

**Title of Proposed Rule: Early Childhood Council
Rule-making#: 16-10-27-1**

Office/Division or Program:
OEC/Early Care and Learning

Rule Author: Stacey Kennedy

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STATEMENT OF BASIS AND PURPOSE

Summary of the basis and purpose for the rule or rule change. (State what the rule says or does, explain why the rule or rule change is necessary and what the program hopes to accomplish through this rule. How do these rule changes align with the outcomes that we are trying to achieve, such as those measured in C-Stat?)

Article 6.5 sets out certain mandatory provisions concerning Early Childhood Councils. This new rule package supports the key provisions in statute and fulfills the Department's role to "govern" Early Childhood Councils and requirement to adopt rules that define a procedure for organizations to apply to become Councils including the criteria applicants must satisfy before their applications are accepted. §§ 26-6.5-103(1), 103.3(5), C.R.S. (2007)

The purpose of these proposed rules is to set out certain mandatory provisions concerning Early Childhood Council purpose; creation and reconfiguration; service area, governance; minimum duties; and the Department authority to regulate councils within those boundaries. The Department is also required to develop through rules a process whereby Early Childhood Councils can apply for funds for "infrastructure, quality improvement, technical assistance, and evaluation." § 26-6.5-104(2)(a), C.R.S. (2007)

Authority for Rule:

State Board Authority:

§§ 26-6.5-103(1), 103.3(3), 104, C.R.S. (2016)– State Department authority to promulgate rules

Program Authority: (give federal and/or state citations and a summary of the language authorizing the rule-making)

Does the rule incorporate material by reference? Yes No

Does this rule repeat language found in statute? Yes No

If yes, please explain.

The proposed rule language provides information that is organized in a more user friendly manner and provides language that is consistent with statute.

The program has sent this proposed rule-making package to which stakeholders?

- Early Childhood Councils
 - Early Childhood Partnership Adams County
 - Early Childhood Council of the San Luis Valley
 - Arapahoe County Early Childhood Council, Inc.
 - Early Childhood Council of La Plata County
 - Bent, Otero, Crowley Early Childhood Council
 - Early Childhood Council of Boulder County
 - Broomfield Early Childhood Council
 - Chaffee County Early Childhood Council
 - Cheyenne, Kiowa, Lincoln Counties Early Childhood Council
 - Triad Early Childhood Council
 - Bright Futures
 - Denver Early Childhood Council
 - Montelores Early Childhood Council
 - Douglas County Early Childhood Council
 - Rocky Mountain Early Childhood Council
 - Elbert County Early Childhood Council
 - Joint Initiatives – Alliance for Kids

Document 1

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- ECHO and Family Center Early Childhood Council
- Rural Resort Region Early Childhood Council Northeast Division – Grand Beginnings
- Gunnison-Hinsdale Early Childhood Council
- Huerfano-Las Animas Counties Early Childhood Advisory Council (HULA)
- Early Childhood Council of Yuma, Washington and Kit Carson Counties
- Early Childhood Council of Larimer County
- Early Childhood Council Logan, Phillips, Sedgwick
- Mesa County Partnership for Children and Families
- Connections 4 Kids
- Morgan County Early Childhood Council
- Teller/Park Early Childhood Council
- Pueblo Early Childhood Council
- First Impressions of Routt County
- Promises for Children
- Early Childhood Council Leadership Alliance
- Early Childhood Council Leadership Alliance Board Members
- Early Childhood Leadership Commission
- Early Childhood (OEC) Sub-PAC
- Colorado Department of Human Services PAC
- Colorado Department of Education, Office of Early Learning and School Readiness

[Note: Changes to rule text are identified as follows: deletions are shown as “~~strikethrough~~”, additions are in “all caps”, and changes made between initial review and final adoption are in brackets.]

Attachments:

Regulatory Analysis

Overview of Proposed Rule

Stakeholder Comment Summary

Overview of Proposed Rule

Public Comment Response Table

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REGULATORY ANALYSIS

(complete each question; answers may take more than the space provided)

1. List of groups impacted by this rule:

Which groups of persons will benefit, bear the burdens or be adversely impacted by this rule?

Early Childhood Councils will benefit from this new rule, as it provides objective and definite clarification for the statutory requirements for Councils, state expectations for Council duties, and provisions for state funding.

2. Describe the qualitative and quantitative impact:

How will this rule-making impact those groups listed above? How many people will be impacted?

What are the short-term and long-term consequences of this rule?

There are currently 31 Early Childhood Councils that cover 58 of the 64 counties. This rule outlines mandatory provisions concerning council structure and duties. The rule also defines procedures for organizations to apply to become Councils and the criteria applicants must satisfy before their applications are accepted. Impacts of this rule include:

- **Creation and reconfiguration.** Councils are created or reconfigured by a “convening entity” designated by an applicable county or counties’ board of commissioners. The rule outlines standard procedures for an organization to apply to become a new or reconfigured Council and criteria the applicant must satisfy before their applications are accepted. § 26-6.5-103(3), C.R.S.
- **Service area.** Defines and establishes guidelines for what an appropriate service area is for a Council. § 26-6.5-103.3(4), C.R.S. Service areas should be set so that Councils are representative of local communities and stakeholders, § 26-6.5-103.5(1), C.R.S., but may include more than one county, § 26-6.5-103.3(3), C.R.S. No two Councils may cover the same service area. § 26-6.5-101.5(2), C.R.S.
- **Governance.** Councils must have a minimum ten members representing the mandatory stakeholders enumerated in § 26-6.5-103.5(b)(I)-(VIII), C.R.S. Council membership must also reflect local needs and cultural and geographic diversity within the service area.
 - Council members must execute memoranda of understanding with the Council. § 26-6.5-103.5(4), C.R.S.
 - Each Council must designate a fiscal agent. § 26-6.5-103.3(d), C.R.S.
 - Councils determine their own governance structure – e.g., voting, by-laws, meeting rules, and Council officer/leadership structure – but the State Department rule prescribes minimum features to be consistent across Councils, §§ 26-6.5-103(1), 103.3(4)(a), C.R.S. These requirements include:
 - The requirement to select a council director, employed by the fiscal agent. § 26-6.5-103.3(4)(a), 103.7(e), C.R.S.
 - The requirement to adopt by-laws that minimally include Council name, purpose, requirements for membership, members’ roles and responsibilities, process for selecting members, rules for membership rotation and terms, how meetings will be conducted, and meeting frequency and the quorum required for Council action.
 - The requirement to provide proof of a formal, written agreement between Council and fiscal agent in cases where the Council is not an incorporated, legal entity.
 - The requirement to submit and ensure the State Department has current record of the council governance structure and strategic plan.
- **Duties and Deliverables.** Each Council must develop a strategic plan that sets measurable goals around increasing “quality, accessibility, capacity, and affordability of early childhood services” that reflect local needs and conditions. §§ 26-6.5-103.3(4), 103.7(1)(b), C.R.S. The strategic plan must include a technical assistance plan and an annual budget. § 26-6.5-103(4)(b), C.R.S. The strategic plan must also explain how the Council will evaluate its progress and report its accountability metrics annually. §§ 26-6.5-103.3(4)(c), 103.7(c), (d), C.R.S.

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- **State Department funding requirements.** The rule defines a process whereby Councils can apply for funds for “infrastructure, quality improvement, technical assistance, and evaluation.” § 26-6.5-104(2)(a), C.R.S.

3. Fiscal Impact:

For each of the categories listed below explain the distribution of dollars; please identify the costs, revenues, matches or any changes in the distribution of funds even if such change has a total zero effect for any entity that falls within the category. If this rule-making requires one of the categories listed below to devote resources without receiving additional funding, please explain why the rule-making is required and what consultation has occurred with those who will need to devote resources.

State Fiscal Impact *(Identify all state agencies with a fiscal impact, including any Colorado Benefits Management System (CBMS) change request costs required to implement this rule change)*

None.

Council Fiscal Impact

Councils may have to initially dedicate additional staff time and resources in cases where they are not currently fully compliant with the statutory requirements outlined in rule. In cases where a Council is unwilling or unable to comply with these requirements the Council will no longer be eligible for state funding.

4. Data Description:

List and explain any data, such as studies, federal announcements, or questionnaires, which were relied upon when developing this rule?

No formal studies were used or reference as the rule package was based on statutory requirements.

5. Alternatives to this Rule-making:

Describe any alternatives that were seriously considered. Are there any less costly or less intrusive ways to accomplish the purpose(s) of this rule? Explain why the program chose this rule-making rather than taking no action or using another alternative.

There are no alternatives to this rule-making.

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OVERVIEW OF PROPOSED RULE

Compare and/or contrast the content of the current regulation and the proposed change.

<u>Section Numbers</u>	<u>Current Regulation</u>	<u>Proposed Change</u>	<u>Stakeholder Comment</u>
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[This rule package is new and not currently included within the Code of Colorado Regulations.]

STAKEHOLDER COMMENT SUMMARY

The following individuals and/or entities were included in the development of this proposed rule package:

- Early Childhood Partnership Adams County
- Early Childhood Council of the San Luis Valley
- Arapahoe County Early Childhood Council, Inc.
- Early Childhood Council of La Plata County
- Bent, Otero, Crowley Early Childhood Council
- Early Childhood Council of Boulder County
- Broomfield Early Childhood Council
- Chaffee County Early Childhood Council
- Cheyenne, Kiowa, Lincoln Counties Early Childhood Council
- Triad Early Childhood Council
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- Gunnison-Hinsdale Early Childhood Council
- Huerfano-Las Animas Counties Early Childhood Advisory Council (HULA)
- Early Childhood Council of Yuma, Washington and Kit Carson Counties
- Early Childhood Council of Larimer County
- Early Childhood Council Logan, Phillips, Sedgwick
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- Promises for Children
- First Impressions of Routt County
- Early Childhood Council Leadership Alliance
- Early Childhood Council Leadership Alliance Board Members
- Early Childhood Leadership Commission
- Early Childhood (OEC) Sub-PAC
- Colorado Department of Human Services PAC
- Colorado Department of Education, Office of Early Learning and School Readiness

Feedback was received through a 27 day public review and comment period, webinar events (6), and during the Early Childhood Council state technical assistance meeting (9/16/16). This rule package was also presented and reviewed by the Colorado Department of Human Services Policy Advisory Committee (PAC), Early Childhood Sub-PAC, and the Early Childhood Leadership Commission.

(See detailed Public Comment Response Table.)

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Are other State Agencies (such as Colorado Department of Health Care Policy and Financing) impacted by these rules? If so, have they been contacted and provided input on the proposed rules?

Yes No

Have these rules been reviewed by the appropriate Sub-PAC Committee?

Yes No

Date presented October 6, 2016. Were there any issues raised? X Yes _____ No

If not, why.

Comments were received from stakeholders on the proposed rules:

Yes No

If "yes" to any of the above questions, summarize and/or attach the feedback received, including requests made by the State Board of Human Services, by specifying the section and including the Department/Office/Division response. Provide proof of agreement or ongoing issues with a letter or public testimony by the stakeholder.

See Public Comment Response Table.

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Public Comment Response Table

Section(s)	Public Comment	Description of Change	Revised Rule (Blank = no revision)
7.717	<p>Fourteen of requests were received through public comment to expand the age range for children to eight years of age or younger and to include the phrase "with their parents."</p> <p>One comment was received requesting the use of the term "bio-psycho-social" to encompass physical health, behavioral health, and the social determinants of health, instead of "...mental health and health."</p>	<p>Modified language to state "children eight years of age or younger and their parents."</p> <p>No revisions were made; language will remain consistent with statute as mental health is a broadly understood term.</p>	<p>EACH EARLY CHILDHOOD COUNCIL, WHETHER NEWLY ESTABLISHED IN A COMMUNITY OR NEWLY IDENTIFIED TO SERVE AS A COUNCIL, SHALL WORK TOWARD CONSOLIDATING AND COORDINATING FUNDING. TOGETHER, THE EARLY CHILDHOOD COUNCILS THROUGHOUT THE STATE SHALL SERVE TO CREATE A SEAMLESS SYSTEM OF EARLY CHILDHOOD SERVICES REPRESENTING COLLABORATION AMONG VARIOUS PUBLIC AND PRIVATE STAKEHOLDERS FOR THE EFFECTIVE DELIVERY OF EARLY CHILDHOOD SERVICES IN THE AREAS OF EARLY CARE AND EDUCATION, FAMILY SUPPORT, MENTAL HEALTH AND HEALTH. THESE SERVICES SHALL SUPPORT CHILDREN EIGHT (8) YEARS OF AGE OR YOUNGER AND THEIR PARENTS IN A MANNER THAT IS RESPONSIVE TO LOCAL NEEDS AND CONDITIONS.</p>
7.717.1	<p>Our question pertains to the 15% administrative costs cap. Just this year for the first time ever, due to the new OMB Super Circular rules, the state is honoring our fiscal agent's federally approved indirect rate of 16.8%. If these Council rules state that the admin rate is capped at 15%, which takes precedence - these rules or the OMB Super Circular rules?</p>	<p>The administrative cost definition has been removed from the rule package.</p>	
7.717.1	<p>Fourteen of requests were received through public comment to expand the age range noted within the definition for children to eight years of age or younger.</p>	<p>Modified age range to children eight years of age or younger.</p>	<p>"CHILDREN" MEANS CHILDREN EIGHT (8) YEARS OF AGE OR YOUNGER.</p>

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7.717.1	The Early Childhood Sub-PAC members requested to “district” from the definition of “County Department” as this is not currently used by county department of human services.	We agree, but because it may be used in the future and the use of “district” is consistent with statute the language was not revised.	
7.717.1	Early Childhood Sub-PAC members suggested that the required stakeholder member early care and education provider should be singular and examples for this stakeholder member moved to the definition section of the rule.	We agree with this change.	“EARLY CARE AND EDUCATION PROVIDER” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, A LICENSED AND LEGALLY EXEMPT CHILD CARE PROVIDER, HEAD START GRANTEE, OR DISTRICT PRESCHOOL PROGRAM REPRESENTATIVE.
7.717.1	Six comments were received requesting the “pilot site agency” be added to the definition of Early Childhood Council. Request to expand the definition to include early childhood care and education council within the Early Childhood Council definition.	Modified definition to include "either as an early child care pilot" or pursuant to section 26-6.5-103. Expanded the definition to include language regarding an early childhood care and education council to be consistent with statute.	“EARLY CHILDHOOD COUNCIL” MEANS A COUNCIL IDENTIFIED OR ESTABLISHED LOCALLY IN COMMUNITIES THROUGHOUT THE STATE, EITHER AS A COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT SITE AGENCY THAT EXISTED PRIOR TO MAY 31, 2007 OR PURSUANT TO SECTION 26-6.5-103, C.R.S., THAT REPRESENTS PUBLIC AND PRIVATE STAKEHOLDERS FOR THE PURPOSE OF DEVELOPING AND ULTIMATELY IMPLEMENTING A COMPREHENSIVE SYSTEM OF EARLY CHILDHOOD SERVICES FOR CHILDREN IN THE COMMUNITY TO ENSURE SCHOOL READINESS. A COUNCIL MAY BE AN EARLY CHILDHOOD CARE AND EDUCATION COUNCIL SO LONG AS NO MORE THAN ONE COUNCIL EXISTS IN A GIVEN SERVICE AREA.

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7.717.1	<p>Ten comments were received sharing concerns about the definition of Early Childhood Membership which was described in the initial draft of the proposed rule as a governing body. Four comments were received indicating that the definition is potentially in conflict with best practices in building an effective nonprofit board of directors, as nonprofit organizations should include members with diverse skills, background expertise, and experience necessary to fulfill all needed board roles. The ability for members to satisfy their fiduciary duty of loyalty to Councils is also a concern.</p> <p>Through public comment, the following revision was recommended: "EARLY CHILDHOOD COUNCIL MEMBERSHIP" MEANS THE MEMBERS OF A VOTING BODY WITHIN THE COUNCIL THAT HAS BINDING AUTHORITY TO PERFORM OR DIRECT ALL OF THE DUTIES ENUMERATED IN § 7.717.5. The Council submitting the request believes that the use of the term "binding authority" is confusing and would not be well understood by the Council members who would need to understand and comply with these rules.</p>	<p>Removed "governing" from the definition. Added clarifying language to indicate that members represent a voting body that has binding authority to direct the council duties outlined in statute.</p> <p>Language was revised to so that the rule more clearly defines the role of the stakeholders, and allows for such role both in Councils that have not been incorporated and in Councils that are nonprofit 501©(3) corporations.</p>	<p>"EARLY CHILDHOOD COUNCIL MEMBERSHIP" MEANS THE MEMBERS OF A VOTING BODY WITHIN THE COUNCIL THAT HAS BINDING AUTHORITY TO PERFORM OR DIRECT ALL OF THE DUTIES ENUMERATED IN § 7.717.5.</p> <p>"EARLY CHILDHOOD COUNCIL MEMBERSHIP" MEANS THE MEMBERS OF A VOTING BODY OF AN EARLY CHILDHOOD COUNCIL WITH GOVERNING AUTHORITY OVER ALL OF THE COUNCIL'S DUTIES ENUMERATED IN § 7.717.5.</p>

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7.717.1	Early Childhood Sub-PAC members suggested that the examples offered for the required stakeholder membership group “family support and education services” be singular and moved to the definition section of the rule.	We agree with this change.	“FAMILY SUPPORT AND PARENT EDUCATION SERVICES” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, A REPRESENTATIVE FROM A HOME VISITATION PROGRAM, FAMILY RESOURCE CENTER, OR INCOME ASSISTANCE PROGRAM.
7.717.1	Early Childhood Sub-PAC members suggested that the examples offered for the required stakeholder membership group “health care entity” be singular and moved to the definition section of the rule. It was also suggested to include Supplemental Nutrition Assistance Program (SNAP) to the definition.	We agree with this change.	“HEALTH CARE ENTITY” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, A REPRESENTATIVE FROM LOCAL PUBLIC HEALTH, HEALTH CARE PROVIDERS, WOMEN, INFANTS, AND CHILDREN (WIC) FOOD NUTRITION SERVICE, SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP), EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) PROGRAM, OR PARTS B OR C OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION AND IMPROVEMENT ACT.
7.717.1	Early Childhood Sub-PAC members suggested that the examples offered for the required stakeholder membership group “local government” be singular and examples for this stakeholder member moved to the definition section of the rule.	We agree with this change.	“LOCAL GOVERNMENT” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO: A REPRESENTATIVE FROM THE COUNTY BOARD OF COMMISSIONERS, CITY COUNCIL, LOCAL SCHOOL DISTRICT BOARD, OR LOCAL COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES.
7.717.1	Early Childhood Sub-PAC members suggested that the examples offered for the required stakeholder membership group “mental health care” be singular and moved to the definition section of the rule.	We agree with this change.	“MENTAL HEALTH CARE” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, A REPRESENTATIVE FROM THE COMMUNITY MENTAL HEALTH CENTER OR A LOCAL MENTAL HEALTH CARE PROVIDER.

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7.717.1	Early Childhood Sub-PAC members suggested that the examples offered for the required stakeholder membership group "resource and referral agency" be singular and moved to the definition section of the rule.	We agree with this change.	"RESOURCE AND REFERRAL AGENCY" IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, A REPRESENTATIVE FROM A CHILD CARE RESOURCE AND REFERRAL AGENCY OR OTHER AGENCY THAT PROVIDES THIS SUPPORT FOR PARENTS WITH CHILDREN EIGHT YEARS OF AGE OR YOUNGER.
7.717.2, A	Five requests were submitted through the public review and comment period to include an existing council that has been incorporated as a nonprofit 501(c)(3) organization to the list of possible convening entity agency types.	No revision, the five examples provided in rule are consistent with statute. The rule states "including, but not limited to" to indicate that the list of agency types is not exhaustive. The selection of the convening entity is at the discretion of the County Commissioners of the county or counties that comprise the service area.	TO CREATE A NEW EARLY CHILDHOOD COUNCIL OR RECONFIGURE AN EXISTING EARLY CHILDHOOD COUNCIL, THE BOARD(S) OF COMMISSIONERS IN THE APPLICABLE COUNTY OR COUNTIES MUST FIRST DESIGNATE A CONVENING ENTITY. THIS CONVENING ENTITY MAY BE, BUT IS NOT LIMITED TO, THE FOLLOWING AGENCY TYPES: 1. A LOCAL RESOURCE AND REFERRAL AGENCY; 2. A COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES; 3. A LOCAL SCHOOL DISTRICT; 4. DEPARTMENT OF PUBLIC HEALTH; OR, A COLORADO PRESCHOOL PROGRAM COUNCIL.

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7.717.2, E	<p>One comment was received to request “pilot” site agency be added to paragraph E.</p> <p>Questions received during the public comment period made it clear that the initial proposed rule language could be more clear by removing the use of the word “or” when describing the purpose of the application process for existing Early Childhood Councils in paragraph E of this section.</p>	<p>No revision. The definition of Early Childhood Council was revised to include “pilot site agency” so there is no need to repeat this reference here.</p> <p>Replaced the word “or” with “and.”</p>	<p>A CONVENING ENTITY’S APPLICATION FOR AN AGENCY APPLYING TO BE NEWLY IDENTIFIED AS A COUNCIL OR AN EXISTING EARLY CHILDHOOD COUNCIL(S) APPLYING TO BE A NEWLY CREATED AND RECONFIGURED COUNCIL SHALL DESIGNATE, AT MINIMUM, THE FOLLOWING INFORMATION:</p> <ol style="list-style-type: none"> 1. AN INTENDED SERVICE AREA THAT COMPLIES WITH 7.717.3; 2. THE COUNTY OR COUNTIES INVOLVED WITH THE COUNCIL; 3. THE PARTICIPATING EARLY CHILDHOOD COUNCIL MEMBERS THAT INCLUDES STAKEHOLDERS REQUIRED BY SECTION 7.717.4; 4. THE DESIGNATED FISCAL AGENT; AND, SIGNATURES OF THE CHAIR OR CHAIRS OF THE BOARD OR BOARDS OF COUNTY COMMISSIONERS OF ALL COUNTIES INVOLVED IN THE COUNCIL, THE LEGAL SIGNATORY FOR THE COUNTIES, AND THE PRESIDENT OF ANY SCHOOL DISTRICT BOARD OF EDUCATION INVOLVED IN THE COUNCIL.
7.717.4, A (3)	<p>Requests were received through public comment and during the Early Childhood Council state technical assistance meeting to provide a qualifier that members of the Early Childhood Council Membership have a direct role with children eight years of age or younger.</p>	<p>While we agree that the focus of this membership should align with children eight years of age or younger, the language “committed to support the wellbeing of children” included during the initial reading of the rule received question from the Board members as to how the commitment would be measured. As such, this phrase has been removed and it will be up to the Councils to define recruitment considerations within the bylaws.</p>	<p>3. EARLY CHILDHOOD COUNCIL MEMBERSHIP SHALL CONSIST OF A MINIMUM OF TEN (10) MEMBERS; COMMITTED TO SUPPORT THE WELL BEING OF CHILDREN;</p>

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7.717.4, B	<p>Four comments were received indicating that it is not current practice for all Councils to require MOUs from all members or partners. Obtaining these on behalf of the organization they represent could present a concern or be uncomfortable for some members.</p> <p>The following concern was also submitted through public comment: Obtaining MOUS from on behalf of the organization they represent does not make sense in the case of board members who serve as independent individuals</p>	<p>Councils are legally bound to have MOUs with Early Childhood Council membership § 26-6.5-103.5(4), C.R.S. This requirement does not apply to partners.</p> <p>It is important for members to understand their legal role and the binding authority to perform and direct all duties enumerated in § 7.717.5.</p>	
7.717.4, C	<p>Councils shared concern about the challenges for recruiting and sustaining different required stakeholder groups, specifically a parent of a child five years of age or younger, mental health care entity, and a local government representative. Councils also requested the rule allow for individuals, particularly in more rural areas of the state, to be able to represent more than one stakeholder group.</p>	<p>We understand your concern and realize there may be vacancies, however, Councils are legally bound to include the seven mandatory stakeholder groups (§§ 26-6.5-103.5(3)(b)(I)-(VII), C.R.S). Rule language has been added to describe a summary of justification and request for approval process This process also addresses a single individual representing multiple groups.</p>	<p>EACH EARLY CHILDHOOD COUNCIL SHALL SUBMIT A SUMMARY OF JUSTIFICATION AND A REQUEST FOR APPROVAL TO THE STATE DEPARTMENT IN CASES WHERE:</p> <ol style="list-style-type: none"> 1. ONE (1) INDIVIDUAL REPRESENTS MULTIPLE MANDATORY STAKEHOLDER GROUPS ON THE EARLY CHILDHOOD COUNCIL MEMBERSHIP; AND/OR, 2. A MANDATORY STAKEHOLDER GROUP IS VACANT FOR MORE THAN NINETY (90) DAYS.

**Title of Proposed Rule: Early Childhood Council
Rule-making#: 16-10-27-1**

Office/Division or Program:
OEC/Early Care and Learning

Rule Author: Stacey Kennedy

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Public Comment Response Table

Section(s)	Public Comment	Description of Change	Revised Rule (Blank = no revision)
7.717.4, D	The following feedback was received during public comment: Term limits are a hardship, especially in rural communities. There are required organizational members. Specific staff of those organizations is the most likely to address EC issues and have the knowledge, skills, and authority to support effective EC system building to ensure school readiness. Having terms and elections--- without term limits ensures continuity over time.	No revision, as the State Department rule prescribes minimum requirements for bylaws that must be consistent across all Councils, however, each individual Council has full discretion to define and establish their own bylaws.	
7.717.4, D		State added minimum requirements relating to Council Bylaws	<p>D. EACH EARLY CHILDHOOD COUNCIL SHALL ADOPT BYLAWS THAT PROVIDE FOR, AT MINIMUM:</p> <ol style="list-style-type: none"> 1. EARLY CHILDHOOD COUNCIL NAME; 2. EARLY CHILDHOOD COUNCIL PURPOSE; 3. REQUIREMENTS FOR MEMBERSHIP; 4. MEMBERS' ROLES AND RESPONSIBILITIES; 5. PROCESS FOR SELECTING MEMBERS; 6. RULES FOR MEMBERSHIP ROTATION AND TERMS; 7. HOW MEETINGS WILL BE CONDUCTED; AND, 8. MEETING FREQUENCY AND THE QUORUM REQUIRED FOR COUNCIL ACTION.

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Public Comment Response Table

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7.717.4, E (4)	Two comments requesting a reference be added to the data security practice requirements	Reference for data security practices was added.	COMPLY WITH THE COLORADO INFORMATION SECURITY ACT (SEE § 24-37.5, Part 4).
7.717.4, F	Six comments were received requesting clarification as to whether a Council that is a 501(c)(3) is able to serve as its own fiscal agent.	Rule language was added as a new paragraph F to this section.	IN CASE OF AN EARLY CHILDHOOD COUNCIL THAT IS AN INCORPORATED LEGAL ENTITY, INCLUDING A NONPROFIT CORPORATION, THE ENTITY ITSELF MAY SERVE AS THE FISCAL AGENT, IN WHICH CASE IT IS DIRECTLY RESPONSIBLE FOR THE OBLIGATIONS SET OUT IN PARAGRAPH E.
7.717.5, B	The following comment was received by ECCLA: "As you know, there are several Early Childhood Councils whose Coordinators are not employed by their fiscal sponsors. Those Council Coordinators and all other staff are independent contractors, and are governed by the Council membership. Due to their budgets, it is cost prohibitive to move into a 501c3. If these Councils become employed by their fiscal sponsors, they would likely lose autonomy and the ability to be governed by the Council membership. Instead they will have to report to and be governed by their employer board of directors."	No revision, as it is a statutory requirement to select a council director, employed by the fiscal agent. § 26-6.5-103.3(4)(a), 103.7(e), C.R.S. The Department is committed to providing technical assistance and guidance to support those Councils that are not currently in compliance with statute and pending rule to understand the options available to them as they make the necessary changes to become compliant.	

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Public Comment Response Table

Section(s)	Public Comment	Description of Change	Revised Rule (Blank = no revision)
7.717.5, D	The Early Childhood Sub-PAC provided feedback to include the compliance factors by which the strategic plan would be reviewed against.	We agree. This information has been added to the rule package.	<p>THE STRATEGIC PLAN SHALL BE DEVELOPED AT LEAST ONCE EVERY FIVE (5) YEARS AND INCLUDE, AT MINIMUM:</p> <ol style="list-style-type: none"> 1. A DESCRIPTION OF THE LONG-TERM GOALS TO BE ACCOMPLISHED; 2. A DESCRIPTION OF THE SHORT-TERM OBJECTIVES; 3. A DESCRIPTION OF THE EXPECTED OUTCOMES ALIGNED WITH THE GOALS AND OBJECTIVES; AND, 4. A DEFINITION OF THE DATA TOOLS AND METHODS FOR TRACKING PROGRESS TOWARDS THE GOALS, OBJECTIVES, AND EXPECTED OUTCOMES.
7.717.6, A	The following feedback was received through public comment: Our Council is willing to provide a copy of our strategic plan for review, but not approval. We recommend updating the language to change “Strategic Plan” to “Annual Work Plan” in alignment with grant contracts.	The rule language has been revised to clarify that the State Department will conduct a review to ensure the strategic plan is in compliance with 7.717.5, C and D.	<p>TO BE ELIGIBLE TO RECEIVE INFRASTRUCTURE, QUALITY IMPROVEMENT, TECHNICAL ASSISTANCE, AND EVALUATION FUNDING FROM THE STATE DEPARTMENT, AN EARLY CHILDHOOD COUNCIL MUST:</p> <ol style="list-style-type: none"> 1. BE PROPERLY CONVENED; AND MEET THE MINIMUM SERVICE AREA AND GOVERNANCE STANDARDS IN § 7.717.3-4. 2. SUBMIT STRATEGIC PLAN FOR COMPLIANCE REVIEW IN ACCORDANCE WITH 7.717.5, C AND D.

**Title of Proposed Rule: Early Childhood Council
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Public Comment Response Table

Section(s)	Public Comment	Description of Change	Revised Rule (Blank = no revision)
7.717.7	Several comments were received requesting that the Council role to submit a waiver of any rule to the Early Childhood Leadership Commission be added to the rule package.	Rule language was added to clarify this role and the process for submission of such waiver.	<p>A. A LOCAL EARLY CHILDHOOD COUNCIL MAY SUBMIT A RULE WAIVER REQUEST TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION FOR ANY RULE WITHIN C.C.R. 2509 THAT WOULD PREVENT A COUNCIL FROM IMPLEMENTING COUNCIL PROJECTS RELATED TO THE MINIMUM DUTIES AND FUNCTIONS DEFINED IN § 7.717.5, A.</p> <p>B. THE EARLY CHILDHOOD COUNCIL SUBMITTING A WAIVER REQUEST IS REQUIRED TO DEMONSTRATE THAT THE WAIVER IN QUESTION IS NECESSARY TO SUPPORT IMPLEMENTATION OF THE EARLY CHILDHOOD COUNCIL PROJECTS RELATED TO THE MINIMUM DUTIES AND FUNCTIONS DEFINED IN § 7.717.5, A.</p> <p>C. THE WAIVER REQUEST SHALL BE SUBMITTED IN WRITING TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION DIRECTOR.</p>

7.717 EARLY CHILDHOOD COUNCILS

EACH EARLY CHILDHOOD COUNCIL, WHETHER NEWLY ESTABLISHED IN A COMMUNITY OR NEWLY IDENTIFIED TO SERVE AS A COUNCIL, SHALL WORK TOWARD CONSOLIDATING AND COORDINATING FUNDING. TOGETHER, THE EARLY CHILDHOOD COUNCILS THROUGHOUT THE STATE SHALL SERVE TO CREATE A SEAMLESS SYSTEM OF EARLY CHILDHOOD SERVICES REPRESENTING COLLABORATION AMONG VARIOUS PUBLIC AND PRIVATE STAKEHOLDERS FOR THE EFFECTIVE DELIVERY OF EARLY CHILDHOOD SERVICES IN THE AREAS OF EARLY CARE AND EDUCATION, FAMILY SUPPORT, MENTAL HEALTH, AND HEALTH. THESE SERVICES SHALL SUPPORT CHILDREN **EIGHT (8) YEARS OF AGE OR YOUNGER AND THEIR PARENTS** IN A MANNER THAT IS RESPONSIVE TO LOCAL NEEDS AND CONDITIONS.

7.717.1 DEFINITIONS

“CHILDREN” MEANS CHILDREN **EIGHT (8) YEARS OF AGE OR YOUNGER**.

“COUNTY DEPARTMENT” MEANS THE COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES.

“EARLY CARE AND EDUCATION PROVIDER” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A LICENSED AND LEGALLY EXEMPT CHILD CARE PROVIDER; HEAD START GRANTEE; OR DISTRICT PRESCHOOL PROGRAM REPRESENTATIVE**.

“EARLY CHILDHOOD COUNCIL” MEANS A COUNCIL IDENTIFIED OR ESTABLISHED LOCALLY IN COMMUNITIES THROUGHOUT THE STATE, EITHER **AS A COMMUNITY CONSOLIDATED CHILD CARE SERVICES PILOT SITE AGENCY THAT EXISTED PRIOR TO MAY 31, 2007** OR PURSUANT TO § 26-6.5-103, C.R.S., THAT REPRESENTS PUBLIC AND PRIVATE STAKEHOLDERS FOR THE PURPOSE OF DEVELOPING AND ULTIMATELY IMPLEMENTING A COMPREHENSIVE SYSTEM OF EARLY CHILDHOOD SERVICES FOR CHILDREN IN THE COMMUNITY TO ENSURE SCHOOL READINESS. **A COUNCIL MAY BE AN EARLY CHILDHOOD CARE AND EDUCATION COUNCIL SO LONG AS NO MORE THAN ONE COUNCIL EXISTS IN A GIVEN SERVICE AREA.**

“EARLY CHILDHOOD COUNCIL MEMBERSHIP” MEANS **THE MEMBERS OF A VOTING** BODY OF AN EARLY CHILDHOOD COUNCIL WITH **GOVERNING AUTHORITY OVER ALL OF THE COUNCIL’S DUTIES ENUMERATED IN § 7.717.5.**

“FAMILY SUPPORT AND PARENT EDUCATION SERVICES” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A REPRESENTATIVE** FROM A HOME VISITATION PROGRAM; FAMILY RESOURCE CENTER; **OR** INCOME ASSISTANCE PROGRAM.

“HEALTH CARE ENTITY” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A REPRESENTATIVE** FROM LOCAL PUBLIC HEALTH, HEALTH CARE PROVIDERS;

WOMEN, INFANTS, AND CHILDREN (WIC) FOOD NUTRITION SERVICE; **SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP)**; EARLY AND PERIODIC SCREENING, DIAGNOSTIC, AND TREATMENT (EPSDT) PROGRAM; **OR** PARTS B OR C OF THE FEDERAL INDIVIDUALS WITH DISABILITIES EDUCATION AND IMPROVEMENT ACT.

“LOCAL GOVERNMENT” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A REPRESENTATIVE** FROM THE COUNTY BOARD OF COMMISSIONERS; CITY COUNCIL; LOCAL SCHOOL DISTRICT BOARD; **OR** A LOCAL COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES.

“MENTAL HEALTH CARE” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A REPRESENTATIVE** FROM THE COMMUNITY MENTAL HEALTH CENTERS **OR A** LOCAL MENTAL HEALTH CARE PROVIDER.

“RESOURCE AND REFERRAL AGENCY” IS A REQUIRED EARLY CHILDHOOD COUNCIL MEMBERSHIP STAKEHOLDER GROUP THAT INCLUDES, BUT IS NOT LIMITED TO, **A REPRESENTATIVE** FROM A CHILD CARE RESOURCE AND REFERRAL AGENCY OR OTHER AGENCY THAT PROVIDES THIS SUPPORT FOR PARENTS WITH CHILDREN EIGHT (8) YEARS OF AGE OR YOUNGER.

“STATE DEPARTMENT” MEANS THE COLORADO DEPARTMENT OF HUMAN SERVICES.

7.717.2 CREATION AND RECONFIGURATION PROCESSES

- A. TO CREATE **A NEW EARLY CHILDHOOD COUNCIL** OR RECONFIGURE AN EXISTING EARLY CHILDHOOD COUNCIL, THE BOARD(S) OF COMMISSIONERS IN THE APPLICABLE COUNTY OR COUNTIES MUST FIRST DESIGNATE A CONVENING ENTITY. THIS CONVENING ENTITY MAY BE, BUT IS NOT LIMITED TO, THE FOLLOWING AGENCY TYPES:
1. A LOCAL RESOURCE AND REFERRAL AGENCY;
 2. A COUNTY DEPARTMENT OF HUMAN SERVICES OR SOCIAL SERVICES;
 3. A LOCAL SCHOOL DISTRICT;
 4. DEPARTMENT OF PUBLIC HEALTH; OR,
 5. A COLORADO PRESCHOOL PROGRAM COUNCIL.
- B. THE CONVENING ENTITY SHALL CONVENE AN EARLY CHILDHOOD COUNCIL, EITHER AS PART OF A SINGLE COUNTY OR AS PART OF A MULTI-COUNTY REGIONAL NETWORK, BY SUBMITTING AN APPLICATION TO THE STATE DEPARTMENT UNDER PARAGRAPH E.
- C. THE CONVENING ENTITY SHALL INITIALLY APPROVE THE EARLY CHILDHOOD COUNCIL MEMBERSHIP, ENSURING THE MANDATORY STAKEHOLDERS LISTED IN § 7.717.4 ARE INCLUDED.

- D. EXISTING EARLY CHILDHOOD COUNCILS MAY APPLY TO MERGE OR RECONFIGURE UNDER § 7.717.2. A RECONFIGURED COUNCIL REPLACES THE COUNCILS NAMED IN THE APPLICATION TO RECONFIGURE.
- E. A CONVENING ENTITY'S APPLICATION FOR AN AGENCY APPLYING TO BE NEWLY IDENTIFIED AS A COUNCIL OR AN EXISTING EARLY CHILDHOOD COUNCIL(S) APPLYING TO BE A NEWLY CREATED AND RECONFIGURED COUNCIL SHALL DESIGNATE, AT MINIMUM, THE FOLLOWING INFORMATION:
 - 1. AN INTENDED SERVICE AREA THAT COMPLIES WITH 7.717.3;
 - 2. THE COUNTY OR COUNTIES INVOLVED WITH THE COUNCIL;
 - 3. THE PARTICIPATING EARLY CHILDHOOD COUNCIL MEMBERS THAT INCLUDES STAKEHOLDERS REQUIRED BY § 7.717.4;
 - 4. THE DESIGNATED FISCAL AGENT; AND,
 - 5. SIGNATURES OF THE CHAIR OR CHAIRS OF THE BOARD OR BOARDS OF COUNTY COMMISSIONERS OF ALL COUNTIES INVOLVED IN THE COUNCIL, THE LEGAL SIGNATORY FOR THE COUNTIES, AND THE PRESIDENT OF ANY SCHOOL DISTRICT BOARD OF EDUCATION INVOLVED IN THE COUNCIL.
- F. THE STATE DEPARTMENT'S APPROVAL OF AN EARLY CHILDHOOD COUNCIL'S APPLICATION UNDER § 7.717.6, DOES NOT GUARANTEE FUNDS TO THAT COUNCIL.

7.717.3 SERVICE AREA

- A. TO THE EXTENT PRACTICABLE, A SERVICE AREA OF AN EARLY CHILDHOOD COUNCIL SHALL BE REPRESENTATIVE OF THE VARIOUS PUBLIC AND PRIVATE STAKEHOLDERS IN THE LOCAL COMMUNITY WHO SERVE CHILDREN.
- B. EARLY CHILDHOOD COUNCILS MAY INCLUDE MORE THAN ONE COUNTY.
- C. NO TWO EARLY CHILDHOOD COUNCILS MAY COVER THE SAME SERVICE AREA.

7.717.4 GOVERNANCE

- A. EARLY CHILDHOOD COUNCIL MEMBERSHIP SHALL:
 - 1. TO THE EXTENT PRACTICABLE, REFLECT LOCAL NEEDS AND CULTURAL AND GEOGRAPHIC DIVERSITY WITHIN THE SERVICE AREA;
 - 2. HAVE VOTING RIGHTS;
 - 3. CONSIST OF A MINIMUM OF TEN (10) MEMBERS;

4. INCLUDE AT LEAST ONE REPRESENTATIVE, WHO OPERATES OR RESIDES WITHIN THE COUNCIL'S SERVICE AREA, FROM EACH OF THE FOLLOWING SEVEN (7) MANDATORY STAKEHOLDER GROUPS:
 - a. EARLY CARE AND EDUCATION;
 - b. FAMILY SUPPORT AND PARENT EDUCATION SERVICES;
 - c. HEALTH CARE;
 - d. LOCAL GOVERNMENT;
 - e. PARENT OF A CHILD FIVE (5) YEARS OF AGE OR YOUNGER;
 - f. MENTAL HEALTH CARE; AND,
 - g. RESOURCE AND REFERRAL AGENCY.
5. EARLY CHILDHOOD COUNCIL MEMBERSHIP MAY ALSO INCLUDE, BUT IS NOT LIMITED TO, REPRESENTATION FROM ANY COMBINATION OF THE FOLLOWING STAKEHOLDER GROUPS WITHIN THE COUNCIL'S SERVICE AREA:
 - a. CHILD CARE ASSOCIATION;
 - b. MEDICAL PRACTICE;
 - c. DENTAL PRACTICE;
 - d. SCHOOL DISTRICT PARENT ORGANIZATION;
 - e. HEAD START POLICY COUNCIL;
 - f. CHAMBER OF COMMERCE;
 - g. LOCAL BUSINESS;
 - h. FAITH-BASED ORGANIZATION;
 - i. NONPROFIT ORGANIZATION;
 - j. HIGHER EDUCATION INSTITUTION; AND/OR,
 - k. LIBRARY.
- B. EACH MEMBER OF AN EARLY CHILDHOOD COUNCIL SHALL SIGN A MEMORANDUM OF UNDERSTANDING ON BEHALF OF THE ORGANIZATION HE OR SHE REPRESENTS TO PARTICIPATE IN AND COLLABORATE ON THE WORK OF THE EARLY CHILDHOOD COUNCIL.
- C. EACH EARLY CHILDHOOD COUNCIL SHALL SUBMIT A SUMMARY OF JUSTIFICATION AND A REQUEST FOR APPROVAL TO THE STATE DEPARTMENT IN CASES WHERE:

1. ONE (1) INDIVIDUAL REPRESENTS MULTIPLE MANDATORY STAKEHOLDER GROUPS ON THE EARLY CHILDHOOD COUNCIL MEMBERSHIP; AND/OR,
 2. A MANDATORY STAKEHOLDER GROUP IS VACANT FOR MORE THAN NINETY (90) DAYS.
- D. EACH EARLY CHILDHOOD COUNCIL SHALL ADOPT BYLAWS THAT PROVIDE FOR, AT MINIMUM:
1. EARLY CHILDHOOD COUNCIL NAME;
 2. EARLY CHILDHOOD COUNCIL PURPOSE;
 3. REQUIREMENTS FOR MEMBERSHIP;
 4. MEMBERS' ROLES AND RESPONSIBILITIES;
 5. PROCESS FOR SELECTING MEMBERS;
 6. RULES FOR MEMBERSHIP ROTATION AND TERMS;
 7. HOW MEETINGS WILL BE CONDUCTED; AND,
 8. MEETING FREQUENCY AND THE QUORUM REQUIRED FOR COUNCIL ACTION.
- E. EACH EARLY CHILDHOOD COUNCIL SHALL DESIGNATE AND ENTER INTO A FORMAL, WRITTEN AGREEMENT WITH A FISCAL AGENT THAT REQUIRES THE FISCAL AGENT TO:
1. ACCEPT LEGAL AND FINANCIAL RESPONSIBILITY FOR THE WORK BEING PERFORMED UNDER THE CONTRACT, INCLUDING ALL DELIVERABLES AND DEADLINES ASSOCIATED WITH THE COUNCIL SCOPE OF WORK;
 2. ACKNOWLEDGE THAT IF WORK IS NOT PERFORMED IN ACCORDANCE WITH THE COUNCIL CONTRACT, PAYMENT MAY BE WITHHELD BY THE STATE DEPARTMENT;
 3. COMPLY WITH FISCAL CONTRACTUAL REQUIREMENTS, IN ACCORDANCE WITH THE STATE FISCAL RULES (SEE 2 C.F.R. PART 200) AND APPLICABLE FEDERAL GUIDANCE (SEE 1 CCR 101-1); AND,
 4. COMPLY WITH THE COLORADO INFORMATION SECURITY ACT (SEE § 24-37.5, PART 4).
- F. IN THE CASE OF AN EARLY CHILDHOOD COUNCIL THAT IS AN INCORPORATED LEGAL ENTITY, INCLUDING A NONPROFIT CORPORATION, THE ENTITY ITSELF MAY SERVE AS THE FISCAL AGENT, IN WHICH CASE IT IS DIRECTLY RESPONSIBLE FOR THE OBLIGATIONS SET OUT IN PARAGRAPH E.

7.717.5 EARLY CHILDHOOD COUNCIL DUTIES AND DELIVERABLES

- A. EACH EARLY CHILDHOOD COUNCIL IS RESPONSIBLE FOR THE FOLLOWING MINIMUM DUTIES AND FUNCTIONS:
1. TO APPLY FOR EARLY CHILDHOOD FUNDING PURSUANT TO § 26-6.5-104, C.R.S.;
 2. DEVELOP AND EXECUTE A STRATEGIC PLAN THAT RESPONDS TO LOCAL NEEDS AND CONDITIONS TO INCREASE AND SUSTAIN THE QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF EARLY CHILDHOOD SERVICES FOR CHILDREN AND THEIR PARENTS;
 3. TO ESTABLISH A LOCAL SYSTEM OF ACCOUNTABILITY TO MEASURE LOCAL PROGRESS BASED ON THE NEEDS AND GOALS SET FOR PROGRAM PERFORMANCE;
 4. TO REPORT ANNUALLY THE RESULTS OF THE ACCOUNTABILITY MEASUREMENTS DEFINED IN THE STRATEGIC PLAN;
 5. TO SELECT A FISCAL AGENT TO DISBURSE FUNDS AND SERVE AS THE EMPLOYER OF THE COUNCIL DIRECTOR, ONCE HIRED;
 6. TO CONDUCT A COMPREHENSIVE EVALUATION AND REPORT, BASED ON THE STRATEGIC PLAN; AND,
 7. TO ACTIVELY INFORM AND INCLUDE SMALL OR UNDER-REPRESENTED EARLY CHILDHOOD SERVICE PROVIDERS IN EARLY CHILDHOOD COUNCIL ACTIVITIES AND FUNCTIONS.
- B. EACH EARLY CHILDHOOD COUNCIL SHALL SUBMIT AND ENSURE THAT THE STATE DEPARTMENT HAS CURRENT RECORD OF THE COUNCIL GOVERNANCE STRUCTURE, TO INCLUDE AT MINIMUM:
1. EARLY CHILDHOOD COUNCIL MEMBERSHIP, TO INCLUDE THE NAME AND CONTACT INFORMATION FOR REPRESENTATIVES FROM EACH OF THE MANDATORY STAKEHOLDER GROUPS IN § 7.717.4, A (4);
 2. AN ORGANIZATIONAL CHART OR OTHER DESCRIPTION OF ITS OFFICER/LEADERSHIP STRUCTURE, INCLUDING CURRENT OFFICERS;
 3. THE NAME AND CONTACT INFORMATION FOR THE COUNCIL DIRECTOR, OR, IF NONE HAS BEEN HIRED, AN INTERIM PROGRAM CONTACT EMPLOYED BY THE FISCAL AGENT;
 4. THE EARLY CHILDHOOD COUNCIL BYLAWS; AND,
 5. AN ANNUAL BUDGET FOR DEVELOPING A LOCAL EARLY CHILDHOOD SYSTEM AND INFRASTRUCTURE TO IMPROVE AND COORDINATE EARLY CHILDHOOD SERVICES.

- C. EACH EARLY CHILDHOOD COUNCIL SHALL DEVELOP, EXECUTE, AND SUBMIT FOR STATE DEPARTMENT COMPLIANCE REVIEW, AN UP TO DATE ORGANIZATIONAL STRATEGIC PLAN THAT:
1. REFLECTS THE STATE DEPARTMENT PRIORITIES AND PERFORMANCE STANDARDS TO INCREASE AND SUSTAIN THE QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF EARLY CHILDHOOD SERVICES FOR CHILDREN AND THEIR PARENTS;
 2. RESPONDS TO THE EARLY CHILDHOOD NEEDS AND CONDITIONS IN THE DESIGNATED SERVICE AREA BASED UPON A RIGOROUS ASSESSMENT; AND,
 3. SETS MEASURABLE GOALS TO INCREASE AND SUSTAIN QUALITY, ACCESSIBILITY, CAPACITY, AND AFFORDABILITY OF EARLY CHILDHOOD SERVICES FOR CHILDREN AND THEIR PARENTS.
- D. THE STRATEGIC PLAN SHALL BE DEVELOPED AT LEAST ONCE EVERY FIVE (5) YEARS AND INCLUDE, AT MINIMUM:
1. A DESCRIPTION OF THE LONG-TERM GOALS TO BE ACCOMPLISHED;
 2. A DESCRIPTION OF THE SHORT-TERM OBJECTIVES;
 3. A DESCRIPTION OF THE EXPECTED OUTCOMES ALIGNED WITH THE GOALS AND OBJECTIVES; AND,
 4. A DEFINITION OF THE DATA TOOLS AND METHODS FOR TRACKING PROGRESS TOWARDS THE GOALS, OBJECTIVES, AND EXPECTED OUTCOMES.
- E. ANNUALLY, EACH EARLY CHILDHOOD COUNCIL SHALL SUBMIT TO THE STATE DEPARTMENT AND ITS EARLY CHILDHOOD COUNCIL MEMBERSHIP:
1. THE CURRENT STRATEGIC PLAN; AND,
 2. A WRITTEN, COMPREHENSIVE EVALUATION AND REPORT OF ITS PROGRESS BASED ON THE STRATEGIC PLAN ACCOUNTABILITY METRICS.

7.717.6 STATE DEPARTMENT FUNDING REQUIREMENTS

- A. TO BE ELIGIBLE TO RECEIVE INFRASTRUCTURE, QUALITY IMPROVEMENT, TECHNICAL ASSISTANCE, AND EVALUATION FUNDING FROM THE STATE DEPARTMENT, AN EARLY CHILDHOOD COUNCIL MUST:
1. BE PROPERLY CONVENED; AND MEET THE MINIMUM SERVICE AREA AND GOVERNANCE STANDARDS IN § 7.717.3-4.
 2. SUBMIT STRATEGIC PLAN FOR COMPLIANCE REVIEW IN ACCORDANCE WITH 7.717.5, C AND D.

- B. EACH EARLY CHILDHOOD COUNCIL SEEKING INFRASTRUCTURE, QUALITY IMPROVEMENT, TECHNICAL ASSISTANCE, AND EVALUATION FUNDING SHALL SUBMIT AN APPLICATION TO THE STATE DEPARTMENT THAT INCLUDES OR DESCRIBES:
1. THE COUNCIL'S DESIGNATED SERVICE AREA, AS DEFINED IN § 7.717.3;
 2. THE COUNCIL'S CURRENT MEMBERSHIP, INCLUDING PROOF OF A MEMORANDUM OF UNDERSTANDING SIGNED BY THE MEMBERS REPRESENTING EACH MANDATORY STAKEHOLDER GROUP, AS DEFINED IN § 7.717.4, A (4);
 3. THE REGISTERED BUSINESS NAME, CERTIFICATE IN GOOD STANDING WITH THE COLORADO SECRETARY OF STATE, AND THE D-U-N-S NUMBER FOR THE DESIGNATED FISCAL AGENT;
 4. THE CAPACITY TO COMPLY WITH STATE DEPARTMENT DATA ENTRY AND DATA REPORTING REQUIREMENTS, AS DEFINED BY THE STATE DEPARTMENT AND OTHER APPLICABLE FUNDING STREAM REQUIREMENTS;
 5. CURRENT RECORD OF THE COUNCIL GOVERNANCE STRUCTURE, AS DEFINED IN § 7.717.5, B;
 6. THE COUNCIL DIRECTOR'S SIGNATURE; AND,
 7. THE COUNCIL'S STRATEGIC PLAN, IN COMPLIANCE WITH § 7.717.5, C AND D.
- C. IF AN EARLY CHILDHOOD COUNCIL FAILS TO MAINTAIN ONGOING COMPLIANCE WITH THESE FUNDING REQUIREMENTS, INCLUDING THE REQUIREMENT OF A CURRENT STRATEGIC PLAN, THE STATE DEPARTMENT MAY DENY ITS PENDING OR IMMEDIATELY SUBSEQUENT APPLICATION FOR FUNDING.
- D. COUNCILS THAT HAVE PREVIOUSLY APPLIED FOR AND BEEN DENIED FUNDING BY THE STATE DEPARTMENT MAY RE-APPLY BY SHOWING CURRENT COMPLIANCE WITH STATE REQUIREMENTS.
- E. FOR ONE (1) YEAR AFTER MARCH 30, 2017, IN ORDER TO PROMOTE AN ORDERLY TRANSITION TO A NEW GOVERNANCE STRUCTURE, ANY COUNCIL MAY APPLY FOR A WAIVER OF SPECIFIC GOVERNANCE RULES IN § 7.717.4 UPON A SHOWING OF SUBSTANTIAL COMPLIANCE AND UNDUE HARDSHIP. A COUNCIL SHALL SUBMIT ANY REQUEST FOR A WAIVER TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION, WHICH SHALL CONSULT WITH THE DEPARTMENT ON THE REQUEST. THE DEPARTMENT WILL GRANT SUCH WAIVERS UPON RECOMMENDATION BY THE COMMISSION.

7.717.7 RULE WAIVER REQUEST

- A. A LOCAL EARLY CHILDHOOD COUNCIL MAY SUBMIT A RULE WAIVER REQUEST TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION FOR ANY RULE WITHIN C.C.R. 2509 THAT WOULD PREVENT A COUNCIL FROM IMPLEMENTING COUNCIL PROJECTS RELATED TO THE MINIMUM DUTIES AND FUNCTIONS DEFINED IN § 7.717.5, A.
- B. THE EARLY CHILDHOOD COUNCIL SUBMITTING A WAIVER REQUEST IS REQUIRED TO DEMONSTRATE THAT THE WAIVER IN QUESTION IS NECESSARY TO SUPPORT IMPLEMENTATION OF THE EARLY CHILDHOOD COUNCIL PROJECTS RELATED TO THE MINIMUM DUTIES AND FUNCTIONS DEFINED IN § 7.717.5, A.
- C. THE WAIVER REQUEST SHALL BE SUBMITTED IN WRITING TO THE EARLY CHILDHOOD LEADERSHIP COMMISSION DIRECTOR.