

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 AUTHORITY

These rules and regulations are adopted pursuant to the rulemaking authority provided in sections 26.5-1-105(1) and 26.5-4-204(4), C.R.S., and are intended to be consistent with the requirements of the State Administrative Procedures Act, sections 24-4-101 through 24-4-204 (the "APA"), C.R.S., the Anna Jo Garcia Haynes Early Childhood Act, sections 26.5-1-101 through 26.5-6-101 (the "Early Childhood Act"), C.R.S., and the Colorado Universal Preschool Program Act, sections 26.5-4-201 through 26.5-4-211, C.R.S.

4.101 SCOPE AND PURPOSE

These rules and regulations shall govern the processes, procedures, and requirements of providers and families participating in the Colorado Universal Preschool Program.

4.102 APPLICABILITY

The provisions of these rules and regulations shall be applicable to all preschool providers participating in the Colorado Universal Preschool Program including: family child care homes, as defined in section 26.5-5-303, C.R.S.; child care centers, as defined in section 26.5-5-303, C.R.S.; school districts licensed to operate as a public preschool provider; charter schools licensed to operate as a public preschool provider; or head start programs licensed and regulated by the Colorado Department of Early Childhood.

4.103 DEFINITIONS

- A. "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.
- B. "Administrative unit" means a school district, a board of cooperative services, a multi-district administrative unit, a charter school network, a charter school collaborative, or the state charter school institute that is providing educational services to exceptional children and that is responsible for the local administration of the education of exceptional children pursuant to article 20 of title 22.
- C. "Applicant 2" means an individual that resides in a family child care home and provides care regularly, in a recurring pattern and must have the same required training as the Primary Provider as specified in the "Rules Regulating Family Child Care Homes" located in 8 CCR 1402-1, rule section 2.304(A)(5).

- D. "Child Find" means the program component of IDEA that requires states to find, identify, locate, evaluate, and serve all children with disabilities, from birth to twenty-one (21) years of age. Child Find includes: (a) Part C child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from birth through two (2) years of age; and (b) Part B child find, which is the program component of IDEA that requires states to find, identify, locate, evaluate, and serve children with disabilities from three (3) to twenty-one (21) years of age.
- E. "Children with disabilities" has the same meaning as provided in section 22-20-103, C.R.S.
- F. "Classroom" means the educational or instructional location used to support a preschool program by any Preschool Program provider, including schools, child care centers, family child care homes, or other approved Colorado Universal Preschool Program locations.
- G. "Colorado Academic Standards" means the comprehensive set of academic standards across all content areas adopted by the State Board of Education pursuant to section 22-7-1005, C.R.S.
- H. "Colorado Early Learning and Development Guidelines" means the set of guidelines across all early childhood domains endorsed by the early childhood leadership commission that includes approaches to learning, health and physical development, social and emotional development, language, literacy, numeracy, logic and reasoning, and other subject-specific learning.
- I. "Colorado Shines Quality Rating and Improvement System (QRIS)" means the system developed by the Department pursuant to section 26.5-5-101, C.R.S., which measures the level of preparedness of, and quality of services provided by, an early childhood education program to prepare children to enter elementary school.
- J. "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.
- K. "Colorado's Competencies for Early Childhood Educators and Professionals" means the set of content areas, or domains, that describe the knowledge and skills early childhood educators need to work effectively with children, and are updated, maintained, and published by the Department.
- L. "Cooperative Preschool Provider" means an eligible preschool provider which requires participating families to be meaningfully involved in the operation of the cooperative and which is at least substantially operated, maintained, or administered by participating families.
- M. "Department" means Colorado Department of Early Childhood.
- N. "ECEA" means the "Exceptional Children's Educational Act", Article 20 of Title 22, and its implementing rules.
- O. "Early childhood mental health program" means a program which supports the mental wellness of children, or promotes the knowledge, ability, and capacity of individuals who support the mental wellness of children to address and enhance the social, emotional, cognitive, or behavioral developmental needs of children, including children aged birth to six (6).
- P. "Early learning and assessment approach" means the eligible preschool provider's chosen methods for selecting, planning, and implementing activities; observing; documenting; and monitoring designed to support children's learning and development, in alignment with the Colorado Early Learning and Development Guidelines, and includes curricula and other pedagogical methods.

- Q. "Eligible child" means a child who is eligible to receive preschool services as provided in section 26.5-4-204(3), C.R.S.
- R. "Eligible preschool provider" means a preschool provider that is actively participating in the Colorado Universal Preschool Program and in good standing with the Department. As used in this context, "good standing" means that the preschool provider has either a permanent, provisional, or probationary license issued by the Department, as those terms are defined and used in 8 CCR 1402-1, rule sections 2.107, 2.108, and 2.109.
- S. "Equally qualified provider" means an employee of a family child care home that has the same required trainings and qualifications as the primary provider as specified in the "Rules Regulating Family Child Care Homes" located in 8 CCR 1402-1, rule section 2.304(A)(29).
- T. "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 rule section 4.105(A).
- U. "Foster care home" has the same meaning as provided in section 26-6-903(10), C.R.S.
- V. "Full-day" means thirty to forty (30 to 40) hours of preschool service per week.
- W. "Half-day" means fifteen to twenty (15 to 20) hours of preschool service per week.
- X. "Head Start program" means a program operated by a local public or private nonprofit agency designated by the federal department of health and human services to operate a head start program pursuant to the provisions of Title V of the federal "Economic Opportunity Act of 1964", as amended.
- Y. "IDEA" means the federal "Individuals with Disabilities Education Act", 20 U.S.C. sections 1400 through 1491, as amended, and its implementing regulations at 34 C.F.R. Parts 300 and 303 (2023), herein incorporated by reference. No later editions or amendments are incorporated. These regulations are available at no cost from the United States Department of Education at www.ecfr.gov. These regulations are available for public inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash St., Denver, CO 80246, during normal business hours.
- Z. "Individualized Education Program" or "IEP" means a written statement for a child with a disability that is developed, reviewed, and revised in accordance with part 1 of article 20 of title 22, C.R.S., and the rules promulgated by the Colorado State Board of Education.
- AA. "Instructional supervisor" means the employee who is responsible for the direct supervision of an employee who is required to meet the ongoing professional development requirement of rule sections 4.114(B) and (C), and who as part of that direct supervision is responsible for overseeing the delivery of instruction or related services. For an eligible preschool provider who is a family child care home, the instructional supervisor shall mean the primary provider. For an eligible preschool provider who is a child care center (including a large child care center, small child care center, preschool, mobile part-day preschool program, or a combination thereof), the instructional supervisor shall mean the director of the child care center who is qualified and designated as the director as specified in 8 CCR 1402-1 rule sections 2.214, 2.215, 2.217 and 2.243, and also includes any other supervisory staff who meet this definition.
- BB. "Lead teacher" means the employee of an eligible preschool provider that is primarily assigned to a Preschool Program classroom and responsible for delivering instruction or leading activities. A "lead teacher" means:

1. The primary provider of a family child care home; or
 2. The early childhood teacher (as specified in 8 CCR 1402-1 rule section 2.216(A)) of a large child care center, small child care center, preschool, or mobile part-day preschool program as those terms are defined in rule section 2.204(B), who is responsible for delivering instruction or leading activities in their primarily assigned Preschool Program classroom.
- CC. “Low-income” means that the child’s parent or guardian’s gross income must not exceed 270% of the Federal Poverty Guideline (FPG).
- DD. “Multilingual” means a child who is learning two (2) or more languages at the same time, or a child who is learning a second (2nd) language while continuing to develop their first (1st) language.
- EE. “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.
- FF. “Parent” has the same meaning as provided in section 22-20-103, C.R.S.
- GG. “Part-time or slot” means ten (10) hours of preschool service per week.
- HH. “Primary provider” means the person that resides in a family child care home and provides direct care, supervision, and education to child(ren) in care for at least sixty percent (60%) of the daily hours of operation of the family child care home.
- II. “Preschool provider” means any of the following entities that are licensed pursuant to part 3 of article 5 of this title 26.5:
1. A family child care home, as defined in section 26.5-5-303, C.R.S.;
 2. A child care center, as defined in section 26.5-5-303, C.R.S.;
 3. A school district licensed to operate as a public preschool provider;
 4. A charter school licensed to operate as a public preschool provider; or
 5. A head start program.
- JJ. “Preschool services” means instructional and educational services provided to an eligible child by an eligible preschool provider pursuant to the Colorado Universal Preschool Program.
- KK. “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.
- LL. “Qualified substitute” means a substitute provider of a family child care home that has all required trainings and qualifications as determined in the Department’s “Rules Regulating Family Child Care Homes” located in 8 CCR 1402-1 rule section 2.304(A)(71).

- MM. “Resource Bank” means the collection of preschool curricula and other approved educational approaches, toolkits, self-assessments, templates, training, and other resources for use by participating preschool providers that is created, administered, and updated by the Department pursuant to section 26.5-4-205(3), C.R.S.
- NN. “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.
- OO. “School year” means the full school year as defined by the local school board of education.
- PP. “Short term basis” means work performed in place of a regular staff member or volunteer who is unable to work their normally scheduled work hours due to a planned or unplanned event that requires the regular staff member or volunteer to be on leave for no more than two (2) calendar weeks and exclusively includes work performed by an assistant early childhood teacher providing substitute services under 8 CCR 1402-1 rule section 2.216(F)(2), or a public school substitute providing services under 8 CCR 1402-1 rule section 2.243(C).
- QQ. “Sibling” means one (1) or more individuals having one (1) or both parents in common.
- RR. “Staff aide” means an individual who assists the primary provider in a family child care home in the care of children at the family child care home. A staff aide must never be allowed to supervise a child(ren) alone. The primary provider, applicant 2, equally qualified provider, or qualified substitute provider must be present at all times when the staff aide is providing care for a child(ren).
- SS. “Substitute” means a paid, volunteer, or contract individual of a family child care home responsible for caring for the children in the capacity of the employee, staff aide, or staff member. The primary provider, applicant 2, equally qualified provider, or qualified substitute must always be present at all times when a substitute is providing care for children.
- TT. “Universal preschool services” means ten (10) 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.

4.104 COLORADO 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 experiencing poverty, or in low-income families and meet the criteria of an identified qualifying factor. The Department intends to work with preschool program services providers to meet families’ needs, including for a half- or full-day program.

- 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 enrolls 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 (3) years of age, or in limited circumstances younger than three (3) 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.

4.105 GENERAL CRITERIA FOR PRESCHOOL SERVICES

This rule is promulgated pursuant to section 26.5-4-204(4)(a)(I) and (II), C.R.S.

A. Poverty and Low-Income Eligibility Determinations

1. Effective for the 2024-2025 school year, a child shall be considered as belonging to a family living in poverty if the gross monthly income of the child's parent(s) or guardian(s) does not exceed 100 percent of the 2023 Federal Poverty Guidelines (FPG). A child is considered belonging to a low-income family if the gross monthly income of the child's parent(s) or guardian(s) does not exceed 270 percent of the 2023 Federal Poverty Guidelines (FPG).

FAMILY SIZE	100% 2023 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME	270% 2023 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME
1	\$1,215.00	\$3,280.50
2	\$1,643.33	\$4,437.00
3	\$2,071.67	\$5,593.50
4	\$2,500.00	\$6,750.00
5	\$2,928.33	\$7,906.50
6	\$3,356.67	\$9,063.00
7	\$3,785.00	\$10,219.50
8	\$4,213.33	\$11,376.00
EACH ADDITIONAL PERSON	\$428.33	\$1,156.60

2. Effective for the 2025-2026 school year, a child shall be considered as belonging to a family living in poverty if the gross monthly income of the child's parent(s) or guardian(s) does not exceed 100 percent of the 2024 Federal Poverty Guidelines (FPG). A child is considered belonging to a low-income family if the gross monthly income of the child's parent(s) or guardian(s) does not exceed 270 percent of the 2024 Federal Poverty Guidelines (FPG).

FAMILY SIZE	100% 2024 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME	270% 2024 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME
1	\$1,255.00	\$3,388.50
2	\$1,703.33	\$4,599.00
3	\$2,151.67	\$5,809.50
4	\$2,600.00	\$7,020.00

FAMILY SIZE	100% 2024 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME	270% 2024 FEDERAL POVERTY GUIDELINE (FPG) MONTHLY INCOME
5	\$3,048.33	\$8,230.50
6	\$3,496.67	\$9,441.00
7	\$3,945.00	\$10,651.50
8	\$4,393.33	\$11,862.00
EACH ADDITIONAL PERSON	\$448.33	\$1,210.50

B. Qualifying Factors

The following qualifying factors will be used to determine a child's eligibility for preschool services pursuant to this rule section:

1. Child is identified as in poverty for the requisite school year, pursuant to rule sections 4.105(A)(1) and (2).
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 is identified as homeless and/or unhoused, and lacks a fixed, regular, and adequate nighttime residence and at least one (1) 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; or 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 in similar settings; or
 - d. Is a child who is migratory who qualifies as homeless for the purposes of this rule subsection because the child is living in circumstances described in this rule subsections (a) through (c), above.

4.106 ELIGIBILITY AND PRESCHOOL SERVICES FOR CHILDREN THREE (3) YEARS OF AGE OR YOUNGER

This rule section is promulgated pursuant to sections 26.5-4-204(3)(a)(II)-(IV) and 26.5-4-208(3)(c)(I) and (II), C.R.S. The Department or Local Coordinating Organization, as applicable, shall distribute funding to school districts and charter schools for preschool services for enrolled children who are three (3) years of age or younger. A school district may utilize the allotted three (3) year old funding, or may distribute all or a portion to a contracted head start agency or community-based preschool provider that provides preschool services.

A. Eligibility

1. Every child in the state who is three (3) years of age, and is a child with disabilities, is eligible for preschool services in accordance with their Individualized Education Program (IEP).
2. Children who are three (3) years of age and are not eligible to enroll in kindergarten in the next school year, or who are under three (3) years of age and reside in a community in which a school district operates a district preschool program with a waiver to serve children under three (3) years of age, may be eligible for preschool services if they are low-income or have at least one (1) qualifying factor.

B. Preschool Services

1. Subject to available appropriations 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 section 4.105(A), or meets at least one (1) qualifying factor identified in rule section 4.105(B), may receive a minimum of ten (10) hours per week of preschool program services.
2. Subject to available appropriations 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 section 4.105(A), or meets at least one (1) qualifying factor identified in rule section 4.105(B), may receive a minimum of ten (10) hours per week of preschool program services.

4.107 ELIGIBILITY AND PRESCHOOL SERVICES FOR CHILDREN FOUR (4) YEARS OF AGE, IN THE YEAR PRECEDING KINDERGARTEN

This rule section is promulgated pursuant to sections 26.5-4-204(3)(a)(I), (II), and (V) and 26.5-4-208(3)(a), C.R.S.

A. Eligibility

1. Every child in the state who is four (4) years of age, and is a child with disabilities, is eligible for preschool services in accordance with their Individualized Education Program (IEP).
2. Children in the state who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten, are eligible for ten (10) hours of universal preschool services per week.
3. Children who are in the school year preceding the school year in which the child is eligible to enroll in kindergarten, may be eligible for additional preschool services if they are low-income or have at least one (1) qualifying factor.

B. Additional Preschool Services

1. 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 specified purpose 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.

2. Subject to available appropriations and after making the efforts in rule section 4.108(F), below, a child who is in a low-income family per rule section 4.105(A), or who meets at least one (1) qualifying factor in rule section 4.105(B), may receive fifteen (15) additional hours per week of additional preschool 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.

4.108 PRESCHOOL PROVIDER FUNDING FOR CHILDREN THREE (3) AND FOUR (4) YEARS OF AGE

- A. Preschool program funding distributed to preschool providers shall be used only to pay the costs of providing preschool services directly to eligible children enrolled by the preschool provider or by a subcontracted preschool provider as authorized for a school district pursuant to section 26.5-4-208(3)(c)(II), C.R.S. Where applicable, preschool program funding can be used to cover special education and related services costs that are in excess of the Exceptional Children's Educational Act (ECEA) and Individuals with Disabilities Act (IDEA) funds if the costs are allowable per subsections (A)(1) through (4) of this rule. The costs of providing preschool services include:
 1. Teacher and paraprofessional salaries and benefits;
 2. The cost of providing to teachers and paraprofessionals any professional development activities associated with the preschool services;
 3. The costs incurred in purchasing supplies and materials used in providing the preschool services;
 4. Any additional costs that a preschool provider would not have incurred but for the services provided in conjunction with the preschool services; and
 5. A reasonable allocation of overhead costs as provided in rule section 4.108(G).
- B. Participating providers must agree to guarantee families at least the minimum number of hours defined in rule sections 4.106(B) and 4.107(A) and (B) for the per-child rate that is provided.
- C. Pursuant to section 26.5-4-208(3)(b), C.R.S., in a year in which there is insufficient funding to provide additional preschool services to all eligible children, those eligible children who are in low-income families and meet at least one (1) qualifying factor will be prioritized.
- D. 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 hours of additional preschool services for children who enroll in the year preceding eligibility for enrollment in kindergarten.
- E. 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 section 4.105(A), or who meets at least one (1) qualifying factor in rule section 4.105(B).
- F. The per-child rate funding formula for all types of preschool services covered under the preschool program applies to the following categories of services that a family may enroll their eligible child in, as specified in sections 26.5-4-204 and 208, C.R.S., and clarified in these rules:

1. Universal preschool services for children in the school year before they are eligible for kindergarten as described in rule section 4.104(A)(1).
 2. Pursuant to section 26.5-4-204(3)(b), C.R.S., all children with disabilities described in rule sections 4.106(A)(1) and 4.107(A)(1), who are three (3) or four (4) years of age, are eligible to receive funding for preschool services in accordance with their Individualized Education Program (IEP).
 3. Preschool services for eligible children three (3) years of age or younger, in a waiver district as described in rule section 4.106(A)(2).
 4. Preschool services to achieve a specified purpose as described in rule section 4.107(B).
 5. Additional preschool services for eligible children four (4) years of age based on low-income status or meeting at least one (1) qualifying factor as described in rule section 4.107(A)(3).
- G. **Overhead or Indirect Costs.** Overhead or indirect costs represent the expenses of doing business that are not readily identified with the delivery of preschool services, but are necessary for the general operation of participating preschool providers. Preschool providers shall be allowed to expend a reasonable allocation on overhead or indirect costs, not to exceed fifteen percent (15%) of the total preschool program per-child rate funding received.
- H. **Per-Child Rate Funding Formula.** The Colorado Universal Preschool Program per-child rate formula is expressed as $((PKC * PS * PA) + (PKC * (1 - PS)) * CL) * LIC * GF * QE * IEF$. 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 and economic factors (IEF).
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 section 4.105(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. **IEF (inflation and economic factors)** means the annual rate of inflation, estimated for the Denver-Aurora-Lakewood core based statistical area, and other state economic factors, including but not limited to personal income, population and employment factors, and construction cost indicators, adjusted by the Department for any other financial forecasts and circumstances directly impacting available resources for the preschool program. The Department will evaluate and consider data from the Bureau of Economic Analysis, Colorado Department of Local Affairs, United States Census Bureau, and United States Bureau of Labor Statistics to develop the IEF annually as part of the per-child rate setting process.

4.109 GENERAL REQUIREMENTS AND PROVISIONS

- A. Beginning July 1, 2024, and continuing thereafter, all eligible preschool providers must meet the following minimum requirements as a condition of participating in the Preschool Program:
 1. The minimum number of planned teacher-pupil contact hours of instructional services scheduled to be delivered by an eligible preschool provider for all students enrolled in the Preschool Program shall not be less than three-hundred and sixty (360) hours per school year.
 - a. When fulfilling this requirement, eligible preschool providers may take into consideration the number of available teacher-pupil contact hours left in the school year based on when a child enrolls in the Preschool Program, and this requirement shall not be construed as requiring three-hundred and sixty (360) planned teacher-pupil contact hours of instructional services when a child is not enrolled in the Preschool Program for the entire school year.
- B. Eligible preschool providers must ensure that children receive an equal opportunity to enroll and receive universal preschool services regardless of race, ethnicity, religious affiliation, sexual orientation, gender identity, lack of housing, income level, or disability, as such characteristics and circumstances apply to the child or the child's family.
- C. Eligible preschool providers shall maintain educator-to-child ratios and group sizes in accordance with the applicable maximum staff-child ratios and group sizes determined in the "Rules Regulating Child Care Centers" located in 8 CCR 1402-1, rule section 2.217(A), or "Rules Regulating Family Child Care Homes" located in 8 CCR 1402-1, rule sections 2.305 through 2.310. Beginning on July 1, 2025, no classroom of an eligible preschool provider shall have an educator-to-child ratio that exceeds 1:11, or a maximum group size that exceeds twenty-two (22); and beginning July 1, 2026, no classroom of an eligible preschool provider shall have an educator-to-child ratio that exceeds 1:10, or a maximum group size that exceeds twenty (20). The approved maximum educator-to-child ratios and group sizes of this rule shall not supersede the maximum staff-child ratios and group sizes allowed, based on a primary provider's license type for a family child care home, as determined in 8 CCR 1402-1, rule sections 2.305 through 3.310.
 1. Exceptions to the maximum educator-to-child ratios and group sizes in this rule may be applied if an eligible preschool provider has a quality rating of four (4) or five (5) from the Department's Colorado Shines Quality Rating and Improvement System, and will be allowed to serve children up to the maximum staff-child ratio and group size as determined in 8 CCR 1402-1, rule section 2.217(A).

2. If an eligible preschool provider has a Department approved waiver pursuant to 8 CCR 1402-1, rule section 2.115, the eligible preschool provider is permitted to serve larger group sizes than allowed per rule section 4.109(C), provided the group sizes are in accordance with the terms of the waiver received, and all other requirements are met.
 3. This rule section shall not restrict an eligible preschool provider from having multiple groups that are not separated from each other by permanent or portable dividers or walls, or limit any other conduct allowed in 8 CCR 1402-1 rule sections 2.217(A)(15)(a)-(f), provided all other requirements are met.
- D. Qualifications for lead teachers.
1. Eligible preschool providers must ensure that all teachers, educators, or other employees are qualified in accordance with their applicable requirements identified in the “Rules Regulating Child Care Centers” located in 8 CCR 1402-1, rule section 2.216; or in accordance with the primary provider’s license type for a Family Child Care Home, and the “Rules Regulating Family Child Care Homes” located in 8 CCR 1402-1, rule sections 2.311 through 2.315.
 2. This rule section shall not prevent an eligible preschool provider from enacting additional requirements for their employees, provided the employee(s) meet all other qualifications as required by these rules.
- E. Pursuant to section 22-33-106.1, C.R.S., all eligible preschool providers must abide by the limitations and procedures set forth regarding suspensions and expulsions for preschool through second (2nd) grade.
- F. Educating Children with Disabilities.
1. All eligible preschool providers educating children with disabilities shall ensure full compliance with the “Standards for Placement of Preschoolers with IEPs in Educational Programs (October 2023)”, herein incorporated by reference. No later editions or amendments are incorporated. These standards are available at no cost from the Colorado Department of Education, 201 East Colfax Avenue, Denver, CO 80203; or at <https://www.cde.state.co.us/cdesped/appropriateenvironments>. These standards are also available for inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash Street, Bldg. C, Denver, Colorado 80246, during regular business hours.
 2. Eligible preschool providers educating children with disabilities shall ensure compliance with the applicable provisions of the “Individuals with Disabilities Education Act” (IDEA), as incorporated by reference in rule section 4.103(Y).
 3. Eligible preschool providers educating children with disabilities shall ensure compliance with the “Exceptional Children’s Educational Act” (ECEA) sections 22-20-101 through 22-20-206, C.R.S., and applicable provisions of the “Rules for the Administration of the Exceptional Children’s Educational Act” located in 1 CCR 301-8, herein incorporated by reference. No later editions or amendments are incorporated. These standards are available at <https://www.coloradosos.gov/>. These standards are also available for inspection and copying at the Colorado Department of Early Childhood, 710 S. Ash Street, Bldg. C, Denver, Colorado 80246, during regular business hours.
 - a. This includes, but is not limited to, an eligible preschool provider’s obligation to ensure children with disabilities are served in a manner which conforms to the training, certification, referral, identification, licensing, authorization, and dispute resolution requirements found in 1 CCR 301-8, rule section 3.02(3).

4.110 PROVIDER MATCHING CRITERIA

- A. Eligible preschool providers may utilize the following programmatic preferences to the deferred acceptance algorithm component of the matching process:
1. Cooperative preschool providers requiring participation in the cooperative;
 2. School districts maintaining enrollment consistent with their established boundaries;
 3. Participating preschool providers reserving placements for a student(s) with an Individualized Education Program (IEP) to ensure conformity with obligations incurred pursuant to the Individuals with Disabilities Education Act, 20 U.S.C. section 1400 (2004), or the Exceptional Children's Education Act, Article 20 of Title 22, C.R.S.;
 4. Head Start programs' adhering to any applicable federal law requirements including eligibility requirements;
 7. Participating preschool providers granting preference to an eligible child of one (1) of their employees;
 6. Participating preschool providers granting preference to an eligible child to ensure continuity-of-care for that child;
 7. Participating preschool providers granting preference to an eligible child to keep siblings similarly located;
 8. Participating preschool providers granting preference to an eligible child who is multilingual, to ensure proper delivery of services to that child; and
 9. Participating preschool providers may grant preference to an eligible child based: on the child and/or family being a part of a specific community; having specific competencies or interests; having a specific relationship to the provider, provider's employees, students, or their families; receiving specific public assistance benefits; or participating in a specific activity. Participating preschool providers seeking to utilize this preference, must ensure:
 - a. That the specific community, competencies or interests, relationship, public assistance benefit, or activity being required of children and/or families who attend, is a requirement of all participating children and/or families.
 - b. That implementation of requiring the specific community, competencies or interests, relationship, public assistance benefit, or activity does not conflict with any other provision of the Colorado Universal Preschool Program statutes at sections 26.5-4-201 through 26.5-4-211, C.R.S., nor with any other applicable law or regulation.
 - c. Examples of approved preferences include, but are not limited to: participating preschool providers who require a focus in a certain knowledge area (such as science, technology, engineering, and math ("STEM")); providers who serve families with a family member who works or attends school at a specific site(s) or location(s); providers who serve families within a specific geographical catchment area; providers who require a certain amount of volunteering or participation by the participating family; providers who require certain vaccinations for the health and safety of its staff and students; and providers who serve families who are receiving a specific public assistance benefit(s) such as housing assistance.

- B. In utilizing these programmatic preferences, eligible preschool providers must still comply with rule section 4.109(B).

4.111 INSTRUCTIONAL PRACTICE REQUIREMENTS

- A. Learning Approaches.

1. Beginning July 1, 2025, and continuing thereafter, all eligible preschool providers must utilize an early learning and assessment approach approved and included in the Resource Bank by the Department, and that:
 - a. Aligns with the Colorado Early Learning and Development Guidelines and the Colorado Academic Standards;
 - b. Uses assessment findings for instructional decision-making;
 - c. Is culturally, developmentally, and linguistically appropriate; and
 - d. Is inclusive of and appropriate for the diverse needs of each individual learner.

- B. On-Site Observations.

At least every three (3) years, eligible preschool providers will receive an independent on-site observation of environmental quality conducted by the Department. The Department will conduct these observations, in alignment with existing on-site observations performed pursuant to participation in Colorado Shines, the state quality rating and improvement system established pursuant to section 26.5-5-101, C.R.S. The Department shall conduct the observations only using staff who are trained in and familiar with assessing program environmental quality in the preschool setting. The Department shall ensure that observational methods and related resources that meet this requirement are included in the Resource Bank and will be considered and reviewed in accordance with sections 26.5-4-205(3)(b) and (c), C.R.S.

1. Measurement of a preschool provider's environmental quality shall include, but not be limited to:
 - a. The quality of adult-child and child-child interactions; and
 - b. The quality of the overall learning environment, including student and staff supportive services.
2. The Department shall ensure observations are conducted in an individualized and differentiated manner so that they are specific to each provider in supporting quality improvement for educators and classrooms while incorporating that provider's level of access to resources to ensure these standards are supported and implemented with fidelity.

- C. This rule section does not affect an eligible preschool provider's right to engage in privately funded, inherently religious activity or affect the independence of eligible preschool providers, including any rights protected by the Colorado and U.S. Constitutions, and applicable law.

4.112 HEALTHY DEVELOPMENT REQUIREMENTS

- A. Beginning July 1, 2025, and continuing thereafter, eligible preschool providers must meet the following requirements as a condition of participating in the Preschool Program:

1. Within six (6) months of participating in the Preschool Program, eligible preschool providers must create, make publicly available and to the Department (either on the provider's website or in a handbook distributed to all participating families), and implement policies and procedures to administer the following services in an individualized manner taking into account what other services the child has received:
 - a. Voluntary developmental screening services (including vision, hearing, dental, and health as well as fine and gross motor, social-emotional, cognitive, and language);
 - b. Referrals for children and families seeking specialized services, upon request; and
 - c. Translation services for children and families to access information in their home language.
2. The Department shall ensure that the assessments, tools, and related resources that meet the requirements of this rule section 4.112(A)(1), and are included in the Resource Bank and will be considered and reviewed in accordance with sections 26.5-4-205(3)(b) and (c), C.R.S.
3. Eligible preschool providers will be responsible for ensuring the development of the policies and procedures as outlined in this rule section 4.112(A)(1), as well as ensuring family access to the screening services, referral processes, and translation services as described in this rule section 4.112(A)(1). The entity or individual actually conducting the screening services, referral processes, and/or translation services, are responsible for ensuring that those services are conducted using valid and reliable methods as described in this rule section 4.112(A)(4), and are included in the Resource Bank as described in this rule section 4.112(A)(2).
4. Any screening services, referral processes, or translation services administered, when appropriate, pursuant to this rule section 4.112(A)(1), must be conducted using valid and reliable screening tools and other related resources that are developmentally, culturally, and linguistically appropriate, and must:
 - a. Require, when appropriate, the screening services to be offered or coordinated within forty-five (45) calendar days of when a child first attends the eligible preschool provider;
 - b. Entail the use of research-based developmental standardized screening tools;
 - c. Meaningfully incorporate other information from family members, teachers, or other individuals with familiarity with the child's typical behavior;
 - d. Be tailored and conducted in a manner which promotes and allows for individualized usable information;
 - e. When involving a child suspected to need specialized instruction, the provider must comply with all Child Find referral procedures established by the Department of Education and refer the family to the Child Find contact in the child's administrative unit of residence; and
 - f. Ensure that participating children and families have a pathway to access early childhood mental health programs.

5. All eligible preschool providers must notify families of the opportunity to participate in an annual survey of families' experiences in regard to screening, referral, and early childhood mental health best practices to be conducted by the Department.

4.113 FAMILY AND COMMUNITY ENGAGEMENT REQUIREMENTS

- A. Beginning July 1, 2024, and continuing thereafter, eligible preschool providers must meet the following requirements as a condition of participating in the Preschool Program:
 1. Within six (6) months of participating in the Preschool Program, preschool providers must create, make available publicly (either on the provider's website or in a handbook distributed to all participating families) and for the Department, and implement policies and procedures which ensure:
 - a. The usage of interpreters or other language resources to effectively communicate with families in their home language;
 - b. Seeking input from participating families on priorities, interests, home routines, and cultural and social practices;
 - c. Engaging families around goals which inform the preschool provider's interactions and instruction with children, including multilingual learners;
 - d. Engaging families and community partners in decision-making regarding the preschool provider's operations;
 - e. Involving families in the transition of their children into and out of the Preschool Program, including between classrooms within the Preschool Program and into Kindergarten; and
 - f. The quality of program-family and program-staff interactions.
 2. All eligible preschool providers must notify families of the opportunity to participate in an annual survey of families' experiences with meaningful and culturally appropriate involvement in the program to be conducted by the Department.

4.114 PROFESSIONAL DEVELOPMENT REQUIREMENTS

- A. The Department shall ensure that professional development hours required pursuant to this rule section be in alignment with Colorado's Competencies for Early Childhood Educators and Professionals, including alignment with the competency areas as defined in 8 CCR 1402-1 rule sections 2.213(M) and 2.312(R)(1).
 1. This includes alignment with the seven (7) competency areas of:
 - a. Child growth and development, and learning;
 - b. Child observation and assessment;
 - c. Family and community partnerships;
 - d. Social-emotional health and development promotion;
 - e. Health, safety and nutrition;

- f. Professional practice; and
 - g. Teaching practices.
 - 2. Professional development courses taken to complete the requirements of 8 CCR 1402-1, rule sections 2.213(M) or 2.312(R)(1), to meet the Child Care Licensing requirements of fifteen (15) clock hours annually, may also be used to satisfy the professional development requirements of this rule section, provided all other requirements are met.
 - 3. Lead teachers licensed by the Colorado Department of Education may use the professional development courses required to renew their teaching license pursuant to article 60.5 of title 22, C.R.S., to also satisfy the professional development requirements of this rule section, if applicable.
 - 4. Nothing in this rule section shall be construed as requiring these trainings for staff aides of a family child care home or child care center, or individuals who are employed or volunteer only on a short term basis.
 - 5. Verifying documentation shall be submitted demonstrating completion of the applicable professional development in accordance with policies and procedures established by the Department and published by the Department in an easily accessible manner including, but not limited to, being posted on the Department's website. These verification policies and procedures by the Department may include, but are not limited to, attestations, maintenance of an individual employee's profile within the Colorado Shines Professional Development Information System (PDIS), and the submission by employees or providers of any required information requested by the Department in a timely manner.
- B. All Staff Professional Development Requirements.
- Beginning July 1, 2025, within twelve (12) months of employment at an eligible preschool provider, all staff responsible for the direct care of eligible children receiving preschool services (including primary providers, applicant 2s, equally qualified providers, equally qualified substitutes, and substitutes of a family child care home, and early childhood teachers and assistant early childhood teachers of a child care center) must complete annually, at a minimum:
- 1. Four (4) hours of professional development in the competency area of social-emotional health and development promotion, with at least one (1) of those hours of training in trauma-informed practices specific to each staff member's professional role;
 - 2. Two (2) hours of professional development in the competency area of teaching practices; and
 - 3. Two (2) hours of professional development in the competency area of family and community partnerships, with at least one (1) of those hours of training in suspension and expulsion practices.
- C. Instructional Supervisor Professional Development
- Beginning July 1, 2026, within twelve (12) months of employment at an eligible preschool provider, instructional supervisors must complete annually, at a minimum, at least three (3) hours of professional development in the competency areas of child observation and assessment, and teaching practices, with at least one (1) hour of training in each competency area.

1. Any educator who is required to complete both the all-staff and instructional supervisor professional development requirements contained in rule sections 4.114(B) and (C), may use hours of professional development to fulfill both requirements concurrently, provided the applicable requirements are met.

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.
Entire rule emer. rule eff. 01/22/2024.
Entire rule eff. 04/14/2024.
Rules 4.103, 4.109-4.114 eff. 05/15/2024.
Rules 4.103, 4.107 B.2, 4.108 emer. rules eff. 05/16/2024.
Rules 4.103, 4.107 B.2, 4.108 eff. 08/30/2024.
Rule 4.105 A emer. rule eff. 11/21/2024.
Rules 4.103, 4.108 H, 4.109 F.2, 4.110 A eff. 01/14/2025.
Rule 4.105 eff. 02/14/2025.