

CHAPTER 28

MILITARY AND VETERANS

HOUSE BILL 11-1027

BY REPRESENTATIVE(S) Looper, Barker, Casso, Conti, Court, Fields, Hullinghorst, Kefalas, Kerr J., Labuda, Liston, Massey, Nikkel, Pace, Priola, Ryden, Schafer S., Scott, Solano, Stephens, Summers, Swerdfeger, Todd, Vigil, Wilson; also SENATOR(S) Newell, Boyd, Giron, Heath, Hudak, Lambert, Nicholson, Williams S.

AN ACT

CONCERNING THE CREATION OF THE DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS PILOT PROGRAM.

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

SECTION 1. Article 6 of title 26, Colorado Revised Statutes, is amended BY THE ADDITION OF A NEW PART to read:

**PART 6
DEPARTMENT OF DEFENSE QUALITY CHILD CARE
STANDARDS PILOT PROGRAM**

26-6-601. Short title. THIS PART 6 SHALL BE KNOWN AND MAY BE CITED AS THE "DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS PILOT PROGRAM".

26-6-602. Legislative declaration. (1) THE GENERAL ASSEMBLY HEREBY FINDS AND DETERMINES THAT:

- (a) PROVIDING QUALITY CHILD CARE IS VITAL TO THE HEALTH AND WELL-BEING OF THE CHILDREN OF COLORADO;
- (b) THE HUMAN CAPACITY TO DEVELOP AND CHANGE IS GREATEST FROM BIRTH TO FIVE YEARS OF AGE WHEN THE BRAIN IS MOST MALLEABLE AND ABLE TO CHANGE IN RESPONSE TO EDUCATION AND STIMULATION;
- (c) THE INVESTMENT MADE IN EARLY CHILDHOOD CARE BENEFITS CHILDREN, PARENTS, AND THE COMMUNITY IN THE LONG TERM. STATISTICS CONSISTENTLY SHOW THAT INVESTMENT IN EARLY CHILDHOOD EDUCATION AND PROGRAMS

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

PREVENTS SOME CHILDREN FROM ENTERING THE CRIMINAL JUSTICE SYSTEM, WHICH, IN TURN, DIMINISHES JAIL OR PRISON COSTS. CHILDREN WHO WERE ENROLLED IN PRE-KINDERGARTEN PROGRAMS ARE ALSO MORE LIKELY TO HAVE BETTER EMPLOYMENT AND HIGHER WAGES OVER THEIR LIFETIMES;

(d) AS A RESULT, THERE IS A GREAT DEMAND FOR EXPENSIVE REMEDIAL PROGRAMS TO ADDRESS LEARNING AND BEHAVIOR PROBLEMS IN LATER YEARS WHEN CHANGE IS FAR MORE DIFFICULT TO ACHIEVE; AND

(e) IMPLEMENTING STRATEGIES SO THAT CHILDREN BECOME SUCCESSFUL EARLY LEARNERS HELPS REDUCE THE NEED FOR EXPENSIVE LATER REMEDIATION PROGRAMS.

(2) THE GENERAL ASSEMBLY FURTHER FINDS AND DECLARES THAT:

(a) THE PROVISION OF CHILD CARE ENABLES PARENTS TO WORK, THUS GENERATING EXTRA DOLLARS FOR LOCAL AND STATE ECONOMIES;

(b) MILITARY FACILITIES CURRENTLY DO NOT HAVE ENOUGH SPACES TO CARE FOR ALL THE CHILDREN WHO NEED CHILD CARE AND EARLY LEARNING ENVIRONMENTS, YET PROVIDING EARLY LEARNING PROGRAMS TO CHILDREN OF THE MILITARY IS ESPECIALLY IMPORTANT DURING TIMES OF STRESS RELATED TO DEPLOYMENT OF THEIR PARENTS; AND

(c) FEDERAL DOLLARS SHALL BE AVAILABLE TO MILITARY FAMILIES TO SUBSIDIZE OFF-BASE CHILD CARE, PROVIDED THE CHILD CARE FACILITY MEETS HIGH QUALITY STANDARDS.

(3) THE GENERAL ASSEMBLY THEREFORE CONCLUDES THAT IT IS IN THE BEST INTEREST OF OUR STATE'S MILITARY FAMILIES AND CHILDREN TO CREATE A PILOT PROGRAM THAT ALLOWS MILITARY FAMILIES TO USE THEIR FEDERAL CHILD CARE STIPENDS TO OBTAIN OFF-BASE CHILD CARE IN FACILITIES THAT MEET THE HIGH QUALITY STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF DEFENSE.

26-6-603. Definitions. AS USED IN THIS PART 6, UNLESS THE CONTEXT OTHERWISE REQUIRES:

(1) "PROGRAM" MEANS THE DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS PILOT PROGRAM CREATED PURSUANT TO SECTION 26-6-604.

(2) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN SERVICES CREATED AND EXISTING PURSUANT TO SECTION 24-1-120, C.R.S.

26-6-604. Department of defense quality child care standards pilot program - creation - program scope - reporting requirements - rules. (1) THERE IS HEREBY CREATED IN THE STATE DEPARTMENT THE DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS PILOT PROGRAM. THE OBJECTIVE OF THE PROGRAM IS TO ALLOW MILITARY PERSONNEL TO USE THEIR FEDERAL CHILD CARE BENEFITS AND ANY OTHER STIPENDS TO ACCESS OFF-BASE CHILD CARE FACILITIES THAT MEET THE QUALITY STANDARDS ESTABLISHED BY THE FEDERAL DEPARTMENT OF DEFENSE. THE STATE DEPARTMENT SHALL ADMINISTER THE PROGRAM IN

ACCORDANCE WITH THE PROVISIONS OF THIS PART 6.

(2) PILOT SITES MAY APPLY TO THE STATE DEPARTMENT TO BE CONSIDERED FOR INCLUSION IN THE PROGRAM. THE STATE DEPARTMENT, WITH INPUT FROM THE LOCAL PUBLIC HEALTH AGENCY, LOCAL COUNTY RESOURCE AND REFERRAL AGENCIES, AND EARLY CHILDHOOD COUNCILS OF IMPACTED COUNTIES, SHALL DESIGNATE PILOT SITE FACILITIES TO SERVE MILITARY FAMILIES. DESIGNATION OF PILOT SITES SHALL BE DEPENDENT UPON FUNDING FROM THE FEDERAL DEPARTMENT OF DEFENSE AS CHILD CARE STIPENDS TO MILITARY FAMILIES AND FUNDING OF THE PILOT SITE LICENSING UNIT THROUGH FEES COLLECTED PURSUANT TO SUBSECTION (7) OF THIS SECTION. THE DESIGNATED CHILD CARE FACILITIES SHALL PROVIDE CHILD CARE TO MILITARY FAMILIES, PROVIDED THE FACILITY MEETS THE QUALITY CHILD CARE STANDARDS ADOPTED BY RULE OF THE STATE DEPARTMENT.

(3) THE PILOT SITE FACILITIES SHALL HAVE, AT A MINIMUM, THE FOLLOWING PROGRAM COMPONENTS:

(a) FULL COMPLIANCE WITH RULES PROMULGATED PURSUANT TO THIS PART 6, INCLUDING DEPARTMENT OF DEFENSE CHILD CARE STANDARDS;

(b) SPECIAL NEEDS SERVICES;

(c) STAFF DEVELOPMENT AND TRAINING;

(d) FAMILY SUPPORT SERVICES; AND

(e) A STATE DEPARTMENT-APPROVED QUALITY RATING AND IMPROVEMENT SYSTEM.

(4) THE STATE DEPARTMENT SHALL IDENTIFY, DEVELOP, AND IMPLEMENT AN EARLY CHILDHOOD TRAINING PLAN BASED UPON THE NEEDS OF EACH PILOT SITE FACILITY. THE TRAINING SHALL INCLUDE THE PRINCIPAL ELEMENTS OF THE RULES PROMULGATED PURSUANT TO THIS PART 6, THE DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS, AND THE ELEMENTS OF THE QUALITY RATING AND IMPROVEMENT SYSTEM.

(5) ON OR BEFORE DECEMBER 30, 2013, THE STATE DEPARTMENT SHALL DEVELOP A QUALITY RATING AND IMPROVEMENT SYSTEM THAT IS INCLUSIVE, ACCESSIBLE, AVAILABLE TO ALL CHILD CARE PROVIDERS, EMBEDDED IN LICENSING, AND REFLECTIVE OF EVIDENCE-BASED PRACTICES FOR SUCCESSFUL OUTCOMES FOR ALL CHILDREN AND FAMILIES, TO BE USED IN THE PROGRAM TO EVALUATE THE IMPLEMENTATION OF THE DEPARTMENT OF DEFENSE STANDARDS.

(6) ON OR BEFORE JUNE 30, 2012, THE STATE DEPARTMENT AND THE LOCAL PUBLIC HEALTH AGENCY SHALL PROMULGATE RULES FOR THE IMPLEMENTATION OF THIS PART 6. THE RULES SHALL INCLUDE, AT A MINIMUM:

(a) PILOT SITE COMPLIANCE WITH DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS;

(b) A REQUIREMENT FOR COMPLIANCE WITH EXISTING STATE AND FEDERAL

REGULATIONS; AND

(c) A PROCEDURE TO ESTABLISH A FEE FOR AND CHARGE PILOT SITE FACILITIES FOR ANY ADDITIONAL INSPECTIONS AND SERVICES REQUIRED TO IMPLEMENT THE ENHANCED DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS.

(7) THE STATE DEPARTMENT AND THE LOCAL PUBLIC HEALTH AGENCY ARE HEREBY GRANTED THE AUTHORITY TO CHARGE PILOT SITE FACILITIES FOR ANY ADDITIONAL INSPECTIONS AND SERVICES REQUIRED BY THE DEPARTMENT OF DEFENSE QUALITY CHILD CARE STANDARDS.

(8) NO LATER THAN MARCH 1, 2015, THE STATE DEPARTMENT SHALL REPORT ON THE OUTCOMES OF THE PROGRAM, INCLUDING AN EVALUATION OF THE HIGHER STANDARDS AND THE QUALITY RATING AND IMPROVEMENT SYSTEM FOR LICENSURE, MONITORING, AND PROVIDER SUPPORT TO THE STATE, VETERANS, AND MILITARY AFFAIRS COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES AND THE HEALTH AND HUMAN SERVICES COMMITTEES OF THE SENATE AND HOUSE OF REPRESENTATIVES, OR ANY SUCCESSOR COMMITTEES. THE STATE DEPARTMENT SHALL DETERMINE IF THE MODEL FOR THE PROGRAM REPRESENTS THE BEST PRACTICES TO BE IMPLEMENTED STATEWIDE.

26-6-605. Department of defense quality child care standards pilot program - funding. IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE PILOT PROGRAM SHALL BE FUNDED BY GIFTS, GRANTS, AND DONATIONS; FEDERAL MONEYS; AND ANY FEES COLLECTED PURSUANT TO SECTION 26-6-604 (7). PAYMENT FOR CHILD CARE SERVICES FOR A CHILD OF A MEMBER OF THE MILITARY SHALL BE MADE BY THE FAMILY AND SHALL INCLUDE ANY CHILD CARE BENEFIT OR STIPEND RECEIVED BY THE CHILD CARE FACILITY FROM THE FEDERAL DEPARTMENT OF DEFENSE. THE STATE DEPARTMENT AND THE LOCAL PUBLIC HEALTH AGENCY MAY ACCESS OTHER ALREADY APPROPRIATED STATE FUNDS TO ENHANCE THE QUALITY OF CARE AND EDUCATION OF CHILDREN IN THE IMPLEMENTATION OF THE QUALITY RATING AND IMPROVEMENT SYSTEM. MONEYS FROM FEES COLLECTED PURSUANT TO SECTION 26-6-604 (7) MAY BE USED TO ADMINISTER A PILOT SITE LICENSING UNIT. THE STATE DEPARTMENT AND THE LOCAL PUBLIC HEALTH AGENCY SHALL NOT BE OBLIGATED TO IMPLEMENT THE PROVISIONS OF SECTION 26-6-604 UNTIL SUCH TIME AS SUFFICIENT FUNDS ARE AVAILABLE.

26-6-606. Repeal of part. THIS PART 6 IS REPEALED, EFFECTIVE JUNE 30, 2015.

SECTION 2. 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: March 17, 2011