

First Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

ENGROSSED

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

LLS NO. 13-0965.01 Jane Ritter x4342

HOUSE BILL 13-1291

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Kefalas,

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING EARLY CHILDHOOD PROGRAMS IN COLORADO, AND, IN**
102 **CONNECTION THEREWITH, EXPANDING THE CAPACITY AND**
103 **IMPROVING THE QUALITY OF THE PROGRAMS THROUGH THE**
104 **CREATION OF THE COLORADO INFANT AND TODDLER QUALITY**
105 **AND AVAILABILITY GRANT PROGRAM AND MAKING AN**
106 **APPROPRIATION.**

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>.)

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
April 19, 2013

The bill creates the Colorado early head start grant program (grant program) in the office of early childhood programs in the department of human services (office). Eligibility for the grant program is limited to current grantees of the federal early head start program, and the goal is to increase the number of infants, toddlers under 3 years of age, and pregnant women served through qualified early head start programs. The office is directed to administer the grant program with the director of head start programs (director). The director shall establish an application process, including guidelines and award criteria for the grant program. In fiscal year 2013-14, grant proposals must be received on or before July 31, 2013, and grant awards must be made on or before September 1, 2013. For each subsequent fiscal year, subject to available appropriations, the proposal deadline is June 30, and grant awards are to be made on or before August 1. Grantees and the director are required to provide annual reports concerning the use of grant moneys. The Colorado early head start grant program fund is created.

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) The first three years of life are a period of dynamic and
5 unparalleled brain development in which children acquire the ability to
6 think, speak, learn, and reason. During these first three years, children
7 need good health, strong families, and positive early learning experiences
8 to lay the foundation for future school success.

9 (b) Young children living in poverty are more likely to face
10 challenges that can negatively impact their development and create
11 disparities in their cognitive and social abilities long before they enter
12 school;

13 (c) In 2011, an estimated twenty-one percent of all Colorado
14 children, or nearly forty-two thousand children, under three years of age
15 lived in poverty. Since 2000, the number of infants and toddlers living in
16 poverty in Colorado has more than doubled, increasing by more than one

1 hundred thirty percent.

2 (d) In an effort to ensure that all young children have the same
3 opportunities to succeed in school and life, high quality early childhood
4 education programs have been created to support the healthy development
5 of low-income infants and toddlers;

6 (e) Research shows that high quality early childhood programs
7 make a positive difference in areas associated with children's success in
8 school, family self-sufficiency, and parental support of child
9 development; and

10 (f) In Colorado in 2011, licensed child care center homes had the
11 capacity to care for only nine percent of the infants in the state.

12 (2) The general assembly, therefore, declares that it is in the best
13 interests of the children and people of the state of Colorado to provide
14 state funding to expand and enhance high quality early childhood
15 programs and services to meet the needs of more of our low-income
16 infants and toddlers.

17 **SECTION 2.** In Colorado Revised Statutes, **add** article 6.7 to title
18 26 as follows:

19 **ARTICLE 6.7**

20 **Colorado Infant and Toddler Quality**
21 **and Availability Grant Program**

22 **26-6.7-101. Short title.** THIS ARTICLE SHALL BE KNOWN AND MAY
23 BE CITED AS THE "COLORADO INFANT AND TODDLER QUALITY AND
24 AVAILABILITY GRANT PROGRAM".

25 **26-6.7-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
26 CONTEXT OTHERWISE REQUIRES:

27 (1) "COLORADO CHILD CARE ASSISTANCE PROGRAM" OR "CCCAP"

1 MEANS THE COLORADO CHILD CARE ASSISTANCE PROGRAM IN THE STATE
2 DEPARTMENT.

3 (2) "COUNTY DEPARTMENT" MEANS A COUNTY OR DISTRICT
4 DEPARTMENT OF SOCIAL SERVICES.

5 (3) "EARLY CHILDHOOD COUNCIL" MEANS AN EARLY CHILDHOOD
6 COUNCIL ESTABLISHED PURSUANT TO PART 1 OF ARTICLE 6.5 OF THIS
7 TITLE.

8 (4) "EARLY CHILDHOOD PROGRAM" MEANS A SCHOOL DISTRICT,
9 PROVIDER, HEAD START PROGRAM, OR FACILITY THAT PROVIDES CHILD
10 CARE AND EDUCATION TO LOW-INCOME INFANTS AND TODDLERS, HAS A
11 CONTRACT AS A PROVIDER THROUGH THE COLORADO CHILD CARE
12 ASSISTANCE PROGRAM, AND IS EITHER LICENSED PURSUANT TO PART 1 OF
13 ARTICLE 6 OF THIS TITLE OR PARTICIPATES IN THE COLORADO PRESCHOOL
14 PROGRAM PURSUANT TO ARTICLE 28 OF TITLE 22, C.R.S.

15 (5) "FUND" MEANS THE COLORADO INFANT AND TODDLER QUALITY
16 AND AVAILABILITY GRANT PROGRAM FUND CREATED IN SECTION
17 26-6.7-106.

18 (6) "GRANT PROGRAM" MEANS THE COLORADO INFANT AND
19 TODDLER QUALITY AND AVAILABILITY GRANT PROGRAM CREATED IN
20 SECTION 26-6.7-103.

21 (7) "TIERED REIMBURSEMENT" MEANS A PAY STRUCTURE THAT
22 REFLECTS AN INCREASED RATE OF REIMBURSEMENT FOR EARLY
23 CHILDHOOD PROGRAMS THAT RECEIVE MONEYS THROUGH CCCAP.

24 **26-6.7-103. Colorado infant and toddler quality and**
25 **availability grant program - creation.** SUBJECT TO AVAILABLE
26 APPROPRIATIONS, THERE IS HEREBY CREATED IN THE STATE DEPARTMENT
27 THE COLORADO INFANT AND TODDLER QUALITY AND AVAILABILITY GRANT

1 PROGRAM. THE GOAL OF THE GRANT PROGRAM IS TO IMPROVE QUALITY IN
2 INFANT AND TODDLER CARE, PROVIDE TIERED REIMBURSEMENT TO
3 HIGH-QUALITY EARLY CHILDHOOD PROGRAMS, AND INCREASE THE
4 NUMBER OF LOW-INCOME INFANTS AND TODDLERS SERVED THROUGH
5 HIGH-QUALITY EARLY CHILDHOOD PROGRAMS, AS WELL AS PROMOTE
6 VOLUNTARY PARENTAL INVOLVEMENT. A PROGRAM IS CONSIDERED
7 "HIGH-QUALITY" IF IT IS IN THE TOP TWO RATINGS OF THE STATE'S QUALITY
8 RATING AND IMPROVEMENT SYSTEM, ACCREDITED BY A NATIONAL
9 ASSOCIATION FOR THE EDUCATION OF YOUNG CHILDREN OR A NATIONAL
10 ASSOCIATION FOR FAMILY CHILD CARE, OR IS AN EARLY HEAD START
11 PROGRAM MEETING FEDERAL STANDARDS. EARLY CHILDHOOD COUNCILS
12 AND COUNTY DEPARTMENTS MUST JOINTLY APPLY FOR MONEYS THROUGH
13 THE GRANT PROGRAM, WHICH WILL BE ADMINISTERED BY THE STATE
14 DEPARTMENT. EARLY CHILDHOOD PROGRAMS THAT ARE WITHIN THE
15 SERVICE AREA OF AN EARLY CHILDHOOD COUNCIL AND WITHIN THE
16 COUNTY JOINTLY APPLYING FOR THE GRANT MAY APPLY TO THE EARLY
17 CHILDHOOD COUNCIL FOR MONEYS THAT WOULD ALLOW THEM TO ACHIEVE
18 ONE OF THE OBJECTIVES OF THE GRANT PROGRAM.

19 **26-6.7-104. Eligibility for grants - applications - deadlines.**

20 (1) THE STATE DEPARTMENT SHALL DEVELOP AN APPLICATION PROCESS
21 AND ISSUE A REQUEST FOR PROPOSALS FOR THE GRANT PROGRAM,
22 INCLUDING NOTIFICATION OF AVAILABLE MONEYS TO EARLY CHILDHOOD
23 COUNCILS AND COUNTY DEPARTMENTS, ELIGIBILITY CRITERIA, PROPOSAL
24 REQUIREMENTS, AND AWARD CRITERIA.

25 (2) AN APPLICANT TO THE GRANT PROGRAM IS ELIGIBLE FOR A
26 GRANT AWARD PURSUANT TO THIS ARTICLE IF:

27 (a) THE APPLICATION IS MADE JOINTLY BETWEEN AN EARLY

1 CHILDHOOD COUNCIL AND A COUNTY DEPARTMENT. IF AN EARLY
2 CHILDHOOD COUNCIL SERVES MORE THAN ONE COUNTY, IT MAY SUBMIT A
3 SINGLE APPLICATION THAT COMBINES MULTIPLE COUNTIES IN ITS SERVICE
4 AREA.

5 (b) THE EARLY CHILDHOOD PROGRAMS TO WHICH THE GRANT
6 MONEYS WILL BE DISTRIBUTED HAVE CONTRACTS WITH CCCAP;

7 (c) THE APPLICATION DEMONSTRATES A NEED AND PROVIDES A
8 PLAN TO IMPROVE QUALITY AND INCREASE THE CAPACITY FOR EARLY
9 CHILDHOOD PROGRAMS IN ITS SERVICE AREA. THE GOAL OF THE GRANT
10 PROGRAM IS TO INCREASE THE NUMBER OF INFANTS AND TODDLERS
11 SERVED THROUGH EARLY CHILDHOOD PROGRAMS. THE EARLY CHILDHOOD
12 PROGRAMS MAY BE HOME-BASED OR CENTER-BASED;

13 (d) IT PROVIDES A PLAN DETAILING HOW IT WILL PROVIDE TIERED
14 REIMBURSEMENT; AND

15 (e) IT MEETS ANY OTHER CRITERIA SET FORTH IN THE APPLICATION
16 PROCESS DEVELOPED PURSUANT TO THIS SECTION.

17 (3) (a) IN FISCAL YEAR 2013-14, GRANT APPLICATIONS MUST BE
18 RECEIVED BY THE STATE DEPARTMENT ON OR BEFORE JULY 31, 2013. THE
19 STATE DEPARTMENT SHALL REVIEW APPLICATIONS AND DETERMINE WHICH
20 APPLICANTS WILL RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.
21 GRANT AWARDS MUST BE MADE ON OR BEFORE SEPTEMBER 1, 2013,
22 THROUGH THE FUND.

23 (b) FOR EACH FISCAL YEAR THEREAFTER, SUBJECT TO AVAILABLE
24 APPROPRIATIONS, GRANT APPLICATIONS MUST BE RECEIVED BY THE STATE
25 DEPARTMENT ON OR BEFORE JUNE 30 OF THE PRIOR FISCAL YEAR. THE
26 STATE DEPARTMENT SHALL REVIEW APPLICATIONS AND DETERMINE WHICH
27 APPLICANTS WILL RECEIVE GRANTS AND THE AMOUNT OF EACH GRANT.

1 GRANT AWARDS MUST BE MADE ON OR BEFORE AUGUST 1 THROUGH THE
2 FUND.

3 (c) IF IN ANY FISCAL YEAR THE FULL APPROPRIATION BY THE
4 GENERAL ASSEMBLY FOR THE GRANT PROGRAM IS NOT DISPERSED AS
5 SPECIFIED IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (3), THE STATE
6 DEPARTMENT SHALL REVIEW PROPOSALS AND AWARD GRANTS AS THE
7 APPLICATIONS ARE RECEIVED AND NOT REQUIRE THE APPLICATIONS TO BE
8 HELD UNTIL THE NEXT GRANT CYCLE.

9 **26-6.7-105. Colorado infant and toddler quality and**
10 **availability grant program fund.** THERE IS HEREBY CREATED IN THE
11 STATE TREASURY THE COLORADO INFANT AND TODDLER QUALITY AND
12 AVAILABILITY GRANT PROGRAM FUND, CONSISTING OF ANY MONEYS THAT
13 MAY BE APPROPRIATED TO THE FUND BY THE GENERAL ASSEMBLY. THE
14 MONEYS IN THE FUND ARE SUBJECT TO ANNUAL APPROPRIATION BY THE
15 GENERAL ASSEMBLY TO THE STATE DEPARTMENT FOR THE DIRECT AND
16 INDIRECT COSTS ASSOCIATED WITH IMPLEMENTING THIS ARTICLE. THE
17 STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND NOT EXPENDED
18 FOR THE PURPOSE OF THIS ARTICLE AS PROVIDED BY LAW. THE STATE
19 TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED FROM THE
20 INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE FUND. ANY
21 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AT
22 THE END OF A FISCAL YEAR REMAIN IN THE FUND AND SHALL NOT BE
23 CREDITED OR TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND.
24 THE STATE DEPARTMENT MAY EXPEND UP TO THREE PERCENT OF THE
25 MONEYS ANNUALLY APPROPRIATED FROM THE FUND TO OFFSET THE COSTS
26 INCURRED IN IMPLEMENTING THIS ARTICLE.

27 **26-6.7-106. Reporting requirements.** (1) NO LATER THAN FOUR

1 MONTHS AFTER THE CONCLUSION OF A GRANT, THE EARLY CHILDHOOD
2 COUNCIL THAT RECEIVED THE GRANT SHALL PROVIDE THE STATE
3 DEPARTMENT WITH AN ANNUAL REPORT CONCERNING THE OUTCOMES OF
4 THE GRANT. THE REPORT MUST INCLUDE, AT A MINIMUM:

5 (a) A SUMMARY OF DATA RECEIVED FROM EARLY CHILDHOOD
6 PROGRAMS THAT RECEIVED GRANT MONEYS;

7 (b) THE NUMBER OF INFANTS AND TODDLERS UNDER THREE YEARS
8 OF AGE SERVED BECAUSE OF THE GRANT PROGRAM IN HOME-BASED
9 PROGRAMS AND THE NUMBER SERVED IN CENTER-BASED PROGRAMS;

10 (c) THE LENGTH OF TIME SERVICES WERE PROVIDED;

11 (d) A DETAILED DESCRIPTION OF QUALITY IMPROVEMENTS MADE
12 USING GRANT MONEYS;

13 (e) A DESCRIPTION OF HOW THE GRANTEE'S PROGRAM MET THE
14 STATED OUTCOMES IN ITS APPLICATION;

15 (f) A SUMMARY OF THE NUMBER OF JOBS CREATED THROUGH THE
16 GRANT PROGRAM; AND

17 (g) ANY OTHER DATA REQUIRED BY THE STATE DEPARTMENT.

18 (2) ON OR BEFORE DECEMBER 1, 2014, AND EACH DECEMBER 1
19 THEREAFTER, THE STATE DEPARTMENT SHALL PROVIDE A WRITTEN REPORT
20 ON THE GRANT PROGRAM TO THE PUBLIC HEALTH CARE AND HUMAN
21 SERVICES COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE
22 HEALTH AND HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY
23 SUCCESSOR COMMITTEES. THE REPORT MUST INCLUDE A SUMMARY OF THE
24 DATA RECEIVED PURSUANT TO SUBSECTION (1) OF THIS SECTION, THE
25 TOTAL AMOUNT OF GRANTS AND GRANT MONEYS AWARDED, AND THE
26 TOTAL INCREASE IN THE NUMBER OF INFANTS AND TODDLERS UNDER
27 THREE YEARS OF AGE SERVED BY THE GRANT PROGRAM.

1 **SECTION 3. Appropriation.** (1) In addition to any other
2 appropriation, for the fiscal year beginning July 1, 2013, there is hereby
3 appropriated, out of any moneys in the general fund not otherwise
4 appropriated, to the department of human services to be credited to the
5 Colorado infant and toddler quality and availability grant program fund
6 created in section 26-6.7-105, Colorado Revised Statutes, the sum of
7 \$3,000,000, to be used for purposes consistent with the creation of the
8 fund.

9 (2) In addition to any other appropriation, there is hereby
10 reappropriated, out of the Colorado infant and toddler quality and
11 availability grant program fund, to the department of human services, for
12 the fiscal year beginning July 1, 2013, the sum of \$3,000,000 and 0.8
13 FTE, or so much thereof as may be necessary, for allocation to the office
14 of early childhood for the Colorado infant and toddler quality and
15 availability grant program created by this act.

16 **SECTION 4. Appropriation.** (1) In addition to any other
17 appropriation, for the fiscal year beginning July 1, 2013, there is hereby
18 appropriated, out of any moneys in the general fund not otherwise
19 appropriated, to the department of human services to be credited to the
20 Colorado infant and toddler quality and availability grant program fund
21 created in section 26-6.7-105, Colorado Revised Statutes, the sum of
22 \$3,000,000, to be used for purposes consistent with the creation of the
23 fund.

24 (2) In addition to any other appropriation, there is hereby
25 reappropriated, out of the Colorado infant and toddler quality and
26 availability grant program fund, to the department of human services, for
27 the fiscal year beginning July 1, 2013, the sum of \$3,000,000 and 0.8

1 FTE, or so much thereof as may be necessary, for allocation to the
2 division of child care for the Colorado infant and toddler quality and
3 availability grant program created by this act.

4 **SECTION 5. Effective date.** (1) Except as otherwise provided
5 in this section, this act takes effect July 1, 2013.

6 (2) Section 3 of this act takes effect only if House Bill 13-1117
7 becomes law and takes effect either upon the effective date of this act or
8 House Bill 13-1117, whichever is later.

9 (3) Section 4 of this act takes effect only if House Bill 13-1117
10 does not become law.

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