

Colorado Early Childhood Barriers and Waivers

Prepared for:

*Colorado Department of Education
&
Colorado Department of Human Services*

The Franko Group, Ltd.

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Project Overview

Eleven years ago, during the 1997 legislative session, a new program was created in Colorado to try to help “overcome barriers and inflexible requirements” thought to be posed by various early childhood funding sources at the State level. This current project explores those barriers and requirements that have been addressed through waivers of State laws and regulations under the 1997 legislation. It also looks at the types of waivers that were granted over this time period and what has happened as a result of those. And finally, this project explores the barriers to implementing quality early childhood services in Colorado that still exist today.

For the past ten years, as authorized by the Colorado General Assembly, the Colorado Department of Human Services has been issuing waivers of laws and regulations to local communities that were part of a designated early childhood pilot project. Many of these waivers have ultimately changed State law and policy, while others have been applied more locally or have been used once or twice and then were abandoned. This report is intended to provide a history and analysis of these *early childhood waivers* to detail exactly:

- What waivers were requested by local communities and granted by the State,
- What barriers these waivers addressed or were intended to address, and
- What barriers might still exist to realizing quality early childhood services for all of Colorado’s youngest children.

To obtain the information needed to conduct this analysis, the project investigator conducted background research on all related legislation, interviewed eighteen early childhood stakeholders from both the local and State levels in Colorado, and conducted a survey of the seventeen communities that participated in Colorado’s early childhood waiver process over the past decade.

Specifically, in October 2007, all seventeen original communities that participated in the waiver process were surveyed for this study on:

- perceptions of **barriers** to achieving quality early childhood services for all children, and
- experiences with the **waivers**.

The survey was conducted electronically using an online survey feature (SurveyMonkey). Sixteen out of seventeen Early Childhood Council coordinators participated in the survey. The questions that were posed to them and their responses appear in Appendix A of this report.

In addition to the survey, the principal investigator for this study also conducted interviews with 14 Early Childhood Council coordinators and four lead staff from the Departments of Human Services and Education. These interviews took place between October and December of 2007, both in-person and by phone. The results of these interviews can be found in Appendix B at the end of this report.

Finally, this project includes extensive data analyses that shed light on the use of the waivers, which policy and funding issues they addressed, and the ultimate results of the waivers over time.

This report is broken down into several sections, including:

- Policy Background
- Barriers
- Waivers
- Policy Implications
- Next Steps/Conclusions

We invite you to read this report in detail and to explore the many graphs and tables that highlight important information about achieving quality early childhood services in Colorado.

Policy Background

Authorizing Legislation

In 1997, the Colorado General Assembly passed *SB97-174: Concerning Community Consolidated Child Care Services, and in Connection Therewith, Establishing a Pilot Program with a Special Emphasis on Moving Families from Welfare to Work*. On a pilot basis, this legislation allowed up to twelve local communities to consolidate State and federal early childhood funding sources. The intention behind the law was **to increase the availability of child care services – particularly for families whose parents were transitioning off of the welfare system – by eliminating barriers to providing these services that were caused by inflexible funding requirements.**

As part of this legislation, the General Assembly authorized the Colorado Department of Human Services to issue local *waivers* of any State laws or rules that would keep the twelve local pilot communities from consolidating funding, increasing collaboration of early childhood stakeholders, or providing the kinds of early childhood services outlined in the legislation. These services included such things as full-day programming, enriched services, health screenings, parent education, nutritional food services, special needs services, staff development, family support and volunteer involvement.

No funding was provided under the 1997 legislation, however, it was hoped and intended that the consolidation of funding sources and the elimination of regulatory barriers would allow local programs to utilize existing funding in more productive ways to provide the improved services outlined in the legislation.

Further legislation in 1999, *SB99-226: Concerning Consolidated Child Care Services, and Making an Appropriation in Connection Therewith*, expanded the number of local communities participating in the pilot and also allowed up to \$470,000 in federal child care development funds to be allocated to the pilot program. In addition, the 1999 legislation put a somewhat different focus on the purpose of the pilots. Specifically, it stated the purpose of the program as **“enhancing the ability of the State department of human services to identify the best practices relative to increasing quality, meeting the diverse needs of families seeking such child care, and integrating early childhood care with education programs in order to effect improvements in child care services on a statewide basis.”** This language broadened the purpose of the pilots from one of helping families transition off welfare to effectively improving the quality of child care services available to a broad range of families with young children. It also put an emphasis on using the pilots to help the State identify best practices for increasing quality in early childhood services. The waiver provisions initiated in the 1997 legislation remained in place through the 1999 legislation and act as a mechanism for the State to identify best practices as required by the law.

Most recently, the Colorado General Assembly passed *HB07-1062: Concerning the Creation of a Statewide System of Early Childhood Councils, and Making an Appropriation Therefor*. This most recent law eliminated the child care pilots and replaced them with a broader system of Early Childhood Councils that represent virtually the entire State. In addition, this law further expanded and clarified the purpose of the Councils beyond the more limited welfare transition goal to focus on increasing “the quality, accessibility, capacity, and affordability” of early childhood services in Colorado. This distinction is important, because it takes the emphasis away from welfare reform and places it more directly on

tools to improve early childhood development outcomes. Additionally, new language in the 2007 legislation emphasizes the role of the councils in providing the State with information on best practices to improve quality in early childhood services.

The waiver provisions in the 2007 Early Childhood Council legislation have also changed from the earlier version. In particular, while the original waiver language allowed for local communities to request – and for the State department to approve – waivers of both rule and law, the new language only allows for waivers of rule (not law).

Legislative Precedent

The waiver capability provided for in the Consolidated Child Care Pilot legislation, and subsequently in the Early Childhood Council legislation, is quite unique. It simply does not exist in any other state with regard to early childhood policy. Here and in other states that do allow for waivers under other kinds of policy areas, waiver provisions seem to be most common in health-related legislation, but typically only within very limited areas (e.g., waivers of specific staffing rules). In Colorado, there is only one other example of an education-related state statute allowing for broader waivers of rule or statute, and that is with regard to charter schools.

The fact that the waiver process is relatively unprecedented has several impacts:

- It raises the importance of evaluating the waivers themselves,
- It also necessitates the evaluation of the processes around requesting and obtaining a waiver, and
- It suggests that whatever processes do surround the waivers, they are sure to be new and untested.

Related Programs

There are a handful of programs (with governing legislation and rules) that have been the subject of most of the waiver requests by the local consolidated child care pilots over the years. These are outlined briefly here.

Colorado Preschool and Kindergarten Program

The Colorado Preschool Program (CPP) – later renamed the Colorado Preschool and Kindergarten Program (CPKP) – was the attention of many of the early waiver requests by local pilots. This program is run with State education dollars and was first enacted as part of the Public School Finance Act in 1988. It specifically serves children with family and individual risk factors that could impede their learning readiness. These risk factors include such things as eligibility for free or reduced lunch, a parent who has not completed high school, homelessness, and English as a second language.

Since its inception, CPKP has become an important funding source for many of the early childhood providers in local communities – including school districts that offer Early Childhood Education, Head Start programs, and community preschools that educate children before they enter the K-12 school system.

Early Childhood Special Education

Early childhood special education is mandated by both the federal and state governments for three- and four-year-old children who meet certain eligibility requirements. These include developmental delay or disability and other learning challenges, such as a significant delay in speaking or playing. The program is funded with both federal and state dollars and includes early childhood providers in school districts, the community and Head Start.

Colorado Child Care Assistance Program

The Colorado Child Care Assistance Program provides financial assistance for child care to families that are working, looking for work or that are in training. Funded by a combination of federal, State and county dollars, the program has federal regulations that govern its operation, as well as some State and local rules that impact how it works for families and early childhood providers.

Waivers

The first early childhood waiver was submitted in 1998. Since that time, the Colorado Department of Human Services has received a total of 142 waiver requests. The majority of these were not unique requests. That is, many of the same waiver requests were made by multiple Pilots. Typically, once a useful request was made by one Pilot, others submitted the same request for use in their community. This was particularly true for the Colorado Preschool Program (CPP), Early Childhood Special Education, and the Colorado Child Care Assistance Program (CCCAP).

The sections that follow give a detailed look at the waivers that have been requested over the past ten years. They describe the *types* of waivers requested, approved and denied, track the *volume* of waiver requests over time, and examine the ultimate *results* of the waivers that were approved for implementation.

In addition, the Survey and Interview sections of this report summarize the impressions and opinions of the State and local early childhood professionals who have requested, reviewed, and implemented the early childhood waivers over the years. They give insight into the waiver program itself and the barriers to quality early childhood services that the waivers have been designed to address.

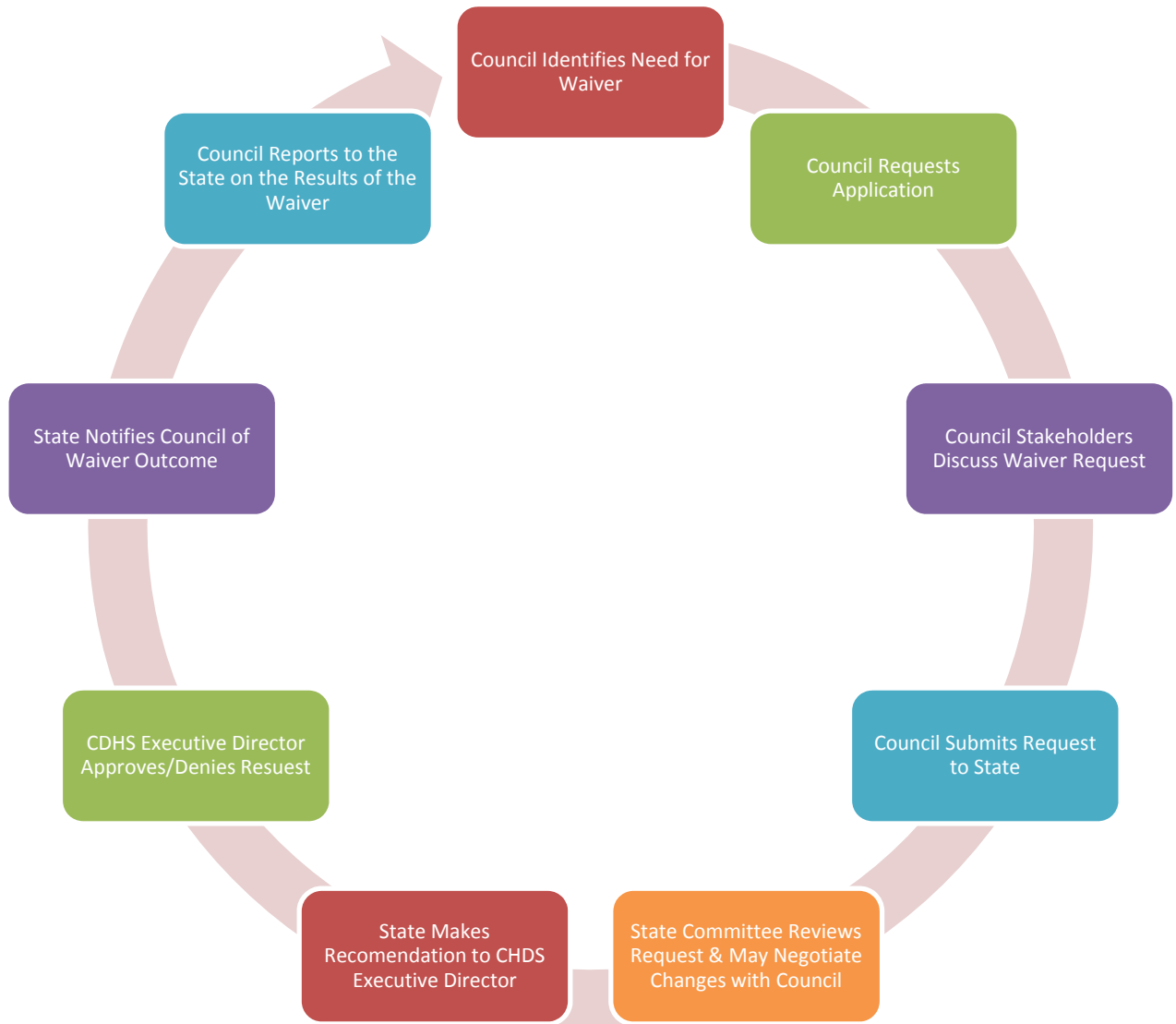
The Waiver Process

Since it began, the waiver process has followed essentially the same format (although it is currently in transition because of changes in the 2007 Early Childhood Councils Legislation):

- Local Pilot communities that want to request a waiver receive an application packet from the State Department of Education that asks a number of questions such as how the waiver came about, what barrier it is intended to address, how many children it will impact and how it will be evaluated for effectiveness (see Appendix C for a copy of the application). A section was added in 2005 that also requests information about the potential fiscal impact of the waiver request. The information requested in the waiver serves dual purposes:
 - It gives local communities a structure within which to discuss and frame a waiver request, which can be an important part of both identifying the barrier the waiver will address and crafting an appropriate solution; and
 - It gives the State the information it needs to determine potential short- and long-term regulatory and policy impacts of the requested waiver.
- As a community, the local Early Childhood Council discusses the questions in the application and drafts the language of the request.
- The request is then submitted to a committee of State department personnel that has typically included the Departments of Education, Human Services, and Public Health. Currently, this committee also includes the Director of Smart Start Colorado and other members of the Lt. Governor's staff as well.
- This State-level committee ultimately makes recommendations on the waivers that it presents to the Executive Director of CDHS for final approval or denial.
- The applying Council is then notified of the decision.

This process is depicted graphically below.

Chart 1 – The Waiver Process



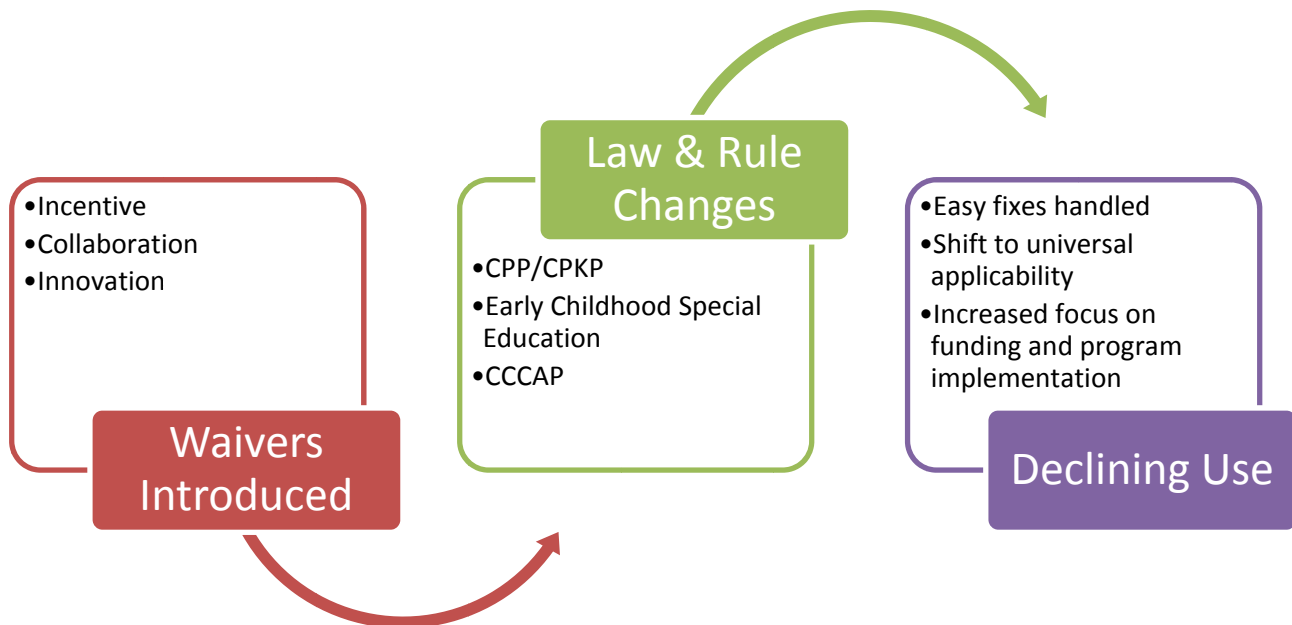
This process typically takes at least three months, although it can take longer if the State needs additional information or clarifications from the community. In these instances, the State may request revisions or data from the local early childhood Pilot or Council before moving the request forward.

It should be noted that, with the passage of HB07-1062 creating an Early Childhood Council system statewide, local councils will now submit their requests to the state department, which will work in collaboration with the newly created Early Childhood Councils Advisory Team to review the request.

Waivers over Time

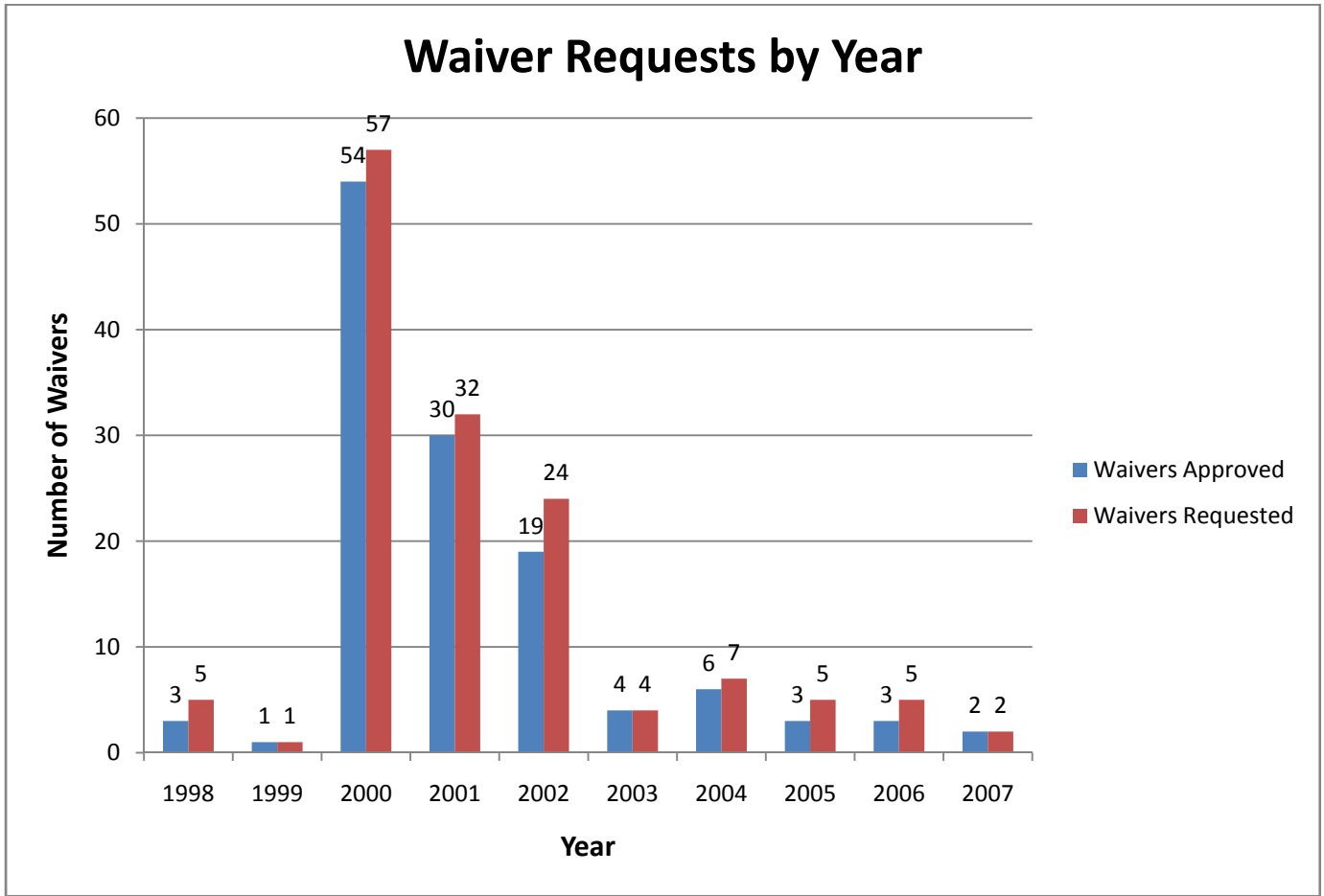
In general, those involved in the waiver requests, at both the State and local level, describe a process over time of initial excitement and innovation leading to tangible results and ultimately culminating in declining use over time. The figure below (Chart 2) illustrates this sequence of the waivers during this period.

Chart 2 – Waivers over Time



Although the legislation authorizing the Consolidated Child Care Pilots and the accompanying waivers was passed during the 1997 legislative session, the first waiver request was not made for another year. It took some time for Pilots to be designated by the State and then more time after that to begin operating. However, as soon as the Pilots were up and running, the waivers were put into use. In 1998, Pilots made five waiver requests, three of which were approved. By 2000 – the peak year for waiver requests – local child care Pilots made 57 waiver requests, of which 54 were approved. Chart 3 (below) shows that waiver requests remained fairly high – although not at 2000 levels – for the next two years, before dropping dramatically beginning in 2003. By 2007, local Pilots (called Early Childhood Councils by this time) only requested two waivers, both of which were approved.

Chart 3



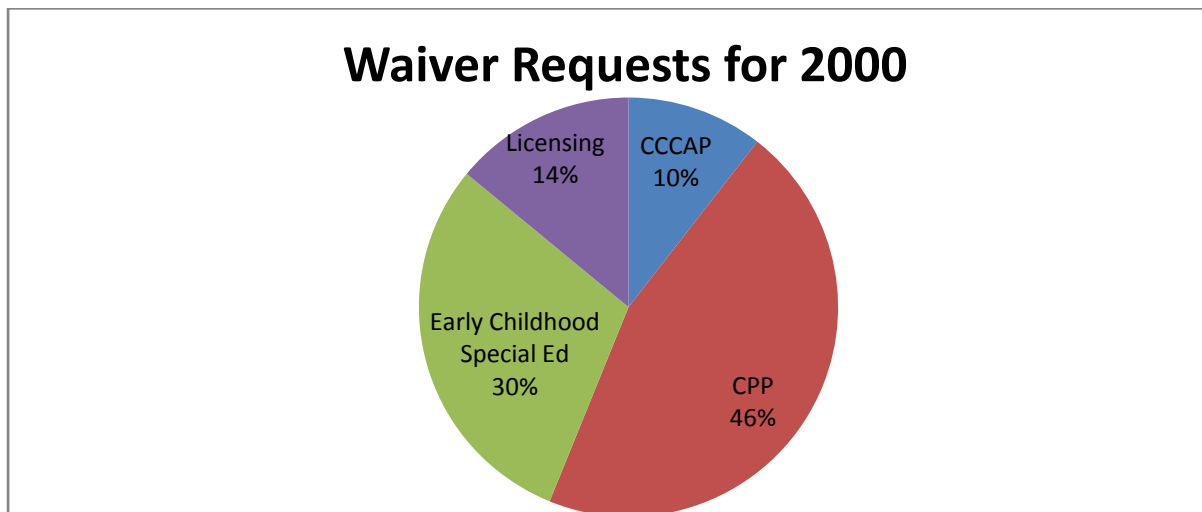
There are a couple of key reasons for both the large number of waivers requested between 2000 and 2002, and then for the sharp decline beginning in 2003. First, according to extensive interviews with Pilot Coordinators/Council Directors and with State early childhood personnel, the waivers were a key tool in bringing stakeholders to the local Early Childhood Council table in the early days of the Pilots. By 1999, there was some money allocated to the Pilots, but it wasn't much. The real draw for many stakeholders to participate in collaboration and discussions of funding consolidation was the benefit of being able to request waivers of rules and laws that were perceived to be a burden. Without this tool, many local Pilots believe they would not have been nearly as successful as they were at building strong local coalitions around early childhood issues and services. The waivers were the carrot that brought a range of interests to the table.

The second factor that played into the large number of waiver requests between 2000 and 2002 was the "low hanging fruit" factor. That is, there were a small number of key rules and laws that were seen as impacting local communities' ability to provide quality early childhood services to families in need. Because the Colorado Preschool Program and the Early Childhood Special Education Program were primary sources of early childhood funding for communities serving at-risk populations, they were early subjects of waiver requests. In particular, three issues in these laws were making it difficult for early childhood care and education providers to serve as many children as possible under the funding:

- A state-mandated October 1st “count date” (the day all students are counted for the year to determine per pupil funding to each district or community) meant that all children had to be identified for CPP or Special Education services – and related funding – very early in the school year. Any children who were identified after this date were either not getting the services they needed OR were getting services, but without the accompanying state funding sources to adequately support it. As a result, many early waivers requested an alternate count date of December 1st for both CPP and Early Childhood Special Education dollars so that local districts could more effectively identify and fund children in need of services under these programs.
- Related to the alternative Early Childhood Special Education count date, was a State requirement that early childhood special education students receive at least 90 hours of service each semester. Many of the same communities that requested a December 1st count date for early childhood special education students also requested a waiver of the 90 hours of service requirement, arguing that they could not provide 90 hours of service between December 1 and the end of the semester for students identified at the later date.
- And finally, many communities wanted to be able to serve children younger than four years old under the Colorado Preschool Program. As a result, there were a large number of waiver requests early on asking for permission to serve three year-olds in addition to the 4 and 5 year-olds already served by the program.

Charts 4, 5, and 6 (below) show the distribution of waiver requests among different program areas for the three peak request years of 2000 through 2002. In 2000, CPP and Early Childhood Special Education waivers made up 76% of all 57 waivers requested.

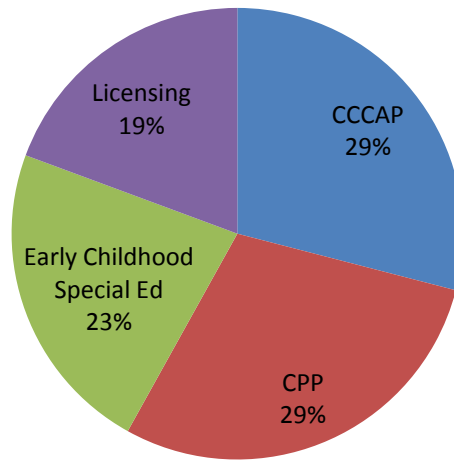
Chart 4



By 2001, many of the Pilot communities had already made their CPP and Early Childhood waiver requests around count dates and ages served and another major funding source, the Colorado Child Care Assistance Program, began to take on more importance in the waivers. In this year, 52% of all waivers were still CPP and Early Childhood Special Education waivers, but nine CCCAP waivers were also requested.

Chart 5

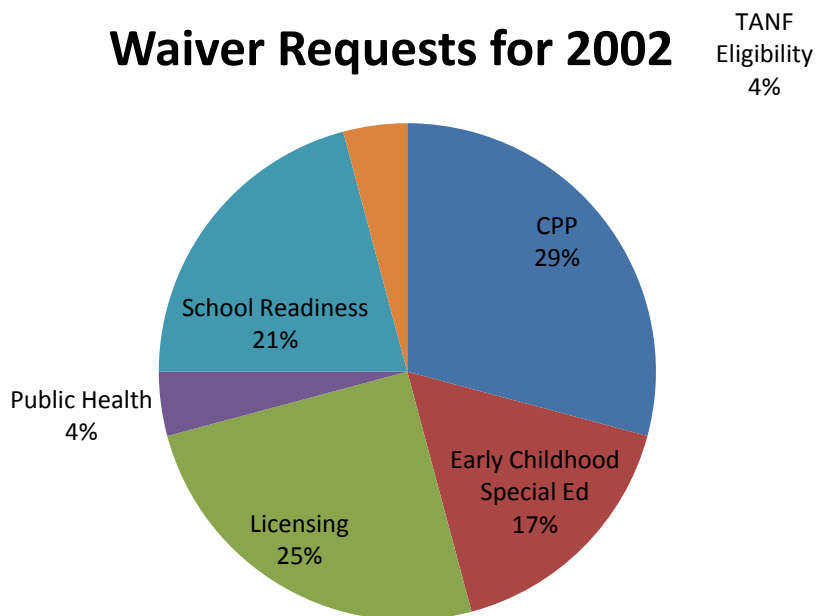
Waiver Requests for 2001



By 2002, CPP and Early Childhood Special Education requests had fallen a little further – again, because more and more of the Pilot communities had already taken advantage of the “low-hanging fruit” waivers discussed above. In addition, in this year a new piece of legislation, with related funding, had passed in the Colorado General Assembly. The School Readiness Program had been passed under HB02-1297 and gave early childhood Pilot communities the opportunity to apply for additional dollars to fund quality improvements in local early child care and education facilities. As a result some of the waiver requests in this year related to this new law and the rules governing it.

Chart 6

Waiver Requests for 2002



In addition to the waivers to major early childhood funding programs, child care licensing waiver requests played a role in the early years of the waivers. The nature of these requests will be further explored in the next section, but they certainly played a role in the decrease in waiver requests that began in 2003.

Unlike the more programmatically focused waiver requests aimed at CPP, CCCAP and the Early Childhood Special Education programs, the child care licensing requests typically focused on specific requirements governing the operation of early child care and education classrooms and facilities. They tended to be much more specific to particular sites and providers and less universal in their intended application. That is, many of the child care licensing waiver requests asked for a waiver that would benefit one provider in one community. The situations they addressed were often not ones that were happening throughout the provider community in other parts of the State or even necessarily in other parts of the Pilot's service delivery area.

While many of these child care licensing waiver requests were granted in the early years of the Early Childhood Councils, they did not have universal application. The State committee that reviewed waiver requests (made up of staff from the Departments of Human Services, Education, and Public Health & Environment) began to decide, over time, that these more specific waivers did not fit into the goals of the authorizing legislation. The goal of the legislation was, at least in part, to test out practices and rule changes to determine whether they should be implemented statewide. Based on interviews with both State department personnel and local Early Childhood Council coordinators, this increased emphasis on the part of the waiver review committee toward waivers with universal application, had a strong impact on the sheer number of waivers that were requested after 2002.

In addition, by 2003, there was significantly more money being directed to the local Early Childhood Councils than had been the case in the initial years. This increased funding changed the focus on the Pilots/Councils toward more programmatic efforts and lessened the importance of the waivers in drawing stakeholders into the collaborative process. As a result of all of these factors, between 2003 and the present, waiver requests have played a much smaller role in the operations of the local Early Childhood Councils than in the early days of the Pilots.

Waivers by Type

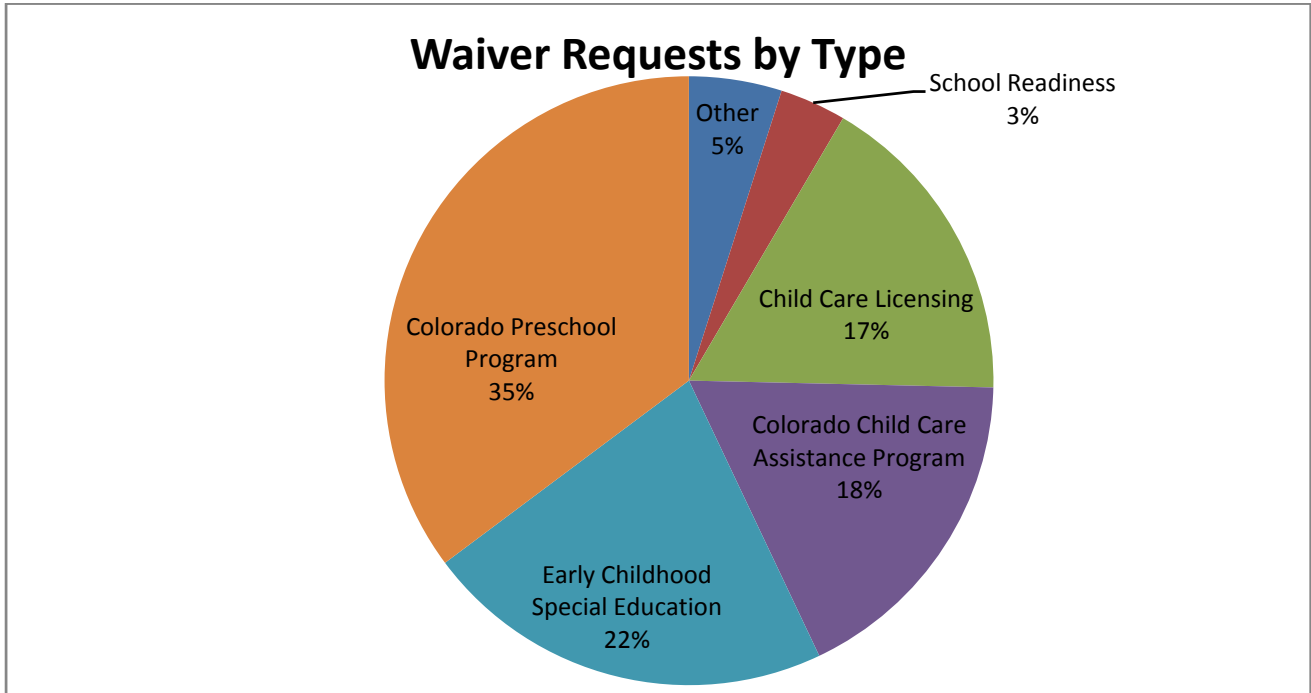
Over the life of the waivers to date, several key programs have featured prominently in requests for waivers. As described earlier, the primary programs or areas that have been the subject of waiver requests have been:

- The Colorado Preschool (and Kindergarten) Program
- Early Childhood Special Education
- Colorado Child Care Assistance Program
- Child care licensing

These four areas represent 92% of all waiver requests since 1998. In actual values, these programs were the subject of 130 out of 142 waiver requests made to the State from local communities. To a much lesser extent, the School Readiness Program and a small handful of other issue areas were the topics of

the remaining 12 waiver requests over the past ten years. Chart 7, below, shows this breakdown in detail.

Chart 7



There is, of course, a story behind each of these pie slices. The overall story is that the waivers have been extremely useful in eliminating some very specific barriers caused by a small number of early childhood laws and related rules. They have expanded the ages of children who can be served by the State preschool program, increased the time during which districts and communities must identify young children for services, and eliminated some of the bureaucratic duplication that made it difficult for families to participate in assistance programs. The remainder of this section looks specifically at the pieces of the waiver pie and examines the waivers in light of the barriers they were intended to address.

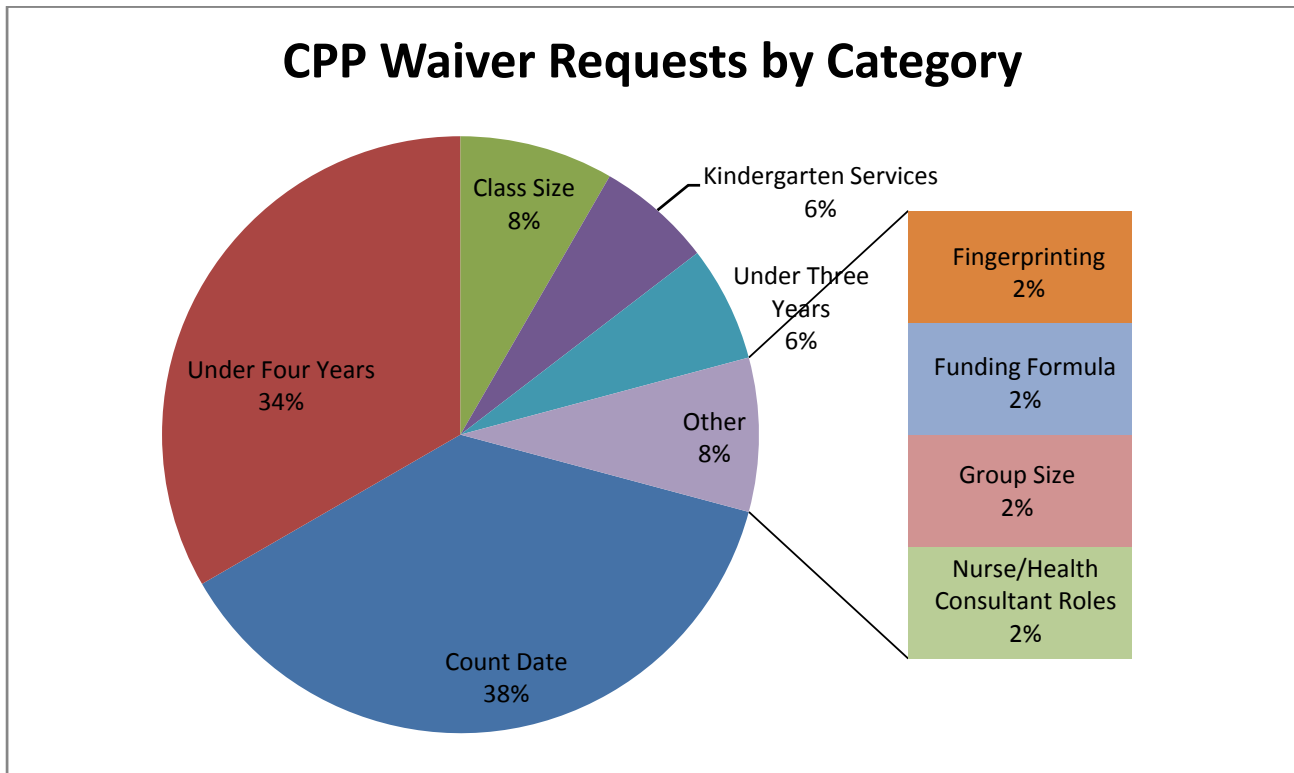
Colorado Preschool Program

While most of the CPP waiver requests (78%) had to do with either allowing a December 1st count date or expanding the ages of the children that could be served by the program, a few had other purposes, as highlighted below in Chart 8. Four CPP waivers requests were seeking larger kindergarten class sizes using CPP funding, while three of the requests asked to use CPP funding to allow a specified number of children to attend a full day of kindergarten (rather than just a half-day). All of these kindergarten-focused waivers were approved. The larger class size is now part of CPP law, with a change that was made to the program during the 2007 legislative session.

The CPP count date waivers and the waivers requesting that children under four be served by CPP dollars have also led to changes in the law (see SB05-032 for changes to the former and HB02-1349 for changes to the latter). It should be noted, however, that the alternative count date in this legislation

was set not as December 1st, but as November 1st (the federal count date for Early Childhood Special Education funds is still December 1st).

Chart 8



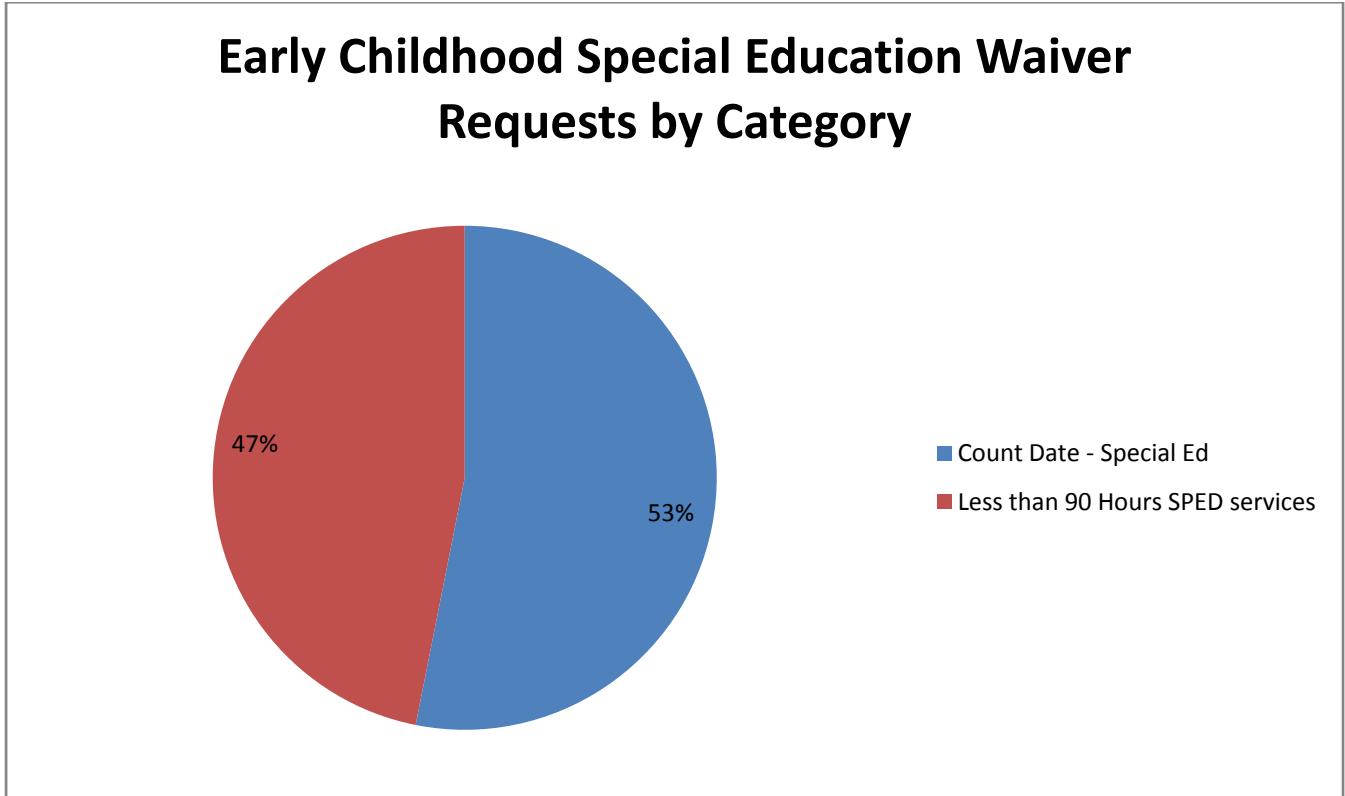
The primary reason the legislature changed the count date for State early childhood programs to November 1 rather than December, according to Lori Goodwin-Bowers, Senior Consultant for CPP at the Colorado Department of Education, is that the later date put too much pressure on other parts of the data and information system who relied on the count data to do their work. For instance the Joint Budget Committee, the Governor and the Legislature were all dependent on those figures to begin setting budgets for the upcoming fiscal year – something that they typically begin well before the legislative session starts in January. In addition, many local communities – particularly the larger ones – have indicated that they did not, in fact, even end up using the later count date allowed by the waivers, since the December date did not give them enough time to meet state a reporting deadline of December 5th. Additionally, because the K-12 count date across the State remained at October 1st for all school districts, the extended count process allowed by the early education waivers created an extra data collection process that many districts saw as more of an administrative and logistical burden than a benefit.

Early Childhood Special Education

The second largest category of early childhood waivers is those related to Early Childhood Special Education. Two kinds of waiver requests make up this category:

- Count date requests to extend the count date for early childhood special education identification to December 1st; and
- Requests to serve those children identified on the alternative December 1st count date with less than the required 90 hours of service for the semester.

Chart 9



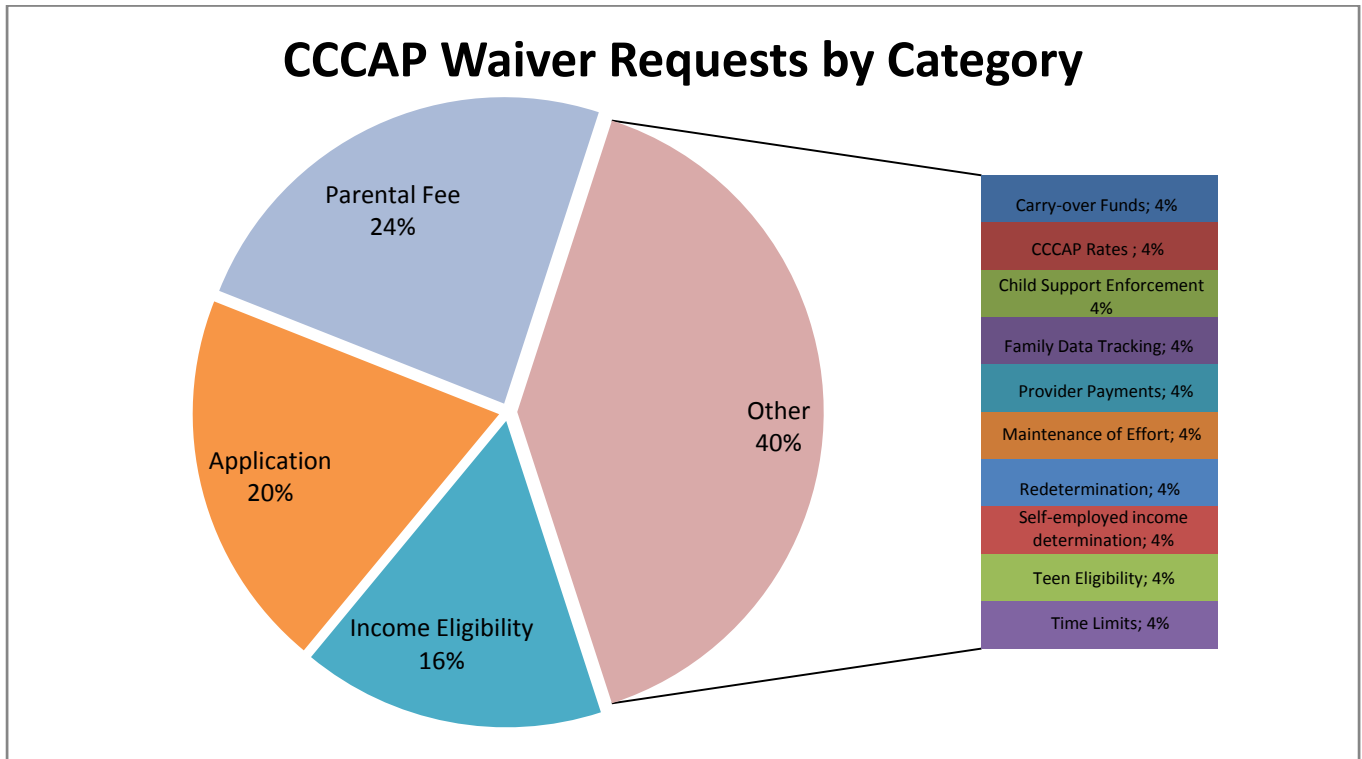
These two types of Early Childhood Special Education waivers are fairly evenly split, in large part because the requests to provide less than 90 hours of service were directly tied into having the later count date. The Early Childhood Special Education Waivers seem to have had both benefits and problems. Many local communities and school districts liked the option of the later count date, because some special education needs are not identified as early as the first six weeks of school. At the same time, however, the later date encouraged some school districts in the State to delay the start of early childhood special education programs or limit summer Child Find screenings that would have identified special education needs earlier. As a result, some children were not always getting the same level of services that they had under an earlier count date and strict enforcement of the 90 hour service minimum in the first semester of school.

Like the CPP count date, the Early Childhood Special Education count date and hours of service issues were ultimately addressed by the General Assembly in SB05-032. This bill, again, set the count date for all State early childhood programs at November 1st. In addition, this bill restricts any further waivers around the count date issue, effectively nullifying all the related waivers related to the minimum 90 hours of special education services per semester.

Colorado Child Care Assistance Program

The CCCAP waiver requests do not fall as heavily into categories as do the CPP and Early Childhood Special Education waivers. However, several of the same requests were made by multiple communities, suggesting that these have a high degree of universal relevance. These include waiver requests around parental fees, CCCAP application requirements, and income eligibility for the program.

Chart 10



The barrier that the CCCAP parental fee waivers were seeking to overcome is typically referred to as the “cliff effect.” The Child Care Assistance Program is set up to help low-income families afford child care while they are working. Parents receiving assistance from this program must pay a parental fee that is determined by their income, but which is typically very small. However, over a certain income, families cease to qualify for CCCAP any longer and are often quite unprepared for the large jump in the amount that they must now pay out-of-pocket for child care. The parental fee waivers typically smoothed this transition by raising the parental fee more than otherwise required as income increased so that the impact of the child care expense would be a gradual one. That is – parents do not “fall off a cliff” in their budget when their CCCAP assistance ends.

The income eligibility waivers sought to address a similar problem. Local communities saw that they would be able to serve more low-income families and their children if the income eligibility rates were increased. These waivers typically raised the top income a family could have and still qualify for CCCAP assistance. Both the income eligibility and the parental fee issues that these two types of waivers addressed have now been permanently changed in the State rules and regulations governing CCCAP as of August 2006.

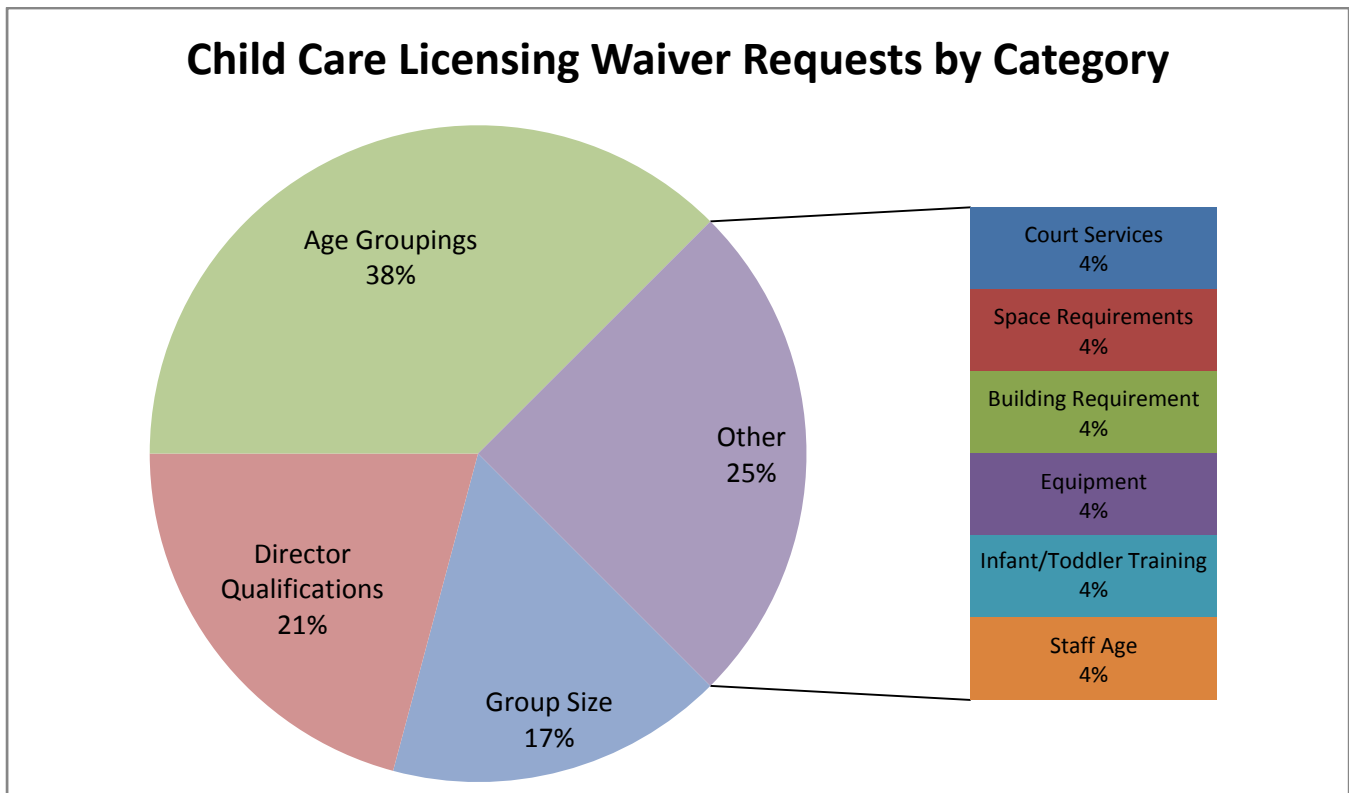
The application issue related to CCCAP is somewhat different in nature than the other two income-related issues. In this instance, the waivers came about because many counties noticed that clients were having to fill out multiple applications for the different types of services they were receiving, even when some were quite similar (e.g., families who were accessing Temporary Assistance to Needy Families in addition to CCCAP were filling out both sets of forms). This was perceived to be an administrative burden for county administrators and families alike. The resulting waivers allowed Low Income Child Care families who were funded directly through TANF funds to minimize the number of forms required for completion. Since these waivers were granted in 2002, the rules governing CCCAP were changed in 2006 to make this reduction in duplicate applications permanent and universal across the State.

Child Care Licensing

Child care licensing issues have also been a topic of many waivers over the past decade, particularly in the early years of the waivers. Child care licensing issues have varied, but there are several common threads worth noting (see Chart 11). Most of the child care licensing waiver requests revolved around three issues:

- The ability to place children in broader age groupings than is typically allowed by child care licensing standards;
- Qualification requirements for early childhood center directors; and
- The size of the groups of children cared for in early childhood settings.

Chart 11



The age grouping and director qualification waivers were all examples of situation-specific waivers that were requested – and typically granted – in the early years of the Consolidated Child Care Pilots. Many of the age grouping requests were trying to allow specific centers to more smoothly manage the transition of children from one age group to another (e.g., infant to toddler; toddler to preschool). Similarly, most of the director qualification requests were intended to allow a specific center to hire a person as director who still needed time to work on certain early childhood qualifications. These particular waivers were attempting to overcome a common barrier for many centers (particularly in rural areas) – lack of qualified people available and willing to fill these challenging, but often low-paying positions.

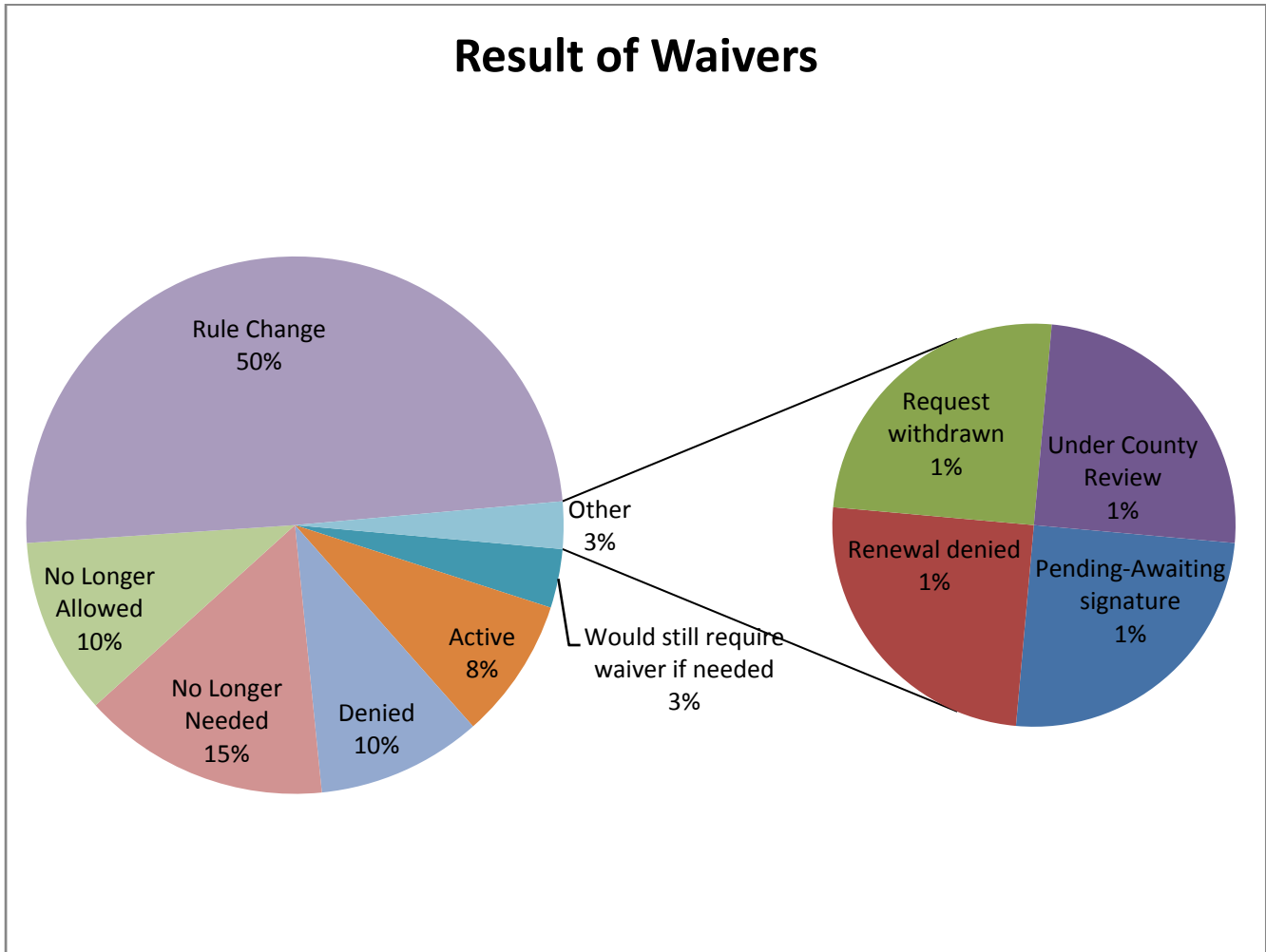
While also typically site-specific waivers, the group size waiver requests were almost universally denied. Only one was ever granted over the life of the waivers to date, and its subsequent renewal request was ultimately denied. According to interviews conducted as part of this study, it seems that the group size waiver requests went beyond best practices in early childhood services and so were denied on the grounds that they would negatively impact the quality of care given to children.

After the first several years of the waivers, State personnel on the waiver review committee discouraged local Early Childhood Councils from submitting waivers related to child care licensing issues. Instead, they directed the local communities to take proposed child care licensing waivers before the State child care licensing board for consideration. Since 2002, only one child care licensing waiver request has been made to the early childhood waiver committee. Beginning in 2003, the waiver review committee began to actively discourage site-specific waiver requests. Instead, they encouraged local Early Childhood Councils to submit – and thereby test out – waivers that could be universally applied and ultimately lead to statewide changes in State policy.

Waiver Results

Over the past ten years, the majority of waiver requests that were submitted to the State were ultimately approved. And many of those that were approved went on to affect changes in State laws or regulations. In this sense, the waiver ability allowed by the Consolidated Child Care Pilot legislation was very successful. That is, waivers of local barriers were tested at the local level for a period of time, and those that made improvements to the provision of early childhood services have resulted in permanent changes to law and policy. Chart 12 highlights, specifically, the extent to which the waivers became law as a result of their piloting at the local level. Fifty percent of submitted waiver requests ultimately resulted in a change in law or rule. Many of the others are either no longer needed, were denied upon request and review, or – as in the case with all the Early Childhood Education waivers permitting affected districts to provide fewer than 90 hours of service in a semester – are no longer allowed by law.

Chart 12



As noted in the earlier sections detailing the types of waivers that were requested over the past decade, the primary law and rule changes were:

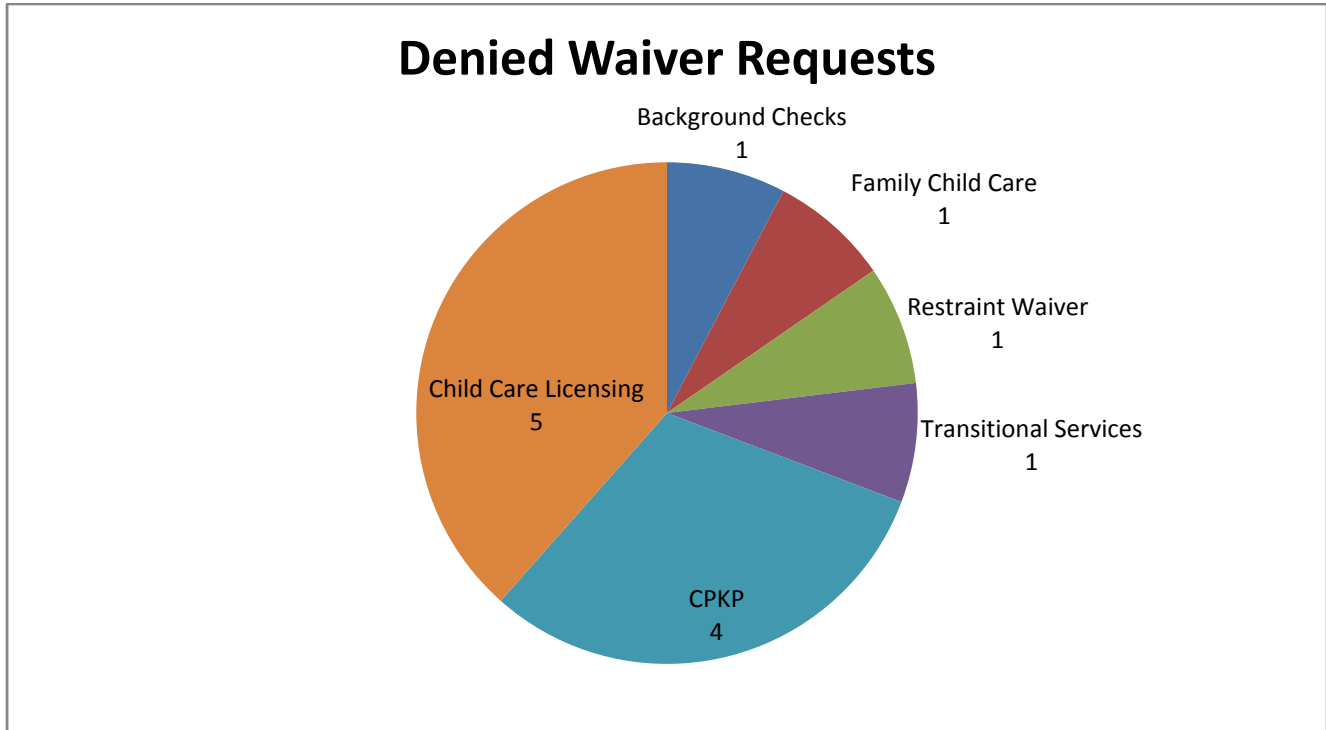
- CPKP – Law changed to serve children under age four
- CPKP & Early Childhood Special Education – Law changed to set an alternative count date at November 1
- CCCAP – Rules changed to streamline applications for Low-Income Child Care families
- CCCAP – Rules changed to adjust parental fee schedule to minimize “cliff effect”
- CCCAP – Rules changed to expand income eligibility

Denied Waivers

Of the waiver requests that were submitted, only 10% (or 13 requests) were denied outright. Chart 13 breaks down the waivers that were denied over the past ten years. The most common waiver denial, falling under child care licensing and in one case under CPP, was around increasing group size. The State held firm over the years on limiting class or group sizes for early childhood education settings. Nevertheless, since this time, there was actually a change in allowable group sizes under CPKP

legislation (School Finance Act SB07-199) passed in 2007. Under this latest legislation, allowable CPKP preschool class sizes were increased from 15 to 16 and allowable full day kindergarten class sizes were set at twenty. These changes were made by the legislature to better align CPKP class sizes with those allowed under federal Head Start guidelines.

Chart 13



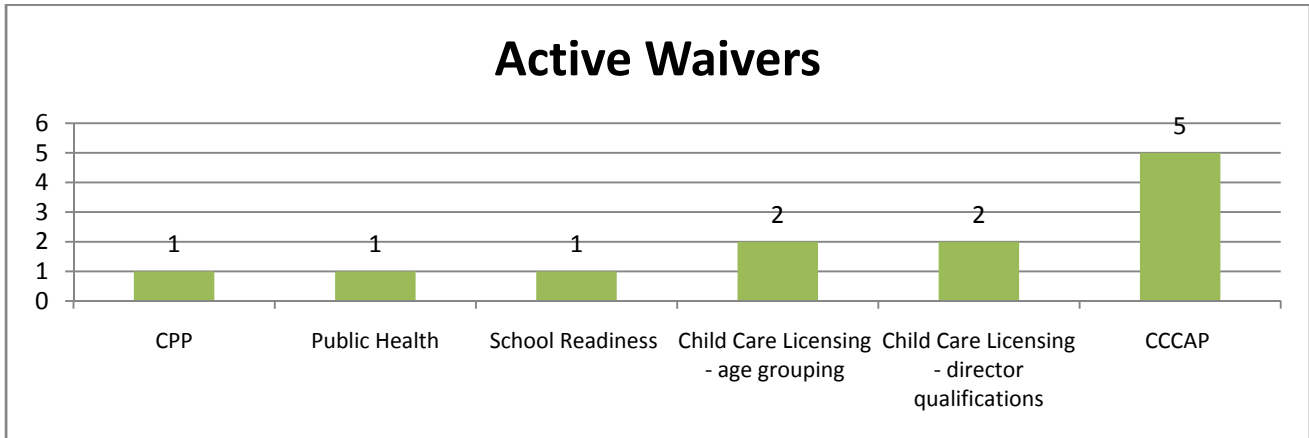
Some of the other denials grouped under child care licensing and CPP include requests around nurse consultant roles, CPP funding formulas, director qualifications and space requirements.

Active Waivers

Currently, there are twelve waivers that are still active. The largest number of these falls under CCCAP and suggest some possibilities for future rule changes that may be worth pursuing. These options are discussed in more detail under the Policy Implications section of this report. It is worth noting here, however, that of the active CCCAP waivers, three address the parental fee schedule. This may suggest that there are continuing barriers for families to access quality early child care and education services due to some aspect of the parental fee schedule that may not yet be working optimally.

Other CCCAP waivers that are still active include one that extends the period families can access CCCAP before having to resubmit forms to determine eligibility, and another that allows child care providers to be pre-paid CCCAP payments at the beginning of each month. Chart 14, below, shows the active waivers that still exist in the system to date.

Chart 14



Waivers in Summary

Virtually all of the Early Childhood Councils surveyed (94%) reported having used the waiver process at some point in the past ten years. And, out of those who had requested a waiver of State law or rules in the past, eighty-one percent said that their waiver requests had arisen because of a need to address a universal problem that affected most or all providers in their community.

When asked what part of the waiver process they found most useful to the local communities, nearly 67% said that the discussion leading up to the waiver was the most important part of the process, as compared to 20% who said that actually implementing the waiver was the most important. This is particularly interesting because it points, again, to the importance of collaboration and communication among stakeholders at the local level in improving early childhood services. The interviews support many of these conclusions from the survey. Of particular note, Early Childhood Council coordinators overwhelmingly believe that the waivers were one of the main reasons various stakeholders – some of whom were initially quite reluctant – came to the table to collaborate with others in the early days of the Pilots. In addition, most agreed that the discussions that took place in preparation to submit a waiver were important to the collaborative and community communication process.

At the same time, many local coordinators also report that the waiver process is slow and unpredictable. Because the State review team may ask for additional information on the request or may require some revisions to the request, the process can move back several steps before it can go forward again. In some instances, this can increase the time for the complete waiver process from an anticipated three months to twice this long. In one case, a local Council reported that their waiver request had been under review for 18 months.

The piece of the process that seems to have been the least effective, for all parties interviewed and surveyed, is the follow-up reporting component. Local communities have not regularly reported on the results of their waivers (e.g., number of children impacted, effectiveness of the waiver, extent of quality improvements) and, at the same time, the State has not instituted a reporting process that regularly asks for this information. In addition, a majority of Council coordinators reported in the survey – and in the interviews as well – that they wanted to see both more extensive training on the waivers available

to coordinators and more consistent and transparent communication about the waivers. This latter focus included both a desire to have communications about waivers that are requested by other communities and under review by the State, as well as a desire to have a better reporting system for follow-up on waivers that have been granted.

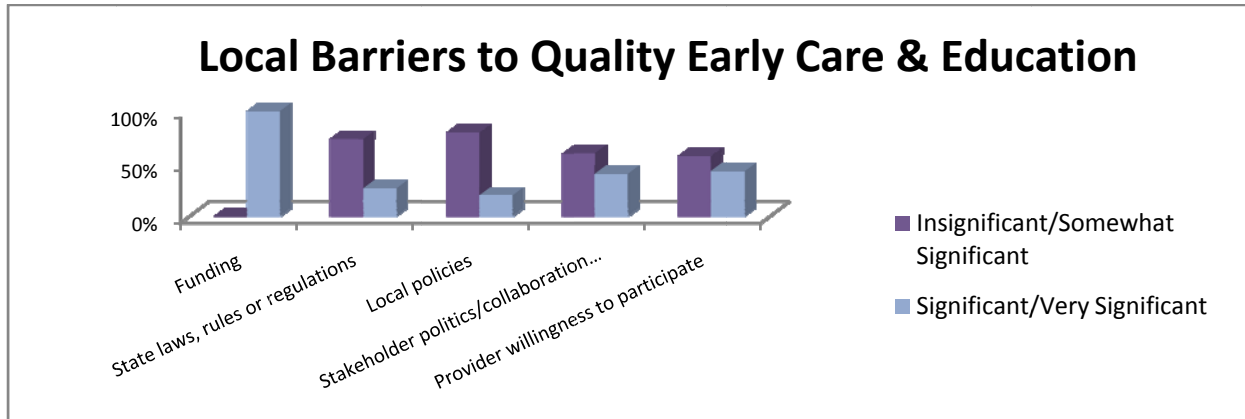
While the majority of waiver requests over the past decade have been approved, a small number were denied. When council coordinators who have had a waiver request denied in the past were asked whether they subsequently found other ways to overcome the barriers the waiver would have addressed, fully 91%, or all but one Council, said no. In other words, when a waiver was denied, the local Early Childhood Council perceived the barrier behind the request to be an ongoing problem.

Barriers

Barriers Overview

As part of the survey on waivers and barriers to early childhood services, Early Childhood Council coordinators had an opportunity to rate the significance of various possible barriers to improving the quality of early childhood care and education in their community. Based on the results of the survey (Chart 15), coordinators universally (100%) felt that limited funding is a significant or very significant barrier to improving early childhood services. In fact, based on the survey results, funding is really the overarching barrier to quality – one that overshadows any of the others we asked about.

Chart 15



Other factors that approximately 40% of coordinators also considered significant or very significant barriers were:

- providers' willingness to participate in quality improvement programs, and
- stakeholder politics or collaboration.

However, it should be noted that even these two barriers did not come close to the funding barrier in the perception of the local council coordinators working to improved quality early childhood education in their communities.

Interestingly, the two factors that coordinators ranked lowest in significance as a barrier to quality early childhood services were:

- local policies, and
- State laws, rules and regulations.

Eighty percent of all coordinators said that local policies are not a significant barrier and 73% said that State laws and regulations are not a significant barrier. Remember that the original (though since expanded) purpose for the 1997 creation of consolidated early child care pilots was to increase the availability of child care services *by eliminating barriers to providing these services that were caused by inflexible funding requirements*. And, in fact, several funding requirements have been changed as a result of the pilot waivers, as outlined in detail earlier in this report. Clearly, however, the elimination of these legal and regulatory funding issues has not been enough to fully realize quality early child care and education services across the State.

The interviews with both the coordinators and State staff help to reveal the range of barriers that do currently impede local councils from more broadly improving the quality of early childhood services in Colorado. These barriers were mentioned by most of the local coordinators and the State staff who were interviewed for this study and suggest that widespread improvement of early childhood services and opportunities need to address these issues.

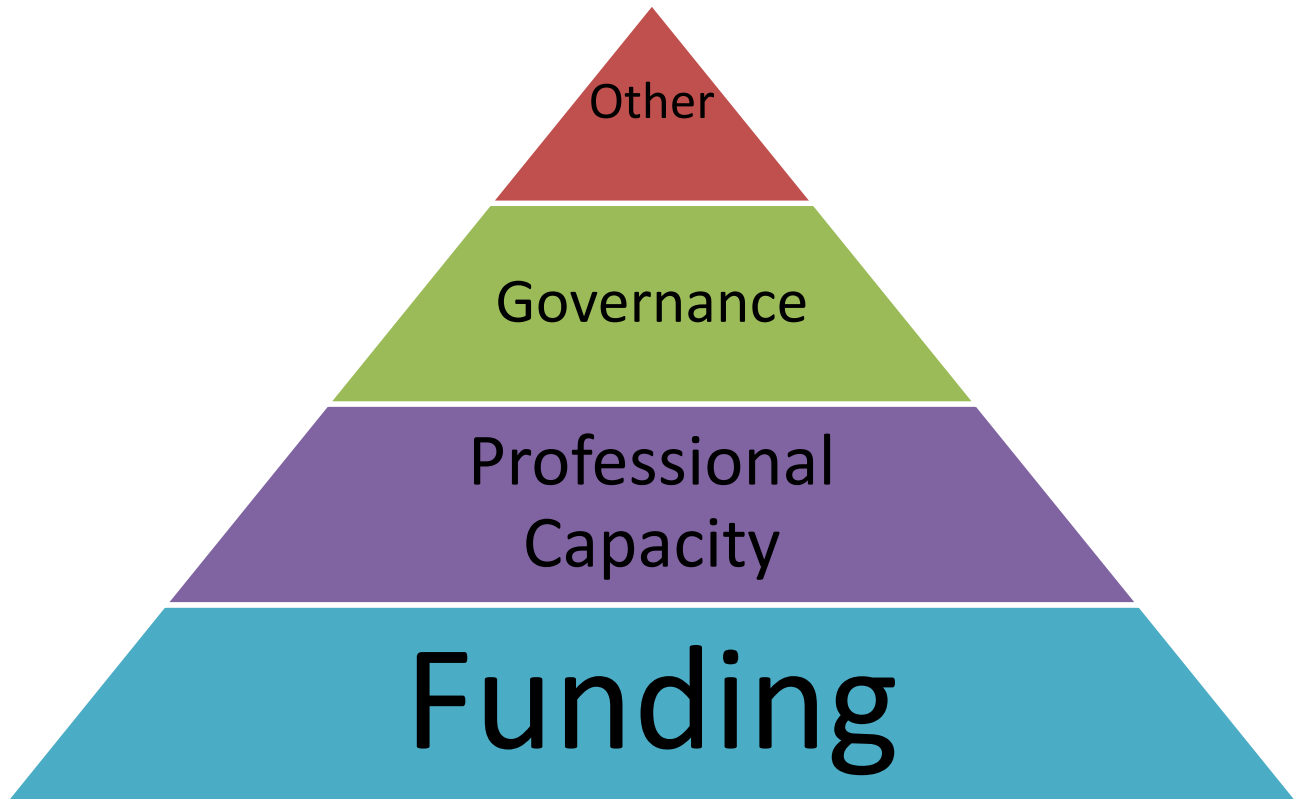
- **Funding** – The amount of money available for early childhood services in Colorado is inadequate. According to local coordinators and State personnel alike, more money is needed for quality improvement activities, training of qualified early childhood professionals, and improving the pay and benefits of early childhood workers. In addition, there are issues around how programs are funded that continue to cause problems in the system. Among other things, early childhood activities – particularly quality improvement activities – do not have a sustainable funding source. As a result, programs stop and start and there is little continuity in quality improvement efforts. Additionally, the State programs that do fund early childhood services do not reimburse providers at market rates for those services, meaning that programs participating in State-funded assistance programs are doing so at a loss right from the start. And, in fact, even market rates are lower than what it takes to deliver quality early childhood services.
- **Capacity** – At both the direct provider level and the early childhood systems level, there are not enough qualified, highly trained people to do the jobs that need to be done. Several interviewees noted that this capacity issue is particularly elevated in rural areas. Because of a smaller population base from which to draw, rural areas struggle with the lack of availability of qualified staff. At a provider level, there are very few people qualified to hold director positions. And, because of their location, many of these communities have a hard time helping interested people enter the early childhood care and education field because of a lack of convenient training sources (e.g., community colleges). Many rural and State interviewees allowed that, even if more funding were available for quality improvements in some of these more remote areas, they would have a hard time utilizing it because they are ill-staffed at the provider *and* the systems levels.
- **Governance Structure/Politics** –According to interviewees, a fragmented governance system around early childhood issues in Colorado has led to inconsistent and sometimes confusing communication between various agencies and entities throughout the early childhood community. There are at least four primary State agencies with some kind of early childhood responsibilities, including the Departments of Human Services, Education, Public Health and Environment, and Health Care Policy and Financing. In addition, there are numerous committees and task forces addressing early childhood issues. At the local level, there are hundreds more organizations and services that talk with each of these State agencies and with each other. However, there is not one clear source of information on early childhood issues, programs and regulations that can give consistent direction to the many people within the field. This awkward communication system breeds misinformation and misunderstandings, and eventually fosters local fears that another provider, organization or agency is getting something that is not available to everyone.

Mistrust and “turf” issues are the result. According to one local coordinator, “Individual agencies are doing what is good for them, not what is good for the whole system.” Another said, “It’s not about the kids, it’s about the turf.” There is a sense among local early childhood coordinators that the limited funding availability for early childhood efforts as a whole already creates competition within and between communities that hampers the collaboration that was a primary goal of the original Consolidated Child Care Pilots legislation and the more recent Early Childhood Council legislation. Financially strapped programs and organizations are competing for dollars and operational advantages just to sustain themselves. The inconsistent communication within the system then further exacerbates feelings of competition and mistrust.

- **Other** – Other barriers that were mentioned frequently by State and local early childhood interviewees included insufficient amounts of technical assistance for local communities to understand their role in the system, inconsistent messaging about quality and the importance of an early childhood education, and inconsistent program aims. In this last instance, coordinators and State staff specifically discussed the fact that some public early childhood programs focus on improving the quality of services, while others are more focused on parental self-sufficiency – and these goals don’t always require the same solutions.

The barriers that local and State early childhood experts have identified are illustrated graphically by the following pyramid, which shows the most weighty or significant barriers at the base of the pyramid.

Chart 16 – Barriers Pyramid



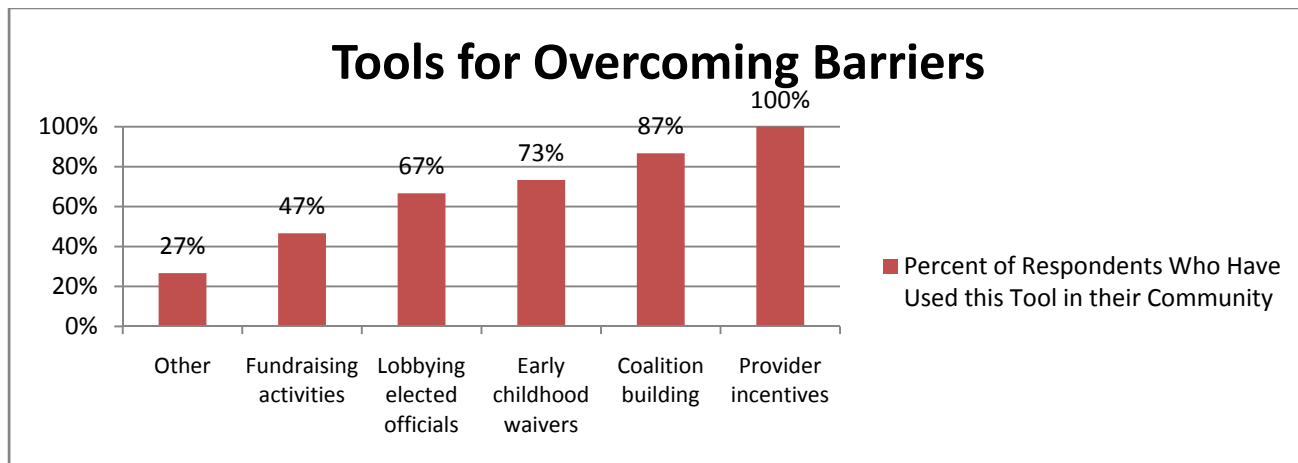
Tools to Overcome Barriers

While some large barriers do exist in the system, there are some existing tools that both the local Early Childhood Council coordinators and the State agencies have found to be useful in addressing them. Based on results of the online survey of coordinators, the most frequently used tools for overcoming barriers to quality improvement have been:

- provider incentives,
- coalition building,
- the early childhood waivers, and
- lobbying elected officials.

The chart below (Chart 17) shows this breakdown in more detail.

Chart 17



In the survey results, several Early Childhood Council coordinators listed additional tools under the “other” category. These included the Denver voter-approved sales tax to fund preschool tuition assistance for four-year olds, conducting economic impact studies and fiscal mapping, targeted stakeholder recruitment, local collaboration-building, scholarships and other professional development opportunities, and some sense of consistent funding provided by programs like CPKP and the Early Childhood Special Education program.

Interviews with coordinators and State personnel backed up some of these results and added more clarity to others. Four main types of tools emerged from these interviews as effective approaches to overcoming barriers to improving quality early childhood services:

- **Training Availability** – Because the quality of individual early childhood care and education programs at the local level is highly dependent upon the quality of Directors and teachers leading those programs, most interviewees identified the availability of training for direct service providers as a key tool to overcoming barriers to quality early childhood services. In particular, the State and local people who participated in the interviews for this study named scholarship grants, the availability of early childhood degree programs, credentialing

opportunities and State requirements for early childhood staff education as important approaches to improving the quality of early childhood providers. One interviewee noted that the “people investment is much more important than the equipment investment at the provider level.” That is, the training investments made to improve the education and professional credentials of direct providers has a more lasting and far-reaching impact than one-time improvements to early childhood providers’ capital equipment. In conjunction with this, many interviewees also noted that pay incentives that accompany the completion of training and credentialing are also a key component in improving early childhood services.

- **Technical Assistance** – Many coordinators at the local level who lead Early Childhood Councils do not come from public policy or public administration backgrounds. Instead, many have work experience as direct service providers in early childhood or child welfare services. As a result, they come to a very complex, difficult job needing technical assistance with systems-building. Interviewees have found that coaching and mentoring from experienced coordinators and State staff, leadership development and organizational management training, and the use of outside facilitators have been some of the most useful tools available to them. The training available from North Carolina’s Smart Start was particularly useful for the early Pilot coordinators, who took away tested approaches from those annual conferences to apply to their own work and who saw an objective voice in advice from a neutral party.
- **Collaboration** – The survey and interviews alike both point to the importance of collaborative efforts and coalitions to improving the quality and availability of early childhood services. Specifically, all respondents and interviewees believe that coordinated group decision-making helps move difficult decisions forward (although sometimes more slowly than many would like). At the local level, there was a feeling that the Councils have been a fairly effective mechanism to achieve this aim, particularly for those communities that have had some success in bringing an intentional group of stakeholders and decision-makers to the table and educating them extensively about the issues facing the early childhood community.
- **Blended Funding** – Another tool and a key aim of the original Consolidated Child Care Pilot legislation has been the ability to blend funding to achieve quality, access, and systems goals. In particular, interviewees noted that the ability to blend funding sources to either serve more children in their community or to provide more continuity of care for the children being served was beneficial to the young children of Colorado. Recent changes to blend funding at the State level and then offer a single application process to local Councils were also recognized as an important tool in overcoming barriers to improve early childhood services. In particular, some Early Childhood Councils felt they had been freed up to add additional systems staff so that the councils could have dedicated people working on both community collaboration and programmatic/quality improvement efforts. One coordinator noted that all the systems-building work cannot realistically be done by volunteers, who are busy in other domains and jobs. The blended funding at the State level has given some Councils enough flexibility with their funding to improve systems staffing to address this gap.

Addressing the Barriers

As part of the survey, respondents were asked to identify those barriers that the waivers, in particular, most effectively helped them overcome. Their responses suggest that many of the waivers fixed barriers to using available funding in the most flexible way to serve the greatest number of children. A number of respondents referred to the count date and expanded age eligibility waivers under CPP as effective tools for serving more children with the available dollars. Similarly, they pointed to the parental fee waivers under CCCAP as an effective tool for helping more parents (and therefore more children) access existing funding sources. In other words, while the waivers did not bring additional money into the early childhood system, they did seem to impact the primary barrier identified by most Early Childhood Councils (funding) by improving program and family access to already existing early childhood dollars. In this sense, the waivers did, in fact, fulfill the purpose of the original consolidated child care pilot legislation by eliminating barriers to early childhood services that were caused by specific laws and regulations.

What Waivers Don't Fix

If the waivers have been a useful tool to increase *access* to funding, they have not been effective at increasing the *amount* of funding available in the system. According to the survey results, there are two primary areas where waivers do not seem to be effective or appropriate tools to overcome barriers to improving early childhood services:

Increasing the *amount* of money available

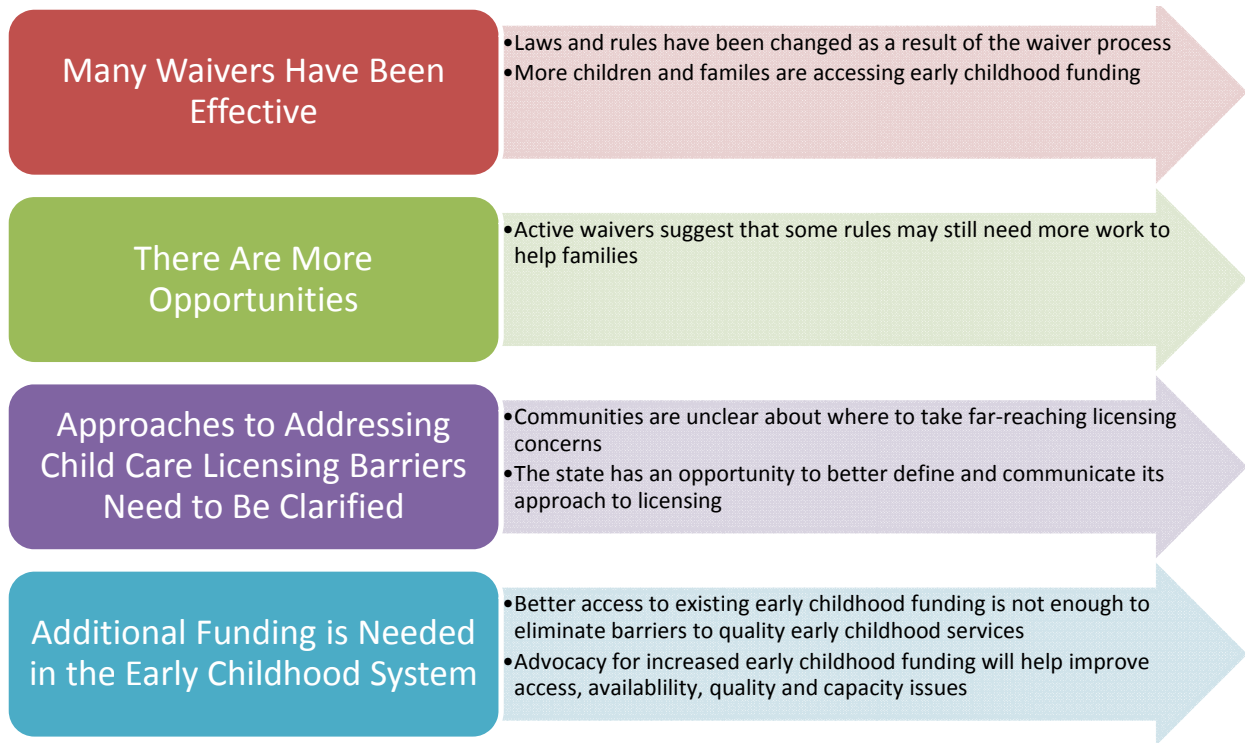
Addressing site-specific issues

The fact that funding remains the top barrier that local Early Childhood Councils are facing supports the case that the waivers have not been able to increase the sheer amount of money available for early childhood in Colorado. And, in fact, the authorizing legislation never promised that the waivers would achieve this purpose. What has been more unclear over the years is the role that the waivers were expected to play in reducing barriers perceived to be caused by child care licensing regulations. As we've noted throughout this report, there have been a fair number of child care licensing waiver requests over the years, some of which have been approved (particularly early on) and many of which have increasingly been denied. Some local Councils would argue that these child care licensing issues are exactly the kind of barriers the waivers should address, while other Councils – and certainly State staff – believe that there is already a forum for addressing child care licensing issues in front of the CDHS child care licensing board.

Policy Implications and Next Steps

Policy Implications

The results of the data analysis completed here, as well as the information gleaned from the survey and interviews, suggest several primary policy conclusions and implications:



The waivers addressing count dates for CPP and Early Childhood Special Education, age eligibility limits for CPP, and parental fees, income eligibility and application processes under CCCAP have all resulted in changes to State laws or regulations. These changes have ultimately improved the ability of communities to serve more young children and families with early childhood services in Colorado. These waivers, by all measures, have realized the goal of authorizing legislation to remove regulatory and legal barriers to providing early childhood services.

At the same time, the State has opportunities available to realize more improvements in this area within the Colorado Child Care Assistance Program and to make some clarifications around child care licensing that can further improve the access Colorado families have to quality early childhood care and education. Specifically, active waivers around the parental fee schedule suggest that further improvements to this scale can be realized. And recent applications regarding the timeline for redetermination under CCCAP also point to this as an area for possible improvement. Similarly, since the waivers have become increasingly geared toward addressing universally significant issues in the early childhood community, more clarification and communication about the place for child care licensing appeals and concerns within the system needs to happen.


And finally, because the availability of funding continues to be an overarching issue that affects every community's ability to consistently implement quality early childhood services, there are many

opportunities to increase awareness about the importance of early childhood education and advocate for increased funding to support it.

Next Steps/Conclusions

In addition to the policy implications that this study has revealed, there are a number of other steps that can be taken to improve the waiver process and overcome more barriers to realizing quality early childhood services throughout Colorado. Overall, local Early Childhood Council coordinators and the State personnel who support them want to see the waivers remain as a tool for improving early childhood services. Simultaneously, they recognize that more rigorous processes of accountability and better communication across communities would greatly improve the usefulness of the waivers and the information they provide.


This study suggests several conclusions and next steps for the early childhood waivers:



Other Domains

- There is a future potential to use waivers in the early childhood health, mental health and family services domains.

Early in the first days of consolidated child care pilots, the waivers were a significant tool in bringing otherwise reluctant stakeholders to the collaborative table. There is an opportunity again to use the waivers as a carrot to entice early childhood health, mental health and family services stakeholders to join in the collaborative discussions and decision making of the Early Childhood Councils.



Communication

- Increased communication from the state to local communities can help spread best practices, improve cross-community collaboration, and increase trust.

Local communities are hungry for a communication system around the waivers that lets them know what kind of waivers other Councils are considering, what has worked in other communities, and what

to avoid in the future. Interviewees and respondents for this study have asked for updated information to be posted to website and for regular communications to be made to Councils on the waivers via presentations, e-newsletter articles, and Early Childhood Council Leadership Alliance updates.



Tracking & Reporting

- Institute a clear tracking and reporting system that insures that local communitis report and the state collects data on waivers at least yearly.

All parties agree that the system for tracking and reporting waiver results and supporting data could be much stronger and more consistent. It is recommended that the State create more data-focused applications up-front that require clear communication of expected universal policy benefits. In addition, the State needs to institute a more regular (quarterly or at least yearly) system of collecting waiver results. This system should include scheduled, and perhaps automated, requests for reports from the local Councils, a clear and predetermined reporting format, and clear actions to follow-up on missed reports. These tracking and reporting recommendations are important if the waivers are to fulfill their intended purpose of impacting State regulations and policies.



Technical Assistance

- Ensure technical assistance and training on the waiver purpose and process for all new Early Childhood Council coordinators.

Because the passage of Early Childhood Council legislation in 2007 almost doubled the number of Early Childhood Councils across the State, and because there has traditionally been a fairly high turnover of Council coordinators and board members in general, it is important that the State create training and technical assistance on the waiver process. Council coordinators would like to see a training take place for all coordinators, with further availability of training/technical assistance for their local communities as needed.

Appendices

Appendix A: Survey Questions and Results

1. Please rate the following factors as barriers to improving the quality of early childhood care and education in your community.						
Answer Options	Insigni- ficant	Some- what Signi- ficant	Signi- ficant	Very Signi- ficant	Rating Average	Response Count
Funding	0	0	5	10	3.666667	15
State laws, rules or regulations	4	7	3	1	2.066667	15
Local policies	3	9	2	1	2.066667	15
Stakeholder politics/collaboration issues	2	7	5	1	2.333333	15
Provider willingness to participate	2	6	4	2	2.428571	14
					Other (please specify)	2
					<i>answered question</i>	15
					<i>skipped question</i>	1

Number	Response Date	Other (please specify)
1	10/24/2007 21:09:00	By regulations being insignificant, I mean that it's not a case of overly "strict" laws preventing centers from providing quality. Under enforcement is a "very significant" factor in poor quality care.
2	12/03/2007 21:55:00	Resources in a broad sense create many of our barriers - funding, sustainability, professional qualified staff to do the work, organizational capacity etc.

2. Which of these methods have you used to overcome barriers to quality improvement? (check all that apply)		
Answer Options	Response Percent	Response Count
Early childhood waivers of state laws, rules, or regulations	73.3%	11
Fundraising activities	46.7%	7
Coalition building	86.7%	13
Lobbying elected officials	66.7%	10
Provider incentives	100.0%	15
Other (please specify)	26.7%	4
<i>answered question</i>		15
<i>skipped question</i>		1

Number	Response Date	Other (please specify)
1	10/30/2007 21:36:00	Denver voters approve sales tax for preschool for 4 year-olds
2	12/03/2007 21:55:00	Economic impact study, fiscal mapping, focused stakeholder recruitment, Most importantly the linking of these methods to each other is key to quality improvement - incentives alone will not work- but incentives with education with advocacy can.
3	12/03/2007 22:04:00	Over the past few years, we worked very hard to build a collaborative effort with providers participating in quality improvement. By doing this, providers felt heard, honored and thus had an overall successful experience (even when overcoming barriers). Word of mouth leads others to want to participate.
4	12/03/2007 22:22:00	Professional development activities Scholarships Our District contract with community based sites for CPKP and Special Education giving them some financial stability and providing inclusive settings for children

3. How familiar are you with the ability to waive state laws and rules allowed by Colorado early childhood legislation?		
Answer Options	Response Percent	Response Count
Very familiar - we've applied for a waiver(s) in the past	93.8%	15
Familiar - we've explored the waiver process in the past, but haven't submitted any	0.0%	0
Aware - we've heard of the waivers, but have never used them	6.3%	1
Unaware - what's a waiver?	0.0%	0
<i>answered question</i>		16
<i>skipped question</i>		0

4. How have waiver requests TYPICALLY arisen for your Council?		
Answer Options	Response Percent	Response Count
To address a universal problem experienced by many of our providers and stakeholders	81.3%	13
To address a specific barrier experienced by a specific provider or stakeholder	6.3%	1
Other (please specify)	12.5%	2
<i>answered question</i>		16
<i>skipped question</i>		0

Number	Response Date	Other (please specify)
1	10/26/2007 15:30:00	To my knowledge we haven't used waivers
2	10/30/2007 17:10:00	Both cases listed above

5. What has been the most useful part of the waiver application process for your Council?		
Answer Options	Response Percent	Response Count
The discussions leading up to the request for a waiver	66.7%	10
The completion of the application itself (i.e., determining the detailed answers to the application questions)	13.3%	2
Receiving the research and policy information in the response letter	0.0%	0
Implementing the waiver itself	20.0%	3
Reporting on the use of the waiver	0.0%	0
<i>answered question</i>		15
<i>skipped question</i>		1

6. Has your Council ever initiated the waiver application process, but ultimately not submitted it to the State?		
Answer Options	Response Percent	Response Count
Yes	53.3%	8
No	46.7%	7
<i>answered question</i>		15
<i>skipped question</i>		1

7. Was the decision not to submit a waiver because:		
Answer Options	Response Percent	Response Count
We realized through our discussions that the waiver was not actually needed	66.7%	6
The application process was too cumbersome to bother with	0.0%	0
Other (please specify)	33.3%	3
<i>answered question</i>		9
<i>skipped question</i>		7

Number	Response Date	Other (please specify)
1	10/24/2007 21:12:00	we recognized that it would not increase quality
2	10/30/2007 17:11:00	Not sure, may or may not have happened before my time as coordinator
3	12/03/2007 21:56:00	The local council was either not in agreement as to submittal of the waiver after extensive discussion or through the discussion another solution was generated through the collaborative process. Sometimes a person would ask to present a waiver idea and then not follow through.

8. Has your Council ever had a waiver approved by the State?		
Answer Options	Response Percent	Response Count
Yes	87.5%	14
No	12.5%	2
<i>answered question</i>		16
<i>skipped question</i>		0

9. Please provide a number in the box next to EACH statement below to show how many waivers the statement has been true for.			
Answer Options	Response Average	Response Total	Response Count
The waiver served its purpose and is still in use	2.333333	28	12
The waiver was for a one-time only situation and is no longer needed	0.8	8	10
The waiver did not solve the problem we thought it would	0.333333	2	6
The conditions the State put on the waiver make it useless to us	0.5	4	8
The waiver resulted in a change to state law, rule or regulation	1.583333	19	12
<i>answered question</i>			14
<i>skipped question</i>			2

Number	Response Date	The waiver served its purpose and is still in use	The waiver was for a one-time only situation and is no longer needed	The waiver did not solve the problem we thought it would	The conditions the State put on the waiver make it useless to us	The waiver resulted in a change to state law, rule or regulation
1	10/24/2007 21:13:00					3
2	10/24/2007 21:17:00	1	1		1	1
3	10/25/2007 16:40:00	0	1			
4	10/30/2007 03:07:00	1				1
5	10/30/2007 17:11:00	1				2
6	10/30/2007 19:11:00		3	1	1	2
7	10/30/2007 21:39:00	4	0	0	0	1
8	10/31/2007 19:25:00	1	1			1
9	12/03/2007 22:06:00	7	0	0	0	3
10	12/03/2007 22:06:00	3	0	1	0	2
11	12/03/2007 22:16:00	1	0	0	0	2
12	12/03/2007 22:31:00	1	1		2	1
13	12/03/2007 23:48:00	1				
14	12/04/2007 15:17:00	7	1	0	0	0

10. If your Council has ever had a waiver denied by the State, have you found other ways to overcome the barrier that the waiver would have addressed?		
Answer Options	Response Percent	Response Count
No	90.9%	10
Yes	9.1%	1
	Please provide details	5
<i>answered question</i>		11
<i>skipped question</i>		5

Number	Response Date	Please provide details
1	10/30/2007 03:09:00	N/A
2	10/30/2007 16:06:00	NA
3	12/03/2007 22:06:00	The process of submitting a waiver and having a forum to formally present a barrier was important to our local process and developing a local voice for the council.
4	12/03/2007 22:10:00	This is difficult to recollect details.
5	12/03/2007 22:38:00	We were asked to withdraw a waiver to CPP that would allow us to provide all CPP advantages to a percentage of children in special education

11. In your Council's experience, what are the top three barriers to quality early childhood services that the waiver process has helped your Council address?		
Answer Options	Response Percent	Response Count
1	100.0%	12
2	66.7%	8
3	58.3%	7
<i>answered question</i>		12
<i>skipped question</i>		4

Number	Response Date	1.	2.	3.
1	10/24/2007 21:20:00	employee directors who have 75 % of coursework completed and a BA in elementary education		
2	10/30/2007 03:09:00	State policies		
3	10/30/2007 16:06:00	NA the waiver we applied for, we found we did not need because it was already in state rules and regs		
4	10/30/2007 19:21:00	inconsistent/unrealistic licensing regulations	use of unexpended CCAP funds for quality efforts	school count dates
5	10/30/2007 21:44:00	full-day preschool funding (DOUBLE SLOTTING)	continuity of child care (twelve CCCAP redetermination)	younger than threes with identified needs
6	10/31/2007 19:28:00	Waiving parental fees to eliminate the Cliff Effect		
7	12/03/2007 22:06:00	Funding discrepancies related to count dates	Ability to provide services to meet children's needs - ie serve three year olds in CPP	Elimination of duplicative regulations the create hassles for staff - ie duplicate finger printing
8	12/03/2007 22:10:00	Overcome unintended consequences of a regulation	Overcome outdated regulation	Regulations not quickly adaptable to new information (ie research)
9	12/03/2007 22:19:00	Waving the parental co-pay for those in the lower CMI%	Keeping the parental co-pay for those in the higher CMI%	Eliminates the Cliff Effect so that parents are able to become self sufficient
10	12/03/2007 22:38:00	We can serve children 6 weeks to school age with CPKP. This helps families who qualify to afford high quality childcare for their babies.	The Dec 1 Count for Sp Ed waiver brought in more money, so we could hire more therapists, at least .5 FTE	Allowed the CC Schools to be fiscal agent for first school readiness grant
11	12/03/2007 23:50:00	Coordinating CCCAP	Improving access to CPKP	
12	12/04/2007 15:21:00	Expanding CCAP	Allowing more children all day K	PPOR Dollars for CPP

12. What barriers, if any, has the waiver process been unable to address? (specify up to three)		
Answer Options	Response Percent	Response Count
1	100.0%	9
2	55.6%	5
3	22.2%	2
<i>answered question</i>		9
<i>skipped question</i>		7

Number	Response Date	1.	2.	3.
1	10/30/2007 03:09:00	Fundng issues/Consolidating funding	Legislative authority for Counties	
2	10/30/2007 16:06:00	NA		
3	10/30/2007 19:21:00	school count dates	child care licensing issues	use of CCAP funds
4	10/30/2007 21:44:00	insufficient funds for quality	economic integration	
5	10/31/2007 19:28:00	Eliminating the Cliff Effect		
6	12/03/2007 22:06:00	Resources		
7	12/03/2007 22:10:00	Specific issues by one or two providers	Conflicting business versus appropriate practices	
8	12/03/2007 22:38:00	Inequity between CPKP and Special Education	Numbers of children who are served after the Oct 1 Count and receive no funding or only the Federal funding from the Dec 1 Count	Funding across the system is difficult and so far we can't think of a way to use the waiver process to increase it. Do you have any ideas?
9	12/04/2007 15:21:00	Need for additional CCAP dollars to cover need		

13. How effective has the follow-up loop been at tracking the progress of waivers and/or at recommending resulting rule or law changes? (Please provide any comments in the text box provided below)		
Answer Options	Response Percent	Response Count
Excellent	0.0%	0
Good	9.1%	1
Sufficient	45.5%	5
Insufficient	45.5%	5
Comment		4
<i>answered question</i>		11
<i>skipped question</i>		5

Number	Response Date	Comment
1	10/30/2007 16:06:00	NA
2	10/30/2007 21:44:00	unclear question
3	12/03/2007 22:06:00	we built this plane as we flew it and using hindsight we needed a much better tracking and accountability system with some resources focused on that activity. The follow up was not strong due to no focused resources for it.
4	12/03/2007 22:10:00	We've lost sight, in some respect, of the waiver process, it's power for change, and how the waivers have benefited local communities.

14. In your view, is the waiver process still needed?		
Answer Options	Response Percent	Response Count
Yes - there are still barriers in law and rule that we need a waiver for (please provide examples in the text box below)	50.0%	8
No - the waivers were needed ten years ago, but have outlived their usefulness	6.3%	1
Don't know	43.8%	7
	Comment/Examples	7
		<i>answered question</i> 16
		<i>skipped question</i> 0

Number	Response Date	Comment/Examples
1	10/24/2007 21:18:00	It's nice to have the option available but it's hard to think of rules/regulations that are actually a barrier rather than a support to quality. Sometime it means more children get served are a particular child gets additional service.
2	10/31/2007 19:51:00	Our current waiver of modifying parental fees to help parents be self-sufficient is still needed.
3	12/03/2007 22:06:00	I suspect that having this as an option for communities will continue to be a way to bring partners to the table, open discussion with the state about some of the issues, and allow us flexibility to address any barriers that emerge. WE have not investigated waivers related to health, mental health, and family support much and I wonder what we might find if we did mroe in those domains with this tool
4	12/03/2007 22:13:00	I'm not able to come up with specific examples but anytime you have rules and regulations along side of the state and local communities building a system the waivers are an appropriate mechanism for change. Specifically integration of health, mental health and family support structures will present challenging regulations.
5	12/03/2007 22:22:00	Routt County is currently still doing parental co-fees on a sliding scale to eliminate the Cliff Effect.
6	12/03/2007 22:42:00	I would like to figure out something regarding equity and fairness between CPKP and special education. Our birth to school age waiver for CPKP has been excellent and instrumental in helping families afford high quality infant/toddler center based care.
7	12/03/2007 23:53:00	We still need to address the issue of presumptive CCCAP eligibility for Head Start families.

15. What, if anything, would you change about the waiver process to make it more useful to your Council?	
Answer Options	Response Count
	10
<i>answered question</i>	10
<i>skipped question</i>	6

Number	Response Date	Response Text
1	10/30/2007 03:10:00	Improve the follow-up process; Communicating waivers and lessons learned with partners around the state.
2	10/30/2007 16:06:00	IDK
3	10/30/2007 19:23:00	speed up the process and make sure the process of review and decision making is very transparent
4	10/30/2007 21:45:00	more communication about waivers across communities
5	10/31/2007 19:51:00	Clearer reporting on requesting waivers and end of the year reports.
6	12/03/2007 22:06:00	Fund the follow up and evaluation of hte impact of waivers so that we are continually informing next steps on what the impact has been of existing waivers
7	12/03/2007 22:13:00	Retrain, ensure a follow-up loop.
8	12/03/2007 22:22:00	Have a presentation on the waivers that are still out there to see if other Councils could benefit from any of these.
9	12/03/2007 22:42:00	Update and refine the process. I am not certain what forms are needed, who reviews and approves waivers now.
10	12/03/2007 23:53:00	TA regarding state vs local policies; Follow-up reproting and evaluation.

16. What other tools, if any, do you need to help eliminate barriers to improving the quality of early childhood services in your community? (check all that apply)		
Answer Options	Response Percent	Response Count
Funding	100.0%	15
Technical assistance	46.7%	7
Training resources	46.7%	7
Access to information/best practices	46.7%	7
Group facilitation/collaboration issues	53.3%	8
Other (please specify)	20.0%	3
<i>answered question</i>		15
<i>skipped question</i>		1

Number	Response Date	Other (please specify)
1	10/24/2007 21:18:00	The overall overriding issue is the ability to pay program directors enough that highly qualified people (with Master's degrees) would be attracted and motivated to stay in the positions. Higher quality programs always have directors who really CARE about the quality of their program. This is not to say that a poorer quality program may not also have the knowledge and desire but lack the funds. Motivated directors also look for the funds they need to offer a high quality program.
2	10/24/2007 21:47:00	training & professional development opportunities in rural communities in the far regions of the state
3	12/03/2007 22:06:00	As we get more sophisticated we will have a need to greater and greater access to high level expertise. Need to nurture the knowledge development in a way that it continues to be available to everyone in the system easily.

Appendix B: Interview Questions, Aggregated Responses and List of Interviewees

Interview Questions

1. What do you see as the primary barriers to improving the quality of early childhood services in your community/the state?
 - a. How would you rank these barriers in order of significance?
2. What have been the most successful tools to overcome these barriers, in your experience?
 - a. Please provide examples of situations where these tools have been effective.
 - b. Do you still have access to these tools?
3. What is your experience or role with the waivers of state laws and rules allowed by Colorado EC legislation?
 - a. When did you first apply for/review a waiver?
 - b. How extensively have you used/been involved in reviewing waivers?
4. How has the waiver process changed since you first started working with it?
 - a. What was the process at the beginning (1998)?
 - b. Was it easier, harder, or about the same to apply for and receive a waiver ten years ago?
 - c. Are there any changes you would make to the application process to improve it?
5. Has the importance of waivers changed at all over the past ten years?
 - a. Has the increased funding of “pilots”/councils changed (increased or diminished) the importance of the waivers?
 - b. Have the “big” issues already been taken care of through policy, rule or law changes?
6. In your experience, to what extent have the waivers resulted in meaningful changes to rules or laws in Colorado?
7. Have the waivers you have been involved with been effective at:
 - a. Eliminating barriers to providing high quality EC services?
 - b. Fostering collaboration and communication between EC stakeholders in the community?
 - c. Identifying needed changes to statewide policies and laws?
8. Tell me about any experiences you might have had where your Council initiated the waiver application process, but ultimately decided not to submit it to the State. (Council/Pilot question only).
9. If you have ever had a waiver denied, what actions did your Council ultimately take, if any, to solve the problem the waiver application addressed? (Council/Pilot question only)
 - a. Did the denial process and rationales help your Council to explore and adopt other solutions?
10. Were there any waivers you were granted/you approved that ideally should have led to statewide policy/law changes but didn't?
 - a. What barriers or circumstances kept the waiver in question from leading to more systemic changes?
 - b. What should happen differently to insure that system-wide waivers lead to more permanent law or policy changes?
11. If there were any waivers you were granted/you approved with *conditions*, please describe what the impact of those conditions was on the ultimate effectiveness of the waiver?
12. Does the incorporation of a broader range of domains in the early childhood arena open up new possibilities for the EC waivers?

13. What have been the most and the least useful waivers for your Council? Why?

Summary Interview Responses

**Council Interviews
Barriers and Waivers**

Issue Area	Comments
Barriers	<ul style="list-style-type: none"> • Barriers do not have much to do with waivers. • Related to the ECE Directors and their buy-in to quality/leadership <ul style="list-style-type: none"> ○ Includes Board leadership for non-profit providers ○ Systemic -- low-paying, high-stress jobs make it hard to get good people to even apply • Money is NOT the driving force in quality improvement • Resources are the primary barrier to quality improvement <ul style="list-style-type: none"> ○ Organizational and professional capacity (primary): <ul style="list-style-type: none"> ▪ Workforce capacity (actually DECLINING) ▪ Council-level (operational, structures, community organizing, and management skills) ▪ State-level (the state is resource poor) ○ Money (secondary): <ul style="list-style-type: none"> ▪ Availability ▪ Sustainability of sources ○ Unclear governance structure muddies decision-making • Being rural is a barrier <ul style="list-style-type: none"> ○ Smaller voice ○ Lack of knowledge of system • Resources <ul style="list-style-type: none"> ○ Limited centers to build on ○ Limited ability to get education for providers. ○ Low pay and no BENEFITS for providers/teachers • Need for technical assistance, mentors and initial help at the Council level • Money • Staff recruitment and retention <ul style="list-style-type: none"> ○ Provider level ○ Council level – coordinator positions have been difficult to maintain because of quantity of work AND limited understanding of the connection between what the State wanted and what the locals were actually doing • Low pay and no BENEFITS • Money • Inconsistent messaging <ul style="list-style-type: none"> ○ Not common agreement about what defines quality <ul style="list-style-type: none"> ▪ How do you know when you’ve got it? ▪ Inconsistency across domains <ul style="list-style-type: none"> • Bulk of responsibility for bringing other domains in has been put on the Council, not top-down from other department heads • Domain focus is often driven by funding sources

- Failure to engage all stakeholders at the right point (including consumers)
 - Need better communication from the State (funder) down and across partners
- Some barriers are inherent to any new process
 - Having people DO the work while you are trying to figure out WHAT the work is
- Licensing minutiae
 - Imposing state and county quality standards (primarily focused on health and safety vs. child development)
 - Licensing staff are adding requirements that are not in licensing standards
 - State never picked one licensing model from the licensing workgroup – they’ve instead used bits and pieces of different ones
 - Problem is with how the licensing is implemented
 - Center licensing reports have gone from three items to ten times that
 - Takes time and energy away from educational quality standards
- Provider wages are too low, but the cost to families is too high
- Funding for families who can’t afford any services
- Quality goals not the same as the self-sufficiency goals that guide CCCAP
- Local capacity to stay on top of rules and regulations
- Lack of understanding by the State about what it takes to actually run a child care program
- Culture of bureaucracy
 - Expectation that people are going to cheat the system
- Not having ration numbers the same across programs (e.g., Head Start vs. CPKP)
- Necessity to apply for all different programs separately (e.g., CPKP, CCCAP, Food Stamps)
- Limited education opportunities for providers because of limited funding
- Politics
 - Fantastic providers on the ground
 - Politics about funding
 - Who gets a voice at the table
 - Ego/territorial protection
- Systems/service delivery capacity
 - Not enough people with the needed skills
 - Bilingual/bi-cultural
 - ECE professionals (e.g., coaches, systems level)
 - Families hungry for support
 - Bottleneck in the middle (systems/TA level)
 - Particularly around health and mental health
- Ability of providers to receive and participate in Quality Improvement
 - Small population is unwilling, but many more just don’t have the capacity

- Capacity/availability
 - Not enough slots (never mind quality slots), especially for infants and toddlers
- CCCAP reimbursement is insufficient and varies too much by county.
- FFN Care providers difficult to identify and access with support and services
- Public Awareness re: quality is low
 - Child care is still seen as “babysitting,” not education
- Fragmented governance and information system
 - Lack of clarity about where good information is
- Cost of quality
 - Ratings from Qualistar and NAEYC cost too much
- Money
 - Not having it and having communities who don’t know what to do with what they do have
 - Need designated, sustained funding source similar to the K-12 system
- Capacity
 - Unable to hire program staff (coaches and mentors) to do Early Childhood quality improvement and systems work
- Lack of local understanding of EC systems building, collaboration and support
 - Makes it hard to get folks to the table
- Territorialism
 - Not about kids – about the turf
- State duplicates funding for the same services in same community
 - Council has to duplicate resource piece of R&R because the latter is ineffective
 - Causes conflicts between Council and R&R
 - Leads to consumer confusion
 - Causes competition within the system
- State sets up system that is too constricting in terms of ways to administer quality improvement programs
 - Have to use R&R and have to use Qualistar ratings
 - No doors, so only option is to sneak through windows
- Lack of communication between system entities
- Lack of access to information (e.g., provider data)
- Capacity
 - Disconnect between the expectation of work vs. reality of staffing
 - Coordinators don’t have org structure training or education
- Individual agencies doing what is good for them, not what is good for the whole system
- Getting local consensus for specific action/getting people on the same page.
- Time for collaboration
 - Getting participants up to speed with issues
 - Action beyond meetings

	<ul style="list-style-type: none"> • Administrative burdens that keep agencies' hands tied
<p><i>Most successful tools to overcome barriers</i></p>	<ul style="list-style-type: none"> • Directors' Roundtable <ul style="list-style-type: none"> ○ Facilitates Directors ability to get support from each other • Technical Assistance when programs are hiring a new Director • Credentialing focus of Council has expanded the pool of qualified directors • Don't think "punitive" is where the answer is • Being realistic about vision and what we can do now <ul style="list-style-type: none"> ○ Not becoming overwhelmed by the scope and number of details • Collaboration in community • Equipment and scholarship grants <ul style="list-style-type: none"> ○ In rural communities, scholarships primarily benefit beginning teachers because of a lack of available community college resources • Pay raises for increased education • Collaboration in county • Staff incentives (bonuses) early on – this faded away over time • Buell scholarship grants • State requirements for higher education to meet Qualistar ratings were an effective tool to encourage staff development • Outside facilitators • Some levels of collaborative grant writing (success tends to be based mostly on personalities involved, not on a systematic approach) • Licensing model • Legislation • Strong advocacy groups • Future possibilities: <ul style="list-style-type: none"> ○ Merged funding streams ○ Reconciliation of conflicting rules and requirements • School Readiness <ul style="list-style-type: none"> ○ Building the capacity of providers from a business perspective • Coping from crisis to crisis • If politics continue to be such a big part of things, community development and liaison work really need a lot of staff <ul style="list-style-type: none"> ○ Face-to-face collaboration ○ Applying the science of community development to the work • Leadership development skills/public sector science skills <ul style="list-style-type: none"> ○ Application of health services organizing skills to the early childhood field • Empirical data and scientific approaches add more credibility and minimize political distractions • Local councils <ul style="list-style-type: none"> ○ Still need more support, though • Education and ECE-focused state administration/elected officials • Move toward Full-day Kindergarten and more CPKP slots • Coordinated group decision-making that is helping move issues forward on a state policy level

	<ul style="list-style-type: none"> ○ This needs to be more layered, with more centralized decision-making up front. Almost too open right now, which is slow and time consuming. ○ Need more intentional thought about how to have a small, representational group making initial decisions. ● NEED: consistent message for all EC folks across the state ● Blending funding sources ● Finding alternative funding sources ● Having two FTE has helped <ul style="list-style-type: none"> ○ Work can't all be done by volunteers, who are busy in other domains and jobs ● Supportive community partners <ul style="list-style-type: none"> ○ Particularly those trained by Smart Start North Carolina ● North Carolina Technical Assistance <ul style="list-style-type: none"> ○ Looking into buying their database structure for local council ○ Place to ask questions of people who are not threatened ● Non-profit structure ● Non-profit training for Council Director ● Combined funding/reporting <ul style="list-style-type: none"> ○ Will be even better when School Readiness is combined with this as well ● Extra Council staffing (Data Coordinator) <ul style="list-style-type: none"> ○ Informs Council in more concrete ways, so then they "get it" better ● Money <ul style="list-style-type: none"> ○ For systems staffing ○ Frees Council director up to arrange more collaborative efforts ● PowerPoint orientation
<p><i>Experience/role with waivers</i></p>	<ul style="list-style-type: none"> ● Most waivers came out in the first two years of the pilots. ● Two-slots for one child waiver was used quite a bit, as was the 3-year old waiver <ul style="list-style-type: none"> ○ Helped school district to retain CPP funding that they might have otherwise lost ● Most waivers were not locally initiated – they were used by other pilots first and then adopted locally ● Fiscal agent waiver really helped with systems management, allowing Council energy to go to the kids. ● Drafting of CPP waivers <ul style="list-style-type: none"> ○ Count date ○ 3 year olds ○ Fingerprinting ● People in Larimer were pretty sophisticated in approach to waivers <ul style="list-style-type: none"> ○ Really advocated that CPP not just be housed in school district programs <ul style="list-style-type: none"> ▪ Tackled obvious issues ▪ Initiated dialogue ● Limited financial resources led to some waiver requests as a way to solve

things rather than solving it with money (e.g., reducing ratios all day)

- Larimer ultimately ran out of steam on waivers after a while
 - There were not as many barriers tied to regulations as originally thought.
 - Waivers were not going to solve the real issues (Resources/capacity)
- One big thing the waivers did from the start was to get people to the table. Waivers are not the reason people stayed, however.
- Submitted a lot of waivers at the beginning
- Child support waiver
- CPP waivers – 3 year old eligibility
- CCCAP waivers
 - 1st to do a waiver to address the cliff effect
 - This one should have become law
 - Increasing income eligibility criteria
- Waiver process directly benefitted the school district and so was very helpful in encouraging collaboration from reluctant players.
- Individual players really made a difference in direction and innovation with waivers.
- Waivers at the beginning gave counties a sense of control and were exciting because of possible creativity and innovation
- Ability to request waivers was really what brought County Human Services to the table (particularly, CCCAP)
- Couldn't have lived without the CPP/Early Childhood SPED waivers
- Waivers have been especially beneficial for community (non-school district) partners
 - Allows more money to go to the community to provide the kind of full day services that parents need in an urban setting
- Waivers have helped pass legislation that otherwise wouldn't have been considered
- Only one waiver still active in [this particular county] and that is for Head Start programs in particular
 - Waives need to have director on-site, and so allows Head Start sites to participate in CPKP
 - Ought to be statewide waiver OR all Head Start sites ought to be required to be licensed.
- Have not applied for a waiver in last 3.5 years
 - No capacity to look into and apply for waivers
- Waivers were more useful when used for local issues without having to have more universal impact
- No longer on council radar screen
 - People who were involved in the past feel it is not worth the effort
- Waivers have been hard for community partners to get a handle on
- Many early waivers have universally changed laws and rules
- Some waiver applications were already in law and so some waivers weren't needed
 - This has been a huge educational piece

	<ul style="list-style-type: none"> • Politics behind waivers <ul style="list-style-type: none"> ○ Some you don't write for fear of angering someone • Mostly program-specific • Forget they are there – they are not part of the Council culture <ul style="list-style-type: none"> ○ Not ingrained in the process – not solidly in any committee structure ○ Difficult preparation process <ul style="list-style-type: none"> ▪ figuring out issue to figure out what would need to be waived, and the consequences of that ○ Comfortable in being unhappy – don't process far enough as a group to figure out how to move beyond the barrier • Licensing regulations and rules are easy fixes • Lack of trust in the tool (waiver) <ul style="list-style-type: none"> ○ Experience with a waiver being denied after a huge amount of effort had already been put in • Lots of waivers initially prompted and written by school districts • Much more of a pain than anything worthwhile that's come out of them. <ul style="list-style-type: none"> ○ Due to both local and state processes • Have more important work to be doing than negotiation with the State • Council does have all four domains at the table, but then they have to educate the other three domains whenever the 4th wants a waiver specific to their area.
<i>Waiver process</i>	<ul style="list-style-type: none"> • Started to put a waiver together five years ago, but it became redundant because of changes in the School Readiness legislation. • Waiver process is NOT too cumbersome • Not a lot of opportunities where a waiver helps you improve quality • Did have experience where waiver application process led to discussion/brainstorming that got to answer/solution • Not a lot of State rules that aren't good rules – often wish there were more rules • Explanation of denials was helpful • The discussion process leading up to waivers was helpful in starting conversations <ul style="list-style-type: none"> ○ Typically initiated by both the county Director of Human Services and strong providers. • Process helped bring Council boards together, through discussion and conversation • Process became more complicated over time • Things also started changing when School Readiness grants became available because of a perception of “haves” and “have-nots” • Process of getting a waiver approved (or denied) has been slow and unpredictable • Ought to have neutral providers on the waiver board • Need a more neutral appeal process • State has sometimes been good advocates for making changes at the state level

	<ul style="list-style-type: none"> • Process is pretty streamlined – not overly complicated or bureaucratic • Application is cumbersome <ul style="list-style-type: none"> ○ Some of the questions are unclear • Wonder if new councils aren't feeling overwhelmed by the waivers <ul style="list-style-type: none"> ○ May need training to better educate people (coordinators and local committee chairs) about waivers, uses, processes, etc. • Process takes forever <ul style="list-style-type: none"> ○ One has been in the process for 18 months ○ Six months is more average • Need a waiver workshop so communities know how to use it • Want to see reporting broken out quarterly, rather than as part of a huge Council reapplication process <ul style="list-style-type: none"> ○ Councils have more capacity to do the reporting this way and could give the issues more attention • Application is fine and straight-forward • The back & forth negotiation locally and with the state is what is so cumbersome <ul style="list-style-type: none"> ○ Have to come back to the group each time there is a change or request for more information • Process probably takes an average of six months
<p><i>Waivers resulting in meaningful changes</i></p>	<ul style="list-style-type: none"> • No longer takes a waiver to resolve issues. • Locally, may have forgotten about using waivers. • State personnel have discouraged waivers – said that politically may not be a very good idea <ul style="list-style-type: none"> ○ There is some question on the part of Councils about whether, with new Councils on board, waivers are even still a possibility. • Routt was the first Council to submit a child support waiver, which ultimately made a change in state rules. • Almost all of the CPP waivers resulted in rule changes • Licensing change groupings waiver (Triad) not being used because conditions set around testing made it too cumbersome • Lowering CPKP to below age 3 ought to be applied universally • CPP and Early Childhood Special Ed waivers have had a meaningful impact statewide • Count dates <ul style="list-style-type: none"> ○ Has been helpful for one local school district and not the other • Don't use CPP waiver for under 4s <ul style="list-style-type: none"> ○ Not enough money/slots to serve eligible 4 year olds ○ Applied for some K slots and didn't get them • Fingerprinting (military background) should have been approved • CPP and Special Ed waivers have been meaningful • Combining age groups at opening and closing • Count date changes • All the waivers that resulted in rule changes were appropriate • Class size change is good, though some folks are still struggling financially with the discrepancy in allowable dollars.

Future of waivers

- Waivers are still needed
 - Encourage innovation
 - Process encourages conversation around issues at both state and local levels
- Put idea of waivers back on radar screen
- Sometimes a waiver someone else gets feels unfair
 - If a Council does submit a waiver, a summary of that should be communicated to all Councils
 - In application process, needs to be a public, open and transparent disclosure to other Councils so they can consider those as well
 - Could be put on website (e.g., click here for waivers that have been applied for this month)
 - Could spur partnerships between councils
 - May be venue for giving new Councils ideas about how to build systems in their communities
- Communities are counting on those waivers that are still in place.
- Waivers are still useful where communities are trying to accomplish something specific.
- Could potentially use waivers as a carrot to get other domains to the table
 - In the past, Councils haven't had the necessary expertise around the table to craft appropriate waivers in other domains (e.g., mental health)
- Waivers are still serving a purpose
 - Outlet if things need to be changes
 - Encourages innovation
- There are other domains where waivers could be requested
 - Triad plans to go to other "domain" departments to ask them about what barriers a waiver might help.
 - This could be a piece that would bring other domains to the table
 - Question about how "other domain" waivers would be approved – would it still take place through the DHS approval process even if not a DHS rule or law?
- Would have been good to have more communication across communities so others could try them out for broader application
- Waivers need to be used more creatively
- Keep Waivers!
 - Important to have a process for elements that aren't going to be fixed legislatively
- Better tracking needed
 - Leading to more widespread changes that everyone is asking for
- Would be great if we could do waivers in other domains
 - Lack capacity/participation in those areas to know what to request
- More transparency of waivers across communities
 - State quarterly report, sorted by domain areas
 - Categorize like waivers – don't list same waiver request by different communities 31 times.

	<ul style="list-style-type: none"> • Pleased that waivers are included in HB1062 <ul style="list-style-type: none"> ○ However, no specific waivers are planned for future • Wonder if there might be some possibilities for future waivers with the need to increase capacity (because of local troop build-up) <ul style="list-style-type: none"> ○ Would have to focus on new child care homes • For those councils that have found them beneficial, the waivers should still be there • Probably wouldn't change much of what they are doing, since they haven't used them much at all • Should be public RFP's for R&R funding so others could apply for that funding • Don't want to lose waivers – need to figure out how to better incorporate them into the Council process • More information about waivers across communities <ul style="list-style-type: none"> ○ Quarterly discussions at ECLA meetings ○ Post waivers on Smart Start website ○ TA meetings and trainings ○ Regular information reports • More information sharing is needed for other aspects of systems-building activities among Councils • Haven't written waivers for domains other than education, but this could be a huge area for potential • Hope never have to fill out another thing about “lessons learned.”
<i>Other</i>	<ul style="list-style-type: none"> • [This particular Council] decided early on to only to systemic waivers; none specific to any particular providers • Most waivers from [this particular county] were more universal – not necessarily connected to a specific program • There was some anger between Councils about perceived inequity when some Councils got waivers that others hadn't applied for or thought of. • School-age program waiver (Triad) was not approved in a timely manner <ul style="list-style-type: none"> ○ Licensing regulations should be reflective of school start dates when those changes occur • Reporting <ul style="list-style-type: none"> ○ Need a better balance between accountability and fraud protection • People who set rule should have to spend one week/year in a child development center so they can see the whole system in action. • There is a tremendous amount of work that needs to be done in terms of Social/Emotional Development – this is the critical issue in ECE <ul style="list-style-type: none"> ○ Lack of Social/Emotional services ○ Lack of training for providers • Very grateful to have CDE and CDHS at the table, not just as funders, but as true partners • Waiver of director qualifications is really important for rural areas. <ul style="list-style-type: none"> ○ There is such a limited pool of highly qualified Early Childhood people (e.g., someone might have a Master's in Curriculum but no specific EC training)

- Would like to see this waiver applied universally.

State Interviews
Barriers and Waivers

Issue Area	Comments
Barriers	<ul style="list-style-type: none"> ● Money <ul style="list-style-type: none"> ○ More of an issue for Front Range communities that have access to qualified personnel ● State and local capacity for doing the work <ul style="list-style-type: none"> ○ Intellectual (local) ○ Physical (bodies) ● Infrastructure (intellectual) <ul style="list-style-type: none"> ○ Learning curve is high ○ Limited access to relevant experience and skills <ul style="list-style-type: none"> ▪ Either through outside access (consulting) or internal ability ○ Lack of familiarity with systems-building ● Existence of leaders and capacity to develop leaders is an issue for everyone <ul style="list-style-type: none"> ○ Developing council members who can move agendas/goals forward between meetings ● Barriers are not all due to laws and rules – there are lots of other things ● Market Rates <ul style="list-style-type: none"> ○ Private pay market will not bear the cost of the quality we want. ○ This is bigger than just a funding issue ○ So overarching that we can remove other barriers and still not be at quality ● Unfunded requirements <ul style="list-style-type: none"> ○ Costs fall on individual or provider ● We have a consumer-driven market and consumers are not demanding quality <ul style="list-style-type: none"> ○ They are not discriminating; and ○ They have poor information about what quality is ● Consumers defend the choices they have made about child care, even if they are not good choices ● The provider base is not business-savvy ● Low overall expectations ● Funding <ul style="list-style-type: none"> ○ Infrastructure funding (e.g., School Readiness type investments) <ul style="list-style-type: none"> ▪ Helps invest in lower quality programs that we wouldn't otherwise work with ▪ CPKP doesn't have this discretionary money ○ Early Childhood SPED training has to initial at the local, not state level ● Lack of School District access to Early Childhood Councils that provide a network and EC system ● Lack of TA resources to help support local programs <ul style="list-style-type: none"> ○ Particularly for smaller communities

	<ul style="list-style-type: none"> • Early childhood opportunities not universal <ul style="list-style-type: none"> ○ 4 year olds ○ 3 year olds ○ All day services ○ Family supports • Resources = \$ + other issues <ul style="list-style-type: none"> ○ Lack of highly qualified workforce <ul style="list-style-type: none"> ▪ Primarily referring to teachers, directors and other adults that work directly with kids ▪ At higher system level, don't emphasize professional development either ○ Best practices can't be broadly replicated • Public Image <ul style="list-style-type: none"> ○ Expansion just means more slots, not necessarily increasing the availability of quality programs • Authentically bringing other domain partners to the table • Not looking at Early Childhood as birth-8 rather than just preschool <ul style="list-style-type: none"> ○ See a fade out of ECE advantages by 3rd grade • Early Childhood Education has to prove its worth in a way that older grades don't
<p><i>Most successful tools to overcome barriers</i></p>	<ul style="list-style-type: none"> • Council members who take ownership of action for Council <ul style="list-style-type: none"> ○ Incubation of EC leadership skills • ECSST leadership development model <ul style="list-style-type: none"> ○ Creation of real WORKING subcommittees • Organizational structure work • Technical Assistance <ul style="list-style-type: none"> ○ Long-term gains may be more successful in some communities than in others • People investment is much more important than equipment investment (at the provider level) • Not sure we've properly identified the barrier and that's why we don't have the tools we need. • Small Business Administration (for providers to improve business skills/savvy) • CPKP funded through the School Finance Act, so whenever school education gets an increase, so does CPKP • Increase in CPKP slots from 9,000 to 16,000 since 2003 <ul style="list-style-type: none"> ○ Incremental growth pace over that time has helped communities really figure out how to use the new growth wisely and has helped them leverage partnerships • Partnerships with community programs <ul style="list-style-type: none"> ○ 33% of CPKP slots are in community programs ○ Ability to look at why partnerships do/don't exist ○ Partnership decisions can be made a a local level, rather than being state mandated • Automated systems <ul style="list-style-type: none"> ○ Tracking

	<ul style="list-style-type: none"> ▪ State id numbers ▪ Longitudinal ○ Evaluation and assessments <ul style="list-style-type: none"> ▪ Have to be careful re: asking the right questions ▪ Ability to share best practices <ul style="list-style-type: none"> • Local to state and local to local • Councils • School Readiness project • Research on a national level • Example of Councils that have begun to effectively incorporate other domains and that have been able to move to a policy perspective <ul style="list-style-type: none"> ○ Just having Councils provides real local feedback • Professional Development <ul style="list-style-type: none"> ○ More EC degree programs ○ Enhancing Quality/Infant Toddler Program ○ Touchpoints • Coaching and mentoring • Results Matter data points us in the right direction and helps show what quality measures really work • Some districts have made it a priority to pay ECE teachers at the same level as other teachers • Public/Private partnerships • Visibility and commitment of Governor and Lt. Governor to ECE
<p><i>Experience/role with waivers</i></p>	<ul style="list-style-type: none"> • Trend away from waivers that benefit a specific entity and toward those with more universal benefit <ul style="list-style-type: none"> ○ State hasn't considered those with limited benefit since about 2000 • Turned to more consideration of wide-spread impact and unintended consequences • Waivers have not been managed well by the state, or used by the Councils to their full capacity <ul style="list-style-type: none"> ○ Missed opportunity to prove out applicability • We need: <ul style="list-style-type: none"> ○ Measurable outcomes ○ A process to determine usefulness/statewide applicability ○ To be more hard-nosed about reporting <ul style="list-style-type: none"> ▪ Possibly understaffed at the state level to do this well ▪ Differences in the vision about the purpose of waivers (community solutions vs. widespread policy change) • Powerful tool in allowing us to try ideas out • In the case of CPP, waivers have really led to policy changes <ul style="list-style-type: none"> ○ 3 year old waiver was 1st one implemented ○ Dec. alternate count for CPP ○ Dec. 1 alternated count for EC SPED ○ 90 hours service waiver • Early Childhood SPED waivers had unintended consequences <ul style="list-style-type: none"> ○ Good: allowed more SPED screening time ○ Negative:

	<ul style="list-style-type: none"> ▪ Some districts delayed the start of Early Childhood SPED programs or limited summer Child Find screenings ▪ Children weren't necessarily getting the same level of services as before ▪ December 1 count date extended the count process for local count coordinators, adding an extra data collection process ▪ Put pressure on other parts of data/information system (e.g., JBC, Governor, Legislature) <ul style="list-style-type: none"> • Decision that was good for one population of people (SPED) was not so good for other groups ○ State legislature (SB05-032) made the decision to make November 1 the count date for all state Early Childhood programs. <ul style="list-style-type: none"> ▪ Still a Dec. 1 federal date for SPED ▪ Also said there will be no more waivers around the count date. ▪ Kept requirement for 90 service hours • In the beginning, really didn't know what the waivers would mean <ul style="list-style-type: none"> ○ There was excitement over removing red tape and consolidating funding • Initial guidelines were: <ul style="list-style-type: none"> ○ Health and Safety ○ Quality • Didn't initially ask people for much information, just "What do you want and why" <ul style="list-style-type: none"> ○ Application process changed over time • Not all folks get that <ul style="list-style-type: none"> ○ Site specific issues should go to a licensing appeal VS. ○ Requests that would potentially change state policy = waivers ○ Richer local conversations have shifted the nature of requests for waivers over time
Waiver process	<ul style="list-style-type: none"> • More reporting requirements were instituted after this shift to the universal <ul style="list-style-type: none"> ○ There has been an inability for the State to follow through with this because of insufficient staffing • Never any cut-off dates for waivers, which was an oversight • No reporting from Councils and no consequences from State for lack of reporting • Waivers should prove something out, so we can change policy when needed • Changing a rule takes a long time <ul style="list-style-type: none"> ○ 9-12 months • There were a huge amount of waiver requests initially, particularly around CPP, but this has tapered off <ul style="list-style-type: none"> ○ Barriers are not about law/rules; and/or ○ The legislative process is responsive enough to change laws that aren't working • Early Childhood Councils Management Team <ul style="list-style-type: none"> ○ Waiver review has changed over time

	<ul style="list-style-type: none"> ○ Have brought appropriate people to the table based on the nature of the waiver ● It's unclear what role the Advisory Team will play in waiver approvals ● Waivers brought a lot of partners to the table initially ● Priority of waivers has really fallen – not a very active part of systems process ● State confusion over how to handle the waiver process may have impacted this ● Would like to find a way to encourage more creativity around waivers
<p><i>Waivers resulting in meaningful changes</i></p>	<ul style="list-style-type: none"> ● Counties can accept a Head Start application and not demand a separate CCCAP application ● El Paso – can stay on CCCAP 6 months past eligibility in a graduated parental fee scale to soften the cliff effect ● Waivers connected to CPP & CCCAP <ul style="list-style-type: none"> ○ Count date ○ Age of child served ● Still kids in SPED who get less service than CPP because people use 90 hour minimum service level as a cap/ceiling ● CCCAP <ul style="list-style-type: none"> ○ Parent co-pay ○ Income eligibility ○ Redetermination
<p><i>Future of waivers</i></p>	<ul style="list-style-type: none"> ● There is an opportunity for waivers in other domains AND need to make sure the right players are involved in this ● Want waivers to continue AND <ul style="list-style-type: none"> ○ There are sometimes unintended consequences of waivers ○ Need tighter processes: oversight and accountability ● Rigorous process in terms of accountability and up-front fiscal impact <ul style="list-style-type: none"> ○ Waiver applications should ask for fiscal impacts and expected outcomes ● More concrete, measurable outcomes defined ● Apply some of the standards required to assess a legislative bill to the waiver process ● Evaluate who manages waivers and what that management should look like ● Purposeful policy decisions at the state level ● The piloting/testing aspect of waivers has been valuable ● Fact that waivers have decreased is telling ● Would have been nice if changes in CPKP class sizes had started as waivers so the changes could have been studied before universal implementation ● Future standard for assessing waivers ought to be: “Will this waiver make things better for children?” ● Change to just waiver of rules, not laws also ● Hope to find a way to facilitate a conversation around waivers <ul style="list-style-type: none"> ○ Help locals understand what waivers are for ● Better application and follow-up <ul style="list-style-type: none"> ○ Richer information from the start

	<ul style="list-style-type: none"> ○ Follow-up tracking has been a resource/capacity issue ● State liaisons more involved with locals in waiver discussion for follow-up ● Training <ul style="list-style-type: none"> ○ General and locality specific
<i>Other</i>	<ul style="list-style-type: none"> ● Only one community that regularly gives report and that is on just one waiver. <ul style="list-style-type: none"> ○ No ill intent, just low on the priority list ○ Coordinator turnover also adds to this problem

Interviewees

- Cindy Bernal – Pueblo
- Patricia Bolton – Triad (Jefferson, Clear Creek, Gilpin)
- Lori Goodwin Bowers – Colorado Department of Education
- Leslie Bulicz – Division of Child Care, Colorado Dept. of Human Services
- Danielle Butler – Boulder
- Gretchen Davidson – Arapahoe County
- Mary Jo DePriest – San Luis Valley
- Renee Donahue – Routt County
- Anna Jo Haynes, Cheryl Caldwell, John Crawford, and Kelly Perez – Denver
- Joyce King – Prowers County
- Scott Raun – Division of Child Care, Colorado Dept. of Human Services
- Sharon Triolo-Moloney – Colorado Department of Education
- Tamara Volz – La Plata County
- Wendy Watson – Larimer County
- Scott Young – El Paso County

Appendix C: Waiver Application

Waiver Application Packet

May 2007

Thank you for your interest in applying for the Consolidated Child Care Pilot Waiver.

The waiver legislation (SB97-174 & SB99-226) authorized the Colorado Department of Human Services to “issue local Pilot project waivers of *any state laws or rules* that would prevent Pilot agencies from implementing the Pilot project.” The waiver opportunity is “a critically important contributor to the overall success” (CHIP Report) of the Pilots and can play a key role in creating a seamless system for children, families and providers.

The Early Childhood Councils Management Team (ECCMT) encourages you to take full advantage of both the waiver opportunity that is available to your Early Childhood Council *and* the process that must occur in order to develop the waiver. We are often asked why we don’t offer blanket waivers to all of the Pilots. Our response is that the process to developing a waiver can be as rewarding as the waiver itself. The process brings you back to the core of Pilot work, which is to identify what is and is not working systemically in your communities and to find tools to improve the early childhood system as a whole. Waivers are clearly one of these tools.

This packet is meant to guide you through the waiver application process and to assist you in identifying useful questions and answers. At the same time, a more detailed and clear waiver will help the ECCMT better understand the rationale behind the waiver, the process for creating the waiver, and the implementation strategy. We also believe this will help us in our work of evaluating the effectiveness of the waivers and with the long-term goal of changing statewide policies and laws.

We are finding that the waiver process can take time – sometimes up to 3 months – before a waiver is approved or denied. Waivers are both an opportunity and a privilege, and it can take time to review a waiver, research its background, draft a response letter, and get an approval or denial from Karen Beye, Executive Director of CO. Department of Human Services. The ECCMT makes recommendations on waivers to Ms. Beye, based on research, policy, and practice

Thank you,

The Early Childhood Management Team

Title of Waiver

1. **Name:** Pilot's name and waiver title.
2. **Date:** Date application is mailed and/or emailed.
3. **Lead Person for Waiver & Contact Info:** Who will be leading the work of this waiver? Who will be doing the follow-up work that will be expected of this waiver?
4. **History:** What is the history of this waiver? Who brought it up to the Pilot? Was there any opposition? What was the decision-making process to approve the request for the waiver?
5. **Waiver:** State the specific law, rule or regulation that you are requesting a waiver for.
6. **Barrier:** How has this law, rule or regulation created challenges for the way you serve children? Why does your community need this waiver?
7. **Specifics:** What specific changes are you asking for? What will these changes accomplish?
8. **Children:** How does this change make things better for children in your community? Is this waiver developmentally appropriate for the children impacted?
9. **Systems:** How does this waiver impact the early childhood system in your Pilot? Is it currently a missing component of the system? Does it complement the creation of a system in your community?
10. **Scope:** Think in terms of geographic, provider, family, and child impact. What other organizations are directly affected by this waiver (please give name of organization(s); e.g., school district(s))? Is every early childhood program within a Pilot eligible for the waiver or only specific programs?
11. **Quality:** How will this enhance quality services in your Pilot community?
12. **Evaluation:**
 - A). What is your evaluation methodology to measure the results of the requested waiver?
 - B). How will you measure the impact on the Pilot community?
 - C). What data will you collect?
 - D). How will you analyze the data?
 - E). *How will you keep the Early Childhood Councils Management Team updated on your lessons learned? Who will be the lead person on reporting, if evaluation expectations are required of the waiver?*
13. **Implementation:** What is the process for implementing the waiver? How will people be informed and educated about waiver-related changes?

14. Fiscal Impact:

- A). What is the fiscal impact of this waiver?
- B). How did you build this figure?
- C). What assumptions were made in identifying this figure?

15. Timeline: What should be the timeline for this waiver? When will it begin and end?

16. Other: Has this waiver ever been reviewed by the Licensing Appeals Board? Is there anything else you would like us to know regarding this waiver? Any background information that would be useful to the Early Childhood Councils Management Team?

Waiver Application Process

Process for review of Waiver Applications:

1. Pass the waiver through your Pilot’s formal decision-making process.
2. Give each waiver request a title.
3. Email your final waiver to Jenna Davis (davis_j@cde.state.co.us)
4. The Early Childhood Councils Management Team will review the waiver and make recommendations to Karen Beye based on research, policy, and practice.
5. The waiver will be sent to Karen Beye, Executive Director of CO. Department of Human Services for final signature.
6. If approved or denied, you will receive notification.
7. Please plan for up to three months for a waiver to be approved or denied, from the time you mailed the waiver for review.

Early Childhood Councils Management Team Members

The Early Childhood Councils Management Team is an interagency team (CO. Department of Education, CO. Department of Human Services – Division of Child Care, and CO. Department of Public Health & Environment) who are working collaboratively to support the work of the Consolidated Child Care Pilots and additional early childhood councils from across the state. The Early Childhood Councils Management Team meets the second Tuesday of each month.

Sharon Triolo-Moloney
CDE – Prevention Initiatives

Leslie Bulicz
CDHS – Division of Child Care

Rachel Hutson
CDPHE

Jenna Davis
Program Manager – EC Councils

Jo Koehn
CDE – Infant Toddler Initiative

Jodi Hardin
Smart Start Colorado Director

Lori Goodwin-Bowers
CDE – CPKP

Kim Stokka
CDE – EC Councils

Susan Smith
CDE – Special Ed.

Tom Patton
CDE – Special Ed

Scott Raun
CDHS – Division of Child Care

Nan Vendegna
CDE – Results Matter

Appendix D: List of Active Waivers

CPKP:

- **Denver Council:** Allows programs to serve children under 3 years old

Public Health:

- **Larimer Council:** Waives Senate Bill 98-189 concerning the regulation of retail food establishments.

School Readiness:

- **Fremont Council:** Waives the requirement that child care centers receiving funding under this program must be located in the same neighborhood as an elementary school with a low or unsatisfactory rating on the CSAP.

Child Care Licensing – Age Groupings

- **El Paso Council:** Allows children to remain in the toddler room when they turn 3 until space is available in the preschool classroom (this waiver is specific to one facility).
- **Larimer Council:** Allows children age 0-3 years of age to be cared for in the same group (this waiver is specific to one facility).

Child Care Licensing – Director Qualifications

- **Arapahoe Council:** Extends the six-month grace period granted to directors to complete the educational requirements to twelve months for candidates that have 50% of their coursework completed and 2 years of documented experience. Further allows the individual to function in the capacity of director during the twelve-month period prior to earning the certificate (this waiver was specific to one particular case).
- **Boulder Council:** Waives the requirement for directors of large child care center to have administration and nutrition coursework for qualification. This waiver is for Boulder County Head Start sites and for CPP sites, and special

education preschool sites located in elementary schools in the Boulder Valley School District and the St. Vrain Valley School District.

Colorado Child Care Assistance Program

- **Denver Council:** Allows the county to re-determine client eligibility for CCCAP every 12 months rather than every 6 months.
- **Routt Council:** Allows the county to prepay CCCAP payments to child care providers.
- **Routt Council:** Changes the parental fee schedule by increasing parental shares to eliminate the cliff effect.
- **Routt Council:** The goal of this waiver is to prevent the “cliff-effect” (where participating families experience a dramatic bump in their household expense for childcare that is not commensurate with a more gradual increase in their household income)for working families that become ineligible for CCCAP due to increasing income by creating a progressive parental co-pay structure for families.
- **Rural Resort Region:** Waives the requirements that the parent fee schedule be set in accordance with a formula based on the rules developed by the State Board of Human Services. Designed to reduce the “cliff effect” and reduce barriers to provider participation.