

Colorado Revised Statutes 2021

TITLE 26.5

EARLY CHILDHOOD PROGRAMS AND SERVICES

Editor's note: This title 26.5 is effective July 1, 2022.

EARLY CHILDHOOD PROGRAMS AND SERVICES

ARTICLE 1

Early Childhood Programs and Services

Editor's note: This article 1 was added with relocations in 2021. Former C.R.S. section numbers are shown in editor's notes following those sections that were relocated. For a detailed comparison of this article 1, see the comparative tables located in the back of the index.

PART 1

DEPARTMENT OF EARLY CHILDHOOD

26.5-1-101. Short title. [*Editor's note: This section is effective July 1, 2022.*] The short title of this title 26.5 is the "Anna Jo Garcia Haynes Early Childhood Act".

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1846, § 4, effective July 1, 2022.

26.5-1-102. Legislative intent. [*Editor's note: This section is effective July 1, 2022.*]
(1) It is the intent of the general assembly that the department of early childhood shall work with other state and local agencies, public and private early childhood providers, head start agencies, nonprofit organizations, and parents and families to:

(a) Provide high-quality, voluntary, affordable early childhood opportunities for all children in Colorado;

(b) Coordinate the availability of early childhood programs and services in Colorado to meet the needs of all families;

(c) Establish state and community partnerships that provide for a mixed delivery of child care and early childhood programs through school-based and community-based providers;

(d) Ensure that parent and community input are prioritized in the continuing design and implementation of programs and policies affecting children and families;

(e) Maximize the efficient use of resources to ensure that parents, children, and early childhood program and service providers are prioritized and receive the greatest level of investment and financial support with the lowest possible administrative burden;

(f) Prioritize the equitable delivery of resources and supports for early childhood;

(g) Unify within the department the administration of child care and early learning programs to effectively and efficiently support a streamlined parent and provider experience and to support a diverse array of providers of early childhood care and learning services. Unification of the programs must include:

(I) Development of a common program application process, which, to the extent practicable, is accessible in families' preferred languages, to streamline the eligibility and enrollment experience for families;

(II) Quality program standards that support child development and successful transitions to elementary education and are aligned and integrated with standards from other early care and learning programs; and

(III) Focus on recruitment and retention strategies, including strategies designed to recruit and retain individuals from different cultural backgrounds, and compensation strategies for the early care and learning workforce to elevate and support the workforce across all care and learning settings; and

(h) Improve outcomes for children and families through:

(I) Strategies that support recruitment, training, and compensation of the early childhood workforce, including strategies designed to recruit and retain individuals from different cultural backgrounds;

(II) Implementation of evidence- and practice-based best practices in education, family support, and child development with a focus on continuous improvement and innovation;

(III) Program evaluation for continuous improvement, including monitoring metrics that promote transparency and efficiency of administration, program quality assessment, and child and family outcomes and accountability, which are reported annually and must address removal or reduction of access barriers, realization of administrative or financial efficiencies, and progress toward achieving the department's mission;

(IV) Alignment with state and federal requirements under the state "Exceptional Children's Educational Act", part 1 of article 20 of title 22, and part B and part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended; and

(V) Education and training regarding how to identify and address child and family trauma and support a trauma-informed approach to early childhood.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1847, § 4, effective July 1, 2022.

26.5-1-103. Definitions. [*Editor's note: This section is effective July 1, 2022.*] As used in this title 26.5, unless the context otherwise requires:

(1) "Department" means the department of early childhood created in section 26.5-1-104.

(2) "Executive director" means the executive director of the department of early childhood.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1848, § 4, effective July 1, 2022.

26.5-1-104. Department of early childhood - created - executive director - powers, duties, and functions. [*Editor's note: This section is effective July 1, 2022.*] (1) There is created the department of early childhood, the head of which is the executive director of the department of early childhood, which office is created. The governor shall appoint the executive director, with the consent of the senate, and the executive director serves at the pleasure of the governor. The reappointment of an executive director after an initial election of a governor is subject to the provisions of section 24-20-109. In appointing an executive director, the governor shall make concerted efforts to identify qualified individuals who are representative of the diverse populations of children and families residing in Colorado. The executive director has those powers, duties, and functions prescribed for the heads of principal departments in the "Administrative Organization Act of 1968", article 1 of title 24, and any powers, duties, and functions set forth in this title 26.5.

(2) The department of early childhood consists of an executive director of the department of early childhood and such divisions, sections, other units, and advisory boards as the executive director may establish pursuant to subsection (3) of this section and as may be specified in this title 26.5.

(3) The executive director may establish such divisions, sections, other units, and advisory boards within the department as are necessary for the proper and efficient discharge of the powers, duties, and functions of the department.

(4) The department of early childhood is responsible for administering the functions and programs as set forth in this title 26.5.

(5) The executive director shall establish a work group to identify programs and services that may be addressed in subsequent transition phases and develop a continuing, comprehensive plan for transitioning programs and services to the department, which must include consideration of the fiscal impact of transitioning the programs and services.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1848, § 4, effective July 1, 2022.

PART 2

(Reserved)

PART 3

EARLY CHILDHOOD LEADERSHIP COMMISSION

26.5-1-301. Legislative declaration. [*Editor's note: This section is effective July 1, 2022.*] (1) The general assembly hereby finds that:

(a) Public investments for pregnant women and young children from birth to eight years of age and their families fall behind investments for older Colorado children and lag behind national trends;

(b) For the state's early childhood system to operate effectively, the efforts of the public and private agencies that compose the system must be efficiently coordinated, aligned to state and federal standards, and made accountable across state systems; and

(c) While there are several planning efforts related to early childhood services and collaborative bodies within state and local governments, there is no single venue to allow high-level decision-making among policy makers, to collectively study recommendations, to facilitate cross-agency collaboration among state agencies, and to make joint policy and funding recommendations.

(2) The general assembly further finds that:

(a) A commission to assist in coordinating services and supports for pregnant women and young children from birth to eight years of age and their families will improve the delivery of those services and improve the educational, health, emotional and mental health, child welfare, and employment outcomes for these children and their families; and

(b) A commission to assist in coordinating the delivery of services and supports for pregnant women and young children and their families will also significantly improve Colorado's workforce and economic development by:

(I) Helping to ensure a healthy, well-educated workforce far into the future;

(II) Supporting those persons who currently provide early childhood services and supports and creating additional employment opportunities;

(III) Supporting parents of young children who need dependable, high-quality child care and supportive services in order to be fully engaged and productive in their jobs; and

(IV) Supporting the market in early childhood services and products as a vibrant element of the state's economy.

(3) The general assembly finds, therefore, that it is essential to create a high-level, interagency, public-private leadership commission to identify opportunities for, and address barriers to, the coordination of federal and state early childhood policies and procedures in order to promote access to programs and services that affect the health and well-being of Colorado's children.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1849, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.2-101 as it existed prior to 2021.

26.5-1-302. Early childhood leadership commission - created - mission - funding.
[Editor's note: This section is effective July 1, 2022.] (1) There is created in the department the early childhood leadership commission, referred to in this part 3 as the "commission". The purpose of the commission is to ensure and advance a comprehensive service delivery system for pregnant women and children from birth to eight years of age using data to improve decision-making, alignment, and coordination among federally funded and state-funded services and programs for pregnant women and young children and their families. At a minimum, the comprehensive service delivery system for pregnant women and children and their families must include services in the areas of prenatal health, child health, child mental health, early care and education, and family support and parent education.

(2) The commission consists of up to twenty-one members as follows:

- (a) The executive directors of each of the following agencies or their designees:
 - (I) The state department of human services;
 - (II) The department of public health and environment;
 - (III) The department of health care policy and financing;
 - (IV) The department of higher education; and
 - (V) The department of early childhood;
- (b) The commissioner of education or the commissioner's designee;
- (c) The head start collaboration office director for Colorado; and
- (d) No more than fourteen persons appointed by the governor, which persons collectively have the following expertise, affiliations, or backgrounds:
 - (I) Representatives of local government groups;
 - (II) Representatives of school districts;
 - (III) Providers of early childhood supports and services;
 - (IV) Representatives of head start agencies;
 - (V) Persons whose families receive early childhood supports or services;
 - (VI) Representatives of statewide foundations and nonprofit organizations involved in early childhood issues;
 - (VII) Members of the business community; and
 - (VIII) Representatives of the local public health community.

(3) (a) In appointing persons to the commission, the governor shall ensure that the appointed persons reflect the gender balance and ethnic diversity in the state and provide representation from throughout the state and that the commission includes representation of persons with disabilities and those who represent language diversity or support families and children who are dual language learners.

(b) The persons appointed to the commission pursuant to subsection (2)(d) of this section:

- (I) Serve at the pleasure of the governor; and
- (II) Serve without compensation but may receive reimbursement for reasonable expenses incurred in fulfilling their duties on the commission.

(c) If a vacancy occurs in the positions appointed pursuant to subsection (2)(d) of this section, the governor shall appoint a person to fill the vacancy.

(4) The governor shall appoint three persons from among the members of the commission, one representing business interests, one representing private, nonprofit entities, and one representing public entities, to serve as co-chairs of the commission. The commission shall meet regularly at the direction of the co-chairs and as often as necessary to fulfill its duties. The co-chairs may appoint working groups and subcommittees to assist the commission in its work or to address specific issues. The working groups and subcommittees, at the discretion of the co-chairs, may consist of any combination of members of the commission and other persons from the community.

(5) The commission, in collaboration with the executive director of the department, may appoint a director to assist the commission in fulfilling its duties pursuant to this part 3. The director may appoint such additional persons as may be necessary to assist the commission.

(6) The governor's office, the department, and the other agencies represented on the commission may, at the request of the commission and within existing appropriations, provide necessary support to the commission, including but not limited to administrative support, data,

and other analytical information. In addition, the commission may seek, accept, and expend gifts, grants, or donations from public or private sources to the extent necessary to cover the expenses of the commission.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1850, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.2-103 as it existed prior to 2021.

26.5-1-303. Early childhood leadership commission - duties. [*Editor's note: This section is effective July 1, 2022.*] (1) In addition to any other duties specified in law, the commission has the following duties:

(a) To identify opportunities for, and barriers to, the alignment of standards, rules, policies, and procedures across programs and agencies that support young children and to recommend to the appropriate committees of reference of the general assembly pursuant to part 2 of article 7 of title 2 and to government and nonprofit agencies and policy boards changes to enhance the alignment and provision of services and supports for pregnant women and young children and their families;

(b) To advise and make recommendations to the department and to other relevant early childhood entities concerning implementation of the early childhood Colorado framework;

(c) To assist public and private agencies in coordinating efforts on behalf of pregnant women and children and their families, including securing funding and additional investments for services, programs, and access to these services and programs for children and their families;

(d) To consider and recommend waivers from state regulations on behalf of early childhood councils as provided in section 26-6.5-104 (1);

(e) To monitor the ongoing development, promotion, and implementation of:

(I) A quality, cohesive professional development and career advancement system;

(II) High-quality, comprehensive early learning standards; and

(III) The sharing and use of common data for planning and accountability among early childhood programs;

(f) To develop strategies and monitor efforts concerning:

(I) Increasing children's school readiness;

(II) Increasing participation in and access to child care and early education programs;

and

(III) Promoting family and community engagement in children's early education and development.

(2) In fulfilling its duties, the commission shall collaborate, at a minimum, with:

(a) Members of the early childhood councils established pursuant to section 26-6.5-103;

and

(b) Any other boards, commissions, and councils that address services and supports for pregnant women and young children.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1852, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.2-104 as it existed prior to 2021.

26.5-1-304. Repeal of part. This part 3 is repealed, effective September 1, 2023. Before its repeal, the commission is subject to review in accordance with section 2-3-1203.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1853, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.2-106 as it existed prior to 2021.

PART 4

EARLY CHILDHOOD AND SCHOOL READINESS LEGISLATIVE COMMISSION

26.5-1-401. Short title. [*Editor's note: This section is effective July 1, 2022.*] The short title of this part 4 is the "Early Childhood and School Readiness Legislative Commission Act".

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1853, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.5-201 as it existed prior to 2021.

26.5-1-402. Legislative declaration. [*Editor's note: This section is effective July 1, 2022.*] (1) The general assembly finds that:

(a) The most economically efficient time to develop children's skills and social abilities is in the very early years when developmental education across all of the four domains of early learning, family support and education, health care, social-emotional health, and mental health, can have the most effect;

(b) Children, families, and society benefit from quality investments in early childhood development and learning. Comprehensive early childhood development provides children and their families with the resources they need for early nurturing and for early language development and learning experiences and the physical health supports they need to help them arrive at school thriving and ready to learn.

(c) High-quality early childhood care and learning during the crucial growth years from birth to five years of age is necessary to enable children to succeed when they start kindergarten and as they continue their education;

(d) Research demonstrates that parental support and involvement, combined with a high-quality preschool education program, increases students' school readiness and achievement in kindergarten and significantly contributes to overcoming the effects of students' varying socioeconomic circumstances; and

(e) Research further shows that improving educational performance through improved school readiness costs much less than special education, remediation, and grade retention.

(2) The general assembly concludes therefore that it is in the best interests of the state to create a legislative commission to meet on a regular basis throughout the year to study issues and

recommend legislation concerning early childhood and school readiness, including health care, mental health, parental involvement, family support, child care, and early learning.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1853, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.5-202 as it existed prior to 2021.

26.5-1-403. Early childhood and school readiness legislative commission - creation - membership - duties - funding. [*Editor's note: This section is effective July 1, 2022.*] (1) (a) There is 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, referred to in this part 4 as the "commission".

(b) The commission consists of six members, appointed for terms of three years; except that, of the members first appointed, two members shall be appointed for one-year terms, two members shall be appointed for two-year terms, and two members shall be appointed for three-year terms. The appointing authorities shall jointly determine which commission members serve reduced terms. Each commission member serves at the pleasure of the applicable appointing authority. 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, 2013, as follows:

(I) The president of the senate shall appoint two senators to serve on the commission, one of whom serves on the senate education committee, or any successor committee, and one of whom serves on the senate health and human services committee, or any successor committee;

(II) The minority leader of the senate shall appoint one senator to serve on the commission who also serves on the senate education committee, or any successor committee;

(III) The speaker of the house of representatives shall appoint two representatives to serve on the commission, one of whom serves on the education committee of the house of representatives, or any successor committee, and one of whom serves on the public health care and human services committee of the house of representatives, or any successor committee; and

(IV) The minority leader of the house of representatives shall appoint one representative to serve on the commission who also serves on the education committee of the house of representatives, or any successor committee.

(c) The president of the senate shall select the first chair of the commission, and the speaker of the house of representatives shall select the first vice-chair. The chair and vice-chair must 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) The members of the commission must receive compensation and reimbursement for expenses incurred in fulfilling the duties of the commission as provided in section 2-2-326.

(2) (a) The commission may meet up to four times annually. The director of research of the legislative council and the director of the office of legislative legal services shall provide staff assistance to the commission. The commission shall study issues concerning early childhood and school readiness, including but not limited to health care, mental health, parental involvement, family support, child care, and early learning. The commission shall solicit input

from members of the public, especially those individuals with expertise related to early childhood and school readiness issues, to aid the commission in its work. The commission shall consult with the early childhood leadership commission, created in section 26.5-1-302, with regard to policies concerning early childhood and school readiness.

(b) The commission may accept in-kind donations in the form of administrative support from one or more nonprofit organizations.

(c) The commission shall report to the legislative council by the date specified in rule 24(b)(1)(D) of the joint rules of the senate and house of representatives. The report may include recommendations for legislation, including but not limited to legislation continuing the commission and an explanation of the additional time and procedures that the commission may require to achieve the commission's study goals. Legislation that the commission recommends is treated as legislation recommended by an interim committee for the purposes of the introduction deadlines and bill limitations imposed by the joint rules of the senate and house of representatives.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1854, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.5-203 as it existed prior to 2021.

26.5-1-404. Repeal of part. [*Editor's note: This section is effective July 1, 2022.*] This part 4 is repealed, effective July 1, 2023.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1855, § 4, effective July 1, 2022.

Editor's note: This section is similar to former § 26-6.5-204 as it existed prior to 2021.