

CHAPTER 337

HUMAN SERVICES - SOCIAL SERVICES

HOUSE BILL 10-1035

BY REPRESENTATIVE(S) Massey and Solano, Benefield, Peniston, Apuan, Casso, Court, Frangas, Gagliardi, Labuda, Pommer, Scanlan, Summers, Todd, Vigil, Fischer, Ryden, Schafer S.;
also SENATOR(S) Steadman, Hodge, Hudak, Williams, Bacon, Boyd, Carroll M., Foster, Morse, Newell, Shaffer B., Tochtrop.

AN ACT

CONCERNING ELIGIBILITY DETERMINATIONS FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM TO PROMOTE STABILITY IN EARLY CHILDHOOD CARE, AND MAKING AN APPROPRIATION THEREFOR.

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

SECTION 1. Legislative declaration. (1) The general assembly hereby finds that:

(a) The stability and continuity of child care and early learning environments are essential to promote school readiness for young children who are at risk for school failure across multiple domains. Research repeatedly shows that children in consistent, stable, high-quality child care and early learning environments enter kindergarten prepared and have significantly elevated school achievement despite economic disadvantage.

(b) When subsidized child care systems are structured to promote stability and continuity of care for children, low-income parents are also supported in their efforts to achieve goals relating to education, employment, self-sufficiency, asset building, and family stability. Research shows that when families have access to consistent and stable child care arrangements, parents attain higher levels of education, have greater job retention, exhibit less absenteeism from work, and demonstrate increased productivity in the workplace. Supporting parents in these positive efforts can improve family well-being and reduce reliance on public supports, which come at a significant long-term cost to the state.

(c) Colorado's existing child care assistance program has barriers that prevent families from receiving stable and consistent child care. Parents and child care

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

providers experience difficulty when accessing the child care assistance program because existing rules promote financial inconsistency in receipt of the subsidy moneys, do not consistently support activities that promote family self-sufficiency, place unnecessary reporting burdens on parents, and contribute to significant discontinuity and instability of care for the majority of children in the assistance program, which is detrimental to their long-term school readiness.

(d) Many at-risk children are served by multiple early care programs and national best practice in early childhood care and education recommends aligning existing early care and education programs such as the Colorado child care assistance program, the federal early head start and head start programs, and other similar high-quality pre-kindergarten programs.

SECTION 2. 26-2-805 (1), Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PARAGRAPH to read:

26-2-805. Services - eligibility - assistance provided - rules. (1) (e) (I) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH THE COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8 AND IN A HEAD START PROGRAM, THE FAMILY'S ELIGIBILITY REDETERMINATION FOR CHILD CARE ASSISTANCE SHALL OCCUR NO SOONER THAN THE END OF THE LAST MONTH OF THE CHILD'S FIRST FULL TWELVE-MONTH PROGRAM YEAR OF ENROLLMENT IN THE HEAD START PROGRAM. CHILD CARE ASSISTANCE PROGRAM ELIGIBILITY REDETERMINATION FOR A CHILD ENROLLED IN BOTH PROGRAMS SHALL OCCUR ONCE EVERY TWELVE MONTHS THEREAFTER.

(II) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN THE COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8 OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM OTHER THAN HEAD START OR EARLY HEAD START, THE FAMILY'S ELIGIBILITY REDETERMINATION FOR CHILD CARE ASSISTANCE SHALL OCCUR ONCE EVERY TWELVE MONTHS.

(III) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127 (2) (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS PART 8 SHALL NOT BE REQUIRED TO REPORT INCOME OR ACTIVITY CHANGES DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT, WITHIN THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY SHALL BE REQUIRED TO REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME EXCEEDS EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A FAMILY IS NO LONGER PARTICIPATING IN THE ELIGIBLE ACTIVITY UNDER WHICH IT WAS MADE ELIGIBLE IN THE CHILD CARE CASE, THE FAMILY SHALL REPORT THAT CHANGE WITHIN FOUR WEEKS FROM THE TIME IT CEASED PARTICIPATING IN THE ELIGIBLE ACTIVITY.

(IV) A PARENT SHALL NOT BE DETERMINED INELIGIBLE TO RECEIVE CHILD CARE ASSISTANCE PURSUANT TO THIS PART 8 AS A RESULT OF:

(A) TAKING MATERNITY LEAVE; OR

(B) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING FINANCIAL RESOURCES.

SECTION 3. 26-2-805 (1.5) and (3), Colorado Revised Statutes, are amended to read:

26-2-805. Services - eligibility - assistance provided - rules. (1.5) If a county reduces its income eligibility requirements, a child receiving child care assistance services when the change is implemented shall continue to receive said services until the family's next eligibility redetermination or for six months, whichever is longer. ~~so long as the family's household income remains at or below the prior income eligibility requirements.~~

(3) As used in this section, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(a) "EARLY CARE AND EDUCATION PROVIDER" MEANS A SCHOOL DISTRICT OR PROVIDER THAT 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.

(b) "HEAD START PROGRAM" MEANS A PROGRAM OPERATED BY A LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED.

(c) "Participant" means a participant in the Colorado works program as defined in section 26-2-703 (15).

SECTION 4. 26-2-805, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW SUBSECTION to read:

26-2-805. Services - assistance provided - rules. (2.5) AN EARLY CARE AND EDUCATION PROVIDER MAY CONDUCT A PRE-ELIGIBILITY DETERMINATION FOR CHILD CARE ASSISTANCE FOR A FAMILY TO FACILITATE THE DETERMINATION PROCESS. THE EARLY CARE AND EDUCATION PROVIDER SHALL SUBMIT ITS PRE-ELIGIBILITY DOCUMENTATION TO THE COUNTY FOR FINAL DETERMINATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY CARE AND EDUCATION PROVIDER MAY PROVIDE SERVICES TO THE FAMILY PRIOR TO FINAL DETERMINATION OF ELIGIBILITY AND SHALL BE REIMBURSED FOR SUCH SERVICES ONLY IF THE COUNTY DETERMINES THE FAMILY IS ELIGIBLE FOR SERVICES AND THERE IS NO NEED TO PLACE THE FAMILY ON A WAITING LIST. IF THE FAMILY IS FOUND INELIGIBLE FOR SERVICES, THE EARLY CARE AND EDUCATION PROVIDER SHALL NOT BE REIMBURSED FOR ANY SERVICES PROVIDED DURING THE PERIOD BETWEEN ITS PRE-ELIGIBILITY DETERMINATION AND THE COUNTY'S FINAL DETERMINATION OF ELIGIBILITY.

SECTION 5. Appropriation. In addition to any other appropriation, there is hereby appropriated, to the department of human services, for allocation to the office of information technology services, for the child care automated tracking system, for the fiscal year beginning July 1, 2010, the sum of two hundred forty-nine thousand seven hundred dollars (\$249,700), 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 6. Specified effective date. (1) This section and sections 5 and 7 shall take effect upon passage.

(2) Sections 1 through 4 of this act shall take effect June 1, 2011.

SECTION 7. 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 3, 2010