

CHAPTER 326

EDUCATION - PUBLIC SCHOOLS

HOUSE BILL 02-1297

BY REPRESENTATIVE(S) Hefley, Spence, Alexander, Bacon, Clapp, Daniel, Groff, Lawrence, Romanoff, Borodkin, Boyd, Coleman, Hodge, Jahn, Madden, Marshall, Plant, Sanchez, Stafford, and Williams S.; also SENATOR(S) Linkhart, Hanna, Isgar, Phillips, Tate, and Tupa.

AN ACT

CONCERNING SCHOOL READINESS THROUGH COMMUNITY CONSOLIDATED CHILD CARE PILOTS, AND MAKING AN APPROPRIATION IN CONNECTION THEREWITH.

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

SECTION 1. Article 6.5 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6.5-106. School-readiness child care subsidization program.

(1) **Legislative declaration.** (a) THE GENERAL ASSEMBLY HEREBY FINDS THAT STUDIES INDICATE A STRONG CORRELATION BETWEEN LOW SOCIO-ECONOMIC STATUS AND POOR ACADEMIC PERFORMANCE BY STUDENTS. THE GENERAL ASSEMBLY FURTHER FINDS THAT FINANCIAL SUBSIDIES TO CHILD CARE FACILITIES THAT PROVIDE CARE TO THE CHILDREN OF LOW-INCOME AND ECONOMICALLY DISADVANTAGED FAMILIES FOR THE PURPOSE OF ENHANCING SCHOOL READINESS WILL ENABLE THE PARENTS TO WORK WHILE HELPING THOSE PARENTS PROVIDE THEIR YOUNG CHILDREN WITH A STRONG DEVELOPMENTAL FOUNDATION WITH WHICH TO START SCHOOL AND MEET THE CHALLENGES OF A STANDARDS-BASED PUBLIC EDUCATION.

(b) THE GENERAL ASSEMBLY THEREFORE DETERMINES AND DECLARES THAT TARGETED INVESTMENTS IN THE FORM OF SCHOOL-READINESS SUBSIDIES TO LICENSED CHILD CARE PROVIDERS SERVING FAMILIES IN LOW-INCOME COMMUNITIES WILL HELP TO IMPROVE THE SCHOOL READINESS OF THE CHILDREN, FIVE YEARS OF AGE AND YOUNGER, FROM THOSE FAMILIES WHILE ALSO ASSISTING THE STATE OF COLORADO IN CLOSING THE LEARNING GAP AND ENHANCING THE OVERALL ACADEMIC PERFORMANCE AND ACHIEVEMENT OF COLORADO SCHOOL CHILDREN.

(2) **Definitions.** AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

REQUIRES:

(a) "CHILD CARE PROVIDERS" AND "CHILD CARE FACILITIES" MEAN CHILD CARE PROVIDERS OR FACILITIES:

(I) THAT ARE LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE;

(II) THAT PARTICIPATE IN COMMUNITY CONSOLIDATED CHILD CARE PILOT SITE AGENCIES; AND

(III) THAT HAVE A CHILD ENROLLMENT, AT LEAST HALF OF WHICH IS CHILDREN FROM LOW-INCOME FAMILIES.

(b) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM DEVELOPED PURSUANT TO PART 4 OF ARTICLE 7 OF TITLE 22, C.R.S.

(c) "LOW-INCOME" MEANS A FAMILY INCOME THAT IS AT OR BELOW TWO HUNDRED TWENTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL.

(d) "NEIGHBORHOOD ELEMENTARY SCHOOL" MEANS A PUBLIC ELEMENTARY SCHOOL TO WHICH THE SCHOOL DISTRICT PROVIDES TRANSPORTATION FOR THE STUDENT OR WHICH IS LOCATED SO CLOSE TO THE RESIDENCE OF THE STUDENT THAT THE SCHOOL DISTRICT DOES NOT PROVIDE TRANSPORTATION FOR THE STUDENT.

(e) "PILOT SITE AGENCIES" MEANS THE COMMUNITY CONSOLIDATED CHILD CARE PILOT SITE AGENCIES ESTABLISHED PURSUANT TO SECTION 26-6.5-103.

(f) "PROGRAM" MEANS THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM CREATED PURSUANT TO SUBSECTION (3) OF THIS SECTION.

(3) **School-readiness child care subsidization program created.** ON AND AFTER JANUARY 1, 2003, THERE IS HEREBY CREATED THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM, PURSUANT TO WHICH THE STATE DEPARTMENT OF HUMAN SERVICES SHALL AWARD THREE-YEAR SCHOOL-READINESS SUBSIDIES TO COUNTY DEPARTMENTS OF SOCIAL SERVICES TO IMPROVE THE SCHOOL READINESS OF CHILDREN FIVE YEARS OF AGE AND YOUNGER WHO ARE ENROLLED IN THE COLORADO CHILD CARE ASSISTANCE PROGRAM OR WHO ARE ENROLLED AT A CHILD CARE FACILITY. MONEYS AWARDED THROUGH THE PROGRAM SHALL BE USED TO IMPROVE THE SCHOOL READINESS OF CHILDREN, FIVE YEARS OF AGE AND YOUNGER, CARED FOR AT SUCH CHILD CARE FACILITIES WHO ULTIMATELY ATTEND NEIGHBORHOOD ELEMENTARY SCHOOLS THAT RECEIVE OVERALL ACADEMIC PERFORMANCE RATINGS OF "LOW" OR "UNSATISFACTORY" PURSUANT TO SECTION 22-7-604, C.R.S.

(4) **Application for subsidies.** (a) (I) ANY COUNTY DEPARTMENT SEEKING A SUBSIDY FROM THE STATE DEPARTMENT PURSUANT TO THIS SECTION SHALL APPLY DIRECTLY TO THE STATE DEPARTMENT IN THE MANNER SPECIFIED BY RULE OF THE STATE BOARD OF HUMAN SERVICES. ANY COUNTY DEPARTMENT APPLYING FOR SCHOOL-READINESS CHILD CARE SUBSIDIZATION SHALL MEET THE FOLLOWING MINIMUM CRITERIA:

(A) THE COUNTY REPRESENTED BY THE COUNTY DEPARTMENT SHALL HAVE WITHIN

ITS BORDERS ONE OR MORE NEIGHBORHOOD ELEMENTARY SCHOOLS THAT HAVE RECEIVED AN OVERALL ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY", AS DESCRIBED IN SECTION 22-7-604, C.R.S.;

(B) THE COUNTY DEPARTMENT SHALL SUBMIT A SCHOOL-READINESS PLAN DEVELOPED BY THE PILOT SITE AGENCY WITHIN THE COUNTY TO IMPROVE THE READINESS OF CHILDREN IN THE PILOT SITE AGENCY COMMUNITY AS DESCRIBED IN SUBSECTION (6) OF THIS SECTION; AND

(C) THE COUNTY DEPARTMENT SHALL DEMONSTRATE THE COMMITMENT OF THE CHILD CARE FACILITIES IDENTIFIED IN THE PILOT SITE AGENCY'S SCHOOL-READINESS PLAN TO COOPERATE WITH AND PARTICIPATE IN THE SCHOOL-READINESS RATING SYSTEM DESCRIBED IN SUBSECTION (5) OF THIS SECTION.

(II) ANY COUNTY DEPARTMENT SEEKING SCHOOL-READINESS CHILD CARE SUBSIDIZATION PURSUANT TO THIS SECTION SHALL, IN ADDITION TO THE REQUIREMENTS SET FORTH IN SUBPARAGRAPH (I) OF THIS PARAGRAPH (a), MEET ANY ADDITIONAL ELIGIBILITY REQUIREMENTS SPECIFIED BY RULE OF THE STATE BOARD.

(b) COUNTY DEPARTMENTS THAT RECEIVE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PURSUANT TO THIS SECTION SHALL DISTRIBUTE SUCH MONEYS TO CHILD CARE FACILITIES IDENTIFIED IN THE PILOT SITE AGENCY'S SCHOOL-READINESS PLAN DESCRIBED IN SUBSECTION (6) OF THIS SECTION.

(5) **School-readiness rating system.** THE STATE CHILD CARE COMMISSION CREATED PURSUANT TO SECTION 26-6-304 SHALL ADOPT A VOLUNTARY SCHOOL-READINESS RATING SYSTEM. SUCH RATING SYSTEM SHALL MEASURE THE LEVEL OF PREPAREDNESS OF AND QUALITY OF SERVICES PROVIDED BY A CHILD CARE PROVIDER TO PREPARE CHILDREN TO ENTER ELEMENTARY SCHOOL. THE SCHOOL-READINESS RATING SYSTEM SHALL:

(a) MEASURE SUCH ELEMENTS OF QUALITY OF A CHILD CARE FACILITY AS:

(I) THE QUALITY OF THE LEARNING ENVIRONMENT;

(II) THE QUALITY OF ADULT-CHILD INTERACTIONS;

(III) ADULT-TO-CHILD RATIOS;

(IV) PROVIDER CREDENTIALS, INCLUDING RECOGNIZED CREDENTIALS THROUGH THE STATE DEPARTMENT'S VOLUNTARY CREDENTIALING SYSTEM DEVELOPED PURSUANT TO SECTION 26-6.5-103 (8); AND

(V) PARENT-INVOLVEMENT ACTIVITIES AT THE CHILD CARE FACILITY;

(b) BE VARIABLE TO INFORM PARENTS, COUNTIES, AND OTHER PURCHASERS OF CHILD CARE ABOUT THE LEVEL OF QUALITY AT A CHILD CARE FACILITY IN A SIMPLE AND EASY-TO-UNDERSTAND MANNER;

(c) BE SUPPORTED BY STATISTICALLY VALID RESEARCH AS A RELIABLE MEASURE OF QUALITY OF A CHILD CARE FACILITY;

(d) INCLUDE A QUALITY IMPROVEMENT PLAN THAT INFORMS RATED CHILD CARE PROVIDERS OF THEIR STRENGTHS AND WEAKNESSES AND THAT PROVIDES SUCH CHILD CARE PROVIDERS WITH STRATEGIES TO IMPROVE THE QUALITY OF THEIR SERVICES; AND

(e) HAVE DEMONSTRATED EFFECTIVENESS AT IMPROVING THE LEVEL OF QUALITY OF CHILD CARE PROVIDERS IN GEOGRAPHICALLY DIVERSE COLORADO COMMUNITIES.

(6) Pilot site agencies' school-readiness plans. EACH COUNTY DEPARTMENT SEEKING TO APPLY FOR SCHOOL-READINESS CHILD CARE SUBSIDIZATION PURSUANT TO THIS SECTION SHALL SUBMIT A THREE-YEAR SCHOOL-READINESS PLAN, PREPARED BY THE PILOT SITE AGENCY WITHIN THE COUNTY, TO THE STATE DEPARTMENT THAT OUTLINES STRATEGIES TO IMPROVE THE SCHOOL-READINESS OF CHILDREN WHO RESIDE IN NEIGHBORHOODS WITH NEIGHBORHOOD ELEMENTARY SCHOOLS THAT HAVE RECEIVED OVERALL ACADEMIC PERFORMANCE RATINGS OF "LOW" OR "UNSATISFACTORY", PURSUANT TO SECTION 22-7-604, C.R.S. THE SCHOOL-READINESS PLAN, AT A MINIMUM, SHALL INCLUDE:

(a) THE NUMBER AND LOCATION OF NEIGHBORHOOD ELEMENTARY SCHOOLS THAT HAVE RECEIVED AN OVERALL ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY", AS DESCRIBED IN SECTION 22-7-604, C.R.S.;

(b) THE NUMBER AND LOCATION OF CHILD CARE PROVIDERS THAT WILL VOLUNTARILY PARTICIPATE IN THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM;

(c) A COMMITMENT THAT THE CHILD CARE PROVIDERS IDENTIFIED IN THE SCHOOL-READINESS PLAN WILL COOPERATE WITH AND PARTICIPATE IN THE SCHOOL-READINESS RATING SYSTEM DESCRIBED IN SUBSECTION (5) OF THIS SECTION; AND

(d) COMMUNITY STRATEGIES TO TARGET SCHOOL-READINESS SUBSIDIES TO IMPROVE THE LEVEL OF QUALITY AT PARTICIPATING CHILD CARE PROVIDERS.

(7) Rules. (a) THE STATE BOARD OF HUMAN SERVICES SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS SECTION, INCLUDING BUT NOT LIMITED TO RULES THAT:

(I) SPECIFY THE PROCEDURE BY WHICH A COUNTY DEPARTMENT, IN PARTNERSHIP WITH THE PILOT SITE AGENCY WITHIN THE COUNTY, MAY APPLY FOR SCHOOL-READINESS CHILD CARE SUBSIDIZATION PURSUANT TO THE PROGRAM;

(II) SPECIFY THE MANNER IN WHICH SCHOOL-READINESS CHILD CARE SUBSIDIES ARE DISTRIBUTED TO COUNTY DEPARTMENTS, ENSURING AN EQUITABLE DISTRIBUTION BETWEEN RURAL AND URBAN COUNTIES; AND

(III) IDENTIFY ANY ADDITIONAL ELIGIBILITY REQUIREMENTS FOR COUNTY DEPARTMENTS SEEKING SCHOOL-READINESS CHILD CARE SUBSIDIZATION, AS DESCRIBED IN SUBPARAGRAPH (II) OF PARAGRAPH (a) OF SUBSECTION (4) OF THIS SECTION.

(b) AT A MINIMUM, THE RULES PROMULGATED PURSUANT TO THIS SUBSECTION (7) SHALL IDENTIFY A SPECIFIC AND MEASURABLE LEVEL OF IMPROVEMENT IN THE SCHOOL-READINESS RATING THAT A CHILD CARE PROVIDER MUST ACHIEVE WITHIN EIGHTEEN MONTHS AFTER RECEIVING AN INITIAL FUNDING DISTRIBUTION THROUGH THE PROGRAM IN ORDER FOR THE CHILD CARE PROVIDER TO CONTINUE TO RECEIVE SCHOOL-READINESS CHILD CARE SUBSIDIZATION.

(8) **Funding.** (a) THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM SHALL BE FUNDED USING FEDERAL CHILD CARE DEVELOPMENT FUND MONEYS ANNUALLY APPROPRIATED FOR THE PROGRAM. SUCH MONEYS SHALL BE ALLOCATED TO COUNTY DEPARTMENTS BY THE STATE DEPARTMENT AND DISTRIBUTED TO CHILD CARE PROVIDERS BY PILOT SITE AGENCIES AS PROVIDED IN THIS SECTION.

(b) (I) IF MONEYS ARE REQUIRED TO MATCH THE FEDERAL CHILD CARE DEVELOPMENT FUNDS, SUCH MATCHING MONEYS MAY BE FROM, BUT NEED NOT BE LIMITED TO, GENERAL FUND MONEYS APPROPRIATED BY THE GENERAL ASSEMBLY, LOCAL MONEYS, OR PRIVATE MATCHING MONEYS. ANY STATE DEPARTMENT STAFF THAT MAY BE NECESSARY TO SUPPORT THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM SHALL BE FUNDED BY FEDERAL CHILD CARE DEVELOPMENT FUNDS APPROPRIATED FOR THE PROGRAM AND NOT FROM GENERAL FUNDS. THE FTE AUTHORIZATION FOR ANY STAFF NECESSARY TO SUPPORT THE SCHOOL-READINESS CHILDCARE SUBSIDIZATION PROGRAM SHALL BE ELIMINATED SHOULD FEDERAL FUNDS NO LONGER BE AVAILABLE FOR THE PROGRAM.

(II) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH (b), THE GENERAL ASSEMBLY SHALL NOT BE OBLIGATED TO APPROPRIATE GENERAL FUND MONEYS IF PRIVATE MATCHING MONEYS ARE NOT AVAILABLE OR LATER BECOME UNAVAILABLE.

(c) IF THE STATE DESIGNATES MATCHING MONEYS FROM A PRIVATE ORGANIZATION, THE STATE DEPARTMENT, THE PARTICIPATING COUNTY DEPARTMENT, AND SCHOOL DISTRICTS SHALL BE AUTHORIZED TO ENTER INTO A SOLE-SOURCE CONTRACT WITH THE ORGANIZATION THAT PROVIDES SUCH MATCHING SHARE TO PROVIDE THE FOLLOWING:

(I) RATINGS OF CHILD CARE PROVIDERS;

(II) TECHNICAL ASSISTANCE FOR CHILD CARE PROVIDERS;

(III) COMMUNITY INFRASTRUCTURE AND RESOURCE DEVELOPMENT FOR IMPROVING THE QUALITY OF CHILD CARE;

(IV) PARENT AND CONSUMER EDUCATION ON THE QUALITY OF CHILD CARE PROVIDERS IN THE COMMUNITY.

(9) **Evaluation - report.** (a) PARTICIPATING COUNTY DEPARTMENTS, IN CONJUNCTION WITH THE PILOT SITE AGENCIES, SHALL SUBMIT A TWENTY-FOUR MONTH REPORT ON OR BEFORE JULY 1, 2005, TO THE STATE DEPARTMENT ON THE EFFECTIVENESS OF THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM AT PREPARING LOW-INCOME CHILDREN, RESIDING IN COMMUNITIES WITH LOW-PERFORMING OR UNSATISFACTORY-PERFORMING NEIGHBORHOOD ELEMENTARY

SCHOOLS, FOR SCHOOL. SUCH REPORTS, AT A MINIMUM, SHALL ADDRESS:

(I) THE NUMBER OF CHILD CARE FACILITIES AND CHILDREN WHO PARTICIPATED IN THE SCHOOL-READINESS PROGRAM;

(II) THE BASELINE QUALITY RATINGS OF EACH PARTICIPATING CHILD CARE PROVIDER DURING EACH YEAR OF PARTICIPATION;

(III) AN ANALYSIS AND EXPLANATION OF THE QUALITY IMPROVEMENT STRATEGIES UNDERTAKEN AT EACH CHILD CARE FACILITY; AND

(IV) THE BARRIERS TO QUALITY IMPROVEMENT THAT WERE ENCOUNTERED.

(b) ON OR BEFORE OCTOBER 1, 2005, THE STATE DEPARTMENT, OR ANY PRIVATE ENTITY WITH WHICH THE STATE DEPARTMENT IS HEREBY AUTHORIZED TO CONTRACT FOR THIS PURPOSE, SHALL SUBMIT A CONSOLIDATED STATEWIDE REPORT, BASED UPON THE REPORTS PREPARED AND SUBMITTED BY THE COUNTY DEPARTMENTS AND PILOT SITE AGENCIES, ADDRESSING THE ITEMS SET FORTH IN PARAGRAPH (a) OF THIS SUBSECTION (9) TO THE STATE CHILD CARE COMMISSION AND TO THE MEMBERS OF THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE GENERAL ASSEMBLY. THE GENERAL ASSEMBLY SHALL REVIEW THE APPROPRIATENESS OF CONTINUING SCHOOL-READINESS SUBSIDIES PURSUANT TO THIS SECTION DURING THE 2006 REGULAR SESSION.

(c) REPORTING COUNTY DEPARTMENTS AND PILOT SITE AGENCIES, AS WELL AS THE STATE DEPARTMENT OR ANY PRIVATE ENTITY WITH WHICH IT MAY CONTRACT FOR REPORTING PURPOSES, MAY DRAW UPON THE EVALUATIONS AND STUDIES PREPARED BY A NATIONALLY RECOGNIZED RESEARCH FIRM TO REPORT ON THE READINESS OF CHILDREN IN RATED CHILD CARE FACILITIES.

(d) PARTICIPATING COUNTY DEPARTMENTS AND PILOT SITE AGENCIES SHALL WORK WITH STATE AND LOCAL AGENCIES TO SUPPORT EFFORTS TO TRACK THE FUTURE ACADEMIC PERFORMANCE OF CHILDREN WHO RECEIVE SCHOOL-READINESS SERVICES FROM CHILD CARE PROVIDERS WHO RECEIVE FUNDING PURSUANT TO THIS SECTION.

SECTION 2. 26-6.5-103, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-6.5-103. Program scope. (3.7) EACH PILOT SITE AGENCY PARTICIPATING IN THE SCHOOL-READINESS CHILD CARE SUBSIDIZATION PROGRAM ESTABLISHED PURSUANT TO SECTION 26-6.5-106, WITH THE COUNTY DEPARTMENT, SHALL WORK COOPERATIVELY WITH THE COUNTY DEPARTMENT IN SEEKING SCHOOL-READINESS CHILD CARE SUBSIDIZATION PURSUANT TO SAID SECTION, INCLUDING PREPARING A SCHOOL-READINESS PLAN AS DESCRIBED IN SECTION 26-6.5-106 (6).

SECTION 3. Appropriation. In addition to any other appropriation, there is hereby appropriated to the department of human services, division of child care, for the school-readiness child care subsidization program, for the fiscal year beginning July 1, 2002, the sum of four hundred forty thousand four hundred ninety-three dollars (\$440,493) and 0.5 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from federal child care development

funds.

SECTION 4. Effective date. This act shall take effect July 1, 2002.

SECTION 5. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: June 7, 2002