

## **COLORADO DEPARTMENT OF EARLY CHILDHOOD**

### **Colorado Universal Preschool Program**

#### **UNIVERSAL PRESCHOOL PROGRAM RULES AND REGULATIONS**

##### **8 CCR 1404-1**

*[Editor's Notes follow the text of the rules at the end of this CCR Document.]*

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#### **4.100 AUTHORITY**

These rules and regulations are adopted pursuant to the rulemaking authority provided in sections 26.5-1-105(1) and 26.5-4-204(4), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101, ~~et seq.~~ through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-6-101, ~~et seq.~~ (the "Early Childhood Act"), C.R.S., and the Colorado Universal Preschool Program Act, sections 26.5-4-201, ~~et seq.~~ through 26.5-4-211, C.R.S.

#### **4.101 SCOPE AND PURPOSE**

These rules and regulations shall govern the processes, procedures, and requirements of providers and families participating in the Colorado Universal Preschool Program.

#### **4.102 APPLICABILITY**

The provisions of these rules and regulations shall be applicable to all preschool providers participating in the Colorado Universal Preschool Program including: family child care homes, as defined in section 26.5-5-303, C.R.S.; child care centers, as defined in section 26.5-5-303, C.R.S.; school districts licensed to operate as a public preschool provider; charter schools licensed to operate as a public preschool provider; or head start programs licensed and regulated by the Colorado Department of Early Childhood.

#### **4.103~~4~~ DEFINITIONS**

- A. "Additional preschool services" means hours of preschool services provided to a child in the year preceding enrollment in kindergarten that are in addition to the universal preschool services the child receives.
- B. "Children with disabilities" has the same meaning as provided in section 22-20-103, C.R.S.
- C. "Colorado universal preschool program" or "preschool program" means the program established within the department pursuant to section 26.5-4-204, C.R.S., and includes all participating preschool providers.
- D. "Department" means Colorado Department of Early Childhood.
- E. "ECEA" means the "Exceptional Children's Educational Act", Article 20 of Title 22, and its implementing rules.
- F. "Eligible child" means a child who is eligible to receive preschool services as provided in section 26.5-4-204-(3), C.R.S.

- G.** “Federal Poverty Level” (FPL) or “Federal Poverty Guidelines” (FPG) refers to figures set by the federal government annually. These figures, based on gross monthly income levels for the corresponding household size, are included in the table in [rule](#) section 4.105(A)2-A.
- H.** “Foster care home” has the same meaning as provided in section 26-6-903(10), C.R.S.
- I.** “Full-day” means thirty to forty (30 to 40) hours of preschool service per week.
- J.** “Half-day” means fifteen to twenty (15 to 20) hours of preschool service per week.
- K.** “IDEA” means the federal “Individuals with Disabilities Education Act”, 20 U.S.C. [sections 1400 through 1491](#), as amended, and its implementing regulations [at 34 C.F.R. Parts 300 and 303 \(2023\)](#), [herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the United States Department of Education at \[www.ecfr.gov\]\(http://www.ecfr.gov\). These regulations are available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during normal business hours.](#)
- L.** “Individualized Education Program” or “IEP” has the same meaning as provided in section 22-20-103(15), C.R.S.
- M.** “Low-income” means that the child’s parent or guardian’s gross income must not exceed 270% of the Federal Poverty Guideline (FPG).
- N.** “Noncertified kinship care” means a child is being cared for by a relative or kin pursuant to 19-1-103(102), C.R.S., who has a significant relationship with the child in circumstances when there is a safety concern by a county department of human or social services and where the relative or kin has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue that certification process.
- O.** “Parent” has the same meaning as provided in section 22-20-103, C.R.S.
- P.** “Part-time or slot” means ten (10) hours of preschool service per week.
- Q.** “Provider rate formula” means the formulas for setting the per-child rates for universal preschool services, for preschool services for children with disabilities, for preschool services for eligible children who are three (3) years of age or younger and for additional preschool services.
- R.** “Qualifying factor” means a child or family circumstance, as identified by department rule pursuant to section 26.5-4-204, (4)(a)(II), C.R.S., that may negatively impact a child’s cognitive, academic, social, physical, or behavioral health or development.
- S.** “School District” means a school district organized pursuant to article 30 of title 22, C.R.S., that provides preschool services and is licensed pursuant to part 3 of article 5 of title 26.5, C.R.S., as a preschool provider; or a board of cooperative services organized pursuant to article 5 of title 22, C.R.S., that provides preschool services and is licensed pursuant to part 3 of article 5 of title 26.5, C.R.S., as a preschool provider.
- T.** “Universal preschool services” means ten (10) hours of preschool services per week made available, at no charge, to children in the state during the school year preceding the school year in which a child is eligible to enroll in kindergarten.

**4.1040 COLORADO UNIVERSAL PRESCHOOL PROGRAM**

The Colorado Universal Preschool Program was established to provide high-quality, voluntary, preschool programming through a mixed delivery system for children throughout the state in the year preceding eligibility for kindergarten enrollment, and to provide for additional preschool services for children who are experiencing poverty, or in low-income families ~~and~~ who meet the criteria of an identified qualifying factors. The Department intends to work with preschool program services providers to meet families' needs, including for a half- or full-day program.

**4.102 — PROGRAM PURPOSE**

- A. For the 2023-24 school year and school years thereafter, families may enroll their children in preschool providers that receive funding through the preschool program. The purposes of the preschool program are:
1. To provide children in Colorado access to voluntary, high-quality, universal preschool services free of charge in the school year before a child ~~is eligible to enroll~~ in kindergarten;
  2. To provide access to additional preschool services in the school year before kindergarten eligibility for children in low-income families and children who lack overall learning readiness due to qualifying factors;
  3. To provide access to preschool services for children who are three (3) years of age, or in limited circumstances younger than three (3) years of age, and are children with disabilities, are in low-income families, or lack overall learning readiness due to qualifying factors; and
  4. To establish quality standards for publicly funded preschool providers that promote children's early learning and development, school readiness, and healthy beginnings.

**4.1053 ELIGIBILITY GENERAL CRITERIA FOR PRESCHOOL SERVICES**

This rule is promulgated pursuant to section 26.5-4-204(4)(a)(I) and (II), C.R.S.

A. Low-Income Requirements

To be considered low-income for the purposes of this rule section, a child's parent or guardian's gross monthly income must not exceed 270% of the Federal Poverty Guideline (FPG):

FAMILY SIZE	100% FEDERAL POVERTY GUIDELINE (FPG) <u>MONTHLY INCOME</u>	270% FEDERAL POVERTY GUIDELINE (FPG) <u>MONTHLY INCOME</u>
1	<del>\$1,215.00</del> <u>1,432.50</u>	<del>\$3,280.50</del> <u>3,057.75</u>
2	<del>\$1,643.33</del> <u>1,525.83</u>	<del>\$4,437.00</del> <u>4,119.75</u>
3	<del>\$2,071.67</del> <u>1,919.17</u>	<del>\$5,593.50</del> <u>5,181.75</u>
4	<del>\$2,500.00</del> <u>2,312.50</u>	<del>\$6,750.00</del> <u>6,243.75</u>
5	<del>\$2,928.33</del> <u>2,705.83</u>	<del>\$7,906.50</del> <u>7,305.75</u>
6	<del>\$3,356.67</del> <u>3,099.17</u>	<del>\$9,063.00</del> <u>8,367.75</u>
7	<del>\$3,785.00</del> <u>3,492.50</u>	<del>\$10,219.50</del> <u>9,429.75</u>
8	<del>\$4,213.33</del> <u>3,885.83</u>	<del>\$11,376.00</del> <u>10,491.75</u>
EACH ADDITIONAL PERSON	<del>\$428.33</del> <u>393.33</u>	<del>\$1,156.60</del>

B. Qualifying Factors

~~The following qualifying factors will be used to determine a child's eligibility for preschool services pursuant to this rule section. To be eligible for additional preschool services a child must meet one (1) or more of the following qualifying factors:~~

- ~~1. Child is identified as in poverty if the child's parent or guardian's gross income does not exceed 100% of the Federal Poverty Guideline (FPG). Child is identified as low-income in accordance with section (A), above.~~
2. Child is a dual-language learner and the native language spoken in the child's home is a language other than English, or the child's native language is not English.
3. Child has an IEP.
4. Child is currently in the custody of a state supervised and county administered foster care home or in non-certified kinship care.
5. Child is identified as homeless and lacks a fixed, regular, and adequate nighttime residence and at least one (1) of the following:
  - a. Sharing the housing of other persons due to loss of housing;~~;~~ economic hardship, or a similar reason; living in motels, hotels, or camping grounds due to the lack of alternative accommodations; or living in emergency or transitional shelters;
  - b. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
  - c. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or in similar settings; or;
  - d. Is a child who is migratory who qualifies as homeless for the purposes of this rule ~~sub~~section~~title~~ because the child is living in circumstances described in this ~~definition~~ rule subsections (a) through (c), above.

#### **4.106 ELIGIBILITY AND PRESCHOOL SERVICES FOR CHILDREN THREE (3) YEARS OF AGE OR YOUNGER**

~~This rule section is promulgated pursuant to sections 26.5-4-204(3)(a)(II)-(IV) and 26.5-4-208(3)(c)(I) and (II), C.R.S. The Department or Local Coordinating Organization, as applicable, shall distribute funding to school districts and charter schools for preschool services for enrolled children who are three (3) years of age or younger. A school district may utilize the allotted three (3) year old funding, or may distribute all or a portion to a contracted head start agency or community-based preschool provider that provides preschool services.~~

##### A. Eligibility

1. Every child in the state who is three (3) years of age, and is a child with disabilities, is eligible for preschool services in accordance with their Individualized Education Program (IEP).
2. Children who are three (3) years of age and are not eligible to enroll in kindergarten in the next school year, or who are under three (3) years of age and reside in a community in which a school district operates a district preschool program with a waiver to serve children under three (3) years of age, may be eligible for preschool services if they are low-income or have at least one (1) qualifying factor.

B. Preschool Services

1. Subject to available appropriations to provide preschool services for children three (3) years of age, a child three (3) years of age who is not eligible to enroll in kindergarten in the next school year, and is in a low-income family per rule section 4.105(A), or meets at least one (1) qualifying factor identified in rule section 4.105(B), may receive a minimum of ten (10) hours per week of preschool program services.
2. Subject to available appropriations with a waiver to serve children under three (3) years of age, a child who is under three (3) years of age and is in a low-income family per rule section 4.105(A), or meets at least one (1) qualifying factor identified in rule section 4.105(B), may receive a minimum of ten (10) hours per week of preschool program services.

**4.107 ELIGIBILITY AND PRESCHOOL SERVICES FOR CHILDREN FOUR (4) YEARS OF AGE, IN THE YEAR PRECEDING KINDERGARTEN**

This rule section is promulgated pursuant to sections 26.5-4-204(3)(a)(I), (II), and (V) and 26.5-4-208(3)(a), C.R.S.

A. Eligibility

1. Every child in the state who is four (4) years of age, and is a child with disabilities, is eligible for preschool services in accordance with their Individualized Education Program (IEP).
2. Children in the state who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten, are eligible for ten (10) hours of universal preschool services per week.
3. Children who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten, may be eligible for additional preschool services if they are low-income or have at least one (1) qualifying factor. Children who are three (3) years of age, or who reside in a community in which a school district operates a district preschool program with a waiver to serve children under three (3) years of age, and children who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten are eligible for preschool services if the child's family is low income such that the child's parent or guardian's gross income is below 270% of the Federal Poverty Guideline (FPG):

B.4.104 Additional Eligibility and Preschool Services

- ~~A. Subject to available appropriationsthe amount distributed to school districts to provide preschool services for children three (3) years of age, a child three (3) years of age who is not eligible to enroll in kindergarten in the next school year, and is in a low-income family per rule section 4.1053(B)(1), above, or meets at least one (1) qualifying factor identified in rule section 4.105(C)3(B)(2)-(5), may receive a minimum of ten (10) hours per week per week of preschool program services.~~
- ~~B. Subject to available appropriationsthe amount distributed to school districts with a waiver to serve children under three (3) years of age, a child who is under three (3) years of age and is in a low-income family per rule 4.1063(B)(1), or meets at least one (1) qualifying factor identified in rule section 4.105(C)3(B)(2)-(5), may receive a minimum of ten (10) hours per week of preschool program services.~~

1C. Subject to available appropriations, and after the Department allocates the amounts necessary to fund preschool services for eligible children who are three (3) years of age or younger, for children with disabilities, and to fully fund universal preschool services for children who enroll, the Department may distribute ~~specified purpose~~ additional funding equivalent to five (5) hours of preschool programming per week to children who enroll in the year preceding eligibility for enrollment in kindergarten to achieve the specified purpose of increasing whole child developmental outcomes and meeting family needs, by expanding universal access to preschool programs to a minimum of half-day preschool service.

2D. Subject to available appropriations and after making the efforts in ~~rule subsection 4.108(E)(F)~~, below, a child who is in a low-income family per rule ~~section 4.1053(A)~~, or who meets at least one (1) qualifying factor in rule ~~section 4.1053(B)~~, may receive fifteen (15) additional hours per week of additional preschool ~~program~~ services in the school year preceding the school year in which the child is eligible to enroll in kindergarten to achieve full-day preschool service. ~~G. — Participating preschool providers may serve up to the number of preschool students allowed for by their current child care license.~~

#### **4.1085 PRESCHOOL PROGRAM FUNDING AND PER-CHILD RATES FOR CHILDREN THREE (3) AND FOUR (4) YEARS OF AGE AND FUNDING FORMULA**

A. Participating providers must agree to guarantee families at least the minimum number of hours defined in this rule for the rate that is provided.

B. Pursuant to section 26.5-4-208(3)(b), C.R.S., in a year in which there is insufficient funding to provide additional preschool services to all eligible children, those eligible children who are in low-income families and meet at least one (1) qualifying factor will be prioritized.

CE. Excess funds allocated to the preschool program through underspent funding for children three (3) years of age, or younger in waiver districts, and/or funds remaining after meeting the uses described in section 26.5-4-209(3)(a), C.R.S., may be distributed by the Department through ~~additional~~ hours of additional preschool services for children who enroll in the year preceding eligibility for enrollment in kindergarten.

DF. The Department, working with local coordinating organizations, shall make every effort to blend and braid preschool programming funds where possible with head start, local funding dollars, and the Colorado Child Care Assistance Program (CCCAP), prior to distributing additional preschool programming funds to a child who is in a low-income family per rule ~~section 4.1053(A)~~, or who meets at least one (1) qualifying factor in rule ~~section 4.1053(B)~~.

EG. The per-child rate funding formula for all types of preschool services covered under the preschool program applies to the following categories of services that a family may enroll their eligible child in, as specified in sections 26.5-4-204 and 208, C.R.S., statute and clarified in these rules:

1. Universal preschool ~~program~~ services for children in the school year before they are eligible for kindergarten as described in rule section 4.104(A)(1).

2. Pursuant to section 26.5-4-204(3)(b), C.R.S., all children with disabilities described in rule sections 4.106(A)(1) and 4.107(A)(1), who are three (3) or four (4) years of age, are eligible to receive funding for preschool services in accordance with their Individualized Education Program (IEP). Preschool services for children 3 or 4 years of age with disabilities.

3. Preschool services for eligible ~~and qualifying~~ children three (3) years of age ~~or younger and under~~, in a waiver districts ~~as described in rule section 4.106(A)(2)~~.
4. ~~Additional Preschool~~ services to achieve a specified purpose as described in rule section 4.107(B).
5. ~~Supplemental Hours of Additional~~ preschool services for eligible children four (4) years of age based on low-income status or meeting at least one (1) qualifying factor as described in rule section 4.107(A)(3).

**FG.** **Formula and parameters.** The Colorado Universal Preschool Program rate formula is expressed as  $((PKC*PS*PA) + (PKC*(1-PS))*CL)* LIC*GF*QE*CPI$ . The formula includes a base rate cost of high quality preschool services (PKC) with specific parameters adjusting for personnel costs (PS) and variances to costs by region (PA). Further adjustments are applied for local costs of living (CL), considerations of a community's poverty level (LIC), geographical factors (GF), increased quality of services (QE), and an annual adjustment for inflation (CPI).

1. **PKC (pre-k costs)** means the base cost of providing high quality preschool services based on unique characteristics of provider settings and the families/children they serve, recognized best practices and evidence-based standards, pursuant to sections 26.5-4-208(1)(A)(I) and 26.5-4-205(2), C.R.S.
2. **PS (personnel share)** means the share of costs accounted for by personnel costs, including salaries and benefits.
3. **PA (personnel adjustment)** means the adjustment factor that accounts for regional variations in personnel costs.
4. **CL (cost of living)** means a ~~cost of~~ living adjustment determined at the county level to reflect evolving local economic realities and support recruitment and retention of a high-quality workforce, as required by section 26.5-4-208(1)(A)(III), C.R.S.
5. **LIC (low income by county)** means the parameter determined at the county level to account for the identification of children in low-income families, as defined by rule section 4.1053(A) and pursuant to section 26.5-4-208(1)(A)(IV), C.R.S.
6. **GF (geographic factor)** means the factor that adjusts for regional differences and circumstances unique to rural communities that result in variations in the cost of providing preschool services, which may include difficulties in achieving economies of scale in rural areas and in recruiting and retaining preschool educators, as required by section 26.5-4-208(1)(A)(III), C.R.S.
7. **QE (quality enhancement)** means the component that accounts for the cost of providing professional development activities and salary incentives to teachers and paraprofessionals pursuant to sections 26.5-4-208(1)(A)(I) and 26.5-4-205(2), C.R.S.
8. **CPI (consumer price index)** means the annual rate of inflation estimated for the Denver-Aurora-Lakewood core based statistical area that is applied to account for exigent economic changes.

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## Editor's Notes

## History

New rule emer. rule eff. 09/29/2022.

Rules 4.101, 4.104, 4.105 emer. rules eff. 11/21/2022.

Rules 4.100-4.103 eff. 01/14/2023.

Rules 4.101, 4.104, 4.105 eff. 03/17/2023.

Rule 4.105 emer. rule eff. 06/23/2023.

Rule 4.105 eff. 09/30/2023.

[New Rules 4.100 – 4.102, Revised Rules 4.103-4.108 eff. 01/22/24](#)