

Colorado Universal Preschool Program (UPK) FAQs

General

Q: What is the Colorado Universal Preschool Program (UPK)?

A: The Colorado Universal Preschool Program was created in statute under HB 22-1295. The Colorado Department of Early Childhood (CDEC) will launch UPK in the 2023-24 school year, offering a minimum of part-time (10 hours/week) or half-day (15 hours/week) of high-quality, voluntary preschool to every Colorado child in the year before they are eligible to enter kindergarten. Families can choose any participating licensed provider in the state. Additional state-funded hours will be available based on child or family circumstances that may impact kindergarten readiness.

Q: What were the recommendations in the [Universal Preschool Recommendations Report](#), as unanimously approved by the ECLC?

A: The full report and recommendations can be found through the link above.

Q: How many state funded hours are available?

A: Families can choose part-time (10 hours/week), or half-day (15 hours/week) of state funded preschool in the year before the child is eligible for kindergarten. Some children will be eligible for additional UPK hours bringing them to full day (30 hours) if they have at least one qualifying factor as described below. UPK eligibility is independent of a child's eligibility for CCCAP, Head Start, or local preschool program funding, so families may layer these hours on top of their UPK allocation. Local Coordinating Organizations (LCOs) can help families to navigate the combination of different funding sources for a child's care. Families are also welcome to work with providers to arrange additional self-funded hours as required.

Q: What are qualifying factors?

A: Qualifying factors are child or family circumstances identified by CDEC as having the potential to negatively impact a child's learning. The qualifying factors adopted in CDEC Rule are as follows:

- Child is identified as low-income (270% of 2023 Federal Poverty Guidelines)
- 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.
- Child has an Individualized Education Program (IEP).
- Child is currently in the custody of a state supervised and county administered foster care home or in non-certified kinship care.
- Child is identified as homeless.

Q: Who is responsible for delivering UPK?

A: UPK is housed within CDEC, along with other early childhood and family support programs. To ensure that the program is responsive to the varying needs of communities across

Colorado, CDEC has appointed Local Coordinating Organizations (LCOs) to support the program at a local level. Our [Find my LCO](#) page contains contact information for all LCOs.

Q: Will the Colorado Preschool Program (CPP) continue in its current form?

A: No. Services that are currently provided under CPP will be replaced by equivalent provisions under the UPK program from 2023-24 with the goal of unifying state-funding under one funding source. CPP will continue to run as normal for the 2022-23 school year.

Q: What if I need more than 10 to 15 hours of care for my child?

A: Some children will qualify for additional hours of preschool under the UPK program based upon qualifying factors. Families may also qualify for CCCAP, Head Start, or other state, federal, or locally funded child care programs. Families may also utilize a “private pay” option in coordination with their provider, to supplement Universal Preschool and other funded programs for which they might be interested.

Q: Which preschools are participating in Universal Preschool?

A: The Colorado Universal Preschool Program (UPK) will be delivered through a mixed delivery model, meaning that families can choose to send their child to any licensed preschool, whether school-based, community-based, or home-based, that is participating in UPK. When applying for UPK, families will be able to see participating preschools in their community and indicate their preference.

Local Coordinating Organizations

Q: What is a local coordinating organization (LCO)?

A: A local coordinating organization (LCO) is a community agency or organization that is responsible for supporting access to and equitable delivery of early childhood and family support programs in the community. The LCO’s role is to foster partnerships and create alignment to ensure the equitable provision of early childhood and family support programs. The LCO will establish and implement a comprehensive, locally driven plan to achieve these goals. Our [Find my LCO](#) page contains contact information for all LCOs.

Q: Who is eligible to be an LCO?

A: Organizations that are eligible to serve as LCOs include but are not limited to: county or municipal government agencies, school districts, BOCES, early childhood councils, family resource centers, special taxing districts, Head Start grantees, local nonprofit organizations, and charter school networks. LCOs were selected in July 2022.

Q: Why is Universal Preschool (UPK) being run through LCOs?

A: Throughout the process of developing recommendations and drafting the legislation that established the UPK program, stakeholders raised concerns that early childhood programs were operating in silos, and that local communities were best situated to address local needs. The LCO structure will ensure that there is a local center of gravity for early childhood programs that is responsible for coordinating resources, assisting families, strengthening

community choice, and meeting accountability standards. Local leadership is particularly important to engage and support providers so that families have access to a wide range of choices within the mixed delivery framework.

Q: What is the LCO’s “catchment area”?

A: LCO catchment areas range in size from one to six counties, depending on the needs of the communities they serve. Catchment boundaries were arranged to avoid splitting school districts across more than one LCO catchment area. If a community does not have a designated LCO, CDEC will step in to take on this role until there is a viable LCO selected.

Q: How were LCOs selected?

A: Eligible entities submitted applications to CDEC that included evidence of their capacity to support families, providers, and the broader early childhood community. Applicants also submitted letters of support from community members and partners. These applications were reviewed by a panel of early childhood experts, and 32 LCOs were selected.

Q: Where can I find my LCO?

A: The names and contact information for the approved LCOs can be found [here](#).

Q: What is CDEC’s role when it comes to LCOs?

A: CDEC is responsible for selecting and supporting LCOs to work effectively in their communities. Each LCO will sign a three-year agreement with CDEC and will be responsible for renewing or replacing these agreements every three to five years. The agreement includes expectations, targets, and benchmarks for the LCO’s work. CDEC will also work closely with LCOs in the development of their community plans, and will support the implementation of those plans. CDEC will work with LCOs to ensure that they have the necessary resources to support early childhood education in their communities.

Q: How are LCOs funded for their administrative costs?

A: Each LCO will receive a baseline administrative funding allocation based on the cost of hiring staff in the region and the number of eligible children expected to enroll. This baseline funding is designed to fund a half time employee in catchments with the smallest number of children up to two full time employees for the most populated areas. In addition, LCOs can apply for additional resources to support their work via the community plan. These resources might include funding for translation services, technology, additional staffing, mileage, or professional development costs.

Q: What happens if the LCO is not meeting the requirements of its contract?

A: If at any time CDEC determines the LCO is not meeting the requirements of the contract, CDEC may terminate the agreement and select a new LCO from the community.

Q: What is the LCO responsible for when it comes to early childhood services beyond preschool?

A: The LCO is responsible for developing and implementing a community plan that fosters equitable access by families and robust participation by providers in early childhood and family support programs. All LCOs must submit a community plan that details how they will:

- Assist families in applying for early childhood and family support programs
- Recruit and work with providers
- Ensure a mixed delivery system
- Assist in increasing recruitment, retention, and compensation for the early care and education workforce
- Coordinate various programs and funding streams
- Ensure equitable distribution of funding
- Identify, solicit, and secure, as feasible, additional local resources and funding
- Ensure transparency for early childhood funding

Q: What are LCOs responsible for when it comes to UPK specifically?

A: LCOs are responsible for assisting families in applying for UPK slots, matching families with appropriate providers, supporting a variety of providers to participate in UPK and equitably distributing the UPK resources available in their community.

Q: Which entities must the LCO coordinate with?

A: Entities that the LCO must coordinate with include, but are not limited to, school district administrative units, early childhood councils, Head Start agencies, and county departments of human services, particularly in the administration of CCCAP.

Q: What is the role of the LCO in the allocation of preschool funding?

A: There are two options for how the LCO can support the distribution of preschool funds: 1) The LCO will designate which preschool providers should receive funding from the state, and CDEC will distribute funds directly to providers in accordance with the approved community plan; or 2) The LCO can request the authority to receive funding directly to implement the community plan and distribute such funds to preschool providers. To be approved for this model, the LCO must demonstrate that the fiscal infrastructure and internal controls are in place to manage that process.

Q: What happens if a community does not have a viable LCO?

A: If the community does not have a designated LCO and an approved community plan, CDEC will step in and take on the duties of the LCO until the community has a viable LCO. This includes assisting families with applying, ensuring a mixed delivery system, and equitably distributing funds. CDEC will also provide technical assistance in this community to ensure the LCO is prepared and selected as soon as possible. At this point, there are no communities without a designated LCO.

Eligibility and Application

Q: Who is eligible for the UPK program?

A: All Colorado Children are eligible for UPK in the year before they become eligible for kindergarten. CDEC uses a cutoff of October 1 (26.5-4-208 (6)(b)), meaning that a child who turns four before this date in the year they wish to enroll in preschool will be eligible for UPK. Children who are three years of age, or younger in districts that have a waiver to serve children under three, will also be eligible for UPK hours if they meet at least one qualifying factor. These children will be served by school districts.

Q: What are qualifying factors?

A: Qualifying factors are child or family circumstances identified by CDEC as having the potential to impact a child's learning. The qualifying factors adopted in CDEC Rule are as follows:

- Child is identified as low-income (270% of 2023 Federal Poverty Guidelines)
- 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.
- Child has an Individualized Education Program (IEP).
- Child is currently in the custody of a state supervised and county administered foster care home or in non-certified kinship care.
- Child identified as homeless.

Q: How many state funded hours are available?

A: Families can choose part-time (10 hours/week), or half-day (15 hours/week) of state funded preschool in the year before the child is eligible for kindergarten. Some children will be eligible for additional UPK hours bringing them to full day (30 hours) if they have at least one qualifying factor. UPK eligibility is independent of a child's eligibility for CCCAP, Head Start, or local preschool program funding, so families may layer these hours on top of their UPK allocation. LCOs can help families to navigate the combination of different funding sources for a child's care. Families are also welcome to work with providers to arrange additional self-funded hours as required.

Q: Are UPK slots guaranteed for all eligible four-year-olds?

A: While LCOs will strive to ensure that every family who wants to participate in UPK is served, enrollment will depend on the availability of a participating provider to meet the child's needs, and available funding.

Q: Is the UPK funding a voucher?

A: No, the program is designed as a slot-based system where families can choose a participating and approved provider and sign up for a part-time, half-day or full day slot (for qualifying families). Using a slot approach allows for community planning and provider predictability, which were identified during the transition process and critical components. If a family leaves a provider for any reason, the LCO will work with the family to ensure placement with another provider.

Q: How does a family apply for UPK?

A: CDEC is developing a family application portal that will allow families to express preferences for provider type, hours, and location. Families will also be able to supply the information required to check eligibility for additional hours through this portal. This information will be used to match families with a participating provider as well as to determine their child's eligibility for additional state-funded preschool hours. Certain weighted factors, like continuity of care, having a sibling in a center, and others, will be considered when determining the match.

Q: What if a family already has a child care relationship with a provider?

A: Families that are already served by a provider, have another child in the provider's care, or are employed by the provider will be given preference in their first choice of that provider.

Q: Can a family receive Child Care Assistance (CCCAP), Head Start or other local funding as well as UPK?

A: Yes. UPK is designed to be layered with CCCAP, Head Start and local funding programs. LCOs are expected to support families in the process of blending and braiding state funding to augment the provision of additional services for children.

Q: What is the process for families to enroll three-year-olds?

A: Families will be able to use the single application portal to apply for the part-time (10 hours/week) of preschool programming if the child meets at least one qualifying factor. Children three years of age who meet the eligibility requirements will be served by their local school district or may be served by a community-based provider if such provider contracts with the school district.

Providers

Q: Who can provide UPK?

A: UPK is open to all licensed providers that have entered into an agreement with CDEC. This includes school-based, community-based, and family child care home providers. Providers will need to utilize a curriculum that meets the standards set by CDEC through a rulemaking process. A resource bank will be made available to help providers with curriculum planning and delivery.

Q: What is the process for providers to participate?

A: Working with their LCOs, providers who want to participate in UPK will enter into a Provider Agreement which outlines the components of the program, including meeting eligibility standards and delivering programming. The Provider Agreement will be within the application portal and will be executed by the providers when they establish their profile pages in the portal. The allocation of slots to providers will be finalized by the LCOs based on slots allocated by CDEC to the LCOs. Families will search, apply, and be matched to a provider of their choosing.

Q: What are the quality standards for providers?

A: The standards will be developed prior to the launch of UPK, and will be part of a rulemaking process Spring, 2023. Families and providers will be involved in the development of those standards.

Q: What is mixed delivery?

A: CDEC is committed to supporting families in choosing the most appropriate preschool setting for their children. This could be a school-based preschool classroom, a child care center in the community or a home-based child care provider.

Q: Is there any support for providers who participate in UPK?

A: Yes. LCOs are responsible for supporting providers to deliver high quality early childhood care and education through the UPK program. Visit our [Find my LCO](#) page to find out how to contact your LCO for support. CDEC will also provide a resource bank to help providers with curriculum planning and delivery.

Q: Will providers be paid based on enrollment?

A: Providers will be paid based upon the slots allocated by the LCO to their program, and the number of children that enroll. Slots that are not filled can be moved to another provider.

Q: How often will providers be paid?

A: Providers will have four payments during the year starting with a first payment in August, followed by payments in November, February, and May. Providers will need to ensure children are enrolled as there will be a true up and potential reallocation of slots, as necessary, to ensure slots are maximized and children are served.

Q: Can providers charge families extra tuition costs?

A: A participating provider is not permitted to charge families extra tuition costs for programming that fits within the part-time (10 hours/week), half-day (15 hours/week), or full time (30 hours/week) covered by the rate paid to the provider. If the provider is offering more hours, then they may charge the family for the balance of the cost of care.

Finance

Q: What were the recommendations in the [Universal Preschool Recommendations Report](#), as unanimously approved by the ECLC, and HB22-1295 regarding funding in the Colorado Universal Preschool Program?

A: To address the unique aspects of a mixed delivery universal preschool program and avoid reinforcing the current challenges of the state's school finance formula, the report and subsequent legislation recommended several changes to the calculation and approach to funding universal preschool. The report recommended a funding model that:

- Removes preschool funding calculations from the School Finance Act to ensure that per child rates reflect differences in the cost of delivering care depending on risk factors, regional needs, and special education services.
- Establishes a base rate for 10 hours of universal preschool, and additional adjustments including weights for underserved populations and regional considerations, such as economies of scale in rural areas, as well as any other additional incentives for a variety of needs.
- Preserves all current state funding for the Colorado Preschool Program (CPP), as the program moves to an integrated single state preschool program with Proposition EE outside of school finance.
- Preserves funding for children three years and younger at current total funding levels and ensures that students who are currently eligible for additional services do not lose out.
- Strikes a balance between base funding for universal preschool and the targeted access for additional programming for those with greatest need.
- Complies with state and federal law, including the requirements in the State Constitution.

Q: What does Amendment 23 of the State Constitution require for preschool and how does the law ensure that UPK funding is in compliance?

A: Amendment 23 (Title IX, Art. 17 of the state constitution) requires statewide base per pupil funding to grow annually by the rate of inflation. Since the UPK per pupil funding rates will be set separately from the School Finance Act, HB 22-1295 ensures compliance with the constitutional requirement for inflation-indexed growth of base per pupil funding by stipulating that:

- In a mixed delivery state preschool system, the unique characteristics that drive costs in preschool settings require more flexibility in rate-setting than is provided by the process under the School Finance Act. Therefore, UPK per child rates will be set separately from the School Finance Act.
- The constitutional requirement will be met by establishing a per-child constitutional compliance rate for the 2023-24 fiscal year and then increasing this rate annually in line with inflation. The rate equals the portion of the statewide base per pupil funding amount for 2023-24 that applies to the number of hours of universal preschool services (10 hours per week, which is 40% of the required number of kindergarten hours in state statute, 22-32-109) and requires that amount to increase annually by inflation.
- Before finalizing the rates for preschool programming in any given year, the department must ensure the per child rates meet or exceed the constitutional compliance rate, defined as 40% of the statewide base per pupil rate in the School Finance Act for the 2023-24 fiscal year, increased in line with inflation for subsequent years.

Q: Is the constitutional compliance rate the same as the expected UPK per pupil rate?

A: No. The constitutional compliance amount is a minimum bar that the Department must meet, but the actual rates may exceed this to account for the cost of providing high quality

care as well as geographic and child characteristics that could drive a need for higher rates of reimbursement.

Q: What is required of the preschool formula and how is that distinct from the school finance formula?

A: In a mixed delivery state preschool system, the unique characteristics that drive costs in preschool settings require more flexibility in rate-setting than is provided by the process under the School Finance Act. Therefore, UPK per child rates have been set separately from the School Finance Act. CDEC has set rates through emergency rule using a formula that accounts for:

- The cost of providing preschool services that meet the required quality standards.
- Variations in the cost of providing preschool resulting from regional differences and circumstances, including difficulties of achieving economies of scale in rural areas and in recruiting and retaining educators.
- Variations in the cost of providing preschool resulting from child characteristics, which must include if a child is low-income and may include other factors such as dual language learner status.
- The impact of UPK rates on provision for infants and toddlers.

Q: What are the rates established through the funding formula?

A: The provider rates by LCO region for the 2023-24 school year can be found [here](#). For more information regarding the rates, contact the LCO for your community. Our [Find my LCO](#) page contains contact information for all LCOs.

Q: How will providers be paid for the UPK services they offer?

A: In most cases, providers will be paid directly by the Colorado Department of Early Childhood, according to the funding formula established in rule (see above). In certain rare situations, funds may be delivered through Local Coordinating Organizations to providers.

Q: How will preschool services for three-year-olds be funded?

A: The amount of funding allocated in the 2022-23 school year for three-year-old preschool children with at least one qualifying factor, will be transferred annually to school districts beginning in the 2023-24 school year and each year thereafter, adjusted for inflation. Preschool programming for three-year-olds with qualifying factors will be administered through school districts. To support the provision of inclusive three-year-old preschool special education services, and given the IDEA requirements that fall to administrative units, state preschool funding for this baseline number of three-year-olds will be distributed for the 2023-24 school year to school districts and school districts may decide to contract with community-based providers for such slots. Local community plans, however, should look across funding streams (including Head Start, CCCAP, and local funds) and identify gaps and opportunities to support access for all children, including three-year-olds.

Q: How will funding be allocated and distributed throughout the year?

A: Beginning in the 2023-24 school year, CDEC will base the amounts distributed on the per

child rates. At the start of each school year, CDEC (or the LCO, where they are responsible for receiving and distributing UPK funds) will distribute a portion of the funding to providers based on the numbers of children expected to enroll as estimated in the community plan. The remaining funding will be distributed throughout the year, adjusting the amounts based on actual enrollment. This allows for adjustments during the year should enrollment not match the anticipated planned enrollment.

For three-year-old funding, districts and charter schools will receive an annual allotment based on 2022-23 CPP funding, which will be distributed throughout the year based on the number of children enrolled and the per child rate.

Q: What are the revenue sources that fund UPK?

A: UPK is funded by revenues from Proposition EE and funding transferred annually to the Preschool Programs Cash Fund that represents the Colorado Preschool Program funding amount in the 2022-23 budget year. That transfer amount is taken from the General Fund or the State Education Fund and is calculated as the amount of state share of the Total Program that was attributable to students enrolled in CPP and three- or four-year-olds with disabilities for the 2022-23 budget year. Starting in 2024-25 the amount shall increase annually by inflation. Funding will not be impacted by other School Finance provisions going forward. CDEC may seek or accept other funding to implement preschool and blend/braid funding from other sources.

Q: What are the funding priorities for children the year prior to kindergarten entry, for children with disabilities, for three-year-olds (and under in waiver districts), and for additional preschool services? How is current funding for these priority populations preserved?

A: The statute (26.5-4-204) is clear that the purposes of the Colorado Universal Preschool Program are to provide access to:

- 10 hours of preschool per week at no charge, for children the year prior to kindergarten eligibility
- Services for all three- and four-year-old children with disabilities
- Preschool services for three-year-olds (and for the two waiver communities that can serve children under age three with CPP slots) who are low income or have qualifying factors (child or family circumstances identified by CDEC as negatively impacting a child's development)
- Specified purpose funding
- Additional preschool services for children in the year prior to kindergarten eligibility, with at least one qualifying factor

Where there is insufficient funding to cover all purposes, it should be prioritized in the following order (26.5-4-209):

- 1) 10 hours per week for children the year prior to kindergarten; provision for three- and four-year-old children with disabilities; low income three-year-olds (and younger in waiver districts) or those with qualifying factors at the level under CPP in 2022-23

- a) If there is inadequate funding to serve all low-income three-year-olds (and younger in waiver districts), the department must first prioritize children with disabilities and low-income children with at least one qualifying factor. Any remaining funding may then be allocated to low-income children without qualifying factors.
- 2) Specified purpose funding, which includes an additional five hours of preschool programming for children in the year before they are eligible for kindergarten
- 3) Additional preschool services for children in the year prior to kindergarten eligibility, with at least one qualifying factor

Q: What are the priorities for specific children to access these programs and why are they different from CPP?

A: If there is inadequate funding to serve all low-income three-year-olds (and younger in waiver districts), the department must first prioritize children with disabilities and children with at least one qualifying factor. This is different from CPP, which requires children three-years-old (and younger) to have multiple risk factors. The intent of the UPK approach is to make all low-income children and children with qualifying factors eligible for additional preschool programming, but should there be inadequate funding to serve the fully eligible population, target resources using the specified priorities. This is different from denying eligibility to children and instead noting that it is adequate funding, not eligibility, that results in a prioritization of who has access to services.

Q: How is funding calculated for UPK and how is revenue generated for an Administrative Unit to be able to provide Free and Appropriate Public Education (FAPE) for children with Individualized Education Program (IEP) due to a disability?

A: Due to the unique features of preschool classrooms, the requirement to offer a mixed delivery pre-k program, and the disconnect that currently exists between the School Finance Act and what a calculation of serving a preschooler should look like, the calculation of per child rates under UPK will be conducted via a separate rate-setting process from the School Finance Act (see above for requirements regarding the rate setting process). This change will include the rate setting process for the general education portion of all four-year-olds; all three- and four-year-old children with disabilities; eligible three-year-olds (and younger in waiver districts); and the occasional student who is five-years-old but not yet eligible for kindergarten.

The general education portion of children with IEPs is included in this calculation. As such, while a preschool child will not be part of the pupil count for the K-12 School Finance Act, school districts are required to certify to the Colorado Department of Education the number of three- and four-year-old pupils with disabilities receiving an educational program from the district so that they can receive funding pursuant to Title 22, Part 1, Article 20 governing the Education of Exceptional Children. In this case, for example, all four-year-olds will receive full general education funding for the part-time or half-day, universal preschool program as funded by UPK regardless of disability status, and will then also be able to access additional revenue which may be needed pursuant to their IEP. Three-year-olds will be funded up to the

2022-2023 CPP allocation subject to the established rate and enrollment. Funding is required to be distributed to school districts and charter schools, and three-year-olds with IEPs will be reported to CDE for the purpose of receiving funding pursuant to the child's IEP.

Q: Is there a “hold harmless” funding provision for CPP school districts and charter schools?

A: Yes, there is a one year hold harmless funding provision for school districts and charter schools such that if total funding for children enrolled in the 2023-24 fiscal year under the new Colorado Universal Preschool Program is less than funding received in the CPP program for enrolled children in 2022-2023, the department will make up the difference. The department shall also hold contracted community providers harmless in 2023-2024 based on 2022- 2023 contracts districts had with community providers.

Q: What is the impact on the calculation of Total Program for the purposes of district Mill Levy Overrides?

A: The law redefines the mill levy override cap as a percentage of Total Program plus the revenue attributable to children enrolled via DEC under the Colorado Universal Preschool Program. This ensures that when preschoolers are funded through the Colorado Universal Preschool Program instead of the school finance formula, school districts do not see a drop in the amount of tax revenue districts may collect under the mill levy override cap.

Preschool Services for Three-Year-Olds

Q: What impact will the implementation of Universal Preschool (UPK) have on the availability of early care and education for infants, toddlers, and three-year-olds?

A: The primary purpose of the Universal Preschool Program is to provide children in Colorado with access to preschool in the year before a child is eligible to enter kindergarten (primarily four-year-olds).

- UPK is part of a birth to five early childhood system, and it is critical that the state maintain existing capacity for infants, toddlers, and three-year-olds.
- Current law has a floor of funding for school districts and their contracted providers to continue to serve 3-year-olds and eligible children under three years of age in counties with programmatic waivers, with at least one qualifying factor based on 2022-23 Colorado Preschool Program (CPP) funding for three-year-olds.

Q: What does current law (Section 26.5-4-208, C.R.S., as established by HB22-1295) say about preschool funding for three-year-olds? Do all three-year-olds receiving state preschool funding need to be served at school districts?

A: School districts and charter schools will receive an annual allotment equivalent to 2022-2023 Colorado Preschool Program (CPP) funding for three-year-olds, which will be distributed throughout the year based on the number of children enrolled and the per child rate.

- This provision only applies to the amount of funding that is equivalent to the funding appropriated to three-year-olds in CPP in the 2022-2023 school year, annually adjusted for inflation.
- If the General Assembly specifically appropriates funding for three-year-olds above the required allocation for three-year-olds and children under three who do not have disabilities, the Department of Early Childhood (CDEC) may allocate that excess funding through the Local Coordinating Organization (LCO) process to school or community-based providers to support those children [4-208(3)(c)(II)].

Statutory Basis

- First, three-year-olds with disabilities will have funding flow through “the enrolling preschool providers” [4-208(c)(I)(A)] to ensure continuity of services and maintenance of IEPs.
- Second, eligible three-year-olds and younger [4-208(c)(I)(A)] will have funding calculated based on 2022-2023 CPP enrollment numbers and the relevant per child rate [4-208(c)(I)(B)].
- Third, in accordance with 4-208(3)(c)(II), the funding for eligible three-year-olds and younger, based on 2022-23 CPP enrollment numbers and the relevant per child rate, “shall” be distributed “to preschool providers that are school districts or charter schools....”

Q: Which three-year-olds are eligible for preschool services?

A: Under CDEC’s Universal Preschool Program Eligibility rule, three-year-olds who have a family income under 270% of the federal poverty level or meet at least one qualifying factor are eligible for 10 hours of preschool services. However, preschool services for three-year-olds are subject to the annual appropriation to school districts based upon their 2022-23 Colorado Preschool Program (CPP) funding for three-year-olds.

Q: How will preschool services for three-year-olds be funded?

A: The amount of funding currently allocated for three-year-old preschool for children with risk factors will stay constant and will continue to be administered through school districts. To support the provision of inclusive three-year-old preschool special education services, and given the IDEA requirements that fall to administrative units, state preschool funding for this baseline number of three-year-olds will be distributed for the 2023-24 school year to school districts and school districts may decide to contract with community-based providers for such slots. Local community plans, however, should look across funding streams (including Head Start, CCCAP, and local funds) and identify gaps and opportunities to support access for all children, including three-year-olds.

If the General Assembly takes action to specifically appropriate funding for three-year-olds above the required allocation for three-year-olds and children under three who do not have disabilities, CDEC may allocate that excess funding through the Local Coordinating Organization (LCO) process to school or community-based providers to support those children.

Q: Will community-based providers and Head Start agencies lose three-year-olds to the school districts, undermining their financial stability?

A: CDEC expects that school districts will be serving approximately the same number of three-year-olds as they were in 2022-23 under the Colorado Preschool Program. New school district capacity will be focused toward providing additional slots to serve four-year-olds.

Q: Does CDEC's Universal Preschool Program Eligibility rule expand preschool eligibility to all three-year-olds who have a family income under 270% FPL or have one qualifying factor?

A: Yes, three-year-olds who have a family income under 270% FPL or meet one or more qualifying factors are eligible for 10 hours of preschool services under CDEC rules. However, preschool services for three-year-olds are subject to the annual appropriation to school districts based upon their 2022-23 Colorado Preschool Program (CPP) funding for three-year-olds. Under current appropriations, CDEC will not provide preschool services to additional three-year-olds beyond the minimum allocation required under statute based on the funding appropriated to three-year-olds in CPP in the 2022-2023 school year.

Q: Are there prohibitions on school districts partnering with community-based providers to serve three-year-olds?

A: No, the statute (Section 26.5-4-208(3)(c)(II)) makes clear that districts can contract with Head Start or any community-based provider to serve three-year-olds.

- “A school district may distribute all, or a portion of the amount received pursuant to this subsection (3)(c)(II) to a head start agency or community-based preschool provider that provides preschool services pursuant to a contract with the school district.”

Q: Why was HB22-1295 written this way?

A: As outlined in the [Universal Preschool Recommendations](#) (See pages 10 and 19), the amounts appropriated for three-year-olds must at least be as much as was allocated to the Colorado Preschool Program in its last year of operation, which is 2022-2023. Furthermore, legal questions were raised by Colorado Department of Education (CDE) and school districts regarding obligations under special education law. Specifically, since IDEA Part B extends down to students who are three years old, administrative units have a legal obligation to provide a free and appropriate public education in the least restrictive environment. Without public funding for administrative units to serve general education three-year-olds, the ability to provide inclusive educational settings to three-year-olds, the ability to maintain compliance with the law, and the ability to serve these children with special needs could be undermined.

Q: Did CPP statute (former law) have any requirements around minimum funding for community-based providers?

A: No, state statute has never had a minimum number of slots or funding required for community providers. The [CPP Handbook](#) has recommendations around partnering with community providers.

Q: Will Head Start programs be included in UPK communications and the BridgeCare system, allowing families to receive and apply for referrals, including for children three years and younger?

A: In the first year of implementation, the BridgeCare system will be focused on connecting eligible families with providers for state-funded Universal Preschool Program services, including Head Start. In future years, the intention is to expand the BridgeCare system to serve as a one-stop shop for families to apply for a variety of early care and education services, including Head Start and Early Head Start for children three years of age and younger.

Q: Are federal Head Start dollars at risk?

A: Head Start agencies (including Migrant and Seasonal and American Indian and Alaska Native (AIAN)) can participate in the Universal Preschool Program and receive the per-child rate decided in rule to provide preschool services for children in the year before they are eligible for kindergarten, in addition to their federal Head Start funding award.

- In addition, the suite of Head Start services (Head Start, Early Head Start, Migrant and Seasonal and American Indian and Alaska Native (AIAN), Early Head Start Child Care Partnerships (EHS-CCP)) will continue to be a core provider of early care and education services, and critical comprehensive child and family services, for three-year-olds and infants and toddlers living in poverty, experiencing homelessness, engaged in foster care or receiving public assistance, through partnerships with school districts.
- CDEC recognizes the unique funding flow that is in place with the Office of Head Start that goes directly to local Head Start agencies. The department will not provide preschool services to significantly more three-year-olds than were served under the Colorado Preschool Program in 2022-23, thus the ability of Head Start agencies to maintain full enrollment as required by the federal Head Start Act should not be undermined.

Q: Can families of three-year-olds with disabilities choose to attend a Head Start program?

A: All families, including three-year-olds, will continue to have the choice to enroll in any program they are eligible for that meets their needs. Families can apply directly to the Head Start program and, if eligible, receive services at the Head Start program.