

Second Regular Session
Sixty-ninth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 14-0764.01 Jane Ritter x4342

HOUSE BILL 14-1317

HOUSE SPONSORSHIP

Duran,

SENATE SPONSORSHIP

Nicholson and Kefalas, Newell

House Committees

Public Health Care & Human Services
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING MODIFICATIONS TO THE COLORADO CHILD CARE**
102 **ASSISTANCE PROGRAM, AND, IN CONNECTION THEREWITH,**
103 **ALIGNING ELIGIBILITY AND AUTHORIZATION; ADDRESSING**
104 **AFFORDABILITY BY REDUCING COPAYMENTS; IMPROVING**
105 **PROVIDER REIMBURSEMENT RATES; INCREASING ACCESS TO**
106 **QUALITY CARE; AND IMPROVING TECHNOLOGY,**
107 **INFRASTRUCTURE, AND ADMINISTRATION.**

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

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.

[http://www.leg.state.co.us/bills/summaries.](http://www.leg.state.co.us/bills/summaries/))

The bill makes several modifications to the Colorado child care assistance program (program), including:

- ! The state board of human services (board) must establish provider reimbursement rates for infant and toddler care at least at the 75th percentile of each county's local market rate for infant and toddler care;
- ! The state-established provider reimbursement rates must include a system of tiered reimbursement for providers that enroll children in the program;
- ! A county may petition the board to opt out of the state-established provider reimbursement rates;
- ! Subject to available appropriations, counties are directed to provide child care assistance to a person or family whose income is not more than 165% of the federal poverty level;
- ! The board must adopt new rules for determining the amount of copayment a participant in the program must pay. The rules must include a provision that for a family living at 100% of the federal poverty level, the copayment must be restricted to 1% of the family's gross annual income.
- ! The rules concerning participant copayment must also establish a tiered copayment schedule that increases the copayment gradually as the participant's income approaches self-sufficiency income levels. The participant's income should reflect an average of income over time to account for variations in wages, work schedules, or seasonal employment.
- ! A county shall set the exit income eligibility threshold at a level higher than the entry income eligibility level, at an income level needed for a family of the size receiving the child care assistance to achieve a self-sufficiency standard of living in that county, at a level not to exceed 85% of the state median income for a family of the same size, and in a manner so that a family does not lose child care assistance due to a modest increase in the parents' income above their entry income eligibility level;
- ! In current rule, a participant in the program who loses employment can remain in the program for only 30 days while actively searching for employment. The bill increases that time to at least 60 days, assuming all other eligibility criteria are met.
- ! The bill creates a new eligibility activity by allowing a parent who is not employed but who is either enrolled in a

- postsecondary or workforce training program to participate in the program for up to 2 years he or she is enrolled in the postsecondary or workforce training program;
- ! The bill makes it a statutory requirement that the hours for the provision of child care services through the program must not be directly linked to a participant's employment, education, or workforce training schedule;
 - ! The bill requires a county to allow for presumptive eligibility of a participant for at least 30 days while awaiting verification of an application to the program;
 - ! No more than one month of paystubs must be required when determining a family's income eligibility for the program;
 - ! Counties are given the authority to develop a voucher system for relative or unlicensed child care for families enrolled in the program;
 - ! Counties are given permission to use their program allocations to provide direct contracts or grants to early care and education providers for a county-determined number of program slots for a 12-month period to increase the supply and improve the quality and continuity of child care for infants and toddlers, children with disabilities, after-hours care, and children in underserved neighborhoods;
 - ! Counties are required to provide participants and child care providers with at least 45 days' notice prior to the effective date of any change in income eligibility levels;
 - ! Counties are required to post eligibility, authorization, and administration policies and procedures so they are easily accessible to a layperson;
 - ! Administrative changes in the bill include allowing a county to use eligibility determination information from other public assistance programs and systems to determine program eligibility, allowing a child care provider to accept a participant's program application and submit it to the county on behalf of the family seeking enrollment in the program, and requiring each county to maintain a current and accurate program waiting list;
 - ! Counties shall reimburse providers, separate from regular reimbursement rates, for no fewer than 5 days per month of child absences or holidays; and
 - ! The state department of human services is directed to prepare an annual report on the program.
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1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 26-2-802 as
3 follows:

4 **26-2-802. Legislative declaration.** (1) The general assembly
5 hereby finds and declares that:

6 (a) The state's policies in connection with the provision of child
7 care assistance and the effective delivery of such assistance are critical to
8 the ultimate success of any welfare reform program;

9 (b) ~~The general assembly further finds that~~ Children in
10 low-income families who receive services through a child care assistance
11 program need and deserve the same access to a broad range of child care
12 providers as do children in families who do not need assistance;

13 (c) IT IS CRITICAL TO PROVIDE LOW- TO MODERATE-INCOME
14 FAMILIES WITH ACCESS TO HIGH-QUALITY, AFFORDABLE CHILD CARE THAT
15 FOSTERS HEALTHY CHILD DEVELOPMENT AND SCHOOL READINESS, WHILE
16 AT THE SAME TIME PROMOTES FAMILY SELF-SUFFICIENCY AND
17 ATTACHMENT TO THE WORKFORCE; AND

18 (d) INDIVIDUAL COUNTIES PLAY A VITAL ROLE IN ADMINISTERING
19 THE CHILD CARE ASSISTANCE PROGRAM AND HAVE LOCAL KNOWLEDGE OF
20 THEIR INDIVIDUAL COMMUNITY NEEDS. THEREFORE, A COUNTY THAT
21 MEETS OR EXCEEDS STATEWIDE ELIGIBILITY EXPECTATIONS ESTABLISHED
22 FOR THE COLORADO CHILD CARE ASSISTANCE PROGRAM SHOULD HAVE
23 GREATER FLEXIBILITY IN DETERMINING THE SPECIFICS OF HOW TO
24 IMPLEMENT AND OPERATE THE CHILD CARE ASSISTANCE PROGRAM IN THAT
25 COUNTY.

26 (2) Therefore, the general assembly hereby finds and declares that
27 it is in the best interests of the state to:

1 (a) Adopt the Colorado child care assistance program set forth in
2 this part 8;

3 (b) ~~The general assembly further finds and declares that it is in the~~
4 ~~best interests of the state to~~ Adopt consistent, statewide child care
5 provider reimbursement rates set at a floor of the seventy-fifth percentile
6 of each county's market rate ~~or the provider's rate, whichever is lower,~~ to
7 facilitate and increase access to high-quality child care for low-income
8 families.

9 **SECTION 2.** In Colorado Revised Statutes, **add** 26-2-802.5 as
10 follows:

11 **26-2-802.5. Definitions.** AS USED IN THIS PART 8, UNLESS THE
12 CONTEXT OTHERWISE REQUIRES:

13 (1) "CHILD CARE ASSISTANCE PROGRAM" OR "CCCAP" MEANS THE
14 COLORADO CHILD CARE ASSISTANCE PROGRAM ESTABLISHED IN THIS PART
15 8.

16 (2) "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 (3) "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 (4) "HIGH-QUALITY EARLY CHILDHOOD PROGRAM" MEANS A
26 PROGRAM THAT IS OPERATED BY A PROVIDER WITH A FISCAL AGREEMENT
27 THROUGH CCCAP AND THAT IS IN THE TOP THREE LEVELS OF THE STATE'S

1 QUALITY RATING AND IMPROVEMENT SYSTEM, IS ACCREDITED BY A STATE
2 DEPARTMENT-APPROVED ACCREDITING BODY, OR IS AN EARLY HEAD
3 START OR HEAD START PROGRAM THAT MEETS FEDERAL STANDARDS.

4 (5) "PARTICIPANT" MEANS A PARTICIPANT, AS DEFINED IN SECTION
5 26-2-703 (15), IN THE COLORADO WORKS PROGRAM.

6 (6) "PROVIDER" MEANS A CHILD CARE PROVIDER LICENSED
7 PURSUANT TO PART 1 OF ARTICLE 6 OF THIS TITLE THAT HAS A FISCAL
8 AGREEMENT WITH THE COUNTY TO PARTICIPATE IN THE CHILD CARE
9 ASSISTANCE PROGRAM.

10 (7) "TIERED REIMBURSEMENT" MEANS A PAY STRUCTURE THAT
11 REFLECTS AN INCREASED RATE OF REIMBURSEMENT FOR HIGH-QUALITY
12 EARLY CHILDHOOD PROGRAMS THAT RECEIVE CCCAP MONEYS.

13 (8) "WORKS PROGRAM" MEANS THE COLORADO WORKS PROGRAM
14 ESTABLISHED PURSUANT TO PART 7 OF THIS ARTICLE.

15 **SECTION 3.** In Colorado Revised Statutes, **repeal and reenact,**
16 **with amendments,** 26-2-803 as follows:


17 **26-2-803. Provider rates - opt out - rules.** (1) (a) THE STATE
18 BOARD SHALL ESTABLISH PROVIDER REIMBURSEMENT RATES FOR EACH
19 COUNTY AND ENSURE THAT THE RATES ARE ADEQUATE TO ENSURE THAT
20 FAMILIES WHO RECEIVE SERVICES THROUGH CCCAP HAVE THE SAME
21 ACCESS TO A BROAD RANGE OF PROVIDERS IN EACH COUNTY AS DO
22 CHILDREN IN FAMILIES NOT ELIGIBLE FOR ASSISTANCE. ■■■

23 (b) ON OR BEFORE JULY 1, 2016, THE STATE-ESTABLISHED
24 PROVIDER REIMBURSEMENT RATES FOR EACH COUNTY ADOPTED PURSUANT
25 TO THIS SUBSECTION (1) MUST INCLUDE A SYSTEM OF TIERED
26 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN
27 CCCAP.

1 (c) THE STATE BOARD SHALL PROMULGATE RULES TO IMPLEMENT
2 THIS SECTION ON OR BEFORE DECEMBER 1, 2014, AND EVERY OTHER YEAR
3 THEREAFTER.

4 (2) A COUNTY MAY PETITION THE STATE BOARD TO OPT OUT OF
5 ADHERING TO THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES
6 FOR THE COUNTY. THE STATE BOARD MUST ONLY PERMIT A COUNTY TO
7 OPT OUT OF THE STATE-ESTABLISHED PROVIDER REIMBURSEMENT RATES
8 IF THE COUNTY CAN DEMONSTRATE THAT ITS PROPOSED PROVIDER
9 REIMBURSEMENT RATES MEET THE FOLLOWING CONDITIONS:

10 (a) THE COUNTY-ESTABLISHED PROVIDER REIMBURSEMENT RATES
11 ARE ADEQUATE TO ENSURE THAT FAMILIES RECEIVING CHILD CARE
12 ASSISTANCE IN THE COUNTY HAVE THE SAME ACCESS TO A BROAD RANGE
13 OF PROVIDERS AS CHILDREN IN FAMILIES IN THE COUNTY THAT DO NOT
14 NEED ASSISTANCE;

15 
16 (b) DOCUMENTATION THAT PROVIDERS IN THE COUNTY WHO SERVE
17 OR WANT TO SERVE CHILDREN SUBSIDIZED WITH CCCAP HAVE BEEN
18 CONSULTED AND BEEN GIVEN AN OPPORTUNITY TO INFORM AND PROVIDE
19 COMMENT TO THE STATE BOARD ON THE PROPOSED ALTERNATIVE
20 REIMBURSEMENT RATE; AND

21 (d) ON OR BEFORE JULY 1, 2016, THE COUNTY-ESTABLISHED
22 PROVIDER REIMBURSEMENT RATES INCLUDE A SYSTEM OF TIERED
23 REIMBURSEMENT FOR PROVIDERS THAT ENROLL CHILDREN ENROLLED IN
24 CCCAP.

25 **SECTION 4.** In Colorado Revised Statutes, 26-2-804, **amend** (1)
26 introductory portion, (1) (a), (3), and (6) as follows:

27 **26-2-804. Funding - allocation - maintenance of effort.**

1 (1) Subject to available appropriations, a county's block grant for ~~the~~
2 ~~Colorado child care assistance program~~ CCCAP for state fiscal year
3 1997-98 shall be determined by the state department and ~~shall~~ be based
4 upon not less than one hundred percent of the state and federal moneys
5 that the county received in state fiscal year 1996-97 to administer and
6 implement JOBS-related child care and ~~the Colorado child care assistance~~
7 ~~program~~ CCCAP, including the administrative costs related to such
8 programs. The state department shall consider factors that include, but are
9 not limited to the following:

10 (a) Historical expenditures on ~~the Colorado child care assistance~~
11 ~~program~~ CCCAP;

12 (3) The moneys in a county block grant allocated to a county
13 pursuant to subsection (1) of this section may only be used for the
14 provision of child care services under rules promulgated by the state
15 ~~department~~ BOARD PURSUANT TO THIS PART 8.

16 (6) For state fiscal year 2005-06 and for each state fiscal year
17 thereafter, each county ~~shall be~~ IS required to meet a level of county
18 spending for ~~the Colorado child care assistance program~~ CCCAP that is
19 equal to the county's proportionate share of the total county funds set
20 forth in the annual general appropriation act for ~~the Colorado child care~~
21 ~~assistance program~~ CCCAP for that state fiscal year. The level of county
22 spending ~~shall be~~ IS known as the county's maintenance of effort for ~~the~~
23 ~~program~~ CCCAP for that state fiscal year. For any state fiscal year, the
24 state department is authorized to adjust a county's maintenance of effort,
25 reflected as a percentage of the total county funds set forth in the annual
26 general appropriation act for ~~the Colorado child care assistance program~~
27 CCCAP for that state fiscal year, so that the percentage equals the

1 county's proportionate share of the total state and federal funds
2 appropriated for the Colorado child care assistance program CCCAP for
3 that state fiscal year, reflected as a percentage. For any state fiscal year,
4 the sum of all counties' maintenance of effort shall MUST be equal to or
5 greater than the total county funds set forth in the general appropriation
6 act for the state fiscal year 1996-97 for employment-related child care.

7 **SECTION 5.** In Colorado Revised Statutes, **repeal and reenact,**
8 **with amendments,** 26-2-805 as follows:

9 **26-2-805. Services - eligibility - assistance provided - waiting**
10 **lists - rules.** (1) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT
11 TO RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION
12 OF THIS PART 8, A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE TO A
13 PARTICIPANT OR ANY PERSON OR FAMILY WHOSE INCOME IS NOT MORE
14 THAN ONE HUNDRED SIXTY-FIVE PERCENT OF THE FEDERAL POVERTY
15 LEVEL.

16 (2) THE COUNTY MAY PROVIDE CHILD CARE ASSISTANCE FOR ANY
17 OTHER FAMILY WHOSE INCOME DOES NOT EXCEED EIGHTY-FIVE PERCENT
18 OF THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE. FOR A
19 PARTICIPANT OR A PERSON OR FAMILY WHOSE INCOME RISES TO THE LEVEL
20 SET BY THE COUNTY AT WHICH THE COUNTY MAY DENY THE PARTICIPANT,
21 PERSON, OR FAMILY CHILD CARE ASSISTANCE, THE COUNTY SHALL
22 IMMEDIATELY NOTIFY THE FAMILY THAT IT IS NO LONGER ELIGIBLE FOR
23 CCCAP AND CONTINUE TO PROVIDE THE CURRENT CCCAP SUBSIDY TO
24 THAT FAMILY FOR NO LESS THAN NINETY DAYS WHILE THE FAMILY MAKES
25 APPROPRIATE ARRANGEMENTS FOR CHILD CARE. THE COUNTY IS
26 STRONGLY ENCOURAGED TO CONTINUE TO PROVIDE CHILD CARE
27 ASSISTANCE FOR A PERIOD OF SIX MONTHS; EXCEPT THAT IN NO EVENT

1 SHALL CHILD CARE ASSISTANCE BE PROVIDED IF THE INCOME EXCEEDS THE
2 MAXIMUM LEVEL FOR ELIGIBILITY FOR SERVICES SET BY FEDERAL LAW FOR
3 A FAMILY OF THE SAME SIZE. DURING THE SIX-MONTH PERIOD THE COUNTY
4 SHALL WORK WITH THE PARTICIPANT, PERSON, OR FAMILY TO PROVIDE A
5 GRADUAL TRANSITION OFF CHILD CARE ASSISTANCE PROVIDED PURSUANT
6 TO THIS SUBSECTION (2).

7 (3) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, PURSUANT TO
8 RULES PROMULGATED BY THE STATE BOARD FOR IMPLEMENTATION OF THIS
9 PART 8, AND EXCEPT AS PROVIDED FOR IN PARAGRAPH (b) OF THIS
10 SUBSECTION (3), A COUNTY SHALL PROVIDE CHILD CARE ASSISTANCE FOR
11 A FAMILY TRANSITIONING OFF THE WORKS PROGRAM DUE TO EMPLOYMENT
12 OR JOB TRAINING WITHOUT REQUIRING THE FAMILY TO APPLY FOR
13 LOW-INCOME CHILD CARE BUT SHALL REDETERMINE THE FAMILY'S
14 ELIGIBILITY WITHIN SIX MONTHS AFTER THE TRANSITION.

15 (b) A FAMILY THAT TRANSITIONS OFF THE WORKS PROGRAM MUST
16 NOT BE AUTOMATICALLY TRANSITIONED TO CCCAP PURSUANT TO
17 PARAGRAPH (a) OF THIS SUBSECTION (3) IF EITHER OF THE FOLLOWING
18 CONDITIONS APPLY:

19 (I) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO A
20 VIOLATION OF PROGRAM REQUIREMENTS AS DEFINED IN PART 7 OF THIS
21 ARTICLE, BY RULE OF THE STATE BOARD, OR BY POLICY OF A COUNTY
22 DEPARTMENT; OR

23 (II) THE FAMILY IS LEAVING THE WORKS PROGRAM DUE TO
24 EMPLOYMENT AND WILL BE AT AN INCOME LEVEL THAT EXCEEDS THE
25 COUNTY-ADOPTED INCOME ELIGIBILITY LIMIT FOR THE COUNTY'S CCCAP.

26 (c) AT THE COUNTY'S DISCRETION, A FAMILY THAT TRANSITIONS
27 OFF THE WORKS PROGRAM, IS ELIGIBLE FOR CCCAP, AND RESIDES IN A

1 COUNTY THAT HAS FAMILIES ON ITS WAITING LIST MAY BE ADDED TO THE
2 WAITING LIST OR BE PROVIDED CHILD CARE ASSISTANCE WITHOUT FIRST
3 BEING ADDED TO THE WAITING LIST.

4 (4) (a) A RECIPIENT OF CHILD CARE ASSISTANCE THROUGH CCCAP
5 SHALL BE RESPONSIBLE FOR PAYING A PORTION OF HIS OR HER CHILD CARE
6 COSTS BASED UPON THE RECIPIENT'S INCOME AND THE FORMULA
7 DEVELOPED BY RULE OF THE STATE BOARD; EXCEPT THAT, FOR A FAMILY
8 LIVING AT OR BELOW ONE HUNDRED PERCENT OF THE FEDERAL POVERTY
9 LEVEL, THE FAMILY COPAYMENT RESPONSIBILITY MUST BE RESTRICTED TO
10 NO MORE THAN ONE PERCENT OF THE FAMILY'S GROSS MONTHLY INCOME
11 AS DETERMINED BASED ON ONE MONTH OF INCOME. TO ASSIST IN THE
12 PROCESS OF DETERMINING THE PARENT COPAYMENT FEE, A FAMILY MAY
13 PROVIDE EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF
14 IT CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS AN
15 ABILITY TO AFFORD THE FAMILY COPAYMENT REQUIREMENT, BUT A
16 COUNTY MUST NOT OTHERWISE REQUIRE A FAMILY TO PROVIDE EVIDENCE
17 OF MORE THAN ONE MONTH OF INCOME.

18 (b) THE STATE BOARD SHALL ESTABLISH, AND PERIODICALLY
19 REVISE, BY RULE A COPAYMENT SCHEDULE SO THAT THE COPAYMENT
20 GRADUALLY INCREASES AS THE FAMILY INCOME APPROACHES
21 SELF-SUFFICIENCY INCOME LEVELS. THIS REVISED COPAYMENT SCHEDULE
22 SHOULD ALLOW FAMILIES TO RETAIN A PORTION OF ITS INCREASES IN
23 INCOME.

24 (c) A PARTICIPANT WHO IS EMPLOYED SHALL PAY A PORTION OF HIS
25 OR HER INCOME FOR CHILD CARE ASSISTANCE UNDER CCCAP. THE
26 PARTICIPANT'S REQUIRED COPAYMENT UNDER THE PROVISIONS OF THIS
27 PARAGRAPH (c) MUST BE DETERMINED BY A FORMULA ESTABLISHED BY

1 RULE OF THE STATE BOARD THAT TAKES INTO CONSIDERATION THE
2 FACTORS SET FORTH IN PARAGRAPHS (a) AND (b) OF THIS SUBSECTION (4).

3 (5) (a) ON AND AFTER JULY 1, 2014, A COUNTY MAY REQUIRE A
4 PERSON WHO RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS
5 SECTION AND WHO IS NOT OTHERWISE A PARTICIPANT TO APPLY, PURSUANT
6 TO SECTION 26-13-106 (2), FOR CHILD SUPPORT ESTABLISHMENT,
7 MODIFICATION, AND ENFORCEMENT SERVICES RELATED TO ANY SUPPORT
8 OWED BY OBLIGORS TO THEIR CHILDREN AND TO COOPERATE WITH THE
9 DELEGATE CHILD SUPPORT ENFORCEMENT UNIT TO RECEIVE THESE
10 SERVICES; EXCEPT THAT A PERSON SHALL NOT BE REQUIRED TO SUBMIT A
11 WRITTEN APPLICATION FOR CHILD SUPPORT ESTABLISHMENT,
12 MODIFICATION, AND ENFORCEMENT SERVICES IF THE PERSON SHOWS GOOD
13 CAUSE TO THE COUNTY IMPLEMENTING THE COLORADO CHILD CARE
14 ASSISTANCE PROGRAM FOR NOT RECEIVING THESE SERVICES.

15 (b) THE STATE BOARD SHALL PROMULGATE RULES FOR THE
16 IMPLEMENTATION OF THIS SUBSECTION (5), INCLUDING BUT NOT LIMITED
17 TO RULES ESTABLISHING GOOD CAUSE FOR NOT RECEIVING THESE
18 SERVICES, AND RULES FOR THE IMPOSITION OF SANCTIONS UPON A PERSON
19 WHO FAILS, WITHOUT GOOD CAUSE AS DETERMINED BY THE COUNTY
20 IMPLEMENTING THE COLORADO CHILD CARE ASSISTANCE PROGRAM, TO
21 APPLY FOR CHILD SUPPORT ENFORCEMENT SERVICES OR TO COOPERATE
22 WITH THE DELEGATE CHILD SUPPORT ENFORCEMENT UNIT AS REQUIRED BY
23 THIS SUBSECTION (5).

24 (6) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN CCCAP, A
25 COUNTY SHALL SET THE INCOME LEVEL AT WHICH THE COUNTY MAY DENY
26 THE FAMILY ACCORDING TO THE PARAMETERS DEFINED IN RULES
27 PROMULGATED BY THE STATE BOARD. IN THE RULES, THE STATE BOARD

1 SHALL ENSURE THAT IF A COUNTY SETS THE INCOME LEVEL AT WHICH THE
2 COUNTY CHOOSES TO INITIALLY PROVIDE CCCAP AT OR BELOW ONE
3 HUNDRED AND EIGHTY-FIVE PERCENT OF THE FEDERAL POVERTY LEVEL,
4 THEN THAT COUNTY MUST SET THE INCOME LEVEL AT WHICH THE COUNTY
5 MAY DENY THE FAMILY HIGHER THAN THE INCOME LEVEL AT WHICH THE
6 COUNTY CHOOSES TO INITIALLY PROVIDE CHILD CARE ASSISTANCE FOR
7 THAT COUNTY AND AT A LEVEL NOT TO EXCEED EIGHTY-FIVE PERCENT OF
8 THE STATE MEDIAN INCOME FOR A FAMILY OF THE SAME SIZE.

9 (7) (a) FOR A FAMILY WITH A CHILD WHO IS ENROLLED IN BOTH
10 CCCAP AND A HEAD START PROGRAM, THE FAMILY'S CCCAP ELIGIBILITY
11 REDETERMINATION MUST OCCUR NO SOONER THAN THE END OF THE LAST
12 MONTH OF THE CHILD'S FIRST FULL TWELVE-MONTH PROGRAM YEAR OF
13 ENROLLMENT IN THE HEAD START PROGRAM. CHILD CARE ASSISTANCE
14 PROGRAM ELIGIBILITY REDETERMINATION FOR A CHILD ENROLLED IN BOTH
15 PROGRAMS MUST OCCUR ONCE EVERY TWELVE MONTHS THEREAFTER.

16 (b) IF A COUNTY REDUCES ITS INCOME ELIGIBILITY REQUIREMENTS,
17 A CHILD ENROLLED IN CCCAP WHEN THE CHANGE IS IMPLEMENTED MUST
18 CONTINUE TO BE ENROLLED IN CCCAP UNTIL THE FAMILY'S NEXT
19 ELIGIBILITY REDETERMINATION OR FOR SIX MONTHS, WHICHEVER IS
20 LONGER.

21 (c) FOR A FAMILY WITH A CHILD WHO IS SOLELY ENROLLED IN
22 CCCAP OR DUALY ENROLLED WITH AN EARLY EDUCATION PROGRAM
23 OTHER THAN HEAD START OR EARLY HEAD START, THE FAMILY'S CCCAP
24 ELIGIBILITY REDETERMINATION MUST OCCUR ONCE EVERY TWELVE
25 MONTHS.

26 (d) NOTWITHSTANDING THE PROVISIONS OF SECTION 26-1-127 (2)
27 (a), A FAMILY THAT RECEIVES CHILD CARE ASSISTANCE PURSUANT TO THIS

1 PART 8 IS NOT REQUIRED TO REPORT INCOME OR ACTIVITY CHANGES
2 DURING THE TWELVE-MONTH ELIGIBILITY PERIOD; EXCEPT THAT, WITHIN
3 THE TWELVE-MONTH ELIGIBILITY PERIOD, A FAMILY IS REQUIRED TO
4 REPORT A CHANGE IN INCOME IF THE FAMILY'S INCOME EXCEEDS
5 EIGHTY-FIVE PERCENT OF THE STATE MEDIAN INCOME. IF A FAMILY NO
6 LONGER PARTICIPATES IN THE ACTIVITY UNDER WHICH IT WAS MADE
7 ELIGIBLE IN THE CHILD CARE CASE, THE FAMILY SHALL REPORT THAT
8 CHANGE WITHIN FOUR WEEKS FROM THE TIME IT CEASED PARTICIPATING
9 IN THE ELIGIBLE ACTIVITY.

10 (e) A PARENT MUST NOT BE DETERMINED INELIGIBLE TO RECEIVE
11 CHILD CARE ASSISTANCE PURSUANT TO THIS PART 8 AS A RESULT OF:

12 (I) TAKING MATERNITY LEAVE; OR

13 (II) BEING A SEPARATED SPOUSE OR PARENT UNDER A VALIDLY
14 ISSUED TEMPORARY ORDER FOR PARENTAL RESPONSIBILITIES OR CHILD
15 CUSTODY WHERE THE OTHER SPOUSE OR PARENT HAS DISQUALIFYING
16 FINANCIAL RESOURCES.

17 (f) A PARENT WITH A CHILD ENROLLED IN CCCAP WHO LOSES
18 EMPLOYMENT WHILE PARTICIPATING IN THE PROGRAM MUST REMAIN
19 ELIGIBLE FOR CCCAP FOR AT LEAST SIXTY DAYS IF HE OR SHE IS ACTIVELY
20 SEARCHING FOR EMPLOYMENT AND HE OR SHE CONTINUES TO MEET ALL
21 OTHER CCCAP ELIGIBILITY CRITERIA.

22 (g) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
23 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
24 THIS PART 8, A PARENT WHO IS NOT EMPLOYED IS ELIGIBLE FOR CCCAP
25 FOR SIXTY DAYS WITHIN A TWELVE-MONTH PERIOD IF HE OR SHE IS
26 ACTIVELY SEARCHING FOR EMPLOYMENT AND MEETS ALL OTHER CCCAP
27 ELIGIBILITY CRITERIA.

1 (h) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
2 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
3 THIS PART 8, A PARENT WHO IS NOT EMPLOYED BUT WHO IS ENROLLED IN
4 A POSTSECONDARY EDUCATION PROGRAM OR A WORKFORCE TRAINING
5 PROGRAM IS ELIGIBLE FOR CCCAP FOR AT LEAST ANY TWO YEARS OF THE
6 POSTSECONDARY EDUCATION OR WORKFORCE TRAINING PROGRAM,
7 PROVIDED ALL OTHER CCCAP ELIGIBILITY REQUIREMENTS ARE MET
8 DURING THOSE TWO YEARS.

9 (i) TO PROVIDE CONTINUOUS CHILD CARE WITH THE LEAST
10 DISRUPTION TO THE CHILD, THE HOURS AUTHORIZED FOR THE PROVISION
11 OF CHILD CARE THROUGH CCCAP MUST INCLUDE AUTHORIZED HOURS FOR
12 THE CHILD THAT PROMOTE CONTINUOUS, CONSISTENT, AND REGULAR CARE
13 AND MUST NOT BE LINKED DIRECTLY TO A PARENT'S EMPLOYMENT,
14 EDUCATION, OR WORKFORCE TRAINING SCHEDULE.

15 (8) NO MORE THAN ONE MONTH OF PAYSTUBS MUST BE REQUIRED
16 WHEN DETERMINING A FAMILY'S INCOME ELIGIBILITY FOR CCCAP. TO
17 ASSIST IN MAKING ELIGIBILITY DETERMINATIONS, A FAMILY MAY PROVIDE
18 EVIDENCE OF THE TWELVE MOST RECENT MONTHS OF INCOME IF IT
19 CHOOSES TO DO SO IF SUCH EVIDENCE MORE ACCURATELY REFLECTS THE
20 FAMILY'S ELIGIBILITY, BUT A COUNTY MUST NOT OTHERWISE REQUIRE A
21 FAMILY TO PROVIDE EVIDENCE OF MORE THAN ONE MONTH OF INCOME.

22 (9) A COUNTY HAS THE AUTHORITY TO DEVELOP A VOUCHER
23 SYSTEM FOR FAMILIES ENROLLED IN CCCAP THROUGH WHICH THEY CAN
24 SECURE RELATIVE OR UNLICENSED CHILD CARE.

25 (10) AN EARLY CARE AND EDUCATION PROVIDER OR COUNTY MAY
26 CONDUCT A PRE-ELIGIBILITY DETERMINATION FOR CHILD CARE
27 ASSISTANCE FOR A FAMILY TO FACILITATE THE DETERMINATION PROCESS.

1 THE EARLY CARE AND EDUCATION PROVIDER SHALL SUBMIT ITS
2 PRE-ELIGIBILITY DOCUMENTATION TO THE COUNTY FOR FINAL
3 DETERMINATION OF ELIGIBILITY FOR CHILD CARE ASSISTANCE. THE EARLY
4 CARE AND EDUCATION PROVIDER OR COUNTY MAY PROVIDE SERVICES TO
5 THE FAMILY PRIOR TO FINAL DETERMINATION OF ELIGIBILITY, AND THE
6 COUNTY SHALL REIMBURSE A PROVIDER FOR SUCH SERVICES ONLY IF THE
7 COUNTY DETERMINES THE FAMILY IS ELIGIBLE FOR SERVICES AND THERE
8 IS NO NEED TO PLACE THE FAMILY ON A WAITING LIST. IF THE FAMILY IS
9 FOUND INELIGIBLE FOR SERVICES, THE COUNTY SHALL NOT REIMBURSE THE
10 EARLY CARE AND EDUCATION PROVIDER FOR ANY SERVICES PROVIDED
11 DURING THE PERIOD BETWEEN ITS PRE-ELIGIBILITY DETERMINATION AND
12 THE COUNTY'S FINAL DETERMINATION OF ELIGIBILITY.

13 (11) A PROVIDER MAY ACCEPT A FAMILY'S CCCAP APPLICATION
14 AND SUBMIT IT TO THE COUNTY ON BEHALF OF A FAMILY SEEKING CHILD
15 CARE ASSISTANCE.

16 (12) EACH COUNTY:

17 (a) IN ADDITION TO REGULAR REIMBURSEMENT RATES, SHALL
18 REIMBURSE PROVIDERS FOR NO FEWER THAN FIFTEEN DAYS PER YEAR OF
19 ABSENCES OR HOLIDAYS FOR CHILDREN WHO ARE FIVE YEARS OF AGE OR
20 YOUNGER.

21 (b) SHALL MAINTAIN A CURRENT AND ACCURATE WAITING LIST OF
22 PARENTS WHO HAVE INQUIRED ABOUT SECURING A CCCAP SUBSIDY AND
23 ARE LIKELY TO BE ELIGIBLE FOR CCCAP BASED ON SELF-REPORTED
24 INCOME AND JOB, EDUCATION, OR WORKFORCE TRAINING ACTIVITY IF
25 FAMILIES ARE NOT ABLE TO BE SERVED AT THE TIME OF APPLICATION DUE
26 TO FUNDING CONCERNS. COUNTIES MAY ENROLL FAMILIES OFF WAITING
27 LISTS ACCORDING TO LOCAL PRIORITIES AND MAY REQUIRE AN APPLICANT

1 TO RESTATE HIS OR HER INTENTION TO BE KEPT ON THE WAITING LIST
2 EVERY SIX MONTHS IN ORDER TO MAINTAIN HIS OR HER PLACE ON THE
3 WAITING LIST.

4 (c) SHALL POST ELIGIBILITY, AUTHORIZATION, AND
5 ADMINISTRATION POLICIES AND PROCEDURES SO THEY ARE EASILY
6 ACCESSIBLE AND READABLE TO A LAYPERSON. THE POLICIES MUST BE SENT
7 TO THE STATE DEPARTMENT FOR COMPILATION.

8 (d) MAY USE ITS CCCAP ALLOCATION TO PROVIDE DIRECT
9 CONTRACTS OR GRANTS TO EARLY CARE AND EDUCATION PROVIDERS FOR
10 A COUNTY-DETERMINED NUMBER OF CCCAP SLOTS FOR A
11 TWELVE-MONTH PERIOD TO INCREASE THE SUPPLY AND IMPROVE THE
12 QUALITY OF CHILD CARE FOR INFANTS AND TODDLERS, CHILDREN WITH
13 DISABILITIES, AFTER-HOURS CARE, AND CHILDREN IN UNDERSERVED
14 NEIGHBORHOODS; AND

15 (e) SUBJECT TO AVAILABLE APPROPRIATIONS AND PURSUANT TO
16 RULES PROMULGATED BY THE STATE BOARD FOR THE IMPLEMENTATION OF
17 THIS PART 8, MUST DETERMINE THAT A RECIPIENT OF BENEFITS FROM THE
18 FOOD ASSISTANCE PROGRAM ESTABLISHED IN PART 3 OF THIS ARTICLE IS
19 ELIGIBLE FOR CCCAP IF HE OR SHE MEETS ALL OTHER CCCAP ELIGIBILITY
20 CRITERIA AND MAY USE ELIGIBILITY DETERMINATION INFORMATION FROM
21 OTHER PUBLIC ASSISTANCE PROGRAMS AND SYSTEMS TO DETERMINE
22 CCCAP ELIGIBILITY.

23 (13) THE STATE BOARD SHALL PROMULGATE RULES FOR THE
24 IMPLEMENTATION OF THIS PART 8.

25 **SECTION 6.** In Colorado Revised Statutes, **amend** 26-2-805.5
26 as follows:

27 **26-2-805.5. Exemptions - requirements.** (1) Notwithstanding

1 any provision of section 26-2-805 to the contrary, an exempt family child
2 care home provider, as defined in section 26-6-102 (3.7), ~~shall not be~~ IS
3 NOT eligible to receive child care assistance moneys through ~~the Colorado~~
4 ~~child care assistance program~~ CCCAP if he or she fails to meet the
5 criteria established in section 26-6-120.

6 (2) As a prerequisite to entering into a valid ~~Colorado child care~~
7 ~~assistance program~~ CCCAP contract with a county office or to being a
8 party to any other payment agreement for the provision of care for a child
9 whose care is funded in whole or in part with moneys received on the
10 child's behalf from publicly funded state child care assistance programs,
11 an exempt family child care home provider shall sign an attestation that
12 affirms he or she, and any qualified adult residing in the exempt family
13 child care home, has not been determined to be insane or mentally
14 incompetent by a court of competent jurisdiction and a court has not
15 entered, pursuant to part 3 or 4 of article 14 of title 15, C.R.S., or section
16 27-65-109 (4) or 27-65-127, C.R.S., an order specifically finding that the
17 mental incompetency or insanity is of such a degree that the provider
18 cannot safely operate an exempt family child care home.

19 **SECTION 7.** In Colorado Revised Statutes, **add** 26-2-809 as
20 follows:

21 **26-2-809. Colorado child care assistance program - reporting**
22 **requirements.** (1) ON OR BEFORE DECEMBER 1, 2015, AND ON OR BEFORE
23 DECEMBER 1 EACH YEAR THEREAFTER, THE STATE DEPARTMENT SHALL
24 PREPARE A REPORT ON CCCAP. THE STATE DEPARTMENT SHALL PROVIDE
25 THE REPORT TO THE PUBLIC HEALTH CARE AND HUMAN SERVICES
26 COMMITTEE OF THE HOUSE OF REPRESENTATIVES AND THE HEALTH AND
27 HUMAN SERVICES COMMITTEE OF THE SENATE, OR ANY SUCCESSOR

1 COMMITTEES. THE REPORT MUST INCLUDE, AT A MINIMUM, THE
2 FOLLOWING INFORMATION RELATED TO BENCHMARKS OF SUCCESS FOR
3 CCCAP:

4 (a) THE NUMBER OF CHILDREN AND FAMILIES SERVED THROUGH
5 CCCAP STATEWIDE AND BY COUNTY;

6 (b) THE AVERAGE LENGTH OF TIME THAT PARENTS REMAIN IN THE
7 WORKFORCE WHILE RECEIVING CCCAP SUBSIDIES, EVEN WHEN THEIR
8 INCOME INCREASES;

9 (c) THE AVERAGE NUMBER OF MONTHS OF UNINTERRUPTED,
10 CONTINUOUS CARE FOR CHILDREN ENROLLED IN CCCAP;

11 (d) THE NUMBER AND PERCENT OF ALL CHILDREN ENROLLED IN
12 CCCAP WHO RECEIVE CARE AT EACH LEVEL OF THE STATE'S QUALITY AND
13 IMPROVEMENT RATING SYSTEM;

14 (e) THE AVERAGE LENGTH OF TIME A FAMILY IS AUTHORIZED FOR
15 A CCCAP SUBSIDY, DISAGGREGATED BY RECIPIENTS' ELIGIBLE ACTIVITIES,
16 SUCH AS JOB SEARCH, EMPLOYMENT, WORKFORCE TRAINING, AND
17 POSTSECONDARY EDUCATION;

18 (f) THE NUMBER OF FAMILIES ON EACH COUNTY'S WAIT LIST AS OF
19 NOVEMBER 1 OF EACH YEAR, AS WELL AS THE AVERAGE LENGTH OF TIME
20 EACH FAMILY REMAINS ON THE WAIT LIST IN EACH COUNTY;

21 (g) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY
22 COUNTY THAT EXIT CCCAP DUE TO THEIR FAMILY INCOMES EXCEEDING
23 THE ELIGIBILITY LIMITS;

24 (h) THE NUMBER OF FAMILIES AND CHILDREN STATEWIDE AND BY
25 COUNTY THAT REENTER CCCAP WITHIN TWO YEARS OF EXITING DUE TO
26 THEIR FAMILY INCOMES EXCEEDING THE ELIGIBILITY LIMITS; AND

27 (i) AN ESTIMATE OF UNMET NEED FOR CCCAP IN EACH COUNTY

1 AND THROUGHOUT THE STATE BASED ON ESTIMATES OF THE NUMBER OF
2 CHILDREN AND FAMILIES WHO ARE LIKELY TO BE ELIGIBLE FOR CCCAP IN
3 EACH COUNTY BUT WHO ARE NOT ENROLLED IN CCCAP.

4 **SECTION 8.** In Colorado Revised Statutes, 26-2-703, **amend** (4)
5 as follows:

6 **26-2-703. Definitions.** As used in this part 7, unless the context
7 otherwise requires:

8 (4) "Colorado child care assistance program" means the state
9 program of child care assistance implemented pursuant to the provisions
10 of part 8 of this article and rules of the state ~~department~~ BOARD.

11 **SECTION 9. 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.