TITLE 26.5

EARLY CHILDHOOD PROGRAMS AND SERVICES

EARLY CHILDHOOD PROGRAMS AND SERVICES

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EARLY CHILDHOOD PROGRAMS AND SERVICES

ARTICLE 1

Early Childhood Programs and Services

PART 1
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PART 1

DEPARTMENT OF EARLY CHILDHOOD

26.5-1-101. Short title.

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.

(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.

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) "Department rule" means a rule promulgated by the executive director as authorized in section 26.5-1-105.

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

(4) "Local coordinating organization" means the entity selected by the department prior to July 1, 2026, to implement a community plan for increasing access to, coordinating, and allocating funding for early childhood and family support programs and services within a specified community.

(5) "Rules advisory council" or "council" means the council convened by the executive director pursuant to section 26.5-1-105.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1848, § 4, effective July 1, 2022. **L. 2022:** Entire section amended, (HB 22-1295), ch. 123, p. 566, § 1, effective April 25. **L. 2026:** (4) amended, (SB 26-019), ch.104, p. 423, § 10, effective May 5.

26.5-1-104. Department of early childhood - created - executive director - powers, duties, and functions.

(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) Repealed.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1848, § 4, effective July 1, 2022. **L. 2022:** (5) repealed, (HB 22-1295), ch. 123, p. 775, § 5, effective July 1.

26.5-1-105. Powers and duties of the executive director - rules - rules advisory council - repeal.

(1) (a) The executive director is authorized to promulgate, in accordance with the "State Administrative Procedure Act", article 4 of title 24, all rules for the administration of the department and for the execution and administration of the functions specified in section 26.5-1-109 and for the programs and services specified in this title 26.5. In promulgating rules, the executive director shall, to the greatest extent possible:

(I) Reduce the administrative burden on families and providers of accessing programs and services, implementing programs, and providing services;

(II) Decrease duplication and conflicts in implementing programs and providing services;

(III) Increase equity in access to programs and services and in child and family outcomes;

(IV) Increase administrative efficiencies among the programs and services provided by the department; and

(V) Ensure that the rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family and provider experience, and ease of implementation by state, local, and tribal agencies.

(b) The department may adopt guidelines and procedures to assist in the implementation and delivery of the programs and services that the department provides pursuant to this title 26.5. When appropriate to reduce potential administrative burden, the department may differentiate in the adopted guidelines and procedures among communities, including communities in rural areas, based on community capacity and readiness for implementing programs and delivering services.

(c) This subsection (1) is repealed, effective September 1, 2031. Before the repeal, this subsection (1) is scheduled for review in accordance with section 24-34-104.

(2) (a) The executive director shall convene a rules advisory council for consultation and advice in promulgating rules for the functions, programs, and services that the department provides. The executive director shall appoint the members of the rules advisory council, taking into consideration a list of nominees provided by the early childhood leadership commission pursuant to this subsection (2)(a). To ensure that the council is representative and collaborative and embodies a wide range of perspectives and experience with regard to early childhood and family support programs and services, the early childhood leadership commission shall conduct outreach to a wide range of early childhood industry organizations and partners and shall publicly solicit applications from qualified and interested individuals to serve on the council. In addition to soliciting applications, the early childhood leadership commission shall consult with parents and with counties, county human services directors, school districts, providers, and the organizations that represent these entities and shall accept nominations from said organizations. Based on the applications and nominations received, the early childhood leadership commission shall submit to the executive director a list of nominees for consideration as appointments to the council. To the extent practicable, the list of nominees must include nominees that satisfy the requirements specified in subsections (2)(b), (2)(c), and (2)(d) of this section. The early childhood leadership commission shall submit a list of nominees to the executive director as provided in this subsection (2)(a) for the initial and subsequent appointments to the council.

(b) The executive director shall appoint fifteen persons, taking into consideration the list of nominees received from the early childhood leadership commission, to serve on the council, which appointments must include at least one person from each of the following categories:

(I) Representatives from programmatically diverse communities, including:

(A) A representative from a school-based preschool provider;

(B) A representative from a private early childhood provider, who may be a head start program or in-home child care provider; and

(C) A representative who provides child care as a nonparental family member, friend, or neighbor;

(II) Representatives of county departments, as defined in section 26.5-4-103, in diverse geographic areas of the state who are knowledgeable of and responsible for implementing child protection programs and the Colorado child care assistance program and have expertise in fiscal matters for county departments. Notwithstanding any provision of this subsection (2)(b) to the contrary, the executive director shall appoint at least two persons from the category described in this subsection (2)(b)(II).

(III) A representative of a foundation, business, or early childhood advocacy organization;

(IV) A representative who is an expert in the funding for and rules and federal regulations concerning early childhood and family support programs and services, including the laws, rules, and regulations pertaining to children with disabilities;

(V) A representative of institutions of higher education; and

(VI) An early childhood health-care or mental health-care professional.

(c) At least eight of the members appointed to the council must be included in one or more of the following categories:

(I) Parents, families, or caregivers of children who are enrolled in a variety of school- and community-based preschool programs and public and private early childhood programs;

(II) Members of the early childhood workforce, including educators in school- and community-based programs; and

(III) Members of historically underserved and under-resourced communities.

(d) In appointing members of the council, the executive director shall ensure that the appointed members are from regions throughout the state, including urban, suburban, and rural areas, and, to the extent practicable, are diverse with regard to race, ethnicity, immigration status, age, sexual orientation, gender identity, culture, and language.

(e) Members of the council are appointed to serve four-year terms and may serve two consecutive terms; except that, of the members initially appointed to the council, the executive director shall appoint five members to serve two-year terms, five members to serve three-year terms, and five members to serve four-year terms. If a vacancy arises on the council, the executive director shall appoint a person to fill the vacancy for the remainder of the unexpired term.

(f) The executive director may create issue-specific subcommittees of the council that must include a member of the council and may include representatives from other state agencies, representatives of local and tribal agencies or other local leaders in early childhood and family support issues, and issue experts.

(g) There is created a county subcommittee of the rules advisory council to provide information and advice to the council concerning the development and implementation of early childhood and family support programs that impact county departments, as defined in section 26.5-4-103, including the Colorado child care assistance program. The subcommittee consists of representatives from up to twelve county departments, appointed by a statewide association of human services directors. The appointees must be representative of the diversity of counties in the state, including large and small and urban and rural counties. In addition to providing information and advice to the council, the county subcommittee, to promote coordination and alignment of programs and services, shall provide information and advice to the policy advisory committee that advises the department of human services.

(h) (I) The council shall meet as often as requested by the executive director. Except as otherwise provided in subsection (2)(h)(II) of this section, a member of the council and a non-council member who serves on a subcommittee may receive the same per diem compensation for attendance at council or subcommittee meetings as is provided for members of boards and commissions pursuant to section 12-20-103 (6) and reimbursement for any expenses necessary to support the member's participation at a council or subcommittee meeting, including any required dependent or attendant care and, if the member resides more than fifty miles from the location of the council or subcommittee meeting, expenses incurred in traveling to and from the meeting, including any required dependent or attendant travel, food, and lodging.

(II) A member of the council or of a subcommittee shall not receive reimbursement for expenses or per diem compensation if the member's employer compensates the member for time spent serving on the council or the subcommittee.

(i) In reviewing and making recommendations concerning rules and in preparing other recommendations for the executive director, the council shall strive to develop recommendations that are detailed and measurable and consider the impacts on children, parents, families, providers, school districts, counties, and early childhood councils. The rules advisory council must approve recommendations by a majority vote and provide those recommendations to the

executive director in writing. Members of the council voting in the minority may submit a written explanation of their opposition to the recommendations to the executive director.

(j) Before promulgating a rule, the executive director shall solicit feedback from and consider the recommendations of the council. If the executive director decides not to follow the recommendations of the council with regard to a rule, the executive director shall provide a written explanation of the rationale for the decision.

(k) The council is a state public body for purposes of the open meetings law specified in section 24-6-402 and is subject to the requirements of the "Colorado Open Records Act", part 2 of article 72 of title 24.

(l) This subsection (2) is repealed, effective July 1, 2032. Before the repeal, this subsection (2) is scheduled for review in accordance with section 2-3-1203.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 567, § 2, effective April 25. **L. 2024:** (1)(c) amended, (HB 24-1332), ch. 253, p. 1672, § 2, effective August 7. **L. 2026:** (2)(f) amended, (HB 26-1259), ch. 119, p. 503, § 1, effective May 5; (2)(i) amended, (SB 26-019), ch. 104, p. 423, § 11, effective May 5.

26.5-1-106. Transfer of functions - employees - property - contracts.

(1) (a) (I) On and after July 1, 2022, the department is responsible for executing, administering, performing, and enforcing the rights, powers, duties, functions, and obligations vested before July 1, 2022, in:

(A) The office within the department of human services that is responsible for early childhood programs and services; and

(B) The department of education concerning early childhood workforce development, including the professional development information system.

(II) The rights, powers, duties, functions, and obligations concerning a statewide preschool program are transferred, effective July 1, 2022, to the department to the extent necessary to establish and authorize enrollment in the Colorado universal preschool program, as provided in part 2 of article 4 of this title 26.5 for the 2023-24 school year, and are fully transferred to the department, effective July 1, 2023. The department of education retains such rights, powers, duties, functions, and obligations as are necessary to operate the existing Colorado preschool program pursuant to article 28 of title 22, as it exists prior to July 1, 2023, for the 2022-23 school year.

(b) The department shall enter into memoranda of understanding, interagency agreements, or both, as appropriate, with the department of human services and the department of education to provide for the timely transfer of powers, duties, personnel, property, records, appropriations, and other funding as necessary to accomplish the complete transfer of the rights, powers, duties, functions, and obligations to the department as described in subsection (1)(a) of this section.

(c) The rules pertaining to the powers, duties, functions, and obligations transferred to the department pursuant to subsection (1)(a) of this section that are adopted by the department of human services, the state board of human services, or the state board of education and are in effect as of July 1, 2022, continue in effect and apply to the department and persons or entities licensed or providing services pursuant to this title 26.5 until replaced by rules adopted by the executive director pursuant to section 26.5-1-105.

(2) Beginning July 1, 2022, the positions of employment in the department of human services and the department of education concerning the powers, duties, and functions transferred to the department of early childhood pursuant to this part 1 and determined by the executive director to be necessary to carry out the purposes of this title 26.5, including positions of employment related to technology support, are transferred to the department of early childhood and become positions of employment in that department. The executive director, or the executive director's designee, shall establish the actual date of said transfers in memoranda of understanding, interagency agreements, or both, as appropriate, entered into between the department of early childhood and the department of human services or the department of education, as applicable, pursuant to subsection (1)(b) of this section.

(3) Beginning July 1, 2022, all items of property, real and personal, including office furniture and fixtures, books, documents, records, and information systems with the supporting hardware, software, licenses, and data, of the department of human services and the department of education pertaining to the powers, duties, and functions transferred to the department of early childhood pursuant to this part 1 are transferred to the department of early childhood and become the property of said department. The executive director, or the executive director's designee, shall establish the actual date of said transfers in memoranda of understanding, interagency agreements, or both, as appropriate, entered into between the department of early childhood and the department of human services or the department of education, as applicable, pursuant to subsection (1)(b) of this section.

(4) Effective July 1, 2022, if the department of human services or the department of education is referred to or designated by a contract or other document in connection with the powers, duties, and functions transferred to the department of early childhood pursuant to this part 1, such reference or designation is deemed to apply to the department of early childhood. All contracts entered into by the said departments before July 1, 2022, in connection with the powers, duties, and functions transferred to the department of early childhood pursuant to this part 1 are hereby validated, with the department of early childhood succeeding to all rights and

obligations under said contracts. Any money that was previously received or appropriated, and remains available, to satisfy obligations incurred under said contracts is transferred and further appropriated to the department of early childhood for the payment of said obligations.

(5) On and after July 1, 2022, unless otherwise specified, if a provision of law refers to the department of human services with regard to the powers, duties, or functions specified in subsection (1)(a)(I)(A) of this section or to the department of education with regard to the powers, duties, or functions specified in subsection (1)(a)(I)(B) or (1)(a)(II) of this section, said law is construed as referring to the department of early childhood.

(6) On and after July 1, 2022, unless otherwise specified, all claims and liabilities, including costs, relating to the performance of the department of human services with regard to the powers, duties, or functions specified in subsection (1)(a)(I)(A) of this section or to the department of education with regard to the powers, duties, or functions specified in subsection (1)(a)(I)(B) or (1)(a)(II) of this section are transferred to and assumed by the department of early childhood, exclusively through the department of early childhood, and no other public entity or agency is responsible or liable for any such claims, liabilities, or damages.

(7) The executive director, or the executive director's designee, may seek, accept, and expend, on behalf of and in the name of the state, gifts, grants, and donations for any purpose connected with the powers, duties, and functions of the department. The state treasurer shall hold any property so given, but the executive director, or the executive director's designee, may direct the disposition of any property so given for any purpose consistent with the terms and conditions under which the gift was created.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 571, § 2, effective April 25. **L. 2023:** (7) amended, (HB 23-1235), ch. 434, p. 2543, § 1, effective June 7.

26.5-1-107. Final agency action - authority of executive director - rules.

Hearings conducted by an appointed administrative law judge are considered initial decisions of the department that the executive director, or an executive director's designee, shall review. If exceptions to the initial decision are filed pursuant to section 24-4-105 (14)(a)(I), the review must be in accordance with section 24-4-105 (15); except that the department may, at its discretion, permit a party to file an audio recording in lieu of a written transcript if the party cannot afford a written transcript. The executive director may adopt rules delineating the criteria and process for filing an audio recording in lieu of a written transcript. In the absence of an exception filed pursuant to section 24-4-105 (14)(a)(I), the executive director shall review the initial decision in accordance with a procedure adopted by the executive director. The procedure must be consistent with federal mandates concerning the single state agency requirement.

Review by the executive director in accordance with section 24-4-105 (15) or the procedure adopted by the executive director pursuant to this section constitutes final agency action.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 573, § 2, effective April 25.

26.5-1-108. Cooperation with federal government - grants-in-aid - legislative intent.

(1) The department is authorized to accept, use, and administer all money and property granted or made available to the state or any state agency for the purpose of the early childhood programs and services that are transferred to the department pursuant to this part 1 or subsequently created in this title 26.5 or other programs and services that are comparable to said programs and services, except any money and property that is granted or made available to another specifically designated agency.

(2) If it is necessary to execute a formal agreement with a federal agency or officer as a condition precedent to receiving federal money or property pursuant to subsection (1) of this section, the department is authorized to execute such an agreement, with the approval of the attorney general, so long as the agreement is not inconsistent with law.

(3) The state treasurer is authorized to receive, as official custodian, any money that the department accepts pursuant to subsection (1) of this section. The state treasurer shall disburse the money received pursuant to this section upon the order of the executive director.

(4) Beginning with the presentation made to a joint committee of reference pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act", part 2 of article 7 of title 2, in the 2023 regular legislative session, the department shall annually include in the presentation a report that details the total amount of federal money that the department received in the prior fiscal year, accounting for how the money was used, specifying the federal law or regulation that governs the use of the federal money, if any, and providing information regarding any flexibility the department has in using the federal money. The department shall make the report publicly available following the hearing.

(5) It is the intent of the general assembly that the responsibility for administering and the power to expend federal money pertaining to the powers, duties, and functions that are transferred to the department pursuant to this part 1 transfer to the department in accordance with the memoranda of understanding, interagency agreements, or both, as appropriate, described in section 26.5-1-106 (1)(b).

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 573, § 2, effective April 25.

26.5-1-109. Department functions - operating principles.

(1) The department shall execute the following functions and operate programs and provide services associated with those functions as described in this title 26.5 and authorized by federal law:

(a) Promote child physical, oral, and behavioral health and use multigenerational and culturally and linguistically appropriate strategies to support child and parent outcomes that improve overall family well-being;

(b) Identify and address child and family trauma and support a trauma-informed, as defined in section 19-1-103, approach to early childhood;

(c) Provide support to families for healthy early childhood development;

(d) Promote access to quality early childhood care and education, including monitoring and increasing the capacity of quality early childhood care and education programs to support the availability of said programs for children throughout the state;

(e) Promote and support access to a coherent and aligned system of preparation and ongoing professional development opportunities for persons who provide early childhood and family support programs and services;

(f) Support state and local infrastructure for providing early childhood and family support programs and services, including early childhood care and education and physical, oral, and behavioral health care for children;

(g) Collaborate formally and informally with all state departments and local and tribal agencies that administer or otherwise provide support for early childhood and family support programs and services to ensure effective and efficient administration of said programs and services, including combining and coordinating the funding for said programs and services that are under the jurisdiction of the department to the fullest extent allowed under state and federal laws and regulations, and to ensure consistency in the experience of families who benefit from these programs and services and promote whole-child and whole-family well-being;

(h) Collaborate with other state departments and local and tribal agencies to set, and assess achievement of, statewide goals for quality, availability, capacity, and delivery of early childhood and family support programs and services and statewide goals for support and development of the workforce that provides early childhood and family support programs and services, including physical, oral, and behavioral health care for children;

(i) Collaborate with other state departments, local and tribal agencies, and early childhood councils to safely collect and share data, eliminating duplication of data collection when possible, while ensuring privacy and security for children and families, to enable the department

to gauge the statewide quality, availability, capacity, and delivery of early childhood and family support programs and services;

(j) Evaluate the quality of early childhood and family support programs and services throughout the state using identified outcome metrics and provide support for early childhood providers and the workforce that provides early childhood and family support programs and services, including physical, oral, and behavioral health care for children;

(k) Collaborate with other state departments to promote the overall effectiveness of early childhood systems in the state by jointly identifying metrics that all departments use to monitor early childhood outcomes throughout the state, which must include outcomes in health, including physical, social-emotional, and dental; learning; and overall well-being;

(l) Support innovation in methods and strategies for accessing and providing early childhood and family support programs and services through research and review of programs and systems implemented within Colorado and in other states and countries; and

(m) In coordination with the department of human services and county departments, as defined in section 26.5-4-103, integrate outreach for early childhood and family support programs and services into efforts to provide families access to a wide range of services and resources, including access to food, cash assistance, and health care.

(2) In executing the functions described in subsection (1) of this section and implementing the programs and providing the services related to those functions, the department shall ensure to the greatest extent possible that:

(a) Early childhood and family support programs and services are:

(I) Implemented and provided across functions rather than being siloed as individual programs, which includes providing a seamless application experience for families and providers as described in section 26.5-1-110, increasing the efficiency of programs and services, and reducing duplication and administrative burden;

(II) Designed with a focus on the user experience of families, children, providers, and other end-users and designed to serve the whole family and the whole child;

(III) Available statewide and provided on an equitable, affordable, and culturally and linguistically responsive basis to all families who choose to use the programs and services;

(IV) With regard to early childhood programs and services, provided through child care providers; a mixed delivery system of school- and community-based preschool program providers; and a diverse workforce of licensed, voluntarily credentialed, and informal childhood caregivers and educators; and

(V) With regard to family support programs and services, provided through a mixed delivery system of public and private providers and a diverse workforce; and

(b) Funding for programs and services is combined and coordinated at the state level, when possible and to the fullest extent allowed under state and federal laws and regulations, before distribution to local and tribal agencies, families, and providers; and

(c) Resources are used with maximum efficiency to ensure that parents, children, and early childhood program and service providers are prioritized and receive the greatest possible level of investment and financial support with the lowest possible level of administrative burden; and

(d) The department works in partnership with families, public and private providers, and local early childhood communities.

(3) To assist the department in executing the functions and meeting the requirements specified in this section, the executive director shall ensure that there is at least one staff member among the upper management levels of the department whose job responsibilities include ensuring that staff support and communicate, interact, and partner with the counties and the county departments, as defined in section 26.5-4-103.

(4) In executing the functions described in subsection (1) of this section, the department shall collaborate with the departments of education, higher education, human services, public health and environment, and health care policy and financing to strengthen coordination and promote alignment among education, higher education, human services, health care, and mental health care in serving and supporting children, families, providers, and the early childhood workforce.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 574, § 2, effective April 25. **L. 2026:** (1)(i) amended, (SB 26-019), ch. 104, p. 423, § 12, effective May 5.

26.5-1-110. Unified application - child care, services, and education.

(1) The department shall develop and implement the use of a single, unified electronic application for families to use in applying for all publicly funded early childhood programs and services that the department administers. The department shall design the application to enable equitable access; streamline the enrollment and eligibility-determination process for families, providers, and state, local, and tribal agencies; and meet the requirements specified in subsection (2) of this section. The department shall collaborate with other state, local, and tribal agencies as necessary in developing, and collecting feedback concerning, the application to ensure the least amount of duplication for families and state, local, and tribal agencies. The department shall ensure that the application is functional by July 1, 2023, for families seeking to enroll children in the Colorado universal preschool program pursuant to part 2 of article 4 of this title 26.5.

(2) At a minimum, the unified application must:

(a) Be available in multiple languages;

(b) Be accessible on mobile electronic devices and available in paper copy;

(c) Collect from families only the minimum information necessary to apply for programs and services and enable families to apply for a single program or service or for multiple programs and services simultaneously or over time;

(d) Adhere to all state and federal data privacy and security laws and regulations;

(e) Reduce duplication in and the complexity of the information collected from providers;

(f) Include consideration of all sources from which the applicant may be eligible for funding to ensure that all of the funding for which the applicant is eligible is combined and coordinated to the fullest extent allowed under state and federal laws and regulations in providing the programs and services for which the applicant is applying;

(g) Allow for customization as may be necessary for certain programs or services; and

(h) Coordinate with other agencies and programs, as appropriate, to ensure appropriate referral of children and families to early childhood programs administered by other departments.

(3) A county department shall not add additional required eligibility criteria to the application or redetermination process.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 577, § 2, effective April 25. **L. 2024:** (3) added, (HB 24-1223), ch. 390, p. 2696, § 2, effective June 4.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

26.5-1-111. Data system - collection - analysis - cross-agency agreements.

(1) The department shall work with early childhood councils, state agencies, local and tribal agencies, and providers, as necessary, to collect, share, manage, and protect qualitative and quantitative data pertaining to early childhood and family support programs and services. The department shall review and analyze the collected data to assess:

(a) The needs of children and families for early childhood and family support programs;

(b) The local and statewide availability, capacity, use, and quality of, and funding support for, early childhood and family support programs and services;

(c) The degree to which the department and local and tribal agencies are reducing inequities in access to and use of early childhood and family support programs and services and in childhood outcomes;

(d) The capacity, quality, training, education, employment status, and retention of and compensation provided to members of the workforce that serves early care and education, early childhood programs and services, and family support programs and services;

(e) Long-term outcomes for children served by early childhood and family support programs and services, including correlations to school readiness as assessed pursuant to section 22-7-1004 (2), to academic success in third grade, and to high school graduation; and

(f) Other measures that indicate the effectiveness of the early childhood and family support programs and services in Colorado in serving and supporting children, families, providers, and the early childhood workforce.

(2) At a minimum, the department shall collect data pertaining to early childhood and family support programs and services that includes:

(a) The number of children in the state who are eligible to receive, and the number of children who actually receive, services through the programs administered by the department; the demographics of said children, including socioeconomic status, race, ethnicity, language, and disability; and said children's eligibility for funding and use of early childhood and family support programs and services;

(b) Information concerning groups of children who have historically encountered barriers to school readiness;

(c) Information that enables the department, early childhood councils, and local and tribal agencies to assess on a continuing basis the needs for early childhood and family support programs and services in an area and make decisions concerning the provision of programs and services;

(d) The demand for early childhood and family support programs and services and the existence of providers in areas throughout the state, including information concerning program capacity, such as the number of available classrooms; the local and statewide availability of locally, state-, and federally funded enrollment positions and vacancies in those positions; and the number of hours of services received by individual children and parents in programs;

(e) The number of early childhood programs at each quality level statewide and in specific areas and the number and demographics of children served in early childhood programs at each quality level;

(f) Data regarding the early childhood workforce; and

(g) The combination and coordination of local, state, and federal funding for children and families to provide early childhood and family support programs and services and the programs and services that are provided, including use of more than one program or service by a single family.

(3) (a) The departments of early childhood, human services, education, public health and environment, and health care policy and financing shall enter into agreements to ensure data privacy and security with regard to shared early childhood data. In collecting and sharing data, the departments shall coordinate and require collection of data in ways that impose the least possible burden on families and providers, including by reducing redundancies in data collection across programs.

(b) The department shall use information derived through the early childhood data system to, at a minimum, inform planning, leverage resource allocations, maximize children's access to early childhood programs and services, and support data-informed decision-making.

(c) The department shall identify and pursue research opportunities to provide information to support new measures for improving the system of early childhood and family support programs and services in the state and to understand the causal effects of early childhood and family support programs and services that are provided.

(3.5) The department shall contribute education and workforce readiness data beginning in the 2025-26 state fiscal year, as necessary, to the Colorado statewide longitudinal data system consistent with the governance practices established by the Colorado statewide longitudinal data system governing board pursuant to section 24-37.5-125 (4).

(4) The department, through the department website, shall regularly inform members of the early childhood community and other members of the public of progress made in improving the delivery, quality, access, availability, and capacity of early childhood programs and services. Specifically, the department shall provide information concerning the achievement of benchmarks in such areas as increasing the number of children receiving early childhood programs and services, improving preschool classroom quality, meeting program quality standards, and improving school readiness, and shall provide information concerning the results of preschool program evaluations completed pursuant to section 26.5-4-207.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 578, § 2, effective April 25. **L. 2024:** (3.5) added, (HB 24-1364), ch. 238, p. 1562, § 17, effective May 23. **L. 2026:** IP(1) and (2)(c) amended, (SB 26-019), ch. 104, p. 423, § 13, effective May 5.

26.5-1-112. Transition review - program review - report - repeal.

(1) (a) The department shall enter into an agreement with a public or private entity to act as an independent evaluator of the department's performance in executing the functions identified in section 26.5-1-109 and in operating programs and providing services associated with those functions in accordance with this title 26.5. The independent evaluator shall complete a review of the operations of the department and the programs that transition from the department of human services and the department of education to the department. At a minimum, in conducting the review, the independent evaluator shall evaluate and make recommendations concerning:

(I) Whether the department operates the programs and provides the services efficiently and ensures that the programs and services are:

(A) Child, family, and community centered and serve the whole child and whole family;

(B) Equity driven;

(C) Focused on and accountable for achieving identified outcomes and making data-driven, outcome-based decisions;

(D) Meeting high-quality standards;

(E) Serving and supporting the early childhood workforce;

(F) Supporting a mixed delivery system of school- and community-based preschool programs and supporting child care providers; and

(G) Coordinated with other supports and services for families that are not operated by the department, including food assistance, cash assistance, and health care;

(II) The effectiveness and efficiency of the governance structure and organization of the department, including whether to create a **type 1** policy board within the department to be appointed by the governor with the consent of the senate and transfer rule-making authority and oversight of the department from the executive director to the policy board;

(III) The cross-agency agreements with other departments that operate early childhood and family support programs and services and the effectiveness of the agreements in seamlessly providing said programs and services;

(IV) The impact of the implementation of the Colorado universal preschool program pursuant to part 2 of article 4 of this title 26.5 on the number of children served by the Colorado child care assistance program pursuant to part 1 of article 4 of this title 26.5. The independent evaluator shall evaluate this issue in consultation with county departments, as defined in section 26.5-4-103.

(V) Whether the programs that the department operates were appropriate for transition or would be better operated in another department pursuant to a cross-agency agreement.

(b) The independent evaluator, in coordination with the departments of education, human services, public health and environment, and health care policy and financing, shall review the programs and services pertaining to early childhood that were not transferred to the department, including the federal law and regulations pertaining to those programs and services, to determine whether the programs and services should be transferred to and operated by the department.

(c) No later than November 1, 2025, the independent evaluator shall submit a report concerning the review of operations pursuant to subsection (1)(a) of this section and the review of the transfer of additional programs and services pursuant to subsection (1)(b) of this section to the department; the governor; the early childhood leadership commission; the public and behavioral health and human services committee and the education committee of the house of representatives, or any successor committees; and the health and human services committee and the education committee of the senate, or any successor committees.

(d) In conducting the reviews and making recommendations pursuant to this subsection (1), the independent evaluator shall solicit input through a process that includes participation by the populations served by the programs; the providers and members of the workforce working in the programs; state, local, and tribal agencies involved in implementing the programs; and any other relevant experts.

(2) (a) The department, in collaboration with the departments of education, higher education, human services, public health and environment, and health care policy and financing, shall prepare an annual report concerning the progress made and challenges encountered by the department of early childhood in transitioning and implementing programs and providing services and by the departments as a group in implementing cross-agency collaboration related to, at a minimum:

(I) Administration of part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and coordination with the department of education of the transition of children from part C to part B as agreed to in the interagency operating agreement described in section 26.5-3-404 (3) between the department and the department of education;

(II) Implementation of the memorandum of understanding described in section 26.5-4-206 between the department and the department of education concerning administration of special education services for children prior to kindergarten, specifically implementation of part B, section 619, and part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended;

(III) Administration of the child and adult care food program in collaboration with programs administered by the department;

(IV) Administration of the supplemental nutrition program for women, infants, and children in collaboration with programs administered by the department;

(V) Operation of early childhood and family support programs and services that the department administers, including, at a minimum, data concerning the children and families served and the use, availability, and capacity of programs throughout the state;

(VI) Interaction of early childhood care, learning, and supports with the public kindergarten and elementary education system to ensure children enter kindergarten ready to learn and are behaviorally and academically successful;

(VII) Alignment of the operation of early childhood programs and services with the child welfare system operated by the department of human services and local agencies; and

(VIII) The use of public funding to support child care.

(b) The department shall submit the report prepared pursuant to subsection (2)(a) of this section as part of the presentation made to a joint committee of reference pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act", part 2 of article 7 of title 2, in the 2023 regular legislative session and annually thereafter. In addition, the department shall annually submit the report to the governor; the early childhood leadership commission; the public and behavioral health and human services committee and the education committee of the house of representatives, or any successor committees; and the health and human services committee and the education committee of the senate, or any successor committees. Notwithstanding the requirement in section 24-1-136 (11)(a)(I), the requirement to submit the report described in this subsection (2) continues until repealed pursuant to subsection (2)(c) of this section.

(c) This subsection (2) is repealed, effective September 1, 2028.

Source: L. 2022: Entire section added, (HB 22-1295), ch. 123, p. 580, § 2, effective April 25. **L. 2026:** (1)(d) amended, (SB 26-019), ch. 104, p. 424, § 14, effective May 5.

26.5-1-113. Children's mental health program - appropriation - legislative declaration - definitions - repeal.

(1) (a) The general assembly finds and declares that:

(I) Neurobiological research confirms that stressful experiences early in life can have profound and destructive impacts on the architecture of the brain;

(II) Additional scientific research has shown, however, that responsive, nurturing relationships between young children and their caregivers that lead to secure attachment serve as powerful, protective buffers to stressful experiences early in life;

(III) Providing an evidence-based, two-generation, and home-based prevention and early intervention mental health program can prevent or ameliorate the damage caused by stressful experiences; and

(IV) It is possible to decrease the stress experienced by families by connecting family members to needed services through intensive care coordination. By providing psychotherapy to a caregiver and child together, it is possible to repair the impact of stress on the child and strengthen the caregiving relationship.

(b) The general assembly finds, therefore, that:

(I) Given the harmful consequences of the economic disruptions resulting from and exacerbated by the COVID-19 public health emergency, it is in the best interest of the state to authorize the department of early childhood to contract with a nonprofit entity to provide evidence-based, two-generation, and home-based prevention and early intervention children's mental health programs; and

(II) The purpose of children's mental health programs is to enhance the mental health and development of caregivers and young children. Children's mental health programs must combine comprehensive, coordinated services and psychotherapeutic intervention for caregivers and children, increase adult self-regulation and executive functioning, and result in long-term positive outcomes for children and families.

(c) It is the intent of the general assembly that the department and a nonprofit entity work collaboratively to share information as necessary to promote efficient and effective implementation of the children's mental health programs in Colorado.

(d) The general assembly further finds and declares that contracting with a nonprofit entity to provide children's mental health programs constitutes critical government services.

(2) As used in this section, unless the context otherwise requires:

(a) "Children's mental health program" means an evidence-based, two-generation, and home-based prevention and early intervention program for families with children from prenatal to six years of age who are experiencing chronic stress and trauma. A children's mental health program must be proven to significantly improve child emotional and behavioral health, child language development, and caregiver mental health, as well as decrease child abuse and neglect, resulting in long-term positive outcomes for children and families.

(b) "Entity" means a Colorado-based nonprofit organization.

(3) (a) On or before November 1, 2022, the department shall contract with a Colorado-based nonprofit entity to provide children's mental health programs. The entity must have previous and current experience serving the target demographic using a curriculum that:

(I) Includes components that provide for intervening with families with young children who are experiencing chronic stress and trauma. The curriculum must connect the families to needed services through intensive care coordination while also providing psychotherapy for the child and parent or guardian.

(II) Has been previously implemented with success by providers in Colorado.

(b) The entity with which the department contracts shall:

(I) Perform community implementation readiness assessments and provide training, coaching, and monitoring for the implementation of children's mental health programs;

(II) Provide ongoing quality assessments and improvement recommendations to ensure high-quality implementation and sustainability of children's mental health programs;

(III) Provide the department with site-specific and statewide process and outcome evaluations of children's mental health programs; and

(IV) Annually prepare and submit to the department and the behavioral health administration an evaluation of the outcomes of all of the children's mental health programs implemented.

(4) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate two million dollars to the department for the purposes of implementing this section from the economic recovery and relief cash fund created in section 24-75-228. The department is authorized to expend up to five percent to pay the costs incurred in implementing this section, including the costs incurred in contracting with a nonprofit entity.

(b) Money spent pursuant to this subsection (4) must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department must either spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) This subsection (4) is repealed, effective September 1, 2027.

(5) The department and the contracted entity shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

Source: L. 2022: Entire section added, (HB 22-1369), ch. 346, p. 2470, § 1, effective June 3; (4)(b) amended, (HB 22-1411), ch. 271, p. 1960, § 18, effective June 3.

26.5-1-114. Tribal regalia at preschool graduation ceremonies - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Graduation attire" means attire that a preschool requires a student to wear as part of the dress code for a graduation ceremony.

(b) "Qualifying student" means a student who is a descendant of people who were living in North America prior to the time people from Europe began settling in North America, is an enrolled member of a federally recognized or state-recognized Indian tribe, or is a lineal descendant of a tribally enrolled parent or grandparent.

(c) "Tribal regalia" means a tribe's traditional dress or recognized objects of religious or cultural significance and includes the following items of cultural significance:

(I) Tribal symbols;

(II) Beads; and

(III) Feathers, in line with the "Migratory Bird Treaty Act of 1918".

(d) "Tribe" means a tribe, band, nation, or Alaskan Native village that is recognized by federal law or that a state formally acknowledges.

(2) A qualifying student may wear tribal regalia during a graduation ceremony; except that a qualifying student who is not an enrolled member of a tribe shall not wear eagle feathers. Wearing tribal regalia includes decorating graduation attire with tribal regalia; except that a qualifying student who is not an enrolled member of a tribe shall not decorate with eagle feathers.

(3) (a) An immediate family member of a qualifying student may wear and display tribal regalia during the qualifying student's graduation ceremony if the immediate family member is:

(I) An enrolled member of a tribe;

(II) Eligible to be enrolled as a member of a tribe; or

(III) A lineal descendant of a tribally enrolled parent or grandparent.

(b) Notwithstanding subsection (3)(a) of this section, an immediate family member who is not an enrolled member of a tribe shall not wear eagle feathers.

(4) A preschool shall not prohibit a qualifying student or the qualifying student's immediate family from wearing and displaying tribal regalia at a graduation ceremony.

(5) This section applies to all preschool graduations.

Source: L. 2023: Entire section added, (SB 23-202), ch. 149, p. 634, § 3, effective May 4.

26.5-1-115. Colorado imagination library program - creation - contract - report - legislative declaration - appropriations - definitions.

(1) For the purposes of this section, unless the context otherwise requires:

(a) "County-based affiliate programs" means a nonprofit organization or nonprofit partner affiliate of the Colorado imagination library program that operates within a county or city and county or across cities and counties.

(b) "Eligible child" means a child from birth to the child's fifth birthday.

(c) "National nonprofit foundation" means a national nonprofit foundation that exists for the sole purpose of working with local entities to identify eligible children and provide age-appropriate, high-quality books each month to those children at no cost to families.

(d) "Program" means the Colorado imagination library program created pursuant to subsection (2) of this section.

(2) (a) (I) No later than July 1, 2024, the department of early childhood shall contract with a Colorado nonprofit organization for the creation and operation of the Colorado imagination library program.

(II) Effective June 30, 2024, the rights, powers, duties, functions, and obligations concerning the program are transferred to the department of early childhood. Before the transfer of the rights, powers, duties, functions, and obligations of the program to the department of early childhood on June 30, 2024, the department of early childhood may enter into an interagency agreement with the department of education for the administration of the program.

(III) Effective June 30, 2024, if the department of education is referred to or designated by the contract described in subsection (2)(a)(I) of this section or any other document in connection with the powers, duties, and functions transferred to the department of early childhood pursuant to subsection (2)(a)(II) of this section, the reference or designation applies to the department of early childhood. All contracts entered into by the department of education before June 30, 2024, in connection with the powers, duties, and functions transferred to the department of early childhood pursuant to subsection (2)(a)(II) of this section are validated, with the department of early childhood succeeding all rights and obligations under the contract.

(b) The contractor described in subsection (2)(a)(I) of this section shall:

(I) Operate the program by providing age-appropriate, high-quality books to children to promote early childhood literacy;

(II) Manage the daily operations of the program, including, but not limited to, establishing county-based affiliate programs in all Colorado counties and cities and counties and advancing and strengthening the affiliate programs to ensure enrollment growth;

(III) Contract with a national nonprofit foundation to provide age-appropriate, high-quality books each month to eligible children at no cost to families;

(IV) Provide for a high-quality independent evaluation of the impact of the program on child and family outcomes, including child literacy and parent and family engagement; and

(V) Establish a distressed affiliate fund using gifts, grants, or donations to help county-based affiliate programs that have financial difficulty meeting the county-based affiliate programs' funding requirements.

(3) The contractor may enter into a contract with book vendors or book publishers in accordance with this section to provide additional age-appropriate, high-quality books to eligible children enrolled in the program at no cost to families.

(4) Notwithstanding section 24-1-136 (11)(a)(I), on or before July 1, 2024, and on or before each July 1 thereafter, the contractor shall submit a report to the department, which shall then submit the report to the education committees of the senate and house of representatives, or their successor committees, concerning the total number of eligible children residing in each county or city and county in Colorado and how many eligible children are enrolled in the program in each county or city and county.

(5) (a) The contractor, in operating the program pursuant to subsection (2) of this section, shall pay to the national nonprofit foundation the statewide cost to provide free books to eligible children enrolled in the program, as determined by the national nonprofit foundation. The contractor shall pay a book vendor or book publisher that enters into a contract with the contractor pursuant to subsection (3) of this section the statewide cost to provide additional free books to eligible children enrolled in the program. The general assembly shall annually appropriate money from the general fund to the department to distribute to the contractor for the state's fifty percent share of the cost to provide the books.

(b) Each county-based affiliate program must pay to the contractor the remainder of the cost, as determined by the national nonprofit foundation or a book vendor or book publisher that enters into a contract with the contractor pursuant to this section, to provide books to the eligible children enrolled in the county or city and county.

(6) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the implementation of this section.

(7) (a) It is the intent of the general assembly to provide full funding by 2026 for any eligible child who wants to participate in the program.

(b) (I) For the 2022-23 state fiscal year, the general assembly shall appropriate nine hundred seven thousand one hundred forty dollars for the Colorado imagination library program and shall increase the appropriation in subsequent fiscal years as necessary to meet the intention of the general assembly set forth in subsection (7)(a) of this section.

(II) Any appropriation made in the annual general appropriation act for the 2023-24 state fiscal year to the department of education for the Colorado imagination library program is hereby transferred to the department of early childhood for the Colorado imagination library program on June 30, 2024. Any unexpended and unencumbered money appropriated from the general fund for the Colorado imagination library program for the 2023-24 state fiscal year that is transferred to the department of early childhood pursuant to this subsection (7)(b)(II) remains available for expenditure by the department of early childhood through the 2024-25 state fiscal year without further appropriation.

(c) For the 2024-25 state fiscal year, the general assembly shall appropriate to the department of early childhood the funds necessary to meet the intention of the general assembly set forth in subsection (7)(a) of this section.

(d) Twenty percent of money appropriated for the 2021-22 state fiscal year, and each fiscal year thereafter, may be used for the contractor operating the program for duties set forth in subsections (2)(b)(I) to (2)(b)(III) and (2)(b)(V) of this section.

Source: L. 2024: Entire section added with relocations, (HB 24-1205), ch. 6, p. 13, § 1, effective February 27.

Editor's note: This section is similar to former § 24-90-120 as it existed prior to 2024. For a detailed comparison, see the comparative tables located in the back of the index.

26.5-1-116. Wearing cultural or religious objects at preschool graduation ceremonies - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Adornment" means something attached to, or worn with, but not replacing or covering in its entirety, graduation attire, and is not limited to decorating graduation caps.

(b) "Cultural" means a recognized practice or tradition of a certain group of people and includes only a protected class based on disability, race, creed, ethnicity, color, sex, sexual orientation, gender identity, gender expression, family composition, religion, age, national origin, or ancestry. "Cultural" does not include objects related to tribal regalia as defined in section 26.5-1-114, incitement, defamation, fraud, obscenity, child pornography, fighting words, and threats.

(c) "Graduation attire" means attire that a preschool requires a student to wear as part of the dress code for a graduation ceremony.

(d) "Student" means an individual participating in the graduation ceremony as a graduate.

(2) A student may wear recognized objects of cultural or religious significance as an adornment during the student's graduation ceremony. An adornment worn by a student must comply with the preschool's dress code policy, as long as the dress code policy does not infringe upon a student's gender expression, as defined in section 24-34-301, gender identity, religion, or culture.

(3) A preschool shall not impose restrictions on what a student may wear under the student's required graduation attire beyond what is required by a preschool's dress code policy, as long as the dress code policy does not infringe upon a student's gender expression, as defined in section 24-34-301, gender identity, religion, or culture.

(4) (a) This section does not limit a preschool's ability to prohibit an adornment that is likely to cause a substantial disruption of, or material interference with, the graduation ceremony.

(b) A prohibition imposed by a preschool pursuant to subsection (4)(a) of this section must be:

(I) Based on evidence of disruption rather than relying on an undifferentiated fear or apprehension of disturbance; and

(II) By the least restrictive means necessary.

(5) On or before August 1, 2024, a public preschool provider, as defined in section 26.5-5-303, shall develop and adopt a policy that aligns with the requirements of this section.

(6) This section applies to a graduation held by a public preschool provider, as defined in section 26.5-5-303.

(7) This section does not limit the rights of certain individuals to wear tribal regalia to a public preschool graduation, as described in section 26.5-1-114.

Source: L. 2024: Entire section added, (HB 24-1323), ch. 419, p. 2863, § 6, effective June 5.

26.5-1-117. Youth sports organization model code of conduct.

The department shall make available a youth sports organization model code of conduct policy that addresses the matters described in section 26.5-4-402 (1)(b).

Source: L. 2024: Entire section added, (SB 24-113), ch. 196, p. 1197, § 3, effective August 7.

PART 2

(Reserved)

PART 3

EARLY CHILDHOOD LEADERSHIP COMMISSION

26.5-1-301. Legislative declaration.

(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.

26.5-1-301.5. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Commission" means the early childhood leadership commission created in section 26.5-1-302 (1).

Source: L. 2025: Entire section added, (SB 25-275), ch. 377, p. 2082, § 229, effective August 6.

26.5-1-302. Early childhood leadership commission - created - mission - funding - reimbursement for expenses.

(1) There is created in the department the early childhood leadership commission. The commission is a **type 2** entity, as defined in section 24-1-105, and exercises its powers and performs its duties and functions under the department of early childhood. 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 old 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; family support, including support for family economic mobility; and parent education.

(2) The commission consists of up to twenty-two 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;

(b.5) The commissioner of the behavioral health administration 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 who 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;

(VIII) Representatives of the local public health community; and

(IX) Persons with expertise in family supports, including family economic mobility.

(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) 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 who represent a wide range of expertise, affiliations, or backgrounds 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. **L. 2022:** (1) amended, (SB 22-162), ch. 469, p. 3380, § 81, effective August 10. **L. 2023:** (3)(b)(II) amended, (SB 23-210), ch. 251, p. 1431, § 12, effective May 24. **L. 2025:** (1) amended, (SB 25-275), ch. 377, p. 2082, § 230, effective August 6. **L. 2026:** (1), IP(2), IP(2)(d), (2)(d)(VII), (2)(d)(VIII), and (4) amended and (2)(b.5) and (2)(d)(IX) added, (HB 26-1259), ch. 119, p. 503, § 2, effective May 5.

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

Cross references: For the short title (the "Debbie Haskins 'Administrative Organization Act of 1968' Modernization Act") in SB 22-162, see section 1 of chapter 469, Session Laws of Colorado 2022.

26.5-1-303. Early childhood leadership commission - duties.

(1) In addition to 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 26.5-2-207;

(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;

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

(IV) Maintaining a comprehensive and cohesive system of early childhood supports across various domains.

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

(a) Members of the early childhood councils established pursuant to section 26.5-2-203;

(b) Other boards, commissions, and councils that address services and supports for pregnant women and young children; and

(c) Other state and local agencies involved in the delivery of early childhood or human services programs or services.

Source: L. 2021: Entire title added, (HB 21-1304), ch. 307, p. 1852, § 4, effective July 1, 2022. **L. 2022:** (1)(d) and (2)(a) amended, (HB 22-1295), ch. 123, p. 860, § 107, effective July 1. **L. 2026:** IP(1), (1)(f)(II), (1)(f)(III), (2)(a), and (2)(b) amended and (1)(f)(IV) and (2)(c) added, (HB 26-1259), ch. 119, p. 504, § 3, effective May 5.

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, 2030. 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. **L. 2022:** Entire section amended, (HB 22-1295), ch. 123, p. 860, § 108, effective July 1. **L. 2025:** Entire section amended, (SB 25-177), ch. 170, p. 689, § 2, effective August 6.

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 to 26.5-1-404. (Repealed)

Editor's note: (1) For the text of this part 4 prior to 2023, consult the 2022 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(2) Section 26.5-1-404 provided for the repeal of this part 4, effective July 1, 2023. (See L. 2021, p. 1855.)

ARTICLE 2

Local Infrastructure - Early Childhood Programs and Services

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PART 1

LOCAL COORDINATING ORGANIZATIONS

Editor's note: (1) This part 1 was added in 2022. For amendments to this part 1 prior to its repeal in 2026, consult the 2025 Colorado Revised Statutes and the Colorado statutory research explanatory note beginning on page vii in the front of this volume.

(2) Section 26.5-2-106 was enacted by SB 26-019, effective May 5, 2026. For the text of § 26.5-2-106 in effect from May 5, 2026, to July 1, 2026, see chapter 104, Session Laws of Colorado 2026. (L. 2026, p. 414.)

(3) Section 26.5-2-106 provided for the repeal of this part 1, effective July 1, 2026. (See L. 2026, p. 414.)

26.5-2-101 to 26.5-2-106. (Repealed)

PART 2

EARLY CHILDHOOD COUNCILS

26.5-2-201. Legislative declaration.

(1) The general assembly finds and declares that there is a critical need to increase services for young children and their families, including those families with members who are entering the workforce due to Colorado's reform of the welfare system, making the transition off of welfare, or 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 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.

(4) Consideration of various state and federal funding sources would allow for an integrated delivery system of quality programs for young children and their families in Colorado's communities.

(5) An integrated delivery system would further enhance the ability of the 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.

(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 part 2.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 594, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-101 as it existed prior to 2022.

26.5-2-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) "Accountability metrics" means the accountability metrics included in an agreement to measure a council's performance.

(2) "Agreement" means the agreement or contract described in section 26.5-2-206 that the department enters into with an early childhood council and that contains a scope of work and accountability metrics.

(3) "Community strategic plan" means a comprehensive plan developed pursuant to section 26.5-2-204 to address the early childhood needs in a designated service area.

(4) "Council" or "early childhood council" means an early childhood council identified or established locally in communities throughout the state pursuant to section 26.5-2-203 for the purpose of developing and ultimately implementing a comprehensive system of early childhood services to ensure the school readiness of children under six years old in the community.

(5) "County department" means the county or district department of human or social services.

(6) "Early childhood and family support program" means any program across disciplines that serves children under six years old and their families.

(7) "Early childhood education program" means a child care program licensed pursuant to part 3 of article 5 of this title 26.5 that provides child care and education to children under six years old.

(8) "Fund" means the early childhood cash fund created in section 26.5-2-209 (1).

(9) "Mixed delivery system" has the meaning set forth in section 26.5-4-203.

(10) "Performance improvement plan" means a plan developed by the department pursuant to section 26.5-2-208.5 that an early childhood council must implement if the council is not meeting the requirements of the scope of work and accountability metrics contained in the agreement.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 595, § 3, effective July 1. **L. 2025:** (4) added, (SB 25-275), ch. 377, p. 2083, § 235, effective August 6. **L. 2026:** Entire section amended, (SB 26-019), ch. 104, p. 414, § 2, effective May 5.

Editor's note: This section is similar to former § 26-6.5-101.5 as it existed prior to 2022.

26.5-2-203. Early childhood councils - established - rules.

(1) There is established a statewide integrated system of early childhood councils to coordinate, improve, and sustain the availability, accessibility, and quality of comprehensive early childhood services for children and families throughout the state. The councils have consistent function and structure statewide and are governed by the department with input, cooperation, and support services from the department of human services, including the behavioral health administration, and the departments of higher education, health care policy and financing, education, and public health and environment.

(2) The statewide system of early childhood councils consists of existing early childhood councils, renamed through this part 2 as "early childhood councils", and new councils designated and convened pursuant to this part 2, subject to available appropriations.

(3) For new councils or for existing councils or partnerships that decide to reconfigure pursuant to this part 2, 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 or social services, a local school district, a department of public health, or, prior to July 1, 2023, a Colorado preschool 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 executive director shall determine by rule the criteria necessary for establishing a single council for an area.

(5) Nothing in this part 2 requires an existing council to reconfigure or reconvene.

(6) Nothing in this part 2 requires a county to establish an early childhood council or to be a part of a multicounty council.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 595, § 3, effective July 1. **L. 2024:** (3) amended, (HB 24-1222), ch. 155, p. 693, § 21, effective August 7. **L. 2026:** (1) amended, (SB 26-019), ch. 104, p. 415, § 3, effective May 5.

Editor's note: This section is similar to former § 26-6.5-103 as it existed prior to 2022.

26.5-2-204. Early childhood councils - applications - community strategic plans - rules.

(1) A newly established or newly identified council shall submit to the department an application to become part of the statewide system of early childhood councils. The department 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 department 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 serves 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) An 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 26.5-2-205;

(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.

(4.5) (a) Beginning on or before July 1, 2026, a community strategic plan developed pursuant to subsection (4) of this section must foster access for families to, and robust participation by providers in, early childhood and family support programs and services and must address accessibility and quality improvements that are consistent with the early childhood Colorado framework.

(b) The community strategic plan must include:

(I) The manner in which the council will assist families in accessing referrals and resources for early care and education, in applying for early childhood and family support programs and services, and in enrolling children with early care and education providers;

(II) The manner in which the council will coordinate with other entities, including, but not limited to, other councils, county departments, school districts, local and regional service providers, and tribal agencies to integrate outreach efforts;

(III) The manner in which the council will recruit and coordinate with providers to ensure that families can choose among providers, within the mixed delivery system in the council's service area, that participate in publicly funded programs, including the Colorado universal preschool program and the Colorado child care assistance program; and

(IV) A plan for facilitating access to workforce training and education for service providers and for identifying and implementing recruitment and retention strategies.

(c) The community strategic plan may include:

(I) The manner in which the council will facilitate access to early childhood and family support programs and holistic services that include food, cash assistance, health care, and county child welfare services, as defined in section 26-5-101, including implementation of the federal "Family First Prevention Services Act of 2018"; and

(II) The council's strategies for identifying and securing, as feasible, additional local resources and funding to support early childhood and family support programs and services in the community.

(5) The executive director shall promulgate rules to define the standards for acceptance of applications made pursuant to this section. Acceptance of an application is automatic if the application is complete, the signatures are in order, and it meets the standards set forth by the executive director pursuant to this subsection (5).

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 596, § 3, effective July 1. **L. 2026:** (4.5) added, (SB 26-019), ch. 104, p. 415, § 4, effective May 5.

Editor's note: This section is similar to former § 26-6.5-103.3 as it existed prior to 2022.

26.5-2-205. Early childhood councils - membership.

(1) To the extent practicable, each council must 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 part 2, 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 26.5-5-102. 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 consists of members to be approved initially by the convening entity as designated pursuant to section 26.5-2-203. Each individual council shall determine subsequent appointments and rules for rotation of terms.

(b) Early childhood council membership must 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 must also represent the geographic diversity within the county or counties involved in the council. Each council must 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 or social services;

(II) Early care and education, including but not limited to licensed and legally exempt child care providers, head start grantees, and district preschool programs operating pursuant to article 28 of title 22, as it existed prior to July 1, 2023;

(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", 20 U.S.C. sec. 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; and

(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 the member represents to participate in and collaborate on the work of the council.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 597, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-103.5 as it existed prior to 2022.

26.5-2-206. Early childhood councils - duties.

(1) Each early childhood council has, at a minimum, the following duties and functions:

(a) To apply for early childhood funding pursuant to section 26.5-2-207;

(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) Repealed.

(d) To report annually the results of the accountability measurements defined in subsection (1)(c) of this section;

(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 community strategic plan as described in section 26.5-2-204 and regularly share information about progress on accountability metrics with the department; and

(g) To actively attempt to inform and include small or under-represented early childhood service providers in early childhood council activities and functions.

(2) (a) Beginning on or before July 1, 2026, a council, in partnership with the department, shall create a scope of work for the council and annually review the scope of work and revise it if necessary.

(b) Contemporaneously with reviewing the scope of work, the council, in partnership with the department, shall annually review accountability metrics associated with the scope of work, and revise them if necessary, to ensure they align with the revised scope of work.

(3) Beginning on or before July 1, 2026, each council shall, consistent with the council's scope of work, implement its community strategic plan.

(4) Each council shall:

(a) Support the availability of high-quality early childhood care and education for all children, including supporting access to training and support for members of the early childhood workforce in all settings, including informal or license-exempt providers;

(b) Monitor the availability of high-quality early child care and education programs within the community, and, as appropriate, work to increase that availability over time to better meet family and community needs;

(c) Support public and private providers in recruiting, developing, and retaining within the community a quality early childhood workforce;

(d) Work with providers in the community and enter into data-sharing agreements as necessary to ensure the collection and reporting of accountability metrics to the department, as required by department rules, in a manner that minimizes duplication and the burden on families and providers and ensures compliance with all applicable data privacy and security protections;

(e) Work in coordination with county departments and tribal agencies and local community-based organizations to integrate outreach for early childhood and family support programs and services with other efforts to provide holistic services for families, including food, cash assistance, and health care;

(f) Comply with department rules, if any, in implementing the council's community strategic plan and carrying out the council's duties;

(g) Comply with any statutory auditing requirements that apply to the council or, if the council is not otherwise required by statute to undergo an annual financial audit, contract for the performance of an annual financial audit or financial review of the operations of the council by an independent auditor; and

(h) Comply with any other provisions included in the agreement entered into between the council and the department pursuant to subsection (5)(a) of this section.

(5) To support partnership and mutual accountability between early childhood councils and the department, the department shall:

(a) Enter into an agreement with each early childhood council that is based on the council's community strategic plan and department goals and that specifies the respective duties of the early childhood council and the department in implementing the council's community strategic plan. An agreement is not subject to the requirements of the "Procurement Code", articles 101 to 112 of title 24. The term of the initial agreement for an early childhood council is three years, and subsequent agreements must have terms of at least three but not more than five years, as determined by the department. The agreement, at a minimum, must include:

(I) A scope of work for the council created in partnership with the council that is responsive to local community needs; contributes to collective outcomes; promotes the shared goals of the early childhood Colorado framework and the department of early childhood's statewide strategic plan; and reflects expectations, targets, and accountability metrics, in alignment with the council's community strategic plan and statewide goals for the provision of early childhood and family support programs and services in Colorado, taking into consideration available appropriations; and

(II) The amount of any payment that the council receives from the department to cover indirect costs during the term of the agreement.

(b) Distribute and administer public funding for early childhood and family support programs and services in accordance with agreements and in coordination with local and tribal agencies, when applicable; except that the department may delegate all or a portion of the responsibility for distributing and administering public funding to a council through the council's agreement;

(c) Support early childhood councils by providing funding, training, and technical assistance, including training and technical assistance for the use of required technology systems, regular and as-needed collaborative support, and, where feasible, assistance in implementing community strategic plans;

(d) Identify successful strategies and innovations implemented by early childhood councils throughout the state and provide information, by posting information on the department website or by another means, to assist early childhood councils in replicating and adapting the strategies and innovations in their communities; and

(e) Commit to working with each early childhood council in partnership to deliver services for children and families. The department's commitments in the partnership include, but are not limited to:

(I) Clear and frequent communication, including regular recommendations to support the smooth functioning of the partnership;

(II) Timely resolution of issues and disputes;

(III) Maintaining a clear chain of command that offers a council opportunities to connect directly with program specialists and department leadership; and

(IV) Maintaining timely contracting, invoicing, and reimbursement in accordance with the terms of the agreement.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 599, § 3, effective July 1. **L. 2026:** (1)(c) repealed, (1)(f) amended, and (2), (3), (4), and (5) added, (SB 26-019), ch. 104, p. 416, § 5, effective May 5.

Editor's note: This section is similar to former § 26-6.5-103.7 as it existed prior to 2022.

26.5-2-207. Early childhood councils - waivers - rules - funding - application.

(1) (a) A local council may request a waiver of any rule that would prevent a council from implementing council projects in accordance with the council's community strategic plan. The local council shall submit the request to the department. The executive director shall grant waivers upon recommendation by the department.

(b) If a council's waiver request falls outside the purview of the department, the department shall assign a liaison to consult with the affected state agency.

(c) The executive director shall establish by rule the requirements for the waiver process, including the format and content of a council's waiver request, the criteria for the executive director to grant a request to waive a department rule, and associated timelines.

(2) (a) The executive director shall adopt 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, and technical assistance funding from the early childhood cash fund created in section 26.5-2-209 and other funding sources appropriated for early childhood services.

(b) The department shall, upon receipt, review applications for early childhood funding from the early childhood cash fund established in section 26.5-2-209 and from money appropriated from other sources for early childhood services.

(c) The 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.

(3) The rules must include information about the agreement termination process, application process, and associated timelines if a county reconfigures or designates a new convening entity.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 599, § 3, effective July 1. **L. 2026:** (1), (2)(a), and (2)(b) amended and (3) added, (SB 26-019), ch. 104, p. 419, § 6, effective May 5.

Editor's note: This section is similar to former § 26-6.5-104 as it existed prior to 2022.

26.5-2-208. Evaluation. (Repealed)

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 600, § 3, effective July 1. **L. 2026:** Entire section repealed, (SB 26-019), ch. 104, p. 421, § 8, effective May 5.

Editor's note: Prior to its repeal, this section was similar to former § 26-6.5-108 as it existed prior to 2022.

26.5-2-208.5. Early childhood councils - performance review and accountability - rules - report.

(1) (a) The executive director shall adopt rules establishing a process that satisfies the requirements of this section to review the performance of each council. Beginning on or before July 1, 2027, the department shall implement the review process established in rule by which the department at least annually reviews the performance of each council in serving the council's community, including implementing the approved community strategic plan and scope of work. During the review process, the department shall, at a minimum:

(I) Review the council's performance under the agreement using the accountability metrics established with the scope of work; and

(II) At intervals ranging from three to five years, as determined by the department, solicit input from families; providers; members of the early childhood workforce; local and tribal agencies; local governments; administrative units, as defined in section 22-20-103; head start agencies; family resource centers, as defined in section 26.5-3-102; county departments of human or social services; and other interested persons within the community concerning the performance of the early childhood council.

(b) (I) If the department determines that the council is not meeting the requirements of the scope of work and accountability metrics contained in the agreement, or is not performing at the level required to successfully implement the community strategic plan and to ensure that the community substantially meets local and statewide goals for the provision of early childhood and family support programs and services, then the department may require the council to implement a performance improvement plan.

(II) The department shall provide ongoing technical assistance, support, and feedback to the council as the council implements a performance improvement plan.

(III) If the department determines that the council has failed to make substantial progress toward addressing the issues identified in the performance improvement plan within the time frame identified in the plan, the department shall terminate the council's agreement. On or before July 1, 2027, the executive director shall adopt rules governing the process for terminating an agreement.

(IV) On or before July 1, 2027, the executive director shall adopt rules establishing objective, measurable criteria that the department shall apply in requiring a council to implement a performance improvement plan.

(2) If a council has failed to meet the requirements of the scope of work and accountability metrics contained in the agreement, the department shall notify the board or boards of county commissioners that designated the convening entity pursuant to section 26.5-2-203 (3). The executive director shall adopt rules addressing the process for a board or boards of county

commissioners to appoint a new convening entity if the department terminates an agreement due to a council's performance issues. The rules must also address how, for any area within the state for which a council is not established, or for which an existing council is not fully capable of implementing all aspects of the community strategic plan, the department will ensure, to the greatest extent possible, continuity of the delivery of services required pursuant to this part 2 for the area, until a council is established or an existing council is fully capable of implementing all aspects of the community strategic plan.

(3) Beginning in January 2028, and in January every year thereafter, the department shall include, as part of its presentation during its "SMART Act" hearing required by section 2-7-203, information concerning councils' progress toward achieving accountability metrics as shared with the department pursuant to section 26.5-2-206 (1)(f).

Source: L. 2026: Entire section added, (SB 26-019), ch. 104, p. 420, § 7, effective May 5.

26.5-2-209. Early childhood cash fund - creation.

(1) There is created in the state treasury the early childhood cash fund that consists of such money as may be appropriated to the fund by the general assembly and credited to the fund pursuant to subsection (2) of this section. The money in the fund is subject to annual appropriation by the general assembly for the direct and indirect costs associated with the implementation of this part 2.

(2) The department is authorized to seek, accept, and expend gifts, grants, or donations from private and public sources for the purposes of this part 2. All private and public money received through gifts, grants, or donations must be transmitted to the state treasurer, who shall credit the same to the fund. The money in the fund is subject to annual appropriation by the general assembly to the department for the direct and indirect costs associated with the implementation of this part 2.

(3) Any money in the fund not expended for the purposes of this part 2 may be invested by the state treasurer as provided by law. All interest and income derived from the investment and deposit of money in the fund must be credited to the fund.

(4) The department may expend up to, but not exceeding, five percent of the money annually appropriated from the fund to offset the costs incurred in implementing this part 2.

(5) Any unexpended and unencumbered money remaining in the fund at the end of a fiscal year remains in the fund and is not credited or transferred to the general fund or another fund.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 600, § 3, effective July 1. **L. 2023:** (2) amended, (HB 23-1235), ch. 434, p. 2543, § 2, effective June 7. **L. 2025:** (1) amended, (SB 25-275), ch. 377, p. 2083, § 236, effective August 6.

Editor's note: This section is similar to former § 26-6.5-109 as it existed prior to 2022.

26.5-2-210. Transfer of functions - legislative intent.

(1) It is the intent of the general assembly that on and after July 1, 2026, the statewide system of early childhood councils is responsible for executing, administering, performing, and enforcing the rights, powers, duties, functions, and obligations vested before July 1, 2026, in the local coordinating organizations established pursuant to part 1 of this article 2, as it existed prior to July 1, 2026.

(2) It is the intent of the general assembly that the rights, powers, duties, functions, and obligations concerning supporting access to and delivery of early childhood and family support programs and services are transferred to the statewide system of early childhood councils, effective July 1, 2026.

(3) It is the intent of the general assembly that any money the department allocates to support a transition period extension pursuant to subsection (7) of this section be a one-time expenditure and not be a source of ongoing program funding or a baseline adjustment.

(4) A local coordinating organization retains the rights, powers, duties, functions, and obligations necessary to satisfy the requirements of a coordinator agreement in force prior to July 1, 2026. An early childhood council may subcontract the provision of services described in this part 2 to a local coordinating organization that is established prior to July 1, 2026, and that is not also an early childhood council. An early childhood council may subcontract the provision of services described in this part 2, including after July 1, 2026, if the subcontracting is consistent with the council's approved agreement and department oversight.

(5) The rules pertaining to the rights, powers, duties, functions, and obligations transferred to the statewide system of early childhood councils that are adopted by the executive director and are in effect as of July 1, 2026, continue in effect and apply to the department and persons providing the services described in part 1 of this article 2 as it existed prior to July 1, 2026, until replaced by rules adopted by the executive director pursuant to this part 2 on or before July 1, 2027.

(6) On and after July 1, 2026, unless otherwise specified, if a provision of law refers to a local coordinating organization with regard to the rights, powers, duties, functions, or obligations

specified in subsection (1) of this section, the law is construed as referring to an early childhood council.

(7) (a) Notwithstanding any other provision of this part 2, if the transfer of rights, duties, functions, and obligations described in this section requires the consolidation, reassignment, or material modification of the duties of an organization providing the services described in part 1 of this article 2, as it existed prior to July 1, 2026, or an early childhood council, the department may authorize a one-time extension of the transition period. The transition period must conclude on or before July 1, 2029, and is not subject to further extension.

(b) During a transition period extension authorized pursuant to subsection (7)(a) of this section, the department may, as necessary to support the administration and coordination of early childhood programs and services, maintain separate contracts with an early childhood council and an organization providing the services described in part 1 of this article 2, as it existed prior to July 1, 2026.

(c) On or before January 1, 2029, the department shall submit a written report to the joint budget committee. The report must include an analysis of transition costs and expenditures, operational readiness, and recommendations for any legislative changes necessary to facilitate local early childhood services administration, coordination, and contracting following a transition period authorized pursuant to subsection (7)(a) of this section.

Source: L. 2026: Entire section added, (SB 26-019), ch. 104, p. 421, § 9, effective May 5.

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Family and Child Health and Well-being

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PART 1

FAMILY RESOURCE CENTERS

26.5-3-101. Legislative declaration.

(1) The general assembly declares that Colorado needs healthy and cohesive families at all income levels in order for the state to be economically viable. A number of families in communities throughout Colorado temporarily may not have access to the basic necessities of life or to resources or services designed to promote individual development and family growth.

(2) The general assembly further declares that many of Colorado's vulnerable families, individuals, children, and youth do not necessarily live in at-risk neighborhoods. These persons may not have appropriate resources or sufficient income for adequate housing, health care, or child care because the primary wage earners are unemployed or underemployed or work at jobs that pay minimum wage or less. Further, many of these persons not only live in poverty but also experience divorce or domestic violence or are single parents. Children and youth who are raised in vulnerable families experience an increased risk of being abused, being illiterate, being undereducated, dropping out of school, becoming teen parents, abusing drugs, and engaging in at-risk behaviors, including but not limited to criminal activities. These children and youth are often influenced by and likely to repeat behaviors that began with their parents.

(3) Therefore, the general assembly finds that it is appropriate to establish a program to provide family resource centers in communities to serve as a single point of entry for providing comprehensive, intensive, integrated, and collaborative state and community-based services to vulnerable families, individuals, children, and youth.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 601, § 3, effective July 1.

Editor's note: This section is similar to former § 26-18-101 as it existed prior to 2022.

26.5-3-102. Definitions.

As used in this part 1, unless the context otherwise requires:

(1) "At-risk neighborhood" means an urban or rural neighborhood or community in which there are incidences of poverty, unemployment and underemployment, substance abuse, crime, school dropouts, illiteracy, teen pregnancies and teen parents, domestic violence, or other conditions that put families at risk.

(2) "Case management" means the process through which a family advocate for the family resource center assesses a family's need for services as provided in section 26.5-3-103 (2).

(3) "Community applicant" means a local entity that is interested and willing to commit private and public resources to establish a family resource center and that applies for a family resource center grant pursuant to section 26.5-3-104. "Community applicant" includes, but is not limited to, a state or local governmental agency or governing body, a local private nonprofit agency, a local board of education on a cost-shared basis, a local recreational center, or a local child care agency.

(4) "Family resource center" means a unified single point of entry where vulnerable families, individuals, children, and youth in communities or within at-risk neighborhoods or participants in Colorado works, pursuant to part 7 of article 2 of title 26, can obtain information, assessment of needs, and referral for delivery of family services described in section 26.5-3-103 (2) and for which a grant is awarded to a community applicant pursuant to section 26.5-3-104.

(5) "Family support and parent education" means a program or service that promotes a family's positive and meaningful engagement in its children's lives by providing an experiential and supportive adult learning environment through which a primary caregiver can learn how to create a safe, stable, and supportive family unit.

(6) "Local advisory council" means the body that oversees the operation of the family resource center as described in section 26.5-3-104 (1)(b).

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 601, § 3, effective July 1.

Editor's note: This section is similar to former § 26-18-102 as it existed prior to 2022.

26.5-3-103. Program created.

(1) (a) There is established in the department a family resource center program. The purposes of the program are to provide grants to community applicants for the creation of family resource centers or to provide grants to family resource centers for the continued operation of the centers through which services for vulnerable families, individuals, children, and youth who live in communities or in at-risk neighborhoods are accessible and coordinated through a single point of entry.

(b) The department shall operate the family resource center program in accordance with the provisions of this part 1. In addition, the department may establish any other procedures

necessary to implement the program, including establishing the procedure for submitting grant applications by community applicants seeking to establish a family resource center or by a family resource center applying for a grant for continued operation of a family resource center.

(c) (I) The family resource center program may receive direct appropriations from the state general fund.

(II) Any money family resource centers receive pursuant to the temporary assistance for needy families block grant or from the family issues cash fund created in section 26-5.3-106 must be from funds directly disbursed by a county at the discretion of the county.

(III) The department may seek, accept, and expend any grants from any public or private source for the purpose of making grants to community applicants for the establishment or continued operation of family resource centers and for the purpose of evaluating the effectiveness of the family resource center program. This part 1 does not prohibit a family resource center from seeking, accepting, and expending funds received through an authorized contract, grants, or donations from public or private sources.

(2) (a) Services that a family resource center provides must be coordinated, and services should reflect the needs of the community and the resources available to support such programs and services. Services may be delivered directly to a family at the center by center staff or by providers who contract with or have provider agreements with the center. Any family resource center that provides direct services shall comply with applicable state and federal laws and regulations regarding the delivery of such services, unless required waivers or exemptions have been granted by the appropriate governing body.

(b) Each family resource center shall provide case management by a family advocate who screens and assesses a family's needs and strengths. The family advocate shall then assist the family with setting its own goals and, together with the family, develop a written plan to pursue the family's goals in working toward a greater level of self-reliance or in attaining self-sufficiency. The plan must provide for the following:

(I) A negotiated agreement that includes reciprocal responsibilities of the individual or family members and the personnel of each human service agency providing services to the family;

(II) A commitment of resources as available and necessary to meet the family's plan;

(III) The delivery of applicable services to the individual or family, if feasible, or referral to an appropriate service provider;

(IV) The coordination of services;

(V) The monitoring of the progress of the family toward greater self-reliance or self-sufficiency and an evaluation of services provided; and

(VI) Assistance to the individual or family in applying for the children's basic health plan, medical assistance benefits, or other benefits.

(c) In addition to services required by subsection (2)(b) of this section, the family resource center may provide for the direct delivery of or referral to a provider of the following six services:

(I) Early childhood care and education, including programs that contribute to school readiness;

(II) Family support and parent education;

(III) Well-child checkups and basic health services;

(IV) Early intervention for identifying infants, toddlers, and preschoolers who are developmentally disabled in order to provide necessary services to such children;

(V) Before and after school care; and

(VI) Programs for children and youth.

(d) A family resource center may also provide services, including, but not limited to, the following:

(I) Additional educational programs, such as mentoring programs for students in elementary, junior, and senior high schools; adult education and family literacy programs; and educational programs that link families with local schools and alternative educational programs, including links with boards of cooperative services;

(II) Job skills training and self-sufficiency programs for adults and youth;

(III) Social, health, mental health, and child welfare services and housing, homeless, food and nutrition, domestic violence support, recreation, and substance abuse services;

(IV) Outreach, education, and support programs, including programs aimed at preventing teen pregnancies and school dropouts and programs providing parent support and advocacy; and

(V) Transportation services to obtain other services provided pursuant to this subsection (2).

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 602, § 3, effective July 1. **L. 2023:** (1)(c)(III) amended, (HB 23-1235), ch. 434, p. 2543, § 3, effective June 7.

Editor's note: This section is similar to former § 26-18-104 as it existed prior to 2022.

26.5-3-104. Selection of centers - grants.

(1) The department may award a grant for the purpose of establishing a family resource center based on a plan submitted to the department by the applicant or for the continued operation of a family resource center. The plan must meet specific criteria that the department is authorized to set, but the criteria must include at least the following provisions:

(a) Members of the community participate in the development and implementation of the family resource center;

(b) The center is governed by a local advisory council comprised of community representatives such as:

(I) Families living in the community;

(II) Local public or private service provider agencies;

(III) Local job skills training programs, if any;

(IV) Local governing bodies;

(V) Local businesses serving families in the community; and

(VI) Local professionals serving families in the community;

(c) The advisory council establishes rules concerning the operation of the family resource center, including provisions for staffing;

(d) Services the family resource center provides are coordinated and tailored to the specific needs of individuals and families who live in the community;

(e) The family resource center:

(I) Promotes and supports, and does not supplant, successful individual and family functioning and increases the recognition of the importance of successful individuals and families in the community;

(II) Contributes to the strength of family ties;

(III) Establishes programs that focus on the needs of family members, such as preschool programs, family preservation programs, and teenage pregnancy prevention programs, and assists the individual or family in moving toward greater self-sufficiency;

(IV) Recognizes the diversity of families within the community;

(V) Supports family stability and unity;

(VI) Treats families as partners in providing services;

(VII) Encourages intergovernmental cooperation and a community-based alliance between government and the private sector. This cooperation may include, but need not be limited to, the pooling of public and private funds available to state agencies upon appropriation or transfer by the general assembly.

(VIII) Provides programs that reduce institutional barriers related to categorical funding and eligibility requirements;

(IX) Makes information regarding available resources and services readily accessible to individuals and families; and

(X) Coordinates efforts of public and private entities to connect families to services and supports that encourage the development of early childhood and other family support systems; and

(f) The family resource center coordinates the provision of services and pools the resources of providers of services to aid in funding and operating the center.

(2) If the department determines, from any report submitted by a local advisory council or any other source, that the operation of a family resource center is not in compliance with this part 1 or any rule adopted pursuant to the provisions of this part 1, the department may impose sanctions, including termination of the grant.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 604, § 3, effective July 1.

Editor's note: This section is similar to former § 26-18-105 as it existed prior to 2022.

PART 2

CHILD ABUSE PREVENTION TRUST FUND

26.5-3-201. Short title.

The short title of this part 2 is the "Colorado Child Abuse Prevention Trust Fund Act".

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 606, § 3, effective July 1.

Editor's note: This section is similar to former § 19-3.5-101 as it existed prior to 2022.

26.5-3-202. Legislative declaration.

(1) The general assembly finds that:

(a) Child abuse and neglect are a threat to the family unit and impose major expenses on society;

(b) There is a need to assist private and public agencies in identifying, planning, and establishing statewide programs for the prevention of child abuse and neglect; and

(c) The types of trauma experienced by children who are under eighteen years of age include childhood emotional, physical, and sexual abuse; emotional and physical neglect; housing insecurity and poverty; and household challenges, including growing up in a household with substance abuse, mental health disorders, violence, or parental incarceration. Adverse childhood experiences such as these have been shown to have a lifelong impact on health, behavior, and age of mortality.

(2) It is the purpose of this part 2 to promote primary and secondary prevention programs that are designed to prevent child trauma and maltreatment before it occurs, lessen the occurrence of child abuse and neglect, and mitigate the impacts of adverse childhood experiences to reduce the need for state intervention through child welfare actions and economic support for families experiencing poverty.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 606, § 3, effective July 1.

Editor's note: This section is similar to former § 19-3.5-102 as it existed prior to 2022.

26.5-3-203. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) "Board" means the Colorado child abuse prevention board created in section 26.5-3-204.

(2) "Child" means a person under eighteen years of age.

(3) "Child abuse" has the meaning as provided for the term "abuse" in section 19-1-103 (1).

(4) "Prevention program" means a program of direct child abuse prevention services for a child, parent, or guardian and includes research or education programs related to the prevention of child abuse. Such a prevention program may be classified as a primary prevention program when it is available to the community on a voluntary basis and as a secondary prevention program when it is directed toward groups of individuals who have been identified as high risk.

(5) "Recipient" means and is limited to a nonprofit or public organization that receives a grant from the trust fund.

(6) "Trust fund" means the Colorado child abuse prevention trust fund created in section 26.5-3-206.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 607, § 3, effective July 1.

26.5-3-204. Colorado child abuse prevention board - creation - members - terms - vacancies - reimbursement for expenses.

(1) The Colorado child abuse prevention board is transferred to the department of early childhood from the department of human services. The board shall exercise its powers and duties as if transferred by a **type 2** transfer. Persons appointed to the board continue serving until completion of their terms and may be reappointed as provided in this section.

(2) The board consists of nineteen members, with a consideration for geographic diversity, as follows:

(a) One person from the department of human services' division of child welfare, appointed by the executive director of the department of human services;

(b) The executive director of the department of early childhood or the executive director's designee;

(c) The executive director of the department of public health and environment or the executive director's designee;

(d) The commissioner of education or the commissioner's designee;

(e) Two persons appointed by the governor and confirmed by the senate who are knowledgeable in the area of child abuse prevention and represent some of the following areas: Law enforcement, medicine, law, business, public policy, mental health, intimate partner violence, early childhood education, elementary and secondary education, reducing poverty and helping families gain economic stability, the connection between housing instability and trauma, higher education, research and program evaluation, and social work. In making appointments to the board, the governor is encouraged to include representation by at least one member who is a

person with a disability, as defined in section 24-34-301, a family member of a person with a disability, or a member of an advocacy group for persons with disabilities, so long as the other requirements of this subsection (2)(e) are met.

(f) The executive director of the department of health care policy and financing or the executive director's designee;

(g) The executive director of the department of local affairs or the executive director's designee;

(h) The child protection ombudsman, as appointed pursuant to section 19-3.3-102;

(i) Four appointees who represent county leadership, as either a county commissioner or a director of public health or of human or social services, as designated by statewide organizations representing county commissioners, human services directors, and public health officials, three of whom must have expertise in human services or child welfare practice;

(j) Three members appointed by the executive director of the department. Such appointees must be community members with lived experience that may include childhood history of adverse childhood experiences or experience participating in prevention, parenting, or family strengthening programs. One of the three appointees must be a parent.

(k) One member who is a member of the senate and who is appointed by the president of the senate and one member who is a member of the house of representatives and who is appointed by the speaker of the house of representatives.

(l) The commissioner of the behavioral health administration, created in section 27-50-102, or the commissioner's designee.

(3) (a) Each appointed member of the board serves a term of three years.

(b) The original appointing entity shall fill a vacancy on the board for the balance of the board member's unexpired term.

(c) A board member, whether original or otherwise, may not serve more than two consecutive terms.

(4) The board shall meet regularly and adopt its own rules of procedure.

(5) Members are entitled to reimbursement for actual and necessary expenses incurred in the performance of their duties.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 607, § 3, effective July 1. **L. 2023:** (5) amended, (SB 23-210), ch. 251, p. 1431, § 13, effective May 24;

(2)(e) amended, (HB 23-1296), ch. 269, p. 1601, § 11, effective May 25; (2)(e) amended and (2)(l) added, (HB 23-1235), ch. 434, p. 2544, § 4, effective June 7.

Editor's note: (1) This section is similar to former § 19-3.5-103 as it existed prior to 2022.

(2) Amendments to subsection (2)(e) by HB 23-1235 and HB 23-1296 were harmonized.

26.5-3-205. Powers and duties of the board.

(1) The board has the following powers and duties:

(a) To advise and make recommendations to the governor, state agencies, and other relevant entities concerning the implementation of and future revisions to any state plan developed to prevent child maltreatment;

(b) To develop strategies and monitor efforts to achieve:

(I) Increases in child well-being and achievement;

(II) Increases in caregiver well-being and achievement;

(III) Increases in consistent high-quality caregiving;

(IV) Increases in safe, supportive neighborhoods and communities; and

(V) Decreases in the incidence of child maltreatment and child maltreatment fatalities;

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

(d) To provide for the coordination and exchange of information concerning the establishment and maintenance of primary and secondary prevention programs and to facilitate the exchange of information between groups concerned with child maltreatment;

(e) (I) To identify opportunities for, and barriers to, the alignment of standards, rules, policies, and procedures across programs and agencies that support families. The board shall submit recommendations developed pursuant to this subsection (1)(e)(I) to the department, which shall then include such recommendations as part of its presentation to its committee of reference at a hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2022.

(II) The board shall also provide ongoing recommendations on changes to enhance the alignment and provision of services and supports for families to prevent child trauma and maltreatment to appropriate government and nonprofit agencies and policy boards.

(f) To collaborate with other relevant boards, commissions, and councils that exist within the executive branch to address services and supports for families;

(g) To promote academic research on the efficacy and cost-effectiveness of child maltreatment prevention initiatives;

(h) To distribute money and make grant awards from the Colorado child abuse prevention trust fund, created in section 26.5-3-206, in accordance with section 26.5-3-207 and for:

(I) The establishment, promotion, and maintenance of primary and secondary child maltreatment prevention programs, including pilot programs or services identified in the federal Title IV-E prevention services clearinghouse and programs that are under evaluation for purposes of petitioning the federal government for inclusion in the federal Title IV-E prevention services clearinghouse;

(II) Programs to prevent child sexual abuse;

(III) Programs to reduce the occurrence of prenatal substance exposure;

(IV) Programs to reduce the occurrence of other adverse childhood experiences;

(V) Programs to reduce poverty or help families get out of poverty;

(VI) Programs to create housing stability; and

(VII) Operational expenses of the board, including allowable expenses pursuant to section 26.5-3-204 (5);

(i) To monitor and promote the interaction and seamless partnership between the office within the department of human services that is responsible for children, youth, and families and the department in administering family strengthening programs;

(j) To accept grants from the federal government, as well as to seek, accept, and expend contributions, grants, gifts, bequests, and donations from individuals, private organizations, and foundations; and

(k) To exercise or perform any other powers or duties consistent with the purposes for which the board was created and that are reasonably necessary for the fulfillment of the board's responsibilities as set forth in this section.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 609, § 3, effective July 1. **L. 2023:** (1)(j) amended, (HB 23-1235), ch. 434, p. 2544, § 5, effective June 7.

Editor's note: This section is similar to former § 19-3.5-104 as it existed prior to 2022.

26.5-3-206. Colorado child abuse prevention trust fund - creation - source of funds - appropriation - report - repeal.

(1) There is created in the state treasury the Colorado child abuse prevention trust fund. The board shall administer the trust fund, which consists of:

(a) Money transferred into the trust fund in accordance with section 13-32-101 (5)(a)(I);

(a.5) (I) Money transferred to the trust fund in accordance with section 26.5-3-507 (2)(c)(III).

(II) This subsection (1)(a.5) is repealed, effective July 1, 2030.

(b) Money collected by the board pursuant to section 26.5-3-205 (1)(j) from federal grants and other contributions, grants, gifts, bequests, and donations. Such money must be transmitted to the state treasurer, who shall credit the money to the trust fund.

(c) Any money appropriated to the trust fund by the state; and

(d) Beginning July 1, 2026, reimbursement money received for prevention services and programs funded by the department of early childhood and identified in the federal Title IV-E prevention services clearinghouse pursuant to the federal "Family First Prevention Services Act of 2018". The department of human services shall claim and transmit federal Title IV-E reimbursements for prevention services and programs offered by the department of early childhood to the state treasurer, who shall credit the reimbursements to the trust fund.

(2) Repealed.

(3) Money in the trust fund is subject to annual appropriation by the general assembly. Any money remaining in the trust fund must not be transferred to or revert to the general fund of the state at the end of any fiscal year. Any interest earned on the investment or deposit of money in the trust fund must also remain in the fund and must not be credited to the general fund of the state.

(4) (a) Repealed.

(b) (I) For the 2024-25 and 2025-26 state fiscal years, the general assembly shall annually appropriate fifty thousand dollars to the trust fund. The board shall distribute the money appropriated pursuant to this subsection (4)(b) to convene a stakeholder group to identify strategies to increase access to child care for families seeking substance use disorder treatment and recovery services.

(II) This subsection (4)(b) is repealed, effective June 30, 2027.

(5) (a) On or before November 1, 2029, the department shall report to the joint budget committee of the general assembly on the effect of the transfers from the nurse home visitor program fund created in section 26.5-3-507 (2)(c) to the trust fund. The department shall include an accounting of any additional reimbursement money received for prevention services and programs identified in the federal Title IV-E prevention services clearinghouse pursuant to the federal "Family First Prevention Services Act of 2018" in its report.

(b) This subsection (5) is repealed, effective July 1, 2030.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 610, § 3, effective July 1. **L. 2024:** (4) added, (HB 24-1045), ch. 470, p. 3289, § 26, effective August 7. **L. 2025:** (4)(a) repealed, (SB 25-266), ch. 108, p. 460, § 2, effective July 1. **L. 2026:** (1)(a.5) and (5) added, (HB 26-1349), ch. 165, p. 988, § 1, effective May 27; (1)(d) amended and (2) repealed, (HB 26-1075), ch. 225, p. 1309, § 1, effective July 1.

Editor's note: This section is similar to former § 19-3.5-105 as it existed prior to 2022.

26.5-3-207. Disbursement of grants from the trust fund - restrictions.

(1) Grants may be awarded to provide money for the start-up, continuance, or expansion of primary or secondary prevention programs, including pilot programs and educational programs for professionals and the public, and to study and evaluate primary and secondary prevention programs. In addition, grants may be awarded for programs to prevent and reduce the occurrence of prenatal substance exposure and an evidence-based or research-based child sexual abuse prevention training model to prevent and reduce the occurrence of child sexual abuse.

(2) The distribution of money credited to the trust fund by reimbursement for prevention services and programs identified in the federal Title IV-E prevention services clearinghouse must fund programs and services that align with the state's prevention strategy, pursuant to the federal "Family First Prevention Services Act of 2018", including consideration of variable needs and resources across the state and data-driven approaches, and be informed by the department in consultation with county departments of human or social services and other entities that deliver the eligible services or programs. Eligible services or programs may include those under evaluation for the purposes of petitioning the federal government for inclusion in the federal Title IV-E prevention services clearinghouse; except that, if the service or program at the time of federal review is rated to not meet criteria for inclusion in the federal Title IV-E prevention services clearinghouse, money credited to the trust fund by reimbursement for prevention services must not be allocated for that purpose in the next fiscal year, unless there is an evaluation of the service or program already underway that will build substantial new evidence

that has the potential to change the service or program rating, or the service or program has been submitted to the federal clearinghouse for re-review.

(3) The board has discretion to oversee the disbursement of money from the trust fund to ensure its appropriate use and make recommendations for the total grant amount to be awarded each year.

(4) The board shall not authorize any grant awards pursuant to subsection (1) of this section for political, election, or lobbying purposes.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 611, § 3, effective July 1.

Editor's note: This section is similar to former § 19-3.5-106 as it existed prior to 2022.

26.5-3-208. Report - repeal.

(1) (a) The department shall contract for an independent evaluation of the Colorado child abuse prevention trust fund created in section 26.5-3-206, including administrative costs of operating the trust fund and the cost-effectiveness and the impact of the grants on reducing and preventing child abuse. The department shall provide a report of the evaluation to the house of representatives and senate health and human services committees, or any successor committees, on or before November 1, 2029.

(b) This section is repealed, effective July 1, 2030.

(2) (Deleted by amendment, L. 2025.)

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 612, § 3, effective July 1. **L. 2024:** (1) amended, (SB 24-135), ch. 34, p. 117, § 28, effective March 22. **L. 2025:** Entire section amended, (HB 25-1305), ch. 203, p. 923, § 1, effective August 6. **L. 2026:** (1) amended, (HB 26-1349), ch. 165, p. 989, § 2, effective May 27; (1) amended, (HB 26-1075), ch. 225, p. 1310, § 3, effective July 1.

Editor's note: This section is similar to former § 19-3.5-107 as it existed prior to 2022.

26.5-3-209. Repeal of part. (Repealed)

Source: L. 2025: Entire section added, (HB 25-1305), ch. 203, p. 923, § 2, effective August 6. **L. 2026:** Entire section repealed, (HB 26-1349), ch. 165, p. 989, § 3, effective May 27; entire section repealed, (HB 26-1075), ch. 225, p. 1310, § 2, effective July 1.

PART 3

CHILD CARE SERVICES AND SUBSTANCE USE DISORDER TREATMENT

26.5-3-301. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Facility" means an agency meeting the standards described in section 27-81-106 (1) and approved pursuant to section 27-81-106.

(2) "Pilot program" means the child care services and substance use disorder treatment pilot program created in this part 3.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 612, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.9-101 as it existed prior to 2022.

26.5-3-302. Child care services and substance use disorder treatment pilot program - created - purposes - eligibility - evaluation - funding - rules.

(1) (a) There is created in the department the child care services and substance use disorder treatment pilot program. The department shall administer the pilot program as a two-generation initiative. The purpose of the pilot program is to:

(I) Provide grants to enhance the existing child care resource and referral programs to provide increased child care navigation capacity in one rural pilot program site and one urban pilot program site to serve pregnant and parenting women seeking or participating in substance use disorder treatment; and

(II) Provide a grant to enhance the capacity of the existing child care resource and referral program's centralized call center to serve pregnant and parenting women seeking or participating in substance use disorder treatment; and

(III) Provide implementation grants to pilot a regional mobile child care model that is licensed in compliance with part 3 of article 5 of this title 26.5 or as defined in section 26.5-5-303 and that serves children under five years of age in at least three facilities that provide substance use disorder treatment to parenting women. Applicants for mobile child care pilot grants must demonstrate a commitment of sources of private money for mobile child care to ensure that the mobile child care pilot model is an initiative of a public-private partnership. The mobile child care pilot model may be expanded to serve additional ages or additional regions using gifts, grants, or donations from private or public sources that the department may seek, accept, and expend.

(b) The department shall ensure that there is adequate training, cross-training, technical assistance, data collection, and evaluation for grants awarded pursuant to subsections (1)(a)(I), (1)(a)(II), and (1)(a)(III) of this section.

(2) The department shall determine the eligibility and selection criteria for pilot program grants. The department may promulgate rules, as necessary, to implement the pilot program.

(3) (a) A pilot program grantee may use the grant money for improved technology, supplies, and materials to implement the pilot program; to hire staff for pilot program oversight and implementation; and for pilot program evaluation.

(b) On or before June 30, 2028, the department shall provide to the health and human services committee of the house of representatives and the health and human services committee of the senate, or any successor committees, any completed pilot program evaluations pursuant to subsection (3)(a) of this section, as well as a summary of the pilot program, including grants awarded and the outcome of the grants.

(c) On or before August 30, 2024, and on or before August 30 of each year thereafter for the following three years, the department shall report to the health and human services committee of the house of representatives and the health and human services committee of the senate, or their successor committees, on the pilot program, including the grants awarded, the number of children, families, and caregivers served, and a recommendation for the future implementation of the program.

(4) (a) The department may use a portion of any money appropriated for the pilot program to pay the direct and indirect costs incurred to administer the pilot program, not to exceed ten percent of the appropriation.

(b) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this part 3. The department shall transmit all money received for the pilot program through gifts, grants, or donations to the state treasurer.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 612, § 3, effective July 1. **L. 2024:** (3)(b) amended and (3)(c) added, (SB 24-135), ch. 34, p. 117, § 29, effective March 22.

Editor's note: This section is similar to former § 26-6.9-102 as it existed prior to 2022.

26.5-3-303. Repeal of part.

This part 3 is repealed, effective July 1, 2028.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 613, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.9-103 as it existed prior to 2022.

PART 4

COORDINATED SYSTEM OF PAYMENT FOR EARLY INTERVENTION SERVICES FOR INFANTS AND TODDLERS

26.5-3-401. Legislative declaration.

(1) The general assembly finds that:

(a) There is an urgent and substantial need to enhance the development of infants and toddlers with disabilities, to minimize their potential for developmental delay, and to recognize the significant brain development that occurs during a child's first three years of life;

(b) The longer a child's developmental delays are not addressed, the more developmental difficulties the child will experience in the future, the less prepared the child will be for school, the more special education needs the child is likely to have, and the more costly those problems will be to address;

(c) The capacity of families to meet the special needs of their infants and toddlers with disabilities needs to be supported and enhanced;

(d) Colorado's system for providing early intervention services to eligible infants and toddlers from birth through two years of age with significant developmental delays and disabilities relies on multiple sources of funding;

(e) The early childhood and school readiness commission, which was the successor of the child care commission, was created in the 2004 legislative session to study, review, and evaluate the development of plans for creating a comprehensive early childhood system;

(f) The early childhood and school readiness commission extensively studied and evaluated issues regarding early intervention services for infants and toddlers who have delays in development and learned that there is no coordinated system of payment for early intervention services, resulting in the provision of disjunctive or interrupted services to eligible children and inadequate reimbursement of early intervention service providers;

(g) The early childhood and school readiness commission was also informed that many eligible children are covered as dependents by their parents' health-care plans, but some of the plans may deny benefits for early intervention services, thereby eliminating a source of private funds for the payment of early intervention services;

(h) Pursuant to part C of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, there is an urgent and substantial need to facilitate the coordination of payment for early intervention services from federal, state, local, and private sources, including public medical assistance and private insurance coverage;

(i) Existing levels of local, state, federal, and private funding may be more efficiently used, more children may be served, and a higher quality of services may be provided if the existing early intervention system is modified to create a more coherent and coordinated system of payment for early intervention services;

(j) The involvement of a child's primary health-care provider and other health-care providers is an essential component of effective planning for the provision of early intervention services; and

(k) The provision of early intervention services is intended only to meet the developmental needs of an infant or toddler and not to replace other needed medical services that are recommended by the child's primary health-care provider.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 613, § 3, effective July 1.

Editor's note: This section is similar to former § 27-10.5-701 as it existed prior to 2022.

26.5-3-402. Definitions.

As used in this part 4, unless the context otherwise requires:

(1) "Administrative unit" means a school district, a board of cooperative services, a charter school network, a charter school collaborative, or the state charter school institute that is providing educational services to exceptional children and that is responsible for the local administration of the education of exceptional children pursuant to article 20 of title 22.

(2) "Carrier" has the same meaning as set forth in section 10-16-102 (8).

(3) "Certified early intervention service broker" or "broker" means:

(a) Repealed.

(b) On and after July 1, 2024, a case management agency or an entity, as those terms are defined in section 25.5-6-1702, that has entered into a contract with the department to perform the duties and functions specified in section 26.5-3-408 in a particular defined service area. Notwithstanding section 27-10.5-104 (4), if there is not a case management agency or an entity and the department is unable to designate an organization to serve as the broker for a particular defined service area, the department shall serve as the broker for the defined service area and may contract directly with early intervention service providers to provide early intervention services to eligible children in the defined service area.

(4) "Child find" means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve all children with disabilities, from birth to twenty-one years of age. Child find includes:

(a) Part C child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from birth through two years of age; and

(b) Part B child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children from three to twenty-one years of age.

(5) "Coordinated system of payment" means the policies and procedures developed by the department, in cooperation with the departments of education, health care policy and financing, and public health and environment, and with the division of insurance in the department of regulatory agencies, private health insurance carriers, and certified early intervention service brokers, to ensure that available public and private sources of funds to pay for early intervention services for eligible children are accessed and utilized in an efficient manner.

(6) "Defined service area", on and after July 1, 2024, means the geographical area that a community-centered board serves as specified in the contract between the community-centered board and the department.

(7) Repealed.

(8) "Early intervention evaluations" means evaluations conducted pursuant to the early intervention program for infants and toddlers under part C of IDEA.

(9) "Early intervention services" means services as defined by the department in accordance with part C that are authorized through an eligible child's IFSP and are provided to families at no cost or through the application of a sliding fee schedule. Early intervention services, as specified in an eligible child's IFSP, qualify as meeting the standard for medically necessary services as used by private health insurance and as used by public medical assistance, to the extent allowed pursuant to section 25.5-1-124.

(10) "Early intervention state plan" means the state plan for a comprehensive and coordinated system of early intervention services required pursuant to part C.

(11) "Eligible child" means an infant or toddler, from birth through two years of age, who, as defined by the department in accordance with part C, has significant delays in development or has a diagnosed physical or mental condition that has a high probability of resulting in significant delays in development or who is eligible for services pursuant to section 27-10.5-102 (11)(c).

(12) "Evaluation" means:

(a) For the purposes of part C child find, the procedures used to determine a child's initial and continuing eligibility for part C child find, including but not limited to:

(I) Determining the status of the child in each of the developmental areas;

(II) Identifying the child's unique strengths and needs;

(III) Identifying any early intervention services that might serve the child's needs; and

(IV) Identifying priorities and concerns of the family and any resources to which the family has access.

(b) For the purposes of part B child find, the procedures used under IDEA for children with disabilities to determine whether a child has a disability and the nature and extent of special education and related services that the child will need.

(13) "IDEA" means the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and its implementing regulations, 34 CFR part 300 and also 34 CFR part 303 as it pertains to child find.

(14) "Individualized family service plan" or "IFSP" means a written plan developed pursuant to 20 U.S.C. sec. 1436, as amended, and 34 CFR 303.340, or any successor regulation, that authorizes the provision of early intervention services to an eligible child and the child's family. An IFSP serves as the individualized plan, pursuant to section 27-10.5-102 (20)(c), for a child from birth through two years of age.

(15) "Infants and toddlers" means children from birth through two years of age.

(16) "Multidisciplinary team" means the involvement of two or more disciplines or professions in the provision of integrated and coordinated services, including evaluation and assessment activities defined in 34 CFR 303.321, or any successor regulation, and development of the child's IFSP.

(17) "Part B" means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from three to twenty-one years of age.

(18) "Part C" means the early intervention program for infants and toddlers who are eligible for services under part C of IDEA.

(19) "Private health insurance" means a health coverage plan, as defined in section 10-16-102 (34), that is purchased by individuals or groups to provide, deliver, arrange for, pay for, or reimburse any of the costs of health-care services, as defined in section 10-16-102 (33), provided to a person entitled to receive benefits or services under the health coverage plan.

(20) "Public medical assistance" means medical services that are provided by the state through the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, or the "Children's Basic Health Plan Act", article 8 of title 25.5, or other public medical assistance funding sources to qualifying individuals.

(21) "Qualified early intervention service provider" or "qualified provider" means a person or agency, as defined by the department by rule in accordance with part C, who provides early intervention services or early intervention evaluations and is listed on the registry of early intervention service providers pursuant to section 26.5-3-408 (1). In the event of a shortage of qualified early intervention evaluators, the department may contract with an administrative unit to conduct early intervention evaluations if a contract is entered between the department and the administrative unit, including written consent of the director of special education, with conditions for conducting and completing the evaluations, including identification of staff, costs for services, timelines for contract completion, and any other contract elements.

(22) "Service coordination" means the activities carried out by a service coordinator to coordinate evaluation and intake activities, assist, and enable an eligible child and the eligible child's family to receive the rights, procedural safeguards, and services that are authorized to be provided under part C.

(23) "State interagency coordinating council" means the council that is established pursuant to part C and appointed by the governor to advise and assist the lead agency designated or established under part C.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 614, § 3, effective July 1; (1) amended, (HB 22-1294), ch. 242, p. 1796, § 15, effective August 10.

Editor's note: (1) This section is similar to former § 27-10.5-702 as it existed prior to 2022.

(2) Amendments to § 27-10.5-702 (1) by HB 22-1294 were harmonized and relocated to subsection (1) as it was amended by HB 22-1295.

(3) Subsections (3)(a)(II) and (7)(b) provided for the repeal of subsections (3)(a) and (7), respectively, effective July 1, 2024. (See L. 2022, p. 614.)

26.5-3-403. Early intervention services - administration - duties of department - rules.

(1) Subject to annual appropriation from the general assembly, the department shall administer early intervention services and shall coordinate early intervention services with existing services provided to eligible children and their families.

(2) The executive director shall promulgate rules as necessary for the implementation of this part 4 and to ensure that all IDEA timelines and requirements are met, including but not limited to administrative remedies if the timelines and requirements are not met.

(3) In administering early intervention services, the department shall perform the following duties:

(a) Design early intervention services in a manner consistent with part C;

(b) Develop rules, for promulgation by the executive director, after consultation with the state interagency coordinating council;

(c) Ensure eligibility determination for a child with disabilities from birth through two years of age, based in part on information received concerning the screening and evaluation;

(d) Ensure that an individualized family service plan is developed for infants and toddlers from birth through two years of age who are eligible for early intervention services. The IFSP must be developed in compliance with part C requirements, including the mandatory IFSP meeting at which the family receives information concerning the results of the initial early intervention evaluation. The initial IFSP must be developed in collaboration with a representative

from an evaluation provider that participated in the child's evaluation. The representative shall participate in the initial meeting for the development of the child's IFSP.

(e) Allocate money;

(f) (I) Repealed.

(II) On and after July 1, 2024, coordinate training and provide technical assistance to certified early intervention service brokers, service providers, and other constituents who are involved in the delivery of early intervention services to eligible children;

(g) Monitor and evaluate early intervention services provided through this part 4;

(h) Coordinate contracts, expenditures, and billing for early intervention services provided through this part 4; and

(i) On and after July 1, 2024, certify early intervention service brokers within a defined service area.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 618, § 3, effective July 1.

Editor's note: (1) This section is similar to former § 27-10.5-703 as it existed prior to 2022.

(2) Subsection (3)(f)(I)(B) provided for the repeal of subsection (3)(f)(I), effective July 1, 2024. (See L. 2022, p. 618.)

26.5-3-404. Child find - responsibilities - interagency operating agreements.

(1) The department shall perform the following responsibilities and duties for infants and toddlers who are referred for early intervention services:

(a) Develop and implement, in coordination with certified early intervention service brokers, service agencies, governmental units, and the departments of education, public health and environment, and health care policy and financing, a statewide plan for public education, outreach, and awareness efforts related to child find and the availability of early intervention services;

(b) Ensure that referrals from the community are accepted and families are assisted in connecting with the appropriate agency for intake and case management services, as defined in section 25.5-10-202;

(c) Facilitate the implementation of early intervention evaluations that are the responsibility of the department pursuant to this part 4 and implement an effective and collaborative system of early intervention services. The department shall enter into any necessary interagency operating agreements at the state and local levels for such facilitation and implementation.

(d) Facilitate the implementation of part C child find and early intervention evaluations and the use of medicaid funds. The department and entities that conduct early intervention evaluations may, when appropriate, share information with the department of education, the department of health care policy and financing, or other entities that conduct early intervention evaluations, so long as each department or local agency acts in compliance with the federal "Health Insurance Portability and Accountability Act of 1996", 42 U.S.C. sec. 1320d, as amended, and the federal "Family Educational Rights and Privacy Act of 1974", 20 U.S.C. sec. 1232g, as amended, and all federal regulations and applicable guidelines adopted thereto.

(2) As of July 1, 2022, the department shall administer part C child find pursuant to this part 4.

(3) On or before July 1, 2022, the department shall establish a state-level interagency operating agreement, referred to in this section as the "agreement", with the department of education concerning the coordination of transitions of children from part C child find to part B child find. In developing the agreement, the department and the department of education shall involve stakeholder participation, including representatives from administrative units and part C entities. The agreement must also include:

(a) The definition of a child who is potentially eligible for part B;

(b) The processes for a parent of a child to opt out of required notifications;

(c) The required notification concerning a child who is potentially eligible for part B;

(d) A process for resolving disputes between an administrative unit and a part C entity concerning the satisfaction of agreement requirements, including remedies and sanctions;

(e) A process for resolving disputes between the department and the department of education concerning systemic and statewide issues related to agreement requirements;

(f) The development and delivery of standardized communication materials for a parent of a child who is potentially eligible for part B, including information concerning eligibility, referral, evaluation, and service delivery;

(g) The development and delivery of standardized training for part C and part B providers, including information concerning eligibility, referral, evaluation, and service delivery for the programs;

(h) The process for transferring a child's assessment, IFSP, and other necessary information to an administrative unit for consideration of a part B evaluation and eligibility determination, if a parent has provided written consent;

(i) (I) Processes to ensure timely notification to the administrative unit if a child is potentially eligible for part B. At a minimum, timely notification must occur not later than when a child is two years and six months of age; except that timely notification must occur not later than when a child is two years and three months of age if a child has a low incidence diagnosis including, but not limited to, visual impairment, including blindness; hearing impairment, including deafness; or deaf-blind.

(II) If a child is determined to be eligible for part C when the child is older than the ages described in subsection (3)(i)(I) of this section, timely notification must occur not later than ten business days after the eligibility determination.

(j) A process for including an administrative unit representative in a transition conference for a child who transitions from part C to part B;

(k) A process for including an early intervention services provider in the development of an IEP, as defined in section 22-20-103 (15), if requested by the parent of the child; and

(l) A process for timely transferring data that is required by law between the department and the department of education.

(4) The department and the department of education shall review and revise the agreement to account for any changes to state or federal law, as necessary. At a minimum, the agreement must be reviewed once every five years. In the review and revision of the agreement, the department and the department of education shall involve stakeholder participation, including representatives from administrative units and part C entities.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 619, § 3, effective July 1.

Editor's note: This section is similar to former § 27-10.5-704 as it existed prior to 2022.

26.5-3-405. Authorized services - conditions of funding - purchases of services - rules.

(1) (a) Repealed.

(b) The executive director shall promulgate rules as necessary, in accordance with this part 4, to implement, on and after July 1, 2024, the purchase of early intervention services directly or through certified early intervention service brokers.

(2) (a) Repealed.

(b) On and after July 1, 2024, certified early intervention service brokers and service agencies receiving money pursuant to section 26.5-3-408 shall comply with all of the provisions of this part 4 and the rules promulgated pursuant to this part 4.

(3) (a) and (b) Repealed.

(c) On and after July 1, 2024, certified early intervention service brokers shall obtain or provide early intervention services, subject to available appropriations, including but not limited to:

(I) Service coordination with families of eligible children. The purpose of service and support coordination is to enable a family to utilize service systems to meet its needs in an effective manner and increase the family's confidence and competence. Service coordination is to be rendered in an interagency context that emphasizes interagency collaboration. A family must have, to the extent possible, a choice as to who performs certain facets of service coordination as established in the family's individualized family service plan.

(II) Coordination of early intervention services with local agencies and other community resources at the local level to avoid duplication and fragmentation of early intervention services. A certified early intervention service broker shall:

(A) Coordinate with the local interagency effort regarding outreach, identification, screening, multidisciplinary assessment, and eligibility determination for families served by the certified early intervention service broker who requested the services;

(B) Coordinate with the local family support services program; and

(C) Coordinate with other appropriate state agencies providing programs for infants and toddlers.

(4) The department is authorized to use up to three percent of the amount of the appropriation for early intervention services for training and technical assistance to ensure that the latest developments for early intervention services are rapidly integrated into service provision throughout the state.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 621, § 3, effective July 1.

Editor's note: (1) This section is similar to former § 27-10.5-705 as it existed prior to 2022.

(2) Subsections (1)(a)(II), (2)(a)(II), and (3)(b) provided for the repeal of subsections (1)(a), (2)(a), and (3)(a) and (3)(b), respectively, effective July 1, 2024. (See L. 2022, p. 621.)

26.5-3-406. Coordinated system of payment for early intervention services - duties of departments.

(1) In order to implement the provisions of this part 4, the department, as lead agency for part C, is responsible for the following, subject to available appropriations:

(a) Establishing an early intervention state plan for a statewide, comprehensive system of early intervention evaluations and early intervention services in accordance with part C child find;

(b) Establishing an interagency operating agreement between the department and the departments of education, health care policy and financing, and public health and environment regarding the responsibilities of each department to assist in the development and implementation of a statewide, comprehensive system of early intervention services and a coordinated system of payments for early intervention services;

(c) Developing, in cooperation with the department of education, the department of health care policy and financing, the department of public health and environment, the division of insurance in the department of regulatory agencies, private health insurance carriers, and certified early intervention service brokers, a coordinated system of payment of early intervention services using public and private money;

(d) (I) Repealed.

(II) On and after July 1, 2024, certifying early intervention service brokers for early intervention services provided pursuant to this part 4; and

(e) Ensuring an appropriate allocation of payment responsibilities for early intervention services among federal, state, local, and private sources, including public medical assistance and private insurance coverage.

(2) Any additional source of money that may become available for the payment of early intervention services on or after July 1, 2008, as a result of the development and implementation of a statewide, comprehensive system of early intervention services and a coordinated system of payments for early intervention services must not replace or reduce any other federal or state money available for the payment of early intervention services on or before July 1, 2008.

(3) (a) Repealed.

(b) On and after July 1, 2024, nothing in this part 4 inhibits, encumbers, or controls the use of local money, including county grants, revenues from local mill levies, and private grants and contributions, that a certified early intervention service broker or county government may elect to allocate for the benefit of eligible children.

(4) In developing a coordinated system of payment, the department shall not directly or indirectly create a new entitlement for early intervention services funded from the state general fund. However, this subsection (4) does not prohibit any adjustments to public medical assistance required by section 25.5-1-124.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 623, § 3, effective July 1.

Editor's note: (1) This section is similar to former § 27-10.5-706 as it existed prior to 2022.

(2) Subsections (1)(d)(I)(B) and (3)(a)(II) provided for the repeal of subsections (1)(d)(I) and (3)(a), respectively, effective July 1, 2024. (See L. 2022, p. 623.)

26.5-3-407. Cooperation among state agencies - implementing coordinated payment system - revisions to rules.

(1) The departments of education, health care policy and financing, and public health and environment shall cooperate with the department to implement the provisions of this part 4 and each department shall:

(a) Participate in the ongoing review of funding practices for early intervention services and develop or revise procedures for a coordinated system of payment for early intervention services;

(b) Use uniform forms and procedures for billing the costs of early intervention services to public medical assistance, as specified in the "Colorado Medical Assistance Act", articles 4 to 6 of title 25.5, or the "Children's Basic Health Plan Act", article 8 of title 25.5, as appropriate, and private health insurance, as specified in part 1 of article 16 of title 10;

(c) Coordinate revisions to existing rules that are necessary to implement this part 4; and

(d) Perform other tasks and functions necessary for the implementation of this part 4.

(2) The division of insurance in the department of regulatory agencies shall provide assistance to the department related to the requirements and implementation of section 10-16-104 (1.3) and insurance laws and rules related to billing and claims handling.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 624, § 3, effective July 1.

Editor's note: This section is similar to former § 27-10.5-707 as it existed prior to 2022.

26.5-3-408. Certified early intervention service brokers - duties - payment for early intervention services - fees.

(1) (a) Repealed.

(b) On and after July 1, 2024, for each defined service area in the state, the certified early intervention service broker for the area shall:

(I) Establish a registry of qualified early intervention service providers to provide early intervention services to eligible children in the defined service area. The certified early intervention service broker for a defined service area may provide early intervention services directly or may subcontract the provision of services to other qualified providers on the registry.

(II) Accept and process claims for reimbursement for early intervention services provided pursuant to this part 4 by qualified providers;

(III) Negotiate for the payment of early intervention services provided to eligible children in the defined service area by qualified providers, to the extent permissible under federal law; and

(IV) Ensure payment to a qualified provider for early intervention services rendered by the qualified provider.

(2) Certified early intervention service brokers shall use procedures and forms determined by the department to document the provision or purchase of early intervention services on behalf of eligible children. Invoices or insurance claims for early intervention services must be submitted based on the available funding source for each eligible child and the reimbursement rate for the appropriate federal, state, local, or private funding sources, including public medical assistance and private health insurance.

(3) The department shall establish a schedule of fees to be charged by certified early intervention service brokers for providing broker services pursuant to this part 4. In developing the fee schedule, the department shall obtain input from certified early intervention service brokers and shall consider the duties of brokers pursuant to this part 4, the expenses incurred by brokers, and the relevant market conditions.

(4) Use of a certified early intervention broker is voluntary; except that private health insurance carriers that are included pursuant to section 10-16-104 (1.3) are required to make payment in trust pursuant to section 26.5-3-409. Nothing in this part 4 prohibits a qualified

provider of early intervention services from directly billing the appropriate program of public medical assistance or a participating provider, as defined in section 10-16-102 (46), or from directly billing a private health insurance carrier for services rendered pursuant to this part 4 for insurance plans that are not included pursuant to section 10-16-104 (1.3).

(5) To the extent requested by the department, certified early intervention service brokers shall participate in ongoing reviews of funding practices for early intervention services and the development or revision of procedures for a coordinated system of payment for early intervention services.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 625, § 3, effective July 1.

Editor's note: (1) This section is similar to former § 27-10.5-708 as it existed prior to 2022.

(2) Subsection (1)(a)(II) provided for the repeal of subsection (1)(a), effective July 1, 2024. (See L. 2022, p. 625.)

26.5-3-409. Payment from private health insurance for early intervention services - trust fund.

(1) Private health insurance carriers that are required to make payment of benefits for early intervention services for which coverage is required pursuant to section 10-16-104 (1.3) shall pay benefits to the department in trust for payment to a broker or provider for early intervention services provided to an eligible child. Upon notification from the department that a child is eligible, the child's private health insurance carrier has thirty days to make payment to the department.

(2) (a) When a private health insurance carrier makes payments of benefits for an eligible child to the department in trust, the money must be deposited in the early intervention services trust fund, which trust fund is created in the state treasury. Except as provided in subsection (2)(b) of this section, the principal of the trust fund must only be used to pay certified early intervention service brokers or qualified early intervention service providers for early intervention services provided to the eligible child for whom the money was paid to the department in trust by the private health insurance carrier. Except as provided in subsection (2)(b) of this section, the principal of the trust fund does not constitute state fiscal year spending for purposes of section 20 of article X of the state constitution, and the money is deemed custodial funds that are not subject to appropriation by the general assembly.

(b) (I) For the 2008-09 fiscal year and each fiscal year thereafter, the general assembly shall make appropriations to the department from the principal of the early intervention services trust fund for the direct and indirect costs of administering this section. Any money appropriated to the department pursuant to this subsection (2)(b)(I) constitutes state fiscal year spending for purposes of section 20 of article X of the state constitution.

(II) All interest derived from the deposit and investment of money in the early intervention services trust fund must be credited to the trust fund, may be appropriated to the department in accordance with this subsection (2)(b)(II), and constitutes state fiscal year spending for purposes of section 20 of article X of the state constitution.

(c) Within ninety days after the department determines that a child is no longer an eligible child for purposes of section 10-16-104 (1.3), the department shall notify the carrier that the child is no longer eligible and that the carrier is no longer required to provide the coverage required by said section for that child. Any money deposited in the trust fund on behalf of an eligible child that is not expended on behalf of the child before the child becomes ineligible must be returned to the carrier that made the payments in trust for the child.

(3) No later than March 1, 2009, and no later than April 1 each year thereafter, the department shall provide a report to each private health insurance carrier that has made payments of benefits for an eligible child to the department in trust. The report must specify the total amount of benefits paid to brokers or qualified providers for services provided to the eligible child during the prior calendar year, including the amount paid to each broker or qualified provider and the services provided to the eligible child. The department shall provide the report required by this subsection (3) at least annually and more often, as determined by the department and the carrier.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 626, § 3, effective July 1.

Editor's note: This section is similar to former § 27-10.5-709 as it existed prior to 2022.

26.5-3-410. Annual report - cooperation from certified early intervention service brokers and qualified providers. (Repealed)

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 627, § 3, effective July 1. **L. 2024:** Entire section repealed, (SB 24-135), ch. 34, p. 117, § 30, effective March 22.

Editor's note: Prior to its repeal, this section was similar to former § 27-10.5-710 as it existed prior to 2022.

PART 5

COLORADO NURSE HOME VISITOR PROGRAM

26.5-3-501. Short title.

The short title of this part 5 is the "Colorado Nurse Home Visitor Program Act".

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 628, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-101 as it existed prior to 2022.

26.5-3-502. Legislative declaration.

(1) The general assembly finds that in order to adequately care for their newborns and young children, new mothers may often benefit from receiving professional assistance and information. Without such assistance and information, a young mother may develop habits or practices that are detrimental to her health and well-being and the health and well-being of her child. The general assembly further finds that inadequate prenatal care and inadequate care in infancy and early childhood often inhibit a child's ability to learn and develop throughout the child's childhood and may have lasting, adverse effects on the child's ability to function as an adult. The general assembly recognizes that implementation of a nurse home visitor program that provides educational, health, and other resources for new young mothers during pregnancy and the first years of their infants' lives has been proven to significantly reduce the amount of drug, including nicotine, and alcohol use and abuse by mothers, the occurrence of criminal activity committed by mothers and their children under fifteen years of age, and the number of reported incidents of child abuse and neglect. Such a program has also been proven to reduce the number of subsequent births, increase the length of time between subsequent births, and reduce the mother's need for other forms of public assistance. It is the intent of the general assembly that such a program be established for the state of Colorado, beginning with a limited number of participants and expanding by the year 2010 to be available to all low-income, first-time mothers in the state who consent to receiving services.

(2) The general assembly further finds that, to implement such a program efficiently and effectively and to promote the successful implementation of partnerships between state public entities and the private sector, responsibility for the program should be divided between the department, which is responsible for financial administration of the program, and a health sciences facility at the university of Colorado, which is responsible for programmatic and clinical support, evaluation, and monitoring for the program, and such other responsibilities as described in this part 5. It is the intent of the general assembly that the department and the health sciences facility work collaboratively to share information in order to promote efficient and effective program implementation; however, neither entity is responsible for the other entity's statutorily prescribed duties.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 628, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-102 as it existed prior to 2022.

26.5-3-503. Definitions.

As used in this part 5, unless the context otherwise requires:

(1) "Entity" means any nonprofit, not-for-profit, or for-profit corporation; religious or charitable organization; institution of higher education; visiting nurse association; existing visiting nurse program; county, district, or municipal public health agency; county department of human or social services; political subdivision of the state; or other governmental agency; or any combination thereof.

(1.5) "Fund" means the nurse home visitor program fund created in section 26.5-3-507 (2)(c).

(2) "Health sciences facility" means the Anschutz medical campus or a successor facility located at the university of Colorado health sciences center that is selected by the president of the university of Colorado pursuant to section 26.5-3-505 to assist the executive director in administering the program.

(3) "Low-income" means an annual income that does not exceed two hundred percent of the federal poverty line.

(4) "Master settlement agreement" means the master settlement agreement, the smokeless tobacco master settlement agreement, and the consent decree approved and entered by the court in the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney General v. R.J.*

Reynolds Tobacco Co.; American Tobacco Co., Inc.; Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T. Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and Tobacco Institute, Inc., Case No. 97 CV 3432, in the district court for the city and county of Denver.

(5) "Nurse" means a person licensed as a professional nurse pursuant to part 1 of article 255 of title 12 or accredited by another state or voluntary agency that the state board of nursing has identified by rule pursuant to section 12-255-107 (1)(a) as one whose accreditation may be accepted in lieu of board approval.

(6) "Program" means the nurse home visitor program established in this part 5.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 628, § 3, effective July 1. **L. 2026:** (1.5) added, (HB 26-1349), ch. 165, p. 989, § 4, effective May 27.

Editor's note: This section is similar to former § 26-6.4-103 as it existed prior to 2022.

26.5-3-504. Nurse home visitor program - created - rules.

(1) (a) There is established the nurse home visitor program to provide regular in-home visiting nurse services to low-income first-time mothers, with their consent, during their pregnancies and through their children's second birthday. The program provides trained visiting nurses to help educate mothers on the importance of nutrition and avoiding alcohol and drugs, including nicotine, and to assist and educate mothers in providing general care for their children and in improving health outcomes for their children. In addition, visiting nurses may help mothers in locating assistance with educational achievement and employment. Any assistance provided through the program is provided only with the consent of the low-income first-time mother, and she may refuse further services at any time.

(b) The nurse home visitor program, as it existed prior to July 1, 2022, is transferred to the department of early childhood. All rules, orders, and awards of the state board of health concerning the nurse home visitor program adopted prior to July 1, 2022, continue to be effective until revised, amended, repealed, or nullified pursuant to law. All grants in existence as of July 1, 2022, are valid through June 30, 2023, and may be extended or renewed beyond said date.

(2) The program must be administered in communities throughout the state by entities selected on a competitive basis by the health sciences facility and approved by the executive director. Any entity that seeks to administer the program shall submit an application to the department as provided in section 26.5-3-506. The entities selected pursuant to section 26.5-3-507 are expected to provide services to a minimum of one hundred low-income first-time

mothers in the community in which the entity administers the program; except that the executive director may grant a waiver of this requirement if the population base of the community does not have the capacity to enroll one hundred eligible families. The executive director shall consult with the health sciences facility prior to granting the waiver to ensure that the entity can implement the program within the smaller community and maintain compliance with the program requirements. A mother is eligible to receive services through the program if she is pregnant with her first child, or her first child is less than one month old, and her gross annual income does not exceed two hundred percent of the federal poverty line.

(3) The executive director shall promulgate, pursuant to the provisions of article 4 of title 24, rules to implement the program. The executive director shall base the rules establishing program training requirements, program protocols, program management information systems, and program evaluation requirements on research-based model programs that have been implemented in one or more other states for a period of at least five years and have shown significant reductions in:

(a) The occurrence among families receiving services through the model program of infant behavioral impairments due to use of alcohol and other drugs, including nicotine;

(b) The number of reported incidents of child abuse and neglect among families receiving services through the model program;

(c) The number of subsequent pregnancies by mothers receiving services through the model program;

(d) The receipt of public assistance by mothers receiving services through the model program;

(e) Criminal activity engaged in by mothers receiving services through the model program and their children.

(4) Notwithstanding the provisions of subsection (3) of this section, the executive director shall adopt rules pursuant to which a nurse home visitation program that is in operation in the state as of July 1, 1999, may qualify for participation in the program if it can demonstrate that it has been in operation in the state for a minimum of five years and that it has achieved a reduction in the occurrences specified in subsection (3) of this section. Any program so approved is exempt from the rules adopted regarding program training requirements, program protocols, program management information systems, and program evaluation requirements so long as the program continues to demonstrate a reduction in the occurrences specified in subsection (3) of this section.

(5) The department may propose to the executive director rules concerning program applications pursuant to section 26.5-3-506. Any such proposal must be made in consultation with the health sciences facility.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 629, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-104 as it existed prior to 2022.

26.5-3-505. Health sciences facility - duties.

(1) The president of the university of Colorado shall identify a facility at the university of Colorado health sciences center with the knowledge and expertise necessary to:

(a) Assist the executive director by selecting and presenting entities from among the applications submitted pursuant to section 26.5-3-506;

(b) Provide programmatic and clinical support, evaluation, and monitoring for the program, including nurse practice support and training, clinical and programmatic technical assistance, compliance monitoring and support, program development and implementation support, and performance improvement monitoring and support, in communities throughout the state;

(c) Cooperate with the department in connection with the department's financial administration of the program; and

(d) Work with the state auditor's office as required in section 2-3-113 (4).

(2) The health sciences facility is not responsible for the duties assigned to the department with respect to the program pursuant to section 26.5-3-507 (2)(b).

(3) The health sciences facility shall perform the duties set forth in subsection (1) of this section to ensure that the program is implemented and operated according to the program training requirements, protocols, management information systems, and evaluation requirements established by department rule. The health sciences facility shall evaluate overall program implementation, operation, and effectiveness, and include that evaluation, along with any recommendations concerning the program's selected entities or changes in the program's implementation, operation, and effectiveness, including program training requirements, protocols, management information systems, or evaluation requirements, in the annual report submitted to the department pursuant to section 26.5-3-508.

(4) The department shall compensate the health sciences facility for the health sciences facility's actual costs incurred in performing its duties pursuant to this part 5, as determined by the health sciences facility. Such duties and actual costs must be included in the scope of work in the agreement between the department and the health sciences facility for implementation of those duties and must include the costs incurred by any contractor or subcontractor of the health

sciences facility for those duties. Such compensation must be paid out of the amount allocated for the health sciences facility's costs, in accordance with the maximum allocation of three percent of the amount annually allocated for the program pursuant to section 26.5-3-507 (2).

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 631, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-105 as it existed prior to 2022.

26.5-3-506. Program applications - requirements.

(1) An entity that seeks to administer the program in a community must submit an application to the department in accordance with department rules adopted in consultation with the health sciences facility. At a minimum, the application must specify the basic elements and procedures that the entity must use in administering the program. Basic program elements must include the following:

(a) The specific training each nurse employed by the entity must receive to provide home nursing services through the program, which training must meet or exceed the visiting nurse training requirements established by department rule;

(b) The protocols the entity must follow in administering the program, which protocols at a minimum must comply with the program protocols established by department rule;

(c) The management information system the entity must use in administering the program, which at a minimum must comply with the management information system requirements established by department rule;

(d) The reporting and evaluation system the entity must use in measuring the effectiveness of the program in assisting low-income first-time mothers, which at a minimum must meet the reporting and evaluation requirements specified by department rule; and

(e) An annual report to both the health sciences facility and the community in which the entity administers the program that reports on the effectiveness of the program within the community and is written in a manner that is understandable for both the health sciences facility and members of the community.

(2) Any program application submitted pursuant to this section must demonstrate strong bipartisan public support for and a long-time commitment to operation of the program in the community.

(3) The department shall initially review the applications received pursuant to this section and submit to the health sciences facility for review those applications that include the basic program elements as required by department rules. Following its review, the health sciences facility shall submit to the executive director a list of the applying entities that the health sciences facility recommends to administer the program in communities throughout the state.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 632, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-106 as it existed prior to 2022.

26.5-3-507. Selection of entities to administer the program - grants - nurse home visitor program fund - created - report - repeal.

(1) On receipt of the list of entities recommended by the health sciences facility, the executive director shall select the entities that will administer the program in communities throughout the state. In selecting entities, the executive director shall give special consideration to entities that are proposing to administer the program as a collaborative effort among multiple entities.

(2) (a) The executive director shall specify the amounts of the grants that entities selected to operate the program receive. The grants may include operating costs and additional amounts for training and development of any infrastructure, including but not limited to development of the information management system necessary to administer the program. The executive director shall determine the number of entities selected and the number of communities in which the program is implemented based on the money available in the nurse home visitor program fund created in subsection (2)(c) of this section.

(b) Except as otherwise provided in section 26.5-3-508, the department is responsible for financial administration of this part 5, which includes compensating the health sciences facility pursuant to section 26.5-3-505 (4); paying grants to entities selected to administer the program; monitoring financial, contractual, and regulatory compliance; providing medicaid financing oversight; managing accounting and budgeting; and, in cooperation with the health sciences facility, managing grant applications as set forth in section 26.5-3-506. The department shall also cooperate with the health sciences facility's administration of programmatic and clinical support, evaluation, and monitoring of the program. The department is not responsible for any duties assigned to the health sciences facility with respect to the program, as described in section 26.5-3-505.

(c) (I) Grants awarded pursuant to subsection (2)(a) of this section are payable from the nurse home visitor program fund, which fund is created in the state treasury. The nurse home visitor program fund is administered by the department and consists of money transferred to the fund by the state treasurer from money received pursuant to the master settlement agreement in the amount described in subsection (2)(e) of this section and any other money that the general assembly may appropriate or transfer to the fund. In addition, the state treasurer shall credit to the fund any public or private gifts, grants, or donations received by the department to implement the program, including any money received from the United States federal government for the program. The fund is subject to annual appropriation by the general assembly to the department for grants to entities for operation of the program. The department may retain the amount needed to pay for the program's share of the department's indirect costs, as calculated under the federally approved cost allocation plan. In addition, the department may retain a total of up to five percent of the amount annually appropriated from the fund for the program, in order to compensate the health sciences facility pursuant to section 26.5-3-505 (4), as set forth in the scope of work in the agreement between the department and the health sciences facility, and to compensate the department for the actual costs the department incurs in implementing subsection (2)(b) of this section, as determined by the department; except that the portion of the costs to compensate the department for implementing subsection (2)(b) of this section must not exceed two percent of the amount annually appropriated from the fund for the program, and the portion of such costs to compensate the health sciences facility pursuant to section 26.5-3-505 (4), as set forth in the scope of work in the contract between the department and the health sciences facility, must not exceed three percent of the amount annually appropriated from the fund for the program. In addition, if the total amount annually appropriated from the fund for the program exceeds nineteen million dollars, the department and the health sciences facility shall assess whether a smaller percentage of the appropriated funds exceeding nineteen million dollars is adequate to cover their actual costs and shall jointly submit to the general assembly a report articulating their conclusions on this subject. The actual costs of the department include department personnel and operating costs and any necessary transfers to the department of health care policy and financing for administrative costs incurred for the medicaid program associated with the program. The actual costs of the health sciences facility include the facility's own actual program costs and those of its contractors and subcontractors. Any costs for time studies required to obtain medicaid reimbursement for the program may be paid from program funds and are not subject to the five percent limit in this section. Notwithstanding section 24-36-114, all interest derived from the deposit and investment of money in the fund must be credited to the fund. Except as otherwise provided in subsections (2)(c)(II) and (2)(c)(III) of this section, all unexpended and unencumbered money in the fund at the end of any fiscal year remains in the fund and must not be transferred to the general fund or any other fund.

(II) On July 1, 2020, the state treasurer shall transfer four million two hundred thirty-seven thousand three hundred seventy-five dollars from the fund to the general fund.

(III) (A) On July 1, 2026, and on each July 1 thereafter through July 1, 2029, the state treasurer shall transfer five million one hundred thousand dollars from the fund to the Colorado child abuse prevention trust fund created in section 26.5-3-206.

(B) This subsection (2)(c)(III) is repealed, effective July 1, 2030.

(d) Repealed.

(e) Pursuant to section 24-75-1104.5 (1.7)(a), and except as otherwise provided in section 24-75-1104.5 (5), for the 2016-17 fiscal year and for each fiscal year thereafter so long as the state receives money pursuant to the master settlement agreement, the state treasurer shall transfer to the fund twenty-eight and seven-tenths percent of the master settlement agreement money received by the state, other than attorney fees and costs, during the preceding fiscal year. The transfer must be from money credited to the tobacco litigation settlement cash fund created in section 24-22-115.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 633, § 3, effective July 1. **L. 2024:** (2)(e) amended, (HB 24-1388), ch. 93, p. 300, § 2, effective April 18. **L. 2025:** (2)(e) amended, (SB 25-300), ch. 428, p. 2452, § 42, effective August 6. **L. 2026:** (2)(c)(I) amended, (2)(c)(III) added, and (2)(d) repealed, (HB 26-1349), ch. 165, p. 989, § 5, effective May 27.

Editor's note: This section is similar to former § 26-6.4-107 as it existed prior to 2022.

26.5-3-508. Annual program review - audit.

(1) The health sciences facility shall annually prepare and submit to the department a report including an evaluation of the implementation of the program, the results achieved by the program based on the annual reports submitted by the administering entities pursuant to section 26.5-3-506 (1)(e), the extent to which the program serves medicaid-eligible persons and provides services that may be provided in part through medicaid funding, and any recommendations concerning changes to the program, including any changes that may be appropriate to enable the program to receive and maximize medicaid funding. Each program contractor and subcontractor and each entity that administers the program shall work with the health sciences facility and the department to prepare the reports required pursuant to this section and section 2-3-113 (2). Any entity that is administering the program is subject to a reduction in or cessation of funding if the executive director, based on recommendations from the health sciences facility, determines that the entity is not operating the program in accordance with the program requirements established

by department rule or is operating the program in such a manner that the program does not demonstrate positive results.

(2) The state auditor's office, pursuant to section 2-3-113, shall audit each entity administering the program to determine whether the entity is administering the program in compliance with the program requirements and in an effective manner. The audit must be conducted and reported in accordance with section 2-3-113.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 635, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.4-108 as it existed prior to 2022.

PART 6

SOCIAL-EMOTIONAL LEARNING PROGRAMS

26.5-3-601. Legislative declaration.

(1) The general assembly finds and declares that:

(a) Young children from low-income families often struggle to achieve the same outcomes as their peers from higher-income families because they rarely have access to the same supports, particularly those supports with a focus on the development of social-emotional skills like emotion regulation, pro-social communication, and problem solving;

(b) Exposure to poverty, a stressful home environment, and delays in the development of behavioral and academic skills at a young age are strong predictors of later academic challenges, health issues, behavior problems, substance abuse, lower educational attainment, lower rates of employment, teen parenthood, and the likely recurrence of these risk factors for the next generation of children;

(c) Research demonstrates that the opportunity to support positive development experiences during early childhood using evidence-based interventions that support sensitive and responsive caregiver-child interactions are linked to children's academic and social competence; and

(d) Helping teachers and parents learn when and how to use these evidence-based interventions has demonstrated reductions in parental depression and increases in parental self-confidence; increases in positive family communication and problem solving; increases in children's appropriate cognitive problem-solving strategies and in the use of pro-social conflict management strategies with peers; reductions in conduct problems at home and conduct

problems in school that often lead to suspension and expulsion; and increases in children's positive affect and cooperation, positive interactions with peers, school readiness, and engagement with school activities.

(2) (a) The general assembly finds, therefore, that it is in the best interests of the state to authorize the department to implement proven, evidence-based, two-generation prevention programs to teach teachers and parents strategies and skills to connect with all children, especially those who demonstrate challenging behaviors; to promote children's social competence; to reduce behavior problems; and to provide programming to children to help them learn problem-solving and emotion-control skills. The goals of providing these programs are to strengthen teacher-child and parent-child relationships and promote child behavioral change, including self-regulation and decreased aggressive behavior and impulsivity.

(b) The general assembly further finds that, to implement these programs efficiently and effectively and to promote successful partnerships between state agencies and the private sector, it is appropriate to divide responsibility for the programs between the department, which is responsible for financial administration of the programs, and an implementation partner, which is responsible for programmatic and clinical support, evaluation, and monitoring for the programs, and such other responsibilities as may be described in this part 6. It is the intent of the general assembly that the department and the implementation partner work collaboratively to share information as necessary to promote efficient and effective program implementation.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 635, § 3, effective July 1.

26.5-3-602. Definitions.

As used in this part 6, unless the context otherwise requires:

(1) "Entity" means an individual local implementation site, such as a provider of early childhood services; a school district, as defined in section 22-7-1003, or a charter school, as defined in section 22-60.5-102; a community mental health center; any other governmental agency; or any combination of these entities.

(2) "Grant program" means the social-emotional learning programs grant program created in section 26.5-3-603.

(3) "Implementation partner" means a private entity that has extensive experience and expertise in early child care programming of the type described in section 26.5-3-603 and in implementation science and with which the department contracts pursuant to section 26.5-3-603 (2) to assist in implementing the grant program.

(4) "Social-emotional learning program" means an evidence-based, two-generation program that provides training for teachers and parents in strategies and skills for connecting with all young children, especially those who demonstrate challenging behaviors, and for teaching and promoting the development of social competence and emotional self-monitoring and self-management in young children; and provides direct programming for young children in problem solving, anger control, self-monitoring of emotions, succeeding in school, and making friends.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 636, § 3, effective July 1.

26.5-3-603. Social-emotional learning programs grant program - created - implementation partner - application - selection - funding - rules.

(1) The social-emotional learning programs grant program is created in the department. The department shall administer the grant program in collaboration with an implementation partner selected pursuant to subsection (2) of this section. Subject to annual appropriations, the department shall award grants to entities that apply pursuant to subsection (3) of this section to provide social-emotional learning programs for young children and their parents in communities throughout the state. The executive director is authorized to promulgate rules as necessary to implement the grant program.

(2) As soon as practicable after July 1, 2022, the department shall initiate a formal request for proposals process to select and contract with a Colorado-based private, nonprofit organization to serve as an implementation partner. The implementation partner shall:

(a) Assist the department in selecting from among applicants those entities that receive grants to provide social-emotional learning programs pursuant to this part 6;

(b) Perform community readiness assessments and provide training, coaching, and monitoring for the implementation of social-emotional learning programs by the entities that receive grants;

(c) Provide ongoing quality assessments and improvement recommendations for the selected entities to ensure high-quality implementation and sustainability of social-emotional learning programs;

(d) Provide to the department site-specific and statewide process and outcomes evaluations of social-emotional learning programs and the grant program as described in this section;

(e) Assist the department with the financial administration of grants pursuant to this part 6 and work with the office of the state auditor as required;

(f) Annually provide to each entity that receives money through the grant program a detailed data report of the entity's implementation of the social-emotional learning programs that includes an assessment of the program's success in achieving positive outcomes for children and their families and identification of areas for practice improvement; and

(g) Annually prepare and submit to the department an evaluation of the outcomes of the social-emotional learning programs that entities implement using money received through the grant program.

(3) An entity that seeks grant money to implement or expand a social-emotional learning program must submit an application to the department in accordance with department rules and procedures. At a minimum, the application must:

(a) Identify the social-emotional learning program curriculum that the entity will use, which must:

(I) Include components that provide a curriculum for parents, teachers, and preschool- and kindergarten-age children;

(II) Be a proven, research-based intervention to support healthy youth development; and

(III) Have been previously implemented with success by early childhood program providers; and

(b) Specify whether the entity has previously provided social-emotional learning programs and, if so, the demographics of the children and families served. An applicant that has not previously provided social-emotional learning programs must work with the implementation partner to complete a community readiness assessment before submitting an application or within three months after submitting the application.

(4) The department shall work with the implementation partner to review and select grantees from among the applying entities. In addition to any other selection criteria that may be identified in rules of the department, the department shall base selection of grantees on the applicant's use of a curriculum that meets the requirements specified in subsection (3)(a) of this section and on the applicant's service to under-resourced children and families who have a clearly identified need or the outcome of the community readiness assessment. The department shall pay the grants awarded through the program from money appropriated for the program pursuant to subsection (5) of this section.

(5) The general assembly shall annually appropriate money to the department to implement the grant program. The general assembly may appropriate money for the grant program from the marijuana tax cash fund created in section 39-28.8-501. The department may expend a portion of the amount appropriated pursuant to this subsection (5) to pay the costs incurred in implementing the grant program, including the costs incurred in contracting with the implementation partner.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 637, § 3, effective July 1. **L. 2026:** (3)(a)(II) and (3)(a)(III) amended, (HB 26-1259), ch. 119, p. 505, § 4, effective May 5.

PART 7

EARLY CHILDHOOD MENTAL HEALTH CONSULTATION PROGRAM

26.5-3-701. Definitions.

As used in this part 7, unless the context otherwise requires:

(1) "Mental health consultant" means an early childhood mental health consultant who is funded by appropriations allocated or awarded to the department for the program and who meets the qualifications outlined in the program designed and developed pursuant to this part 7.

(2) "Program" means the statewide voluntary program of early childhood mental health consultation designed, implemented, and operated by the department pursuant to this part 7.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 639, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-401 as it existed prior to 2022.

26.5-3-702. Early childhood mental health consultation - statewide program - creation - purpose - rules.

(1) (a) On or before July 1, 2022, the department shall design, implement, and operate the statewide voluntary program of early childhood mental health consultation to expand and enhance current practices across the state. The department, through the program, shall support mental health in a variety of settings, including but not limited to early child care and learning, elementary schools, home visitation, child welfare, public health, and health care, including settings providing prenatal and postpartum care.

(b) In designing and developing the program, the department shall work in consultation with the national center of excellence for infant and early childhood mental health consultation funded by the United States department of health and human services; nationally recognized entities that support implementation of sustainable systems or programs that focus on promoting the social, emotional, and behavioral outcomes of young children; and key stakeholders in the state,

including mental health professionals, nonprofit organizations with expertise in mental health, organizations representing parents of children who would benefit from early childhood mental health consultation, hospitals and other health-care provider organizations with expertise working with children facing behavioral health and other challenges to optimal growth and development, early child care and education providers, and clinicians with expertise in infant and early childhood mental health.

(c) The department shall coordinate with community-based organizations to ensure the effective implementation of the program and model of consultation established pursuant to section 26.5-3-703, as well as support the availability of resources across the state to support the program and the mental health consultants in the program in their work.

(d) The executive director may promulgate rules for the design, implementation, and operation of the program.

(2) The purpose of the program is to:

(a) Increase the number of qualified and appropriately trained mental health consultants throughout the state who will consult with professionals working with children across a diversity of settings, as well as other adults, including family members, who directly interact with and care for children;

(b) Support and provide guidance and training, through visits with mental health consultants in the program, to families, expecting families, caregivers, and providers across diverse settings in addressing the healthy social-emotional developmental needs of children and families during the prenatal period through six years old;

(c) Develop a defined model of consultation that is rooted in diversity, equity, and inclusion for the state pursuant to section 26.5-3-703 that includes qualifications and competencies for mental health consultants, job expectations, expected outcomes, and guidance on ratios between mental health consultants in the program and the settings they support; and

(d) Develop and maintain a statewide professional development plan pursuant to section 26.5-3-704 that assists the mental health consultants in meeting the expectations and developing the competencies set forth in the model of consultation established pursuant to section 26.5-3-703.

(3) Nothing in this part 7 creates or expands the regulatory authority of the department over mental health professionals who are not funded by appropriations made to the department for the program pursuant to this part 7.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 639, § 3, effective July 1. **L. 2026:** (2)(b) amended, (HB 26-1259), ch. 119, p. 505, § 5, effective May 5.

Editor's note: This section is similar to former § 26-6.5-402 as it existed prior to 2022.

26.5-3-703. Model of early childhood mental health consultation - standards and guidelines - qualifications.

(1) The department shall design and develop, in consultation with the stakeholders listed in section 26.5-3-702 (1)(b), a model of consultation for the program that includes qualifications for mental health consultants, job expectations, expected outcomes, and guidance on ratios between mental health consultants and the settings they support, referred to in this section as "the model". The model must include standards and guidelines to ensure the program is implemented effectively, with primary consideration given to evidence-based services. The standards and guidelines must include:

(a) Clear qualifications for mental health consultants in the program, including, at a minimum, expertise in adult and child mental health theory, practice, and services; early childhood, child development, and family systems; knowledge of, and skills to address, circumstances that affect children's behavior and mental health; knowledge of developmental science and milestones; knowledge of a consultative model of practice; and available resources and services to children and families to alleviate family stress;

(b) Expectations for the placement of regional consultants that will most effectively meet local community need for mental health consultants in the program. The department shall periodically conduct an open and competitive selection process for the placement of any publicly funded mental health consultants in the program.

(c) Guidance concerning the scope of work that mental health consultants in the program may provide to professionals working with young children and families, including guidance on appropriate referrals, training, coaching, prevention, and any other appropriate services;

(d) Methods to increase the availability of bilingual or multilingual mental health consultants in the program and otherwise ensure the cultural competency of mental health consultants in the program and ensure that the consultant population reflects an array of characteristics and backgrounds and is reflective of the diversity of the providers, children, and families being served;

(e) Guidance on the diverse settings in which and types of providers with whom mental health consultants in the program may work to meet the varied needs of children and families from prenatal through six years old. The model must include provisions that ensure that mental health consultants in the program may work with a diverse range of professionals and caregivers, including, but not limited to, early child care and education teachers and providers, elementary school teachers and administrators, home visitors, child welfare caseworkers, public health

professionals, and health-care professionals, including settings providing prenatal and postpartum care.

(f) Anticipated outcomes that the program and mental health consultants in the program should achieve, including:

(I) Promoting social-emotional growth and development of children;

(II) Providing guidance to professionals and caregivers to effectively understand and support children's positive behavior and development;

(III) Understanding the effects of trauma and adversity, including oppression, prejudice, discrimination, racism, and gender inequity, on the developing brain to ultimately reduce challenging behaviors and increase positive early experiences;

(IV) Promoting high-quality interactions and relationships between children and adults;

(V) Supporting the mental health and well-being of adults who care for children;

(VI) Connecting and referring children, families, and providers to programs, resources, and supports that will assist them in their development and success while addressing barriers to accessing such resources and supports;

(VII) Supporting equitable, inclusive outcomes for the diverse providers, children, and families throughout the state; and

(g) Guidance on appropriate ratios of mental health consultants and the settings they support, as well as caseload expectations.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 640, § 3, effective July 1. **L. 2026:** IP(1) and (1)(e) amended, (HB 26-1259), ch. 119, p. 506, § 6, effective May 5.

Editor's note: This section is similar to former § 26-6.5-403 as it existed prior to 2022.

26.5-3-704. Statewide professional development plan for early childhood mental health consultants.

(1) On or before July 1, 2022, the department shall develop a statewide professional development plan to support mental health consultants in the program in meeting the expectations set forth in the model of consultation described in section 26.5-3-703, referred to in this section as "the plan". In developing the plan, the department shall work collaboratively, to

the extent practicable, with the national center of excellence for infant and early childhood mental health consultation funded by the United States department of health and human services. The department may implement the plan in partnership with nonprofits, institutions of higher education, and credentialing programs focused on infant and early childhood mental health.

(2) The plan must include, at a minimum, training related to:

(a) Trauma and trauma-informed practices and interventions;

(b) Adverse childhood experiences;

(c) The science of resilience and interventions to promote resilience;

(d) Child development through six years old;

(e) Caregiver substance use and effective family interventions;

(f) Impact of inequity and bias on children, families, caregivers, mental health consultants, and providers, and strategies to mitigate such impact;

(g) Sensory processing issues;

(h) The needs of children with developmental delays and disabilities, including children born prematurely or with special health-care needs, and special education law;

(i) Colorado's child protection and foster care system;

(j) Occupational therapy, speech therapy, physical therapy, and mental health therapy;

(k) Other public and private supports and services;

(l) Early childhood social-emotional development and family systems;

(m) Early childhood mental health diagnosis and effective treatment models; and

(n) Consultation as a model of adult learning.

(3) The plan must also:

(a) Allow mental health consultants in the program to access regionally appropriate and culturally responsive programs to best link them to the children and families in their communities and their unique needs;

(b) Include strategies for mental health consultants in the program to establish individualized coaching as requested by teachers, caregivers, and families; and

(c) Provide opportunities for regular support meetings between mental health consultants in the program; supervisors, including reflective supervisors; and peer mental health consultants. The support meetings must include reflections on the practice impact of attitudes and values.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 642, § 3, effective July 1. **L. 2026:** (2)(d) amended, (HB 26-1259), ch. 119, p. 506, § 7, effective May 5.

Editor's note: This section is similar to former § 26-6.5-404 as it existed prior to 2022.

26.5-3-705. Statewide qualifications and competencies for early childhood mental health consultants.

The department shall ensure that each mental health consultant funded through the program meets the qualifications and competencies outlined in the program as designed and developed pursuant to this part 7.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 643, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-405 as it existed prior to 2022.

26.5-3-706. Data collection - reporting.

(1) On or before July 1, 2023, the department shall develop a statewide data collection and information system to analyze implementation data and selected outcomes to identify areas for improvement, promote accountability, and provide insights to continually improve child and program outcomes. The data collection and information system, and any related processes, must place the least burden possible on the mental health consultants in the program. In selecting the implementation data and outcomes, the department shall incorporate the variability across diverse settings and populations.

(2) Notwithstanding section 24-1-136 (11)(a)(I), the department shall, beginning in 2023 and continuing every two years thereafter through 2027, in its presentation to the joint budget committee of the general assembly, as well as its presentation to its committee of reference at the hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2028, report on the following issues:

(a) A gap analysis of the available number of mental health consultants and the unmet need in the type of settings in which mental health consultants practice in accordance with the program; and

(b) Identified adjustments to better meet mental health consultant caseload, with the department identifying a target number of needed consultants in the program.

(3) On or before August 1, 2026, the department shall contract with an independent third party to conduct an evaluation, using standard evaluation measures, of the program and its impact on early childhood and program outcomes across the state. The department shall present the results of the evaluation as part of its presentation to its committee of reference at the hearing held pursuant to section 2-7-203 (2)(a) of the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" in January 2028.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 643, § 3, effective July 1. **L. 2024:** (3) amended, (SB 24-135), ch. 34, p. 118, § 31, effective March 22. **L. 2026:** IP(2) amended, (HB 26-1259), ch. 119, p. 506, § 8, effective May 5.

Editor's note: This section is similar to former § 26-6.5-406 as it existed prior to 2022.

26.5-3-707. Funding support.

The department and the department of health care policy and financing shall explore funding options for the program and improving access to mental health consultants, including access to various funding sources, as well as the children's basic health plan, article 8 of title 25.5, and the state medical assistance program, articles 4 to 6 of title 25.5. On or before January 1, 2023, the departments shall report on any identified funding options to the joint budget committee of the general assembly as necessary thereafter, in accordance with section 24-1-136.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 643, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-407 as it existed prior to 2022.

PART 8

EMERGENCY RELIEF GRANT PROGRAMS

26.5-3-801. Legislative declaration.

(1) The general assembly finds and declares that:

(a) Colorado's economic recovery depends on its workforce having access to stable, high-quality, and affordable child care. Supporting the ability of Colorado's workforce to return to work during and after the COVID-19 public health emergency is estimated to have an economic enabling effect of more than four billion four hundred million dollars in income.

(b) The COVID-19 public health emergency has significantly impacted Colorado's child care sector by reducing child care provider revenues while at the same time increasing expenses. Child care provider operating costs have increased to include additional daily cleaning, daily health monitoring, supplying personal protective equipment for child care workers, and lower staff-to-child ratios to allow for sufficient physical distancing.

(c) In Colorado, this additional cost burden has forced ten percent of the state's child care providers to close their doors since March 2020. Almost three-quarters of all child care providers indicate they have or will engage in layoffs, furloughs, or pay cuts. For minority-owned or operated child care providers, this figure is even higher. More than twenty-five percent of existing child care providers report that closure is imminent without some kind of financial intervention.

(d) Child care providers generate revenue primarily through enrollment and tuition fees and the business model depends on full enrollment;

(e) At every stage of the COVID-19 public health emergency, parents have been faced with the difficult choice to pull their children from child care, either due to health concerns or because the economic recession has impacted their ability to afford it. Statewide, enrollment in child care for children less than five years of age has decreased by thirty-nine percent since the COVID-19 public health emergency began.

(f) Colorado faces other ongoing threats to the child care sector's sustainability, including high turnover and low pay in the child care profession, as well as the prohibitively expensive cost of opening and operating a child care program;

(g) More than half of Coloradans live in a "child care desert", where there are more than three children less than five years of age for each single available child care opening. Some rural areas completely lack licensed child care providers. Statewide, Colorado faces a dramatic shortage of at least thirty-nine thousand spots for infants and toddlers.

(h) Most child care in Colorado is owned or operated by women, and more than forty percent of our child care workforce is composed of women of color. Furthermore, throughout the COVID-19 public health emergency, women of color have been more likely to be on the front lines as essential workers and are more likely to lose their jobs.

(i) Despite women's steadily increasing labor participation rates and earning trajectories over the past twenty-five years, the COVID-19 public health emergency threatens to set back a generation of progress. When women exit the workforce, they face more barriers than men do to return, and their future earning potential and path to retirement security suffers.

(j) Women have been disproportionately impacted by the COVID-19 public health emergency: Almost one hundred seventy-nine thousand women left Colorado's labor force between February and May 2020, compared to eighty-eight thousand men. Nationally, four times as many women as men dropped out of the labor force in September 2020 alone. The impact of this trend on the United States' economy and the well-being of women and families is estimated to amount to approximately sixty-four million five hundred thousand dollars in lost income and economic activity.

(2) (a) Therefore, the general assembly finds it is a matter of statewide concern that we take immediate action to save and protect our child care infrastructure, including offering a wide range of child care options, including but not limited to public and private child care centers, day care centers, school-age child care centers, before- and after-school programs, nursery schools, kindergartens, preschools, church day care centers, day camps, summer camps, facilities for children with intellectual and developmental disabilities, and other facilities described in section 26.5-5-303. Supporting this mixed delivery of child care enables the state to invest in its children's futures, advance gender equity in the home and the workplace, and rebuild an economy that works for all Coloradans. When Colorado families have access to child care, everyone benefits.

(b) The general assembly further finds that, to assist the state's workforce in returning to work and maintaining employment without facing the difficult choice between working and accessing quality child care, it is critical that the state allocate and quickly distribute funding to existing and new child care providers throughout the state and that such actions constitute critical government services.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 644, § 3, effective July 1; (2)(b) amended, (SB 22-213), ch. 345, p. 2462, § 1, effective July 1.

Editor's note: This section is similar to former § 26-6-801 as it existed prior to 2022.

26.5-3-802. Child care sustainability grant program - created - timeline and criteria - grant awards - funding - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care provider" means a child care center, as defined in section 26.5-5-303, or a family child care home, as defined in section 26.5-5-303, that holds an open license in good standing with the department.

(b) "Eligible entity" means a licensed child care provider or a neighborhood youth organization, as defined in section 26.5-5-303, that is open and operating.

(c) "Grant program" means the child care sustainability grant program created in subsection (2) of this section.

(d) "Open and operating" means an eligible entity that is actively providing services or care for children and that has updated its operational status with the division within the department that is responsible for child care licensing and administration.

(2) The child care sustainability grant program is created in the department. The purpose of the grant program is to address the extent to which reduced enrollment and increased costs are impacting the sustainability of licensed child care in Colorado, including licensed child care capacity and quality level. The grant program will provide financial support to eligible entities, including those that are in danger of closing.

(3) The department shall create a process for soliciting, vetting, awarding, and monitoring grants, pursuant to the sole source procurement authority specified in section 24-103-205.

(4) (a) The department shall develop a formula to allocate money from the grant program to all eligible entities. The key criteria for a grant award to an eligible entity is the eligible entity's licensed child care capacity. In determining grant awards, the department shall also take into consideration the criteria set forth in subsection (4)(b) of this section. The department is responsible for communicating important dates and the criteria for grant awards to eligible entities in the state.

(b) The department shall consider, at a minimum:

(I) Awarding grants to a wide array of eligible entities of varying types and sizes;

(II) Ensuring that the grant money goes directly to eligible entities located in a variety of regions throughout the state;

(III) Requiring that the eligible entity has provided written commitment to submit any reports required by the department;

(IV) Supporting, as much as possible, eligible entities that are not already fully supported through existing state or federal funds, such as the head start program, as defined in section 26.5-4-103; and

(V) Considering an eligible entity's quality rating through the Colorado shines system, established in section 26.5-5-101.

(5) The department shall determine grant award amounts for eligible entities as soon as possible.

(6) For the 2022-23 state fiscal year, the general assembly shall appropriate to the department fifty million dollars from federal funds for child care development funds for the purposes of implementing the grant program. The money appropriated in this subsection (6) is not subject to the requirements of the "Procurement Code", articles 101 to 112 of title 24. Any money appropriated pursuant to this subsection (6) remains available for expenditure until the close of the 2023-24 state fiscal year.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 645, § 3, effective July 1; (6) added, (SB 22-213), ch. 345, p. 2462, § 2, effective July 1.

Editor's note: This section is similar to former § 26-6-802 as it existed prior to 2022.

26.5-3-803. Emerging and expanding child care grant program - created - timeline and criteria - grant awards - funding - definitions - repeal.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in section 26.5-5-303.

(b) "Child care desert" means a community or area in the state where there are more than three children less than five years of age for each single available child care slot.

(c) "Child care provider" or "provider" means a child care center or a family child care home that holds an open license in good standing with the department.

(d) "Early childhood council" means an early childhood council identified or established locally in communities throughout the state pursuant to section 26.5-2-203.

(e) "Eligible entity" means a licensed child care provider that is open and operating or an applicant actively pursuing a child care provider license through the department's child care licensing and administration unit. "Eligible entity" includes family, friends, or neighbors who provide license-exempt child care pursuant to part 3 of article 5 of this title 26.5 but who are

actively obtaining a license through the division within the department that is responsible for child care licensing and administration.

(f) "Expansion" means licensed child care capacity expansion, by any means, for an existing licensed child care provider.

(g) "Family child care home" has the same meaning as set forth in section 26.5-5-303.

(h) "Grant program" means the emerging and expanding child care grant program created in subsection (2) of this section.

(h.5) "Grant recipient" means an eligible entity that receives a grant through the grant program.

(i) "Open and operating" means a child care provider that is actively providing care for children and that has updated its operational status with the department's child care licensing and administration unit.

(2) (a) The emerging and expanding child care grant program is created in the department. The purpose of the grant program is to expand access and availability of licensed child care throughout the state.

(b) An award from the grant program may be used for costs associated with expanding an open and operating child care center or family child care home or to assist an eligible entity with start up of a new child care center or family child care home. Costs may include, but are not limited to, staff training, background check fees, cleaning supplies, educational supplies, and capital and facility improvement costs.

(3) (a) The department shall create a process for soliciting, vetting, awarding, and monitoring grants through statewide early childhood councils.

(b) To the extent practicable, early childhood councils may receive up to twenty-five percent of funding in advance in order to effectively administer grant funds and maintain business operations. The department shall offer technical assistance to applicants with their applications and grant recipients with implementation of their awards. The technical assistance may be offered to all eligible entities, as defined in subsection (1) of this section, and family, friend, and neighbor providers, as defined in section 26.5-3-808. The department may also provide a grant recipient with a separate grant for technical assistance to implement the goals of the recipient's grant.

(4) (a) The department shall develop an application process for an eligible entity to follow when requesting a grant from the grant program. The application must include the award criteria set forth in subsection (4)(c) of this section and any applicable timelines established by the department. The department shall award grants to an eligible entity based on the eligible entity's need as well as the application criteria set forth in subsection (4)(c) of this section.

(b) A grant award must range from at least three thousand dollars to no more than two hundred thousand dollars. In awarding a grant, the department shall use the applicant's existing or proposed licensed child care capacity, as well as the applicant's need, as key criteria in determining the amount of the grant award and shall prioritize making multiple smaller grant awards.

(c) In determining grant awards, the department shall consider eligible entities located in a child care desert. The department shall also consider eligible entities that have or are actively pursuing:

(I) A fiscal agreement with the Colorado child care assistance program, created in part 1 of article 4 of this title 26.5;

(II) A commitment to engaging in quality improvement activities through the Colorado shines system, established in section 26.5-5-101;

(III) A memorandum of understanding in place with their early childhood council to ensure support from the council; and

(IV) An application to the division within the department that is responsible for child care licensing and administration and are working with their licensing specialist to determine capital or facility improvement or expansion needs and opportunities.

(d) Eligible entities that are applying for a grant award shall:

(I) Provide assurance to the department that zoning, fire, and, if applicable, health approval are underway prior to receiving grant funding; and

(II) Provide a written commitment to submit any reports required by the department to demonstrate progress toward successful licensing or expansion through the division within the department that is responsible for licensing and administration.

(5) On or before January 31, 2021, or as soon as practicable after December 7, 2020, the department shall begin the grant award process to eligible entities.

(6) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate sixteen million dollars from the economic recovery and relief cash fund created in section 24-75-228 to the department for the purposes of implementing the grant program. Of this amount, up to two million two hundred thousand dollars shall be made available to early childhood councils, as defined in section 26.5-2-202, in support of the grant program. The department may reimburse an early childhood council up to ten percent of the grant amount for allowable administrative costs of the grant program.

(b) Money spent pursuant to this subsection (6) must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The

department must either spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) The department shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

(d) This subsection (6) is repealed, effective September 1, 2027.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 647, § 3, effective July 1; (1)(h.5) and (6) added and (3) and (4)(c)(II) amended, (SB 22-213), ch. 345, p. 2463, § 3, effective July 1; (6)(b) amended, (HB 22-1411), ch. 271, p. 1960, § 17, effective July 1.

Editor's note: This section is similar to former § 26-6-803 as it existed prior to 2022.

26.5-3-804. Employer-based child care facility grant program - created - timeline and criteria - eligibility - grant awards - reports - funding - definitions - repeal.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in section 26.5-5-303.

(b) "Child care desert" means a community or area in the state where there are more than three children less than five years of age for each available child care slot.

(c) "Eligible entity" means a Colorado employer or multiple employers.

(d) "Grant program" means the employer-based child care facility grant program created in subsection (2) of this section.

(2) There is created in the department the employer-based child care facility grant program. The purpose of the grant program is to provide eligible entities with money to construct, remodel, renovate, or retrofit a child care center on the site or near to the site of the eligible entity's property to provide licensed child care services to the eligible entity's employees, thus supporting the eligible entity's workforce participation and providing safe, stable, and quality care for the eligible entity's employees' children.

(3) The department shall solicit and review grant applications from eligible entities beginning on or before June 30, 2021, and every June 30 thereafter through June 30, 2024, and begin to award grants no later than September 1, 2021, and every September 1 thereafter through September 1, 2024. Each application must include, at a minimum:

(a) A business plan that includes:

(I) A description of the construction, renovation, remodeling, or retrofitting of a child care center on-site or near to the site of the eligible entity;

(II) A commitment to provide a financial match, as described in subsection (4) of this section;

(III) A description of how the eligible entity will address the particular child care needs among the eligible entity's employees, such as nontraditional-hour care or infant and toddler care;

(IV) A description of how the eligible entity will financially sustain the child care center beyond the grant period;

(V) The estimated total cost and budget for the construction, renovation, remodeling, or retrofitting of the child care center;

(VI) If the eligible entity leases the space to be renovated, remodeled, retrofitted, or have a new facility constructed on the property, a copy of a current, valid lease that contains specific authorizations from the property owner to make the requested alterations to the property or a written statement from the landlord expressing consent to the requested alterations;

(VII) Written assurance that the eligible entity will connect its employees to resources describing available public early childhood care and education assistance; and

(VIII) Any other components the department requires to adequately assess the grant application, including a commitment regarding the duration of time the eligible entity seeks to occupy the space to be renovated, remodeled, retrofitted, or constructed;

(b) Written assurance that the eligible entity will obtain a child care license pursuant to part 3 of article 5 of this title 26.5; and

(c) Written assurance that the employees of the eligible entity will have first priority for open slots at the child care center before those slots are offered to nonemployees.

(4) Eligible entities must provide a financial match to a grant award as follows:

(a) A for-profit employer shall provide a fifty percent match; and

(b) A nonprofit or government employer shall provide a twenty-five percent match.

(5) In determining grant awards for the grant program, the department shall consider applicants that might require waiver of child care licensing rules in the following areas:

(a) A location that prevents the applicant from offering child care programs on the ground floor; and

(b) A location that prevents the applicant from providing an outdoor space.

(6) In determining grant awards for the grant program, the department shall prioritize:

(a) Applicants that serve a high percentage of employees with wages below the area's median income;

(b) Applications with plans to meet the level four standard of the Colorado shines quality rating and improvement system, pursuant to section 26.5-5-101;

(c) Applications with a stated commitment to and a business plan for a well-compensated child care staff;

(d) Applications with a plan for innovative models, such as co-ops, hubs, or microcenters;

(e) Applicants with a plan to serve children in child care deserts or in regions with low child care capacity;

(f) Applicants with staff that represent or reflect the linguistic and cultural diversity of the families living or working in their community, including dual-language learners; and

(g) Applicants whose primary industry and area of business is other than child care.

(7) The department shall provide grantees with information and referrals to services that support implementation of quality care, including:

(a) Training for teachers and directors on quality child care, including linguistically and culturally competent care, child development, and program improvement; and

(b) Public early childhood assistance programs for families, including, but not limited to:

(I) Child care subsidies;

(II) Preschool and early childhood education assistance; and

(III) Child nutrition programs.

(8) On or before January 30, 2023, and on or before January 30, 2025, the department shall report progress on the grant program as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203. At a minimum, the report must include:

(a) The number of eligible entities that received a grant through the grant program;

(b) The number of children and families that received child care services as a result of the grants, reported in aggregate and by grantee;

(c) The number of early childhood educators and staff hired as a result of the grant program;

(d) The Colorado shines quality rating of each grantee;

(e) Any innovative approaches that were used as a result of the grant program that may be replicated by other employers; and

(f) Any other relevant information about the grant program, including the industry type of the entity and geographic region served by the entity.

(8.5) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate ten million dollars from the economic recovery and relief cash fund created in section 24-75-228 to the department for the purposes of implementing this section.

(b) The use of money appropriated pursuant to this subsection (8.5) must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department shall spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) The department shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

(d) This subsection (8.5) is repealed, effective September 1, 2027.

(9) This section is repealed, effective September 1, 2027.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 649, § 3, effective July 1; IP(3), IP(8), and (9) amended and (8.5) added, (SB 22-213), ch. 345, p. 2464, § 4, effective July 1. **L. 2024:** (8.5)(b) amended, (HB 24-1466), ch. 429, p. 2943, § 33, effective June 5.

Editor's note: This section is similar to former § 26-6-804 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 24-1466, see section 1 of chapter 429, Session Laws of Colorado 2024.

26.5-3-805. Early care and education recruitment and retention grant and scholarship program - created - criteria and eligibility - grant and scholarship awards - reports - funding - rules - definitions - repeal.

(1) As used in this section, unless the context otherwise requires:

(a) "Early childhood educator" means an individual who holds an early childhood professional credential or qualification.

(b) "Eligible entity" is any entity described in subsection (3) of this section.

(c) "Program" means the early care and education recruitment and retention grant and scholarship program created in subsection (2) of this section.

(2) There is created in the department the early care and education recruitment and retention grant and scholarship program. The department shall administer, directly or by contract, the program. The purposes of the program are to:

(a) Increase the number of individuals throughout the state who are qualified to serve as early childhood educators, including qualified multilingual and culturally competent educators, in programs licensed by the department pursuant to part 3 of article 5 of this title 26.5 that serve children five years of age or younger; and

(b) Retain early childhood educators who are working in programs licensed by the department that serve children five years of age or younger.

(3) The department shall establish a process for eligible entities to apply for a grant that aligns with the purposes of the program. Entities that are eligible to apply for a grant from the program include, but are not limited to:

(a) Nonprofit entities that administer or plan to administer scholarship programs that are aligned with the purposes of the program;

(b) Early child care and education programs licensed by the department pursuant to part 3 of article 5 of this title 26.5 and that are serving children five years of age or younger; and

(c) Institutions of higher education that administer scholarship programs that are aligned with the purposes of the program.

(4) The executive director may promulgate rules regarding criteria, timelines, and the administration of the program pursuant to the requirements outlined in this section.

(5) The department shall seek and accept applications from eligible entities to award program grant money for eligible purposes. The department shall coordinate with the department of higher education to ensure effective administration of program grant money awarded to state public institutions of higher education. Eligible expenditures of grant or scholarship money by recipients include:

(a) Administration by a nonprofit entity of a scholarship program up to a fixed dollar amount or percentage of grant proceeds, as determined and published by the department;

(b) Payment of tuition, fees, and materials, including books and any other materials as determined by the department, for courses that lead to a degree or credential or for other formal

training, any of which results in a recipient who was not qualified to become qualified as an early childhood educator in a child care program licensed pursuant to part 3 of article 5 of this title 26.5 that serves children five years of age or younger;

(c) Payment of tuition, fees, and materials, including books and any other materials as determined by the department, for a recipient who is already credentialed as an early childhood educator for courses that lead to a degree or a higher level credential or for other formal training, any of which results in the recipient being eligible for a higher level credential in the department's professional development information system or a higher degree or qualification that results in longer retention of the recipient in a child care program licensed pursuant to part 3 of article 5 of this title 26.5 that serves children five years of age or younger;

(d) Payment for costs associated with a credentialed early childhood educator earning a coaching, formal trainer, mentorship, or professional development certification that allows the early childhood educator to serve as a trainer or mentor of other current or potential early childhood educators pursuing programming that leads to a credential;

(e) Payments to licensed providers to cover paid release time for individuals, substitutes, and program costs to allow eligible individuals to pursue programs, course work, credentials, degrees, and other formal training that increases the number of qualified early childhood educators or retains current early childhood educators in child care programs licensed by the department pursuant to part 3 of article 5 of this title 26.5;

(f) Payments to licensed providers, schools, community colleges, institutions of higher education, early childhood councils, or other local nonprofit entities to cover the costs of "grow-your-own" programs that support current parents, staff, or local community members to meet qualifications to serve as an early childhood educator to complete appropriate programs, certifications, or training that results in participants being able to serve as qualified early childhood educators in child care programs licensed by the department pursuant to part 3 of article 5 of this title 26.5;

(g) Payments to licensed providers to cover the costs of promoting teachers to coaching and mentorship roles with the intent of increasing access to coaching and professional learning communities and to provide flexibility in scheduling for early childhood educators;

(h) Raises, bonuses, and other financial incentives, including loan forgiveness provided by licensed early childhood educator programs or through scholarship programs, for current or potential early childhood educators to reward progress toward qualifications that allow the individual to serve as an early childhood educator in an early child care and education program licensed by the department pursuant to part 3 of article 5 of this title 26.5, or to improve retention of early childhood educators in early child care and education programs licensed by the department pursuant to part 3 of article 5 of this title 26.5; and

(i) Payments for registered apprenticeships for work-based learning opportunities for individuals interested in entering the field of early child care and education, serving children five years of age or younger, so that they can receive on-the-job training, classroom instruction, and financial rewards for gains in skills and earn credentials, credits, or higher education degrees. Any such apprenticeship program must create pathways into the early child care and education profession. The department, in consultation with the department of labor and employment, the department of higher education, and the department of education, shall:

(I) Define and establish eligibility criteria for eligible entities to receive money to implement apprenticeships;

(II) Establish program standards for formally recognized early childhood apprenticeship programs. These standards must address expectations for employer involvement; on-the-job training, credit, and credential attainment; ensuring the availability of relevant training and classroom instruction; rewards for skills gains; and support for local implementation; and

(III) Add monetary awards for the following uses of early childhood apprenticeships, as appropriate:

(A) Supporting existing apprenticeship programs or the creation of new apprenticeship programs by making money available to eligible entities;

(B) Supporting existing apprenticeship programs by expanding their reach to serve more apprentices;

(C) Technical assistance relating to establishing the partnerships necessary to create apprenticeships;

(D) Money for the recruitment of mentor teachers;

(E) Incentives for program participants;

(F) Financial rewards for skills gained in the apprenticeship program;

(G) Incentives for department-licensed providers to participate in apprenticeships;

(H) Money to cover the costs of classroom training and instruction;

(I) Money to cover the costs of earning a credential; and

(J) Money to support on-the-job training.

(6) (a) As part of participating in the program, the department shall require each eligible entity, as described in subsection (3) of this section, that receives grant program money to report program outcomes to the department, as applicable, including, but not limited to, the increase, as a result of the program, in the number of individuals credentialed to teach or who receive a higher level credential to teach at early child care and education programs licensed by the

department pursuant to part 3 of article 5 of this title 26.5 that serve children five years of age or younger, as well as information relating to retention of early childhood educators as a result of the program.

(b) So long as the department is awarding grant and scholarship money pursuant to this part 8, the department shall summarize and post, at least every two years, the information described in subsection (6)(a) of this section on the portion of the department's website relating to early childhood education.

(7) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate fifteen million dollars from the economic recovery and relief cash fund created in section 24-75-228 to the department for the purposes of implementing the program. The money appropriated pursuant to this subsection (7) is not subject to the requirements of the "Procurement Code", articles 101 to 112 of title 24. Five million dollars must be dedicated for home visiting workforce, early childhood mental health consultants, and early intervention providers.

(b) The use of money appropriated pursuant to this subsection (7) must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department shall spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) The department shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

(d) This subsection (7) is repealed, effective September 1, 2027.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 651, § 3, effective July 1; (7) added, (SB 22-213), ch. 345, p. 2464, § 5, effective July 1. **L. 2023:** (4) amended, (HB 23-1235), ch. 434, p. 2544, § 6, effective June 7. **L. 2024:** (7)(b) amended, (HB 24-1466), ch. 429, p. 2943, § 34, effective June 5.

Editor's note: This section is similar to former § 26-6-805 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 24-1466, see section 1 of chapter 429, Session Laws of Colorado 2024.

26.5-3-806. Child care teacher salary grant program - created - timeline - criteria and eligibility - grant awards - reports - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "CCCAP" means the Colorado child care assistance program created in part 1 of article 4 of this title 26.5.

(b) "Child care center" has the same meaning as set forth in section 26.5-5-303.

(c) "Eligible entity" means a child care center licensed pursuant to part 3 of article 5 of this title 26.5 or a family child care home that has the following components:

(I) Authorization to serve families pursuant to CCCAP; and

(II) A quality rating of at least a level three pursuant to the Colorado shines quality rating and improvement system established in section 26.5-5-101.

(d) "Family child care home" has the same meaning as set forth in section 26.5-5-303.

(e) "Grant program" means the child care teacher salary grant program created in subsection (2) of this section.

(2) There is created in the department the child care teacher salary grant program. The purpose of the grant program is to allow eligible entities to apply for a grant to increase the salaries of its early childhood educators.

(3) The department shall solicit and review applications from eligible entities. Each application must, at a minimum, include:

(a) A description of the number of early childhood educators proposed to receive a salary increase;

(b) Verification that the eligible entity has had a quality rating of at least level three under the Colorado shines quality rating and improvement system during the past twelve months and specification of that quality rating level;

(c) Verification that the eligible entity is authorized to administer subsidies under CCCAP;

(d) Verification that the eligible entity is actively serving families that are subsidized through CCCAP; and

(e) Written attestation the money received from the grant program will only be used to increase salaries of early childhood educators, as specified in subsection (4) of this section.

(4) The department shall establish the percentage of salary increase for each early childhood educator, based on the number of applications and available appropriations.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 655, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-806 as it existed prior to 2022.

26.5-3-807. Community innovation and resilience for care and learning equity (CIRCLE) grant program - created - criteria - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" has the same meaning as set forth in section 26.5-5-303.

(b) "Eligible entity" includes any one of the following:

(I) A child care center or family child care home that is eligible to receive federal child care and development block grant funding pursuant to 42 U.S.C. sec. 9858;

(II) A local early childhood council, as defined in section 26.5-2-202; or

(III) Any other community-based or education-based entity or government agency approved by the department and that proposes grant activities described in subsection (2) of this section.

(c) "Family child care home" has the same meaning as set forth in section 26.5-5-303.

(d) "Grant program" means the community innovation and resilience for care and learning equity (CIRCLE) grant program created in subsection (2) of this section.

(2) There is created in the department the community innovation and resilience for care and learning equity (CIRCLE) grant program. The purpose of the grant program is to address systemic challenges for early care and learning providers that have worsened as a result of the economic, social, and health impacts of the COVID-19 public health emergency and to promote innovation to improve outcomes for children and families.

(3) An eligible entity may apply for a grant from the grant program for the following purposes:

(a) Improving the affordability of child care for families whose children are not served by the Colorado child care assistance program, created in part 1 of article 4 of this title 26.5, including, but not limited to, any of the following approaches:

(I) Tuition subsidies or scholarships;

(II) Developing public-private partnerships; or

(III) Employer-based cost-sharing approaches;

(b) Increasing access to child care for children from birth to three years of age;

(c) Strengthening business practices of child care programs;

(d) Ensuring equitable access for children, including children with special needs and dual-language learner children; or

(e) Other approaches to improve early childhood transitions, workforce preparation, affordability, outcomes, or innovative practices.

(4) The department shall solicit and review applications from eligible entities. Each application must include, at a minimum:

(a) A description of the activities for which the eligible entity will use the grant money;

(b) A description of any partnerships that an eligible entity intends to establish to carry out its grant activities;

(c) A description of how the activities listed in subsection (4)(a) of this section will achieve the purposes of the grant program; and

(d) A detailed budget to carry out the activities listed in subsection (4)(a) of this section.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 656, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-807 as it existed prior to 2022.

26.5-3-808. Family, friend, and neighbor support programs - advisory group - training and support program - funding - definitions - repeal.

(1) As used in this section, unless the context otherwise requires:

(a) "Advisory group" means the family, friend, and neighbor advisory group created in subsection (2) of this section.

(b) "Eligible entity" means a family, friend, and neighbor provider that is actively providing informal, license-exempt child care.

(c) "Family, friend, and neighbor" or "FFN" means license-exempt, informal child care provided by family, friends, or neighbors in an in-home setting on a regular basis pursuant to the requirements of section 26.5-5-304 (1)(f).

(d) "Training and support program" means the family, friend, and neighbor training and support program created in subsection (3) of this section.

(2) (a) The family, friend, and neighbor advisory group is created in the department. The purpose of the advisory group is to advise the department on the needs of FFN providers and to make recommendations to the department on changes to regulations, policies, funding, and procedures that would benefit the FFN community. At least twenty-five percent of the members of the advisory group must reside in counties with a population below forty thousand people.

(b) The department shall convene the advisory group, which must include, at a minimum:

(I) Members of the FFN early childhood workforce and representatives of geographically and linguistically diverse FFN providers. To the extent practicable, the department shall ensure that the persons described in this subsection (2)(b)(I) constitute a majority of the members of the advisory group; and

(II) Parents of children who receive care through FFN providers, representatives of county departments of human or social services, special education program directors, early childhood councils, the business community, private nonprofit organizations, early childhood advocacy organizations, and persons with expertise in early childhood and business practices.

(c) Members of the advisory group may receive per diem compensation for attendance at meetings of the advisory group in the same amount paid to legislators pursuant to section 2-2-307 (3)(a). Members of the advisory group are also entitled to reimbursement for all actual and necessary travel and sustenance expenses directly related to their service on the advisory group.

(3) (a) The family, friend, and neighbor training and support program is created in the department. The purpose of the training and support program is to support community-based organizations and nonprofit organizations that have expertise working with FFN providers to provide FFN providers with information, training, and materials, and to support FFN providers with skills and knowledge on child development, social and emotional development, and best practices and technical assistance to access existing state programs. Training programs available to eligible entities may include, but need not be limited to, the following:

(I) Improving the quality of child care and child development;

(II) Ensuring the health and safety of child care environments;

(III) Fostering the social and emotional health of the child;

(IV) Supporting children with developmental, emotional, physical, or cognitive disabilities or delays;

(V) Offering culturally competent and equitable child care;

(VI) Strengthening the business practices of child care;

(VII) Promoting workforce development; and

(VIII) Providing a high-quality early learning environment through coaching, guidance, and materials in an amount not to exceed nine hundred fifty dollars per eligible entity.

(b) Technical assistance and resources for FFN providers may include, but need not be limited to, the following:

(I) Navigating the state licensing and qualified exempt processes;

(II) Accessing existing state funding and services;

(III) Connecting to after-school programs; and

(IV) Providing career navigation assistance.

(c) The department may support FFN communities across the state to implement training programs that foster peer learning and provide locally specific support.

(d) The department shall create and publish a public website for the FFN community to access training, technical assistance, and resources.

(e) The department shall ensure that the training and support program is culturally competent and linguistically appropriate to meet the needs of the FFN community and utilizes a research- and community-informed curriculum.

(4) Subject to available appropriations, the department shall make existing state programs available to the FFN community, including, but not limited to, home visitation, early intervention, early childhood mental health consultants, workforce recruitment and retention, and family resource center services.

(5) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate seven million five hundred thousand dollars from the economic recovery and relief cash fund created in section 24-75-228 to the department for the purposes of implementing this section.

(b) The use of money appropriated pursuant to this subsection (5) and money that originates from the ARPA refinance state money cash fund, created in section 24-75-226.5, appropriated for the same purpose, must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department shall spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) The department shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

(d) This subsection (5) is repealed, effective September 1, 2027.

(6) The department shall report progress on the support programs as part of its "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act" hearing required by section 2-7-203.

Source: L. 2022: Entire section added, (SB 22-213), ch. 345, p. 2465, § 6, effective July 1. **L. 2024:** (5)(b) amended, (HB 24-1466), ch. 429, p. 2944, § 35, effective June 5.

Cross references: For the legislative declaration in HB 24-1466, see section 1 of chapter 429, Session Laws of Colorado 2024.

PART 9

FAMILY STRENGTHENING HOME VISITING PROGRAMS

26.5-3-901. Legislative declaration.

(1) The general assembly finds and declares that:

(a) Traditional methods of delivering family-strengthening service programs, which often require parents and their children to travel to a program site to access services delivered simultaneously to multiple families, often create barriers, such as limited access to transportation or creation of a stigma around receiving services, that prevent families, especially low-income families, from receiving the benefits of the services;

(b) Evidence demonstrates that voluntary, high-quality, evidence-based programs that deliver family-strengthening support services help parents and other caregivers develop the skills and confidence needed to promote their children's healthy development and learning;

(c) Home visiting is a service delivery strategy that is successfully used to deliver a wide array of high-quality, voluntary family-strengthening support services and that enables families to overcome barriers to access because the services are delivered in the home or other convenient settings, which are often selected by the family;

(d) Home visiting is a service delivery strategy that can be leveraged to provide high-quality, voluntary, family-strengthening support services to more Colorado families who have fewer resources and are exposed to risk factors that may lead to poor outcomes in child development. Using home visiting to provide these services results in a strong return on investment by improving school readiness and helping Colorado's children reach their full potential.

(e) Family-strengthening support services that are delivered through home visiting have also demonstrated improved family and child outcomes by promoting solid parent-child relationships,

improving child and parental social-emotional and physical health, improving family economic security, identifying developmental delays early, providing timely child welfare intervention services, and preventing trauma and toxic stress.

(2) The general assembly finds, therefore, that authorizing grant programs to support home visiting programs that deliver high-quality, voluntary, family-strengthening support services is one of the best strategies available to support parents and other caregivers in preparing children for future success and ensure all Colorado children are ready to learn when they arrive at school.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 657, § 3, effective July 1.

26.5-3-902. Definition.

As used in this part 9, unless the context otherwise requires, "home visiting" means a two-generation delivery strategy that is designed to overcome barriers to accessing services by providing a comprehensive array of voluntary, evidence-based, family-strengthening services to a family in a location usually selected by the family that is congruent with the services being provided, which location may include, but need not be limited to, the family's home, a health-care setting, or a family resource center.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 658, § 3, effective July 1.

26.5-3-903. Family-strengthening grant programs - authorized requirements - implementation partner - rules.

(1) The department is authorized to operate grant programs to support local providers in delivering high-quality, voluntary, family-strengthening support services using home visiting strategies that are designed to overcome the access barriers often created by traditional delivery strategies. The executive director may promulgate rules as necessary to implement grant programs as authorized in this section.

(2) Any grant programs that the department operates pursuant to this section must be designed to award grants to family support services providers that provide a continuum of high-quality, voluntary, family-strengthening support services that:

(a) Serve families at some point during the period that extends from pregnancy through the child's enrollment in early elementary school grades;

(b) Are evidence-based and have demonstrated significant positive outcomes in one or more of the following areas:

(I) Child development and school readiness;

(II) Family economic self-sufficiency;

(III) Maternal and child health;

(IV) Reductions in child maltreatment;

(V) Family linkages and referrals to resources; and

(VI) Positive parenting practices; and

(c) Are delivered using a home visiting strategy to provide family services that is based on a national model for home visiting services or has been otherwise proven effective in overcoming barriers to accessing services.

(3) In implementing a family-strengthening grant program pursuant to this section, the department shall contract with an implementation partner. If a grant program is based on a national model for delivering family-strengthening services, the department shall contract with a local public or private entity that is certified, or otherwise authorized, to lead in implementing the national model in the state, to act as the implementation partner. If a grant program is not based on a national model, the department shall issue a request for proposals to select an implementation partner. The public or private entity that the department selects must, at a minimum, have demonstrated experience and expertise with home visiting and the types of family-strengthening services that meet the purpose of the grant program. The duties of an implementation partner may be established by department rule and may vary based on the purpose of a particular grant program, but must, at a minimum, include:

(a) Assisting the department in reviewing applications and selecting grantees; and

(b) Working with applicants to complete a community readiness assessment when needed.

(4) This part 9 does not apply to nor affect implementation of the "Colorado Nurse Home Visitor Program Act", part 5 of this article 3.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 658, § 3, effective July 1.

26.5-3-904. Home visiting grant program - authorized requirements - implementation partner - rules - definition - repeal.

(1) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate to the department one million dollars from the economic recovery and relief cash fund created in section 24-75-228 for purposes of implementing the home visiting grant program. For the purposes of this section, "home visiting" means a voluntary, evidence-based, two-generation, and home-based prevention program for families with children from prenatal to six years of age. The home visiting grant program must support school readiness, social-emotional growth, and age-appropriate child development and be delivered by a trained home visitor. The home visiting grant program must be prioritized to expand access to populations that are underserved by language, culture, or geography.

(b) The use of money appropriated pursuant to this subsection (1) must conform with the allowable purposes set forth in the federal "American Rescue Plan Act of 2021", Pub.L. 117-2, as amended. The department shall spend or obligate such appropriation in accordance with section 24-75-226 (4)(d).

(c) The department shall comply with the compliance, reporting, record-keeping, and program evaluation requirements established by the office of state planning and budgeting and the state controller in accordance with section 24-75-226 (5).

(2) This section is repealed, effective September 1, 2027.

Source: L. 2022: Entire section added, (SB 22-213), ch. 345, p. 2468, § 7, effective July 1. **L. 2024:** (1)(b) amended, (HB 24-1466), ch. 429, p. 2944, § 36, effective June 5.

Cross references: For the legislative declaration in HB 24-1466, see section 1 of chapter 429, Session Laws of Colorado 2024.

PART 10

PEDIATRIC PRIMARY CARE PRACTICE PROGRAM

26.5-3-1001. Definitions.

As used in this part 10, unless the context otherwise requires:

(1) "Implementation partner" means a state public or private entity that has experience implementing and operating nationally supported evidence-based, research-informed pediatric primary care programs.

(2) "Pediatric primary care practice evidence-based model" or "evidence-based model" means the team-based, research-informed pediatric primary care practice evidence-based model described in section 26.5-3-1002 (2).

(3) "Pediatric primary care practice program" or "program" means the pediatric primary care practice program described in section 26.5-3-1002 (1).

Source: L. 2025: Entire part added, (SB 25-017), ch. 415, p. 2356, § 1, effective August 6.

26.5-3-1002. Pediatric primary care practice program - created - model - rules.

(1) (a) The department shall implement and operate the pediatric primary care practice program. The purpose of the program is to provide funding and support to a pediatric primary care medical practice to integrate into the medical practice a professional who specializes in whole-child and whole-family health and well-being.

(b) The department shall contract with an implementation partner to implement, operate, and administer the program. The implementation partner shall demonstrate experience and expertise in:

(I) Placing professionals who specialize in whole-child and whole-family health and well-being with pediatric primary care medical practices;

(II) Identifying the concerns of families and health-care professionals about child development and family needs; and

(III) Offering support strategies, guidance, and community resources to families.

(2) (a) The implementation partner shall create and implement a team-based, research-informed pediatric primary care practice evidence-based model. The evidence-based model must be a comprehensive approach to guide pediatric primary care medical practices to deliver services to children from birth to three years of age and their families. The evidence-based model must demonstrate improvements in physical health, behavioral health, developmental outcomes, and social outcomes for children from birth to three years of age and their families.

(b) In addition to creating and implementing the evidence-based model described in subsection (2)(a) of this section, the implementation partner shall:

(I) With the department, establish an application and selection process for pediatric primary care medical practices to participate in the program;

(II) Review applications from pediatric primary care medical practices and select eligible medical practices to participate in the program;

(III) Work with pediatric primary care medical practices selected for the program to complete assessments on the medical practices' community health-care systems, health and well-being practices, and related concerns, when necessary or as required by the evidence-based model; and

(IV) Train and support the pediatric primary care medical practices selected for the program to maintain fidelity to the evidence-based model.

(3) (a) To be eligible for the program, a pediatric primary care medical practice must incorporate the evidence-based model into the medical practice. The department and the implementation partner shall prioritize the selection of pediatric primary care medical practices that offer children from birth to three years of age and their families the following services:

(I) An evaluation of the relationship between the child and the caregiver through assessments, interventions, and referrals;

(II) Child development, social-emotional, and behavioral health screenings;

(III) Screenings that identify family risk factors and needs, including perinatal and postpartum mood disorders, social determinants of health, and other risk factors;

(IV) Access to short-term behavioral health consultations; and

(V) Ongoing, preventative team-based well-child visits.

(b) A pediatric primary care medical practice selected for the program shall partner with professionals who specialize in whole-child and whole-family health and well-being and who use data and outcomes to demonstrate adherence to the evidence-based model.

(4) The department may adopt rules to carry out the purposes of this part 10.

Source: L. 2025: Entire part added, (SB 25-017), ch. 415, p. 2357, § 1, effective August 6.

26.5-3-1003. Funding.

(1) The department, in partnership with the department of health care policy and financing and the behavioral health administration in the department of human services, shall explore funding sources to implement the program and the requirements of this part 10, including potential funding options through the children's basic health plan, set forth in article 8 of title 25.5, and the state medical assistance program, set forth in articles 4 to 6 of title 25.5.

(2) On or before January 1, 2026, the department shall report to the joint budget committee any identified funding sources for this part 10.

(3) The department may seek, accept, and expend gifts, grants, or donations from private or public sources for the purposes of this part 10.

(4) The department is not obligated to implement this part 10 until the department has sufficient appropriations to cover the costs of the program.

Source: L. 2025: Entire part added, (SB 25-017), ch. 415, p. 2358, § 1, effective August 6.

ARTICLE 4

Child Care and Education

PART 1
COLORADO CHILD CARE ASSISTANCE PROGRAM

26.5-4-101. Short title.
26.5-4-102. Legislative declaration.
26.5-4-103. Definitions.
26.5-4-104. Colorado child care assistance program - department authority - cooperation with federal government - acceptance and administration of money.
26.5-4-105. Colorado child care assistance program - department duties.
26.5-4-106. Applications for child care assistance - applications for child care employees - verification - award - not assignable - limitation - rules.
26.5-4-107. Reconsideration and changes.
26.5-4-108. Appeals.
26.5-4-109. Provider rates - provider recruitment - provider.
26.5-4-110. Funding - allocation - maintenance of effort - allocation committee - rules.
26.5-4-111. Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment.
26.5-4-112. Exemptions - requirements.
26.5-4-113. No individual entitlement.
26.5-4-114. Colorado child care assistance program - reporting requirements.
26.5-4-115. Performance contracts.
26.5-4-116. Recovery from recipient - estate.
26.5-4-117. Locating violators - recoveries.

26.5-4-118. Records confidential - authorization to obtain records of assets - release of location information to law enforcement agencies - outstanding felony arrest warrants.

26.5-4-119. State income tax refund offset - rules.

26.5-4-120. Child and adult care food program feasibility study.

PART 2
COLORADO UNIVERSAL PRESCHOOL PROGRAM

26.5-4-201. Short title.

26.5-4-202. Legislative declaration.

26.5-4-203. Definitions.

26.5-4-204. Colorado universal preschool program - created - eligibility - workforce development plan - program funding - legislative declaration - rules.

26.5-4-205. Quality standards - evaluation - support.

26.5-4-206. Preschool special education services - department collaboration - memorandum of understanding.

26.5-4-207. Preschool program evaluation and improvement process - independent evaluator.

26.5-4-208. Preschool provider funding - per-child rates - local contribution - distribution and use of money - definitions.

26.5-4-209. Preschool programs cash fund - created - use.

26.5-4-210. Reporting.

26.5-4-211. Colorado universal preschool program provider participation bonus program - report - rules - definitions - repeal. (Repealed)

PART 3
KINDERGARTEN READINESS ONLINE PILOT PROGRAM

26.5-4-301. Legislative declaration.

26.5-4-301.5. Definitions.

26.5-4-302. Online kindergarten readiness pilot program - created - survey - provider selection - funding.

26.5-4-303. Reporting.

26.5-4-304. Repeal of part.

PART 4
YOUTH SPORTS ORGANIZATIONS

26.5-4-401. Definitions.

26.5-4-402. Organized youth athletic activities - abuse prevention training.

26.5-4-403. Background checks required.

PART 1

COLORADO CHILD CARE ASSISTANCE PROGRAM

26.5-4-101. Short title.

The short title of this part 1 is the "Colorado Child Care Assistance Program Act".

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 660, § 3, effective July 1.

Editor's note: This section is similar to former § 26-2-801 as it existed prior to 2022.

26.5-4-102. Legislative declaration.

(1) The general assembly hereby finds and declares that:

(a) The state's policies in connection with the provision of child care assistance and the effective delivery of such assistance are critical to the ultimate success of any welfare reform program;

(b) Children in low-income families who receive services through a child care assistance program need and deserve the same access to a broad range of child care providers as do children in families who do not need assistance;

(c) It is critical to provide low- to moderate-income families with access to high-quality, affordable child care that fosters healthy child development and school readiness, while at the same time promotes family self-sufficiency and attachment to the workforce; and

(d) Individual counties play a vital role in administering the child care assistance program and have local knowledge of their individual community needs.

(2) Therefore, the general assembly hereby finds and declares that it is in the best interests of the state to:

(a) Adopt the Colorado child care assistance program set forth in this part 1;

(b) Adopt a consistent, statewide plan for child care provider reimbursement rates with a goal of payment rates that adequately cover the cost of quality child care to facilitate and increase access to high-quality child care for low-income families;

(c) Achieve parity across counties in the state with regard to the CCCAP program and funding allocation.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 660, § 3, effective July 1.

Editor's note: This section is similar to former § 26-2-802 as it existed prior to 2022.

26.5-4-103. Definitions.

As used in this part 1, unless the context otherwise requires:

(1) "Applicant" means an individual or a family who submits an application to the Colorado child care assistance program.

(1.5) "Child care assistance program" or "CCCAP" means the public assistance program for child care known as the Colorado child care assistance program established in this part 1.

(2) "Colorado universal preschool program" means the state preschool program established in part 2 of this article 4.

(3) "County department" means the county or district department of human or social services, or, for functions and responsibilities administered pursuant to the centralized member integrity service, established in section 25.5-1-210, a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210.

(3.5) "Customer service" means activities that provide one-on-one support for families in submitting applications and navigating services, and providing access to transparent and easy-to-understand consumer education resources for the Colorado child care assistance program.

(4) "Early care and education provider" means a school district or provider that is licensed pursuant to part 3 of article 5 of this title 26.5 or that participates in the Colorado preschool program pursuant to article 28 of title 22, as it existed prior to July 1, 2023, or the Colorado universal preschool program pursuant to part 2 of this article 4.

(5) "Enrollment contract" means a contractual agreement directly with a provider or network that assures a specified number of child care service enrollments will be made available to serve a specified number of children who qualify for child care assistance. Enrollment contracts are an allowable use of federal child care funds.

(6) "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 pursuant to the provisions of Title V of the federal "Economic Opportunity Act of 1964", as amended.

(7) "High-quality early childhood program" means a program that is operated by a provider with a fiscal agreement through CCCAP and that is in the top three levels of the state's quality rating and improvement system, is accredited by a department-approved accrediting body, or is an early head start or head start program that meets federal standards.

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

(9) "Provider" means a child care provider licensed pursuant to part 3 of article 5 of this title 26.5 that has an agreement or enrollment contract to participate in the child care assistance program.

(10) "Recipient" means an individual or a family who is receiving or has received benefits from the Colorado child care assistance program pursuant to the provisions of this part 1.

(11) "Regular provider reimbursement rate" means the base rate paid for child care and excludes any additional payment for additional fees that are included in the reimbursement paid to providers.

(12) "Works program" means the Colorado works program established pursuant to part 7 of article 2 of title 26.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 660, § 3, effective July 1. **L. 2024:** (1) amended and (1.5) and (3.5) added, (HB 24-1223), ch. 390, p. 2696, § 3, effective June 4. **L. 2026:** (3) amended, (HB 26-1429), ch. 374, p. 2317, § 18, effective June 4.

Editor's note: This section is similar to former § 26-2-802.5 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024. For the legislative declaration in HB 26-1429, see section 1 of chapter 374, Session Laws of Colorado 2026.

26.5-4-104. Colorado child care assistance program - department authority - cooperation with federal government - acceptance and administration of money.

(1) The department is the sole state agency for administering the state plan for the Colorado child care assistance program. The department, under the supervision of the executive director,

shall administer and supervise the Colorado child care assistance program, which program is declared to be a state as well as a county purpose.

(2) (a) The department may accept on behalf of the state of Colorado the provisions and benefits of acts of congress designed to provide money or other property for the Colorado child care assistance program, which money or other property is designated for purposes within the function of the department, and may accept on behalf of the state any offers that have been or may from time to time be made of money or other property by any persons, agencies, or entities for the Colorado child care assistance program, which money or other property is designated for purposes within the function of the department; except that, unless otherwise expressly provided by law, the department shall not accept said money or other property unless the department has recommended acceptance to and received the written approval of the governor and the attorney general. Approval of the governor and the attorney general authorizes the acceptance of the money or property in accordance with the restrictions and conditions and for the purposes for which the money or property is intended.

(b) The state treasurer is designated as ex officio custodian of all money that the department receives pursuant to this subsection (2) from the federal government and from any other source for which the approval required in subsection (2)(a) of this section is obtained.

(c) The state treasurer shall hold money received pursuant to this subsection (2) separate and distinct from state money and is authorized to make disbursements of the money for the designated purpose or for administrative costs, which may be provided in grants, upon warrants issued by the state controller upon the voucher of the department.

(3) The department shall cooperate with the federal department of health and human services and other federal agencies in any reasonable manner, in conformity with the laws of this state, which may be necessary to qualify for federal aid, including the preparation of state plans, the making of reports in such form and containing such information as a federal agency may from time to time require, and the compliance with such provisions as the federal government may from time to time find necessary to assure the correctness and verification of the reports.

(4) In administering money appropriated or made available to the department for the Colorado child care assistance program, the department is authorized to:

(a) Require as a condition for receiving grants-in-aid that each county in this state bear the proportion of the total expense of furnishing child care assistance as is fixed by law;

(b) Terminate grants-in-aid to a county of this state if the county does not comply with the laws and rules providing the grants-in-aid and the minimum standards prescribed by department rules;

(c) Undertake immediately the administration of child care assistance within a county of this state that has had any or all of its grants-in-aid terminated pursuant to subsection (4)(b) of this

section; except that the county shall continue to meet the requirements of subsection (4)(a) of this section;

(d) Recover any money owed by a county to the state by reducing the amount of any payments due from the state in connection with CCCAP; and

(e) Take any other action that may be necessary or desirable for carrying out the provisions of this part 1.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 662, § 3, effective July 1. **L. 2023:** (2)(a) amended, (HB 23-1301), ch. 303, p. 1834, § 58, effective August 7.

26.5-4-105. Colorado child care assistance program - department duties.

(1) In addition to any other duties specified in this part 1, the department, under the supervision of the executive director, shall:

(a) Administer or supervise the establishment, extension, and strengthening of the Colorado child care assistance program in cooperation with the federal department of health and human services and other state or federal agencies;

(b) Provide services to county departments, including the organization and supervision of county departments for the effective administration of CCCAP, as set out in department rules as to program scope and content, including provision of child care assistance and compilation of statistics and necessary information relative to child care assistance;

(c) Prescribe forms necessary for applications, reports, affidavits, and such other forms as it may deem necessary and advisable;

(d) Cooperate with other departments, agencies, and institutions of the state and federal governments in the performance of activities in conformity with the purposes of this part 1; and

(e) Act as the agent of the federal government in activities related to the Colorado child care assistance program in matters of mutual concern in conformity with this part 1 and in the administration of any federal money granted to the state to aid in the furtherance of CCCAP.

(2) The department may review any decision of a county department and may consider any application for child care assistance upon which a decision has not been made by the county department within a reasonable time to determine the propriety of the action or failure to take timely action on an application for child care assistance. The department shall make such additional investigation as it deems necessary and shall, after giving the county department an opportunity to rebut any findings or conclusions of the department that the action or delay in taking action was a violation of or contrary to department rules, make such decision as to the

granting of child care assistance and the amount thereof as in its opinion is justifiable pursuant to the provisions of this part 1 and department rules. Applicants or recipients affected by the decisions of the department, upon request, shall be given reasonable notice and opportunity for a fair hearing by the department.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 663, § 3, effective July 1.

26.5-4-106. Applications for child care assistance - applications for child care employees - verification - award - not assignable - limitation - rules.

(1) (a) An individual wishing to apply for child care assistance may do so, and the assistance shall be furnished with reasonable promptness to each eligible individual in accordance with department rules.

(b) On or before August 1, 2026, and subject to available federal appropriations, the department rules must provide for a simplified application so child care assistance may be furnished to eligible persons as soon as possible and must provide adequate safeguards and controls to ensure that only eligible persons receive child care assistance pursuant to this part 1. The department and a county department shall publicly disclose or publicize income eligibility levels by income percentage and by monthly income for families to use before applying. The unified application that the department develops pursuant to section 26.5-1-110 must at some point include application for child care assistance through CCCAP.

(c) A person seeking child care assistance shall submit an application in accordance with department rule, and the department shall ensure that the application is routed to the applicant's county of residence. An application for child care assistance must:

(I) Be in writing or reduced to writing in the manner and upon the form prescribed by the department;

(II) Include the applicant's current residency and name of the applicant; the age and name of the child or children for whom care is requested; low-income eligible activity; income; incapacitation, if applicable; and such other information as may be required by department rule that is necessary to determine eligibility. The department shall not request that the applicant provide immunization history, except when utilizing child care that is provided outside of the child's home by a non-relative qualified license-exempt provider. Custody arrangements shall not be included on the application or otherwise collected to determine eligibility for CCCAP. The county department may request, but shall not require, information on child care provider selection at the time of application.

(III) Be verified by the signature of the applicant.

(d) A county department shall not add additional required eligibility criteria to the application or redetermination processes.

(2) (a) When a county department receives an application for child care assistance, it shall promptly make a record concerning the circumstances of the applicant to verify the facts supporting the application and shall examine all pertinent records. The county department shall also verify any other information required by department rule.

(b) In verifying an application received pursuant to this section, the county department shall confirm that the applicant meets the eligibility requirements for receiving child care assistance specified in this part 1.

(c) If the information is reasonably available, the county department shall complete the verification before approving or continuing child care assistance.

(d) Within ten working days after the county department discovers a discrepancy relating to a fraudulent or suspected fraudulent act affecting eligibility, the county department shall refer the matter to the appropriate investigatory agency, including a county or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210 for investigation. The investigatory agency, which may be a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, shall take action within thirty days after receipt of the information from the county department.

(e) The county department, the department, a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, and the officers and authorized employees of each entity may conduct visits to the home of the applicant at reasonable times, make investigations and require the attendance and testimony of witnesses and the production of books, records, and papers by subpoena, and make application to the district court to compel and enforce attendance and testimony of witnesses and the production of books, records, and papers. Officers and employees designated by the department or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210 may administer oaths and affirmations.

(3) (a) Upon completion of the verification and record of each application for child care assistance, the county department, pursuant to department rules, shall determine whether the applicant is eligible for child care assistance, the amount of child care assistance to be granted, and the beginning date of the assistance. In determining the amount of child care assistance to be granted, the county department shall take due account, pursuant to department rules, of any income or property available to the applicant and any support, either in cash or in kind, that the applicant may receive from other sources.

(b) When the eligibility, amount, and date for beginning child care assistance have been established, the county department shall make an award to or on behalf of the applicant in accordance with department rules, which award is binding on the county and shall be complied

with by the county until it is modified or vacated. The county department shall at once notify the applicant and the department, in writing, of its decisions on child care assistance and the reasons for those decisions.

(4) (a) A county department shall not deny child care assistance for a person who is otherwise qualified to receive child care assistance by reason of the fact that:

(I) The person is the owner of real estate occupied by the person as a residence; or

(II) The person is the owner of personal property that is exempt by the laws of Colorado from execution or attachment.

(b) The executive director by rule may establish limitations on the value of real and personal property and other resources, not included in subsection (4)(a) of this section, that may be available to an applicant or recipient without affecting eligibility for child care assistance.

(c) For child care assistance purposes, the value of residential or other real property is equal to the actual value of the property, as determined by the county assessor pursuant to article 1 of title 39.

(5) A county department shall not require a person, as a condition of receiving child care assistance, to repay or promise to repay the state of Colorado any money properly paid to the person as child care assistance pursuant to the provisions of this part 1 and department rules or as public assistance pursuant to article 2 of title 26 and the rules of the state department of human services.

(6) The executive director shall promulgate rules for the implementation of this section.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 664, § 3, effective July 1. **L. 2024:** (1)(b), IP(1)(c), (1)(c)(II), and (2)(a) amended and (1)(d) and (6) added, (HB 24-1223), ch. 390, p. 2696, § 4, effective June 4. **L. 2026:** (2)(b) amended, (HB 26-1259), ch. 119, p. 507, § 9, effective May 5; (2)(d) and (2)(e) amended, (HB 26-1429), ch. 374, p. 2317, § 19, effective June 4.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024. For the legislative declaration in HB 26-1429, see section 1 of chapter 374, Session Laws of Colorado 2026.

26.5-4-107. Reconsideration and changes.

(1) A county department shall reconsider child care assistance awarded pursuant to this part 1 as frequently as and in the manner required by department rules. After further verification and record as the county department deems necessary or department rules may require, the amount of child care assistance provided may be changed or terminated, if the department or the county department finds that the recipient's circumstances have altered sufficiently to warrant such action or if changes in state or federal law have been made that would warrant such action. A county department shall only require and collect any documentation that has changed since the recipient's most recent application or redetermination process and that is required to determine the recipient's continued eligibility.

(2) In accordance with department rules, a county department may terminate child care assistance at any time for cause, or it may, for cause, suspend child care assistance for such period as it may deem proper. Timely notice to persons who are receiving child care assistance, but who are not eligible due to fraudulent acts, may be given five days before the date of a proposed action, in accordance with federal regulations.

(3) Whenever child care assistance is terminated, suspended, or in any way changed, the county department shall at once report the decision to the recipient and to the department, setting forth the reason for the action. All such decisions are subject to review by the department in accordance with department rules.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 666, § 3, effective July 1. **L. 2024:** (1) amended, (HB 24-1223), ch. 390, p. 2697, § 5, effective June 4.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

26.5-4-108. Appeals.

(1) (a) If a county department does not act on an application for child care assistance within a reasonable time after the application is filed, or if a county department denies an application in whole or in part, or if a county department suspends, terminates, or modifies a grant of child care assistance, the applicant or recipient, as the case may be, may appeal to the department in the manner and form prescribed by department rules. Every county department shall adopt procedures for the resolution of disputes arising between the county department and an applicant for or recipient of child care assistance prior to appeal to the department. The procedures are referred to in this section as the "dispute resolution process". Two or more counties may jointly

establish the dispute resolution process. The dispute resolution process must be consistent with department rules. The dispute resolution process must include an opportunity for all clients to have a county conference upon the applicant's or recipient's request. This requirement may be met through a telephonic conference upon the agreement of the applicant or recipient and the county department. The dispute resolution process need not conform to the requirements of section 24-4-105, as long as the department rules include provisions specifically setting forth expeditious time frames, notice, and an opportunity to be heard and to present information. If the dispute is not resolved, the applicant or recipient may appeal to the department in the manner and form prescribed by department rules. County notices to applicants or recipients must inform them of the basis for the county's decision or action and must inform them of their rights to a county conference under the dispute resolution process and of their rights to state-level appeal and the process for making the appeal.

(b) Upon receipt of an appeal, the department shall give the appellant reasonable notice and an opportunity for a fair hearing in accordance with department rules. The hearing must comply with section 24-4-105, and an administrative law judge must preside.

(c) The appellant must have an opportunity to examine all applications and pertinent records concerning the appellant that constitute a basis for the denial, suspension, termination, or modification of child care assistance.

(d) The appellant may represent himself or herself or may be represented by legal counsel, or by a relative, friend, or other spokesperson. Representation by a nonlawyer in this circumstance does not constitute the practice of law.

(2) All decisions of the department are binding on the county department involved, and the county department shall comply with said decisions.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 666, § 3, effective July 1.

26.5-4-109. Provider rates - provider recruitment - provider.

(1) (a) No later than July 1, 2025, and at least every three years thereafter, the department, in consultation with county departments and child care providers, shall develop the calculation of provider rates with the goal of eventually ensuring the provider rates more accurately reflect the cost of child care rather than families' ability to pay. The department may contract for assistance in developing the calculation. The calculation must account for the cost of quality care and may vary by age group, region, and type of care. The department must ensure that the calculation of provider rates complies with federal regulations and, if required by federal law, must obtain approval before changing the calculation of or process for setting the provider rates. Before adopting a change to the provider rates or other payment policies, the department, in consultation

with the county departments and providers, shall analyze the anticipated impact of the change to the Colorado child care assistance program, including the impact on the costs of services and on the families and providers that participate in CCCAP. The department shall include an analysis completed pursuant to this subsection (1)(a) in the report described in section 26.5-4-114.

(b) As soon as practicable following July 1, 2022, but no later than October 1, 2022, the executive director shall convene a working group of county departments and providers to discuss provider rates and the provider rate calculation described in subsection (1)(a) of this section.

(2) The department shall establish the provider rates based on the calculation developed pursuant to subsection (1) of this section and shall update the rates on a regular basis.

(3) The department shall include an explanation of the calculation of the provider rates in the report on CCCAP required pursuant to section 26.5-4-114, beginning with the report submitted on November 1, 2024, and in each subsequent report.

(4) The department, working with early childhood councils as defined in section 26.5-2-202 and county departments, shall identify and recruit providers throughout the state to participate in the child care assistance program. In identifying and recruiting providers, the department and early childhood councils shall establish a mixed delivery system of public and private providers in communities throughout the state that enables parents to select CCCAP providers for their children from as broad a range as possible within their respective communities.

(5) Starting July 1, 2025, the department shall create a pilot program for unlicensed providers to seek license-exempt status and establishment as an eligible CCCAP provider separate and distinct from the parent-initiated process. The pilot program must operate in at least two counties, including one urban county and one rural county. By June 30, 2027, the department shall evaluate the outcomes of the pilot program on enrolled providers and child care capacity and services in participating counties.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 667, § 3, effective July 1. **L. 2024:** (5) added, (HB 24-1223), ch. 390, p. 2698, § 6, effective June 4. **L. 2026:** (4) amended, (SB 26-019), ch. 104, p. 424, § 15, effective May 5.

Editor's note: This section is similar to former § 26-2-803 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

26.5-4-110. Funding - allocation - maintenance of effort - allocation committee - rules.

(1) There is created the child care assistance program allocation committee consisting of eleven members, eight of whom are appointed by a statewide association of counties and three of whom are appointed by the department. Of the members appointed by the statewide association of counties, at least two members must be from small or medium-sized counties and at least three must be from large counties, one appointee of whom must be a representative from the county that has the greatest percentage of the state's child care assistance program caseload. The appointing authorities shall consult with each other to ensure that the child care assistance program allocation committee is representative of the counties in the state. The child care assistance program allocation committee shall develop its own operational procedures.

(2) (a) Starting with the 2023-24 state fiscal year, and subject to available appropriations, the department, upon receiving recommendations from the child care assistance program allocation committee, shall annually establish the amount of each county's block grant for CCCAP based on an allocation formula agreed upon by the department and the child care assistance program allocation committee. Counties are only required to spend the state CCCAP allocation and the maintenance of effort for that allocation.

(b) If the department and the child care assistance program allocation committee do not reach an agreement on the allocation formula on or before June 1 of a state fiscal year for the succeeding state fiscal year, the department and the child care assistance program allocation committee shall submit alternatives to the joint budget committee of the general assembly from which the joint budget committee shall select an allocation formula before the beginning of the succeeding state fiscal year.

(3) The department, after input from the child care assistance program allocation committee, shall adopt rules regarding adjustments to the amount of a block grant, and the rules must address the following factors:

(a) The cost of living;

(b) The cost of high-quality early childhood programs;

(c) The cost of programs;

(d) The regional market rates or costs for CCCAP;

(e) Drastic economic changes;

(f) Geographic differences within a county; and

(g) Other factors as determined by the child care assistance program allocation committee.

(4) The money in a county block grant allocated to a county pursuant to this section must only be used for the provision of child care services pursuant to department rules promulgated pursuant to this part 1.

(5) Money transferred from the county block grant temporary assistance for needy families program pursuant to section 26-2-714 (7) to the child care development fund may be used for child care quality improvement activities as identified in the federal "Child Care and Development Block Grant Act of 2014", 42 U.S.C. sec. 9858e, as amended.

(6) For state fiscal year 2005-06 and for each state fiscal year thereafter, each county is required to meet a level of county spending for CCCAP that is equal to the county's proportionate share of the total county funds set forth in the annual general appropriation act for CCCAP for that state fiscal year. The level of county spending is known as the county's maintenance of effort for CCCAP for that state fiscal year. For any state fiscal year, the department is authorized to adjust a county's maintenance of effort, reflected as a percentage of the total county funds set forth in the annual general appropriation act for CCCAP for that state fiscal year, so that the percentage equals the county's proportionate share of the total state and federal funds appropriated for CCCAP for that state fiscal year. For any state fiscal year, the sum of all counties' maintenance of effort must be equal to or greater than the total county funds set forth in the general appropriation act for the state fiscal year 1996-97 for employment-related child care.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 668, § 3, effective July 1.

Editor's note: This section is similar to former § 26-2-804 as it existed prior to 2022.

26.5-4-111. Services - eligibility - assistance provided - waiting lists - rules - exceptions from cooperating with child support establishment.

(1) Subject to available appropriations and pursuant to department rules promulgated for the implementation of this part 1, a county shall provide child care assistance to a participant or any person or family whose income is not more than one hundred eighty-five percent of the federal poverty level. For purposes of determining or redetermining eligibility for child care assistance, a county shall exclude from the definition of income payments made to a family from any unrestricted cash assistance program administered by a government, intermediary, nonprofit, or corporate entity. Subject to available appropriations and as necessary to comply with federal law or to align eligibility across early care and education programs specifically to meet the early care and education, income security, and child welfare needs of similar populations and as allowed by

federal regulations, the executive director by rule may adjust the percentage of the federal poverty level used to determine child care assistance eligibility and shall revise income verification requirements that promote alignment and simplification with the Colorado universal preschool program.

(2) (a) A county may provide child care assistance for any family whose income at initial determination exceeds the requirements of subsection (1) of this section but does not exceed the maximum federal level for eligibility for services of eighty-five percent of the state median income for a family of the same size if it is serving all eligible families who have applied for CCCAP and whose income level is below that requirement. A county shall exclude state and federal assistance program income in eligibility determinations.

(b) If, during a participant's, person's, or family's twelve-month eligibility period, the participant's, person's, or family's income rises to or above the level set by department rule at which the county may deny such participant, person, or family child care assistance, the county shall continue providing the current CCCAP subsidy until that participant's, person's, or family's next twelve-month redetermination.

(c) If, at the time of a participant's, person's, or family's twelve-month eligibility redetermination, the participant's, person's, or family's income rises to or above the level set by department rule at which the county may deny child care assistance, or if that income level rises above the maximum federal eligibility level of eighty-five percent of the state median income for a family of the same size, the county shall immediately notify the participant, person, or family that it is no longer eligible for CCCAP.

(3) (a) Pursuant to rules adopted for implementation of this part 1, and except as provided in subsection (3)(b) of this section, a county shall provide child care assistance for a family transitioning off the works program without requiring the family to apply for low-income child care but shall redetermine the family's eligibility within twelve months after the transition.

(b) A family that transitions off the works program must not be automatically transitioned to CCCAP pursuant to subsection (3)(a) of this section if either of the following conditions apply:

(I) The family is leaving the works program due to a violation of program requirements as defined in part 7 of article 2 of title 26 or by department rule; or

(II) The family is leaving the works program due to employment and will be at an income level that exceeds the maximum federal eligibility level of eighty-five percent of the state median income for a family of the same size.

(c) (Deleted by amendment, L. 2022.)

(4) (a) (I) A recipient of child care assistance through CCCAP is responsible for paying a portion of the recipient's child care costs based upon the recipient's income and the formula developed by department rule. The department and counties shall provide parent fee information

in a variety of dissemination methods such as websites, including the Colorado shines website; mass media; paper forms and brochures; and targeted outreach. The information must include a clear definition of the parent fee; how parent fees are calculated; parent fee policies, such as when they must be paid; the parent fee and sliding fee scale; how parents and providers were engaged in the process for determining the parent fee and sliding fee scale; and a description of how parent fees might differ based on the provider that a family selects. Parent fee sliding scales should be presented in a clear, accessible format. The information must also be accessible in languages in addition to English and Spanish, based on the populations the department and counties serve.

(II) Upon notification to counties by the department that the relevant case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (4)(a)(II), for a family living at or below one hundred percent of the federal poverty level, the family copayment responsibility must be restricted to no more than one percent of the family's gross monthly income as determined based on one month of income.

(III) Pursuant to department rules and upon notification to counties by the department that the relevant case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (4)(a)(III), income received during the past thirty days must be used in determining the copayment, unless on a case-by-case basis the prior thirty-day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve of the most recent months of income. A family may also provide evidence of up to twelve of the most recent months of income if it chooses to do so if such evidence more accurately reflects an ability to afford the required family copayment.

(b) The executive director by rule shall establish, and at least every five years review and revise, as appropriate, a copayment schedule so that the copayment gradually increases as the family income approaches self-sufficiency income levels, but must be no greater than seven percent of the family's gross monthly income on or before August 1, 2028, regardless of the number of children in care, as determined based on one month of income, unless one month of income does not provide an accurate indication of anticipated income, in which case the county may use evidence of up to the most recent twelve months of income; however, if a federal rule limits copayments to less than seven percent of the family's gross monthly income, the department shall immediately comply with the federal limit. This revised copayment schedule should allow families to retain a portion of their increases in income.

(c) A participant who is employed shall pay a portion of the participant's income for child care assistance under CCCAP. The participant's required copayment pursuant to the provisions of this subsection (4)(c) is determined by a formula established by department rule that takes into consideration the factors set forth in subsections (4)(a) and (4)(b) of this section. The participant's employer may pay the participant's copayment at the participant's copayment rate.

(5) Repealed.

(6) Effective July 1, 2023, a county shall not require a person who applies for child care assistance pursuant to this section to participate in child support establishment, modification, and enforcement services related to any support owed by obligors to their children or to cooperate with the delegate child support enforcement unit as a condition of receiving child care assistance services. This subsection (6) does not prohibit a county from educating applicants about the benefits of child support and child support establishment, modification, and enforcement services, and how to engage in the child support process.

(7) (a) For a family with a child who is enrolled in both CCCAP and a head start program or, as soon as practicable after July 1, 2023, both CCCAP and the Colorado universal preschool program, the family's CCCAP eligibility redetermination must 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 or Colorado universal preschool program. Child care assistance program eligibility redetermination for a child enrolled in both programs must occur once every twelve months thereafter.

(b) Notwithstanding the provisions of section 26-1-127 (2)(a), a family that receives child care assistance pursuant to this part 1 is not required to report income or activity changes during the twelve-month eligibility period; except that, within the twelve-month eligibility period, a family is required to report a change in income if the family's income exceeds eighty-five percent of the state median income.

(c) A parent must not be determined ineligible to receive child care assistance pursuant to this part 1 as a result of:

(I) Taking maternity leave;

(II) 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;

(III) Each instance of nontemporary job loss for less than ninety days; or

(IV) A temporary break in eligible activity, as defined by department rule.

(d) Pursuant to department rules promulgated for the implementation of this part 1, a parent who is enrolled in a postsecondary education program or a workforce training program is eligible for CCCAP for at least any two years of the postsecondary education or workforce training program, provided all other CCCAP eligibility requirements are met during those two years. On and after July 1, 2024, a county may not give priority for services to a working family over a family enrolled in postsecondary education or workforce training.

(e) To provide continuous child care with the least disruption to the child, authorized child care through CCCAP must promote continuous, consistent, and regular care and must not be linked directly to a parent's employment, education, or workforce training schedule. Pursuant to department rules, the amount of child care authorized should be based on the parent's and child's needs for child care.

(8) Pursuant to department rules and upon notification to counties by the department that the relevant case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (8), income received during the past thirty days must be used in determining eligibility unless, on a case-by-case basis, the prior thirty-day period does not provide an accurate indication of anticipated income, in which case a county can require evidence of up to twelve of the most recent months of income. A family may also provide evidence of up to twelve of the most recent months of income if it chooses to do so if such evidence more accurately reflects a family's current income level.

(9) A county has the authority to develop a voucher system for families enrolled in CCCAP through which they can secure relative or unlicensed child care.

(10) An early care and education provider or county 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 or county may provide services to the family prior to final determination of eligibility, and the county shall reimburse a provider for the 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 county shall not recover money paid to the early care and education provider or family for any services provided during the period between the early care and education provider's pre-eligibility determination and the county's final determination of eligibility.

(11) A provider or an early childhood council, as defined in section 26.5-2-202, may accept a family's CCCAP application and submit the application to the county on behalf of a family seeking child care assistance.

(12) Each county:

(a) Upon notification to counties by the department that the relevant case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (12)(a), and pursuant to department rules, on or before August 1, 2028, and subject to available federal appropriations, in addition to regular provider reimbursement rates, the county departments shall pay providers for care in alignment with common practices in the private market for child care, including paying providers weekly for each child based on child enrollment in advance of the provision of services. The department

rules governing payment policies must allow daily reimbursement rates only for drop-in child care, back-up child care, and care that is commonly paid on a daily reimbursement basis in the private child care market and must incentivize providers to promote regular program attendance. On or before August 1, 2028, and subject to available federal appropriations, the department and county departments shall utilize grants and contracts for underserved populations, including children in underserved geographic areas, infants and toddlers, children with disabilities, and families needing nontraditional-hour care, to improve equitable access for these populations. The department shall annually evaluate data regarding the numbers and percentages of underserved populations being served by CCCAP to determine if equitable access is improved or achieved. The executive director shall adopt rules for the implementation of this subsection (12).

(b) Shall maintain a current and accurate waiting list of parents who have inquired about securing a CCCAP subsidy and are likely to be eligible for CCCAP based on self-reported income and job, education, or workforce training activity if families are not able to be served at the time of application due to funding concerns. Counties may enroll families off waiting lists according to local priorities and may require an applicant to restate the applicant's intention to be kept on the waiting list every six months in order to maintain the applicant's place on the waiting list.

(c) Shall post eligibility, authorization, and administration policies and procedures so they are easily accessible and readable to a layperson. The policies must be sent to the department for compilation.

(d) May use the county's CCCAP allocation to provide enrollment contracts or grants to early care and education providers: To support implementation of the applicable early childhood council community strategic plan described in section 26.5-2-204; to increase the supply and improve the quality of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods; to provide stability for the early childhood sector; and to improve alignment with the provision of additional preschool services, as defined in section 26.5-4-203, to working families who need additional care;

(e) Subject to available appropriations and pursuant to department rules, and upon notification to counties by the department that the relevant case management systems, including the Colorado child care automated tracking system, are capable of accommodating this subsection (12)(e), shall use eligibility determination information from other public assistance programs and systems to determine CCCAP eligibility, including eligibility determination information used for children participating in the Colorado universal preschool program; and

(f) Shall prioritize child care assistance for certified foster parents, certified kinship foster parents, noncertified kinship care providers that provide care for children with an open child welfare case who are in the legal custody of a county department, and noncertified kinship care providers that provide care for children with an open child welfare case who are not in the legal custody of a county department.

(13) For children who are enrolled in both CCCAP and the Colorado universal preschool program, the executive director shall adopt rules as necessary to ensure:

(a) Funds may be combined and coordinated to the extent allowed by law at the state and local level to ensure families can seamlessly access early childhood education and services and providers face the fewest possible systems to navigate to secure payment for services; and

(b) Eligibility and authorization for services for the portions of both programs that are targeted to similar populations are aligned to the greatest extent practicable as allowed by federal regulations, including ensuring the state takes maximum advantage of flexibility in federal regulations to ensure that children who are eligible for both programs can seamlessly access the length and quality of programming that parents, children, and families need.

(14) The executive director shall promulgate rules for the implementation of this part 1.

(15) An applicant can satisfy the eligible activity criteria for up to one year by participating in a substance use disorder treatment. Participation in a nationally recognized, evidence-based substance use disorder treatment program at an intensive outpatient service level of care or higher must be recognized as an eligible activity for a workforce training program.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 670, § 3, effective July 1. **L. 2024:** (1), (2)(a), (4)(a)(I), (4)(b), (4)(c), (7)(d), and (12)(a) amended and (15) added, (HB 24-1223), ch. 390, p. 2698, § 7, effective June 4. **L. 2026:** (3)(a), (3)(b)(II), and (10) amended, (HB 26-1259), ch. 119, p. 507, § 10, effective May 5; (11) and (12)(d) amended, (SB 26-019), ch. 104, p. 424, § 16, effective May 5; (4)(b) and (12)(a) amended, (HB 26-1260), ch. 232, p. 1343, § 1, effective August 1.

Editor's note: (1) This section is similar to former § 26-2-805 as it existed prior to 2022.

(2) Subsection (5)(g) provided for the repeal of subsection (5), effective July 1, 2023. (See L. 2022, p. 670.)

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

26.5-4-112. Exemptions - requirements.

(1) Notwithstanding any provision of section 26.5-4-111 to the contrary, an exempt family child care home provider, as defined in section 26.5-5-303, is not eligible to receive child care

assistance money through CCCAP if the provider fails to meet the criteria established in section 26.5-5-326.

(2) As a prerequisite to entering into a valid CCCAP contract with a county office or to being a party to any other payment agreement for the provision of care for a child whose care is funded in whole or in part with money received on the child's behalf from publicly funded state child care assistance programs, an exempt family child care home provider shall sign an attestation that affirms the provider, and any qualified adult residing in the exempt family child care home, has not been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has not entered, pursuant to part 3 or 4 of article 14 of title 15, or section 27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the provider cannot safely operate an exempt family child care home.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 678, § 3, effective July 1. **L. 2023:** (2) amended, (HB 23-1301), ch. 303, p. 1834, § 59, effective August 7.

Editor's note: This section is similar to former § 26-2-805.5 as it existed prior to 2022.

26.5-4-113. No individual entitlement.

(1) Nothing in this part 1 or any rules promulgated pursuant to this part 1 creates a legal entitlement in any person to child care assistance.

(2) A county shall not create nor be interpreted as having created a legal entitlement in any person to assistance pursuant to this part 1.

(3) Child care assistance awarded pursuant to this part 1 is awarded and held subject to the provisions of any amending or repealing law, and a recipient does not have a claim for compensation or otherwise by reason of the recipient's child care assistance being affected in any way by an amending or repealing law.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 679, § 3, effective July 1.

Editor's note: This section is similar to former § 26-2-806 as it existed prior to 2022.

26.5-4-114. Colorado child care assistance program - reporting requirements.

(1) On or before November 1, 2022, and on or before November 1 each year thereafter, the department shall prepare a report on CCCAP. Notwithstanding section 24-1-136 (11)(a)(I), the department shall provide the report to the joint budget committee of the general assembly, the health and human services committee of the house of representatives, and the health and human services committee of the senate, or any successor committees. The report must include, at a minimum, the following information related to benchmarks of success for CCCAP:

(a) The number of children and families served through CCCAP statewide and by county, which, beginning November 1, 2024, must include the number of children served in part-time child care through CCCAP and the number of children served in full-time child care through CCCAP, both groups disaggregated by ages from birth through thirteen years of age;

(b) The average length of time that parents remain in the workforce while receiving CCCAP subsidies, even when their income increases;

(c) The average number of months of uninterrupted, continuous care for children enrolled in CCCAP;

(d) The number and percent of all children enrolled in CCCAP who receive care at each level of the state's quality and improvement rating system;

(e) The average length of time a family is authorized for a CCCAP subsidy, disaggregated by recipients' eligible activities, such as job search, employment, workforce training, and postsecondary education;

(f) The number of families on each county's wait list as of October 1 of each year, as well as the average length of time each family remains on the wait list in each county;

(g) The number of families and children statewide and by county that exit CCCAP due to their family incomes exceeding the eligibility limits;

(h) The number of families and children statewide and by county that reenter CCCAP within two years of exiting due to their family incomes exceeding the eligibility limits;

(i) An estimate of unmet need for CCCAP in each county and throughout the state based on estimates of the number of children and families who are likely to be eligible for CCCAP in each county but who are not enrolled in CCCAP, disaggregated by estimated ages from birth through thirteen years of age;

(j) Beginning with the report submitted November 1, 2024, and in each annual report thereafter:

(I) A year-over-year comparison of the number of children served by CCCAP to show fluctuations in the number of children served;

(II) The number of informal, license-exempt providers, in-home providers, community-based providers, and school-based providers that agree to serve children with a CCCAP subsidy compared to the total number of providers;

(III) The number of provider agreements and enrollment contracts with providers;

(IV) An explanation of the calculation of the most recently adopted provider rates; and

(V) An explanation of the quality incentives made available to providers; and

(k) Beginning with the report submitted November 1, 2026, and in each annual report thereafter:

(I) The total amount of CCCAP allocation that is spent by the department and each county on:

(A) Administrative expenses, including salaries and operating expenses of staff who perform administrative functions;

(B) County indirect expenses, charged in accordance with county cost allocation plans;

(C) Program implementation costs that are reported as nondirect services in accordance with federal child care development fund regulations, such as salaries and operating expenses for caseworkers to complete eligibility determination and redetermination, error rate reviews and compliance, and other program activities necessary to operate the program; and

(D) Direct service expenses.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 679, § 3, effective July 1. **L. 2023:** (1)(f) amended, (HB 23-1235), ch. 434, p. 2544, § 7, effective June 7. **L. 2026:** IP(1), (1)(i), and (1)(j)(V) amended and (1)(k) added, (HB 26-1260), ch. 232, p. 1344, § 2, effective August 1.

Editor's note: This section is similar to former § 26-2-809 as it existed prior to 2022.

26.5-4-115. Performance contracts.

(1) (a) Each county, either acting singly or with a group of counties, shall enter into an annual performance contract with the department that identifies the county's or group of counties' and the department's duties and responsibilities in implementing the child care assistance program, including quality customer service to clients. The performance contract must include, but need not be limited to, requirements and provisions that address each party's duties and

responsibilities to work in a collaborative manner to administer, financially support, and implement the child care assistance program using fair and objective criteria.

(b) A county or group of counties may be penalized for not meeting any obligation under the performance contract. The penalties must be identified in the performance contract and may include a reduction in a future county block grant allocation.

(2) The performance contract must set forth the circumstances under which the department may elect that it or its agent assume the county's or group of counties' administration and implementation of the child care assistance program.

(3) If a disagreement concerning the performance contract arises between the county or group of counties and the department, either party may request resolution of the disagreement through an independent dispute resolution process that is agreed upon by the parties. If necessary to assure services are available within the county or group of counties, the department may enter into a temporary agreement with the county or group of counties or with another public or private agent until the disagreement is resolved.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 680, § 3, effective July 1. **L. 2024:** (1)(a) amended, (HB 24-1223), ch. 390, p. 2700, § 8, effective June 4.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

26.5-4-116. Recovery from recipient - estate.

(1) (a) If, at any time during the continuance of child care assistance, the recipient becomes possessed of property having a value in excess of that amount set pursuant to section 26.5-4-106 (4) and department rules or receives an increase in income, the recipient shall notify the county department of the possession of the property or receipt of the income, and the county department may either terminate the child care assistance or alter the amount of child care assistance in accordance with the circumstances and department rules.

(b) To the extent not otherwise prohibited by state or federal law, if the recipient is found to have committed an intentional program violation, the recipient is disqualified from participation in CCCAP for twelve months for the first incident, twenty-four months for a second incident, and permanently for a third or subsequent incident. This disqualification is mandatory and is in addition to any other penalty imposed by law.

(c) Except as provided in subsections (3) and (4) of this section, any previously provided excess child care assistance to which the recipient was not entitled is recoverable by the county, or by a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, as a debt owed. If the debt owed is due to fraudulently obtained child care assistance or fraudulently obtained overpayments of child care assistance, the recovery of the debt must be distributed to the centralized member integrity service cash fund created in section 25.5-1-210 and the county in a proportion determined by department rule. If the debt owed is due to excess child care assistance paid for which the recipient was ineligible but that was not fraudulently obtained, the recovery of that debt must be distributed to the state and the county in proportion to the amount of child care assistance paid by each respectively. On an amount of child care assistance fraudulently obtained, interest must be charged and paid to the county department, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, calculated at the legal rate and calculated from the date the sum was paid to a provider on behalf of the recipient to the date the sum is recovered.

(d) If the debt for fraudulently obtained child care assistance, fraudulently obtained overpayments of child care assistance, or excess child care assistance paid for which the recipient was ineligible has been reduced to a judgment in a court of record in this state, the county department, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, may seek a continuing garnishment to collect the debt pursuant to article 54.5 of title 13.

(2) If, upon the death or mental incompetency of a recipient, the inventory of the recipient's estate shows assets in excess of the amount that the recipient was allowed to have in order to receive child care assistance, or if it is shown that the recipient was otherwise ineligible for child care assistance, then the claim of the county, or of a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, and state for the excess child care assistance paid for which the recipient was ineligible, if filed as required by section 15-12-804, has priority as a debt given preference pursuant to section 15-12-805 (1)(f.7).

(3) When a recipient was ineligible for child care assistance solely because of property in excess of that permitted by department rules pursuant to section 26.5-4-106 (4), the amount for which the recipient is liable is the amount by which the property exceeded the amount allowable under the rules or the total amount of child care assistance received, whichever is the lesser amount. Except as provided in subsection (4) of this section, actions for the recovery of these sums must be prosecuted by the county department, a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, or the department in a court of record that has jurisdiction.

(4) The department and a county department, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, may elect not to attempt recovery of an overpayment of child care assistance from an individual who is no longer

receiving public assistance or child care assistance if the overpayment amount is less than thirty-five dollars. If the overpayment amount owed by an individual who is no longer receiving public assistance or child care assistance is thirty-five dollars or more, the department and the county department, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, may determine, consistent with the six-year time limitation for the execution on judgments involving state debt, that it is no longer cost-effective to continue to pursue recovery of the overpayment.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 681, § 3, effective July 1. **L. 2026:** Entire section amended, (HB 26-1429), ch. 374, p. 2318, § 20, effective June 4.

Cross references: For the legislative declaration in HB 26-1429, see section 1 of chapter 374, Session Laws of Colorado 2026.

26.5-4-117. Locating violators - recoveries.

(1) The executive director or district attorneys may request and receive from departments, boards, bureaus, or other agencies of the state or any of its political subdivisions, and the departments, boards, bureaus, or other agencies of the state or any of its political subdivisions are required to provide assistance and data as will enable the department and county departments, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, to properly carry out their powers and duties to locate and prosecute a person who fraudulently obtains child care assistance pursuant to this part 1. Records established pursuant to this section are available only to the department, the county departments or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, the attorney general, and the district attorneys, county attorneys, and courts having jurisdiction in fraud or recovery proceedings or actions.

(2) All departments and agencies of the state and local governments shall cooperate in the location and prosecution of a person who fraudulently obtains child care assistance pursuant to this part 1, and, on request of the county or district board of human or social services, the county director, the department, or the district attorney of a judicial district in this state shall supply all information on hand relative to the location, employment, income, and property of the person, notwithstanding any other provision of law making the information confidential, except the laws pertaining to confidentiality of tax returns filed pursuant to law with the department of revenue. The department of revenue shall furnish at no cost to inquiring departments and agencies information necessary to effectuate the purposes of this part 1. The executive director shall, by rule, establish the procedures whereby this information is requested and provided. The

department or county departments, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, shall use the information only for the purposes of administering the Colorado child care assistance program pursuant to this part 1, and a district attorney shall use it only for the prosecution of persons who fraudulently obtain child care assistance pursuant to this part 1, and shall not use the information, or disclose it, for any other purpose.

(3) A district attorney shall bill the actual costs and expenses incurred by the district attorney's office in carrying out subsection (2) of this section to counties or a county within the judicial district, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, in the proportions specified in section 20-1-302. Each county, or a county contracted to administer the centralized member integrity service pursuant to section 25.5-1-210, shall make an annual accounting to the department on all amounts recovered.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 682, § 3, effective July 1. **L. 2026:** Entire section amended, (HB 26-1429), ch. 374, p. 2320, § 21, effective June 4.

Cross references: For the legislative declaration in HB 26-1429, see section 1 of chapter 374, Session Laws of Colorado 2026.

26.5-4-118. Records confidential - authorization to obtain records of assets - release of location information to law enforcement agencies - outstanding felony arrest warrants.

(1) The executive director may establish reasonable rules to provide safeguards restricting the use or disclosure of information concerning applicants, recipients, and former and potential recipients of federally aided child care assistance to purposes directly connected with the administration of the Colorado child care assistance program and related department activities and covering the custody, use, and preservation of the records, papers, files, and communications of the department and county departments. Whenever, under provisions of law, names and addresses of applicants for, recipients of, or former and potential recipients of child care assistance are furnished to or held by another agency, department of government, or an auditor conducting a financial or performance audit of a county department pursuant to section 26-1-114.5, the agency, department, or auditor is required to prevent the publication of lists and uses of the lists for purposes not directly connected with the administration of the Colorado child care assistance program.

(2) (a) (I) Except as provided in subsections (2)(a)(II) and (2)(a)(III) of this section, or except as disclosure is otherwise required by statute or by rule of civil procedure for child support establishment or enforcement purposes, it is unlawful for a person to solicit, disclose, or

make use of or to authorize, knowingly permit, participate in, or acquiesce in the use of any lists or names of or any information concerning persons applying for or receiving child care assistance directly or indirectly derived from the records, papers, files, or communications of the department or county departments or subdivisions or agencies thereof or acquired in the course of the performance of official duties. A financial institution or insurance company that provides the data, whether confidential or not, required by the department, in accordance with the provisions of this subsection (2), is not liable for providing the data to the department nor for any use the department makes of the data.

(II) The information described in subsection (2)(a)(I) of this section may be disclosed for purposes directly connected with the administration of the Colorado child care assistance program and in accordance with this subsection (2) and with department rules.

(III) (A) Notwithstanding any provision of state law to the contrary and to the extent allowable under federal law, at the request of the Colorado bureau of investigation, the department shall provide the bureau with information concerning the location of any person whose name appears in the department's records who is the subject of an outstanding felony arrest warrant. Upon receipt of the information, it is the responsibility of the bureau to provide appropriate law enforcement agencies with location information obtained from the department. Location information provided pursuant to this section must be used solely for law enforcement purposes. The department and the bureau shall determine and employ the most cost-effective method for obtaining and providing location information pursuant to this section. Neither the department nor its employees or agents are liable in a civil action for providing information in accordance with the provisions of this subsection (2)(a)(III)(A).

(B) As used in subsection (2)(a)(III)(A) of this section, "law enforcement agency" means an agency of the state or its political subdivisions that is responsible for enforcing the laws of this state. "Law enforcement agency" includes but is not limited to a police department, a sheriff's department, a district attorney's office, the office of the state attorney general, and the Colorado bureau of investigation.

(b) By signing an application or redetermination of eligibility form for child care assistance, an applicant authorizes the department to obtain records pertaining to information provided in that application or redetermination of eligibility form from a financial institution, as defined in section 15-15-201 (4), or from an insurance company. The application or redetermination of eligibility form must contain language clearly indicating that signing constitutes such an authorization.

(c) A county department shall not deny an applicant or discontinue a recipient due to the disclosure of assets unless and until the county department has assured that the assets taken together with other assets exceed the limit for eligibility of countable assets.

(3) The applicant for or recipient of child care assistance, or the applicant's or recipient's representative, must have an opportunity to examine all applications and pertinent records concerning the applicant or recipient that constitute a basis for denial, modification, or termination of child care assistance or to examine the records in the case of a fair hearing.

(4) A person who violates subsection (1) or (2) of this section commits a petty offense.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 683, § 3, effective July 1.

26.5-4-119. State income tax refund offset - rules.

(1) (a) At any time prescribed by the department of revenue, but not less frequently than annually, the department shall certify to the department of revenue information regarding persons who are obligated to the state for overpayment of child care assistance. The information must include certification of the amount of overpayment, which has been determined by final agency action or has been ordered by a court as restitution or has been reduced to judgment.

(b) The information must also include the name and the social security number or tax identification number of the person obligated to the state for the overpayment, the amount of the obligation, and any other identifying information the department of revenue may require.

(2) As a condition of certifying an overpayment to the department of revenue as provided in subsection (1) of this section, the department shall ensure that the obligated person has been afforded the opportunity for a conference at the county department level and the opportunity for an appeal to the department pursuant to section 26.5-4-108. In addition, the department, prior to final certification of the information specified in subsection (1) of this section to the department of revenue, shall notify the obligated person, in writing, at the person's last-known address, that the state intends to refer the person's name to the department of revenue in an attempt to offset the obligation against the person's state income tax refund. The notification must inform the obligated person of the opportunity for a conference with the county department and of the opportunity for an appeal to the department pursuant to section 26.5-4-108. In addition, the notice must specify issues that the obligated person may raise at an evidentiary conference or on appeal, as provided by this subsection (2), in objecting to the offset and must specify that the obligated person may not object to the fact that an overpayment occurred. If the obligated person desires an evidentiary conference or appeal as provided in this subsection (2), the person must request the conference or appeal within thirty days after the date on which the notice was mailed.

(3) Upon receiving notice from the department of revenue of amounts deposited with the state treasurer pursuant to section 39-21-108, the department shall disburse the amounts to the appropriate county to process for distribution to the state or local agency to whom the person is obligated.

(4) The executive director shall promulgate rules establishing procedures to implement this section.

(5) The department shall provide the home addresses and social security numbers or tax identification numbers of persons subject to the income tax refund offset, provided to the department by the department of revenue, to the appropriate county department.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 684, § 3, effective July 1. **L. 2023:** (2) and (3) amended, (HB 23-1301), ch. 303, p. 1835, § 60, effective August 7.

26.5-4-120. Child and adult care food program feasibility study.

(1) The department, in consultation with the department of public health and environment, shall conduct or contract for a study to determine the feasibility of de-linking eligibility for the federal child and adult care food program from the Colorado child care assistance program. The study must include:

(a) Research on alternative eligibility processes for participation in the federal child and adult care food program that is specifically tailored for license-exempt family, friend, and neighbor providers, as described in section 26.5-3-808; and

(b) Guidelines and best practices for the implementation of alternative eligibility processes to ensure adequate oversight without creating undue administrative burdens for the department or license-exempt family, friend, and neighbor providers, while ensuring the nutritional well-being of children in the provider's care.

Source: L. 2024: Entire section added, (HB 24-1223), ch. 390, p. 2700, § 9, effective June 4.

Editor's note: This section was numbered as § 26.5-4-121 in HB 24-1223 but was renumbered on revision for ease of location.

Cross references: For the legislative declaration in HB 24-1223, see section 1 of chapter 390, Session Laws of Colorado 2024.

PART 2

COLORADO UNIVERSAL PRESCHOOL PROGRAM

26.5-4-201. Short title.

The short title of this part 2 is the "Colorado Universal Preschool Program Act".

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 686, § 3, effective July 1.

26.5-4-202. Legislative declaration.

(1) (a) The general assembly finds and declares that:

(I) Colorado has prioritized early learning through its investments in the Colorado preschool program, established in 1988, and full-day kindergarten, adopted in 2019;

(II) Since establishing the Colorado preschool program, Colorado has steadily increased its investment in high-quality preschool programming, securing a significant return on investment by improving child outcomes year over year by expanding access to preschool for children in low-income families and those who are at risk of entering kindergarten without being prepared to learn;

(III) State and national research demonstrate the positive and long- and short-term impacts of high-quality preschool, including improved early literacy, reduced grade retention, decreased probability of developing a significant reading deficiency, improved performance on statewide standards-based assessments, and increased rate of high school graduation;

(IV) Research demonstrates that economically disadvantaged children derive greater benefits from preschool programs in states that offer universal programs than in states that offer preschool programs specifically for economically disadvantaged children;

(V) In the 2020 general election, the voters of Colorado approved proposition EE by a nearly two-to-one margin, establishing a dedicated source of funding for statewide, voluntary, universal preschool programming for children in the year preceding kindergarten and for additional preschool programming for children in low-income families and children who are at risk of entering kindergarten without being prepared to learn. With the passage of this measure, Colorado voters in rural, urban, and suburban communities have demonstrated their strong commitment to expanding access to quality preschool for children regardless of their economic circumstances.

(VI) Creating a statewide mixed delivery system of preschool providers to make preschool programming universally available to children throughout Colorado compounds the benefits for

children who are in low-income families and increases the ultimate social and economic benefits of high-quality preschool programming for the state as a whole.

(b) The general assembly finds, therefore, that it is in the best interests of the state and consistent with the will of the voters of Colorado to establish the Colorado universal preschool program to provide high-quality, voluntary preschool programming through a mixed delivery system for children throughout the state in the year preceding kindergarten enrollment and to provide for additional preschool services for children who are in low-income families or who meet identified qualifying factors.

(2) (a) The general assembly further finds and declares that:

(I) In 2000, the voters approved section 17 of article IX of the state constitution, which requires the general assembly to annually increase, by at least the rate of inflation, the statewide base per pupil funding, as defined by article 54 of title 22, for public education from preschool through twelfth grade;

(II) In the 2001-02 fiscal year and in every fiscal year since, the increases to statewide base per pupil funding have automatically applied to funding for preschool services provided by school districts, because the funding for preschool services has been calculated through the school finance formula established in article 54 of title 22, which applies to funding for public elementary and secondary education;

(III) To effectively and efficiently provide preschool services through a mixed delivery system of school- and community-based preschool providers, and to ensure that funding calculations account for the unique standards and features of preschool programs, state funding for preschool services, including preschool services for children with disabilities, must be appropriated and allocated separately from the funding for public elementary and secondary education, and, beginning in the 2023-24 fiscal year, the statewide base per pupil funding amount set annually for public elementary and secondary education will no longer apply to funding for preschool services;

(IV) To continue to meet the intent of section 17 (1) of article IX of the state constitution with regard to funding for preschool services, it is appropriate for the department of early childhood to establish a per-child constitutional compliance rate for the 2023-24 fiscal year that equals the portion of the statewide base per pupil funding amount established for the 2023-24 fiscal year that applies to the number of hours of universal preschool services provided to an eligible child, and to increase the per-child constitutional compliance rate annually by the rate of inflation.

(b) The general assembly, therefore, declares that, by establishing a per-child constitutional compliance rate and ensuring that the per-child rate that the department annually establishes for universal preschool services and for preschool services provided to children who are three years of age or younger meets or exceeds the per-child constitutional compliance rate, funding for the

Colorado universal preschool program substantially complies with the requirements of section 17 (1) of article IX of the state constitution.

(3) (a) The general assembly further finds and declares that:

(I) In approving proposition EE, the voters supported funding for ten hours of high-quality preschool programming for all Colorado children in the year preceding kindergarten enrollment, as well as additional preschool programming for children who are at risk of entering kindergarten without being prepared to learn, including children in low-income families;

(II) Research demonstrates that participating in high-quality preschool programs helps to ensure that children in low-income families are able to enter kindergarten on par with their peers in higher-income families; and

(III) For the preschool program to serve children equitably, the state must invest in additional hours of preschool programming for children in low-income families, in addition to funding the ten hours of universal preschool services.

(b) The general assembly finds, therefore, that it is in the best interests of the state to allocate the amount appropriated for the Colorado universal preschool program to provide adequate funding for both a high-quality universal preschool program and additional preschool programming for children in low-income families.

(4) The general assembly recognizes the requirement of the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, to provide educational services to every three- or four-year-old child with a disability, in accordance with the child's individualized education program. The general assembly declares that, for purposes of section 17 of article IX of the state constitution, meeting the obligation of serving all three- and four-year-old children with disabilities through the Colorado universal preschool program is an important element of expanding the availability of preschool programs and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 686, § 3, effective July 1. **L. 2024:** (2)(a)(I) amended, (HB 24-1448), ch. 236, p. 1537, § 61, effective May 23.

26.5-4-203. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) "Additional preschool services" means hours of preschool services provided to a child in the year preceding enrollment in kindergarten that are in addition to the universal preschool services the child receives.

(2) "Charter school" means a charter school that is:

(a) A district charter school authorized pursuant to part 1 of article 30.5 of title 22, an institute charter school authorized pursuant to part 5 of article 30.5 of title 22, or a charter school authorized by the Colorado school for the deaf and the blind pursuant to section 22-80-102 (4)(b);

(b) Authorized in its charter contract to provide preschool services; and

(c) Licensed pursuant to part 3 of article 5 of this title 26.5 to operate as a preschool provider.

(3) "Children with disabilities" has the same meaning as provided in section 22-20-103.

(4) "Colorado universal preschool program" or "preschool program" means the program established within the department pursuant to section 26.5-4-204, and includes all participating preschool providers.

(5) Repealed.

(5.5) "Early childhood council" means an early childhood council identified or established locally in communities throughout the state pursuant to section 26.5-2-203.

(6) "ECEA" means the "Exceptional Children's Educational Act", article 20 of title 22, and its implementing rules.

(7) "Eligible child" means a child who is eligible to receive preschool services as provided in section 26.5-4-204 (3).

(8) "IDEA" means the federal "Individuals with Disabilities Education Act", 20 U.S.C. sec. 1400 et seq., as amended, and its implementing regulations.

(9) "Individualized education program" has the same meaning as provided in section 22-20-103.

(10) "Inflation" means the annual percentage change in the United States department of labor bureau of labor statistics consumer price index for Denver-Aurora-Lakewood for all items paid by all urban consumers, or its applicable successor index.

(11) Repealed.

(12) "Mixed delivery system" means a system for delivering preschool services through a combination of school- and community-based preschool providers, which include family child care homes, child care centers, and head start agencies, that are funded by a combination of public and private money.

(13) "Parent" has the same meaning as provided in section 22-20-103.

(14) "Preschool provider" means any of the following entities that are licensed pursuant to part 3 of article 5 of this title 26.5:

(a) A family child care home, as defined in section 26.5-5-303;

(b) A child care center, as defined in section 26.5-5-303;

(c) A school district licensed to operate as a public preschool provider;

(d) A charter school licensed to operate as a public preschool provider; or

(e) A head start program.

(15) "Qualifying factor" means a child or family circumstance, as identified by department rule pursuant to section 26.5-4-204 (4)(a)(II), that may negatively impact a child's cognitive, academic, social, physical, or behavioral health or development.

(16) "School district" means a school district organized pursuant to article 30 of title 22 that provides preschool services and is licensed pursuant to part 3 of article 5 of this title 26.5 as a preschool provider; or a board of cooperative services organized pursuant to article 5 of title 22 that provides preschool services and is licensed pursuant to part 3 of article 5 of this title 26.5 as a preschool provider.

(17) "Universal preschool services" means ten hours of preschool services per week made available, at no charge, to children in the state during the school year preceding the school year in which a child is eligible to enroll in kindergarten.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 688, § 3, effective July 1. **L. 2026:** (5.5) added, (SB 26-019), ch. 104, p. 425, § 17, effective May 5; (5) and (11) repealed, (SB 26-019), ch. 104, p. 425, § 17, effective July 1.

26.5-4-204. Colorado universal preschool program - created - eligibility - workforce development plan - program funding - legislative declaration - rules.

(1) There is created in the department the Colorado universal preschool program. The department shall administer the preschool program in accordance with this part 2 and shall ensure that, for the 2023-24 school year and school years thereafter, families may enroll their children in preschool providers that receive funding through the preschool program. The purposes of the preschool program are:

(a) To provide children in Colorado access to voluntary, high-quality, universal preschool services free of charge in the school year before a child enrolls in kindergarten;

(b) To provide access to additional preschool services in the school year before kindergarten eligibility for children in low-income families and children who lack overall learning readiness due to qualifying factors;

(c) To provide access to preschool services for children who are three years of age, or in limited circumstances younger than three years of age, and are children with disabilities, are in low-income families, or lack overall learning readiness due to qualifying factors; and

(d) To establish quality standards for publicly funded preschool providers that promote children's early learning and development, school readiness, and healthy beginnings.

(2) For the 2023-24 school year and each school year thereafter, subject to the availability and enrollment capacity of preschool providers, parents throughout the state may enroll their children, free of charge, in ten hours per week of publicly funded preschool services for the school year preceding the school year in which the children are eligible to enroll in kindergarten. The department, working with early childhood councils, shall identify and recruit preschool providers throughout the state to participate in the Colorado universal preschool program. In identifying and recruiting preschool providers, the department and early childhood councils shall, to the extent practicable, establish a mixed delivery system in communities throughout the state that enables parents to select preschool providers for their children from as broad a range as possible within their respective communities.

(3) (a) For the 2023-24 school year and for each school year thereafter:

(I) Subject to the availability and capacity of preschool providers, every child in the state may receive ten hours of preschool services per week, at no charge, during the school year preceding the school year in which the child is eligible to enroll in kindergarten.

(II) Pursuant to IDEA and ECEA, every child who is three or four years of age and is a child with disabilities must be offered preschool services in accordance with the child's individualized education program.

(III) Subject to available appropriations, a child who is three years of age, is not eligible to enroll in kindergarten in the next school year, and is in a low-income family or meets at least one qualifying factor may receive the number of hours of preschool services established by department rule.

(IV) Subject to available appropriations, a community in which a school district operated a district preschool program pursuant to article 28 of title 22, as it existed prior to July 1, 2023, with a waiver to serve children under three years of age, may continue to provide preschool services for the number of hours established by department rule for the same number of children under three years of age that received preschool services in the 2022-23 school year, so long as each child who receives the preschool services is in a low-income family or meets at least one qualifying factor.

(V) Subject to available appropriations, a child who is in a low-income family or who meets at least one qualifying factor may receive additional preschool services for the number of hours established by department rule in the school year preceding the school year in which the child is eligible to enroll in kindergarten.

(b) Notwithstanding any provision of subsection (3)(a) of this section to the contrary:

(I) The state shall provide to each three- or four-year-old child with a disability whose parent enrolls the child in the preschool program an educational program in accordance with IDEA and ECEA and the child's individualized education program; and

(II) For a school year in which federal money is provided to the state to fund preschool, other than federal money provided through IDEA, the executive director may allocate said funding to provide the number of hours of preschool services allowed under federal law for all children defined as eligible under federal law.

(4) (a) The executive director shall adopt rules to implement the preschool program, which must include:

(I) The level of income that identifies a family as being low-income for purposes of identifying children who are three years of age or younger and are eligible for preschool services and prioritizing funding for those additional preschool services. The executive director shall, to the extent practicable, ensure that the income eligibility requirements for other publicly funded child care programs are aligned with the income level set pursuant to this subsection (4)(a)(I).

(II) The qualifying factors that a child must meet to be eligible to receive additional preschool services. The executive director shall ensure that the qualifying factors are reviewed and, as necessary, revised at least every five years. The purpose of the qualifying factors is to identify children who are at risk of entering kindergarten without being ready for school. The qualifying factors must include identification as a dual-language learner or a child with disabilities and may include such other factors as the department may identify.

(III) The number of hours of preschool services that an eligible child may receive pursuant to subsection (3)(a)(III) or (3)(a)(IV) of this section; except that the number of hours for an eligible child who is a child with disabilities is determined in accordance with IDEA, ECEA, and the child's individualized education program;

(IV) The number of hours of additional preschool services that an eligible child may receive pursuant to subsection (3)(a)(V) of this section; except that the number of hours for an eligible child who is a child with disabilities is determined in accordance with IDEA, ECEA, and the child's individualized education program;

(V) Preschool quality standards, as provided in section 26.5-4-205;

(VI) The formulas for setting the per-child rates for universal preschool services, for preschool services for children with disabilities, for preschool services for eligible children who are three years of age or younger as described in subsections (3)(a)(III) and (3)(a)(IV) of this section, and for additional preschool services, as provided in section 26.5-4-208; and

(VII) Such other rules as are required in this part 2 or as may be necessary to implement the preschool program.

(b) In adopting rules, the executive director shall, to the extent possible:

(I) Align all rules pertaining to funding and preschool provider requirements to facilitate combining and coordinating federal, state, preschool program, and child care funding to the greatest extent allowed under state and federal law and regulation; and

(II) Align preschool quality standards and requirements with the child care licensing requirements and licensing requirements for school district and charter school preschool programs, as provided in part 3 of article 5 of this title 26.5, to reduce conflicts and duplication.

(5) In developing a plan for recruiting, training, and retaining a well-compensated, well-prepared, high-quality statewide early childhood workforce pursuant to section 26.5-6-101, the department shall ensure that the plan specifically addresses strategies for building and supporting the preschool workforce, especially with respect to:

(a) Simplifying the process for attaining credentials, meeting qualifications, and demonstrating professional competencies;

(b) Minimizing regulatory and administrative barriers to entry, including barriers faced by individuals who speak languages other than English;

(c) Increasing diversity in the preschool workforce;

(d) Establishing goals for increasing the qualifications of preschool teachers over time, including strategies for achieving the goal of supporting increased attainment of baccalaureate degrees in early childhood or baccalaureate degrees with supplemental early learning credentials for lead teachers employed by preschool providers; and

(e) Recruiting, compensating, providing continuing professional development for, and retaining individuals in the preschool workforce, including strategies for achieving the goal of compensating those individuals at a living wage.

(6) **[*Editor's note: This version of the introductory portion to subsection (6) is effective until July 1, 2027.*]** To preserve the general assembly's historic commitment to preschool program funding, the general assembly shall appropriate to the department for the Colorado universal preschool program:

(6) **[*Editor's note: This version of the introductory portion to subsection (6) is effective July 1, 2027.*]** To preserve the general assembly's historic commitment to preschool program funding, the general assembly shall appropriate from the general fund or the state education fund created in section 17 of article IX of the state constitution to the department for the Colorado universal preschool program:

(a) For the 2023-24 fiscal year, an amount at least equal to the difference between the amount of the state share of total program calculated pursuant to article 54 of title 22 for the 2022-23 budget year, after application of the budget stabilization factor and after any mid-year adjustment, and the amount that the state share of total program, after application of the budget stabilization factor and after any mid-year adjustment, would be for the 2022-23 budget year if calculated without including the statewide preschool program enrollment, as defined in section 22-54-103, for the 2022-23 budget year and the number of three- and four-year-old pupils with disabilities receiving an educational program under the "Exceptional Children's Educational Act", article 20 of title 22, for the 2022-23 budget year.

(b) For the 2024-25 fiscal year, and each fiscal year thereafter, an amount at least equal to the amount described in subsection (6)(a) of this section increased annually by the rate of inflation.

(6.5) **[*Editor's note: Subsection (6.5) is effective July 1, 2027.*]** The general assembly may appropriate money for the purposes of subsection (6) of this section from the state education fund created in section 17 of article IX of the state constitution. The general assembly declares that, for purposes of section 17 of article IX of the state constitution, the appropriations required in subsection (6) of this section are an important element of expanding the availability of preschool programs and may therefore receive funding from the state education fund created in section 17 (4) of article IX of the state constitution.

(7) Except as required by a court-issued subpoena or order, a preschool provider and the department shall keep all identifying records regarding children and all identifying facts learned about children and their relatives confidential. Notwithstanding any provision of part 2 of article 72 of title 24 to the contrary, the department and the preschool provider shall not release individual child-level data that allows for the identification of a specific child or relative; except that individual child-level data that allows for the identification of a specific child or relative may be released to the person in interest, as defined in section 24-72-202.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 690, § 3, effective July 1. **L. 2023:** (6) added, (SB 23-216), ch. 94, p. 352, § 1, effective August 7. **L. 2026:** (2) amended, (SB 26-019), ch. 104, p. 425, § 18, effective May 5; (7) added, (HB 26-1259), ch. 119, p. 507, § 11, effective May 5; IP(6) amended and (6.5) added, (HB 26-1259), ch. 119, p. 507, § 11, effective July 1, 2027.

26.5-4-205. Quality standards - evaluation - support.

(1) (a) The department shall develop and the executive director shall establish by rule the quality standards that each preschool provider must meet to receive funding through the Colorado universal preschool program. The quality standards must, at a minimum, address the issues specified in this section and must reflect national and community-informed best practices with regard to school readiness, academic and cognitive development, healthy environments, social-emotional learning, and child and family outcomes. The department and the executive director shall work with families, educators, and program administrators to review and, as necessary, revise the quality standards at least every five years to ensure the standards continue to reflect national best practices and meet the other requirements specified in this section. In developing, reviewing, revising, and adopting the quality standards, the department and the executive director shall consider, at a minimum:

(I) The quality standards established for preschool providers participating in the Colorado preschool program pursuant to article 28 of title 22, as it existed prior to July 1, 2023;

(II) Nationally accepted standards for preschool programs;

(III) The child care licensing requirements established pursuant to part 3 of article 5 of this title 26.5 with which preschool providers are required to comply; and

(IV) The need to ensure the availability of preschool services for eligible children throughout the state while maintaining the quality of the preschool providers.

(b) (I) Except as provided in subsection (1)(b)(II) of this section, the department shall ensure that each preschool provider that participates in the preschool program meets the quality standards established by rule in accordance with this section. The department may work with an early childhood council to ensure that a preschool provider meets the quality standards. The department may prohibit a preschool provider that fails to meet one or more of the quality standards from participating in the preschool program.

(II) If necessary to ensure the availability of a mixed delivery system within a community, the department may allow a preschool provider that does not meet the quality standards to participate in the preschool program for a limited time while working toward compliance with the quality standards; except that each preschool provider must meet all quality standards relating to health and safety as a condition of participating in the preschool program.

(2) At a minimum, the quality standards established in rule must include:

(a) The minimum numbers of contact hours of instructional services per school year for universal preschool services for preschool services provided to children three years of age and younger, and for additional preschool services. The minimum number of contact hours of instructional services established in rule for universal preschool services must not be less than three hundred sixty hours per school year.

(b) A requirement that each preschool provider provide eligible children an equal opportunity to enroll and receive preschool services regardless of race, ethnicity, religious affiliation, sexual orientation, gender identity, lack of housing, income level, or disability, as such characteristics and circumstances apply to the child or the child's family;

(c) The maximum allowable educator-to-child ratios and group sizes, aligned with national best practices. The department, by rule, may implement a waiver process to allow a preschool provider that implements a nationally recognized preschool program model to implement the educator-to-child ratios and group sizes that support the instructional practices of the model, so long as the preschool provider meets the national standards for the model or is accredited to provide the model.

(d) Qualifications for preschool teachers. The quality standards must not require preschool teachers to be licensed pursuant to article 60.5 of title 22 and must allow a preschool provider to employ a nonlicensed preschool teacher as long as the teacher meets other qualifications established in department rule. The department shall work with the department of education to ensure that a preschool educator may meet the qualifications for preschool educators by demonstrating compliance with the qualifications for an early childhood teaching license endorsement provided by the department of education.

(e) Requirements for continuing professional development for teachers employed by a preschool provider, which must be focused on improving teacher-child interactions and quality of instruction, including improving fidelity in implementing evidence-based curricula and student outcomes, and may allow for training in developmentally appropriate early numeracy, language, and literacy development, and the science of reading that is appropriate for early childhood education and comparable to the training required for early grade teachers pursuant to the "Colorado READ Act", part 12 of article 7 of title 22. The department shall work with the department of education to allow, to the fullest extent possible, a teacher who is licensed by the department of education to use the professional development required to renew the teaching license to also meet the professional development requirements established by the department for teachers employed by a preschool provider.

(f) Standards for preschool services that, at a minimum, are aligned with the Colorado early learning and development guidelines across all early childhood domains approved by the early childhood leadership commission and with the Colorado academic standards adopted by the state board of education pursuant to section 22-7-1005, are culturally inclusive, and are supported by the department in implementation;

(g) Standards for instructional practice that, at a minimum, must ensure that the instructional practice implemented by preschool providers:

(I) Promotes learning through developmentally appropriate practices that include a mix of structured activities and play; and

(II) Increases and supports learning using instructional practices that build on previous learning and include a focus on age-appropriate classroom environments and ongoing informal assessments of learning;

(h) Limitations on the use of, and required procedures for, out-of-school suspension and expulsion in accordance with section 22-33-106.1. In addition, to reduce the use of exclusionary discipline, the standards must reflect best practices in early childhood mental health, including promoting access to early childhood mental health consultation.

(i) Standards for family and community engagement to ensure that the preschool provider engages with parents and neighborhood leaders in a formal and meaningful way, including seeking input for policy and programming decisions;

(j) Requirements for serving children who are dual-language learners, which must, at a minimum, include:

(I) Identifying, screening, and assessing children in their home languages;

(II) Communicating with children's parents in their home languages; and

(III) Using teaching strategies that have been shown to meet the needs of children who are dual-language learners;

(k) Requirements for offering voluntary vision, hearing, dental, and health screenings, and, upon parent request, referrals to appropriate health providers for children who are enrolled by a preschool provider; and

(l) Requirements for providing voluntary developmental screenings, which must, at a minimum, include the use of valid and reliable screening tools that are developmentally, culturally, and linguistically appropriate.

(3) (a) Using the procedures specified in subsection (3)(b) of this section, the department shall create a resource bank of preschool curricula for use by preschool providers. The resource bank may include only curricula that, at a minimum:

(I) Are supported by evidence that use of the curricula improves student outcomes;

(II) Are developmentally appropriate, culturally relevant, and linguistically responsive to communities being served;

(III) Promote literacy, as developmentally appropriate, based on the science of reading by providing language development, including speech sounds, vocabulary, grammar, and use, and providing developmentally appropriate instruction to support children's success in early elementary grades when receiving instruction pursuant to the "Colorado READ Act", part 12 of article 7 of title 22, in the areas of phonemic awareness; phonics; vocabulary development; reading fluency, including oral skills; and reading comprehension;

(III.5) Promote developmentally appropriate early numeracy; and

(IV) Are aligned with the Colorado early learning and development guidelines approved by the early childhood leadership commission.

(b) The department shall develop and implement a procedure for identifying the curricula it includes in the resource bank of preschool curricula. At a minimum, the procedure must include:

(I) Soliciting through public notice, accepting, and promptly reviewing curricula from preschool providers and from publishers;

(II) Evaluating the curricula that the department identifies or receives, which evaluation is based on the criteria specified in subsection (3)(a) of this section and any additional criteria specified in department rule;

(III) Providing notice to preschool providers and publishers that submit curricula concerning whether the submitted curricula was included in the resource bank and, if excluded from the resource bank, the reasons for exclusion; and

(IV) Reviewing the resource bank at least every three years to update the resource bank and add curricula when appropriate. In reviewing and updating the resource bank, the department shall, at a minimum, comply with the procedures described in subsections (3)(b)(I) to (3)(b)(III) of this section.

(c) The department shall allow preschool providers and publishers to submit curricula to the department at any time to be reviewed and considered for inclusion in the resource bank, regardless of the schedule for reviewing the resource bank. The department shall review all submitted curricula in accordance with the adopted procedures described in subsection (3)(b) of this section.

(d) The department shall make the resource bank accessible to the public through the department website.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 693, § 3, effective July 1. **L. 2023:** (2)(e) and (3)(a)(III) amended and (3)(a)(III.5) added, (HB 23-1231), ch. 190, p. 950, § 14, effective May 15. **L. 2026:** (1)(b)(I) amended, (SB 26-019), ch. 104, p. 425, § 19, effective May 5.

ANNOTATION

Department of early childhood permanently enjoined from expelling, punishing, withholding funds from, or otherwise disciplining private Christian school under the universal preschool program on the basis that the school's

policies, as alleged in the verified complaint, violate the program's statutory or contractual anti-discrimination provisions. Darren Patterson Christian Acad. v. Roy, 765 F. Supp. 3d 1194 (D. Colo. 2025).

Because this section permits exceptions in the discretion of the government, but the government refuses to allow an exception to accommodate the school's sincere religious beliefs, the statute is not neutral as a matter of law. Darren Patterson Christian Acad. v. Roy, 765 F. Supp. 3d 1194 (D. Colo. 2025).

The equal-opportunity requirements in subsection (2)(b) related to sexual orientation and gender identity are neutral and generally applicable. The state interest in removing discriminatory barriers for LGBTQ+ children and families is compelling and the means for pursuing that interest are narrowly tailored. St. Mary Catholic Par. in Littleton v. Roy, 736 F. Supp. 3d 956 (D. Colo. 2024), aff'd, 154 F.4th 752 (10th Cir. 2025).

Denial of an exemption from the religious-affiliation aspect of the equal-opportunity requirement in subsection (2)(b) violated two faith-based preschool providers' free exercise rights under the first amendment to the United States Constitution. The religious-affiliation aspect of the equal-opportunity requirement is not generally applicable and does not satisfy strict scrutiny. St. Mary Catholic Par. in Littleton v. Roy, 736 F. Supp. 3d 956 (D. Colo. 2024), aff'd on other grounds, 154 F.4th 752 (10th Cir. 2025).

Therefore, the court permanently enjoined the executive director of the department of early childhood and the director of the universal preschool program, acting in their official capacities, from requiring, as a condition for participation in the universal preschool program, that the preschools agree to provide or provide eligible children an equal opportunity to enroll and receive preschool services regardless of religious affiliation for as long as the directors allow exemptions from the religious affiliation aspect of the equal-opportunity requirement and in the universal preschool program service agreement. St. Mary Catholic Par. in Littleton v. Roy, 736 F. Supp. 3d 956 (D. Colo. 2024), aff'd on other grounds, 154 F.4th 752 (10th Cir. 2025).

26.5-4-206. Preschool special education services - department collaboration - memorandum of understanding.

(1) The department shall collaborate with the department of education through a memorandum of understanding as described in subsection (2) of this section to ensure all children with disabilities are served equitably in the Colorado universal preschool program, ensure access to classrooms that meet the individual needs of children with disabilities based on their individualized education programs, and ensure that preschool providers operate in accordance with federal and state law concerning education for preschool-age children with disabilities. In collaborating pursuant to this section, the department and the department of education shall, at a minimum:

(a) Support local implementation of best practices;

(b) Create training for preschool providers concerning the legal obligations for serving children with disabilities, including the responsibilities and obligations of administrative units specified in IDEA and ECEA; and

(c) Collaborate to ensure preschool services delivered through the preschool program to children with disabilities are delivered in compliance with IDEA and ECEA.

(2) The department and the department of education shall enter into a memorandum of understanding that, at a minimum:

(a) Defines the roles and responsibilities of both departments, administrative units as defined in section 22-20-103, and preschool providers, recognizing that the department of education is the identified agency responsible for compliance with the part B component of IDEA, as described in section 22-20-103 (4)(b);

(b) Describes data collection and sharing responsibilities in accordance with federal requirements and timelines, ensuring that all critical data can be disaggregated, while adhering to requirements for protecting personally identifiable information;

(c) Describes each department's role in helping preschool providers and communities provide inclusive, individualized, meaningful, culturally relevant, linguistically relevant, active, and participatory learning for all children with disabilities, in accordance with each child's individualized education program;

(d) Establishes procedures for holding all preschool providers accountable for providing access and supports for children with disabilities;

(e) Recommends training programs for preschool providers in working with children with disabilities;

(f) With regard to preschool program rules, establishes processes to:

(I) Ensure that preschool program requirements are in compliance with and do not conflict with IDEA and ECEA; and

(II) Ensure preschool program rules address all legal requirements for the provision of preschool services to eligible children with disabilities.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 697, § 3, effective July 1.

26.5-4-207. Preschool program evaluation and improvement process - independent evaluator.

(1) The department shall develop and implement a process for continuous evaluation and improvement of preschool providers who participate in the Colorado universal preschool program. At a minimum, the process must include a requirement that preschool providers use assessment and continuous improvement strategies that:

(a) Are implemented through a coordinated system that includes the quality standards established in department rule; curriculum; professional development; developmentally appropriate, age-appropriate, and whole-child assessment that may be based on observational assessments of children's development and classroom-based teacher-child interactions; and data collection;

(b) Support both continuous program improvement and the department's independent evaluation of the preschool program as provided in subsection (2) of this section;

(c) Are designed to inform curriculum implementation, professional development, teacher supports, and resource allocation; and

(d) Are appropriate for use with young children and for the purposes for which they are used.

(2) The department shall contract with an independent evaluator to measure the success of the Colorado universal preschool program in improving the overall learning and school readiness of children who receive preschool services through the preschool program. In evaluating the success of the preschool program, the department shall ensure the independent evaluator has access to the necessary data to measure immediate and long-term child outcomes and to provide recommendations to improve teaching and learning, assess professional development inputs and outcomes, and improve teacher-child interactions. The department shall take into account the evaluations and recommendations of the independent evaluator in implementing the process for continuous evaluation and improvement described in subsection (1) of this section.

(3) The department shall communicate the evaluations and recommendations of the independent evaluator to families, communities, preschool providers, early childhood councils, the state board of education, and the general assembly, as appropriate, to inform and improve early childhood teaching and education and policy-making related to early childhood education.

(4) The department shall take into account the evaluations and recommendations of the independent evaluator in reviewing and revising the preschool quality standards pursuant to section 26.5-4-205; the plan for recruiting, training, and retaining a high-quality early childhood workforce pursuant to section 26.5-6-101; and the state goals for implementing the preschool program.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 699, § 3, effective July 1. **L. 2026:** (3) amended, (SB 26-019), ch. 104, p. 426, § 20, effective May 5.

26.5-4-208. Preschool provider funding - per-child rates - local contribution - distribution and use of money - definitions.

(1) (a) The department, in accordance with the intent specified in section 26.5-4-202 (3), shall annually establish the per-child rates for universal preschool services, for preschool services for children with disabilities, for preschool services for eligible children who are three years of age or younger as described in section 26.5-4-204 (3)(a)(III) and (3)(a)(IV), and for additional preschool services. In establishing the per-child rates, the department, at a minimum, shall ensure that the per-child rate for preschool services for children with disabilities is at least equal to the greater of the per-child rate for universal preschool services or the state per pupil preschool funding rate for children with disabilities for the 2022-23 budget year, as defined in subsection (6) of this section. The department shall adopt one or more formulas for annually setting the per-child rates, which formulas must, at a minimum, take into account:

(I) The cost of providing preschool services that meet the quality standards established in department rule pursuant to section 26.5-4-205 (2);

(II) The responsibilities of the state and administrative units to meet the special education funding maintenance of effort requirements specified in IDEA;

(III) Variations in the cost of providing preschool services that result from regional differences and circumstances, which may include difficulties in achieving economies of scale in rural areas and in recruiting and retaining preschool educators; and

(IV) Variations in the cost of providing preschool services that result from the characteristics of children, which must include a child's identification as a child in a low-income family, and may include, but need not be limited to, a child's identification as a dual-language learner.

(b) In establishing the formulas described in subsection (1)(a) of this section and annually setting the per-child rates, the department must consider strategies to mitigate the effect of preschool funding on the availability of child care services for infants and toddlers within communities and areas in the state.

(c) In establishing the formula for additional preschool services, in addition to the considerations specified in subsection (1)(a) of this section, the department may consider the amount of local funding available to assist families within a community based on the applicable early childhood council community strategic plan described in section 26.5-2-204 or available within an area that does not have an early childhood council. A preschool provider is prohibited from charging a fee for additional preschool services to a family that participates in the preschool

program that exceeds the amount charged to families that do not receive additional preschool services.

(d) In addition to distributing funding based on the per-child rates established pursuant to subsection (1)(a) of this section, the department may by rule distribute funding to achieve a specified purpose, which may include funding for administrative units to provide special education services through the preschool program and funding for measures related to recruiting, training, and retaining preschool educators. The department may choose to distribute funding pursuant to this subsection (1)(d) only after the department allocates the amounts necessary to fund preschool services for eligible children who are three years of age or younger, up to the amounts described in subsection (3)(c) of this section, and to fully fund universal preschool services for all eligible children who enroll.

(e) In establishing the formulas and other distribution amounts, the department shall consult with the rules advisory council, the early childhood leadership commission, and members of the early childhood community, including parents of preschool-age children, preschool educators, preschool providers, early childhood councils, school districts, charter schools, representatives of county departments of human or social services, and individuals with financial expertise in public and private funding sources for early childhood services.

(2) Before finalizing the per-child rates in a fiscal year, the department shall:

(a) (I) Ensure that the per-child rates for universal preschool services, for preschool services for children with disabilities, and for preschool services for eligible children who are three years of age or younger as described in section 26.5-4-204 (3)(a)(III) and (3)(a)(IV) meet or exceed the constitutional compliance rate for the applicable fiscal year, as described in subsection (2)(a)(II) of this section.

(II) For the 2023-24 fiscal year, the constitutional compliance rate is forty percent of the statewide base per pupil funding that the general assembly establishes in section 22-54-104 (5)(a) for the 2023-24 fiscal year. For the 2024-25 fiscal year and each fiscal year thereafter, the constitutional compliance rate is the 2023-24 fiscal year constitutional compliance rate increased annually, beginning in the 2024-25 fiscal year, by the rate of inflation.

(b) Compare the amount of funding that the per-child rates direct toward universal preschool services with the amount of funding the rates direct toward additional preschool services and prepare an analysis of the efficacy of the balance between funding for universal preschool services and additional preschool services in optimizing support for children in low-income families and children who meet qualifying factors while ensuring high-quality universal preschool services. The department shall make the analysis available to the public.

(c) Consider the impact on the level of funding for preschool providers as a result of the per-child rates and the levels of enrollment as compared to previous state fiscal years, including state fiscal years preceding the 2023-24 state fiscal year. The department may consider a specified

purpose distribution as described in subsection (1)(d) of this section to reduce any impact on the level of funding for preschool providers.

(3) (a) Beginning in the 2026-27 fiscal year and for each fiscal year thereafter, the department, working with early childhood councils in accordance with each early childhood council's agreement with the department, shall distribute the funding appropriated to the department for preschool services from the preschool programs cash fund and any amount received pursuant to section 26.5-4-209 (2). The department and early childhood councils, as applicable, shall base the amounts distributed on the per-child rates and any special purpose distributions established for the applicable fiscal year pursuant to subsection (1) of this section. At the start of each fiscal year, the department and early childhood councils, as applicable, shall distribute a portion of the funding to preschool providers based on the numbers and types of eligible children expected to enroll in preschool as estimated in the community strategic plans or as estimated by the department for an area that does not have an early childhood council. The department and early childhood councils, as applicable, shall continue distributing portions of the funding periodically throughout the school year and shall adjust the amounts distributed based on the actual numbers and types of eligible children enrolled by preschool providers.

(b) The department shall ensure that funding is allocated for preschool services for eligible children who are three years of age or younger, as described in subsection (3)(c) of this section, for children with disabilities, and for all eligible children who enroll in universal preschool services before funding is allocated for additional preschool services or for specified purposes as described in subsection (1)(d) of this section. In allocating funding for additional preschool services for eligible children, the department shall first allocate funding for additional preschool services for eligible children who are in low-income families and meet at least one qualifying factor and then allocate funding for additional preschool services for the remaining eligible children who are in low-income families.

(c) (I) (A) In distributing funding for preschool services pursuant to this section for the 2023-24 fiscal year and each fiscal year thereafter, the department shall ensure that the amount of funding required to provide preschool services to all three-year-old children with disabilities who enroll in the preschool program is annually distributed to the enrolling preschool providers and the amount described in subsection (3)(c)(I)(B) of this section is distributed to provide preschool services for eligible children who are three years of age or younger, as described in section 26.5-4-204 (3)(a)(III) and (3)(a)(IV).

(B) To provide services for eligible children who are three years of age or younger, the department shall annually distribute the amount allotted for the 2022-23 fiscal year to provide preschool services for children three years of age or younger through the "Colorado Preschool Program Act", article 28 of title 22, as it existed prior to July 1, 2023, calculated as an amount equal to the number of children three years of age or younger enrolled by each school district for

the 2022-23 fiscal year multiplied by the per pupil funding, as described in section 22-54-104 (3) or (3.5), whichever is applicable, for the enrolling school district for the 2022-23 fiscal year.

(II) The department and early childhood councils, as applicable, shall distribute the funding for preschool services for children who are three years of age or younger as described in subsection (3)(c)(I)(B) of this section only to preschool providers that are school districts or charter schools for the eligible children who are three years of age and younger whom the school district or charter school enrolls in accordance with the preschool program; except that, in a fiscal year in which the general assembly specifically appropriates an amount to provide preschool services for children three years of age or younger who do not have disabilities that exceeds the amount described in subsection (3)(c)(I)(B) of this section, the department may distribute in accordance with the applicable community strategic plans described in section 26.5-2-204 all or any portion of the excess appropriation amount to community-based preschool providers. A school district may distribute all or a portion of the amount received pursuant to this subsection (3)(c)(II) to a head start agency or community-based preschool provider that provides preschool services pursuant to a contract with the school district.

(III) Notwithstanding any provision of subsection (3)(c)(I) of this section to the contrary, in a fiscal year in which the amount described in subsection (3)(c)(I)(B) of this section to fund preschool services for children who are three years of age or younger is more than is required to fully fund the number of said eligible children who actually enroll for preschool services, the department may distribute the excess amount to fund universal preschool services, additional preschool services, or special purpose distributions in accordance with this section.

(IV) In a fiscal year in which the amount described in subsection (3)(c)(I)(B) of this section to fund preschool services for children who are three years of age or younger is less than is required to fully fund the number of said eligible children who actually enroll for preschool services, the department shall first provide funding for the eligible children with disabilities and eligible children who are in low-income families and meet at least one qualifying factor and then provide funding for the remaining eligible children who are in low-income families. If any amount of the appropriation described in subsection (3)(c)(I)(B) of this section remains, the department, working with the rules advisory council, the early childhood councils, and any other interested persons, shall establish the priority for distributing the funding among the remaining eligible children.

(4) Repealed.

(5) A preschool provider that receives funding distributed pursuant to this section shall use the money only to pay the costs of providing preschool services directly to eligible children enrolled by the preschool provider or by a subcontracted preschool provider as authorized for a school district in subsection (3)(c)(II) of this section. Costs of providing preschool services include:

(a) Teacher and paraprofessional salaries and benefits;

(b) The cost of providing to teachers and paraprofessionals any professional development activities associated with the preschool services;

(c) The costs incurred in purchasing supplies and materials used in providing the preschool services;

(d) Any additional costs that a preschool provider would not have incurred but for the services provided in conjunction with the preschool services; and

(e) A reasonable allocation of overhead costs as provided by department rule.

(6) As used in this section, unless the context otherwise requires:

(a) "District extended high school pupil enrollment" has the same meaning as provided in section 22-54-103.

(b) "Funded pupil count" means the funded pupil count as determined pursuant to article 54 of title 22.

(c) "Online pupil enrollment" has the same meaning as provided in section 22-54-103.

(d) "State average per pupil funding amount" means the total of the per pupil funding amounts, as described in section 22-54-104 (3) or (3.5), for all school districts in the state as calculated for the 2022-23 budget year divided by the total number of school districts, then multiplied by fifty percent.

(e) "State per pupil preschool funding rate for children with disabilities for the 2022-23 budget year" means an amount equal to the state's share percentage of statewide total program funding for all school districts calculated pursuant to the "Public School Finance Act of 1994", article 54 of title 22, for the 2022-23 budget year multiplied by the state average per pupil funding amount for the 2022-23 budget year.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 700, § 3, effective July 1. **L. 2023:** (4)(a) and (6)(d) amended, (HB 23-1235), ch. 434, p. 2545, § 8, effective June 7; (1)(d) and (1)(e) amended, (HB 23-1301), ch. 303, p. 1835, § 61, effective August 7. **L. 2024:** (6)(b) amended, (HB 24-1448), ch. 236, p. 1537, § 62, effective May 23. **L. 2026:** (1)(c) and (1)(e) amended, (SB 26-019), ch. 104, p. 426, § 21, effective May 5; (3)(a), (3)(c)(II), and (3)(c)(IV) amended, (SB 26-019), ch. 104, p. 426, § 21, effective July 1.

Editor's note: Subsection (4)(e) provided for the repeal of subsection (4), effective July 1, 2024. (See L. 2022, p. 700.)

26.5-4-209. Preschool programs cash fund - created - use.

(1) (a) The preschool programs cash fund is created in the state treasury. The fund consists of money credited to the fund pursuant to section 24-22-118 (2), money transferred to the fund pursuant to section 39-28-116 (6), and any additional money the general assembly may appropriate or transfer to the fund. The state treasurer shall credit all interest and income derived from the deposit and investment of money in the preschool programs cash fund to the fund. The general assembly shall annually appropriate money in the preschool programs cash fund to the department to implement the preschool program.

(b) (Deleted by amendment, L. 2023.)

(2) In addition to the money appropriated from the fund, the department may seek, accept, and expend public and private gifts, grants, and donations to implement the preschool program.

(3) (a) The department shall prioritize the use of money appropriated from the preschool programs cash fund to provide funding for ten hours of voluntary preschool services per week, at no charge, to Colorado children during the school year preceding the school year in which a child is eligible to enroll in kindergarten, to provide funding for preschool services for children with disabilities, and to provide funding for preschool services for eligible children who are three years of age or younger as described in section 26.5-4-204 (3)(a)(III) and (3)(a)(IV).

(b) The department may use the remaining money annually appropriated from the preschool programs cash fund after the uses described in subsection (3)(a) of this section to provide additional preschool services for children who are in low-income families or who meet at least one qualifying factor.

(4) In furtherance of the purposes set forth in subsection (3) of this section and to meet an expansion of preschool populations, in addition to the use described in subsection (3)(b) of this section, the department may use the remaining money annually appropriated from the preschool programs cash fund after meeting the uses described in subsection (3)(a) of this section to ensure the availability of quality, voluntary preschool services provided through a mixed delivery system by means the department deems appropriate, including:

(a) Recruiting, training, and retaining early childhood education professionals;

(b) Expanding or improving the staff, facilities, equipment, technology, and physical infrastructure of preschool providers to increase preschool access;

(c) Parent and family outreach to facilitate timely and effective enrollment; and

(d) Such other uses as are consistent with and further the purpose of the preschool program.

(5) After ensuring the delivery of direct services for eligible children, the department may use money appropriated from the preschool programs cash fund for the administrative costs incurred by early childhood councils that are directly related to the delivery of preschool services.

(5.5) The general assembly shall not appropriate the full balance of the preschool programs cash fund prior to the start of a state fiscal year. The unappropriated balance in the preschool programs cash fund at the start of the fiscal year is the reserve. The department may submit a request for a supplemental appropriation from the preschool programs cash fund reserve to the joint budget committee pursuant to section 2-3-208 (3)(a) and (3)(b)(II).

(6) Repealed.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 706, § 3, effective July 1. **L. 2023:** (6) added, (HB 23-1290), ch. 337, p. 2023, § 2, effective June 2; (1) amended, (SB 23-216), ch. 94, p. 353, § 2, effective August 7. **L. 2024:** (6)(a)(III) and (6)(c) added and (6)(b) repealed, (HB 24-1215), ch. 11, p. 25, § 2, effective February 27; (3)(b) and IP(4) amended and (5.5) added, (HB 24-1387), ch. 92, p. 298, § 1, effective April 18. **L. 2026:** (5) amended, (SB 26-019), ch. 104, p. 427, § 22, effective May 5.

Editor's note: (1) The provisions of this section are similar to several provisions of former section 24-22-118 (3) as they existed prior to 2022. For a detailed comparison, see the comparative tables located in the back of the index.

(2) Subsection (6)(a)(III) provided for the repeal of subsection (6)(a), effective July 1, 2024. (See L. 2024, p. 25.)

(3) For the amendments to subsection (6)(a)(III) in HB 24-1215 in effect from February 27, 2024, to July 1, 2024, see chapter 11, Session Laws of Colorado 2024. (L. 2024, p. 25.)

(4) Subsection (6)(c) provided for the repeal of subsection (6)(c), effective February 1, 2025. (See L. 2024, p. 25.)

Cross references: For the legislative declaration in HB 23-1290, see section 1 of chapter 337, Session Laws of Colorado 2023.

26.5-4-210. Reporting.

(1) As part of the annual hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act", part 2 of article 7 of title 2, the department shall report on the implementation and effectiveness of the Colorado universal preschool program in the preceding fiscal year. At a minimum, the report must include:

(a) The number of eligible children served by preschool providers, specifying:

(I) The number of eligible children who received only universal preschool services;

(II) The number of eligible children with disabilities who received preschool services;

(III) The number of eligible children three years of age and younger who received preschool services;

(IV) The number of eligible children who received additional preschool services;

(V) The number and percentage of eligible children enrolled in the preschool program who were in low-income families and who met one or more qualifying factors, including identifying the qualifying factors that were met; and

(VI) The demographics of the eligible children enrolled in the preschool program, including, but not limited to, race, ethnicity, disability, and income;

(b) The number of children who were eligible to receive funding for additional preschool services but did not due to insufficient funding and the amount that would have fully funded additional preschool services for all eligible children;

(c) The number of eligible children who did not enroll in preschool providers;

(d) The extent to which a mixed delivery system of preschool providers is available and the enrollment capacity of the mixed delivery system throughout the state;

(e) The amount of funding distributed to preschool providers through the preschool program, in total and disaggregated by communities with early childhood councils and areas of the state that do not have early childhood councils;

(f) The per-child rates established pursuant to section 26.5-4-208 (1) for universal preschool services, preschool services for children with disabilities, preschool services for eligible children who are three years of age or younger, and additional preschool services for the fiscal year with an explanation of the formulas for determining the per-child rates;

(g) Of the amount appropriated from the preschool programs cash fund, the amount, expressed as a dollar amount and a percentage of the total appropriation, that:

(I) Was distributed to fund universal preschool services;

(II) Was distributed to fund preschool services for children with disabilities;

(III) Was distributed to fund preschool services for eligible children three years of age and younger;

(IV) Was distributed to fund additional preschool services;

(V) Was distributed for specified purposes pursuant to section 26.5-4-208 (1)(d) with an explanation of each specified purpose and the preschool providers or communities that received the distributions;

(VI) Is attributable to each weighting factor, if any, included in the formulas created pursuant to section 26.5-4-208 (1); and

(VII) Was spent on administrative expenses of the department and each early childhood council;

(h) The number of eligible children for whom additional preschool services or other full-day preschool services were provided using resources other than the money distributed through the preschool program and the sources of those resources;

(i) Quantitative data, and qualitative data if available, including student outcomes to the extent they are available, demonstrating the effectiveness of the preschool program in improving the overall learning and school readiness of children who receive preschool services through the preschool program, including the results of the independent evaluation conducted pursuant to section 26.5-4-207 (2);

(j) The changes, if any, in the availability of child care for infants and toddlers, statewide and within communities or areas, following implementation of the preschool program;

(k) Any other information that indicates the effectiveness of the preschool program in serving eligible children throughout the state; and

(l) Any recommendations for legislative or regulatory changes to improve the effectiveness of the preschool program.

(2) The department may request and early childhood councils and preschool providers shall provide information as necessary for the department to prepare the report described in subsection (1) of this section.

(3) The department shall annually publish on the department website the information provided in the report described in subsection (1) of this section.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 707, § 3, effective July 1. **L. 2026:** IP(1), (1)(e), (1)(g)(VII), and (2) amended, (SB 26-019), ch. 104, p. 428, § 23, effective May 5.

26.5-4-211. Colorado universal preschool program provider participation bonus program - report - rules - definitions - repeal. (Repealed)

Source: L. 2023: Entire section added, (SB 23-269), ch. 336, p. 2018, § 1, effective June 2.

Editor's note: Subsection (7) provided for the repeal of this section, effective July 1, 2025. (See L. 2023, p. 2018.)

PART 3

KINDERGARTEN READINESS ONLINE PILOT PROGRAM

26.5-4-301. Legislative declaration.

(1) The general assembly finds and declares that:

(a) All children in the year before they are eligible to enroll in kindergarten should have access to social-emotional and academic supports that are important for school readiness;

(b) The state should provide a wide range of choices for families to access kindergarten readiness supports, including the option for online kindergarten readiness programs; and

(c) To receive state funding, an online kindergarten readiness program should demonstrate strong evidence of effectiveness in teaching a diverse array of children, provide evidence-based online curriculum, incorporate family engagement, and undergo periodic evaluation to measure effectiveness in preparing children to learn in kindergarten.

(2) The general assembly therefore finds that, to best serve all families, it is appropriate for the state to support an online kindergarten readiness pilot program as a choice for parents who seek to access academic and readiness support services for their children in the year preceding kindergarten eligibility.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 710, § 3, effective July 1.

26.5-4-301.5. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Pilot program" means the online kindergarten readiness pilot program created in section 26.5-4-302 (1).

Source: L. 2025: Entire section added, (SB 25-275), ch. 377, p. 2082, § 231, effective August 6.

26.5-4-302. Online kindergarten readiness pilot program - created - survey - provider selection - funding.

(1) There is created in the department the online kindergarten readiness pilot program to provide funding for a voluntary, online kindergarten readiness program that serves children in the year before eligibility for kindergarten enrollment. The purposes of the pilot program are to:

(a) Help ensure that, in the year before eligibility for kindergarten enrollment, children receive personalized, online support in reading, mathematics, and science that is developmentally appropriate;

(b) Provide training for parents and other family members to help them assist their children in learning; and

(c) Raise the level of kindergarten readiness for all children, including children who are in low-income families.

(2) The department shall conduct a statewide survey to determine the number of families who would be interested in participating in the pilot program. The department shall compile and submit the results of the survey by December 1, 2022, to the joint budget committee of the general assembly and the office of state planning and budgeting.

(3) (a) The department shall issue a request for information for a provider to make an online kindergarten readiness program available to families statewide. At a minimum, a provider must demonstrate:

(I) The ability to provide technology to families that choose to participate in the online program but do not have the appropriate technology to be able to do so;

(II) The use of a curriculum that is developmentally appropriate and evidence based and has demonstrated effectiveness in preparing children to learn in kindergarten;

(III) Strong evidence of the effectiveness of the provider's online kindergarten readiness program overall in preparing children to learn in kindergarten and in developing strong social-emotional skills in children who participate in the program; and

(IV) An effective plan for recruiting families from diverse backgrounds in all geographic areas of the state to voluntarily enroll in the program.

(b) By May 1, 2023, based on the responses to the request for information, the department, subject to available appropriations for the 2023-24 fiscal year, may select and contract with a single provider to provide an online kindergarten readiness program. At a minimum, the contract must require the provider to provide statewide notice of the availability of the online kindergarten readiness program and begin enrolling families, free of charge, for the 2023-24 school year.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 710, § 3, effective July 1. **L. 2025:** IP(1) amended, (SB 25-275), ch. 377, p. 2082, § 232, effective August 6.

26.5-4-303. Reporting.

(1) Beginning with the hearing held in January of 2025, as part of the annual hearing held pursuant to the "State Measurement for Accountable, Responsive, and Transparent (SMART) Government Act", part 2 of article 7 of title 2, the department shall report on the implementation of the pilot program, including:

(a) The number of children enrolled in the pilot program for the preceding fiscal year;

(b) The number and percentage of children enrolled in the preschool program who were in low-income families and who met one or more of the qualifying factors established in department rule pursuant to section 26.5-4-204 (4)(a)(II), including identifying the qualifying factors that were met;

(c) The demographics of the children enrolled in the pilot program, including, but not limited to, race, ethnicity, disability, and income;

(d) Quantitative and, to the extent available, qualitative data, including student outcomes to the extent they are available, demonstrating the effectiveness of the pilot program in improving the overall learning and kindergarten readiness of children enrolled in the pilot program; and

(e) Any additional information necessary to determine the effectiveness of the pilot program in preparing children to learn in kindergarten.

(2) The department may request and the provider shall provide information as necessary for the department to prepare the report described in subsection (1) of this section.

(3) The department shall annually publish on the department website the information provided in the report described in subsection (1) of this section.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 711, § 3, effective July 1.

26.5-4-304. Repeal of part.

This part 3 is repealed, effective July 1, 2029.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 712, § 3, effective July 1.

PART 4

YOUTH SPORTS ORGANIZATIONS

26.5-4-401. Definitions.

As used in this part 4, unless the context otherwise requires:

(1) "Abuse" means physical or mental injury, sexual abuse or exploitation, or negligent treatment of a child.

(2) "Coach" means a person employed or volunteering as a coach, manager, or supervisor of a youth athletic activity but does not include occasional assistance with or support of the youth athletic activity by a person, including the action of other volunteers or employees of the youth sports organization in a passing, general, or nominal manner.

(3) (a) "Youth sports organization" means a private for-profit or not-for-profit organization that, as part of its core function, provides persons who are less than eighteen years of age the opportunity to participate in scheduled competitive or recreational sporting activities, whether individually or as a team, but does not include a sporting activity that is incidental to a nonathletic program or lesson.

(b) "Youth sports organization" does not include:

(I) A neighborhood youth organization, as defined in section 26.5-5-303;

(II) A public or private school serving any of grades kindergarten through twelve;

(III) A licensed child-care facility;

(IV) A public or private institution of higher education; or

(V) An organization that merely provides the opportunity to participate in an unsupervised, unscheduled competitive or recreational sporting event on a walk-in basis.

Source: L. 2024: Entire part added, (SB 24-113), ch. 196, p. 1193, § 1, effective August 7.

26.5-4-402. Organized youth athletic activities - abuse prevention training.

(1) (a) Starting July 1, 2025, each youth sports organization shall require each coach to annually complete mandatory reporter training that adheres to the recommendations of the mandatory reporter training task force pursuant to section 19-3-304.2.

(b) Each youth sports organization shall encourage each coach to annually complete an abuse prevention training program that includes the following:

(I) Prohibited conduct by coaches;

(II) Appropriate one-on-one interactions between players and coaches;

(III) How to recognize and appropriately respond to and prevent behaviors that violate the prohibited conduct policy developed pursuant to subsection (2) of this section; and

(IV) How to respond to disclosures of sexual abuse, child abuse, or reports of behaviors violating the prohibited conduct policy developed pursuant to subsection (2) of this section in a supportive and appropriate manner that meets the mandated reporting requirements pursuant to Colorado statutes.

(2) (a) (I) Each youth sports organization shall develop a prohibited conduct policy relating to youth athletic activities.

(II) The prohibited conduct policy must include:

(A) A list of prohibited conduct by parents, spectators, coaches, and athletes and a mandatory reporting policy for adults who have knowledge of an act of prohibited conduct; and

(B) A code of conduct for parents, spectators, coaches, and athletes to follow.

(III) A youth sports organization may adopt the model code of conduct policy made available by the department pursuant to section 26.5-1-117.

(b) Each youth sports organization shall require each of its coaches to comply with the prohibited conduct policy developed pursuant to subsection (2)(a) of this section.

(3) Each youth sports organization shall post the notice created pursuant to section 6-1-736 on its website, and if the youth sports organization does not have a website, it shall provide the notice to the parents and legal guardians of each participant.

Source: L. 2024: Entire part added, (SB 24-113), ch. 196, p. 1194, § 1, effective August 7.

26.5-4-403. Background checks required.

(1) (a) A youth sports organization operating in the state of Colorado shall require all coaches to obtain, prior to starting work, a criminal history record check by a private entity regulated as a consumer reporting agency pursuant to 15 U.S.C. sec. 1681, et seq., and that discloses, at a minimum, sexual offenses and felony convictions and includes a social security number trace and a search of the Colorado judicial public records access system. The criminal history record check must ascertain to the extent possible whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401; a felony offense involving unlawful sexual behavior, as defined in section 16-22-102 (9); or a comparable offense committed in any other state.

(b) A youth sports organization shall not hire a coach if a criminal history record check of the person performed pursuant to subsection (1)(a) of this section shows that the person has been convicted of, pled nolo contendere to, or has received a deferred sentence or deferred prosecution for felony child abuse as specified in section 18-6-401; a felony offense involving unlawful sexual behavior, as defined in section 16-22-102 (9); or any comparable offense committed in any other state.

(2) A youth sports organization may rely on the results of a criminal history record check when making hiring and employment decisions and is immune from civil liability unless the youth sports organization knows the information is false or acts with reckless disregard concerning the veracity of such information.

Source: L. 2024: Entire part added, (SB 24-113), ch. 196, p. 1195, § 1, effective August 7.

ARTICLE 5

Quality Improvement Initiatives

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QUALITY IMPROVEMENT

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PART 2
COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM

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CHILD CARE LICENSING

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26.5-5-333. Professional development information system records - rules.

PART 1

QUALITY IMPROVEMENT

26.5-5-100.3. Definitions.

As used in this part 1, unless the context otherwise requires:

(1) "Colorado shines system" means the Colorado shines quality rating and improvement system created in section 26.5-5-101 (1).

Source: L. 2025: Entire section added, (SB 25-275), ch. 377, p. 2082, § 233, effective August 6.

26.5-5-101. Colorado shines quality rating and improvement system - created.

(1) The Colorado shines quality rating and improvement system is created in the department to measure the level of preparedness of and quality of services provided by an early childhood education program to prepare children to enter elementary school. The Colorado shines system must:

(a) Measure and support the elements of quality of an early childhood education program, including, but not limited to:

(I) The quality of the learning environment;

(II) The quality of adult-child interactions;

(III) Adult-to-child ratios;

(IV) Provider training and education, including recognized credentials through the department's voluntary credentialing system developed pursuant to section 26.5-6-102; and

(V) Parent-involvement activities at the early care and education facility;

(b) Be variable to inform parents, counties, and other purchasers of early childhood education about the level of quality at an early childhood education program in a simple and easy-to-understand manner;

(c) Be supported by statistically valid research as a reliable measure of quality of an early childhood education program;

(d) Include a quality improvement plan that facilitates goal setting and planning related to improving program quality over time; and

(e) Have demonstrated effectiveness at improving the level of quality of early childhood education programs in geographically diverse Colorado communities.

(2) The department shall periodically review and revise the quality standards established for the Colorado shines system with the goal of aligning those standards with the quality standards established pursuant to section 26.5-4-205 for preschool providers participating in the Colorado universal preschool program.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 712, § 3, effective July 1. **L. 2025:** IP(1) amended, (SB 25-275), ch. 377, p. 2083, § 234, effective August 6.

Editor's note: Subsection (1) is similar to former § 26-6.5-106 (5) as it existed prior to 2022.

26.5-5-102. School-readiness quality improvement program - created - rules.

(1) On and after July 1, 2018, and continuing thereafter subject to sufficient and available federal funding, there is created the school-readiness quality improvement program, referred to in this section as the "program", which is administered by the department as part of the Colorado shines system. The department shall award school-readiness quality improvement funding to eligible early childhood councils identified or established throughout the state pursuant to section 26.5-2-203. The department shall award school-readiness quality improvement funding to improve the school readiness of children five years of age and younger who are enrolled in early childhood education programs. The department shall award school-readiness quality improvement funding to eligible early childhood councils based on allocations made at the discretion of the department and subject to available funding. Nothing in this section or in any rules promulgated pursuant to this section creates a legal entitlement in any early childhood council to school-readiness quality improvement funding. Money awarded must be used to improve the school readiness of children, five years of age and younger, cared for in early childhood education programs.

(2) Communities throughout the state that do not have an early childhood council may identify an existing early childhood council in another community or establish a new early childhood council pursuant to sections 26.5-2-204 and 26.5-2-205 to work toward the development and implementation of a comprehensive early childhood system to ensure the school readiness of young children in the community.

(3) (a) An early childhood council seeking school-readiness quality improvement funding from the department pursuant to this section must apply directly to the department in the manner

specified by department rule. An early childhood council applying for school-readiness quality improvement funding pursuant to this section must develop and submit a school-readiness plan to improve the school readiness of children in the community as described in subsection (5) of this section and shall meet any additional eligibility requirements specified by department rule.

(b) Early childhood councils that receive school-readiness quality improvement funding pursuant to this section shall prioritize the distribution of the money to participating early childhood education programs that serve children five years of age or younger with risk factors associated with not being school ready, including but not limited to children living in low-income families, as specified by department rule.

(4) (a) The department may provide technical assistance and financial incentives to:

(I) Programs that are rated in the Colorado shines system at a level one or two to support the programs in advancing to a level three or higher quality level; and

(II) Programs that are rated in the Colorado shines system at a level three, four, or five to support the programs in maintaining a high quality level or advancing to a higher quality level.

(b) The early childhood council may support the department with the assistance described in subsection (4)(a) of this section by providing local community outreach and engagement strategies.

(5) Each early childhood council seeking to apply for school-readiness quality improvement funding pursuant to this section must prepare and submit to the department a three-year school-readiness plan that outlines strategies to improve the school readiness of children. The school-readiness plan, at a minimum, must include:

(a) A narrative that demonstrates the need to improve quality and increase the capacity for early childhood education programs in its service area;

(b) A plan that describes how the early childhood council will target and recruit programs that are rated in the Colorado shines system at a level one or higher. The early childhood council must target and recruit programs to increase the access and availability of quality child care for children participating in the Colorado child care assistance program, created in part 1 of article 4 of this title 26.5. If the early childhood council received school-readiness quality improvement funding prior to the 2020-21 fiscal year, the early childhood council shall amend the three-year school-readiness plan to comply with the requirements of this section.

(c) Strategies developed jointly with community partners to include, at a minimum, county departments of human or social services to target school-readiness quality improvement funding to improve the level of quality at participating early childhood education programs.

(6) (a) The executive director shall promulgate rules for the implementation of this section, including but not limited to rules that:

(I) Specify the procedure by which an early childhood council may apply for school-readiness quality improvement funding pursuant to the program; and

(II) Specify the manner in which school-readiness quality improvement funding is distributed to early childhood councils, ensuring an equitable distribution between rural and urban communities; and

(III) Identify any additional eligibility requirements for early childhood councils seeking school-readiness quality improvement funding.

(b) At a minimum, the rules promulgated pursuant to this subsection (6) must identify a specific and measurable level of improvement in the Colorado shines system that an early childhood education program must achieve within each Colorado shines rating cycle in order to continue receiving school-readiness quality improvement funding, as well as the eligibility criteria for continued participation in the program. In addition, the department by rule may require preschool providers to attain within a Colorado shines rating cycle specific and measurable improvement on the quality standards established for preschool providers pursuant to section 26.5-4-205.

(7) (a) The school-readiness quality improvement program is funded using federal child care development fund money or other federal or state money annually appropriated for the program. The department shall allocate the money to the eligible early childhood councils for distribution to early childhood education programs, as provided in this section.

(b) If money is required to match the federal child care development funds, such matching money may be from, but need not be limited to, general fund money appropriated by the general assembly, local money, or private matching money. The general assembly is not obligated to appropriate general fund money if private matching money is not available or later becomes unavailable.

(c) The department is authorized to enter into a sole-source contract with an organization to provide the following:

(I) Quality rating assessments;

(II) Technical assistance for early childhood education programs;

(III) Community infrastructure and resource development for improving the quality of early childhood education;

(IV) Parent and consumer education on the importance of quality early childhood education; and

(V) Professional development activities.

(d) The department is authorized to enter into a contract with an organization to provide the following:

(I) Early literacy programming and related supports; and

(II) Whole-child services.

(8) (a) Each early childhood council shall submit a report to the department on or before August 15, 2019, and on or before August 15 each year thereafter. The report must address the quality improvement of the participating early childhood education programs and the overall effectiveness of the Colorado shines system in preparing children with identified risk factors for school. At a minimum, the report must address:

(I) The number of early childhood education programs and children who participated in the Colorado shines system, including the number of children five years of age or younger served as a result of the school-readiness quality improvement funding in home-based programs and in center-based programs;

(II) The baseline quality ratings of each participating early childhood education program for each Colorado shines rating cycle;

(III) An analysis and explanation of the quality improvement strategies undertaken at each early childhood education program;

(IV) The barriers to quality improvement that were encountered; and

(V) Any other data required by the department.

(b) Repealed.

(c) Reporting early childhood councils, as well as the department or any private entity with which it may contract for reporting purposes, may draw upon the evaluations and studies prepared by a nationally recognized research firm to report on the school readiness of children in quality-rated early childhood education programs.

(d) Each early childhood council shall work with state and local agencies, such as school districts, to support efforts to track, through high school graduation, the future academic performance of children who receive services from early childhood education programs that receive funding pursuant to this section.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 713, § 3, effective July 1. **L. 2023:** (7)(d) added, (HB 23-1235), ch. 434, p. 2545, § 9, effective June 7. **L. 2024:** (8)(b) repealed, (SB 24-135), ch. 34, p. 118, § 32, effective March 22.

Editor's note: The provisions of this section are similar to several former provisions of § 26-6.5-106 as they existed prior to 2022. For a detailed comparison, see the comparative tables located in the back of the index.

26.5-5-103. Quality evaluation and improvement of early childhood care and education programs - use of Colorado works money.

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 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 money for Colorado works pursuant to part 7 of article 2 of title 26 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 part 1 and improve the delivery of early childhood services, including the continuation of those funding sources developed to support pilot site agency activities.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 716, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-104.5 as it existed prior to 2022.

PART 2

COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM

26.5-5-201. Short title.

The short title of this part 2 is the "Colorado Infant and Toddler Quality and Availability Grant Program".

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 717, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.7-101 as it existed prior to 2022.

26.5-5-202. Definitions.

As used in this part 2, unless the context otherwise requires:

(1) "Colorado child care assistance program" or "CCCAP" means the Colorado child care assistance program created in part 1 of article 4 of this title 26.5.

(2) "Colorado shines system" means the Colorado shines quality rating and improvement system established in section 26.5-5-101.

(3) "County department" means a county or district department of human or social services.

(4) "Early childhood council" means an early childhood council established pursuant to part 2 of article 2 of this title 26.5.

(5) "Early childhood education program" means a child care program licensed pursuant to part 3 of this article 5 that provides child care and education to infants and toddlers living in low-income families.

(6) "Grant program" means the Colorado infant and toddler quality and availability grant program created in section 26.5-5-203.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 717, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.7-102 as it existed prior to 2022.

26.5-5-203. Colorado infant and toddler quality and availability grant program - creation.

Subject to available appropriations, there is created in the department the Colorado infant and toddler quality and availability grant program. Grants are awarded through the Colorado shines system to improve quality in licensed infant and toddler care and increase the number of low-income infants and toddlers served through high-quality early childhood education programs, as well as promote voluntary family partnerships, as determined for the Colorado shines system. A program is considered "high quality" if it is rated in the top three levels of the state's Colorado shines system. Early childhood councils may apply for money through the department, which administers the program as part of the Colorado shines system. An early childhood education

program that is within the service area of an early childhood council may apply to the early childhood council for money that would allow the program to increase the number of infants and toddlers living in low-income families served through high-quality early childhood education programs.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 717, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.7-103 as it existed prior to 2022.

26.5-5-204. Eligibility for grants - applications - deadlines.

(1) The department shall develop an application process and issue a request for proposals for the grant program, including notification of available money to early childhood councils, eligibility criteria, proposal requirements, and award criteria.

(2) An applicant to the grant program is eligible for a grant award pursuant to this part 2 if:

(a) The application is made by an early childhood council and includes strategies developed jointly with community partners, including, at a minimum, county departments of human or social services. If an early childhood council serves more than one county, it may submit a single application for the counties that make up its designated service area.

(b) The early childhood education programs to which the grant money will be distributed have achieved a quality rating pursuant to the Colorado shines system of at least a level two, or are licensed programs with a demonstrated hardship that are actively working toward achieving a Colorado shines system level two rating, and have fiscal agreements with CCCAP;

(c) The early childhood council demonstrates a need and provides a plan to improve quality and increase the capacity for early childhood education programs that serve infants and toddlers three years of age or younger in its designated service area. The early childhood education programs may be home-based or center-based.

(d) The applicant meets any other criteria set forth in the application process developed pursuant to this section.

(3) Subject to available appropriations, the department shall review applications and determine which applicants will receive grants and the amount of each grant.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 718, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.7-104 as it existed prior to 2022.

26.5-5-205. Reporting requirements.

(1) No later than August 15 each year, an early childhood council that receives a grant shall provide the department with an annual report concerning the outcomes of the grant. The report must include, at a minimum:

(a) A summary of data received from early childhood education programs that received grant money;

(b) The number of infants and toddlers under three years of age served because of the grant program in home-based programs and the number served in center-based programs;

(c) The length of time services were provided;

(d) A detailed description of quality improvements made using grant money;

(e) A description of how the grantee's program met the stated outcomes in its application;

(f) A summary of the number of jobs created through the grant program; and

(g) Any other data required by the department.

(2) Repealed.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 718, § 3, effective July 1. **L. 2024:** (2) repealed, (SB 24-135), ch. 34, p. 118, § 33, effective March 22.

Editor's note: This section is similar to former § 26-6.7-105 as it existed prior to 2022.

PART 3

CHILD CARE LICENSING

26.5-5-301. Short title.

The short title of this part 3 is the "Child Care Licensing Act".

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 719, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-101 as it existed prior to 2022.

ANNOTATION

Law reviews. For note, "Licensing of Occupations and Professions in Colorado", see 35 Dicta 235 (1958). For article, "Child Care and Tort Liability", see 18 Colo. Law. 1949 (1989).

26.5-5-302. Legislative declaration concerning the protections afforded by regulation.

(1) The general assembly finds and declares that increasing numbers of children in Colorado are spending a significant portion of their day in care settings outside their own homes. The general assembly finds that regulation and licensing of child care facilities contribute to a safe and healthy environment for children. The provision of such environment affords benefits to children, their families, their communities, and the larger society. The general assembly acknowledges that there is a need to balance accessibility and quality of care when regulating child care facilities. It is the intent of the general assembly that those who regulate and those who are regulated work together to meet the needs of the children, their families, and the child care industry.

(2) In balancing the needs of children and their families with the needs of the child care industry, the general assembly also recognizes the financial demands with which the department is faced in its attempt to ensure a safe and sanitary environment for those children of the state of Colorado who are in child care facilities. In an effort to reduce the risk to children outside their homes while recognizing the financial constraints placed upon the department, it is the intent of the general assembly that the limited resources available be focused primarily on those child care facilities that have demonstrated that children in their care may be at higher risk pursuant to section 26.5-5-316.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 719, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-101.4 as it existed prior to 2022.

26.5-5-303. Definitions.

As used in this part 3, unless the context otherwise requires:

(1) "Adverse action" has the same meaning as "negative licensing action" as defined in subsection (16)(a) of this section.

(1.5) "Affiliate of a licensee" means:

(a) Any person or entity that owns more than five percent of the ownership interest in the business operated by the licensee or the applicant for a license; or

(b) Any person who is directly responsible for the care and welfare of children served; or

(c) Any executive, officer, member of the governing board, or employee of a licensee; or

(d) A relative of a licensee, which relative provides care to children at the licensee's facility or is otherwise involved in the management or operations of the licensee's facility.

(2) "Application" means a declaration of intent to obtain or continue a license for a child care facility.

(3) (a) "Child care center" means a facility, by whatever name known, that is maintained for the whole or part of a day for the care of five or more children, unless otherwise specified in this subsection (3), who are eighteen years of age or younger and who are not related to the owner, operator, or manager thereof, whether the facility is operated with or without compensation for such care and with or without stated educational purposes. The term includes, but is not limited to, facilities commonly known as child care centers, school-age child care centers, before- and after-school programs, kindergartens, preschools, outdoor nature-based preschool programs, day camps, and summer camps, and includes those facilities for children under six years of age with stated educational purposes operated in conjunction with a public, private, or parochial college or a private or parochial school; except that the term does not apply to any kindergarten maintained in connection with a public, private, or parochial elementary school system of at least six grades.

(b) Notwithstanding the provisions of subsection (3)(a) of this section, a child care center that operates as an outdoor nature-based preschool program serves children who are at least three years of age but under eight years of age.

(4) "Child care provider", as used in section 26.5-5-325, means a licensee, or an affiliate of a licensee, when the licensee holds a license to operate a family child care home pursuant to this part 3.

(5) (a) "Children's resident camp" means a facility operating for three or more consecutive twenty-four-hour days during one or more seasons of the year that offers group living experiences or seasonal outdoor adventure day camp programs for five or more children. The

purpose of the facility is to offer an outdoor experience for youth development through multiple educational and recreational activities in an outdoor, nature-based environment. The recreational activities occur at a permanent facility or on trips off the premises.

(b) (I) A children's resident camp serves children who have completed kindergarten or are six years of age or older through children younger than nineteen years of age; except that a person nineteen years of age or twenty years of age may attend a children's resident camp if, within six months prior to attending the children's resident camp, the person has attended or has graduated from high school.

(II) Notwithstanding the provisions of subsection (5)(b)(I) of this section, a children's resident camp that offers seasonal outdoor adventure day camp programs serves children who are five years of age or older.

(5.5) "Colorado state courts data access system" means the official public access site for the Colorado judicial branch maintained by the Colorado state court administrator's office containing read-only access to court data, including a name index and register of actions.

(6) "Exempt family child care home provider" means a family child care home provider who is exempt from certain provisions of this part 3 pursuant to section 26.5-5-304 (1)(f).

(7) "Family child care home" means a facility for child care operated with or without compensation or educational purposes in a place of residence of a family or person for the purpose of providing less than twenty-four-hour care for children under the age of eighteen years who are not related to the head of such home. "Family child care home" may include infant-toddler child care homes, large family child care homes, experienced child care provider homes, and such other types of family child care homes designated by department rules pursuant to section 26.5-5-314 (2)(n), as the executive director deems necessary and appropriate.

(8) "Governing body" means the individual, partnership, corporation, or association in which the ultimate authority and legal responsibility is vested for the administration and operation of a child care facility.

(9) "Guardian" means a person who is entrusted by law with the care of a child under eighteen years of age.

(10) "Guest child care facility" means a facility operated by a ski area, as that term is defined in section 33-44-103 (6), where children are cared for:

(a) While parents or persons in charge of such child are patronizing the ski area;

(b) Fewer than ten total hours per day;

(c) Fewer than ten consecutive days per year; and

(d) Fewer than forty-five days in a calendar year, with thirty or fewer of such forty-five days occurring in either the winter or summer months.

(11) Repealed.

(12) "Kindergarten" means any facility providing an educational program for children only for the year preceding their entrance to the first grade, whether such facility is called a kindergarten, preschool, or any other name.

(13) "License" means a legal document issued pursuant to this part 3 granting permission to operate a child care facility. A license may be in the form of a provisional, probationary, or permanent license.

(14) "Licensee" means the entity or individual to which a license is issued and that has the legal capacity to enter into an agreement or contract, assume obligations, incur and pay debts, sue and be sued in its own right, and be held responsible for its actions. A licensee may be a governing body.

(15) "Licensing" means the process by which the department approves a facility for the purpose of conducting business as a child care facility.

(16) (a) "Negative licensing action", or "adverse action", means a final agency action resulting in the denial of an application, the imposition of fines, or the suspension or revocation of a license issued pursuant to this part 3 or the demotion of such a license to a probationary license.

(b) As used in this subsection (16), "final agency action" means the determination made by the department, after an opportunity for a hearing, to deny, suspend, revoke, or demote to probationary status a license issued pursuant to this part 3 or an agreement between the department and the licensee concerning the demotion of such a license to a probationary license.

(17) (a) "Neighborhood youth organization" means a nonprofit organization that provides programs and services, as described in section 26.5-5-308, to children, youth, and families through comprehensive wraparound supports to ensure positive growth and development during childhood and adolescence, and is designed to serve youth as young as five years of age who are enrolled in kindergarten and as old as eighteen years of age.

(b) A neighborhood youth organization does not include faith-based centers, organizations or programs operated by state or city parks or special districts, or departments or facilities that are currently licensed as child care centers.

(17.5) "Nonprofit organization" means an organization that is exempt from taxation pursuant to section 501 (c)(3) of the federal "Internal Revenue Code of 1986", 26 U.S.C. sec. 501, as amended.

(18) "Occasional care" means care of children, with or without compensation, that is provided on an infrequent and irregular basis with no apparent pattern.

(18.5) "Outdoor nature-based preschool program" or "outdoor program" means a full-day or partial-day outdoor nature-based preschool program for children who are at least three years of age but under eight years of age that operates at least fifty percent of the outdoor program's operating hours outdoors in a department-approved outdoor natural space.

(19) "Person" means any corporation, partnership, association, firm, agency, institution, or individual.

(20) "Place of residence" means the place or abode where a person actually lives and provides child care.

(20.3) "Plain language" means writing that is clear, concise, well-organized, and that follows other best practices appropriate to the subject or field and intended audience, as defined by the federal "Plain Writing Act of 2010", Pub.L. 111-274.

(20.5) "Prevalent languages" means the two most prevalent languages spoken in the state of Colorado, as identified in the latest American community survey published by the federal census bureau.

(21) "Public preschool provider" means a school district, or a charter school authorized pursuant to article 30.5 of title 22, that provides a preschool program.

(22) "Public services short-term child care facility" means a facility that is operated by or for a county department of human or social services or a court and that provides care for a child:

(a) While the child's parent or the person in charge of the child is conducting business with the county department of human or social services or participating in court proceedings;

(b) Fewer than ten total hours per day;

(c) Fewer than fifteen consecutive days per year; and

(d) Fewer than forty-five days in a calendar year.

(23) "Related" means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, brother, sister, stepparent, stepbrother, stepsister, uncle, aunt, niece, nephew, or cousin.

(24) "Relative" means any of the following relationships by blood, marriage, or adoption: Parent, grandparent, son, daughter, grandson, granddaughter, brother, sister, stepparent, stepbrother, stepsister, stepson, stepdaughter, uncle, aunt, niece, nephew, or cousin.

(25) "Routine medications", as used in section 26.5-5-325, means any prescribed oral, topical, or inhaled medication, or unit dose epinephrine, that is administered pursuant to section 26.5-5-325.

(25.5) "Seasonal outdoor adventure day camp program" means a program that operates for at least six hours a day, on a seasonal basis, primarily during the summer and winter months, for a number of days specific to the approved registration of seasonal outdoor adventure day camp participants. Seasonal outdoor adventure day camp programs serve children who are five years of age or older.

(26) "Sibling" means one or more individuals having one or both parents in common.

(27) "Substitute child care provider" means a person who provides temporary care for a child or children in a licensed child care facility, including a child care center and a family child care home.

(28) "Substitute placement agency" means any corporation, partnership, association, firm, agency, or institution that places or that facilitates or arranges placement of short-term or long-term substitute child care providers in licensed child care facilities providing less than twenty-four-hour care.

(29) "Supervisory employee" means, as used in section 26.5-5-307:

(a) A person directly responsible for managing a guest child care facility and the employees of the facility; or

(b) A person directly responsible for managing a public services short-term child care facility and the employees of the facility.

(30) "Youth member" means a youth who is five years of age and enrolled in kindergarten or who is older than five years of age and up to eighteen years of age whose parent or legal guardian has provided written consent for the youth to participate in the activities of a neighborhood youth organization.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 719, § 3, effective July 1; (17)(a) and (30) amended with relocations and (17.5) added with relocations (SB 22-064), ch. 22, p. 144, § 1, effective March 17. **L. 2023:** (1), (3), (7), (12), (13), and (16)(a) amended, (1.5) and (5.5) added, and (11) repealed, (HB 23-1235), ch. 434, p. 2546, § 10, effective June 7; (17)(a) amended, (HB 23-1301), ch. 303, p. 1836, § 62, effective August 7. **L. 2024:** (5) amended and (25.5) added, (SB 24-071), ch. 50, p. 176, § 1, effective April 4; (20.3) and (20.5) added, (HB 24-1009), ch. 472, p. 3318, § 2, effective June 6; (3) amended and (18.5) added, (SB 24-078), ch. 441, p. 3085, § 2, effective August 7.

Editor's note: (1) This section is similar to former § 26-6-102 as it existed prior to 2022.

(2) Subsections (17)(a), (17.5), and (30) were numbered as § 26-6-102 (26)(a), (26.5), and (41), respectively, in SB 22-064 (See L. 2022, p. 144). Those provisions were harmonized with subsections (17)(a), (17.5), and (30) of this section as they appear in HB 22-1295.

Cross references: For the legislative declaration in HB 24-1009, see section 1 of chapter 472, Session Laws of Colorado 2024. For the legislative declaration in SB 24-078, see section 1 of chapter 441, Session Laws of Colorado 2024.

ANNOTATION

Law reviews. For note, "Licensing of Occupations and Professions in Colorado", see 35 Dicta 235 (1958).

Adoption of section permitting developmentally disabled persons to live in group homes reflects legislative intent to assist such persons to live in normal residential surroundings. Double D Manor v. Evergreen Meadows, 773 P.2d 1046 (Colo. 1989) (decided under former § 26-6-102).

26.5-5-304. Application of part - definition.

(1) This part 3 does not apply to:

(a) Special schools or classes operated primarily for religious instruction or for a single skill-building purpose, as defined in department rule;

(b) A child care facility that is approved, certified, or licensed by any other state agency, by a tribal government department or agency, or by a federal government department or agency, that has standards for operation of the facility and inspects or monitors the facility;

(c) Facilities operated in connection with a church, shopping center, or business where children are cared for during short periods of time while parents, persons in charge of such children, or employees of the church, shopping center, or business whose children are being cared for at such location are attending church services at such location or shopping, patronizing, or working on the premises of any such business;

(d) Occasional care of children that has no apparent pattern and occurs with or without compensation;

(e) The care of a child by a person in the person's private residence when the parent, guardian, or other person having legal custody of such child gives consent to such care and when the person giving such care is not regularly engaged in the business of giving such care; or

(f) (I) An individual who provides less than twenty-four-hour child care in the individual's permanent place of residence when one of the following conditions is met:

(A) The children being cared for are related to the caregiver, are children who are related to each other as siblings from a single family that is unrelated to the caregiver, or a combination of such children; or

(B) There are no more than four children being cared for, with no more than two children under two years of age from multiple families, regardless of the children's relation to the caregiver.

(II) An individual providing child care in a place of residence authorized pursuant to subsection (1)(f)(I) of this section shall notify the parents of the children in the individual's care that the individual is operating under a legal license exemption and that the state has not verified the health and safety of the care setting or performed background checks on the individual or anyone else residing in the residence.

(III) On or before July 1, 2021, and every year thereafter, the department shall report the number of complaints filed against child care providers who are claiming an exemption from licensing pursuant to subsection (1)(f)(I)(B) of this section.

(IV) Repealed.

(2) As used in this section, "short periods of time" means fewer than three hours in any twenty-four-hour period.

(3) A licensee or governing body that has had its license suspended pursuant to section 24-4-104 or has received a final agency action resulting in the revocation of a license issued pursuant to this part 3 is prohibited from operating pursuant to subsection (1) of this section, except when the children being cared for are related to the caregiver.

(4) The department shall provide education and information in an accessible manner, in plain language, and in prevalent languages on the state licensing website for child care providers who are exempt pursuant to this section but are interested in becoming a licensed child care provider.

(5) On or before December 31, 2021, and ongoing thereafter, the department shall report on the portion of its state child care provider website that is accessible to families, and in an accessible and prominent manner, the name and location of any child care provider who is operating outside the exemptions described in this section and to whom one or more cease-and-desist orders have been issued. If more than one cease-and-desist order has been issued to the same provider, the website must include the total number of such orders. This requirement for website posting for child care providers who are operating outside the exemptions described in this section must be made public by electronic means, in a consumer-friendly and easily accessible format, organized by provider, and include the date or dates of the cease-and-desist order or orders.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 728, § 3, effective July 1. **L. 2023:** IP(1)(f)(I) amended, (HB 23-1235), ch. 434, p. 2548, § 11, effective June 7. **L. 2024:** (4) amended, (HB 24-1009), ch. 472, p. 3319, § 3, effective June 6. **L. 2026:** (1)(b) amended and (1)(f)(IV) repealed, (HB 26-1259), ch. 119, p. 508, § 12, effective May 5.

Editor's note: This section is similar to former § 26-6-103 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 24-1009, see section 1 of chapter 472, Session Laws of Colorado 2024.

ANNOTATION

Law reviews. For article, "Child Care and Tort Liability", see 18 Colo. Law. 1949 (1989).

26.5-5-305. Public preschool provider - licensing - rules.

Public preschool providers are subject to the requirements of this part 3. Because of the unique circumstances presented by preschool classrooms provided by school districts and charter schools, which circumstances do not arise in classrooms for older children and youth, the department shall license public preschool providers only to protect the health and safety of children in public preschool classrooms. Notwithstanding any provision of this part 3 to the contrary, licensing for public preschool providers must focus only on those aspects of the preschool program and environment that affect children's health and safety and are not already actively regulated by other federal or state agencies or departments. The department shall align any requirements for the license related to qualifications or credentialing of program staff with the requirements for an early childhood endorsement for a license issued by the department of education pursuant to article 60.5 of title 22.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 730, § 3, effective July 1.

26.5-5-306. Substitute child care providers - substitute placement agency - licensing - rules.

(1) Substitute placement agencies are subject to the requirements of this part 3. The department shall license substitute placement agencies to place or facilitate or arrange for the placement of short-term and long-term substitute child care providers in licensed facilities providing less than twenty-four-hour care.

(2) The executive director shall promulgate rules for substitute placement agencies and substitute child care providers. At a minimum, the rules must require that the substitute child care provider demonstrate that the provider has the training and certification for the child care license type and position in which the substitute child care provider is placed. Pursuant to section 26.5-5-316 (1)(a)(I)(C), each substitute child care provider shall pay for and submit to a fingerprint-based criminal history record check and a review of the records and reports of child abuse or neglect maintained by the state department of human services to determine whether the substitute child care provider has been found to be responsible in a confirmed report of child abuse or neglect. When the results of a fingerprint-based criminal history record check or any other records check performed on a person pursuant to this subsection (2) reveal a record of arrest without a disposition, the department rules shall require that person to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d). The substitute placement agency shall not place a substitute child care provider who is convicted of any of the crimes specified in section 26.5-5-309 (4) or 26.5-5-317.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 730, § 3, effective July 1; (2) amended, (HB 22-1270), ch. 114, p. 530, § 46, effective April 21.

Editor's note: (1) This section is similar to former § 26-6-103.3 as it existed prior to 2022.

(2) Subsection (2) was numbered as § 26-6-103.3 (2) in HB 22-1270 (See L. 2022, p. 530). That provision was harmonized with subsection (2) of this section as it appears in HB 22-1295.

26.5-5-307. Application of part - guest child care facilities - public services short-term child care facilities - definition.

(1) Guest child care facilities and public services short-term child care facilities are subject only to the requirements of this section and are otherwise excluded from the requirements of this part 3. Each guest child care facility and each public services short-term child care facility shall post a notice in bold print and in plain view on the premises of the child care facility. The notice must specify the telephone number and address of the appropriate division within the department

for investigating child care facility complaints and must state that any complaint about the guest child care facility's or the public services short-term child care facility's compliance with these requirements should be directed to such division.

(2) A person or entity shall not operate a guest child care facility or a public services short-term child care facility unless the following requirements are met:

(a) The guest child care facility or public services short-term child care facility is inspected not less frequently than one time per year by the department of public health and environment, and it conforms to the sanitary standards prescribed by such department under the provisions of section 25-1.5-101 (1)(h);

(b) The guest child care facility or public services short-term child care facility is inspected not less frequently than one time per year by the local fire department, and it conforms to the fire prevention and protection requirements of the local fire department in the locality of the facility, or in lieu thereof, the division of labor standards and statistics;

(c) The guest child care facility or public services short-term child care facility retains, on the premises at all times, the records of the inspections required by subsections (2)(a) and (2)(b) of this section for the current calendar year and the immediately preceding calendar year;

(d) The guest child care facility or public services short-term child care facility retains, on the premises at all times, a record of children cared for over the course of the current calendar year and the immediately preceding calendar year;

(e) At least one supervisory employee is on duty at the guest child care facility or public services short-term child care facility at all times when the facility is operating;

(f) (I) The guest child care facility or public services short-term child care facility requires all supervisory employees of the guest child care facility or public services short-term child care facility and applicants for supervisory employee positions at the guest child care facility or public services short-term child care facility to obtain a fingerprint-based criminal history check utilizing the Colorado bureau of investigation and, for supervisory employees hired on or after August 10, 2011, the federal bureau of investigation and requests the department to ascertain whether the person being investigated has been convicted of any of the criminal offenses specified in section 26.5-5-309 (4)(a)(I) or whether the person has been determined to have a pattern of misdemeanor convictions as described in section 26.5-5-309 (4)(a)(I)(F) and the guest child care facility or public services short-term child care facility prohibits the hiring of any such person as a supervisory employee or terminates the employment of any such person as a supervisory employee upon confirmation of such a criminal history;

(II) The guest child care facility or public services short-term child care facility requests the department to access records and reports of child abuse or neglect to determine whether the supervisory employee or applicant for a supervisory employee position has been found to be

responsible in a confirmed report of child abuse or neglect and the guest child care facility or public services short-term child care facility prohibits the hiring of any such person as a supervisory employee or terminates the employment of any such person as a supervisory employee. Information shall be made available pursuant to section 19-1-307 (2)(r) and rules promulgated by the state board of human services pursuant to section 19-3-313.5 (4).

(III) (A) The guest child care facility or public services short-term child care facility requests the department to obtain a comparison search on the Colorado state courts data access system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the department determines is appropriate, whether or not the criminal history background check confirms a criminal history, in order to determine the crime or crimes, if any, for which the supervisory employee or applicant for a supervisory employee position was arrested or convicted and the disposition thereof; and

(B) The guest child care facility or public services short-term child care facility requests the department to obtain such information concerning the supervisory employee or applicant for a supervisory employee position from any other recognized database, if any, that is accessible on a statewide basis as set forth by rules promulgated by the executive director;

(IV) When the results of a fingerprint-based criminal history record check or any other records check performed pursuant to this subsection (2)(f) reveal a record of arrest without a disposition, the guest child care facility or public services short-term child care facility shall require the supervisory employee or applicant for a supervisory employee position to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d);

(g) (I) The guest child care facility or public services short-term child care facility requires all other employees of the guest child care facility or public services short-term child care facility to obtain a fingerprint-based criminal history check utilizing the Colorado bureau of investigation and, for employees hired on or after August 10, 2011, the federal bureau of investigation and requests the department to ascertain whether the person being investigated has been convicted of any of the criminal offenses specified in section 26.5-5-309 (4)(a)(I) or whether the person has been determined to have a pattern of misdemeanor convictions as described in section 26.5-5-309 (4)(a)(I)(F) and the guest child care facility or public services short-term child care facility terminates the employment of any such person as an employee upon confirmation of such a criminal history;

(II) The guest child care facility or public services short-term child care facility requests the department to access records and reports of child abuse or neglect to determine whether the employee has been found to be responsible in a confirmed report of child abuse or neglect and the guest child care facility or public services short-term child care facility terminates the employment of any such person. Information shall be made available pursuant to section 19-1-307 (2)(r) and rules promulgated by the state board of human services pursuant to section 19-3-313.5 (4).

(III) (A) The guest child care facility or public services short-term child care facility requests the department to obtain a comparison search on the Colorado state courts data access system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the department determines is appropriate, whether or not the criminal history background check confirms a criminal history, in order to determine the crime or crimes, if any, for which the employee was arrested or convicted and the disposition thereof; and

(B) The guest child care facility or public services short-term child care facility requests the department to obtain such information concerning the employee from any other recognized database, if any, that is accessible on a statewide basis as set forth by rules promulgated by the executive director; and

(h) The guest child care facility or public services short-term child care facility maintains the following employee-to-child ratios at all times when the facility is operating:

(I) One child care facility employee for every five children ages six weeks to eighteen months;

(II) One child care facility employee for every five children ages twelve months to thirty-six months;

(III) One child care facility employee for every seven children ages twenty-four months to thirty-six months;

(IV) One child care facility employee for every eight children ages two and one-half years to three years;

(V) One child care facility employee for every ten children ages three years to four years;

(VI) One child care facility employee for every twelve children ages four years to five years;

(VII) One child care facility employee for every fifteen children ages five years of age and older; and

(VIII) One child care facility employee for every ten children in a mixed age group, ages two and one-half years to six years.

(3) In addition to the requirements specified in subsection (2) of this section, a public services short-term child care facility shall ensure that at least one employee is on duty at the facility at all times when the facility is operating who holds a current department-approved first aid and safety certificate that includes certification in cardiopulmonary resuscitation training for all ages of children.

(4) (a) If the guest child care facility or public services short-term child care facility refuses to hire a supervisory employee or terminates the employment of a supervisory employee as a

result of information disclosed in an investigation of the supervisory employee or applicant for a supervisory position pursuant to subsection (2)(f) of this section, the guest child care facility or public services short-term child care facility shall not be subject to civil liability for such refusal to hire.

(b) If the guest child care facility or public services short-term child care facility terminates the employment of an employee as a result of the information disclosed in an investigation of the employee pursuant to subsection (2)(g) of this section, the guest child care facility or public services short-term child care facility shall not be subject to civil liability for such termination of employment.

(5) A guest child care facility employee or supervisory employee applicant who has obtained a fingerprint-based criminal history check pursuant to subsection (2)(f) or (2)(g) of this section, or pursuant to subsection (6) of this section, is not required to obtain a new fingerprint-based criminal history check if the employee or applicant returns to a guest child care facility to work in subsequent seasons. The department shall maintain the results of the initial background check and receive subsequent notification of activity on the record for the purpose of redetermining, if necessary, whether the employee or supervisory employee applicant has been convicted of any of the criminal offenses specified in section 26.5-5-309 (4)(a)(I), or whether the employee or supervisory employee applicant has a pattern of misdemeanor convictions as described in section 26.5-5-309 (4)(a)(I)(F), and the guest child care facility shall contact the department for information concerning subsequent convictions, if any, prior to rehiring such employee.

(6) The requirements of subsections (2)(f) and (2)(g) of this section do not apply to those employees of guest child care facilities concerning whom criminal history background checks were conducted on or after July 1, 2001, and before July 1, 2002, for purposes of state child care licensure requirements.

(7) As used in this section, a "guest child care facility" does not include a ski school. As used in this section, "ski school" means a school located at the ski area in which the guest child care facility is located for purposes of teaching children how to ski or snowboard.

(8) The department is authorized to receive, respond to, and investigate any complaint concerning compliance with the requirements set forth in this part 3 for a guest child care facility or a public services short-term child care facility.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 730, § 3, effective July 1; (2)(f)(IV) amended, (HB 22-1270), ch. 114, p. 530, § 47, effective April 21. **L. 2023:** (2)(f)(III)(A) and (2)(g)(III)(A) amended, (HB 23-1235), ch. 434, p. 2548, § 12, effective June 7.

Editor's note: (1) This section is similar to former § 26-6-103.5 as it existed prior to 2022.

(2) Subsection (2)(f)(IV) was numbered as § 26-6-103.5 (2)(f)(V) in HB 22-1270 (See L. 2022, p. 530). That provision was harmonized with subsection (2)(f)(IV) of this section as it appears in HB 22-1295.

26.5-5-308. Application of part - neighborhood youth organizations - rules - licensing - duties and responsibilities - definitions.

(1) Notwithstanding any provision of this part 3 to the contrary, a neighborhood youth organization that is not otherwise licensed to operate under this part 3 may obtain a neighborhood youth organization license pursuant to this section. A neighborhood youth organization that obtains a license pursuant to this section is subject only to the requirements of this section and is otherwise exempt from the requirements of this part 3.

(2) The executive director shall promulgate rules to establish a neighborhood youth organization license, including but not limited to the fee required to apply for and obtain the license. The rules shall not concern staff-to-youth ratios.

(2.5) The neighborhood youth organization's programs and services must occur primarily in a facility the neighborhood youth organization leases or owns or has been granted use of or access to.

(3) A neighborhood youth organization licensed pursuant to this section and operating in the state of Colorado has the following duties and responsibilities:

(a) To inform a parent or legal guardian of the requirements of this subsection (3) and to post a notice in bold print and in plain view on the premises of the facility in which the neighborhood youth organization operates that lists the following information:

(I) The requirements of this subsection (3); and

(II) The telephone number and address of the appropriate division within the department for investigating complaints concerning a neighborhood youth organization, with the instruction that any complaint regarding the neighborhood youth organization's compliance with these requirements be directed to that division;

(b) Prior to admitting an interested youth member into the neighborhood youth organization, to require the youth member's parent or legal guardian to sign a statement authorizing the youth member to participate in the programs and services of the neighborhood youth organization;

(c) To establish a process to receive and resolve complaints from parents or legal guardians;

(d) To establish a process to report known or suspected child abuse or neglect to appropriate authorities pursuant to section 19-3-304;

(e) To maintain, either at the neighborhood youth organization or at a central administrative facility, records for each youth member admitted into the neighborhood youth organization containing, at a minimum, the following information:

(I) The youth member's full name;

(II) The youth member's date of birth;

(III) The name, address, and telephone number of a parent or legal guardian of the youth member;

(IV) The name and telephone number of at least one emergency contact person for the youth member; and

(V) A parent's or legal guardian's written authorization for the youth member to attend the neighborhood youth organization;

(f) To require a youth member's parent or legal guardian to sign a statement authorizing the neighborhood youth organization to provide transportation prior to field trips or to and from the neighborhood youth organization;

(g) To follow the requirements specified in subsection (4) of this section for a fingerprint-based or other criminal history record check of each employee and volunteer who works with or will work with youth members five or more days in a calendar month;

(h) To offer programs and services that are evidence- or research-based, age-appropriate, and foster supportive relationships with peers and adults while offering character and leadership development, academic supports, job skills training, behavioral health supports, health and nutrition services, and other critical resources and services that a community identifies as necessary; and

(i) To serve all children, youth, and families, but with a focus on programs and services that ensure affordable access for low-income populations.

(3.4) To protect the safety of youth members, a neighborhood youth organization may create an electronic or written process to record the daily arrival and departure times of youth members in order to:

(a) Track attendance;

(b) Assess the impact of programs and services on youth members; and

(c) Ensure the neighborhood youth organization operates in the best interest and safety of youth members.

(3.5) (a) To protect the safety of youth members, each neighborhood youth organization shall maintain a complete set of records for youth members and personnel. Each neighborhood youth

organization shall maintain the confidentiality of the following records, and such records are not subject to review by the public:

(I) Information identifying a youth member or a youth member's family;

(II) Scholastic, health, and social or psychological records, which are available only to the youth member to whom the records pertain or the youth member's parent or legal guardian;

(III) Personal references for personnel as requested by the state department; and

(IV) Reports and records received from other agencies, including police and child protection investigation reports.

(b) If a central administrative facility retains records in a central file for more than one neighborhood youth organization, duplicate copies of the information described in subsections (3)(e) and (3.5)(a) of this section for youth members and personnel must also be maintained at the neighborhood youth organization location that the youth member attends and to which the staff member is assigned.

(c) Each neighborhood youth organization or central administrative facility shall maintain all required records for at least three years, including confidential records.

(d) Notwithstanding subsection (3.5)(a) of this section to the contrary, each neighborhood youth organization or central administrative facility shall make the records of personnel or youth members available upon request to authorized personnel of the state department pursuant to section 19-1-307 (2)(j.7).

(e) Neighborhood youth organizations shall cooperate with all state and local investigations regarding incidents, including but not limited to licensing violations, child abuse, and incidents affecting the health, safety, and welfare of youth members.

(f) Records concerning the licensing of neighborhood youth organization facilities and agencies are open to the public. A person who wishes to review a record must submit a written request to the state department.

(4) A licensed neighborhood youth organization shall require all employees and volunteers who work directly with or will work directly with youth members five or more days in a calendar month to obtain, prior to employment, and every two years thereafter, one of the following:

(a) A fingerprint-based criminal history records check utilizing the Colorado bureau of investigation and request the department to ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(b) A federal bureau of investigation fingerprint-based criminal history records check utilizing the Colorado bureau of investigation if the employee, volunteer, or applicant has resided in the state of Colorado less than two years. The neighborhood youth organization shall request the department to ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(c) A comparison search by the department on the Colorado state courts data access system of the state judicial department or a comparison search on any other database that is recognized on a statewide basis by using the name, date of birth, and social security number information that the department determines is appropriate to determine whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(d) A separate background check by a private entity regulated as a consumer reporting agency pursuant to 15 U.S.C. sec. 1681 et seq., that must disclose, at a minimum, sexual offenders and felony convictions and include a social security number trace, a national criminal file check, and a state or county criminal file search. The separate background check must ascertain whether the person being investigated has been convicted of felony child abuse as specified in section 18-6-401 or a felony offense involving unlawful sexual behavior as defined in section 16-22-102 (9). The neighborhood youth organization shall not hire a person as an employee or approve a person as a volunteer after confirmation of such a criminal history.

(5) A person who visits or takes part in the activities of a licensed neighborhood youth organization but who is not required to obtain a criminal history record check pursuant to subsection (4) of this section must at all times be under the supervision of an employee or volunteer who has been hired or approved after obtaining a criminal history record check pursuant to subsection (4) of this section.

(6) The governing board of each licensed neighborhood youth organization shall adopt minimum standards for operating the licensed neighborhood youth organization, including but not limited to standards regarding operations, health and safety, financial responsibilities, and personnel. The personnel standards must address employee and volunteer screening practices, training practices, insurance coverage, and regular assessment practices for the health and safety of youth, facilities, and child abuse prevention, which may include mandated reporting requirements, audits, and fees.

(7) The department is authorized to receive, respond to, and investigate any complaint concerning compliance with the requirements set forth in this section for a licensed neighborhood youth organization.

(8) A licensed neighborhood youth organization is not required to obtain or keep on file immunization records for youth members participating in the organization's activities.

(9) As used in this section, unless the context otherwise requires:

(a) "Employee" means a paid employee of a neighborhood youth organization who is eighteen years of age or older.

(b) "Volunteer" means a person who volunteers assistance to a neighborhood youth organization and who is eighteen years of age or older.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 735, § 3, effective July 1; (3)(b), (3)(f), and (6) amended and (2.5), (3)(h), (3)(i), (3.4), and (3.5) added, (SB 22-064), ch. 22, p. 145, § 2, effective March 17. **L. 2023:** (4)(c) amended, (HB 23-1235), ch. 434, p. 2548, § 13, effective June 7.

Editor's note: (1) This section is similar to former § 26-6-103.7 as it existed prior to 2022.

(2) Subsections (2.5), (3)(b), (3)(f), (3)(h), (3)(i), (3.4), (3.5), and (6) were numbered as § 26-6-103.7 (2.5), (3)(b), (3)(f), (3)(h), (3)(i), (3.4), (3.5), and (6), respectively, in SB 22-064 (See L. 2022, p. 145). Those provisions were harmonized with subsections (2.5), (3)(b), (3)(f), (3)(h), (3)(i), (3.4), (3.5), and (6) of this section as they appear in HB 22-1295.

26.5-5-309. Licenses - rules - definition - appropriation.

(1) Except as otherwise specifically provided in this part 3, a person shall not operate an agency or facility defined in this part 3 without first being licensed by the department to operate or maintain the agency or facility and paying the prescribed fee. A license issued by the department is permanent unless otherwise revoked or suspended pursuant to section 26.5-5-317.

(2) The department may issue a provisional license once for a period of six months to an applicant for an original license, permitting the applicant to operate a family child care home or child care center if the applicant is temporarily unable to conform to all standards required under this part 3, upon proof by the applicant that the applicant is attempting to conform to the standards or to comply with any other requirements. The applicant has the right to appeal any standard that the applicant believes presents an undue hardship or has been applied too

stringently by the department. Upon the filing of an appeal, the department shall proceed in the manner prescribed for licensee appeals in section 26.5-5-314 (5).

(3) (a) The department shall not issue a license for a child care center until the facilities to be operated or maintained by the applicant or licensee are approved by the department of public health and environment as conforming to the sanitary standards prescribed by said department pursuant to section 25-1.5-101 (1)(h) and unless the facilities conform to fire prevention and protection requirements of local fire departments in the locality of the facility or, in lieu thereof, of the division of labor standards and statistics in the department of labor and employment.

(b) (I) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any fire or radon inspection requirement required by law by providing a copy of a satisfactory fire or radon inspection report of the property of a school district, district charter school, or institute charter school where the child care is provided if the fire or radon inspection report was completed within the preceding twelve months. The department shall not require a duplicate fire or radon inspection if a satisfactory fire or radon inspection report of the property was completed within the preceding twelve months.

(II) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any staff training or minimum square footage of floor space per child requirements required by law by providing to the department documented evidence of compliance with substantially similar requirements imposed by the Colorado department of education; except that, if the requirements or monitoring of those requirements imposed by the Colorado department of education do not meet any applicable requirements of any federal grants-in-aid administered by the department, the department shall require the child care center to meet any applicable minimum requirements of the federal grants-in-aid.

(4) (a) (I) The department shall not issue a license to operate a family child care home or a child care center if the applicant for the license, an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility has been convicted of:

(A) Child abuse, as specified in section 18-6-401;

(B) A crime of violence, as defined in section 18-1.3-406;

(C) Any offenses involving unlawful sexual behavior, as defined in section 16-22-102 (9);

(D) Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3;

(E) Any felony involving physical assault or battery;

(E.5) Any felony involving a drug-related offense within the five years preceding the date of application for a license;

(F) A pattern of misdemeanor convictions, as defined by department rule, within the ten years immediately preceding the date of submission of the application;

(G) Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in subsections (4)(a)(I)(A) to (4)(a)(I)(F) of this section.

(II) As used in this subsection (4)(a), "convicted" means a conviction by a jury or by a court and also includes a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

(b) The department shall determine the convictions identified in subsection (4)(a) of this section according to the records of the Colorado bureau of investigation, the Colorado state courts data access system at the state judicial department, or any other source, as set forth in section 26.5-5-316 (1)(a)(II). A certified copy of the judgment of a court of competent jurisdiction of such conviction, deferred judgment and sentence agreement, deferred prosecution agreement, or deferred adjudication agreement is prima facie evidence of the conviction or agreement. The department shall not issue a license to operate a family child care home or a child care center if the department has a certified court order from another state indicating that the person applying for the license has been convicted of child abuse or any unlawful sexual offense against a child under a law of any other state or the United States, or the department has a certified court order from another state that the person applying for the license has entered into a deferred judgment or deferred prosecution agreement in another state as to child abuse or any sexual offense against a child.

(5) The department shall not issue a license to operate an agency or facility defined in this part 3 if the person applying for the license or an affiliate of the applicant, a person employed by the applicant, or a person who resides with the applicant at the facility, has been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the applicant is incapable of operating a family child care home or child care center. The record of the determination and entry of the order are conclusive evidence of the determination.

(6) The department and the department of education shall streamline all paperwork that licensed early care and education programs and early childhood educators must complete to meet child care licensing and early childhood educator credentialing compliance requirements. The state agencies shall identify ways to share information and reports across the agencies to reduce the administrative and paperwork burden on early care and education programs and educators.

The streamlining process must include a systems scan of programs and initiatives, identification of overlapping reporting requirements, and ways to reduce the administrative and paperwork burden on programs and educators.

(7) (a) The department shall, to the extent practicable, provide essential resources in prevalent languages to help child care providers and prospective providers complete the necessary paperwork to meet child care licensing compliance requirements. The department shall review existing resources and ensure that the English versions are written in plain language to facilitate the translation of these resources into prevalent languages. The department may provide essential resources in additional languages as needed in order to meet the needs of Colorado communities, subject to available appropriations.

(b) The department shall, to the extent practicable, engage in outreach and maintain communications in prevalent languages with local stakeholders who provide, are considering providing, or advocate on behalf of those providing licensed early care and education programs to foster a more culturally and linguistically diverse provider population.

(c) The department shall provide services in prevalent languages to individuals seeking to open or otherwise participate in the operation of an early childhood program or facility licensed by the department.

(d) and (e) Repealed.

(8) On or before July 1, 2027, the department shall adopt rules establishing how a child care center shall demonstrate compliance with the requirements concerning the testing for the presence of lead in drinking water described in part 9 of article 8 of title 25.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 737, § 3, effective July 1. **L. 2023:** (4)(a)(I)(E) and (4)(b) amended and (4)(a)(I)(E.5) added, (HB 23-1235), ch. 434, p. 2549, § 14, effective June 7; (5) amended, (HB 23-1301), ch. 303, p. 1836, § 63, effective August 7. **L. 2024:** (7) added, (HB 24-1009), ch. 472, p. 3319, § 4, effective June 6. **L. 2026:** (8) added, (HB 26-1391), ch. 196, p. 1136, § 9, effective May 28; (3)(b) amended, (HB 26-1282), ch. 294, p. 1616, § 2, effective July 1.

Editor's note: (1) This section is similar to former § 26-6-104 as it existed prior to 2022.

(2) Subsections (7)(d)(II) and (7)(e)(II) provided for the repeal of subsections (7)(d) and (7)(e), respectively, effective June 20, 2026. (See L. 2024, p. 3319.)

Cross references: For the legislative declaration in HB 24-1009, see section 1 of chapter 472, Session Laws of Colorado 2024. For the legislative declaration in HB 26-1282, see section 1 of chapter 294, Session Laws of Colorado 2026.

ANNOTATION

Law reviews. For note, "Licensing of Occupations and Professions in Colorado", see 35 Dicta 235 (1958).

26.5-5-310. Compliance with local government zoning regulations - notice to local governments - provisional licensure - rules.

(1) (a) The department shall require any child care facility seeking licensure pursuant to section 26.5-5-309 to comply with any applicable zoning and land use development regulations of the municipality, city and county, or county where the facility is situated. Failure to comply with applicable zoning and land use regulations constitutes grounds for the denial of a license to a facility.

(b) Notwithstanding subsection (1)(a) of this section to the contrary, the availability of safe, affordable, and licensed family child care homes is a matter of statewide concern. Therefore, permitting fragmented regulation among jurisdictions impedes and infringes upon the department's appropriate and consistent licensing and regulation of family child care homes throughout the state. Accordingly, local governing authorities shall treat family child care homes as residential property use in the application of local regulations, including zoning, land use development, fire and life safety, sanitation, and building codes. Local governing authorities shall not impose any additional regulations governing family child care homes that do not also apply to other residential properties, provided that the foregoing does not restrict an authority's ability to prohibit, on a case-by-case basis, the operation in immediately adjacent residences of two or more large family child care homes, as that term is defined by department rules that govern the operation of family child care homes, or to manage the flow of traffic and parking related to adjacent large family child care homes. Residential use of property for zoning purposes includes all forms of residential zoning and, specifically, although not exclusively, single-family residential zoning.

(c) Notwithstanding subsection (1)(a) of this section to the contrary, the availability of safe, affordable, and licensed family child care homes and licensed child care centers is a matter of statewide concern. Therefore, permitting fragmented regulation among jurisdictions impedes and infringes upon the department's appropriate and consistent licensing and regulation of family child care homes and child care centers throughout the state. Accordingly, a local governing

authority that imposes requirements in addition to the state-level licensing standards required pursuant to this part 3 related to the inspection, permitting, licensing, or approval of a child care center or family child care home shall:

(I) Prioritize the inspection, permitting, licensing, or approval process of a child care center or family child care home with which the local governing authority has had a dispute or caused a delay to complete the inspection, permitting, licensing, or approval process to the extent reasonably practicable; and

(II) Limit, to a reasonable maximum established by department rule, the fees associated with any child care center's or family child care home's inspection, permit, license, or approval that is required for a child care center or family child care home by the local governing authority but that is not required by the state-level licensing standards established in this part 3; except that this limitation does not apply to fees associated with health and sanitation inspections and related plan reviews required as part of the child care licensing process and conducted by the department or a local public health agency.

(2) The department shall assure that timely written notice is provided to the municipality, city and county, or county where a child care facility is situated, including the address of the facility and the population and number of persons to be served by the facility, when any of the following occurs:

(a) A person applies for a license to operate a child care facility pursuant to section 26.5-5-309; or

(b) A license is granted to operate a child care facility pursuant to section 26.5-5-309.

(3) Notwithstanding any other provision of law, in the event of a zoning or other delay or dispute between a child care facility and the municipality, city and county, or county where the facility is situated, the department may grant a provisional license to the facility for up to six months pending resolution of the delay or dispute.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 743, § 3, effective July 1. **L. 2026:** (1)(c) added, (SB 26-020), ch. 292, p. 1605, § 3, effective June 1.

Editor's note: The provisions of this section are similar to several former provisions of § 26-6-104.5 as they existed prior to 2022. For a detailed comparison, see the comparative tables located in the back of the index.

26.5-5-311. Fees - when original applications, reapplications, and renewals for licensure are required - creation of child care licensing cash fund - rules.

(1) (a) The department is authorized to establish, pursuant to rules promulgated by the executive director, permanent, time-limited, and provisional license fees and fees for continuation of a license for the following types of child care arrangements:

(I) Family child care homes, including any special type of family child care home designated by department rules pursuant to section 26.5-5-314 (2)(n);

(II) Child care centers;

(III) Children's resident camps; and

(IV) Substitute placement agencies.

(b) The department may also establish fees pursuant to rules promulgated by the executive director for the following situations:

(I) Issuance of a duplicate license;

(II) Change of license due to an increase in licensing capacity or a change in the age of children served;

(III) Obtaining the criminal record of an applicant and any person living with or employed by the applicant, which may include costs associated with the taking of fingerprints;

(IV) Checking the records and reports of child abuse or neglect maintained by the state department of human services for an owner, employee, or resident of a facility or agency or an applicant for a license to operate a facility or agency;

(V) Filing of appeals;

(VI) Duplication of licensing records for the public;

(VII) Duplication of licensing records in electronic format for the public; and

(VIII) Insufficient funds payment and collection of overdue fees and fines.

(c) The fees established pursuant to this subsection (1) must not exceed the direct and indirect costs incurred by the department. The department shall develop and implement an objective and systematic approach for setting, monitoring, and revising child care licensing fees by developing and using an ongoing method to track all direct and indirect costs associated with child care inspection licensing, developing a methodology to assess the relationship between licensing costs and fees, and annually reassessing costs and fees and reporting the results to the executive director. In developing a fee schedule, the department should consider the licensed capacity of facilities and the time needed to license facilities.

(2) (a) The fees specified in subsection (1) of this section must be paid when an application is submitted for a license or renewal of a license and are not subject to refund. Applications for licenses are required in the situations that are set forth in subsection (2)(b) of this section and must be made on forms prescribed by the department. Each completed application must set forth such information as required by the department. All licenses continue in force until revoked, surrendered, or expired.

(b) (I) An original application and fee are required:

(A) When an individual, partnership, corporation, or association plans to open a child care center or children's resident camp;

(B) When the child care center or children's resident camp plans to move the center or facility to a different building at a different location;

(C) When the management or governing body of a child care center or children's resident camp is acquired by a different individual, association, partnership, or corporation;

(D) When a change occurs in the operating entity of a child care center or children's resident camp resulting in a new federal employee identification number; except that, if the reason for the issuance of a new federal employee identification number is solely due to a change in the corporate structure of the operating entity and either the management or governing body of the entity remains the same as originally licensed and the entity is operating in the same facility or facilities as originally licensed, the department shall treat the entity's status as a renewal and assess the applicable renewal fee. Only newly hired employees are required to undergo criminal background checks as required in section 26.5-5-316.

(E) When a family or person plans to open a family child care home, including any special type of family child care home designated by department rules pursuant to section 26.5-5-314 (2)(n);

(F) When a family or person who operates a family child care home, including any special type of family child care home designated by department rules pursuant to section 26.5-5-314 (2)(n), moves to a new residence.

(II) The department may require and receive a reapplication and fee in the manner specified in department rules.

(3) This section does not prevent a city or city and county from imposing fees in addition to those fees specified under this section.

(4) The department shall transmit all fees collected pursuant to this section to the state treasurer, who shall credit the fees to the child care licensing cash fund, which is hereby created. The general assembly shall make annual appropriations from the child care licensing cash fund for expenditures incurred by the department in the performance of its duties under this part 3.

The treasurer shall credit to the fund all interest derived from the deposit and investment of money in the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains in the fund and is not credited or transferred to the general fund or any other fund.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 744, § 3, effective July 1. **L. 2023:** (1)(a)(I) and (2)(a) amended, (HB 23-1235), ch. 434, p. 2549, § 15, effective June 7.

Editor's note: This section is similar to former § 26-6-105 as it existed prior to 2022.

26.5-5-312. Application forms - criminal sanctions for perjury.

(1) (a) (I) All applications for the licensure of a child care facility pursuant to this part 3 must include the notice to the applicant that is set forth in subsection (1)(b) of this section.

(II) Every application used in the state of Colorado for employment with a child care provider or facility must include the notice to the applicant that is set forth in subsection (1)(b) of this section.

(b) Each application described in subsection (1)(a) of this section must contain the following notice to the applicant:

> Any applicant who knowingly or willfully makes a false statement of any material fact or thing in this application commits perjury in the second degree as defined in section 18-8-503, Colorado Revised Statutes, and, upon conviction thereof, shall be punished accordingly.

(2) Any person applying for the licensure of a child care facility pursuant to this part 3 or any person applying to work at such a facility as an employee who knowingly or willfully makes a false statement of any material fact or thing in the application commits perjury in the second degree as defined in section 18-8-503, and, upon conviction thereof, must be punished accordingly.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 747, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-105.5 as it existed prior to 2022.

26.5-5-313. Applications - materials waivers - appeals - rules.

(1) A child care center that is subject to the licensing requirements of this part 3 is also subject to the provisions of this section.

(2) (a) The department shall make available to licensed child care centers and include with every application form for licensure information concerning the manner in which a child care center may apply for a waiver to use certain materials in its program and curriculum. The waiver request must be included in a center's application for licensure or, in the case of a licensed child care center, may be submitted at any time.

(b) A child care center seeking a waiver for the use of certain materials must adopt a policy that:

(I) Ensures that instructors in the child care center are trained in the use of the materials in a way that provides reasonable safety provisions for use by children; and

(II) Requires parental notification of the use of the materials in the child care center and the potential safety risks associated with the materials. The policy must require the child care center to obtain signed parental consent forms acknowledging awareness of the risks in using the materials in the child care center.

(3) If a licensed child care center receives notice of a violation pursuant to this part 3, information concerning the waiver and appeal process described in this section must be included in the notification to the child care center.

(4) The executive director shall promulgate rules for the implementation of this section, including:

(a) The requirements for the granting of a waiver request, including the requirement that the department make a decision on the waiver request and notify the child care center of its decision no later than sixty calendar days after receipt of the request;

(b) The requirements for the denial of a waiver request, including the requirement that the department make a decision on the waiver request and notify the child care center of its decision no later than sixty calendar days after receipt of the request; and

(c) The process by which a child care center may appeal a denial of a waiver request, which process must, at a minimum, provide that:

(I) Upon the receipt of a denial of a waiver request, a child care center has up to forty-five calendar days to appeal the denial decision to the department;

(II) The department shall act upon the appeal within forty-five calendar days;

(III) The department shall provide notice of its decision on the appeal within ten calendar days after its decision to the appealing child care center; and

(IV) The appealing child care center has the right to meet in person with department personnel concerning the appeal.

(5) Whenever practicable, the department shall use the same inspector for:

(a) Multiple visits to a single child care center seeking a waiver pursuant to this section; or

(b) Multiple visits to two or more individually licensed child care centers that are wholly owned, operated, and controlled by a common ownership group.

(6) The department shall not post a denial of a waiver made pursuant to this section on its website until the appeal is final.

(7) The department shall review the waiver process required by this section and the process for appeals filed pursuant to section 26.5-5-314 (5) at least annually.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 747, § 3, effective July 1. **L. 2026:** (7) added, (HB 26-1282), ch. 294, p. 1617, § 4, effective July 1.

Editor's note: This section is similar to former § 26-6-105.7 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 26-1282, see section 1 of chapter 294, Session Laws of Colorado 2026.

26.5-5-314. Standards for facilities and agencies - rules - definition.

(1) The department shall prescribe and publish standards for licensing. The standards must be applicable to the various types of facilities and agencies for child care regulated and licensed by this part 3. The department shall seek the advice and assistance of persons representative of the various types of child care facilities and agencies in establishing the standards, including the

advice and assistance of the department of public safety and councils and associations representing fire marshals and building code officials in the promulgation of any rules related to adequate fire protection and prevention, as allowed in subsection (2)(e) of this section, in a family child care home. The standards must be established by rules promulgated by the executive director and be issued, published, and become effective only in conformity with article 4 of title 24.

(2) The standards prescribed by department rules are restricted to:

(a) The operation and conduct of the facility or agency and the responsibility it assumes for child care;

(b) The character, suitability, and qualifications of the applicant for a license and of other persons directly responsible for the care and welfare of children served, including whether an affiliate of the licensee has ever been the subject of a negative licensing action;

(c) The general financial ability and competence of the applicant for a license to provide necessary care for children and to maintain prescribed standards;

(d) The number of individuals or staff required to ensure adequate supervision and care of children served;

(e) (I) The appropriateness, safety, cleanliness, and general adequacy of the premises, including maintenance of adequate fire protection and prevention and health standards in conformance with state laws and municipal ordinances, to provide for the physical comfort, care, well-being, and safety of the children served.

(II) A child care center that provides child care exclusively to school-age children and operates on the property of a school district, district charter school, or institute charter school may satisfy any fire or radon inspection requirement required by law by providing a copy of a satisfactory fire or radon inspection report of the property of a school district, district charter school, or institute charter school where the child care is provided if the fire or radon inspection report was completed within the preceding twelve months. The department shall not require a duplicate fire or radon inspection if a satisfactory fire or radon inspection report of the property was completed within the preceding twelve months.

(III) The department shall require an annual inspection of playground facilities on the property where a child care center operates. For purposes of a playground facility inspection, the department shall accept as satisfactory proof of valid certification of the playground facility, certification, or a copy of certification, from an individual or entity that is licensed or certified to perform playground safety inspections through the national recreation and park association, or other nationally recognized playground facility safety organization, including, but not limited to, a public health agency. The department shall not require a duplicate inspection if a satisfactory inspection report was completed within the preceding twelve months.

(f) Keeping of records for food, clothing, equipment, and individual supplies;

(g) Provisions to safeguard the legal rights of children served;

(h) Maintenance of records pertaining to the admission, progress, health, and discharge of children;

(i) Filing of reports with the department;

(j) Discipline of children. The rules must prohibit the imposition of corporal punishment, as defined in section 22-1-140, upon a child by any person employed by or volunteering in a child care center, a family child care home, or a specialized group facility.

(k) Standards for the appropriateness, safety, and adequacy of transportation services of children to and from child care centers;

(l) Except as otherwise provided in subsection (2)(m) of this section, provisions that ensure that family child care homes and child care centers verify, in accordance with part 9 of article 4 of title 25, that each child has received appropriate immunizations against contagious diseases as follows:

(I) Children up to twenty-four months of age are required to be immunized in accordance with the "Infant Immunization Act", part 17 of article 4 of title 25;

(II) Children over twenty-four months of age are required to be immunized in accordance with part 9 of article 4 of title 25;

(m) Provisions that allow any child care center that allows any child to enroll and attend the center on a short-term basis of up to fifteen days in a fifteen-consecutive-day period, no more than twice in a calendar year, with each fifteen-consecutive-day period separated by at least sixty days, to do so without obtaining verification of immunization for that child, as provided for in section 25-4-902. Any child care center that chooses to allow children to enroll and attend on a short-term basis pursuant to the provisions of this subsection (2)(m) shall provide notification to all parents that the child care center allows children to enroll and attend on a short-term basis without obtaining proof of immunization; and

(n) Rules governing different types of family child care homes as well as any other types of family child care homes that may by necessity be established by rule of the executive director.

(3) (a) As used in this subsection (3), "program" means child care offered by a child care center that holds a license pursuant to this part 3, provides child care exclusively to school-age children, and operates on the property of a school district, district charter school, or institute charter school, referred to in this subsection (3) as "school property".

(b) When an agency or entity performs an inspection required by law for a program, the agency or entity shall provide a copy of the inspection report to the appropriate official of the

school district, district charter school, or institute charter school where the child care center operates.

(c) If all of the requirements in section 22-1-119.5 and any additional department rules are met, a school-age child enrolled in a program on school property may possess and self-administer medication for asthma, a food allergy, or anaphylaxis. The executive director may adopt additional rules for programs on school property concerning the authority to possess and self-administer medication for asthma, a food allergy, or anaphylaxis.

(4) If all of the requirements in section 22-1-119.5 and any additional department rules are met, a child enrolled in a large child care center, as defined by rule promulgated by the executive director, may possess and self-administer medication for asthma, a food allergy, or anaphylaxis. The executive director may adopt additional rules concerning the authority to possess and self-administer medication for asthma, a food allergy, or anaphylaxis.

(5) Any applicant or person licensed to operate a child care facility or agency under the provisions of this part 3 has the right to appeal any standard that, in the applicant's or person's opinion, works an undue hardship or when, in the applicant's or person's opinion, a standard has been too stringently applied by representatives of the department. The department shall designate a panel of persons representing various state and local governmental agencies with an interest in and concern for children to hear such appeal and to make recommendations to the department. The membership of the appeals review panel must include, but need not be limited to, a representative from child care providers, a representative from a local early childhood council or local child care resource and referral agency, a state-level early childhood representative with early care and education expertise, and a parent representative. The executive director or the executive director's designee shall appoint all members to the appeals review panel. Members of the appeals review panel serve terms of no more than three years. Representatives to the appeals review panel may serve successive terms.

(6) The executive director shall promulgate rules concerning standards for licensing early care and education programs that facilitate the recruitment and retention of Colorado's early childhood educator workforce as described in section 26.5-6-103.

(7) A child care center shall disclose the following information in the child care center's policies and procedures to the parents or guardians of children being served at the child care center:

(a) A statement that child care center workers are mandatory reporters of child abuse or neglect, as required by section 19-3-304 (2)(m); and

(b) For a child care center that utilizes video recording equipment, a statement disclosing the use of video recording equipment and the child care center's policies and procedures regarding the use of the video recording equipment and the generated video footage, including, when applicable, the center's recording, retention, and disposal policy; privacy protections and

limitations; parental and legal access to the video footage; and any other policies or procedures the child care center develops in relation to the use of the video recording equipment and the generated video footage.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 749, § 3, effective July 1. **L. 2023:** (2)(j) amended, (HB 23-1191), ch. 93, p. 351, § 4, effective April 20. **L. 2026:** (2)(e)(III) amended, (HB 26-1282), ch. 294, p. 1616, § 3, effective July 1; (7) added, (SB 26-050), ch. 38, p. 183, § 1, effective August 12.

Editor's note: This section is similar to former § 26-6-106 as it existed prior to 2022.

Cross references: For the legislative declaration in HB 23-1191, see section 1 of chapter 93, Session Laws of Colorado 2023. For the legislative declaration in HB 26-1282, see section 1 of chapter 294, Session Laws of Colorado 2026.

ANNOTATION

Law reviews. For article, "Child Care and Tort Liability", see 18 Colo. Law. 1949 (1989).

Applied in Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982) (decided under former § 26-6-106).

26.5-5-315. Staffing during emergency circumstances - definitions.

(1) During an emergency circumstance, a child care center may permit an employee who has successfully completed criminal background check requirements but is not a qualified caregiver to supervise children for not more than two hours while the child care center secures a qualified caregiver.

(2) Notwithstanding subsection (1) of this section, a large child care center, as defined by department rule, or a child care center that operates on the property of a school district, district charter school, or institute charter school, may permit an employee of the child care center or an employee of the school district, district charter school, or institute charter school who has successfully completed criminal background check requirements but is not a qualified caregiver to supervise children for an amount of time that is reasonably necessary to address an emergency circumstance.

(3) During an emergency circumstance, a child care center shall maintain the staff-to-child ratio required by rule of the executive director.

(4) As used in this section, unless the context otherwise requires, "emergency circumstance" includes, but is not limited to, illness, death, accident, law enforcement action, road closure, hazardous weather, emergency bodily function, child elopement, or providing emergency attention or care to a child.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 755, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-106.2 as it existed prior to 2022.

26.5-5-316. Investigations and inspections - local authority - reports - rules.

(1) (a) (I) (A) The department shall investigate and pass on each original application for a license, each application for a permanent license following the issuance of a probationary or provisional license, and each application for renewal, to operate a facility or an agency prior to granting the license or renewal. As part of the investigation, the department shall require each individual, including, but not limited to, the applicant, any owner, employee, newly hired employee, licensee, and any adult who is eighteen years of age and older who resides in the licensed facility, to obtain a fingerprint-based criminal history record check by reviewing any record that is used to assist the department in ascertaining whether the person being investigated has been convicted of any of the criminal offenses specified in section 26.5-5-309 (4) or any other felony. The executive director shall promulgate rules that define and identify what the criminal history record check entails.

(B) Rules promulgated by the executive director pursuant to this subsection (1)(a)(I) must allow an exemption from the fingerprint-based criminal history record check and the check of the records and reports of child abuse or neglect maintained by the state department of human services for those out-of-state employees working in Colorado at a children's resident camp in a temporary capacity for a camp that is in operation for fewer than ninety days. Each person so exempted from fingerprinting and the check of the records and reports of child abuse or neglect maintained by the state department of human services shall sign a statement that affirmatively states that the person has not been convicted of any charge of child abuse, unlawful sexual offense, or any felony. Prospective employers of exempted persons shall conduct reference checks of the prospective employees in order to verify previous work history and shall conduct personal interviews with each prospective employee.

(C) Rules promulgated by the executive director pursuant to this subsection (1)(a)(I) must require the fingerprint-based criminal history record check in all circumstances, other than those identified in subsection (1)(a)(I)(B) or (1)(a)(I)(D) of this section, to include a fingerprint-based criminal history record check utilizing the records of the Colorado bureau of investigation and the federal bureau of investigation and, for any new owner, new applicant, newly hired employee, new licensee, or individual who begins residing in the licensed facility. As part of the investigation, the records and reports of child abuse or neglect maintained by the state department of human services must be accessed to determine whether the owner, applicant, employee, newly hired employee, licensee, or individual who resides in the licensed facility being investigated has been found to be responsible in a confirmed report of child abuse or neglect. Information is made available pursuant to section 19-1-307 (2)(j) and rules promulgated by the state board of human services pursuant to section 19-3-313.5 (4). Except as provided in subsection (1)(a)(I)(D) of this section, any change in ownership of a licensed facility or the addition of a new resident adult or newly hired employee to the licensed facility requires a new investigation as provided in this section.

(D) When two or more individually licensed facilities are wholly owned, operated, and controlled by a common ownership group or school district, a fingerprint-based criminal history record check and a check of the records and reports of child abuse or neglect maintained by the state department of human services, completed for one of the licensed facilities of the common ownership group or school district pursuant to this section for any individual for whom such a check is required under this part 3 may satisfy the record check requirement for any other licensed facility under the same common ownership group or school district. A new fingerprint-based criminal history record check or new check of the records and reports of child abuse or neglect maintained by the state department of human services is not required of such an individual if the common ownership group or school district maintains a central records management system for employees of all its licensed facilities; takes action as required pursuant to section 26.5-5-309 when informed of the results of a fingerprint-based criminal history record check or check of the records and reports of child abuse or neglect maintained by the state department of human services that requires action pursuant to this part 3; and informs the department whenever an additional licensed facility comes under or is no longer under its ownership or control.

(E) The executive director shall promulgate rules to implement this subsection (1)(a)(I).

(II) Rules promulgated by the executive director pursuant to subsection (1)(a)(I) of this section must also include:

(A) A comparison search on the Colorado state courts data access system at the state judicial department with the name and date of birth information and any other available source of criminal history information that the department determines is appropriate for each circumstance in which the fingerprint check conducted by the Colorado bureau of investigation either does not

confirm a criminal history or confirms a criminal history, in order to determine the crime or crimes for which the person was arrested or convicted and the disposition thereof;

(B) Any other recognized database, if any, that is accessible on a statewide basis as set forth by department rules; and

(C) When the results of an investigation performed pursuant to subsection (1)(a)(I) of this section or this subsection (1)(a)(II) reveal a record of arrest without a disposition, a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).

(III) If the operator of a facility or agency refuses to hire an applicant as a result of information disclosed in the investigation of the applicant pursuant to subsection (1)(a)(I) of this section, the employer is not subject to civil liability for such refusal to hire. If a former employer of the applicant releases information requested by the prospective employer pertaining to the applicant's former performance, the former employer is not subject to civil liability for the information given.

(b) (I) When the department is able to certify that the applicant or licensee is competent and will operate adequate facilities to care for children under the requirements of this part 3 and that standards are being met and will be complied with, it shall issue the license for which applied. The department shall inspect or cause to be inspected the facilities to be operated by an applicant for an original license before the license is granted and shall thereafter inspect or cause to be inspected the facilities of all licensees that, during the period of licensure, have been found to be the subject of complaints or to be out of compliance with the standards set forth in section 26.5-5-314 and department rules or that otherwise appear to be placing children at risk. The department may make such other inspections as it deems necessary to ensure that the requirements of this part 3 are being met and that the health, safety, and welfare of the children being placed are protected.

(II) The executive director shall adopt rules concerning the on-site public availability of the most recent inspection report results of child care center facilities and family child care home facilities, when requested. The executive director shall also adopt rules concerning a requirement that all facilities licensed under this part 3 post their licenses and information regarding the procedures for filing a complaint under this part 3 directly with the department, which rules must require that each such facility display its license and complaint procedures in a prominent and conspicuous location at all times during operational hours of the facility.

(III) If, as a result of an inspection of a licensed child care center facility or family child care home facility, the department determines that there were no serious violations of any of the standards prescribed and published by the department or any of the provisions of this part 3, within twenty days after completing the inspection the department shall send a written notice to the facility indicating such fact. Within ten days after receipt of the written notice, the licensee

shall provide a copy of the written notice to the parents and legal guardians of the children cared for at the child care center facility or family child care home facility.

(2) When the department receives a serious complaint about a child care facility licensed pursuant to this part 3 alleging the immediate risk of health or safety of the children cared for in such facility, the department shall respond to the complaint and conduct an on-site investigation concerning the complaint within forty-eight hours after its receipt.

(3) (a) (I) Except as otherwise provided in subsections (3)(a)(II) and (3)(a)(III) of this section, the department may authorize or contract with any county department, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children to investigate and inspect the facilities applying for an original or renewal license or applying for a permanent license following the issuance of a probationary or provisional license pursuant to this part 3 and may accept reports on investigations and inspections from the agencies or organizations as a basis for making licensing decisions. When contracting for investigations and inspections, the department shall assure that the contractor is qualified by training and experience and has no conflict of interest with respect to the facilities to be inspected.

(II) The department shall not authorize or contract with any county department, the county department of health, or any other publicly or privately operated organization that has a declared interest in children and experience working with children or on behalf of children for investigations and inspections described in subsection (3)(a)(I) of this section of any facilities that provide twenty-four-hour care and are licensed pursuant to this part 3.

(III) Notwithstanding subsection (3)(a)(I) of this section, on or before July 1, 2026, the department shall, where feasible, begin phasing out its reliance on persons authorized or contracted pursuant to subsection (3)(a)(I) of this section to provide the types of services the department's licensing specialists provide in connection with the investigation and inspection of the facilities applying for an original or renewal license or applying for a permanent license following the issuance of a probationary or provisional license pursuant to this part 3 and shall prioritize the use of licensing specialists employed by the department to provide the services. Nothing in this subsection (3)(a) requires the department to phase out its reliance on persons authorized or contracted to perform health and sanitation inspections and related plan reviews required as part of the child care licensing process and conducted by the department or a local public health agency.

(IV) The department shall establish standardized training, protocols, and supervision for department personnel and any persons authorized or contracted pursuant to subsection (3)(a)(I) of this section to promote consistency in the interpretation and application of licensing requirements and the standardization of investigations and enforcement actions across the state.

(b) A city, county, or city and county may impose and enforce higher standards and requirements for facilities licensed under this part 3 than the standards and requirements specified under this part 3.

(4) Every facility licensed pursuant to this part 3 shall keep and maintain records as the department prescribes pertaining to the admission, progress, health, and discharge of children under the care of the facility, and shall report on the records to the department whenever called for, upon forms prescribed by the department. Except as required by a court-issued subpoena or order, the facility and the department shall keep all identifying records regarding children and all identifying facts learned about children and their relatives confidential. Notwithstanding any provision of part 2 of article 72 of title 24 to the contrary, the department and the facility shall not release individual child-level data that allows for the identification of a specific child or relative; except that individual child-level data that allows for the identification of a specific child or relative may be released to the person in interest, as defined in section 24-72-202.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 755, § 3, effective July 1; (1)(a)(II)(C) amended, (HB 22-1270), ch. 114, p. 531, § 50, effective April 21. **L. 2023:** (1)(a)(I)(A) and (1)(a)(II)(A) amended, (HB 23-1235), ch. 434, p. 2550, § 16, effective June 7. **L. 2026:** (4) amended, (HB 26-1259), ch. 119, p. 508, § 13, effective May 5; (3)(a)(I) amended and (3)(a)(III) and (3)(a)(IV) added, (SB 26-020), ch. 292, p. 1604, § 2, effective June 1.

Editor's note: (1) The provisions of this section are similar to provisions of several former sections as they existed prior to 2022. For a detailed comparison, see the comparative tables located in the back of the index.

(2) Subsection (1)(a)(II)(C) was numbered as § 26-6-107 (1)(a)(I.5)(C) in HB 22-1270 (See L. 2022, p. 531). That provision was harmonized with subsection (1)(a)(II)(C) of this section as it appears in HB 22-1295.

ANNOTATION

Applied in Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982) (decided under former § 26-6-107).

26.5-5-317. Denial of license - suspension - revocation - probation - refusal to renew license - fines.

(1) When an application for a license has been denied by the department, the department shall notify the applicant in writing of the denial by mailing a notice to the applicant at the address shown on the application. Any applicant who is aggrieved by the denial may pursue the remedy for review as provided in subsection (9) of this section if the applicant, within thirty days after receiving the notice, petitions the department to set a date and place for hearing, affording the applicant an opportunity to be heard in person or by counsel. All hearings on the denial of licenses shall be conducted in conformity with the provisions and procedures specified in article 4 of title 24, as in the case of the suspension and revocation of licenses.

(2) The department may deny an application, or suspend, revoke, or make probationary the license of any facility regulated and licensed pursuant to this part 3 or assess a fine against the licensee pursuant to section 26.5-5-323 if the licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility:

(a) Is convicted of any felony, other than those offenses specified in section 26.5-5-309 (4), or child abuse, as specified in section 18-6-401, the record of conviction being conclusive evidence thereof, notwithstanding section 24-5-101; or have entered into a deferred judgment agreement or a deferred prosecution agreement to any felony, other than those offenses specified in section 26.5-5-309 (4) or child abuse, as specified in section 18-6-401; or should the department have a certified court order from another state indicating that the applicant, licensee, person employed by the licensee, or any person residing with the licensee has been convicted of a felony, other than those offenses specified in section 26.5-5-309 (4), under a law of any other state or the United States or has entered into a deferred judgment agreement or a deferred prosecution agreement in another state as to a felony, other than those offenses specified in section 26.5-5-309 (4); or

(b) Is convicted of third degree assault, as described in section 18-3-204; any misdemeanor, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3; the violation of a protection order, as described in section 18-6-803.5; or any misdemeanor offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in this subsection (2)(b). As used in this subsection (2)(b), "convicted" has the same meaning as set forth in section 26.5-5-309 (4)(a)(II).

(c) Is determined to be insane or mentally incompetent by a court of competent jurisdiction and, if a court enters, pursuant to part 3 or part 4 of article 14 of title 15, or section 27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family child care home or child care center, the record of such determination and entry of such order being conclusive evidence thereof; or

(d) Uses any controlled substance, as defined in section 18-18-102 (5), including retail marijuana, or consumes any alcoholic beverage during the operating hours of the facility or is under the influence of a controlled substance or alcoholic beverage during the operating hours of the facility; or

(e) Is convicted of unlawful use of a controlled substance as specified in section 18-18-404; unlawful distribution, manufacturing, dispensing, sale, or possession of a controlled substance as specified in section 18-18-403.5 or 18-18-405; or unlawful offenses relating to marijuana or marijuana concentrate as specified in section 18-18-406; or

(f) Consistently fails to maintain standards prescribed and published by the department; or

(g) Furnishes or makes any misleading or any false statement or report to the department; or

(h) Refuses to submit to the department any reports or refuses to make available to the department any records required by it in making investigation of the facility for licensing purposes; or

(i) Fails or refuses to submit to an investigation or inspection by the department or to admit authorized representatives of the department at any reasonable time for the purpose of investigation or inspection; or

(j) Fails to provide, maintain, equip, and keep in safe and sanitary condition premises established or used for child care pursuant to standards prescribed by the department of public health and environment and the department or by ordinances or regulations applicable to the location of such facility; or

(k) Willfully or deliberately violates any of the provisions of this part 3 or any of the standards prescribed and published in department rule pursuant to this part 3; or

(l) Fails to maintain financial resources adequate for the satisfactory care of children served in regard to upkeep of premises and provision for personal care, medical services, clothing, and other essentials in the proper care of children; or

(m) Is charged with the commission of an act of child abuse or an unlawful sexual offense, as specified in section 18-3-411 (1), if:

(I) Such individual has admitted committing the act or offense and the admission is documented or uncontroverted; or

(II) The administrative law judge finds that such charge is supported by substantial evidence; or

(n) Admits to an act of child abuse or if substantial evidence is found that the licensee, person employed by the licensee, or person who resides with the licensee in the licensed facility has committed an act of child abuse. As used in this subsection (2)(n), "child abuse" has the same

meaning as that ascribed to the term "abuse" or "child abuse or neglect" in section 19-1-103 (1); or

(o) Is the subject of a negative licensing action.

(3) The department may deny an application to renew a license based on the grounds set forth in subsection (2) of this section. The denial is effective upon the expiration of the existing license. The existing license does not continue in effect even though the applicant for renewal files a request for hearing or appeal.

(4) The department may deny an application for a child care facility license pursuant to this part 3 if the applicant is a relative affiliate of a licensee of a child care facility licensed pursuant to this part 3, which licensee is the subject of a previous negative licensing action or is the subject of a pending investigation by the department that may result in a negative licensing action.

(5) (a) (I) The department shall deny an application for a license under the circumstances described in section 26.5-5-309 (4). The department shall revoke or suspend a license previously issued if:

(A) The licensee, person employed by the licensee, or person residing with the licensee is thereafter convicted or if it is later discovered that the licensee, person employed by the licensee, or person residing with the licensee had previously been convicted of any of the criminal offenses set forth in section 26.5-5-309 (4); or

(B) The department has a certified court order from another state indicating that the licensee, person employed by the licensee, or person residing with the licensee is thereafter convicted of, or if it is later discovered that the licensee, person employed by the licensee, or person residing with the licensee had previously been convicted of, a criminal offense under a law of any other state or of the United States that is similar to any of the criminal offenses set forth in section 26.5-5-309 (4); or

(C) The licensee, an affiliate of the licensee, a person employed by the licensee, or a person who resides with the licensee at the facility has been determined to be insane or mentally incompetent by a court of competent jurisdiction and the court has entered, pursuant to part 3 or part 4 of article 14 of title 15 or section 27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the licensee is incapable of operating a family child care home or child care center, the record of the determination and entry of the order being conclusive evidence thereof.

(II) As used in this subsection (5)(a), "convicted" means a conviction by a jury or by a court and includes a deferred judgment and sentence agreement, a deferred prosecution agreement, a deferred adjudication agreement, an adjudication, and a plea of guilty or nolo contendere.

(b) A certified copy of the judgment of a court of competent jurisdiction of such conviction or deferred judgment and sentence agreement, deferred prosecution agreement, deferred adjudication agreement, or a certified court order from another state indicating such an agreement from another state is prima facie evidence of such conviction or agreement.

(6) The department shall deny an application for an entity licensed under this part 3 and shall revoke the license of an entity licensed under this part 3 if the entity cultivates marijuana pursuant to the authority in section 16 of article XVIII of the state constitution.

(7) The department may assess fines, pursuant to the provisions of section 26.5-5-323, against a licensee or a person employed by the licensee who willfully and deliberately or consistently violates the standards prescribed and published by the department or the provisions of this part 3.

(8) The department shall determine the existence of convictions identified in this section according to the records of the Colorado bureau of investigation, the Colorado state courts data access system at the state judicial department, or any other source, as set forth in section 26.5-5-316 (1)(a)(II).

(9) The department shall suspend or revoke a license only in conformity with the provisions and procedures specified in article 4 of title 24, and after a hearing thereon as provided in said article 4; except that an administrative law judge shall conduct all hearings under this part 3 and issue an initial decision. The executive director shall review the initial decision and issue the final decision of the department. A licensee is not entitled to a right to cure any of the charges described in subsection (2)(a), (2)(c), (2)(d), or (2)(m)(I) of this section. A hearing does not prevent or delay any injunctive proceedings instituted under the provisions of section 26.5-5-320.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 760, § 3, effective July 1. **L. 2023:** IP(2), (2)(b), and (8) amended, (HB 23-1235), ch. 434, p. 2550, § 17, effective June 7; (2)(c) amended, (HB 23-1301), ch. 303, p. 1836, § 64, effective August 7. **L. 2024:** (5)(a)(I)(C) amended, (HB 24-1450), ch. 490, p. 3422, § 68, effective August 7.

Editor's note: This section is similar to former § 26-6-108 as it existed prior to 2022.

ANNOTATION

Annotator's note. Since § 26.5-5-317 is similar to § 26-6-108 as it existed prior to the 2022 amendment to article 5 of title 26.5, which resulted in the relocation of provisions, relevant cases decided under that section have been included in the annotations to this section.

Day care license revocation proceedings are civil in nature, but they occur in an administrative agency context. McPeck v. Colo. Dept. of Soc. Servs., 919 P.2d 942 (Colo. App. 1996).

Applied in Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

26.5-5-318. Notice of negative licensing action - filing of complaints.

(1) (a) When a child care center facility or family child care home facility licensed pursuant to this part 3 has been notified by the department of a negative licensing action or the imposition of a fine pursuant to section 26.5-5-317 (2) and (7), it shall, within ten days after receipt of the notice, provide the department with the names and mailing addresses of the parents or legal guardians of each child cared for at the child care center facility or family child care home facility. The department shall maintain the confidentiality of the names and mailing addresses provided to it pursuant to this subsection (1).

(b) Within twenty days after receipt of the names and addresses of parents and legal guardians pursuant to subsection (1)(a) of this section, the department shall send a written notice to each parent or legal guardian identifying the negative licensing action or the fine imposed and providing a description of the basis for the action as it relates to the impact on the health, safety, and welfare of the children in the care of the facility. The department shall send the notice to the parents and legal guardians by first-class mail.

(c) The executive director shall promulgate rules concerning the assessment of a fine against a licensee that is equal to the direct and indirect costs associated with the mailing of the notice described in subsection (1)(b) of this section against the facility.

(d) This subsection (1) does not preclude the department or a county department of human or social services from notifying parents of serious violations of any of the standards prescribed and published by the department or any of the provisions of this part 3 that could impact the health, safety, or welfare of a child cared for at the facility or home.

(2) The executive director shall promulgate rules requiring child care center facilities and family child care home facilities to provide written notice to the parents and legal guardians of the children cared for in such facilities of the procedures by which to file a complaint against the facility or an employee of the facility with the department. The rules must specify the information the notice must contain, but must require that the notice include the current mailing address and telephone number of the appropriate division within the department.

(3) The department shall track and record complaints made to the department that are brought against family child care homes and shall identify which complaints were brought against licensed family child care homes, unlicensed family child care homes, or legally exempt family child care homes.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 765, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-108.5 as it existed prior to 2022.

26.5-5-319. Institutes.

The department is authorized to hold institutes and programs for licensees under this part 3 to assist in the improvement of standards and practices of facilities operated and maintained by licensees and in the more efficient and practical administration and enforcement of this part 3. In conducting institutes and programs, the department may request the assistance of health, education, and fire safety officials.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 766, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-109 as it existed prior to 2022.

26.5-5-320. Injunctive proceedings.

The department, in the name of the people of the state of Colorado, through the attorney general of the state, must apply for an injunction in any court of competent jurisdiction to enjoin any person from operating any facility without a license that is required to be licensed under this part 3. If the person does not have a valid license pursuant to this part 3, the person's license has been revoked pursuant to section 26.5-5-317, or the person does not meet the licensing exemption criteria set forth in section 26.5-5-304, yet provides child care, and has a pattern of providing such child care without a valid license as required by this part 3, and despite having received notification from the department that the person or facility is in violation of the law, then the person is providing unlicensed and illegal child care. At the time the department applies for an injunction, the department shall notify law enforcement of the injunction proceedings. If it is established that the defendant has been or is so operating the facility without a valid license, the court shall enter a decree enjoining the defendant from further operating the facility unless and until the person obtains a license to operate the facility. In case of violation of any injunction issued pursuant to this section, the court may summarily try and punish the offender for contempt

of court. Such injunctive proceedings are in addition to and not in lieu of the penalty provided in section 26.5-5-321.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 766, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-111 as it existed prior to 2022.

ANNOTATION

Annotator's note. Since § 26.5-5-320 is similar to § 26-6-111 as it existed prior to the 2022 amendment to article 5 of title 26.5, which resulted in the relocation of provisions, a relevant case decided under that section has been included in the annotations to this section.

Compliance compelled by injunction or criminal action. Compliance with the licensing requirements may be compelled by either the civil remedy of injunction or a criminal action, or by both. Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

Injunction is separate remedy from criminal sanction of § 26-6-112. A separate civil remedy of injunction is provided by this section, independent of the criminal sanction provided by § 26-6-112. Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

26.5-5-321. Penalty - short title.

(1) On or after July 1, 2021, any person violating any provision of this part 3, intentionally making any false statement or report to the department or to any agency delegated by the department to make an investigation or inspection pursuant to the provisions of this part 3, or violating a cease-and-desist order that is not cured commits a petty offense and, upon conviction, shall be punished by a fine of up to five hundred dollars, a sentence of up to ten days in jail, or both.

(2) The short title of this section is the "Elle Matthews Act for Increased Safety in Child Care".

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 766, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-112 as it existed prior to 2022.

ANNOTATION

Annotator's note. Since § 26.5-5-321 is similar to § 26-6-112 as it existed prior to the 2022 amendment to article 5 of title 26.5, which resulted in the relocation of provisions, a relevant case decided under that section has been included in the annotations to this section.

Compliance compelled by criminal action or injunction. Compliance with the licensing requirements may be compelled by either the civil remedy of injunction or a criminal action, or by both. Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

Criminal sanction is separate remedy from injunction of § 26-6-111. A separate civil remedy of injunction is provided by § 26-6-111, independent of the criminal sanction provided by this section. Cavanaugh v. State Dept. of Soc. Servs., 644 P.2d 1 (Colo. 1982).

26.5-5-322. Periodic review of licensing rules and procedures - legislative declaration.

(1) The general assembly finds that changes in demographics and economic trends in Colorado have increased the need for high-quality and affordable child care. The general assembly also recognizes that the provision of child care in this state and in the nation is a rapidly growing industry subject to many changes. The general assembly further finds that there is a need for continuing comprehensive review of the rules and the licensing procedures governing child care centers and family child care homes that includes the adequate and full participation of parents, consumers, child care providers, and interested persons. The general assembly finds that such a review with the goal of identifying problems in the fragmentation and lack of uniformity of standards in the licensing process would benefit the state and result in improvements in the regulation of this industry that is so vital to the health and well-being of the state's children and citizens.

(2) By July 1, 2023, and at least every five years thereafter, the department shall conduct a comprehensive review of the licensing rules for child care centers and family child care homes and the procedures relating to and governing child care centers and family child care homes, including procedures for the review of backgrounds of employees and owners. In conducting such periodic review, the department shall consult with parents and consumers of child care, child care providers, the department of public health and environment, the department of human services, experts in the child care field, and other interested parties throughout the state. The periodic review must include an examination of the rules applicable to child care centers and

family child care homes, the process of licensing such facilities, uniformity of standards or lack thereof in the licensing process, statewide standardization of investigations and enforcement of licensing by the department, duplication and conflicts in rules, requirements, or procedures between the department and the department of public health and environment, and recommendations for streamlining and unifying the licensing process. The review must also include an examination of rules and procedures regarding the general physical and mental health of employees and owners. At the conclusion of each review, the department shall report its findings and conclusions and its recommendations for administrative changes and for legislation to the executive director of the department of early childhood and the executive director of the department of public health and environment.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 766, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-113 as it existed prior to 2022.

26.5-5-322.5. Child care licensure task force - created - membership - reporting - legislative intent - repeal.

(1) The child care licensure task force is created in the department to study and develop recommendations related to the child care licensure system in Colorado.

(2) (a) The child care licensure task force consists of the following members:

(I) The president of the senate shall appoint the following members:

(A) A representative from an association of child care providers;

(B) A representative of a licensed child care center serving a rural area; and

(C) A representative from an organization of providers of out-of-school time programs, as defined in section 22-105.5-103;

(II) The speaker of the house of representatives shall appoint the following members:

(A) A child care provider from a licensed family child care home;

(B) A representative of a community-based or early childhood advocacy organization; and

(C) A representative of a school district;

(III) The minority leader of the senate shall appoint the following members:

(A) A multilingual representative of a head start program;

(B) A representative from an association of child care providers; and

(C) A representative of a licensed child care center;

(IV) The minority leader of the house of representatives shall appoint the following members:

(A) The parent of a child cared for in a licensed child care center or licensed family child care home; and

(B) A representative of a statutory or home rule city, town, city and county, or county; and

(V) The governor shall appoint one member who is a representative of the department and one member who is a representative of the department of public health and environment.

(b) The appointing authorities shall make their initial appointments to the task force no later than July 1, 2026.

(3) Each member of the task force who is appointed pursuant to subsection (2) of this section serves at the pleasure of the appointing official. The term of appointment for task force members expires on July 1, 2027.

(4) Members of the task force serve without compensation and without reimbursement for expenses.

(5) (a) The executive director of the department shall convene the first meeting of the task force no later than three weeks after the executive director has determined that the task force has received an amount of gifts, grants, and donations sufficient to begin its work described in this section or August 1, 2026, whichever is later.

(b) The task force shall elect a chair from among the task force's members.

(c) The task force shall meet at least four times in 2026 to complete the duties specified in this section. The chair may call additional meetings, subject to available money, as necessary for the task force to complete its duties. The task force shall establish procedures to allow members of the task force to participate in the meetings remotely.

(6) The task force shall study and recommend reforms to Colorado's licensure system with the goal of creating a coherent, streamlined framework that does not reduce the quality of settings already in place to support children's learning.

(7) With the help of a third-party entity described in subsection (8) of this section, the task force shall:

(a) Undertake a comprehensive review of the state's child care licensing requirements and processes for child care centers and family child care homes; and

(b) Develop recommendations for designing a streamlined licensure system for child care centers and family child care homes.

(8) The task force shall contract with an independent third-party entity to facilitate task force meetings and prepare a final report summarizing the task force's recommendations developed pursuant to subsection (7) of this section.

(9) On or before January 1, 2027, the task force shall report on its recommendations to the health and human services and education committees of the house of representatives, the health and human services and education committees of the senate, or any successor committees; the governor; and the department.

(10) (a) It is the intent of the general assembly that the implementation of this section be funded entirely by gifts, grants, and donations, and that gifts, grants, and donations will be received throughout the course of the task force's work. The general assembly shall not appropriate money from the general fund for the implementation of this section, and the department and appointing authorities shall carry out their duties set forth in this section within existing appropriations.

(b) The department may seek, accept, and expend gifts, grants, or donations from private or public sources to implement this section. The task force shall not implement this section unless the task force receives an amount of gifts, grants, and donations that the executive director deems necessary to implement this section.

(c) The activities described in subsection (7) of this section and final report described in subsection (9) of this section are contingent on money being available to carry out the activities and final report. If money is not available for the task force or any other entity to carry out its duties required pursuant to this section, the task force or the entity is not required to carry out the duties. A contract with a third-party entity that will provide services related to task force meeting facilitation, recommendations, and the final report must be contingent on gifts, grants, and donations being available for those purposes.

(11) This section is repealed, effective July 1, 2028.

Source: L. 2026: Entire section added, (SB 26-020), ch. 292, p. 1606, § 4, effective June 1.

26.5-5-323. Civil penalties - fines - child care cash fund - created.

(1) In addition to any other penalty otherwise provided by law, including section 26.5-5-321, any person violating any provision of this part 3 or intentionally making any false statement or report to the department or to any agency delegated by the department to make an investigation

or inspection under the provisions of this part 3 may be assessed a civil penalty up to a maximum of ten thousand dollars as follows:

(a) Two hundred fifty dollars a day for the first day;

(b) Five hundred dollars a day for the second day; and

(c) One thousand dollars a day for the third and subsequent days.

(2) Each day in which a person is in violation of any provision of this part 3 may constitute a separate offense.

(3) The department may assess a civil penalty in conformity with the provisions and procedures specified in article 4 of title 24; except that all hearings conducted pursuant to this section must be before an administrative law judge, who shall issue an initial decision. The executive director shall review the initial decision and issue the final decision of the department.

(4) The department shall transmit the fines collected pursuant to this section, section 26.5-5-317 (2) and (7), and section 26.5-5-318 (1)(c) to the state treasurer, who shall credit the same to the child care cash fund, which fund is hereby created in the state treasury. The state treasurer shall credit to the fund all interest derived from the deposit and investment of money in the fund. At the end of any fiscal year, all unexpended and unencumbered money in the fund remains in the fund and is not be credited or transferred to the general fund or any other fund. Money in the child care cash fund is continuously appropriated to the department to fund activities related to the improvement of the quality of child care in the state of Colorado.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 767, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-114 as it existed prior to 2022.

26.5-5-324. Child care resource and referral system - created.

The department shall design and develop a child care resource and referral system, referred to in this section as the "system", to assist in promoting availability, accessibility, and quality of child care services in Colorado. The executive director, or the executive director's designee, is authorized, within available appropriations, to designate a public or private entity to be responsible for the administration of the system, and may enter into a contract with the administering entity for this purpose. The executive director shall designate or redesignate an administering entity on a biennial basis.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 768, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-116 as it existed prior to 2022.

26.5-5-325. Family child care homes - administration of routine medications - parental direction - rules.

(1) The delegation of nursing tasks by a registered nurse pursuant to section 12-255-131 is not required for the administration of routine medications by a child care provider to children cared for in family child care homes licensed pursuant to this part 3, subject to the following conditions:

(a) The parent of the child cared for in the licensed family child care home has daily physical contact with the child care provider that actually administers the routine medication;

(b) The child care provider has successfully completed a medication administration instructional program that is approved by the department;

(c) Routine medications are administered in compliance with rules promulgated by the executive director pursuant to subsection (2) of this section;

(d) If the routine medication involves the administration of unit dose epinephrine, the administration is accompanied by a written protocol by the prescribing health-care professional that identifies the factors for determining the need for the administration of the medication and is limited to emergency situations; and

(e) If the routine medication involves the administration of a nebulized inhaled medication, the administration is accompanied by a written protocol by the prescribing health-care professional that identifies the factors for determining the need for the administration of the medication.

(2) The executive director shall promulgate rules concerning the medically acceptable procedures and standards to be followed by child care providers administering routine medications to children cared for in family child care homes.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 768, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-119 as it existed prior to 2022.

26.5-5-326. Exempt family child care home providers - fingerprint-based criminal history record check - child care assistance program money - temporary care - rules - definitions.

(1) (a) (I) An exempt family child care home provider who provides care for a child and an individual who provides care for a child who is related to the individual, referred to collectively in this section as a "qualified provider", is subject to a fingerprint-based criminal history record check, referred to in this section as an "FCC", as provided in this section and the rules authorized in section 26.5-5-316 (1)(a)(I) and (1)(a)(II), if the child's care is funded in whole or in part with money received on the child's behalf from the publicly funded Colorado child care assistance program. The provisions of this section apply to exempt family child care home providers or individuals who provide care to a related child who receive money from the publicly funded Colorado child care assistance program pursuant to contracts or other payment agreements entered into or renewed on or after May 25, 2006.

(II) Each adult eighteen years of age or older who resides with a qualified provider where the care is provided, referred to in this section as a "qualified adult", is subject to the FCC required pursuant to this section.

(III) The FCC required for a qualified provider or qualified adult pursuant to this section must include a fingerprint-based criminal history records check utilizing the records of the Colorado bureau of investigation and, for qualified providers or qualified adults applying for child care assistance program money on or after August 10, 2011, the federal bureau of investigation. As part of the FCC, the department shall access the records and reports of child abuse or neglect maintained by the state department of human services to determine whether the subject of the FCC has been found to be responsible in a confirmed report of child abuse or neglect. Information shall be made available pursuant to section 19-1-307 (2)(j), and rules promulgated by the state board of human services pursuant to section 19-3-313.5 (4).

(IV) The Colorado bureau of investigation's background check portion of the FCC required pursuant to this section is a prerequisite to the issuance or renewal of a contract for receipt of money pursuant to the Colorado child care assistance program as provided in part 1 of article 4 of this title 26.5. The department shall not issue or renew a contract for payment of money pursuant to Colorado child care assistance program to a qualified provider who fails to submit the Colorado bureau of investigation's background check portion of the FCC or fails to submit fingerprints for a qualified adult.

(V) The federal bureau of investigation's portion of the FCC required pursuant to this section is a prerequisite to the issuance of an initial contract, and must be conducted every five years thereafter, for receipt of money pursuant to the Colorado child care assistance program as

provided in part 1 of article 4 of this title 26.5. The department shall not issue or renew a contract for payment of money pursuant to the Colorado child care assistance program to a qualified provider who fails to submit the federal bureau of investigation's portion of the FCC or fails to submit fingerprints for a qualified adult at the time of initial contract or every five years thereafter.

(b) A qualified provider shall notify the county with whom the qualified provider has contracted pursuant to the Colorado child care assistance program upon any change of circumstances that results in the presence of a new qualified adult. A new qualified adult is required to undergo an FCC as provided in this section, even if the Colorado child care assistance program contract is not subject to renewal when the qualified adult moves into the residence where the care is provided.

(c) A qualified provider or qualified adult who undergoes an FCC shall, with submittal of fingerprints, pay to the department a fee established by department rule pursuant to subsection (6) of this section to offset the costs associated with processing the FCC through the Colorado bureau of investigation and the federal bureau of investigation.

(2) (a) When the results of an FCC performed pursuant to subsection (1) of this section reveal a record of arrest without a disposition, the department shall require that person to submit to a name-based judicial record check, as defined in section 22-2-119.3 (6)(d).

(b) A person who undergoes a name-based judicial record check shall pay to the department a fee established by department rule pursuant to subsection (6) of this section to offset the costs associated with performing the name-based judicial record check.

(3) The department or a county department shall not issue or renew a contract to provide money to a qualified provider under the Colorado child care assistance program pursuant to part 1 of article 4 of this title 26.5 if the qualified provider or a qualified adult has been convicted of:

(a) Child abuse, as described in section 18-6-401;

(b) A crime of violence, as defined in section 18-1.3-406;

(c) Any felony offense involving unlawful sexual behavior, as defined in section 16-22-102 (9);

(d) Any felony, the underlying factual basis of which has been found by the court on the record to include an act of domestic violence, as defined in section 18-6-800.3;

(e) Any felony involving physical assault, battery, or a drug-related offense within the five years preceding the date of the FCC; or

(f) Any offense in any other state, the elements of which are substantially similar to the elements of any one of the offenses described in subsections (3)(a) to (3)(e) of this section.

(4) The department or a county department shall not issue or renew a contract to provide money pursuant to the Colorado child care assistance program pursuant to part 1 of article 4 of this title 26.5 to a qualified provider if the qualified provider or a qualified adult:

(a) Has a pattern of misdemeanor or petty offense convictions occurring within the ten years preceding submission of the application, including petty offense convictions pursuant to section 26.5-5-321. The executive director shall define by rule what constitutes a pattern of misdemeanor or petty offense convictions.

(b) Has been determined to be insane or mentally incompetent by a court of competent jurisdiction and a court has entered, pursuant to part 3 or 4 of article 14 of title 15, or section 27-65-110 (4) or 27-65-127, an order specifically finding that the mental incompetency or insanity is of such a degree that the qualified provider cannot safely operate a child care home. The record of the determination and entry of the order are conclusive evidence thereof. A qualified provider shall sign an attestation affirming the lack of such a finding prior to entering into or renewing a contract for money under the Colorado child care assistance program, pursuant to section 26.5-4-112 (2).

(5) A qualified provider who has submitted to an FCC by the Colorado bureau of investigation and the federal bureau of investigation may, pending the receipt of the results of the FCC, continue to receive money from the Colorado child care assistance program.

(6) The executive director shall promulgate rules to establish the amount of the fee to collect from a qualified provider or qualified adult who is subject to an FCC pursuant to subsection (1) of this section or a name-based judicial record check pursuant to subsection (2) of this section. The department is authorized to collect the fee at the time of the FCC or name-based judicial record check.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 769, § 3, effective July 1; (2) and (6) amended, (HB 22-1270), ch. 114, p. 532, § 51, effective April 21. **L. 2023:** (1)(a)(IV) amended and (1)(a)(V) added, (HB 23-1235), ch. 434, p. 2551, § 18, effective June 7; (1)(c), (4)(b), and (6) amended, (HB 23-1301), ch. 303, p. 1836, § 65, effective August 7.

Editor's note: (1) This section is similar to former § 26-6-120 as it existed prior to 2022.

(2) Subsections (2) and (6) were numbered as § 26-6-120 (1.5) and (5) in HB 22-1270 (See L. 2022, p. 532). Those provisions were harmonized with subsections (2) and (6) of this section as they appear in HB 22-1295.

26.5-5-327. Unique student identifying numbers - rules.

The executive director shall promulgate rules as necessary for the assignment of uniquely identifying numbers to children who receive early childhood services. At a minimum, the rules must include children who receive state-subsidized or federally subsidized early childhood services, including but not limited to services provided through the child care development block grant, the Colorado universal preschool program, and head start.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 771, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6-121 (3) as it existed prior to 2022.

26.5-5-328. Applications for licenses.

(1) Every application by an individual for a license issued by the department or any authorized agent of the department must require the applicant's name, address, and social security number or tax identification number.

(2) to (4) Repealed.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 772, § 3, effective July 1; **L. 2023:** (2), (3), and (4) repealed, (HB 23-1235), ch. 434, p. 2551, § 19, effective June 7.

26.5-5-329. Testing for the presence of lead in drinking water in child care centers and family child care homes - compliance with public health requirements - repeal.

(1) Each child care center and, unless it has opted out pursuant to section 25-8-903 (9), each family child care home shall comply with the requirements of part 9 of article 8 of title 25 concerning testing of water in child care centers, family child care homes, and eligible schools.

(2) This section is repealed, effective June 30, 2029.

Source: L. 2022: Entire section added, (HB 22-1358), ch. 382, p. 2736, § 4, effective August 10. **L. 2023:** (1) amended, (HB 23-1301), ch. 303, p. 1837, § 66, effective August 7. **L. 2026:** (2) amended, (HB 26-1391), ch. 196, p. 1136, § 8, effective May 28.

Editor's note: This section was numbered as § 26-6-123 in HB 22-1358 but was renumbered and relocated on revision due to the relocation of part 1 of article 6 of title 26 to this part 3 by HB 22-1295.

26.5-5-330. Bilingual licensing unit - appropriation.

(1) The bilingual licensing unit is created in the department to facilitate the satisfaction of the department's duties described in section 26.5-5-309 (7).

(2) For the 2024-25 state fiscal year and each state fiscal year thereafter, the general assembly shall appropriate two hundred thirty-five thousand dollars to the department from the general fund to pay costs associated with the activities of the bilingual licensing unit created in subsection (1) of this section.

Source: L. 2024: Entire section added, (HB 24-1009), ch. 472, p. 3320, § 5, effective June 6.

Cross references: For the legislative declaration in HB 24-1009, see section 1 of chapter 472, Session Laws of Colorado 2024.

26.5-5-331. Outdoor nature-based preschool programs - child care centers - rules - definition.

(1) No later than December 31, 2025, the executive director shall promulgate rules for child care centers that operate as outdoor nature-based preschool programs. Rules promulgated pursuant to this section must include, but are not limited to:

(a) Land-use agreement requirements for outdoor programs operating on public or private land;

(b) Policies for site-specific alternative shelter plans. An alternative shelter may include, but need not be limited to, a covered pavilion, building, tarp, or vehicle. For emergency circumstances, outdoor programs are not required to seek alternative shelter in licensed child care center buildings.

(c) Policies for site-specific risk mitigation plans;

(d) Policies for site-specific emergency and disaster preparedness plans;

(e) Policies for site-specific evacuation plans; and

(f) Policies and procedures for outdoor programs to opt out of certain department requirements through the site-specific risk mitigation plan described in subsection (1)(c) of this section. The policies and procedures must include guidance on the departmental evaluation and approval of the site-specific risk mitigation plan based on the geographic location of the outdoor program, the ages of the children participating, and the ability of the outdoor program to demonstrate adequate safety measures to protect children.

(2) (a) The department shall provide training to licensing staff who oversee site inspections for outdoor programs. The training must include information on how to:

(I) Interpret site-specific plans;

(II) Conduct inspections of site-specific outdoor programs;

(III) Communicate with local fire departments that inspect outdoor programs; and

(IV) Communicate with the department of public health and environment staff who inspect outdoor programs.

(b) Beginning December 1, 2026, the department shall provide training to outdoor program operators and staff on how to implement and operate outdoor programs in Colorado. The department shall collaborate with existing outdoor programs to create and implement the training using a benefit-risk assessment.

(3) The department shall collaborate with:

(a) Local fire departments on fire prevention and protection requirements for outdoor programs; and

(b) The department of public health and environment on sanitary standards for outdoor programs.

(4) For the 2024-25 fiscal year, and each fiscal year thereafter through the 2026-27 fiscal year, the general assembly shall appropriate thirty thousand dollars from the child care licensing cash fund created in section 26.5-5-311 (4) to the department to implement the outdoor programs.

(5) As used in this section, unless the context otherwise requires, "benefit-risk assessment" means a process to identify hazards and risks for play elements in outdoor nature-based preschool programs and the creation of a plan to mitigate a child's risk of injury while maintaining developmental benefits for children.

Source: L. 2024: Entire section added, (SB 24-078), ch. 441, p. 3085, § 3, effective August 7.

Cross references: For the legislative declaration in SB 24-078, see section 1 of chapter 441, Session Laws of Colorado 2024.

26.5-5-332. Regulation of child care program fees - complaints - enforcement - definitions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care program" means a child care center, family child care home, or neighborhood youth organization.

(b) "Child care program application fee" or "application fee" means a sum of money, however denominated, that is charged or accepted by a child care program from a prospective family in connection with the prospective family's submission of a child care program application.

(c) "Child care program deposit fee" or "deposit fee" means a sum of money, however denominated, that is charged or accepted by a child care program from a family in connection with the family securing a guaranteed child care position.

(d) "Child care program wait list fee" or "wait list fee" means a one-time fee charged or accepted by a child care program from a prospective family in connection with the prospective family joining a wait list for a potential child care position that is not yet available.

(2) (a) If a prospective family pays a child care program a child care program application fee, deposit fee, or wait list fee and is not enrolled in the child care program after six months of paying the fee, the fee is refundable. A child care program may retain a reasonable administrative fee from a refundable fee before issuing a refund to the prospective family. The department shall determine the amount of a reasonable administrative fee in consultation with stakeholders, including families who use child care programs and licensed child care program providers. Refunds may be issued only after the deduction of the reasonable administrative fee. The prospective family must submit a written request to the child care program to receive a refund.

(b) Upon receiving the written request from the prospective family as described in subsection (2)(a) of this section, the child care program shall refund the fees to the prospective family as described in subsection (2)(a) of this section and may remove the prospective family from the wait list.

(c) Prospective families who are offered a child care slot with a child care program and who refuse the child care slot shall not receive a refund as described in subsections (2)(a) and (2)(b) of this section.

(3) (a) If a family enrolls in a child care program and signs a contract with the child care program provider, the terms of the contract, including fees outlined in the contract, are not subject to this section.

(b) A fee to hold a child care slot that has been offered to a family is not subject to this section.

(4) A child care program may charge a child care program deposit fee to a family to secure a guaranteed child care position. The child care program shall credit the deposit fee toward the family's tuition of child care following the acceptance of child care services.

(5) (a) For transparency and accountability to prospective families, a child care program shall provide a fee schedule and the process on fee refunds described in subsection (2) of this section to a prospective family upon:

(I) Joining a wait list;

(II) Registration; and

(III) Request of the family.

(b) For transparency and accountability to an enrolled family, a child care program shall provide a fee schedule and the process on fee refunds described in subsection (2) of this section to an enrolled family upon:

(I) Enrollment;

(II) Amendments to the fee schedule; and

(III) Amendments to the process on fee refunds.

(c) A child care program may publish the fee schedule described in subsections (5)(a) and (5)(b) of this section digitally on the child care program's website.

(6) (a) During an inspection conducted pursuant to section 26.5-5-316 (1), or if a complaint regarding fees is filed with the department through the complaint procedures described in section 26.5-5-316 (1)(b)(II), the department shall determine whether the child care program is complying with the requirements of this section.

(b) If the department finds the child care program is not compliant with this section following the inspection described in subsection (6)(a) of this section, the child care program has thirty days after the date of inspection to comply with the requirements of this section.

(c) If the child care program does not comply with the requirements of this section within thirty days after the date of inspection described in subsection (6)(a) of this section, the department may take further disciplinary action pursuant to section 26.5-5-317 (2). The department shall not take disciplinary action against a child care program that makes a good faith

administrative error or is not in compliance for the first time. The department's enforcement shall focus on deliberate violations of this section.

(7) This section does not restrict or affect the powers, duties, or functions of the department as authorized pursuant to this title 26.5.

Source: L. 2025: Entire section added, (SB 25-004), ch. 25, p. 150, § 1, effective January 1, 2026.

26.5-5-333. Professional development information system records - rules.

The executive director shall adopt rules concerning requirements for facilities licensed pursuant to this part 3 to maintain up-to-date employee records in the professional development information system administered by the department pursuant to section 26.5-1-106 (1)(a)(I).

Source: L. 2026: Entire section added, (SB 26-020), ch. 292, p. 1604, § 1, effective June 1.

ARTICLE 6

Early Childhood Workforce

26.5-6-101. Plan for early childhood workforce development.

26.5-6-102. Voluntary child care credentialing system - rules.

26.5-6-103. Pathways to the classroom and retention strategies for early childhood educators - standards - alignment across agencies - report - rules.

26.5-6-101. Plan for early childhood workforce development.

(1) The department, in partnership with the early childhood leadership commission, shall develop a plan for recruiting, training, and retaining a well-compensated, well-prepared, high-quality statewide early childhood workforce. In developing the plan, the department and the commission shall work with the departments of education, higher education, and labor and employment and with organizations that have expertise pertaining to the early childhood workforce. At a minimum, the plan must:

(a) Take into account existing early childhood workforce qualification pathways and create a simplified process for persons in the workforce to attain credentials and meet qualifications;

(b) Ensure the ability to overcome any regulatory and systemic barriers for entry into the early childhood workforce by addressing administrative and policy barriers to entry, including addressing barriers faced by individuals who speak languages other than English;

(c) Address strategies for recruiting and providing incentives for diverse, nontraditional workforce members, such as high school students, teachers from other countries, and parents, and reducing barriers that prevent these individuals from joining the early childhood workforce;

(d) Promote a coherent and aligned system of preparation and ongoing professional development for individuals in the early childhood workforce;

(e) Simplify the requirements an individual must meet to enter the early childhood workforce, clearly articulate the competencies that members of the early childhood workforce are expected to achieve over time, align the system of professional learning and development for early childhood services, and reduce regulatory barriers when possible to promote attainment of these competencies through identified professional development partners, including institutions of higher education;

(f) Establish goals for increasing the qualifications of members of the early childhood workforce over time, including strategies for achieving the goal of supporting increased attainment of baccalaureate degrees in early childhood or baccalaureate degrees with supplemental early learning credentials for lead teachers employed by preschool providers;

(g) Address strategies for increasing the compensation for individuals in the early childhood workforce with the goal of ensuring that all individuals in the early childhood workforce receive a living wage; and

(h) Address other sustainable and evidence-based strategies to recruit, prepare, compensate, provide continuing professional development for, and retain members of the early childhood workforce.

(2) The department shall make the plan publicly available on the department's website and shall submit a copy of the plan and any subsequent revisions to the plan to the early childhood leadership commission, to the governor's office, and to the education and the business affairs and labor committees of the house of representatives and the education and the business, labor, and technology committees of the senate, or any successor committees.

(3) The department, working with the departments of education, higher education, and labor and employment, shall periodically review and assess the implementation of recruitment, preparation, professional development, and retention initiatives for the early childhood workforce. In reviewing these initiatives, the department shall solicit feedback from, at a minimum, individuals in the early childhood workforce, families, early care and education

providers, the early childhood leadership commission, and organizations with expertise pertaining to the early childhood workforce.

Source: L. 2022: Entire article added, (HB 22-1295), ch. 123, p. 772, § 3, effective July 1.

26.5-6-102. Voluntary child care credentialing system - rules.

The 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 must include but need not be limited to the early childhood councils established pursuant to part 2 of article 2 of this title 26.5. The voluntary child care credentialing system is 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 voluntary child care credentialing system must award credit for the education and training of persons working in early childhood care and education concerning the prevention of child sexual abuse. This education and training includes understanding healthy child development, creating safe environments for children, recognizing signs of abuse and problematic behaviors, and responsible methods of response to disclosures or concerns of abuse or potential abuse. The executive director shall promulgate such rules as are necessary for the statewide implementation of the voluntary child care credentialing system.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 774, § 3, effective July 1.

Editor's note: This section is similar to former § 26-6.5-107 as it existed prior to 2022.

26.5-6-103. Pathways to the classroom and retention strategies for early childhood educators - standards - alignment across agencies - report - rules.

(1) The executive director shall promulgate rules establishing standards for licensing that allow an early care and education program to be licensed pursuant to part 3 of article 5 of this title 26.5 for a period of time determined by the executive director, if a number, as specified in department rule, of aspiring early childhood educators in the program are pursuing a state-agency-approved early childhood credential and other quality, safety, and supervision conditions are met.

(2) The executive director shall promulgate rules that allow an early childhood educator to earn points toward an early childhood credential that meets child care licensing standards based on the candidate's prior experience and demonstrated competency. The licensing pathway must also include ways in which a candidate in a second career or changing careers can earn points or credits for prior experience and competencies that apply toward the qualifications for an early childhood educator credential. The standards and credential awarding process may use validated tools to award points for demonstrated competencies.

(3) The department and the department of education shall align, to the extent possible, the state's early childhood professional credential, department of education educator licensing, and child care program licensing to make the requirements as consistent and clear as possible to educators and providers. The alignment process must include examining strategies that support reciprocity for early childhood educator credentials or qualifications earned outside of Colorado.

(4) Notwithstanding section 24-1-136 (11)(a)(I), no later than January 31, 2022, and no later than January 31 each year thereafter, the department shall prepare a written report concerning Colorado's current supply of qualified early childhood educators.

(5) The department, the department of higher education, and the department of education shall develop resources to support local communities to increase concurrent enrollment opportunities for high school students or other nontraditional students to earn higher education credits and degrees that allow them to serve as early childhood educators and shall support career pathways for high school students earning college credits toward becoming early childhood educators, including concurrent enrollment, career and technical education, and other career pathways.

Source: L. 2022: Entire article added with relocations, (HB 22-1295), ch. 123, p. 774, § 3, effective July 1. **L. 2025:** (5) amended, (SB 25-315), ch. 237, p.1199, § 22, effective July 1, 2026.

Editor's note: This section is similar to former § 26-6-122 as it existed prior to 2022.