

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0311.01 Jane Ritter

HOUSE BILL 10-1035

HOUSE SPONSORSHIP

Massey and Solano, Benefield, Peniston

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House Committees
Education

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A BILL FOR AN ACT

101 CONCERNING ELIGIBILITY DETERMINATIONS FOR THE COLORADO
102 CHILD CARE ASSISTANCE PROGRAM TO PROMOTE STABILITY IN
103 EARLY CHILDHOOD CARE.

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. **Section 1** of the bill sets forth a legislative declaration concerning the need for consistent and stable child care. **Section 2** clarifies certain aspects of the Colorado child care assistance program

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.

(program) that will help provide increased stability for children and families. The eligibility redetermination period is extended for all participants in the program from 6 months to 12 months, and, for a family enrolled in both the program and a head start program, the redetermination periods are aligned. A parent is not required to report any income or activity changes during the eligibility period. A parent shall not be determined ineligible for program moneys as a result of taking maternity leave or attending school. The bill allows an early care and education provider (provider) to perform pre-eligibility determinations that it then forwards to the county for final determination of eligibility. The provider may provide services to the family pending the county's final determination of eligibility but shall be reimbursed for those services only if the county determines the family is eligible for services.

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 that:

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

11 (b) When subsidized child care systems are structured to promote
12 stability and continuity of care for children, low-income parents are also
13 supported in their efforts to achieve goals relating to education,
14 employment, self-sufficiency, asset building, and family stability.
15 Research shows that when families have access to consistent and stable
16 child care arrangements, parents attain higher levels of education, have
17 greater job retention, exhibit less absenteeism from work, and

1 demonstrate increased productivity in the workplace. Supporting parents
2 in these positive efforts can improve family well-being and reduce
3 reliance on public supports, which come at a significant long-term cost to
4 the state.

5 (c) Colorado's existing child care assistance program has barriers
6 that prevent families from receiving stable and consistent child care.
7 Parents and child care providers experience difficulty when accessing the
8 child care assistance program because existing rules promote financial
9 inconsistency in receipt of the subsidy moneys, do not consistently
10 support activities that promote family self-sufficiency, place unnecessary
11 reporting burdens on parents, and contribute to significant discontinuity
12 and instability of care for the majority of children in the assistance
13 program, which is detrimental to their long-term school readiness.

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

20 **SECTION 2.** 26-2-805 (1) (b) (I), (1.5), and (3), Colorado
21 Revised Statutes, are amended, and the said 26-2-805 (1) is further
22 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

23 **26-2-805. Services - eligibility - assistance provided - rules.**
24 (1) (b) (I) Subject to available appropriations and pursuant to rules
25 promulgated by the state department, and except as provided for in
26 subparagraph (II) of this paragraph (b), a county shall provide child care
27 assistance for a family transitioning off the works program due to

1 employment or training without requiring the family to apply for
2 low-income child care, but shall redetermine the family's eligibility within
3 ~~six~~ TWELVE months after the transition, and may provide child care
4 assistance for any other family whose income does not exceed eighty-five
5 percent of the state median income for a family of the same size. A
6 recipient of child care assistance shall be responsible for paying a portion
7 of such child care based upon the recipient's income and the formula
8 developed by rules of the state board. For any participant or any person
9 or family whose income rises to the level set by the county at which the
10 county may deny said participant, person, or family child care assistance,
11 the county is strongly encouraged to continue to provide such assistance
12 for a period of ~~six~~ TWELVE months; except that in no event shall
13 assistance be provided if said income exceeds the maximum level for
14 eligibility for services set by federal law for a family of the same size.
15 During such period the county shall work with said participant, person,
16 or family to provide a gradual transition off of the child care assistance
17 provided pursuant to this paragraph (b) over a ~~six-month~~ TWELVE-MONTH
18 period.

19 (e) (I) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH THE
20 COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8
21 AND IN A CHILD CARE CENTER OPERATED BY A HEAD START PROGRAM, THE
22 FAMILY'S ELIGIBILITY REDETERMINATION FOR CHILD CARE ASSISTANCE
23 MONEYS SHALL OCCUR WHEN THE CHILD CARE CENTER REDETERMINES
24 ELIGIBILITY FOR ITS HEAD START OR EARLY HEAD START PROGRAM.

25 (II) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN THE
26 COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8
27 OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM OTHER THAN

1 HEAD START OR EARLY HEAD START, THE FAMILY'S ELIGIBILITY
2 REDETERMINATION FOR CHILD CARE ASSISTANCE MONEYS SHALL OCCUR
3 ONCE EVERY TWELVE MONTHS.

4 (III) A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT
5 TO THIS PART 8 SHALL NOT BE REQUIRED TO REPORT INCOME OR ACTIVITY
6 CHANGES DURING THE TWELVE-MONTH ELIGIBILITY PERIOD.

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

10 (A) TAKING MATERNITY LEAVE;

11 (B) ATTENDING HIGH SCHOOL, VOCATIONAL SCHOOL, OR AN
12 INSTITUTION OF HIGHER EDUCATION, INCLUDING DURING ANY TIME THAT
13 THE SCHOOL IS NOT IN SESSION; OR

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

18 (1.5) If a county reduces its income eligibility requirements, a
19 child receiving child care assistance services when the change is
20 implemented shall continue to receive said services until the family's next
21 eligibility redetermination or for ~~six~~ TWELVE months. ~~whichever is longer,~~
22 ~~so long as the family's household income remains at or below the prior~~
23 ~~income eligibility requirements.~~

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

26 (a) "HEAD START PROGRAM" MEANS A PROGRAM OPERATED BY A
27 LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE

1 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A
2 HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE
3 FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED.

4 (b) "EARLY CARE AND EDUCATION PROVIDER" MEANS A SCHOOL
5 DISTRICT OR PROVIDER THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE
6 6 OF THIS TITLE OR THAT PARTICIPATES IN THE COLORADO PRESCHOOL
7 PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

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

10 **SECTION 3.** 26-2-805, Colorado Revised Statutes, is amended
11 BY THE ADDITION OF A NEW SUBSECTION to read:

12 **26-2-805. Services - assistance provided - rules.** (2.5) AN
13 EARLY CARE AND EDUCATION PROVIDER MAY CONDUCT A PRE-ELIGIBILITY
14 DETERMINATION FOR CHILD CARE ASSISTANCE FOR A FAMILY TO
15 FACILITATE THE DETERMINATION PROCESS. THE EARLY CARE AND
16 EDUCATION PROVIDER SHALL SUBMIT ITS PRE-ELIGIBILITY
17 DOCUMENTATION TO THE COUNTY FOR FINAL DETERMINATION OF
18 ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY CARE AND
19 EDUCATION PROVIDER MAY PROVIDE SERVICES TO THE FAMILY PRIOR TO
20 FINAL DETERMINATION OF ELIGIBILITY AND SHALL BE REIMBURSED FOR
21 SUCH SERVICES ONLY IF THE COUNTY DETERMINES THE FAMILY IS ELIGIBLE
22 FOR SERVICES. IF THE FAMILY IS FOUND INELIGIBLE FOR SERVICES, THE
23 EARLY CARE AND EDUCATION PROVIDER SHALL NOT BE REIMBURSED FOR
24 ANY SERVICES PROVIDED DURING THE PERIOD BETWEEN ITS
25 PRE-ELIGIBILITY DETERMINATION AND THE COUNTY'S FINAL
26 DETERMINATION OF ELIGIBILITY.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.