKE INTO ACCOUNT SIMILAR DEFINITIONS IN FEDERAL LAW AND  
15 MAY INCLUDE REFERENCES TO RELEVANT CIRCULARS OF THE FEDERAL  
16 OFFICE OF MANAGEMENT AND BUDGET.

17 (3) THE STATE DEPARTMENT MAY DENY AN APPLICATION TO  
18 RENEW A LICENSE BASED ON THE GROUNDS SET FORTH IN SUBSECTION (2)  
19 OF THIS SECTION. THE DENIAL IS EFFECTIVE UPON THE EXPIRATION OF THE  
20 EXISTING LICENSE. THE EXISTING LICENSE DOES NOT CONTINUE IN EFFECT  
21 EVEN THOUGH THE APPLICANT FOR RENEWAL FILES A REQUEST FOR  
22 HEARING OR APPEAL.

23 (4) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A  
24 FACILITY OR AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE APPLICANT  
25 IS A RELATIVE AFFILIATE OF A LICENSEE OF A FACILITY OR AGENCY  
26 LICENSED PURSUANT TO THIS PART 9, WHICH LICENSEE IS THE SUBJECT OF  
27 A PREVIOUS NEGATIVE LICENSING ACTION OR IS THE SUBJECT OF A PENDING

1 INVESTIGATION BY THE STATE DEPARTMENT THAT MAY RESULT IN A  
2 NEGATIVE LICENSING ACTION.

3 (5) THE STATE DEPARTMENT MAY DENY AN APPLICATION FOR A  
4 CHILD PLACEMENT AGENCY LICENSE PURSUANT TO THIS PART 9 IF THE  
5 APPLICANT IS A RELATIVE AFFILIATE OF A LICENSEE OF A CHILD  
6 PLACEMENT AGENCY LICENSED PURSUANT TO THIS PART 9, WHICH  
7 LICENSEE IS THE SUBJECT OF A PREVIOUS NEGATIVE LICENSING ACTION OR  
8 IS THE SUBJECT OF A PENDING INVESTIGATION BY THE STATE DEPARTMENT  
9 THAT MAY RESULT IN A NEGATIVE LICENSING ACTION.

10 (6) (a) (I) THE STATE DEPARTMENT SHALL DENY AN APPLICATION  
11 FOR A LICENSE UNDER THE CIRCUMSTANCES DESCRIBED IN SECTION  
12 26-6-905 (8). THE STATE DEPARTMENT SHALL REVOKE OR SUSPEND A  
13 LICENSE PREVIOUSLY ISSUED IF:

14 (A) THE LICENSEE, PERSON EMPLOYED BY THE LICENSEE, OR  
15 PERSON RESIDING WITH THE LICENSEE IS THEREAFTER CONVICTED, OR IF IT  
16 IS LATER DISCOVERED THAT THE LICENSEE, PERSON EMPLOYED BY THE  
17 LICENSEE, OR PERSON RESIDING WITH THE LICENSEE HAD PREVIOUSLY  
18 BEEN CONVICTED, OF ANY OF THE CRIMINAL OFFENSES SET FORTH IN  
19 SECTION 26-6-905 (8); OR

20 (B) THE DEPARTMENT HAS A CERTIFIED COURT ORDER FROM  
21 ANOTHER STATE INDICATING THAT THE LICENSEE, PERSON EMPLOYED BY  
22 THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE IS THEREAFTER  
23 CONVICTED OF, OR IF IT IS LATER DISCOVERED THAT THE LICENSEE, PERSON  
24 EMPLOYED BY THE LICENSEE, OR PERSON RESIDING WITH THE LICENSEE  
25 HAD PREVIOUSLY BEEN CONVICTED OF, A CRIMINAL OFFENSE UNDER A LAW  
26 OF ANOTHER STATE OR OF THE UNITED STATES THAT IS SIMILAR TO ANY  
27 OF THE CRIMINAL OFFENSES SET FORTH IN SECTION 26-6-905 (8); OR

1 (C) THE LICENSEE, AN AFFILIATE OF THE LICENSEE, A PERSON  
2 EMPLOYED BY THE LICENSEE, OR A PERSON WHO RESIDES WITH THE  
3 LICENSEE AT THE FACILITY OR AGENCY HAS BEEN DETERMINED TO BE  
4 INSANE OR MENTALLY INCOMPETENT BY A COURT OF COMPETENT  
5 JURISDICTION AND A COURT HAS ENTERED, PURSUANT TO PART 3 OR PART  
6 4 OF ARTICLE 14 OF TITLE 15, OR SECTION 27-65-109 (4) OR 27-65-127, AN  
7 ORDER SPECIFICALLY FINDING THAT THE MENTAL INCOMPETENCY OR  
8 INSANITY IS OF SUCH A DEGREE THAT THE LICENSEE IS INCAPABLE OF  
9 OPERATING A FACILITY OR AGENCY, THE RECORD OF SUCH DETERMINATION  
10 AND ENTRY OF SUCH ORDER BEING CONCLUSIVE EVIDENCE THEREOF.

11 (II) AS USED IN THIS SUBSECTION (6)(a), "CONVICTED" MEANS A  
12 CONVICTION BY A JURY OR BY A COURT AND ALSO INCLUDES A DEFERRED  
13 JUDGMENT AND SENTENCE AGREEMENT, A DEFERRED PROSECUTION  
14 AGREEMENT, A DEFERRED ADJUDICATION AGREEMENT, AN ADJUDICATION,  
15 AND A PLEA OF GUILTY OR NOLO CONTENDERE.

16 (b) A CERTIFIED COPY OF THE JUDGMENT OF A COURT OF  
17 COMPETENT JURISDICTION OF A CONVICTION, DEFERRED JUDGMENT AND  
18 SENTENCE AGREEMENT, DEFERRED PROSECUTION AGREEMENT, OR  
19 DEFERRED ADJUDICATION AGREEMENT, OR A CERTIFIED COURT ORDER  
20 FROM ANOTHER STATE INDICATING AN AGREEMENT FROM ANOTHER STATE,  
21 IS PRIMA FACIE EVIDENCE OF THE CONVICTION OR AGREEMENT.

22 (7) THE STATE DEPARTMENT SHALL DENY AN APPLICATION FOR A  
23 FACILITY OR AGENCY LICENSED PURSUANT TO THIS PART 9 AND SHALL  
24 REVOKE THE LICENSE OF A FACILITY OR AGENCY LICENSED PURSUANT TO  
25 THIS PART 9 IF THE FACILITY OR AGENCY CULTIVATES MARIJUANA  
26 PURSUANT TO THE AUTHORITY IN SECTION 16 OF ARTICLE XVIII OF THE  
27 STATE CONSTITUTION.

1           (8) THE DEPARTMENT MAY ASSESS FINES, PURSUANT TO THE  
2 PROVISIONS OF SECTION 26-6-921, AGAINST A LICENSEE OR A PERSON  
3 EMPLOYED BY THE LICENSEE WHO WILLFULLY AND DELIBERATELY OR  
4 CONSISTENTLY VIOLATES THE STANDARDS PRESCRIBED AND PUBLISHED BY  
5 THE DEPARTMENT OR THE PROVISIONS OF THIS PART 9.

6           (9) THE DEPARTMENT SHALL DETERMINE THE CONVICTIONS  
7 IDENTIFIED IN THIS SECTION ACCORDING TO THE RECORDS OF THE  
8 COLORADO BUREAU OF INVESTIGATION, THE ICON SYSTEM AT THE STATE  
9 JUDICIAL DEPARTMENT, OR ANY OTHER SOURCE, AS SET FORTH IN SECTION  
10 26-6-912 (1)(a)(II).

11           (10) THE DEPARTMENT SHALL SUSPEND OR REVOKE A LICENSE  
12 ONLY IN CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED  
13 IN ARTICLE 4 OF TITLE 24, AND AFTER A HEARING THEREON AS PROVIDED  
14 IN SAID ARTICLE 4; EXCEPT THAT ALL HEARINGS UNDER THIS PART 9 MUST  
15 BE CONDUCTED BY AN ADMINISTRATIVE LAW JUDGE OF THE DEPARTMENT,  
16 WHO SHALL RENDER A RECOMMENDATION TO THE EXECUTIVE DIRECTOR  
17 OF THE DEPARTMENT, WHO SHALL RENDER THE FINAL DECISION OF THE  
18 DEPARTMENT, AND NO LICENSEE IS ENTITLED TO A RIGHT TO CURE ANY OF  
19 THE CHARGES DESCRIBED IN SUBSECTION (2)(a), (2)(c), (2)(d), OR  
20 (2)(m)(I) OF THIS SECTION. THE HEARING SHALL NOT PREVENT OR DELAY  
21 ANY INJUNCTIVE PROCEEDINGS INSTITUTED PURSUANT TO THE PROVISIONS  
22 OF SECTION 26-6-918.

23           (11) THE PROVISIONS OF SUBSECTION (2)(d) OF THIS SECTION DO  
24 NOT APPLY TO FOSTER CARE HOMES, UNLESS SUCH USE OR CONSUMPTION  
25 IMPAIRS THE LICENSEE'S ABILITY TO PROPERLY CARE FOR CHILDREN.

26           (12) A CHILD PLACEMENT AGENCY LICENSED PURSUANT TO THIS  
27 PART 9 THAT PLACES OR ARRANGES FOR PLACEMENT OF A CHILD IN FOSTER

1 CARE MAY CERTIFY THE HOME OF A RELATIVE OF THE CHILD PLACED  
2 THEREIN AS A FOSTER CARE HOME ONLY UPON THE REQUEST OF A COUNTY  
3 DEPARTMENT.

4 **26-6-915. Notice of negative licensing action - filing of**  
5 **complaints.** (1) (a) WHEN A FACILITY OR AGENCY LICENSED PURSUANT  
6 TO THIS PART 9 HAS BEEN NOTIFIED BY THE DEPARTMENT OF A NEGATIVE  
7 LICENSING ACTION OR THE IMPOSITION OF A FINE PURSUANT TO SECTION  
8 26-6-914 (2) AND (8), IT SHALL, WITHIN TEN DAYS AFTER RECEIVING THE  
9 NOTICE, PROVIDE THE DEPARTMENT WITH THE NAMES AND MAILING  
10 ADDRESSES OF THE PARENTS OR LEGAL GUARDIANS OF EACH CHILD CARED  
11 FOR AT THE FACILITY OR AGENCY. THE DEPARTMENT SHALL MAINTAIN THE  
12 CONFIDENTIALITY OF THE NAMES AND MAILING ADDRESSES PROVIDED TO  
13 IT PURSUANT TO THIS SUBSECTION (1).

14 (b) WITHIN TWENTY DAYS AFTER RECEIVING THE NAMES AND  
15 ADDRESSES OF PARENTS AND LEGAL GUARDIANS PURSUANT TO  
16 SUBSECTION (1)(a) OF THIS SECTION, THE DEPARTMENT SHALL SEND A  
17 WRITTEN NOTICE TO EACH SUCH PARENT OR LEGAL GUARDIAN  
18 IDENTIFYING THE NEGATIVE LICENSING ACTION OR THE FINE IMPOSED AND  
19 PROVIDING A DESCRIPTION OF THE BASIS FOR THE ACTION AS IT RELATES  
20 TO THE IMPACT ON THE HEALTH, SAFETY, AND WELFARE OF THE CHILDREN  
21 IN THE CARE OF THE FACILITY OR AGENCY. THE DEPARTMENT SHALL SEND  
22 THE NOTICE TO THE PARENTS AND LEGAL GUARDIANS BY FIRST-CLASS  
23 MAIL.

24 (c) THE STATE BOARD SHALL PROMULGATE RULES CONCERNING  
25 THE ASSESSMENT OF A FINE AGAINST A LICENSEE THAT IS EQUAL TO THE  
26 DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE MAILING OF THE  
27 NOTICE DESCRIBED IN SUBSECTION (1)(b) OF THIS SECTION.

1           (d) THIS SUBSECTION (1) DOES NOT PRECLUDE THE STATE  
2 DEPARTMENT OR A COUNTY DEPARTMENT FROM NOTIFYING PARENTS OR  
3 LEGAL GUARDIANS OF SERIOUS VIOLATIONS OF ANY OF THE STANDARDS  
4 PRESCRIBED AND PUBLISHED BY THE DEPARTMENT OR ANY OF THE  
5 PROVISIONS OF THIS PART 9 THAT COULD IMPACT THE HEALTH, SAFETY, OR  
6 WELFARE OF A CHILD CARED FOR AT THE FACILITY OR HOME.

7           (2) THE STATE BOARD SHALL PROMULGATE RULES REQUIRING  
8 FACILITIES AND AGENCIES TO PROVIDE WRITTEN NOTICE TO THE PARENTS  
9 AND LEGAL GUARDIANS OF THE CHILDREN CARED FOR IN THE FACILITIES  
10 AND AGENCIES OF THE PROCEDURES BY WHICH TO FILE A COMPLAINT  
11 AGAINST THE FACILITY OR AGENCY OR AN EMPLOYEE OF THE FACILITY OR  
12 AGENCY WITH THE DIVISION WITHIN THE DEPARTMENT THAT IS  
13 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING. THE RULES MUST  
14 SPECIFY THE INFORMATION THAT THE NOTICE MUST CONTAIN AND MUST  
15 REQUIRE THAT THE NOTICE INCLUDE THE CURRENT MAILING ADDRESS AND  
16 TELEPHONE NUMBER OF THE DIVISION WITHIN THE DEPARTMENT THAT IS  
17 RESPONSIBLE FOR FACILITY AND AGENCY LICENSING.

18           **26-6-916. Institutes.** THE DEPARTMENT MAY HOLD INSTITUTES  
19 AND PROGRAMS FOR LICENSEES UNDER THIS PART 9 TO ASSIST IN THE  
20 IMPROVEMENT OF STANDARDS AND PRACTICES OF FACILITIES OPERATED  
21 AND MAINTAINED BY LICENSEES AND IN THE MORE EFFICIENT AND  
22 PRACTICAL ADMINISTRATION AND ENFORCEMENT OF THIS PART 9. IN  
23 CONDUCTING THE INSTITUTES AND PROGRAMS, THE DEPARTMENT MAY  
24 REQUEST THE ASSISTANCE OF HEALTH, EDUCATION, AND FIRE SAFETY  
25 OFFICIALS.

26           **26-6-917. Acceptance of federal grants.** THE DEPARTMENT IS  
27 AUTHORIZED TO ACCEPT, ON BEHALF OF THE STATE, ANY GRANTS OF

1 FEDERAL FUNDS MADE AVAILABLE FOR ANY PURPOSES CONSISTENT WITH  
2 THE PROVISIONS OF THIS PART 9. THE EXECUTIVE DIRECTOR OF THE  
3 DEPARTMENT, WITH THE APPROVAL OF THE GOVERNOR, HAS THE POWER TO  
4 DIRECT THE DISPOSITION OF ANY GRANTS SO ACCEPTED IN CONFORMITY  
5 WITH THE TERMS AND CONDITIONS UNDER WHICH THEY ARE GIVEN.

6 **26-6-918. Injunctive proceedings.** THE DEPARTMENT, IN THE  
7 NAME OF THE PEOPLE OF THE STATE OF COLORADO, THROUGH THE  
8 ATTORNEY GENERAL OF THE STATE, MUST APPLY FOR AN INJUNCTION IN  
9 ANY COURT OF COMPETENT JURISDICTION TO ENJOIN A PERSON FROM  
10 OPERATING A FACILITY OR AGENCY WITHOUT A LICENSE THAT IS REQUIRED  
11 TO BE LICENSED PURSUANT TO THIS PART 9. IF THE PERSON DOES NOT HAVE  
12 A VALID LICENSE PURSUANT TO THIS PART 9, THE PERSON'S LICENSE HAS  
13 BEEN REVOKED PURSUANT TO SECTION 26-6-914, OR THE PERSON DOES  
14 NOT MEET THE LICENSING EXEMPTION CRITERIA SET FORTH IN SECTION  
15 26-6-904, YET PROVIDES CHILD CARE AND HAS A PATTERN OF PROVIDING  
16 THE CHILD CARE WITHOUT A VALID LICENSE AS REQUIRED BY THIS PART 9,  
17 AND DESPITE HAVING RECEIVED NOTIFICATION FROM THE DEPARTMENT  
18 THAT THE PERSON, FACILITY OR AGENCY IS IN VIOLATION OF THE LAW,  
19 THEN THE PERSON, FACILITY, OR AGENCY IS PROVIDING UNLICENSED AND  
20 ILLEGAL CHILD CARE. AT THE TIME THE DEPARTMENT APPLIES FOR AN  
21 INJUNCTION, THE DEPARTMENT SHALL NOTIFY LAW ENFORCEMENT OF THE  
22 INJUNCTION PROCEEDINGS. IF IT IS ESTABLISHED THAT THE DEFENDANT  
23 HAS BEEN OR IS OPERATING THE FACILITY OR AGENCY WITHOUT A VALID  
24 LICENSE, THE COURT SHALL ENTER A DECREE ENJOINING THE DEFENDANT  
25 FROM FURTHER OPERATING THE FACILITY UNLESS AND UNTIL THE PERSON  
26 OBTAINS A LICENSE AS REQUIRED BY THIS PART 9. IN CASE OF A VIOLATION  
27 OF AN INJUNCTION ISSUED PURSUANT TO THIS SECTION, THE COURT MAY

1       SUMMARILY TRY AND PUNISH THE OFFENDER FOR CONTEMPT OF COURT.  
2       INJUNCTIVE PROCEEDINGS PURSUANT TO THIS SECTION ARE IN ADDITION  
3       TO AND NOT IN LIEU OF THE PENALTY PROVIDED IN SECTION 26-6-919.

4               **26-6-919. Penalty.** ON OR AFTER JULY 1, 2021, A PERSON  
5       VIOLATING ANY PROVISION OF THIS PART 9, INTENTIONALLY MAKING A  
6       FALSE STATEMENT OR REPORT TO THE DEPARTMENT OR TO AN AGENCY  
7       DELEGATED BY THE DEPARTMENT TO MAKE AN INVESTIGATION OR  
8       INSPECTION PURSUANT TO THE PROVISIONS OF THIS PART 9, OR VIOLATING  
9       A CEASE-AND-DESIST ORDER THAT IS NOT CURED IS GUILTY OF A PETTY  
10      OFFENSE AND, UPON CONVICTION, SHALL BE PUNISHED BY A FINE OF UP TO  
11      FIVE HUNDRED DOLLARS, A SENTENCE OF UP TO TEN DAYS IN JAIL, OR  
12      BOTH.

13              **26-6-920. Periodic review of licensing regulations and**  
14      **procedures.** AT LEAST EVERY FIVE YEARS, THE DEPARTMENT SHALL  
15      CONDUCT A COMPREHENSIVE REVIEW OF THE LICENSING RULES FOR  
16      FOSTER CARE HOMES AND CHILD PLACEMENT AGENCIES AND THE  
17      PROCEDURES RELATING TO AND GOVERNING FOSTER CARE HOMES AND  
18      AGENCIES, INCLUDING PROCEDURES FOR THE REVIEW OF BACKGROUNDS OF  
19      EMPLOYEES AND OWNERS. IN CONDUCTING THE PERIODIC REVIEW, THE  
20      DEPARTMENT SHALL CONSULT WITH FOSTER CARE PROVIDERS, CHILD  
21      PLACEMENT AGENCIES, COUNTY DEPARTMENTS, THE DEPARTMENT OF  
22      PUBLIC HEALTH AND ENVIRONMENT, AND OTHER INTERESTED PARTIES  
23      THROUGHOUT THE STATE. THE PERIODIC REVIEW MUST INCLUDE AN  
24      EXAMINATION OF THE RULES APPLICABLE TO FOSTER CARE HOMES AND  
25      CHILD PLACEMENT AGENCIES; THE PROCESS OF LICENSING FOSTER CARE  
26      HOMES AND CHILD PLACEMENT AGENCIES; UNIFORMITY OF STANDARDS OR  
27      LACK THEREOF IN THE LICENSING PROCESS; STATEWIDE STANDARDIZATION

1 OF INVESTIGATIONS AND ENFORCEMENT OF LICENSING BY THE  
2 DEPARTMENT; DUPLICATION AND CONFLICTS IN RULES, REQUIREMENTS, OR  
3 PROCEDURES BETWEEN THE DEPARTMENT AND THE DEPARTMENT OF  
4 PUBLIC HEALTH AND ENVIRONMENT; AND RECOMMENDATIONS FOR  
5 STREAMLINING AND UNIFYING THE LICENSING PROCESS. THE REVIEW MUST  
6 ALSO INCLUDE AN EXAMINATION OF RULES AND PROCEDURES REGARDING  
7 THE GENERAL PHYSICAL AND MENTAL HEALTH OF FOSTER CARE  
8 PROVIDERS, EMPLOYEES, AND OWNERS. AT THE CONCLUSION OF EACH  
9 REVIEW, THE DEPARTMENT SHALL REPORT ITS FINDINGS AND CONCLUSIONS  
10 AND ITS RECOMMENDATIONS FOR ADMINISTRATIVE CHANGES AND FOR  
11 LEGISLATION TO THE STATE BOARD.

12 **26-6-921. Civil penalties - fines - child welfare cash fund -**  
13 **created.** (1) IN ADDITION TO ANY OTHER PENALTY OTHERWISE PROVIDED  
14 BY LAW, INCLUDING SECTION 26-6-919, A PERSON WHO VIOLATES ANY  
15 PROVISION OF THIS PART 9 OR INTENTIONALLY MAKES A FALSE STATEMENT  
16 OR REPORT TO THE DEPARTMENT OR TO ANY AGENCY DELEGATED BY THE  
17 DEPARTMENT TO MAKE AN INVESTIGATION OR INSPECTION PURSUANT TO  
18 THE PROVISIONS OF THIS PART 9 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  
23 SUBSEQUENT DAYS.

24 (2) EACH DAY IN WHICH A PERSON IS IN VIOLATION OF ANY  
25 PROVISION OF THIS PART 9 MAY CONSTITUTE A SEPARATE OFFENSE.

26 (3) THE DEPARTMENT MAY ASSESS A CIVIL PENALTY IN  
27 CONFORMITY WITH THE PROVISIONS AND PROCEDURES SPECIFIED IN

1 ARTICLE 4 OF TITLE 24; EXCEPT THAT ALL HEARINGS CONDUCTED  
2 PURSUANT TO THIS SECTION MUST BE BEFORE AN ADMINISTRATIVE LAW  
3 JUDGE OF THE DEPARTMENT, WHO SHALL RENDER A RECOMMENDATION TO  
4 THE EXECUTIVE DIRECTOR OF THE DEPARTMENT, WHO SHALL RENDER THE  
5 FINAL DECISION OF THE DEPARTMENT.

6 (4) (a) THE DEPARTMENT SHALL TRANSMIT FINES COLLECTED  
7 PURSUANT TO THIS SECTION, SECTION 26-6-914 (2) AND (8), AND SECTION  
8 26-6-915 (1)(c) TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME  
9 TO THE CHILD WELFARE CASH FUND, CREATED IN SUBSECTION (4)(b) OF  
10 THIS SECTION.

11 (b) THE BALANCE AS OF JULY 1, 2022, IN THE CHILD CARE CASH  
12 FUND, CREATED PURSUANT TO SECTION 26-6-114 (5), AS IT EXISTED PRIOR  
13 TO JULY 1, 2022, THAT IS ATTRIBUTABLE TO FINES AND CIVIL PENALTIES  
14 COLLECTED BY THE DIVISION IN THE DEPARTMENT THAT IS RESPONSIBLE  
15 FOR CHILD WELFARE IS HEREBY TRANSFERRED TO THE CHILD WELFARE  
16 CASH FUND, WHICH FUND IS HEREBY CREATED IN THE STATE TREASURY.  
17 THE TREASURER SHALL CREDIT ALL INTEREST DERIVED FROM THE DEPOSIT  
18 AND INVESTMENT OF MONEY IN THE CHILD WELFARE CASH FUND TO THE  
19 FUND. AT THE END OF A FISCAL YEAR, ALL UNEXPENDED AND  
20 UNENCUMBERED MONEY IN THE CHILD WELFARE CASH FUND REMAINS IN  
21 THE FUND AND IS NOT CREDITED OR TRANSFERRED TO THE GENERAL FUND  
22 OR ANY OTHER FUND. MONEY IN THE CHILD WELFARE CASH FUND IS  
23 CONTINUOUSLY APPROPRIATED TO THE DEPARTMENT TO FUND ACTIVITIES  
24 RELATED TO THE IMPROVEMENT OF THE QUALITY OF CHILD CARE IN THE  
25 STATE OF COLORADO.

26 **26-6-922. Child placement agencies - information sharing -**  
27 **investigations by state department - recovery of money - rule-making.**

1 (1) IF A COUNTY DEPARTMENT HAS SUBSTANTIATED EVIDENCE THAT A  
2 CHILD PLACEMENT AGENCY WITH WHICH THE COUNTY HAS CONTRACTED  
3 TO PROVIDE FOSTER CARE SERVICES HAS VIOLATED THE PROVISIONS OF  
4 THIS PART 9 OR A RULE OF THE STATE BOARD, IT SHALL COMMUNICATE THE  
5 INFORMATION TO THE STATE DEPARTMENT. A COUNTY DEPARTMENT  
6 SHALL ALSO IDENTIFY WHETHER IT IS REQUESTING THE STATE  
7 DEPARTMENT TO INVESTIGATE A COMPLAINT AGAINST A CHILD PLACEMENT  
8 AGENCY FOR POSSIBLE NEGATIVE LICENSING ACTION AGAINST THE CHILD  
9 PLACEMENT AGENCY.

10 (2) UPON RECEIVING A REQUEST FOR INVESTIGATION OF A CHILD  
11 PLACEMENT AGENCY FROM A COUNTY DEPARTMENT, THE STATE  
12 DEPARTMENT SHALL COMMENCE AN INVESTIGATION AND, UPON  
13 CONCLUSION, REPORT ITS FINDINGS TO THE REQUESTING COUNTY  
14 DEPARTMENT. THE STATE DEPARTMENT SHALL INCLUDE IN ITS REPORT TO  
15 THE COUNTY DEPARTMENT THE CHILD PLACEMENT AGENCY'S RESPONSE,  
16 IF ANY, TO THE FINDINGS.

17 (3) THE STATE DEPARTMENT SHALL PROVIDE TO COUNTY  
18 DEPARTMENTS AND AFFECTED CHILD PLACEMENT AGENCIES DIRECT  
19 ACCESS TO INFORMATION CONCERNING THE RESULTS OF AN  
20 INVESTIGATION OR NEGATIVE LICENSING ACTION TAKEN AGAINST THE  
21 AFFECTED CHILD PLACEMENT AGENCY LICENSED TO PROVIDE FOSTER CARE  
22 SERVICES IN COLORADO.

23 (4) (a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE  
24 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES AND OTHER  
25 FEDERAL AGENCIES AND WITH COUNTY DEPARTMENTS, SHALL SEEK  
26 RECOVERY FROM A CHILD PLACEMENT AGENCY OF ANY PUBLIC FUNDS  
27 THAT THE CHILD PLACEMENT AGENCY HAS MISUSED, AS THE TERM

1 "MISUSE" IS DEFINED BY RULES PROMULGATED PURSUANT TO SECTION  
2 26-6-914 (2)(p).

3 (b) A COUNTY AND CHILD PLACEMENT AGENCY THAT ENTERS INTO  
4 A CONTRACT FOR THE PROVISION OF FOSTER CARE SERVICES SHALL  
5 INCLUDE A PROVISION IN THE CONTRACT THAT RECOGNIZES A RIGHT OF  
6 THE STATE DEPARTMENT OR COUNTY DEPARTMENT TO RECOVER ANY  
7 FUNDS MISUSED BY THE CHILD PLACEMENT AGENCY AND TO WITHHOLD  
8 SUBSEQUENT PAYMENTS. THE PROVISION IN THE CONTRACT MUST PROVIDE  
9 FOR AN APPEAL OF THE DECISION TO RECOVER OR WITHHOLD THE FUNDS.  
10 THE STATE BOARD SHALL PROMULGATE RULES THAT SET FORTH THE  
11 PROCEDURES FOR THE APPEAL, WHICH RULES MUST REQUIRE, AT A  
12 MINIMUM, REASONABLE NOTICE TO THE CHILD PLACEMENT AGENCY.

13 **SECTION 17.** In Colorado Revised Statutes, 2-3-113, **amend**  
14 (1)(a) as follows:

15 **2-3-113. Programs that receive tobacco settlement money -**  
16 **program review - definitions.** (1) As used in this section:

17 (a) "Health sciences facility" has the meaning set forth in ~~section~~  
18 ~~26-6.4-103 (2), C.R.S.~~ SECTION 26.5-3-503. For purposes of this section,  
19 "health sciences facility" includes any contractor or subcontractor  
20 engaged by the health sciences facility to assist in the implementation and  
21 monitoring of the nurse home visitor program established ~~under article~~  
22 ~~6.4 of title 26, C.R.S.~~ PURSUANT TO PART 5 OF ARTICLE 3 OF TITLE 26.5.

23 **SECTION 18.** In Colorado Revised Statutes, 2-3-1203, **repeal**  
24 (14)(a)(V); and **add** (16)(a)(VII) and (23) as follows:

25 **2-3-1203. Sunset review of advisory committees - legislative**  
26 **declaration - definition - repeal.** (14) (a) The following statutory  
27 authorizations for the designated advisory committees are scheduled for

1 repeal on September 1, 2023:

2 (V) ~~The early childhood leadership commission created in section~~  
3 ~~26.5-1-302;~~

4 (16) (a) The following statutory authorizations for the designated  
5 advisory committees will repeal on September 1, 2025:

6 (VII) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED  
7 IN SECTION 26.5-1-302.

8 (23) (a) THE FOLLOWING STATUTORY AUTHORIZATIONS FOR THE  
9 DESIGNATED ADVISORY COMMITTEES WILL REPEAL ON JULY 1, 2032:

10 (I) THE RULES ADVISORY COUNCIL OF THE DEPARTMENT OF EARLY  
11 CHILDHOOD CONVENED PURSUANT TO SECTION 26.5-1-105 (2).

12 (b) THIS SUBSECTION (23) IS REPEALED, EFFECTIVE JULY 1, 2034.

13 **SECTION 19.** In Colorado Revised Statutes, 8-3.7-103, **amend**  
14 (3) introductory portion as follows:

15 **8-3.7-103. Colorado office of new Americans - creation - duties**  
16 **- report.** (3) As funding allows, the ONA shall promote integration  
17 activities among immigrants by using a model similar to the family  
18 resource center program set forth in ~~article 18 of title 26~~ PART 1 OF  
19 ARTICLE 3 OF TITLE 26.5 with the goal of implementing immigrant support  
20 through community-based initiatives and nonprofit organizations where  
21 immigrants and immigrant families can access formal and informal  
22 support to promote their health, economic well-being, and integration.  
23 The activities ~~shall~~ MUST include, but NEED not be limited to:

24 **SECTION 20.** In Colorado Revised Statutes, 10-16-104, **amend**  
25 (1.3)(a)(III), (1.3)(a)(VI), and (1.3)(d.5)(I) as follows:

26 **10-16-104. Mandatory coverage provisions - definitions -**  
27 **rules.** (1.3) **Early intervention services.** (a) As used in this subsection

1 (1.3), unless the context otherwise requires:

2 (III) "Eligible child" means an infant or toddler, from birth  
3 through two years of age, who is an eligible dependent and who, as  
4 defined by the department pursuant to ~~section 27-10.5-702 (9), C.R.S.~~,  
5 SECTION 26.5-3-402 (11) has significant delays in development or has a  
6 diagnosed physical or mental condition that has a high probability of  
7 resulting in significant delays in development or who is eligible for  
8 services pursuant to section 27-10.5-102 (11)(c). ~~C.R.S.~~

9 (VI) "Qualified early intervention service provider" or "qualified  
10 provider" means a person or agency, as defined by the division in  
11 accordance with part C, who provides early intervention services and is  
12 listed on the registry of early intervention service providers pursuant to  
13 ~~section 27-10.5-708 (1)(a), C.R.S.~~ SECTION 26.5-3-408 (1).

14 (d.5) (I) Upon notice from the department of ~~human services~~  
15 EARLY CHILDHOOD pursuant to ~~section 27-10.5-709 (1), C.R.S.~~, SECTION  
16 26.5-3-409 (1) that a child is eligible for early intervention services, the  
17 carrier shall submit payment of benefits for the eligible child in  
18 accordance with this ~~subparagraph (I)~~ SUBSECTION (1.3)(d.5)(I) and  
19 ~~section 27-10.5-709 (1), C.R.S.~~ SECTION 26.5-3-409 (1). If the eligible  
20 child is covered by a grandfathered health benefit plan, the carrier shall  
21 submit payment in the amount specified in ~~sub-subparagraph (B) of~~  
22 ~~subparagraph (H) of paragraph (b) of this subsection (1.3)~~ SUBSECTION  
23 (1.3)(b)(II)(B) OF THIS SECTION, as adjusted annually pursuant to said  
24 ~~sub-subparagraph~~ SUBSECTION. If the eligible child is covered by any  
25 other policy or contract subject to this subsection (1.3), the carrier shall  
26 submit payment in an amount that equals the approximate value of the  
27 number of early intervention services or visits specified by the

1 commissioner pursuant to ~~sub-subparagraph (A) of subparagraph (H) of~~  
2 ~~paragraph (b) of this subsection (1.3)~~ SUBSECTION (1.3)(b)(II)(A) OF THIS  
3 SECTION.

4 **SECTION 21**. In Colorado Revised Statutes, 12-245-208, **amend**  
5 (1)(a) as follows:

6 **12-245-208. Provisional license - fees.** (1) (a) The board may  
7 issue a provisional license to an applicant who has completed a  
8 post-graduate degree that meets the educational requirements for  
9 licensure in section 12-245-304, 12-245-404, 12-245-504, 12-245-604,  
10 or 12-245-804, as applicable, and who is working in a residential child  
11 care facility as defined in ~~section 26-6-102 (33)~~ SECTION 26-6-903 under  
12 the supervision of a licensee.

13 **SECTION 22**. In Colorado Revised Statutes, 12-255-127, **amend**  
14 (1)(l) as follows:

15 **12-255-127. Exclusions.** (1) This part 1 does not prohibit:

16 (l) The administration of medications by child care providers to  
17 children cared for in family child care homes pursuant to ~~section 26-6-119~~  
18 SECTION 26.5-5-325;

19 **SECTION 23**. In Colorado Revised Statutes, 13-1-127, **amend**  
20 (1)(a.5) as follows:

21 **13-1-127. Entities - school districts - legislative declaration -**  
22 **representation - definitions.** (1) As used in this section, unless the  
23 context otherwise requires:

24 (a.5) "Corporate licensed child placement agency" means an entity  
25 that places, or arranges for placement of, the care of any child with any  
26 family, person, or institution other than persons related to said child and  
27 that is licensed by the department of human services pursuant to ~~section~~

1 ~~26-6-104, C.R.S.~~, SECTION 26-6-905 as a child placement agency.

2           **SECTION 24**. In Colorado Revised Statutes, 13-3-113, **amend**  
3 (5)(d) as follows:

4           **13-3-113. "Family-friendly Courts Act". (5) Grant**  
5 **applications - duties of judicial districts.** (d) The judicial districts that  
6 are selected by the state court administrator to provide family-friendly  
7 court services that provide child care services shall meet the licensing  
8 requirements for child care facilities set forth in ~~part 1 of article 6 of title~~  
9 ~~26, C.R.S.~~ PART 3 OF ARTICLE 5 OF TITLE 26.5, and all child care licensing  
10 rules promulgated by the ~~state board of human services in connection~~  
11 ~~therewith~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
12 CHILDHOOD.

13           **SECTION 25**. In Colorado Revised Statutes, 13-20-1201, **amend**  
14 (9) as follows:

15           **13-20-1201. Definitions.** As used in this part 12, unless the  
16 context otherwise requires:

17           (9) "Youth-related activity or program" means an event, program,  
18 service, or any other enterprise that involves participation by a minor,  
19 including but not limited to youth programs, educational programs, and  
20 religious activities operated by an individual or organization that provides  
21 activities, services, trips, or events for minors with adults who are placed  
22 in positions of responsibility, trust, or supervision over the participating  
23 minors, regardless of the particular location, length, goals, or format of  
24 the activities, services, trips, or events. "Youth-related activity or  
25 program" includes transportation, lodging, and unscheduled activities  
26 provided in relation to any activities, services, trips, or events when a  
27 youth-related activity or program employee, agent, or volunteer is

1 responsible for the supervision of the participating minors. "Youth-related  
2 activity or program" also includes an educational program operated by an  
3 educational entity for students in kindergarten through twelfth grade, or  
4 any portion thereof; a district preschool program ~~as described in section~~  
5 ~~22-28-103~~, under the supervision of the educational entity or its  
6 employees or agents; or before- and after-school activities conducted  
7 under the supervision of the educational entity or its employees or agents.

8 **SECTION 26.** In Colorado Revised Statutes, 13-32-101, **amend**  
9 (5)(a)(I) as follows:

10 **13-32-101. Docket fees in civil actions - judicial stabilization**  
11 **cash fund - justice center cash fund - justice center maintenance fund**  
12 **- created - report - legislative declaration.** (5) (a) Each fee collected  
13 pursuant to subsection (1)(a) or (1)(a.5) of this section must be  
14 transmitted to the state treasurer and divided as follows:

15 (I) Fifteen dollars must be deposited in the Colorado child abuse  
16 prevention trust fund created in ~~section 19-3.5-105~~ SECTION 26.5-3-206;

17 **SECTION 27.** In Colorado Revised Statutes, 16-11.3-103,  
18 **amend** (2)(g)(II) as follows:

19 **16-11.3-103. Duties of the commission - mission - staffing -**  
20 **report - definition.** (2) The commission has the following duties:

21 (g) (II) ~~For purposes of~~ AS USED IN this subsection (2)(g),  
22 "facility" means a residential child care facility, specialized group facility,  
23 foster care home, ~~family child care home~~, or any other facility ~~subject~~  
24 LICENSED PURSUANT to ~~the Colorado "Child Care Licensing Act", part 1~~  
25 ~~of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26; FAMILY CHILD  
26 CARE HOME LICENSED PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5;  
27 noncertified kinship care providers that provide care for children with an

1 open child welfare case who are in the legal custody of a county  
2 department; or a facility or community placement, as described in section  
3 19-2.5-1502, for a juvenile committed to the custody of the department  
4 of human services. "Facility" does not include any adult detention or  
5 correctional facility.

6 **SECTION 28.** In Colorado Revised Statutes, 19-1-103, **amend**  
7 (24), (64), (67), (73), and (86); and **repeal** (18), (22), (109), (115), and  
8 (142) as follows:

9 **19-1-103. Definitions.** As used in this title 19 or in the specified  
10 portion of this title 19, unless the context otherwise requires:

11 (18) ~~"Board", as used in article 3.5 of this title 19, means the~~  
12 ~~Colorado child abuse prevention board created in section 19-3.5-103.~~

13 (22) ~~"Child abuse", as used in article 3.5 of this title 19, means~~  
14 ~~any act that reasonably may be construed to fall under the definition of~~  
15 ~~abuse or child abuse or neglect in subsection (1) of this section.~~

16 (24) "Child care center" means a child care center licensed and  
17 approved pursuant to ~~article 6 of title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26  
18 OR PART 3 OF ARTICLE 5 OF TITLE 26.5. If the facility is located in another  
19 state, the department of human services OR THE DEPARTMENT OF EARLY  
20 CHILDHOOD, AS APPROPRIATE, shall designate, upon certification, that an  
21 appropriate available space does not exist in a child care facility in this  
22 state, and the facility must be licensed or approved as required by law in  
23 that state.

24 (64) "Family child care home" means a family child care home  
25 licensed and approved pursuant to ~~article 6 of title 26~~ PART 3 OF ARTICLE  
26 5 OF TITLE 26.5. If ~~such~~ THE facility is located in another state, the  
27 department of ~~human services~~ EARLY CHILDHOOD shall designate, upon

1 certification, that an appropriate available space does not exist in a facility  
2 in this state. An out-of-state family child care home must be licensed or  
3 approved as required by law in that state.

4 (67) "Foster care home" means a foster care home certified  
5 pursuant to PART 9 OF article 6 of title 26.

6 (73) "Group care facilities and homes" means places other than  
7 foster family care homes providing care for small groups of children.  
8 Group care facilities and homes are licensed as provided in ~~article 6 of~~  
9 ~~title 26~~ PART 9 OF ARTICLE 6 OF TITLE 26 or meet the requirements of  
10 section 25.5-10-214.

11 (86) "Institutional abuse", as used in part 3 of article 3 of this title  
12 19, means any case of abuse, as defined in subsection (1) of this section,  
13 that occurs in any public or private facility in the state that provides child  
14 care out of the home, supervision, or maintenance. "Institutional abuse"  
15 includes an act or omission that threatens the life, health, or welfare of a  
16 child or a person who is younger than twenty-one years of age who is  
17 under the continuing jurisdiction of the court pursuant to this title 19.  
18 "Institutional abuse" does not include abuse that occurs in any public,  
19 private, or parochial school system, including any preschool operated in  
20 connection with said system; except that, to the extent the school system  
21 provides extended day services, abuse that occurs while such services are  
22 provided is institutional abuse. ~~For the purposes of AS USED IN~~ this  
23 subsection (86), "facility" means a residential child care facility,  
24 specialized group facility, foster care home, ~~family child care home~~, or  
25 any other facility ~~subject~~ LICENSED PURSUANT to ~~the Colorado "Child~~  
26 ~~Care Licensing Act"~~, ~~part 1 of article 6 of title 26~~ PART 9 OF ARTICLE 6 OF  
27 TITLE 26; FAMILY CHILD CARE HOME LICENSED PURSUANT TO PART 3 OF

1 ARTICLE 5 OF TITLE 26.5; noncertified kinship care providers that provide  
2 care for children with an open child welfare case who are in the legal  
3 custody of a county department of human or social services; or a facility  
4 or community placement, as described in section 19-2.5-1502, for a  
5 juvenile committed to the custody of the department of human services.  
6 "Facility" does not include any adult detention or correctional facility.

7 (109) "~~Prevention program~~", as used in article 3.5 of this title 19,  
8 ~~means a program of direct child abuse prevention services to a child,~~  
9 ~~parent, or guardian and includes research or education programs related~~  
10 ~~to the prevention of child abuse. Such a prevention program may be~~  
11 ~~classified as a primary prevention program when it is available to the~~  
12 ~~community on a voluntary basis and as a secondary prevention program~~  
13 ~~when it is directed toward groups of individuals who have been identified~~  
14 ~~as high risk.~~

15 (115) "~~Recipient~~", as used in article 3.5 of this title 19, means and  
16 is limited to ~~a nonprofit or public organization that receives a grant from~~  
17 ~~the trust fund created in section 19-3.5-105.~~

18 (142) "~~Trust fund~~", as used in article 3.5 of this title 19, means the  
19 ~~Colorado child abuse prevention trust fund created in section 19-3.5-105.~~

20 **SECTION 29.** In Colorado Revised Statutes, 19-1-307, **amend** (2)  
21 introductory portion, (2)(e.5)(I) introductory portion, (2)(e.5)(I)(K), (2)(j),  
22 (2)(j.5), (2)(j.7), (2)(j.8), (2)(k), (2)(k.5), (2)(l), (2)(m) introductory  
23 portion, (2)(m)(I), (2)(r), (2)(s), (2)(y), and (2.5)(a) as follows:

24 **19-1-307. Dependency and neglect records and information -**  
25 **access - fee - rules - records and reports fund - misuse of information**  
26 **- penalty - adult protective services data system check. (2) Records**  
27 **and reports - access to certain persons - agencies.** Except as set forth

1 in section 19-1-303, only the following persons or agencies shall have  
2 access to child abuse or neglect records and reports:

3 (e.5) (I) A mandatory reporter specified in this subsection  
4 (2)(e.5)(I) who is and continues to be officially and professionally  
5 involved in the ongoing care of the child who was the subject of the  
6 report, but only with regard to information that the mandatory reporter has  
7 a need to know in order to fulfill ~~his or her~~ THE MANDATORY REPORTER'S  
8 professional and official role in maintaining the child's safety. A county  
9 department shall request written affirmation from a mandatory reporter  
10 stating that the reporter continues to be officially and professionally  
11 involved in the ongoing care of the child who was the subject of the  
12 report and describing the nature of the involvement, unless the county  
13 department has actual knowledge that the mandatory reporter continues  
14 to be officially and professionally involved in the ongoing care of the  
15 child who was the subject of the report. This subsection (2)(e.5)(I) applies  
16 to:

17 (K) Social workers or workers with any facility or agency that is  
18 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S.~~ PART  
19 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;

20 (j) The state department of human services OR DEPARTMENT OF  
21 EARLY CHILDHOOD or a county or district department of human or social  
22 services or a child placement agency investigating an applicant for a  
23 license to operate a child care facility or agency pursuant to ~~section~~  
24 ~~26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, when the applicant, as a  
25 requirement of the license application, has given written authorization to  
26 the licensing authority to obtain information contained in records or  
27 reports of child abuse or neglect. Access to the records and reports of

1 child abuse or neglect granted to the named department or agencies must  
2 serve only as the basis for further investigation.

3 (j.5) The state department of human services, DEPARTMENT OF  
4 EARLY CHILDHOOD, or a county or district department of human or social  
5 services investigating an exempt family child care home provider  
6 pursuant to ~~section 26-6-120~~ SECTION 26.5-5-326, as a prerequisite to  
7 issuance or renewal of a contract or any payment agreement to receive  
8 money for the care of a child from publicly funded state child care  
9 assistance programs. Access to the records and reports of child abuse or  
10 neglect granted to the named department or agencies must serve only as  
11 the basis for further investigation.

12 (j.7) The ~~state department of human services~~ DEPARTMENT OF  
13 EARLY CHILDHOOD investigating an applicant for an employee or  
14 volunteer position with, or an employee or volunteer of, a licensed  
15 neighborhood youth organization pursuant to ~~section 26-6-103.7 (4),~~  
16 ~~C.R.S.~~ SECTION 26.5-5-308, when the applicant, employee, or volunteer  
17 has given written authorization to the ~~state department of human services~~  
18 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child  
19 abuse or neglect;

20 (j.8) The state department of human services OR DEPARTMENT OF  
21 EARLY CHILDHOOD investigating any person required to submit to a  
22 background check pursuant to section 26-6-705 (2), when the person has  
23 given written authorization to the state department of human services OR  
24 DEPARTMENT OF EARLY CHILDHOOD to check records or reports of child  
25 abuse or neglect;

26 (k) The state department of human services OR DEPARTMENT OF  
27 EARLY CHILDHOOD, when requested in writing by any operator of a

1 facility or agency that is licensed by the state department of human  
2 services pursuant to ~~section 26-6-107~~ SECTION 26-6-912 OR DEPARTMENT  
3 OF EARLY CHILDHOOD PURSUANT TO SECTION 26.5-5-316, to check records  
4 or reports of child abuse or neglect for the purpose of screening an  
5 applicant for employment or a current employee. Any ~~such~~ operator who  
6 requests ~~such~~ information concerning an individual who is neither a  
7 current employee nor an applicant for employment commits a class 2  
8 misdemeanor and shall be punished as provided in section 18-1.3-501.  
9 Within ten days ~~of~~ AFTER the operator's request, the state department of  
10 human services OR DEPARTMENT OF EARLY CHILDHOOD shall provide the  
11 date of the report of the incident, the location of investigation, the type of  
12 abuse and neglect, and the county ~~which~~ THAT investigated the incident  
13 contained in the confirmed reports of child abuse and neglect. Any ~~such~~  
14 operator who releases any information obtained under this subsection  
15 (2)(k) to any other person ~~shall be deemed to have violated~~ VIOLATES the  
16 provisions of subsection (4) of this section and ~~shall be~~ IS subject to the  
17 penalty therefor.

18 (k.5) The state department of human ~~services~~ OR DEPARTMENT OF  
19 ~~EARLY CHILDHOOD~~, when requested in writing by a qualified county  
20 department, individual, or child placement agency approved to conduct  
21 home study investigations and reports pursuant to section 19-5-207.5  
22 (2)(b)(I) for purposes of screening a prospective adoptive parent or any  
23 adult residing in the home under section 19-5-207 (2.5)(c), or  
24 investigating a prospective foster care parent, kinship care parent, or an  
25 adult residing in the home under ~~section 26-6-107 (1)(a.7), C.R.S.~~  
26 SECTION 26-6-912 (1)(c). Within ten days after the request, the state  
27 department of human services ~~OR DEPARTMENT OF EARLY CHILDHOOD~~

1 shall provide the date of the report of the incident, the location of  
2 investigation, the type of abuse and neglect, and the county that  
3 investigated the incident contained in the confirmed reports of child abuse  
4 or neglect. The county department, individual, or child placement agency  
5 ~~shall be~~ IS subject to the fee assessment established in subsection (2.5) of  
6 this section. With respect to screening a prospective adoptive parent, any  
7 employee of the county department or the child placement agency or any  
8 individual who releases any information obtained ~~under this paragraph~~  
9 ~~(k.5)~~ PURSUANT TO THIS SUBSECTION (2)(k.5) to any person other than the  
10 adoption court ~~shall be deemed to have violated~~ VIOLATES the provisions  
11 of subsection (4) of this section and ~~shall be~~ IS subject to THE penalty  
12 therefor.

13 (l) The state department of human services OR DEPARTMENT OF  
14 EARLY CHILDHOOD, when requested in writing by the department of  
15 education to check records or reports of child abuse or neglect for the  
16 purpose of aiding the department of education in its investigation of an  
17 allegation of abuse by an employee of a school district in this state.  
18 Within ten days of the department of education's request, the state  
19 department of human services OR DEPARTMENT OF EARLY CHILDHOOD  
20 shall provide the date of the report of the incident, the location of  
21 investigation, the type of abuse or neglect, and the county ~~which~~ THAT  
22 investigated the incident contained in the confirmed reports of child abuse  
23 or neglect. The department of education ~~shall be~~ IS subject to the fee  
24 assessment established in subsection (2.5) of this section. Any employee  
25 of the department of education who releases any information obtained  
26 ~~under this paragraph (l)~~ SUBSECTION (2)(l) to any person not authorized  
27 to receive ~~such~~ THE information pursuant to the provisions of section

1 22-32-109.7 C.R.S., or any member of the board of education of a school  
2 district who releases ~~such~~ THE information obtained pursuant to said  
3 section ~~shall be deemed to have violated~~ VIOLATES the provisions of  
4 subsection (4) of this section and ~~shall be~~ IS subject to the penalty ~~therefor~~  
5 FOR THE VIOLATION.

6 (m) The DEPARTMENT OF EARLY CHILDHOOD, state department of  
7 human services, and ~~the~~ county departments of human or social services,  
8 for the following purposes:

9 (I) Screening any person who seeks employment with, is currently  
10 employed by, or ~~who~~ volunteers for service with the DEPARTMENT OF  
11 EARLY CHILDHOOD, state department of human services, department of  
12 health care policy and financing, or a county department of human or  
13 social services, if the person's responsibilities include direct contact with  
14 children;

15 (r) The ~~state department of human services~~ DEPARTMENT OF  
16 EARLY CHILDHOOD investigating an applicant for a supervisory employee  
17 position or an employee of a guest child care facility or a public services  
18 short-term child care facility pursuant to ~~section 26-6-103.5, C.R.S.~~  
19 SECTION 26.5-5-307, when the applicant or employee, as a requirement of  
20 application for employment, has given written authorization to the ~~state~~  
21 ~~department of human services~~ DEPARTMENT OF EARLY CHILDHOOD to  
22 check records or reports of child abuse or neglect;

23 (s) The ~~state department of human services~~ OR THE DEPARTMENT  
24 OF EARLY CHILDHOOD investigating a prospective CASA volunteer for the  
25 CASA program when the prospective CASA volunteer has given written  
26 authorization to the CASA program to check any records or reports of  
27 child abuse or neglect pursuant to section 19-1-205 (3)(a.5);

1 (y) The state department of human services OR DEPARTMENT OF  
2 EARLY CHILDHOOD, when requested in writing by an individual to check  
3 records or reports of child abuse or neglect for the purpose of screening  
4 that individual when ~~such~~ THAT individual's responsibilities include care  
5 of children, treatment of children, supervision of children, or  
6 unsupervised contact with children.

7 (2.5) **Fee - rules - records and reports fund.** (a) Any person or  
8 agency provided information from the state department of human services  
9 OR DEPARTMENT OF EARLY CHILDHOOD pursuant to subsections (2)(i),  
10 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and any child placement  
11 agency must be assessed a fee that is established and collected by the state  
12 department of human services pursuant to parameters set forth in rule  
13 established by the state board of human services OR THE DEPARTMENT OF  
14 EARLY CHILDHOOD PURSUANT TO PARAMETERS SET FORTH IN RULE  
15 ESTABLISHED BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF  
16 EARLY CHILDHOOD, WHICHEVER IS APPLICABLE. At a minimum, the rules  
17 must include a provision requiring the state department of human services  
18 OR DEPARTMENT OF EARLY CHILDHOOD, AS APPLICABLE, to provide notice  
19 of the fee to interested persons and the maximum fee amount that the  
20 department shall not exceed without the express approval of the state  
21 board of human services OR EXECUTIVE DIRECTOR OF THE DEPARTMENT  
22 OF EARLY CHILDHOOD, AS APPLICABLE. The fee established must not  
23 exceed the direct and indirect costs of administering subsections (2)(i),  
24 (2)(k) to (2)(o), (2)(t), and (2)(y) of this section and the direct and indirect  
25 costs of administering section 19-3-313.5 (3) and (4).

26 **SECTION 30.** In Colorado Revised Statutes, 19-2.5-1511, **amend**  
27 (3)(c)(II) as follows:

1           **19-2.5-1511. Juvenile detention services and facilities to be**  
2 **provided by department of human services - education - expenses -**  
3 **definition.** (3) (c) (II) ~~For the purpose of~~ AS USED IN this subsection  
4 (3)(c), "total district enrollment" means:

5           (A) FOR THE 2022-23 BUDGET YEAR, the total of the pupil  
6 enrollment in the school district, plus the district online enrollment, the  
7 district preschool program enrollment, and the pupil enrollment in each  
8 institute charter school that is located within the school district, as  
9 determined in accordance with article 54 of title 22;

10           (B) FOR THE 2023-24 BUDGET YEAR AND BUDGET YEARS  
11 THEREAFTER, THE TOTAL OF THE PUPIL ENROLLMENT IN THE SCHOOL  
12 DISTRICT, PLUS THE DISTRICT ONLINE ENROLLMENT AND THE PUPIL  
13 ENROLLMENT IN EACH INSTITUTE CHARTER SCHOOL THAT IS LOCATED  
14 WITHIN THE SCHOOL DISTRICT, AS DETERMINED IN ACCORDANCE WITH  
15 ARTICLE 54 OF TITLE 22.

16           **SECTION 31.** In Colorado Revised Statutes, 19-3-304, **amend**  
17 **(2)(m), (2)(ll), and (2)(mm); and add (2)(nn)** as follows:

18           **19-3-304. Persons required to report child abuse or neglect.**  
19 (2) Persons required to report such abuse or neglect or circumstances or  
20 conditions include any:

21           (m) Social worker or worker in any facility or agency that is  
22 licensed or certified pursuant to ~~part 1 of article 6 of title 26, C.R.S. PART~~  
23 ~~9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF ARTICLE 5 OF TITLE 26.5;~~

24           (ll) ~~Officials or employees of county departments of health,~~  
25 ~~human services, or social services; and~~

26           (mm) ~~Naturopathic doctor registered under article 250 of title 12;~~

27 ~~AND~~

1 (nn) EMPLOYEES OF THE DEPARTMENT OF EARLY CHILDHOOD.

2 SECTION 32. In Colorado Revised Statutes, 19-3-308, **amend**  
3 (4)(a.5)(I) introductory portion as follows:

4 **19-3-308. Action upon report of intrafamilial, institutional, or**  
5 **third-party abuse - investigations - child protection team - rules -**  
6 **report.** (4.5) (a.5) (I) The state department shall adopt rules that specify  
7 that, prior to notice of an investigation being sent to the parents or legal  
8 guardians of children cared for at a child care center, as that term is  
9 defined in ~~section 26-6-102(5), C.R.S.~~ SECTION 26-6-903 OR 26.5-5-303,  
10 or a family child care home, as that term is defined in ~~section 26-6-102~~  
11 ~~(13), C.R.S.~~ SECTION 26.5-5-303, which children were not involved in the  
12 incident being investigated, the state department or the county department  
13 shall ensure that:

14 SECTION 33. In Colorado Revised Statutes, 19-3-406, **amend**  
15 (4.5)(a)(I) and (8)(b) as follows:

16 **19-3-406. Fingerprint-based criminal history record check -**  
17 **providers of emergency placement for children - use of criminal**  
18 **justice records - definitions - rules.** (4.5) (a) If a relative or other  
19 person was not disqualified as an emergency placement based upon the  
20 fingerprint-based criminal history record check and the child was placed  
21 in an emergency placement with such person, the county department shall  
22 perform the following additional background checks of the relative or  
23 other person:

24 (I) A check of the ICON system at the state judicial department  
25 pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION 26-6-910 (5)(b) to  
26 determine the status or disposition of any criminal charges;

27 (8) (b) The county department shall notify the Colorado bureau of

1 investigation within five calendar days after submitting the request for a  
2 fingerprint-based criminal history record check when the county  
3 department intends to accept an application for foster care certification  
4 from that person so that the flagging and automatic notification to the  
5 county department of new arrests pursuant to ~~paragraph (a) of this~~  
6 ~~subsection (8)~~ SUBSECTION (8)(a) OF THIS SECTION occurs for that person  
7 and continues through the duration of the individual's foster care  
8 certification. The county department shall use the same fingerprints  
9 received under this subsection (8) and any updated fingerprint-based  
10 criminal history record check results from the automatic notification as  
11 a substitute for meeting the fingerprint requirements for a person who is  
12 applying for foster care certification pursuant to ~~section 26-6-106.3,~~  
13 ~~C.R.S.~~ SECTION 26-9-910.

14 **SECTION 34.** In Colorado Revised Statutes, 19-3-508, **amend**  
15 (8) as follows:

16 **19-3-508. Neglected or dependent child - disposition -**  
17 **concurrent planning.** (8) When entering a decree placing the child in  
18 the legal custody of a relative or placing the child in the legal custody of  
19 a county department for placement in a foster care home, the court shall  
20 ensure that the child's placement at the time of the hearing is in the best  
21 interests of the child and shall inquire about documentation that the  
22 county department or a licensed child placement agency has adequately  
23 screened the foster care provider or the family member who is seeking to  
24 care for the child and any adult residing in that home and that all of the  
25 criminal history record checks and other background checks have been  
26 completed as required pursuant to ~~section 26-6-106.3, C.R.S.;~~ SECTION  
27 26-6-910 or 19-3-407.

1           **SECTION 35.** In Colorado Revised Statutes, 19-3-605, **amend**  
2 (3)(b) as follows:

3           **19-3-605. Request for placement with family members.**

4 (3) (b) Whether the child's placement at the time of the hearing is a safe  
5 and potentially permanent placement for the child, including  
6 documentation that a county department or a licensed child placement  
7 agency has adequately screened the family member who is seeking to care  
8 for the child and any adult residing in the home and that all of the  
9 criminal history record checks and other background checks have been  
10 completed as required pursuant to ~~section 26-6-106.3, C.R.S.~~, SECTION  
11 26-6-910 or ~~section~~ 19-3-407;

12           **SECTION 36.** In Colorado Revised Statutes, 19-3.3-103, **amend**  
13 (1)(a)(II)(D), (1)(a.5)(I), (3), and (5) as follows:

14           **19-3.3-103. Office of the child protection ombudsman - powers**  
15 **and duties - access to information - confidentiality - testimony -**  
16 **judicial review - definitions.** (1) The ombudsman has the following  
17 duties, at a minimum:

18           (a) (II) (D) The ombudsman must have access to all information,  
19 records, or documents described in subsection (1)(a)(II)(A) of this section  
20 created in an investigation of an event or incident described in subsection  
21 (1)(a)(II)(A), (1)(a)(II)(B), or (1)(a)(II)(C) of this section occurring in the  
22 state from any entity, including but not limited to a coroner's office, law  
23 enforcement agency, hospital, court, the office of state registrar of vital  
24 statistics described in section 25-2-103, and a state-licensed out-of-home  
25 placement provider, as defined in ~~section 26-6-102~~ SECTION 26-5-104.

26           (a.5) (I) Notwithstanding any provision of this section to the  
27 contrary, the ombudsman may self-initiate an independent and impartial

1 investigation and ongoing review of the safety and well-being of an  
2 unaccompanied immigrant child who lives in a state-licensed residential  
3 child care facility, as defined in ~~section 26-6-102~~ SECTION 26-6-903, and  
4 who is in the custody of the office of refugee resettlement of the federal  
5 department of health and human services as set forth in 8 U.S.C. sec.  
6 1232 et seq. The ombudsman may seek resolution of such investigation  
7 and ongoing review, which may include, but need not be limited to,  
8 referring an investigation and ongoing review to the state department or  
9 appropriate agency or entity and making a recommendation for action  
10 relating to an investigation and ongoing review.

11 (3) The ombudsman, employees of the office, and any persons  
12 acting on behalf of the office shall comply with all state and federal  
13 confidentiality laws that govern the DEPARTMENT OF EARLY CHILDHOOD,  
14 THE state department, or a county department with respect to the treatment  
15 of confidential information or records and the disclosure of such  
16 information and records.

17 (5) In the performance of ~~his or her~~ THE OMBUDSMAN'S duties, the  
18 ombudsman shall act independently OF THE DIVISION WITHIN THE  
19 DEPARTMENT OF EARLY CHILDHOOD THAT IS RESPONSIBLE FOR CHILD  
20 CARE, of the divisions within the state department that are responsible for  
21 child welfare OR youth services, ~~or child care~~, of the county departments  
22 of human or social services, and of all judicial agencies, including, but  
23 not limited to, the office of the child's representative, the office of the  
24 respondent parents' counsel, the office of state public defender, the office  
25 of alternate defense counsel, and the office of attorney regulation counsel.  
26 Any recommendations made by the ombudsman or positions taken by the  
27 ombudsman do not reflect those of the DEPARTMENT OF EARLY

1 CHILDHOOD, state department, judicial department, or ~~of the~~ county  
2 departments of human or social services.

3 **SECTION 37.** In Colorado Revised Statutes, 19-5-205.5, **amend**  
4 (2)(a) as follows:

5 **19-5-205.5. Nonpublic agency interstate and foreign adoptions**  
6 **- authority for state department to select agencies - legislative**  
7 **declaration.** (2) (a) The department is authorized to select nonpublic,  
8 licensed child placement agencies authorized to handle adoptions or  
9 nonpublic agencies that meet the qualifying criteria to be licensed child  
10 placement agencies pursuant to ~~article 6 of title 26, C.R.S.~~ PART 9 OF  
11 ARTICLE 6 OF TITLE 26, and any implementing rules ~~or regulations~~  
12 promulgated by the department for the provision of services to individuals  
13 seeking assistance in nonpublic agency interstate or foreign adoption  
14 cases pursuant to this part 2. The department shall, by rule, establish  
15 qualifying criteria by which such nonpublic agencies ~~shall be~~ ARE  
16 selected for this purpose.

17 **SECTION 38.** In Colorado Revised Statutes, 19-5-213.5, **amend**  
18 (3)(a) as follows:

19 **19-5-213.5. Unauthorized advertising for adoption purposes**  
20 **- exceptions - penalty - definitions.** (3) Subsection (2) of this section  
21 does not apply to:

22 (a) An employee of the state department of human services, a  
23 county department of human or social services, or a child placement  
24 agency that is licensed pursuant to ~~part 1 of article 6 of title 26~~ PART 9 OF  
25 ARTICLE 6 OF TITLE 26 who is acting within the scope of ~~his or her~~ THE  
26 EMPLOYEE'S employment to place a child for adoption or in foster care;

27 **SECTION 39.** In Colorado Revised Statutes, 19-7-103, **amend**

1 (1) as follows:

2 **19-7-103. Access to extracurricular activities - legislative**  
3 **declaration - rules.** (1) The general assembly finds and declares that it  
4 is important for youth in foster care, excluding those in the custody of the  
5 division of youth services or a state mental hospital, to have increased  
6 access to normative, developmentally appropriate extracurricular  
7 activities to help prepare them for independence. Foster parents and group  
8 home parents or group center administrators shall make a reasonable  
9 effort to allow a youth in their care to participate in extracurricular,  
10 cultural, educational, work-related, and personal enrichment activities.  
11 The department of human services shall promulgate rules for the  
12 implementation of this section. The rules must address policies, including  
13 but not limited to waiver of any fingerprint-based criminal history records  
14 checks for community entities, excluding all individuals required to  
15 obtain a fingerprint-based criminal history records check pursuant to  
16 ~~section 26-6-107~~ SECTION 26-6-912 OR 26.5-5-316, providing  
17 extracurricular activities and guidelines for determining in what situations  
18 it is appropriate to waive fingerprint-based criminal history records  
19 checks, to allow youth in foster care, excluding those in the custody of the  
20 division of youth services or a state mental hospital, who are twelve years  
21 of age and older to participate in age-appropriate extracurricular  
22 enrichment, social activities, and activities designed to assist those youth  
23 to make the transition to independence, build life skills, and enhance  
24 opportunities to make positive connections.

25 **SECTION 40.** In Colorado Revised Statutes, 22-2-139, **amend**  
26 (2) introductory portion and (2)(a) as follows:

27 **22-2-139. Memorandum of understanding - notification of risk**

1 - **rules.** (2) Beginning August 15, 2010, a state-licensed day treatment  
2 facility, facility school, or hospital licensed or certified pursuant to  
3 section 25-3-101 ~~C.R.S.~~, that is transferring a student to a public school  
4 shall notify the appropriate school district child welfare education liaison,  
5 designated pursuant to section 22-32-138 (2)(a), of the pending  
6 enrollment in a public school of a student who:

7 (a) Is transferring to a public school from a state-licensed day  
8 treatment facility licensed by the department of human services pursuant  
9 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined  
10 in section 22-2-402 (1), or hospital, licensed or certified pursuant to  
11 section 25-3-101; ~~C.R.S.~~; and

12 **SECTION 41.** In Colorado Revised Statutes, 22-2-402, **amend** (3)  
13 as follows:

14 **22-2-402. Definitions.** As used in this part 4, unless the context  
15 otherwise requires:

16 (3) "Facility" means a day treatment center, residential child care  
17 facility, or other facility licensed by the department of human services  
18 pursuant to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905 or a hospital  
19 licensed by the department of public health and environment pursuant to  
20 section 25-1.5-103. ~~C.R.S.~~

21 **SECTION 42.** In Colorado Revised Statutes, 22-2-409, **amend**  
22 (1) introductory portion and (1)(a) as follows:

23 **22-2-409. Notification of risk.** (1) Beginning August 15, 2010,  
24 a state-licensed day treatment facility, facility school, or hospital licensed  
25 or certified pursuant to section 25-3-101 ~~C.R.S.~~, shall notify the  
26 appropriate child welfare education liaison, designated pursuant to section  
27 22-32-138 (2)(a), of a student who:

1 (a) Is transferring to a public school from a state-licensed day  
2 treatment facility licensed by the department of human services pursuant  
3 to ~~section 26-6-104, C.R.S.~~ SECTION 26-6-905, facility school as defined  
4 in section 22-2-402 (1), or hospital licensed or certified pursuant to  
5 section 25-3-101; ~~C.R.S.~~; and

6 **SECTION 43.** In Colorado Revised Statutes, 22-7-1202, **amend**  
7 (1)(b) as follows:

8 **22-7-1202. Legislative declaration.** (1) The general assembly  
9 finds that:

10 (b) Colorado has prioritized early learning through its investments  
11 in the Colorado preschool program, established in 1988, IN THE  
12 COLORADO UNIVERSAL PRESCHOOL PROGRAM ESTABLISHED IN 2022, and  
13 full-day kindergarten, and the general assembly recognizes that these  
14 investments can best be leveraged by adopting policies that support a  
15 continuum of learning from preschool through third grade and beyond;

16 **SECTION 44.** In Colorado Revised Statutes, 22-11-104, **amend**  
17 (1) as follows:

18 **22-11-104. Rules - college and career readiness achievement**  
19 **standards.** (1) The state board shall promulgate rules pursuant to the  
20 "State Administrative Procedure Act", article 4 of title 24, as required in  
21 this article 11 and may promulgate such additional rules as it finds  
22 necessary for the implementation of this article 11, including but not  
23 limited to rules establishing a numbering system to uniquely identify  
24 individual students, including students enrolled PRIOR TO JULY 1, 2023,  
25 in the Colorado preschool program created pursuant to section 22-28-104,  
26 AS IT EXISTS PRIOR TO JULY 1, 2023.

27 **SECTION 45.** In Colorado Revised Statutes, 22-11-305, **amend**

1 (4)(b) and (4)(c) as follows:

2 **22-11-305. Accredited with priority improvement plan - school**  
3 **district or institute - plan contents - adoption.** (4) An early childhood  
4 learning needs assessment must determine the extent to which:

5 (b) Children are enrolled in publicly funded early learning and  
6 development programs within the school district or in private early  
7 learning and development programs that participate in the Colorado  
8 shines quality rating and improvement system established in ~~section~~  
9 ~~26-6.5-106~~ SECTION 26.5-5-101;

10 (c) The school district and the district public schools work with an  
11 early childhood council established pursuant to ~~part 1 of article 6.5 of title~~  
12 ~~26~~ PART 2 OF ARTICLE 2 OF TITLE 26.5 or early childhood community  
13 agencies existing within the school district;

14 **SECTION 46.** In Colorado Revised Statutes, 22-11-405, **amend**  
15 (4.5)(b) and (4.5)(c) as follows:

16 **22-11-405. School priority improvement plan - contents.**  
17 (4.5) An early childhood learning needs assessment must determine the  
18 extent to which:

19 (b) Children are enrolled in publicly funded early learning and  
20 development programs within the neighborhood of the public school or  
21 in private early learning and development programs that participate in the  
22 school-readiness quality improvement program created in ~~section~~  
23 ~~26-6.5-106~~ SECTION 26.5-5-102 and are located within the neighborhood  
24 of the public school; except that a public school must include this  
25 information in the early childhood learning needs assessment only if the  
26 information is readily available to the public school;

27 (c) The public school works with an early childhood council

1 established pursuant to ~~part 1 of article 6.5 of title 26~~ PART 2 OF ARTICLE  
2 2 OF TITLE 26.5 or early childhood community agencies existing within  
3 the neighborhood of the public school;

4 **SECTION 47.** In Colorado Revised Statutes, 22-20-103, **amend**  
5 (12.3), (12.7), and (13.3) as follows:

6 **22-20-103. Definitions - repeal.** As used in this part 1, unless the  
7 context otherwise requires:

8 (12.3) "Facility" means a day treatment center, residential child  
9 care facility, or other facility licensed by the department of human  
10 services pursuant to ~~section 26-6-104, C.R.S.~~, SECTION 26-6-905 or a  
11 hospital licensed by the department of public health and environment  
12 pursuant to section 25-1.5-103. ~~C.R.S.~~

13 (12.7) "Foster home" has the same meaning as a "foster care  
14 home" as defined in ~~section 26-6-102 (14)~~ SECTION 26-6-903 and must be  
15 licensed by the state department of human services or certified by a  
16 county department of human or social services or certified by a child  
17 placement agency as defined in ~~section 26-6-102 (7)~~ SECTION 26-6-903.

18 (13.3) "Group home" means a congregate care facility licensed by  
19 the department of human services pursuant to ~~section 26-6-104, C.R.S.~~  
20 SECTION 26-6-905.

21 **SECTION 48.** In Colorado Revised Statutes, 22-20-118.5,  
22 **amend** (1), (2) introductory portion, (2)(e), (2)(l), and (3) as follows:

23 **22-20-118.5. Child find - responsibilities - interagency**  
24 **operating agreements.** (1) As of July 1, 2022, the department of ~~human~~  
25 ~~services~~ EARLY CHILDHOOD shall administer part C child find pursuant to  
26 ~~part 7 of article 10.5 of title 27~~ PART 4 OF ARTICLE 3 OF TITLE 26.5; except  
27 that, ~~on and after~~ BEGINNING May 1, 2022, AND CONTINUING UNTIL JULY

1 1, 2022, the department of human services shall administer the referral  
2 intake process for part C child find evaluations.

3 (2) On or before July 1, 2022, the department shall establish a  
4 state-level interagency operating agreement, referred to in this section as  
5 the "agreement", with the department of ~~human services~~ EARLY  
6 CHILDHOOD concerning the coordination of transitions of children from  
7 part C child find to part B child find. In developing the agreement, the  
8 department and the department of ~~human services~~ EARLY CHILDHOOD  
9 shall involve stakeholder participation, including representatives from  
10 administrative units and part C entities. The agreement must also include:

11 (e) A process for resolving disputes between the department and  
12 the department of ~~human services~~ EARLY CHILDHOOD concerning systemic  
13 and statewide issues related to agreement requirements;

14 (l) A process for timely transferring data that is required by law  
15 between the department and the department of ~~human services~~ EARLY  
16 CHILDHOOD.

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

24 **SECTION 49.** In Colorado Revised Statutes, 22-28-103, **amend**  
25 the introductory portion and (2) as follows:

26 **22-28-103. Definitions.** As used in this ~~article~~ ARTICLE 28, unless  
27 the context otherwise requires:

1 (2) "Child care agency" means a facility defined as a child care  
2 center pursuant to the provisions of ~~section 26-6-102(5), C.R.S.~~ SECTION  
3 26.5-5-303.

4 **SECTION 50.** In Colorado Revised Statutes, 22-28-108, **amend**  
5 (1)(a) as follows:

6 **22-28-108. Criteria for district preschool programs.**

7 (1)(a) The department shall establish basic program standards for district  
8 preschool programs using nationally accepted standards for preschool  
9 programs and requiring compliance with the Colorado rules for ~~child care~~  
10 ~~centers~~ PUBLIC PRESCHOOL PROVIDERS promulgated by the ~~department of~~  
11 ~~human services~~ EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY  
12 CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~ SECTION 26.5-5-314.

13 **SECTION 51.** In Colorado Revised Statutes, 22-28-111, **amend**  
14 (1)(b) as follows:

15 **22-28-111. Coordination of district preschool program with**  
16 **extended day services.** (1) (b) Any extended day services provided  
17 pursuant to ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS  
18 SECTION, regardless of whether provided by a school district, head start  
19 agency, or public or private child care agencies, ~~shall~~ MUST meet the  
20 appropriate standards for licensing established by the department of  
21 ~~human services~~ EARLY CHILDHOOD pursuant to ~~section 26-6-106, C.R.S.~~  
22 SECTION 26.5-5-314.

23 **SECTION 52.** In Colorado Revised Statutes, 22-33-106.1,  
24 **amend** (1)(b)(I) as follows:

25 **22-33-106.1. Suspension - expulsion - preschool through**  
26 **second grade - definitions.** (1) As used in this section, unless the  
27 context otherwise requires:

1 (b) "Enrolling entity" means:

2 (I) A community-based preschool program that includes students  
3 who are funded through the "Colorado Preschool Program Act", article  
4 28 of this title 22, AS IT EXISTS PRIOR TO JULY 1, 2023, OR THROUGH THE  
5 "COLORADO UNIVERSAL PRESCHOOL PROGRAM ACT", PART 2 OF ARTICLE  
6 4 OF TITLE 26.5, or students who are funded with state or federal money  
7 to educate children with disabilities;

8 **SECTION 53.** In Colorado Revised Statutes, 22-51-102, **amend**  
9 (2.5)(a) as follows:

10 **22-51-102. Definitions.** As used in this article 51, unless the  
11 context otherwise requires:

12 (2.5) "Facility" means any of the following facilities that operates  
13 a facility school:

14 (a) A day treatment center, residential child care facility, or other  
15 facility licensed by the department of human services pursuant to ~~section~~  
16 ~~26-6-104, C.R.S.~~ SECTION 26-6-905;

17 **SECTION 54.** In Colorado Revised Statutes, 22-100-101, **amend**  
18 (4) as follows:

19 **22-100-101. Definitions.** As used in this article 100, unless the  
20 context otherwise requires:

21 (4) "Participating provider" means a school district, charter  
22 school, board of cooperative services that operates a public school, or  
23 ~~residential child care center~~ RESIDENTIAL OR DAY TREATMENT CHILD CARE  
24 FACILITY AS defined in ~~section 26-6-102 (5)~~ SECTION 26-6-903 that  
25 participates in the federal "Richard B. Russell National School Lunch  
26 Act", 42 U.S.C. sec. 1751 et seq., **AS AMENDED**, and that has been selected  
27 by the department to participate in the school food purchasing program

1 pursuant to section 22-100-102 (2)(b).

2 **SECTION 55.** In Colorado Revised Statutes, 24-1-120, **amend**  
3 (4) introductory portion; and **repeal** (10) as follows:

4 **24-1-120. Department of human services - creation.** (4) Unless  
5 otherwise transferred to the DEPARTMENT OF EARLY CHILDHOOD,  
6 department of health care policy and financing, or the department of  
7 public health and environment, the department of human services shall  
8 exercise the following powers and perform the following duties:

9 (10) ~~The powers, duties, and functions of the Colorado child~~  
10 ~~abuse prevention board, created in section 19-3.5-103, are transferred by~~  
11 ~~a **type 2** transfer to the department of human services.~~

12 **SECTION 56.** In Colorado Revised Statutes, **amend** 24-1-120.5  
13 as follows:

14 **24-1-120.5. Department of early childhood - creation.**

15 (1) There is created the department of early childhood, the head of which  
16 is the executive director of the department of early childhood, which  
17 office is created. The governor shall appoint the executive director, with  
18 the consent of the senate, and the executive director serves at the pleasure  
19 of the governor. The reappointment of an executive director after an  
20 initial election of a governor is subject to the provisions of section  
21 24-20-109.

22 (2) The early childhood leadership commission created in part 3  
23 of article 1 of title 26.5 and its powers, duties, and functions are  
24 transferred by a **type 2** transfer to the department of early childhood.

25 (3) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO  
26 CHILD ABUSE PREVENTION BOARD, CREATED IN SECTION 26.5-3-204, ARE  
27 TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY

1 CHILDHOOD.

2 (4) THE POWERS, DUTIES, AND FUNCTIONS RELATING TO THE  
3 COLORADO CHILD CARE ASSISTANCE PROGRAM AS DESCRIBED IN PART 1  
4 OF ARTICLE 4 OF TITLE 26.5 ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO  
5 THE DEPARTMENT OF EARLY CHILDHOOD.

6 **SECTION 57.** In Colorado Revised Statutes, 24-1.9-102, **amend**  
7 (1)(a.5) as follows:

8 **24-1.9-102. Memorandum of understanding - local-level**  
9 **interagency oversight groups - individualized service and support**  
10 **teams - coordination of services for children and families -**  
11 **requirements - waiver.** (1) (a.5) In addition to the parties specified in  
12 ~~paragraph (a) of this subsection (1)~~ SUBSECTION (1)(a) OF THIS SECTION,  
13 the memorandums of understanding entered into pursuant to this  
14 subsection (1) may include family resource centers created pursuant to  
15 ~~article 18 of title 26, C.R.S.~~ PART 1 OF ARTICLE 3 OF TITLE 26.5.

16 **SECTION 58.** In Colorado Revised Statutes, 24-4-105, **amend**  
17 (14)(a)(I) as follows:

18 **24-4-105. Hearings and determinations - repeal.** (14) (a) For  
19 the purpose of a decision by an agency that conducts a hearing or an  
20 initial decision by an administrative law judge or a hearing officer, the  
21 record must include: All pleadings, applications, evidence, exhibits, and  
22 other papers presented or considered, matters officially noticed, rulings  
23 upon exceptions, any findings of fact and conclusions of law proposed by  
24 any party, and any written brief filed. The agency, administrative law  
25 judge, or hearing officer may permit oral argument. The agency, the  
26 administrative law judge, or the hearing officer shall not receive or  
27 consider ex parte material or representation of any kind offered without

1 notice. The agency, an administrative law judge, or hearing officer, with  
2 the consent of all parties, may eliminate or summarize any part of the  
3 record where this may be done without affecting the decision. In any case  
4 in which the agency has conducted the hearing, the agency shall prepare,  
5 file, and serve upon each party its decision. In any case in which an  
6 administrative law judge or a hearing officer has conducted the hearing,  
7 the administrative law judge or the hearing officer shall prepare and file  
8 an initial decision that the agency shall serve upon each party, except  
9 where all parties with the consent of the agency have expressly waived  
10 their right to have an initial decision rendered by such administrative law  
11 judge or hearing officer. Each decision and initial decision must include  
12 a statement of findings and conclusions upon all the material issues of  
13 fact, law, or discretion presented by the record and the appropriate order,  
14 sanction, relief, or denial. An appeal to the agency must be made as  
15 follows:

16 (I) With regard to initial decisions regarding agency action by the  
17 department of health care policy and financing, THE DEPARTMENT OF  
18 EARLY CHILDHOOD, the state department of human services, or county  
19 department of human or social services, or any contractor acting for any  
20 such department, under section 26-1-106 (1)(a), **26.5-1-107**, or  
21 25.5-1-107, by filing exceptions within fifteen days after service of the  
22 initial decision upon the parties, unless extended by the department of  
23 health care policy and financing, THE DEPARTMENT OF EARLY CHILDHOOD,  
24 or the state department of human services, as applicable, or unless a  
25 review has been initiated in accordance with this subsection (14)(a)(I)  
26 upon motion of the applicable department within fifteen days after service  
27 of the initial decision. In the event a party fails to file an exception within

1 fifteen days, the applicable department may allow, upon a showing of  
2 good cause by the party, for an extension of up to an additional fifteen  
3 days to reconsider the final agency action.

4 **SECTION 59.** In Colorado Revised Statutes, 24-22-118, **amend**  
5 (2)(d)(III), (2)(e)(IV), and (2)(f)(IV) as follows:

6 **24-22-118. Revenue from nicotine products and additional**  
7 **tobacco taxes - 2020 tax holding fund - preschool programs cash fund**  
8 **- creation - definitions.** (2) The state treasurer shall transfer the money  
9 in the 2020 tax holding fund as follows:

10 (d) For the fiscal year commencing on July 1, 2023:

11 (III) The remainder to the preschool programs cash fund created  
12 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

13 (e) For each fiscal year commencing on or after July 1, 2024, but  
14 before July 1, 2027:

15 (IV) The remainder to the preschool programs cash fund created  
16 in ~~subsection (3) of this section~~ SECTION 26.5-4-209;

17 (f) For each fiscal year commencing on or after July 1, 2027:

18 (IV) The remainder to the preschool programs cash fund created  
19 in ~~subsection (3) of this section~~ SECTION 26.5-4-209.

20 **SECTION 60.** In Colorado Revised Statutes, 24-75-1104.5,  
21 **amend** (1.7) introductory portion, (1.7)(a), and (3) as follows:

22 **24-75-1104.5. Use of settlement money - programs.**

23 (1.7) Except as otherwise provided in subsections (1.3), (1.8), and (5) of  
24 this section, and except that disputed payments received by the state in the  
25 2015-16 fiscal year or in any year thereafter are excluded from the  
26 calculation of allocations ~~under~~ PURSUANT TO this subsection (1.7), for  
27 the 2016-17 fiscal year and for each fiscal year thereafter, the following

1 programs, services, and funds shall receive the following specified  
2 percentages of the total amount of settlement moneys MONEY received by  
3 the state in the preceding fiscal year:

4 (a) The Colorado nurse home visitor program created in ~~article 6.4~~  
5 ~~of title 26, C.R.S., shall receive~~ PART 5 OF ARTICLE 3 OF TITLE 26.5  
6 RECEIVES twenty-six and seven-tenths percent of the settlement moneys  
7 MONEY;

8 (3) Notwithstanding subsection (1.7) of this section, for purposes  
9 of sections 23-20-136 (3.5)(a), 25-4-1401 (6), 25-4-1405 (2), 25-23-104  
10 (2), 25.5-6-805 (2), 25.5-8-105 (3), ~~26-6.4-107 (2)(d)(f), 26.5-3-507~~  
11 ~~(2)(e)~~, 26-6.8-102 (2)(d), and 28-5-709 (2)(a), settlement moneys MONEY  
12 received and allocated by the state pursuant to subsection (1.7) of this  
13 section during the same fiscal year are IS deemed to be moneys MONEY  
14 received for or during the preceding fiscal year.

15 **SECTION 61.** In Colorado Revised Statutes, 24-101-105, amend  
16 (1)(a) introductory portion, (1)(a)(XIV), and (1)(a)(XV); and add  
17 (1)(a)(XVI) as follows:

18 **24-101-105. Application of this code.** (1) (a) This code shall  
19 apply APPLIES to all publicly funded contracts entered into by all  
20 governmental bodies of the executive branch of this state; except that this  
21 code shall DOES not apply to:

22 (XIV) Annuities; and

23 (XV) Real property or interest in real property; AND

24 (XVI) THE DEPARTMENT OF EARLY CHILDHOOD IN SOLICITING AND  
25 SELECTING ENTITIES TO SERVE AS LOCAL COORDINATING ORGANIZATIONS  
26 PURSUANT TO SECTION 26.5-2-103 AND COORDINATING AGREEMENTS  
27 ENTERED INTO PURSUANT TO SECTION 26.5-2-105.

1           **SECTION 62**. In Colorado Revised Statutes, 25-1.5-101, **amend**  
2 (1)(h) as follows:

3           **25-1.5-101. Powers and duties of department - laboratory cash**  
4 **fund - report - dispensation of payments under contracts with**  
5 **grantees - definitions - repeal.** (1) The department has, in addition to all  
6 other powers and duties imposed upon it by law, the powers and duties  
7 provided in this section as follows:

8           (h) To establish and enforce sanitary standards for the operation  
9 and maintenance of orphanages, day care nurseries, foster homes, family  
10 care homes, summer camps for children, lodging houses, guest child care  
11 facilities ~~as defined in section 26-6-102(16), C.R.S.,~~ AND public services  
12 short-term child care facilities ~~as defined in section 26-6-102(30), C.R.S.,~~  
13 SECTION 26.5-5-303, hotels, public conveyances and stations, schools,  
14 factories, workshops, industrial and labor camps, recreational resorts and  
15 camps, swimming pools, public baths, mobile home parks, and other  
16 buildings, centers, and places used for public gatherings;

17           **SECTION 63**. In Colorado Revised Statutes, 25-1.5-103, **amend**  
18 (2) introductory portion and (2)(a.3)(I) as follows:

19           **25-1.5-103. Health facilities - powers and duties of department**  
20 **- limitations on rules promulgated by department - definitions.**

21 (2) ~~For purposes of this section~~ AS USED IN THIS SECTION, unless the  
22 context otherwise requires:

23           (a.3) "Behavioral health entity" means a facility or provider  
24 organization engaged in providing community-based health services,  
25 which may include behavioral health disorder services, alcohol use  
26 disorder services, or substance use disorder services, including crisis  
27 stabilization, acute or ongoing treatment, or community mental health

1 center services as described in section 27-66-101 (2) and (3), but does not  
2 include:

3 (I) Residential child care facilities, as defined in ~~section 26-6-102~~  
4 ~~(33)~~ SECTION 26-6-903; or

5 **SECTION 64.** In Colorado Revised Statutes, 25-1.5-301, **amend**  
6 (2)(e) and (2)(f) as follows:

7 **25-1.5-301. Definitions.** As used in this part 3, unless the context  
8 otherwise requires:

9 (2) "Facility" means:

10 (e) Residential child care facilities for children as defined in  
11 ~~section 26-6-102 (33), C.R.S.~~ SECTION 26-6-903;

12 (f) Secure residential treatment centers as defined in ~~section~~  
13 ~~26-6-102 (35), C.R.S.~~ SECTION 26-6-903;

14 **SECTION 65.** In Colorado Revised Statutes, 25-4-901, **amend**  
15 (2)(a), (2)(b)(I), (2)(b)(I.5), and (3) as follows:

16 **25-4-901. Definitions.** As used in this part 9, unless the context  
17 otherwise requires:

18 (2) (a) "School" means, except as otherwise provided in ~~paragraph~~  
19 ~~(b) of this subsection (2)~~ SUBSECTION (2)(b) OF THIS SECTION, a public,  
20 private, or parochial nursery school, day care center, child care facility or  
21 child care center as defined in ~~section 26-6-102 (5), C.R.S.;~~ SECTION  
22 26-6-903 OR ~~26.5-5-303,~~ 26.5-5-303, family child care home, foster care home,  
23 head start program, kindergarten, elementary or secondary school through  
24 grade twelve, or college or university.

25 (b) "School" does not include:

26 (I) A public services short-term child care facility as defined in  
27 ~~section 26-6-102 (30), C.R.S.~~ SECTION 26.5-5-303;

1 (I.5) A guest child care facility, as defined in ~~section 26-6-102~~  
2 ~~(16), C.R.S.~~ SECTION 26.5-5-303, or a ski school as defined in ~~section~~  
3 ~~26-6-103.5 (6), C.R.S.~~ section 26.5-5-307 (7); or

4 (3) "Student" means any person enrolled in a Colorado school or  
5 child care center as defined in subsection (2) of this section. "Student"  
6 does not include a child who enrolls and attends a licensed child care  
7 center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26.5-5-303,  
8 which is located at a ski area, for up to fifteen days or less in a  
9 fifteen-consecutive-day period, no more than twice in a calendar year,  
10 with each fifteen-consecutive-day period separated by at least sixty days.

11 **SECTION 66.** In Colorado Revised Statutes, 25-27.5-102, **amend**  
12 (6.3) as follows:

13 **25-27.5-102. Definitions - repeal.** As used in this article 27.5,  
14 unless the context otherwise requires:

15 (6.3) "Qualified early intervention service provider" has the  
16 meaning set forth in ~~section 27-10.5-702, C.R.S.~~ SECTION 26.5-3-402.

17 **SECTION 67.** In Colorado Revised Statutes, 25-27.6-102,  
18 **amend** (6)(a) as follows:

19 **25-27.6-102. Definitions.** As used in this article 27.6, unless the  
20 context otherwise requires:

21 (6) "Behavioral health entity" means a facility or provider  
22 organization engaged in providing community-based health services,  
23 which may include behavioral health disorder services, alcohol use  
24 disorder services, or substance use disorder services, including crisis  
25 stabilization, acute or ongoing treatment, or community mental health  
26 center services as described in section 27-66-101 (2) and (3), but does not  
27 include:

1 (a) Residential child care facilities, as defined in ~~section 26-6-102~~  
2 ~~(33)~~ SECTION 26-6-903; or

3 **SECTION 68.** In Colorado Revised Statutes, 25.5-1-124, **amend**  
4 (1), (2), (3), and (5)(a) as follows:

5 **25.5-1-124. Early intervention payment system - participation**  
6 **by state department - rules - definitions.** (1) The state department shall  
7 participate in the development and implementation of the coordinated  
8 system of payment for early intervention services authorized pursuant to  
9 ~~part 7 of article 10.5 of title 27, C.R.S.~~, PART 4 OF ARTICLE 3 OF TITLE 26.5  
10 and part C of the federal "Individuals with Disabilities Education Act",  
11 20 U.S.C. sec. 1400 et seq., as amended.

12 (2) The state department shall ensure that the early intervention  
13 services and payments for recipients of medical assistance ~~under this title~~  
14 PURSUANT TO THIS TITLE 25.5 are integrated into the coordinated early  
15 intervention payment system developed pursuant to ~~part 7 of article 10.5~~  
16 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. To the extent  
17 necessary to achieve the coordinated payment system and coverage of  
18 those early intervention services ~~under this title~~ PURSUANT TO THIS TITLE  
19 25.5, the state department shall amend the state plan for medical  
20 assistance or seek the necessary federal authorization, promulgate rules,  
21 and modify the billing system for medical assistance to facilitate the  
22 coordinated payment system.

23 (3) The state department shall also make any modifications  
24 necessary to the "Children's Basic Health Plan Act", article 8 of this title  
25 TITLE 25.5, including promulgating rules, to ensure that the children's  
26 basic health plan is integrated into the coordinated early intervention  
27 payment system developed pursuant to ~~part 7 of article 10.5 of title 27,~~

1 ~~C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5.

2 (5) (a) As used in this section, unless the context otherwise  
3 requires, "early intervention services" means those services defined as  
4 early intervention services by the department of ~~human services~~ EARLY  
5 CHILDHOOD in accordance with ~~section 27-10.5-702 (7), C.R.S.,~~ SECTION  
6 26.5-3-402 (9) that are determined, through negotiation between the  
7 state department and the department of ~~human services~~ EARLY  
8 CHILDHOOD, to be medically necessary under medical assistance and  
9 cost-effective. After negotiating the scope of early intervention services  
10 to be covered under medical assistance, the state department and the  
11 department of ~~human services~~ EARLY CHILDHOOD shall submit to the joint  
12 budget committee of the general assembly, as part of each department's  
13 annual budget request, a proposal for the scope of coverage of early  
14 intervention services under medical assistance, including the anticipated  
15 costs of such coverage and whether the payment of such costs through  
16 medical assistance is cost-effective.

17 **SECTION 69.** In Colorado Revised Statutes, 25.5-4-103, **amend**  
18 (19.5) as follows:

19 **25.5-4-103. Definitions.** As used in this article 4 and articles 5  
20 and 6 of this title 25.5, unless the context otherwise requires:

21 (19.5) "Psychiatric residential treatment facility" means a facility  
22 that is licensed as a residential child care facility, as defined in ~~section~~  
23 ~~26-6-102 (33)~~ SECTION 26-6-903, that is not a hospital, and that provides  
24 inpatient psychiatric services for individuals who are less than twenty-one  
25 years of age under the direction of a physician licensed pursuant to article  
26 240 of title 12, and that meets any other requirement established in rule  
27 by the state board.

1           **SECTION 70.** In Colorado Revised Statutes, 25.5-10-209, **amend**  
2 (2)(d) and (2)(f) as follows:

3           **25.5-10-209. Community-centered boards - designation -**  
4 **purchase of services and supports - performance audits - Colorado**  
5 **local government audit law - public disclosure of board**  
6 **administration and operations - repeal.** (2) Once a  
7 community-centered board has been designated pursuant to this section,  
8 it shall, subject to available appropriations:

9           (d) Determine eligibility and develop an individualized plan for  
10 each person who receives services or supports pursuant to section  
11 25.5-10-211; except that, for a child from birth through two years of age,  
12 eligibility determination and development of an individualized family  
13 service plan are made pursuant to the provisions of ~~part 7 of article 10.5~~  
14 ~~of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

15           (f) Obtain or provide early intervention services and supports  
16 pursuant to the provisions of ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART  
17 4 OF ARTICLE 3 OF TITLE 26.5;

18           **SECTION 71.** In Colorado Revised Statutes, 25.5-10-211,  
19 **amend** (2)(a), (2)(b)(II), (4)(a), and (4)(c) as follows:

20           **25.5-10-211. Eligibility determination - individualized plan -**  
21 **periodic review - rules - repeal.** (2) (a) Following intake and  
22 assessment, pursuant to subsection (2)(b) of this section, the designated  
23 community-centered board or the case management agency chosen by the  
24 person shall develop an individualized plan as provided by rules  
25 promulgated by the state board. The designated community-centered  
26 board shall develop an individualized family service plan for a child with  
27 disabilities from birth through two years of age pursuant to ~~section~~

1     ~~27-10.5-703~~ SECTION 26.5-3-403.

2             (b) (II) The designated community-centered board shall develop  
3     an individualized plan for persons eligible for other programs, as defined  
4     in section 25.5-10-202, and for a child with disabilities from birth through  
5     two years of age pursuant to ~~section 27-10.5-703~~ SECTION 26.5-3-403.

6             (4) (a) Each person receiving services must receive periodic and  
7     adequate reviews to ascertain whether the services and supports specified  
8     in ~~his or her~~ THE PERSON'S individualized plan have been provided,  
9     determine the appropriateness of current services and supports, identify  
10    whether the outcomes specified in the person's individualized plan have  
11    been achieved, and modify and revise current services or supports to meet  
12    the identified needs and preferences of the person receiving services. The  
13    designated community-centered board shall develop modifications or  
14    revisions to the 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, C.R.S.~~ SECTION 26.5-3-403.

17            (c) A person's individualized plan must be reviewed at least  
18    annually; except that an individualized family service plan for a child  
19    with disabilities from birth through two years of age must be reviewed as  
20    required pursuant to ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF  
21    ARTICLE 3 OF TITLE 26.5.

22            **SECTION 72.** In Colorado Revised Statutes, 25.5-10-212,  
23    **amend** (1) introductory portion as follows:

24            **25.5-10-212. Procedure for resolving disputes over eligibility,**  
25    **modification of services or supports, and termination of services or**  
26    **supports.** (1) Every state or local service agency receiving state ~~moneys~~  
27    MONEY pursuant to section 25.5-10-206 shall adopt a procedure for the

1 resolution of disputes arising between the service agency and any  
2 recipient of, or applicant for, services or supports authorized ~~under~~  
3 PURSUANT TO section 25.5-10-206. Procedures for the resolution of  
4 disputes regarding early intervention services must comply with IDEA  
5 and with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF  
6 TITLE 26.5. The procedures must be consistent with rules promulgated by  
7 the state board pursuant to article 4 of title 24 ~~C.R.S.~~, and must apply to  
8 the following disputes:

9           **SECTION 73.** In Colorado Revised Statutes, 25.5-10-219,  
10 **amend** (1) and (2) as follows:

11           **25.5-10-219. Right to individualized plan or individualized**  
12 **family service plan - repeal.** (1) Each person receiving services ~~shall~~  
13 MUST have an individualized plan, an individualized family service plan,  
14 or a similar plan specified by the state department that qualifies as an  
15 individualized plan that is developed by the person's interdisciplinary  
16 team. The individualized family service plan for a child with disabilities  
17 from birth through two years of age shall be developed in compliance  
18 with ~~part 7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE  
19 26.5.

20           (2) Pursuant to section 25.5-10-211, the individualized plan for  
21 each person who receives services or supports shall be reviewed at least  
22 annually and modified as necessary or appropriate; except that an  
23 individualized family service plan for a child with disabilities from birth  
24 through two years of age shall be reviewed as required pursuant to ~~part~~  
25 ~~7 of article 10.5 of title 27, C.R.S.~~ PART 4 OF ARTICLE 3 OF TITLE 26.5. A  
26 review ~~shall consist~~ CONSISTS of, but is not limited to, the determination  
27 by the interdisciplinary team as to whether the needs and preferences of

1 the person receiving services or supports are accurately reflected in the  
2 plan, whether the services and supports provided pursuant to the plan are  
3 appropriate to meet the person's needs and preferences, and what actions  
4 are necessary for the plan to be achieved.

5 **SECTION 74.** In Colorado Revised Statutes, 26-1-107, **amend**  
6 (6)(e) as follows:

7 **26-1-107. State board of human services - rules.** (6) The state  
8 board shall:

9 (e) Adopt rules and regulations for the purpose of establishing  
10 guidelines for the placement of children from locations outside of  
11 Colorado into this state for foster care or adoption pursuant to section  
12 19-5-203 ~~C.R.S.~~, or ~~section 26-6-104~~ OR ~~26-6-905~~ or the terms of the  
13 "Interstate Compact on Placement of Children" as set forth in part 18 of  
14 article 60 of title 24; ~~C.R.S.~~;

15 **SECTION 75.** In Colorado Revised Statutes, 26-1-111, **amend**  
16 (2)(d)(II)(C) and (2)(f); and **repeal** (2)(t) as follows:

17 **26-1-111. Activities of the state department under the**  
18 **supervision of the executive director - cash fund - report - rules -**  
19 **statewide adoption resource registry.** (2) The state department, under  
20 the supervision of the executive director, shall:

21 (d) (II) (C) For fiscal year 2003-04 and each fiscal year thereafter,  
22 after the amounts described in ~~sub-subparagraph (A) or (B) of this~~  
23 ~~subparagraph (H)~~ SUBSECTIONS (2)(d)(II)(A) AND (2)(d)(II)(B) OF THIS  
24 SECTION are set aside, the total amount of ~~moneys~~ MONEY remaining shall  
25 be transmitted to the state treasurer, who shall credit the same to the  
26 excess federal Title IV-E reimbursements cash fund, which fund is hereby  
27 created and referred to in this ~~sub-subparagraph (C)~~ SUBSECTION

1 (2)(d)(II)(C) as the "fund". The ~~moneys~~ MONEY in the fund ~~shall be~~ IS  
2 subject to annual appropriation by the general assembly to the state  
3 department for allocation to counties to help defray the costs of  
4 performing administrative functions related to obtaining federal  
5 reimbursement ~~moneys~~ MONEY available under the Title IV-E program.  
6 In addition, the general assembly may annually appropriate ~~moneys~~  
7 MONEY in the fund to the DEPARTMENT OF EARLY CHILDHOOD FOR  
8 ALLOCATION TO THE COUNTIES FOR THE PROVISION OF CHILD CARE  
9 ASSISTANCE, AS DESCRIBED IN SECTION 26.5-4-105, AND TO THE state  
10 department for allocation to the counties for the provision of assistance,  
11 as defined in section 26-2-703 (2); ~~child care assistance, as described in~~  
12 ~~section 26-2-805~~, social services, as defined in section 26-2-103 (11); and  
13 child welfare services, as defined in section 26-5-101 (3). For fiscal year  
14 2004-05, and in subsequent years if so specified by the general assembly  
15 in the annual appropriations act, the counties shall expend the ~~moneys~~  
16 MONEY allocated by the DEPARTMENT OF EARLY CHILDHOOD FOR THE  
17 PROVISION OF CHILD CARE ASSISTANCE AND BY THE state department for  
18 the provision of assistance, ~~child care assistance~~, social services, and  
19 child welfare services pursuant to this ~~sub-subparagraph (C)~~ SUBSECTION  
20 (2)(d)(II)(C) in a manner that will be applied toward the state's  
21 maintenance of historic effort as specified in section 409 (a)(7) of the  
22 federal "Social Security Act", as amended. Any ~~moneys~~ MONEY in the  
23 fund not expended for the purposes specified in this ~~sub-subparagraph (C)~~  
24 SUBSECTION (2)(d)(II)(C) may be invested by the state treasurer as  
25 provided by law. THE STATE TREASURER SHALL CREDIT all interest and  
26 income derived from the investment and deposit of ~~moneys~~ MONEY in the  
27 fund ~~shall be credited~~ to the fund. Any unexpended and unencumbered

1 ~~moneys~~ MONEY remaining in the fund at the end of a fiscal year ~~shall~~  
2 ~~remain~~ REMAINS in the fund and ~~shall not be~~ IS NOT credited or transferred  
3 or revert to the general fund or another fund.

4 (f) Designate child placement agencies licensed pursuant to ~~article~~  
5 ~~6 of this title~~ PART 9 OF ARTICLE 6 OF THIS TITLE 26 or county departments  
6 to act as agents of the state department for the purpose of authorizing  
7 child care placement as set forth in section 26-1-107 (6)(e) and county  
8 departments to serve as agents of the state department in the performance  
9 of certain public assistance and welfare and related activities in the  
10 county;

11 ~~(t) Administer early childhood programs in accordance with~~  
12 ~~statute and rule and, where applicable, review applications submitted by~~  
13 ~~entities to receive funding through the programs, award grants based on~~  
14 ~~the applications, or in the case of the nurse home visitor program,~~  
15 ~~applications selected by the health sciences center, and notify the state~~  
16 ~~board of the grants awarded and the amounts of the grants. Participation~~  
17 ~~in an early childhood program administered by the state department is~~  
18 ~~voluntary. The early childhood programs are not designed or intended to~~  
19 ~~interfere with the rights of parents to raise their children.~~

20 **SECTION 76.** In Colorado Revised Statutes, 26-1-122, **amend**  
21 (6)(a) and (6)(c) as follows:

22 **26-1-122. County appropriations and expenditures -**  
23 **advancements - procedures.** (6) (a) Notwithstanding any other  
24 provision of this section, the board of county commissioners in each  
25 county of this state shall annually appropriate as provided by law such  
26 funds as ~~shall be~~ ARE necessary to defray the county's maintenance of  
27 effort requirement for the Colorado works program, created in part 7 of

1 article 2 of this ~~title~~ TITLE 26, and the Colorado child care assistance  
2 program, created in ~~part 8 of article 2 of this title~~ PART 1 OF ARTICLE 4 OF  
3 TITLE 26.5, including the costs allocated to the administration of each, and  
4 shall include in the tax levy for such county the sums appropriated for that  
5 purpose. The county's maintenance of effort requirement for the Colorado  
6 works program for state fiscal year 1997-98 and for state fiscal years  
7 thereafter ~~shall be~~ IS the targeted spending level identified in section  
8 26-2-714 (6). Such appropriation ~~shall~~ MUST be based upon the county  
9 social services budget prepared by the county department pursuant to  
10 section 26-1-124, after taking into account state advancements provided  
11 for in this section.

12 (c) The state department shall establish rules concerning what  
13 ~~shall constitute~~ CONSTITUTES administrative costs and program costs for  
14 the Colorado works program. THE EXECUTIVE DIRECTOR OF THE  
15 DEPARTMENT OF EARLY CHILDHOOD, IN COORDINATION WITH COUNTY  
16 DEPARTMENTS, SHALL ESTABLISH RULES CONCERNING WHAT CONSTITUTES  
17 ADMINISTRATIVE COSTS AND PROGRAM COSTS FOR THE COLORADO CHILD  
18 CARE ASSISTANCE PROGRAM. The state treasurer shall make advancements  
19 to county departments for the costs of administering the Colorado works  
20 program and the Colorado child care assistance program from funds  
21 appropriated or made available for such purpose, upon authorization of  
22 THE DEPARTMENT OF EARLY CHILDHOOD OR the state department, AS  
23 APPLICABLE; except that in no event shall THE DEPARTMENT OF EARLY  
24 CHILDHOOD OR the state department authorize expenditures greater than  
25 the annual appropriation by the general assembly for such administrative  
26 costs of the county departments. As funds are advanced, adjustment shall  
27 be made from subsequent monthly payments for those purposes.

1           **SECTION 77.** In Colorado Revised Statutes, 26-1-124, **amend**  
2 (2) as follows:

3           **26-1-124. County social services budget.** (2) Before such  
4 budget is adopted by the board of county commissioners, it ~~shall~~ **MUST** be  
5 submitted by the county board to the state department for review. The  
6 state department **SHALL** review **THE BUDGET IN CONSULTATION WITH THE**  
7 **DEPARTMENT OF EARLY CHILDHOOD AND shall include IN THE REVIEW** an  
8 assessment as to whether the county budget includes adequate funding for  
9 the county's maintenance of effort for the Colorado works program  
10 created in part 7 of article 2 of this ~~title~~ **TITLE 26** and the Colorado child  
11 care assistance program created in ~~part 8 of article 2 of this title~~ **PART 1**  
12 **OF ARTICLE 4 OF TITLE 26.5.**

13           **SECTION 78.** In Colorado Revised Statutes, 26-1-127, **amend**  
14 (1), (1.5), (2)(a), and (3) as follows:

15           **26-1-127. Fraudulent acts.** (1) Any person who obtains or any  
16 person who willfully aids or abets another to obtain public assistance or  
17 vendor payments or medical assistance as defined in this title 26 **OR CHILD**  
18 **CARE ASSISTANCE AS DESCRIBED IN PART 1 OF ARTICLE 4 OF TITLE 26.5** to  
19 which the person is not entitled or in an amount greater than that to which  
20 the person is justly entitled or payment of any forfeited installment grants  
21 or benefits to which the person is not entitled or in a greater amount than  
22 that to which the person is entitled, by means of a willfully false  
23 statement or representation, or by impersonation, or by any other  
24 fraudulent device, commits the crime of theft, which crime is classified  
25 in accordance with section 18-4-401 (2) and which crime is punished as  
26 provided in section 18-1.3-401 if the crime is classified as a felony, or  
27 section 18-1.3-501 if the crime is classified as a misdemeanor. To the

1 extent not otherwise prohibited by state or federal law, any person  
2 violating the provisions of this subsection (1) is disqualified from  
3 participation in the public assistance program under PURSUANT TO article  
4 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a  
5 recipient is found to have committed an intentional program violation for  
6 one year for a first offense, two years for a second offense, and  
7 permanently for a third or subsequent offense. Such disqualification is  
8 mandatory and is in addition to any other penalty imposed by law.

9 (1.5) To the extent not otherwise prohibited by state or federal  
10 law, any person against whom a county department of social services, or  
11 the state department, OR THE DEPARTMENT OF EARLY CHILDHOOD, obtains  
12 a civil judgment in a state or federal court of record in this state based on  
13 allegations that the person obtained or willfully aided and abetted another  
14 to obtain public assistance or vendor payments or medical assistance as  
15 defined in this title 26 OR CHILD CARE ASSISTANCE AS DESCRIBED IN PART  
16 1 OF ARTICLE 4 OF TITLE 26.5 to which the person is not entitled or in an  
17 amount greater than that to which the person is justly entitled or payment  
18 of any forfeited installment grants or benefits to which the person is not  
19 entitled or in a greater amount than that to which the person is entitled, by  
20 means of a willfully false statement or representation, or by  
21 impersonation, or by any other fraudulent device, is disqualified from  
22 participation in the public assistance program under PURSUANT TO article  
23 2 of this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5 in which a  
24 recipient is found to have committed an intentional program violation for  
25 one year for a first incident, two years for a second incident, and  
26 permanently for a third or subsequent incident. Such disqualification is  
27 mandatory and is in addition to any other remedy available to a judgment

1 creditor.

2 (2) (a) If, at any time during the continuance of public assistance  
3 ~~under~~ PURSUANT TO this title 26 OR CHILD CARE ASSISTANCE PURSUANT  
4 TO PART 1 OF ARTICLE 4 OF TITLE 26.5, the recipient ~~thereof~~ acquires any  
5 property or receives any increase in income or property, or both, in excess  
6 of that declared at the time of determination or redetermination of  
7 eligibility or if there is any other change in circumstances affecting the  
8 recipient's eligibility, it shall be the duty of the recipient to notify the  
9 county department within thirty days in writing or take steps to secure  
10 county assistance to prepare such notification in writing of the acquisition  
11 of such property, receipt of such income, or change in such  
12 circumstances; and any recipient of such public assistance who knowingly  
13 fails to do so commits a petty offense and shall be punished as provided  
14 in section 18-1.3-503. If such property or income is received infrequently  
15 or irregularly and does not exceed a total value of ninety dollars in any  
16 calendar quarter, such property or income ~~shall be~~ IS excluded from the  
17 thirty-day written reporting requirement but ~~shall be~~ MUST BE reported at  
18 the time of the next redetermination of eligibility of a recipient.

19 (3) Any recipient or vendor who falsifies any report required  
20 ~~under~~ PURSUANT TO this title 26 OR PART 1 OF ARTICLE 4 OF TITLE 26.5  
21 commits a petty offense and ~~shall be~~ IS punished as provided in section  
22 18-1.3-503.

23 **SECTION 79.** In Colorado Revised Statutes, 26-1-201, **amend**  
24 (1)(h) as follows:

25 **26-1-201. Programs administered - services provided -**  
26 **department of human services.** (1) This section specifies the programs  
27 to be administered and the services to be provided by the department of

1 human services. These programs and services include the following:

2 (h) The "~~Child Care Licensing Act~~" as specified in article 6 of this  
3 title "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY  
4 LICENSING ACT", PART 9 OF ARTICLE 6 OF THIS TITLE 26;

5 **SECTION 80.** In Colorado Revised Statutes, 26-2-703, **amend**  
6 (4) as follows:

7 **26-2-703. Definitions.** As used in this part 7, unless the context  
8 otherwise requires:

9 (4) "Colorado child care assistance program" means the state  
10 program of child care assistance implemented pursuant to the provisions  
11 of ~~part 8 of this article and rules of the state board~~ PART 1 OF ARTICLE 4  
12 OF TITLE 26.5 AND RULES OF THE EXECUTIVE DIRECTOR OF THE  
13 DEPARTMENT OF EARLY CHILDHOOD.

14 **SECTION 81.** In Colorado Revised Statutes, 26-2-706.6, **amend**  
15 (6) as follows:

16 **26-2-706.6. Payments and services under Colorado works -**  
17 **rules. (6) Child care assistance.** Subject to available appropriations and  
18 pursuant to rules promulgated by the ~~state board~~ EXECUTIVE DIRECTOR OF  
19 THE DEPARTMENT OF EARLY CHILDHOOD, a county may provide child care  
20 assistance to a participant pursuant to the provisions of ~~part 8 of this~~  
21 ~~article and rules promulgated by the state board for implementation of~~  
22 ~~said part 8~~ PART 1 OF ARTICLE 4 OF TITLE 26.5 AND RULES PROMULGATED  
23 BY THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD  
24 FOR IMPLEMENTATION OF SAID PART 1.

25 **SECTION 82.** In Colorado Revised Statutes, 26-2-714, **amend**  
26 (9)(d) as follows:

27 **26-2-714. County block grants formula - use of money - rules.**

1 (9) (d) A county may make a transfer authorized by ~~paragraph (a) of this~~  
2 ~~subsection (9)~~ SUBSECTION (9)(a) OF THIS SECTION, within the limitations  
3 imposed by state and federal law on such transfers, in order to fund  
4 various programs for the improvement of child care. ~~Such~~ THE transfers  
5 may be used for minor remodeling of licensed child care facilities or  
6 facilities legally exempt from licensing requirements pursuant to ~~section~~  
7 ~~26-6-103 (1)~~ SECTION 26.5-5-304, including but not limited to physical  
8 modifications for the purpose of licensure or accreditation, construction  
9 or improvement of fencing or other safety and security fixtures or other  
10 uses not prohibited under 42 U.S.C. sec. 1397d.

11 SECTION 83. In Colorado Revised Statutes, 26-2-715, **amend**  
12 (1)(a) introductory portion, (1)(a)(I), and (2) as follows:

13 **26-2-715. Performance contracts.** (1) (a) Each county, either  
14 acting singly or with a group of counties, shall enter into an annual  
15 performance contract with the state department that shall identify the  
16 county's or group of counties' duties and responsibilities in implementing  
17 the works program. ~~and the Colorado child care assistance program,~~  
18 ~~described in part 8 of this article.~~ The performance contract shall MUST  
19 include but NEED not be limited to:

20 (I) Requirements and provisions that address the county's or group  
21 of counties' duty to administer and implement the works program ~~and the~~  
22 ~~Colorado child care assistance program~~ using fair and objective criteria;

23 (2) The performance contract shall set forth the circumstances  
24 under which the state department may elect that it or its agent assume the  
25 county's or group of counties' administration and implementation of the  
26 works program. ~~and the Colorado child care assistance program.~~

27 SECTION 84. In Colorado Revised Statutes, 26-5-101, **amend**

1 (4.7) as follows:

2 **26-5-101. Definitions.** As used in this article 5, unless the context  
3 otherwise requires:

4 (4.7) "Former foster care youth" means a youth at least eighteen  
5 years of age but younger than twenty-one years of age who was formerly  
6 in the legal custody or legal authority of a county department and who  
7 was placed in a certified or noncertified kinship care placement, as  
8 defined in ~~section 26-6-102 (21)~~; SECTION 26-6-903, a certified or  
9 licensed facility, or a foster care home, as defined in ~~section 26-6-102~~  
10 ~~(14)~~ SECTION 26-6-903, and certified pursuant to PART 9 OF article 6 of  
11 this title 26.

12 **SECTION 85.** In Colorado Revised Statutes, 26-5-102, **amend**  
13 (3)(a) as follows:

14 **26-5-102. Provision of child welfare services - system reform**  
15 **goals - out-of-home placements for children and youth with**  
16 **intellectual and developmental disabilities - rules - definition.**

17 (3) (a) On or before August 1, 2018, the state department shall develop  
18 a program to serve children and youth with intellectual and  
19 developmental disabilities who are placed by county departments of  
20 human or social services in a licensed out-of-home setting, as defined in  
21 ~~section 26-6-102(33)~~ SECTION 26-6-903, and children or youth committed  
22 to or in the custody of the state department.

23 **SECTION 86.** In Colorado Revised Statutes, 26-5-104, **amend**  
24 (6.2)(c) as follows:

25 **26-5-104. Funding of child welfare services provider contracts**  
26 **- funding mechanism review - fund - report - rules - definitions -**  
27 **repeal.** (6.2) As used in this section, unless the context otherwise

1 requires:

2 (c) "Licensed out-of-home placement provider" means a licensed  
3 residential child care facility, a child placement agency, a secure  
4 residential treatment center, a psychiatric residential treatment facility, a  
5 qualified residential treatment program, or therapeutic foster care, as  
6 defined in ~~section 26-6-102~~ SECTION 26-6-903.

7 **SECTION 87.** In Colorado Revised Statutes, 26-5.3-106, **amend**  
8 (1.5) as follows:

9 **26-5.3-106. State's savings - cash fund created - use of money**  
10 **in fund - plan required.** (1.5) All ~~moneys~~ MONEY in the fund ~~shall be~~  
11 IS subject to annual appropriation by the general assembly and shall be  
12 used for the purposes set forth in the plan for improving the child welfare  
13 system in the state, developed in accordance with subsection (2) of this  
14 section, for the implementation of the emergency assistance program  
15 established pursuant to section 26-5.3-104 and for the family resource  
16 center program established pursuant to ~~section 26-18-104~~ SECTION  
17 26.5-3-103. Federal funds received by the state for the emergency  
18 assistance program shall be used only for such program and not for any  
19 other purpose. In accordance with section 24-36-114, ~~C.R.S.~~, all interest  
20 derived from the deposit and investment of ~~moneys~~ MONEY in the fund  
21 ~~shall~~ MUST be credited to the general fund. It is the general assembly's  
22 intent that no additional state or county general fund ~~moneys shall be~~  
23 MONEY IS used to finance the implementation of the plan established in  
24 accordance with subsection (2) of this section.

25 **SECTION 88.** In Colorado Revised Statutes, 26-5.7-102, **amend**  
26 (3) and (3.5) as follows:

27 **26-5.7-102. Definitions.** As used in this article 5.7, unless the

1 context otherwise requires:

2 (3) "Homeless youth shelter" means a facility that is licensed  
3 pursuant to ~~section 26-6-104~~ SECTION 26-6-905.

4 (3.5) "Licensed host family home" means a home that meets the  
5 requirements established by the state board by rule pursuant to ~~section~~  
6 ~~26-6-106 (5)~~ SECTION 26-6-909 (6).

7 **SECTION 89.** In Colorado Revised Statutes, 26-6-704, **amend**  
8 (2)(b) as follows:

9 **26-6-704. Temporary care assistance program - limitations on**  
10 **duration of delegation - approved temporary caregiver.** (2) (b) (I) A  
11 minor subject to the power of attorney that delegates temporary care  
12 responsibility of the minor to an approved temporary caregiver is not  
13 deemed placed in a foster care home, as defined in ~~section 26-6-102 (14)~~  
14 SECTION 26-6-903, and the approved temporary caregiver is not deemed  
15 to be providing foster care nor be subject to the licensing requirements of  
16 foster care.

17 (II) Nothing in this section disqualifies an approved temporary  
18 caregiver from being or becoming a foster care home certified by a county  
19 department or private agency pursuant to ~~section 26-6-106.3~~ SECTION  
20 26-6-910.

21 **SECTION 90.** In Colorado Revised Statutes, 26-6-705, **amend**  
22 (2)(a)(I) as follows:

23 **26-6-705. Approval of temporary caregiver - background**  
24 **check - training.** (2) (a) A child placement agency operating a temporary  
25 care assistance program shall require an applicant to become an approved  
26 temporary caregiver and any other person who resides in the applicant's  
27 home and is eighteen years of age or older to submit to the following

1 background checks:

2 (I) A fingerprint-based criminal history record check through the  
3 Colorado bureau of investigation and the federal bureau of investigation  
4 in the same manner as described in ~~section 26-6-107(1)(a)(I)(C)~~ SECTION  
5 26-6-912 (1)(a)(I)(B);

6 **SECTION 91.** In Colorado Revised Statutes, 26-7-102, **amend**  
7 (4) as follows:

8 **26-7-102. Definitions.** As used in this article 7, unless the context  
9 otherwise requires:

10 (4) "Child placement agency" means any entity that, pursuant to  
11 the requirements in ~~section 26-6-102(7)~~ SECTION 26-6-903, may place,  
12 facilitate placement, or arrange for the placement of an eligible child or  
13 youth for the purpose of adoption, treatment, or foster care. Only eligible  
14 children or youth who are placed by a county department or through a  
15 child placement agency that is designated as a nonprofit entity and  
16 licensed by the state department are eligible to receive benefits pursuant  
17 to this article 7.

18 **SECTION 92.** In Colorado Revised Statutes, 26.5-1-303, **amend**  
19 (1)(d) and (2)(a) as follows:

20 **26.5-1-303. Early childhood leadership commission - duties.**

21 (1) In addition to any other duties specified in law, the commission has  
22 the following duties:

23 (d) To consider and recommend waivers from state regulations on  
24 behalf of early childhood councils as provided in ~~section 26-6.5-104(1)~~  
25 SECTION 26.5-2-207;

26 (2) In fulfilling its duties, the commission shall collaborate, at a  
27 minimum, with:

1 (a) Members of the early childhood councils established pursuant  
2 to ~~section 26-6.5-103~~ SECTION 26.5-2-203; and

3 **SECTION 93**. In Colorado Revised Statutes, **amend** 26.5-1-304  
4 as follows:

5 **26.5-1-304. Repeal of part.** This part 3 is repealed, effective  
6 ~~September 1, 2023~~ SEPTEMBER 1, 2025. Before its repeal, the commission  
7 is subject to review in accordance with section 2-3-1203.

8 **SECTION 94**. In Colorado Revised Statutes, 27-10.5-102,  
9 **amend** (12) and (30); and **repeal** (17.5) as follows:

10 **27-10.5-102. Definitions - repeal.** As used in this article 10.5,  
11 unless the context otherwise requires:

12 (12) "Early intervention services and supports" means services  
13 described in and provided pursuant to ~~part 7 of this article~~ PART 4 OF  
14 ARTICLE 3 OF TITLE 26.5, including education, training, and assistance in  
15 child development, parent education, therapies, and other activities for  
16 infants and toddlers and their families that are designed to meet the  
17 developmental needs of infants and toddlers including, but not limited to,  
18 cognition, speech, communication, physical, motor, vision, hearing,  
19 social-emotional, and self-help skills.

20 (17.5) ~~"IDEA" means the federal "Individuals with Disabilities~~  
21 ~~Education Improvement Act of 2004", 20 U.S.C. sec. 1400 et seq., as~~  
22 ~~amended, and its implementing regulations, 34 CFR part 303.~~

23 (30) "Services and supports" means one or more of the following:  
24 Education, training, therapies, identification of natural supports, and other  
25 activities provided to:

26 (a) Enable persons with intellectual and developmental disabilities  
27 to make responsible choices, exert greater control over their lives,

1 experience presence and inclusion in their communities, develop their  
2 competencies and talents, maintain relationships, foster a sense of  
3 belonging, and experience personal security and self-respect; AND

4 ~~(b) Enhance child development and healthy parent-child and~~  
5 ~~family interaction for eligible infants and toddlers and their families~~  
6 ~~pursuant to part 7 of this article; and~~

7 (c) Enable families who choose or desire to maintain a family  
8 member with an intellectual and developmental disability at home to  
9 obtain support and to enjoy a typical lifestyle.

10 **SECTION 95.** In Colorado Revised Statutes, 27-10.5-103, **repeal**  
11 (1)(b) and (2)(j) as follows:

12 **27-10.5-103. Duties of the executive director - rules -**  
13 **definition.** (1) In order to implement the provisions of this article 10.5,  
14 the executive director shall carry out the following duties, subject to  
15 available appropriations:

16 ~~(b) Conduct appropriate part C child find activities as described~~  
17 ~~in section 27-10.5-704. Part C child find activities conducted by the~~  
18 ~~department include, but need not be limited to, early intervention~~  
19 ~~evaluations, case management, referrals to public education systems or~~  
20 ~~other community resources, implementation of state-level interagency~~  
21 ~~operating agreements, and public outreach and awareness of early~~  
22 ~~intervention evaluations and services.~~

23 (2) In accordance with section 24-4-103, and in coordination with  
24 the requirements of article 10 of title 25.5, the department shall adopt  
25 such rules as are necessary to carry out the provisions and purposes of this  
26 article 10.5, including but not limited to the following:

27 ~~(j) Child find activities, as described in section 27-10.5-704.~~

1           **SECTION 96**. In Colorado Revised Statutes, 27-10.5-104, **repeal**  
2 (1)(a), (3), and (5)(b) as follows:

3           **27-10.5-104. Authorized services and supports - conditions of**  
4 **funding - purchase of services and supports - boards of county**  
5 **commissioners - appropriation - repeal.** (1) Subject to annual  
6 appropriations by the general assembly, the department shall provide or  
7 purchase, pursuant to subsection (4) of this section, authorized services  
8 and supports from community-centered boards or service agencies for  
9 persons who have been determined to be eligible for such services and  
10 supports pursuant to section 27-10.5-106, and as specified in the eligible  
11 person's individualized plan. Those services and supports may include,  
12 but need not be limited to, the following:

13           ~~(a) Early intervention services and supports that offer infants and~~  
14 ~~toddlers and their families services and supports to enhance child~~  
15 ~~development in the areas of cognition, speech, communication, physical,~~  
16 ~~motor, vision, hearing, social-emotional development, and self-help~~  
17 ~~skills; parent-child or family interaction; and early identification,~~  
18 ~~screening, and assessment services that are provided pursuant to part 7 of~~  
19 ~~this article;~~

20           ~~(3) Service and support coordination shall be purchased pursuant~~  
21 ~~to part 7 of this article.~~

22           ~~(5) (b) The department is authorized to use up to three percent of~~  
23 ~~the appropriation allocated for early intervention services and supports for~~  
24 ~~training and technical assistance to ensure that the latest developments for~~  
25 ~~early intervention services and supports are rapidly integrated into service~~  
26 ~~provision throughout the state.~~

27           **SECTION 97**. In Colorado Revised Statutes, 27-10.5-105,

1 **amend** (1)(c) and (1)(e) and **amend as they exist until July 1, 2024**, (1)  
2 introductory portion and (1)(a); and as follows:

3 **27-10.5-105. Case management agencies - purchase of services**  
4 **and supports.** (1) Once a community-centered board has been  
5 designated pursuant to section 25.5-10-209, ~~C.R.S.~~, it shall, subject to  
6 available appropriations:

7 (a) Determine eligibility and develop an individualized plan for  
8 each person who receives services or supports pursuant to section  
9 25.5-10-211; ~~C.R.S.~~; except that, for a child from birth through two years  
10 of age, eligibility determination and development of an individualized  
11 family service plan shall be made pursuant to ~~part 7 of this article~~ PART  
12 4 OF ARTICLE 3 OF TITLE 26.5;

13 (c) Obtain or provide early intervention services and supports  
14 pursuant to ~~part 7 of this article~~ PART 4 OF ARTICLE 3 OF TITLE 26.5;

15 (e) Pursuant to ~~section 27-10.5-704~~ SECTION 26.5-3-404,  
16 collaborate with the department OF EARLY CHILDHOOD as it develops and  
17 implements a statewide plan for public education outreach and awareness  
18 efforts related to part C child find and the availability of early  
19 intervention services.

20 **SECTION 98.** In Colorado Revised Statutes, 27-10.5-105,  
21 **amend as it will become effective July 1, 2024**, (1)(a) as follows:

22 **27-10.5-105. Case management agencies - purchase of services**  
23 **and supports.** (1) Once a case management agency has been designated  
24 pursuant to section 25.5-6-1703, it shall, subject to available  
25 appropriations:

26 (a) Determine eligibility and develop an individualized plan for  
27 each person who receives long-term services or supports pursuant to

1 section 25.5-6-1704; except that, for a child from birth through two years  
2 of age, eligibility determination and development of an individualized  
3 family service plan must be made pursuant to ~~part 7 of this article 10.5~~  
4 PART 4 OF ARTICLE 3 OF TITLE 26.5;

5 **SECTION 99.** In Colorado Revised Statutes, 27-10.5-107,  
6 **amend** (1) introductory portion as follows:

7 **27-10.5-107. Procedure for resolving disputes over eligibility,**  
8 **modification of services or supports, and termination of services or**  
9 **supports.** (1) Every state or local service agency receiving state ~~moneys~~  
10 MONEY pursuant to section 27-10.5-104 or ~~section 25.5-10-105 C.R.S.;~~  
11 shall adopt a procedure for the resolution of disputes arising between the  
12 service agency and any recipient of, or applicant for, services or supports  
13 authorized ~~under~~ PURSUANT TO section 27-10.5-104 or ~~section~~  
14 ~~25.5-10-105. C.R.S. Procedures for the resolution of disputes regarding~~  
15 ~~early intervention services shall be in compliance with IDEA.~~ The  
16 procedures ~~shall~~ MUST be consistent with rules promulgated by the  
17 department pursuant to article 4 of title 24 ~~C.R.S.;~~ and ~~shall~~ MUST be  
18 applicable to the following disputes:

19 **SECTION 100.** In Colorado Revised Statutes, 27-60-113, **amend**  
20 (2) as follows:

21 **27-60-113. Out-of-home placement for children and youth**  
22 **with mental or behavioral needs - rules - report - legislative**  
23 **declaration - repeal.** (2) On or before August 1, 2021, the state  
24 department shall develop a program to provide emergency resources to  
25 licensed providers to help remove barriers such providers face in serving  
26 children and youth whose behavioral or mental health needs require  
27 services and treatment in a residential child care facility. Any such

1 licensed provider shall meet the requirements of a qualified residential  
2 treatment program, as defined in section 26-5.4-102, a psychiatric  
3 residential treatment facility, as defined in ~~section 26-5.4-103 (19.5)~~  
4 ~~SECTION 25.5-4-103 (19.5)~~, or therapeutic foster care, as defined in  
5 ~~section 26-6-102 (39)~~ SECTION 26-6-903.

6 **SECTION 101.** In Colorado Revised Statutes, 27-65-102, **amend**  
7 (1.5)(a) and (18) as follows:

8 **27-65-102. Definitions.** As used in this article 65, unless the  
9 context otherwise requires:

10 (1.5) "Behavioral health entity" means a facility or provider  
11 organization engaged in providing community-based health services,  
12 which may include behavioral health disorder services, alcohol use  
13 disorder services, or substance use disorder services, including crisis  
14 stabilization, acute or ongoing treatment, or community mental health  
15 center services as described in section 27-66-101 (2) and (3), but does not  
16 include:

17 (a) Residential child care facilities as defined in ~~section 26-6-102~~  
18 ~~(33)~~ SECTION 26-6-903; or

19 (18) "Residential child care facility" means a facility licensed by  
20 the state department of human services pursuant to ~~article 6 of title 26,~~  
21 ~~C.R.S.,~~ PART 9 OF ARTICLE 6 OF TITLE 26 to provide group care and  
22 treatment for children as such facility is defined in ~~section 26-6-102 (33),~~  
23 ~~C.R.S.~~ SECTION 26-6-903. A residential child care facility may be eligible  
24 for designation by the executive director of the department of human  
25 services pursuant to this ~~article~~ ARTICLE 65.

26 **SECTION 102.** In Colorado Revised Statutes, 27-66-101, **amend**  
27 (1.5)(a) as follows:

1           **27-66-101. Definitions.** As used in this article 66, unless the  
2 context otherwise requires:

3           (1.5) "Behavioral health entity" means a facility or provider  
4 organization engaged in providing community-based health services,  
5 which may include behavioral health disorder services, alcohol use  
6 disorder services, or substance use disorder services, including crisis  
7 stabilization, acute or ongoing treatment, or community mental health  
8 center services as described in subsections (2) and (3) of this section, but  
9 does not include:

10           (a) Residential child care facilities as defined in ~~section 26-6-102~~  
11 ~~(33)~~ SECTION 26-6-903; or

12           **SECTION 103.** In Colorado Revised Statutes, **amend** 27-66-110  
13 as follows:

14           **27-66-110. Trauma-informed care standards of approval.** The  
15 office of behavioral health shall establish care standards and an approval  
16 process that a qualified residential treatment program, as defined in  
17 ~~section 26-6-102 (30.5)~~ SECTION 26-6-903, must meet to ensure that  
18 qualified residential treatment programs have a trauma-informed  
19 treatment model that addresses the needs of children and youth with  
20 serious emotional or behavioral health disorders or disturbances.

21           **SECTION 104.** In Colorado Revised Statutes, 27-80-121, **amend**  
22 (1) introductory portion as follows:

23           **27-80-121. Perinatal substance use data linkage project -**  
24 **center for research into substance use disorder prevention,**  
25 **treatment, and recovery support strategies - report.** (1) The center for  
26 research into substance use disorder prevention, treatment, and recovery  
27 support strategies established in section 27-80-118, referred to in this

1 section as the "center", in partnership with an institution of higher  
2 education and the state substance abuse trend and response task force  
3 established in section 18-18.5-103, may conduct a statewide perinatal  
4 substance use data linkage project that uses ongoing collection, analysis,  
5 interpretation, and dissemination of data for the planning,  
6 implementation, and evaluation of public health actions to improve  
7 outcomes for families impacted by substance use during pregnancy. The  
8 data linkage project shall utilize data from the medical assistance  
9 program, articles 4 to 6 of title 25.5; the electronic prescription drug  
10 monitoring program created in part 4 of article 280 of title 12; the  
11 Colorado TRAILS system, as defined in section 16-20.5-102 (10); the  
12 Colorado immunization information system, created pursuant to section  
13 25-4-2401, et seq.; the Colorado child care assistance program, created  
14 in ~~part 8 of article 2 of title 26~~ PART 1 OF ARTICLE 4 OF TITLE 26.5; the  
15 office of behavioral health in the department of human services; and birth  
16 and death records to examine the following:

17 **SECTION 105.** In Colorado Revised Statutes, 27-81-102, **amend**  
18 (3.5)(a) as follows:

19 **27-81-102. Definitions.** As used in this article 81, unless the  
20 context otherwise requires:

21 (3.5) "Behavioral health entity" means a facility or provider  
22 organization engaged in providing community-based health services,  
23 which may include behavioral health disorder services, alcohol use  
24 disorder services, or substance use disorder services, including crisis  
25 stabilization, acute or ongoing treatment, or community mental health  
26 center services as described in section 27-66-101 (2) and (3), but does not  
27 include:

1 (a) Residential child care facilities as defined in ~~section 26-6-102~~  
2 ~~(33)~~ SECTION 26-6-903; or

3 **SECTION 106**. In Colorado Revised Statutes, 27-90-111, **amend**  
4 (11.5)(b) as follows:

5 **27-90-111. Employment of personnel - screening of applicants**  
6 **- disqualifications from employment - contracts - rules - definitions.**

7 (11.5) (b) If the contracting agency is also licensed pursuant to ~~section~~  
8 ~~26-6-104~~ SECTION 26-6-905 and has conducted a criminal history record  
9 check pursuant to ~~section 26-6-104 (7)(a)(HH)~~ SECTION 26-6-905  
10 (8)(a)(III) for its employees who will have direct contact with vulnerable  
11 persons as a result of the contract, the department may accept such  
12 criminal history record check to satisfy the requirements of this  
13 subsection (11.5).

14 **SECTION 107**. In Colorado Revised Statutes, 38-33.3-106.5,  
15 **amend** (1)(k)(I) as follows:

16 **38-33.3-106.5. Prohibitions contrary to public policy -**  
17 **patriotic, political, or religious expression - emergency vehicles - fire**  
18 **prevention - renewable energy generation devices - affordable**  
19 **housing - drought prevention measures - child care - definitions.**

20 (1) Notwithstanding any provision in the declaration, bylaws, or rules  
21 and regulations of the association to the contrary, an association shall not  
22 prohibit any of the following:

23 (k) (I) The operation of a family child care home, as defined in  
24 ~~section 26-6-102 (13)~~ SECTION 26.5-5-303, that is licensed ~~under part 1~~  
25 ~~of article 6 of title 26~~ PURSUANT TO PART 3 OF ARTICLE 5 OF TITLE 26.5.

26 **SECTION 108**. In Colorado Revised Statutes, 39-1-102, **amend**  
27 (15.5)(a)(II) introductory portion as follows:

1           **39-1-102. Definitions.** As used in articles 1 to 13 of this title 39,  
2 unless the context otherwise requires:

3           (15.5) (a) "School" means:

4           (II) An institution that is licensed as a child care center pursuant  
5 to ~~article 6 of title 26, C.R.S.~~, PART 3 OF ARTICLE 5 OF TITLE 26.5 that is:

6           **SECTION 109.** In Colorado Revised Statutes, 39-3-110, **amend**  
7 (1) introductory portion and (1)(a) as follows:

8           **39-3-110. Property - integral part of child care center -**  
9 **charitable purposes - exemption - limitations.** (1) Property, real and  
10 personal, ~~which~~ THAT is owned and used solely and exclusively for  
11 strictly charitable purposes and not for private gain or corporate profit  
12 ~~shall~~ MUST be exempt from the levy and collection of property tax if such  
13 property is used as an integral part of a child care center:

14           (a) Which is licensed pursuant to ~~article 6 of title 26, C.R.S.~~ PART  
15 3 OF ARTICLE 5 OF TITLE 26.5;

16           **SECTION 110.** In Colorado Revised Statutes, 39-3-112, **amend**  
17 (1)(b) as follows:

18           **39-3-112. Residential property - orphanage - low-income**  
19 **elderly or individuals with disabilities - homeless or abused -**  
20 **low-income households - charitable purposes - exemption -**  
21 **limitations - definitions.** (1) As used in this section, unless the context  
22 otherwise requires:

23           (b) "Family service facility" means a facility ~~which~~ THAT is  
24 operated as a residential facility for single-parent families; ~~which~~ THAT  
25 houses only such families, exclusive of necessary housing facilities for  
26 resident managerial personnel; ~~which~~ THAT provides, in addition to  
27 housing, counseling in such areas as career development, parenting skills,

1 and financial budgeting; and ~~which~~ THAT is a child care center licensed  
2 pursuant to ~~the provisions of section 26-6-104, C.R.S.~~ SECTION  
3 26.5-5-309.

4 **SECTION 111.** In Colorado Revised Statutes, 39-22-119, **amend**  
5 (3) as follows:

6 **39-22-119. Expenses related to child care - credits against state**  
7 **tax.** (3) The child care expenses credits allowed under subsections (1)  
8 and (1.7) of this section shall not be allowed to a resident individual who  
9 is receiving child care assistance from the ~~state department of human~~  
10 ~~services~~ DEPARTMENT OF EARLY CHILDHOOD except to the extent of the  
11 taxpayer's unreimbursed out-of-pocket expenses that result in a federal  
12 credit for child care expenses.

13 **SECTION 112.** In Colorado Revised Statutes, 39-22-121, **amend**  
14 (2) introductory portion, (2)(a), (6.5) introductory portion, and (6.5)(a)  
15 introductory portion as follows:

16 **39-22-121. Credit for child care facilities - repeal.**  
17 (2) Monetary contributions to promote child care in the state ~~shall~~ MUST  
18 include the following types of contributions:

19 (a) Donating money for the establishment or operation of a child  
20 care facility that uses the donation to provide child care, a child care  
21 program that is not a child care facility but provides child care services  
22 similar to those provided by a child care center, as defined in ~~section~~  
23 ~~26-6-102 (5)~~ SECTIONS 26-6-903 AND 26.5-5-303, or any other program  
24 that received donations for which a credit was allowed to the donor  
25 pursuant to this section for any income tax year that ended before January  
26 1, 2004, in the state;

27 (6.5) ~~For the purposes of~~ AS USED IN this section, "child care

1 facility" means:

2 (a) Any facility required to be licensed pursuant to ~~part 1 of article~~  
3 ~~6 of title 26, C.R.S.~~, PART 9 OF ARTICLE 6 OF TITLE 26 OR PART 3 OF  
4 ARTICLE 5 OF TITLE 26.5 and ~~shall~~ MUST include, but is not limited to:

5 **SECTION 113.** In Colorado Revised Statutes, 39-22-517, **amend**  
6 (1) and (2) as follows:

7 **39-22-517. Tax credit for child care center investments.**

8 (1) With respect to taxable years commencing on or after January 1,  
9 1992, there ~~shall be~~ IS allowed to any person operating a child care center  
10 LICENSED PURSUANT TO SECTION 26-6-905 OR 26.5-5-309, family child  
11 care home LICENSED PURSUANT TO SECTION 26.5-5-309, or foster care  
12 home licensed pursuant to ~~the provisions of section 26-6-104, C.R.S.~~  
13 SECTION 26-6-905 a credit against the tax imposed by this ~~article~~ ARTICLE  
14 22 in the amount of twenty percent of the taxpayer's annual investment in  
15 tangible personal property to be used in such child care center, family  
16 child care home, or foster care home. Such credit ~~shall be~~ IS in addition  
17 to any credit for which the taxpayer may be eligible pursuant to ~~the~~  
18 ~~provisions of section 39-22-507.5 or section~~ 39-22-507.6.

19 (2) With respect to taxable years commencing on or after July 1,  
20 1992, there ~~shall be~~ IS allowed to any sole proprietorship, partnership,  
21 limited liability corporation, subchapter S corporation, or regular  
22 corporation ~~which~~ THAT provides child care facilities ~~which~~ that are  
23 incidental to their business and are licensed pursuant to ~~section 26-6-104,~~  
24 ~~C.R.S.~~, SECTION 26-6-905 OR 26.5-5-309 for the use of its employees a  
25 credit against the tax imposed by this ~~article~~ ARTICLE 22 in the amount of  
26 ten percent of the taxpayer's annual investment in tangible personal  
27 property to be used in such child care facilities. Such credit ~~shall be~~ IS in

1 addition to any credit for which the taxpayer may be eligible pursuant to  
2 the provisions of section 39-22-507.5 or ~~section~~ 39-22-507.6.

3 **SECTION 114.** In Colorado Revised Statutes, 39-28-116, **amend**  
4 (6) as follows:

5 **39-28-116. Minimum price for cigarettes.** (6) In its annual June  
6 forecast, legislative council staff shall report an estimate for the current  
7 state fiscal year of the additional sales tax revenue that is attributable to  
8 the applicable minimum price set forth in this section. On June 30 of the  
9 fiscal year, the state treasurer shall transfer an amount equal to  
10 seventy-three percent of the legislative council staff estimate from the  
11 general fund to the preschool programs cash fund created in ~~section~~  
12 ~~24-22-118 (3)(a)~~ SECTION 26.5-4-209.

13 **SECTION 115.** In Colorado Revised Statutes, 42-1-102, **amend**  
14 (88.5)(b)(II) as follows:

15 **42-1-102. Definitions.** As used in articles 1 to 4 of this title 42,  
16 unless the context otherwise requires:

17 (88.5) (b) "School vehicle" does not include:

18 (II) A motor vehicle that is owned by or under contract to a child  
19 care center, as defined in ~~section 26-6-102 (5), C.R.S.~~ SECTION 26-6-903  
20 OR 26.5-5-303, and that is used for the transportation of children who are  
21 served by the child care center.

22 **SECTION 116.** In Colorado Revised Statutes, 42-4-236, **amend**  
23 (1)(a) as follows:

24 **42-4-236. Child restraint systems required - definitions -**  
25 **exemptions.** (1) As used in this section, unless the context otherwise  
26 requires:

27 (a) "Child care center" means a facility required to be licensed

1 under the "FOSTER CARE, RESIDENTIAL, DAY TREATMENT, AND AGENCY  
2 LICENSING ACT", PART 9 OF ARTICLE 6 OF TITLE 26, OR THE "Child Care  
3 Licensing Act", ~~part 1 of article 6 of title 26, C.R.S.~~ PART 3 OF ARTICLE  
4 5 OF TITLE 26.5.

5 **SECTION 117.** In Colorado Revised Statutes, **repeal** 22-2-134;  
6 22-2-134.5; and part 3 of article 6.2 of title 26.

7 **SECTION 118.** In Colorado Revised Statutes, **repeal** article 3.5  
8 of title 19; 24-22-118 (3); part 8 of article 2, parts 1 and 8 of article 6,  
9 article 6.4, parts 1 and 4 of article 6.5, article 6.7, article 6.9, and article  
10 18 of title 26; and part 7 of article 10.5 of title 27.

11 **SECTION 119.** In Colorado Revised Statutes, **repeal, as they**  
12 **will become effective July 1, 2024,** 26-6-102 (5)(a); 26-6-104.5 (4);  
13 27-10.5-702 (3); 27-10.5-703 (3)(f), (3)(g), (3)(h), and (3)(i); 27-10.5-705  
14 (1), (2), (3) introductory portion, (3)(b) introductory portion, and  
15 (3)(b)(I); 27-10.5-706 (1)(d) and (3); and 27-10.5-708 (1) introductory  
16 portion, (1)(a), and (1)(c).

17 **SECTION 120. Appropriation - adjustments to 2022 long bill.**  
18 (1) To implement this act, all of the appropriations made in the annual  
19 general appropriation act for the 2022-23 state fiscal year to the  
20 department of human services for use by the office of early childhood are  
21 reduced to zero, and all of the related FTE are reduced to zero.

22 (2) All of the anticipated amount of federal funds received for the  
23 2022-23 state fiscal year by the department of human services for use by  
24 the office of early childhood included in the annual general appropriation  
25 act for the 2022-23 state fiscal year are reduced to \$0, and all of the  
26 related FTE are reduced to zero.

27 (3) To implement this act, all of the appropriations made in the

1 annual general appropriation act for the 2022-23 state fiscal year to the  
2 department of early childhood are reduced to \$0, and all of the related  
3 FTE are reduced to zero.

4 (4) To implement this act, appropriations made in the annual  
5 general appropriation act for the 2022-23 state fiscal year to the  
6 department of human services for use by the executive director's office  
7 are adjusted as follows:

8 (a) The appropriation for health, life, and dental is decreased by  
9 \$1,255,561, which consists of \$385,885 general fund, \$3,362 from the  
10 marijuana tax cash fund created in section 39-28.8-501 (1), C.R.S.,  
11 \$617,510 from various sources of cash funds, and \$248,804 federal funds  
12 from child care development funds;

13 (b) The appropriation for short-term disability is decreased by  
14 \$8,072, which consists of \$3,656 general fund, \$283 from the marijuana  
15 tax cash fund created in section 39-28.8-501 (1), C.R.S., \$2,781 from  
16 various sources of cash funds, and \$1,352 federal funds from child care  
17 development funds;

18 (c) The appropriation for S.B. 04-257 amortization equalization  
19 disbursement is decreased by \$225,005, which consists of \$121,777  
20 general fund, \$29,943 from the marijuana tax cash fund created in section  
21 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and  
22 \$46,851 federal funds from child care development funds;

23 (d) The appropriation for S.B. 06-235 amortization equalization  
24 disbursement is decreased by \$225,005, which consists of \$121,777  
25 general fund, \$29,943 from the marijuana tax cash fund created in section  
26 39-28.8-501 (1), C.R.S., \$26,434 from various sources of cash funds, and  
27 \$46,851 federal funds from child care development funds;

1           (e) The appropriation for salary survey is decreased by \$155,063,  
2           which consists of \$79,987 general fund and \$75,076 federal funds from  
3           child care development funds; and

4           (f) The appropriation for shift differential is decreased by  
5           \$113,658, which consists of \$41,594 from various sources of cash funds  
6           and \$72,064 federal funds from child care development funds.

7           (5) (a) To implement this act, appropriations made in the annual  
8           general appropriation act for the 2022-23 state fiscal year to the  
9           department of human services are decreased as follows:

	Total Funds	General Fund	Reappropriated Funds
1	<b>(1) Executive Director's Office</b>		
2	\$97,507	\$4,418	\$93,089
3	39,280	2,204	37,076
4	66,234	3,839	62,395
5	398,449	11,803	386,646
6	25,790	0	25,790
7			
8	3,653	212	3,441
9	<b>(2) Administration and Finance</b>		
10	<b>(A) Administration</b>		
11	1,232,916	220,382	1,012,534
12	25,309	2,019	23,290
13	<b>(B) Information Technology</b>		
14	9,771	328	9,443
15	12,029	380	11,649
16	31,514	0	31,514
17	660	20	640
18	1,763,376	39,053	1,724,323
19	37,195	2,762	34,433
20	21,197	1,722	19,475
21	<b>(C) Operations</b>		
22	8,906	608	8,298
23	300,029	22,117	277,912
24	497	30	467
25	<b>(D) Special Purpose</b>		
26	1,304	100	1,204
27			
28			
29	8,898	822	8,076
30	<b>TOTAL</b>	<b>\$4,084,514</b>	<b>\$312,819</b>
		<b>\$3,771,695</b>	

1 (b) For purposes of subsection (5)(a) of this section, the decreased  
2 reappropriated funds are all from indirect cost recoveries.

3 (6) (a) To implement this act, appropriations made from  
4 reappropriated funds in the annual general appropriation act for the  
5 2022-23 state fiscal year to the department of human services are  
6 increased by \$1,405,214 as follows:

7 **(1) Executive Director's Office**

8 **(A) General Administration**

9 Personal Services \$97,507

10 Operating Expenses \$39,280

11 **(2) Administration and Finance**

12 **(A) Administration**

13 Personal Services \$1,232,916

14 Operating Expenses \$25,309

15 **(D) Special Purpose**

16 Injury Prevention \$1,304

17 HIPPA \$8,898

18 (b) The reappropriated funds specified in subsection (6)(a) of this  
19 section are funds received by the department of human services from the  
20 department of early childhood.

21 (7) (a) To implement this act, the appropriation made in the annual  
22 general appropriation act for the 2022-23 state fiscal year to the  
23 department of health care policy and financing for use by department of  
24 human services Medicaid-funded programs for division of community  
25 and family support, early intervention services is decreased by  
26 \$4,063,691. This appropriation is from the general fund, which is subject  
27 to the "(M)" notation as defined in the annual general appropriation act

1 for the same fiscal year.

2 (b) The decrease of the appropriation in subsection (7)(a) of this  
3 section is based on the assumption that the anticipated amount of federal  
4 funds received for the 2022-23 state fiscal year by the department of  
5 health care policy and financing for division of community and family  
6 support, early intervention services will decrease by \$4,063,691.

7 (c) For the 2022-23 state fiscal year, \$4,063,691 is appropriated to  
8 the department of health care policy and financing for use by the  
9 executive director's office, transfers to/from other departments. This  
10 appropriation is from the general fund, which is subject to the "(M)"  
11 notation as defined in the annual general appropriation act for the same  
12 fiscal year. To implement this act, the department may use this  
13 appropriation for transfer to the department of early childhood for early  
14 intervention services.

15 (d) For the 2022-23 state fiscal year, the general assembly  
16 anticipates that the department of health care policy and financing will  
17 receive \$4,063,691 in federal funds for transfer to the department of early  
18 childhood for early intervention services to implement this act. The  
19 appropriation in subsection (7)(c) of this section is based on the  
20 assumption that the department will receive this amount of federal funds.

21 (8) To implement this act, the general fund appropriation made in  
22 the annual general appropriation act for the 2022-23 state fiscal year to  
23 the governor - lieutenant governor - state planning and budgeting for use  
24 by the office of the governor, special purpose for legal services is  
25 decreased by \$177,426.

26 (9) To implement this act, the appropriation from reappropriated  
27 funds made in the annual general appropriation act for the 2022-23 state

1 fiscal year to the department of education for appropriated sponsored  
2 programs is decreased by \$651,922, and the related FTE is decreased by  
3 6.0 FTE.

4 (10) (a) Section 24-75-112, C.R.S., provides definitions in order  
5 to specify the purposes of certain line items of appropriation in subsection  
6 (10)(c) of this section.

7 (b) Section 24-75-108 and section 2 of the annual general  
8 appropriation act for the 2022-23 state fiscal year apply to the  
9 appropriations in subsection (10)(c) of this section as if the appropriations  
10 were included in the act.

11 (c)

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>PART III</b>						
2	<b>DEPARTMENT OF EARLY CHILDHOOD</b>						
3							
4	<b>(1) EXECUTIVE DIRECTOR'S OFFICE</b>						
5	<b>(A) General Administration</b>						
6	Personal Services	3,201,419		2,144,852		27,542 <sup>a</sup>	1,029,025 <sup>b</sup>
7		(30.4 FTE)					
8	Health, Life, and Dental	1,561,561		591,885		700,872 <sup>c</sup>	268,804 <sup>d</sup>
9	Short-term Disability	11,866		6,509		3,817 <sup>c</sup>	1,540 <sup>d</sup>
10	S.B. 04-257 Amortization						
11	Equalization Disbursement	336,601		205,700		78,515 <sup>c</sup>	52,386 <sup>d</sup>
12	S.B. 06-235 Supplemental						
13	Amortization Equalization						
14	Disbursement	336,601		205,700		78,515 <sup>c</sup>	52,386 <sup>d</sup>
15	Salary Survey	155,063		79,987			75,076 <sup>d</sup>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Shift Differential	113,658			41,594 <sup>e</sup>		72,064 <sup>d</sup>
2	Workers' Compensation	66,234	3,839			62,395 <sup>e</sup>	
3	Operating Expenses	43,427	30,442		405 <sup>a</sup>	467 <sup>e</sup>	12,113 <sup>f</sup>
4	Legal Services	694,159	307,513			386,646 <sup>e</sup>	
5	Administrative Law Judge						
6	Services	25,790				25,790 <sup>e</sup>	
7	Payment to Risk						
8	Management and Property						
9	Funds	3,653	212			3,441 <sup>e</sup>	
10	Vehicle Lease Payments	8,906	608			8,298 <sup>e</sup>	
11	Capital Outlay	86,800	86,800				
12	Capitol Complex Leased						
13	Space	300,029	22,117			277,912 <sup>e</sup>	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Operational Support Contract						
2	with the Department of						
3	Human Services	1,405,214		229,945		1,175,269 <sup>e</sup>	
4		8,350,981					

6 <sup>a</sup> These amounts shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S.

7 <sup>b</sup> Of this amount, \$887,363 shall be from Child Care Development Funds and \$141,662(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with  
8 Disabilities Education Act.

9 <sup>c</sup> Of these amounts, \$714,753 shall be from various cash funds, \$125,029 shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S., and \$63,531  
10 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

11 <sup>d</sup> These amounts shall be from Child Care Development Funds.

12 <sup>e</sup> These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

13 <sup>f</sup> Of this amount, \$11,775 shall be from Child Care Development Funds and \$338(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities  
14 Education Act.

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>(B) Information Technology Systems</b>						
2	Information Technology						
3	Contracts and Equipment	5,021,705	3,948,984			72,721 <sup>a</sup>	1,000,000 <sup>b</sup>
4	Payments to OIT	1,763,376	39,053			1,724,323 <sup>a</sup>	
5	CORE Operations	37,195	2,762			34,433 <sup>a</sup>	
6	Child Care Automated						
7	Tracking System	4,259,933					4,259,933 <sup>b</sup>
8		11,082,209					

9

10 <sup>a</sup> These amounts shall be from departmental indirect cost recoveries or the Indirect Costs Excess Recovery Fund created in Section 24-75-1401 (2), C.R.S.

11 <sup>b</sup> These amounts shall be from Child Care Development Funds.

12

13 style="text-align: right;">19,433,190

14

15

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>(2) PARTNERSHIPS AND COLLABORATIONS</b>						
2	Personal Services	1,149,447		225,762			923,685 <sup>a</sup>
3	(9.5 FTE)						
4	Operating Expenses	211,706		44,496			167,210 <sup>a</sup>
5	Local Coordinating						
6	Organizations	5,273,021					5,273,021 <sup>a</sup>
7	Early Childhood Councils <sup>1</sup>	3,331,173					3,331,173 <sup>a</sup>
8	Child Care Resource and						
9	Referrals	2,489,666					2,489,666 <sup>a</sup>
10	Family Resource Centers	1,161,578		1,161,578			
11	Indirect Cost Assessment	148,886					148,886 <sup>a</sup>
12				13,765,477			

<sup>a</sup> These amounts shall be from Child Care Development Funds.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<b>(3) EARLY LEARNING ACCESS AND QUALITY</b>						
2	Personal Services	8,962,932		625,330	500,110 <sup>a</sup>		7,837,492 <sup>b</sup>
3	(50.4 FTE)						
4	Operating Expenses	803,174			10,800 <sup>a</sup>		792,374 <sup>b</sup>
5	Capital Outlay	62,000			49,600 <sup>a</sup>		12,400 <sup>b</sup>
6	Child Care Assistance						
7	Program	157,916,576		28,790,460	15,064,026(I) <sup>c</sup>		114,062,090 <sup>d</sup>
8	Intrastate Child Care						
9	Assistance Program						
10	Redistribution	500,000					500,000 <sup>b</sup>
11	Child Care Assistance						
12	Program Stimulus -						
13	Eligibility Expansion and						
14	Infant and Toddler Care						
15	Reimbursement	25,970,215					25,970,215 <sup>b</sup>

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Workforce Recruitment and						
2	11,551,160						11,551,160 <sup>b</sup>
3	Professional Development						
4	7,217,451						7,217,451 <sup>b</sup>
5	Early Childhood Quality and						
6	24,909,892		3,043,243				21,866,649 <sup>b</sup>
7	Local Capacity Building						
8	17,319,546						17,319,546 <sup>b</sup>
9	3,162,248						3,162,248 <sup>b</sup>
10		258,375,194					

12 <sup>a</sup> These amounts shall be from the Preschool Programs Cash Fund created in Section 26.5-4-209 (1)(a), C.R.S.

13 <sup>b</sup> These amounts shall be from Child Care Development Funds.

14 <sup>c</sup> This amount shall be from local funds and reflects the local share of the costs of administering the Child Care Assistance Program and the local share of child care subsidies. The (L)

15 notation and the (I) notation apply to this amount.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1							
2	<sup>d</sup> Of this amount, \$113,962,090 shall be from Child Care Development Funds and \$100,000 shall be from the Title XX Social Services Block Grant.						
3							
4	<b>(4) COMMUNITY AND FAMILY SUPPORT</b>						
5	Personal Services	4,213,192		2,135,321		378,689 <sup>a</sup>	1,699,182 <sup>b</sup>
6		(25.8 FTE)					
7	Operating Expenses	332,341		185,233		52,188 <sup>c</sup>	94,920 <sup>d</sup>
8	Early Intervention	79,446,457		54,770,474		10,516,016(I) <sup>e</sup>	8,127,382 <sup>f</sup>
9	Home Visiting	26,790,628		597,969		24,429,322 <sup>h</sup>	1,763,337(I) <sup>i</sup>
10	Child Maltreatment						
11	Prevention	13,425,660		7,941,046		1,346,216 <sup>j</sup>	4,138,398(I) <sup>k</sup>
12	Early Childhood Mental						
13	Health Services <sup>2</sup>	6,188,456		1,333,541			4,854,915 <sup>l</sup>
14	Social-Emotional Learning						
15	Programs Grants	777,926				777,926 <sup>m</sup>	

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	Child Care Services and						
2	Substance Use Disorder						
3	Treatment Pilot Program	500,000	500,000				
4	Indirect Cost Assessment	500,314			112,047 <sup>n</sup>		388,267 <sup>o</sup>
5		132,174,974					

<sup>a</sup> Of this amount, \$198,861 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$90,452 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S., \$88,267 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$1,109(I) shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

<sup>b</sup> Of this amount, \$131,066 shall be from Child Care Development Funds, \$1,407,469(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act, \$95,779(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$64,868(I) reflects funds anticipated to be received pursuant to the Community-based Child Abuse Prevention Grant fund.

<sup>c</sup> Of this amount, \$29,084 shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., \$20,254 shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S., and \$2,850 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1 <sup>d</sup> Of this amount, \$35,902 shall be from Child Care Development Funds, \$32,944(I) reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities  
 2 Education Act, \$21,024(I) reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$5,050(I) reflects funds anticipated to be received  
 3 pursuant to the Community-based Child Abuse Prevention Grant fund.

4 <sup>e</sup> This amount shall be from shall be from the Early Intervention Services Trust Fund created in Section 26.5-3-409 (2)(a), C.R.S. The Early Intervention Services Trust Fund amount  
 5 is shown for informational purposes only as this fund is not subject to appropriation by the General Assembly and the amount is exempt from the restrictions on state spending imposed  
 6 by Section 20 of Article X of the State Constitution pursuant to Section 26.5-3-409 (2)(a), C.R.S.

7 <sup>f</sup> This amount shall be from Medicaid funds transferred from the Department of Health Care Policy and Financing.

8 <sup>g</sup> This amount reflects funds anticipated to be received pursuant to Part C of the federal Individuals with Disabilities Education Act.

9 <sup>h</sup> This amount shall be from the Nurse Home Visitor Program Fund created in Section 26.5-3-507 (2)(c)(I), C.R.S., which is received as a damage award and, as such, does not constitute  
 10 fiscal year spending for the purposes of Section 20 of Article X of the State Constitution.

11 <sup>i</sup> This amount shall be from the Maternal, Infant and Early Childhood Home Visiting Grant program.

12 <sup>j</sup> Of this amount, \$1,074,400(I)(L) shall be from local funds and \$271,816 shall be from the Colorado Child Abuse Prevention Trust Fund created in Section 26.5-3-206 (1), C.R.S.

13 <sup>k</sup> Of this amount, \$3,390,000 reflects funds anticipated to be received pursuant to Title IV-B, Subpart 2, of the Social Security Act, and \$748,398(I) reflects funds anticipated to be received  
 14 pursuant to the Community-based Child Abuse Prevention Grant fund.

15 <sup>l</sup> This amount shall be from Child Care Development Funds.

16 <sup>m</sup> This amount shall be from the Marijuana Tax Cash Fund created in Section 39-28.8-501 (1), C.R.S.

APPROPRIATION FROM

	ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
	\$	\$	\$	\$	\$	\$	\$
1	<sup>n</sup> This amount shall be from various sources of cash funds.						
2	<sup>o</sup> Of this amount, \$75,732 shall be from Child Care Development Funds and \$312,535(I) shall be from various sources of federal funds.						
3							
4	<b>(5) LICENSING AND ADMINISTRATION</b>						
5	Personal Services	9,460,393		2,403,584		1,052,212 <sup>a</sup>	6,004,597 <sup>b</sup>
6		(59.1 FTE)					
7	Operating Expenses	1,037,528		14,619		265,915 <sup>c</sup>	756,994 <sup>d</sup>
8	Background Investigation						
9	Unit	1,524,812				1,524,812 <sup>e</sup>	
10		(12.5 FTE)					
11	Indirect Cost Assessment	189,687				89,981 <sup>f</sup>	99,706 <sup>b</sup>
12		<u>12,212,420</u>					

13

APPROPRIATION FROM

ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 <sup>a</sup> Of this amount, \$1,042,212 shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S. and \$10,000(I) shall be from the Child Care Cash Fund created  
3 in Section 26.5-5-323 (4), C.R.S. The Child Care Cash Fund amount is shown for informational purposes as it is continuously appropriated for activities related to the improvement of  
4 the quality of child care in Colorado, pursuant to Section 26.5-5-323 (4), C.R.S.

5 <sup>b</sup> These amounts shall be from Child Care Development Funds.

6 <sup>c</sup> This amount shall be from the Child Care Licensing Cash Fund created in Section 26.5-5-311 (4), C.R.S.

7 <sup>d</sup> Of this amount, \$606,994 shall be from Child Care Development Funds and \$150,000(I) shall be from Title IV-E of the Social Security Act. The amount from Title IV-E of the  
8 Social Security Act is reflected pursuant to Section 26-1-111 (2)(d)(II)(B), C.R.S., and shall be used in determining the amount to be deposited to the Excess Federal Title IV-E  
9 Reimbursements Cash Fund pursuant to Section 26-1-111 (2)(d)(II)(C), C.R.S.

10 <sup>e</sup> Of this amount, \$1,143,273 shall be from the Records and Reports Fund created in Section 19-1-307 (2.5), C.R.S. and \$381,539 shall be from the Child Care Licensing Cash Fund  
11 created in Section 26.5-5-311 (4), C.R.S.

12 <sup>f</sup> This amount shall be from various sources of cash funds.

13

14 **TOTALS PART III**

<b>(EARLY CHILDHOOD)</b>	\$435,961,255	111,679,564	57,101,120 <sup>a</sup>	11,899,077	255,281,494 <sup>b</sup>
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APPROPRIATION FROM

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ITEM & SUBTOTAL	TOTAL	GENERAL FUND	GENERAL FUND EXEMPT	CASH FUNDS	REAPPROPRIATED FUNDS	FEDERAL FUNDS
\$	\$	\$	\$	\$	\$	\$

1

2 <sup>a</sup> Of this amount, \$26,665,551 contains an (I) notation and is included for informational purposes only.

3 <sup>b</sup> Of this amount, \$14,914,387 contains an (I) notation and is included for informational purposes only.

4 **FOOTNOTES** -- The following statements are referenced to the numbered footnotes throughout section 2.

5 **1** Department of Early Childhood, Partnerships and Collaborations, Early Childhood Councils -- It is the General Assembly's intent that these funds be allocated  
6 to existing Early Childhood Councils.

7 **2** Department of Early Childhood, Community and Family Support, Early Childhood Mental Health Services -- It is the General Assembly's intent that this  
8 appropriation be used for the purpose of supporting early childhood mental health specialists in each community mental health center.

1 (11) For the 2022-23 state fiscal year, \$76,400 is appropriated to  
2 the department of education for use by the management and  
3 administration. This appropriation is from the general fund. To implement  
4 this act, the division may use this appropriation for information  
5 technology services.

6 (12) For the 2022-23 state fiscal year, \$118,284 is appropriated to  
7 the department of law. This appropriation is from reappropriated funds  
8 received from the department of early childhood under subsection (10)(c)  
9 of this section and is based on an assumption that the department of law  
10 will require an additional 0.7 FTE. To implement this act, the department  
11 of law may use this appropriation to provide legal services for the  
12 department of early childhood.

13 **SECTION 121. Effective date.** This act takes effect July 1, 2022;  
14 except that this section 117, sections 1, 2, and 118 of this act, and part 1  
15 of article 2 of title 26.5 added in section 3 of this act take effect upon  
16 passage.

17 **SECTION 122. Safety clause.** The general assembly hereby  
18 finds, determines, and declares that this act is necessary for the immediate  
19 preservation of the public peace, health, or safety.