

Second Regular Session
Sixty-seventh General Assembly
STATE OF COLORADO

DRAFT
10.21.09

BILL 3

LLS NO. 10-0310.01 Jane Ritter

INTERIM COMMITTEE BILL

Early Childhood and School Readiness Legislative Commission

SHORT TITLE: "Quality Child Care Grant Incentive Prog"

A BILL FOR AN ACT

101 **CONCERNING THE CREATION OF THE COLORADO QUALITY IN CHILD**
102 **CARE INCENTIVE GRANT PROGRAM.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not necessarily reflect any amendments that may be subsequently adopted.)

Early Childhood and School Readiness Legislative Commission. Subject to the receipt of sufficient federal moneys or gifts, grants, or donations, the bill creates the Colorado quality in child care incentive grant program (grant program), with the objective of providing incentives to county or district departments of social services to increase the quality of early care and education providers and facilities in the county while allowing each grantee to retain flexibility concerning how

*Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.*

to utilize its resources. The state board of human services is given rule-making authority to establish policies and procedures for the grant program. The department of human services is required to prepare and submit to the education and health and human services committees of the house of representatives and the senate a report describing the activities of the grant program. The bill creates a separate fund to accept federal moneys and any gifts, grants, or donations received for the purpose of implementing the grant program.

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) Investments in quality early care and education are important
5 components of long-term achievement and success for the children of
6 Colorado;

7 (b) When child care subsidy programs promote quality, young
8 children are more likely to enter school better prepared and more likely
9 to achieve; and

10 (c) Recent recommendations from the general assembly identify
11 raising the child care reimbursement rate to the seventy-fifth percentile
12 of market rate as the most viable means of improving quality. This
13 increase, however, is not feasible without stable requisite funding
14 sources.

15 (d) A tiered reimbursement program improves child care quality
16 immediately as well as eventually raising all reimbursement rates to the
17 seventy-fifth percentile of market rates so that all child care providers can
18 take advantage of quality improvement funding.

19 (2) The general assembly further finds that providing counties and
20 early childhood councils with the flexibility to create and maintain quality
21 early childhood programs through a grant program promotes local

1 collaboration, best practice, accountability, and efficiency in local
2 communities serving young children.

3 **SECTION 2.** Article 6.5 of title 26, Colorado Revised Statutes,
4 is amended BY THE ADDITION OF A NEW PART to read:

5 PART 3

6 COLORADO QUALITY IN CHILD CARE INCENTIVE

7 GRANT PROGRAM

8 **26-6.5-301. Short title.** THIS PART 3 SHALL BE KNOWN AND MAY
9 BE CITED AS THE "COLORADO QUALITY IN CHILD CARE INCENTIVE GRANT
10 PROGRAM".

11 **26-6.5-302. Definitions.** AS USED IN THIS PART 3, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "COUNCIL" MEANS AN EARLY CHILDHOOD COUNCIL
14 ESTABLISHED PURSUANT TO SECTION 26-6.5-103.

15 (2) "COUNTY DEPARTMENT" MEANS A COUNTY OR DISTRICT
16 DEPARTMENT OF SOCIAL SERVICES.

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

22 (4) "GRANT PROGRAM" MEANS THE COLORADO QUALITY IN CHILD
23 CARE INCENTIVE GRANT PROGRAM CREATED IN SECTION 26-6.5-303.

24 (5) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
25 ESTABLISHED IN SECTION 26-1-107.

26 (6) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
27 SERVICES, CREATED IN SECTION 26-1-105.

1 **26-6.5-303. Colorado quality in child care incentive grant**
2 **program - creation.** SUBJECT TO THE RECEIPT OF SUFFICIENT MONEYS
3 PURSUANT TO SECTION 26-6.5-306, THERE IS HEREBY CREATED IN THE
4 STATE DEPARTMENT THE COLORADO QUALITY IN CHILD CARE INCENTIVE
5 GRANT PROGRAM. THE OBJECTIVE OF THE GRANT PROGRAM IS TO PROVIDE
6 INCENTIVES TO COUNTY DEPARTMENTS TO INCREASE THE QUALITY OF
7 EARLY CARE AND EDUCATION PROVIDERS AND FACILITIES. THE GRANT
8 PROGRAM WILL PROVIDE A TIERED REIMBURSEMENT SYSTEM THAT WILL
9 ALLOW COUNTY DEPARTMENTS AND EARLY CARE AND EDUCATION
10 PROVIDERS AND FACILITIES TO RETAIN THE FLEXIBILITY TO DETERMINE
11 HOW TO INVEST RESOURCES WHILE AT THE SAME TIME REWARDING
12 CERTAIN FUNCTIONS KNOWN TO IMPROVE QUALITY OF CARE FOR ALL
13 CHILDREN, ESPECIALLY AT-RISK CHILDREN.

14 **26-6.5-304. Eligibility for grants - award criteria - rules.**
15 (1) A COUNTY DEPARTMENT MAY APPLY TO THE STATE DEPARTMENT FOR
16 A GRANT PURSUANT TO THIS PART 3. TO BE ELIGIBLE FOR A GRANT, AN
17 APPLICANT SHALL BE WORKING IN COLLABORATION WITH A COUNCIL. THE
18 APPLYING COUNTY DEPARTMENT NEED NOT BE A MEMBER OF A COUNCIL,
19 BUT FOR THE PURPOSES OF APPLYING FOR AND RECEIVING A GRANT FROM
20 THE GRANT PROGRAM, THE COUNTY DEPARTMENT SHALL PRESENT A
21 COLLABORATIVE MODEL TO THE STATE DEPARTMENT, INCLUDING A
22 DESCRIPTION OF HOW THE COUNTY DEPARTMENT IS WORKING OR WILL
23 WORK WITH A LOCAL OR NEIGHBORING COUNCIL.

24 (2) ON OR BEFORE DECEMBER 1, 2010, THE STATE BOARD SHALL
25 PROMULGATE RULES PURSUANT TO THE "STATE ADMINISTRATIVE
26 PROCEDURE ACT", ARTICLE 4 OF TITLE 24, C.R.S., ESTABLISHING POLICIES
27 AND PROCEDURES FOR THE ADMINISTRATION OF THE GRANT PROGRAM,

1 INCLUDING BUT NOT LIMITED TO:

2 (a) CRITERIA FOR THE SELECTION OF GRANT RECIPIENTS,
3 INCLUDING BUT NOT LIMITED TO BLENDING COLORADO CHILD CARE
4 ASSISTANCE PROGRAM SLOTS WITH ESTABLISHED HIGH-QUALITY
5 PROGRAMS, EMPLOYING TEACHERS IN EARLY EDUCATION WHO HOLD
6 EITHER A BACHELOR'S OR ASSOCIATE'S DEGREE, HAVING AN EXISTING
7 QUALITY RATING OR ACCREDITATION, IMPROVEMENT OF A QUALITY
8 RATING, OR THE INVESTMENT IN THE PROFESSIONAL DEVELOPMENT OF
9 TEACHERS;

10 (b) A SYSTEM OF TIERED REIMBURSEMENT FOR APPLICANTS BASED
11 ON THE GRANT CRITERIA ESTABLISHED;

12 (c) APPLICATION DEADLINES, AWARD DATES, AND THE AMOUNTS
13 OF GRANT AWARDS; AND

14 (d) ANY OTHER RULES NECESSARY FOR THE EFFECTIVE
15 IMPLEMENTATION OF THIS PART 3.

16 **26-6.5-305. Reporting requirements.** ON OR BEFORE JULY 30,
17 2012, AND ON OR BEFORE JULY 30 EACH YEAR THEREAFTER, THE STATE
18 DEPARTMENT SHALL PREPARE AND SUBMIT TO THE EDUCATION AND
19 HEALTH AND HUMAN SERVICES COMMITTEES OF THE HOUSE OF
20 REPRESENTATIVES AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A
21 REPORT THAT DESCRIBES THE USE OF THE GRANT MONEYS, INCLUDING BUT
22 NOT LIMITED TO THE NUMBER OF GRANTS MADE, THE AMOUNT OF GRANT
23 MONEYS DISTRIBUTED, A BREAKDOWN OF COUNTIES THAT RECEIVED
24 GRANT MONEYS, AND A SUMMARY OF THE IMPROVEMENT IN QUALITY IN
25 CHILD CARE AND EARLY CHILDHOOD EDUCATION AS A RESULT OF THE
26 GRANT PROGRAM.

27 **26-6.5-306. Colorado quality in child care incentive grant**

1 **program fund.** (1) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT
2 ANY COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3 SHALL BE PAID
3 FOR BY THE RECEIPT OF ANY AVAILABLE FEDERAL MONEYS OR OTHER
4 GIFTS, GRANTS, OR DONATIONS AND THAT NO ADDITIONAL GENERAL FUND
5 MONEYS BE APPROPRIATED FOR THE IMPLEMENTATION OF THE GRANT
6 PROGRAM.

7 (2) ANY STATE AGENCY IS AUTHORIZED TO SEEK AND ACCEPT ANY
8 FEDERAL MONEYS OR OTHER GIFTS, GRANTS, OR DONATIONS FOR THE
9 PURPOSES OF THIS PART 3. IF NECESSARY, ANY GIFTS, GRANTS, OR
10 DONATIONS SHALL BE TRANSMITTED TO THE STATE TREASURER WHO
11 SHALL CREDIT THEM TO THE COLORADO QUALITY IN CHILD CARE
12 INCENTIVE GRANT PROGRAM FUND, WHICH FUND IS HEREBY CREATED AND
13 REFERRED TO IN THIS SECTION AS THE "FUND".

14 (3) THE MONEYS IN THE FUND SHALL BE CONTINUOUSLY
15 APPROPRIATED TO THE STATE DEPARTMENT FOR THE DIRECT AND INDIRECT
16 COSTS ASSOCIATED WITH IMPLEMENTING THIS PART 3. ANY MONEYS IN
17 THE FUND NOT EXPENDED FOR THE PURPOSE OF THIS PART 3 MAY BE
18 INVESTED BY THE STATE TREASURER AS PROVIDED BY LAW. ALL INTEREST
19 AND INCOME DERIVED FROM THE INVESTMENT AND DEPOSIT OF MONEYS
20 IN THE FUND SHALL BE CREDITED TO THE FUND. ANY UNEXPENDED AND
21 UNENCUMBERED MONEYS REMAINING IN THE FUND AT THE END OF A
22 FISCAL YEAR SHALL REMAIN IN THE FUND AND SHALL NOT BE CREDITED OR
23 TRANSFERRED TO THE GENERAL FUND OR ANOTHER FUND. ALL
24 UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN THE FUND AS
25 OF JULY 1, 2020, SHALL BE TRANSFERRED TO THE EARLY CHILDHOOD CASH
26 FUND, CREATED IN SECTION 26-6.5-109.

27 **26-6.5-307. Repeal of part.** THIS PART 3 IS REPEALED, EFFECTIVE

1 JULY 1, 2020.

2 **SECTION 3. Act subject to petition - effective date.** This act
3 shall take effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 11, 2010, if adjournment sine die is on May 12, 2010); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part shall not take effect
9 unless approved by the people at the general election to be held in
10 November 2010 and shall take effect on the date of the official
11 declaration of the vote thereon by the governor.