

**WORKING DRAFT**

HOUSE BILL NO. \_\_\_\_\_

Quality child care.

Sponsored by: Joint Labor, Health and Social Services  
Interim Committee

A BILL

for

1 AN ACT relating to child caring facilities; providing for a  
2 quality child care system within the department of family  
3 services; providing criteria for the rating of child caring  
4 facilities, as specified; providing incentives for the  
5 professional development of child caring facility staff, as  
6 specified; requiring reports; granting rulemaking  
7 authority; providing an appropriation; and providing for an  
8 effective date.

9

10 *Be it enacted by the Legislature of the State of Wyoming:*

11

12 **Section 1.** W.S. 14-4-201 through 14-4-206 are created  
13 to read:

14

15

ARTICLE 2 - QUALITY CHILD CARE

1

2

**14-4-201. Quality child care system established.**

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(a) A quality child care system is created for the purpose of providing high quality care to children in licensed child caring facilities consisting of:

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(b) The quality child care system shall also provide for a parental education and public awareness program.

(c) The department of family services is authorized to promulgate rules and regulations for the purpose of implementing this article. All rules and regulations shall be promulgated in consultation with the department of education, the department of workforce services, the

1 department of health, University of Wyoming and early  
2 childhood specialists from the private sector.

3

4 (d) The state's responsibility for payments under  
5 this article shall be limited to the amount of funding  
6 provided for the quality child care system by the  
7 legislature. The department may receive donations from  
8 foundations or other private sources. Any such funds  
9 received shall be deposited into a separate account and are  
10 continuously appropriated to the department, which may  
11 distribute those funds in accordance with the provisions of  
12 this article. Services paid for by another public program  
13 shall not be reimbursed under this article.

14

15 (e) Infants and preschool children served under this  
16 article who qualify for disability services shall receive  
17 those services through a regional developmental preschool  
18 that is supported by state funding for this purpose,  
19 provided the parents or caretakers agree to those services.  
20 The cost of these services shall not be reimbursed by  
21 payments made to providers under this article.

22

23 (f) In the delivery of services, facilities that  
24 receive funds under this article shall not discriminate

1 against any individual on the basis of sex, color, race,  
2 religion, national origin, disability, or age other than  
3 the age of the qualifying child.

4

5 (g) Upon approval of the application for funds as  
6 provide in this article, the facility shall enter into a  
7 contract with the state, wherein the facility shall agree:

8

9 (i) To provide child care services in this state  
10 for a minimum of one (1) year;

11

12 (ii) To provide child care services at a reduced  
13 rate during that one (1) year period to the children of  
14 Wyoming residents qualified under the Wyoming Medical  
15 Assistance and Services Act or the Child Health Insurance  
16 Program established under W.S. 35-25-101 who are seeking  
17 child care which the facility is qualified to provide;

18

19 (iii) To submit the reports required by W.S. 14-  
20 4-203(d) and to submit information as required in the  
21 department's rules and regulations; and

22

23 (iv) To immediately repay all funds provided to  
24 the facility pursuant to this article, attorney fees and

1 costs incurred in collection, if the facility breaches the  
2 contract during the one (1) year period.

3

4 (h) For purposes of this article:

5

6 (i) "Department" means the department of family  
7 services;

8

9 (ii) "Facility" means child caring facility as  
10 defined in W.S. 14-4-101(a)(vi).

11

12 **14-4-202. Quality rating system.**

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14 (a) The department shall establish by rule and  
15 regulation a process for evaluating and rating the quality  
16 of facilities.

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18 (b) Any facility as defined in W.S. 14-4-201(g)  
19 serving three (3) or more children, and any other facility  
20 including preschools and developmental preschools, or  
21 facilities that are exempt from licensing under W.S. 14-4-  
22 101, but which choose voluntarily to become licensed may  
23 apply to the department to be evaluated and rated.

24

1           (c) There shall be five (5) levels of quality. Any  
2 facility meeting the requirements of W.S. 14-4-101 through  
3 14-4-116 for licensing shall be deemed to be at level one  
4 (1). Progression above level one (1) is voluntary. The  
5 criteria to assess levels of quality shall be based upon  
6 best practices as defined by rule and regulation of the  
7 department and shall include but not be limited to:

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9           (i) The learning environment, including a  
10 developmentally appropriate curriculum and support for  
11 positive cognitive and social development;

12

13           (ii) The establishment of child to staff ratios  
14 which are applicable to various age groups of children  
15 served;

16

17           (iii) Procedures and training to assure quality  
18 of facility services;

19

20           (iv) Staff qualifications and education;  
21 including certification or endorsement in early childhood  
22 education;

23

1           (v) Policies and practices that encourage family  
2 and community involvement in the facility's program;

3

4           (vi) Activities that parents and caretakers can  
5 pursue at home which promote learning and development; and

6

7           (vii) Linkages with other community resources  
8 for the purpose of resource and referral including, but not  
9 limited to:

10

11           (A) Programs that provide healthcare and  
12 health care coverage;

13

14           (B) Programs that offer educational and  
15 workforce training services;

16

17           (C) Programs that offer counseling for  
18 children and parents or caretakers of the children being  
19 served under this article;

20

21           (D) Public health nurse infant home  
22 visitation program; and

23

1                   (E) Developmental preschools as defined in  
2 W.S. 21-2-701.

3

4           **14-4-203. Quality incentive payments.**

5

6           (a) In consideration of the facility providing  
7 quality care to children as described in this article and  
8 using established best practices, the department may  
9 provide annual quality incentive payments to the facility  
10 participating voluntarily in the quality rating system and  
11 achieving a rating of level two (2) or higher. The  
12 calculation of the payment for quality services shall be  
13 based on a sliding fee scale which shall consider equally  
14 the percentage of at risk children served by a provider and  
15 the quality level the provider has achieved.

16

17           (b) For purposes of this section, children are  
18 considered at risk if they meet one (1) or more of the  
19 following criteria:

20

21           (i) The child has physical, social or emotional  
22 disabilities or delays in development;

23



1           (ii) The household's income is below two hundred  
2 fifty percent (250%) of the federal poverty level;

3

4           (iii) The child's primary caretaker is a single  
5 parent;

6

7           (iv) The child is being raised by someone other  
8 than the parent or adoptive parent;

9

10           (v) At least one (1) parent of the child has  
11 been convicted of a felony;

12

13           (vi) At least one (1) parent of the child has a  
14 documented history of drug or alcohol abuse;

15

16           (vii) The child was born to a minor parent;

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18           (viii) The mother of the child failed to  
19 complete high school or obtain a general educational  
20 development certificate.

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22           (c) Quality incentive payments under this section  
23 shall not exceed twenty-five percent (25%) of the current  
24 market rate for child care in the facility's community as

1 established by the market rate survey required to be  
2 conducted by the department under the provisions of 45 CFR  
3 98.43 of the code of federal regulations.

4

5 (d) Facilities receiving payments pursuant to this  
6 section shall report to the department at least annually.  
7 The report shall include evidence that the facility's  
8 quality rating criteria have been maintained, an  
9 itemization of how the funds were used, the results  
10 obtained and the impact of the funds on the children and  
11 families served by the facility.

12

13 **14-4-204. Professional development incentives.**

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15 (a) The department by rule and regulation shall  
16 establish incentives to encourage the staff of  
17 participating facilities to attain certificates or degrees  
18 in early childhood development or a related field. These  
19 incentives may include scholarships and salary  
20 enhancements. Payments under this section shall be  
21 conditioned upon:

22

23 (i) The recipient of the incentive entering into  
24 a written agreement to work for the participating facility

1 for at least one (1) year after receiving the certificate  
2 or degree; and

3

4 (ii) An in-cash cost sharing contribution of at  
5 least ten percent (10%) but not more than twenty-five  
6 percent (25%) from the facility employing the staff member,  
7 which may include financial assistance to the staff member  
8 in attaining the certificate or degree, or increased wages  
9 or benefits after acquiring the certificate or degree.

10

11 (b) A recipient of an incentive payment pursuant to  
12 this section shall immediately repay all funds provided to  
13 the recipient pursuant to this article, together with  
14 attorney fees and costs incurred in collection, if the  
15 recipient breaches the contract required by paragraph  
16 (a)(i) of this section.

17

18 **14-4-205. Technical assistance and quality support.**

19

20 (a) Quality support payments may be made available to  
21 facilities through a competitive process to provide quality  
22 care for infants or other children whose care may otherwise  
23 be difficult to obtain in the community. Grants shall be  
24 awarded as follows:

1

2 (i) Repayment shall be required if the facility  
3 closes the business within one (1) year after receiving the  
4 grant;

5

6 (ii) Grant requests for increasing capacity  
7 shall only be awarded to existing licensed facilities that  
8 are at a quality level of three (3) or higher in the  
9 quality rating system;

10

11 (iii) Quality support grants shall not be used  
12 for capital construction or purchase of land or buildings;

13

14 (iv) Grants to any one (1) facility shall not  
15 exceed three thousand dollars (\$3,000.00) per child.

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17 (b) The department of family services shall provide  
18 technical assistance to facilities on best practices for  
19 management of child caring facilities.

20

21 **14-4-206. Parental education and public awareness.**

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23 (a) The department shall develop and distribute  
24 materials to:

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2 (i) Promote knowledge of the quality child care  
3 system;

4

5 (ii) Promote an understanding of the benefits  
6 that accrue to children, families and communities from  
7 quality child care programs, as based upon the latest  
8 findings in research reports and studies;

9

10 (iii) Promote the advantages of parents  
11 personally providing care for their own children whenever  
12 possible;

13

14 (iv) Promote parent involvement in their child's  
15 development and provide information and activities to  
16 parents or caretakers to promote early childhood learning  
17 and development at home; and

18

19 (v) Emphasize the importance of parental  
20 responsibility and the involvement of the family in quality  
21 early childhood development.

22

23 **Section 2.**

24

1           (a) The department of family services shall report  
2 annually to the joint education interim committee, the  
3 joint labor, health and social services interim committee,  
4 and the joint appropriations interim committee by October  
5 1. The report shall include:

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7           (i) The department's progress in establishing  
8 the system under this act;

9

10           (ii) The participating child care facilities and  
11 their ratings;

12

13           (iii) Information that demonstrates the impacts  
14 of the services provided by the system on children,  
15 families and communities and how the department plans to  
16 measure these impacts;

17

18           (iv) Public awareness activities;

19

20           (v) The collaborative efforts of the departments  
21 of education, family services, health, workforce services  
22 and others to provide comprehensive early childhood  
23 development and preschool experiences for children while

1 meeting the needs of Wyoming's workforce and economic  
2 development;

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4 (vi) System expenditures of public and private  
5 funds; and

6

7 (vii) Recommendations for changes in the  
8 system's operation.

9

10 **Section 3.**

11

12 (a) The legislature finds that:

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14 (i) Nearly one-quarter of Wyoming homes are  
15 headed by a single parent, most often a female, and the  
16 state has the largest gender gap between wages earned by  
17 women and those paid to men, resulting in more than half of  
18 the young children in single female parent homes growing up  
19 in poverty;

20

21 (ii) Participation in early childhood  
22 development programs frequently results in the earlier  
23 discovery and treatment of medical and mental health  
24 problems, including hearing disorders, vision problems,

1 learning disabilities and other problems that significantly  
2 hinder future learning potential if not diagnosed and  
3 treated as early as possible in a child's life;

4

5 (iii) There are approximately thirty-seven  
6 thousand (37,000) Wyoming children under the age of nine  
7 (9) residing in homes where all caretakers are employed  
8 full time.

9

10 (iv) High quality early childhood development  
11 programs have been shown to be particularly effective in  
12 significantly improving the lives of children who are at  
13 risk because of poverty, family mental health problems,  
14 substance abuse problems or because the parent is a  
15 teenager, a felon or is absent from the home

16

17 (v) The legislature further finds that extensive  
18 research demonstrates that quality child care helps provide  
19 a foundation for a child's success in life and, in  
20 conjunction with other early childhood developmental  
21 programs, results in:

22



1 (A) Fewer special education and other  
2 publicly funded educational and social services later in  
3 life;

4  
5 (B) Decreased drug and alcohol abuse;

6  
7 (C) Decreased child abuse and fewer  
8 contacts with the criminal justice system;

9  
10 (D) Decreased likelihood of becoming a  
11 teenage parent;

12  
13 (E) Decreased need for welfare benefits;

14  
15 (F) Higher levels of verbal, mathematical  
16 and intellectual achievement in kindergarten through  
17 twelfth grade and better academic performance in general  
18 throughout their lives.

19

20 **Section 4.** There is appropriated fourteen million,  
21 four hundred fifty-four thousand two hundred fifty-nine  
22 dollars (\$14,454,259) from the general fund to the  
23 department of family services for the purposes of this act.

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1           **Section 5.**

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3           (a) W.S. 14-4-201(a) and (b) created by this act is  
4 effective immediately upon completion of all acts necessary  
5 for a bill to become law as provided by Article 4, Section  
6 8 of Wyoming Constitution.

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8           (b) Except as provided in subsection (a) of this  
9 section, this act is effective July 1, 2006.

10

11

(END)

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