

Thank you Mr. Chair and Members of the Committee,

My name is Bill Jaeger and I am the Vice President of Early Childhood and Policy Initiatives at the Colorado Children's Campaign. I am so honored to sit here with Anna Jo and these amazing parents and providers. The bill in front of you, while long and at times complicated, represents the best of Colorado in my opinion. It reflects a willingness to do big things for children; a willingness to work across different perspectives; and a willingness for the adults who work on these systems to take on a little more complexity and change so that children and families can deal with less complexity and challenge.

You will hear more about the deep and wide efforts to bring multiple perspectives together via the transition process in later testimony, but I feel fortunate to say that I have been in as many conversations and meetings on the vision in this bill as just about anyone I would guess. And I am moved by the deep commitment of every single person who has raised their voice and brought their perspective to this transformational effort. Without exception, everyone who has offered their perspective has done so because they believe that this bill can be transformational for children throughout our state and what to see this effort succeed. I truly believe that there is more in this vision of a transformed and child and family-centered early childhood system that brings us together than areas where our perspectives differ.

I want to offer a few brief comments on areas where, despite so much alignment, the sponsors have made difficult, but wise, choices on the structure of the Department of Early Childhood and Universal Preschool:

- 1) The **governance** structure requires the Executive Director to convene a Rules Advisory Council (RAC) for consultation and advice in determining rules that will impact any programs, functions, or services the Department of Early Childhood provides.
 - a. The Rules Advisory Council will consist of 15 term-limited members that must represent a wide variety of perspectives and expertise from across the early childhood space, including members of school-based early childhood providers, private and home-based early childhood providers, the early childhood advocacy community, institutions of higher education, county administrators, parents, caregivers, and members of the early childhood workforce.
 - b. Unlike traditional rulemaking bodies, the Rules Advisory Council is purposefully designed to give *parents* and *practitioners* a real voice in the direction of rules that will directly impact them and their children and day-to-day work on the ground.
 - c. This governance structure is aligned with the unanimously approved recommendations of the Early Childhood Leadership Commission, after a robust statewide stakeholder process that involved more than 130 meetings over the last year.
 - d. The Rules Advisory Council allows for broad representation and intentional family voice in a public venue, while still giving the Executive Director the flexibility they will need to make decisions quickly to ensure consistent service delivery, especially in the first few years as the Department and Universal Preschool get up and running.
 - e. The Rules Advisory Council will operate in accordance to the Administrative Procedures Act, including public notice, public hearings, and public comment, to give all stakeholders an opportunity to weigh in on new rules coming out of the Department.
 - f. The Rules Advisory Council will operate in a fully public forum, including taking all votes publicly. In addition, the Executive Director will share in writing when their recommendation diverges from the Rules Advisory Council, to ensure full transparency in the rulemaking process.
 - g. This structure is not unique to the Department of Early Childhood, as over half of Colorado's state agencies have a rulemaking board that operates in a similar advisory capacity.

- h. To ensure that this structure best suits the needs of the Department of Early Childhood and all stakeholders, the bill calls for an independent evaluation of the governance of the new Department in 2025.

2) Alignment of Programs Moving from CDHS to CDE

- a. **Concern:** The bill moves the entire Office of Early Childhood, including all child care and all family strengthening programs like home visiting, child maltreatment prevention, and Early Intervention to CDEC. Counties have raised concerns that we will lose alignment with programs at CDHS, namely child welfare. They would prefer all family strengthening programs to stay at CDHS.
- b. **Answer:** The unanimous recommendations call for all programs from OEC to move to the new department. And the leaders and organizations that run these programs, like home visiting and maltreatment prevention leaders, also want these programs to move. For a truly seamless early childhood system to be established, these programs need to be moved to the CDEC. Please see here for additional detailed key points: [Advantages to Move All Family Strengthening Programs to Early Childhood](#).

3) Local Coordinating Organizations

- a. **Concern:** The operational details of how the local lead will operate, the timelines, responsibilities, authority, and role in implementation of UPK are unclear.
- b. **Answer:** The recently released draft legislation language makes clear how LCOs will work and the associated [LCO FAQ](#) further clarifies the vision. In essence, the draft bill articulates the vision and opportunity that many communities are ready to implement regarding local coordination and, for those that need more time to develop such coordination and plans, allows the department to partner directly with providers and families to ensure access to services.

4) Potential Changes to CCCAP (Colorado Child Care Assistance Program)

- a. **Concern:** In order to have true alignment across child care and pre-k, changes will need to be made in statute to CCCAP. Counties are fearful of the costs or administrative impacts of any changes and the potential uncertainty that could come with any changes.
- b. **Answer:** CCCAP is not serving families the way it should be. It is hard to navigate for both parents and providers. A big reason is because the system is currently handcuffed by very rigid and restrictive statute that is more limiting than even federal law requires. As child care providers met the need for child care for families during the pandemic it became clear that the child care subsidy system needed to change. Antiquated rules that perpetuate welfare reform barriers to accessing child care subsidies include onerous document verification, long wait times for approval, and tying care to participation in child support. Because child care is both essential for working families and an important opportunity for child development, it's necessary to eliminate those barriers. For providers, the subsidy system results in a financial toll unlike the private market or CPP or Head Start by reimbursing based on daily attendance, requiring multiple agreements and conflicting rules. A more simplified preschool and child care system will be more responsive to families' needs and will reduce the financial, administrative, and regulatory barriers faced by providers. The changes being proposed to CCCAP are to bring more flexibility to the program (changing "Shalls" to "Mays" and striking other restrictions). These changes would include more flexibility in reimbursement rates and how attendance is counted as well as the ability to align eligibility criteria across CCCAP and preschool. Some county human service leaders have independently raised these as important changes to make.

This also ties back to "Governance." Counties want to have a say in the rules that may need to be promulgated with statute changes to CCCAP and additional flexibility to be sorted out in rulemaking reinforces the "Governance" concerns. Failure to make changes to CCCAP, however, will reinforce concerns about unintended consequences for infant and toddler care and school-age child care as UPK funding becomes easier and more attractive for providers to navigate and further disincentivizing providers to accept children subsidized with CCCAP funding.

5) Maintain Current State Preschool As We Know It

- a. *Concern:* We are hearing that some K-12 organizations have floated the idea of keeping CPP funded exactly as it currently operates and, possibly, separate from Prop EE. Some have also recently raised the prospect of a delay in UPK implementation to start later than the 2023 school year.
- b. *Answer:* For preschool to meet the needs of families, the newly designed Colorado Universal Preschool Program will need to be easy to understand and easy to navigate and enroll in. Having different entities administering separate processes does not meet that goal. In order to address the unique aspects of a mixed delivery, universal preschool program and not to reinforce the current challenges of the state's school finance formula, the unanimously approved report recommended several changes to the calculation and approach to funding universal preschool. Please see here for a [summary of funding changes that were recommended for UPK](#). In addition, delaying UPK would go against the will of the voters when they supported Prop EE. That law says that UPK turns on Fall of 2023. Lastly, HB21-1304 calls for one, universal, voluntary preschool program. Keeping CPP the way it is currently structured does not achieve that vision and goes against the unanimous recommendations.

6) Other Anticipated Concerns and Responses

- a. Growth of Government/Bureaucracy
- b. *Concern:* There could be concern that setting up a new department will create more government and bureaucracy.
- c. *Answer:* The whole intent of creating the new department is to take the current siloed system and streamline it into one that is more seamless and easier for parents and providers to navigate. The unanimous recommendations call for a review of duplicative and overly burdensome regulations, as well as a unified application for parents to use when applying for services. Currently, families and providers need to go to multiple departments and fill out multiple applications to piecemeal together the services that they need. The new dept. will correct that. In addition, the Local Coordinating Organizations will play a big role in cutting down on state-level bureaucracy and will allow for more local control and coordination to take place. Please see here for [info on the Local Coordinating Organizations](#).

7) Dual Language Learners

- a. SMigration Policy Institute: Other information that can support what Khatira has already stated: I can say that the piece about communicating with families in their home languages is consistent with overall language access laws as laid out in Title VI of the Civil Rights Act— technically this only covers programs that receive federal funds (though this does include direct and indirect funding, such as child care vouchers), but includes CCDBG and Head Start, which are both required to provide translated information to LEP families. Several state pre-K programs ([The State of Preschool 2020](#), 238.) also have policies requiring that families receive information in their home languages.

- b. Steve Barnett at NIEER: I am asking the US Dept of Ed. However, as a general principle the US ED does not make such policies other than regarding Civil Rights where the policy is as follows:
 - i. OCR does not require or advocate a particular program of instruction for ELL students and nothing in federal law requires one form of instruction over another. Under federal law, programs to educate children with limited proficiency in English must be: (1) based on a sound educational theory; (2) adequately supported so that the program has a realistic chance of success; and (3) periodically evaluated and revised, if necessary. These three fundamental principles of federal law are discussed below.
- c. Gene Garcia (Professor Emeritus at Arizona State University (ASU). From 2002-2006, he was the dean of the Mary Lou Fulton College of Education on the Tempe campus. From 2006-2011, he was professor and vice president for education partnerships at ASU. Before joining ASU, he served as professor and dean of the Graduate School of Education at the University of California, Berkeley (1995-2001). He served as a senior officer in the U.S. Department of Education (1993-1995). He is conducting research in the areas of effective schooling for linguistically and culturally diverse student populations and has chaired the National Task Force on Early Education for Hispanics): Ellen, I do not see anything in the language or procedures identified that contradicts federal legislation or court mandates. This policy language augments present federal policy and is line with the science.
- d. Spring Institut:
 - i. Here is Code of Federal Rules that clearly rejects their concern on DLL policies related to Lines 1-4: 45 CFR § 1302.33. Copied below sub section from the Code of Federal Rules Title 45:
 1. Characteristics of screenings and assessments.
 2. (1) Screenings and assessments must be valid and reliable for the population and purpose for which they will be used, including by being conducted by qualified and trained personnel, and being age, developmentally, culturally and linguistically appropriate, and appropriate for children with disabilities, as needed.
 3. (2) If a program serves a child who speaks a language other than English, a program must use qualified bilingual staff, contractor, or consultant to:
 4. (i) Assess language skills in English and in the child's home language, to assess both the child's progress in the home language and in English language acquisition;
 5. (ii) Conduct screenings and assessments for domains other than language skills in the language or languages that best capture the child's development and skills in the specific domain; and,
 6. (iii) Ensure those conducting the screening or assessment know and understand the child's language and culture and have sufficient skill level in the child's home language to accurately administer the screening or assessment and to record and understand the child's responses, interactions, and communications.
 7. (3) If a program serves a child who speaks a language other than English and qualified bilingual staff, contractors, or consultants are not able to conduct screenings and assessments, a program must use an interpreter in conjunction with a qualified staff person to conduct screenings and assessments as described in paragraphs (c)(2)(i) through (iii) of this section.
 8. (4) If a program serves a child who speaks a language other than English and can demonstrate that there is not a qualified bilingual staff person or

interpreter, then screenings and assessments may be conducted in English. In such a case, a program must also gather and use other information, including structured observations over time and information gathered in a child's home language from the family, for use in evaluating the child's development and progress.

Appendix

School District Early Childhood Issues

One vs. Two Year Hold Harmless

Districts want a two year hold harmless. We are offering one year.

- We've heard you clearly that you are worried about consistency of funding, particularly during a transition year.
- This proposal will ensure that school districts and community-based providers receiving Colorado Preschool Program funding are able to receive the same dollar amount that they received in 22-23 for the first year of universal preschool 23-24.

If they push back:

- We are trying to be understanding of the unique issues districts and community-based providers face during the transition year.
- Over time, we expect that districts will continue to serve more students in order to meet community-needs, and there will be no need for any sort of hold harmless dealing with Prop EE funds.

Figures:

- Total amount of CPP funding: ~\$128M
- Total state share: ~\$77M
- Total local share: ~\$51M

Count Date

School districts may bring up that there may be some inconsistencies in the count date if it is not done in accordance with the school finance October count.

- Moving preschool funding out of the School Finance Act gives us the opportunity to create a funding mechanism that is more appropriate for preschool.
- We are talking to other states about their processes for count date and will stay in close touch with you to make sure the process is workable.

Local Coordinators

- We have heard that you are concerned that the Department will be dictating the catchment areas for local coordinators, particularly with the map that the administration is creating.
- We are willing to clarify that the Department will not take a top down approach to local coordinator catchment areas. We do need to continue to clarify that the Department has the final say in boundaries that are proposed to make sure no community is left behind.

Other issues that may come up re: LCOs

Jason is arguing that Focus on the Family Could be an LCO:

- The bill includes a number of protections to ensure that the local coordinator that is determined has the skills, knowledge, and community support to do this work.
- We do not believe that Focus on the Family would meet the criteria identified in the bill, including that the applicant demonstrates that it has support from stakeholders such as early childhood councils, districts, and providers.

Rural Alliance is arguing they need more time:

- The bill includes flexibility, particularly for the first few years of the program, to ensure that the Department is able to make payments directly to providers (and that the LCO does not need to manage payments) and that if there is no LCO identified, the Department will step in.

Governance

Groups will argue that the bill gives unilateral rulemaking authority to the Executive Director.

- The bill currently includes a Rulemaking Advisory Committee (RAC) that includes school district voices.
- The RAC will need to take public votes.
- Our amendment will ensure that if the ED goes in a different direction than the RAC, the ED will need to explain that decision in writing.
- About half of the agencies have a rulemaking board.
- The ED will still need to abide by the Administrative Procedures Act.

Capacity Building

The Rural Alliance in particular may argue that rural areas need more technical assistance and support to stand up universal preschool.

- The JBC has approved \$6 million for local coordinator startup as well as \$40 million for a furniture, fixtures, and equipment fund for providers, which also allows for training and technology.
- The Department will have 10 staff in 22-23 and 14 staff in 23-24 dedicated to implementing universal preschool and providing regional supports.

Groups may argue that there are not enough teachers for universal preschool.

- The bill does not change teacher qualifications.
- Recruiting and retaining high-quality early childhood educators is a top priority.
- The administration and General Assembly have dedicated \$70M in federal stimulus recovery funds to address this challenge and create a strong early childhood workforce pipeline.
- This includes allowing anyone who is qualified to take free early childhood courses, additional scholarships to obtain early childhood credentials and higher level of qualifications, and innovative apprenticeship programs that will provide an opportunity for professionals to obtain paid work experiences while also pursuing credentials or degrees.

Special Education

School districts are worried that the bill creates unrealistic expectations for parents regarding special education services and does not clearly state that the school district is responsible for administering IDEA.

- We appreciated the thoughtful suggestions of the Special Education Consortium and made many of these edits, including:
 - Clarifying control over early childhood programs is limited to those authorized under DEC
 - Interagency agreement will cover Part C evaluation transition
 - Striking language creating confusion about whether DEC has power over IDEA or ECEA.