

CHAPTER 355

CHILDREN AND DOMESTIC MATTERS

HOUSE BILL 09-1343

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AN ACT

CONCERNING THE CREATION OF THE EARLY CHILDHOOD AND SCHOOL READINESS LEGISLATIVE OVERSIGHT COMMISSION.

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 PART to read:

**PART 2
EARLY CHILDHOOD AND SCHOOL READINESS
LEGISLATIVE COMMISSION**

26-6.5-201. Short title. THIS PART 2 SHALL BE KNOWN AND MAY BE CITED AS THE "EARLY CHILDHOOD AND SCHOOL READINESS LEGISLATIVE COMMISSION ACT".

26-6.5-202. Definitions. AS USED IN THIS PART 2, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "CHILD CARE" MEANS CARE PROVIDED TO A CHILD OR CHILDREN BY A CHILD CARE FACILITY REQUIRED TO BE LICENSED PURSUANT TO PART 1 OF THIS ARTICLE OR BY A FACILITY DESCRIBED IN SECTION 26-6-103 THAT IS NOT REQUIRED TO BE LICENSED. THE TERM "CHILD CARE", AS USED IN THIS PART 2, DOES NOT INCLUDE CARE PROVIDED TO A CHILD BY THAT CHILD'S PARENT OR LEGAL GUARDIAN.

(2) "COMMISSION" MEANS THE EARLY CHILDHOOD AND SCHOOL READINESS LEGISLATIVE COMMISSION ESTABLISHED PURSUANT TO SECTION 26-6.5-203.

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

26-6.5-203. Early childhood and school readiness legislative commission - creation - membership - duties - funding. (1) (a) THERE IS HEREBY CREATED A LEGISLATIVE COMMISSION FOR POLICY IMPROVEMENT RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS, INCLUDING THE AREAS OF HEALTH, MENTAL HEALTH, PARENTAL INVOLVEMENT, FAMILY SUPPORT, CHILD CARE, AND EARLY LEARNING.

(b) THE COMMISSION SHALL CONSIST OF TEN MEMBERS, APPOINTED FOR TERMS OF THREE YEARS; EXCEPT THAT, OF THE MEMBERS FIRST APPOINTED, TWO MEMBERS SHALL BE APPOINTED FOR ONE-YEAR TERMS, THREE MEMBERS SHALL BE APPOINTED FOR TWO-YEAR TERMS, AND THREE MEMBERS SHALL BE APPOINTED FOR THREE-YEAR TERMS. THE APPOINTING AUTHORITIES SHALL JOINTLY DETERMINE WHICH COMMISSION MEMBERS SHALL SERVE REDUCED TERMS. VACANCIES SHALL BE FILLED BY APPOINTMENT OF THE ORIGINAL APPOINTING AUTHORITY FOR THE REMAINDER OF THE UNEXPIRED TERM. INITIAL APPOINTMENTS TO THE COMMISSION SHALL BE MADE ON OR BEFORE JULY 1, 2009, AS FOLLOWS:

(I) THE PRESIDENT OF THE SENATE SHALL APPOINT THREE SENATORS TO SERVE ON THE COMMISSION, AND THE MINORITY LEADER OF THE SENATE SHALL APPOINT TWO SENATORS TO SERVE ON THE COMMISSION; AND

(II) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT THREE REPRESENTATIVES TO SERVE ON THE COMMISSION, AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES SHALL APPOINT TWO REPRESENTATIVES TO SERVE ON THE COMMISSION.

(c) THE SPEAKER OF THE HOUSE OF REPRESENTATIVES SHALL SELECT THE FIRST CHAIR OF THE COMMISSION, AND THE PRESIDENT OF THE SENATE SHALL SELECT THE FIRST VICE-CHAIR. THE CHAIR AND VICE-CHAIR SHALL ALTERNATE ANNUALLY THEREAFTER BETWEEN THE TWO HOUSES. THE CHAIR AND VICE-CHAIR OF THE COMMISSION MAY ESTABLISH SUCH ORGANIZATIONAL AND PROCEDURAL RULES AS ARE NECESSARY FOR THE OPERATION OF THE COMMISSION.

(d) NOTWITHSTANDING THE PROVISIONS OF SECTION 2-2-307, C.R.S., MEMBERS OF THE COMMISSION SHALL NOT BE COMPENSATED FOR OR REIMBURSED FOR EXPENSES IN RELATION TO THEIR DUTIES ON THE COMMISSION, AND THE LEGISLATIVE COUNCIL STAFF AND OFFICE OF LEGISLATIVE LEGAL SERVICES SHALL NOT PROVIDE STAFF SUPPORT TO ASSIST IN THE ACTIVITIES OF THE COMMISSION.

(2) (a) BEGINNING ON OR BEFORE AUGUST 1, 2009, THE COMMISSION SHALL MEET AT LEAST SIX TIMES ANNUALLY AND AS NEEDED THEREAFTER.

(b) THE COMMISSION SHALL STUDY ISSUES CONCERNING EARLY CHILDHOOD AND SCHOOL READINESS, INCLUDING BUT NOT LIMITED TO HEALTH CARE, MENTAL HEALTH, PARENTAL INVOLVEMENT, FAMILY SUPPORT, AND EARLY LEARNING. THE COMMISSION MAY RECOMMEND LEGISLATIVE CHANGES WHICH SHALL BE TREATED AS BILLS RECOMMENDED BY AN INTERIM LEGISLATIVE COMMITTEE FOR PURPOSES OF ANY INTRODUCTION DEADLINES OR BILL LIMITATIONS IMPOSED BY THE JOINT RULES OF THE GENERAL ASSEMBLY.

(c) THE COMMISSION SHALL SOLICIT INPUT FROM THE MEMBERS OF THE PUBLIC,

ESPECIALLY THOSE INDIVIDUALS WITH EXPERTISE RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS ISSUES, TO AID THE COMMISSION IN ITS WORK.

(d) THE COMMISSION SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY BY JANUARY 15, 2010, AND BY JANUARY 15 EACH YEAR THEREAFTER. THE ANNUAL REPORTS SHALL SUMMARIZE THE ISSUES STUDIED BY THE COMMISSION CONCERNING EARLY CHILDHOOD AND SCHOOL READINESS, INCLUDING BUT NOT LIMITED TO HEALTH CARE, MENTAL HEALTH, PARENTAL INVOLVEMENT, AND EDUCATION.

(3) THE COMMISSION IS AUTHORIZED TO SEEK AND ACCEPT GIFTS, GRANTS, OR DONATIONS FROM PUBLIC AND PRIVATE SOURCES FOR THE PURPOSES OF THIS PART 2; EXCEPT THAT THE COMMISSION SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF IT IS SUBJECT TO CONDITIONS THAT ARE INCONSISTENT WITH THIS PART 2 OR ANY OTHER LAW OF THIS STATE. ALL PRIVATE AND PUBLIC MONEYS RECEIVED THROUGH GIFTS, GRANTS, OR DONATIONS PURSUANT TO THIS SUBSECTION (3) SHALL BE TRANSMITTED TO THE STATE TREASURER, WHO SHALL CREDIT THE SAME TO THE LEGISLATIVE DEPARTMENT CASH FUND CREATED IN SECTION 2-2-1401, C.R.S.

26-6.5-204. Repeal of part. THIS PART 2 IS REPEALED, EFFECTIVE JULY 1, 2012.

SECTION 2. 26-6.5-101 (7), Colorado Revised Statutes, is amended to read:

26-6.5-101. Legislative declaration. (7) It is therefore in the state's best interest to establish a 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~~ PART 1.

SECTION 3. The introductory portion to 26-6.5-101.5, Colorado Revised Statutes, is amended to read:

26-6.5-101.5. Definitions. As used in this ~~article~~ PART 1, unless the context otherwise requires:

SECTION 4. 26-6.5-103 (2), (3), (5), and (6), Colorado Revised Statutes, are amended to read:

26-6.5-103. Early childhood councils - established - rules. (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~~ PART 1 as "early childhood councils", and new councils designated and convened pursuant to this ~~article~~ PART 1, 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~~ PART 1, 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.

(5) Nothing in this ~~article~~ PART 1 shall be construed as requiring an existing council to reconfigure or reconvene.

(6) Nothing in this ~~article~~ PART 1 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. 26-6.5-103.5 (2), Colorado Revised Statutes, is amended to read:

26-6.5-103.5. Early childhood councils - membership. (2) For the purposes of this ~~article~~ PART 1, 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.

SECTION 6. 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 for-profit or not-for-profit organizations that evaluate the quality of early childhood care and education programs in the 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~~ PART 1 and improve the delivery of early childhood services, including the continuation of those funding sources developed to support pilot site agency activities.

SECTION 7. 26-6.5-108 (2) (c), Colorado Revised Statutes, is amended to read:

26-6.5-108. Evaluation. (2) The evaluation shall include the following:

(c) An evaluation of the feasibility of combining the funding sources available under this ~~article~~ PART 1;

SECTION 8. 26-6.5-109 (1), (2), (3), and (4), Colorado Revised Statutes, are amended to read:

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~~ PART 1 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~~ PART 1.

(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~~ PART 1. All private and public ~~funds~~ MONEYS 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~~ PART 1.

(3) Any moneys in the fund not expended for the purposes of this ~~article~~ PART 1 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~~ PART 1.

SECTION 9. 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 1, 2009