

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 10-0412.01 Jane Ritter

HOUSE BILL 10-1044

HOUSE SPONSORSHIP

Carroll T.,

SENATE SPONSORSHIP

Steadman,

House Committees
Education

Senate Committees

A BILL FOR AN ACT

101 CONCERNING THE LICENSURE OF NEIGHBORHOOD YOUTH
102 ORGANIZATIONS.

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.>)

The bill requires neighborhood youth organizations (NYO) to obtain either a general child care center license or a separate NYO license. An NYO with a separate NYO license shall have the following duties and requirements for operation:

! To inform a parent or legal guardian of each youth who

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.

attends the NYO of the legal requirements that the NYO must meet and to post a notice in bold print and in plain view on the premises of the NYO facility listing these requirements;

- ! To inform a parent or legal guardian of a youth who attends the NYO of the telephone number and address of the appropriate division within the department of human services for investigating complaints about NYOs, with the instruction that any complaint about the NYO's compliance with legal requirements be directed to such division, and to post a notice in bold print and in plain view on the premises of the NYO facility containing this information;
- ! Prior to admitting a youth into the NYO, to require the youth's parent or legal guardian to sign a statement authorizing the youth to arrive and depart from the NYO or participate in field trips without parental or organizational supervision;
- ! To establish a process to receive and resolve parental or legal guardian complaints;
- ! To establish an internal process to report known or suspected abuse or neglect to appropriate authorities;
- ! To maintain, either at the NYO or at a central administrative facility, records containing specified information concerning each youth admitted into the NYO;
- ! To complete a fingerprint-based or other criminal history record check on each employee, volunteer, or applicant for an employee or volunteer position who works with youth or will work with youth 5 or more days in a calendar month; and
- ! To adopt minimum standards for operation.

The bill includes a provision that protects the NYO against civil liability for refusal to hire or authorize an employee or volunteer and for terminating the employment or assistance of an employee or volunteer as a result of information disclosed in an investigation of the person.

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

2 **SECTION 1.** 26-6-102, Colorado Revised Statutes, is amended
3 BY THE ADDITION OF THE FOLLOWING NEW SUBSECTIONS to
4 read:

5 **26-6-102. Definitions.** As used in this article, unless the context

1 otherwise requires:

2 (3.3) "EMPLOYEE" MEANS AN EMPLOYEE OF A NEIGHBORHOOD
3 YOUTH ORGANIZATION WHO IS EIGHTEEN YEARS OF AGE OR OLDER.

4 (5.8) "NEIGHBORHOOD YOUTH ORGANIZATION" MEANS A
5 NONPROFIT ORGANIZATION THAT OPERATES PRIMARILY DURING TIMES OF
6 THE DAY WHEN SCHOOL IS NOT IN SESSION AND PROVIDES
7 RESEARCH-BASED, AGE-APPROPRIATE ACTIVITIES DESIGNED EXCLUSIVELY
8 FOR THE DEVELOPMENT OF YOUTH FROM SIX TO EIGHTEEN YEARS OF AGE.
9 THESE ACTIVITIES SHALL OCCUR PRIMARILY IN A FACILITY LEASED OR
10 OWNED BY THE NEIGHBORHOOD YOUTH ORGANIZATION. THE ACTIVITIES
11 MAY INCLUDE, BUT NEED NOT BE LIMITED TO, RECREATIONAL,
12 EDUCATIONAL, AND CHARACTER-BUILDING ACTIVITIES. THE ACTIVITIES
13 SHALL OCCUR IN AN ENVIRONMENT IN WHICH YOUTH HAVE WRITTEN
14 PARENTAL OR LEGAL GUARDIAN CONSENT TO ARRIVE AT AND DEPART
15 FROM THE PRIMARY LOCATION OF THE ACTIVITY ON THEIR OWN ACCORD,
16 WITHOUT SUPERVISION BY A PARENT, LEGAL GUARDIAN, OR
17 ORGANIZATION. A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT
18 INCLUDE FAITH-BASED CENTERS OR AN ORGANIZATION OPERATED STATE
19 OR CITY PARKS DEPARTMENTS.

20 (13) "VOLUNTEER" MEANS A PERSON WHO VOLUNTEERS HIS OR
21 HER ASSISTANCE TO A NEIGHBORHOOD YOUTH ORGANIZATION AND WHO
22 IS EIGHTEEN YEARS OF AGE OR OLDER.

23 **SECTION 2.** Part 1 of article 6 of title 26, Colorado Revised
24 Statutes, is amended BY THE ADDITION OF A NEW SECTION to
25 read:

26 **26-6-103.7. Application of part - neighborhood youth**
27 **organizations - licensing - duties and responsibilities.**

1 (1) NOTWITHSTANDING ANY PROVISION OF THIS PART 1 TO THE
2 CONTRARY, A NEIGHBORHOOD YOUTH ORGANIZATION THAT IS NOT
3 OTHERWISE LICENSED TO OPERATE UNDER THIS PART 1 SHALL OBTAIN A
4 NEIGHBORHOOD YOUTH ORGANIZATION LICENSE PURSUANT TO THIS
5 SECTION. A NEIGHBORHOOD YOUTH ORGANIZATION THAT OBTAINS A
6 LICENSE PURSUANT TO THIS SECTION SHALL BE SUBJECT ONLY TO THE
7 REQUIREMENTS OF THIS SECTION AND SHALL OTHERWISE BE EXEMPT FROM
8 THE REQUIREMENTS OF THIS PART 1.

9 (2) THE STATE BOARD SHALL PROMULGATE RULES TO ESTABLISH
10 A NEIGHBORHOOD YOUTH ORGANIZATION LICENSE, INCLUDING BUT NOT
11 LIMITED TO THE FEE REQUIRED TO APPLY FOR AND OBTAIN THE LICENSE.

12 (3) A NEIGHBORHOOD YOUTH ORGANIZATION LICENSED PURSUANT
13 TO THIS SECTION AND OPERATING IN THE STATE OF COLORADO SHALL
14 HAVE THE FOLLOWING DUTIES AND RESPONSIBILITIES:

15 (a) TO INFORM A PARENT OR LEGAL GUARDIAN OF THE
16 REQUIREMENTS OF THIS SUBSECTION (3) AND TO POST A NOTICE IN BOLD
17 PRINT AND IN PLAIN VIEW ON THE PREMISES OF THE FACILITY IN WHICH THE
18 NEIGHBORHOOD YOUTH ORGANIZATION OPERATES THAT LISTS THE
19 FOLLOWING INFORMATION:

20 (I) THE REQUIREMENTS OF THIS SUBSECTION (3); AND

21 (II) THE TELEPHONE NUMBER AND ADDRESS OF THE APPROPRIATE
22 DIVISION WITHIN THE STATE DEPARTMENT FOR INVESTIGATING
23 COMPLAINTS CONCERNING A NEIGHBORHOOD YOUTH ORGANIZATION, WITH
24 THE INSTRUCTION THAT ANY COMPLAINT REGARDING THE NEIGHBORHOOD
25 YOUTH ORGANIZATION'S COMPLIANCE WITH THESE REQUIREMENTS BE
26 DIRECTED TO THAT DIVISION;

27 (b) PRIOR TO ADMITTING AN INTERESTED YOUTH INTO THE

1 NEIGHBORHOOD YOUTH ORGANIZATION, TO REQUIRE THE YOUTH'S PARENT
2 OR LEGAL GUARDIAN TO SIGN A STATEMENT AUTHORIZING THE YOUTH TO
3 ARRIVE AND DEPART FROM THE ORGANIZATION WITHOUT SUPERVISION BY
4 A PARENT, LEGAL GUARDIAN, OR THE ORGANIZATION;

5 (c) TO ESTABLISH A PROCESS TO RECEIVE AND RESOLVE
6 COMPLAINTS FROM PARENTS OR LEGAL GUARDIANS;

7 (d) TO ESTABLISH A PROCESS TO REPORT KNOWN OR SUSPECTED
8 CHILD ABUSE OR NEGLECT TO APPROPRIATE AUTHORITIES PURSUANT TO
9 SECTION 19-3-304, C.R.S.;

10 (e) TO MAINTAIN, EITHER AT THE NEIGHBORHOOD YOUTH
11 ORGANIZATION OR AT A CENTRAL ADMINISTRATIVE FACILITY, RECORDS
12 FOR EACH YOUTH ADMITTED INTO THE NEIGHBORHOOD YOUTH
13 ORGANIZATION CONTAINING, AT A MINIMUM, THE FOLLOWING
14 INFORMATION:

15 (I) THE YOUTH'S FULL NAME;

16 (II) THE YOUTH'S DATE OF BIRTH;

17 (III) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A PARENT
18 OR LEGAL GUARDIAN OF THE YOUTH;

19 (IV) THE NAME AND TELEPHONE NUMBER OF AT LEAST ONE
20 EMERGENCY CONTACT PERSON FOR THE YOUTH; AND

21 (V) A PARENT'S OR LEGAL GUARDIAN'S WRITTEN AUTHORIZATION
22 FOR THE YOUTH TO ATTEND THE NEIGHBORHOOD YOUTH ORGANIZATION;

23 (f) TO REQUIRE A YOUTH'S PARENT OR LEGAL GUARDIAN TO SIGN
24 A STATEMENT AUTHORIZING THE NEIGHBORHOOD YOUTH ORGANIZATION
25 TO PROVIDE TRANSPORTATION TO FIELD TRIPS AND TO AND FROM THE
26 NEIGHBORHOOD YOUTH ORGANIZATION; AND

27 (g) TO FOLLOW THE REQUIREMENTS SPECIFIED IN SUBSECTION (4)

1 OF THIS SECTION FOR A FINGERPRINT-BASED OR OTHER CRIMINAL HISTORY
2 RECORD CHECK OF EACH EMPLOYEE, VOLUNTEER, OR APPLICANT FOR AN
3 EMPLOYEE OR VOLUNTEER POSITION WHO WORKS WITH OR WILL WORK
4 WITH YOUTH FIVE OR MORE DAYS IN A CALENDAR MONTH.

5 (4) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUIRE ALL
6 EMPLOYEES, VOLUNTEERS, AND APPLICANTS FOR EMPLOYEE OR
7 VOLUNTEER POSITIONS WHO WORK WITH OR WILL WORK WITH YOUTH FIVE
8 OR MORE DAYS IN A CALENDAR MONTH TO OBTAIN, PRIOR TO EMPLOYMENT
9 AND EVERY TWO YEARS THEREAFTER, ONE OF THE FOLLOWING:

10 (a) A FINGERPRINT-BASED CRIMINAL HISTORY RECORD CHECK
11 THROUGH THE COLORADO BUREAU OF INVESTIGATION AND REQUEST THE
12 STATE DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING
13 INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES
14 SPECIFIED IN SECTION 26-6-104 (7) (a) (I) OR WHETHER THE PERSON HAS
15 BEEN DETERMINED TO HAVE A PATTERN OF MISDEMEANOR CONVICTIONS
16 AS DESCRIBED IN SECTION 26-6-104 (7) (a) (I) (E). THE NEIGHBORHOOD
17 YOUTH ORGANIZATION SHALL NOT EMPLOY A PERSON AS AN EMPLOYEE OR
18 VOLUNTEER OR SHALL TERMINATE THE EMPLOYMENT OR ASSISTANCE OF
19 A PERSON AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

20 (b) A FEDERAL BUREAU OF INVESTIGATION FINGERPRINT-BASED
21 CRIMINAL HISTORY RECORD CHECK THROUGH THE COLORADO BUREAU OF
22 INVESTIGATION IF THE EMPLOYEE, VOLUNTEER, OR APPLICANT HAS
23 RESIDED IN THE STATE OF COLORADO LESS THAN TWO YEARS. THE
24 NEIGHBORHOOD YOUTH ORGANIZATION SHALL REQUEST THE STATE
25 DEPARTMENT TO ASCERTAIN WHETHER THE PERSON BEING INVESTIGATED
26 HAS BEEN CONVICTED OF ANY OF THE CRIMINAL OFFENSES SPECIFIED IN
27 SECTION 26-6-104 (7) (a) (I) OR WHETHER THE PERSON HAS BEEN

1 DETERMINED TO HAVE A PATTERN OF MISDEMEANOR CONVICTIONS AS
2 DESCRIBED IN SECTION 26-6-104 (7) (a) (I) (E). THE NEIGHBORHOOD
3 YOUTH ORGANIZATION SHALL NOT EMPLOY A PERSON AS AN EMPLOYEE OR
4 VOLUNTEER OR SHALL TERMINATE THE EMPLOYMENT OR ASSISTANCE OF
5 A PERSON AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

6 (c) A COMPARISON SEARCH BY THE STATE DEPARTMENT ON THE
7 ICON SYSTEM OF THE STATE JUDICIAL DEPARTMENT OR A COMPARISON
8 SEARCH ON ANY OTHER DATABASE THAT IS RECOGNIZED ON A STATEWIDE
9 BASIS BY USING THE NAME, DATE OF BIRTH, AND SOCIAL SECURITY
10 NUMBER INFORMATION AND ANY OTHER AVAILABLE SOURCE OF CRIMINAL
11 HISTORY INFORMATION THAT THE STATE DEPARTMENT DETERMINES IS
12 APPROPRIATE IN ORDER TO DETERMINE THE CRIME OR CRIMES, IF ANY, FOR
13 WHICH AN EMPLOYEE, VOLUNTEER OR APPLICANT FOR AN EMPLOYEE OR
14 VOLUNTEER POSITION WHO WORKS WITH OR WILL WORK WITH YOUTH FIVE
15 OR MORE DAYS IN A CALENDAR MONTH WAS ARRESTED OR CONVICTED
16 AND THE DISPOSITION THEREOF. THE NEIGHBORHOOD YOUTH
17 ORGANIZATION SHALL NOT EMPLOY A PERSON AS AN EMPLOYEE OR
18 VOLUNTEER OR SHALL TERMINATE THE EMPLOYMENT OR ASSISTANCE OF
19 A PERSON AFTER CONFIRMATION OF SUCH A CRIMINAL HISTORY.

20 (d) A SEPARATE BACKGROUND CHECK THAT SHALL DISCLOSE, AT
21 A MINIMUM, SEXUAL OFFENDERS AND FELONY CONVICTIONS AND INCLUDE
22 A SOCIAL SECURITY NUMBER TRACE AND A NATIONAL CRIMINAL FILE
23 CHECK. THE SEPARATE BACKGROUND CHECK SHALL ASCERTAIN WHETHER
24 THE PERSON BEING INVESTIGATED HAS BEEN CONVICTED OF ANY OF THE
25 CRIMINAL OFFENSES SPECIFIED IN SECTION 26-6-104 (7) (a) (I) OR
26 WHETHER THE PERSON HAS BEEN DETERMINED TO HAVE A PATTERN OF
27 MISDEMEANOR CONVICTIONS AS DESCRIBED IN SECTION 26-6-104 (7) (a)

1 (I) (E). THE NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT EMPLOY
2 A PERSON AS AN EMPLOYEE OR VOLUNTEER OR SHALL TERMINATE THE
3 EMPLOYMENT OR ASSISTANCE OF A PERSON AFTER CONFIRMATION OF SUCH
4 A CRIMINAL HISTORY.

5 (5) AN EMPLOYEE, VOLUNTEER, OR APPLICANT FOR AN EMPLOYEE
6 OR VOLUNTEER POSITION SHALL SIGN A WRITTEN AUTHORIZATION FOR THE
7 STATE DEPARTMENT TO CHECK THE RECORDS AND REPORTS OF CHILD
8 ABUSE OR NEGLECT. A NEIGHBORHOOD YOUTH ORGANIZATION SHALL
9 REQUEST THAT THE STATE DEPARTMENT ACCESS RECORDS AND REPORTS
10 OF CHILD ABUSE OR NEGLECT TO DETERMINE WHETHER AN EMPLOYEE,
11 VOLUNTEER, OR APPLICANT FOR AN EMPLOYEE OR VOLUNTEER POSITION
12 WHO WORKS WITH OR WILL WORK WITH YOUTH FIVE OR MORE DAYS IN A
13 CALENDAR MONTH HAS BEEN FOUND TO BE RESPONSIBLE IN A CONFIRMED
14 REPORT OF CHILD ABUSE OR NEGLECT. THE NEIGHBORHOOD YOUTH
15 ORGANIZATION SHALL NOT EMPLOY ANY SUCH PERSON AS AN EMPLOYEE
16 OR VOLUNTEER AND SHALL TERMINATE THE EMPLOYMENT OR ASSISTANCE
17 OF ANY SUCH PERSON AS AN EMPLOYEE OR VOLUNTEER. THE STATE
18 DEPARTMENT SHALL MAKE INFORMATION AVAILABLE TO THE
19 NEIGHBORHOOD YOUTH ORGANIZATION PURSUANT TO SECTION 19-1-307
20 (2) (k), C.R.S., AND RULES PROMULGATED BY THE STATE BOARD
21 PURSUANT TO SECTION 19-3-313.5 (4), C.R.S.

22 (6) IF THE NEIGHBORHOOD YOUTH ORGANIZATION REFUSES TO
23 HIRE AN EMPLOYEE OR TO AUTHORIZE THE ASSISTANCE OF A VOLUNTEER
24 OR TERMINATES THE EMPLOYMENT OF AN EMPLOYEE OR THE ASSISTANCE
25 OF A VOLUNTEER AS A RESULT OF INFORMATION DISCLOSED IN AN
26 INVESTIGATION OF THE EMPLOYEE OR VOLUNTEER OR APPLICANT
27 THEREFOR PURSUANT TO SUBSECTION (4) OR (5) OF THIS SECTION, THE

1 NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT BE SUBJECT TO CIVIL
2 LIABILITY FOR REFUSAL TO HIRE, REFUSAL TO AUTHORIZE ASSISTANCE,
3 TERMINATION OF EMPLOYMENT, OR TERMINATION OF ASSISTANCE..

4 (7) THE GOVERNING BOARD OF EACH NEIGHBORHOOD YOUTH
5 ORGANIZATION SHALL ADOPT MINIMUM STANDARDS FOR OPERATING A
6 NEIGHBORHOOD YOUTH ORGANIZATION, INCLUDING BUT NOT LIMITED TO
7 STANDARDS CONCERNING STAFF, STAFF TRAINING, HEALTH AND SAFETY,
8 AND MECHANISMS FOR ASSESSING AND ENFORCING THE NEIGHBORHOOD
9 YOUTH ORGANIZATION'S COMPLIANCE WITH THE STANDARDS ADOPTED.

10 (8) THE STATE DEPARTMENT SHALL HAVE THE AUTHORITY TO
11 RECEIVE, RESPOND TO, AND INVESTIGATE ANY COMPLAINT CONCERNING
12 COMPLIANCE WITH THE REQUIREMENTS SET FORTH IN THIS SECTION FOR A
13 NEIGHBORHOOD YOUTH ORGANIZATION.

14 (9) A NEIGHBORHOOD YOUTH ORGANIZATION SHALL NOT BE
15 REQUIRED TO OBTAIN OR KEEP ON FILE IMMUNIZATION RECORDS FOR
16 YOUTH PARTICIPATING IN THE ORGANIZATION'S ACTIVITIES.

17 **SECTION 3.** 19-1-307 (2), Colorado Revised Statutes, is
18 amended BY THE ADDITION OF A NEW PARAGRAPH to read:

19 **19-1-307. Dependency and neglect records and information -**
20 **access - fee - rules - records and reports fund - misuse of information**
21 **- penalty. (2) Records and reports - access to certain persons -**
22 **agencies.** Except as otherwise provided in section 19-1-303, only the
23 following persons or agencies shall be given access to child abuse or
24 neglect records and reports:

25 (j.7) THE STATE DEPARTMENT OF HUMAN SERVICES INVESTIGATING
26 AN APPLICANT FOR AN EMPLOYEE OR VOLUNTEER POSITION WITH, OR AN
27 EMPLOYEE OR VOLUNTEER OF, A NEIGHBORHOOD YOUTH ORGANIZATION

1 PURSUANT TO SECTION 26-6-103.7 (4) (c), C.R.S., WHEN THE APPLICANT,
2 EMPLOYEE, OR VOLUNTEER HAS GIVEN WRITTEN AUTHORIZATION TO THE
3 STATE DEPARTMENT OF HUMAN SERVICES TO CHECK RECORDS OR REPORTS
4 OF CHILD ABUSE OR NEGLECT.

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