

CHAPTER 378

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 07-1062

BY REPRESENTATIVE(S) Solano, Todd, Casso, Fischer, Kerr A., Labuda, Madden, McGihon, Peniston, Roberts, and Stafford;
also SENATOR(S) Williams, Boyd, Fitz-Gerald, Groff, Isgar, Keller, Morse, Romer, Schwartz, Shaffer, Tapia, Tupa, and Windels.

AN ACT

CONCERNING THE CREATION OF A STATEWIDE SYSTEM OF EARLY CHILDHOOD COUNCILS, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. 26-6.5-101, Colorado Revised Statutes, is amended to read:

26-6.5-101. Legislative declaration. (1) The general assembly hereby finds and declares that there is a critical need to increase ~~full-year, full-day child care~~ services for YOUNG children ~~whose parents~~ AND THEIR FAMILIES, INCLUDING THOSE FAMILIES WITH MEMBERS WHO are entering the workforce due to Colorado's reform of the welfare system, ~~transitioning~~ MAKING THE TRANSITION off OF welfare, or ~~in need of~~ NEEDING child care assistance to avoid the welfare system. THE STATEWIDE NEED INCLUDES INCREASING AND SUSTAINING THE QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF SERVICES FOR CHILDREN AND THEIR PARENTS TO HELP PARENTS RAISE THEIR CHILDREN TO BE SUCCESSFUL AT SCHOOL, AT WORK, AND IN THE COMMUNITY.

(2) Research demonstrates that there are positive outcomes for YOUNG children ~~in low-income~~ AND THEIR families who receive quality, INTEGRATED child care AND RELATED services in their early, preschool years, DELIVERED THROUGH A COMPREHENSIVE EARLY CHILDHOOD SYSTEM THAT INCLUDES QUALITY CARE AND EDUCATION, FAMILY SUPPORT, HEALTH, AND MENTAL HEALTH PROGRAMS.

(3) Providers of half-day preschool and full-day child care services have to overcome barriers and inflexible requirements of the various sources of funding in order to design and implement programs that are more responsive to the needs of working families.

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

(4) ~~Consolidation of these~~ CONSIDERATION OF various STATE AND FEDERAL FUNDING sources ~~of funding from both state and federal sources~~ would allow for an integrated delivery system of quality programs for YOUNG children ~~in low-income~~ AND THEIR families in Colorado's communities.

(5) AN INTEGRATED DELIVERY SYSTEM WOULD FURTHER ENHANCE THE ABILITY OF THE STATE DEPARTMENT TO IDENTIFY THE BEST PRACTICES RELATIVE TO INCREASING AND SUSTAINING QUALITY AND TO MEETING THE DIVERSE NEEDS OF FAMILIES SEEKING CHILD CARE AND OTHER EARLY CHILDHOOD SERVICES.

(6) DISTINCTLY LOCAL NEEDS AND CONDITIONS REQUIRE THAT THE STATE DESIGN AND INTEGRATE A SYSTEM THAT HAS THE FLEXIBILITY TO ADAPT TO THOSE LOCAL NEEDS.

~~(5)~~ (7) It is therefore in the state's best interest to establish a ~~pilot program for community consolidated child care services~~ COMPREHENSIVE SYSTEM OF EARLY CHILDHOOD COUNCILS TO INCREASE AND SUSTAIN THE AVAILABILITY, ACCESSIBILITY, CAPACITY, AND QUALITY OF EARLY CHILDHOOD SERVICES THROUGHOUT THE STATE, as provided in this article.

SECTION 2. Article 6.5 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SECTION to read:

26-6.5-101.5. Definitions. AS USED IN THIS ARTICLE, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "ADVISORY TEAM" MEANS THE COLORADO EARLY CHILDHOOD COUNCIL ADVISORY TEAM CREATED PURSUANT TO SECTION 26-6.5-105.

(2) "COUNCIL" MEANS AN EARLY CHILDHOOD COUNCIL IDENTIFIED OR ESTABLISHED LOCALLY IN COMMUNITIES THROUGHOUT THE STATE PURSUANT TO SECTION 26-6.5-103 FOR THE PURPOSE OF DEVELOPING AND ULTIMATELY IMPLEMENTING A COMPREHENSIVE SYSTEM OF EARLY CHILDHOOD SERVICES TO ENSURE THE SCHOOL READINESS OF CHILDREN FIVE YEARS OF AGE OR YOUNGER IN THE COMMUNITY. A COUNCIL MAY BE AN EARLY CHILDHOOD CARE AND EDUCATION COUNCIL SO LONG AS NO MORE THAN ONE COUNCIL EXISTS IN A GIVEN SERVICE AREA.

(3) "COUNTY DEPARTMENT" MEANS THE COUNTY OR DISTRICT DEPARTMENT OF SOCIAL SERVICES.

(4) "CSAP" MEANS THE COLORADO STUDENT ASSESSMENT PROGRAM IMPLEMENTED PURSUANT TO SECTION 22-7-409, C.R.S.

(5) "EARLY CARE AND EDUCATION PROVIDER" OR "EARLY CARE AND EDUCATION FACILITY" MEANS A SCHOOL DISTRICT, PROVIDER, OR FACILITY THAT:

(a) IS LICENSED PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE OR THAT PARTICIPATES IN THE COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.; AND

(b) PARTICIPATES IN LOCAL COMMUNITY COUNCILS.

(6) "EARLY CHILDHOOD CARE AND EDUCATION COUNCIL" MEANS A COUNCIL THAT REPRESENTS PUBLIC AND PRIVATE STAKEHOLDERS IDENTIFIED OR ESTABLISHED LOCALLY IN COMMUNITIES THROUGHOUT THE STATE PURSUANT TO SECTION 26-6.5-106. AN EARLY CHILDHOOD CARE AND EDUCATION COUNCIL SHALL PROVIDE SCHOOL-READINESS QUALITY IMPROVEMENT FUNDING TO EARLY CARE AND EDUCATION PROVIDERS PURSUANT TO SECTION 26-6.5-106 (3) TO ENHANCE THE SCHOOL READINESS OF CHILDREN FIVE YEARS OF AGE OR YOUNGER.

(7) "ELIGIBLE ELEMENTARY SCHOOL" MEANS A PUBLIC ELEMENTARY SCHOOL THAT:

(a) (I) FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING SUBMISSION OF THE COUNCIL'S APPLICATION FOR FUNDING PURSUANT TO SECTION 26-6.5-106, RECEIVES AN OVERALL ACADEMIC PERFORMANCE RATING OF "LOW" OR "UNSATISFACTORY", PURSUANT TO SECTION 22-7-604, C.R.S.; OR

(II) FOR THE SCHOOL YEAR IMMEDIATELY PRECEDING SUBMISSION OF THE COUNCIL'S APPLICATION FOR FUNDING PURSUANT TO SECTION 26-6.5-106, RECEIVES AN ACADEMIC GROWTH OF STUDENTS RATING OF "DECLINE" OR "SIGNIFICANT DECLINE", AS DESCRIBED IN SECTION 22-7-604, C.R.S., AND, FOR THE SAME SCHOOL YEAR, RECEIVES AN OVERALL ACADEMIC PERFORMANCE RATING OF "AVERAGE", PURSUANT TO SECTION 22-7-604, C.R.S.; AND

(b) AS OF THE DATE ON WHICH THE COUNCIL APPLIES FOR FUNDING THROUGH THE PROGRAM, IS RECEIVING MONEYS PURSUANT TO TITLE I OF THE FEDERAL "ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965", 20 U.S.C. SEC. 6301 ET SEQ.

(8) "PILOT SITE AGENCY" MEANS A COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT SITE AGENCY AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS SECTION.

(9) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES AUTHORIZED TO ACT IN ACCORDANCE WITH THE PROVISIONS OF SECTION 26-1-107.

(10) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF HUMAN SERVICES.

SECTION 3. Repeal. 26-6.5-102, Colorado Revised Statutes, is repealed as follows:

~~**26-6.5-102. Pilot program established.** There is hereby established a pilot program for community consolidated child care services that shall be implemented and monitored by the state department of human services, with input, cooperation, and support services from the state department of education.~~

SECTION 4. 26-6.5-103, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

26-6.5-103. Early childhood councils - established - rules. (1) THERE IS

HEREBY ESTABLISHED A STATEWIDE INTEGRATED SYSTEM OF EARLY CHILDHOOD COUNCILS TO IMPROVE AND SUSTAIN THE AVAILABILITY, ACCESSIBILITY, CAPACITY, AND QUALITY OF EARLY CHILDHOOD SERVICES FOR CHILDREN AND FAMILIES THROUGHOUT THE STATE. THE COUNCILS SHALL HAVE CONSISTENT FUNCTION AND STRUCTURE STATEWIDE AND SHALL BE GOVERNED BY THE STATE DEPARTMENT OF HUMAN SERVICES IN COLLABORATION WITH THE ADVISORY TEAM, WITH INPUT, COOPERATION, AND SUPPORT SERVICES FROM THE DEPARTMENTS OF EDUCATION AND PUBLIC HEALTH AND ENVIRONMENT.

(2) THE STATEWIDE SYSTEM OF EARLY CHILDHOOD COUNCILS SHALL CONSIST OF THE SEVENTEEN PILOT SITE AGENCIES AND OTHER EXISTING EARLY CHILDHOOD COUNCILS, RENAMED THROUGH THIS ARTICLE AS "EARLY CHILDHOOD COUNCILS", AND NEW COUNCILS DESIGNATED AND CONVENE PURSUANT TO THIS ARTICLE, SUBJECT TO AVAILABLE APPROPRIATIONS FROM THE GENERAL FUND.

(3) FOR NEW COUNCILS OR FOR EXISTING COUNCILS OR PARTNERSHIPS THAT DECIDE TO RECONFIGURE UNDER THIS ARTICLE, THE BOARD OR BOARDS OF COUNTY COMMISSIONERS SHALL DESIGNATE A CONVENING ENTITY, WHICH MAY INCLUDE BUT IS NOT LIMITED TO A LOCAL RESOURCE AND REFERRAL AGENCY, A COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES, A LOCAL SCHOOL DISTRICT, A DEPARTMENT OF PUBLIC HEALTH, OR A COLORADO PRESCHOOL AND KINDERGARTEN PROGRAM COUNCIL. THE CONVENING ENTITY MAY CONVENE A COUNCIL EITHER AS PART OF A SINGLE COUNTY OR AS PART OF A MULTI-COUNTY REGIONAL NETWORK.

(4) THE STATE DEPARTMENT SHALL DETERMINE BY RULE THE CRITERIA NECESSARY FOR ESTABLISHING A SINGLE COUNCIL FOR AN AREA.

(5) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING AN EXISTING COUNCIL TO RECONFIGURE OR RECONVENE.

(6) NOTHING IN THIS ARTICLE SHALL BE CONSTRUED AS REQUIRING A COUNTY TO ESTABLISH AN EARLY CHILDHOOD COUNCIL OR TO BE A PART OF A MULTI-COUNTY COUNCIL.

SECTION 5. Article 6.5 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-6.5-103.3. Early childhood councils - applications - rules. (1) A NEWLY ESTABLISHED OR NEWLY IDENTIFIED COUNCIL SHALL SUBMIT TO THE STATE DEPARTMENT AN APPLICATION TO BECOME PART OF THE STATEWIDE SYSTEM OF EARLY CHILDHOOD COUNCILS. THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, SHALL DEVELOP AND DISTRIBUTE THE APPLICATION FORM AND CRITERIA AND AN EXPLANATION OF THE PROCESS FOR JOINING THE STATEWIDE SYSTEM OF EARLY CHILDHOOD COUNCILS. THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, SHALL PROVIDE SUPPORT FOR THE PREPARATION OF APPLICATIONS.

(2) A NEW COUNCIL SHALL DESIGNATE ON ITS APPLICATION THE FOLLOWING INFORMATION:

- (a) THE INTENDED SERVICE AREA;
- (b) THE COUNTIES TO BE INVOLVED IN THE COUNCIL;
- (c) PARTICIPATING MANDATORY STAKEHOLDERS;
- (d) THE ENTITY THAT SHALL SERVE AS THE ORIGINAL FISCAL AGENT FOR THE COUNCIL; AND
- (e) THE SIGNATURES OF THE CHAIR OR CHAIRS OF THE BOARD OR BOARDS OF COUNTY COMMISSIONERS FOR THE COUNTIES INVOLVED IN THE COUNCIL, THE LEGAL SIGNATORY FOR THE COUNTIES, AND THE PRESIDENT OF A SCHOOL DISTRICT BOARD OF EDUCATION INVOLVED IN THE COUNCIL.

(3) A PILOT SITE AGENCY OR OTHER EXISTING EARLY CHILDHOOD COUNCIL SEEKING TO BE NEWLY IDENTIFIED AS A COUNCIL SHALL DESIGNATE ON ITS APPLICATION A RESTATEMENT OF THE FOLLOWING INFORMATION:

- (a) THE DESIGNATED SERVICE AREA;
- (b) CURRENT MEMBERS;
- (c) ANY ADDITIONAL STAKEHOLDERS REQUIRED TO MEET THE MEMBERSHIP REQUIREMENTS OF SECTION 26-6.5-103.5;
- (d) THE DESIGNATED FISCAL AGENT; AND
- (e) SIGNATURES OF THE CURRENT ORGANIZATION LEADERSHIP, THE FISCAL AGENT, THE CHAIR OR CHAIRS OF THE BOARD OR BOARDS OF COUNTY COMMISSIONERS OF THE COUNTIES INVOLVED IN THE COUNCIL, AND THE PRESIDENT OF A SCHOOL DISTRICT BOARD OF EDUCATION INVOLVED IN THE COUNCIL.

(4) EACH COUNCIL SHALL DEVELOP A STRATEGIC PLAN BASED UPON AN ASSESSMENT OF THE EARLY CHILDHOOD NEEDS IN THE DESIGNATED SERVICE AREA THAT INCLUDES:

- (a) A COUNCIL INFRASTRUCTURE, INCLUDING A PLAN FOR HIRING A COUNCIL DIRECTOR;
- (b) A TECHNICAL ASSISTANCE PLAN AND AN ANNUAL BUDGET FOR DEVELOPING A LOCAL EARLY CHILDHOOD SYSTEM AND INFRASTRUCTURE TO IMPROVE AND COORDINATE EARLY CHILDHOOD SERVICES; AND
- (c) A PLAN FOR EVALUATING PROGRAM PERFORMANCE AND COUNCIL PROCESS AND EFFECTIVENESS AS IT RELATES TO THE COUNCIL'S STRATEGIC PLAN.

(5) THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, SHALL PROMULGATE RULES TO DEFINE THE STANDARDS FOR ACCEPTANCE OF APPLICATIONS MADE PURSUANT TO THIS SECTION. ACCEPTANCE OF AN APPLICATION SHALL BE AUTOMATIC IF THE APPLICATION IS COMPLETE, THE SIGNATURES ARE IN ORDER, AND IT MEETS THE STANDARDS SET FORTH BY THE STATE DEPARTMENT

PURSUANT TO THIS SUBSECTION (5).

26-6.5-103.5. Early childhood councils - membership. (1) TO THE EXTENT PRACTICABLE, EACH COUNCIL SHALL BE REPRESENTATIVE OF THE VARIOUS PUBLIC AND PRIVATE STAKEHOLDERS IN THE LOCAL COMMUNITY WHO ARE COMMITTED TO SUPPORTING THE WELL-BEING OF CHILDREN FIVE YEARS OF AGE OR YOUNGER.

(2) FOR THE PURPOSES OF THIS ARTICLE, EACH COUNCIL, WHETHER NEWLY ESTABLISHED IN A COMMUNITY OR NEWLY IDENTIFIED TO SERVE AS A COUNCIL, SHALL WORK TOWARD CONSOLIDATING AND COORDINATING FUNDING, INCLUDING THE SCHOOL-READINESS QUALITY IMPROVEMENT FUNDING DESCRIBED IN SECTION 26-6.5-106. TOGETHER, THE COUNCILS THROUGHOUT THE STATE SHALL SERVE TO CREATE A SEAMLESS SYSTEM OF EARLY CHILDHOOD SERVICES REPRESENTING COLLABORATION AMONG THE VARIOUS PUBLIC AND PRIVATE STAKEHOLDERS FOR THE EFFECTIVE DELIVERY OF EARLY CHILDHOOD SERVICES TO CHILDREN FIVE YEARS OF AGE OR YOUNGER IN A MANNER THAT IS RESPONSIVE TO LOCAL NEEDS AND CONDITIONS.

(3) (a) EACH NEW COUNCIL SHALL CONSIST OF MEMBERS TO BE APPROVED INITIALLY BY THE CONVENING ENTITY AS DESIGNATED PURSUANT TO SECTION 26-6.5-103. EACH INDIVIDUAL COUNCIL SHALL DETERMINE SUBSEQUENT APPOINTMENTS AND RULES FOR ROTATION OF TERMS.

(b) EARLY CHILDHOOD COUNCIL MEMBERSHIP SHALL INCLUDE REPRESENTATIVES FROM THE PUBLIC AND PRIVATE STAKEHOLDERS FROM EARLY CARE AND EDUCATION, FAMILY SUPPORT, HEALTH, AND MENTAL HEALTH PROGRAMS WHO REFLECT LOCAL NEEDS AND CULTURAL DIVERSITY. THE MEMBERSHIP OF EACH EARLY CHILDHOOD COUNCIL SHALL ALSO REPRESENT THE GEOGRAPHIC DIVERSITY WITHIN THE COUNTY OR COUNTIES INVOLVED IN THE COUNCIL. EACH COUNCIL SHALL INCLUDE A MINIMUM OF TEN MEMBERS WITH REPRESENTATION FROM EACH OF THE FOLLOWING STAKEHOLDER GROUPS WITHIN THE COUNCIL'S SERVICE AREA:

(I) LOCAL GOVERNMENT, INCLUDING BUT NOT LIMITED TO COUNTY COMMISSIONERS, CITY COUNCIL MEMBERS, LOCAL SCHOOL DISTRICT BOARD MEMBERS, AND LOCAL COUNTY DEPARTMENTS OF HUMAN SERVICES;

(II) EARLY CARE AND EDUCATION, INCLUDING BUT NOT LIMITED TO LICENSED AND LEGALLY EXEMPT CHILD CARE PROVIDERS, HEAD START GRANTEEES, AND DISTRICT PRESCHOOL AND KINDERGARTEN PROGRAMS OPERATING PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.;

(III) HEALTH CARE, INCLUDING BUT NOT LIMITED TO LOCAL PUBLIC HEALTH AGENCIES, HEALTH CARE PROVIDERS, SUPPLEMENTAL FOOD PROGRAMS FOR WOMEN, INFANTS, AND CHILDREN AS PROVIDED FOR IN 42 U.S.C. SEC. 1786, EARLY PERIODIC SCREENING AND DIAGNOSIS AND TREATMENT PROGRAMS AS REQUIRED BY FEDERAL LAW, AND PART B AND PART C OF THE FEDERAL "INDIVIDUALS WITH DISABILITIES EDUCATION IMPROVEMENT ACT OF 2004", 42 U.S.C. 1400 ET. SEQ., AS AMENDED;

(IV) PARENTS OF CHILDREN FIVE YEARS OF AGE OR YOUNGER;

(V) MENTAL HEALTH CARE, INCLUDING BUT NOT LIMITED TO COMMUNITY

MENTAL HEALTH CENTERS AND LOCAL MENTAL HEALTH CARE PROVIDERS;

(VI) RESOURCE AND REFERRAL AGENCIES, INCLUDING BUT NOT LIMITED TO CHILD CARE RESOURCE AND REFERRAL AGENCIES;

(VII) FAMILY SUPPORT AND PARENT EDUCATION, INCLUDING BUT NOT LIMITED TO HOME VISITATION PROGRAMS, FAMILY RESOURCE CENTERS, AND INCOME ASSISTANCE PROGRAMS.

(c) IN ADDITION, EACH COUNCIL MAY INCLUDE, BUT IS NOT LIMITED TO, REPRESENTATION FROM ANY COMBINATION OF THE FOLLOWING STAKEHOLDER GROUPS WITHIN THE COUNCIL'S SERVICE AREA:

(I) CHILD CARE ASSOCIATIONS;

(II) MEDICAL AND DENTAL PROFESSIONALS;

(III) SCHOOL DISTRICT PARENT ORGANIZATIONS;

(IV) HEAD START POLICY COUNCILS;

(V) A CHAMBER OR CHAMBERS OF COMMERCE;

(VI) LOCAL BUSINESSES;

(VII) FAITH-BASED AND NONPROFIT ORGANIZATIONS;

(VIII) HIGHER EDUCATION INSTITUTIONS; AND

(IX) LIBRARIES.

(4) EACH MEMBER OF A COUNCIL SHALL SIGN A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE ORGANIZATION HE OR SHE REPRESENTS TO PARTICIPATE IN AND COLLABORATE ON THE WORK OF THE COUNCIL.

26-6.5-103.7. Early childhood councils - duties. (1) EACH EARLY CHILDHOOD COUNCIL SHALL HAVE, AT A MINIMUM, THE FOLLOWING DUTIES AND FUNCTIONS:

(a) TO APPLY FOR EARLY CHILDHOOD FUNDING PURSUANT TO SECTION 26-6.5-104;

(b) TO INCREASE AND SUSTAIN THE QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF EARLY CHILDHOOD SERVICES FOR CHILDREN FIVE YEARS OF AGE OR YOUNGER AND THEIR PARENTS. TO THIS END, EACH COUNCIL SHALL DEVELOP AND EXECUTE STRATEGIC PLANS TO RESPOND TO LOCAL NEEDS AND CONDITIONS.

(c) TO ESTABLISH A LOCAL SYSTEM OF ACCOUNTABILITY TO MEASURE LOCAL PROGRESS BASED ON THE NEEDS AND GOALS SET FOR PROGRAM PERFORMANCE;

(d) TO REPORT ANNUALLY THE RESULTS OF THE ACCOUNTABILITY MEASUREMENTS DEFINED IN PARAGRAPH (c) OF THIS SUBSECTION (1);

(e) TO SELECT A FISCAL AGENT TO DISBURSE FUNDS AND SERVE AS THE EMPLOYER OF THE COUNCIL DIRECTOR, ONCE HIRED. THE FISCAL AGENT MAY OR MAY NOT BE A COUNTY.

(f) TO DEVELOP AND IMPLEMENT A STRATEGIC PLAN AS DESCRIBED IN SECTION 26-6.5-103.3 (4), INCLUDING A COMPREHENSIVE EVALUATION AND REPORT; AND

(g) TO ACTIVELY ATTEMPT TO INFORM AND INCLUDE SMALL OR UNDER-REPRESENTED EARLY CHILDHOOD SERVICE PROVIDERS IN EARLY CHILDHOOD COUNCIL ACTIVITIES AND FUNCTIONS.

SECTION 6. 26-6.5-104, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

26-6.5-104. Early childhood councils - waivers - rules - funding - application.

(1) A LOCAL COUNCIL MAY REQUEST A WAIVER OF ANY RULE THAT WOULD PREVENT A COUNCIL FROM IMPLEMENTING COUNCIL PROJECTS. THE LOCAL COUNCIL SHALL SUBMIT THE REQUEST TO THE STATE DEPARTMENT, WHICH SHALL WORK IN COLLABORATION WITH THE ADVISORY TEAM IN REVIEWING THE REQUEST. THE STATE DEPARTMENT SHALL GRANT WAIVERS UPON APPROVAL.

(2)(a) THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, SHALL PROMULGATE RULES TO DEVELOP AND DISTRIBUTE TO COUNCILS THE APPLICATION FORM AND APPLICATION PROCESS TO BE USED BY EACH COUNCIL SEEKING TO RECEIVE COUNCIL INFRASTRUCTURE, QUALITY IMPROVEMENT, TECHNICAL ASSISTANCE, AND EVALUATION FUNDING FROM THE EARLY CHILDHOOD CASH FUND CREATED IN SECTION 26-6.5-110 AND OTHER FUNDING SOURCES APPROPRIATED FOR EARLY CHILDHOOD SERVICES.

(b) APPLICATIONS FOR EARLY CHILDHOOD FUNDING FROM THE EARLY CHILDHOOD CASH FUND ESTABLISHED IN SECTION 26-6.5-110 AND OTHER FUNDING SOURCES APPROPRIATED FOR EARLY CHILDHOOD SERVICES SHALL BE REVIEWED UPON RECEIPT BY THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM CREATED IN SECTION 26-6.5-105.

(c) THE STATE DEPARTMENT IS AUTHORIZED TO ENTER INTO A SOLE-SOURCE CONTRACT WITH ANY COUNCIL TO INCREASE AND SUSTAIN THE QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF EARLY CHILDHOOD SERVICES FOR YOUNG CHILDREN AND THEIR PARENTS.

SECTION 7. 26-6.5-105, Colorado Revised Statutes, is REPEALED AND REENACTED, WITH AMENDMENTS, to read:

26-6.5-105. Early childhood council advisory team - creation - duties.

(1) THERE IS HEREBY ESTABLISHED, PURSUANT TO SECTION 24-44.5-101, C.R.S., IN THE OFFICE OF THE LIEUTENANT GOVERNOR THE COLORADO EARLY CHILDHOOD COUNCIL ADVISORY TEAM TO PROVIDE ADVICE CONCERNING THE ACTIVITIES OF, AND PROVIDE OPERATIONAL SUPPORT FOR, THE EARLY CHILDHOOD COUNCILS CREATED PURSUANT TO SECTION 26-6.5-103. THE ADVISORY TEAM SHALL BE CONVENED BY THE OFFICE OF THE LIEUTENANT GOVERNOR, PURSUANT TO SECTION 24-44.5-101, C.R.S., WITH INPUT, COOPERATION, AND SUPPORT SERVICES FROM THE

DEPARTMENTS OF HUMAN SERVICES, EDUCATION, AND PUBLIC HEALTH AND ENVIRONMENT.

(2) THE ADVISORY TEAM SHALL BE COMPRISED OF REPRESENTATIVES FROM THE STATE AND LOCAL LEVELS THAT MIRROR THE STAKEHOLDER GROUPS ON LOCAL COUNCILS AS DESCRIBED IN SECTION 26-6.5-103.5, WITH A MAJORITY OF STAKEHOLDERS FROM LOCAL COMMUNITIES THROUGHOUT THE STATE. THE MEMBERS FROM LOCAL COUNCILS SHALL BE REPRESENTATIVE OF THE CULTURAL DIVERSITY AND GEOGRAPHIC REGIONS OF THE STATE, INCLUDING URBAN, RURAL, AND SUBURBAN COMMUNITIES FROM THE FRONT RANGE, EASTERN PLAINS, WESTERN SLOPE, AND MOUNTAIN COUNTIES. ADVISORY TEAM MEMBERS FROM THE STATE LEVEL SHALL BE APPOINTED BIENNIALY BY THE OFFICE OF THE LIEUTENANT GOVERNOR, PURSUANT TO SECTION 24-44.5-102, C.R.S. ADVISORY TEAM MEMBERS FROM THE LOCAL LEVEL SHALL BE NOMINATED BY LOCAL COUNCILS TO SERVE TWO-YEAR TERMS, WITH THE INITIAL SELECTION OF MEMBERS TO BE DETERMINED BY THE OFFICE OF THE LIEUTENANT GOVERNOR, PURSUANT TO SECTION 24-44.5-102, C.R.S. SELECTIONS FOR SUBSEQUENT YEARS SHALL BE DETERMINED BY THE SEATED ADVISORY TEAM IN COLLABORATION WITH THE STATE DEPARTMENT. VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE ORIGINAL APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM.

(3) THE DUTIES AND FUNCTIONS OF THE ADVISORY TEAM, IN COLLABORATION WITH THE STATE DEPARTMENT AND THE OFFICE OF THE LIEUTENANT GOVERNOR, SHALL INCLUDE, BUT NEED NOT BE LIMITED TO:

(a) DEVELOPING APPLICATIONS AND CRITERIA FOR THE CREATION OF NEW OR NEWLY IDENTIFIED COUNCILS;

(b) DEVELOPING APPLICATIONS AND CRITERIA FOR COUNCIL INFRASTRUCTURE, QUALITY IMPROVEMENT, TECHNICAL ASSISTANCE, AND EVALUATION FUNDING AS RELATED TO SECTION 26-6.5-103.3 (4) (c);

(c) ADVISING ON THE DEVELOPMENT AND IMPLEMENTATION OF A STATEWIDE EVALUATION TO INTEGRATE AND ANALYZE THE LOCAL COUNCIL EVALUATION. THE ADVISORY TEAM SHALL COLLABORATE WITH THE DEPARTMENTS OF HUMAN SERVICES, EDUCATION, AND PUBLIC HEALTH AND ENVIRONMENT ON THE STATEWIDE EVALUATION.

(d) ADVISING ON THE DEVELOPMENT AND IMPLEMENTATION OF AN EVALUATION OF THE BARRIERS TO SUCCESSFUL OPERATION OF THE LOCAL COUNCILS, INCLUDING THE EFFICIENCY AND EFFECTIVENESS OF THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, IN SUPPORTING THE NEEDS OF THE COUNCILS; AND

(e) ADVISING ON THE DEVELOPMENT AND IMPLEMENTATION OF TECHNICAL ASSISTANCE TO COUNCILS RELATED TO DEVELOPING A LOCAL EARLY CHILDHOOD SYSTEM AND INFRASTRUCTURE TO IMPROVE AND COORDINATE EARLY CHILDHOOD SERVICES.

SECTION 8. Repeal. 26-6.5-106 (2), Colorado Revised Statutes, is repealed as follows:

26-6.5-106. School-readiness quality improvement program. (2) Definitions:
 As used in this section, unless the context otherwise requires:

~~(a) Repealed.~~

~~(b) "Early care and education providers" and "early care and education facilities" mean school districts, providers, or facilities:~~

~~(f) That are licensed pursuant to part 1 of article 6 of this title or that participate in the Colorado preschool and kindergarten program pursuant to article 28 of title 22, C.R.S.; and~~

~~(H) That participate in local community early childhood care and education councils.~~

~~(HH) (Deleted by amendment, L. 2005, p. 892, § 2, effective June 2, 2005.)~~

~~(c) "Early childhood care and education councils" means councils representative of public and private stakeholders identified or established locally in communities throughout the state pursuant to subsection (3.5) of this section for the purpose of developing and ultimately implementing a comprehensive early childhood system to ensure the school readiness of young children in the community. "Early childhood care and education councils" shall provide school-readiness quality improvement funding to early care and education providers pursuant to subsection (3) of this section to enhance the school readiness of children five years of age and younger.~~

~~(d) "Eligible elementary school" means a public elementary school that:~~

~~(f) (A) For the school year immediately preceding submission of the early childhood care and education council's application for funding, has an overall academic performance rating of "low" or "unsatisfactory", pursuant to section 22-7-604, C.R.S.; or~~

~~(B) For the school year immediately preceding submission of the early childhood care and education council's application for funding, has been assigned a rating for academic growth of students of "decline" or "significant decline", as described in section 22-7-604, C.R.S.; and, for the same school year, has an overall academic performance rating of "average", pursuant to section 22-7-604, C.R.S.; and~~

~~(H) As of the date on which the early childhood care and education council applies for funding through the program, is receiving moneys pursuant to Title I of the federal "Elementary and Secondary Education Act of 1965", 20 U.S.C. sec. 6301 et seq.~~

~~(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 quality improvement program created pursuant to subsection (3) of this section.~~

SECTION 9. 26-6.5-106 (3) and (5) (a) (IV), Colorado Revised Statutes, are amended to read:

26-6.5-106. School-readiness quality improvement program.
(3) School-readiness quality improvement program created. On and after January 1, 2003, and continuing thereafter subject to sufficient and available federal funding, there is hereby created the school-readiness quality improvement program, REFERRED TO IN THIS SECTION AS THE "PROGRAM", pursuant to which the state department of human services shall award three years of school-readiness quality improvement funding to eligible early childhood care and education councils identified or established throughout the state pursuant to subsection (3.5) of this section. School-readiness quality improvement funding shall be awarded to improve the school-readiness of children five years of age and younger who are enrolled in early care and education facilities. School-readiness quality improvement funding shall be awarded to eligible early childhood care and education councils based upon allocations made at the discretion of the state department and subject to available federal funding. Nothing in this section or in any rules promulgated pursuant to this section shall be interpreted to create a legal entitlement in any early childhood care and education council to school-readiness quality improvement funding pursuant to the program. 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 facilities, who ultimately attend eligible elementary schools.

(5) School-readiness quality rating system. The state early childhood and school-readiness commission created pursuant to section 26-6-304 shall adopt a voluntary school-readiness quality rating system. Such rating system shall measure the level of preparedness of and quality of services provided by an early care and education provider to prepare children to enter elementary school. The school-readiness quality rating system shall:

(a) Measure such elements of quality of an early care and education facility as:

(IV) Provider training and education, including recognized credentials through the state department's voluntary credentialing system developed pursuant to section ~~26-6.5-103(8)~~ 26-6.5-107; and

SECTION 10. Article 6.5 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF THE FOLLOWING NEW SECTIONS to read:

26-6.5-107. Voluntary child care credentialing system - rules. THE STATE DEPARTMENT SHALL DEVELOP AND MAINTAIN A STATEWIDE VOLUNTARY CHILD CARE CREDENTIALING SYSTEM THAT RECOGNIZES THE TRAINING AND EDUCATIONAL ACHIEVEMENTS OF PERSONS PROVIDING EARLY CHILDHOOD CARE AND EDUCATION. THE USE OF THE VOLUNTARY CHILD CARE CREDENTIALING SYSTEM SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, THE EARLY CHILDHOOD COUNCILS. THE VOLUNTARY CHILD CARE CREDENTIALING SYSTEM SHALL BE A MULTI-TIERED SYSTEM OF GRADUATED CREDENTIALS THAT REFLECTS THE INCREASED TRAINING, EDUCATION, KNOWLEDGE, SKILLS, AND COMPETENCIES OF PERSONS WORKING IN EARLY CHILDHOOD CARE AND EDUCATION SERVICES IN THE VARIOUS COUNCILS. THE STATE BOARD SHALL PROMULGATE SUCH RULES AS ARE NECESSARY FOR THE STATEWIDE IMPLEMENTATION OF THE VOLUNTARY CHILD CARE CREDENTIALING SYSTEM.

26-6.5-108. Evaluation. (1) NO LATER THAN MARCH 1, 2010, THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, SHALL, THROUGH A REQUEST FOR PROPOSALS PROCESS, CONTRACT WITH A QUALIFIED INDIVIDUAL OR ENTITY TO PREPARE AN INDEPENDENT EVALUATION OF THE SYSTEM OF EARLY CHILDHOOD COUNCILS TO DETERMINE THE EFFECTIVENESS OF THE SYSTEM IN SERVING CHILDREN AND FAMILIES THROUGHOUT THE STATE. THE EVALUATION SHALL BE COMPLETED NO LATER THAN OCTOBER 1, 2010, AND SHALL BE REPEATED EVERY THREE YEARS THEREAFTER.

(2) THE EVALUATION SHALL INCLUDE THE FOLLOWING:

(a) AN AGGREGATE EVALUATION OF LOCAL EVALUATION PLAN DATA AS INTEGRATED AND ANALYZED BY THE STATE DEPARTMENT IN COLLABORATION WITH THE ADVISORY TEAM, INCLUDING AN EVALUATION OF THE OVERALL PROGRAM PERFORMANCE AND COUNCIL PROCESS AND EFFECTIVENESS;

(b) AN EVALUATION OF STATE PROGRAM PERFORMANCE, INCLUDING THE EFFICIENCY AND EFFECTIVENESS OF THE STATE DEPARTMENT, IN COLLABORATION WITH THE ADVISORY TEAM, IN MEETING THE NEEDS OF THE COUNCILS, PURSUANT TO SECTION 26-6.5-105 (3) (d);

(c) AN EVALUATION OF THE FEASIBILITY OF COMBINING THE FUNDING SOURCES AVAILABLE UNDER THIS ARTICLE;

(d) AN EVALUATION OF THE BARRIERS TO DELIVERY OF QUALITY EARLY CHILDHOOD SERVICES; AND

(e) AN EVALUATION OF THE IMPACT OF WAIVERS ISSUED PURSUANT TO SECTION 26-6.5-104.

26-6.5-109. Early childhood cash fund - creation. (1) THERE IS HEREBY CREATED IN THE STATE TREASURY THE EARLY CHILDHOOD CASH FUND, REFERRED TO IN THIS ARTICLE AS THE "FUND", THAT SHALL CONSIST OF SUCH MONEYS AS MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY AND CREDITED TO THE FUND PURSUANT TO SUBSECTION (2) OF THIS SECTION. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE.

(2) THE STATE DEPARTMENT IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PRIVATE AND PUBLIC SOURCES FOR THE PURPOSES OF THIS ARTICLE. ALL PRIVATE AND PUBLIC FUNDS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE FUND. THE MONEYS IN THE FUND SHALL BE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT COSTS ASSOCIATED WITH THE IMPLEMENTATION OF THIS ARTICLE.

(3) ANY MONEYS IN THE FUND NOT EXPENDED FOR THE PURPOSES OF THIS ARTICLE MAY BE INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND

SHALL BE CREDITED TO THE FUND.

(4) THE STATE DEPARTMENT MAY EXPEND UP TO, BUT NOT EXCEEDING, FIVE PERCENT OF THE MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS INCURRED IN IMPLEMENTING THIS ARTICLE.

(5) ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.

26-6.5-110. Analysis of child care assistance program policies and procedures - reporting. (1) BEGINNING IN FISCAL YEAR 2007-08, THE OFFICE OF THE STATE AUDITOR SHALL CONDUCT A PERFORMANCE AUDIT OF THE USE OF MONEYS FROM THE CHILD CARE ASSISTANCE PROGRAM CREATED IN PART 8 OF ARTICLE 2 OF THIS TITLE.

(2) THE PERFORMANCE AUDIT BY THE OFFICE OF THE STATE AUDITOR CONDUCTED PURSUANT TO THIS SECTION SHALL INCLUDE, BUT NEED NOT BE LIMITED TO, AN ASSESSMENT OF STATE AND COUNTY POLICIES AND PROCEDURES RELATED TO CHILD CARE ASSISTANCE PROGRAM MONEYS, THE USE OF TEMPORARY ASSISTANCE FOR NEEDY FAMILY CHILD CARE TRANSFERS AND RESERVES, PROVIDER PAYMENTS AND REIMBURSEMENT RATES, PARENTAL CO-PAYMENTS, AND ELIGIBILITY.

(3) BASED ON THE FINDINGS AND CONCLUSIONS IDENTIFIED DURING THE PERFORMANCE AUDIT CONDUCTED PURSUANT TO THIS SECTION, THE OFFICE OF THE STATE AUDITOR SHALL MAKE RECOMMENDATIONS TO THE STATE DEPARTMENT FOR IMPROVING THE EFFICIENCY AND EFFECTIVENESS OF THE CHILD CARE ASSISTANCE PROGRAM. ON OR BEFORE DECEMBER 30, 2008, THE OFFICE OF THE STATE AUDITOR SHALL SUBMIT THE FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS FROM THE PERFORMANCE AUDIT IN THE FORM OF A WRITTEN REPORT TO THE LEGISLATIVE AUDIT COMMITTEE, WHICH SHALL HOLD A PUBLIC HEARING FOR THE PURPOSES OF A REVIEW OF THE REPORT. THE REPORT SHALL ALSO BE SUBMITTED TO THE HEALTH AND HUMAN SERVICES AND EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, AND THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM WITHIN THE OFFICE OF THE LIEUTENANT GOVERNOR.

SECTION 11. 26-6-304 (1) (b) (II), Colorado Revised Statutes, is amended to read:

26-6-304. Early childhood and school readiness commission - created.

(1) (b) The governor shall appoint nine members of the commission, no more than five of whom shall be from the same political party, who shall be representative of the cultural and geographic diversity of the state and at least one of whom shall have experience working with children with disabilities. The members of the commission appointed by the governor shall also be representative of the following interests, organizations, state agencies, and boards:

(II) The ~~community consolidated child care services pilot program~~ EARLY CHILDHOOD COUNCILS established pursuant to article 6.5 of this title;

SECTION 12. 26-6.5-104.5, Colorado Revised Statutes, is amended to read:

26-6.5-104.5. Quality evaluation and improvement of early childhood care and education programs - use of Colorado works moneys. Counties are urged to partner with ~~non-profit~~ FOR-PROFIT or not-for-profit organizations that evaluate the quality of early childhood care and education programs in the ~~pilot site agencies~~ EARLY CHILDHOOD COUNCILS and assign ratings thereto in an effort to assess the success of such programs and to improve the ultimate delivery of early childhood care and education. Counties so partnering are further encouraged to match private investments in such early childhood care and education programs with county block grant moneys for Colorado works pursuant to part 7 of article 2 of this title and federal child care development funds in an effort to improve the overall quality of those programs. COUNTIES SO PARTNERING ARE FURTHER ENCOURAGED TO EXPEND LOCAL FUNDS TO PROMOTE THE OBJECTIVES OF THIS ARTICLE AND IMPROVE THE DELIVERY OF EARLY CHILDHOOD SERVICES, INCLUDING THE CONTINUATION OF THOSE FUNDING SOURCES DEVELOPED TO SUPPORT PILOT SITE AGENCY ACTIVITIES.

SECTION 13. Title 24, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW ARTICLE to read:

ARTICLE 44.5

Early Childhood Council Advisory Team

24-44.5-101. Early childhood council advisory team - establishment. THERE IS HEREBY ESTABLISHED IN THE OFFICE OF THE LIEUTENANT GOVERNOR THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM TO PROVIDE ADVICE CONCERNING THE ACTIVITIES OF THE EARLY CHILDHOOD COUNCIL CREATED PURSUANT TO SECTION 26-6.5-103, C.R.S. THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM SHALL BE CONVENED BY THE OFFICE OF THE LIEUTENANT GOVERNOR, WITH INPUT, COOPERATION, AND SUPPORT SERVICES FROM THE DEPARTMENTS OF HUMAN SERVICES, EDUCATION, AND PUBLIC HEALTH AND ENVIRONMENT.

24-44.5-102. Early childhood council advisory team - membership - duties. THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM SHALL BE COMPRISED OF MEMBERS AS SET FORTH IN SECTION 26-6.5-105 (2), C.R.S., WITH THE OFFICE OF THE LIEUTENANT GOVERNOR MAKING THE INITIAL APPOINTMENTS AND APPOINTING STATE LEVEL MEMBERS BIENNIALY. THE OFFICE OF THE LIEUTENANT GOVERNOR SHALL WORK IN COLLABORATION WITH THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM AND THE STATE DEPARTMENT OF HUMAN SERVICES TO FULFILL THE DUTIES AND FUNCTIONS OF THE EARLY CHILDHOOD COUNCIL ADVISORY TEAM AS SET FORTH IN SECTION 26-6.5-105 (3), C.R.S.

SECTION 14. Appropriation - adjustments to the 2007 long bill. (1) In addition to any other appropriation, there is hereby appropriated, out of any moneys in the general fund not otherwise appropriated, to the early childhood cash fund created in section 26-6.5-109, Colorado Revised Statutes, for the fiscal year beginning July 1, 2007, the sum of one million twenty-two thousand one hundred sixty-eight dollars (\$1,022,168), and such sum, or so much thereof as may be necessary, is further appropriated to the department of human services, division of child care for the implementation of this act.

(2) In addition to any other appropriation, there is hereby appropriated, to the department of human services, division of child care, for the fiscal year beginning, July 1, 2007, the sum of one million twenty-two thousand one hundred sixty-nine dollars (\$1,022,169), federal child care development funds and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act.

(3) In addition to any other appropriation, there is hereby appropriated to the department of education, for appropriated sponsored programs, for the fiscal year beginning July 1, 2007, the sum of one million nine hundred twelve thousand fifty-one dollars (\$1,912,051) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of human services out of the appropriations made in subsections (1) and (2) of this section.

(4) In addition to any other appropriation, there is hereby appropriated, to the governor-lieutenant governor-state planning and budgeting, office of the lieutenant governor, for the fiscal year beginning July 1, 2007, the sum of eighty thousand five hundred forty-three dollars (\$80,543) and 1.0 FTE, or so much thereof as may be necessary, for the implementation of this act. Said sum shall be from cash funds exempt received from the department of human services out of the appropriation made in subsection (2) of this section.

(5) For the implementation of this act, appropriations made in the annual general appropriation act for the fiscal year beginning July 1, 2007, shall be adjusted as follows: The appropriation to the department of human services, division of child care, for the child care assistance program, is decreased by two million forty-four thousand three hundred thirty-seven dollars (\$2,044,337). Of said sum, one million twenty-two thousand one hundred sixty-eight dollars (\$1,022,168) shall be from the general fund and one million twenty-two thousand one hundred sixty-nine dollars (\$1,022,169) shall be from federal child care development funds.

SECTION 15. 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: May 31, 2007