

Second Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 24-0655.02 Alana Rosen x2606

SENATE BILL 24-078

SENATE SPONSORSHIP

Marchman and Priola,

HOUSE SPONSORSHIP

Joseph and McLachlan,

Senate Committees
Education

House Committees

A BILL FOR AN ACT

101 CONCERNING INCLUDING OUTDOOR NATURE-BASED PRESCHOOL
102 PROGRAMS AS A TYPE OF CHILD CARE CENTER IN THE
103 DEPARTMENT OF EARLY CHILDHOOD FOR LICENSING-RELATED
104 MATTERS.

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 includes outdoor nature-based preschool programs (outdoor programs) as a type of licensed child care center (center) in the department of early childhood (department) for licensing-related matters.

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.

No later than December 31, 2025, the executive director of the department shall promulgate rules for centers operating as outdoor programs. The rules must include, but are not limited to:

- Land-use agreement requirements for outdoor programs operating on public or private land;
- Policies for site-specific alternate shelter plans;
- Policies for site-specific risk mitigation plans;
- Policies for site-specific emergency and disaster preparedness plans;
- Policies for site-specific evacuation plans; and
- Policies and procedures for outdoor programs to opt out of certain department requirements through the site-specific risk mitigation plan.

The bill requires the department to provide training to licensing staff who oversee outdoor program site inspections and to outdoor program operators and staff.

The department shall collaborate with local fire departments on fire prevention and protection requirements for outdoor programs. The department shall collaborate with the department of public health and environment on sanitary standards for outdoor programs.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and declares that:

4 (a) It is a priority of the state of Colorado to provide all Colorado
5 children access to high-quality early education;

6 (b) Early childhood education can come in many forms;

7 (c) Coloradans recognize the benefits of nature in education and
8 education in nature;

9 (d) Learning in nature has existed for decades;

10 (e) Learning in nature offers children health benefits and helps
11 provide skills children need in school to succeed; and

12 (f) There are physical, cognitive, and social developmental
13 benefits that occur with nature-based learning compared to what children
14 experience and learn in traditional indoor educational environments.

1 (2) The general assembly finds, therefore, that:

2 (a) Outdoor nature-based preschool programs provide an
3 immersive approach, putting nature at the heart of the educational
4 program for children;

5 (b) Outdoor nature-based preschool programs seek to restore
6 children's interaction with nature; and

7 (c) Colorado has a rich and wondrous outdoor landscape that will
8 offer extensive opportunities for children to learn in nature.

9 **SECTION 2.** In Colorado Revised Statutes, 26.5-5-303, **amend**
10 (3); and **add** (18.5) as follows:

11 **26.5-5-303. Definitions.** As used in this part 3, unless the context
12 otherwise requires:

13 (3) (a) "Child care center" means a facility, by whatever name
14 known, that is maintained for the whole or part of a day for the care of
15 five or more children, unless otherwise specified in this subsection (3),
16 who are eighteen years of age or younger and who are not related to the
17 owner, operator, or manager thereof, whether the facility is operated with
18 or without compensation for such care and with or without stated
19 educational purposes. The term includes, but is not limited to, facilities
20 commonly known as child care centers, school-age child care centers,
21 before- and after-school programs, kindergartens, preschools, OUTDOOR
22 NATURE-BASED PRESCHOOL PROGRAMS, day camps, and summer camps,
23 and includes those facilities for children under six years of age with stated
24 educational purposes operated in conjunction with a public, private, or
25 parochial college or a private or parochial school; except that the term
26 does not apply to any kindergarten maintained in connection with a
27 public, private, or parochial elementary school system of at least six

1 grades.

2 (b) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (3)(a) OF
3 THIS SECTION, A CHILD CARE CENTER THAT OPERATES AS AN OUTDOOR
4 NATURE-BASED PRESCHOOL PROGRAM SERVES CHILDREN WHO ARE AT
5 LEAST THREE YEARS OF AGE BUT UNDER EIGHT YEARS OF AGE.

6 (18.5) "OUTDOOR NATURE-BASED PRESCHOOL PROGRAM" OR
7 "OUTDOOR PROGRAM" MEANS A FULL-DAY OR PARTIAL-DAY OUTDOOR
8 NATURE-BASED PRESCHOOL PROGRAM FOR CHILDREN WHO ARE AT LEAST
9 THREE YEARS OF AGE BUT UNDER EIGHT YEARS OF AGE THAT OPERATES AT
10 LEAST FIFTY PERCENT OF THE OUTDOOR PROGRAM'S OPERATING HOURS
11 OUTDOORS IN A DEPARTMENT-APPROVED OUTDOOR NATURAL SPACE.

12 **SECTION 3.** In Colorado Revised Statutes, **add** 26.5-5-330 as
13 follows:

14 **26.5-5-330. Outdoor nature-based preschool programs - child**
15 **care centers - rules - definition.** (1) NO LATER THAN DECEMBER 31,
16 2025, THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR CHILD
17 CARE CENTERS THAT OPERATE AS OUTDOOR NATURE-BASED PRESCHOOL
18 PROGRAMS. RULES PROMULGATED PURSUANT TO THIS SECTION MUST
19 INCLUDE, BUT ARE NOT LIMITED TO:

20 (a) LAND-USE AGREEMENT REQUIREMENTS FOR OUTDOOR
21 PROGRAMS OPERATING ON PUBLIC OR PRIVATE LAND;

22 (b) POLICIES FOR SITE-SPECIFIC ALTERNATIVE SHELTER PLANS. AN
23 ALTERNATIVE SHELTER MAY INCLUDE, BUT NEED NOT BE LIMITED TO, A
24 COVERED PAVILION, BUILDING, TARP, OR VEHICLE. FOR EMERGENCY
25 CIRCUMSTANCES, OUTDOOR PROGRAMS ARE NOT REQUIRED TO SEEK
26 ALTERNATIVE SHELTER IN LICENSED CHILD CARE CENTER BUILDINGS.

27 (c) POLICIES FOR SITE-SPECIFIC RISK MITIGATION PLANS;

1 (d) POLICIES FOR SITE-SPECIFIC EMERGENCY AND DISASTER
2 PREPAREDNESS PLANS;

3 (e) POLICIES FOR SITE-SPECIFIC EVACUATION PLANS; AND

4 (f) POLICIES AND PROCEDURES FOR OUTDOOR PROGRAMS TO OPT
5 OUT OF CERTAIN DEPARTMENT REQUIREMENTS THROUGH THE
6 SITE-SPECIFIC RISK MITIGATION PLAN DESCRIBED IN SUBSECTION (1)(c) OF
7 THIS SECTION. THE POLICIES AND PROCEDURES MUST INCLUDE GUIDANCE
8 ON THE DEPARTMENTAL EVALUATION AND APPROVAL OF THE
9 SITE-SPECIFIC RISK MITIGATION PLAN BASED ON THE GEOGRAPHIC
10 LOCATION OF THE OUTDOOR PROGRAM, THE AGES OF THE CHILDREN
11 PARTICIPATING, AND THE ABILITY OF THE OUTDOOR PROGRAM TO
12 DEMONSTRATE ADEQUATE SAFETY MEASURES TO PROTECT CHILDREN.

13 (2) (a) THE DEPARTMENT SHALL PROVIDE TRAINING TO LICENSING
14 STAFF WHO OVERSEE SITE INSPECTIONS FOR OUTDOOR PROGRAMS. THE
15 TRAINING MUST INCLUDE INFORMATION ON HOW TO:

16 (I) INTERPRET SITE-SPECIFIC PLANS;

17 (II) CONDUCT INSPECTIONS OF SITE-SPECIFIC OUTDOOR PROGRAMS;

18 (III) COMMUNICATE WITH LOCAL FIRE DEPARTMENTS THAT
19 INSPECT OUTDOOR PROGRAMS; AND

20 (IV) COMMUNICATE WITH THE DEPARTMENT OF PUBLIC HEALTH
21 AND ENVIRONMENT STAFF WHO INSPECT OUTDOOR PROGRAMS.

22 (b) THE DEPARTMENT SHALL PROVIDE TRAINING TO OUTDOOR
23 PROGRAM OPERATORS AND STAFF ON HOW TO IMPLEMENT AND OPERATE
24 OUTDOOR PROGRAMS IN COLORADO. THE DEPARTMENT SHALL
25 COLLABORATE WITH EXISTING OUTDOOR PROGRAMS TO CREATE AND
26 IMPLEMENT THE TRAINING USING A BENEFIT-RISK ASSESSMENT.

27 (3) THE DEPARTMENT SHALL COLLABORATE WITH:

1 (a) LOCAL FIRE DEPARTMENTS ON FIRE PREVENTION AND
2 PROTECTION REQUIREMENTS FOR OUTDOOR PROGRAMS; AND

3 (b) THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT ON
4 SANITARY STANDARDS FOR OUTDOOR PROGRAMS.

5 (4) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
6 REQUIRES, "BENEFIT-RISK ASSESSMENT" MEANS A PROCESS TO IDENTIFY
7 HAZARDS AND RISKS FOR PLAY ELEMENTS IN OUTDOOR NATURE-BASED
8 PRESCHOOL PROGRAMS AND THE CREATION OF A PLAN TO MITIGATE A
9 CHILD'S RISK OF INJURY WHILE MAINTAINING DEVELOPMENTAL BENEFITS
10 FOR CHILDREN.

11 **SECTION 4.** In Colorado Revised Statutes, 25-1.5-101, **amend**
12 (1)(h) as follows:

13 **25-1.5-101. Powers and duties of department - laboratory cash**
14 **fund - office of suicide prevention - suicide prevention coordination**
15 **cash fund - report - dispensation of payments under contracts with**
16 **grantees - definitions.** (1) The department has, in addition to all other
17 powers and duties imposed upon it by law, the powers and duties
18 provided in this section as follows:

19 (h) To establish and enforce sanitary standards for the operation
20 and maintenance of orphanages, day care nurseries, foster homes, family
21 care homes, summer camps for children, lodging houses, OUTDOOR
22 NATURE-BASED PRESCHOOL PROGRAMS, guest child care facilities and
23 public services short-term child care facilities as defined in section
24 26.5-5-303, hotels, public conveyances and stations, schools, factories,
25 workshops, industrial and labor camps, recreational resorts and camps,
26 swimming pools, public baths, mobile home parks, and other buildings,
27 centers, and places used for public gatherings;

1 **SECTION 5. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly; except
4 that, if a referendum petition is filed pursuant to section 1 (3) of article V
5 of the state constitution against this act or an item, section, or part of this
6 act within such period, then the act, item, section, or part will not take
7 effect unless approved by the people at the general election to be held in
8 November 2024 and, in such case, will take effect on the date of the
9 official declaration of the vote thereon by the governor.