



COLORADO
Department of Early Childhood

November 1, 2022

The Honorable Alec Garnett
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

Re: Colorado Department of Early Childhood 2022 Regulatory Agenda and 2021 Regulatory Report

Representative Garnett, Senator Fenberg, and members of the General Assembly:

I am pleased to submit the first iteration of the Colorado Department of Early Childhood's (CDEC) 2022 Regulatory Agenda Report and 2023 Regulatory Agenda pursuant to C.R.S. § 2-7-203 (2022).¹ CDEC's 2023 Regulatory Agenda has also been submitted to the Colorado Secretary of State for publication in the Colorado Register, and will be posted to our website.

While we have only been a "Department" for a short four months, we have been hard at work and are happy to report on the progress made thus far regarding rulemaking activities, particularly related to the forthcoming Universal Preschool Program. Furthermore, we are equally excited to present our 2023 Agenda which serves as a roadmap for ensuring our existing programs continue to operate seamlessly, while also preparing for the implementation of our new programs.

Naturally, the task of relettering, amending, revising, and updating all of CDEC's related regulations is a somewhat daunting endeavor. Fortunately, it is one we have already made significant progress in. This puts CDEC in an advantageous position to continue to tackle these

¹ As this is the Department of Early Childhood's first year as a state agency, we will not be including a mandatory review of rules pursuant to C.R.S. § 24-4-103.3(4) (2022), but will work on incorporating this in future years, in partnership with the Department of Regulatory Agencies.



regulatory hurdles in a timely manner so that we may continue to offer the highest quality services that our children deserve, and our families have rightfully come to expect.

Not unexpectedly, these processes have involved and require robust stakeholder engagement, and a summary of this is included in the Report as well. We are also prepared to discuss our 2022 Regulatory Agenda Report and 2023 Regulatory Agenda with the Department's joint committee of reference during our upcoming SMART Act hearing held pursuant to C.R.S. § 2-7-203(2)(a)(II) (2022).

Lastly, should you have any questions, comments, or concerns related to a specific rule or regulation, please do not hesitate to reach out to Kristina Heyl at kristina.hey@state.co.us.

Sincerely,

A handwritten signature in blue ink that reads "Lisa R. Roy, Ed. D." The signature is written in a cursive, flowing style.

Dr. Lisa Roy
Executive Director

Enclosures: 2022 Regulatory Report
2023 Regulatory Agenda



2022 Regulatory REPORT July 1, 2022 - December 31, 2022

Overview

The Colorado Department of Early Childhood (CDEC) submits the following 2022 Regulatory Agenda Report in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. § 2-7-203(4).

Hearing or Adoption Date	Current CCR Number	Rule Title (CDEC Tracking)	New Rule, Revised, Reviewed or Repeal?	Statutory or Other Basis for Adoption of Rule	Purpose of Proposed Rule	High-Level Stakeholders	Status Adopted/Not Adopted/Withdrawn/Ongoing
Adopted: September 29, 2022 (emergency) Hearing: November 21, 2022 (permanent)	9 CCR 2503-9	CCCAP FPL and SMI Updates	Revision	Federal Requirement to Update FPL and SMI	Annual update to the Federal Poverty Levels and State Median Income; move all CCCAP codes to CDEC codes section	SubPAC	Adopted (emergency) Ongoing (permanent)
Adopted: September 29, 2022 (emergency) Hearing: November 21, 2022 (permanent)	NA	Income levels, Eligibility Factors + Additional Hours for UPK	New Rule	26.5-4-204(4)(a) C.R.S. (2022)	To develop rules that outline the income levels necessary for children 3 and under to receive services; the qualifying factors that a child must meet to be eligible to receive additional preschool services; and the number of hours of preschool services that an eligible child may receive.	LCOs, Early Childhood Providers, Program Quality & Alignment Subcommittee	Adopted (emergency) Ongoing (permanent)

Hearing: November 21, 2022 (emergency)	NA	Universal Preschool Rate-Setting Formula	New Rule	26.5-4-208 C.R.S. (2022)	The formulas for setting the per-child rates for universal preschool services, for preschool services for children with disabilities, for preschool services for eligible children who are three years of age or younger as described in subsections (3)(a)(III) and (3)(a)(IV) of this section, and for additional preschool services, as provided in section 26.5-4-208.	LCOs, Early Childhood Providers, Early Childhood Leadership Commission, School Districts	Ongoing
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2023 Regulatory AGENDA January 1, 2023-December 31, 2023

Overview

The Colorado Department of Early Childhood (CDEC) submits the following 2023 Regulatory Agenda in fulfillment of the statutory requirements set forth in Colo. Rev. Stat. § 2-7-203(4). Pursuant to state law, annually by November 1, executive-branch agencies must file a Departmental Regulatory Agenda (DRA) containing:

- A list of new rules or amendments that the department or its divisions expect to propose in the next calendar year;
- The statutory or other basis for adoption of the proposed rules;
- The purpose of the proposed rules;
- The contemplated schedule for adoption of the rules; and
- An identification and listing of persons or parties that may be affected positively or negatively by the rules.

The DRA is to be filed with Legislative Council staff for distribution to committee(s) of reference, posted on the department's website, and submitted to the Secretary of State for publication in the Colorado Register. Each department must also present its DRA as part of its "SMART Act" hearing and presentation pursuant to Colo. Rev. Stat. § 2-7-203(2)(a)(III)(A).

The following constitutes the Department of Early Childhoods' DRA for 2023 and is provided in accordance with Colo. Rev. Stat. § 2-7-203(2)(a)(IV):

Legislation (if applicable)	Office / Division/ Program / Section	Current CCR Number	Rule Title	Purpose of Proposed Rule	Statutory or other basis for adoption or change to rule	New Rule, Revisions or Repeal?	Anticipated Hearing Date	Stakeholders
NA	Division of Community and Family Supports (DCFS) - Early Intervention (EI)	12 CCR 2509-10	Early Intervention Eligibility Definition	The EI program received additional funding to serve more children and families by reviewing the current definition of developmental delay and consider broadening to 25% (from 33%); also transition rules from CDHS to CDEC	Part 4 of Article 3 of Title 26.5 C.R.S. (2022)	Revision	January 2023	Families, local EI programs, EI direct service providers, CICC, any interested stakeholder
HB22-1295, SB18-099, HB05-1238	Division of Early Learning Access and Quality (DELAQ) - School Readiness Quality Improvement Program (SRQIP)	12-CCR 2509-8	School Readiness Quality Improvement Program Rules	Technical cleanup and transfer from CDHS to CDEC	Part 1 of Article 5 of Title 26.5 C.R.S. (2022)	Revision	March 2023	Early Childhood Councils, QRIS Eligible Providers
HB22-1295	Universal Preschool	NA	Universal Preschool Quality Standards	To implement Preschool Quality Standards	26.5-4-205 C.R.S. (2022)	New rule	March 2023	LCOs, Early Childhood Providers, School Districts

HB22-1295	DELAQ - Early Childhood Council (ECC) Rules	12-CCR 2509-8	Early Childhood Council Rules	Transition from CDHS to CDEC	Part 2 of Article 2 of Title 26.5 C.R.S. (2022)	Revision	April 2023	Early Childhood Councils
HB22-1295	Division of Early Learning, Licensing and Administration (DELLA)-Licensing	12 CCR 2509-8	Rules Regulating Child Care Centers that Provide Less Than 24-hour Care	Adding a new Outdoor Nature-based Preschool License type. Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	New Rule; Revision	June 2023	Outdoor Nature-Based Programs
NA	DCFS - EI	12 CCR 2509-10	Early Intervention Rules	There are several updates needed to align with current language, additions to dispute resolution requirements, and update requirements needed with the implementation of SB 21-175	Part 4 of Article 3 of Title 26.5 C.R.S. (2022)	Revision	July 2023	Families, local EI programs, EI direct service providers, CICC, any interested stakeholder
HB22-1295	DELAQ - Colorado Child Care Assistance Program (CCCAP)	8 CCR 1403-1	Colorado Child Care Assistance Program	Per HB22-1295, cooperation with Child Support Services cannot be a requirement for CCCAP eligibility. CCCAP must revise our rules to align with this requirement. The rate-setting requirements in HB22-1295 will also impact our rules and we expect to make the associated changes at this time.	26.5-4-111 C.R.S. (2022)	Revision, New Rules, Repealed Rules	July 2023	CDHS (Child Support Services), County Rule Committee, Rate Setting Committee

HB22-1295	DELLA-Licensing	12 CCR 2509-8	Rules Regulating Family Child Care Homes	Comprehensive review of the rules and regulations and the licensing procedures governing family child care homes; Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	Revision	July 2023	Licensed family child care home providers
NA	Nurse Home Visiting Program (NHVP)	12 CCR 2509-9	Early Childhood - Nurse Home Visitor Program	To review rule and make any necessary changes; transition from CDHS to CDEC	Part 5 of Article 3 of Title 26.5 C.R.S. (2022)	Revision	July 2023	Invest in Kids
NA	DELAQ - CCCAP	8 CCR 1403-1	CCCAP FPL and SMI Updates	Annual update to the Federal Poverty Levels and State Median Income; move all CCCAP codes to CDEC codes section	Federal Requirement to Update FPL and SMI	Revision	October 2023	County Subcommittee

NA	DELLA-Licensing	12 CCR 2509-8	General Rules for Child Care Facilities	Removing regulations related to 24-hour Child Welfare Program Services Unit licensing. Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	Revision	December 2023	Licensed family child care home providers, licensed child care center providers, Licensed school-age child care center providers, licensed neighborhood youth organizations, licensed children's resident camp providers,
HB22-1295	DELLA-Licensing	12 CCR 2509-8	Rules Regulating Neighborhood Youth Organizations	Comprehensive review of the rules and regulations and the licensing procedures governing neighborhood youth organizations; Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	Revision	December 2023	Licensed neighborhood youth organizations
HB22-1295	DELLA-Licensing	12 CCR 2509-8	Rules Regulating Children's Resident Camps	Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	Revision	December 2023	Licensed children's resident camps

HB22-1295 SB21-167	DELLA- Licensing	12 CCR 2509-8	Rules Regulating School-age Child Care Centers	Revising rule to incorporate language included in SB21-167; Updating statute citations and rule for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	New rule; Revision	December 2023	Licensed school-age child care centers
HB22-1295	DELLA- Licensing	12 CCR 2509-8	Rules Regulating Special Activities	Comprehensive review; Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	New rule; Revision	December 2023	Licensed child care centers, licensed school-age child care centers, licensed children's resident camps
HB22-1295	DELLA- Licensing	12 CCR 2509-8	Rules Regulating Substitute Placement Agencies	Updating statute citations and rules for the transition to the new department.	26.5-5-316(4)(a) C.R.S. (2022), and 26.5-5-322 C.R.S. (2022)	Revision	December 2023	Licensed child care programs
HB22-1295	Appeals Processes	9 CCR 2503-9 (Admin. Procedures for [CCCAP])	Unified Appeals Process	To create a unified process for administrative decisions and appeals throughout the entire department	26.5-4-108, C.R.S. (2022); 26.5-5-313, C.R.S. (2022); 26.5-1-104, C.R.S. (2022)	New rule; Revision	TBD	Licensed child care facilities; CCCAP applicants

HB22-1295	Universal Preschool	NA	Additional Universal Preschool Rules	To implement other rules as are required in Part 2 or as may be necessary to implement the preschool program.	26.5-4-204(4)(a)(VII) C.R.S. (2022)	New rule	TBD	LCOs, Early Childhood Providers
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