

**Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO**

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 12-0219.01 Julie Pelegrin x2700

SENATE BILL 12-130

SENATE SPONSORSHIP

Newell and Hodge, Steadman

HOUSE SPONSORSHIP

Massey and Hammer, Peniston

Senate Committees

Health and Human Services
Appropriations

House Committees

A BILL FOR AN ACT

101 **CONCERNING GOVERNANCE OF CHILD DEVELOPMENT PROGRAMS, AND,**
102 **IN CONNECTION THEREWITH, REQUIRING A POST-ENACTMENT**
103 **REVIEW OF THE IMPLEMENTATION OF THIS ACT.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)

Early Childhood and School Readiness Commission. The bill creates the office of early childhood and youth development (office) in the department of human services (DHS). The office's functions will include:

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

SENATE
Amended 2nd Reading
March 23, 2012

- ! Operating and overseeing: The Colorado children's trust fund; certain programs in the Tony Grampsas youth services program; the nurse home visitor program; the family resource center program; child care, including licensing, school readiness, and the early childhood councils; the child care assistance program; mental health consultation for children; part C child find and early intervention services; promoting safe and stable communities; and any other programs transferred to the office;
- ! Reviewing the federal funding guidelines and seeking federal waivers to achieve the maximum flexibility in using federal funds for early childhood programs;
- ! Coordinating with and overseeing program delivery by the early childhood councils and allocating funding to the councils; and
- ! Working with other early childhood programs within DHS and in other state agencies to develop and periodically review a state plan for delivering early childhood services to children and their families.

The purpose of the state plan is to provide a statewide, unified approach to providing early childhood services and operating early childhood programs with the goal of increasing efficiency, effectiveness, and quality in delivering early childhood services. The office, with the approval of the other agencies operating early childhood programs, will submit the state plan to the executive directors and policy boards of the affected agencies, the Tony Grampsas youth services board, and the governor for approval. The office and the state agencies may work with the early childhood leadership commission in creating and obtaining approval of the state plan.

The executive directors of DHS, the department of public health and environment, and the department of health care policy and financing and the commissioner of education will meet on a regular basis to review the operation and coordination of early childhood programs and ensure compliance with the state plan. The policy board for each of these departments will consider the rules and guidelines adopted for early childhood programs in each of the agencies and, to the extent practicable and appropriate, align the rules and guidelines for these programs.

As part of the annual budget process, the office, in coordination with the other state agencies that provide early childhood programs, will report to the joint budget committee concerning the state plan, including:

- ! The priorities for services;
- ! The expected and achieved outcomes for early childhood services;
- ! The degree to which the early childhood programs are

complying with the state plan and coordinating in delivering early childhood services;

! The coordination of early childhood programs at the state and local levels; and

! The level of funding and sources of moneys allocated to the early childhood councils.

The early childhood leadership commission will advise and otherwise assist the office and the other state agencies in creating and obtaining approval of the state plan. In a joint meeting of the governor and several committees of the general assembly held on or before January 31, 2013, the early childhood leadership commission will report concerning the contents and implementation of the state plan.

The bill relocates the Colorado nurse home visitor program, the family resource center program, and the Colorado children's trust fund from the department of public health and environment to the office in DHS. The bill also relocates the Tony Grampsas youth services program from the department of public health and environment to DHS.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, add article 6.1 as
3 follows:

4 **ARTICLE 6.1**

5 **Office of Early Childhood**

6 **26-6.1-101. Legislative declaration.** (1) THE GENERAL
7 ASSEMBLY FINDS THAT:

8 (a) THE EARLY CHILDHOOD SYSTEM IN COLORADO INCLUDES FOUR
9 SYSTEM SECTORS THAT ADDRESS THE NEEDS OF CHILDREN, INCLUDING
10 EARLY LEARNING, CHILD HEALTH, CHILD MENTAL HEALTH, AND FAMILY
11 SUPPORT AND PARENT EDUCATION. RESEARCH CONFIRMS THAT THESE
12 AREAS ARE INTERRELATED AND THAT IT IS DIFFICULT, IF NOT IMPOSSIBLE,
13 TO SEPARATE CHILDREN'S LEARNING NEEDS FROM THEIR HEALTH AND
14 WELLNESS OR FROM THE INVOLVEMENT AND SUPPORT OF THEIR FAMILIES.

15 (b) THE PROGRAMS THAT SERVE THE EARLY CHILDHOOD NEEDS OF
16 CHILDREN AND THEIR FAMILIES ACROSS THE FOUR SYSTEM SECTORS OFTEN

1 CONTINUE PROVIDING SERVICES OR WORK WITH OTHER PROGRAMS TO
2 PROVIDE A CONTINUUM OF SERVICES TO ENSURE THAT, AS THEY DEVELOP,
3 THESE CHILDREN HAVE ACCESS TO THE SERVICES AND SUPPORTS THEY
4 NEED TO GROW INTO HEALTHY, EDUCATED ADULTS WHO ARE
5 WELL-PREPARED TO POSITIVELY CONTRIBUTE TO THEIR SOCIETY;

6 (c) THE SUPPORT SYSTEMS AND SERVICES THAT COMPRISE
7 COLORADO'S EARLY CHILDHOOD SYSTEM HAVE HISTORICALLY BEEN
8 SPREAD ACROSS MULTIPLE PUBLIC AGENCIES, INCLUDING BUT NOT LIMITED
9 TO THE DEPARTMENTS OF EDUCATION, HUMAN SERVICES, PUBLIC HEALTH
10 AND ENVIRONMENT, HEALTH CARE POLICY AND FINANCING, AND HIGHER
11 EDUCATION, AS WELL AS VARIOUS PRIVATE ENTITIES;

12 (d) RESOURCES THAT ARE AVAILABLE FOR SERVICES AND
13 SUPPORTS FOR CHILDREN ARE DERIVED FROM SEVERAL PUBLIC FUNDING
14 SOURCES. EACH SOURCE HAS ITS OWN PROGRAM STANDARDS AND
15 ELIGIBILITY, REPORTING, DATA TRACKING, AND FUNDING REQUIREMENTS,
16 MAKING IT VERY DIFFICULT FOR PROGRAMS THAT PROVIDE SERVICES AND
17 SUPPORTS FOR CHILDREN TO BE ABLE TO EFFICIENTLY COMBINE THE
18 VARIOUS FUNDING SOURCES.

19 (e) THE COMMUNITY OF EARLY CHILDHOOD SERVICES PROVIDERS
20 IN COLORADO HAS FOR SEVERAL YEARS WORKED TO ESTABLISH A
21 GOVERNANCE STRUCTURE WITHIN STATE GOVERNMENT TO PROVIDE AND
22 OVERSEE THE PROVISION OF SERVICES ACROSS THE FOUR SYSTEM SECTORS
23 FOR PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE,
24 AND THEIR FAMILIES. COORDINATING THESE SERVICES THROUGH A SINGLE
25 GOVERNANCE SYSTEM WILL:

26 (I) ENHANCE THE QUALITY OF EARLY CHILDHOOD SERVICES BY
27 HOLDING PROGRAMS ACCOUNTABLE TO GUIDELINES, STANDARDS, AND

1 ASSESSMENTS OF SERVICE DELIVERY AND OUTCOMES AND IMPLEMENTING
2 A UNIFIED APPROACH TO RESOURCE ALLOCATION AND REFERRAL FOR
3 FAMILIES TO SERVICES AND PROGRAMS;

4 (II) STRENGTHEN THE LINK BETWEEN STATE-LEVEL PROGRAMS
5 AND SERVICES AND THE LOCAL SYSTEM OF SERVICE DELIVERY THAT EXISTS
6 IN COUNTIES THROUGHOUT THE STATE;

7 (III) IMPROVE THE EFFICIENCY, EFFECTIVENESS, AND QUALITY IN
8 DELIVERING EARLY CHILDHOOD SERVICES TO PREGNANT WOMEN,
9 CHILDREN, AND THEIR FAMILIES AT THE STATE AND LOCAL LEVELS;

10 (IV) PROVIDE GREATER SUPPORT FOR AND IMPROVE THE ABILITY
11 OF PROGRAM AND SERVICE PROVIDERS TO WORK WITH STATE AND LOCAL
12 EARLY CHILDHOOD PROGRAMS IN PROVIDING SERVICES TO PREGNANT
13 WOMEN, CHILDREN, AND THEIR FAMILIES;

14 (V) IMPROVE COORDINATION AMONG STATE DEPARTMENTS WITH
15 REGARD TO THE PROGRAMS THAT SERVE PREGNANT WOMEN, CHILDREN,
16 AND THEIR FAMILIES AND THAT ARE IMPLEMENTED WITHIN EACH
17 DEPARTMENT; AND

18 (VI) IMPROVE THE COORDINATION OF THE STATE'S EFFORTS AT
19 EARLY IDENTIFICATION, PROMOTION, PREVENTION, AND INTERVENTION
20 WITH REGARD TO THE FULL SPECTRUM OF SERVICES PROVIDED TO
21 PREGNANT WOMEN, CHILDREN, AND THEIR FAMILIES ACROSS THE FOUR
22 SYSTEM SECTORS OF EARLY LEARNING, CHILD HEALTH, CHILD MENTAL
23 HEALTH, AND FAMILY SUPPORT AND PARENT EDUCATION. IMPROVING THE
24 COORDINATION AMONG THESE PROGRAMS WILL IMPROVE THE STATE'S
25 ABILITY TO SET A SOLID FOUNDATION FOR FAMILIES AND THEIR CHILDREN
26 AS THEY CONTINUE TO DEVELOP ACADEMICALLY, PHYSICALLY,
27 EMOTIONALLY, AND SOCIALLY.

1 (2) THEREFORE, THE GENERAL ASSEMBLY FINDS THAT IT IS IN THE
2 BEST INTERESTS OF THE CHILDREN OF THE STATE AND THEIR FAMILIES TO
3 CREATE WITHIN THE DEPARTMENT OF HUMAN SERVICES AN OFFICE OF
4 EARLY CHILDHOOD THAT WILL OVERSEE AND COORDINATE THE WIDE
5 RANGE OF EARLY CHILDHOOD PROGRAMS WITHIN THE DEPARTMENT OF
6 HUMAN SERVICES AND WITHIN OTHER STATE DEPARTMENTS WITH THE
7 GOAL OF IMPROVING OUTCOMES FOR CHILDREN AND THEIR FAMILIES.

8 **26-6.1-102. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
9 CONTEXT OTHERWISE REQUIRES:

10 (1) "DEPARTMENT LEADERS" MEANS THE EXECUTIVE DIRECTORS
11 OF THE DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND
12 ENVIRONMENT, AND HEALTH CARE POLICY AND FINANCING AND THE
13 COMMISSIONER OF EDUCATION.

14 (2) "EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION"
15 MEANS THE LEGISLATIVE COMMISSION FOR POLICY IMPROVEMENT
16 RELATED TO EARLY CHILDHOOD AND SCHOOL READINESS CREATED IN
17 SECTION 26-6.5-203.

18 (3) "EARLY CHILDHOOD COUNCILS" MEANS THE EARLY CHILDHOOD
19 COUNCILS ESTABLISHED AND OPERATING PURSUANT TO PART 1 OF ARTICLE
20 6.5 OF THIS TITLE.

21 (4) "EARLY CHILDHOOD LEADERSHIP COMMISSION" MEANS THE
22 EARLY CHILDHOOD LEADERSHIP COMMISSION CREATED IN SECTION
23 24-44.7-102, C.R.S.

24 (5) "EARLY CHILDHOOD PROGRAM" MEANS A PROGRAM THAT
25 PROVIDES SERVICES TO PREGNANT WOMEN OR TO CHILDREN FROM BIRTH
26 TO EIGHT YEARS OF AGE AND THEIR FAMILIES, WHICH SERVICES MAY
27 INCLUDE, BUT NEED NOT BE LIMITED TO, CHILD CARE; EARLY LEARNING;

1 FAMILY SUPPORT AND PARENT EDUCATION; MENTAL HEALTH; MATERNAL
2 AND CHILD HEALTH; HOME VISITATION; AND DISABILITY IDENTIFICATION
3 AND EARLY INTERVENTION.

4 (6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED
5 IN SECTION 26-6.1-103 IN THE STATE DEPARTMENT OF HUMAN SERVICES.

6 (7) "POLICY BOARD" MEANS:

7 (a) THE STATE BOARD OF HUMAN SERVICES CREATED IN SECTION
8 26-1-107 AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE
9 DEPARTMENT OF HUMAN SERVICES;

10 (b) THE STATE BOARD OF HEALTH CREATED IN SECTION 25-1-103,
11 C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN THE STATE
12 DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT;

13 (c) THE MEDICAL SERVICES BOARD CREATED IN SECTION
14 25.5-1-301, C.R.S., AS THE RULE-MAKING BOARD FOR PROGRAMS WITHIN
15 THE STATE DEPARTMENT OF HEALTH CARE POLICY AND FINANCING; AND

16 (d) THE STATE BOARD OF EDUCATION CREATED IN SECTION 1 OF
17 ARTICLE IX OF THE STATE CONSTITUTION AND GRANTED STATUTORY
18 AUTHORITY TO PROMULGATE RULES FOR PROGRAMS WITHIN THE STATE
19 DEPARTMENT OF EDUCATION.

20 (8) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
21 CREATED IN SECTION 26-1-107.

22 (9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
23 HUMAN SERVICES CREATED IN SECTION 26-1-105.

24 (10) "STATE PLAN" MEANS THE STATE PLAN FOR DELIVERY OF
25 SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH TO EIGHT YEARS
26 OF AGE, AND THEIR FAMILIES, AS INITIALLY ADOPTED OR REVISED BY THE
27 STATE BOARD OF HUMAN SERVICES AND THE STATE BOARD OF EDUCATION

1 PURSUANT TO SECTION 26-6.1-105.

2 **26-6.1-103. Office of early childhood - creation.** (1) THERE IS
3 HEREBY CREATED WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES
4 THE OFFICE OF EARLY CHILDHOOD. THE OFFICE IS HEADED BY THE
5 DIRECTOR OF EARLY CHILDHOOD SERVICES APPOINTED BY THE EXECUTIVE
6 DIRECTOR OF THE STATE DEPARTMENT OF HUMAN SERVICES IN
7 ACCORDANCE WITH SECTION 13 OF ARTICLE XII OF THE STATE
8 CONSTITUTION.

9 (2) THE OFFICE SHALL EXERCISE ITS POWERS AND PERFORM ITS
10 DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE
11 DEPARTMENT AS IF IT WERE TRANSFERRED TO THE STATE DEPARTMENT BY
12 A TYPE 2 TRANSFER AS SUCH TRANSFER IS DEFINED IN THE
13 "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE 1 OF TITLE 24,
14 C.R.S.

15 **26-6.1-104. Office of early childhood - functions.** (1) THE
16 OFFICE HAS THE FOLLOWING FUNCTIONS:

17 (a) TO COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE
18 STATE DEPARTMENT OF HUMAN SERVICES AND WITHIN OTHER STATE
19 DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO
20 DEVELOP A STATE PLAN FOR DELIVERY OF SERVICES TO PREGNANT WOMEN,
21 CHILDREN FROM BIRTH TO EIGHT YEARS OF AGE, AND THEIR FAMILIES, AS
22 DESCRIBED IN SECTION 26-6.1-105, AND RECOMMEND THE STATE PLAN TO
23 THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE
24 DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS
25 COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD AND
26 THE STATE BOARD OF EDUCATION FOR APPROVAL. THE OFFICE AND THE
27 OTHER DIVISIONS WITHIN THE STATE DEPARTMENT AND WITHIN OTHER

1 STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS
2 SHALL BIENNIALLY REVIEW THE STATE PLAN AND SUBMIT REVISIONS TO
3 THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE
4 DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS
5 COMMISSION FOR REVIEW AND COMMENT AND TO THE STATE BOARD AND
6 THE STATE BOARD OF EDUCATION FOR APPROVAL.

7 (b) TO ADMINISTER THE EARLY CHILDHOOD PROGRAMS SPECIFIED
8 IN THIS ARTICLE AND SUCH OTHER EARLY CHILDHOOD PROGRAMS AS MAY
9 BE CREATED IN OR TRANSFERRED TO THE OFFICE BY THE EXECUTIVE
10 DIRECTOR OR BY EXECUTIVE ORDER TO BE FUNDED BY NONSTATE MONEYS.
11 THE OFFICE SHALL ADMINISTER THE EARLY CHILDHOOD PROGRAMS IN
12 ACCORDANCE WITH STATUTE AND RULE AND, WHERE APPLICABLE, REVIEW
13 APPLICATIONS SUBMITTED BY ENTITIES TO RECEIVE FUNDING THROUGH
14 THE PROGRAMS, AWARD GRANTS BASED ON THE APPLICATIONS, AND
15 NOTIFY THE STATE BOARD OF THE GRANTS AWARDED AND THE AMOUNTS
16 OF SAID GRANTS; EXCEPT THAT:

17 (I) THE COLORADO CHILDREN'S TRUST FUND BOARD SHALL REVIEW
18 APPLICATIONS AND AWARD GRANTS AS PROVIDED IN ARTICLE 3.5 OF TITLE
19 19, C.R.S.; AND

20 (II) THE STATE BOARD SHALL APPROVE APPLICATIONS AND AWARD
21 GRANTS THROUGH THE COLORADO NURSE HOME VISITOR PROGRAM TO THE
22 LIST OF APPLYING ENTITIES RECOMMENDED BY THE HEALTH SCIENCES
23 FACILITY PURSUANT TO SECTION 26-6.4-106(3), UNLESS THE STATE BOARD
24 FINDS THE RECOMMENDATIONS TO BE CLEARLY ERRONEOUS OR
25 INAPPROPRIATE.

26 (c) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL
27 GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS,

1 GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE
2 ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF EARLY
3 CHILDHOOD PROGRAMS UNDER THE AUTHORITY OF THE OFFICE;

4 (d) TO WORK WITH OTHER OFFICES AND DIVISIONS WITHIN THE
5 STATE DEPARTMENT OF HUMAN SERVICES AND WITH OTHER STATE
6 DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS TO
7 PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES FOR FEDERAL
8 EARLY CHILDHOOD PROGRAMS AND TO SEEK THE FEDERAL WAIVERS AND
9 THE APPROVAL OF PLAN AMENDMENTS TO ACHIEVE THE MAXIMUM
10 FEDERAL FUNDING FOR EARLY CHILDHOOD PROGRAMS AND THE MAXIMUM
11 FLEXIBILITY IN USING THE FEDERAL FUNDS FOR EARLY CHILDHOOD
12 PROGRAMS; AND

13 (e) TO COORDINATE WITH THE EARLY CHILDHOOD COUNCILS. THE
14 OFFICE'S ROLE SHALL INCLUDE, BUT NEED NOT BE LIMITED TO,
15 IDENTIFICATION OF BENCHMARKS AND EXPECTATIONS FOR PROGRAM AND
16 SERVICE DELIVERY BY THE EARLY CHILDHOOD COUNCILS. IN ADDITION,
17 THE DIRECTOR SHALL ALLOCATE FUNDING AS DESCRIBED IN THE STATE
18 PLAN FROM THE EARLY CHILDHOOD PROGRAMS ADMINISTERED BY THE
19 OFFICE TO THE EARLY CHILDHOOD COUNCILS TO OFFSET A PORTION OF
20 THEIR OPERATIONAL COSTS; EXCEPT THAT ANY MONEYS ALLOCATED FROM
21 THE NURSE HOME VISITOR PROGRAM SHALL BE FROM THE AMOUNT
22 RETAINED BY THE OFFICE PURSUANT TO SECTION 26-6.4-107 (2) (b) AS
23 COMPENSATION FOR THE COSTS INCURRED BY THE OFFICE IN
24 IMPLEMENTING THE PROVISIONS OF SECTION 26-6.4-107 (2) (a.5).

25 (2) IN ADDITION TO ANY EARLY CHILDHOOD PROGRAMS CREATED
26 IN OR TRANSFERRED TO THE OFFICE BY EXECUTIVE ORDER AND ANY EARLY
27 CHILDHOOD PROGRAMS TRANSFERRED TO THE OFFICE BY THE EXECUTIVE

1 DIRECTOR PURSUANT TO SUBSECTION (4) OF THIS SECTION, THE OFFICE
2 SHALL INCLUDE THE FOLLOWING PROGRAMS:

3 (a) THE COLORADO CHILDREN'S TRUST FUND CREATED IN ARTICLE
4 3.5 OF TITLE 19, C.R.S.:

5 (b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 6.4
6 OF THIS TITLE:

7 (c) THE FAMILY RESOURCE CENTER PROGRAM CREATED IN SECTION
8 26-18-104:

9 (d) CHILD CARE, INCLUDING BUT NOT LIMITED TO CHILD CARE
10 LICENSING PURSUANT TO ARTICLE 6 OF THIS TITLE:

11 (e) THE COLORADO CHILD CARE ASSISTANCE PROGRAM AS
12 DESCRIBED IN PART 8 OF ARTICLE 2 OF THIS TITLE:

13 (f) PART C EARLY INTERVENTION SERVICES PURSUANT TO PART 7
14 OF ARTICLE 10.5 OF TITLE 27, C.R.S.; AND

15 (g) PROMOTING SAFE AND STABLE FAMILIES AS AUTHORIZED BY
16 THE FEDERAL "ADOPTION AND SAFE FAMILIES ACT OF 1997",
17 PUB.L.105-89.

18 (3) WHEN THE OFFICE RECEIVES AN APPLICATION FOR FUNDING
19 THROUGH ANY EARLY CHILDHOOD PROGRAM, THE OFFICE SHALL REVIEW
20 THE APPLICATION AND DETERMINE WHETHER THERE ARE OTHER EARLY
21 CHILDHOOD PROGRAMS ADMINISTERED BY OTHER DIVISIONS WITHIN THE
22 STATE DEPARTMENT OF HUMAN SERVICES OR BY OTHER STATE
23 DEPARTMENTS THROUGH WHICH FUNDING MAY BE AVAILABLE TO THE
24 APPLICANT. WITH THE APPLICANT'S CONSENT, THE OFFICE SHALL
25 FORWARD A COPY OF THE APPLICATION TO ANY SUCH PROGRAM FOR
26 CONSIDERATION.

27 (4) THE EXECUTIVE DIRECTOR SHALL TRANSFER ANY EARLY

1 CHILDHOOD PROGRAMS ADMINISTERED BY THE STATE DEPARTMENT TO
2 THE OFFICE, AS HE OR SHE DEEMS APPROPRIATE. THE OFFICE SHALL
3 COORDINATE WITH ANY OTHER DIVISION WITHIN THE STATE DEPARTMENT
4 THAT ADMINISTERS AN EARLY CHILDHOOD PROGRAM OR A YOUTH
5 DEVELOPMENT PROGRAM IN THE SAME MANNER THAT IT COORDINATES
6 WITH OTHER STATE DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD
7 PROGRAMS.

8 (5) (a) THE TRANSFER OF PROGRAMS TO THE OFFICE FROM OTHER
9 STATE DEPARTMENTS OR DIVISIONS DOES NOT REQUIRE THE
10 REORGANIZATION OR TRANSFER OF THE PROGRAMS AS THEY ARE
11 IMPLEMENTED BY LOCAL GOVERNMENT AGENCIES.

12 (b) ANY CONTRACT EXISTING AS OF JULY 1, 2012, THAT INVOLVES
13 EARLY CHILDHOOD PROGRAMS AND ANY MULTI-YEAR GRANT AWARDED
14 PRIOR TO JULY 1, 2012, THAT INVOLVES EARLY CHILDHOOD PROGRAMS
15 ARE NOT AFFECTED FOR THE TERM OF THE CONTRACT OR GRANT BY THE
16 ENACTMENT OF THIS ARTICLE OR ARTICLE 6.4 OR 6.8 OF THIS TITLE.

17 **26-6.1-105. State plan for delivery of services to pregnant**
18 **women, children, and their families - contents - approval. (1) THE**
19 **OFFICE SHALL COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE**
20 **STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT**
21 **ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN**
22 **FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH**
23 **TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. THE OFFICE AND THE OTHER**
24 **DIVISIONS AND STATE DEPARTMENTS SHALL DESIGN THE STATE PLAN TO**
25 **PROVIDE A STATEWIDE, UNIFIED APPROACH TO PROVIDING EARLY**
26 **CHILDHOOD SERVICES AND OPERATING EARLY CHILDHOOD PROGRAMS.**
27 **THE GOAL OF THE STATE PLAN IS TO INCREASE EFFICIENCY,**

1 EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD
2 SERVICES FOR CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS.

3 AT A MINIMUM, THE STATE PLAN SHALL:

4 (a) ESTABLISH PRIORITIES FOR THE DELIVERY OF EARLY
5 CHILDHOOD SERVICES AND THE USE OF FEDERAL, STATE, AND PRIVATE
6 MONEYS RECEIVED TO PROVIDE EARLY CHILDHOOD SERVICES AND
7 IMPLEMENT EARLY CHILDHOOD PROGRAMS;

8 (b) ESTABLISH GUIDELINES, POLICIES, AND STANDARDS FOR
9 PROGRAM OPERATION AND SERVICE DELIVERY, INCLUDING THE USE OF
10 STANDARDIZED TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT,
11 THE USE OF A UNIVERSAL APPLICATION FOR SERVICES, AND STATEWIDE
12 STANDARDS FOR MEASURING OUTCOMES;

13 (c) IDENTIFY TOOLS FOR ASSESSING EARLY CHILDHOOD
14 DEVELOPMENT AND THE NEED FOR EARLY CHILDHOOD SERVICES;

15 (d) ESTABLISH GUIDELINES AND STANDARDS FOR REFERRALS TO
16 SERVICES;

17 (e) ESTABLISH CONSISTENT REQUIREMENTS TO ENSURE THAT
18 EARLY CHILDHOOD PROGRAMS COORDINATE IN THE DELIVERY OF SERVICES
19 AND, TO THE EXTENT ALLOWED UNDER LAW, SHARE INFORMATION
20 CONCERNING SERVICE PROVISION AND RECIPIENTS;

21 (f) ESTABLISH MINIMUM EXPECTATIONS AND REQUIREMENTS FOR
22 COMMUNICATION AMONG EARLY CHILDHOOD PROGRAMS;

23 (g) IDENTIFY AREAS IN WHICH EARLY CHILDHOOD PROGRAMS MAY
24 RECOGNIZE INCREASED ECONOMIES OF SCALE IN PROVIDING SERVICES AND
25 ESTABLISH GUIDELINES AND PROCEDURES FOR ACHIEVING THE INCREASE
26 IN ECONOMIES OF SCALE;

27 (h) ESTABLISH PROCEDURES AND GUIDELINES FOR COORDINATING

1 THE USE AND CONTENT OF REQUESTS FOR PROPOSALS AND GRANT
2 APPLICATIONS AND THE REPORTING REQUIREMENTS IMPOSED ON GRANT
3 RECIPIENTS;

4 (i) IDENTIFY CHILD AND FAMILY OUTCOME METRICS AND SERVICE
5 DELIVERY OUTCOME PERFORMANCE METRICS THAT THE OFFICE AND OTHER
6 DIVISIONS AND OTHER STATE DEPARTMENTS THAT OPERATE EARLY
7 CHILDHOOD PROGRAMS, BUT NOT INCLUDING THE DEPARTMENT OF
8 EDUCATION OR THE NURSE HOME VISITOR PROGRAM, SHALL USE TO
9 MEASURE PROGRAM PERFORMANCE AND DETERMINE WHETHER
10 IMPLEMENTATION OF THE STATE PLAN RESULTS IN INCREASED
11 EFFICIENCIES, EFFECTIVENESS, AND QUALITY IN THE DELIVERY OF EARLY
12 CHILDHOOD SERVICES AT THE STATE AND LOCAL LEVELS; AND

13 (j) COORDINATE WITH OTHER RELEVANT STATE PLANS REGARDING
14 EARLY CHILDHOOD SERVICES, WHICH PLANS ARE PREPARED BY DIVISIONS
15 WITHIN THE STATE DEPARTMENT AND OTHER STATE DEPARTMENTS FOR
16 THE FEDERAL GOVERNMENT.

17 (2) IN DEVELOPING THE STATE PLAN, THE OFFICE SHALL:

18 (a) CONSULT WITH THE DIVISIONS WITHIN THE STATE DEPARTMENT
19 AND WITH OTHER STATE DEPARTMENTS THAT OPERATE YOUTH
20 DEVELOPMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO THE TONY
21 GRAMPSAS YOUTH SERVICES PROGRAM CREATED IN ARTICLE 6.8 OF THIS
22 TITLE, TO ENSURE AN INTEGRATED CONTINUUM OF EARLY CHILDHOOD AND
23 YOUTH DEVELOPMENT SERVICE DELIVERY FOR CHILDREN AND THEIR
24 FAMILIES;

25 (b) CONSULT WITH AND SEEK ADVICE FROM THE EARLY
26 CHILDHOOD LEADERSHIP COMMISSION AND THE EARLY CHILDHOOD AND
27 SCHOOL READINESS COMMISSION; AND

1 (c) SOLICIT INPUT AND COMMENT FROM THE EARLY CHILDHOOD
2 COMMUNITY, INCLUDING BUT NOT LIMITED TO, EARLY CHILDHOOD
3 PROGRAMS, SERVICE PROVIDERS, COMMUNITY PARTNERS, AND PARENTS
4 AND FAMILIES.

5 (3) (a) ON OR BEFORE JANUARY 31, 2013, THE OFFICE, IN
6 COLLABORATION WITH THE OTHER DIVISIONS AND OTHER STATE
7 DEPARTMENTS THAT ADMINISTER EARLY CHILDHOOD PROGRAMS, SHALL
8 REPORT PROGRESS IN DEVELOPING THE STATE PLAN TO THE EARLY
9 CHILDHOOD LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND
10 THE EARLY CHILDHOOD AND SCHOOL READINESS COMMISSION.

11 (b) ON OR BEFORE JULY 1, 2013, THE OFFICE, WITH THE APPROVAL
12 OF THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER
13 EARLY CHILDHOOD PROGRAMS, SHALL RECOMMEND THE STATE PLAN TO
14 THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE
15 DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS
16 COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS
17 AND AMENDING THE STATE PLAN AS APPROPRIATE, THE OFFICE SHALL
18 SUBMIT THE STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE
19 BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.
20 AFTER THE STATE BOARD APPROVES THE STATE PLAN, THE OFFICE AND THE
21 OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY
22 CHILDHOOD PROGRAMS SHALL IMPLEMENT THE STATE PLAN; EXCEPT THAT
23 THEY SHALL NOT IMPLEMENT THE SECTIONS OF THE STATE PLAN THAT
24 AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS
25 ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL
26 DISTRICTS UNTIL THE STATE BOARD OF EDUCATION APPROVES SAID
27 SECTIONS AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

1 (c) WHEN IT SUBMITS THE STATE PLAN TO THE STATE BOARD FOR
2 APPROVAL, THE OFFICE SHALL ALSO SUBMIT THE STATE PLAN TO THE
3 STATE BOARD OF EDUCATION FOR APPROVAL OF THOSE SECTIONS OF THE
4 STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD
5 PROGRAMS ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND
6 SCHOOL DISTRICTS. THE STATE BOARD OF EDUCATION MAY APPROVE SAID
7 SECTIONS OF THE STATE PLAN AS SUBMITTED OR WITH CHANGES. THE
8 OFFICE AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT
9 ADMINISTER EARLY CHILDHOOD PROGRAMS SHALL IMPLEMENT SAID
10 SECTIONS OF THE STATE PLAN UPON APPROVAL BY THE STATE BOARD OF
11 EDUCATION.

12 (d) FOLLOWING APPROVAL OF THE INITIAL STATE PLAN, THE OFFICE
13 AND THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER
14 EARLY CHILDHOOD PROGRAMS SHALL BIENNIALLY REVIEW THE STATE
15 PLAN AND SUBMIT A REVISED STATE PLAN TO THE EARLY CHILDHOOD
16 LEADERSHIP COMMISSION, THE EXECUTIVE DIRECTOR AND THE EARLY
17 CHILDHOOD AND SCHOOL READINESS COMMISSION FOR REVIEW AND
18 COMMENT. AFTER RECEIVING COMMENTS AND AMENDING THE REVISED
19 STATE PLAN AS APPROPRIATE, THE OFFICE SHALL SUBMIT THE REVISED
20 STATE PLAN TO THE STATE BOARD FOR APPROVAL AS PROVIDED IN
21 PARAGRAPH (b) OF THIS SUBSECTION (3) AND SHALL SUBMIT THE SECTIONS
22 OF THE REVISED STATE PLAN THAT AFFECT ADMINISTRATION OF THE EARLY
23 CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF
24 EDUCATION AND SCHOOL DISTRICTS TO THE STATE BOARD OF EDUCATION
25 FOR APPROVAL AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

26 (e) EVERY SIX MONTHS FOLLOWING ADOPTION OF THE INITIAL OR
27 A REVISED STATE PLAN, THE OFFICE, IN COLLABORATION WITH THE OTHER

1 DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY
2 CHILDHOOD PROGRAMS, SHALL REPORT TO THE EARLY CHILDHOOD
3 LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY
4 CHILDHOOD AND SCHOOL READINESS COMMISSION CONCERNING
5 IMPLEMENTATION OF THE STATE PLAN.

6 **26-6.1-106. Early childhood programs - interdepartmental**
7 **coordination.** (1) THE EXECUTIVE DIRECTORS OF THE STATE
8 DEPARTMENTS OF HUMAN SERVICES, PUBLIC HEALTH AND ENVIRONMENT,
9 AND HEALTH CARE POLICY AND FINANCING AND THE COMMISSIONER OF
10 EDUCATION SHALL COMPRISE AN EXECUTIVE MANAGEMENT TEAM FOR
11 EARLY CHILDHOOD PROGRAMS. THE DEPARTMENT LEADERS SHALL MEET
12 ON A REGULAR BASIS TO REVIEW THE OPERATION OF EARLY CHILDHOOD
13 PROGRAMS WITHIN THE STATE AND ENSURE THAT THE PROGRAMS
14 COORDINATE IN PROVIDING SERVICES. THE DEPARTMENT LEADERS SHALL
15 ALSO REVIEW THE STATE PLAN AND ENSURE THAT THE PROGRAMS IN THEIR
16 RESPECTIVE STATE DEPARTMENTS ARE COMPLYING WITH THE PROVISIONS
17 OF THE STATE PLAN. THE DEPARTMENT LEADERS SHALL, AS NECESSARY,
18 INCLUDE THE DIRECTORS OF THE VARIOUS STATE EARLY CHILDHOOD
19 PROGRAMS IN THEIR MEETINGS AND OTHERWISE COMMUNICATE WITH THE
20 PROGRAM DIRECTORS TO ENSURE THAT THE EARLY CHILDHOOD PROGRAMS
21 COORDINATE IN PROVIDING SERVICES.

22 (2) THE DEPARTMENT LEADERS SHALL DIRECT THE EARLY
23 CHILDHOOD PROGRAM DIRECTORS IN THEIR RESPECTIVE STATE
24 DEPARTMENTS TO COORDINATE IN PROVIDING COMMUNICATIONS TO THE
25 EARLY CHILDHOOD COUNCILS AND OTHER LOCAL AGENCIES AND
26 PROVIDERS CONCERNING IMPLEMENTATION OF EARLY CHILDHOOD
27 PROGRAMS. TO THE EXTENT APPROPRIATE, THE DEPARTMENT LEADERS

1 SHALL JOINTLY SEND DEPARTMENT LETTERS WHEN NECESSARY TO
2 PROVIDE DIRECTION TO THE EARLY CHILDHOOD COUNCILS AND OTHER
3 LOCAL PROVIDERS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS
4 OR CONCERNING INTERPRETATION OR APPLICATION OF PROGRAM RULES
5 AND GUIDELINES.

6 (3) EACH OF THE DEPARTMENT LEADERS SHALL REPORT TO HIS OR
7 HER POLICY BOARD CONCERNING THE IMPLEMENTATION AND
8 COORDINATION OF EARLY CHILDHOOD PROGRAMS ACROSS THE VARIOUS
9 STATE DEPARTMENTS. EACH POLICY BOARD SHALL TAKE INTO ACCOUNT
10 THE RULES AND GUIDELINES FOR EARLY CHILDHOOD PROGRAMS
11 PROMULGATED BY THE OTHER POLICY BOARDS AND, TO THE GREATEST
12 EXTENT PRACTICABLE AND APPROPRIATE, ALIGN ITS EARLY CHILDHOOD
13 PROGRAM RULES AND GUIDELINES TO FACILITATE COORDINATION IN THE
14 IMPLEMENTATION OF EARLY CHILDHOOD PROGRAMS BY EACH STATE
15 DEPARTMENT.

16 **26-6.1-107. Reporting.** (1) AS PART OF ITS ANNUAL
17 PRESENTATION TO A COMMITTEE OF REFERENCE IN ACCORDANCE WITH
18 SECTION 2-7-203, C.R.S., THE STATE DEPARTMENT SHALL SPECIFICALLY
19 REPORT ON THE CREATION, REVIEW, AND IMPLEMENTATION OF THE STATE
20 PLAN. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT SHALL ADDRESS:

21 (a) THE PRIORITIES FOR PROVIDING EARLY CHILDHOOD SERVICES
22 AND FOR USING MONEYS AVAILABLE FOR EARLY CHILDHOOD SERVICES;

23 (b) THE OUTCOMES EXPECTED AND THE OUTCOMES ACHIEVED DUE
24 TO EARLY CHILDHOOD SERVICES PROVIDED IN THE PRECEDING FISCAL
25 YEAR;

26 (c) THE MANNER IN WHICH AND DEGREE TO WHICH EARLY
27 CHILDHOOD PROGRAMS ARE COMPLYING WITH THE STATE PLAN AND

1 SUCCESSFULLY COORDINATING THE DELIVERY OF EARLY CHILDHOOD
2 SERVICES AND THE USE OF AVAILABLE MONEYS THROUGHOUT THE STATE;

3 (d) THE LEVEL OF COORDINATION BETWEEN EARLY CHILDHOOD
4 PROGRAMS AT THE STATE LEVEL AND AT THE LOCAL LEVEL; _____

5 (e) THE LEVEL OF FUNDING FOR AND THE SOURCES OF MONEYS
6 ALLOCATED TO THE EARLY CHILDHOOD COUNCILS; AND

7 (f) THE INCREASED EFFICIENCIES AND ECONOMIES OF SCALE AND
8 THE COST SAVINGS THAT RESULT FROM THE CONSOLIDATION OF EARLY
9 CHILDHOOD PROGRAMS AT THE STATE LEVEL AND ANY RESULTING OR
10 RECOMMENDED REALLOCATION OF STAFFING.

11 **SECTION 2. In Colorado Revised Statutes, add with amended**
12 **and relocated provisions article 6.4 to title 26 as follows:**

13 **ARTICLE 6.4**

14 **Colorado Nurse Home Visitor Program**

15 **26-6.4-101. [Formerly 25-31-101] Short title.** This article shall
16 be known and may be cited as the "Colorado Nurse Home Visitor
17 Program Act".

18 **26-6.4-102. [Formerly 25-31-102] Legislative declaration.**

19 (1) The general assembly hereby finds that, in order to adequately care
20 for their newborns and young children, new mothers may often benefit
21 from receiving professional assistance and information. Without such
22 assistance and information, a young mother may develop habits or
23 practices that are detrimental to her health and well-being and the health
24 and well-being of her child. The general assembly further finds that
25 inadequate prenatal care and inadequate care in infancy and early
26 childhood often inhibit a child's ability to learn and develop throughout
27 his or her childhood and may have lasting, adverse effects on the child's

1 ability to function as an adult. The general assembly recognizes that
2 implementation of a nurse home visitor program that provides
3 educational, health, and other resources for new young mothers during
4 pregnancy and the first years of their infants' lives has been proven to
5 significantly reduce the amount of drug, including nicotine, and alcohol
6 use and abuse by mothers, the occurrence of criminal activity committed
7 by mothers and their children under fifteen years of age, and the number
8 of reported incidents of child abuse and neglect. Such a program has also
9 been proven to reduce the number of subsequent births, increase the
10 length of time between subsequent births, and reduce the mother's need
11 for other forms of public assistance. It is the intent of the general
12 assembly that such a program be established for the state of Colorado,
13 beginning with a limited number of participants and expanding by the
14 year 2010 to be available to all low-income, first-time mothers in the state
15 who consent to receiving services.

16 (2) The general assembly further finds that, to implement such a
17 program efficiently and effectively and to promote the successful
18 implementation of partnerships between state public entities and the
19 private sector, responsibility for the program should be divided between
20 the STATE department, which shall be responsible for financial
21 administration of the program, and a health sciences facility at the
22 university of Colorado, which shall be responsible for programmatic and
23 clinical support, evaluation, and monitoring for the program, and such
24 other responsibilities as described in this article. It is the intent of the
25 general assembly that the STATE department and the health sciences
26 facility work collaboratively to share information in order to promote
27 efficient and effective program implementation; however, neither entity

1 is responsible for the other entity's statutorily prescribed duties.

2 **26-6.4-103. [Formerly 25-31-103] Definitions.** As used in this
3 article, unless the context otherwise requires:

4 (1) "Department" means the department of public health and
5 environment created in section 25-1-102.

6 (2) (1) "Entity" means any nonprofit, not-for-profit, or for-profit
7 corporation, religious or charitable organization, institution of higher
8 education, visiting nurse association, existing visiting nurse program,
9 county, district, or municipal public health agency, county department of
10 social services, political subdivision of the state, or other governmental
11 agency or any combination thereof.

12 (3) (2) "Health sciences facility" means the Anschutz medical
13 campus or a successor facility located at the university of Colorado health
14 sciences center that is selected by the president of the university of
15 Colorado pursuant to section 25-31-105 SECTION 26-6.4.105 to assist the
16 state board in administering the program.

17 (4) (3) "Low-income" means an annual income that does not
18 exceed two hundred percent of the federal poverty line.

19 (5) (4) "Master settlement agreement" means the master
20 settlement agreement, the smokeless tobacco master settlement
21 agreement, and the consent decree approved and entered by the court in
22 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*
23 *General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;*
24 *Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard*
25 *Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.*
26 *Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and*
27 *Tobacco Institute, Inc., Case No. 97 CV 3432, in the district court for the*

1 city and county of Denver.

2 (6) (5) "Nurse" means a person licensed as a professional nurse
3 pursuant to article 38 of title 12, C.R.S., or accredited by another state or
4 voluntary agency that the state board of nursing has identified by rule
5 pursuant to section 12-38-108 (1) (a), C.R.S., as one whose accreditation
6 may be accepted in lieu of board approval.

7 (6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED
8 IN ARTICLE 6.1 OF THIS TITLE IN THE STATE DEPARTMENT OF HUMAN
9 SERVICES.

10 (7) "Program" means the nurse home visitor program established
11 in this article.

12 (8) "State board" means the state board of health created in section
13 25-1-103 HUMAN SERVICES CREATED IN SECTION 26-1-107.

14 (9) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
15 HUMAN SERVICES CREATED IN SECTION 26-1-105.

16 **26-6.4-104. [Formerly 25-31-104] Nurse home visitor program**
17 **- created - rules.** (1) (a) There is hereby established the nurse home
18 visitor program to provide regular, in-home, visiting nurse services to
19 low-income, first-time mothers, with their consent, during their
20 pregnancies and through their children's second birthday. The program
21 shall provide trained visiting nurses to help educate mothers on the
22 importance of nutrition and avoiding alcohol and drugs, including
23 nicotine, and to assist and educate mothers in providing general care for
24 their children and in improving health outcomes for their children. In
25 addition, visiting nurses may help mothers in locating assistance with
26 educational achievement and employment. Any assistance provided
27 through the program shall be provided only with the consent of the

1 low-income, first-time mother, and she may refuse further services at any
2 time.

3 (b) THE NURSE HOME VISITOR PROGRAM CREATED IN ARTICLE 31
4 OF TITLE 25, C.R.S., AS IT EXISTED PRIOR TO THE EFFECTIVE DATE OF THIS
5 ARTICLE, IS HEREBY TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD
6 IN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL GRANTS IN
7 EXISTENCE AS OF THE EFFECTIVE DATE OF THIS ARTICLE SHALL CONTINUE
8 TO BE VALID THROUGH JUNE 30, 2013, AND MAY BE EXTENDED OR
9 RENEWED BEYOND SAID DATE.

10 (2) The program shall be administered in communities throughout
11 the state by entities selected on a competitive basis by the state board.
12 Any entity that seeks to administer the program shall submit an
13 application to the department OFFICE as provided in section 25-31-106
14 SECTION 26-6.4-106. The entities selected pursuant to section 25-31-107
15 SECTION 26-6.4-107 shall be expected to provide services to a minimum
16 of one hundred low-income, first-time mothers in the community in
17 which the entity administers the program; except that the state board may
18 grant a waiver of this requirement if the population base of the
19 community does not have the capacity to enroll one hundred eligible
20 families. The state board shall consult with the health sciences facility
21 prior to granting the waiver to ensure that the entity can implement the
22 program within the smaller community and maintain compliance with the
23 program requirements. A mother shall be eligible to receive services
24 through the program if she is pregnant with her first child, or her first
25 child is less than one month old, and her gross annual income does not
26 exceed two hundred percent of the federal poverty line.

27 (3) The state board shall promulgate, pursuant to the provisions

1 of article 4 of title 24, C.R.S., rules for the implementation of the
2 program. The state board shall base the rules establishing program
3 training requirements, program protocols, program management
4 information systems, and program evaluation requirements on
5 research-based model programs that have been implemented in one or
6 more other states for a period of at least five years and have shown
7 significant reductions in:

8 (a) The occurrence among families receiving services through the
9 model program of infant behavioral impairments due to use of alcohol
10 and other drugs, including nicotine;

11 (b) The number of reported incidents of child abuse and neglect
12 among families receiving services through the model program;

13 (c) The number of subsequent pregnancies by mothers receiving
14 services through the model program;

15 (d) The receipt of public assistance by mothers receiving services
16 through the model program;

17 (e) Criminal activity engaged in by mothers receiving services
18 through the model program and their children.

19 (4) Notwithstanding the provisions of subsection (3) of this
20 section, the board shall adopt rules pursuant to which a nurse home
21 visitation program that is in operation in the state as of July 1, 1999, may
22 qualify for participation in the program if it can demonstrate that it has
23 been in operation in the state for a minimum of five years and that it has
24 achieved a reduction in the occurrences specified in subsection (3) of this
25 section. Any program so approved shall be exempt from the rules adopted
26 regarding program training requirements, program protocols, program
27 management information systems, and program evaluation requirements

1 so long as said program continues to demonstrate a reduction in the
2 occurrences specified in subsection (3) of this section.

3 (5) The department OFFICE may propose to the state board rules
4 concerning program applications under section 25-31-106 (1) SECTION
5 26-6.4-106. Any such proposal shall be made in consultation with the
6 health sciences facility.

7 **26-6.4-105. [Formerly 25-31-105] Health sciences facility -**
8 **duties.** (1) The president of the university of Colorado shall identify a
9 facility at the university of Colorado health sciences center with the
10 knowledge and expertise necessary to:

11 (a) Assist the state board in selecting entities from among the
12 applications submitted pursuant to section 25-31-106 SECTION
13 26-6.4-106;

14 (b) Provide programmatic and clinical support, evaluation, and
15 monitoring for the program, including nurse practice support and training,
16 clinical and programmatic technical assistance, compliance monitoring
17 and support, program development and implementation support, and
18 performance improvement monitoring and support, in communities
19 throughout the state;

20 (c) Cooperate with the department OFFICE in connection with the
21 department's OFFICE'S financial administration of the program; and

22 (d) Work with the state auditor's office as required in section
23 2-3-113 (4), C.R.S.

24 (1.5) The health sciences facility is not responsible for the duties
25 assigned to the department OFFICE with respect to the program under
26 section 25-31-107 (2) (a.5) SECTION 26-6.4-107 (2) (a.5).

27 (2) The health sciences facility shall perform the duties set forth

1 in subsection (1) of this section to ensure that the program is implemented
2 and operated according to the program training requirements, protocols,
3 management information systems, and evaluation requirements
4 established by rule of the state board. The health sciences facility shall
5 evaluate overall program implementation, operation, and effectiveness,
6 and include that evaluation, along with any recommendations concerning
7 the program's selected entities or changes in the program's
8 implementation, operation, and effectiveness, including program training
9 requirements, protocols, management information systems, or evaluation
10 requirements, in the annual report submitted to the department OFFICE
11 pursuant to ~~section 25-31-108~~ SECTION 26-6.4-108.

12 (3) The department OFFICE shall compensate the health sciences
13 facility for the health sciences facility's actual costs incurred in
14 performing its duties under this article, as determined by the health
15 sciences facility. Such duties and actual costs shall be included in the
16 scope of work in the agreement between the department OFFICE and the
17 health sciences facility for implementation of those duties and shall
18 include the costs incurred by any contractor or subcontractor of the health
19 sciences facility for those duties. Such compensation shall be paid out of
20 the amount allocated for the health sciences facility's costs, in accordance
21 with the maximum allocation of three percent of the amount annually
22 allocated for the program under ~~section 25-31-107 (2)~~ SECTION
23 26-6.4-107 (2).

24 **26-6.4-106. [Formerly 25-31-106] Program applications -**
25 **requirements.** (1) An entity that seeks to administer the program in a
26 community shall submit an application to the department OFFICE in
27 accordance with rules adopted by the state board, in consultation with the

1 department OFFICE and the health sciences facility. At a minimum, the
2 application shall specify the basic elements and procedures that the entity
3 shall use in administering the program. Basic program elements shall
4 include the following:

5 (a) The specific training to be received by each nurse employed
6 by the entity to provide home nursing services through the program,
7 which training shall meet or exceed the visiting nurse training
8 requirements established by rule of the state board;

9 (b) The protocols to be followed by the entity in administering the
10 program, which protocols at a minimum shall comply with the program
11 protocols established by rule of the state board;

12 (c) The management information system to be used by the entity
13 in administering the program, which at a minimum shall comply with the
14 management information system requirements established by rule of the
15 state board;

16 (d) The reporting and evaluation system to be used by the entity
17 in measuring the effectiveness of the program in assisting low-income,
18 first-time mothers, which at a minimum shall meet the reporting and
19 evaluation requirements specified by rule of the state board;

20 (e) An annual report to both the health sciences facility and the
21 community in which the entity administers the program that reports on the
22 effectiveness of the program within the community and is written in a
23 manner that is understandable for both the health sciences facility and
24 members of the community.

25 (2) Any program application submitted pursuant to this section
26 shall demonstrate strong, bipartisan public support for and a long-time
27 commitment to operation of the program in the community.

1 (3) The ~~department~~ OFFICE shall initially review the applications
2 received pursuant to this section and submit to the health sciences facility
3 for review those applications that include the basic program elements as
4 required by the rules adopted by the state board. Following its review, the
5 health sciences facility shall submit to the state board a list of the
6 applying entities that the health sciences facility recommends to
7 administer the program in communities throughout the state.

8 **26-6.4-107. [Formerly 25-31-107] Selection of entities to**
9 **administer the program - grants - nurse home visitor program fund**
10 **- created.** (1) On receipt of the list of entities recommended by the health
11 sciences facility, the state board shall select the entities that will
12 administer the program in communities throughout the state. In selecting
13 entities, the state board shall give special consideration to entities that are
14 proposing to administer the program as a collaborative effort among
15 multiple entities.

16 (2) (a) The entities selected to operate the program shall receive
17 grants in amounts specified by the state board. The grants may include
18 operating costs and additional amounts for training and development of
19 any infrastructure, including but not limited to development of the
20 information management system necessary to administer the program. For
21 the 2000-01 fiscal year, the state board shall award grants to no more than
22 twelve entities in at least eight communities. THE STATE BOARD SHALL
23 DETERMINE the number of entities selected and the number of
24 communities in which the program shall be IS implemented in subsequent
25 fiscal years shall be determined by BASED ON THE moneys available in the
26 nurse home visitor program fund created in paragraph (b) of this
27 subsection (2).

1 (a.5) Except as otherwise provided in section 25-31-108 SECTION
2 26-6.4-108, the department shall be OFFICE IS responsible for financial
3 administration of this article, which shall include compensating the health
4 sciences facility pursuant to section 25-31-105 (3) SECTION 26-6.4-105
5 (3); paying grants to entities selected to administer the program;
6 monitoring financial, contractual, and regulatory compliance; providing
7 medicaid financing oversight; managing accounting and budgeting; and,
8 in cooperation with the health sciences facility, managing grant
9 applications as set forth in section 25-31-106 SECTION 26-6.4-106. The
10 department OFFICE shall also cooperate with the health sciences facility's
11 administration of programmatic and clinical support, evaluation, and
12 monitoring of the program. The department shall not be OFFICE IS NOT
13 responsible for any duties assigned to the health sciences facility with
14 respect to the program, as described in section 25-31-105 SECTION
15 26-6.4-105.

16 (b) Grants awarded pursuant to paragraph (a) of this subsection
17 (2) shall be ARE payable from the nurse home visitor program fund, which
18 fund is hereby created in the state treasury. The nurse home visitor
19 program fund, referred to in this section as the "fund", shall be IS
20 administered by the department OFFICE and shall consist CONSISTS of
21 moneys transferred thereto by the state treasurer from moneys received
22 pursuant to the master settlement agreement in the amount described in
23 paragraph (d) of this subsection (2). In addition, the state treasurer shall
24 credit to the fund any public or private gifts, grants, or donations received
25 by the department OFFICE for implementation of the program, including
26 any moneys received from the United States federal government for the
27 program. The fund shall be IS subject to annual appropriation by the

1 general assembly to the department OFFICE for grants to entities for
2 operation of the program. The department OFFICE may retain a total of up
3 to five percent of the amount annually appropriated from the fund for the
4 program, in order to compensate the health sciences facility pursuant to
5 section 25-31-105 (3) SECTION 26-6.4-105 (3), as set forth in the scope of
6 work in the agreement between the department OFFICE and the health
7 sciences facility, and to compensate the department OFFICE for the actual
8 costs incurred by the department OFFICE in implementing the provisions
9 of paragraph (a.5) of this subsection (2), as determined by the department
10 OFFICE; except that the portion of the costs to compensate the department
11 OFFICE for implementing the provisions of paragraph (a.5) of this
12 subsection (2) shall not exceed two percent of the amount annually
13 appropriated from the fund for the program, and the portion of such costs
14 to compensate the health sciences facility under section 25-31-105 (3)
15 SECTION 26-6.4-105 (3), as set forth in the scope of work in the contract
16 between the department OFFICE and the health sciences facility, shall not
17 exceed three percent of the amount annually appropriated from the fund
18 for the program. In addition, if the total amount annually appropriated
19 from the fund for the program exceeds nineteen million dollars, the
20 department OFFICE and the health sciences facility shall assess whether a
21 smaller percentage of the appropriated funds exceeding nineteen million
22 dollars is adequate to cover their actual costs and shall jointly submit to
23 the general assembly a report articulating their conclusions on this
24 subject. The actual costs of the department OFFICE include department
25 personnel and operating costs and any necessary transfers to the
26 department of health care policy and financing for administrative costs
27 incurred for the medicaid program associated with the program. The

1 actual costs of the health sciences facility include the facility's own actual
2 program costs and those of its contractors and subcontractors. Any costs
3 for time studies required to obtain medicaid reimbursement for the
4 program may be paid from program funds and shall not be subject to the
5 five percent limit in this section. Notwithstanding section 24-36-114,
6 C.R.S., all interest derived from the deposit and investment of moneys in
7 the fund shall be credited to the fund. Any unencumbered moneys
8 appropriated from moneys received pursuant to the master settlement
9 agreement remaining in the fund at the end of any fiscal year shall be
10 transferred to the tobacco litigation settlement trust fund created in
11 section 24-22-115.5, C.R.S.

12 (c) It is the intent of the general assembly that general fund
13 moneys not be appropriated for implementation of the program.

14 (d) (I) Pursuant to section 24-75-1104.5 (1) (a), C.R.S., and except
15 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning with
16 the 2006-07 fiscal year and for each fiscal year thereafter so long as the
17 state receives moneys pursuant to the master settlement agreement, the
18 state treasurer shall transfer to the fund the amounts specified in
19 subparagraph (III) of this paragraph (d) from the master settlement
20 agreement moneys received by the state, other than attorney fees and
21 costs, during the preceding fiscal year, not to exceed nineteen million
22 dollars in any fiscal year. The transfer shall be from moneys credited to
23 the tobacco litigation settlement cash fund created in section 24-22-115,
24 C.R.S.

25 (II) Repealed.

26 (III) (A) For the 2004-05 fiscal year, the general assembly shall
27 appropriate to the fund nine percent of the total amount of moneys

1 received by the state.

2 (A.5) For the 2005-06 fiscal year, the general assembly shall
3 appropriate to the fund ten percent of the total amount of moneys received
4 by the state.

5 (A.7) For the 2006-07 fiscal year, the state treasurer shall transfer
6 from the moneys received by the state pursuant to the master settlement
7 agreement to the fund eleven percent of the total amount of moneys
8 received by the state.

9 (B) Beginning with the 2007-08 fiscal year and for each fiscal
10 year thereafter through the 2010-11 fiscal year, the state treasurer shall
11 increase the percentage transferred to the fund pursuant to
12 sub-subparagraph (A.7) of this subparagraph (III) by one percent; except
13 that the percentage transferred to the fund for the 2009-10 fiscal year
14 shall be the same as the percentage transferred to the fund for the 2008-09
15 fiscal year.

16 (C) For the 2011-12 and 2012-13 fiscal years, the state treasurer
17 shall transfer to the fund the greater of twelve million seven hundred
18 thirty-seven thousand three hundred fifty dollars or the same percentage
19 of the total amount of moneys received by the state as was transferred to
20 the fund for the 2010-11 fiscal year.

21 (D) For the 2013-14 fiscal year, the state treasurer shall transfer
22 to the fund fifteen percent of the total amount of moneys received by the
23 state.

24 (E) For the 2014-15 fiscal year and for each fiscal year thereafter
25 through the 2016-17 fiscal year, the state treasurer shall increase the
26 percentage transferred to the fund by one percent over the percentage
27 transferred to the fund in the preceding fiscal year.

1 (F) For the 2017-18 fiscal year and for each fiscal year thereafter,
2 the state treasurer shall transfer to the fund nineteen percent of the total
3 amount of moneys received by the state.

4 (IV) In addition to all other moneys transferred to the fund
5 pursuant to this paragraph (d), the state treasurer shall transfer moneys
6 from the general fund to the fund as specified in section 24-75-1104.5 (5)
7 (a) (I) (B), C.R.S.

8 **26-6.4-108. [Formerly 25-31-108] Annual program review -**
9 **audit.** (1) The health sciences facility shall annually prepare and submit
10 to the department OFFICE a report including an evaluation of the
11 implementation of the program, the results achieved by the program based
12 on the annual reports submitted by the administering entities pursuant to
13 section 25-31-106 (1) (e) SECTION 26-6.4-106 (1) (e), the extent to which
14 the program serves medicaid-eligible persons and provides services that
15 may be provided in part through medicaid funding, and any
16 recommendations concerning changes to the program, including any
17 changes that may be appropriate to enable the program to receive
18 medicaid funding. The department OFFICE shall include the report in the
19 annual report on the program prepared pursuant to section 25-1-108.5 (3),
20 C.R.S. Each program contractor and subcontractor and each entity that
21 administers the program shall work with the health sciences facility and
22 the department OFFICE to prepare the reports required under this section
23 and sections 2-3-113 (2) and 25-1-108.5 (3), C.R.S. Any entity that is
24 administering the program is subject to a reduction in or cessation of
25 funding if the state board, based on recommendations from the health
26 sciences facility, determines that the entity is not operating the program
27 in accordance with the program requirements established by rule of the

1 state board or is operating the program in such a manner that the program
2 does not demonstrate positive results.

3 (2) The state auditor's office, pursuant to section 2-3-113, C.R.S.,
4 shall audit each entity administering the program to determine whether
5 the entity is administering the program in compliance with the program
6 requirements and in an effective manner. The audit shall be conducted
7 and reported in accordance with the provisions of section 2-3-113, C.R.S.

8 **SECTION 3.** In Colorado Revised Statutes, add article 6.7 to title
9 26 as follows:

10 **ARTICLE 6.7**

11 **Division of Youth and Community Development**

12 **26-6.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
13 CONTEXT OTHERWISE REQUIRES:

14 (1) "DIVISION" MEANS THE DIVISION OF YOUTH AND COMMUNITY
15 DEVELOPMENT CREATED IN SECTION 26-6.7-102.

16 (2) "YOUTH DEVELOPMENT PROGRAM" MEANS A PROGRAM THAT
17 PROVIDES SERVICES TO OLDER CHILDREN AND THEIR FAMILIES, WHICH
18 SERVICES MAY INCLUDE BUT NEED NOT BE LIMITED TO, FAMILY SUPPORT
19 AND PARENT EDUCATION, HEALTH, MENTAL HEALTH, MENTORING, AND
20 BEFORE-AND-AFTER-SCHOOL PROGRAMS.

21 **26-6.7-102. Division of youth and community development -**
22 **created.** (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT
23 OF HUMAN SERVICES THE DIVISION OF YOUTH AND COMMUNITY
24 DEVELOPMENT. THE DIVISION IS HEADED BY THE DIRECTOR OF YOUTH
25 DEVELOPMENT SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
26 STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION
27 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

1 (2) THE DIVISION SHALL EXERCISE ITS POWERS AND PERFORM ITS
2 DUTIES AND FUNCTIONS SPECIFIED IN THIS ARTICLE UNDER THE STATE
3 DEPARTMENT OF HUMAN SERVICES AS IF IT WERE TRANSFERRED TO THE
4 STATE DEPARTMENT BY A TYPE 2 TRANSFER AS SUCH TRANSFER IS
5 DEFINED IN THE "ADMINISTRATIVE ORGANIZATION ACT OF 1968", ARTICLE
6 1 OF TITLE 24, C.R.S.

7 **26-6.7-103. Division of youth and community development -**
8 **functions.** (1) THE DIVISION HAS THE FOLLOWING FUNCTIONS:

9 (a) TO OPERATE THE YOUTH DEVELOPMENT PROGRAMS
10 TRANSFERRED TO THE DIVISION BY THE EXECUTIVE DIRECTOR AND SUCH
11 OTHER YOUTH DEVELOPMENT PROGRAMS THAT MAY BE CREATED IN OR
12 TRANSFERRED TO THE DIVISION BY EXECUTIVE ORDER TO BE FUNDED
13 SOLELY BY NONSTATE MONEYS;

14 (b) TO COORDINATE WITH THE OFFICE OF EARLY CHILDHOOD IN THE
15 STATE DEPARTMENT AND WITH THE OFFICE WITHIN THE STATE
16 DEPARTMENT THAT OVERSEES DELIVERY OF SERVICES TO CHILDREN,
17 YOUTH, AND FAMILIES TO HELP ENSURE THE AVAILABILITY OF A
18 CONTINUUM OF SERVICES FOR CHILDREN AND YOUTH AND THEIR FAMILIES;

19 (c) TO ACT AS A LIAISON WITH COMMUNITIES THROUGHOUT THE
20 STATE TO ASSIST THEM IN ASSESSING THE NEEDS OF THE COMMUNITIES
21 WITH REGARD TO YOUTH DEVELOPMENT PROGRAMS AND TO PROVIDE
22 INFORMATION THAT WILL ASSIST COMMUNITIES IN OBTAINING FUNDING
23 FOR APPROPRIATE YOUTH DEVELOPMENT PROGRAMS;

24 (d) TO PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND TO
25 ENTITIES THAT PROVIDE YOUTH DEVELOPMENT PROGRAMS;

26 (e) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL
27 GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS,

1 GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE
2 ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF ANY YOUTH
3 DEVELOPMENT PROGRAMS UNDER THE AUTHORITY OF THE DIVISION; AND
4 (f) TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES
5 FOR FEDERAL YOUTH DEVELOPMENT PROGRAMS AND TO SEEK THE
6 MAXIMUM FLEXIBILITY IN THE USE OF FEDERAL MONEYS IN FUNDING
7 YOUTH DEVELOPMENT PROGRAMS.

8 **SECTION 4. In Colorado Revised Statutes, add with amended**
9 **and relocated provisions article 6.8 to title 26 as follows:**

10 **ARTICLE 6.8**

11 **Tony Grampsas Youth Services Program**

12 **26-6.8-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE**
13 **CONTEXT OTHERWISE REQUIRES:**

14 **(1) "BOARD" MEANS THE TONY GRAMPSAS YOUTH SERVICES**
15 **BOARD CREATED IN SECTION 26-6.8-103.**

16 **(2) "ENTITY" MEANS A LOCAL GOVERNMENT, A COLORADO PUBLIC**
17 **OR NONSECTARIAN SECONDARY SCHOOL, A GROUP OF PUBLIC OR**
18 **NONSECTARIAN SECONDARY SCHOOLS, A SCHOOL DISTRICT OR GROUP OF**
19 **SCHOOL DISTRICTS, A BOARD OF COOPERATIVE SERVICES, AN INSTITUTION**
20 **OF HIGHER EDUCATION, THE COLORADO NATIONAL GUARD, A STATE**
21 **AGENCY, A STATE-OPERATED PROGRAM, OR A PRIVATE NONPROFIT OR**
22 **NOT-FOR-PROFIT COMMUNITY-BASED ORGANIZATION.**

23 **(3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF**
24 **THE STATE DEPARTMENT OF HUMAN SERVICES.**

25 **(4) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF**
26 **HUMAN SERVICES.**

27 **26-6.8-102. [Formerly 25-20.5-201] Tony Grampsas youth**

1 services program - creation - standards - applications. (1) (a) The
2 youth crime prevention and intervention program created in part 28 of
3 article 32 of title 24, C.R.S., as it existed prior to August 1, 2000, is
4 hereby transferred to the division and is renamed the Tony Grampsas
5 youth services program. All program grants in existence as of July 1,
6 2000, shall continue to be valid through July 31, 2001. Persons appointed
7 to the youth crime prevention and intervention program board, hereby
8 renamed the Tony Grampsas youth services board, shall continue serving
9 until completion of their terms and may be reappointed as provided in
10 section 25-20.5-202. THE TONY GRAMPSAS YOUTH SERVICES PROGRAM
11 IS HEREBY TRANSFERRED TO THE DIVISION OF YOUTH AND COMMUNITY
12 DEVELOPMENT WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL
13 PROGRAM GRANTS IN EXISTENCE AS OF JULY 1, 2012, SHALL CONTINUE TO
14 BE VALID THROUGH JUNE 30, 2014. PERSONS APPOINTED TO THE TONY
15 GRAMPSAS YOUTH SERVICES BOARD SHALL CONTINUE SERVING UNTIL
16 COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN
17 SECTION 26-6.8-103.

18 (b) The Tony Grampsas youth services program is established to
19 provide state funding for community-based programs that target youth
20 and their families for intervention services in an effort to reduce incidents
21 of youth crime and violence. In addition, the Tony Grampsas youth
22 services program shall promote prevention and education programs that
23 are designed to reduce the occurrence and reoccurrence of child abuse
24 and neglect and to reduce the need for state intervention in child abuse
25 and neglect prevention and education.

26 (2) (a) The Tony Grampsas youth services program shall be
27 administered through the division. Subject to the designation in paragraph

1 (b) of this subsection (2), the Tony Grampsas youth services board
2 created in section 25-20.5-202 SECTION 26-6.8-103 shall choose those
3 entities that will receive grants through the Tony Grampsas youth services
4 program and the amount of each grant. In addition, the division THE
5 STATE DEPARTMENT shall monitor the effectiveness of programs that
6 receive funds through the Tony Grampsas youth services program.

7 (b) Any grant awarded through the Tony Grampsas youth services
8 program shall be paid from moneys appropriated pursuant to paragraph
9 (c) of this subsection (2) or out of the general fund for such program.
10 Each year, no less than twenty percent of the appropriation shall be
11 designated and used exclusively for programs designed for children
12 younger than nine years of age. THE DIVISION OF YOUTH AND COMMUNITY
13 DEVELOPMENT CREATED IN ARTICLE 6.7 OF THIS TITLE IN THE STATE
14 DEPARTMENT OF HUMAN SERVICES SHALL ADMINISTER THE GRANTS
15 AWARDED TO PROGRAMS DESCRIBED IN THIS PARAGRAPH (b) AND SHALL
16 MONITOR THE EFFECTIVENESS OF THE PROGRAMS.

17 (c) ANY GRANT AWARDED THROUGH THE TONY GRAMPSAS YOUTH
18 SERVICES PROGRAM SHALL BE PAID FROM MONEYS APPROPRIATED
19 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) OR OUT OF THE
20 GENERAL FUND FOR SUCH PROGRAM. The board, in accordance with the
21 timelines adopted pursuant to section 25-20.5-202 (3) SECTION 26-6.8-103
22 (3), shall submit a list of the entities chosen to receive grants to the
23 governor for approval. The governor shall either approve or disapprove
24 the entire list of entities by responding to the board within twenty days.
25 If the governor has DOES not responded RESPOND to the board within
26 twenty days after receipt of the list, the list shall be deemed IS approved.
27 No grants shall be awarded THE BOARD SHALL NOT AWARD A GRANT

1 through the Tony Grampsas youth services program without the prior
2 approval of the governor.

3 (c) (d) Pursuant to section 24-75-1104.5 (1) (i), C.R.S., and except
4 as otherwise provided in section 24-75-1104.5 (5), C.R.S., beginning in
5 the 2004-05 fiscal year, and for each fiscal year thereafter so long as the
6 state receives moneys pursuant to the master settlement agreement, the
7 general assembly shall appropriate to the ~~division~~ STATE DEPARTMENT for
8 the Tony Grampsas youth services program four percent of the amount of
9 moneys transmitted to the state treasurer in accordance with the master
10 settlement agreement, other than attorney fees and costs, for the preceding
11 fiscal year; except that the amount so appropriated to the ~~division~~ STATE
12 DEPARTMENT in any fiscal year shall not exceed five million dollars. The
13 general assembly shall appropriate the amount specified in this paragraph
14 (c) PARAGRAPH (d) from moneys credited to the tobacco litigation
15 settlement cash fund created in section 24-22-115, C.R.S.

16 (3) To participate in the Tony Grampsas youth services program,
17 an entity may apply to the board in accordance with timelines and
18 guidelines adopted by the board pursuant to section 25-20.5-202 SECTION
19 26-6.8-103.

20 (4) For purposes of this part 2 "entity" means any local
21 government, Colorado public or nonsectarian secondary school, including
22 charter schools, group of public or nonsectarian secondary schools,
23 school district or group of school districts, board of cooperative services,
24 institution of higher education, the Colorado National Guard, state
25 agency, or state-operated program or any private nonprofit or
26 not-for-profit community-based organization.

27 (5) (4) Entities seeking to provide youth mentoring services or to

1 enhance existing youth mentoring programs are encouraged to submit an
2 application to the board for grants directly from the Tony Grampsas youth
3 services program, in addition to any funding the entities may be seeking
4 from the youth mentoring services cash fund pursuant to section
5 25-20.5-203 (6) SECTION 26-6.8-104 (6), to establish or enhance youth
6 mentoring programs. Entities submitting applications for grants directly
7 from the Tony Grampsas youth services program pursuant to this section
8 need not meet the requirements of section 25-20.5-203 (5) (b) SECTION
9 26-6.8-104 (5) (b).

10 **26-6.8-103. [Formerly 25-20.5-202] Tony Grampsas youth**
11 **services board - members - duties.** (1) (a) There is hereby created the
12 Tony Grampsas youth services board referred to in this part 2 as the
13 "board", consisting of four members appointed by the governor, three
14 members appointed by the speaker of the house of representatives, and
15 two members appointed by the president of the senate and one member
16 appointed by the minority leader of the senate. For the initial
17 appointments, the governor shall appoint members to the board after the
18 speaker of the house of representatives and the president and the minority
19 leader of the senate have made appointments. No more than six of the
20 members appointed to the board shall be members of the same political
21 party.

22 (b) In addition to the appointed board members, the executive
23 director shall serve as a member of the board.

24 (c) At the first meeting of the board, the members of the board
25 shall choose a chairperson and a vice-chairperson.

26 (d) (I) In appointing members to the board, the governor, the
27 speaker of the house of representatives, and the president and the minority

1 leader of the senate shall:

2 (A) Choose persons who have a knowledge and awareness of
3 innovative strategies for youth crime prevention and intervention services
4 and for reducing the occurrence and reoccurrence of child abuse and
5 neglect; AND

6 ~~(H) (B) In appointing members of the board, the governor, the~~
7 ~~speaker of the house of representatives, and the president and the minority~~
8 ~~leader of the senate shall~~ Appoint one or more persons who possess
9 knowledge and awareness of early childhood care and education. FOR
10 PURPOSES OF THIS SUB-SUBPARAGRAPH (B), "EARLY CHILDHOOD" MEANS
11 YOUNGER THAN NINE YEARS OF AGE.

12 ~~(II) In addition~~ APPOINTING MEMBERS TO THE BOARD, the speaker
13 of the house of representatives and the president of the senate shall each
14 appoint at least one person who has a knowledge and awareness of
15 student issues, including the causes of student dropout in secondary
16 schools, as well as innovative strategies for reducing the dropout rate
17 among secondary school students. For purposes of this subparagraph (H),
18 "early childhood" means younger than nine years of age.

19 ~~(III) In appointing members TO THE BOARD, the governor shall:~~

20 ~~(A) Appoint at least one member to the board~~ PERSON who is
21 representative of a minority community;

22 ~~(B) Beginning with the members appointed to terms beginning~~
23 ~~July 1, 2001, the governor, in appointing members, shall~~ Appoint at least
24 one person who is knowledgeable in the area of child abuse prevention;
25 and

26 ~~(C) APPOINT at least one person who is knowledgeable in the area~~
27 of community planning for youth violence prevention.

1 (e) The appointed members of the board shall serve three-year
2 terms; except that, of the members first appointed, one of the members
3 appointed by the governor shall serve a two-year term, two of the
4 members appointed by the governor shall serve one-year terms, one of the
5 members appointed by the speaker of the house of representatives shall
6 serve a two-year term, and one of the members appointed by the president
7 of the senate shall serve a two-year term. The respective appointing
8 person shall choose those members who shall serve initial shortened
9 terms. If a vacancy arises in one of the appointed offices, the authority
10 making the original appointment shall fill the vacancy for the remainder
11 of the term. Members of the board shall serve without compensation but
12 shall be reimbursed out of available appropriations for all actual and
13 necessary expenses incurred in the performance of their duties.

14 (f) The board is authorized to meet, when necessary, via
15 telecommunications.

16 (2) (a) The board shall develop and make available program
17 guidelines, including but not limited to:

18 (I) Guidelines for proposal design;

19 (II) Local public-to-private funding match requirements; and

20 (III) Processes for local review and prioritization of program
21 applications.

22 (b) In addition to the guidelines developed pursuant to paragraph
23 (a) of this subsection (2), the board shall develop criteria for awarding
24 grants under the Tony Grampsas youth services program, including but
25 not limited to the following requirements:

26 (I) That the program is operated in cooperation with a local
27 government, a local governmental agency, or a local nonprofit or

1 not-for-profit agency;

2 (II) That the program is community-based, receiving input from
3 organizations in the community such as schools, community mental
4 health centers, local nonprofit or not-for-profit agencies, local law
5 enforcement agencies, businesses, and individuals within the community;
6 and

7 (III) (A) That the program is directed at providing intervention
8 services to youth and their families in an effort to decrease incidents of
9 crime and violence or that the program is directed at providing services
10 to at-risk students and their families in an effort to reduce the dropout rate
11 in secondary schools pursuant to ~~section 25-20.5-204~~ SECTION
12 26-6.8-105.

13 (B) If an entity is seeking a grant from the board for a student
14 dropout prevention and intervention program pursuant to ~~section~~
15 ~~25-20.5-204~~ SECTION 26-6.8-105, one of the criteria that the board shall
16 consider is whether the program has been implemented elsewhere, if
17 known, and, if so, the relative success of the program. It shall not be
18 required, however, that the program be previously implemented for the
19 board to award a grant to the entity.

20 (C) If an entity is seeking a grant from the board for a program
21 directed at providing intervention services to youth and their families in
22 an effort to decrease incidents of crime and violence, one of the criteria
23 that the board shall consider is whether the program includes restorative
24 justice components. It shall not be required, however, that the program
25 include restorative justice components for the board to award a grant to
26 the entity.

27 (c) In addition to the guidelines and criteria developed pursuant

1 to paragraphs (a) and (b) of this subsection (2), the board shall develop
2 result-oriented criteria for measuring the effectiveness of programs that
3 receive grants under the Tony Grampsas youth services program as
4 deemed appropriate to the nature of each program including, but not
5 limited to, requiring grantees to evaluate the impact of the services
6 provided by the program. Any criteria developed pursuant to this
7 paragraph (c) for measuring the effectiveness of student dropout
8 prevention and intervention programs established pursuant to section
9 ~~25-20.5-204~~ SECTION 26-6.8-105 shall include the implementation of a
10 method by which to track the students served by the program to evaluate
11 the impact of the services provided, which tracking shall continue, if
12 possible, for at least two years or through graduation from a secondary
13 school, whichever occurs first.

14 (3) (a) In addition to the guidelines and criteria developed
15 pursuant to subsection (2) of this section, the board shall establish
16 timelines for submission and review of applications for grants through the
17 Tony Grampsas youth services program. The board shall also adopt
18 timelines for submission to the governor of the list of entities chosen to
19 receive grants. If the governor disapproves the list, the board may submit
20 a replacement list within thirty days after such disapproval.

21 (b) Repealed.

22 (4) The board shall review all applications received pursuant to
23 section ~~25-20.5-201~~ SECTION 26-6.8-102 for grants from the Tony
24 Grampsas youth services program and choose those entities that shall
25 receive grants through the Tony Grampsas youth services program and
26 the amount of each grant.

27 (5) In addition to the duties relating specifically to the Tony

1 Grampsas youth services program specified in this section, the board shall
2 operate the prevention, intervention, and treatment programs specified in
3 this part 2 ARTICLE and such other prevention, intervention, and treatment
4 programs as may be assigned to the board by executive order to be funded
5 solely by federal funds.

6 **26-6.8-104. [Formerly 25-20.5-203] Colorado Youth**
7 **Mentoring Services Act. (1) Short title.** This section shall be known
8 and may be cited as the "Colorado Youth Mentoring Services Act".

9 **(2) Legislative declaration.** (a) The general assembly hereby
10 finds and declares that mentoring programs such as big brothers, big
11 sisters, and partners have been active in Colorado for many years. The
12 general assembly finds that national research has indicated that structured
13 mentoring programs are effective tools in combating youth substance
14 abuse and youth crime and violence. The general assembly further finds,
15 based upon recent national research results, that at-risk youth who are
16 matched in a minimum of year-long mentoring relationships are less
17 likely to become involved in substance and alcohol abuse, less likely to
18 be truant, less likely to commit violent acts against other persons, and
19 more likely to show improvements in academic performance and positive
20 peer relations.

21 (b) The general assembly further finds that, despite the positive
22 results that may be achieved through structured youth mentoring
23 programs, as many as thirty-eight counties in the state of Colorado do not
24 have the organizational resources necessary to carry out successful
25 mentoring programs or lack the adult volunteers to establish such
26 programs or both. The general assembly finds that even counties in which
27 there are established youth mentoring programs, such programs are

1 unable to meet the demand for mentors and that such established
2 programs have waiting lists that exceed two thousand youths.

3 (c) The general assembly therefore declares and determines that
4 the provision of youth mentoring services that would use public and
5 private entities to recruit, train, screen, and supervise adult volunteers to
6 serve as mentors for at-risk youth would be beneficial and in the best
7 interests of the citizens of the state of Colorado.

8 (3) **Definition.** For purposes of this section, "at-risk youth" means
9 a person who is at least five years of age but who is less than eighteen
10 years of age and who is challenged by such risk factors as poverty,
11 residence in a substance-abusing household, family conflict, association
12 with peers who commit crimes, residence in a single-parent household,
13 exhibition of indicia of delinquent behavior, or being the victim of child
14 abuse.

15 (4) **Provision of youth mentoring services.** There is hereby
16 created the Colorado youth mentoring program for the purpose of
17 providing state funding for the provision of community-based youth
18 mentoring services that target at-risk youths in an effort to reduce
19 substance abuse and to decrease the incidents of youth crime and
20 violence. Such funding shall be used to provide new mentoring services
21 in communities that do not have existing mentoring programs as well as
22 to enhance established community-based youth mentoring programs that
23 are already in existence.

24 (5) **Administration - duties of contracting entities.** (a) To be
25 eligible for moneys from the youth mentoring services cash fund created
26 in subsection (6) of this section for the provision of youth mentoring
27 services, an entity shall apply to the board in accordance with the

1 timelines and guidelines adopted by the board pursuant to section
2 25-20.5-202 SECTION 26-6.8-103 and shall meet the requirements of
3 paragraph (b) of this subsection (5).

4 (b) The entities that are selected by the board SELECTS to provide
5 community-based youth mentoring services shall be responsible for:

6 (I) Actively recruiting qualified and appropriate adult volunteers
7 who are willing to serve as youth mentors for a period of not less than one
8 year and to commit to spending an average of three hours per week with
9 the at-risk youth;

10 (II) Effectively screening adult volunteers to serve as mentors,
11 including but not limited to conducting criminal background checks of
12 such adult volunteers;

13 (III) Providing training and ongoing support to adult volunteers
14 to prepare them to serve in one-year mentoring relationships with at-risk
15 youths;

16 (IV) Carefully matching each adult volunteer with an at-risk youth
17 based upon the unique qualifications of the adult volunteer and the
18 specific needs of the youth;

19 (V) Supervising closely and through case managers the activities
20 of the adult volunteer and the mutual benefits and effectiveness of the
21 mentoring relationship;

22 (VI) Making available life skill workshops, recreational activities,
23 and community service opportunities to the at-risk youth and adult
24 volunteer;

25 (VII) Implementing a method of evaluating the effectiveness of
26 the community-based youth mentoring program and tracking the youths
27 served by the program to evaluate the impact of the services provided

1 through the program; and

2 (VIII) Reporting annually to the board concerning the results of
3 the entity's evaluation of youths served by the community-based youth
4 mentoring program as well as the fiscal contributions made by the entity
5 to the program and such other information that the board may require.

6 (c) Community-based organizations may obtain private and public
7 funds, grants, gifts, or donations for youth mentoring programs. The
8 executive director is authorized to accept and expend on behalf of the
9 state any funds, grants, gifts, or donations from any private or public
10 source for the purpose of implementing this section; except that no grant
11 or donation shall be accepted if the conditions attached to the grant or
12 donation require the expenditure thereof in a manner contrary to law.

13 (d) Entities selected to receive grants pursuant to this section for
14 the provision of youth mentoring services shall match any grant received
15 with a contribution that is the equivalent of twenty percent of the grant
16 awarded.

17 **(6) Youth mentoring services cash fund.** (a) There is hereby
18 created in the state treasury the youth mentoring services cash fund. The
19 moneys in the youth mentoring services cash fund shall be subject to
20 annual appropriation by the general assembly for the direct and indirect
21 costs associated with the implementation of this section. The executive
22 director is authorized to accept on behalf of the state any grants, gifts, or
23 donations from any private or public source for the purpose of this
24 section. All private and public funds received through grants, gifts, or
25 donations shall be transmitted to the state treasurer, who shall credit the
26 same to the youth mentoring services cash fund. All investment earnings
27 derived from the deposit and investment of moneys in the fund shall

1 remain in the fund and shall not be transferred or revert to the general
2 fund of the state at the end of any fiscal year.

3 (b) Notwithstanding any provision of paragraph (a) of this
4 subsection (6) to the contrary, on April 20, 2009, the state treasurer shall
5 transfer the balance of moneys in the youth mentoring services cash fund
6 to the general fund.

7 **26-6.8-105. [Formerly 25-20.5-204] Colorado student dropout**
8 **prevention and intervention program. (1) Short title.** This section
9 shall be known and may be cited as the "Colorado Student Dropout
10 Prevention and Intervention Act".

11 (2) Legislative declaration. The general assembly hereby finds
12 that:

13 (a) During the last decade, over one hundred thousand students in
14 Colorado left school without successfully completing a high school
15 program;

16 (b) In 1996, three million six hundred thousand young adults in
17 the United States were neither enrolled in school nor had they completed
18 a high school program;

19 (c) In the 1995-1996 academic year, approximately thirteen
20 thousand students withdrew from Colorado schools prior to receiving a
21 diploma, resulting in a four percent dropout rate;

22 (d) Of those students who withdrew from Colorado schools prior
23 to receiving a diploma, approximately five thousand nine hundred were
24 minority students;

25 (e) The dropout rate of minority students in Colorado is
26 significantly greater than that of nonminority students;

27 (f) Numerous factors, including socioeconomic background, lack

1 of adult support, and the inability to communicate well in English,
2 influence a student's decision to drop out of school;

3 (g) Research has shown that, compared with high school
4 graduates, relatively more dropouts are unemployed, and those dropouts
5 who do succeed in finding work tend to earn less money than high school
6 graduates; and

7 (h) High school dropouts are more likely to apply for and receive
8 public assistance than high school graduates.

9 (3) **Definitions.** For purposes of this section:

10 (a) "At-risk students" means students in secondary schools who
11 are at risk of dropping out of school because of their socioeconomic
12 background, lack of adult support, language barriers, or other identified
13 indicators that cause students to drop out of school.

14 (b) "Entity" means any local government, Colorado public or
15 nonsectarian secondary school, including charter schools, group of public
16 or nonsectarian secondary schools, school district or group of school
17 districts, board of cooperative services, institution of higher education,
18 the Colorado National Guard, state agency, or state-operated program or
19 any private nonprofit or not-for-profit community-based organization.

20 (4) **Colorado student dropout prevention and intervention**
21 **program.** There is hereby created the Colorado student dropout
22 prevention and intervention program in the Tony Grampsas youth
23 services program for the purpose of providing services to at-risk students
24 and their families in an effort to reduce the dropout rate in secondary
25 schools through an appropriate combination of academic and
26 extracurricular activities designed to enhance the overall education and
27 edification of students in secondary schools.

1 (5) Administration. (a) The student dropout prevention and
2 intervention program shall be administered through the division OF
3 YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT.
4 Subject to the designation in paragraph (b) of this subsection (5), the
5 Tony Grampsas youth services board created in section 25-20.5-202 shall
6 select those entities that will receive grants through the student dropout
7 prevention and intervention program and the amount of each grant. In
8 addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall
9 monitor the effectiveness of programs that receive funds through the
10 student dropout prevention and intervention program. To be eligible for
11 grants from the Tony Grampsas youth services board for the provision of
12 student dropout prevention and intervention programs targeting at-risk
13 students, an entity shall apply to the board in accordance with the
14 timelines and guidelines adopted by the board pursuant to section
15 25-20.5-202 SECTION 26-6.8-103.

16 (b) Any moneys awarded by the Tony Grampsas youth services
17 board shall be paid from moneys appropriated out of the general fund for
18 such THE TONY GRAMPSAS YOUTH SERVICES program. Each year no less
19 than ten percent of the total appropriation from the general fund shall be
20 designated and used exclusively for programs specifically designed to
21 prevent students from dropping out of secondary schools; except that,
22 commencing in fiscal year 2004-05 and in each fiscal year thereafter, no
23 less than twenty percent of the total appropriation shall be designated and
24 used exclusively for such purpose.

25 (6) Receipt of moneys. (a) The executive director is authorized
26 to accept on behalf of the state any funds, grants, gifts, or donations from
27 any private or public source for the purpose of implementing student

1 dropout prevention and intervention programs pursuant to this article
2 SECTION; except that no funds, grants, gifts, or donations shall be
3 accepted if the conditions attached thereto require the expenditure thereof
4 in a manner contrary to law.

5 (b) (I) All private and public moneys received through funds,
6 grants, gifts, or donations pursuant to this subsection (6) shall be
7 transmitted to the state treasurer, who shall credit the same to the student
8 dropout prevention and intervention fund, which fund is hereby created.
9 The moneys in the fund shall be subject to annual appropriation by the
10 general assembly for the direct and indirect costs associated with the
11 administration of this article SECTION. The executive director may expend
12 moneys appropriated to the STATE department from the fund for purposes
13 of providing a grant for the implementation and administration of a
14 student dropout prevention and intervention program. All investment
15 earnings derived from the deposit and investment of moneys in the fund
16 shall be credited to the fund. Any moneys not appropriated shall remain
17 in the fund and shall not be transferred or revert to the general fund of the
18 state at the end of any fiscal year.

19 (II) Notwithstanding any provision of subparagraph (I) of this
20 paragraph (b) to the contrary, on April 20, 2009, the state treasurer shall
21 transfer the balance of moneys in the student dropout prevention and
22 intervention fund to the general fund.

23 **26-6.8-106. [Formerly 25-20.5-205] Colorado student**
24 **before-and-after-school project - creation - funding. (1) Definitions.**

25 As used in this section, unless the context otherwise requires:

26 (a) "Before-and-after-school program" means a program that
27 meets before regular school hours or after regular school hours or during

1 a period when school is not in session.

2 (b) "Fund" means the Colorado student before-and-after-school
3 project fund created in subsection (4) of this section.

4 (c) "Project" means the Colorado before-and-after-school project
5 created in subsection (2) of this section.

6 **(2) Colorado student before-and-after-school project.** There is
7 hereby created, in the Tony Grampas youth services program, the
8 Colorado student before-and-after-school project for the purpose of
9 providing grants to entities to provide high-quality
10 before-and-after-school programs that may include an alcohol or drug
11 abuse prevention and education component. Entities that receive grants
12 pursuant to this section shall apply the grants to creating and
13 implementing before-and-after-school programs that primarily serve
14 youth enrolled in grades six through eight or youth who are twelve to
15 fourteen years of age. The before-and-after-school programs shall be
16 designed to help youth develop their interests and skills in the areas of
17 sports and fitness, character and leadership, or arts and culture and may
18 provide education regarding the dangers of the use of alcohol and drugs.
19 Before-and-after-school programs that are designed primarily to increase
20 academic achievement or that provide religious instruction are not
21 eligible for funding pursuant to this section.

22 **(3) Administration.** (a) The division OF YOUTH AND COMMUNITY
23 DEVELOPMENT IN THE STATE DEPARTMENT shall administer the project.
24 The board shall select the entities that will receive grants through the
25 project and the amount of each grant. In addition, the division OF YOUTH
26 AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of
27 before-and-after-school programs that receive moneys through the

1 project. To be eligible for grants through the project, an entity shall apply
2 to the board in accordance with the timelines and guidelines adopted by
3 the board pursuant to ~~section 25-20.5-202~~ SECTION 26-6.8-103.
4 Notwithstanding any provision of this ~~part 2~~ ARTICLE or any criteria for
5 awarding grants adopted by the board pursuant to ~~section 25-20.5-202 (2)~~
6 ~~(b)~~ SECTION 26-6.8-103 (2) (b) to the contrary, an entity may be eligible
7 to receive a grant pursuant to this section regardless of whether the
8 before-and-after-school program to which the grant would apply serves
9 youth who are eligible for free or reduced-cost lunch pursuant to the
10 "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

11 (b) The grants awarded through the project shall be paid from
12 moneys appropriated from the fund to the ~~division~~ STATE DEPARTMENT.
13 The board and grant recipients are encouraged to apply moneys awarded
14 through the project to leverage additional funding as matching funds from
15 private and federal sources.

16 (4) **Colorado student before-and-after-school project fund.**
17 There is hereby created in the state treasury the Colorado student
18 before-and-after-school project fund that shall consist of moneys that may
19 be appropriated by the general assembly to the fund. The moneys in the
20 fund shall be subject to annual appropriation by the general assembly to
21 the ~~division~~ STATE DEPARTMENT for the purpose of providing grants as
22 provided in this section and the direct and indirect costs associated with
23 the implementation of this section. Any moneys in the fund not expended
24 for the purpose of this section may be invested by the state treasurer as
25 provided by law. All interest and income derived from the investment and
26 deposit of moneys in the fund shall be credited to the fund. Any
27 unexpended and unencumbered moneys remaining in the fund at the end

1 of a fiscal year shall remain in the fund and shall not be credited or
2 transferred to the general fund or another fund.

3 **SECTION 5. Repeal of provisions being relocated in this**
4 **act. In Colorado Revised Statutes, repeal part 2 of article 20.5 of title 25**
5 **and article 31 of title 25.**

6 **SECTION 6. In Colorado Revised Statutes, 19-3.5-104, amend**
7 **(1) as follows:**

8 **19-3.5-104. Colorado children's trust fund board - creation -**
9 **members.** (1) (a) There is hereby created, in the department of public
10 health and environment, the Colorado children's trust fund board. The
11 board shall exercise its powers and duties as if transferred by a **type 2**
12 transfer.

13 (b) THE COLORADO CHILDREN'S TRUST FUND BOARD IS HEREBY
14 TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE
15 6.1 OF TITLE 26, C.R.S., IN THE DEPARTMENT OF HUMAN SERVICES. THE
16 BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY
17 A **TYPE 2** TRANSFER. PERSONS APPOINTED TO THE COLORADO CHILDREN'S
18 TRUST FUND BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF
19 THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN THIS SECTION.

20 **SECTION 7. In Colorado Revised Statutes, 26-18-102, repeal**
21 **(3.5); and add (7) as follows:**

22 **26-18-102. Definitions.** As used in this article, unless the context
23 otherwise requires:

24 (3.5) "Division" means the prevention services division in the
25 department of public health and environment.

26 (7) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED
27 IN ARTICLE 6.1 OF THIS TITLE IN THE DEPARTMENT OF HUMAN SERVICES.

1 **SECTION 8.** In Colorado Revised Statutes, 26-18-104, amend
2 (1) (a), (1) (b), and (1) (c) (III); and add (1) (a.5) as follows:

3 **26-18-104. Program created.** (1) (a) There is hereby established
4 in the prevention services division in the department of public health and
5 environment a family resource center program. The purposes of said
6 program shall be to provide grants to community applicants for the
7 creation of family resource centers or to provide grants to family resource
8 centers for the continued operation of such centers through which
9 services for vulnerable families, individuals, children, and youth who live
10 in communities or in at-risk neighborhoods are accessible and
11 coordinated through a single point of entry.

12 (a.5) THE FAMILY RESOURCE CENTER PROGRAM IS TRANSFERRED
13 TO THE OFFICE OF EARLY CHILDHOOD IN THE DEPARTMENT OF HUMAN
14 SERVICES. ALL PROGRAM GRANTS IN EXISTENCE AS OF THE EFFECTIVE
15 DATE OF THIS PARAGRAPH (a.5) SHALL CONTINUE TO BE VALID THROUGH
16 JUNE 30, 2013, AND MAY BE CONTINUED AFTER SAID DATE.

17 (b) The ~~division~~ OFFICE shall operate the family resource center
18 program in accordance with the provisions of this article. ~~the~~
19 requirements for prevention, intervention, and treatment programs
20 specified in article 20.5 of title 25, C.R.S., and the rules for prevention,
21 intervention, and treatment programs adopted by the state board of health
22 pursuant to section 25-20.5-106, C.R.S. In addition, the ~~division~~ OFFICE
23 may establish any other procedures necessary to implement the program,
24 including establishing the procedure for the submittal of grant
25 applications by community applicants seeking to establish a family
26 resource center or by a family resource center applying for a grant for
27 continued operation of a family resource center.

1 (c) (III) The ~~division~~ OFFICE is authorized to accept and expend
2 any grants from any public or private source for the purpose of making
3 grants to community applicants for the establishment or continued
4 operation of family resource centers and for the purpose of evaluating the
5 effectiveness of the family resource center program. Nothing in this
6 article shall be construed to prohibit a family resource center from
7 accepting and expending funds received through an authorized contract,
8 grants, or donations from public or private sources.

9 **SECTION 9.** In Colorado Revised Statutes, 26-18-105, **amend**
10 (1) introductory portion, (2), and (3) as follows:

11 **26-18-105. Selection of centers - grants.** (1) The ~~division~~ OFFICE
12 may award a grant for the purpose of establishing a family resource center
13 based on a plan submitted to the ~~division~~ OFFICE by the applicant or for
14 the continued operation of a family resource center. The plan shall meet
15 specific criteria which the ~~division~~ OFFICE is hereby authorized to set, but
16 the criteria shall include at least the following provisions:

17 (2) The local advisory council for a community applicant awarded
18 a grant pursuant to subsection (1) of this section shall evaluate the overall
19 effectiveness of the family resource center annually and shall submit an
20 annual report to the ~~division~~ in accordance with section 25-20.5-108,
21 ~~C.R.S~~ OFFICE.

22 (3) In the event the ~~division~~ OFFICE determines, from any report
23 submitted by a local advisory council or any other source, that the
24 operation of a family resource center is not in compliance with this article
25 or any rule adopted pursuant to the provisions of this article, the ~~division~~
26 OFFICE may impose sanctions including termination of the grant.

27 **SECTION 10.** In Colorado Revised Statutes, 25-20.5-101,

1 amend (1) (a), (1) (c), and (2) as follows:

2 25-20.5-101. Legislative declaration. (1) The general assembly
3 hereby finds that:

4 (a) The state operates or state agencies provide funding for a wide
5 variety of prevention, intervention, and treatment programs designed to
6 assist ~~children and~~ youth in achieving an education, in making informed
7 choices about their health and well-being, in avoiding the juvenile and
8 criminal justice systems, and, generally, in becoming healthy,
9 law-abiding, contributing members of society;

10 (c) There is some overlap among prevention, intervention, and
11 treatment programs, sometimes resulting in the potentially inefficient use
12 of state resources which may result in the provision of fewer services to
13 ~~children and~~ youth;

14 (2) The general assembly therefore finds that it is in the best
15 interests of the ~~children,~~ youth and families of the state to create a single
16 division in the department of public health and environment to operate
17 prevention and intervention programs and to oversee the provision of
18 prevention, intervention, and treatment services through federally and
19 state-funded prevention, intervention, and treatment programs to ensure
20 collaboration among programs and the availability of a continuum of
21 services for ~~children and~~ youth.

22 SECTION 11. In Colorado Revised Statutes, 25-20.5-102,
23 amend (5) and (6) as follows:

24 25-20.5-102. Definitions. As used in this article, unless the
25 context otherwise requires:

26 (5) "Prevention, intervention, and treatment services" means
27 services that are designed to promote the well-being of ~~children and~~ youth

1 and their families by decreasing high-risk behaviors, strengthening
2 healthy behaviors, and promoting family stability.

3 (6) "State plan" means the state plan for delivery of prevention,
4 intervention, and treatment services to children and youth throughout the
5 state adopted by the division pursuant to section 25-20.5-105.

6 **SECTION 12.** In Colorado Revised Statutes, 25-20.5-104,
7 **amend** (1) (a) and (2) as follows:

8 **25-20.5-104. Functions of division.** (1) The division has the
9 following functions:

10 (a) On or before February 1, 2001, to submit to the executive
11 director to the Tony Grampsas youth services board, and to the governor
12 for approval a state plan for delivery of prevention, intervention, and
13 treatment services to children and youth throughout the state as provided
14 in section 25-20.5-105, and to biennially review the state plan and submit
15 revisions as provided by rule of the state board of health to the executive
16 director the Tony Grampsas youth services board, and the governor for
17 approval;

18 (2) In addition to any prevention and intervention programs
19 created in or transferred to the division by executive order and any
20 prevention and intervention programs transferred to the division by the
21 executive director pursuant to subsection (4) of this section, the division
22 shall operate the following prevention and intervention programs:

23 (a) The Tony Grampsas youth services program created in section
24 25-20.5-201;

25 (b) The Colorado youth mentoring services program created in
26 section 25-20.5-203;

27 (c) The Colorado student dropout prevention and intervention

1 program created in section 25-20.5-204;

2 (d) The Colorado children's trust fund created in article 3.5 of title
3 19, C.R.S.;

4 (e) The family resource center program created in section
5 26-18-104, C.R.S.;

6 (f) The school-based health center grant program created in part
7 5 of this article.

8 **SECTION 13.** In Colorado Revised Statutes, 25-20.5-105,
9 **amend** (1) introductory portion and (2) as follows:

10 **25-20.5-105. State plan for delivery of prevention,**
11 **intervention, and treatment services to children and youth - contents.**

12 (1) On or before February 1, 2001, the division shall submit to the
13 governor the Tony Grampsas youth services board, and the executive
14 director for approval a state plan for delivery of prevention, intervention,
15 and treatment services to children and youth throughout the state. The
16 state plan shall apply to all prevention, intervention, and treatment
17 programs that receive state or federal funds and are operated within the
18 state. The state plan shall be designed to coordinate and provide direction
19 for the delivery of prevention, intervention, and treatment services
20 through the various prevention and intervention programs operated by the
21 division and the prevention, intervention, and treatment programs
22 operated by other state departments and to ensure collaboration among
23 programs that results in a continuum of services available to children and
24 youth throughout the state. At a minimum, the state plan shall:

25 (2) The division shall biennially review and revise the state plan
26 as necessary to ensure the most efficient and effective delivery of
27 prevention, intervention, and treatment services throughout the state. The

1 division shall submit any revised state plan as provided by rule of the
2 state board of health to the governor the Tony Grampsas youth services
3 board, and the executive director for approval.

4 **SECTION 14.** In Colorado Revised Statutes, 25-20.5-106,
5 **amend** (1) and (3) as follows:

6 **25-20.5-106. State board of health - rules - program duties.**

7 (1) The state board of health created in section 25-1-103 shall promulgate
8 rules as necessary for the operation of the division, including but not
9 limited to rules establishing the time frames for review of the state plan
10 and submittal of any revised state plan to the governor the Tony
11 Grampsas youth services board, and the executive director and to the
12 entities specified in section 25-20.5-105 (4).

13 (3) The state board of health shall act as the program board for the
14 oversight of the prevention and intervention programs operated by the
15 division. except that the Tony Grampsas youth services board shall act as
16 the program board for the programs specified in part 2 of this article and
17 for any additional programs specified by executive order.

18 **SECTION 15.** In Colorado Revised Statutes, 2-3-113, **amend** (1)
19 **(a)** as follows:

20 **2-3-113. Programs that receive tobacco settlement moneys -**
21 **program review - repeal.** (1) As used in this section:

22 (a) "Health sciences facility" has the meaning set forth in section
23 25-31-103, C.R.S. SECTION 26-6.4-103 (2), C.R.S. For purposes of this
24 section, "health sciences facility" includes any contractor or subcontractor
25 engaged by the health sciences facility to assist in the implementation and
26 monitoring of the nurse home visitor program established under article 31
27 of title 25, C.R.S. ARTICLE 6.4 OF TITLE 26, C.R.S.

1 **SECTION 16.** In Colorado Revised Statutes, 13-3-113, **amend**
2 (3) (a) as follows:

3 **13-3-113. "Family-friendly Courts Act". (3) Definitions.** For
4 purposes of this section:

5 (a) "At-risk youth" shall have the same meaning as set forth in
6 section 25-20.5-203 (3), C.R.S. SECTION 26-6.8-104 (3), C.R.S.

7 **SECTION 17.** In Colorado Revised Statutes, 24-1-119, **repeal** (9)
8 as follows:

9 **24-1-119. Department of public health and environment -**
10 **creation.** (9) The powers, duties, and functions of the Colorado
11 children's trust fund board, created in section 19-3.5-104, C.R.S., are
12 transferred by a **type 2** transfer to the department of public health and
13 environment.

14 **SECTION 18.** In Colorado Revised Statutes, 24-1-120, **add** (6)
15 (f), (6) (g), and (10) as follows:

16 **24-1-120. Department of human services - creation -**
17 **repeal.**(6) The department shall consist of the following divisions and
18 units:

19 (f) **THE OFFICE OF EARLY CHILDHOOD CREATED PURSUANT TO**
20 **SECTION 26-6.1-103, C.R.S. THE OFFICE OF EARLY CHILDHOOD AND ALL**
21 **OF ITS POWERS, DUTIES, AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2****
22 **TRANSFER TO THE DEPARTMENT OF HUMAN SERVICES AS AN OFFICE**
23 **THEREOF.**

24 (g) **THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT**
25 **CREATED PURSUANT TO SECTION 26-6.7-103, C.R.S. THE DIVISION OF**
26 **YOUTH AND COMMUNITY DEVELOPMENT AND ALL OF ITS POWERS, DUTIES,**
27 **AND FUNCTIONS ARE TRANSFERRED BY A **TYPE 2** TRANSFER TO THE**

1 DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

2 (10) THE POWERS, DUTIES, AND FUNCTIONS OF THE COLORADO
3 CHILDREN'S TRUST FUND BOARD, CREATED IN SECTION 19-3.5-104, C.R.S.,
4 ARE TRANSFERRED BY A TYPE 2 TRANSFER TO THE DEPARTMENT OF
5 HUMAN SERVICES.

6 SECTION 19. In Colorado Revised Statutes, 24-75-1104.5,
7 amend (1) (a) introductory portion, (1) (i), (3), and (5) (a) (I) (B) as
8 follows:

9 24-75-1104.5. Use of settlement moneys - programs - repeal.

10 (1) Except as otherwise provided in subsection (5) of this section, for the
11 2004-05 fiscal year and for each fiscal year thereafter, the following
12 programs, services, or funds shall receive the following specified amounts
13 from the settlement moneys received by the state in the preceding fiscal
14 year; except that fifteen million four hundred thousand dollars of strategic
15 contribution fund moneys and, for the 2010-11 fiscal year and for each
16 fiscal year thereafter only, the lesser of sixty-five million dollars of other
17 settlement moneys or all other settlement moneys shall be allocated in
18 each fiscal year in which they are received by the state and except that, of
19 the other settlement moneys received by the state in the 2009-10 fiscal
20 year, the lesser of sixty-five million dollars or all of such moneys shall be
21 transferred to the general fund on June 30, 2010, and shall not be
22 allocated:

23 (a) The Colorado nurse home visitor program created in ~~article 31~~
24 ~~of title 25, C.R.S.~~ ARTICLE 6.4 OF TITLE 26, C.R.S., shall receive the
25 following amounts, not to exceed nineteen million dollars in any fiscal
26 year, as provided in ~~section 25-31-107, C.R.S.~~ SECTION 26-6.4-107,
27 C.R.S.:

1 (i) The Tony Grampas youth services program created in part 2
2 of article 20.5 of title 25, C.R.S. ARTICLE 6.8 OF TITLE 26, C.R.S., shall
3 receive four percent of the total amount of settlement moneys annually
4 received by the state, not to exceed five million dollars in any fiscal year,
5 as provided in section 25-20.5-201, C.R.S. SECTION 26-6.8-101, C.R.S.

6 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
7 this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a),
8 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2),
9 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d)
10 (I), 26-6.8-201 (2) (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S.,
11 settlement moneys received and allocated by the state pursuant to said
12 subsections (1) and (1.5) during the same fiscal year shall be deemed to
13 be moneys received for or during the preceding fiscal year.

14 (5) (a) (I) The state treasurer shall credit all disputed payments
15 upon receipt, or if received prior to June 1, 2009, on June 1, 2009, to the
16 general fund. On June 1, 2009, the state treasurer shall transfer the
17 following amounts from the general fund:

18 (B) Four hundred seventy-eight thousand dollars to the nurse
19 home visitor program fund created in section 25-31-107 (2) (b), C.R.S.
20 SECTION 26-6.4-107 (2) (b), C.R.S.

21 **SECTION 20.** In Colorado Revised Statutes, 25-1-108.5, amend
22 (1) (a), (1) (c), and (2) introductory portion as follows:

23 **25-1-108.5. Additional powers and duties of state board of**
24 **health and department - programs that receive tobacco settlement**
25 **moneys - monitoring - annual report.** (1) As used in this section:

26 (a) "Health sciences facility" has the meaning set forth in section
27 25-31-103 SECTION 26-6.4-103, C.R.S.

1 (c) "Nurse home visitor program" means the tobacco settlement
2 program established in article 31 of this title ARTICLE 6.4 OF TITLE 26,
3 C.R.S.

4 (2) Except for the nurse home visitor program, which shall be
5 monitored by the health sciences facility in accordance with section
6 25-31-105 (1) SECTION 26-6.4-105 (1), the state board and the department
7 shall monitor the operation and effectiveness of tobacco settlement
8 programs. Each tobacco settlement program shall annually submit to the
9 department, in accordance with rules promulgated by the state board, the
10 following information:

11 **SECTION 21.** In Colorado Revised Statutes, 25-3.5-804, amend
12 (3) (a) as follows:

13 **25-3.5-804. Tobacco education, prevention, and cessation**
14 **programs - review committee - grants.** (3) (a) The division shall
15 review the applications received pursuant to this part 8 and make
16 recommendations to the state board regarding those entities that may
17 receive grants and the amounts of said grants. On and after October 1,
18 2005, the review committee shall review the applications received
19 pursuant to this part 8 and submit to the state board and the director of the
20 department recommended grant recipients, grant amounts, and the
21 duration of each grant. Within thirty days after receiving the review
22 committee's recommendations, the director shall submit his or her
23 recommendations to the state board. The review committee's
24 recommendations regarding grantees of the Tony Grampsas youth
25 services program, section 25-20.5-201 SECTION 26-6.8-101, C.R.S.,
26 pursuant to section 25-3.5-805 (5) shall be submitted to the state board
27 and the Tony Grampsas youth services board. Within thirty days after

1 receiving the review committee's recommendations, the Tony Grampsas
2 youth services board shall submit its recommendations to the state board.
3 The state board shall have the final authority to approve the grants under
4 this part 8. If the state board disapproves a recommendation for a grant
5 recipient, the review committee may submit a replacement
6 recommendation within thirty days. In reviewing grant applications for
7 programs to provide tobacco education, prevention, and cessation
8 programs for persons with mental illness, the division or the review
9 committee shall consult with the programs for public psychiatry at the
10 university of Colorado health sciences center, the national alliance for the
11 mentally ill, the mental health association of Colorado, and the
12 department of human services.

13 **SECTION 22.** In Colorado Revised Statutes, 25-3.5-805, amend
14 (5) as follows:

15 **25-3.5-805. Tobacco education, prevention, and cessation**
16 **programs - requirements.** (5) Up to fifteen percent of the moneys
17 annually awarded pursuant to this section shall be allocated to grantees of
18 the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION
19 26-6.8-101, C.R.S., for proven tobacco prevention and cessation
20 programs.

21 **SECTION 23.** In Colorado Revised Statutes, 24-44.7-102, amend
22 (2) (g) as follows:

23 **24-44.7-102. Early childhood leadership commission - created**
24 **- mission.** (2) The commission shall consist of up to thirty-five members
25 as follows:

26 (g) Four legislative members appointed as follows:

27 (I) Two representatives, one each appointed by the speaker OF THE

1 HOUSE OF REPRESENTATIVES, WHICH APPOINTEE IS A MEMBER OF THE
2 EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE
3 APPOINTED BY the minority leader of the house of representatives, WHICH
4 APPOINTEE IS A MEMBER OF THE HEALTH AND ENVIRONMENT COMMITTEE,
5 OR ANY SUCCESSOR COMMITTEE; and

6 (II) Two senators, one each appointed by the president OF THE
7 SENATE, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND HUMAN
8 SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE
9 APPOINTED BY the minority leader of the senate, WHICH APPOINTEE IS A
10 MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE.

11 **SECTION 24. Accountability.** Five years after this act becomes
12 law and in accordance with section 2-2-1201, Colorado Revised Statutes,
13 the legislative service agencies of the Colorado General Assembly shall
14 conduct a post-enactment review of the implementation of this act
15 utilizing the information contained in the legislative declaration set forth
16 in section 25-6.1-101, Colorado Revised Statutes, enacted in section 1 of
17 this act.

18 **SECTION 25. Effective date.** This act takes effect July 1, 2012.

19 **SECTION 26. Safety clause.** The general assembly hereby finds,
20 determines, and declares that this act is necessary for the immediate
21 preservation of the public peace, health, and safety.