



COLORADO

Department of Early Childhood

STATEMENT OF BASIS, PURPOSE and JUSTIFICATION for EMERGENCY RULES

Basis and Purpose

HB22-1295 created the Universal Preschool Program which the Colorado Department of Early Childhood (Department) is charged with administering starting in the 2023-2024 school year. Because this is a brand-new program, the Department must promulgate all of the rules to implement the program. This set of proposed rules establishes the eligibility criteria for preschool services and additional preschool services.

In accordance with HB 22-1295, a child who is in a low-income family or who meets at least one qualifying factor may receive additional preschool services in the school year preceding the school year in which the child is eligible to enroll in kindergarten in accordance with Department rule. The Department must establish by rule the following:

1. The level of income that identifies a family as low-income, and therefore eligible for preschool services for children three years of age or, in waiver communities, younger, and for children in the school year preceding the school year in which the child is eligible to enroll in kindergarten.
2. The qualifying factors that a child must meet to be eligible for additional preschool services.
3. The number of hours of preschool services that a child who is three years of age, or under three years of age in a district with a waiver to serve children under three years of age, and is low income or meets at least one qualifying factor.
4. The number of additional hours of preschool services that a child who is low-income and meets at least one qualifying factor and is in the school year preceding the school year in which the child is eligible to enroll in kindergarten.

Justification

Statute requires that the Universal Preschool Program be operational by the 2023-24 school year. These proposed rules are necessary to deliver universal preschool services to eligible Colorado families by July 2023 and must be effective as soon as possible so that children and providers may begin enrollment in the program.

Executive Director and Programmatic Authority for Rule

26.5-1-105(1) C.R.S. (2022) The executive director is authorized to promulgate all rules for the administration of the department and for the execution and administration of the functions specified in section 26.5-1-109 and for the programs and services specified in this title 26.5.

26.5-4-204(4), C.R.S. (2022) The Executive Director shall adopt rules to implement the preschool program. The Department must establish by rule the following:

1. The level of income that identifies a family as low-income, and therefore eligible for preschool services for children three years of age or, in waiver communities, younger, and for children in the school year preceding the school year in which the child is eligible to enroll in kindergarten.
2. The qualifying factors that a child must meet to be eligible for additional preschool services.
3. The number of hours of preschool services that a child who is three years of age, or under three years of age in a district with a waiver to serve children under three years of age, and is low income or meets at least one qualifying factor.
4. The number of additional hours of preschool services that a child who is low-income and meets at least one qualifying factor and is in the school year preceding the school year in which the child is eligible to enroll in kindergarten.