

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**PREAMENDED**

*This Unofficial Version Includes Committee  
Amendments Not Yet Adopted on Second Reading*

LLS NO. 10-0311.01 Richard Sweetman

**HOUSE BILL 10-1035**

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**HOUSE SPONSORSHIP**

**Massey and Solano**, Benefield, Peniston

**SENATE SPONSORSHIP**

**Steadman**, Hodge, Hudak, Williams

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**House Committees**

Education  
Appropriations

**Senate Committees**

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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.**

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**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.

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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), Colorado Revised Statutes, is  
21 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

22 **26-2-805. Services - eligibility - assistance provided - rules.**

23 (1) (e) (I) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH THE  
24 COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8  
25 AND IN A HEAD START PROGRAM, THE FAMILY'S ELIGIBILITY  
26 REDETERMINATION FOR CHILD CARE ASSISTANCE SHALL OCCUR NO SOONER  
27 THAN THE END OF THE LAST MONTH OF THE CHILD'S FIRST FULL

1 TWELVE-MONTH PROGRAM YEAR OF ENROLLMENT IN THE HEAD START  
2 PROGRAM. CHILD CARE ASSISTANCE PROGRAM ELIGIBILITY  
3 REDETERMINATION FOR A CHILD ENROLLED IN BOTH PROGRAMS SHALL  
4 OCCUR ONCE EVERY TWELVE MONTHS THEREAFTER.

5 (II) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN THE  
6 COLORADO CHILD CARE ASSISTANCE PROGRAM CREATED IN THIS PART 8  
7 OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM OTHER THAN  
8 HEAD START OR EARLY HEAD START, THE FAMILY'S ELIGIBILITY  
9 REDETERMINATION FOR CHILD CARE ASSISTANCE MONEYS SHALL OCCUR  
10 ONCE EVERY TWELVE MONTHS.

11 (III) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127  
12 (2) (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO  
13 THIS PART 8 SHALL NOT BE REQUIRED TO REPORT INCOME OR ACTIVITY  
14 CHANGES DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT,  
15 WITHIN THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY SHALL BE  
16 REQUIRED TO REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME  
17 EXCEEDS EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A  
18 FAMILY REPORTS A ZERO HOUSEHOLD INCOME AMOUNT, THE COUNTY OF  
19 RESIDENCE SHALL HAVE THE DISCRETION TO EXAMINE EXTENDED  
20 REPORTING OVER THE FAMILY'S ELIGIBILITY ACTIVITIES.

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

24 (A) TAKING MATERNITY LEAVE; OR

25

26 (B) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY  
27 ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD

1 CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING  
2 FINANCIAL RESOURCES.

3 **SECTION 3.** 26-2-805 (1.5) and (3), Colorado Revised Statutes,  
4 are amended to read:

5 **26-2-805. Services - eligibility - assistance provided - rules.**

6 (1.5) If a county reduces its income eligibility requirements, a child  
7 receiving child care assistance services when the change is implemented  
8 shall continue to receive said services until the family's next eligibility  
9 redetermination or for six months, whichever is longer. ~~so long as the~~  
10 ~~family's household income remains at or below the prior income~~  
11 ~~eligibility requirements.~~

12 (3) As used in this section, UNLESS THE CONTEXT OTHERWISE  
13 REQUIRES:

14 [REDACTED]

15 (a) "EARLY CARE AND EDUCATION PROVIDER" MEANS A SCHOOL  
16 DISTRICT OR PROVIDER THAT IS LICENSED PURSUANT TO PART 1 OF ARTICLE  
17 6 OF THIS TITLE OR THAT PARTICIPATES IN THE COLORADO PRESCHOOL  
18 PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

19 (b) "HEAD START PROGRAM" MEANS A PROGRAM OPERATED BY A  
20 LOCAL PUBLIC OR PRIVATE NONPROFIT AGENCY DESIGNATED BY THE  
21 FEDERAL DEPARTMENT OF HEALTH AND HUMAN SERVICES TO OPERATE A  
22 HEAD START PROGRAM UNDER THE PROVISIONS OF TITLE V OF THE  
23 FEDERAL "ECONOMIC OPPORTUNITY ACT OF 1964", AS AMENDED.

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

26 **SECTION 4.** 26-2-805, Colorado Revised Statutes, is amended  
27 BY THE ADDITION OF A NEW SUBSECTION to read:

1           **26-2-805. Services - assistance provided - rules.** (2.5) AN  
2 EARLY CARE AND EDUCATION PROVIDER MAY CONDUCT A PRE-ELIGIBILITY  
3 DETERMINATION FOR CHILD CARE ASSISTANCE FOR A FAMILY TO  
4 FACILITATE THE DETERMINATION PROCESS. THE EARLY CARE AND  
5 EDUCATION PROVIDER SHALL SUBMIT ITS PRE-ELIGIBILITY  
6 DOCUMENTATION TO THE COUNTY FOR FINAL DETERMINATION OF  
7 ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY CARE AND  
8 EDUCATION PROVIDER MAY PROVIDE SERVICES TO THE FAMILY PRIOR TO  
9 FINAL DETERMINATION OF ELIGIBILITY AND SHALL BE REIMBURSED FOR  
10 SUCH SERVICES ONLY IF THE COUNTY DETERMINES THE FAMILY IS ELIGIBLE  
11 FOR SERVICES. IF THE FAMILY IS FOUND INELIGIBLE FOR SERVICES, THE  
12 EARLY CARE AND EDUCATION PROVIDER SHALL NOT BE REIMBURSED FOR  
13 ANY SERVICES PROVIDED DURING THE PERIOD BETWEEN ITS  
14 PRE-ELIGIBILITY DETERMINATION AND THE COUNTY'S FINAL  
15 DETERMINATION OF ELIGIBILITY.

16           **SECTION 5. Effective date.** This act shall take effect June  
17 1, 2011.

18           **SECTION 6. Safety clause.** The general assembly hereby finds,  
19 determines, and declares that this act is necessary for the immediate  
20 preservation of the public peace, health, and safety.