

WORKING DRAFT

HOUSE BILL NO. _____

Quality Child Care

Sponsored by: HDRAFT

A BILL

for

1 AN ACT relating to child care facilities; specifying
2 authorization for the business ready community program to
3 fund child care facilities; establishing a subaccount for
4 child care facilities funding; providing a quality rating
5 system for child care facilities; providing early childhood
6 scholarships for families; providing professional
7 development grants; providing capacity enhancement grants
8 and business management services; providing a grievance
9 process; repealing executed and inconsistent provisions;
10 providing for program expenditure adjustments; requiring
11 reports; and providing for an effective date.

12

13 *Be It Enacted by the Legislature of the State of Wyoming:*

14

1 **Section 1.** W.S. 9-12-601(b), 9-12-602 and 14-4-201
2 through 14-4-206 are amended to read:

3

4 **9-12-601. Wyoming business ready community program;**
5 **purpose; creation; rulemaking.**

6

7 (b) The council shall establish and administer a
8 Wyoming business ready community program as provided by
9 this article. Any city, town or county may submit an
10 application to the council for a grant or loan under the
11 program on forms prescribed by and subject to rules
12 promulgated by the council. Grants or loans may be applied
13 for by a joint powers board with the approval of all
14 participating agencies to the joint powers agreement.
15 Grants and loans may be made by the council for economic
16 development, child care or educational development
17 infrastructure projects, including the purchase of land,
18 buildings, facilities, telecommunications infrastructure,
19 rights of way, airports, sewer and water projects, roads,
20 landscaping, recreational and convention facilities or
21 other infrastructure determined by the council to be
22 consistent with the purposes of this article. In adopting
23 rules and making grants and loans under this article the
24 council shall require all projects to be related to

1 economic development, child care or educational development
2 infrastructure, which shall not include rehabilitation or
3 expansion of existing infrastructure unless the council
4 determines the rehabilitation or expansion is necessary to
5 meet the purposes of this article. All grants, loans or
6 cooperative agreements made under this article shall be
7 referred by the council to the state loan and investment
8 board for final approval or disapproval. The state loan and
9 investment board may adopt rules as necessary to implement
10 its duties under this article.

11

12 **9-12-602. Wyoming business ready community**
13 **program account.**

14

15 There is created the business ready community
16 account. A child care facility subaccount shall be
17 established within the account. Funds shall be credited to
18 the account as provided by law. Funds in the account are
19 continuously appropriated to the council to be used only
20 for cooperative agreements, grants or loans authorized to
21 be made under this article. Funds within the subaccount may
22 be expended in the same manner but shall only be expended
23 for child care facilities and related infrastructure.
24 Cities, towns and counties with low per capita assessed

1 valuations, upon the filing of an acceptable application,
 2 shall be given the highest priority for child care grants
 3 and loans.

4 ***** STAFF COMMENTS *****

5 The entire bill adopted last session has been
 6 retained in this draft in order for the Committee
 7 to have before it the entire law. Those items
 8 which appeared inconsistent with the Committee's
 9 directives or which were specifically requested
 10 to be repealed appear as stricken language
 11

12 **14-4-201. Quality child care system established.**

13
 14 (a) A quality child care system is created for the
 15 purpose of ~~supplementing~~ assisting the working families of
 16 the state by encouraging the availability of high quality
 17 care ~~to~~ for children in licensed child caring facilities.
 18 The system consists ~~consisting~~ of:

19
 20 (i) A quality rating system;

21
 22 (ii) ~~Incentive payments~~ Early childhood
 23 scholarships for families for higher levels of quality
 24 care;

25
 26 (iii) ~~Scholarships~~ Grants for ~~professional~~
 27 educational development;

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(iv) Technical assistance, ~~and~~ quality support assessment and business management services; and

(v) Capacity enhancement grants.

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

(c) The department of workforce 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 family services, the department of health, University of Wyoming and early childhood specialists from the private sector.

(d) The state's responsibility for payments under this article shall be limited to the amount of funding provided for the quality child care system by the legislature. The department may receive donations from foundations or other private sources. Any such funds received shall be deposited into a separate account and are continuously appropriated to the department, which may

1 distribute those funds in accordance with the provisions of
2 this article. Services eligible to be paid for by another
3 public program shall not be reimbursed under this article.

4
5 (e) Infants and preschool children served under this
6 article who qualify for disability services shall receive
7 those services through a regional developmental preschool
8 that is supported by state funding for this purpose,
9 provided the parents or caretakers agree to those services.
10 The cost of these services shall not be reimbursed by
11 payments made to providers under this article.

12
13 (f) In the delivery of services, facilities that
14 receive funds under this article shall not discriminate
15 against any individual on the basis of sex, color, race,
16 religion, national origin, disability or age other than the
17 age of the qualifying child. Notwithstanding this
18 subsection, facilities shall retain the ability to refer
19 ~~developmentally disabled children~~ children with
20 developmental disabilities to regional developmental
21 preschools supported by state funding.

22

1 (g) Upon approval of the application for funds as
2 provided in this article, the facility shall enter into a
3 contract with the state, wherein the facility shall agree:

4
5 (i) To provide child care services in this state
6 for a minimum of one (1) year;

7
8 (ii) To serve children from families eligible
9 for support for child care under programs, other than the
10 program created by this article, managed by the department
11 of family services;

12
13 (iii) To submit the reports required by W.S.
14 14-4-203(d) and to submit information as required in the
15 department's rules and regulations; and

16
17 (iv) To immediately repay all funds provided to
18 the facility pursuant to this article, attorney fees and
19 costs incurred in collection, if the facility breaches the
20 contract during the one (1) year period.

21
22 (h) The department of workforce services shall
23 structure its contracts with facilities to ensure necessary
24 data is reported uniformly. The contracts shall specify

1 what services will be provided under the contract and the
2 outcome measures to be achieved to allow the department to
3 determine compliance with contract provisions, the services
4 provided, the outcomes achieved and to determine the extent
5 of statewide needs based on the reports received.

6
7 ~~(j) The task force created pursuant to paragraph~~
8 ~~(m)(iii) of this section shall develop an outcomes~~
9 ~~measurement and data infrastructure system for purposes of~~
10 ~~performance measurement and quality improvement of services~~
11 ~~provided by facilities under contract with the department~~
12 ~~to address statewide planning for quality improvement and~~
13 ~~increased availability of child care facilities.~~

14
15 (k) The department, in rating facilities for quality
16 and making payments to facilities pursuant to this article,
17 shall not discriminate against any facility due to
18 religious orientation, affiliation or instruction or the
19 lack thereof. No state funds shall be used for materials
20 for religious instruction, salaries and benefits for staff
21 primarily engaged in religious instruction, or for any
22 other incremental cost of religious instruction or
23 observances. Any facility receiving state funds shall be
24 prepared to demonstrate, if audited, that sufficient

1 nongovernmental funds were available to cover all expenses
2 of religious instruction or observance.

3

4 (m) For purposes of this article:

5

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

8

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

11

12 ~~(iii) "Task force" means a joint task force of~~
13 ~~employees of the department of workforce services and~~
14 ~~department of family services appointed by the governor.~~

15

16 **14-4-202. Quality rating system.**

17

18 (a) The department shall establish by rule and
19 regulation a process for evaluating and rating the quality
20 of facilities.

21

22 (b) Any facility as defined in W.S. 14-4-201(m)
23 serving three (3) or more children, any other facility
24 including preschools and developmental preschools, and

1 facilities that are exempt from licensing under W.S.
2 14-4-101, but which choose voluntarily to become licensed,
3 may apply to the department to be evaluated and rated.

4
5 (c) There shall be ~~five (5)~~ four (4) levels of
6 quality. Any facility volunteering to participate and
7 meeting the requirements of W.S. 14-4-101 through 14-4-116
8 for licensing shall be deemed to be at level one (1).
9 Progression above level one (1) is voluntary. Facilities
10 volunteering to participate in the quality rating system
11 shall undergo an initial quality assessment for the purpose
12 of evaluating the level of quality. The criteria to assess
13 levels of quality shall be based upon best practices as
14 defined by rule and regulation of the department and shall
15 include but not be limited to:

16
17 (i) The learning environment, including a
18 developmentally appropriate curriculum and support for
19 positive cognitive and social development;

20
21 (ii) The establishment of child to staff ratios
22 which are applicable to various age groups of children
23 served;

24

1 (iii) ~~Procedures and training to assure quality~~
2 ~~of facility services;~~

3

4 (iv) Staff qualifications, experience and
5 education, including certification or endorsement in early
6 childhood education;

7

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

10

11 (vi) Provision of information and training on
12 activities that parents and caretakers can pursue at home
13 which promote learning and development; and

14

15 (vii) Linkages with other community resources
16 for the purpose of resource and referral including, but not
17 limited to:

18

19 (A) Programs that provide health care and
20 health care coverage;

21

22 (B) Programs that offer educational and
23 workforce training services;

24

1 (C) Programs that offer counseling for
2 children and parents or caretakers of the children being
3 served under this article;

4

5 (D) Public health nurse infant home
6 visitation program; and

7

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

10

11 (d) Effective July 1, 2017, no facility shall be
12 rated at a level "4" unless all teachers and directors of
13 the facility responsible for directly providing care to
14 children have a minimum of a baccalaureate degree in child
15 development or childhood education with an endorsement at
16 the age appropriate discipline for the children served.

17

18 **14-4-203. Early childhood scholarships for families.**

19

20 (a) In consideration of the facility providing
21 quality care to children as described in this article and
22 using established best practices as defined by rule and
23 regulation of the department, the department may provide
24 monthly ~~quality incentive payments~~ early childhood

1 scholarships for families to the facility participating
2 voluntarily in the quality rating system and achieving a
3 rating of level two (2) or higher. The calculation of the
4 payment for quality services shall be based on a sliding
5 fee scale which shall consider ~~equally the percentage of at~~
6 ~~risk children served by a provider~~ the family income of the
7 child, number of children being served who are within the
8 family income level established, a regional cost adjustment
9 and the quality level the provider has achieved. ~~and the~~
10 ~~volume of business at each provider.~~ The calculation shall
11 use the quality child care incentive level established
12 pursuant to subsection (c) of this section and the
13 following factors:

14
15 (i) The state will pay one hundred percent
16 (100%) of the early childhood scholarships for families to
17 facilities on behalf of families at or below two hundred
18 percent (200%) of the federal poverty level and will pay
19 seventy-five percent (75%) of the early childhood
20 scholarships for families to facilities on behalf families
21 that are above two hundred percent (200%) and at or below
22 two hundred fifty percent (250%) of the federal poverty
23 level and will pay fifty percent (50%) of the early
24 childhood scholarships for families to facilities on behalf

1 of families that are above two hundred fifty percent (250%)
2 and at or below two hundred eighty percent (280%) of the
3 federal poverty level; and

4 *** STAFF COMMENTS ***

5 Staff was instructed to insert a "; and" after
6 this paragraph so that an amendment could be
7 prepared by staff for consideration by the Labor
8 Committee indicating that the "state will provide
9 extra payments to those families who live in
10 counties whose cost of living is above one
11 hundred percent (100%) of the state average".
12

13 ~~(b) For purposes of this section, children are~~
14 ~~considered at risk if they meet one (1) or more of the~~
15 ~~following criteria:~~

16
17 ~~(i) The child has physical, cognitive, social or~~
18 ~~emotional disabilities or delays in development;~~

19
20 ~~(ii) The household's income is below a~~
21 ~~percentage of the federal poverty level determined by the~~
22 ~~task force;~~

23
24 ~~(iii) The child's primary caretaker is a single~~
25 ~~parent;~~

26
27 ~~(iv) The child is being raised by someone other~~
28 ~~than the parent or adoptive parent;~~

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

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

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

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

13

14

(c) ~~Quality incentive payments~~ Early childhood scholarships for families under this section shall be paid for each eligible licensed child care slot according to the biennial rate established in the biennial budget bill and shall not exceed ~~fifty percent (50%)~~ seventy-five percent (75%) of the current statewide market rate for child care as established by the market rate survey required to be conducted by the department of family services under the provisions of 45 C.F.R. 98.43 of the code of federal regulations or a similar section subsequently adopted.

24

1 (d) Facilities receiving payments pursuant to this
2 section shall report monthly to the department the total
3 number of children served, and those within each family
4 income level who are eligible for family scholarships under
5 subsection (a) of this section, ~~and the total number of at-~~
6 ~~risk children served during that month~~ and the program
7 outcome measures achieved. At least annually, the facility
8 shall file a report which includes evidence that the
9 facility's quality rating criteria have been maintained,
10 the outcome measures achieved, an itemization of how the
11 funds were used, the results obtained and the impact of the
12 funds on the children and families served by the facility.

13

14 **14-4-204. Educational development grants.**

15

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

23

1 (i) The recipient of the ~~incentive~~ scholarship
2 entering into a written agreement to work for the
3 participating facility for at least one (1) year after
4 receiving the certificate or degree; and

5
6 (ii) An in-cash cost sharing contribution of at
7 least ten percent (10%) from the facility employing the
8 staff member, which may include financial assistance to the
9 staff member in attaining the certificate or degree, or
10 increased wages or benefits after acquiring the certificate
11 or degree.

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

19

20 **14-4-205. Technical assistance and business**
21 **management assistance; capacity enhancement grants.**

22

23 (a) ~~Quality support payments~~ Capacity enhancement
24 grants may be made available to facilities through a

1 competitive process to provide quality care for infants or
2 other children whose care may otherwise be difficult to
3 obtain in the community. Grants shall be awarded as
4 follows:

5
6 (i) Repayment shall be required if the facility
7 closes the business within one (1) year after receiving the
8 grant or if the facility fails to comply with any provision
9 of the grant;

10

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

15

16 (iii) ~~Quality support grants~~ Capacity
17 enhancement grants shall not be used for capital
18 construction or purchase of land or buildings;

19

20 (iv) Grants to any one (1) facility shall not
21 exceed three thousand dollars (\$3,000.00) per child;

22

23 (v) To be eligible for a capacity enhancement
24 grant the facility shall demonstrate that the child for

1 which the grant will be used is either eligible for a
2 scholarship under W.S. 14-4-203 or is eligible to receive
3 assistance under the Child Care Development Fund 45 C.F.R.
4 98 or a similar provision subsequently adopted.

5
6 (b) The ~~department of family services and~~ department
7 ~~of workforce services~~ shall provide technical assistance to
8 facilities on best practices for management of child caring
9 facilities as follows:

10
11 (i) The department shall provide a technical
12 assistance specialist on a regional basis throughout the
13 state;

14
15 (ii) Technical assistance specialists shall
16 conduct outreach programs and assist facilities with
17 interpreting the results of program quality assessments,
18 developing capacity enhancement grants, and identification
19 of and referral to local community resources.

20
21 **14-4-206. Parental education and public awareness.**

22
23 (a) The department shall develop and distribute
24 materials to:

1

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.

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23 **Section 2.** W.S. 14-4-207 through 14-4-209 are created
24 to read:

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***** STAFF COMMENTS *****

W.S. 14-4-207 and W.S. 14-4-208 are from last session's law. The provisions were in a noncodified section. They are being codified here, with amendments. For this version the changes are shown in strike and underline

14-4-207. Reporting requirements.

(a) The department of workforce services shall report annually to the joint education interim committee, the joint labor, health and social services interim committee and joint appropriations interim committee by October 1, ~~and to the oversight committee created in Section 2 of this act quarterly.~~ The report shall include:

(i) The department's progress in establishing the system under this article;

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

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

1 (iv) Public awareness activities;

2

3 (v) The collaborative efforts of the
4 departments of education, family services, health,
5 workforce services and others to provide comprehensive
6 early childhood development and preschool experiences for
7 children while meeting the needs of Wyoming's workforce and
8 economic development;

9

10 (vi) System expenditures of public and
11 private funds; and

12

13 (vii) Recommendations for changes in the
14 system's operation.

15

16 **14-4-208. Grievance process.**

17

18 Upon implementation of the child care facilities
19 rating system, the department shall establish a grievance
20 ~~board to hear public comments on~~ process for complaints
21 relating to the quality child care system. ~~and shall~~
22 ~~provide a convenient system for citizens to file~~
23 ~~grievances. The task force shall recommend parameters for~~
24 ~~the operation of the grievance board.~~ The grievance process

1 shall be conducted in accordance with rules and regulations
2 promulgated by the department. The process shall be
3 informal, and the Wyoming Rules of Evidence shall not
4 apply. A report of all comments regarding the quality child
5 care system and the action taken, if any, by the department
6 in response to those comments shall be included in the
7 department's annual report to the oversight committee.

8
9 **14-4-209. Balanced budget provisions.**

10
11 (a) The department shall periodically evaluate the
12 spending for early childhood scholarships for families and
13 project the spending through the end of the current
14 biennium. If the projected spending exceeds the budget
15 available the department shall take any combination of the
16 following actions to bring the spending within the budget
17 available:

18
19 (i) Impose a moratorium or a limit on new
20 enrollment in the program;

21
22 (ii) Reduce the financial eligibility criteria
23 for new program enrollees; or

24
25 (iii) Reduce the amount of the payment levels for
26 quality care.

1

2 (b) The department shall notify the joint
3 appropriations committee of any shortfall projected and the
4 actions taken to remedy the shortfall.

5

6 **Section 3.** 2006 Wyoming Session Laws Chapter 64,
7 Section 2 and Section 3 are repealed.

8

9 **Section 4.** This act is effective immediately
10 upon completion of all acts necessary for a bill to become
11 law as provided by Article 4, Section 8 of the Wyoming
12 Constitution.

13

14

(END)