

DEPARTMENT OF EARLY CHILDHOOD

Colorado Universal Preschool Program

UNIVERSAL PRESCHOOL PROGRAM RULES AND REGULATIONS

8 CCR 1404-1

[Editor's Notes follow the text of the rules at the end of this CCR Document.]

4.100 UNIVERSAL PRESCHOOL PROGRAM

The Colorado Universal Preschool Program was established to provide high-quality, voluntary, preschool programming through a mixed delivery system for children throughout the state in the year preceding eligibility for kindergarten enrollment and to provide for additional preschool services for children who are in low-income families or who meet identified qualifying factors. The department intends to work with preschool program services providers to meet families' needs, including for a half or full day program.

4.101 DEFINITIONS

"Additional preschool services" means hours of preschool services provided to a child in the year preceding enrollment in kindergarten that are in addition to the universal preschool services the child receives.

"Children with disabilities" has the same meaning as provided in section 22-20-103, C.R.S.

"Colorado universal preschool program" or "preschool program" means the program established within the department pursuant to section 26.5-4-204, C.R.S., and includes all participating preschool providers.

"Department" means Colorado Department of Early Childhood.

"ECEA" means the "Exceptional Children's Educational Act", Article 20 of Title 22, and its implementing rules.

"Eligible child" means a child who is eligible to receive preschool services as provided in section 26.5-4-204 (3), C.R.S.

Federal Poverty Level" (FPL) or "Federal Poverty Guidelines" (FPG) refers to figures set by the federal government annually. These figures, based on gross monthly income levels for the corresponding household size, are included in the table in section 4.102.A.

"Foster care home" has the same meaning as provided in section 26-6-903(10), C.R.S.

"Full-day" means thirty to forty (30 to 40) hours of preschool service per week.

"Half-day" means fifteen to twenty (15 to 20) hours of preschool service per week.

"IDEA" means the federal "Individuals with Disabilities Education Act", 20 U.S.C. SEC. 1400 ET SEQ., as amended, and its implementing regulations.

"Individualized Education Program" or "IEP" has the same meaning as provided in section 22-20-103(15), C.R.S.

“Noncertified kinship care” means a child is being cared for by a relative or kin pursuant to 19-1-103(102), C.R.S., who has a significant relationship with the child in circumstances when there is a safety concern by a county department of human or social services and where the relative or kin has not met the foster care certification requirements for a kinship foster care home or has chosen not to pursue that certification process.

“Parent” has the same meaning as provided in section 22-20-103. C.R.S.

“Part-time or slot” means ten (10) hours of preschool service per week.

“Provider rate formula” means the formulas for setting the per-child rates for universal preschool services, for preschool services for children with disabilities, for preschool services for eligible children who are three (3) years of age or younger and for additional preschool services.

“Qualifying factor” means a child or family circumstance, as identified by department rule pursuant to section 26.5-4-204, (4)(a)(II), C.R.S. that may negatively impact a child’s cognitive, academic, social, physical, or behavioral health or development.

“School District” means a school district organized pursuant to article 30 of title 22, C.R.S. that provides preschool services and is licensed pursuant to part 3 of article 5 of title 26.5, C.R.S. as a preschool provider; or a board of cooperative services organized pursuant to article 5 of title 22, C.R.S. that provides preschool services and is licensed pursuant to part 3 of article 5 of title 26.5, C.R.S. as a preschool provider.

“Universal preschool services” means ten hours of preschool services per week made available, at no charge, to children in the state during the school year preceding the school year in which a child is eligible to enroll in kindergarten.

4.102 PROGRAM PURPOSE

A. For the 2023-24 school year and school years thereafter, families may enroll their children in preschool providers that receive funding through the preschool program. The purposes of the preschool program are:

1. To provide children in Colorado access to voluntary, high-quality, universal preschool services free of charge in the school year before a child is eligible to enroll in kindergarten;
2. To provide access to additional preschool services in the school year before kindergarten eligibility for children in low-income families and children who lack overall learning readiness due to qualifying factors;
3. To provide access to preschool services for children who are three years of age, or in limited circumstances younger than three years of age, and are children with disabilities, are in low-income families, or lack overall learning readiness due to qualifying factors; and
4. To establish quality standards for publicly funded preschool providers that promote children’s early learning and development, school readiness, and healthy beginnings.

4.103 ELIGIBILITY

- A. Children who are three years of age, or who reside in a community in which a school district operates a district preschool program with a waiver to serve children under three years of age, and children who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten are eligible for preschool services if the child's family is low income such that the child's parent or guardian's gross income is below 270% of the Federal Poverty Guideline (FPG):

FAMILY SIZE	100% FEDERAL POVERTY GUIDELINE (FPG)	270% FEDERAL POVERTY GUIDELINE (FPG)
1	\$1,132.50	\$3,057.75
2	\$1,525.83	\$4,119.75
3	\$1,919.17	\$5,181.75
4	\$2,312.50	\$6,243.75
5	\$2,705.83	\$7,305.75
6	\$3,099.17	\$8,367.75
7	\$3,492.50	\$9,429.75
8	\$3,885.83	\$10,491.75
EACH ADDITIONAL PERSON	\$393.33	

- B. To be eligible for additional preschool services a child must meet one or more of the following qualifying factors:
1. Child is identified as low-income in accordance with section A above.
 2. Child is a dual-language learner and the native language spoken in the child's home is a language other than English, or the child's native language is not English.
 3. Child has an IEP.
 4. Child is currently in the custody of a state supervised and county administered foster care home or in non-certified kinship care.
 5. Child identified as homeless and lacks a fixed, regular, and adequate nighttime residence and at least one of the following:
 - a. Sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; living in motels, hotels, or camping grounds due to the lack of alternative accommodations; living in emergency or transitional shelters;
 - b. Has a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings;
 - c. Living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; or,
 - d. Is a child who is migratory who qualifies as homeless for the purposes of this subtitle because the child is living in circumstances described in this definition A through C.

4.104 ADDITIONAL ELIGIBILITY AND PRESCHOOL SERVICES

- A. Subject to the amount distributed to school districts to provide preschool services for children three (3) years of age, a child three (3) years of age who is not eligible to enroll in kindergarten in the next school year, and is in a low-income family per Rule 4.103(B)(1), above, or meets at least one qualifying factor in Rules 4.103(B)(2)-(5), may receive a minimum of ten (10) hours per week per week of preschool program services.
- B. Subject to the amount distributed to school districts with a waiver to serve children under three (3) years of age, a child who is under three (3) years of age and is in a low-income family per Rule 4.103(B)(1), or meets at least one qualifying factor in Rules 4.103(B)(2)-(5), may receive a minimum of ten (10) hours per week of preschool program services.
- C. Subject to available appropriations, and after the department allocates the amounts necessary to fund preschool services for eligible children who are three (3) years of age or younger, for children with disabilities, and to fully fund universal preschool services for children who enroll, the department may distribute additional funding equivalent to five (5) hours of preschool programming per week to children who enroll in the year preceding eligibility for enrollment in kindergarten to achieve the specified purpose of increasing whole child developmental outcomes and meeting family needs, by expanding universal access to preschool programs to a minimum of half-day preschool service.
- D. Subject to available appropriations and after making the efforts in subsection F, below, a child who is in a low-income family per Rule 4.103(A), or who meets at least one qualifying factor in Rule 4.103(B), may receive fifteen (15) additional hours per week of preschool program services in the school year preceding the school year in which the child is eligible to enroll in kindergarten to achieve full-day preschool service.
- E. Excess funds allocated to the preschool program through underspent funding for children three (3) years of age, or younger in waiver districts, and/or funds remaining after meeting the uses described in section 26.5-4-209(3)(A), C.R.S., may be distributed by the department through additional hours of preschool services for children who enroll in the year preceding eligibility for enrollment in kindergarten.
- F. The department, working with local coordinating organizations, shall make every effort to blend and braid preschool programming funds where possible with head start, local funding dollars, and the Colorado Child Care Assistance Program (CCCAP), prior to distributing additional preschool programming funds to a child who is in a low income family per Rule 4.103(A), or who meets at least one qualifying factor in Rule 4.103(B).
- G. Participating preschool providers may serve up to the number of preschool students allowed for by their current child care license.

4.105 PER-CHILD RATES AND FUNDING FORMULA

- A. Participating providers must agree to guarantee families at least the minimum number of hours defined in this rule for the rate that is provided.
- B. Per-child rate funding formula applies to the following categories of services specified in statute and clarified in these rules:
 - 1. Universal preschool program services for children in the school year before they are eligible for kindergarten.
 - 2. Preschool services for children 3 or 4 years of age with disabilities.

3. Preschool services for eligible and qualifying children 3 years of age and under in waiver districts.
 4. Additional services to achieve a specified purpose.
 5. Supplemental hours of preschool services for eligible children 4 years of age based on low-income status or meeting at least one qualifying factor.
- C. **Formula and parameters.** The Colorado Universal Preschool Program rate formula is expressed as $((PKC \cdot PS \cdot PA) + (PKC \cdot (1 - PS)) \cdot CL) \cdot LIC \cdot GF \cdot QE \cdot CPI$. The formula includes a base rate cost of high quality preschool services (PKC) with specific parameters adjusting for personnel costs (PS) and variances to costs by region (PA). Further adjustments are applied for local costs of living (CL), considerations of a community's poverty level (LIC), geographical factors (GF), increased quality of services (QE), and an annual adjustment for inflation (CPI).
1. **PKC (pre-k costs)** means the base cost of providing high quality preschool services based on unique characteristics of provider settings and the families/children they serve, recognized best practices and evidence-based standards, pursuant to sections 26.5-4-208(1)(A)(I) and 26.5-4-205(2), C.R.S.
 2. **PS (personnel share)** means the share of costs accounted for by personnel costs, including salaries and benefits.
 3. **PA (personnel adjustment)** means the adjustment factor that accounts for regional variations in personnel costs.
 4. **CL (cost of living)** means a cost of living adjustment determined at the county level to reflect evolving local economic realities and support recruitment and retention of a high-quality workforce, as required by section 26.5-4-208(1)(A)(III), C.R.S.
 5. **LIC (low income by county)** means the parameter determined at the county level to account for the identification of children in low-income families, as defined by Rule 4.103(A) and pursuant to section 26.5-4-208(1)(A)(IV), C.R.S.
 6. **GF (geographic factor)** means the factor that adjusts for regional differences and circumstances unique to rural communities that result in variations in the cost of providing preschool services, which may include difficulties in achieving economies of scale in rural areas and in recruiting and retaining preschool educators, as required by section 26.5-4-208(1)(A)(III), C.R.S.
 7. **QE (quality enhancement)** means the component that accounts for the cost of providing professional development activities and salary incentives to teachers and paraprofessionals pursuant to sections 26.5-4-208(1)(A)(I) and 26.5-4-205(2), C.R.S.
 8. **CPI (consumer price index)** means the annual rate of inflation estimated for the Denver-Aurora-Lakewood core based statistical area that is applied to account for exigent economic changes.

Editor's Notes

History

New rule emer. rule eff. 09/29/2022.

Rules 4.101, 4.104, 4.105 emer. rules eff. 11/21/2022.

Rules 4.100-4.103 eff. 01/14/2023.

Rules 4.101, 4.104, 4.105 eff. 03/17/2023.

Rule 4.105 emer. rule eff. 06/23/2023.

Rule 4.105 eff. 09/30/2023.