

**Title of Final Rule: Early Childhood Council  
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Office/Division or Program:  
OEC/Early Care and Learning

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## **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 Council's service area 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.