

HOUSE BILL NO. HB0092

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; authorizing
8 positions; and providing for effective dates.

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

16

QUALITY CHILD CARE

1

2 **14-4-201. Quality child care system established.**

3

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

7

8 (i) A quality rating system;

9

10 (ii) Incentive payments for higher levels of
11 quality care;

12

13 (iii) Scholarships for professional development;

14

15 (iv) Technical assistance and quality support.

16

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

19

20 (c) The department of family services is authorized
21 to promulgate rules and regulations for the purpose of
22 implementing this article. All rules and regulations shall
23 be promulgated in consultation with the department of
24 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 eligible to be paid for by another
13 public program 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 the
3 age of the qualifying child.

4

5 (g) Upon approval of the application for funds as
6 provided 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 serve children from families eligible
13 for support for child care under programs, other than the
14 program created by this article, managed by the department;

15

16 (iii) To submit the reports required by W.S.
17 14-4-203(d) and to submit information as required in the
18 department's rules and regulations; and

19

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

24

1 (h) The department, in rating facilities for quality
2 and making payments to facilities pursuant to this act,
3 shall not discriminate against any facility due to
4 religious orientation, affiliation or instruction or the
5 lack thereof. No state funds shall be used for materials
6 for religious instruction, salaries and benefits for staff
7 primarily engaged in religious instruction, or for any
8 other incremental cost of religious instruction or
9 observances. Any facility receiving state funds shall be
10 prepared to demonstrate, if audited, that sufficient
11 nongovernmental funds were available to cover all expenses
12 of religious instruction or observance.

13

14 (j) For purposes of this article:

15

16 (i) "Department" means the department of family
17 services;

18

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

21

22 **14-4-202. Quality rating system.**

23

1 (a) The department shall establish by rule and
2 regulation a process for evaluating and rating the quality
3 of facilities.

4

5 (b) Any facility as defined in W.S. 14-4-201(j)
6 serving three (3) or more children, any other facility
7 including preschools and developmental preschools, and
8 facilities that are exempt from licensing under W.S.
9 14-4-101, but which choose voluntarily to become licensed,
10 may apply to the department to be evaluated and rated.

11

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

19

20 (i) The learning environment, including a
21 developmentally appropriate curriculum and support for
22 positive cognitive and social development;

23

1 (ii) The establishment of child to staff ratios
2 which are applicable to various age groups of children
3 served;

4
5 (iii) Procedures and training to assure quality
6 of facility services;

7
8 (iv) Staff qualifications and education,
9 including certification or endorsement in early childhood
10 education;

11
12 (v) Policies and practices that encourage family
13 and community involvement in the facility's program;

14
15 (vi) Provision of information and training on
16 activities that parents and caretakers can pursue at home
17 which promote learning and development; and

18
19 (vii) Linkages with other community resources
20 for the purpose of resource and referral including, but not
21 limited to:

22
23 (A) Programs that provide health care and
24 health care coverage;

1

2 (B) Programs that offer educational and
3 workforce training services;

4

5 (C) Programs that offer counseling for
6 children and parents or caretakers of the children being
7 served under this article;

8

9 (D) Public health nurse infant home
10 visitation program; and

11

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

14

15 **14-4-203. Quality incentive payments.**

16

17 (a) In consideration of the facility providing
18 quality care to children as described in this article and
19 using established best practices, the department may
20 provide monthly quality incentive payments to the facility
21 participating voluntarily in the quality rating system and
22 achieving a rating of level two (2) or higher. The
23 calculation of the payment for quality services shall be
24 based on a sliding fee scale which shall consider equally

1 the percentage of at risk children served by a provider and
2 the quality level the provider has achieved and be related
3 to the volume of business at each provider.

4

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

8

9 (i) The child has physical, cognitive, social or
10 emotional disabilities or delays in development;

11

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

14

15 (iii) The child's primary caretaker is a single
16 parent;

17

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

20

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

23

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

3

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

5

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

9

10 (c) Quality incentive payments under this section
11 shall not exceed fifty percent (50%) of the current
12 statewide market rate for child care as established by the
13 market rate survey required to be conducted by the
14 department under the provisions of 45 C.F.R. 98.43 of the
15 code of federal regulations.

16

17 (d) Facilities receiving payments pursuant to this
18 section shall report monthly to the department the total
19 number of children served and the total number of at-risk
20 children served during that month. At least annually, the
21 facility shall file a report which includes evidence that
22 the facility's quality rating criteria have been
23 maintained, an itemization of how the funds were used, the

1 results obtained and the impact of the funds on the
2 children and families served by the facility.

3

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

5

6 (a) The department by rule and regulation shall
7 establish incentives to encourage the staff of
8 participating facilities to attain certificates or degrees
9 in early childhood development or a related field. These
10 incentives may include scholarships and salary
11 enhancements. Payments under this section shall be
12 conditioned upon:

13

14 (i) The recipient of the incentive entering into
15 a written agreement to work for the participating facility
16 for at least one (1) year after receiving the certificate
17 or degree; and

18

19 (ii) An in-cash cost sharing contribution of at
20 least ten percent (10%) from the facility employing the
21 staff member, which may include financial assistance to the
22 staff member in attaining the certificate or degree, or
23 increased wages or benefits after acquiring the certificate
24 or degree.

1

2 (b) A recipient of an incentive payment pursuant to
3 this section shall immediately repay all funds provided to
4 the recipient pursuant to this article, together with
5 attorney fees and costs incurred in collection, if the
6 recipient breaches the contract required by paragraph
7 (a)(i) of this section.

8

9 **14-4-205. Technical assistance and quality support.**

10

11 (a) Quality support payments may be made available to
12 facilities through a competitive process to provide quality
13 care for infants or other children whose care may otherwise
14 be difficult to obtain in the community. Grants shall be
15 awarded as follows:

16

17 (i) Repayment shall be required if the facility
18 closes the business within one (1) year after receiving the
19 grant or if the facility fails to comply with any provision
20 of the grant;

21

22 (ii) Grant requests for increasing capacity
23 shall only be awarded to existing licensed facilities that

1 are at a quality level of three (3) or higher in the
2 quality rating system;

3

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

6

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

9

10 (b) The department of family services shall provide
11 technical assistance to facilities on best practices for
12 management of child caring facilities.

13

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

15

16 (a) The department shall develop and distribute
17 materials to:

18

19 (i) Promote knowledge of the quality child care
20 system;

21

22 (ii) Promote an understanding of the benefits
23 that accrue to children, families and communities from

1 quality child care programs, as based upon the latest
2 findings in research reports and studies;

3

4 (iii) Promote the advantages of parents
5 personally providing care for their own children whenever
6 possible;

7

8 (iv) Promote parent involvement in their child's
9 development and provide information and activities to
10 parents or caretakers to promote early childhood learning
11 and development at home; and

12

13 (v) Emphasize the importance of parental
14 responsibility and the involvement of the family in quality
15 early childhood development.

16

17 **Section 2.**

18

19 (a) The department of family services shall report
20 annually to the joint education interim committee, the
21 joint labor, health and social services interim committee
22 and the joint appropriations interim committee by October
23 1. The report shall include:

24

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

3

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

6

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

11

12 (iv) Public awareness activities;

13

14 (v) The collaborative efforts of the departments
15 of education, family services, health, workforce services
16 and others to provide comprehensive early childhood
17 development and preschool experiences for children while
18 meeting the needs of Wyoming's workforce and economic
19 development;

20

21 (vi) System expenditures of public and private
22 funds; and

23

1 (vii) Recommendations for changes in the
2 system's operation.

3

4 **Section 3.**

5

6 (a) The legislature finds that:

7

8 (i) Nearly one-quarter (1/4) of Wyoming homes
9 are headed by a single parent, most often a female, and the
10 state has the largest gender gap between wages earned by
11 women and those paid to men, resulting in more than one-
12 half (1/2) of the young children in single female parent
13 homes growing up in poverty;

14

15 (ii) Participation in early childhood
16 development programs frequently results in the earlier
17 discovery and treatment of medical and mental health
18 problems, including hearing disorders, vision problems,
19 learning disabilities and other problems that significantly
20 hinder future learning potential if not diagnosed and
21 treated as early as possible in a child's life;

22

23 (iii) There are approximately thirty-seven
24 thousand (37,000) Wyoming children under the age of nine

1 (9) residing in homes where all caretakers are employed
2 full time;

3

4 (iv) High quality early childhood development
5 programs have been shown to be particularly effective in
6 significantly improving the lives of children who are at
7 risk because of poverty, family mental health problems,
8 substance abuse problems or because the parent is a
9 teenager, a felon or is absent from the home;

10

11 (v) Extensive research demonstrates that quality
12 child care helps provide a foundation for a child's success
13 in life and, in conjunction with other early childhood
14 developmental programs, results in:

15

16 (A) Fewer special education and other
17 publicly funded educational and social services later in
18 life;

19

20 (B) Decreased drug and alcohol abuse;

21

22 (C) Decreased child abuse and fewer
23 contacts with the criminal justice system;

24

1 (D) Decreased likelihood of becoming a
2 teenage parent;

3

4 (E) Decreased need for welfare benefits;

5

6 (F) Higher levels of verbal, mathematical
7 and intellectual achievement in kindergarten through
8 twelfth grade and better academic performance in general
9 throughout their lives.

10

11 (vi) Provision of child care is a necessary
12 support for the poor and quality of services is very
13 important for the reasons cited in this section. As a
14 practical matter, quality is indivisible and the only way
15 to improve the quality of child care for children of poor
16 families is to improve the quality for all families.

17

18 **Section 4.** Fourteen million three hundred one
19 thousand forty-three dollars (\$14,301,043.00) is
20 appropriated from the general fund to the department of
21 family services and twelve (12) full-time positions are
22 authorized for the department of family services for the
23 purposes of this act.

24

