

NOTE: This bill has been prepared for the signatures of the appropriate legislative officers and the Governor. To determine whether the Governor has signed the bill or taken other action on it, please consult the legislative status sheet, the legislative history, or the Session Laws.

An Act

SENATE BILL 26-020

BY SENATOR(S) Bright and Ball, Amabile, Benavidez, Bridges, Cutter, Exum, Gonzales J., Jodeh, Kipp, Lindstedt, Marchman, Wallace, Coleman; also REPRESENTATIVE(S) Sirota and Gonzalez R., Bacon, Boesenecker, Brown, Clifford, Duran, Goldstein, Hamrick, Jackson, Lieder, Lindsay, Mauro, Nguyen, Phillips, Rutinel, Story, Zokaie, McCluskie.

CONCERNING MEASURES RELATED TO CHILD CARE PROVIDER LICENSING, AND, IN CONNECTION THEREWITH, INCREASING RELIANCE ON TRAINED PERSONNEL FROM THE DEPARTMENT OF EARLY CHILDHOOD, IMPOSING CERTAIN REQUIREMENTS IN CONNECTION WITH REGULATION BY LOCAL GOVERNING AUTHORITIES, AND CREATING A TASK FORCE.

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

SECTION 1. In Colorado Revised Statutes, **add** 26.5-5-333 as follows:

26.5-5-333. Professional development information system records - rules.

THE EXECUTIVE DIRECTOR SHALL ADOPT RULES CONCERNING REQUIREMENTS FOR FACILITIES LICENSED PURSUANT TO THIS PART 3 TO

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.

MAINTAIN UP-TO-DATE EMPLOYEE RECORDS IN THE PROFESSIONAL DEVELOPMENT INFORMATION SYSTEM ADMINISTERED BY THE DEPARTMENT PURSUANT TO SECTION 26.5-1-106 (1)(a)(I).

SECTION 2. In Colorado Revised Statutes, 26.5-5-316, **amend** (3)(a)(I); and **add** (3)(a)(III) and (3)(a)(IV) as follows:

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

(3) (a) (I) Except as otherwise provided in ~~subsection (3)(a)(II)~~ SUBSECTIONS (3)(a)(II) AND (3)(a)(III) of this section, the department may authorize or contract with any county department, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children to investigate and inspect the facilities applying for an original or renewal license or applying for a permanent license following the issuance of a probationary or provisional license ~~under~~ PURSUANT TO this part 3 and may accept reports on ~~such~~ investigations and inspections from ~~such~~ THE agencies or organizations as a basis for ~~such~~ licensing MAKING LICENSING DECISIONS. When contracting for investigations and inspections, the department shall assure that the contractor is qualified by training and experience and has no conflict of interest with respect to the facilities to be inspected.

(III) NOTWITHSTANDING SUBSECTION (3)(a)(I) OF THIS SECTION, ON OR BEFORE JULY 1, 2026, THE DEPARTMENT SHALL, WHERE FEASIBLE, BEGIN PHASING OUT ITS RELIANCE ON PERSONS AUTHORIZED OR CONTRACTED PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION TO PROVIDE THE TYPES OF SERVICES THE DEPARTMENT'S LICENSING SPECIALISTS PROVIDE IN CONNECTION WITH THE INVESTIGATION AND INSPECTION OF THE FACILITIES APPLYING FOR AN ORIGINAL OR RENEWAL LICENSE OR APPLYING FOR A PERMANENT LICENSE FOLLOWING THE ISSUANCE OF A PROBATIONARY OR PROVISIONAL LICENSE PURSUANT TO THIS PART 3, AND SHALL PRIORITIZE THE USE OF LICENSING SPECIALISTS EMPLOYED BY THE DEPARTMENT TO PROVIDE THE SERVICES. NOTHING IN THIS SUBSECTION (3)(a) REQUIRES THE DEPARTMENT TO PHASE OUT ITS RELIANCE ON PERSONS AUTHORIZED OR CONTRACTED TO PERFORM HEALTH AND SANITATION INSPECTIONS AND RELATED PLAN REVIEWS REQUIRED AS PART OF THE CHILD CARE LICENSING PROCESS AND CONDUCTED BY THE DEPARTMENT OR A LOCAL PUBLIC HEALTH

AGENCY.

(IV) THE DEPARTMENT SHALL ESTABLISH STANDARDIZED TRAINING, PROTOCOLS, AND SUPERVISION FOR DEPARTMENT PERSONNEL AND ANY PERSONS AUTHORIZED OR CONTRACTED PURSUANT TO SUBSECTION (3)(a)(I) OF THIS SECTION TO PROMOTE CONSISTENCY IN THE INTERPRETATION AND APPLICATION OF LICENSING REQUIREMENTS AND THE STANDARDIZATION OF INVESTIGATIONS AND ENFORCEMENT ACTIONS ACROSS THE STATE.

SECTION 3. In Colorado Revised Statutes, 26.5-5-310, **add** (1)(c) as follows:

26.5-5-310. Compliance with local government zoning regulations - notice to local governments - provisional licensure - rules.

(1) (c) NOTWITHSTANDING SUBSECTION (1)(a) OF THIS SECTION TO THE CONTRARY, THE AVAILABILITY OF SAFE, AFFORDABLE, AND LICENSED FAMILY CHILD CARE HOMES AND LICENSED CHILD CARE CENTERS IS A MATTER OF STATEWIDE CONCERN. THEREFORE, PERMITTING FRAGMENTED REGULATION AMONG JURISDICTIONS IMPEDES AND INFRINGES UPON THE DEPARTMENT'S APPROPRIATE AND CONSISTENT LICENSING AND REGULATION OF FAMILY CHILD CARE HOMES AND CHILD CARE CENTERS THROUGHOUT THE STATE. ACCORDINGLY, A LOCAL GOVERNING AUTHORITY THAT IMPOSES REQUIREMENTS IN ADDITION TO THE STATE-LEVEL LICENSING STANDARDS REQUIRED PURSUANT TO THIS PART 3 RELATED TO THE INSPECTION, PERMITTING, LICENSING, OR APPROVAL OF A CHILD CARE CENTER OR FAMILY CHILD CARE HOME SHALL:

(I) PRIORITIZE THE INSPECTION, PERMITTING, LICENSING, OR APPROVAL PROCESS OF A CHILD CARE CENTER OR FAMILY CHILD CARE HOME WITH WHICH THE LOCAL GOVERNING AUTHORITY HAS HAD A DISPUTE OR CAUSED A DELAY, TO COMPLETE THE INSPECTION, PERMITTING, LICENSING, OR APPROVAL PROCESS TO THE EXTENT REASONABLY PRACTICABLE; AND

(II) LIMIT, TO A REASONABLE MAXIMUM ESTABLISHED BY DEPARTMENT RULE, THE FEES ASSOCIATED WITH ANY CHILD CARE CENTER'S OR FAMILY CHILD CARE HOME'S INSPECTION, PERMIT, LICENSE, OR APPROVAL THAT IS REQUIRED FOR A CHILD CARE CENTER OR FAMILY CHILD CARE HOME BY THE LOCAL GOVERNING AUTHORITY BUT THAT IS NOT REQUIRED BY THE STATE-LEVEL LICENSING STANDARDS ESTABLISHED IN THIS PART 3; EXCEPT

THAT THIS LIMITATION DOES NOT APPLY TO FEES ASSOCIATED WITH HEALTH AND SANITATION INSPECTIONS AND RELATED PLAN REVIEWS REQUIRED AS PART OF THE CHILD CARE LICENSING PROCESS AND CONDUCTED BY THE DEPARTMENT OR A LOCAL PUBLIC HEALTH AGENCY.

SECTION 4. In Colorado Revised Statutes, **add** 26.5-5-322.5 as follows:

26.5-5-322.5. Child care licensure task force - created - membership - reporting - repeal.

(1) THE CHILD CARE LICENSURE TASK FORCE IS CREATED IN THE DEPARTMENT TO STUDY AND DEVELOP RECOMMENDATIONS RELATED TO THE CHILD CARE LICENSURE SYSTEM IN COLORADO.

(2) (a) THE CHILD CARE LICENSURE TASK FORCE CONSISTS OF THE FOLLOWING MEMBERS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT THE FOLLOWING MEMBERS:

(A) A REPRESENTATIVE FROM AN ASSOCIATION OF CHILD CARE PROVIDERS;

(B) A REPRESENTATIVE OF A LICENSED CHILD CARE CENTER SERVING A RURAL AREA; AND

(C) A REPRESENTATIVE FROM AN ORGANIZATION OF PROVIDERS OF OUT-OF-SCHOOL TIME PROGRAMS, AS DEFINED IN SECTION 22-105.5-103;

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE FOLLOWING MEMBERS:

(A) A CHILD CARE PROVIDER FROM A LICENSED FAMILY CHILD CARE HOME;

(B) A REPRESENTATIVE OF A COMMUNITY-BASED OR EARLY CHILDHOOD ADVOCACY ORGANIZATION; AND

(C) A REPRESENTATIVE OF A SCHOOL DISTRICT;

(III) THE MINORITY LEADER OF THE SENATE SHALL APPOINT THE FOLLOWING MEMBERS:

(A) A MULTILINGUAL REPRESENTATIVE OF A HEAD START PROGRAM;

(B) A REPRESENTATIVE FROM AN ASSOCIATION OF CHILD CARE PROVIDERS; AND

(C) A REPRESENTATIVE OF A LICENSED CHILD CARE CENTER;

(IV) THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THE FOLLOWING MEMBERS:

(A) THE PARENT OF A CHILD CARE FOR IN A LICENSED CHILD CARE CENTER OR LICENSED FAMILY CHILD CARE HOME; AND

(B) A REPRESENTATIVE OF A STATUTORY OR HOME RULE CITY, TOWN, CITY AND COUNTY, OR COUNTY; AND

(V) THE GOVERNOR SHALL APPOINT ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT AND ONE MEMBER WHO IS A REPRESENTATIVE OF THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(b) THE APPOINTING AUTHORITIES SHALL MAKE THEIR INITIAL APPOINTMENTS TO THE TASK FORCE NO LATER THAN JULY 1, 2026.

(3) EACH MEMBER OF THE TASK FORCE WHO IS APPOINTED PURSUANT TO SUBSECTION (2) OF THIS SECTION SERVES AT THE PLEASURE OF THE APPOINTING OFFICIAL. THE TERM OF APPOINTMENT FOR TASK FORCE MEMBERS EXPIRES ON JULY 1, 2027.

(4) MEMBERS OF THE TASK FORCE SERVE WITHOUT COMPENSATION AND WITHOUT REIMBURSEMENT FOR EXPENSES.

(5) (a) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT SHALL CONVENE THE FIRST MEETING OF THE TASK FORCE NO LATER THAN THREE WEEKS AFTER THE EXECUTIVE DIRECTOR HAS DETERMINED THAT THE TASK FORCE HAS RECEIVED AN AMOUNT OF GIFTS, GRANTS, AND DONATIONS SUFFICIENT TO BEGIN ITS WORK DESCRIBED IN THIS SECTION OR AUGUST 1,

2026, WHICHEVER IS LATER.

(b) THE TASK FORCE SHALL ELECT A CHAIR FROM AMONG THE TASK FORCE'S MEMBERS.

(c) THE TASK FORCE SHALL MEET AT LEAST FOUR TIMES IN 2026 TO COMPLETE THE DUTIES SPECIFIED IN THIS SECTION. THE CHAIR MAY CALL ADDITIONAL MEETINGS, SUBJECT TO AVAILABLE MONEY, AS NECESSARY FOR THE TASK FORCE TO COMPLETE ITS DUTIES. THE TASK FORCE SHALL ESTABLISH PROCEDURES TO ALLOW MEMBERS OF THE TASK FORCE TO PARTICIPATE IN THE MEETINGS REMOTELY.

(6) THE TASK FORCE SHALL STUDY AND RECOMMEND REFORMS TO COLORADO'S LICENSURE SYSTEM WITH THE GOAL OF CREATING A COHERENT, STREAMLINED FRAMEWORK THAT DOES NOT REDUCE THE QUALITY OF SETTINGS ALREADY IN PLACE TO SUPPORT CHILDREN'S LEARNING.

(7) WITH THE HELP OF A THIRD-PARTY ENTITY DESCRIBED IN SUBSECTION (8) OF THIS SECTION, THE TASK FORCE SHALL:

(a) UNDERTAKE A COMPREHENSIVE REVIEW OF THE STATE'S CHILD CARE LICENSING REQUIREMENTS AND PROCESSES FOR CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES; AND

(b) DEVELOP RECOMMENDATIONS FOR DESIGNING A STREAMLINED LICENSURE SYSTEM FOR CHILD CARE CENTERS AND FAMILY CHILD CARE HOMES.

(8) THE TASK FORCE SHALL CONTRACT WITH AN INDEPENDENT THIRD-PARTY ENTITY TO FACILITATE TASK FORCE MEETINGS AND PREPARE A FINAL REPORT SUMMARIZING THE TASK FORCE'S RECOMMENDATIONS DEVELOPED PURSUANT TO SUBSECTION (7) OF THIS SECTION.

(9) ON OR BEFORE JANUARY 1, 2027, THE TASK FORCE SHALL REPORT ON ITS RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES, THE HEALTH AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE SENATE, OR ANY SUCCESSOR COMMITTEES; THE GOVERNOR; AND THE DEPARTMENT.

(10) (a) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE

IMPLEMENTATION OF THIS SECTION BE FUNDED ENTIRELY BY GIFTS, GRANTS, AND DONATIONS, AND THAT GIFTS, GRANTS, AND DONATIONS WILL BE RECEIVED THROUGHOUT THE COURSE OF THE TASK FORCE'S WORK. THE GENERAL ASSEMBLY SHALL NOT APPROPRIATE MONEY FROM THE GENERAL FUND FOR THE IMPLEMENTATION OF THIS SECTION, AND THE DEPARTMENT AND APPOINTING AUTHORITIES SHALL CARRY OUT THEIR DUTIES SET FORTH IN THIS SECTION WITHIN EXISTING APPROPRIATIONS.

(b) THE DEPARTMENT MAY SEEK, ACCEPT, AND EXPEND GIFTS, GRANTS, OR DONATIONS FROM PRIVATE OR PUBLIC SOURCES TO IMPLEMENT THIS SECTION. THE TASK FORCE SHALL NOT IMPLEMENT THIS SECTION UNLESS THE TASK FORCE RECEIVES AN AMOUNT OF GIFTS, GRANTS, AND DONATIONS THAT THE EXECUTIVE DIRECTOR DEEMS NECESSARY TO IMPLEMENT THIS SECTION.

(c) THE ACTIVITIES DESCRIBED IN SUBSECTION (7) OF THIS SECTION AND FINAL REPORT DESCRIBED IN SUBSECTION (9) OF THIS SECTION ARE CONTINGENT ON MONEY BEING AVAILABLE TO CARRY OUT THE ACTIVITIES AND FINAL REPORT. IF MONEY IS NOT AVAILABLE FOR THE TASK FORCE OR ANY OTHER ENTITY TO CARRY OUT ITS DUTIES REQUIRED PURSUANT TO THIS SECTION, THE TASK FORCE OR THE ENTITY IS NOT REQUIRED TO CARRY OUT THE DUTIES. A CONTRACT WITH A THIRD-PARTY ENTITY THAT WILL PROVIDE SERVICES RELATED TO TASK FORCE MEETING FACILITATION, RECOMMENDATIONS, AND THE FINAL REPORT MUST BE CONTINGENT ON GIFTS, GRANTS, AND DONATIONS BEING AVAILABLE FOR THOSE PURPOSES.

(11) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2028.

SECTION 5. 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.

James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES

Esther van Mourik
SECRETARY OF
THE SENATE

Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES

APPROVED _____
(Date and Time)

Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO