



Rule Author/Division Director: Amanda Schoniger /
Carin Rosa

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

Program/Division: DELLA / Neighborhood Youth
Organizations

CDEC Tracking No.: 2023-05-007

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:

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. 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 regulations for these child care programs.

These revisions incorporate Department of Early Childhood rule numbering, align with state and federal statutes, and make technical changes. In addition, this package seeks to incorporate legislation from Senate Bill 22-064, allows more flexibility in the ages of children served, and allows attendance tracking and operation out of leased buildings for licensed Neighborhood Youth Organizations. This package will also increase health, safety, and professional development requirements for youth members and employees at Neighborhood Youth Organizations, and reorganizes the rules into a more consumer-friendly format.

This comprehensive draft rule package was developed as part of a broad stakeholder engagement that included the voices of parents, providers, early childhood professionals, advocates, state departments, and other partners over the last two years. This package also incorporates legislation from Senate Bill 22-064.

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 regulations for these child care programs.

This comprehensive draft rule package was developed as part of a broad stakeholder engagement that included the voices of parents, providers, early childhood professionals, advocates, state departments, and other partners over the last two years. With these rules, the Department seeks to allow more flexibility for licensed Neighborhood Youth Organizations to serve

	<p>children of younger ages, operate out of leased spaces, track youth members for safety purposes, increase health, safety, and professional development requirements for staff and youth members, and organize the rules into a consumer-friendly format.</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><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 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><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, provide description:</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 (E) Effective Date: N/A (P) Effective Date: 3/1/2024 (E) Termination Date: N/A</p>
<p>Is the proposed rule or amendment(s) included on the Regulatory Agenda?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 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 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 If Yes, explain why:</p>

<p>Does the proposed rule or amendment(s) include material that is incorporated by reference¹?</p>	<p style="text-align: center;"> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No </p> <p>If Yes, provide source:</p> <p>The complete list of reportable communicable illnesses can be found in 6 CCR 1009-1 (Apr. 19. 2023), rules and regulations pertaining to Epidemic and Communicable Disease Control, herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the Colorado Department of Public Health and Environment at http://sos.state.co.us/ccr.</p> <p>Occupational Safety and Health Administration (OSHA) standards for bloodborne pathogens (BBP, 29 CFR 1910.1030) and personal protective equipment (PPE, 29 CFR 1910 Subpart I) herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the These regulations are available at no cost from the Occupational Safety and Health Administration website at https://www.osha.gov/bloodborne-pathogens/worker-protections.</p> <p>Colorado child passenger safety law laws at sections 42-4-236 and 42-4-237, C.R.S.</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 style="text-align: center;"><input checked="" 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 checked="" type="checkbox"/></td> <td>Decrease duplication and conflicts with implementing programs and providing services.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Increase equity in access and outcomes to programs and services for children and families.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Increase administrative efficiencies among programs and services provided by the department.</td> </tr> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>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 checked="" type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.	<input checked="" 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 checked="" type="checkbox"/>	Reduce the administrative burden on families and providers accessing, implementing, or providing programs and/or services.										
<input checked="" 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.										

Rulemaking Proceedings

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.

Type of Rulemaking: Emergency or Permanent ² [Permanent Tier I or Tier II]	Permanent ▾ Tier I ▾
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: Stakeholder meetings- May 5, 2021 4:00-5:00 May 6, 2021 2:00-3:50 June 7 2021 2:00-3:50 July 7 2021 10:30-12:20 July 20 2021 10:00-11:00 July 29 2021 10:00-11:50 August 21 2021 10:00-11:50 Communications sent an email to all stakeholders requesting feedback on the <u>NYO's draft rules</u> , and posted the draft rules on our <u>Public Notices</u> webpage. Public comment feedback posted for 25 days. Responding to all comments received during the 25 days, and updating rules to incorporate public comments, if necessary. Request for public comment sent out June 20, 2023, through July 25, 2023. Location of public folder containing stakeholder engagement materials for public retention: https://drive.google.com/drive/folders/1OPQxWictBJUS21pcgurxydno5eNSYp7a
Assistant Attorney General Review:	8/9/23 - 10/25/23
RAC County Subcommittee Review Date (if required):	11/2/23
Rules Advisory Council (RAC) Review Date:	11/9/23
Public Rulemaking Hearing Date(s): [Discussion/Adoption]	11/17/23 (Discussion) 12/29/23 (Adoption)

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.

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

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 revisions incorporate Department of Early Childhood rule numbering, align with state and federal statutes, and make technical changes.

Neighborhood Youth Organizations and communities will benefit from the incorporation of legislation from Senate Bill 22-064. Decreasing ages of children allowed in the Neighborhood Youth Organization, allowing attendance tracking, and to operate out of a leased building. Youth will benefit from the expanded health and safety requirements. Staff will benefit from additional professional development requirements.

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. 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. This package also incorporates legislation from Senate Bill 22-064 which allows Neighborhood Youth Organizations more opportunity to serve younger ages of children, track attendance and operate out of leased buildings. The short and long term consequence of not promulgating these rules is that the Department would be out of compliance with statute.

Neighborhood Youth Organizations governed by these rules will both benefit from and bear the burden of these rules. For example, programs may need to pay staff time to complete additional training requirements.

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?

This rule package is an economic benefit to both Neighborhood Youth Organizations (NYO) and families due to the additional flexibility allowed to serve younger ages of children, and operate out of leased spaces. This creates the potential for more Neighborhood Youth Organizations to become licensed. The development of new NYO facilities will supply more economic growth in the creation of new job opportunities for the early childhood workforce, and give families more choice on where to enroll their children while they work.

The increased health and safety requirements and training may result in cost for NYO's 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 Neighborhood Youth Organizations governed by these rules will both benefit from and bear the burden of these rules. There will be minimal cost to Neighborhood Youth Organizations as the additions to the package are training requirements. Majority of the training is available for free online in the Professional Development Information System. Neighborhood Youth Organizations and communities will benefit from the addition to incorporate legislation from Senate Bill 22-064 by allowing Neighborhood Youth Organizations to serve younger children, track attendance, and operate out of a leased building.
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).

The Department will continue to annually monitor programs for compliance with these regulations along with a 6 month consultation to be in compliance with any rule that is not health and safety related.

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 incorporated legislation from Senate Bill 22-064
- c. No alternatives because these rules are considered minimum requirements for health and safety. Requirements that were deemed as unnecessary were removed from the rule package.

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, make technical changes and incorporate legislation from Senate Bill 22-064. 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.