

First Regular Session
Seventieth General Assembly
STATE OF COLORADO

CORRECTED ENGROSSED

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

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 **MAKING AN APPROPRIATION.**

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>.)

The bill repeals the early childhood educator development scholarship program that exists within the department of education.

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.

HOUSE
Amended 2nd Reading
April 17, 2015

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) "EARLY CHILDHOOD EDUCATION PROFESSIONAL" MEANS AN
9 INDIVIDUAL WHO IS EMPLOYED IN THE PROFESSION OF PROVIDING EARLY

1 CHILDHOOD EDUCATION AND AN INDIVIDUAL WHO IS ENROLLED IN AN
2 INSTITUTION OF HIGHER EDUCATION AND PURSUING A POSTSECONDARY
3 CREDENTIAL LEADING TO CERTIFICATION AS AN EARLY CHILDHOOD
4 EDUCATION TEACHER OR PROGRAM DIRECTOR.

5 ■ ■

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

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

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

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

19 (3) "POSTSECONDARY CREDENTIAL" MEANS:

20 (a) A CERTIFICATE RECOGNIZED BY THE DEPARTMENT OF
21 EDUCATION OR THE DEPARTMENT OF HUMAN SERVICES THAT LEADS TO
22 CERTIFICATION AS AN EARLY CHILDHOOD EDUCATION TEACHER, EARLY
23 CHILDHOOD SPECIAL EDUCATION TEACHER, OR EARLY CHILDHOOD
24 EDUCATION PROGRAM DIRECTOR; OR

25 (b) AN ASSOCIATE, BACHELOR'S, OR HIGHER DEGREE IN EARLY
26 CHILDHOOD EDUCATION OR EARLY CHILDHOOD SPECIAL EDUCATION.

27 (4) "QUALIFYING ENTITY" MEANS A NONPROFIT OR

1 NOT-FOR-PROFIT CORPORATION THAT HOLDS TAX-EXEMPT STATUS UNDER
2 26 U.S.C. SEC. 501 (c) (3) OF THE FEDERAL "INTERNAL REVENUE CODE OF
3 1986", AS AMENDED, OR AN INSTITUTION OF HIGHER EDUCATION.

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

6 (6) "STATE BOARD" MEANS THE STATE BOARD OF HUMAN SERVICES
7 CREATED AND AUTHORIZED TO ACT IN ACCORDANCE WITH SECTION
8 26-1-107.

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

11 [REDACTED]

12 **26-6.5-402. Scholarship grants - qualifying entities - rules -**

13 **report.** (1) (a) SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
14 DEPARTMENT SHALL ANNUALLY ACCEPT APPLICATIONS FROM QUALIFYING
15 ENTITIES FOR SCHOLARSHIP GRANTS. A QUALIFYING ENTITY THAT
16 RECEIVES A SCHOLARSHIP GRANT MUST USE THE GRANT MONEYS TO
17 PROVIDE SCHOLARSHIPS FOR EARLY CHILDHOOD EDUCATION
18 PROFESSIONALS AND EARLY CHILDHOOD SPECIAL EDUCATION
19 PROFESSIONALS TO ASSIST THEM IN ATTAINING A POSTSECONDARY
20 CREDENTIAL IN EARLY CHILDHOOD EDUCATION OR EARLY CHILDHOOD
21 SPECIAL EDUCATION. [REDACTED] AN EARLY CHILDHOOD EDUCATION
22 PROFESSIONAL OR EARLY CHILDHOOD SPECIAL EDUCATION PROFESSIONAL
23 WHO RECEIVES A SCHOLARSHIP THAT IS FUNDED BY MONEYS THAT A
24 QUALIFYING ENTITY RECEIVES PURSUANT TO THIS SECTION MUST USE THE
25 SCHOLARSHIP TO ATTEND AN INSTITUTION OF HIGHER EDUCATION.

26 (b) AFTER REVIEWING THE APPLICATIONS RECEIVED, THE STATE
27 DEPARTMENT SHALL RECOMMEND TO THE STATE BOARD THE QUALIFYING

1 ENTITIES THAT SHOULD RECEIVE SCHOLARSHIP GRANTS AND THE AMOUNT
2 OF EACH GRANT. SUBJECT TO AVAILABLE APPROPRIATIONS, THE STATE
3 BOARD SHALL ANNUALLY DISTRIBUTE MONEYS ■■■ TO QUALIFYING
4 ENTITIES, TAKING INTO CONSIDERATION THE DEPARTMENT'S
5 RECOMMENDATIONS.

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

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

10 (b) THE CRITERIA THAT THE STATE DEPARTMENT SHALL APPLY IN
11 REVIEWING THE GRANT APPLICATIONS AND MAKING RECOMMENDATIONS
12 TO THE STATE BOARD AND THAT THE STATE BOARD SHALL APPLY IN
13 AWARDING SCHOLARSHIP GRANTS. AT A MINIMUM, THE CRITERIA MUST
14 INCLUDE:

15 (I) CONSIDERATION OF WHETHER AN APPLICANT'S SCHOLARSHIP
16 PROGRAM OR PROPOSED SCHOLARSHIP PROGRAM ALIGNS WITH THE EARLY
17 CHILDHOOD EDUCATION OR EARLY CHILDHOOD SPECIAL EDUCATION
18 PROFESSIONAL DEVELOPMENT PRIORITIES SET BY THE STATE DEPARTMENT;

19 (II) IF THE QUALIFYING ENTITY OPERATES A SCHOLARSHIP
20 PROGRAM AT THE TIME OF APPLICATION, ITS RECORD OF SUCCESS IN
21 ADMINISTERING THE PROGRAM;

22 (III) THE QUALIFYING ENTITY'S ABILITY TO LEVERAGE ADDITIONAL
23 RESOURCES IF THE SCHOLARSHIP PROGRAM OR PROPOSED SCHOLARSHIP
24 PROGRAM IS FUNDED; AND

25 (IV) EVIDENCE THAT THE QUALIFYING ENTITY IS CAPABLE OF
26 SUCCESSFULLY IMPLEMENTING THE PROPOSED SCHOLARSHIP PROGRAM,
27 WHICH MAY INCLUDE DEMONSTRATED EXPERIENCE IN ADMINISTERING A

1 SCHOLARSHIP PROGRAM FOR EARLY CHILDHOOD PROFESSIONALS.

2 (c) THE INFORMATION THAT EACH QUALIFYING ENTITY THAT
3 RECEIVES A SCHOLARSHIP GRANT MUST SUBMIT TO THE STATE
4 DEPARTMENT TO ENABLE THE STATE DEPARTMENT TO PREPARE THE
5 ANNUAL PROGRAM REPORT.

6 (3) FOR EACH YEAR THAT IT AWARDS SCHOLARSHIP GRANTS, THE
7 STATE DEPARTMENT SHALL SUBMIT TO THE STATE BOARD, THE GOVERNOR,
8 AND THE EDUCATION COMMITTEES OF THE HOUSE OF REPRESENTATIVES
9 AND THE SENATE, OR ANY SUCCESSOR COMMITTEES, A REPORT THAT
10 INCLUDES, AT A MINIMUM:

11 (a) THE NAME OF EACH QUALIFYING ENTITY THAT RECEIVED A
12 SCHOLARSHIP GRANT, THE AMOUNT OF EACH SCHOLARSHIP GRANT, AND
13 THE TOTAL AMOUNT OF SCHOLARSHIP GRANTS DISTRIBUTED FOR THE
14 FISCAL YEAR;

15 (b) A DESCRIPTION OF THE QUALIFYING ENTITIES THAT RECEIVED
16 SCHOLARSHIP GRANTS, INCLUDING THE NUMBER OF EARLY CHILDHOOD
17 EDUCATION OR EARLY CHILDHOOD SPECIAL EDUCATION PROFESSIONALS
18 WHO RECEIVED SCHOLARSHIPS FROM THE QUALIFYING ENTITIES; THE
19 AMOUNTS OF THE SCHOLARSHIPS; AND THE POSTSECONDARY CREDENTIAL
20 PROGRAMS IN WHICH THE SCHOLARSHIP RECIPIENTS ENROLLED; AND

21 (c) THE TOTAL NUMBER AND TYPE OF POSTSECONDARY
22 CREDENTIALS IN EARLY CHILDHOOD EDUCATION AND EARLY CHILDHOOD
23 SPECIAL EDUCATION THAT WERE ISSUED FOR THE FISCAL YEAR AND, OF
24 THE CREDENTIALS ISSUED, THE NUMBER AND TYPE THAT WERE FUNDED IN
25 WHOLE OR IN PART BY SCHOLARSHIP GRANTS.

26 **26-6.5-403. Operation of grant program - authority to**
27 **contract.** NOTWITHSTANDING ANY PROVISION OF THIS PART 4 TO THE

1 CONTRARY, THE STATE DEPARTMENT MAY ENTER INTO A CONTRACT OR
2 INTERAGENCY AGREEMENT WITH A PUBLIC OR PRIVATE ENTITY, INCLUDING
3 ANOTHER STATE EXECUTIVE BRANCH AGENCY, TO PERFORM ALL OR A
4 PORTION OF THE STATE DEPARTMENT'S DUTIES DESCRIBED IN THIS PART 4;
5 EXCEPT THAT THE STATE BOARD SHALL NOT DELEGATE THE DUTY OF
6 AWARDING SCHOLARSHIP GRANTS AS PROVIDED IN THIS PART 4. AN ENTITY
7 WITH WHICH THE STATE DEPARTMENT CONTRACTS PURSUANT TO THIS
8 SECTION MUST APPLY THE CRITERIA ADOPTED BY THE STATE BOARD
9 PURSUANT TO SECTION 26-6.5-402 (2) IN REVIEWING APPLICATIONS AND
10 RECOMMENDING SCHOLARSHIP GRANT RECIPIENTS.

11

12 **SECTION 2.** In Colorado Revised Statutes, **repeal** article 9.7 of
13 title 22.

14 **SECTION 3. Appropriation.** (1) For the 2015-16 state fiscal
15 year, \$125,000 is appropriated to the department of human services for
16 use by the division of early care and learning. This appropriation is from
17 the general fund and is based on an assumption that the division will
18 require an additional 0.2 FTE. To implement this act, the division may
19 use the appropriation for grant program administration and scholarship
20 grant awards.

21 (2) For the FY 2015-16 state fiscal year, \$11,553 is appropriated
22 to the department of education. This appropriation is from reappropriated
23 funds received from the department of human services under subsection
24 (1) of this section.

25 **SECTION 4. Act subject to petition - effective date.** This act
26 takes effect at 12:01 a.m. on the day following the expiration of the
27 ninety-day period after final adjournment of the general assembly (August

1 5, 2015, if adjournment sine die is on May 6, 2015); except that, if a
2 referendum petition is filed pursuant to section 1 (3) of article V of the
3 state constitution against this act or an item, section, or part of this act
4 within such period, then the act, item, section, or part will not take effect
5 unless approved by the people at the general election to be held in
6 November 2016 and, in such case, will take effect on the date of the
7 official declaration of the vote thereon by the governor.