



Rule Author/Division Director: **Amanda Schoniger - CDEC**
Carin Rosa

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Program/Division: DELLA / General

CDEC Tracking No.: 2023-05-005

CCR Number(s): 8 CCR 1402-1 (CDHS: 12 CCR 2509-8)

SOS Tracking No.:

RULEMAKING PACKET

<p>Reason and Justification of the proposed rule or amendment(s):</p>	<p>Multiple/Other ▾</p> <p>If there are "Multiple/Other" reasons, please explain:</p> <p>This rule package includes renumbering of rules moving from the Colorado Department of Human Services (CDHS) rules to new Colorado Department of Early Childhood (CDEC) rules.</p>
<p>Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:</p>	<p>The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs that create standards and regulation for these child care programs.</p>
<p>Statutory Authority: (Include Federal Authority, if applicable)</p>	<p>Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), and 26.5-5-301, C.R.S.</p>
<p>Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?</p>	<p style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p> <p>If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:</p>
<p>Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)</p>	<p style="text-align: center;"> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No </p> <p>If Yes, provide description:</p>
<p>Effective Date(s) of proposed rule or amendment(s): (Emergency/Permanent)</p>	<p style="text-align: center;"> <input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary </p>

	(E) Effective Date: (E) Termination Date:	(P) Effective Date: 10/15/2023
Is the proposed rule or amendment(s) included on the Regulatory Agenda?	<input checked="" type="checkbox"/> Yes If no, please explain:	<input type="checkbox"/> No
Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?	<input type="checkbox"/> Yes If Yes, please explain:	<input checked="" type="checkbox"/> No
Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?	<input type="checkbox"/> Yes If Yes, explain why:	<input checked="" type="checkbox"/> No
Does the proposed rule or amendment(s) include material that is incorporated by reference ¹ ?	<input checked="" type="checkbox"/> Yes If Yes, provide source: Consumer Product Safety Act, 15 U.S.C. §§ 2051–2090, and its implementing regulations, 16 C.F.R. Chapter II, Parts 1101, 1102, 1105, 1107, 1109, 1110, 1112, 1115, 1116, 1117, 1120, 1130, 1145, 1199, 1200, 1203, 1207, 1213 through 1263, 1272, 1307, 1308, 1309, 1310, 1501, 1510, 1511, 1512, and 1513 (2022), https://www.ecfr.gov/current/title-16/chapter-II . Title VII of the Civil Rights Act of 1964, 42 U.S.C. section 2000e <i>et seq.</i> (2022), and its implementing regulation, 29 C.F.R. Part 1606 (2022); the Age Discrimination Act of 1975, 42 U.S.C. sections 6101-6017 (2022) and its implementing regulation, 45 C.F.R. Part 91 (2022); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. section 794 (2022), and its implementing regulation, 45 C.F.R. Part 84 (2022) Titles I through V of the Americans with Disabilities Act, 42 U.S.C. section 12101 <i>et seq.</i> (2022), and its implementing regulation, 29 C.F.R. Part 1630 (2022), Colorado Department of Public Health and Environment at 6 CCR 1009-1, Appendix A (June 14, 2023), The State Emergency Operations Plan (SEOP) https://www.colorado.gov/pacific/dhsem/state-eop .	<input type="checkbox"/> No
Does the proposed rule or amendment(s) align with		

¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

<p>the department's rulemaking objectives?</p> <p>Choose all that apply.</p>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.
	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.
	<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.
	<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.
	<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.

Rulemaking Proceedings

<p>Type of Rulemaking: Emergency or Permanent² [Permanent Tier I or Tier II]</p>	<p>Permanent ▾</p> <p>Tier II ▾</p>
<p>Stakeholder Engagement and Data/Research:</p> <p>Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).</p>	<p>List of activities and dates:</p> <p>The Department sent an email to all stakeholders with a link requesting written comments on these proposed rules. The request period for public feedback was also posted on our “Public Notices” webpage for seven (7) days, between June 29, 2023, through July 6, 2023. The program responded to all comments received, and incorporated feedback into the proposed rules, where possible.</p> <p>Link to the Public Folder for the DELLA General Licensing rules that contains the proposed rules and written comments.</p>
<p>Assistant Attorney General Review:</p>	<p>8/8/2023-9/29/2023</p>
<p>RAC County Subcommittee Review Date (if required):</p>	

² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

Rules Advisory Council (RAC) Review Date:	10/12/2023
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	10/27/2023

Regulatory and Cost Benefit Analysis

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

Licensed Family Child Care Homes, Child Care Facilities, School Age Child Care, Substitute Placement Agencies, Neighborhood Youth Organizations, and Children’s Resident Camps are governed by these rules. These programs bear the cost and benefit from these rules. These rules were previously promulgated through the State Board of Human Services, and licensed child care facilities are currently regulated by these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service to the new Department of Early Childhood. These rule revisions update rule numbering and statutory references, and are required to transfer the rules to the new Department.

The Department will translate the adopted rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance of these rules will also be translated into Spanish.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

There are no qualitative or quantitative changes that would result from implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

- Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

- Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

Department	Not applicable. There are no costs to the Department for implementing these rules.
Local Governments/ Counties	Not applicable. There is nothing in this rule revision that creates additional costs for county departments.
Providers	Not applicable. There are no additional costs for providers to transfer these rules to the new Department.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	Not applicable. There are no additional costs for community partners to transfer these rules to the new Department.
Other State Agencies	Not applicable. There are no associated costs for other state agencies.
Tribal Communities	Not applicable. There are no associated costs for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated by the State Board of Human Services and licensed child care facilities are currently regulated by these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.
- a. The Department considered leaving the rules as already promulgated, but is required to transfer/readopted these rules from the Colorado Department of Human Services to the Department of Early Childhood.
 - b. The Department considered seeking legislative changes to reflect some of the requirements in this proposed rule, but later determined the Executive Director’s rulemaking authority supports the recommended changes. In addition it is required that the Department move these rules to the Department of Early Childhood.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

No, with the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions make updates to the rule numbering and statutory references, which are technical in nature.



Rule Author/Division Director: **Amanda Schoniger - CDEC**
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Program/Division: DELLA / Center

CDEC Tracking No.: 2023-05-005

CCR Number(s): 8 CCR 1402-1 (CDHS: 12 CCR 2509-8)

SOS Tracking No.:

RULEMAKING PACKET

Reason and Justification of the proposed rule or amendment(s):

Multiple/Other ▾

If there are "Multiple/Other" reasons, please explain:

If there are "Multiple/Other" reasons, please explain:

This rule package includes renumbering of rules moving from CDHS rules to new CDEC rules, technical updates and modifications to statutory citations, and including incorporation by references.

Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:

The department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs providing less than twenty-four (24) hour care that create standards and regulation for these child care programs. These rules include standards for licensed Child Care Centers in the State and will support the Colorado Department of Early Childhoods mission for broad availability of care.

Statutory Authority: (Include Federal Authority, if applicable)

26.5-1-105(1), 26.5-5-303(3), 26.5-5-313, 26.5-5-314(1),(2), C.R.S

Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?

Yes

No

If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:

Does the proposed rule or amendment(s) have impacts or create mandates

Yes

No

If Yes, provide description:

<p>on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)</p>	
<p>Effective Date(s) of proposed rule or amendment(s): (<u>E</u>mergency/<u>P</u>ermanent)</p>	<p><input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary</p> <p>(E) Effective Date: (P) Effective Date: 10/15/2023</p> <p>(E) Termination Date:</p>
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain:</p>
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please explain:</p>
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain why:</p>
<p>Does the proposed rule or amendment(s) include material that is incorporated by reference¹?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide source:</p> <p>American Academy of Pediatrics Recommendations for Preventive Pediatric Health Care schedule at https://downloads.aap.org/AAP/PDF/periodicity_schedule.pdf, (4th ed. American Academy of Pediatrics; 2017) https://www.aap.org/</p> <p>USDA Food Nutrition Service at https://www.cacfp.org/meal-pattern-guidance/ (April 2016) and 7 C.F.R. §§ 210.10 and 226.20 (July 1, 2022) https://www.ecfr.gov.</p> <p>Consumer Product Safety Commission (CPSC) at 16 CFR § 1218.2 (April 23, 2015); 16 CFR § 1219.2 (October 28, 2019); 16 CFR § 1220.2 (June 3, 2023); 16 CFR § 1221.2 (January 20, 2020); 16 CFR § 1222.2 (August 5, 2023); and 16 C.F.R. § 1236.2 (June 23, 2022) https://www.ecfr.gov</p>

¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

Consumer Product Safety Commission (CPSC) at 16 CFR § 1112 and 1321 (June 19, 2019) <https://www.ecfr.gov>

Does the proposed rule or amendment(s) align with the department’s rulemaking objectives?

Choose all that apply.

<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.
<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.
<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.
<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.
<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.

Rulemaking Proceedings

Type of Rulemaking:
Emergency or Permanent²
[Permanent Tier I or Tier II]

- Permanent ▾
- Tier II ▾

Stakeholder Engagement and Data/Research:

Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).

List of activities and dates:

Communications request through CDEC to email all stakeholders with a link to provide public comment. Public comment feedback posted for 7 days. Responding to all comments received during the 7 days. Updating rules to incorporate public comments if necessary.

Request for public comment sent out Jun 29, 2023 through Jul 6, 2023 .

 Public Comment: Proposed changes to General Rules for Child Care Fac...

 2.200 Center Rules Public Comment.docx

Location of public folder containing stakeholder engagement materials for public retention: (link)

² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

	 https://docs.google.com/document/d/1-yLSWkWaf1Wq5hBrkfPTQ4IYVuiWV8yz/edit?usp=drive_link&oid=116765918166538977081&rtopf=true&sd=true  2.200 Child Care Centers Public Comment (Responses) 12 - DELLA Centers: CDEC No. 2023-06-012
Assistant Attorney General Review:	8/8/2023-9/29/2023
RAC County Subcommittee Review Date (if required):	
Rules Advisory Council (RAC) Review Date:	10/12/2023
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	10/27/2023

Regulatory and Cost Benefit Analysis

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

Child Care Facilities bear the cost and benefit from these rules. These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, align with state and federal statute changes, and make technical corrections only.

The Department will translate the final version of the rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance with these rules will also be translated into Spanish.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and

benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

These rule revisions incorporate Department of Early Childhood rule numbering, align with state and federal statute changes, and make technical corrections only. These changes must be incorporated to renumber rules consistent with the move to the Department of Early Childhood and comply with state and federal statute.

3. **Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

The additional training requirements may result in cost for Centers paying staff to complete the training.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	None because there are no costs to the Department for implementing these rules.
Local Governments/ Counties	None because nothing in the rule revision creates costs for counties.
Providers	Licensed child care centers are governed by these rules and will both benefit from and bear the burden of these rules. There will be minimal cost to child care providers as the additions to the package are training requirements in compliance with State and Federal Statutes. Training is available for free online in the Professional Development Information System. Programs will only bear the cost of paying individuals for time to complete training if the individuals do not meet the requirement by having previously completed training. Licensed child care centers and child care professionals will benefit from the expanded qualification options proposed in this rule package.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	None because nothing in the rule revision creates cost for community partners.
Other State Agencies	None because nothing in the rule revision creates cost for other State Agencies.

Tribal Communities

None because nothing in the rule revision creates cost for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.
- a. The department considered leaving the rules as already promulgated but the Department is required to move these rules from the Colorado Department of Human Services rules to the Department of Early Childhood.
 - b. The Department considered seeking legislative changes to reflect some of the requirements in this rule package, it was determined that the appropriate level to make the necessary revisions is at the Department of Early Childhood Executive Director rule-making level. In addition it is required that the Department move these rules to the Department of Early Childhood.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

With the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, comply with state and federal statute and make technical changes only.



Rule Author/Division Director: **Amanda Schoniger - CDEC**
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Program/Division: DELLA / Resident Camps

CDEC Tracking No.: 2023-05-006

CCR Number(s): 8 CCR 1402-1 (CDHS: 12 CCR 2509-8)

SOS Tracking No.:

RULEMAKING PACKET

Reason and Justification of the proposed rule or amendment(s):

Multiple/Other ▾

If there are "Multiple/Other" reasons, please explain:

This rule package includes renumbering of rules moving from CDHS rules to new CDEC rules, technical updates and modifications to statutory citations, and including incorporation by references.

Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:

The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs that create standards and regulation for these child care programs.

Statutory Authority: (Include Federal Authority, if applicable)

Sections 26.5-1-105(1) and 26.5-5-314(1) and (2), C.R.S.

Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?

Yes

No

If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:

Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)

Yes

No

If Yes, provide description:

<p>Effective Date(s) of proposed rule or amendment(s): (<u>E</u>mergency/<u>P</u>ermanent)</p>	<p><input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary</p> <p>(E) Effective Date: (P) Effective Date: 12/30/2023</p> <p>(E) Termination Date:</p>
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain:</p>
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please explain:</p>
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain why:</p>
<p>Does the proposed rule or amendment(s) include material that is incorporated by reference¹?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide source:</p> <p>Certificate of Immunization, defined in Colorado Department of Public Health and Environment regulation at 6 CCR 1009-2:VI(A), (May 15, 2023) www.sos.state.co.us/CCR</p> <p>CDPHE at https://drive.google.com/file/d/1RcdCmU4SYXwmVhJrA3Pyk0gP0MTDCIkF Colorado Department of Public Health and Environment https://cdphe.colorado.gov/communicable-diseases/infectious-disease-guidelines-schools-childcare</p> <p>Colorado Department of Public Health and Environment Regulation at 5 CCR 1002-43, (April 30, 2018), www.sos.state.co.us/CCR</p> <p>Child and Adult Care Food Program (CACFP) meal pattern guidance and requirements published by the USDA Food Nutrition Service at</p>

¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

	<p>https://www.cacfp.org/meal-pattern-guidance (April 2016) and 7 C.F.R. sections 210.10 and 226.20 (July 1, 2022)</p> <p>Colorado Department of Public Health and Environment Regulation at 5 CCR 1002-43, (April 30, 2018), www.sos.state.co.us/CCR</p>
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<p>Does the proposed rule or amendment(s) align with the department’s rulemaking objectives?</p> <p>Choose all that apply.</p>	<table border="1"> <tr> <td data-bbox="487 369 568 514"><input type="checkbox"/></td> <td data-bbox="568 369 1529 514">Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td data-bbox="487 514 568 613"><input type="checkbox"/></td> <td data-bbox="568 514 1529 613">Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td data-bbox="487 613 568 711"><input checked="" type="checkbox"/></td> <td data-bbox="568 613 1529 711">Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td data-bbox="487 711 568 810"><input checked="" type="checkbox"/></td> <td data-bbox="568 711 1529 810">Increase administrative efficiencies among programs and services provided by the department.</td> </tr> <tr> <td data-bbox="487 810 568 1020"><input checked="" type="checkbox"/></td> <td data-bbox="568 810 1529 1020">Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.	<input checked="" type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.	<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.	<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.
<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.										
<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.										
<input checked="" type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.										
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<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.										

Rulemaking Proceedings

<p>Type of Rulemaking: Emergency or Permanent² [Permanent Tier I or Tier II]</p>	<p>Permanent ▾</p> <p>Tier II ▾</p>
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<p>Stakeholder Engagement and Data/Research:</p> <p>Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).</p>	<p>List of activities and dates:</p> <p>Communications request through CDEC to email all stakeholders with a link to provide public comment. Public comment feedback posted for 7 days. Responding to all comments received during the 7 days. Updating rules to incorporate public comments if necessary.</p> <p>Request for public comment sent out Jun 29, 2023 through Jul 6, 2023 .</p> <p> Public Comment: Proposed changes to General Rules for Child Care Fac...</p> <p>Location of public folder containing stakeholder engagement materials for</p>
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² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

	<p>public retention: (link)</p>  <p>https://drive.google.com/file/d/1j7CPn-aTWaUm2BzMoHmKlwaA6o_DOGS3Z/view</p> <p>2.400 Resident Camps Public Comment (Responses)</p> <p>6 - DELLA Camps: CDEC No. 2023-05-006</p>
Assistant Attorney General Review:	8/8/2023-9/29/2023
RAC County Subcommittee Review Date (if required):	
Rules Advisory Council (RAC) Review Date:	10/12/2023
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	10/27/2023

Regulatory and Cost Benefit Analysis

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

These rules were previously promulgated through the State Board of Human Services and licensed Children’s Resident Camps are currently required to follow these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, and make technical corrections only.

The Department will translate the final version of the rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance with these rules will also be translated into Spanish.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

These rule revisions incorporate Department of Early Childhood rule numbering, and make technical corrections only. These changes must be incorporated to renumber rules consistent with the move to the Department of Early Childhood.

3. **Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	None because there are no costs to the Department for implementing these rules.
Local Governments/ Counties	None because nothing in the rule revision creates costs for counties.
Providers	None because nothing in the rule revision creates cost for providers.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	None because nothing in the rule revision creates cost for community partners.
Other State Agencies	None because nothing in the rule revision creates cost for other State Agencies.
Tribal Communities	None because nothing in the rule revision creates cost for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.
- a. The department considered leaving the rules as already promulgated but the Department is required to move these rules from the Colorado Department of Human Services rules to the Department of Early Childhood.
 - b. The Department considered seeking legislative changes to reflect some of the requirements in this rule package, it was determined that the appropriate level to make the necessary revisions is at the Department of Early Childhood Executive Director rule-making level. In addition it is required that the Department move these rules to the Department of Early Childhood.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

With the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering and make technical changes only.

<p>Effective Date(s) of proposed rule or amendment(s): (<u>E</u>mergency/<u>P</u>ermanent)</p>	<p><input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary</p> <p>(E) Effective Date: (P) Effective Date: 12/30/2023</p> <p>(E) Termination Date:</p>				
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain:</p>				
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please explain:</p>				
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain why:</p>				
<p>Does the proposed rule or amendment(s) include material that is incorporated by reference¹?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide source: Colorado Department of Public Health and Environment Certificate of Nonmedical Exemption (May 2023) https://cdphe.colorado.gov/vaccine-exemptions</p> <p>United States Department of Agriculture (USDA) Child and Adult Care Food Program meal pattern guidance and requirements published by the USDA Food Nutrition Service at https://www.cacfp.org/meal-pattern-guidance/ (April 2016) and 7 C.F.R. §§ 210.10 and 226.20 (July 1, 2022)</p>				
<p>Does the proposed rule or amendment(s) align with the department's rulemaking objectives?</p> <p>Choose all that apply.</p>	<table border="1" style="width: 100%;"> <tr> <td style="width: 50px; text-align: center;"><input type="checkbox"/></td> <td>Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.
<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.				
<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.				

¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.
<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.
<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.

Rulemaking Proceedings

Type of Rulemaking:
Emergency or Permanent²
[Permanent Tier I or Tier II]

Permanent ▾

Tier II ▾

Stakeholder Engagement
and Data/Research:

Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).

List of activities and dates:

Communications request through CDEC to email all stakeholders with a link to provide public comment. Public comment feedback posted for 7 days. Responding to all comments received during the 7 days. Updating rules to incorporate public comments if necessary.

Request for public comment sent out Jun 29, 2023 through Jul 6, 2023 .

 Public Comment: Proposed changes to General Rules for Child Care Fa...

 _2.500 School AgePublic comment .docx.pdf

Location of public folder containing stakeholder engagement materials for public retention: (link)



https://docs.google.com/spreadsheets/d/1uAXvAeOl_7Q4pE6lBlCh9zEcKtZP7k-QibazLVBjDuY/edit#gid=171720309

[11 - DELLA School Age: CDEC No. 2023-06-011](#)

² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

Assistant Attorney General Review:	8/8/2023-9/29/2023
RAC County Subcommittee Review Date (if required):	
Rules Advisory Council (RAC) Review Date:	10/12/2023
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	10/27/2023

Regulatory and Cost Benefit Analysis

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

Licensed School Age Child Care bear the cost and benefit from these rules. These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, align with state and federal statute changes, and make technical corrections only.

The Department will translate the final version of the rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance with these rules will also be translated into Spanish.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

These rule revisions incorporate Department of Early Childhood rule numbering, align with state and federal statute changes, and make technical corrections only. These changes must be incorporated to renumber rules consistent with the move to the Department of Early Childhood and comply with state and federal statute.

- Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

The additional training requirements may result in cost for School-Age programs paying staff to complete the training.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	None because there are no costs to the Department for implementing these rules.
Local Governments/ Counties	None because nothing in the rule revision creates costs for counties.
Providers	Licensed school age child care centers are governed by these rules and will both benefit from and bear the burden of these rules. There will be minimal cost to child care providers as the additions to the package are training requirements in compliance with State and Federal Statutes. Training is available for free online in the Professional Development Information System. Programs will only bear the cost of paying individuals for time to complete training if the individuals do not meet the requirement by having previously completed training. Licensed child care centers and child care professionals will benefit from the expanded qualification options proposed in this rule package.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	None because nothing in the rule revision creates cost for community partners.
Other State Agencies	None because nothing in the rule revision creates cost for other State Agencies.
Tribal Communities	None because nothing in the rule revision creates cost for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.
- a. The department considered leaving the rules as already promulgated but the Department is required to move these rules from the Colorado Department of Human Services rules to the Department of Early Childhood.
 - b. The Department considered seeking legislative changes to reflect some of the requirements in this rule package, it was determined that the appropriate level to make the necessary revisions is at the Department of Early Childhood Executive Director rule-making level. In addition it is required that the Department move these rules to the Department of Early Childhood.
7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

With the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, comply with state and federal statute and make technical changes only.



Rule Author/Division Director: **Amanda Schoniger - CDEC**
Carin Rosa

Email(s): Amanda.Schoniger@state.co.us
Carin.Rosa@state.co.us

Program/Division: DELLA / Special Activities

CDEC Tracking No.: 2023-06-010

CCR Number(s): 8 CCR 1402-1 (CDHS: 12 CCR 2509-8)

SOS Tracking No.:

RULEMAKING PACKET

Reason and Justification of the proposed rule or amendment(s):

Multiple/Other ▾

If there are "Multiple/Other" reasons, please explain:

This rule package includes renumbering of rules moving from CDHS rules to new CDEC rules, technical updates and modifications to statutory citations, and including incorporation by references.

Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:

The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs that create standards and regulation for these child care programs.

Statutory Authority: (Include Federal Authority, if applicable)

Sections 26.5-1-105(1) and 26.5-5-314(1) and (2), C.R.S.

Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?

Yes

No

If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:

Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)

Yes

No

If Yes, provide description:

<p>Effective Date(s) of proposed rule or amendment(s): (<u>E</u>mergency/<u>P</u>ermanent)</p>	<p><input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary</p> <p>(E) Effective Date: (P) Effective Date: 12/30/2023</p> <p>(E) Termination Date:</p>								
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If no, please explain:</p>								
<p>Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, please explain:</p>								
<p>Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, explain why:</p>								
<p>Does the proposed rule or amendment(s) include material that is incorporated by reference¹?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>If Yes, provide source: Colorado Department of Public Health and Environment regulation 5 CCR 1003-5 www.sos.state.co.us/CCR</p>								
<p>Does the proposed rule or amendment(s) align with the department's rulemaking objectives?</p> <p>Choose all that apply.</p>	<table border="1"> <tr> <td data-bbox="487 1438 568 1533"><input type="checkbox"/></td> <td data-bbox="568 1438 1529 1533">Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td data-bbox="487 1533 568 1627"><input type="checkbox"/></td> <td data-bbox="568 1533 1529 1627">Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td data-bbox="487 1627 568 1722"><input type="checkbox"/></td> <td data-bbox="568 1627 1529 1722">Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td data-bbox="487 1722 568 1837"><input checked="" type="checkbox"/></td> <td data-bbox="568 1722 1529 1837">Increase administrative efficiencies among programs and services provided by the department.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.	<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.	<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.
<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.								
<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.								
<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.								
<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.								

¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.

Rulemaking Proceedings

Type of Rulemaking:
Emergency or Permanent²
[Permanent Tier I or Tier II]

Permanent ▾
Tier II ▾

Stakeholder Engagement and Data/Research:

Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).

List of activities and dates:

Communications request through CDEC to email all stakeholders with a link to provide public comment. Public comment feedback posted for 7 days. Responding to all comments received during the 7 days. Updating rules to incorporate public comments if necessary.

Request for public comment sent out Jun 29, 2023 through Jul 6, 2023 .

☰ Public Comment: Proposed changes to General Rules for Child Care Fac...

Location of public folder containing stakeholder engagement materials for public retention: (link)



<https://drive.google.com/file/d/1jEtyb-MNbP0JZxOdwnBrmxl8vTYzJs8U/view>

https://docs.google.com/spreadsheets/d/1ED_59qcy40BNqFD40ds8JTbl2mulh4_cvRkUXzrkmFA/edit#gid=2108695630

[10 - DELLA Special Activities: CDEC No. 2023-06-010](#)

Assistant Attorney General Review:

8/8/2023-9/29/2023

² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

RAC County Subcommittee Review Date (if required):	
Rules Advisory Council (RAC) Review Date:	10/12/2023
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	10/27/2023

Regulatory and Cost Benefit Analysis

- Community Impact:** Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations, such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

These rules were previously promulgated through the State Board of Human Services and licensed programs participating in special activities are currently required to follow these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, and make technical corrections only.

The Department will translate the final version of the rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance with these rules will also be translated into Spanish.

- Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

These rule revisions incorporate Department of Early Childhood rule numbering, and make technical corrections only. These changes must be incorporated to renumber rules consistent with the move to the Department of Early Childhood.

- Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department.

- Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and

indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	None because there are no costs to the Department for implementing these rules.
Local Governments/ Counties	None because nothing in the rule revision creates costs for counties.
Providers	None because nothing in the rule revision creates cost for providers.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	None because nothing in the rule revision creates cost for community partners.
Other State Agencies	None because nothing in the rule revision creates cost for other State Agencies.
Tribal Communities	None because nothing in the rule revision creates cost for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.
- a. The department considered leaving the rules as already promulgated but the Department is required to move these rules from the Colorado Department of Human Services rules to the Department of Early Childhood.
 - b. The Department considered seeking legislative changes to reflect some of the requirements in this rule package, it was determined that the appropriate level to make the necessary revisions is at the Department of Early Childhood Executive Director rule-making level. In addition it is required that the Department move these rules to the Department of Early Childhood.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

With the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering and make technical changes only.



Rule Author/Division Director: Amanda Schoniger,
 Carin Rosa

Email(s): Amanda.Schoniger@state.co.us,
Carin.Rosa@state.co.us

Program/Division: DELLA / Substitute Placement

CDEC Tracking No.: 2023-06-009

CCR Number(s): 8 CCR 1402-1 (CDHS: 12 CCR 2509-8)

SOS Tracking No.:

RULEMAKING PACKET

Reason and Justification of the proposed rule or amendment(s):	<p>Multiple/Other ▾</p> <p>If there are "Multiple/Other" reasons, please explain:</p> <p>This rule package includes renumbering of rules moving from the Colorado Department of Human Services (CDHS) rules to new Colorado Department of Early Childhood (CDEC) rules.</p>
Provide a description of the proposed rule or amendment(s) that is clearly and simply stated, and what CDEC intends to accomplish:	<p>The Department is statutorily required to review rules on a regular basis and is authorized to promulgate rules for child care programs providing less than twenty-four (24) hour care that create standards and regulation for these child care programs.</p>
Statutory Authority: (Include Federal Authority, if applicable)	<p>Sections 24-4-101, 26.5-1-101, 26.5-1-105(1), and 26.5-5-301, C.R.S.</p>
Does the proposed rule or amendment(s) impact other State Agencies or Tribal Communities?	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, identify the State Agency and/or Tribal Community and describe collaboration efforts:</p>
Does the proposed rule or amendment(s) have impacts or create mandates on counties or other governmental entities? (e.g., budgetary requirements or administrative burdens)	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If Yes, provide description:</p>
Effective Date(s) of proposed rule or amendment(s):	<p><input type="checkbox"/> Mandatory <input checked="" type="checkbox"/> Discretionary</p>

(E) Emergency/ <u>P</u> ermanent)	(E) Effective Date: N/A (P) Effective Date: 10/15/2023 (E) Termination Date: N/A										
Is the proposed rule or amendment(s) included on the Regulatory Agenda?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If no, please explain:										
Does the proposed rule or amendment(s) conflict, or are there inconsistencies with other provisions of law?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, please explain:										
Does the proposed rule or amendment(s) create duplication or overlapping of other rules or regulations?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, explain why:										
Does the proposed rule or amendment(s) include material that is incorporated by reference ¹ ?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide source:										
Does the proposed rule or amendment(s) align with the department's rulemaking objectives? Choose all that apply.	<table border="1"> <tr> <td data-bbox="488 1314 570 1409"><input type="checkbox"/></td> <td data-bbox="570 1314 1529 1409">Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.</td> </tr> <tr> <td data-bbox="488 1409 570 1503"><input type="checkbox"/></td> <td data-bbox="570 1409 1529 1503">Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td data-bbox="488 1503 570 1598"><input type="checkbox"/></td> <td data-bbox="570 1503 1529 1598">Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td data-bbox="488 1598 570 1703"><input checked="" type="checkbox"/></td> <td data-bbox="570 1598 1529 1703">Increase administrative efficiencies among programs and services provided by the department.</td> </tr> <tr> <td data-bbox="488 1703 570 1879"><input checked="" type="checkbox"/></td> <td data-bbox="570 1703 1529 1879">Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.</td> </tr> </table>	<input type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input type="checkbox"/>	Decrease duplication and conflicts with implementing programs and providing services.	<input type="checkbox"/>	Increase equity in access and outcomes to programs and services for children and families.	<input checked="" type="checkbox"/>	Increase administrative efficiencies among programs and services provided by the department.	<input checked="" type="checkbox"/>	Ensure that rules are coordinated across programs and services so that programs are implemented and services are provided with improved ease of access, quality of family/provider experience, and ease of implementation by state, local, and tribal agencies.
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¹ Incorporation by Reference is all or any part of a code, standard, guideline, or rule that has been adopted by an agency of the United States, this state, or another state, or adopted or published by a nationally recognized organization or association, pursuant to section 24-4-103(12.5), C.R.S.

Rulemaking Proceedings

<p>Type of Rulemaking: Emergency or Permanent² [Permanent Tier I or Tier II]</p>	<p style="text-align: center;">Permanent ▾</p> <p style="text-align: center;">Tier II ▾</p>
<p>Stakeholder Engagement and Data/Research:</p> <p>Examples: Webinar recordings/transcripts, written stakeholder comments, material from small/large focus groups, written petitions/requests, surveys, data, research, reports, published papers, and documents used to develop the proposed rule or amendment(s).</p>	<p>List of activities and dates:</p> <p>The Department sent an email to all stakeholders with a link requesting written comments on these proposed rules. The request period for public feedback was also posted on our “Public Notices” webpage for seven (7) days, between June 29, 2023, through July 6, 2023. The program responded to all comments received, and incorporated feedback into the proposed rules, where possible.</p> <p>Link to the Public Folder for the DELLA Substitute Placements rules that contains the proposed rules and written comments.</p>
<p>Assistant Attorney General Review:</p>	<p>7/21/2023 - 9/6/2023</p>
<p>RAC County Subcommittee Review Date (if required):</p>	<p>Not Applicable</p>
<p>Rules Advisory Council (RAC) Review Date:</p>	<p>09/14/2023</p>
<p>Public Rulemaking Hearing Date(s): [Discussion/Adoption]</p>	<p>09/29/2023</p>

Regulatory and Cost Benefit Analysis

- 1. Community Impact: Provide a description of the stakeholders that will be affected by the proposed rule or amendment(s), and identify which stakeholders will bear the costs, and those who will benefit. How will the proposed rule or amendment(s) impact particular populations,**

² Tier I is used for proposed rule or amendment(s) that have substantive changes, require substantial stakeholder engagement, and will be considered at two Public Rulemaking Hearings (PRH). The first PRH is held for discussion, and the second PRH is held to consider adoption. Tier II is used for proposed rule or amendment(s) that include technical changes, do not require substantial stakeholder engagement, and will be considered at only one Public Rulemaking Hearing (PRH) for adoption.

such as those experiencing poverty, immigrant/refugee communities, non-English speakers, and rural communities?

Licensed Substitute Placement Agencies bear the cost and benefit from these rules. These rules were previously promulgated through the State Board of Human Services and licensed Substitute Placement Agencies are currently required to follow these rules.

With the creation of the Department of Early Childhood, The Division of Early Learning Licensing and Administration (DELLA) is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions incorporate Department of Early Childhood rule numbering, and make technical corrections only.

The Department will translate the final version of the rules and regulations into Spanish. The Administrative Guides and resource documents that assist with compliance with these rules will also be translated into Spanish.

2. **Quality and Quantity:** Provide a description of the probable quantitative and qualitative impact on persons affected by the proposed rule or amendment(s), and comparison of the probable costs and benefits of implementation versus inaction. What are the short- and long-term consequences of the proposed rule or amendment(s).

These rule revisions incorporate Department of Early Childhood rule numbering, align with state and federal statute changes, and make technical corrections only. These changes must be incorporated to renumber rules consistent with the move to the Department of Early Childhood and comply with state and federal statute.

3. **Potential Economic Benefits/Disadvantages:** What are the anticipated economic benefits of the proposed rule or amendment(s), such as: economic growth, creation of new jobs, and/or increased economic competitiveness? Are there any adverse effects on the economy, consumers, private markets, small businesses, job creation, and economic competitiveness?

There are no economic benefits or disadvantages to implementation of these proposed rules. These rule revisions are technical in nature, and are required to transfer the rules to the new Department, and comply with state and federal statute.

4. **Fiscal Impacts:** What are the anticipated direct and indirect costs for the state/department to implement, administer, and enforce the proposed rule or amendment(s)? What are the direct and indirect costs to each of the following entities to comply with the proposed rule or amendment(s)? For each, describe the impact or indicate “not applicable.”

Department	Not applicable. There are no costs to the Department for implementing these rules.
Local Governments/ Counties	Not applicable. There is nothing in this rule revision that creates additional costs for county departments.
Providers	Licensed Substitute Placement Agencies are governed by these rules and will both benefit from and bear the burden of these rules. There will be minimal cost to child care providers as the additions to the package are training requirements in compliance with State and Federal Statutes. Training is available for free online in the Professional Development Information System. Programs will only bear the cost of paying individuals

	for time to complete training if the individuals do not meet the requirement by having previously completed training. Licensed child care centers and child care professionals will benefit from the expanded qualification options proposed in this rule package.
Community Partners (e.g., School Districts, Early Childhood Councils, etc.)	Not applicable. There are no additional costs for community partners to transfer these rules to the new Department.
Other State Agencies	Not applicable. There are no associated costs for other state agencies.
Tribal Communities	Not applicable. There are no associated costs for Tribal Communities.

5. **Evaluation:** How will implementation of the proposed rule or amendment(s) be monitored and evaluated? Please include information about measures and indicators that CDEC will utilize, including information on specific populations (identified above).

These rules were previously promulgated through the State Board of Human Services and licensed facilities are currently required to follow these rules. The Department will continue to annually monitor programs for compliance with these regulations.

6. **Comparative Analysis:** Provide at least two alternatives to the proposed rule or amendment(s) that can be identified, including the costs and benefits of pursuing each of the alternatives.

- a. The Department considered leaving the rules as already promulgated, but is required to transfer/readopted these rules from the Colorado Department of Human Services to the Department of Early Childhood.
- b. The Department considered seeking legislative changes to reflect some of the requirements in this proposed rule, but later determined the Executive Director’s rulemaking authority supports the recommended changes. In addition it is required that the Department move these rules to the Department of Early Childhood.

7. **Comparative Analysis:** Are there less costly or less intrusive methods for achieving the purpose of the proposed rule or amendment(s)? Explain why those options were rejected.

No, with the creation of the Department of Early Childhood, DELLA is required to move child care licensing rules from the Colorado Department of Human Service rules to the new Department of Early Childhood rules. These rule revisions make updates to the rule numbering and statutory references, which are technical in nature.