

SB 19-104 Commission Meeting Minutes

Date: 2/4/20

The S.B. 19-104 Commission to Eliminate Duplicate Regulations (Commission) convened on February 24th at 9:00am at the Colorado Department of Education (CDE). The first portion of the meeting was dedicated to reorienting the group to the list of pain points developed in the first meeting and over email.

The Commission then started to examine the relevant state agency rules related to school-aged child care programs. Representatives from the various state agencies—the Colorado Department of Education (CDE), the Colorado Department of Human Services (CDHS), the Colorado Department of Public Health and Environment (CDPHE), and the Colorado Department of Public Safety (CDPS)—provided context for their respective agency’s rules. This context included any statutory basis for the rules or relevant national guidelines or recommendations that are enumerated in the rules.

The Commission then began a deep dive into each of the pain points and the relevant agency regulations that govern those topics. Details on those topics are below:

- Fire inspection
 - Providers in the group noted they were often responsible for fixing any fire code issues—rather than the schools or districts themselves, even though they own the buildings.
 - Because of the timing of inspections and implications for licensure from CDHS, providers are often on the hook for pointing out and fixing issues in school buildings.
 - Recommendation 1: School and school district should receive a copy of any fire code inspection issues/failures at the same time as the school age child-care program.
 - Recommendation 2: Potential statutory change to ensure that inspections be done by a fire code official. Current statute—section 26-6-104(4), C.R.S.—requires facilities to conform to requirements of “local fire departments in the locality of the facility.” On the other hand, schools must be inspected by an approved fire code official.
- Playground safety
 - Representatives from CDHS confirmed that the current regulations for playground safety were based on national standards and recommendations.
 - The primary focus of concern was related to the height level (six feet) of certain structures.
 - Providers noted that these structures were deemed safe during the school day and had been inspected by national playground safety experts or other commercial inspectors.
 - Recommendation 1: CDE should make similar recommendations regarding certification and structure height to schools and districts when they purchase playground materials.
 - Recommendation 2: CDHS should consider revising its regulations so that if the structures have been certified by a national playground safety expert, that certification should satisfy licensing inspection requirements.
- Staffing (group size and ratios)
 - The group focused its conversation on maximum group size requirements and appropriate ratios.

- These requirements exist solely in the CDHS regulations; CDE and state statute do not dictate teacher-pupil ratios for schools and districts.
- Providers expressed frustration with rigidity and lack of understanding for emergency situations.
- CDHS noted the basis for these size and ratio requirements comes from national standards and prevents future negative implications for employee sanctions (neglect charges, etc.)
- Recommendation 1: Increased training for local county human services inspectors on flexibility related to emergency situations and maximum size/ratio issues.
- Recommendation 2: Potentially examine a band of time for exception to ration and maximum size requirements. Providers to look for language from other states that may be used in this situation.
- Building Maintenance
 - The group determined that the “out of reach soap” issue would be discussed separately.
 - Most of the items in this topic area fall under the CDPHE health code regulations and licensing rules from CDHS.
 - CDPHE noted that the crux of the problem is not that schools and districts do not have to meet the same code standards, it is the fact that local county health departments are not inspecting or monitoring those schools and districts.
 - The lack of monitoring/inspection is due to limited resources of these county departments.
 - Recommendation 1: Ensure that a copy of health and safety violations from licensing inspections of programs are also given to the school and/or district where the program operates.
 - Recommendation 2: Ask state agencies to consider backing a statutory change requiring local county health departments to inspect schools and districts (this would require resources and is outside of the Commission’s scope).

After this discussion, the Commission opened the floor for public comment. There were no individuals present to testify. The Commission will meet again on April 13th from 1pm-4pm.