

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 26-0724.03 Lindy Schaible x4215

HOUSE BILL 26-1282

HOUSE SPONSORSHIP

Phillips and Goldstein,

SENATE SPONSORSHIP

Mullica,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE ELIMINATION OF DUPLICATIVE REGULATION OF
102 SCHOOL DISTRICT CHILD CARE CENTERS.

Bill Summary

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

The term "child care center" includes before- and after-school programs and preschool programs. Under current law, a school district's child care centers are regulated by the Colorado department of education (CDE) and by the Colorado department of early childhood (CDEC), among other agencies.

The bill lists CDEC rule subjects that do not apply to public child

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

care centers operated by school districts because the specified CDEC rule subjects are contradictory to or duplicative of existing CDE or other state agency rules.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Colorado school districts provide comprehensive educational
5 and enrichment opportunities to students through before- and after-school
6 programs and preschool programs;

7 (b) Colorado Revised Statutes and rules adopted by the Colorado
8 state board of education require the Colorado department of education
9 and other state agencies to extensively regulate and oversee school district
10 operations, including student health and safety protections, student
11 learning, employment practices, and staff training;

12 (c) Regulation of a school district's before- and after-school
13 programs and preschool programs by the Colorado department of
14 education, the Colorado department of early childhood, and other state
15 agencies has resulted in duplicative and contradictory requirements,
16 including, but not limited to:

17 (I) Conflicting restrictions on playground equipment;

18 (II) Duplicative employee background checks and staff training
19 requirements;

20 (III) Duplicative inspections to ensure compliance with fire,
21 health, and zoning requirements;

22 (IV) Duplicative student immunization tracking requirements;

23 (V) Staff-to-child ratio requirements for before- and after-school
24 programs that do not apply during the regular school day; and

1 (VI) Conflicting restrictions on the consumption of chocolate
2 milk, which is prohibited in before- and after-school programs but served
3 daily in school cafeterias; and

4 (d) The duplicative and conflicting regulations for a school
5 district's before- and after-school programs and preschool programs
6 significantly increase administrative costs, delay staff onboarding, restrict
7 student access and program capacity, and create confusion for students
8 and families without improving student health or safety or program
9 quality.

10 (2) Therefore, the general assembly declares it is necessary and
11 appropriate that before- and after-school programs and preschool
12 programs operated by a school district not be subject to conflicting or
13 duplicative regulations from the Colorado department of education and
14 the Colorado department of early childhood.

15 **SECTION 2.** In Colorado Revised Statutes, **amend** 26.5-5-305
16 as follows:

17 **26.5-5-305. Public preschool provider - licensing - rules.**

18 (1) Public preschool providers are subject to the requirements of
19 this part 3. Because of the unique circumstances presented by preschool
20 classrooms provided by school districts and charter schools, which
21 circumstances do not arise in classrooms for older children and youth, the
22 department shall license public preschool providers only to protect the
23 health and safety of children in public preschool classrooms.
24 Notwithstanding any provision of this part 3 to the contrary, licensing for
25 public preschool providers must focus only on those aspects of the
26 preschool program and environment that affect children's health and
27 safety and are not already actively regulated by other federal or state

1 agencies or departments. The department shall align any requirements for
2 the license related to qualifications or credentialing of program staff with
3 the requirements for an early childhood endorsement for a license issued
4 by the department of education pursuant to article 60.5 of title 22.

5 (2) RULES ADOPTED BY THE DEPARTMENT ON THE FOLLOWING
6 SUBJECTS DO NOT APPLY TO A PUBLIC PRESCHOOL OPERATED BY A SCHOOL
7 DISTRICT:

- 8 (a) BACKGROUND CHECKS;
- 9 (b) STAFF TRAINING;
- 10 (c) FIRE INSPECTIONS, HEALTH INSPECTIONS, AND ZONING CODES;
- 11 (d) DOCUMENTATION OF IMMUNIZATION STATUS;
- 12 (e) ADMINISTRATIVE RECORDS AND REPORTS REGARDING STAFF
13 SUPERVISION; AND
- 14 (f) WRITTEN ATTENDANCE VERIFICATION THROUGHOUT THE DAY.

15 (3) RULES ADOPTED BY THE DEPARTMENT ON THE FOLLOWING
16 SUBJECTS DO NOT APPLY TO A BEFORE- OR AFTER-SCHOOL PROGRAM
17 OPERATED BY A SCHOOL DISTRICT:

- 18 (a) PLAYGROUND EQUIPMENT;
- 19 (b) BACKGROUND CHECKS;
- 20 (c) STAFF TRAINING;
- 21 (d) FIRE INSPECTIONS, HEALTH INSPECTIONS, AND ZONING CODES;
- 22 (e) DOCUMENTATION OF IMMUNIZATION STATUS OR CERTIFICATE
23 OF EXEMPTION;
- 24 (f) ADMINISTRATIVE RECORDS AND REPORTS REGARDING STAFF
25 SUPERVISION;
- 26 (g) REPORTS REGARDING STUDENT INJURIES;
- 27 (h) REQUIRED STAFF SUPERVISION;

1 (i) INDOOR LEARNING REQUIREMENT; AND

2 (j) FLAVORED MILKS.

3 **SECTION 3. Effective date.** This act takes effect July 1, 2026.

4 **SECTION 4. Safety clause.** The general assembly finds,
5 determines, and declares that this act is necessary for the immediate
6 preservation of the public peace, health, or safety or for appropriations for
7 the support and maintenance of the departments of the state and state
8 institutions.