

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. 10-0311.01 Jane Ritter

**HOUSE BILL 10-1035**

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**HOUSE SPONSORSHIP**

**Massey and Solano**, Benefield, Peniston

**SENATE SPONSORSHIP**

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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, AND MAKING AN APPROPRIATION**  
104 **THEREFOR.**

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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

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  
Am ended 2nd Reading  
March 10, 2010

concerning the need for consistent and stable child care. **Section 2** clarifies certain aspects of the Colorado child care assistance program (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

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

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

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

21 **SECTION 2.** 26-2-805 (1), Colorado Revised Statutes, is  
22 amended BY THE ADDITION OF A NEW PARAGRAPH, to read:

23 **26-2-805. Services - eligibility - assistance provided - rules.**

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

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

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

12 (III) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127  
13 (2) (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO  
14 THIS PART 8 SHALL NOT BE REQUIRED TO REPORT INCOME OR ACTIVITY  
15 CHANGES DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT,  
16 WITHIN THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY SHALL BE  
17 REQUIRED TO REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME  
18 EXCEEDS EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A  
19 FAMILY IS NO LONGER PARTICIPATING IN THE ELIGIBLE ACTIVITY UNDER  
20 WHICH IT WAS MADE ELIGIBLE IN THE CHILD CARE CASE, THE FAMILY  
21 SHALL REPORT THAT CHANGE WITHIN FOUR WEEKS FROM THE TIME IT  
22 CEASED PARTICIPATING IN THE ELIGIBLE ACTIVITY.

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

25 (A) TAKING MATERNITY LEAVE; OR

26

27 (B) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY

1 ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD  
2 CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING  
3 FINANCIAL RESOURCES.

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

6 **26-2-805. Services - eligibility - assistance provided - rules.**

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

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

15 [REDACTED]

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

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

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

27 **SECTION 4.** 26-2-805, Colorado Revised Statutes, is amended

1 BY THE ADDITION OF A NEW SUBSECTION to read:

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

17 **SECTION 5. Appropriation.** In addition to any other  
18 appropriation, there is hereby appropriated, to the department of human  
19 services, for allocation to the office of information technology services,  
20 for the child care automated tracking system, for the fiscal year beginning  
21 July 1, 2010, the sum of two hundred forty-nine thousand seven hundred  
22 dollars (\$249,700), or so much thereof as may be necessary, for the  
23 implementation of this act. Said sum shall be from federal child care  
24 development funds.

25 **SECTION 6. Specified effective date.** (1) This section and  
26 sections 5 and 7 shall take effect upon passage.

1 (2) Sections 1 through 4 of this act shall take effect June 1, 2011.

2 **SECTION 7. Safety clause.** The general assembly hereby finds,  
3 determines, and declares that this act is necessary for the immediate  
4 preservation of the public peace, health, and safety.