Second Regular Session Seventy-third General Assembly STATE OF COLORADO

INTRODUCED

LLS NO. 22-0931.01 Jane Ritter x4342

SENATE BILL 22-213

SENATE SPONSORSHIP

Fields and Sonnenberg,

HOUSE SPONSORSHIP

Valdez A. and Tipper,

Senate Committees Health & Human Services

101

102

House Committees

A BILL FOR AN ACT

CONCERNING CONTINUING SUPPORT FOR NECESSARY CHILD CARE PROGRAMS.

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://leg.colorado.gov/.)

The bill appropriates:

- \$50 million from federal funds from child care development funds for the purposes of implementing the child care sustainability grant program;
- \$19 million from the economic recovery and relief cash fund to emerging and expanding the child care grant

program;

- \$10 million from the economic recovery and relief cash fund to implement the employer-based child care facility grant program;
- \$15 million from the economic recovery and relief cash fund to implement the early child care and education recruitment and retention grant and scholarship program. Of the \$15 million, \$2 million must be dedicated for home visiting workforce, early childhood mental health consultants, and early intervention providers, with \$1.4 million of the \$2 million dedicated for non-educator workforce scholarships and loan forgiveness, and \$600,000 for developing consistent workforce pathways; and
- One million dollars to create and implement family-strengthening grant programs from the economic recovery and relief cash fund.

The bill creates the family, friend, and neighbor (FFN) support programs, which include an advisory group and a training program. The family, friend, and neighbor advisory group is created to advise the department on the needs of FFN providers and to make recommendations on changes to regulations, policies, funding, and procedures that would benefit the FFN community. The family, friend, and neighbor training program is created to allow community-based organizations and nonprofit organizations that have expertise working with FFN providers to provide them with information, training, and technical assistance to support best practices.

Subject to available appropriations, the department of early childhood shall make existing state programs available to the FFN community, including, but not limited to, home visitation, early intervention, early childhood mental health, workforce recruitment and retention, and family resource center services.

The bill appropriates \$4.5 million from the economic recovery and relief cash fund to implement the FFN support programs.

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

2 SECTION 1. In Colorado Revised Statutes, amend as added by

3 **House Bill 22-1295,** 26.5-3-801 (2)(b) as follows:

1

6

4 **26.5-3-801.** Legislative declaration. (2) (b) The general

5 assembly further finds that, to assist the state's workforce in returning to

work and maintaining employment without facing the difficult choice

-2- SB22-213

1	between working and accessing quality child care, it is critical that the
2	state allocate and quickly distribute funding to existing and new child
3	care providers throughout the state AND THAT SUCH ACTIONS CONSTITUTE
4	CRITICAL GOVERNMENT SERVICES.
5	SECTION 2. In Colorado Revised Statutes, 26.5-3-802, as added
6	by House Bill 22-1295, add (6) as follows:
7	26.5-3-802. Child care sustainability grant program - created
8	- timeline and criteria - grant awards - funding - definitions. (6) FOR
9	THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL
10	APPROPRIATE TO THE DEPARTMENT FIFTY MILLION DOLLARS FROM
11	FEDERAL FUNDS FOR CHILD CARE DEVELOPMENT FUNDS FOR THE PURPOSES
12	OF IMPLEMENTING THE GRANT PROGRAM. THE MONEY APPROPRIATED IN
13	THIS SUBSECTION (6) IS NOT SUBJECT TO THE REQUIREMENTS OF THE
14	"Procurement Code", articles 101 to 112 of title 24. Any money
15	APPROPRIATED PURSUANT TO THIS SUBSECTION (6) REMAINS AVAILABLE
16	for expenditure until the close of the $2023-24\mathrm{state}$ fiscal year.
17	SECTION 3. In Colorado Revised Statutes, amend as added by
18	House Bill 22-1295, 26.5-3-803 (3) and (4)(c)(II); and add (1)(h.5) and
19	(6) as follows:
20	26.5-3-803. Emerging and expanding child care grant
21	program - created - timeline and criteria - grant awards - funding -
22	definitions - repeal. (1) As used in this section, unless the context
23	otherwise requires:
24	(h.5) "GRANT RECIPIENT" MEANS AN ELIGIBLE ENTITY THAT
25	RECEIVES A GRANT THROUGH THE GRANT PROGRAM.
26	(3) (a) The department shall create a process for soliciting,
27	vetting, awarding, and monitoring grants through statewide early

-3- SB22-213

childhood councils.

(b) TO THE EXTENT PRACTICABLE, EARLY CHILDHOOD COUNCILS
MAY RECEIVE UP TO TWENTY-FIVE PERCENT OF FUNDING IN ADVANCE IN
ORDER TO EFFECTIVELY ADMINISTER GRANT FUNDS AND MAINTAIN
BUSINESS OPERATIONS. THE DEPARTMENT SHALL OFFER TECHNICAL
ASSISTANCE TO APPLICANTS WITH THEIR APPLICATIONS AND GRANT
RECIPIENTS WITH IMPLEMENTATION OF THEIR AWARDS. THE TECHNICAL
ASSISTANCE MAY BE OFFERED TO ALL ELIGIBLE ENTITIES, AS DEFINED IN
SUBSECTION (1) OF THIS SECTION, AND FAMILY, FRIEND, AND NEIGHBOR
PROVIDERS, AS DEFINED IN SECTION 26.5-3-808. THE DEPARTMENT MAY
ALSO PROVIDE A GRANT RECIPIENT WITH A SEPARATE GRANT FOR
TECHNICAL ASSISTANCE TO IMPLEMENT THE GOALS OF THE RECIPIENT'S
GRANT.

- (4) (c) In determining grant awards, the department shall consider eligible entities located in a child care desert. The department shall also consider eligible entities that have or are actively pursuing:
- (II) A commitment to engaging in quality improvement activities through the Colorado shines system, established in section 26.5-5-101; within eighteen months of receipt of their grant award;
- (6) (a) For the 2022-23 state fiscal year, the general assembly shall appropriate nineteen million dollars from the economic recovery and relief cash fund created in section 24-75-228 to the department for the purposes of implementing the grant program. Of this amount, up to two million two hundred thousand dollars shall be made available to early childhood councils, as defined in section 26.5-2-202, in support of the grant program.

-4- SB22-213

1	(b) MONEY SPENT PURSUANT TO THIS SUBSECTION (b) MUST
2	CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL
3	"AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.
4	THE DEPARTMENT SHALL EITHER SPEND OR OBLIGATE SUCH
5	APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE
6	APPROPRIATION ON OR BEFORE DECEMBER 31, 2026.
7	(c) THE DEPARTMENT SHALL COMPLY WITH THE COMPLIANCE,
8	REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
9	REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
10	BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
11	24-75-226 (5).
12	(d) This subsection (6) is repealed, effective September 1,
13	2027.
14	SECTION 4. In Colorado Revised Statutes, amend as added by
15	House Bill 22-1295, 26.5-3-804 (3) introductory portion, (8) introductory
16	portion, and (9); and add (8.5) as follows:
17	26.5-3-804. Employer-based child care facility grant program
18	- created - timeline and criteria - eligibility - grant awards - reports
19	- funding - definitions - repeal. (3) The department shall solicit and
20	review grant applications from eligible entities beginning on or before
21	June30,2021, ANDEVERYJUNE30THEREAFTERTHROUGHJUNE30,2024,
22	and begin to award grants no later than September 1, 2021, AND EVERY
23	SEPTEMBER 1 THEREAFTER THROUGH SEPTEMBER 1, 2024. Each
24	application must include, at a minimum:
25	(8) On or before January 30, 2023, and on or before January 30,
26	2024 2025, the department shall report progress on the grant program as
2.7	part of its "State Measurement for Accountable, Responsive, and

-5- SB22-213

- 1 Transparent (SMART) Government Act" hearing required by section
- 2 2-7-203. At a minimum, the report must include:
- 3 (8.5) (a) For the 2022-23 state fiscal year, the general
- 4 ASSEMBLY SHALL APPROPRIATE TEN MILLION DOLLARS FROM THE
- 5 ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
- 6 24-75-228 TO THE DEPARTMENT FOR THE PURPOSES OF IMPLEMENTING
- 7 THIS SECTION.
- 8 (b) Money spent pursuant to this subsection (8.5) must
- 9 CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL
- "AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.
- The department shall either spend or obligate such
- 12 APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE
- 13 APPROPRIATION ON OR BEFORE DECEMBER 31, 2026.
- 14 (c) The department shall comply with the compliance,
- 15 REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
- 16 REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
- 17 BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
- 18 24-75-226 (5).
- 19 (d) This subsection (8.5) is repealed, effective September 1,
- 20 2027.
- 21 (9) This section is repealed, effective July 1, 2024 SEPTEMBER 1,
- 22 2027.
- SECTION 5. In Colorado Revised Statutes, 26.5-3-805, as added
- 24 **by House Bill 22-1295, add** (7) as follows:
- 25 26.5-3-805. Early care and education recruitment and
- retention grant and scholarship program created criteria and
- 27 eligibility grant and scholarship awards reports funding rules

-6- SB22-213

1	- definitions - repeal. (7) (a) FOR THE 2022-23 STATE FISCAL YEAR, THE
2	GENERAL ASSEMBLY SHALL APPROPRIATE FIFTEEN MILLION DOLLARS FROM
3	THE ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION
4	24-75-228tothedepartmentforthepurposesofimplementingthe
5	PROGRAM. THE MONEY APPROPRIATED PURSUANT TO THIS SUBSECTION (7)
6	IS NOT SUBJECT TO THE REQUIREMENTS OF THE "PROCUREMENT CODE",
7	ARTICLES101 through112 of title24. Two million dollars must be
8	DEDICATED FOR HOME VISITING WORKFORCE, EARLY CHILDHOOD MENTAL
9	HEALTH CONSULTANTS, AND EARLY INTERVENTION PROVIDERS, WITH ONE
10	MILLION FOUR HUNDRED THOUSAND DOLLARS OF THAT AMOUNT
11	DEDICATED FOR NON-EDUCATOR WORKFORCE SCHOLARSHIPS AND LOAN
12	FORGIVENESS AND SIX HUNDRED THOUSAND DOLLARS FOR DEVELOPING
13	CONSISTENT WORKFORCE PATHWAYS.
14	(b) Money spent pursuant to this subsection (7) must
15	CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL
16	"AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.
17	The department shall either spend or obligate such
18	APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE
19	APPROPRIATION ON OR BEFORE DECEMBER 31, 2026.
20	(c) THE DEPARTMENT SHALL COMPLY WITH THE COMPLIANCE,
21	REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
22	REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
23	BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
24	24-75-226 (5).
25	(d) This subsection (7) is repealed, effective September 1,
26	2027.
27	SECTION 6. In Colorado Revised Statutes, as article 3 is added

-7- SB22-213

1	by House Bill 22-1295, add 26.5-3-808 as follows:
2	26.5-3-808. Family, friend, and neighbor support programs -
3	advisory group - training program - funding - definitions - repeal.
4	(1) As used in this section, unless the context otherwise
5	REQUIRES:
6	(a) "ADVISORY GROUP" MEANS THE FAMILY, FRIEND, AND
7	NEIGHBOR ADVISORY GROUP CREATED IN SUBSECTION (2) OF THIS SECTION.
8	(b) "FAMILY, FRIEND, AND NEIGHBOR" OR "FFN" MEANS
9	LICENSE-EXEMPT, INFORMAL CHILD CARE PROVIDED BY FAMILY, FRIENDS,
10	OR NEIGHBORS IN AN IN-HOME SETTING ON A REGULAR BASIS PURSUANT
11	TO THE REQUIREMENTS OF $26.5-5-303$ (6).
12	(c) "Training program" means the family, friend, and
13	NEIGHBOR TRAINING PROGRAM CREATED IN SUBSECTION (3) OF THIS
14	SECTION.
15	(2) (a) The family, friend, and neighbor advisory group is
16	CREATED IN THE DEPARTMENT. THE PURPOSE OF THE ADVISORY GROUP IS
17	TO ADVISE THE DEPARTMENT ON THE NEEDS OF FFN PROVIDERS AND TO
18	MAKE RECOMMENDATIONS TO THE DEPARTMENT ON CHANGES TO
19	REGULATIONS, POLICIES, FUNDING, AND PROCEDURES THAT WOULD
20	BENEFIT THE FFN COMMUNITY.
21	(b) The department shall convene the advisory group,
22	WHICH MUST INCLUDE, AT A MINIMUM:
23	(I) PARENTS OF CHILDREN WHO RECEIVE CARE THROUGH FFN
24	PROVIDERS; MEMBERS OF THE FFN EARLY CHILDHOOD WORKFORCE; AND
25	REPRESENTATIVES OF GEOGRAPHICALLY AND LINGUISTICALLY DIVERSE
26	FFN providers. To the extent practicable, the department shall
27	ENSURE THAT THE PERSONS DESCRIBED IN THIS SUBSECTION (2)(b)(I)

-8- SB22-213

1	CONSTITUTE A MAJORITY OF THE MEMBERS OF THE ADVISORY GROUP; AND
2	(II) REPRESENTATIVES OF COUNTY DEPARTMENTS OF HUMAN OR
3	SOCIAL SERVICES, SPECIAL EDUCATION PROGRAM DIRECTORS, EARLY
4	CHILDHOOD COUNCILS, THE BUSINESS COMMUNITY, PRIVATE NONPROFIT
5	ORGANIZATIONS, EARLY CHILDHOOD ADVOCACY ORGANIZATIONS, AND
6	PERSONS WITH EXPERTISE IN EARLY CHILDHOOD AND BUSINESS PRACTICES.
7	(c) Members of the advisory group may receive per diem
8	COMPENSATION FOR ATTENDANCE AT MEETINGS OF THE ADVISORY GROUP
9	IN THE SAME AMOUNT PAID TO LEGISLATORS PURSUANT TO SECTION
10	2-2-307 (3)(a). MEMBERS OF THE ADVISORY GROUP ARE ALSO ENTITLED
11	TO REIMBURSEMENT FOR ALL ACTUAL AND NECESSARY TRAVEL AND
12	SUSTENANCE EXPENSES DIRECTLY RELATED TO THEIR SERVICE ON THE
13	ADVISORY GROUP.
14	(3) (a) THE FAMILY, FRIEND, AND NEIGHBOR TRAINING PROGRAM
15	IS CREATED IN THE DEPARTMENT. THE PURPOSE OF THE TRAINING
16	PROGRAM IS TO SUPPORT COMMUNITY-BASED ORGANIZATIONS AND
17	NONPROFIT ORGANIZATIONS THAT HAVE EXPERTISE WORKING WITH FFN
18	PROVIDERS TO PROVIDE FFN PROVIDERS WITH INFORMATION AND
19	TRAINING AND TO SUPPORT BEST PRACTICES AND TECHNICAL ASSISTANCE
20	TO ACCESS EXISTING STATE PROGRAMS. TRAINING PROGRAMS AVAILABLE
21	TO FFN PROVIDERS MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE
22	FOLLOWING:
23	(I) IMPROVING THE QUALITY OF CHILD CARE AND CHILD
24	DEVELOPMENT;
25	(II) Ensuring the health and safety of child care
26	ENVIRONMENTS;
27	(III) FOSTERING THE SOCIAL AND EMOTIONAL HEALTH OF THE

-9- SB22-213

1	CHILD;
2	(IV) SUPPORTING CHILDREN WITH SPECIAL NEEDS;
3	(V) OFFERING CULTURALLY COMPETENT AND EQUITABLE CHILD
4	CARE;
5	(VI) STRENGTHENING THE BUSINESS PRACTICES OF CHILD CARE;
6	AND
7	(VII) PROMOTING WORKFORCE DEVELOPMENT.
8	(b) TECHNICAL ASSISTANCE AND RESOURCES FOR FFN PROVIDERS
9	MAY INCLUDE, BUT NEED NOT BE LIMITED TO, THE FOLLOWING:
10	(I) NAVIGATING THE STATE LICENSING PROCESSES;
11	(II) ACCESSING EXISTING STATE FUNDING AND SERVICES;
12	(III) CONNECTING TO AFTER-SCHOOL PROGRAMS; AND
13	(IV) PROVIDING CAREER NAVIGATION ASSISTANCE.
14	$(c)\ The department may establish FFN communities across$
15	THE STATE TO IMPLEMENT TRAINING PROGRAMS THAT FOSTER PEER
16	LEARNING AND PROVIDE LOCALLY SPECIFIC SUPPORT.
17	(d) THE DEPARTMENT SHALL CREATE AND PUBLISH A PUBLIC
18	WEBSITE FOR THE FFN COMMUNITY TO ACCESS TRAINING, TECHNICAL
19	ASSISTANCE, AND RESOURCES.
20	(e) The department shall ensure that the training
21	PROGRAM IS CULTURALLY COMPETENT AND LINGUISTICALLY APPROPRIATE
22	TO MEET THE NEEDS OF THE FFN COMMUNITY AND UTILIZES A RESEARCH-
23	AND COMMUNITY-INFORMED CURRICULUM.
24	(4) SUBJECT TO AVAILABLE APPROPRIATIONS, THE DEPARTMENT
25	SHALL MAKE EXISTING STATE PROGRAMS AVAILABLE TO THE FFN
26	COMMUNITY, INCLUDING, BUT NOT LIMITED TO, HOME VISITATION, EARLY
27	INTERVENTION, EARLY CHILDHOOD MENTAL HEALTH CONSULTANTS,

-10- SB22-213

1	WORKFORCE RECRUITMENT AND RETENTION, AND FAMILY RESOURCE
2	CENTER SERVICES.
3	(5) (a) For the 2022-23 state fiscal year, the general
4	ASSEMBLY SHALL APPROPRIATE FOUR MILLION FIVE HUNDRED THOUSAND
5	DOLLARS FROM THE ECONOMIC RECOVERY AND RELIEF CASH FUND
6	CREATED IN SECTION $24-75-228$ to the department for the purposes
7	OF IMPLEMENTING THIS SECTION.
8	(b) Money spent pursuant to this subsection (5) must
9	CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL
10	"AMERICAN RESCUE PLAN ACT OF 2021", PUB.L. 117-2, AS AMENDED.
11	THE DEPARTMENT SHALL EITHER SPEND OR OBLIGATE SUCH
12	APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE
13	APPROPRIATION ON OR BEFORE DECEMBER 31, 2026.
14	(c) The department shall comply with the compliance,
15	REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION
16	REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND
17	BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION
18	24-75-226 (5).
19	(d) This subsection (5) is repealed, effective September 1,
20	2027.
21	(6) THE DEPARTMENT SHALL REPORT PROGRESS ON THE SUPPORT
22	PROGRAMS AS PART OF ITS "STATE MEASUREMENT FOR ACCOUNTABLE,
23	RESPONSIVE, AND TRANSPARENT (SMART) GOVERNMENT ACT" HEARING
24	REQUIRED BY SECTION 2-7-203.
25	SECTION 7. In Colorado Revised Statutes, as article 3 is added
26	by House Bill 22-1295, add 26.5-3-904 as follows:
27	26.5-3-904. Family-strengthening grant programs - authorized

-11- SB22-213

1 requirements - implementation partner - rules - repeal. (1) (a) FOR 2 THE 2022-23 STATE FISCAL YEAR, THE GENERAL ASSEMBLY SHALL 3 APPROPRIATE TO THE DEPARTMENT ONE MILLION DOLLARS FROM THE 4 ECONOMIC RECOVERY AND RELIEF CASH FUND CREATED IN SECTION 5 24-75-228 FOR THE PURPOSES OF IMPLEMENTING THE 6 FAMILY-STRENGTHENING GRANT PROGRAMS. 7 (b) Money spent pursuant to this subsection (1) must 8 CONFORM WITH THE ALLOWABLE PURPOSES SET FORTH IN THE FEDERAL 9 "AMERICAN RESCUE PLAN ACT OF 2021", Pub.L. 117-2, AS AMENDED. 10 THE DEPARTMENT SHALL EITHER SPEND OR OBLIGATE SUCH 11 APPROPRIATION PRIOR TO DECEMBER 30, 2024, AND EXPEND THE 12 APPROPRIATION ON OR BEFORE DECEMBER 31, 2026. 13 (c) THE DEPARTMENT SHALL COMPLY WITH THE COMPLIANCE, 14 REPORTING, RECORD-KEEPING, AND PROGRAM EVALUATION 15 REQUIREMENTS ESTABLISHED BY THE OFFICE OF STATE PLANNING AND 16 BUDGETING AND THE STATE CONTROLLER IN ACCORDANCE WITH SECTION 17 24-75-226 (5). 18 (2) This section is repealed, effective September 1, 2027. 19 **SECTION 8.** Effective date. This act takes effect July 1, 2022. 20 **SECTION 9. Safety clause.** The general assembly hereby finds, 21 determines, and declares that this act is necessary for the immediate

preservation of the public peace, health, or safety.

22

-12- SB22-213