



COLORADO
Department of Early Childhood

Colorado General Assembly
200 E Colfax Avenue
Denver, CO 80203

November 1, 2023

The Honorable Julie McCluskie
Speaker, Colorado State House of Representatives

The Honorable Stephen Fenberg
President, Colorado State Senate

Members of the Colorado General Assembly c/o the Staff of the Legislative Council

Representative McCluskie, Senator Fenberg, and Members of the General Assembly:

The Colorado Department of Early Childhood (CDEC) submits the following 2024 Departmental Regulatory Agenda in fulfillment of the statutory requirements set forth in sections 2-7-202(6), 2-7-203(4), and 24-4-103.3(4), C.R.S.

In compliance with the aforementioned statutory requirements, there are four (4) components of CDEC's 2024 Departmental Regulatory Agenda, which include the following reports:

1. 2024 Departmental Regulatory Agenda
2. 2023 Regulatory Report
3. 2023 CDEC Results of Mandatory Review of Rules
4. CDEC Schedule for 2024 Public Rulemaking Hearings

CDEC's 2024 Departmental Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register on November 10, 2023, and is posted to our website. We are also prepared to discuss this 2024 Departmental Regulatory Agenda and 2023 Departmental Regulatory Agenda Report with the CDEC's joint committee of reference during the upcoming SMART Act hearing held pursuant to section 2-7-203, C.R.S.

Should you have any questions, comments, or concerns related to a specific rule or regulation, please do not hesitate to reach out to CDEC's Policy and Legislative Unit at CDEC_Rulemaking@state.co.us.

Sincerely,

Dr. Lisa Roy
Executive Director
Colorado Department of Early Childhood





COLORADO

Department of Early Childhood

2024 Departmental Regulatory Agenda January 1, 2024 - December 31, 2024

OVERVIEW

The Colorado Department of Early Childhood (CDEC) submits the following 2024 Departmental Regulatory Agenda in fulfillment of the statutory requirements set forth in sections [2-7-202\(6\)](#), [2-7-203\(4\)](#), and [24-4-103.3\(4\)](#), C.R.S. Pursuant to state law, each state department of the Executive Branch must file a Departmental Regulatory Agenda (Regulatory Agenda) annually on November 1st, containing the following information:

- A. A list of new rules or revisions to existing rules that the Department expects to propose during the next calendar year;
- B. The statutory or other basis for adoption of the proposed rules;
- C. The purpose of the proposed rules;
- D. The contemplated schedule for adoption of the rules;
- E. An identification and listing of persons or parties that may be affected positively or negatively by the rules; and
- F. Commencing with Departmental Regulatory Agendas submitted on and after November 1, 2023, a list and brief summary of all permanent and temporary rules actually adopted since the previous departmental regulatory agenda was filed.

Publication and Availability to the Public

The CDEC 2024 Departmental Regulatory Agenda will be filed with Legislative Council staff for distribution to committee(s) of reference; posted on the CDEC's website at <https://cdec.colorado.gov/for-partners/rulemaking-rules-advisory-council>; and submitted to the Colorado Secretary of State for publication in the [Colorado Register](#) on November 10, 2023. The Department will also present its Regulatory Agenda as part of its "SMART Act" hearing and presentation pursuant to section 2-7-203(2)(a), C.R.S.

TABLE 1: CDEC 2024 DEPARTMENTAL REGULATORY AGENDA

No.	Division / Program	CCR Number	Rule Title	Purpose of Proposed Rule or Amendment	Statutory or Other Basis	New, Revised, or Repealed Rule?	Part of Mandatory Rule Review?	Anticipated Date of Adoption	Anticipated Stakeholders
1	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section: 4.103 - Qualifying Factors	Adjust the qualifying factors for children enrolled in the Colorado Universal Preschool Program to receive additional hours and update the Federal Poverty Guidelines (FPG).	26.5-4-204(4), C.R.S.	Revised Rule	No	January 2024	UPK Providers, Families, School Districts, and Community Members.
2	Department Wide	8 CCR 1406-1	Rule Section TBD: Administrative Appeals	Establish rules for the Administrative Appeals process within CDEC.	26.5-1-105(1), 26.5-2-105(5), 26.5-4-108(1), 26.5-4-111, and 26.5-5-314, C.R.S.	New Rule	No	January 2024	Providers, Local Coordinating Organizations, Early Childhood Councils, and Community Members.
3	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section TBD: Application Deadline Waivers	Establish a process for allowing providers to submit applications to participate in the Colorado Universal Preschool Program after the application deadline.	26.5-4-204(4)(a)(VII), C.R.S.	New Rule	No	March 2024	UPK Providers, Local Coordinating Organizations, Early Childhood Councils, and Community Members.
4	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section TBD: Quality Standards	Establish Quality Standards for providers of the Colorado Universal Preschool Program (HB22-1295) and add "Early Numeracy" to the Quality Standards (HB23-1231).	26.5-4-205 C.R.S.	New Rule	No	April 2024	Colorado Universal Preschool Program Providers, Families, School Districts, and Community Members.
5	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section: 4.105 - Rate Setting	Adjust the Colorado Universal Preschool Program's rate for the 2024-2025 School Year, including to establish in rule allowable administrative and indirect costs.	26.5-4-208, C.R.S.	Revised Rule	No	May 2024	Colorado Universal Preschool Program Providers, Families, School Districts, and Community Members.

No.	Division / Program	CCR Number	Rule Title	Purpose of Proposed Rule or Amendment	Statutory or other basis	New Rule, Revised Rule, or Repeal?	Part of Mandatory Rule Review?	Anticipated Date of Adoption	Anticipated Stakeholders
6	Division of Early Learning, Licensing, and Administration (DELLA) / School-Aged Child Care Programs	8 CCR 1402-1	Rule Section: 2.500, et. seq. - School Aged Child Care Programs	Complete a comprehensive review of all the School-Aged Child Care Program's rules, pursuant to section 24-4-103.3, C.R.S., to determine if the rules should be continued in their current form, modified, or repealed.	Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), 26.5-5-301, 26.5-5-322, and 24-4-103.3, C.R.S.	New, Revised, and Repealed Rules	Yes	June 2024	School-Aged Child Care Programs and Providers, Early Childhood Community Members, Families, and Agency Partners.
7	Division of Early Learning, Licensing, and Administration (DELLA) / Children's Resident Camps	8 CCR 1402-1	Rule Section: 2.400, et. seq. - Children's Resident Camps	Complete a comprehensive review of all the Children's Resident Camps rules, pursuant to section 24-4-103.3, C.R.S., to determine if the rules should be continued in their current form, modified, or repealed.	Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), 26.5-5-301, and 24-4-103.3, C.R.S.	New, Revised, and Repealed Rules	Yes	August 2024	Children's Resident Camp Programs and Providers, Early Childhood Community Members, Families, and Agency Partners.
8	Division of Early Learning, Licensing, and Administration (DELLA) / Special Activities	8 CCR 1402-1	Rule Section: 2.600, et. seq. - Special Activities	Complete a comprehensive review of all the rules regulating Special Activities, pursuant to section 24-4-103.3, C.R.S., to determine if the rules should be continued in their current form, modified, or repealed.	Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), 26.5-5-301, and 24-4-103.3, C.R.S.	New, Revised, and Repealed Rules	Yes	August 2024	Children's Resident Camp Programs and Providers, School-Aged Child Care Centers, Early Childhood Community Members, Families, and Agency Partners.
9	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	Rule Section: 3.111 - Low Income Child Care Eligibility	Adjust the Colorado Child Care Assistance Program's rules to reflect the annual updates for the Federal Poverty Level (FPL) and State Median Income (SMI).	45 CFR 98.16 (h), (k); and sections 26.5-1-105(1) and 26.5-4-111(1), C.R.S.	Revised Rule	No	September 2024	County Human Service Departments

No.	Division / Program	CCR Number	Rule Title	Purpose of Proposed Rule or Amendment	Statutory or other basis	New Rule, Revised Rule, or Repeal?	Part of Mandatory Rule Review?	Anticipated Date of Adoption	Anticipated Stakeholders
10	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section: 4.103 Eligibility	Adjusting the Colorado Universal Preschool Program's (UPK) rules to reflect the annual Federal Poverty Level (FPL) updates.	26.5-4-204(4), C.R.S.	Revised Rule	No	September 2024	Local Coordinating Organizations, Early Childhood Councils, and Early Childhood Community Members.
11	Division of Community and Family Support (DCFS) / Early Intervention Colorado Program (EI)	8 CCR 1405-1	Rule Section: 5.120 - Dispute Resolutions	Revise the Early Intervention (EI) Colorado Program based on findings of the Federal Audit; update to support programmatic changes that are addressed in rule; and revise the dispute resolution requirements.	26.5-3-403(2), C.R.S.	Revised Rule	No	October 2024	Local Early Intervention Programs, Sub-contracted Direct Service Providers, and Families.
12	Division of Early Learning, Licensing, and Administration (DELLA) / Child Care Centers	8 CCR 1402-1	Rule Section TBD: Outdoor Nature-based Preschools	Establish a new child care license type for Outdoor Nature-based Preschools.	Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), and 26.5-5-301, C.R.S.	New Rule	No	November 2024	Child Care Center Programs and Providers, Early Childhood Community Members, Families, and Agency Partners.
13	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	Rule Section TBD: LCO Community Plans	Revise the Local Coordinating Organizations (LCO) Community Plans to establish a process for the Department to review each LCO's performance annually.	Sections 26.5-2-105, 26.5-2-105(3)(a), 26.5-2-104, and 26.5-1-105(3)(a), C.R.S.	New Rule	No	November 2024	Local Coordinating Organizations, Early Childhood Councils, and Early Childhood Community Members.

2023 Departmental Regulatory Agenda Report

November 1, 2022 - December 31, 2023

OVERVIEW

Pursuant to section [2-7-202\(6\)\(f\), C.R.S.](#), the Colorado Department of Early Childhood (CDEC) submits the following 2023 Departmental Regulatory Agenda Report, which provides a list and brief summary of all permanent and temporary rules actually adopted since the (previous) [2023 Departmental Regulatory Agenda](#) was filed. This report also includes the proposed permanent and temporary rules that CDEC anticipates adopting before the end of the 2023 calendar year.

TABLE 2: CDEC 2023 DEPARTMENTAL REGULATORY AGENDA REPORT

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
1	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	2022-00746	Emergency	11/21/22	11/21/22	Yes	Establish rules regarding Rate Setting and Eligibility Requirements for additional hours provided by UPK.
2	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	2022-00649	Permanent	11/21/22	1/14/23	Yes	Establish rules regarding Rate Setting and Eligibility Requirements for additional hours provided by UPK.
3	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	2022-00644	Permanent	11/21/22	1/14/23	Yes	Adjust the Colorado Child Care Assistance Program's rules to reflect the annual updates for the Federal Poverty Level (FPL) and State Median Income (SMI) and transfer the rules to CDEC, which included a general cleanup of the rules and updates to rule numbering and statutory references.

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
4	Division of Community and Family Support (DCFS) / Early Intervention Colorado Program (EI)	8 CCR 1405-1	2022-00807	Emergency	12/16/22	1/1/23	Yes	Revise rules to broaden the number of children served with the additional funding received; and transfer the existing EI rules to CDEC, which included updates to rule numbering and statutory references, as well as general cleanup of the rules for clarity.
5	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	2022-00766	Permanent	1/26/23	3/17/23	Yes	Establish rules regarding Rate Setting and Eligibility Requirements for additional hours provided by UPK.
6	Division of Community and Family Support (DCFS) / Early Intervention Colorado Program (EI)	8 CCR 1405-1	2023-00041	Permanent	2/24/23	4/14/23	Yes	Revise rules to broaden the number of children served with the additional funding received; and transfer the existing EI rules to CDEC, which included updates to rule numbering and statutory references, as well as general cleanup of the rules for clarity.
7	Division of Early Learning, Access, and Quality (DELAQ) / School Readiness Quality Improvement Program (SRQIP)	8 CCR 1401-1	2023-00226	Permanent	5/15/23	7/15/23	Yes	Revise rules to align School Readiness and Quality Improvement Program (SRQIP) rules with state statutes; and transfer existing SRQIP rules to CDEC, which included updates to the rule numbering and statutory references, as well as general cleanup of the rules for clarity.
8	Division of Early Learning, Access, and Quality (DELAQ) / Early Childhood Councils (ECC)	8 CCR 1401-1	2023-00226	Permanent	5/15/23	7/15/23	Yes	Revise rules to transfer existing ECC rules to CDEC, which included updates to the rule numbering and statutory references, as well as general cleanup of the rules for clarity.

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
9	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	2023-00269	Emergency	5/15/23	7/1/23	Yes	Revise rules to remove cooperation with Child Support Services as a requirement of CCCAP eligibility to implement HB22-1295, and update definitions.
10	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	2023-00272	Permanent	6/23/23	8/14/23	Yes	Revise rules to remove cooperation with Child Support Services as a requirement of CCCAP eligibility to implement HB22-1295, and update definitions.
11	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	2023-00332	Emergency	6/23/23	6/23/23	No	Repeal of Rule 4.105(A) to mitigate inconsistent implications of the tuition credit for the various types of Universal Preschool Providers, and to provide an equitable delivery of the Colorado Universal Preschool Program.
12	Colorado Universal Preschool Program (UPK)	8 CCR 1404-1	2023-00325	Permanent	7/28/23	9/30/23	No	Repeal of Rule 4.105(A) to mitigate inconsistent implications of the tuition credit for the various types of Universal Preschool Providers, and to provide an equitable delivery of the Colorado Universal Preschool Program.
13	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	2023-00675	Emergency	9/29/23	10/1/23	Yes	Update the Federal Poverty Guidelines (FPG) and State Median Income (SMI) levels; address concerns from the Office of Legislative Legal Services (OLLS); and provide a general cleanup for clarity.

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
14	Division of Early Learning, Access, and Quality (DELAQ) / Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	2023-00611	Permanent	10/27/23	12/30/23	Yes	Update the Federal Poverty Guidelines (FPG) and State Median Income (SMI) levels; address concerns from the Office of Legislative Legal Services (OLLS); and provide a general cleanup for clarity.
15	Division of Early Learning, Licensing, and Administration / General Child Care Licensing Rules	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; renumber new rules; update departmental, statutory, and cross-rule references; and provide a general cleanup of the rule language to correct grammatical errors and add clarity.
16	Division of Early Learning, Licensing, and Administration / Children's Resident Camps	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; renumber new rules; update departmental, statutory, and cross-rule references; provide a general cleanup of the rule language to correct grammatical errors and add clarity; and implement HB23-1191.
17	Division of Early Learning, Licensing, and Administration / Substitute Placement Agencies	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; new rule numbering; updates to departmental, statutory, and cross-rule references; and provide a general cleanup of the rule language to correct grammatical errors and add clarity.
18	Division of Early Learning, Licensing, and Administration / Special Activities	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; renumber new rules; update departmental, statutory, and cross-rule references; and provide a general cleanup of the rule language to correct grammatical errors and add clarity.

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
19	Division of Early Learning, Licensing, and Administration / School-Aged Child Care Programs	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; renumber new rules; update departmental, statutory, and cross-rule references; provide a general cleanup of the rule language to correct grammatical errors and add clarity; and implement HB23-1191.
20	Division of Early Learning, Licensing, and Administration / Child Care Centers	8 CCR 1402-1	2023-00618	Permanent	10/27/23	12/30/23	Yes	Transfer and readopt existing rules to CDEC; renumber new rules; update departmental, statutory, and cross-rule references; provide a general cleanup of the rule language to correct grammatical errors and add clarity; and implement HB23-1191.
21	Department Wide	8 CCR 1406-1	TBD	Emergency	12/29/23	12/30/23	Yes	Establish the Administrative Appeals process within CDEC.
22	Department Wide	8 CCR 1401-1	TBD	Permanent	12/29/23	3/1/24	No	New rules to implement SB23-217, and establish the fee amount CDEC will collect for Abuse and Neglect Background Checks.
23	Division of Early Learning, Licensing, and Administration / Family Child Care Homes	8 CCR 1402-1	TBD	Permanent	12/29/23	3/1/24	Yes	Readopt/transfer existing rules to CDEC; complete comprehensive rule review; updates to departmental, statutory, and cross-rule references; provide a general cleanup of the rule language to correct grammatical errors and add clarity; and implement HB23-1191.

No.	Division / Program	CCR Number	CCR Tracking No.	Rulemaking Type	Adoption	Effective	Included in 2023 Regulatory Agenda?	Purpose of Proposed Rule or Amendment
24	Division of Early Learning, Licensing, and Administration / Neighborhood Youth Organizations	8 CCR 1402-1	TBD	Permanent	12/29/23	3/1/24	Yes	Transfer and readopt existing rules to CDEC; complete comprehensive rule review; update to departmental, statutory, and cross-rule references; provide a general cleanup of the rule language to correct grammatical errors and add clarity; and implement HB23-1191.

CDEC Results of Mandatory Review of Rules

January 1, 2023 - December 31, 2023

OVERVIEW

Pursuant to section [24-4-103.3\(4\), C.R.S.](#), the Colorado Department of Early Childhood (CDEC) submits the following report on the results of its mandatory review of rules as part of its 2024 Departmental Regulatory Agenda.

TABLE 3: CDEC RESULTS OF MANDATORY REVIEW OF RULES

No.	Division / Program	CCR Number	CCR Tracking No.	Statutory or Other Basis	Completion of Review	Did the review result in revisions to the regulation(s)?	Did the review result in repeal of any part of the regulation(s)?	Did review result in repeal of the entire CCR volume?	Adoption
1	Division of Early Learning, Licensing, and Administration / Family Child Care Homes (FCCH)	8 CCR 1402-1	TBD	24-4-103.3 and 26.5-5-322, C.R.S.	July 2023	Yes	Yes	No	12/29/23
2	Division of Early Learning, Licensing, and Administration / Neighborhood Youth Organizations (NYO)	8 CCR 1402-1	TBD	24-4-103.3, C.R.S.	July 2023	Yes	Yes	No	12/29/23

CDEC Schedule for 2024 Public Rulemaking Hearings

January 1, 2024 - December 31, 2024

OVERVIEW

The Colorado Department of Early Childhood (CDEC) submits the following schedule of all Public Rulemaking Hearings planned during the 2024 calendar year. This is a tentative schedule and subject to change. Any changes to this schedule will be publicly announced and posted on the [CDEC Rulemaking and Rules Advisory Council Webpage](#). For more information on the specific rules that will be considered during each Public Rulemaking Hearing, please review the [CDEC Rule Tracker](#), which is regularly updated as relevant information becomes available.

TABLE 4: CDEC SCHEDULE OF 2024 PUBLIC RULEMAKING HEARINGS

No.	Scheduled Hearing Dates	Scheduled Hearing Times	Location
1	Thursday, January 25, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
2	Thursday, February 22, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
3	Thursday, March 28, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
4	Thursday, April 25, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
5	Thursday, May 23, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
6	Thursday, June 27, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
7	Thursday, July 25, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
8	Thursday, August 22, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
9	Thursday, September 26, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
10	Thursday, October 24, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
11	Thursday, November 21, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345
12	Thursday, December 19, 2024	12:00 - 2:00 p.m.	https://us02web.zoom.us/j/92056012345