

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 10-0310.01 Jane Ritter

HOUSE BILL 10-1026

HOUSE SPONSORSHIP

Solano and Benefield, Massey, Peniston

SENATE SPONSORSHIP

Hodge and Hudak, Steadman, Williams

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO QUALITY IN CHILD**
102 **CARE INCENTIVE GRANT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Early Childhood and School Readiness Legislative Commission. Subject to the receipt of sufficient federal moneys or gifts, grants, or donations, the bill creates the Colorado quality in child care incentive grant program (grant program), with the objective of providing incentives to county or district departments of social services to increase

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

HOUSE
Amended 2nd Reading
February 24, 2010

the quality of early care and education providers and facilities in the county while allowing each grantee to retain flexibility concerning how to utilize its resources. The state board of human services is given rule-making authority to establish policies and procedures for the grant program. The department of human services is required to prepare and submit to the education and health and human services committees of the house of representatives and the senate a report describing the activities of the grant program. The bill creates a separate fund to accept federal moneys and any gifts, grants, or donations received for the purpose of implementing the grant program.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 hereby finds and declares that:

4 (a) Investments in quality early care and education are important
5 components of long-term achievement and success for the children of
6 Colorado;

7 (b) When child care subsidy programs promote quality, young
8 children are more likely to enter school better prepared and more likely
9 to achieve;

10 (c) Recent recommendations from the general assembly identify
11 raising the child care reimbursement rate to the seventy-fifth percentile
12 of market rate as the most viable means of improving quality. This
13 increase, however, is not feasible without stable requisite funding
14 sources.

15 (d) A tiered reimbursement program improves child care quality
16 immediately as well as eventually raising all reimbursement rates to the
17 seventy-fifth percentile of market rates so that all child care providers can
18 take advantage of quality improvement funding.

19 (2) The general assembly further finds that providing counties and
20 early childhood councils with the flexibility to create and maintain quality

1 early childhood programs through a grant program promotes local
2 collaboration, best practice, accountability, and efficiency in local
3 communities serving young children.

4 **SECTION 2.** Article 6.5 of title 26, Colorado Revised Statutes,
5 is amended BY THE ADDITION OF A NEW PART to read:

6 **PART 3**
7 **COLORADO QUALITY IN CHILD CARE**
8 **INCENTIVE GRANT PROGRAM**

9 **26-6.5-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
10 BE CITED AS THE "COLORADO QUALITY IN CHILD CARE INCENTIVE GRANT
11 PROGRAM".

12 **26-6.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "COUNCIL" MEANS AN EARLY CHILDHOOD COUNCIL
15 ESTABLISHED PURSUANT TO SECTION 26-6.5-103.

16 (2) "COUNTY DEPARTMENT" MEANS A COUNTY OR DISTRICT
17 DEPARTMENT OF SOCIAL SERVICES.

18 (3) "EARLY CARE AND EDUCATION PROVIDER OR FACILITY" MEANS
19 A SCHOOL DISTRICT, PROVIDER, OR FACILITY THAT IS LICENSED PURSUANT
20 TO PART 1 OF ARTICLE 6 OF THIS TITLE OR THAT PARTICIPATES IN THE
21 COLORADO PRESCHOOL PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22,
22 C.R.S.

23 (4) "GRANT PROGRAM" MEANS THE COLORADO QUALITY IN CHILD
24 CARE INCENTIVE GRANT PROGRAM CREATED IN SECTION 26-6.5-303.

25 (5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
26 ESTABLISHED IN SECTION 26-1-107.

27 (6) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN

1 SERVICES, CREATED IN SECTION 26-1-105.

2 **26-6.5-303. Colorado quality in child care incentive grant**
3 **program - creation.** SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS
4 PURSUANT TO SECTION 26-6.5-306, THERE IS HEREBY CREATED IN THE
5 STATE DEPARTMENT THE COLORADO QUALITY IN CHILD CARE INCENTIVE
6 GRANT PROGRAM. THE OBJECTIVE OF THE GRANT PROGRAM IS TO PROVIDE
7 INCENTIVES TO COUNTY DEPARTMENTS TO INCREASE THE QUALITY OF
8 EARLY CARE AND EDUCATION PROVIDERS AND FACILITIES. THE GRANT
9 PROGRAM WILL PROVIDE A TIERED REIMBURSEMENT AND QUALITY
10 IMPROVEMENT SYSTEM THAT WILL ALLOW COUNTY DEPARTMENTS AND
11 EARLY CARE AND EDUCATION PROVIDERS AND FACILITIES TO RETAIN THE
12 FLEXIBILITY TO DETERMINE HOW TO INVEST RESOURCES WHILE AT THE
13 SAME TIME REWARDING CERTAIN FUNCTIONS, INCLUDING BUT NOT LIMITED
14 TO PURSUING QUALITY RATINGS OR ACCREDITATION, KNOWN TO IMPROVE
15 QUALITY OF CARE FOR ALL CHILDREN, ESPECIALLY AT-RISK CHILDREN.

16 **26-6.5-304. Eligibility for grants - award criteria - rules.**
17 (1) A COUNTY DEPARTMENT MAY APPLY TO THE STATE DEPARTMENT FOR
18 A GRANT PURSUANT TO THIS PART 3. TO BE ELIGIBLE FOR A GRANT, AN
19 APPLICANT SHALL BE WORKING IN COLLABORATION WITH A COUNCIL. THE
20 APPLYING COUNTY DEPARTMENT NEED NOT BE A MEMBER OF A COUNCIL,
21 BUT FOR THE PURPOSES OF APPLYING FOR AND RECEIVING A GRANT FROM
22 THE GRANT PROGRAM, THE COUNTY DEPARTMENT SHALL PRESENT A
23 COLLABORATIVE MODEL TO THE STATE DEPARTMENT, INCLUDING A
24 DESCRIPTION OF HOW THE COUNTY DEPARTMENT IS WORKING OR WILL
25 WORK WITH A LOCAL OR NEIGHBORING COUNCIL.

26 (2) ON OR BEFORE DECEMBER 1, 2010, THE STATE BOARD SHALL
27 PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE

1 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING POLICIES
2 AND PROCEDURES FOR THE ADMINISTRATION OF THE GRANT PROGRAM,
3 INCLUDING BUT NOT LIMITED TO:

4 (a) CRITERIA FOR THE SELECTION OF GRANT RECIPIENTS,
5 INCLUDING BUT NOT LIMITED TO BLENDING COLORADO CHILD CARE
6 ASSISTANCE PROGRAM SLOTS WITH ESTABLISHED HIGH-QUALITY
7 PROGRAMS, EMPLOYING TEACHERS IN EARLY EDUCATION WHO HOLD
8 EITHER A BACHELOR'S OR ASSOCIATE'S DEGREE, HAVING AN EXISTING
9 QUALITY RATING OR ACCREDITATION, PURSUING A QUALITY RATING OR
10 ACCREDITATION, OR INVESTING IN THE PROFESSIONAL DEVELOPMENT OF
11 TEACHERS;

12 (b) A SYSTEM OF TIERED REIMBURSEMENT FOR APPLICANTS BASED
13 ON THE GRANT CRITERIA ESTABLISHED;

14 (c) APPLICATION DEADLINES, AWARD DATES, AMOUNTS OF
15 GRANT AWARDS, AND ACCEPTABLE USES OF GRANT AWARDS, INCLUDING
16 BUT NOT LIMITED TO ASSISTANCE FOR PURSUING A QUALITY RATING OR
17 ACCREDITATION; AND

18 (d) ANY OTHER RULES NECESSARY FOR THE EFFECTIVE
19 IMPLEMENTATION OF THIS PART 3.

20 **26-6.5-305. Reporting requirements.** ON OR BEFORE JULY 30,
21 2012, AND ON OR BEFORE JULY 30 EACH YEAR THEREAFTER, THE STATE
22 DEPARTMENT SHALL PREPARE AND SUBMIT TO THE EDUCATION AND
23 HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
24 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A
25 REPORT THAT DESCRIBES THE USE OF THE GRANT MONEYS, INCLUDING BUT
26 NOT LIMITED TO THE NUMBER OF GRANTS MADE, THE AMOUNT OF GRANT
27 MONEYS DISTRIBUTED, A BREAKDOWN OF COUNTIES THAT RECEIVED

1 GRANT MONEYS, AND A SUMMARY OF THE IMPROVEMENT IN QUALITY IN
2 CHILD CARE AND EARLY CHILDHOOD EDUCATION AS A RESULT OF THE
3 GRANT PROGRAM.

4 **26-6.5-306. Colorado quality in child care incentive grant**
5 **program fund.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
6 ANY COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3 SHALL BE PAID
7 FOR BY THE RECEIPT OF ANY AVAILABLE FEDERAL MONEYS OR OTHER
8 GIFTS, GRANTS, OR DONATIONS AND THAT NO ADDITIONAL GENERAL FUND
9 MONEYS BE APPROPRIATED FOR THE IMPLEMENTATION OF THE GRANT
10 PROGRAM.

11 (2) ANY STATE AGENCY IS AUTHORIZED TO SEEK AND ACCEPT ANY
12 FEDERAL MONEYS OR OTHER GIFTS, GRANTS, OR DONATIONS FOR THE
13 PURPOSES OF THIS PART 3. IF RECEIVED, ANY GIFTS, GRANTS, OR
14 DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO
15 SHALL CREDIT THEM TO THE COLORADO QUALITY IN CHILD CARE
16 INCENTIVE GRANT PROGRAM FUND, WHICH FUND IS HEREBY CREATED AND
17 REFERRED TO IN THIS SECTION AS THE "FUND".

18 (3) THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY
19 APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT
20 COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3. ANY MONEYS IN
21 THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 3 MAY BE
22 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
23 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
24 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
25 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
26 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
27 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ALL

1 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS
2 OF JULY 1, 2020, SHALL BE TRANSFERRED TO THE EARLY CHILDHOOD CASH
3 FUND, CREATED IN SECTION 26-6.5-109.

4 **26-6.5-307. Repeal of part.** (1) (a) ON OR BEFORE JULY 1, 2011,
5 THE EXECUTIVE DIRECTOR OF THE STATE DEPARTMENT SHALL NOTIFY THE
6 REVISOR OF STATUTES IN WRITING IF FEDERAL MONEYS ARE NOT RECEIVED
7 AND ALLOCATED TO THE STATE DEPARTMENT OR IF GIFTS, GRANTS, AND
8 DONATIONS ARE NOT RECEIVED BY THE STATE DEPARTMENT TO PROVIDE
9 FOR THE AWARD OF GRANTS PURSUANT TO THIS PART 3.

10 (b) IF THE REVISOR OF STATUTES DOES NOT RECEIVE NOTICE
11 PURSUANT TO PARAGRAPH (a) OF THIS SUBSECTION (1), ON JULY 1, 2012,
12 OR ON JULY 1 OF ANY YEAR THEREAFTER, THE EXECUTIVE DIRECTOR OF
13 THE STATE DEPARTMENT SHALL NOTIFY THE REVISOR OF STATUTES IN
14 WRITING IF FEDERAL MONEYS OR GIFTS, GRANTS, OR DONATIONS ARE NOT
15 AVAILABLE TO CONTINUE TO PROVIDE FOR THE AWARD OF GRANTS
16 PURSUANT TO THIS PART 3.

17 (2) THIS PART 3 IS REPEALED, EFFECTIVE THE JULY 1 FOLLOWING
18 THE RECEIPT OF THE NOTICE BY THE REVISOR OF STATUTES PURSUANT TO
19 PARAGRAPH (a) OR (b) OF SUBSECTION (1) OF THIS SECTION, BUT NO LATER
20 THAN JULY 1, 2020.

21 **SECTION 3. Act subject to petition - effective date.** This act
22 shall take effect at 12:01 a.m. on the day following the expiration of the
23 ninety-day period after final adjournment of the general assembly (August
24 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
25 referendum petition is filed pursuant to section 1 (3) of article V of the
26 state constitution against this act or an item, section, or part of this act
27 within such period, then the act, item, section, or part shall not take effect

1 unless approved by the people at the general election to be held in
2 November 2010 and shall take effect on the date of the official
3 declaration of the vote thereon by the governor.