

Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 26-0724.03 Lindy Schaible x4215

HOUSE BILL 26-1282

HOUSE SPONSORSHIP

Phillips and Goldstein,

SENATE SPONSORSHIP

Mullica,

House Committees

Education
Appropriations

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ELIMINATION OF DUPLICATIVE REGULATION OF**
102 **SCHOOL DISTRICT CHILD CARE CENTERS.**

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://leg.colorado.gov>.)

The term "child care center" includes before- and after-school programs and preschool programs. Under current law, a school district's child care centers are regulated by the Colorado department of education (CDE) and by the Colorado department of early childhood (CDEC), among other agencies.

The bill lists CDEC rule subjects that do not apply to public child

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

care centers operated by school districts because the specified CDEC rule subjects are contradictory to or duplicative of existing CDE or other state agency rules.

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

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds that:

4 (a) Colorado school districts provide comprehensive educational
5 and enrichment opportunities to students through before- and
6 after-school-age programs;

7 (b) Colorado Revised Statutes and rules adopted by the Colorado
8 state board of education require the Colorado department of education
9 and other state agencies to extensively regulate and oversee school district
10 operations, including fire and radon inspections, playground equipment,
11 and staff training;

12 (c) Regulation of a school district's before- and after-school-age
13 programs by the Colorado department of education, the Colorado
14 department of early childhood, and other state agencies has resulted in
15 duplicative and contradictory requirements, including, but not limited to:

16 (I) Conflicting restrictions on playground equipment; and

17 (II) Duplicative fire and radon inspections; and

18 (d) The duplicative and conflicting regulations for a school
19 district's before- and after-school-age programs significantly increase
20 administrative costs, delay staff onboarding, restrict student access and
21 program capacity, and create confusion for students and families without
22 improving student health or safety or program quality.

23 (2) Therefore, the general assembly declares it is necessary and
24 appropriate that before- and after-school-age programs operated by a

1 school district not be subject to conflicting or duplicative regulations
2 from the Colorado department of education and the Colorado department
3 of early childhood.

4 **SECTION 2.** In Colorado Revised Statutes, 26.5-5-309, **amend**
5 (3)(b) as follows:

6 **26.5-5-309. Licenses - rules - definition - appropriation -**
7 **repeal.**

8 (3) (b) (I) A child care center that provides child care exclusively
9 to school-age children and operates on the property of a school district,
10 district charter school, or institute charter school may satisfy any fire or
11 radon inspection requirement required by law by providing a copy of a
12 satisfactory fire or radon inspection report of the property of a school
13 district, district charter school, or institute charter school where the child
14 care is provided if the fire or radon inspection report was completed
15 within the preceding twelve months. The department shall not require a
16 duplicate fire or radon inspection if a satisfactory fire or radon inspection
17 report of the property was completed within the preceding twelve months.

18 (II) A CHILD CARE CENTER THAT PROVIDES CHILD CARE
19 EXCLUSIVELY TO SCHOOL-AGE CHILDREN AND OPERATES ON THE
20 PROPERTY OF A SCHOOL DISTRICT, DISTRICT CHARTER SCHOOL, OR
21 INSTITUTE CHARTER SCHOOL MAY SATISFY ANY STAFF TRAINING OR
22 MINIMUM SQUARE FOOTAGE OF FLOOR SPACE PER CHILD REQUIREMENTS
23 REQUIRED BY LAW BY PROVIDING TO THE DEPARTMENT DOCUMENTED
24 EVIDENCE OF COMPLIANCE WITH SUBSTANTIALLY SIMILAR REQUIREMENTS
25 IMPOSED BY THE COLORADO DEPARTMENT OF EDUCATION, EXCEPT THAT,
26 IF THE REQUIREMENTS OR MONITORING OF THOSE REQUIREMENTS IMPOSED
27 BY THE COLORADO DEPARTMENT OF EDUCATION DO NOT MEET ANY

1 APPLICABLE REQUIREMENTS OF ANY FEDERAL GRANTS-IN-AID
2 ADMINISTERED BY THE DEPARTMENT, THE DEPARTMENT SHALL REQUIRE
3 THE CHILD CARE CENTER TO MEET ANY APPLICABLE MINIMUM
4 REQUIREMENTS OF THE FEDERAL GRANTS-IN-AID.

5 **SECTION 3.** In Colorado Revised Statutes, 26.5-5-314, **amend**
6 (2)(e)(III) as follows:

7 **26.5-5-314. Standards for facilities and agencies - rules -**
8 **definition.**

9 (2) The standards prescribed by department rules are restricted to:

10 (e) (III) The department shall require an annual inspection of
11 playground facilities on the property where a child care center operates.
12 For purposes of a playground facility inspection, the department shall
13 accept as satisfactory proof of valid certification of the playground
14 facility, certification, or a copy of certification, from an individual OR
15 ENTITY who is licensed or certified to perform playground safety
16 inspections through the national recreation and park association, or other
17 nationally recognized playground facility safety organization, INCLUDING,
18 BUT NOT LIMITED TO, A PUBLIC HEALTH AGENCY. The department shall not
19 require a duplicate inspection if a satisfactory inspection report was
20 completed within the preceding twelve months.

21 **SECTION 4.** In Colorado Revised Statutes, 26.5-5-313, **amend**
22 (4) introductory portion, (4)(a), and (4)(b); and **add** (7) as follows:

23 **26.5-5-313. Applications - waivers - appeals - rules.**

24 (4) The executive director shall ~~promulgate~~ ADOPT rules for the
25 implementation of this section, including:

26 (a) The requirements for the granting of a waiver request,
27 including the requirement that the department ~~make a decision on the~~

1 ~~waiver request and notify the child care center of its decision no later than~~
2 ~~sixty calendar days after receipt of the request~~ RESPOND TO A WAIVER
3 REQUEST WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF THE REQUEST
4 AND CLOSE A WAIVER REQUEST WITHIN NINETY CALENDAR DAYS AFTER
5 RECEIPT OF THE REQUEST;

6 (b) The requirements for the denial of a waiver request, including
7 the requirement that the department ~~make a decision on the waiver~~
8 ~~request and notify the child care center of its decision no later than sixty~~
9 ~~calendar days after receipt of the request~~ RESPOND TO A WAIVER REQUEST
10 WITHIN THIRTY CALENDAR DAYS AFTER RECEIPT OF THE REQUEST AND
11 CLOSE A WAIVER REQUEST WITHIN NINETY CALENDAR DAYS AFTER
12 RECEIPT OF THE REQUEST; and

13 (7) THE DEPARTMENT SHALL REVIEW THE WAIVER PROCESS
14 REQUIRED BY THIS SECTION AND THE PROCESS FOR APPEALS FILED
15 PURSUANT TO SECTION 26.5-5-314 (5) AT LEAST ANNUALLY.

16 **SECTION 5.** In Colorado Revised Statutes, 26.5-5-314, **add** (7)
17 as follows:

18 **26.5-5-314. Standards for facilities and agencies - rules -**
19 **appeals - waivers - definition.**

20 (7) THE DEPARTMENT SHALL NOT CHARGE A FEE ASSOCIATED
21 WITH STRINGENCY APPEALS.

22 **SECTION 6. Effective date.** This act takes effect July 1, 2026.

23 **SECTION 7. Safety clause.** The general assembly finds,
24 determines, and declares that this act is necessary for the immediate
25 preservation of the public peace, health, or safety or for appropriations for
26 the support and maintenance of the departments of the state and state
27 institutions.