

Second Regular Session
Sixty-eighth General Assembly
STATE OF COLORADO

REENGROSSED

*This Version Includes All Amendments
Adopted 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 3rd Reading
March 26, 2012

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 (6) PARTICIPATION IN A PROGRAM ADMINISTERED BY THE OFFICE
18 IS VOLUNTARY. THE OPERATIONS OF THE OFFICE AND THE
19 IMPLEMENTATION OF THE PROGRAMS ADMINISTERED BY THE OFFICE ARE
20 NOT DESIGNED OR INTENDED TO INTERFERE WITH THE RIGHTS OF PARENTS
21 TO RAISE THEIR CHILDREN.

22 **26-6.1-105. State plan for delivery of services to pregnant**
23 **women, children, and their families - contents - approval. (1) THE**
24 **OFFICE SHALL COLLABORATE WITH THE OTHER DIVISIONS WITHIN THE**
25 **STATE DEPARTMENT AND WITHIN OTHER STATE DEPARTMENTS THAT**
26 **ADMINISTER EARLY CHILDHOOD PROGRAMS TO DEVELOP A STATE PLAN**
27 **FOR DELIVERY OF SERVICES TO PREGNANT WOMEN, CHILDREN FROM BIRTH**

1 TO EIGHT YEARS OF AGE, AND THEIR FAMILIES. THE OFFICE AND THE OTHER
2 DIVISIONS AND STATE DEPARTMENTS SHALL DESIGN THE STATE PLAN TO
3 PROVIDE A STATEWIDE, UNIFIED APPROACH TO PROVIDING EARLY
4 CHILDHOOD SERVICES AND OPERATING EARLY CHILDHOOD PROGRAMS.
5 THE GOAL OF THE STATE PLAN IS TO INCREASE EFFICIENCY,
6 EFFECTIVENESS, AND QUALITY IN DELIVERING EARLY CHILDHOOD
7 SERVICES FOR CHILDREN AND FAMILIES AT THE STATE AND LOCAL LEVELS.
8 AT A MINIMUM, THE STATE PLAN SHALL:

9 (a) ESTABLISH PRIORITIES FOR THE DELIVERY OF EARLY
10 CHILDHOOD SERVICES AND THE USE OF FEDERAL, STATE, AND PRIVATE
11 MONEYS RECEIVED TO PROVIDE EARLY CHILDHOOD SERVICES AND
12 IMPLEMENT EARLY CHILDHOOD PROGRAMS;

13 (b) ESTABLISH GUIDELINES, POLICIES, AND STANDARDS FOR
14 PROGRAM OPERATION AND SERVICE DELIVERY, INCLUDING THE USE OF
15 STANDARDIZED TOOLS FOR ASSESSING EARLY CHILDHOOD DEVELOPMENT,
16 THE USE OF A UNIVERSAL APPLICATION FOR SERVICES, AND STATEWIDE
17 STANDARDS FOR MEASURING OUTCOMES;

18 (c) IDENTIFY TOOLS FOR ASSESSING EARLY CHILDHOOD
19 DEVELOPMENT AND THE NEED FOR EARLY CHILDHOOD SERVICES;

20 (d) ESTABLISH GUIDELINES AND STANDARDS FOR REFERRALS TO
21 SERVICES;

22 (e) ESTABLISH CONSISTENT REQUIREMENTS TO ENSURE THAT
23 EARLY CHILDHOOD PROGRAMS COORDINATE IN THE DELIVERY OF SERVICES
24 AND, TO THE EXTENT ALLOWED UNDER LAW, SHARE INFORMATION
25 CONCERNING SERVICE PROVISION AND RECIPIENTS;

26 (f) ESTABLISH MINIMUM EXPECTATIONS AND REQUIREMENTS FOR
27 COMMUNICATION AMONG EARLY CHILDHOOD PROGRAMS;

1 (g) IDENTIFY AREAS IN WHICH EARLY CHILDHOOD PROGRAMS MAY
2 RECOGNIZE INCREASED ECONOMIES OF SCALE IN PROVIDING SERVICES AND
3 ESTABLISH GUIDELINES AND PROCEDURES FOR ACHIEVING THE INCREASE
4 IN ECONOMIES OF SCALE;

5 (h) ESTABLISH PROCEDURES AND GUIDELINES FOR COORDINATING
6 THE USE AND CONTENT OF REQUESTS FOR PROPOSALS AND GRANT
7 APPLICATIONS AND THE REPORTING REQUIREMENTS IMPOSED ON GRANT
8 RECIPIENTS;

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

18 (j) COORDINATE WITH OTHER RELEVANT STATE PLANS REGARDING
19 EARLY CHILDHOOD SERVICES, WHICH PLANS ARE PREPARED BY DIVISIONS
20 WITHIN THE STATE DEPARTMENT AND OTHER STATE DEPARTMENTS FOR
21 THE FEDERAL GOVERNMENT.

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

23 (a) CONSULT WITH THE DIVISIONS WITHIN THE STATE DEPARTMENT
24 AND WITH OTHER STATE DEPARTMENTS THAT OPERATE YOUTH
25 DEVELOPMENT PROGRAMS, INCLUDING BUT NOT LIMITED TO THE TONY
26 GRAMPSAS YOUTH SERVICES PROGRAM CREATED IN ARTICLE 6.8 OF THIS
27 TITLE, TO ENSURE AN INTEGRATED CONTINUUM OF EARLY CHILDHOOD AND

1 YOUTH DEVELOPMENT SERVICE DELIVERY FOR CHILDREN AND THEIR
2 FAMILIES;

3 (b) CONSULT WITH AND SEEK ADVICE FROM THE EARLY
4 CHILDHOOD LEADERSHIP COMMISSION AND THE EARLY CHILDHOOD AND
5 SCHOOL READINESS COMMISSION; AND

6 (c) SOLICIT INPUT AND COMMENT FROM THE EARLY CHILDHOOD
7 COMMUNITY, INCLUDING BUT NOT LIMITED TO, EARLY CHILDHOOD
8 PROGRAMS, SERVICE PROVIDERS, COMMUNITY PARTNERS, AND PARENTS
9 AND FAMILIES.

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

16 (b) ON OR BEFORE JULY 1, 2013, THE OFFICE, WITH THE APPROVAL
17 OF THE OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER
18 EARLY CHILDHOOD PROGRAMS, SHALL RECOMMEND THE STATE PLAN TO
19 THE EARLY CHILDHOOD LEADERSHIP COMMISSION, THE EXECUTIVE
20 DIRECTOR, AND THE EARLY CHILDHOOD AND SCHOOL READINESS
21 COMMISSION FOR REVIEW AND COMMENT. AFTER RECEIVING COMMENTS
22 AND AMENDING THE STATE PLAN AS APPROPRIATE, THE OFFICE SHALL
23 SUBMIT THE STATE PLAN TO THE STATE BOARD FOR APPROVAL. THE STATE
24 BOARD MAY APPROVE THE STATE PLAN AS SUBMITTED OR WITH CHANGES.
25 AFTER THE STATE BOARD APPROVES THE STATE PLAN, THE OFFICE AND THE
26 OTHER DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY
27 CHILDHOOD PROGRAMS SHALL IMPLEMENT THE STATE PLAN; EXCEPT THAT

1 THEY SHALL NOT IMPLEMENT THE SECTIONS OF THE STATE PLAN THAT
2 AFFECT ADMINISTRATION OF THE EARLY CHILDHOOD PROGRAMS
3 ADMINISTERED BY THE DEPARTMENT OF EDUCATION AND SCHOOL
4 DISTRICTS UNTIL THE STATE BOARD OF EDUCATION APPROVES SAID
5 SECTIONS AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

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

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

1 CHILDHOOD PROGRAMS ADMINISTERED BY THE DEPARTMENT OF
2 EDUCATION AND SCHOOL DISTRICTS TO THE STATE BOARD OF EDUCATION
3 FOR APPROVAL AS PROVIDED IN PARAGRAPH (c) OF THIS SUBSECTION (3).

4 (e) EVERY SIX MONTHS FOLLOWING ADOPTION OF THE INITIAL OR
5 A REVISED STATE PLAN, THE OFFICE, IN COLLABORATION WITH THE OTHER
6 DIVISIONS AND STATE DEPARTMENTS THAT ADMINISTER EARLY
7 CHILDHOOD PROGRAMS, SHALL REPORT TO THE EARLY CHILDHOOD
8 LEADERSHIP COMMISSION, THE DEPARTMENT LEADERS, AND THE EARLY
9 CHILDHOOD AND SCHOOL READINESS COMMISSION CONCERNING
10 IMPLEMENTATION OF THE STATE PLAN.

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

27 (2) THE DEPARTMENT LEADERS SHALL DIRECT THE EARLY

1 CHILDHOOD PROGRAM DIRECTORS IN THEIR RESPECTIVE STATE
2 DEPARTMENTS TO COORDINATE IN PROVIDING COMMUNICATIONS TO THE
3 EARLY CHILDHOOD COUNCILS AND OTHER LOCAL AGENCIES AND
4 PROVIDERS CONCERNING IMPLEMENTATION OF EARLY CHILDHOOD
5 PROGRAMS. TO THE EXTENT APPROPRIATE, THE DEPARTMENT LEADERS
6 SHALL JOINTLY SEND DEPARTMENT LETTERS WHEN NECESSARY TO
7 PROVIDE DIRECTION TO THE EARLY CHILDHOOD COUNCILS AND OTHER
8 LOCAL PROVIDERS FOR THE OPERATION OF EARLY CHILDHOOD PROGRAMS
9 OR CONCERNING INTERPRETATION OR APPLICATION OF PROGRAM RULES
10 AND GUIDELINES.

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

21 **26-6.1-107. Reporting.** (1) AS PART OF ITS ANNUAL
22 PRESENTATION TO A COMMITTEE OF REFERENCE IN ACCORDANCE WITH
23 SECTION 2-7-203, C.R.S., THE STATE DEPARTMENT SHALL SPECIFICALLY
24 REPORT ON THE CREATION, REVIEW, AND IMPLEMENTATION OF THE STATE
25 PLAN. AT A MINIMUM, THE STATE DEPARTMENT'S REPORT SHALL ADDRESS:

26 (a) THE PRIORITIES FOR PROVIDING EARLY CHILDHOOD SERVICES
27 AND FOR USING MONEYS AVAILABLE FOR EARLY CHILDHOOD SERVICES;

1 practices that are detrimental to her health and well-being and the health
2 and well-being of her child. The general assembly further finds that
3 inadequate prenatal care and inadequate care in infancy and early
4 childhood often inhibit a child's ability to learn and develop throughout
5 his or her childhood and may have lasting, adverse effects on the child's
6 ability to function as an adult. The general assembly recognizes that
7 implementation of a nurse home visitor program that provides
8 educational, health, and other resources for new young mothers during
9 pregnancy and the first years of their infants' lives has been proven to
10 significantly reduce the amount of drug, including nicotine, and alcohol
11 use and abuse by mothers, the occurrence of criminal activity committed
12 by mothers and their children under fifteen years of age, and the number
13 of reported incidents of child abuse and neglect. Such a program has also
14 been proven to reduce the number of subsequent births, increase the
15 length of time between subsequent births, and reduce the mother's need
16 for other forms of public assistance. It is the intent of the general
17 assembly that such a program be established for the state of Colorado,
18 beginning with a limited number of participants and expanding by the
19 year 2010 to be available to all low-income, first-time mothers in the state
20 who consent to receiving services.

21 (2) The general assembly further finds that, to implement such a
22 program efficiently and effectively and to promote the successful
23 implementation of partnerships between state public entities and the
24 private sector, responsibility for the program should be divided between
25 the STATE department, which shall be responsible for financial
26 administration of the program, and a health sciences facility at the
27 university of Colorado, which shall be responsible for programmatic and

1 clinical support, evaluation, and monitoring for the program, and such
2 other responsibilities as described in this article. It is the intent of the
3 general assembly that the STATE department and the health sciences
4 facility work collaboratively to share information in order to promote
5 efficient and effective program implementation; however, neither entity
6 is responsible for the other entity's statutorily prescribed duties.

7 **26-6.4-103. [Formerly 25-31-103] Definitions.** As used in this
8 article, unless the context otherwise requires:

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

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

17 (3) (2) "Health sciences facility" means the Anschutz medical
18 campus or a successor facility located at the university of Colorado health
19 sciences center that is selected by the president of the university of
20 Colorado pursuant to section 25-31-105 SECTION 26-6.4.105 to assist the
21 state board in administering the program.

22 (4) (3) "Low-income" means an annual income that does not
23 exceed two hundred percent of the federal poverty line.

24 (5) (4) "Master settlement agreement" means the master
25 settlement agreement, the smokeless tobacco master settlement
26 agreement, and the consent decree approved and entered by the court in
27 the case denominated *State of Colorado, ex rel. Gale A. Norton, Attorney*

1 General v. R.J. Reynolds Tobacco Co.; American Tobacco Co., Inc.;
2 Brown & Williamson Tobacco Corp.; Liggett & Myers, Inc.; Lorillard
3 Tobacco Co., Inc.; Philip Morris, Inc.; United States Tobacco Co.; B.A.T.
4 Industries, P.L.C.; The Council For Tobacco Research--U.S.A., Inc.; and
5 Tobacco Institute, Inc., Case No. 97 CV 3432, in the district court for the
6 city and county of Denver.

7 (6) (5) "Nurse" means a person licensed as a professional nurse
8 pursuant to article 38 of title 12, C.R.S., or accredited by another state or
9 voluntary agency that the state board of nursing has identified by rule
10 pursuant to section 12-38-108 (1) (a), C.R.S., as one whose accreditation
11 may be accepted in lieu of board approval.

12 (6) "OFFICE" MEANS THE OFFICE OF EARLY CHILDHOOD CREATED
13 IN ARTICLE 6.1 OF THIS TITLE IN THE STATE DEPARTMENT OF HUMAN
14 SERVICES.

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

17 (8) "State board" means the state board of health created in section
18 25-1-103 HUMAN SERVICES CREATED IN SECTION 26-1-107.

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

21 **26-6.4-104. [Formerly 25-31-104] Nurse home visitor program**
22 **- created - rules.** (1) (a) There is hereby established the nurse home
23 visitor program to provide regular, in-home, visiting nurse services to
24 low-income, first-time mothers, with their consent, during their
25 pregnancies and through their children's second birthday. The program
26 shall provide trained visiting nurses to help educate mothers on the
27 importance of nutrition and avoiding alcohol and drugs, including

1 nicotine, and to assist and educate mothers in providing general care for
2 their children and in improving health outcomes for their children. In
3 addition, visiting nurses may help mothers in locating assistance with
4 educational achievement and employment. Any assistance provided
5 through the program shall be provided only with the consent of the
6 low-income, first-time mother, and she may refuse further services at any
7 time.

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

15 (2) The program shall be administered in communities throughout
16 the state by entities selected on a competitive basis by the state board.
17 Any entity that seeks to administer the program shall submit an
18 application to the ~~department~~ OFFICE as provided in ~~section 25-31-106~~
19 SECTION 26-6.4-106. The entities selected pursuant to ~~section 25-31-107~~
20 SECTION 26-6.4-107 shall be expected to provide services to a minimum
21 of one hundred low-income, first-time mothers in the community in
22 which the entity administers the program; except that the state board may
23 grant a waiver of this requirement if the population base of the
24 community does not have the capacity to enroll one hundred eligible
25 families. The state board shall consult with the health sciences facility
26 prior to granting the waiver to ensure that the entity can implement the
27 program within the smaller community and maintain compliance with the

1 program requirements. A mother shall be eligible to receive services
2 through the program if she is pregnant with her first child, or her first
3 child is less than one month old, and her gross annual income does not
4 exceed two hundred percent of the federal poverty line.

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

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

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

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

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

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

24 (4) Notwithstanding the provisions of subsection (3) of this
25 section, the board shall adopt rules pursuant to which a nurse home
26 visitation program that is in operation in the state as of July 1, 1999, may
27 qualify for participation in the program if it can demonstrate that it has

1 been in operation in the state for a minimum of five years and that it has
2 achieved a reduction in the occurrences specified in subsection (3) of this
3 section. Any program so approved shall be exempt from the rules adopted
4 regarding program training requirements, program protocols, program
5 management information systems, and program evaluation requirements
6 so long as said program continues to demonstrate a reduction in the
7 occurrences specified in subsection (3) of this section.

8 (5) The department OFFICE may propose to the state board rules
9 concerning program applications under section 25-31-106 (1) SECTION
10 26-6.4-106. Any such proposal shall be made in consultation with the
11 health sciences facility.

12 **26-6.4-105. [Formerly 25-31-105] Health sciences facility -**
13 **duties.** (1) The president of the university of Colorado shall identify a
14 facility at the university of Colorado health sciences center with the
15 knowledge and expertise necessary to:

16 (a) Assist the state board in selecting entities from among the
17 applications submitted pursuant to section 25-31-106 SECTION
18 26-6.4-106;

19 (b) Provide programmatic and clinical support, evaluation, and
20 monitoring for the program, including nurse practice support and training,
21 clinical and programmatic technical assistance, compliance monitoring
22 and support, program development and implementation support, and
23 performance improvement monitoring and support, in communities
24 throughout the state;

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

27 (d) Work with the state auditor's office as required in section

1 2-3-113 (4), C.R.S.

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

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

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

1 26-6.4-107 (2).

2 **26-6.4-106. [Formerly 25-31-106] Program applications -**

3 **requirements.** (1) An entity that seeks to administer the program in a
4 community shall submit an application to the ~~department~~ OFFICE in
5 accordance with rules adopted by the state board, in consultation with the
6 ~~department~~ OFFICE and the health sciences facility. At a minimum, the
7 application shall specify the basic elements and procedures that the entity
8 shall use in administering the program. Basic program elements shall
9 include the following:

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

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

17 (c) The management information system to be used by the entity
18 in administering the program, which at a minimum shall comply with the
19 management information system requirements established by rule of the
20 state board;

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

25 (e) An annual report to both the health sciences facility and the
26 community in which the entity administers the program that reports on the
27 effectiveness of the program within the community and is written in a

1 manner that is understandable for both the health sciences facility and
2 members of the community.

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

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

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

21 (2) (a) The entities selected to operate the program shall receive
22 grants in amounts specified by the state board. The grants may include
23 operating costs and additional amounts for training and development of
24 any infrastructure, including but not limited to development of the
25 information management system necessary to administer the program. For
26 the 2000-01 fiscal year, the state board shall award grants to no more than
27 twelve entities in at least eight communities. THE STATE BOARD SHALL

1 DETERMINE the number of entities selected and the number of
2 communities in which the program shall be IS implemented in subsequent
3 fiscal years shall be determined by BASED ON THE moneys available in the
4 nurse home visitor program fund created in paragraph (b) of this
5 subsection (2).

6 (a.5) Except as otherwise provided in section 25-31-108 SECTION
7 26-6.4-108, the department shall be OFFICE IS responsible for financial
8 administration of this article, which shall include compensating the health
9 sciences facility pursuant to section 25-31-105 (3) SECTION 26-6.4-105
10 (3); paying grants to entities selected to administer the program;
11 monitoring financial, contractual, and regulatory compliance; providing
12 medicaid financing oversight; managing accounting and budgeting; and,
13 in cooperation with the health sciences facility, managing grant
14 applications as set forth in section 25-31-106 SECTION 26-6.4-106. The
15 department OFFICE shall also cooperate with the health sciences facility's
16 administration of programmatic and clinical support, evaluation, and
17 monitoring of the program. The department shall not be OFFICE IS NOT
18 responsible for any duties assigned to the health sciences facility with
19 respect to the program, as described in section 25-31-105 SECTION
20 26-6.4-105.

21 (b) Grants awarded pursuant to paragraph (a) of this subsection
22 (2) shall be ARE payable from the nurse home visitor program fund, which
23 fund is hereby created in the state treasury. The nurse home visitor
24 program fund, referred to in this section as the "fund", shall be IS
25 administered by the department OFFICE and shall consist CONSISTS of
26 moneys transferred thereto by the state treasurer from moneys received
27 pursuant to the master settlement agreement in the amount described in

1 paragraph (d) of this subsection (2). In addition, the state treasurer shall
2 credit to the fund any public or private gifts, grants, or donations received
3 by the department OFFICE for implementation of the program, including
4 any moneys received from the United States federal government for the
5 program. The fund shall be IS subject to annual appropriation by the
6 general assembly to the department OFFICE for grants to entities for
7 operation of the program. The department OFFICE may retain a total of up
8 to five percent of the amount annually appropriated from the fund for the
9 program, in order to compensate the health sciences facility pursuant to
10 section 25-31-105 (3) SECTION 26-6.4-105 (3), as set forth in the scope of
11 work in the agreement between the department OFFICE and the health
12 sciences facility, and to compensate the department OFFICE for the actual
13 costs incurred by the department OFFICE in implementing the provisions
14 of paragraph (a.5) of this subsection (2), as determined by the department
15 OFFICE; except that the portion of the costs to compensate the department
16 OFFICE for implementing the provisions of paragraph (a.5) of this
17 subsection (2) shall not exceed two percent of the amount annually
18 appropriated from the fund for the program, and the portion of such costs
19 to compensate the health sciences facility under section 25-31-105 (3)
20 SECTION 26-6.4-105 (3), as set forth in the scope of work in the contract
21 between the department OFFICE and the health sciences facility, shall not
22 exceed three percent of the amount annually appropriated from the fund
23 for the program. In addition, if the total amount annually appropriated
24 from the fund for the program exceeds nineteen million dollars, the
25 department OFFICE and the health sciences facility shall assess whether a
26 smaller percentage of the appropriated funds exceeding nineteen million
27 dollars is adequate to cover their actual costs and shall jointly submit to

1 the general assembly a report articulating their conclusions on this
2 subject. The actual costs of the department OFFICE include department
3 personnel and operating costs and any necessary transfers to the
4 department of health care policy and financing for administrative costs
5 incurred for the medicaid program associated with the program. The
6 actual costs of the health sciences facility include the facility's own actual
7 program costs and those of its contractors and subcontractors. Any costs
8 for time studies required to obtain medicaid reimbursement for the
9 program may be paid from program funds and shall not be subject to the
10 five percent limit in this section. Notwithstanding section 24-36-114,
11 C.R.S., all interest derived from the deposit and investment of moneys in
12 the fund shall be credited to the fund. Any unencumbered moneys
13 appropriated from moneys received pursuant to the master settlement
14 agreement remaining in the fund at the end of any fiscal year shall be
15 transferred to the tobacco litigation settlement trust fund created in
16 section 24-22-115.5, C.R.S.

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

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

1 the tobacco litigation settlement cash fund created in section 24-22-115,
2 C.R.S.

3 (II) Repealed.

4 (III) (A) For the 2004-05 fiscal year, the general assembly shall
5 appropriate to the fund nine percent of the total amount of moneys
6 received by the state.

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

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

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

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

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

1 state.

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

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

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

13 **26-6.4-108. [Formerly 25-31-108] Annual program review -**
14 **audit.** (1) The health sciences facility shall annually prepare and submit
15 to the department OFFICE a report including an evaluation of the
16 implementation of the program, the results achieved by the program based
17 on the annual reports submitted by the administering entities pursuant to
18 section 25-31-106 (1) (e) SECTION 26-6.4-106 (1) (e), the extent to which
19 the program serves medicaid-eligible persons and provides services that
20 may be provided in part through medicaid funding, and any
21 recommendations concerning changes to the program, including any
22 changes that may be appropriate to enable the program to receive
23 medicaid funding. The department OFFICE shall include the report in the
24 annual report on the program prepared pursuant to section 25-1-108.5 (3),
25 C.R.S. Each program contractor and subcontractor and each entity that
26 administers the program shall work with the health sciences facility and
27 the department OFFICE to prepare the reports required under this section

1 and sections 2-3-113 (2) and 25-1-108.5 (3), C.R.S. Any entity that is
2 administering the program is subject to a reduction in or cessation of
3 funding if the state board, based on recommendations from the health
4 sciences facility, determines that the entity is not operating the program
5 in accordance with the program requirements established by rule of the
6 state board or is operating the program in such a manner that the program
7 does not demonstrate positive results.

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

13 **SECTION 3.** In Colorado Revised Statutes, **add** article 6.7 to title
14 26 as follows:

15 **ARTICLE 6.7**

16 **Division of Youth and Community Development**

17 **26-6.7-101. Definitions.** AS USED IN THIS ARTICLE, UNLESS THE
18 CONTEXT OTHERWISE REQUIRES:

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

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

26 **26-6.7-102. Division of youth and community development -**
27 **created.** (1) THERE IS HEREBY CREATED WITHIN THE STATE DEPARTMENT

1 OF HUMAN SERVICES THE DIVISION OF YOUTH AND COMMUNITY
2 DEVELOPMENT. THE DIVISION IS HEADED BY THE DIRECTOR OF YOUTH
3 DEVELOPMENT SERVICES APPOINTED BY THE EXECUTIVE DIRECTOR OF THE
4 STATE DEPARTMENT OF HUMAN SERVICES IN ACCORDANCE WITH SECTION
5 13 OF ARTICLE XII OF THE STATE CONSTITUTION.

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

12 **26-6.7-103. Division of youth and community development -**
13 **functions. (1) THE DIVISION HAS THE FOLLOWING FUNCTIONS:**

14 (a) TO OPERATE THE YOUTH DEVELOPMENT PROGRAMS
15 TRANSFERRED TO THE DIVISION BY THE EXECUTIVE DIRECTOR AND SUCH
16 OTHER YOUTH DEVELOPMENT PROGRAMS THAT MAY BE CREATED IN OR
17 TRANSFERRED TO THE DIVISION BY EXECUTIVE ORDER TO BE FUNDED
18 SOLELY BY NONSTATE MONEYS;

19 (b) TO COORDINATE WITH THE OFFICE OF EARLY CHILDHOOD IN THE
20 STATE DEPARTMENT AND WITH THE OFFICE WITHIN THE STATE
21 DEPARTMENT THAT OVERSEES DELIVERY OF SERVICES TO CHILDREN,
22 YOUTH, AND FAMILIES TO HELP ENSURE THE AVAILABILITY OF A
23 CONTINUUM OF SERVICES FOR CHILDREN AND YOUTH AND THEIR FAMILIES;

24 (c) TO ACT AS A LIAISON WITH COMMUNITIES THROUGHOUT THE
25 STATE TO ASSIST THEM IN ASSESSING THE NEEDS OF THE COMMUNITIES
26 WITH REGARD TO YOUTH DEVELOPMENT PROGRAMS AND TO PROVIDE
27 INFORMATION THAT WILL ASSIST COMMUNITIES IN OBTAINING FUNDING

1 FOR APPROPRIATE YOUTH DEVELOPMENT PROGRAMS;
2 (d) TO PROVIDE TECHNICAL ASSISTANCE TO COMMUNITIES AND TO
3 ENTITIES THAT PROVIDE YOUTH DEVELOPMENT PROGRAMS;
4 (e) TO SOLICIT AND ACCEPT GRANTS FROM THE FEDERAL
5 GOVERNMENT AND TO SOLICIT AND ACCEPT CONTRIBUTIONS, GRANTS,
6 GIFTS, BEQUESTS, AND DONATIONS FROM INDIVIDUALS, PRIVATE
7 ORGANIZATIONS, AND FOUNDATIONS FOR THE OPERATION OF ANY YOUTH
8 DEVELOPMENT PROGRAMS UNDER THE AUTHORITY OF THE DIVISION; AND
9 (f) TO PERIODICALLY REVIEW THE FEDERAL FUNDING GUIDELINES
10 FOR FEDERAL YOUTH DEVELOPMENT PROGRAMS AND TO SEEK THE
11 MAXIMUM FLEXIBILITY IN THE USE OF FEDERAL MONEYS IN FUNDING
12 YOUTH DEVELOPMENT PROGRAMS.

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

15 **ARTICLE 6.8**

16 **Tony Grampsas Youth Services Program**

17 **26-6.8-101. Definitions. AS USED IN THIS ARTICLE, UNLESS THE**
18 **CONTEXT OTHERWISE REQUIRES:**

19 (1) "BOARD" MEANS THE TONY GRAMPSAS YOUTH SERVICES
20 BOARD CREATED IN SECTION 26-6.8-103.

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

1 (3) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
2 THE STATE DEPARTMENT OF HUMAN SERVICES.

3 (4) "STATE DEPARTMENT" MEANS THE STATE DEPARTMENT OF
4 HUMAN SERVICES.

5 **26-6.8-102. [Formerly 25-20.5-201] Tony Grampsas youth**
6 **services program - creation - standards - applications.** (1) (a) The
7 youth crime prevention and intervention program created in part 28 of
8 article 32 of title 24, C.R.S., as it existed prior to August 1, 2000, is
9 hereby transferred to the division and is renamed the Tony Grampsas
10 youth services program. All program grants in existence as of July 1,
11 2000, shall continue to be valid through July 31, 2001. Persons appointed
12 to the youth crime prevention and intervention program board, hereby
13 renamed the Tony Grampsas youth services board, shall continue serving
14 until completion of their terms and may be reappointed as provided in
15 section 25-20.5-202. THE TONY GRAMPSAS YOUTH SERVICES PROGRAM
16 IS HEREBY TRANSFERRED TO THE DIVISION OF YOUTH AND COMMUNITY
17 DEVELOPMENT WITHIN THE STATE DEPARTMENT OF HUMAN SERVICES. ALL
18 PROGRAM GRANTS IN EXISTENCE AS OF JULY 1, 2012, SHALL CONTINUE TO
19 BE VALID THROUGH JUNE 30, 2014. PERSONS APPOINTED TO THE TONY
20 GRAMPSAS YOUTH SERVICES BOARD SHALL CONTINUE SERVING UNTIL
21 COMPLETION OF THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN
22 SECTION 26-6.8-103.

23 (b) The Tony Grampsas youth services program is established to
24 provide state funding for community-based programs that target youth
25 and their families for intervention services in an effort to reduce incidents
26 of youth crime and violence. In addition, the Tony Grampsas youth
27 services program shall promote prevention and education programs that

1 are designed to reduce the occurrence and reoccurrence of child abuse
2 and neglect and to reduce the need for state intervention in child abuse
3 and neglect prevention and education.

4 (2) (a) The Tony Grampsas youth services program shall be
5 administered through the division. Subject to the designation in paragraph
6 (b) of this subsection (2), the Tony Grampsas youth services board
7 created in section 25-20.5-202 SECTION 26-6.8-103 shall choose those
8 entities that will receive grants through the Tony Grampsas youth services
9 program and the amount of each grant. In addition, the division THE
10 STATE DEPARTMENT shall monitor the effectiveness of programs that
11 receive funds through the Tony Grampsas youth services program.

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

22 (c) ANY GRANT AWARDED THROUGH THE TONY GRAMPSAS YOUTH
23 SERVICES PROGRAM SHALL BE PAID FROM MONEYS APPROPRIATED
24 PURSUANT TO PARAGRAPH (d) OF THIS SUBSECTION (2) OR OUT OF THE
25 GENERAL FUND FOR SUCH PROGRAM. The board, in accordance with the
26 timelines adopted pursuant to section 25-20.5-202 (3) SECTION 26-6.8-103
27 (3), shall submit a list of the entities chosen to receive grants to the

1 governor for approval. The governor shall either approve or disapprove
2 the entire list of entities by responding to the board within twenty days.
3 If the governor has DOES not responded RESPOND to the board within
4 twenty days after receipt of the list, the list shall be deemed IS approved.
5 No grants shall be awarded THE BOARD SHALL NOT AWARD A GRANT
6 through the Tony Grampsas youth services program without the prior
7 approval of the governor.

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

21 (3) To participate in the Tony Grampsas youth services program,
22 an entity may apply to the board in accordance with timelines and
23 guidelines adopted by the board pursuant to section 25-20.5-202 SECTION
24 26-6.8-103.

25 (4) For purposes of this part 2 "entity" means any local
26 government, Colorado public or nonsectarian secondary school, including
27 charter schools, group of public or nonsectarian secondary schools,

1 school district or group of school districts, board of cooperative services,
2 institution of higher education, the Colorado National Guard, state
3 agency, or state-operated program or any private nonprofit or
4 not-for-profit community-based organization.

5 (5) (4) Entities seeking to provide youth mentoring services or to
6 enhance existing youth mentoring programs are encouraged to submit an
7 application to the board for grants directly from the Tony Grampsas youth
8 services program, in addition to any funding the entities may be seeking
9 from the youth mentoring services cash fund pursuant to section
10 25-20.5-203 (6) SECTION 26-6.8-104 (6), to establish or enhance youth
11 mentoring programs. Entities submitting applications for grants directly
12 from the Tony Grampsas youth services program pursuant to this section
13 need not meet the requirements of section 25-20.5-203 (5) (b) SECTION
14 26-6.8-104 (5) (b).

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

27 (b) In addition to the appointed board members, the executive

1 director shall serve as a member of the board.

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

4 (d) (I) In appointing members to the board, the governor, the
5 speaker of the house of representatives, and the president and the minority
6 leader of the senate shall:

7 (A) Choose persons who have a knowledge and awareness of
8 innovative strategies for youth crime prevention and intervention services
9 and for reducing the occurrence and reoccurrence of child abuse and
10 neglect; AND

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

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

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

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

27 (B) Beginning with the members appointed to terms beginning

1 July 1, 2001, the governor, in appointing members, shall Appoint at least
2 one person who is knowledgeable in the area of child abuse prevention;
3 and

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

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

19 (f) The board is authorized to meet, when necessary, via
20 telecommunications.

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

23 (I) Guidelines for proposal design;

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

25 (III) Processes for local review and prioritization of program
26 applications.

27 (b) In addition to the guidelines developed pursuant to paragraph

1 (a) of this subsection (2), the board shall develop criteria for awarding
2 grants under the Tony Grampsas youth services program, including but
3 not limited to the following requirements:

4 (I) That the program is operated in cooperation with a local
5 government, a local governmental agency, or a local nonprofit or
6 not-for-profit agency;

7 (II) That the program is community-based, receiving input from
8 organizations in the community such as schools, community mental
9 health centers, local nonprofit or not-for-profit agencies, local law
10 enforcement agencies, businesses, and individuals within the community;
11 and

12 (III) (A) That the program is directed at providing intervention
13 services to youth and their families in an effort to decrease incidents of
14 crime and violence or that the program is directed at providing services
15 to at-risk students and their families in an effort to reduce the dropout rate
16 in secondary schools pursuant to ~~section 25-20.5-204~~ SECTION
17 26-6.8-105.

18 (B) If an entity is seeking a grant from the board for a student
19 dropout prevention and intervention program pursuant to ~~section~~
20 ~~25-20.5-204~~ SECTION 26-6.8-105, one of the criteria that the board shall
21 consider is whether the program has been implemented elsewhere, if
22 known, and, if so, the relative success of the program. It shall not be
23 required, however, that the program be previously implemented for the
24 board to award a grant to the entity.

25 (C) If an entity is seeking a grant from the board for a program
26 directed at providing intervention services to youth and their families in
27 an effort to decrease incidents of crime and violence, one of the criteria

1 that the board shall consider is whether the program includes restorative
2 justice components. It shall not be required, however, that the program
3 include restorative justice components for the board to award a grant to
4 the entity.

5 (c) In addition to the guidelines and criteria developed pursuant
6 to paragraphs (a) and (b) of this subsection (2), the board shall develop
7 result-oriented criteria for measuring the effectiveness of programs that
8 receive grants under the Tony Grampsas youth services program as
9 deemed appropriate to the nature of each program including, but not
10 limited to, requiring grantees to evaluate the impact of the services
11 provided by the program. Any criteria developed pursuant to this
12 paragraph (c) for measuring the effectiveness of student dropout
13 prevention and intervention programs established pursuant to section
14 ~~25-20.5-204~~ SECTION 26-6.8-105 shall include the implementation of a
15 method by which to track the students served by the program to evaluate
16 the impact of the services provided, which tracking shall continue, if
17 possible, for at least two years or through graduation from a secondary
18 school, whichever occurs first.

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

26 (b) Repealed.

27 (4) The board shall review all applications received pursuant to

1 section ~~25-20.5-201~~ SECTION 26-6.8-102 for grants from the Tony
2 Grampsas youth services program and choose those entities that shall
3 receive grants through the Tony Grampsas youth services program and
4 the amount of each grant.

5 (5) In addition to the duties relating specifically to the Tony
6 Grampsas youth services program specified in this section, the board shall
7 operate the prevention, intervention, and treatment programs specified in
8 this ~~part 2~~ ARTICLE and such other prevention, intervention, and treatment
9 programs as may be assigned to the board by executive order to be funded
10 solely by federal funds.

11 **26-6.8-104. [Formerly 25-20.5-203] Colorado Youth**
12 **Mentoring Services Act. (1) Short title.** This section shall be known
13 and may be cited as the "Colorado Youth Mentoring Services Act".

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

26 (b) The general assembly further finds that, despite the positive
27 results that may be achieved through structured youth mentoring

1 programs, as many as thirty-eight counties in the state of Colorado do not
2 have the organizational resources necessary to carry out successful
3 mentoring programs or lack the adult volunteers to establish such
4 programs or both. The general assembly finds that even counties in which
5 there are established youth mentoring programs, such programs are
6 unable to meet the demand for mentors and that such established
7 programs have waiting lists that exceed two thousand youths.

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

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

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

1 are already in existence.

2 (5) Administration - duties of contracting entities. (a) To be
3 eligible for moneys from the youth mentoring services cash fund created
4 in subsection (6) of this section for the provision of youth mentoring
5 services, an entity shall apply to the board in accordance with the
6 timelines and guidelines adopted by the board pursuant to section
7 25-20.5-202 SECTION 26-6.8-103 and shall meet the requirements of
8 paragraph (b) of this subsection (5).

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

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

15 (II) Effectively screening adult volunteers to serve as mentors,
16 including but not limited to conducting criminal background checks of
17 such adult volunteers;

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

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

24 (V) Supervising closely and through case managers the activities
25 of the adult volunteer and the mutual benefits and effectiveness of the
26 mentoring relationship;

27 (VI) Making available life skill workshops, recreational activities,

1 and community service opportunities to the at-risk youth and adult
2 volunteer;

3 (VII) Implementing a method of evaluating the effectiveness of
4 the community-based youth mentoring program and tracking the youths
5 served by the program to evaluate the impact of the services provided
6 through the program; and

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

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

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

22 (6) Youth mentoring services cash fund. (a) There is hereby
23 created in the state treasury the youth mentoring services cash fund. The
24 moneys in the youth mentoring services cash fund shall be subject to
25 annual appropriation by the general assembly for the direct and indirect
26 costs associated with the implementation of this section. The executive
27 director is authorized to accept on behalf of the state any grants, gifts, or

1 donations from any private or public source for the purpose of this
2 section. All private and public funds received through grants, gifts, or
3 donations shall be transmitted to the state treasurer, who shall credit the
4 same to the youth mentoring services cash fund. All investment earnings
5 derived from the deposit and investment of moneys in the fund shall
6 remain in the fund and shall not be transferred or revert to the general
7 fund of the state at the end of any fiscal year.

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

12 **26-6.8-105. [Formerly 25-20.5-204] Colorado student dropout**
13 **prevention and intervention program. (1) Short title. This section**
14 **shall be known and may be cited as the "Colorado Student Dropout**
15 **Prevention and Intervention Act".**

16 **(2) Legislative declaration. The general assembly hereby finds**
17 **that:**

18 **(a) During the last decade, over one hundred thousand students in**
19 **Colorado left school without successfully completing a high school**
20 **program;**

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

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

27 **(d) Of those students who withdrew from Colorado schools prior**

1 to receiving a diploma, approximately five thousand nine hundred were
2 minority students;

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

5 (f) Numerous factors, including socioeconomic background, lack
6 of adult support, and the inability to communicate well in English,
7 influence a student's decision to drop out of school;

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

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

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

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

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

25 (4) **Colorado student dropout prevention and intervention**
26 **program.** There is hereby created the Colorado student dropout
27 prevention and intervention program in the Tony Grampsas youth

1 services program for the purpose of providing services to at-risk students
2 and their families in an effort to reduce the dropout rate in secondary
3 schools through an appropriate combination of academic and
4 extracurricular activities designed to enhance the overall education and
5 edification of students in secondary schools.

6 (5) Administration. (a) The student dropout prevention and
7 intervention program shall be administered through the division OF
8 YOUTH AND COMMUNITY DEVELOPMENT IN THE STATE DEPARTMENT.
9 Subject to the designation in paragraph (b) of this subsection (5), the
10 Tony Grampsas youth services board created in section 25-20.5-202 shall
11 select those entities that will receive grants through the student dropout
12 prevention and intervention program and the amount of each grant. In
13 addition, the division OF YOUTH AND COMMUNITY DEVELOPMENT shall
14 monitor the effectiveness of programs that receive funds through the
15 student dropout prevention and intervention program. To be eligible for
16 grants from the Tony Grampsas youth services board for the provision of
17 student dropout prevention and intervention programs targeting at-risk
18 students, an entity shall apply to the board in accordance with the
19 timelines and guidelines adopted by the board pursuant to section
20 25-20.5-202 SECTION 26-6.8-103.

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

1 less than twenty percent of the total appropriation shall be designated and
2 used exclusively for such purpose.

3 (6) **Receipt of moneys.** (a) The executive director is authorized
4 to accept on behalf of the state any funds, grants, gifts, or donations from
5 any private or public source for the purpose of implementing student
6 dropout prevention and intervention programs pursuant to this article
7 SECTION; except that no funds, grants, gifts, or donations shall be
8 accepted if the conditions attached thereto require the expenditure thereof
9 in a manner contrary to law.

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

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

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

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

4 (a) "Before-and-after-school program" means a program that
5 meets before regular school hours or after regular school hours or during
6 a period when school is not in session.

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

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

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

27 (3) Administration. (a) The division OF YOUTH AND COMMUNITY

1 DEVELOPMENT IN THE STATE DEPARTMENT shall administer the project.
2 The board shall select the entities that will receive grants through the
3 project and the amount of each grant. In addition, the division OF YOUTH
4 AND COMMUNITY DEVELOPMENT shall monitor the effectiveness of
5 before-and-after-school programs that receive moneys through the
6 project. To be eligible for grants through the project, an entity shall apply
7 to the board in accordance with the timelines and guidelines adopted by
8 the board pursuant to section ~~25-20.5-202~~ SECTION 26-6.8-103.
9 Notwithstanding any provision of this ~~part 2~~ ARTICLE or any criteria for
10 awarding grants adopted by the board pursuant to section ~~25-20.5-202 (2)~~
11 ~~(b)~~ SECTION 26-6.8-103 (2) (b) to the contrary, an entity may be eligible
12 to receive a grant pursuant to this section regardless of whether the
13 before-and-after-school program to which the grant would apply serves
14 youth who are eligible for free or reduced-cost lunch pursuant to the
15 "National School Lunch Act", 42 U.S.C. sec. 1751 et seq.

16 (b) The grants awarded through the project shall be paid from
17 moneys appropriated from the fund to the ~~division~~ STATE DEPARTMENT.
18 The board and grant recipients are encouraged to apply moneys awarded
19 through the project to leverage additional funding as matching funds from
20 private and federal sources.

21 (4) **Colorado student before-and-after-school project fund.**
22 There is hereby created in the state treasury the Colorado student
23 before-and-after-school project fund that shall consist of moneys that may
24 be appropriated by the general assembly to the fund. The moneys in the
25 fund shall be subject to annual appropriation by the general assembly to
26 the ~~division~~ STATE DEPARTMENT for the purpose of providing grants as
27 provided in this section and the direct and indirect costs associated with

1 the implementation of this section. Any moneys in the fund not expended
2 for the purpose of this section may be invested by the state treasurer as
3 provided by law. All interest and income derived from the investment and
4 deposit of moneys in the fund shall be credited to the fund. Any
5 unexpended and unencumbered moneys remaining in the fund at the end
6 of a fiscal year shall remain in the fund and shall not be credited or
7 transferred to the general fund or another fund.

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

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

13 **19-3.5-104. Colorado children's trust fund board - creation -**
14 **members. (1) (a) There is hereby created, in the department of public**
15 **health and environment, the Colorado children's trust fund board. The**
16 **board shall exercise its powers and duties as if transferred by a **type 2****
17 **transfer.**

18 **(b) THE COLORADO CHILDREN'S TRUST FUND BOARD IS HEREBY**
19 **TRANSFERRED TO THE OFFICE OF EARLY CHILDHOOD CREATED IN ARTICLE**
20 **6.1 OF TITLE 26, C.R.S., IN THE DEPARTMENT OF HUMAN SERVICES. THE**
21 **BOARD SHALL EXERCISE ITS POWERS AND DUTIES AS IF TRANSFERRED BY**
22 **A **TYPE 2** TRANSFER. PERSONS APPOINTED TO THE COLORADO CHILDREN'S**
23 **TRUST FUND BOARD SHALL CONTINUE SERVING UNTIL COMPLETION OF**
24 **THEIR TERMS AND MAY BE REAPPOINTED AS PROVIDED IN THIS SECTION.**

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

27 **26-18-102. Definitions. As used in this article, unless the context**

1 otherwise requires:

2 (3.5) "Division" means the prevention services division in the
3 department of public health and environment.

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

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

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

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

22 (b) The ~~division~~ OFFICE shall operate the family resource center
23 program in accordance with the provisions of this article. ~~the~~
24 requirements for prevention, intervention, and treatment programs
25 specified in article 20.5 of title 25, C.R.S., and the rules for prevention,
26 intervention, and treatment programs adopted by the state board of health
27 pursuant to section 25-20.5-106, C.R.S. In addition, the ~~division~~ OFFICE

1 may establish any other procedures necessary to implement the program,
2 including establishing the procedure for the submittal of grant
3 applications by community applicants seeking to establish a family
4 resource center or by a family resource center applying for a grant for
5 continued operation of a family resource center.

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

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

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

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

27 (3) In the event the ~~division~~ OFFICE determines, from any report

1 submitted by a local advisory council or any other source, that the
2 operation of a family resource center is not in compliance with this article
3 or any rule adopted pursuant to the provisions of this article, the ~~division~~
4 OFFICE may impose sanctions including termination of the grant.

5 **SECTION 10.** In Colorado Revised Statutes, 25-20.5-101,
6 **amend** (1) (a), (1) (c), and (2) as follows:

7 **25-20.5-101. Legislative declaration.** (1) The general assembly
8 hereby finds that:

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

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

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

27 **SECTION 11.** In Colorado Revised Statutes, 25-20.5-102,

1 amend (5) and (6) as follows:

2 25-20.5-102. Definitions. As used in this article, unless the
3 context otherwise requires:

4 (5) "Prevention, intervention, and treatment services" means
5 services that are designed to promote the well-being of children and youth
6 and their families by decreasing high-risk behaviors, strengthening
7 healthy behaviors, and promoting family stability.

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

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

13 25-20.5-104. Functions of division. (1) The division has the
14 following functions:

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

23 (2) In addition to any prevention and intervention programs
24 created in or transferred to the division by executive order and any
25 prevention and intervention programs transferred to the division by the
26 executive director pursuant to subsection (4) of this section, the division
27 shall operate the following prevention and intervention programs:

1 ~~(a) The Tony Grampsas youth services program created in section~~
2 ~~25-20.5-201;~~

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

5 ~~(c) The Colorado student dropout prevention and intervention~~
6 ~~program created in section 25-20.5-204;~~

7 ~~(d) The Colorado children's trust fund created in article 3.5 of title~~
8 ~~19, C.R.S.;~~

9 ~~(e) The family resource center program created in section~~
10 ~~26-18-104, C.R.S.;~~

11 ~~(f) The school-based health center grant program created in part~~
12 ~~5 of this article.~~

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

15 ~~**25-20.5-105. State plan for delivery of prevention,**~~
16 ~~**intervention, and treatment services to children and youth - contents.**~~

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

1 programs that results in a continuum of services available to children and
2 youth throughout the state. At a minimum, the state plan shall:

3 (2) The division shall biennially review and revise the state plan
4 as necessary to ensure the most efficient and effective delivery of
5 prevention, intervention, and treatment services throughout the state. The
6 division shall submit any revised state plan as provided by rule of the
7 state board of health to the governor the Tony Grampsas youth services
8 board, and the executive director for approval.

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

11 **25-20.5-106. State board of health - rules - program duties.**

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

18 (3) The state board of health shall act as the program board for the
19 oversight of the prevention and intervention programs operated by the
20 division. except that the Tony Grampsas youth services board shall act as
21 the program board for the programs specified in part 2 of this article and
22 for any additional programs specified by executive order.

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

25 **2-3-113. Programs that receive tobacco settlement moneys -**
26 **program review - repeal.** (1) As used in this section:

27 (a) "Health sciences facility" has the meaning set forth in section

1 25-31-103, C.R.S. SECTION 26-6.4-103 (2), C.R.S. For purposes of this
2 section, "health sciences facility" includes any contractor or subcontractor
3 engaged by the health sciences facility to assist in the implementation and
4 monitoring of the nurse home visitor program established under article 31
5 of title 25, C.R.S. ARTICLE 6.4 OF TITLE 26, C.R.S.

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

8 **13-3-113. "Family-friendly Courts Act". (3) Definitions.** For
9 purposes of this section:

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

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

14 **24-1-119. Department of public health and environment -**
15 **creation.** (9) ~~The powers, duties, and functions of the Colorado~~
16 ~~children's trust fund board, created in section 19-3.5-104, C.R.S., are~~
17 ~~transferred by a **type 2** transfer to the department of public health and~~
18 ~~environment.~~

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

21 **24-1-120. Department of human services - creation -**
22 **repeal.**(6) The department shall consist of the following divisions and
23 units:

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

1 THEREOF.

2 (g) THE DIVISION OF YOUTH AND COMMUNITY DEVELOPMENT
3 CREATED PURSUANT TO SECTION 26-6.7-103, C.R.S. THE DIVISION OF
4 YOUTH AND COMMUNITY DEVELOPMENT AND ALL OF ITS POWERS, DUTIES,
5 AND FUNCTIONS ARE TRANSFERRED BY A TYPE 2 TRANSFER TO THE
6 DEPARTMENT OF HUMAN SERVICES AS A DIVISION THEREOF.

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

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

14 24-75-1104.5. Use of settlement moneys - programs - repeal.
15 (1) Except as otherwise provided in subsection (5) of this section, for the
16 2004-05 fiscal year and for each fiscal year thereafter, the following
17 programs, services, or funds shall receive the following specified amounts
18 from the settlement moneys received by the state in the preceding fiscal
19 year; except that fifteen million four hundred thousand dollars of strategic
20 contribution fund moneys and, for the 2010-11 fiscal year and for each
21 fiscal year thereafter only, the lesser of sixty-five million dollars of other
22 settlement moneys or all other settlement moneys shall be allocated in
23 each fiscal year in which they are received by the state and except that, of
24 the other settlement moneys received by the state in the 2009-10 fiscal
25 year, the lesser of sixty-five million dollars or all of such moneys shall be
26 transferred to the general fund on June 30, 2010, and shall not be
27 allocated:

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

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

11 (3) Notwithstanding the provisions of subsections (1) and (1.5) of
12 this section, for purposes of sections 22-7-908 (3), 23-20-136 (3.5) (a),
13 25-4-1411 (6) (a), 25-4-1415 (2), 25-20.5-201 (2) (c), 25-23-104 (2),
14 25-31-107 (2) (d) (I), 25.5-6-805 (2), 25.5-8-105 (3), 26-6.4-107 (2) (d)
15 (I), 26-6.8-201 (2) (d), 27-67-106 (2) (b), and 28-5-709 (2) (a), C.R.S.,
16 settlement moneys received and allocated by the state pursuant to said
17 subsections (1) and (1.5) during the same fiscal year shall be deemed to
18 be moneys received for or during the preceding fiscal year.

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

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

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

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

4 (a) "Health sciences facility" has the meaning set forth in section
5 25-31-103 SECTION 26-6.4-103, C.R.S.

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

9 (2) Except for the nurse home visitor program, which shall be
10 monitored by the health sciences facility in accordance with section
11 25-31-105 (1) SECTION 26-6.4-105 (1), the state board and the department
12 shall monitor the operation and effectiveness of tobacco settlement
13 programs. Each tobacco settlement program shall annually submit to the
14 department, in accordance with rules promulgated by the state board, the
15 following information:

16 **SECTION 21. In Colorado Revised Statutes, 25-3.5-804, amend**

17 (3) (a) as follows:

18 **25-3.5-804. Tobacco education, prevention, and cessation**
19 **programs - review committee - grants.** (3) (a) The division shall
20 review the applications received pursuant to this part 8 and make
21 recommendations to the state board regarding those entities that may
22 receive grants and the amounts of said grants. On and after October 1,
23 2005, the review committee shall review the applications received
24 pursuant to this part 8 and submit to the state board and the director of the
25 department recommended grant recipients, grant amounts, and the
26 duration of each grant. Within thirty days after receiving the review
27 committee's recommendations, the director shall submit his or her

1 recommendations to the state board. The review committee's
2 recommendations regarding grantees of the Tony Grampsas youth
3 services program, ~~section 25-20.5-201~~ SECTION 26-6.8-101, C.R.S.,
4 pursuant to section 25-3.5-805 (5) shall be submitted to the state board
5 and the Tony Grampsas youth services board. Within thirty days after
6 receiving the review committee's recommendations, the Tony Grampsas
7 youth services board shall submit its recommendations to the state board.
8 The state board shall have the final authority to approve the grants under
9 this part 8. If the state board disapproves a recommendation for a grant
10 recipient, the review committee may submit a replacement
11 recommendation within thirty days. In reviewing grant applications for
12 programs to provide tobacco education, prevention, and cessation
13 programs for persons with mental illness, the division or the review
14 committee shall consult with the programs for public psychiatry at the
15 university of Colorado health sciences center, the national alliance for the
16 mentally ill, the mental health association of Colorado, and the
17 department of human services.

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

20 **25-3.5-805. Tobacco education, prevention, and cessation**
21 **programs - requirements.** (5) Up to fifteen percent of the moneys
22 annually awarded pursuant to this section shall be allocated to grantees of
23 the Tony Grampsas youth services program, ~~section 25-20.5-201~~ SECTION
24 26-6.8-101, C.R.S., for proven tobacco prevention and cessation
25 programs.

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

1 **24-44.7-102. Early childhood leadership commission - created**
2 **- mission.** (2) The commission shall consist of up to thirty-five members
3 as follows:

4 (g) Four legislative members appointed as follows:

5 (I) Two representatives, one each appointed by the speaker OF THE
6 HOUSE OF REPRESENTATIVES, WHICH APPOINTEE IS A MEMBER OF THE
7 EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE
8 APPOINTED BY the minority leader of the house of representatives, WHICH
9 APPOINTEE IS A MEMBER OF THE HEALTH AND ENVIRONMENT COMMITTEE,
10 OR ANY SUCCESSOR COMMITTEE; and

11 (II) Two senators, one each appointed by the president OF THE
12 SENATE, WHICH APPOINTEE IS A MEMBER OF THE HEALTH AND HUMAN
13 SERVICES COMMITTEE, OR ANY SUCCESSOR COMMITTEE, and ONE
14 APPOINTED BY the minority leader of the senate, WHICH APPOINTEE IS A
15 MEMBER OF THE EDUCATION COMMITTEE, OR ANY SUCCESSOR COMMITTEE.

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

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

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