

**First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO**

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 23-0877.01 Alana Rosen x2606

SENATE BILL 23-269

SENATE SPONSORSHIP

Buckner and Rich, Coleman, Cutter, Exum, Fenberg, Ginal, Jaquez Lewis, Marchman, Moreno, Mullica, Priola, Roberts, Sullivan, Winter F.

HOUSE SPONSORSHIP

Lukens and Bradfield,

Senate Committees

Education
Appropriations

House Committees

Education
Appropriations

A BILL FOR AN ACT

101 **CONCERNING CREATING A BONUS PAYMENT PROGRAM TO INCENTIVIZE**
102 **COLORADO PRESCHOOL PROVIDERS TO PARTICIPATE IN THE**
103 **COLORADO UNIVERSAL PRESCHOOL PROGRAM, AND, IN**
104 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

Bill Summary

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

The bill creates the Colorado preschool program provider participation bonus program (bonus program). The bonus program provides a one-time bonus payment to any eligible preschool provider

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

HOUSE
2nd Reading Unamended
May 3, 2023

SENATE
3rd Reading Unamended
April 19, 2023

SENATE
Amended 2nd Reading
April 18, 2023

(provider) that participates in the preschool program established in the department of early childhood (department). The bonus program can also award additional bonus payments if the eligible recipient maintains or increases the eligible recipient's licensed capacity to serve infants and toddlers between April 1, 2022, and April 1, 2024.

The purpose of the bonus program is to:

- Increase provider participation in the Colorado universal preschool program (preschool program) to ensure that all children have access to a universal preschool classroom in their communities;
- Strengthen the mixed delivery system by supporting providers that have not previously participated in the Colorado state-run preschool program; and
- Preserve access to infant and toddler care.

Providers are required to use the bonus payments to implement or support the preschool program or maintain or expand infant and toddler care.

The department is required to report to the joint budget committee on or before September 1, 2024, on the number and types of providers that receive bonus payments and the number and types of bonus payments awarded.

The bonus program is repealed, effective July 1, 2025.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** 26.5-4-211 as
3 follows:

4 **26.5-4-211. Colorado universal preschool program provider**
5 **participation bonus program - report - rules - definitions - repeal.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "COLORADO STATE-RUN PRESCHOOL PROGRAM" MEANS THE
9 COLORADO PRESCHOOL PROGRAM ADMINISTERED PURSUANT TO ARTICLE
10 28 OF TITLE 22 AS IT EXISTED PRIOR TO JULY 1, 2023.

11 (b) "COLORADO UNIVERSAL PRESCHOOL PROGRAM APPLICATION
12 PORTAL" MEANS THE SYSTEM THE DEPARTMENT ADMINISTERS TO OPERATE
13 AND TRACK THE PUBLIC'S PARTICIPATION IN THE COLORADO UNIVERSAL

1 PRESCHOOL PROGRAM ADMINISTERED PURSUANT TO PART 2 OF ARTICLE 4
2 OF THIS TITLE 26.5.

3 (c) "COLORADO UNIVERSAL PRESCHOOL PROGRAM PROVIDER
4 PARTICIPATION BONUS PROGRAM" OR "BONUS PROGRAM" MEANS THE
5 COLORADO UNIVERSAL PRESCHOOL PROGRAM PROVIDER PARTICIPATION
6 BONUS PROGRAM CREATED IN SUBSECTION (2) OF THIS SECTION.

7 (d) "ELIGIBLE RECIPIENT" MEANS A PRESCHOOL PROVIDER
8 PARTICIPATING IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM
9 CREATED PURSUANT TO SECTION 26.5-4-204 THAT HAS SIGNED A
10 PROVIDER AGREEMENT AND IS IN GOOD STANDING WITH THE DEPARTMENT.

11 (e) "LOW-CAPACITY PRESCHOOL AREA" MEANS A COMMUNITY
12 WITH INSUFFICIENT COLORADO UNIVERSAL PRESCHOOL PROGRAMMING
13 CAPACITY TO MEET THE DEMAND OF PARENTS IN THE PRESCHOOL AREA
14 WHO WISH TO ENROLL THE PARENTS' CHILDREN.

15 (2) THERE IS CREATED IN THE DEPARTMENT THE COLORADO
16 UNIVERSAL PRESCHOOL PROGRAM PROVIDER PARTICIPATION BONUS
17 PROGRAM. THE PURPOSE OF THE BONUS PROGRAM IS TO:

18 (a) INCREASE PRESCHOOL PROVIDER PARTICIPATION IN THE
19 COLORADO UNIVERSAL PRESCHOOL PROGRAM TO ENSURE THAT ALL
20 CHILDREN HAVE ACCESS TO A UNIVERSAL PRESCHOOL CLASSROOM IN
21 THEIR COMMUNITIES;

22 (b) STRENGTHEN THE MIXED DELIVERY SYSTEM BY SUPPORTING
23 PRESCHOOL PROVIDERS THAT HAVE NOT PREVIOUSLY PARTICIPATED IN THE
24 COLORADO STATE-RUN PRESCHOOL PROGRAM; AND

25 (c) PRESERVE ACCESS TO INFANT AND TODDLER CARE.

26 (3) (a) THE DEPARTMENT SHALL ESTABLISH AND MAKE PUBLICLY
27 AVAILABLE A PROCESS FOR SOLICITING, VETTING, AWARDING, AND

1 MONITORING PAYMENTS UNDER THE BONUS PROGRAM THAT ALIGNS WITH
2 THE PURPOSES OF THE COLORADO UNIVERSAL PRESCHOOL PROGRAM. THE
3 DEPARTMENT SHALL POST THE PROCESS ON THE DEPARTMENT'S WEBSITE.

4 (b) THE EXECUTIVE DIRECTOR MAY PROMULGATE RULES, AS
5 NECESSARY, FOR THE IMPLEMENTATION OF THE PROGRAM.

6 (c) (I) AN ELIGIBLE RECIPIENT MUST RECEIVE A BONUS PAYMENT
7 IF THE ELIGIBLE RECIPIENT HAS REGISTERED WITH THE COLORADO
8 UNIVERSAL PRESCHOOL PROGRAM APPLICATION PORTAL TO PARTICIPATE
9 IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM BY AUGUST 31,
10 2023, AND HAS NOT PREVIOUSLY PARTICIPATED IN THE COLORADO
11 STATE-RUN PRESCHOOL PROGRAM.

12 (II) AN ELIGIBLE RECIPIENT MAY RECEIVE ADDITIONAL BONUS
13 PAYMENTS IF THE ELIGIBLE RECIPIENT:

14 (A) IS LICENSED TO PROVIDE CARE TO INFANTS AND TODDLERS
15 AND IS IN GOOD STANDING WITH THE DEPARTMENT; AND

16 (B) MAINTAINS OR INCREASES THE ELIGIBLE RECIPIENT'S LICENSED
17 CAPACITY TO SERVE INFANTS AND TODDLERS BETWEEN APRIL 1, 2022,
18 AND APRIL 1, 2024.

19 (III) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT
20 SHALL FURTHER DISTRIBUTE BONUS PAYMENTS TO AN ELIGIBLE RECIPIENT
21 LOCATED IN A LOW-CAPACITY PRESCHOOL AREA THAT REGISTERS WITH
22 THE COLORADO UNIVERSAL PRESCHOOL PROGRAM APPLICATION PORTAL
23 TO PARTICIPATE IN THE COLORADO UNIVERSAL PRESCHOOL PROGRAM.

24 (4) AN ELIGIBLE RECIPIENT AWARDED A BONUS PAYMENT
25 PURSUANT TO THIS SECTION SHALL USE THE BONUS PAYMENT TO
26 IMPLEMENT OR SUPPORT THE COLORADO UNIVERSAL PRESCHOOL
27 PROGRAM OR MAINTAIN OR EXPAND INFANT AND TODDLER CARE IN THIS

1 STATE.

2 (5) (a) ON OR BEFORE SEPTEMBER 1, 2023, THE DEPARTMENT
3 SHALL CALCULATE THE NUMBER OF ELIGIBLE RECIPIENTS THAT APPLIED
4 FOR A BONUS PAYMENT PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION
5 AND, BASED ON AVAILABLE APPROPRIATIONS, DETERMINE AN AMOUNT FOR
6 THE BONUS PAYMENT.

7 (b) ALL BONUS PAYMENTS MUST BE DISTRIBUTED TO ELIGIBLE
8 RECIPIENTS THAT QUALIFY PURSUANT TO SUBSECTION (3)(c) OF THIS
9 SECTION FOR A BONUS PAYMENT ON OR BEFORE JUNE 30, 2024.

10 (6) ON OR BEFORE SEPTEMBER 1, 2024, THE DEPARTMENT SHALL
11 SUBMIT A REPORT TO THE JOINT BUDGET COMMITTEE SUMMARIZING THE
12 FOLLOWING:

13 (a) THE NUMBER OF ELIGIBLE RECIPIENTS THAT RECEIVED A BONUS
14 PAYMENT;

15 (b) THE TYPES OF ELIGIBLE RECIPIENTS THAT RECEIVED A BONUS
16 PAYMENT PURSUANT TO SUBSECTION (3)(c) OF THIS SECTION;

17 (c) THE AMOUNT OF EACH BONUS PAYMENT; AND

18 (d) THE NUMBER OF BONUS PAYMENTS AWARDED PURSUANT TO
19 SUBSECTIONS (3)(c)(I), (3)(c)(II), AND (3)(c)(III) OF THIS SECTION,
20 RESPECTIVELY.

21 (7) THIS SECTION IS REPEALED, EFFECTIVE JULY 1, 2025.

22 **SECTION 2. Appropriation.** For the 2023-24 state fiscal year,
23 \$2,500,000 is appropriated to the department of early childhood for use
24 by the early learning access and quality division. This appropriation is
25 from the general fund. To implement this act, the division may use this
26 appropriation for the universal preschool program.

1 **SECTION 3. Safety clause.** The general assembly hereby finds,
2 determines, and declares that this act is necessary for the immediate
3 preservation of the public peace, health, or safety.