

## CHAPTER 441

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**EARLY CHILDHOOD PROGRAMS AND SERVICES**

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**SENATE BILL 24-078**

BY SENATOR(S) Marchman and Priola, Bridges, Buckner, Coleman, Cutter, Exum, Fields, Gonzales, Hinrichsen, Jaquez Lewis, Michaelson Jenet, Will, Winter F.;

also REPRESENTATIVE(S) Joseph and McLachlan, Amabile, Bird, Boesenecker, Brown, Catlin, Daugherty, Duran, English, Epps, Garcia, Hamrick, Hernandez, Herod, Jodeh, Lieder, Lindsay, Lindstedt, Lukens, Marshall, Marvin, Mauro, McCormick, Ortiz, Ricks, Rutinel, Sirota, Snyder, Story, Titone, Valdez, Velasco, Vigil, Willford, Woodrow, McCluskie.

**AN ACT**

**CONCERNING INCLUDING OUTDOOR NATURE-BASED PRESCHOOL PROGRAMS AS A TYPE OF CHILD CARE CENTER IN THE DEPARTMENT OF EARLY CHILDHOOD FOR LICENSING-RELATED MATTERS, AND, IN CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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

- (a) It is a priority of the state of Colorado to provide all Colorado children access to high-quality early education;
- (b) Early childhood education can come in many forms;
- (c) Coloradans recognize the benefits of nature in education and education in nature;
- (d) Learning in nature has existed for decades;
- (e) Learning in nature offers children health benefits and helps provide skills children need in school to succeed; and
- (f) There are physical, cognitive, and social developmental benefits that occur with nature-based learning compared to what children experience and learn in traditional indoor educational environments.

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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.*

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

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

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

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

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

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

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

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

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

**SECTION 3.** In Colorado Revised Statutes, **add** 26.5-5-331 as follows:

**26.5-5-331. Outdoor nature-based preschool programs - child care centers - rules - definition.** (1) NO LATER THAN DECEMBER 31, 2025, THE EXECUTIVE DIRECTOR SHALL PROMULGATE RULES FOR CHILD CARE CENTERS THAT OPERATE AS OUTDOOR NATURE-BASED PRESCHOOL PROGRAMS. RULES PROMULGATED PURSUANT TO THIS SECTION MUST INCLUDE, BUT ARE NOT LIMITED TO:

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

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

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

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

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

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

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

(I) INTERPRET SITE-SPECIFIC PLANS;

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

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

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

(b) BEGINNING DECEMBER 1, 2026, THE DEPARTMENT SHALL PROVIDE TRAINING TO OUTDOOR PROGRAM OPERATORS AND STAFF ON HOW TO IMPLEMENT AND OPERATE OUTDOOR PROGRAMS IN COLORADO. THE DEPARTMENT SHALL COLLABORATE WITH EXISTING OUTDOOR PROGRAMS TO CREATE AND IMPLEMENT THE TRAINING USING A BENEFIT-RISK ASSESSMENT.

(3) THE DEPARTMENT SHALL COLLABORATE WITH:

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

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

(4) FOR THE 2024-25 FISCAL YEAR, AND EACH FISCAL YEAR THEREAFTER THROUGH THE 2026-27 FISCAL YEAR, THE GENERAL ASSEMBLY SHALL APPROPRIATE THIRTY THOUSAND DOLLARS FROM THE CHILD CARE LICENSING CASH FUND CREATED IN SECTION 26.5-5-311 (4) TO THE DEPARTMENT TO IMPLEMENT THE OUTDOOR PROGRAMS.

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

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

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

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

**SECTION 5. Appropriation.** (1) For the 2024-25 state fiscal year, \$179,569 is appropriated to the department of early childhood for use by the licensing and administration division. This appropriation consists of \$149,569 from the general fund and \$30,000 from the child care licensing cash fund created in section 26.5-5-311 (4), C.R.S. To implement this act, the division may use this appropriation as follows:

(a) \$145,451, which consists of \$121,151 general fund and \$24,300 from the child care licensing cash fund, for personal services, which amount is based on an assumption that the division will require an additional 1.8 FTE; and

(b) \$34,118, which consists of \$28,418 from the general fund and \$5,700 from the child care licensing cash fund, for operating expenses.

(2) For the 2024-25 state fiscal year, \$35,341 is appropriated to the department of public health and environment for use by the division of environmental health and sustainability. This appropriation is from the general fund and is based on an assumption that the division will require an additional 0.4 FTE. To implement this act, the division may use this appropriation for environmental health programs.

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

Approved: June 6, 2024