

## CHAPTER 307

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**HUMAN SERVICES - SOCIAL SERVICES**

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**HOUSE BILL 21-1304**

BY REPRESENTATIVE(S) Sirota and Garnett, Amabile, Bacon, Benavidez, Bernett, Bird, Boesenecker, Caraveo, Cutter, Duran, Esgar, Exum, Froelich, Gonzales-Gutierrez, Gray, Herod, Hooton, Jackson, Kennedy, Kipp, Lontine, McCluskie, McCormick, McLachlan, Michaelson Jenet, Mullica, Ortiz, Ricks, Roberts, Sandridge, Snyder, Sullivan, Tipper, Titone, Valdez A., Valdez D., Weissman, Woodrow, Young, Jodeh;  
also SENATOR(S) Fenberg and Buckner, Bridges, Coleman, Cooke, Coram, Danielson, Donovan, Fields, Ginal, Gonzales, Hansen, Holbert, Jaquez Lewis, Kirkmeyer, Kolker, Lee, Lundeen, Moreno, Pettersen, Priola, Rankin, Rodriguez, Scott, Simpson, Sonnenberg, Story, Winter, Woodward, Zenzinger, Garcia.

**AN ACT**

**CONCERNING MEASURES TO ESTABLISH A UNIFIED EARLY CHILDHOOD SYSTEM IN COLORADO, AND, IN CONNECTION THEREWITH, CREATING THE DEPARTMENT OF EARLY CHILDHOOD AND MAKING AN APPROPRIATION.**

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

**SECTION 1.** In Colorado Revised Statutes, **add** part 3 to article 6.2 of title 26 as follows:

**PART 3  
EARLY CHILDHOOD SERVICES TRANSITION**

**26-6.2-301. Legislative declaration.** THE GENERAL ASSEMBLY FINDS THAT, TO SIGNIFICANTLY IMPROVE OUTCOMES FOR ALL CHILDREN AT ALL LEVELS OF COLORADO'S EDUCATIONAL SYSTEM, EFFECTIVELY SUPPORT ALL COLORADO FAMILIES IN PROVIDING VOLUNTARY, HIGH-QUALITY CHILD CARE AND EDUCATION FOR THEIR CHILDREN, SUPPORT PARENTS IN EXPANDING ACCESS TO ENRICHING EARLY CHILDHOOD EXPERIENCES, AND FULLY IMPLEMENT THE REQUIREMENTS FOR UNIVERSAL PRESCHOOL ADOPTED BY THE VOTERS AND CODIFIED IN SECTION 24-22-118 (3), THE STATE MUST UNIFY THE EARLY CHILDHOOD SYSTEM FOR CHILDREN AND FAMILIES.

**26-6.2-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE CONTEXT OTHERWISE REQUIRES:

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*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.*

(1) "COMMISSION" MEANS THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION 26-6.2-103.

(2) "CONSULTANT" MEANS THE PRIVATE ENTITY OR ENTITIES THAT THE GOVERNOR'S OFFICE CONTRACTS WITH PURSUANT TO SECTION 26-6.2-303 (4).

(3) "EXISTING DEPARTMENTS" MEANS THE DEPARTMENT OF HUMAN SERVICES, THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT, THE DEPARTMENT OF EDUCATION, AND ANY OTHER RELEVANT AGENCY IDENTIFIED IN CREATING THE TRANSITION PLAN.

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

(5) "PARENT" MEANS A CHILD'S BIOLOGICAL PARENT, ADOPTIVE PARENT, OR LEGAL GUARDIAN.

(6) "PRESCHOOL PROGRAMS CASH FUND" MEANS THE PRESCHOOL PROGRAMS CASH FUND CREATED IN SECTION 24-22-118 (3).

(7) "NEW DEPARTMENT" MEANS THE DEPARTMENT OF EARLY CHILDHOOD CREATED IN TITLE 26.5, EFFECTIVE JULY 1, 2022.

(8) "TRANSITION ADVISORY GROUP" MEANS THE GROUP CONVENED BY THE CO-CHAIRS OF THE COMMISSION PURSUANT TO SECTION 26-6.2-303 (2) TO ADVISE THE TRANSITION WORKING GROUP IN DEVELOPING THE TRANSITION PLAN AND RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM.

(9) "TRANSITION PLAN" MEANS THE PLAN DESCRIBED IN SECTION 26-6.2-304 FOR THE COORDINATION AND ADMINISTRATION OF EARLY CHILDHOOD SERVICES AND PROGRAMS BY THE NEW DEPARTMENT AND THE EXISTING DEPARTMENTS.

(10) "TRANSITION WORKING GROUP" MEANS THE GROUP CREATED IN SECTION 26-6.2-303 (1) THAT CREATES THE TRANSITION PLAN AND THE RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM AS PROVIDED IN THIS PART 3.

**26-6.2-303. Early childhood services transition - transition working group - creation - transition advisory group - consultant - transition plan - new preschool program recommendations - reports.** (1) (a) THERE IS CREATED A TRANSITION WORKING GROUP CONSISTING OF THE CO-CHAIRS OF THE COMMISSION AND REPRESENTATIVES OF THE EXISTING DEPARTMENTS AND THE GOVERNOR'S OFFICE. IN LIEU OF SERVING ON THE TRANSITION WORKING GROUP, EACH OF THE CO-CHAIRS OF THE COMMISSION MAY APPOINT A DESIGNEE FROM THE COMMISSION MEMBERSHIP TO SERVE ON THE TRANSITION WORKING GROUP. THE TRANSITION WORKING GROUP, WORKING WITH THE CONSULTANT AND WITH THE ADVICE OF THE TRANSITION ADVISORY GROUP, SHALL DEVELOP A TRANSITION PLAN, AS DESCRIBED IN SECTION 26-6.2-304, AND DEVELOP RECOMMENDATIONS FOR A NEW STATEWIDE, UNIVERSAL, VOLUNTARY PRESCHOOL PROGRAM, AS DESCRIBED IN SECTION

26-6.2-305.

(b) THE COMMISSION STAFF, THE GOVERNOR'S OFFICE, AND THE EXISTING DEPARTMENTS SHALL PROVIDE STAFF ASSISTANCE AND RESOURCES, AS NECESSARY, TO ASSIST IN COMPLETING THE DUTIES OF THE TRANSITION WORKING GROUP IDENTIFIED IN THIS PART 3.

(2) (a) THE CO-CHAIRS OF THE COMMISSION SHALL CONVENE A TRANSITION ADVISORY GROUP TO ADVISE THE TRANSITION WORKING GROUP IN DEVELOPING THE TRANSITION PLAN AND THE NEW PRESCHOOL PROGRAM RECOMMENDATIONS AND TO SUPPORT THE CREATION OF POLICIES AND PROCEDURES FOR THE NEW DEPARTMENT AND THE NEW PRESCHOOL PROGRAM THAT ELIMINATES REDUNDANCIES AND HELPS ENSURE THAT THE NEW DEPARTMENT AND THE NEW PRESCHOOL PROGRAM ARE CHILD AND FAMILY CENTERED. THE TRANSITION ADVISORY GROUP MUST PRIORITIZE CONSIDERATION OF THE CHILD AND FAMILY EXPERIENCE IN ACCESSING AND USING EARLY CHILDHOOD PROGRAMS AND SERVICES IN ADVISING THE TRANSITION WORKING GROUP ON THE DESIGN OF THE NEW DEPARTMENT AND IMPLEMENTATION OF THE NEW PRESCHOOL PROGRAM. THE TRANSITION ADVISORY GROUP, AT A MINIMUM, SHALL ADVISE THE TRANSITION WORKING GROUP CONCERNING PRIORITIZATION OF THE TRANSITION ACTIVITIES FOR THE NEW DEPARTMENT AND THE SCOPE AND SEQUENCE OF THE STAKEHOLDER PROCESSES FOR DEVELOPING THE PLAN AND RECOMMENDATIONS AND SHALL PROVIDE TIMELY INPUT INTO THE SUBSTANTIVE DECISIONS THAT ARISE IN DEVELOPING THE TRANSITION PLAN AND THE NEW PRESCHOOL PROGRAM RECOMMENDATIONS.

(b) THE CO-CHAIRS OF THE COMMISSION SHALL DETERMINE THE APPROPRIATE SIZE AND SPECIFIC MEMBERSHIP OF THE TRANSITION ADVISORY GROUP TO ENSURE THAT THE REPRESENTATION OF PERSPECTIVES ON THE TRANSITION ADVISORY GROUP IS SUFFICIENTLY BROAD AND DIVERSE TO ADEQUATELY INFORM THE TRANSITION WORKING GROUP CONCERNING THE FULL SPECTRUM OF EARLY CHILDHOOD PROGRAMS AND ISSUES. IN SELECTING MEMBERS OF THE TRANSITION ADVISORY GROUP, THE CO-CHAIRS OF THE COMMISSION SHALL ENSURE THAT THE TRANSITION ADVISORY GROUP AT A MINIMUM INCLUDES:

(I) PARENTS OF CHILDREN WHO ARE ENROLLED IN A VARIETY OF PUBLIC AND PRIVATE EARLY CHILDHOOD PROGRAMS; MEMBERS OF THE EARLY CHILDHOOD WORKFORCE, INCLUDING COMMUNITY- AND SCHOOL-BASED EDUCATORS; AND REPRESENTATIVES OF GEOGRAPHICALLY AND PROGRAMMATICALLY DIVERSE COMMUNITY- AND SCHOOL-BASED PUBLIC AND PRIVATE EARLY CHILDHOOD PROGRAM PROVIDERS. TO THE EXTENT PRACTICABLE, THE CO-CHAIRS SHALL ENSURE THAT THE PERSONS DESCRIBED IN THIS SUBSECTION (2)(b)(I) CONSTITUTE A MAJORITY OF THE MEMBERS OF THE TRANSITION ADVISORY GROUP.

(II) REPRESENTATIVES OF COUNTY HUMAN SERVICES DEPARTMENTS, SPECIAL EDUCATION DIRECTORS, THE EARLY CHILDHOOD COUNCILS, MEMBERS OF THE BUSINESS COMMUNITY, REPRESENTATIVES OF PRIVATE NONPROFIT ENTITIES, REPRESENTATIVES OF EARLY CHILDHOOD AND EDUCATION ADVOCACY ORGANIZATIONS, AND PERSONS WITH EXPERTISE IN EARLY CHILDHOOD AND BUSINESS PRACTICES.

(c) IN SELECTING MEMBERS OF THE TRANSITION ADVISORY GROUP PURSUANT TO

SUBSECTION (2)(b) OF THIS SECTION, THE CO-CHAIRS OF THE COMMISSION SHALL:

(I) TO THE EXTENT PRACTICABLE, ENSURE THAT PERSONS FROM UNDER-RESOURCED AND UNDER-REPRESENTED COMMUNITIES CONSTITUTE AT LEAST ONE-THIRD OF THE MEMBERS OF THE TRANSITION ADVISORY GROUP; AND

(II) PRIORITIZE ANY RECOMMENDATIONS RECEIVED FROM THE STATEWIDE ASSOCIATIONS THAT REPRESENT THE GROUPS DESCRIBED IN SUBSECTION (2)(b) OF THIS SECTION.

(d) MEMBERS OF THE TRANSITION ADVISORY GROUP MAY RECEIVE PER DIEM COMPENSATION FOR ATTENDANCE AT MEETINGS OF THE TRANSITION ADVISORY GROUP IN THE SAME AMOUNT PAID TO LEGISLATORS PURSUANT TO SECTION 2-2-307 (3)(a). MEMBERS OF THE TRANSITION ADVISORY GROUP ARE ALSO ENTITLED TO REIMBURSEMENT FOR ALL ACTUAL AND NECESSARY TRAVEL AND SUBSISTENCE EXPENSES DIRECTLY RELATED TO THEIR SERVICE ON THE ADVISORY GROUP.

(3) THE TRANSITION WORKING GROUP SHALL CONVENE A SUBGROUP TO WORK WITH THE TRANSITION WORKING GROUP IN DEVELOPING RECOMMENDATIONS FOR THE ADMINISTRATION OF PRESCHOOL SPECIAL EDUCATION SERVICES WITHIN THE NEW PRESCHOOL PROGRAM, INCLUDING, AT A MINIMUM, DEVELOPING THE RECOMMENDATIONS REQUIRED IN SECTION 26-6.2-305 (3)(b). THE MEMBERSHIP OF THE SUBGROUP MUST INCLUDE, BUT NEED NOT BE LIMITED TO, DEPARTMENT OF EDUCATION STAFF WITH EXPERTISE IN SPECIAL EDUCATION, DEPARTMENT OF HUMAN SERVICES STAFF WITH EXPERTISE IN SERVING CHILDREN WITH DEVELOPMENTAL DELAYS, SPECIAL EDUCATION DIRECTORS FROM ADMINISTRATIVE UNITS, REPRESENTATIVES OF ORGANIZATIONS THAT REPRESENT SPECIAL EDUCATION DIRECTORS, GEOGRAPHICALLY DIVERSE REPRESENTATION FROM SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS, HEAD START AGENCY REPRESENTATIVES, REPRESENTATIVES OF NONPROFIT AND ADVOCACY ORGANIZATIONS THAT REPRESENT CHILDREN AND FAMILIES WITH SPECIAL NEEDS OR DISABILITIES, INCLUDING CHILDREN FROM BIRTH TO THREE YEARS OF AGE, AND PARENTS, INCLUDING PARENTS OF CHILDREN WITH SPECIAL NEEDS.

(4) AS SOON AS PRACTICABLE AFTER THE EFFECTIVE DATE OF THIS SECTION, THE GOVERNOR'S OFFICE SHALL CONTRACT WITH ONE OR MORE PRIVATE ENTITIES TO CONSULT WITH AND ASSIST THE TRANSITION WORKING GROUP IN DEVELOPING AND IMPLEMENTING A TRANSITION PLAN AS DESCRIBED IN SECTION 26-6.2-304 AND IN DEVELOPING RECOMMENDATIONS FOR A NEW STATEWIDE, UNIVERSAL, VOLUNTARY PRESCHOOL PROGRAM, AS DESCRIBED IN SECTION 26-6.2-305. AN INITIAL CONTRACT WITH A CONSULTANT PURSUANT TO THIS SUBSECTION (4) MUST NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS OR MUST PROVIDE THAT THE CONSULTING SERVICES ARE PROVIDED AS AN IN-KIND DONATION OF SERVICES. THE GOVERNOR'S OFFICE MAY ENTER INTO SUBSEQUENT CONTRACTS IN ACCORDANCE WITH THE "PROCUREMENT CODE", ARTICLES 101 TO 112 OF TITLE 24, WITH ONE OR MORE CONSULTANTS FOR THE SERVICES DESCRIBED IN THIS SUBSECTION (4). A CONSULTANT WITH WHICH THE GOVERNOR'S OFFICE CONTRACTS PURSUANT TO THIS SUBSECTION (4) MUST AT A MINIMUM HAVE EXPERTISE IN EARLY CHILDHOOD SYSTEMS, PROGRAM ADMINISTRATION, AND INFORMATION TECHNOLOGY. THE GOVERNOR'S OFFICE SHALL ENSURE THAT A CONSULTANT WITH WHICH IT CONTRACTS PURSUANT TO THIS SUBSECTION (4) DOES NOT HAVE A FINANCIAL INTEREST IN ANY

ASPECT OF THE EARLY CHILDHOOD SYSTEM AND THAT A MEMBER OF THE COMMISSION DOES NOT HAVE A FINANCIAL INTEREST IN THE CONSULTANT.

(5) IN DEVELOPING THE TRANSITION PLAN AND THE NEW PRESCHOOL PROGRAM RECOMMENDATIONS, THE TRANSITION WORKING GROUP AND THE TRANSITION ADVISORY GROUP SHALL ENGAGE TO THE GREATEST EXTENT PRACTICABLE WITH INTERESTED AND AFFECTED INDIVIDUALS IN ALL AREAS OF THE STATE, INCLUDING URBAN, SUBURBAN, AND RURAL AREAS, AND ACROSS A WIDE VARIETY OF PROGRAM TYPES AND SHALL ACTIVELY SEEK THE INPUT AND GUIDANCE OF PARENTS, FORMAL AND INFORMAL EARLY CHILDHOOD PROVIDERS AND EXPERTS, EARLY CHILDHOOD EDUCATORS, SCHOOLS, SCHOOL DISTRICTS, SCHOOL DISTRICT SPECIAL EDUCATION DIRECTORS, EARLY CHILDHOOD COUNCILS, INFANT AND EARLY CHILDHOOD HEALTH AND MENTAL HEALTH PROFESSIONALS, COUNTY HUMAN SERVICES PROFESSIONALS, INDIAN TRIBES, CHILDREN'S ADVOCACY GROUPS, MEMBERS OF MIGRANT SEASONAL POPULATIONS AND COMMUNITIES, COMMUNITY ORGANIZATIONS, REPRESENTATIVES FROM THE BUSINESS COMMUNITY, AND OTHER INTERESTED AND AFFECTED COMMUNITY MEMBERS. TO FACILITATE THIS ENGAGEMENT, THE TRANSITION WORKING GROUP SHALL ENGAGE STAKEHOLDERS THROUGH A VARIETY OF OPPORTUNITIES SUCH AS PUBLIC MEETINGS, WORKING SESSIONS, WRITTEN COMMENT, AND DESIGN OPPORTUNITIES WITH PARENTS AND PROVIDERS. THE TRANSITION WORKING GROUP SHALL ENSURE THAT ALL INPUT RECEIVED IS DOCUMENTED AND MADE AVAILABLE TO THE PUBLIC. TO INCREASE EFFICIENCY AND MEET WITH AS MANY STAKEHOLDERS AS POSSIBLE, THE TRANSITION WORKING GROUP MAY DIVIDE INTO SUBGROUPS FOR MEETINGS AND MAY MEET WITH STAKEHOLDERS USING ELECTRONIC OR DIGITAL PLATFORMS OR FORMATS. THE TRANSITION WORKING GROUP SHALL ALSO CONSIDER ANY AVAILABLE FINDINGS AND RECOMMENDATIONS FROM PREVIOUS STUDIES, REVIEWS, PUBLIC FORUM DISCUSSIONS, AND OTHER FORMAL AND INFORMAL CONSIDERATIONS OF THE PROVISION OF EARLY CHILDHOOD SERVICES IN COLORADO.

(6) (a) BY NOVEMBER 1, 2021, THE GOVERNOR'S OFFICE, ON BEHALF OF THE TRANSITION WORKING GROUP, SHALL SUBMIT THE TRANSITION PLAN TO THE JOINT BUDGET COMMITTEE WITH THE GOVERNOR'S BUDGET REQUEST, IN ACCORDANCE WITH SECTION 2-3-208 (2)(a), AND THE TRANSITION WORKING GROUP SHALL SUBMIT THE TRANSITION PLAN TO THE COMMISSION FOR APPROVAL. THE TRANSITION WORKING GROUP SHALL WORK WITH THE COMMISSION REGARDING ANY CHANGES THE COMMISSION MAY REQUEST BEFORE APPROVING THE PLAN. THE COMMISSION SHALL APPROVE THE TRANSITION PLAN WITHIN FOURTEEN DAYS AFTER RECEIVING THE PLAN. IF THERE ARE CHANGES MADE TO THE TRANSITION PLAN BEFORE APPROVAL BY THE COMMISSION, THE GOVERNOR'S OFFICE, AS SOON AS PRACTICABLE AFTER THE COMMISSION APPROVES THE TRANSITION PLAN, SHALL RESUBMIT THE APPROVED TRANSITION PLAN TO THE JOINT BUDGET COMMITTEE AND SHALL SUBMIT TO THE JOINT BUDGET COMMITTEE AN AMENDED BUDGET REQUEST IF NECESSARY TO REFLECT THE CHANGES TO THE TRANSITION PLAN AS APPROVED BY THE COMMISSION.

(b) ON OR BEFORE NOVEMBER 15, 2021, THE TRANSITION WORKING GROUP SHALL SUBMIT THE TRANSITION PLAN, AS APPROVED BY THE COMMISSION, TO THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES, AND THE HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(c) ON OR BEFORE DECEMBER 1, 2021, THE TRANSITION WORKING GROUP SHALL MEET WITH THE EARLY CHILDHOOD AND SCHOOL READINESS LEGISLATIVE COMMISSION CREATED IN SECTION 26-6.5-203 TO PRESENT THE TRANSITION PLAN, AS APPROVED BY THE COMMISSION.

(d) AFTER THE TRANSITION WORKING GROUP COMPLETES THE TRANSITION PLAN, THE TRANSITION WORKING GROUP AND THE TRANSITION ADVISORY GROUP MAY CONTINUE TO MEET TO REVIEW AND MAKE RECOMMENDATIONS CONCERNING PROGRAMS OR SERVICES THAT ARE NOT ADDRESSED IN THE TRANSITION PLAN OR ARE IDENTIFIED IN THE TRANSITION PLAN AS BEING INCLUDED IN A FUTURE PHASE OF TRANSITION TO OR ALIGNMENT WITH THE NEW DEPARTMENT.

(7) BY JANUARY 1, 2022, THE TRANSITION WORKING GROUP SHALL SUBMIT THE NEW PRESCHOOL PROGRAM RECOMMENDATIONS TO THE COMMISSION FOR APPROVAL AND SHALL WORK WITH THE COMMISSION REGARDING ANY CHANGES THE COMMISSION MAY REQUEST BEFORE APPROVING THE RECOMMENDATIONS. THE COMMISSION SHALL APPROVE THE RECOMMENDATIONS WITHIN FOURTEEN DAYS AFTER RECEIVING THEM. ON OR BEFORE JANUARY 15, 2022, THE TRANSITION WORKING GROUP SHALL SUBMIT THE REPORT OF RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM, AS APPROVED BY THE COMMISSION, TO THE JOINT BUDGET COMMITTEE OF THE GENERAL ASSEMBLY; THE PUBLIC AND BEHAVIORAL HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES; AND THE HEALTH AND HUMAN SERVICES COMMITTEE AND THE EDUCATION COMMITTEE OF THE SENATE, OR ANY SUCCESSOR COMMITTEES.

(8) IN ADDITION TO OTHER ASSISTANCE PROVIDED BY THE CONSULTANT, THE TRANSITION WORKING GROUP SHALL WORK WITH THE CONSULTANT TO ANALYZE THE CURRENT USE OF EXISTING EARLY CHILDHOOD PROGRAMS AND SERVICES IN THE STATE. THE TRANSITION WORKING GROUP SHALL USE THE RESULTS OF THE ANALYSIS IN DEVELOPING THE TRANSITION PLAN AND THE NEW PRESCHOOL PROGRAM RECOMMENDATIONS. AT A MINIMUM, THE ANALYSIS MUST:

(a) ADDRESS THE EXTENT TO WHICH EXISTING EARLY CHILDHOOD PROGRAMS AND SERVICES ARE AVAILABLE TO AND USED BY THE CHILD AND FAMILY POPULATIONS THEY ARE DESIGNED TO SERVE;

(b) IDENTIFY THE GROUPS OF CHILDREN AND FAMILIES, BASED ON LOCATION WITHIN THE STATE AND ON FAMILY DEMOGRAPHICS, INCLUDING SOCIO-ECONOMIC STATUS, RACE, ETHNICITY, GENDER, LANGUAGE, AND DISABILITY, WHO ARE ACCESSING THE EXISTING EARLY CHILDHOOD PROGRAMS AND SERVICES; AND

(c) PROVIDE SPECIFIC INFORMATION CONCERNING GROUPS OF CHILDREN THAT HAVE HISTORICALLY ENCOUNTERED BARRIERS TO SCHOOL READINESS.

**26-6.2-304. Transition plan - contents.** (1) THE TRANSITION WORKING GROUP, WORKING WITH THE CONSULTANT AND WITH THE ADVICE OF THE TRANSITION ADVISORY GROUP, SHALL DEVELOP A TRANSITION PLAN FOR THE COORDINATION AND ADMINISTRATION OF EARLY CHILDHOOD PROGRAMS AND SERVICES BY THE NEW DEPARTMENT AND THE EXISTING DEPARTMENTS, INCLUDING, TO THE EXTENT NECESSARY, THE TRANSITION OF EXISTING SERVICES AND PROGRAMS TO THE NEW

DEPARTMENT AND ALIGNMENT OF PROGRAMS AND SERVICES IN THE NEW DEPARTMENT WITH PROGRAMS AND SERVICES THAT REMAIN IN OTHER DEPARTMENTS. AT A MINIMUM, THE TRANSITION PLAN MUST ADDRESS THE FOLLOWING ITEMS, INCLUDING RECOMMENDATIONS FOR LEGISLATIVE, REGULATORY, AND BUDGETARY CHANGES RELATED TO THE FOLLOWING ITEMS:

(a) THE GOVERNANCE AND STRUCTURE OF THE NEW DEPARTMENT, INCLUDING RECOMMENDATIONS REGARDING A STATE BOARD OF EARLY CHILDHOOD;

(b) MISSION AND VISION STATEMENTS AND GUIDING VALUES AND PRINCIPLES, CONSISTENT WITH THE GOALS STATED IN SECTION 26.5-1-102, AS IT TAKES EFFECT JULY 1, 2022, FOR THE COORDINATION AND ADMINISTRATION OF EARLY CHILDHOOD PROGRAMS AND SERVICES BY THE NEW DEPARTMENT, THE EXISTING DEPARTMENTS, AND LOCAL AGENCIES;

(c) THE FISCAL STRUCTURE FOR THE NEW DEPARTMENT AND THE SERVICES PROVIDED AND PROGRAMS ADMINISTERED BY THE NEW DEPARTMENT, INCLUDING THE NECESSARY ADMINISTRATIVE AND OPERATIONAL INFRASTRUCTURE;

(d) ALIGNING AND COMBINING FUNDING SOURCES FOR EARLY CHILDHOOD SERVICES AND PROGRAMS TO SUPPORT THE GOALS SPECIFIED IN SECTION 26.5-1-102, AS IT TAKES EFFECT JULY 1, 2022, TAKING INTO CONSIDERATION THE MANNER IN WHICH LOCAL COMMUNITIES, COUNTIES, AND SCHOOL DISTRICTS HAVE PREVIOUSLY SUCCESSFULLY SUPPORTED STREAMLINED AND IMPROVED ACCESS TO EARLY CHILDHOOD PROGRAMS AND SERVICES;

(e) THE TIMELINE FOR COMPLETING KEY TRANSITION ACTIVITIES FOR THE NEW DEPARTMENT, INCLUDING MOVING SERVICES AND PROGRAMS FROM THE EXISTING DEPARTMENTS TO THE NEW DEPARTMENT, AND CONSIDERATION OF A PHASED TRANSITION APPROACH, WHICH MAY INCLUDE CONSIDERATION OF TRANSITIONING OR ALIGNING CERTAIN PROGRAMS AND SERVICES AT LATER DATES, TO ENSURE ONGOING ALIGNMENT OF EARLY CHILDHOOD PROGRAMS AND SERVICES WITH OTHER PROGRAMS AND SERVICES THAT EXTEND BEYOND EARLY CHILDHOOD TO THE FUNCTIONS OF OTHER STATE AGENCIES;

(f) THE TECHNOLOGY REQUIRED TO ACHIEVE THE GOAL SPECIFIED IN SECTION 26.5-1-102 (1)(g), AS IT TAKES EFFECT JULY 1, 2022, TO SUPPORT PARENTS AND OTHER CAREGIVERS IN IDENTIFYING LOCAL, APPROPRIATE, AND AVAILABLE EARLY CHILDHOOD PROGRAM AND SERVICE OPTIONS, AND TO SUPPORT THE UNIFICATION OF EXISTING CHILD CARE ELIGIBILITY AND PAYMENT SYSTEMS;

(g) STRATEGIES TO SUPPORT:

(I) ELIMINATION OF THE DUPLICATIVE OVERSIGHT AND REGULATION OF EARLY CHILDHOOD CARE AND LEARNING PROGRAMS AND OTHER RELEVANT EARLY CHILDHOOD PROGRAMS, WHICH PROMOTES ADMINISTRATIVE EFFICIENCY;

(II) CONTINUING EFFORTS TO ALIGN THE INCREASINGLY UNIFIED EARLY CHILDHOOD SYSTEM WITH THE ELEMENTARY AND SECONDARY PUBLIC EDUCATION SYSTEM, ESPECIALLY KINDERGARTEN AND GRADES ONE THROUGH THREE AND THE EARLY LITERACY INITIATIVES IMPLEMENTED AT THESE LEVELS, INCLUDING

STRATEGIES TO REDUCE BUREAUCRACY AND ENSURE ALIGNMENT WITH PROGRAMS THAT ARE NOT UNIFIED UNDER THE NEW DEPARTMENT;

(III) CONTINUING EFFORTS TO ALIGN THE EARLY CHILDHOOD SYSTEM WITH THE CHILD WELFARE SYSTEM AND CHILD MALTREATMENT PREVENTION INITIATIVES, INCLUDING EFFORTS TO ENSURE ALIGNMENT WITH PREVENTION SERVICES UNDER THE FEDERAL "FAMILY FIRST PREVENTION SERVICES ACT OF 2018", AS DEFINED IN SECTION 26-5-101 (4.5);

(IV) PROGRAM AND SERVICE ALIGNMENT AMONG THE NEW DEPARTMENT AND THE EXISTING DEPARTMENTS, INCLUDING ENTERING INTO MEMORANDA OF UNDERSTANDING AND SHARED INITIATIVES THAT ACHIEVE ALIGNMENT ACROSS PROGRAMS AND SERVICES;

(V) ALIGNMENT WITH MULTI-GENERATION STRATEGIES USED BY THE NEW DEPARTMENT AND THE EXISTING DEPARTMENTS TO SUPPORT CHILD AND PARENT OUTCOMES THAT IMPROVE OVERALL FAMILY WELL-BEING;

(VI) COORDINATION AND COLLABORATION WITH STATE AGENCIES THAT OVERSEE OR OPERATE PROGRAMS THAT ARE NOT MOVED TO THE NEW DEPARTMENT TO MAXIMIZE THE EFFECTIVENESS OF THE NEW DEPARTMENT'S EARLY CHILDHOOD SERVICES AND PROGRAMS;

(VII) ROBUST STAKEHOLDER INVOLVEMENT IN DEVELOPING AND IMPLEMENTING EARLY CHILDHOOD POLICIES, WHICH MUST INCLUDE INVOLVEMENT OF PARENTS IN DEVELOPING POLICIES AND PROGRAM DECISIONS THAT AFFECT THEM AND THEIR CHILDREN; AND

(VIII) EDUCATION AND TRAINING REGARDING HOW TO IDENTIFY AND ADDRESS CHILD AND FAMILY TRAUMA AND SUPPORT A TRAUMA-INFORMED APPROACH TO EARLY CHILDHOOD; AND

(h) EARLY CHILDHOOD DATA SYSTEM STRATEGIES TO INFORM PLANNING, LEVERAGE RESOURCE ALLOCATIONS, MAXIMIZE CHILDREN'S ACCESS TO PROGRAMS, AND SUPPORT DATA-DRIVEN DECISION-MAKING.

**26-6.2-305. Universal, voluntary preschool program - recommendations - report.** (1) THE TRANSITION WORKING GROUP, WORKING WITH THE CONSULTANT AND WITH THE ADVICE OF THE TRANSITION ADVISORY GROUP, SHALL DEVELOP RECOMMENDATIONS FOR A NEW STATEWIDE, UNIVERSAL, VOLUNTARY PRESCHOOL PROGRAM TO BEGIN OPERATING IN THE 2023-24 SCHOOL YEAR THAT IS ADMINISTERED BY THE NEW DEPARTMENT AND MEETS THE REQUIREMENTS SPECIFIED IN THIS SECTION. THE TRANSITION WORKING GROUP SHALL ENSURE THAT THE RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM ARE ALIGNED AND COORDINATED WITH THE RECOMMENDATIONS IN THE TRANSITION PLAN. THE NEW PRESCHOOL PROGRAM AT A MINIMUM MUST:

(a) ALIGN EXISTING FUNDING FOR THE EXISTING COLORADO PRESCHOOL PROGRAM CREATED IN ARTICLE 28 OF TITLE 22 AND ANTICIPATED PRESCHOOL FUNDING FROM THE PRESCHOOL PROGRAMS CASH FUND AND INCORPORATE THE EXISTING PRESCHOOL PROGRAM INTO THE NEW PRESCHOOL PROGRAM TO OPERATE AS A SINGLE



STATE-LEVEL PRESCHOOL PROGRAM AND ALIGN WITH OTHER RELEVANT EARLY CHILDHOOD PROGRAMS OPERATED BY THE EXISTING DEPARTMENTS TO ACHIEVE A STREAMLINED PRESCHOOL EXPERIENCE FOR CHILDREN, FAMILIES, AND EARLY CHILDHOOD CARE AND LEARNING PROVIDERS; AND

(b) BE DESIGNED TO MEET THE USE REQUIREMENTS SPECIFIED IN SECTION 24-22-118 (3)(b) AND (3)(d) FOR THE MONEY IN THE PRESCHOOL PROGRAMS CASH FUND AND THE PROGRAM REQUIREMENTS SPECIFIED IN SECTION 24-22-118 (3)(c) FOR THE NEW PRESCHOOL PROGRAM.

(2) THE RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM MUST BE INFORMED BY THE ANALYSIS OF THE USE OF EXISTING EARLY CHILDHOOD PROGRAMS AND SERVICES CONDUCTED PURSUANT TO SECTION 26-6.2-303 (8) AND DESIGNED TO ENSURE THAT THE NEW PRESCHOOL PROGRAM OPERATES WITHIN THE FOLLOWING PARAMETERS:

(a) THE MONEY FROM THE PRESCHOOL PROGRAMS CASH FUND MUST BE DISTRIBUTED THROUGH THE NEW STATE-LEVEL PRESCHOOL PROGRAM TO SUPPORT HIGH-QUALITY PRESCHOOL PROGRAMS THAT IMPLEMENT DEVELOPMENTALLY AND CULTURALLY APPROPRIATE WHOLE-CHILD, QUALITY LEARNING EXPERIENCES THAT SUPPORT THE LEARNING AND DEVELOPMENT OF ALL CHILDREN, INCLUDING STRATEGIES THAT SUPPORT THE NEEDS OF CHILDREN WHO ARE DUAL LANGUAGE LEARNERS AND CHILDREN WHO ARE MEMBERS OF GROUPS THAT HAVE HISTORICALLY FACED BARRIERS TO ACCESSING QUALITY PRESCHOOL PROGRAMMING;

(b) THE MONEY THAT IS DISTRIBUTED THROUGH THE NEW PRESCHOOL PROGRAM MUST BE ALLOCATED TO BOTH SCHOOL-BASED AND COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS, INCLUDING HEAD START AGENCIES;

(c) THE ADMINISTRATION OF THE NEW PRESCHOOL PROGRAM MUST ENSURE THAT SCHOOL-BASED AND COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS MEET STANDARDS FOR FISCAL ACCOUNTABILITY AND COMPLY WITH NONDISCRIMINATION LAWS;

(d) MONEY THAT IS ALLOCATED FOR CHILD CARE AND FOR PRESCHOOL PROGRAMMING MUST BE BLENDED OR BRAIDED, AND WHEN APPLICABLE ALSO BLENDED OR BRAIDED WITH MONEY FOR PROGRAMS PROVIDED BY HEAD START AGENCIES, TO ENABLE COMMUNITIES TO SUPPORT A FULL DAY OF CHILD CARE AND EARLY LEARNING SERVICES FOR WORKING FAMILIES;

(e) THE NEW STATE-LEVEL PRESCHOOL PROGRAM MUST ENSURE ALIGNMENT WITH STATE AND FEDERAL REQUIREMENTS UNDER THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", PART 1 OF ARTICLE 20 OF TITLE 22, AND PART B AND PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED;

(f) THE DESIGN OF THE NEW STATE-LEVEL PRESCHOOL PROGRAM MUST FOCUS ON CHILDREN, FAMILIES, AND CHILD CARE AND LEARNING PROVIDERS TO ALLOW EASY ACCESS FOR FAMILIES TO CHOOSE THE PRESCHOOL PROGRAMS, AND ADDITIONAL CHILD CARE PROGRAMS, THAT ARE MOST APPROPRIATE FOR THEIR CHILDREN AND THEIR CIRCUMSTANCES;

(g) THE STATE-LEVEL PRESCHOOL PROGRAM MUST ESTABLISH PROGRAM STANDARDS FOR LOCAL PRESCHOOL PROGRAM QUALITY THAT ARE DESIGNED TO SUPPORT CHILD DEVELOPMENT AND THE SUCCESSFUL TRANSITION OF CHILDREN AND FAMILIES TO SCHOOL AND THAT ARE ALIGNED AND INTEGRATED WITH STANDARDS FROM OTHER EARLY CHILDHOOD CARE AND LEARNING PROGRAMS IN THE STATE;

(h) THE NEW PRESCHOOL PROGRAM MUST INTEGRATE WITH THE LOCAL INFRASTRUCTURE FOR EARLY CHILDHOOD, INCLUDING THE EARLY CHILDHOOD COUNCILS OR OTHER LOCALLY DESIGNATED STRUCTURES, TO SUPPORT COORDINATION OF EARLY CHILDHOOD PROGRAMS AT THE LOCAL LEVEL, CONTINUOUS QUALITY IMPROVEMENT, RECRUITMENT AND RETENTION OF THE EARLY CHILDHOOD WORKFORCE, AND CHILDREN'S AND FAMILIES' ACCESS TO COMPREHENSIVE SERVICES; AND

(i) THE NEW PRESCHOOL PROGRAM MUST BE SUBJECT TO A PROGRAM EVALUATION THAT INCLUDES THE PROGRAM'S EFFECTS ON CHILD AND FAMILY OUTCOMES.

(3)(a) IN ADDRESSING THE ALLOCATION AND DISTRIBUTION OF MONEY TO LOCAL PRESCHOOL PROGRAM PROVIDERS, THE RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM, AT A MINIMUM, MUST ADDRESS THE PROCESS FOR CALCULATING FUNDING RATES AND HOW THE RATES ARE DESIGNED TO SUPPORT QUALITY PRESCHOOL PROGRAMS AND THE PROCESS FOR DISTRIBUTING MONEY THROUGH THE NEW PRESCHOOL PROGRAM.

(b) WITH REGARD TO THE REQUIREMENT THAT THE NEW PRESCHOOL PROGRAM ALIGN WITH FEDERAL AND STATE REQUIREMENTS FOR SERVING CHILDREN WITH DISABILITIES, THE RECOMMENDATIONS FOR THE NEW PRESCHOOL PROGRAM MUST ADDRESS, AT A MINIMUM, THE COMPONENTS OF AN INTERAGENCY AGREEMENT AND OTHER STRATEGIES TO DEFINE THE ROLES AND RESPONSIBILITIES OF THE NEW DEPARTMENT, THE DEPARTMENT OF EDUCATION, LOCAL EDUCATION AGENCIES, AND PRESCHOOL PROVIDERS REGARDING:

(I) HOW THE NEW PRESCHOOL PROGRAM, AS IMPLEMENTED IN CONJUNCTION WITH PRESCHOOL SPECIAL EDUCATION, WILL MAINTAIN ALIGNMENT WITH FEDERAL REQUIREMENTS FOR IDENTIFYING AND SERVING PRESCHOOL CHILDREN WITH DISABILITIES AND THE ROLES OF THE NEW DEPARTMENT AND THE DEPARTMENT OF EDUCATION;

(II) ACCOUNTABILITY AND OVERSIGHT OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS WITH REGARD TO FEDERAL REQUIREMENTS FOR IDENTIFYING AND SERVING PRESCHOOL CHILDREN WITH DISABILITIES, INCLUDING HOW THE NEW PRESCHOOL PROGRAM AND THE NEW DEPARTMENT WILL COORDINATE WITH THE DEPARTMENT OF EDUCATION IN ITS ROLE AS THE LEAD AGENCY RESPONSIBLE FOR COMPLIANCE WITH THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED, AND THE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", PART 1 OF ARTICLE 20 OF TITLE 22;

(III) HOW PRESCHOOL SPECIAL EDUCATION SERVICES MUST BE DELIVERED AND HOW COMMUNITY-BASED PRESCHOOL PROGRAM PROVIDERS WILL BE HELD ACCOUNTABLE FOR PROVIDING ACCESS AND NECESSARY SUPPORTS IN IMPLEMENTING A MIXED-DELIVERY PRESCHOOL PROGRAM;

(IV) HOW THE NEW PRESCHOOL PROGRAM WILL BE INTEGRATED WITH THE EXISTING REQUIREMENTS IMPOSED ON LOCAL EDUCATION AGENCIES RELATED TO THE PROVISION OF PRESCHOOL SPECIAL EDUCATION SERVICES, INCLUDING, BUT NOT LIMITED TO, STAFF QUALIFICATIONS AND IDENTIFYING, EVALUATING, DETERMINING THE ELIGIBILITY OF, AND PROVIDING SERVICES TO CHILDREN WITH DISABILITIES; AND

(V) HOW THE NEW PRESCHOOL PROGRAM WILL REDUCE DUPLICATIVE OVERSIGHT AND REGULATION OF SCHOOL- AND COMMUNITY-BASED PRESCHOOL PROGRAMS IMPLEMENTING SERVICES FOR PRESCHOOL CHILDREN WITH DISABILITIES.

**26-6.2-306. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE JULY 1, 2024.

**SECTION 2.** In Colorado Revised Statutes, 24-1-110, **amend** (1) introductory portion; and **add** (1)(y) as follows:

**24-1-110. Principal departments.** (1) In accordance with the provisions of section 22 of article IV of the state constitution, all executive and administrative offices, agencies, and instrumentalities of the executive department of the state government and their respective functions, powers, and duties, except as otherwise provided by law, are allocated among and within the following principal departments created by this ~~article~~ ARTICLE 1:

(y) DEPARTMENT OF EARLY CHILDHOOD.

**SECTION 3.** In Colorado Revised Statutes, **add** 24-1-120.5 as follows:

**24-1-120.5. Department of early childhood - creation.** (1) THERE IS CREATED THE DEPARTMENT OF EARLY CHILDHOOD, THE HEAD OF WHICH IS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, WHICH OFFICE IS CREATED. THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR, WITH THE CONSENT OF THE SENATE, AND THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER AN INITIAL ELECTION OF A GOVERNOR IS SUBJECT TO THE PROVISIONS OF SECTION 24-20-109.

(2) THE EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN PART 3 OF ARTICLE 1 OF TITLE 26.5 AND ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE DEPARTMENT OF EARLY CHILDHOOD.

**SECTION 4.** In Colorado Revised Statutes, **add, with amended and relocated provisions**, title 26.5 as follows:

**TITLE 26.5  
EARLY CHILDHOOD PROGRAMS AND SERVICES**

**ARTICLE 1  
Early Childhood Programs and Services**

**PART 1  
DEPARTMENT OF EARLY CHILDHOOD**

**26.5-1-101. Short title.** THE SHORT TITLE OF THIS TITLE 26.5 IS THE "ANNA JO

## GARCIA HAYNES EARLY CHILDHOOD ACT".

**26.5-1-102. Legislative intent.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE DEPARTMENT OF EARLY CHILDHOOD SHALL WORK WITH OTHER STATE AND LOCAL AGENCIES, PUBLIC AND PRIVATE EARLY CHILDHOOD PROVIDERS, HEAD START AGENCIES, NONPROFIT ORGANIZATIONS, AND PARENTS AND FAMILIES TO:

(a) PROVIDE HIGH-QUALITY, VOLUNTARY, AFFORDABLE EARLY CHILDHOOD OPPORTUNITIES FOR ALL CHILDREN IN COLORADO;

(b) COORDINATE THE AVAILABILITY OF EARLY CHILDHOOD PROGRAMS AND SERVICES IN COLORADO TO MEET THE NEEDS OF ALL FAMILIES;

(c) ESTABLISH STATE AND COMMUNITY PARTNERSHIPS THAT PROVIDE FOR A MIXED DELIVERY OF CHILD CARE AND EARLY CHILDHOOD PROGRAMS THROUGH SCHOOL-BASED AND COMMUNITY-BASED PROVIDERS;

(d) ENSURE THAT PARENT AND COMMUNITY INPUT ARE PRIORITIZED IN THE CONTINUING DESIGN AND IMPLEMENTATION OF PROGRAMS AND POLICIES AFFECTING CHILDREN AND FAMILIES;

(e) MAXIMIZE THE EFFICIENT USE OF RESOURCES TO ENSURE THAT PARENTS, CHILDREN, AND EARLY CHILDHOOD PROGRAM AND SERVICE PROVIDERS ARE PRIORITIZED AND RECEIVE THE GREATEST LEVEL OF INVESTMENT AND FINANCIAL SUPPORT WITH THE LOWEST POSSIBLE ADMINISTRATIVE BURDEN;

(f) PRIORITIZE THE EQUITABLE DELIVERY OF RESOURCES AND SUPPORTS FOR EARLY CHILDHOOD;

(g) UNIFY WITHIN THE DEPARTMENT THE ADMINISTRATION OF CHILD CARE AND EARLY LEARNING PROGRAMS TO EFFECTIVELY AND EFFICIENTLY SUPPORT A STREAMLINED PARENT AND PROVIDER EXPERIENCE AND TO SUPPORT A DIVERSE ARRAY OF PROVIDERS OF EARLY CHILDHOOD CARE AND LEARNING SERVICES. UNIFICATION OF THE PROGRAMS MUST INCLUDE:

(I) DEVELOPMENT OF A COMMON PROGRAM APPLICATION PROCESS, WHICH, TO THE EXTENT PRACTICABLE, IS ACCESSIBLE IN FAMILIES' PREFERRED LANGUAGES, TO STREAMLINE THE ELIGIBILITY AND ENROLLMENT EXPERIENCE FOR FAMILIES;

(II) QUALITY PROGRAM STANDARDS THAT SUPPORT CHILD DEVELOPMENT AND SUCCESSFUL TRANSITIONS TO ELEMENTARY EDUCATION AND ARE ALIGNED AND INTEGRATED WITH STANDARDS FROM OTHER EARLY CARE AND LEARNING PROGRAMS; AND

(III) FOCUS ON RECRUITMENT AND RETENTION STRATEGIES, INCLUDING STRATEGIES DESIGNED TO RECRUIT AND RETAIN INDIVIDUALS FROM DIFFERENT CULTURAL BACKGROUNDS, AND COMPENSATION STRATEGIES FOR THE EARLY CARE AND LEARNING WORKFORCE TO ELEVATE AND SUPPORT THE WORKFORCE ACROSS ALL CARE AND LEARNING SETTINGS; AND

(h) IMPROVE OUTCOMES FOR CHILDREN AND FAMILIES THROUGH:

(I) STRATEGIES THAT SUPPORT RECRUITMENT, TRAINING, AND COMPENSATION OF THE EARLY CHILDHOOD WORKFORCE, INCLUDING STRATEGIES DESIGNED TO RECRUIT AND RETAIN INDIVIDUALS FROM DIFFERENT CULTURAL BACKGROUNDS;

(II) IMPLEMENTATION OF EVIDENCE- AND PRACTICE-BASED BEST PRACTICES IN EDUCATION, FAMILY SUPPORT, AND CHILD DEVELOPMENT WITH A FOCUS ON CONTINUOUS IMPROVEMENT AND INNOVATION;

(III) PROGRAM EVALUATION FOR CONTINUOUS IMPROVEMENT, INCLUDING MONITORING METRICS THAT PROMOTE TRANSPARENCY AND EFFICIENCY OF ADMINISTRATION, PROGRAM QUALITY ASSESSMENT, AND CHILD AND FAMILY OUTCOMES AND ACCOUNTABILITY, WHICH ARE REPORTED ANNUALLY AND MUST ADDRESS REMOVAL OR REDUCTION OF ACCESS BARRIERS, REALIZATION OF ADMINISTRATIVE OR FINANCIAL EFFICIENCIES, AND PROGRESS TOWARD ACHIEVING THE DEPARTMENT'S MISSION;

(IV) ALIGNMENT WITH STATE AND FEDERAL REQUIREMENTS UNDER THE STATE "EXCEPTIONAL CHILDREN'S EDUCATIONAL ACT", PART 1 OF ARTICLE 20 OF TITLE 22, AND PART B AND PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION ACT", 20 U.S.C. SEC. 1400 ET SEQ., AS AMENDED; AND

(V) EDUCATION AND TRAINING REGARDING HOW TO IDENTIFY AND ADDRESS CHILD AND FAMILY TRAUMA AND SUPPORT A TRAUMA-INFORMED APPROACH TO EARLY CHILDHOOD.

**26.5-1-103. Definitions.** AS USED IN THIS TITLE 26.5, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "DEPARTMENT" MEANS THE DEPARTMENT OF EARLY CHILDHOOD CREATED IN SECTION 26.5-1-104.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD.

**26.5-1-104. Department of early childhood - created - executive director - powers, duties, and functions.** (1) THERE IS CREATED THE DEPARTMENT OF EARLY CHILDHOOD, THE HEAD OF WHICH IS THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD, WHICH OFFICE IS CREATED. THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR, WITH THE CONSENT OF THE SENATE, AND THE EXECUTIVE DIRECTOR SERVES AT THE PLEASURE OF THE GOVERNOR. THE REAPPOINTMENT OF AN EXECUTIVE DIRECTOR AFTER AN INITIAL ELECTION OF A GOVERNOR IS SUBJECT TO THE PROVISIONS OF SECTION 24-20-109. IN APPOINTING AN EXECUTIVE DIRECTOR, THE GOVERNOR SHALL MAKE CONCERTED EFFORTS TO IDENTIFY QUALIFIED INDIVIDUALS WHO ARE REPRESENTATIVE OF THE DIVERSE POPULATIONS OF CHILDREN AND FAMILIES RESIDING IN COLORADO. THE EXECUTIVE DIRECTOR HAS THOSE POWERS, DUTIES, AND FUNCTIONS PRESCRIBED FOR THE HEADS OF PRINCIPAL DEPARTMENTS IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24, AND ANY POWERS, DUTIES, AND FUNCTIONS SET FORTH IN THIS TITLE 26.5.

(2) THE DEPARTMENT OF EARLY CHILDHOOD CONSISTS OF AN EXECUTIVE

DIRECTOR OF THE DEPARTMENT OF EARLY CHILDHOOD AND SUCH DIVISIONS, SECTIONS, OTHER UNITS, AND ADVISORY BOARDS AS THE EXECUTIVE DIRECTOR MAY ESTABLISH PURSUANT TO SUBSECTION (3) OF THIS SECTION AND AS MAY BE SPECIFIED IN THIS TITLE 26.5.

(3) THE EXECUTIVE DIRECTOR MAY ESTABLISH SUCH DIVISIONS, SECTIONS, OTHER UNITS, AND ADVISORY BOARDS WITHIN THE DEPARTMENT AS ARE NECESSARY FOR THE PROPER AND EFFICIENT DISCHARGE OF THE POWERS, DUTIES, AND FUNCTIONS OF THE DEPARTMENT.

(4) THE DEPARTMENT OF EARLY CHILDHOOD IS RESPONSIBLE FOR ADMINISTERING THE FUNCTIONS AND PROGRAMS AS SET FORTH IN THIS TITLE 26.5.

(5) THE EXECUTIVE DIRECTOR SHALL ESTABLISH A WORK GROUP TO IDENTIFY PROGRAMS AND SERVICES THAT MAY BE ADDRESSED IN SUBSEQUENT TRANSITION PHASES AND DEVELOP A CONTINUING, COMPREHENSIVE PLAN FOR TRANSITIONING PROGRAMS AND SERVICES TO THE DEPARTMENT, WHICH MUST INCLUDE CONSIDERATION OF THE FISCAL IMPACT OF TRANSITIONING THE PROGRAMS AND SERVICES.

PART 2  
(Reserved)

PART 3  
EARLY CHILDHOOD LEADERSHIP COMMISSION

**26.5-1-301. [Formerly 26-6.2-101] Legislative declaration.** (1) The general assembly hereby finds that:

(a) Public investments for pregnant women and young children from birth to eight years of age and their families fall behind investments for older Colorado children and lag behind national trends;

(b) For the state's early childhood system to operate effectively, the efforts of the public and private agencies that compose the system must be efficiently coordinated, aligned to state and federal standards, and made accountable across state systems; and

(c) While there are several planning efforts related to early childhood services and collaborative bodies within state and local governments, there is no single venue to allow high-level decision-making among policy makers, to collectively study recommendations, to facilitate cross-agency collaboration among state agencies, and to make joint policy and funding recommendations.

(2) The general assembly further finds that:

(a) A commission to assist in coordinating services and supports for pregnant women and young children from birth to eight years of age and their families will improve the delivery of those services and improve the educational, health, emotional and mental health, child welfare, and employment outcomes for these children and their families; and

(b) A commission to assist in coordinating the delivery of services and supports for pregnant women and young children and their families will also significantly improve Colorado's workforce and economic development by:

(I) Helping to ensure a healthy, well-educated workforce far into the future;

(II) Supporting those persons who currently provide early childhood services and supports and creating additional employment opportunities;

(III) Supporting parents of young children who need dependable, high-quality child care and supportive services in order to be fully engaged and productive in their jobs; and

(IV) Supporting the market in early childhood services and products as a vibrant element of the state's economy.

(3) The general assembly finds, therefore, that it is essential to create a high-level, interagency, public-private leadership commission to identify opportunities for, and address barriers to, the coordination of federal and state early childhood policies and procedures in order to promote access to programs and services that affect the health and well-being of Colorado's children.

**26.5-1-302. [Formerly 26-6.2-103] Early childhood leadership commission - created - mission - funding.** (1) There is created in the state department the early childhood leadership commission, REFERRED TO IN THIS PART 3 AS THE "COMMISSION". 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 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 and parent education.

(2) The commission ~~shall consist~~ CONSISTS of up to ~~twenty~~ TWENTY-ONE members as follows:

(a) The executive directors of each of the following agencies or their designees:

(I) The state department of human services;

(II) The department of public health and environment;

(III) The department of health care policy and financing; ~~and~~

(IV) The department of higher education; AND

(V) THE DEPARTMENT OF EARLY CHILDHOOD;

(b) The commissioner of education or ~~his or her~~ THE COMMISSIONER'S designee;

(c) The head start ~~state~~ collaboration OFFICE director for Colorado; and

(d) No more than fourteen persons appointed by the governor, which persons collectively have the following expertise, affiliations, or backgrounds:

(I) Representatives of local government groups;

(II) Representatives of school districts;

(III) Providers of early childhood supports and services;

(IV) REPRESENTATIVES OF HEAD START AGENCIES;

~~(V)~~ (V) Persons whose families receive early childhood supports or services;

~~(V)~~ (VI) Representatives of statewide foundations and nonprofit organizations involved in early childhood issues;

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

~~(V)~~ (VIII) Representatives of the local public health community.

(3) (a) In appointing persons to the commission, the governor shall ensure that the appointed persons reflect the gender balance and ethnic diversity in the state and provide representation from throughout the state and that the commission includes representation of persons with disabilities AND THOSE WHO REPRESENT LANGUAGE DIVERSITY OR SUPPORT FAMILIES AND CHILDREN WHO ARE DUAL LANGUAGE LEARNERS.

(b) The persons appointed to the commission pursuant to subsection (2)(d) of this section: ~~shall:~~

(I) Serve at the pleasure of the governor; and

(II) Serve without compensation but may receive reimbursement for reasonable expenses incurred in fulfilling their duties on the commission. ~~subject to the availability of federal funds or gifts, grants, or donations.~~

(c) If a vacancy occurs in the positions appointed pursuant to ~~paragraph (d) of subsection (2)~~ SUBSECTION (2)(d) of this section, the governor shall appoint a person to fill the vacancy.

(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, 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.



(5) The commission, in collaboration with the executive director of the ~~state~~ department, may appoint a director to assist the commission in fulfilling its duties pursuant to this ~~article 6.2~~ PART 3. The director may appoint such additional persons as may be necessary to assist the commission. ~~The director and any other persons appointed pursuant to this subsection (5) shall be compensated with federal funds or gifts, grants, and donations, and not with money from the general fund.~~

(6) The governor's office, the ~~state~~ department, and the other agencies represented on the commission may, at the request of the commission and within existing appropriations, provide necessary support to the commission, including but not limited to administrative support, data, and other analytical information. In addition, the commission may seek, accept, and expend gifts, grants, or donations from public or private sources to the extent necessary to cover the expenses of the commission. ~~Money from the general fund shall not be appropriated for the commission or for administrative or other expenses of the commission.~~

**26.5-1-303. [Formerly 26-6.2-104] Early childhood leadership commission - duties.** (1) In addition to any other duties specified in law, the commission has the following duties:

(a) To identify opportunities for, and barriers to, the alignment of standards, rules, policies, and procedures across programs and agencies that support young children and to recommend to the appropriate committees of reference of the general assembly pursuant to part 2 of article 7 of title 2 and to government and nonprofit agencies and policy boards changes to enhance the alignment and provision of services and supports for pregnant women and young children and their families;

(b) To advise and make recommendations to the ~~state~~ department and to other relevant early childhood entities concerning implementation of the early childhood Colorado framework;

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

(d) To consider and recommend waivers from state regulations on behalf of early childhood councils as provided in section 26-6.5-104 (1);

(e) To monitor the ongoing development, promotion, and implementation of:

(I) A quality, cohesive professional development and career advancement system;

(II) High-quality, comprehensive early learning standards; and

(III) The sharing and use of common data for planning and accountability among early childhood programs;

(f) To develop strategies and monitor efforts concerning:

(I) Increasing children's school readiness;

(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.

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

(a) Members of the early childhood councils established pursuant to section 26-6.5-103; and

(b) Any other boards, commissions, and councils that address services and supports for pregnant women and young children.

**26.5-1-304. [Formerly 26-6.2-106] Repeal of part.** This ~~article 6.2~~ PART 3 is repealed, effective September 1, 2023. Before its repeal, the commission is subject to review in accordance with section 2-3-1203.

PART 4  
EARLY CHILDHOOD AND SCHOOL READINESS  
LEGISLATIVE COMMISSION

**26.5-1-401. [Formerly 26-6.5-201] Short title.** ~~This part 2 shall be known and may be cited as~~ THE SHORT TITLE OF THIS PART 4 IS the "Early Childhood and School Readiness Legislative Commission Act".

**26.5-1-402. [Formerly 26-6.5-202] Legislative declaration.** (1) The general assembly finds that:

(a) The most economically efficient time to develop children's skills and social abilities is in the very early years when developmental education across all of the four domains of early learning, family support and education, health care, social-emotional health, and mental health, can have the most effect;

(b) Children, families, and society benefit from quality investments in early childhood development and learning. Comprehensive early childhood development provides children and their families with the resources they need for early nurturing and for early language development and learning experiences and the physical health supports they need to help them arrive at school thriving and ready to learn.

(c) High-quality early childhood care and ~~education~~ LEARNING during the crucial growth years from birth to five years of age is necessary to enable children to succeed when they start kindergarten and as they continue their education;

(d) Research demonstrates that parental support and involvement, combined with a high-quality preschool education program, increases students' school readiness and achievement in kindergarten and significantly contributes to overcoming the effects of students' varying socioeconomic circumstances; and

(e) Research further shows that improving educational performance through improved school readiness costs much less than special education, remediation, and

grade retention.

(2) The general assembly concludes therefore that it is in the best interests of the state to create a legislative commission to meet on a regular basis throughout the year to study issues and recommend legislation concerning early childhood and school readiness, including health care, mental health, parental involvement, family support, child care, and early learning.

**26.5-1-403. [Formerly 26-6.5-203] Early childhood and school readiness legislative commission - creation - membership - duties - funding.** (1) (a) There is created a legislative commission for policy improvement related to early childhood and school readiness, including the areas of health, mental health, parental involvement, family support, child care, and early learning, referred to in this ~~article~~ PART 4 as the "commission".

(b) The commission consists of six members, appointed for terms of three years; except that, of the members first appointed, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and two members shall be appointed for three-year terms. The appointing authorities shall jointly determine which commission members serve reduced terms. Each commission member serves at the pleasure of the applicable appointing authority. Vacancies shall be filled by appointment of the original appointing authority for the remainder of the unexpired term. Initial appointments to the commission shall be made on or before July 1, 2013, as follows:

(I) The president of the senate shall appoint two senators to serve on the commission, one of whom serves on the senate education committee, or any successor committee, and one of whom serves on the senate health and human services committee, or any successor committee;

(II) The minority leader of the senate shall appoint one senator to serve on the commission who also serves on the senate education committee, or any successor committee;

(III) The speaker of the house of representatives shall appoint two representatives to serve on the commission, one of whom serves on the education committee of the house of representatives, or any successor committee, and one of whom serves on the public health care and human services committee of the house of representatives, or any successor committee; and

(IV) The minority leader of the house of representatives shall appoint one representative to serve on the commission who also serves on the education committee of the house of representatives, or any successor committee.

(c) The president of the senate shall select the first chair of the commission, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair ~~shall~~ MUST alternate annually thereafter between the two houses. The chair and vice-chair of the commission may establish such organizational and procedural rules as are necessary for the operation of the commission.

(d) The members of the commission ~~shall~~ MUST receive compensation and

reimbursement for expenses incurred in fulfilling the duties of the commission as provided in section 2-2-326. ~~C.R.S.~~

(2) (a) ~~(H)~~ The commission may meet up to four times annually. The director of research of the legislative council and the director of the office of legislative legal services shall provide staff assistance to the commission. The commission shall study issues concerning early childhood and school readiness, including but not limited to health care, mental health, parental involvement, family support, child care, and early learning. The commission shall solicit input from members of the public, especially those individuals with expertise related to early childhood and school readiness issues, to aid the commission in its work. The commission shall consult with the early childhood leadership commission, created in ~~section 26-6.2-103~~ SECTION 26.5-1-302, with regard to policies concerning early childhood and school readiness.

~~(H)(A) Notwithstanding subsection (2)(a)(I) of this section, the commission shall not meet during the 2020 interim.~~

~~(B) This subsection (2)(a)(H) is repealed, effective July 1, 2021.~~

(b) The commission may accept in-kind donations in the form of administrative support from one or more nonprofit organizations.

(c) ~~(H)~~ The commission shall report to the legislative council by the date specified in ~~joint~~ rule 24 (b)(1)(D) OF THE JOINT RULES OF THE SENATE AND HOUSE OF REPRESENTATIVES. The report may include recommendations for legislation, including but not limited to legislation continuing the commission and an explanation of the additional time and procedures that the commission may require to achieve the commission's study goals. Legislation that the commission recommends ~~shall be~~ is treated as legislation recommended by an interim committee for the purposes of the introduction deadlines and bill limitations imposed by the joint rules of the senate and house of representatives.

~~(H)(A) Notwithstanding subsection (2)(c)(I) of this section, the commission shall neither report to the legislative council nor recommend legislation during the 2020 interim.~~

~~(B) This subsection (2)(c)(H) is repealed, effective July 1, 2021.~~

**26.5-1-404. [Formerly 26-6.5-204] Repeal of part.** This ~~part 2~~ PART 4 is repealed, effective July 1, 2023.

**SECTION 5.** In Colorado Revised Statutes, **repeal** part 1 of article 6.2 of title 26 and part 2 of article 6.5 of title 26.

**SECTION 6.** In Colorado Revised Statutes, 2-3-1203, **amend** (14)(a)(V) as follows:

**2-3-1203. Sunset review of advisory committees - legislative declaration - definition - repeal.** (14) (a) The following statutory authorizations for the designated advisory committees are scheduled for repeal on September 1, 2023:

(V) The early childhood leadership commission created in ~~section 26-6.2-103~~  
SECTION 26.5-1-302;

**SECTION 7.** In Colorado Revised Statutes, 24-1-120, **amend** (5)(m) as follows:

**24-1-120. Department of human services - creation.** (5) The department of human services shall include the following:

(m) The early childhood leadership commission created by ~~article 6.2 of title 26,~~  
~~C.R.S.~~ PART 3 OF ARTICLE 1 OF TITLE 26.5.

**SECTION 8.** In Colorado Revised Statutes, 26-2-803, **amend** (1) as follows:

**26-2-803. Provider rates - rules.** (1) The state department, in consultation with the counties, shall contract annually for a market rate study of provider rates that account for quality of care, age group, and type of care for each county as recommended by the early childhood leadership commission created in ~~section 26-6.2-103~~ SECTION 26.5-1-302. Notwithstanding the provisions of section 24-1-136 (11)(a)(I), copies of the study must be provided to the joint budget committee on or before January 2, 2019, and on or before each January 2 thereafter.

**SECTION 9.** In Colorado Revised Statutes, 26-6.5-104, **amend** (1) as follows:

**26-6.5-104. Early childhood councils - waivers - rules - funding - application.** (1) A local council may request a waiver of any rule that would prevent a council from implementing council projects. The local council shall submit the request to the early childhood leadership commission created in ~~article 6.2 of this title~~ ARTICLE 1 OF TITLE 26.5. The early childhood leadership commission shall consult with the affected state agency in reviewing the request. The state department or other affected state agency shall grant waivers upon recommendation by the commission.

**SECTION 10. Appropriation.** (1) For the 2021-22 state fiscal year, \$587,500 is appropriated to the office of the governor. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

(a) \$225,560 for the administration of the governor's office and residence, which amount is based on an assumption that the office will require an additional 1.8 FTE;

(b) \$170,528 for use by the office of information technology for enterprise solutions, which amount is based on an assumption that the office will require an additional 1.8 FTE; and

(c) \$191,412 for the purchase of legal services.

(2) For the 2021-22 state fiscal year, \$191,412 is appropriated to the department of law. This appropriation is from reappropriated funds received from the governor's office under subsection (1)(c) of this section and is based on an assumption that the department of law will require an additional 1.0 FTE. To implement this act, the department of law may use this appropriation to provide legal services for the office of the governor.

(3) For the 2021-22 state fiscal year, \$267,161 is appropriated to the department of human services for use by the office of early childhood. This appropriation is from the general fund. To implement this act, the office may use this appropriation as follows:

(a) \$108,521 for child care licensing and administration, which amount is based on an assumption that the office will require an additional 1.2 FTE; and

(b) \$158,640 for continuation of child care quality initiatives.

(4) For the 2021-22 state fiscal year, \$96,867 is appropriated to the department of education. This appropriation is from the general fund and is based on an assumption that the department will require an additional 0.9 FTE. To implement this act, the department may use this appropriation for early childhood program transition.

**SECTION 11. Effective date.** This act takes effect upon passage; except that sections 2 to 9 of this act take effect July 1, 2022.

**SECTION 12. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, or safety.

Approved: June 23, 2021