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HOUSE BILL 26-1259

BY REPRESENTATIVE(S) Sirota, Bacon, Boesenecker, Camacho, Carter, Duran, Froelich, Garcia, Gilchrist, Goldstein, Joseph, Lieder, Lindsay, Lukens, Nguyen, Phillips, Story, Taggart, Valdez, Willford, Zokaie, McCluskie, Brown, Jackson, Mabrey;
also SENATOR(S) Marchman and Bridges, Amabile, Ball, Benavidez, Bright, Cutter, Daugherty, Exum, Gonzales J., Hinrichsen, Jodeh, Kipp, Kirkmeyer, Kolker, Lindstedt, Mullica, Roberts, Snyder, Sullivan, Wallace, Weissman, Coleman.

CONCERNING CHANGING REQUIREMENTS RELATED TO EARLY CHILDHOOD SERVICES, AND, IN CONNECTION THEREWITH, CLARIFYING OR EXTENDING SPECIFIED EXISTING LICENSING EXEMPTIONS, UPDATING EARLY CARE AND EDUCATION PROVIDER REIMBURSEMENT, MODIFYING CERTAIN EXISTING FUNDING PROVISIONS FOR THE UNIVERSAL PRESCHOOL PROGRAM, CLARIFYING CERTAIN EXISTING PROGRAM ELIGIBILITY AND REPORTING REQUIREMENTS, AND ADJUSTING THE MEMBERSHIP OR DUTIES OF SPECIFIED EARLY CHILDHOOD ADVISORY BODIES.

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

SECTION 1. In Colorado Revised Statutes, 26.5-1-105, **amend**

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

(2)(f) as follows:

26.5-1-105. Powers and duties of the executive director - rules - rules advisory council - repeal.

(2) (f) The executive director may create issue-specific subcommittees of the council that must include ~~members~~ A MEMBER of the council and may include representatives from other state agencies, representatives of local and tribal agencies or other local leaders in early childhood and family support issues, and issue experts.

SECTION 2. In Colorado Revised Statutes, 26.5-1-302, **amend** (1), (2) introductory portion, (2)(d) introductory portion, (2)(d)(VII), (2)(d)(VIII), and (4); and **add** (2)(b.5) and (2)(d)(IX) as follows:

26.5-1-302. Early childhood leadership commission - created - mission - funding - reimbursement for expenses.

(1) There is created in the department the early childhood leadership commission. The commission is a **type 2** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of early childhood. The purpose of the commission is to ensure and advance a comprehensive service delivery system for pregnant women and children from birth to eight years ~~of age~~ OLD using data to improve decision-making, alignment, and coordination among federally funded and state-funded services and programs for pregnant women and young children and their families. At a minimum, the comprehensive service delivery system for pregnant women and children and their families must include services in the areas of prenatal health; child health; child mental health; early care and education; ~~and~~ family support, INCLUDING SUPPORT FOR FAMILY ECONOMIC MOBILITY; and parent education.

(2) The commission consists of up to ~~twenty-one~~ TWENTY-TWO members as follows:

(b.5) THE COMMISSIONER OF THE BEHAVIORAL HEALTH ADMINISTRATION OR THE COMMISSIONER'S DESIGNEE;

(d) No more than fourteen persons appointed by the governor ~~which~~

persons WHO collectively have the following expertise, affiliations, or backgrounds:

(VII) Members of the business community; ~~and~~

(VIII) Representatives of the local public health community; AND

(IX) PERSONS WITH EXPERTISE IN FAMILY SUPPORTS, INCLUDING FAMILY ECONOMIC MOBILITY.

(4) The governor shall appoint three persons from among the members of the commission ~~one representing business interests, one representing private, nonprofit entities, and one representing public entities,~~ WHO REPRESENT A WIDE RANGE OF EXPERTISE, AFFILIATIONS, OR BACKGROUNDS to serve as co-chairs of the commission. The commission shall meet regularly at the direction of the co-chairs and as often as necessary to fulfill its duties. The co-chairs may appoint working groups and subcommittees to assist the commission in its work or to address specific issues. The working groups and subcommittees, at the discretion of the co-chairs, may consist of any combination of members of the commission and other persons from the community.

SECTION 3. In Colorado Revised Statutes, 26.5-1-303, **amend** (1) introductory portion, (1)(f)(II), (1)(f)(III), (2)(a), and (2)(b); and **add** (1)(f)(IV) and (2)(c) as follows:

26.5-1-303. Early childhood leadership commission - duties.

(1) In addition to ~~any~~ other duties specified in law, the commission has the following duties:

(f) To develop strategies and monitor efforts concerning:

(II) Increasing participation in and access to child care and early education programs; ~~and~~

(III) Promoting family and community engagement in children's early education and development; AND

(IV) MAINTAINING A COMPREHENSIVE AND COHESIVE SYSTEM OF

EARLY CHILDHOOD SUPPORTS ACROSS VARIOUS DOMAINS.

(2) In fulfilling its duties, the commission shall collaborate, at a minimum, with:

(a) Members of the early childhood councils established pursuant to section 26.5-2-203; ~~and~~

(b) ~~Any~~ Other boards, commissions, and councils that address services and supports for pregnant women and young children; AND

(c) OTHER STATE AND LOCAL AGENCIES INVOLVED IN THE DELIVERY OF EARLY CHILDHOOD OR HUMAN SERVICES PROGRAMS OR SERVICES.

SECTION 4. In Colorado Revised Statutes, 26.5-3-603, **amend** (3)(a)(II) and (3)(a)(III) as follows:

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

(3) An entity that seeks grant money to implement or expand a social-emotional learning program must submit an application to the department in accordance with department rules and procedures. At a minimum, the application must:

(a) Identify the social-emotional learning program curriculum that the entity will use, which must:

(II) Be ~~identified by the university of Colorado as~~ a proven, ~~evidence-based~~ RESEARCH-BASED intervention to support healthy youth development; and

(III) Have been previously implemented with success by early childhood program providers; ~~in Colorado~~; and

SECTION 5. In Colorado Revised Statutes, 26.5-3-702, **amend** (2)(b) as follows:

26.5-3-702. Early childhood mental health consultation -

statewide program - creation - purpose - rules.

(2) The purpose of the program is to:

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

SECTION 6. In Colorado Revised Statutes, 26.5-3-703, **amend** (1) introductory portion and (1)(e) as follows:

26.5-3-703. Model of early childhood mental health consultation - standards and guidelines - qualifications.

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

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

SECTION 7. In Colorado Revised Statutes, 26.5-3-704, **amend** (2)(d) as follows:

26.5-3-704. Statewide professional development plan for early childhood mental health consultants.

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

(d) Child development through ~~eight years of age~~ SIX YEARS OLD;

SECTION 8. In Colorado Revised Statutes, 26.5-3-706, **amend** (2) introductory portion as follows:

26.5-3-706. Data collection - reporting.

(2) Notwithstanding section 24-1-136 (11)(a)(I), the department shall, beginning in 2023 and continuing every two years thereafter THROUGH 2027, in its presentation to the joint budget committee of the general assembly, as well as its presentation to its committee of reference at the hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in ~~January 2027~~ JANUARY 2028, report on the following issues:

SECTION 9. In Colorado Revised Statutes, 26.5-4-106, **amend** (2)(b) as follows:

26.5-4-106. Applications for child care assistance - applications for child care employees - verification - award - not assignable - limitation - rules.

(2) (b) In verifying an application received pursuant to this section, the county department shall confirm that the applicant meets the eligibility requirements for receiving ~~public~~ CHILDCARE assistance specified in ~~section 26-2-111(1)~~ THIS PART 1.

SECTION 10. In Colorado Revised Statutes, 26.5-4-111, **amend** (3)(a), (3)(b)(II), and (10) as follows:

26.5-4-111. Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment.

(3) (a) ~~Subject to available appropriations;~~ Pursuant to rules promulgated ADOPTED for implementation of this part 1, and except as provided in subsection (3)(b) of this section, a county shall provide child care assistance for a family transitioning off the works program ~~due to employment or job training~~ without requiring the family to apply for low-income child care but shall redetermine the family's eligibility within twelve months after the transition.

(b) A family that transitions off the works program must not be automatically transitioned to CCCAP pursuant to subsection (3)(a) of this section if either of the following conditions apply:

(II) The family is leaving the works program due to employment and will be at an income level that exceeds the ~~income eligibility limit for the CCCAP~~ MAXIMUM FEDERAL ELIGIBILITY LEVEL OF EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE.

(10) An early care and education provider or county may conduct a pre-eligibility determination for child care assistance for a family to facilitate the determination process. The early care and education provider shall submit its pre-eligibility documentation to the county for final determination of eligibility for child care assistance. The early care and education provider or county may provide services to the family prior to final determination of eligibility, and the county shall reimburse a provider for ~~such~~ THE services only if the county determines the family is eligible for services and there is no need to place the family on a waiting list. If the family is found ineligible for services, the county shall not ~~reimburse~~ RECOVER MONEY PAID TO the early care and education provider OR FAMILY for any services provided during the period between ~~its~~ THE EARLY CARE AND EDUCATION PROVIDER'S pre-eligibility determination and the county's final determination of eligibility.

SECTION 11. In Colorado Revised Statutes, 26.5-4-204, **amend** (6) introductory portion; and **add** (6.5) and (7) as follows:

26.5-4-204. Colorado universal preschool program - created - eligibility - workforce development plan - program funding - legislative declaration - rules.

(6) To preserve the general assembly's historic commitment to

preschool program funding, the general assembly shall appropriate FROM THE GENERAL FUND OR THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION to the department for the Colorado universal preschool program:

(6.5) THE GENERAL ASSEMBLY MAY APPROPRIATE MONEY FOR THE PURPOSES OF SUBSECTION (6) OF THIS SECTION FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION. THE GENERAL ASSEMBLY DECLARES THAT, FOR PURPOSES OF SECTION 17 OF ARTICLE IX OF THE STATE CONSTITUTION, THE APPROPRIATIONS REQUIRED IN SUBSECTION (6) OF THIS SECTION ARE AN IMPORTANT ELEMENT OF EXPANDING THE AVAILABILITY OF PRESCHOOL PROGRAMS AND MAY THEREFORE RECEIVE FUNDING FROM THE STATE EDUCATION FUND CREATED IN SECTION 17 (4) OF ARTICLE IX OF THE STATE CONSTITUTION.

(7) EXCEPT AS REQUIRED BY A COURT-ISSUED SUBPOENA OR ORDER, A PRESCHOOL PROVIDER AND THE DEPARTMENT SHALL KEEP ALL IDENTIFYING RECORDS REGARDING CHILDREN AND ALL IDENTIFYING FACTS LEARNED ABOUT CHILDREN AND THEIR RELATIVES CONFIDENTIAL. NOTWITHSTANDING ANY PROVISION OF PART 2 OF ARTICLE 72 OF TITLE 24 TO THE CONTRARY, THE DEPARTMENT AND THE PRESCHOOL PROVIDER SHALL NOT RELEASE INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE; EXCEPT THAT INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE MAY BE RELEASED TO THE PERSON IN INTEREST, AS DEFINED IN SECTION 24-72-202.

SECTION 12. In Colorado Revised Statutes, 26.5-5-304, **amend** (1)(b); and **repeal** (1)(f)(IV) as follows:

26.5-5-304. Application of part - definition.

(1) This part 3 does not apply to:

(b) A child care facility that is approved, certified, or licensed by any other state agency, BY A TRIBAL GOVERNMENT DEPARTMENT OR AGENCY, or by a federal government department or agency, that has standards for operation of the facility and inspects or monitors the facility;

(f) (IV) ~~This subsection (1)(f) is repealed, effective September 1,~~

2026:

SECTION 13. In Colorado Revised Statutes, 26.5-5-316, **amend** (4) as follows:

26.5-5-316. Investigations and inspections - local authority - reports - rules.

(4) Every facility licensed ~~under~~ PURSUANT TO this part 3 shall keep and maintain ~~such~~ records as the department ~~may prescribe~~ PRESCRIBES pertaining to the admission, progress, health, and discharge of children under the care of the facility, and shall report ~~relative thereto~~ ON THE RECORDS to the department whenever called for, upon forms prescribed by the department. EXCEPT AS REQUIRED BY A COURT-ISSUED SUBPOENA OR ORDER, the facility and the department shall keep all IDENTIFYING records regarding children and all IDENTIFYING facts learned about children and their relatives confidential. NOTWITHSTANDING ANY PROVISION OF PART 2 OF ARTICLE 72 OF TITLE 24 TO THE CONTRARY, THE DEPARTMENT AND THE FACILITY SHALL NOT RELEASE INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE; EXCEPT THAT INDIVIDUAL CHILD-LEVEL DATA THAT ALLOWS FOR THE IDENTIFICATION OF A SPECIFIC CHILD OR RELATIVE MAY BE RELEASED TO THE PERSON IN INTEREST, AS DEFINED IN SECTION 24-72-202.

SECTION 14. In Colorado Revised Statutes, 19-1-103, **amend** (86) as follows:

19-1-103. Definitions.

As used in this title 19 or in the specified portion of this title 19, unless the context otherwise requires:

(86) (a) "Institutional abuse", as used in part 3 of article 3 of this title 19, means ~~any~~ A case of abuse, as defined in subsection (1) of this section, that occurs in ~~any~~ A public or private facility in the state that provides child care out of the home, supervision, or maintenance. "Institutional abuse" includes an act or omission that threatens the life, health, or welfare of a child or a person who is younger than twenty-one years ~~of age~~ OLD who is under the continuing jurisdiction of the court pursuant to this title 19.

(b) "Institutional abuse" does not include abuse that occurs in ~~any~~ A public, private, or parochial school system, including ~~any~~ A preschool operated in connection with ~~said~~ THE SCHOOL system; except that, to the extent the school system provides extended day services, abuse that occurs while ~~such~~ THE services are provided is institutional abuse.

(c) As used in this subsection (86), "facility" means a residential child care facility, specialized group facility, foster care home, or ~~any~~ other facility licensed pursuant to part 9 of article 6 of title 26; ~~family child care home~~ A FACILITY licensed pursuant to part 3 of article 5 of title 26.5; noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department of human or social services; or a facility or community placement, as described in section 19-2.5-1502, for a juvenile committed to the custody of the department of human services. "Facility" does not include ~~any~~ AN adult detention or correctional facility.

SECTION 15. Effective date. This act takes effect upon passage; except that section 26.5-4-204 (6) introductory portion, Colorado Revised Statutes, as amended in section 11 of this act, and section 26.5-4-204 (6.5), Colorado Revised Statutes, as enacted in section 11 of this act, take effect July 1, 2027.

SECTION 16. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety or for appropriations for

the support and maintenance of the departments of the state and state institutions.

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO