

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0508.01 Julie Pelegrin x2700

HOUSE BILL 15-1001

HOUSE SPONSORSHIP

Pettersen and Garnett,

SENATE SPONSORSHIP

Todd,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 CONCERNING DISTRIBUTION OF MONEYS FOR SCHOLARSHIP PROGRAMS
102 THAT ASSIST EARLY CHILDHOOD EDUCATION PROFESSIONALS IN
103 OBTAINING POSTSECONDARY CREDENTIALS IN EARLY
104 CHILDHOOD EDUCATION, AND, IN CONNECTION THEREWITH,
105 CREATING THE EARLY CHILDHOOD EDUCATOR DEVELOPMENT
106 FUND.

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/bills summaries>.)

The bill repeals the early childhood educator development

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.

scholarship program that exists within the department of education.

The bill creates the early childhood educator development fund (fund) within the department of human services (state department). The fund consists of general fund appropriations and gifts, grants, or donations that the state department may receive. The state department must distribute the moneys in the fund to tax-exempt nonprofit corporations or institutions of higher education (qualifying entities) for scholarship programs to assist early childhood education professionals in obtaining a postsecondary credential in early childhood education.

A qualifying entity may apply for a scholarship grant as provided in rules of the state board of human services (state board). The state department will review the applications and make recommendations to the state board. The state board will award scholarship grants to qualifying entities based on criteria established in rules. At a minimum, the state department and the state board must consider whether the qualifying entity's scholarship program aligns with state priorities for professional development for early childhood education professionals. The state department will annually submit a report to the state board, the governor, and the general assembly concerning the use of the moneys in the fund.

The state department may enter into a contract or interagency agreement with an entity, including another state agency, to exercise the duties assigned to the state department in the bill. The amount the entity receives cannot exceed the amount of direct and indirect administrative costs that the state department is authorized to expend.

The bill creates the department of education administrative cash fund to enable the department of education to accept and receive appropriations of payments for administrative costs that it receives for operating a grant program pursuant to an interagency agreement.

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

2 **SECTION 1.** In Colorado Revised Statutes, **add** part 4 to article
3 6.5 of title 26 as follows:

4 **PART 4**

5 **EARLY CHILDHOOD EDUCATOR DEVELOPMENT FUND**

6 **26-6.5-401. Definitions.** AS USED IN THIS PART 4, UNLESS THE
7 CONTEXT OTHERWISE REQUIRES:

8 (1) "FUND" MEANS THE EARLY CHILDHOOD EDUCATOR

1 DEVELOPMENT FUND CREATED IN SECTION 26-6.5-402.

2 (2) "INSTITUTION OF HIGHER EDUCATION" MEANS:

3 (a) A NOT-FOR-PROFIT COLLEGE OR UNIVERSITY THAT MAINTAINS
4 ITS PRIMARY PLACE OF BUSINESS IN THE STATE OF COLORADO, THAT
5 OFFERS GENERAL BACCALAUREATE DEGREES IN ARTS AND SCIENCES, AND
6 THAT IS INSTITUTIONALLY ACCREDITED ON THE BASIS OF AN ON-SITE
7 REVIEW IN COLORADO BY ONE OF THE SIX NATIONALLY RECOGNIZED
8 REGIONAL ACCREDITING ASSOCIATIONS OR BY AN ACCREDITING AGENCY
9 DETERMINED BY THE COLORADO COMMISSION ON HIGHER EDUCATION TO
10 BE APPROPRIATE TO ITS EDUCATIONAL PURPOSES AND PROGRAMS;

11 (b) A STATE INSTITUTION OF HIGHER EDUCATION, AS DEFINED IN
12 SECTION 23-18-102 (10), C.R.S.; OR

13 (c) A JUNIOR COLLEGE THAT IS PART OF A JUNIOR COLLEGE
14 DISTRICT ORGANIZED PURSUANT TO ARTICLE 71 OF TITLE 23, C.R.S.

15 (3) "POSTSECONDARY CREDENTIAL" MEANS:

16 (a) A CERTIFICATE RECOGNIZED BY THE DEPARTMENT OF
17 EDUCATION OR THE DEPARTMENT OF HUMAN SERVICES THAT LEADS TO
18 CERTIFICATION AS AN EARLY CHILDHOOD EDUCATION TEACHER OR
19 PROGRAM DIRECTOR; OR

20 (b) AN ASSOCIATE, BACHELOR'S, OR HIGHER DEGREE IN EARLY
21 CHILDHOOD EDUCATION.

22 (4) "QUALIFYING ENTITY" MEANS A NONPROFIT OR
23 NOT-FOR-PROFIT CORPORATION THAT HOLDS TAX-EXEMPT STATUS UNDER
24 26 U.S.C. SEC. 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
25 1986", AS AMENDED, OR AN INSTITUTION OF HIGHER EDUCATION.

26 (5) "SCHOLARSHIP GRANT" MEANS MONEYS THAT THE STATE
27 BOARD AWARDS TO A QUALIFYING ENTITY AS PROVIDED IN THIS PART 4.

1 (6) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
2 CREATED AND AUTHORIZED TO ACT IN ACCORDANCE WITH SECTION
3 26-1-107.

4 (7) "STATE DEPARTMENT" MEANS THE DEPARTMENT OF HUMAN
5 SERVICES CREATED AND EXISTING PURSUANT TO SECTION 24-1-120, C.R.S.

6 **26-6.5-402. Early childhood educator development fund -**

7 **created.** (1) (a) THERE IS CREATED IN THE STATE TREASURY THE EARLY
8 CHILDHOOD EDUCATOR DEVELOPMENT FUND CONSISTING OF MONEYS THE
9 DEPARTMENT OF HUMAN SERVICES MAY RECEIVE PURSUANT TO
10 SUBSECTION (2) OF THIS SECTION AND MONEYS THAT THE GENERAL
11 ASSEMBLY MAY APPROPRIATE TO THE FUND. THE MONEYS IN THE FUND
12 ARE SUBJECT TO ANNUAL APPROPRIATION BY THE GENERAL ASSEMBLY TO
13 THE STATE DEPARTMENT TO DISTRIBUTE AS SCHOLARSHIP GRANTS TO
14 QUALIFYING ENTITIES AS PROVIDED IN SECTION 26-6.5-403. IN ADDITION,
15 THE STATE DEPARTMENT MAY EXPEND A PORTION OF THE MONEYS
16 ANNUALLY APPROPRIATED TO THE FUND TO OFFSET THE ACTUAL DIRECT
17 AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN DISTRIBUTING THE
18 SCHOLARSHIP GRANTS.

19 (b) THE STATE TREASURER MAY INVEST ANY MONEYS IN THE FUND
20 NOT EXPENDED FOR THE PURPOSE OF THIS ARTICLE AS PROVIDED BY LAW.
21 THE STATE TREASURER SHALL CREDIT ALL INTEREST AND INCOME DERIVED
22 FROM THE INVESTMENT AND DEPOSIT OF MONEYS IN THE FUND TO THE
23 FUND. ANY UNEXPENDED AND UNENCUMBERED MONEYS REMAINING IN
24 THE FUND AT THE END OF A FISCAL YEAR MUST REMAIN IN THE FUND AND
25 SHALL NOT BE CREDITED OR TRANSFERRED TO THE GENERAL FUND OR
26 ANOTHER FUND.

27 (2) THE STATE DEPARTMENT MAY ACCEPT AND EXPEND PUBLIC OR

1 PRIVATE GIFTS, GRANTS, OR DONATIONS TO USE TO AWARD SCHOLARSHIP
2 GRANTS TO QUALIFYING ENTITIES AS PROVIDED IN SECTION 26-6.5-403,
3 SUBJECT TO THE TERMS AND CONDITIONS UNDER WHICH THE GIFTS,
4 GRANTS, OR DONATIONS ARE GIVEN; EXCEPT THAT THE STATE
5 DEPARTMENT SHALL NOT ACCEPT A GIFT, GRANT, OR DONATION IF THE
6 CONDITIONS ATTACHED TO THE GIFT, GRANT, OR DONATION REQUIRE THE
7 USE OR EXPENDITURE OF THE GIFT, GRANT, OR DONATION IN A MANNER
8 CONTRARY TO LAW. THE STATE DEPARTMENT SHALL TRANSMIT TO THE
9 STATE TREASURER ANY GIFTS, GRANTS, OR DONATIONS RECEIVED
10 PURSUANT TO THIS SUBSECTION (2), AND THE STATE TREASURER SHALL
11 CREDIT THE AMOUNTS TO THE FUND. IMPLEMENTATION OF THIS PART 4 IS
12 NOT CONDITIONED ON THE RECEIPT OF GIFTS, GRANTS, OR DONATIONS
13 PURSUANT TO THIS SUBSECTION (2).

14 **26-6.5-403. Scholarship grants - qualifying entities - rules -**
15 **report.** (1) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
16 DEPARTMENT SHALL ANNUALLY ACCEPT APPLICATIONS FROM QUALIFYING
17 ENTITIES FOR SCHOLARSHIP GRANTS. AT THE TIME IT APPLIES, A
18 QUALIFYING ENTITY MUST HAVE AN OPERATING SCHOLARSHIP PROGRAM
19 THAT AWARDS SCHOLARSHIPS TO EARLY CHILDHOOD EDUCATION
20 PROFESSIONALS TO ASSIST THEM IN ATTAINING A POSTSECONDARY
21 CREDENTIAL IN EARLY CHILDHOOD EDUCATION. A QUALIFYING ENTITY
22 THAT RECEIVES A SCHOLARSHIP GRANT MUST USE THE GRANT MONEYS TO
23 PROVIDE SCHOLARSHIPS THROUGH THE QUALIFYING ENTITY'S
24 SCHOLARSHIP PROGRAM. AN EARLY CHILDHOOD EDUCATION
25 PROFESSIONAL WHO RECEIVES A SCHOLARSHIP THAT IS FUNDED BY
26 MONEYS THAT A QUALIFYING ENTITY RECEIVES PURSUANT TO THIS
27 SECTION MUST USE THE SCHOLARSHIP TO ATTEND AN INSTITUTION OF

1 HIGHER EDUCATION.

2 (b) AFTER REVIEWING THE APPLICATIONS RECEIVED, THE STATE
3 DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD THE QUALIFYING
4 ENTITIES THAT SHOULD RECEIVE SCHOLARSHIP GRANTS AND THE AMOUNT
5 OF EACH GRANT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
6 BOARD SHALL ANNUALLY DISTRIBUTE MONEYS APPROPRIATED AND
7 CREDITED TO THE FUND TO QUALIFYING ENTITIES, TAKING INTO
8 CONSIDERATION THE DEPARTMENT'S RECOMMENDATIONS.

9 (2) THE STATE BOARD SHALL PROMULGATE RULES TO ESTABLISH,
10 AT A MINIMUM:

11 (a) THE PROCEDURES AND TIMELINES BY WHICH A QUALIFYING
12 ENTITY MAY APPLY FOR A SCHOLARSHIP GRANT;

13 (b) THE CRITERIA THAT THE STATE DEPARTMENT SHALL APPLY IN
14 REVIEWING THE GRANT APPLICATIONS AND MAKING RECOMMENDATIONS
15 TO THE STATE BOARD AND THAT THE STATE BOARD SHALL APPLY IN
16 AWARDING SCHOLARSHIP GRANTS. AT A MINIMUM, THE CRITERIA MUST
17 INCLUDE CONSIDERATION OF WHETHER AN APPLICANT'S SCHOLARSHIP
18 PROGRAM ALIGNS WITH THE EARLY CHILDHOOD PROFESSIONAL
19 DEVELOPMENT PRIORITIES SET BY THE STATE DEPARTMENT.

20 (c) THE INFORMATION THAT EACH QUALIFYING ENTITY THAT
21 RECEIVES A SCHOLARSHIP GRANT MUST SUBMIT TO THE STATE
22 DEPARTMENT TO ENABLE THE STATE DEPARTMENT TO PREPARE THE
23 ANNUAL PROGRAM REPORT.

24 (3) FOR EACH YEAR THAT IT AWARDS SCHOLARSHIP GRANTS, THE
25 STATE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD, THE GOVERNOR,
26 AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES
27 AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT

1 INCLUDES, AT A MINIMUM:

2 (a) THE NAME OF EACH QUALIFYING ENTITY THAT RECEIVED A
3 SCHOLARSHIP GRANT, THE AMOUNT OF EACH SCHOLARSHIP GRANT, AND
4 THE TOTAL AMOUNT OF SCHOLARSHIP GRANTS DISTRIBUTED FOR THE
5 FISCAL YEAR;

6 (b) A DESCRIPTION OF THE SCHOLARSHIP PROGRAMS THAT
7 RECEIVED SCHOLARSHIP GRANTS, INCLUDING THE NUMBER OF EARLY
8 CHILDHOOD EDUCATION PROFESSIONALS WHO RECEIVED SCHOLARSHIPS;
9 THE AMOUNTS OF THE SCHOLARSHIPS; AND THE POSTSECONDARY
10 CREDENTIAL PROGRAMS IN WHICH THE SCHOLARSHIP RECIPIENTS
11 ENROLLED; AND

12 (c) THE TOTAL NUMBER AND TYPE OF POSTSECONDARY
13 CREDENTIALS IN EARLY CHILDHOOD EDUCATION THAT WERE ISSUED FOR
14 THE FISCAL YEAR AND, OF THE CREDENTIALS ISSUED, THE NUMBER AND
15 TYPE THAT WERE FUNDED IN WHOLE OR IN PART BY SCHOLARSHIP GRANTS.

16 **26-6.5-404. Operation of grant program - authority to**
17 **contract.** NOTWITHSTANDING ANY PROVISION OF THIS PART 4 TO THE
18 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO A CONTRACT OR
19 INTERAGENCY AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY, INCLUDING
20 ANOTHER STATE EXECUTIVE BRANCH AGENCY, TO PERFORM ALL OR A
21 PORTION OF THE STATE DEPARTMENT'S DUTIES DESCRIBED IN THIS PART 4
22 WITH REGARD TO THE FUND; EXCEPT THAT THE STATE BOARD SHALL NOT
23 DELEGATE THE DUTY OF AWARDING SCHOLARSHIP GRANTS AS PROVIDED
24 IN THIS PART 4. AN ENTITY WITH WHICH THE STATE DEPARTMENT
25 CONTRACTS PURSUANT TO THIS SECTION MUST APPLY THE CRITERIA
26 ADOPTED BY THE STATE BOARD PURSUANT TO SECTION 26-6.5-403 (2) IN
27 REVIEWING APPLICATIONS AND RECOMMENDING SCHOLARSHIP GRANT

1 RECIPIENTS. THE AMOUNT THAT AN ENTITY MAY RECEIVE UNDER A
2 CONTRACT OR INTERAGENCY AGREEMENT ENTERED INTO PURSUANT TO
3 THIS SECTION SHALL NOT EXCEED THE PORTION OF THE MONEYS
4 ANNUALLY APPROPRIATED TO THE FUND THAT THE STATE DEPARTMENT IS
5 AUTHORIZED UNDER SECTION 26-6.5-402 (1) (a) TO SPEND TO PAY THE
6 ACTUAL DIRECT AND INDIRECT ADMINISTRATIVE COSTS INCURRED IN
7 DISTRIBUTING THE SCHOLARSHIP GRANTS.

8 **SECTION 2.** In Colorado Revised Statutes, **add** 22-2-108.5 as
9 follows:

10 **22-2-108.5. Administrative services cash fund - creation.**

11 THERE IS CREATED IN THE STATE TREASURY THE DEPARTMENT OF
12 EDUCATION ADMINISTRATIVE SERVICES CASH FUND, REFERRED TO IN THIS
13 SECTION AS THE "FUND". THE DEPARTMENT SHALL TRANSMIT TO THE
14 STATE TREASURER ALL MONEYS IT RECEIVES FROM ANOTHER STATE
15 AGENCY AS PAYMENT FOR ADMINISTRATIVE SERVICES RELATING TO ONE
16 OR MORE GRANT PROGRAMS, WHICH SERVICES THE DEPARTMENT PROVIDES
17 PURSUANT TO INTERAGENCY AGREEMENT WITH THE STATE AGENCY. THE
18 STATE TREASURER SHALL CREDIT ALL MONEYS RECEIVED PURSUANT TO
19 THIS SECTION TO THE FUND. THE MONEYS IN THE FUND AND ALL INTEREST
20 EARNED ON THE MONEYS ARE SUBJECT TO ANNUAL APPROPRIATION BY THE
21 GENERAL ASSEMBLY TO THE DEPARTMENT FOR THE DIRECT AND INDIRECT
22 COSTS ASSOCIATED WITH PROVIDING THE ADMINISTRATIVE SERVICES
23 DESCRIBED IN THE INTERAGENCY AGREEMENT. ANY UNEXPENDED MONEYS
24 IN THE FUND AT THE END OF THE FISCAL YEAR REMAIN IN THE FUND AND
25 ARE NOT CREDITED OR TRANSFERRED TO ANOTHER FUND.

26 **SECTION 3.** In Colorado Revised Statutes, **repeal** article 9.7 of
27 title 22.

1 **SECTION 4. Act subject to petition - effective date.** This act
2 takes effect at 12:01 a.m. on the day following the expiration of the
3 ninety-day period after final adjournment of the general assembly (August
4 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
5 referendum petition is filed pursuant to section 1 (3) of article V of the
6 state constitution against this act or an item, section, or part of this act
7 within such period, then the act, item, section, or part will not take effect
8 unless approved by the people at the general election to be held in
9 November 2016 and, in such case, will take effect on the date of the
10 official declaration of the vote thereon by the governor.