

HOUSE BILL NO. HB0095

Quality child care.

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

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

15 **Section 1.** W.S. 14-4-207 through 14-4-209 are created
16 to read:

1

2 **14-4-207. Reporting requirements.**

3

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

9

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

12

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

15

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

20

21 (iv) Public awareness activities;

22

23 (v) The collaborative efforts of the departments
24 of education, family services, health, workforce services

1 and others to provide comprehensive early childhood
2 development and preschool experiences for children while
3 meeting the needs of Wyoming's workforce and economic
4 development;

5

6 (vi) System expenditures of public and private
7 funds; and

8

9 (vii) Recommendations for changes in the
10 system's operation.

11

12 **14-4-208. Grievance process.**

13

14 Upon implementation of the child care facilities rating
15 system, the department shall establish a grievance process
16 for complaints relating to the quality child care system.
17 The grievance process shall be conducted in accordance with
18 rules and regulations promulgated by the department. The
19 process shall be informal, and the Wyoming Rules of
20 Evidence shall not apply.

21

22 **14-4-209. Balanced budget provisions.**

23

1 (a) The department shall periodically evaluate the
2 spending for early childhood scholarships for families and
3 project the spending through the end of the current
4 biennium. If the projected spending exceeds the budget
5 available the department shall take any combination of the
6 following actions to bring the spending within the budget
7 available:

8
9 (i) Impose a moratorium or a limit on new
10 enrollment in the program;

11
12 (ii) Reduce the financial eligibility criteria
13 for new program enrollees; or

14
15 (iii) Reduce the amount of the payment levels for
16 quality care.

17
18 (b) The department shall notify the joint
19 appropriations interim committee of any shortfall projected
20 and the actions taken to remedy the shortfall.

21
22 **Section 2.** W.S. 9-12-601(b), 9-12-602,
23 14-4-201(a)(intro), (ii), (iii), (iv), by creating a new
24 paragraph (v), (f) and (g)(ii), 14-4-202(c)(intro), (iv)
25 and by creating a new subsection (d), 14-4-203(a), (c) and

1 (d), 14-4-204(a) and (b) and 14-4-205(a)(intro), (iii), by
2 creating a new paragraph (v) and (b) 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 program**
13 **account.**

14

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

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

3
4 **14-4-201. Quality child care system established.**

5
6 (a) A quality child care system is created for the
7 purpose of ~~supplementing~~ assisting the working families of
8 the state by encouraging the availability of high quality
9 care ~~to~~ for children in licensed child caring facilities.
10 ~~consisting~~ The system consists of:

11
12 (ii) ~~Incentive payments~~ Early childhood
13 scholarships for families for higher levels of quality
14 care;

15
16 (iii) ~~Scholarships~~ Grants for ~~professional~~
17 educational development;

18
19 (iv) Technical assistance, ~~and~~ quality support.
20 assessment and business management services; and

21
22 (v) Capacity enhancement grants.
23

1 (f) In the delivery of services, facilities that
2 receive funds under this article shall not discriminate
3 against any individual on the basis of sex, color, race,
4 religion, national origin, disability or age other than the
5 age of the qualifying child. Notwithstanding this
6 subsection, facilities shall retain the ability to refer
7 ~~developmentally disabled~~ children with developmental
8 disabilities to regional developmental preschools supported
9 by state funding.

10
11 (g) Upon approval of the application for funds as
12 provided in this article, the facility shall enter into a
13 contract with the state, wherein the facility shall agree:

14
15 (ii) To serve children from families eligible
16 for support for child care under programs, other than the
17 program created by this article, managed by the department
18 of family services;

19
20 **14-4-202. Quality rating system.**

21
22 (c) There shall be ~~five (5)~~ four (4) levels of
23 quality. Any facility volunteering to participate and
24 meeting the requirements of W.S. 14-4-101 through 14-4-116

1 for licensing shall be deemed to be at level one (1).
2 Progression above level one (1) is voluntary. Facilities
3 volunteering to participate in the quality rating system
4 shall undergo an initial quality assessment for the purpose
5 of evaluating the level of quality. The criteria to assess
6 levels of quality shall be based upon best practices as
7 defined by rule and regulation of the department and shall
8 include but not be limited to:

9
10 (iv) Staff qualifications, experience and
11 education, including certification or endorsement in early
12 childhood education;

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

20
21 **14-4-203. Early childhood scholarships for families.**

22
23 (a) In consideration of the facility providing
24 quality care to children as described in this article and

1 using established best practices as defined by rule and
2 regulation of the department, the department may provide
3 monthly ~~quality incentive payments~~ early childhood
4 scholarships for families to the facility participating
5 voluntarily in the quality rating system and achieving a
6 rating of level two (2) or higher. The calculation of the
7 payment for quality services shall be based on a sliding
8 fee scale which shall consider ~~equally the percentage of at~~
9 ~~risk children served by a provider~~ the family income of the
10 child, number of children being served who are within the
11 family income level established, a regional cost adjustment
12 and the quality level the provider has achieved. ~~and the~~
13 ~~volume of business at each provider.~~ The calculation shall
14 use the quality child care incentive level established
15 pursuant to subsection (c) of this section. The state will
16 pay one hundred percent (100%) of the early childhood
17 scholarships for families to facilities on behalf of
18 families at or below two hundred percent (200%) of the
19 federal poverty guidelines and will pay seventy-five
20 percent (75%) of the early childhood scholarships for
21 families to facilities on behalf of families that are above
22 two hundred percent (200%) and at or below two hundred
23 fifty percent (250%) of the federal poverty level and will
24 pay fifty percent (50%) of the early childhood scholarships

1 for families to facilities on behalf of families that are
2 above two hundred fifty percent (250%) and at or below two
3 hundred eighty percent (280%) of the federal poverty level.
4

5 (c) ~~Quality incentive payments~~ Early childhood
6 scholarships for families under this section shall be paid
7 for each eligible licensed child care slot according to the
8 biennial rate established in the biennial budget bill and
9 shall not exceed ~~fifty percent (50%)~~ seventy-five percent
10 (75%) of the current statewide market rate for child care
11 as established by the market rate survey required to be
12 conducted by the department of family services under the
13 provisions of 45 C.F.R. 98.43 of the code of federal
14 regulations or a similar section subsequently adopted.
15

16 (d) Facilities receiving payments pursuant to this
17 section shall report monthly to the department the total
18 number of children served, ~~and the total number of at risk~~
19 ~~children served during that month and the outcome measures~~
20 ~~achieved~~ and those within each family income level who are
21 eligible for family scholarships under subsection (a) of
22 this section. At least annually, the facility shall file a
23 report which includes evidence that the facility's quality
24 rating criteria have been maintained, the outcome measures

1 achieved, an itemization of how the funds were used, the
2 results obtained and the impact of the funds on the
3 children and families served by the facility.

4
5 **14-4-204. Educational development grants.**

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

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

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

1 ~~increased wages or benefits after acquiring the certificate~~
2 ~~or degree.~~

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

10
11 **14-4-205. Technical assistance and business**
12 **management assistance; capacity enhancement grants.**

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

20
21 (iii) ~~Quality support~~ Capacity enhancement
22 grants shall not be used for capital construction or
23 purchase of land or buildings;

1 (v) To be eligible for a capacity enhancement
2 grant the facility shall demonstrate that the child for
3 which the grant will be used is either eligible for a
4 scholarship under W.S. 14-4-203 or is eligible to receive
5 assistance under the Child Care Development Fund 45 C.F.R.
6 98 or a similar provision subsequently adopted.

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

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

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

22

1 **Section 3.** W.S. 14-4-201(j) and (m)(iii),
2 14-4-202(c)(iii), 14-4-203(b) and 2006 Wyoming Session
3 Laws, Chapter 64, Section 2 and Section 3 are repealed.

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

10 (END)