

An Act

HOUSE BILL 26-1282

BY REPRESENTATIVE(S) Phillips and Goldstein, Bacon, Boesenecker, Duran, Hamrick, Joseph, Lindsay, Nguyen, Paschal, Ricks, Story, Valdez, McCluskie;

also SENATOR(S) Mullica, Amabile, Benavidez, Bridges, Daugherty, Exum, Hinrichsen, Jodeh, Kipp, Kolker, Marchman, Roberts, Rodriguez, Wallace, Coleman.

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

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

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

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

(b) Colorado Revised Statutes and rules adopted by the Colorado state board of education require the Colorado department of education and other state agencies to extensively regulate and oversee school district

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.

operations, including fire and radon inspections, playground equipment, and staff training;

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

(I) Conflicting restrictions on playground equipment; and

(II) Duplicative fire and radon inspections; and

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

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

SECTION 2. In Colorado Revised Statutes, 26.5-5-309, **amend** (3)(b) as follows:

26.5-5-309. Licenses - rules - definition - appropriation - repeal.

(3) (b) (I) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any fire or radon inspection requirement required by law by providing a copy of a satisfactory fire or radon inspection report of the property of a school district, district charter school, or institute charter school where the child care is provided if the fire or radon inspection report was completed within the preceding twelve months. The department shall not require a duplicate fire or radon inspection if a satisfactory fire or radon inspection report of the property was completed within the preceding twelve months.

(II) A CHILD CARE CENTER THAT PROVIDES CHILD CARE EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR INSTITUTE CHARTER SCHOOL MAY SATISFY ANY STAFF TRAINING OR MINIMUM SQUARE FOOTAGE OF FLOOR SPACE PER CHILD REQUIREMENTS REQUIRED BY LAW BY PROVIDING TO THE DEPARTMENT DOCUMENTED EVIDENCE OF COMPLIANCE WITH SUBSTANTIALLY SIMILAR REQUIREMENTS IMPOSED BY THE COLORADO DEPARTMENT OF EDUCATION, EXCEPT THAT, IF THE REQUIREMENTS OR MONITORING OF THOSE REQUIREMENTS IMPOSED BY THE COLORADO DEPARTMENT OF EDUCATION DO NOT MEET ANY APPLICABLE REQUIREMENTS OF ANY FEDERAL GRANTS-IN-AID ADMINISTERED BY THE DEPARTMENT, THE DEPARTMENT SHALL REQUIRE THE CHILD CARE CENTER TO MEET ANY APPLICABLE MINIMUM REQUIREMENTS OF THE FEDERAL GRANTS-IN-AID.

SECTION 3. In Colorado Revised Statutes, 26.5-5-314, **amend** (2)(e)(III) as follows:

26.5-5-314. Standards for facilities and agencies - rules - definition.

(2) The standards prescribed by department rules are restricted to:

(e) (III) The department shall require an annual inspection of playground facilities on the property where a child care center operates. For purposes of a playground facility inspection, the department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual OR ENTITY who is licensed or certified to perform playground safety inspections through the national recreation and park association, or other nationally recognized playground facility safety organization, INCLUDING, BUT NOT LIMITED TO, A PUBLIC HEALTH AGENCY. The department shall not require a duplicate inspection if a satisfactory inspection report was completed within the preceding twelve months.

SECTION 4. In Colorado Revised Statutes, 26.5-5-313, **add** (7) as follows:

26.5-5-313. Applications - materials waivers - appeals - rules.

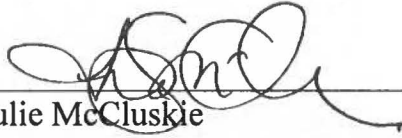
(7) THE DEPARTMENT SHALL REVIEW THE WAIVER PROCESS

REQUIRED BY THIS SECTION AND THE PROCESS FOR APPEALS FILED PURSUANT TO SECTION 26.5-5-314 (5) AT LEAST ANNUALLY.

SECTION 5. Effective date. This act takes effect July 1, 2026.

SECTION 6. Safety clause. The general assembly finds, determines, and declares that this act is necessary for the immediate

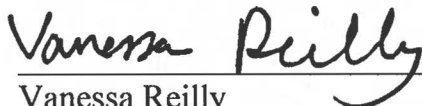
preservation of the public peace, health, or safety or for appropriations for the support and maintenance of the departments of the state and state institutions.



Julie McCluskie
SPEAKER OF THE HOUSE
OF REPRESENTATIVES



James Rashad Coleman, Sr.
PRESIDENT OF
THE SENATE

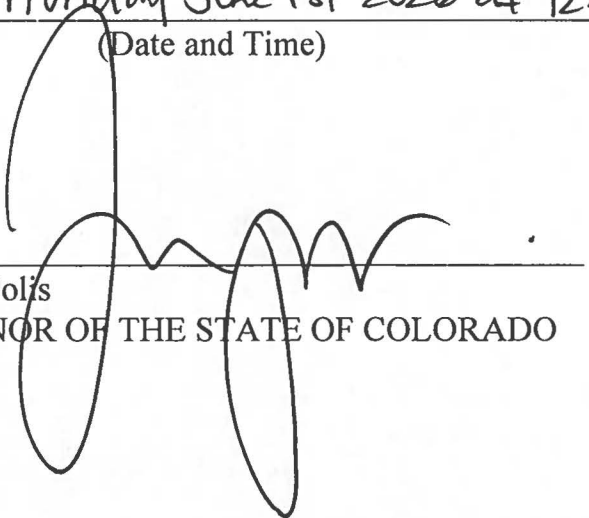


Vanessa Reilly
CHIEF CLERK OF THE HOUSE
OF REPRESENTATIVES



Esther van Mourik
SECRETARY OF
THE SENATE

APPROVED on Monday June 1st 2020 at 12:30pm
(Date and Time)



Jared S. Polis
GOVERNOR OF THE STATE OF COLORADO