

**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 and providing for an effective date.

11

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

13

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

1

2           **9-12-601. Wyoming business ready community program;**  
3 **purpose; creation; rulemaking.**

4

5           (b) The council shall establish and administer a  
6 Wyoming business ready community program as provided by  
7 this article. Any city, town or county may submit an  
8 application to the council for a grant or loan under the  
9 program on forms prescribed by and subject to rules  
10 promulgated by the council. Grants or loans may be applied  
11 for by a joint powers board with the approval of all  
12 participating agencies to the joint powers agreement.  
13 Grants and loans may be made by the council for economic  
14 development, child care or educational development  
15 infrastructure projects, including the purchase of land,  
16 buildings, facilities, telecommunications infrastructure,  
17 rights of way, airports, sewer and water projects, roads,  
18 landscaping, recreational and convention facilities or  
19 other infrastructure determined by the council to be  
20 consistent with the purposes of this article. In adopting  
21 rules and making grants and loans under this article the  
22 council shall require all projects to be related to  
23 economic development, child care or educational development  
24 infrastructure, which shall not include rehabilitation or

1 expansion of existing infrastructure unless the council  
2 determines the rehabilitation or expansion is necessary to  
3 meet the purposes of this article. All grants, loans or  
4 cooperative agreements made under this article shall be  
5 referred by the council to the state loan and investment  
6 board for final approval or disapproval. The state loan and  
7 investment board may adopt rules as necessary to implement  
8 its duties under this article.

9

10 **9-12-602. Wyoming business ready community**  
11 **program account.**

12

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

22

**\*\*\* STAFF COMMENTS \*\*\***

23

**The entire bill adopted last session has been  
24 retained in this draft in order for the Committee  
25 to have before it the entire law. Those items  
26 which appeared inconsistent with the Committee's**

1           **directives or which were specifically requested**  
2           **to be repealed appear as stricken language.**  
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 high quality care to children in  
8 licensed child caring facilities consisting of:

9  
10           (i) A quality rating system;

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 development;

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

21  
22           (v) Capacity enhancement grants.

23  
24           (b) The quality child care system shall also provide  
25 for a parental education and public awareness program.

1

2           (c) The department of workforce services is  
3 authorized to promulgate rules and regulations for the  
4 purpose of implementing this article. All rules and  
5 regulations shall be promulgated in consultation with the  
6 department of education, the department of family services,  
7 the department of health, University of Wyoming and early  
8 childhood specialists from the private sector.

9

\*\*\* STAFF COMMENTS \*\*\*

10           The Committee did not direct staff to amend this  
11 provision and it is not inconsistent with the  
12 actions of the Committee. The department has  
13 requested that the provision be discussed at the  
14 meeting.  
15

16           (d) The state's responsibility for payments under  
17 this article shall be limited to the amount of funding  
18 provided for the quality child care system by the  
19 legislature. The department may receive donations from  
20 foundations or other private sources. Any such funds  
21 received shall be deposited into a separate account and are  
22 continuously appropriated to the department, which may  
23 distribute those funds in accordance with the provisions of  
24 this article. Services eligible to be paid for by another  
25 public program shall not be reimbursed under this article.

26

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

8

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

17

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

21

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

24

1           (ii) To serve children from families eligible  
2 for support for child care under programs, other than the  
3 program created by this article, managed by the department  
4 of family services;

5  
6           (iii) To submit the reports required by W.S.  
7 14-4-203(d) and to submit information as required in the  
8 department's rules and regulations; and

9  
10           (iv) To immediately repay all funds provided to  
11 the facility pursuant to this article, attorney fees and  
12 costs incurred in collection, if the facility breaches the  
13 contract during the one (1) year period.

14  
15           (h) The department of workforce services shall  
16 structure its contracts with facilities to ensure necessary  
17 data is reported uniformly. The contracts shall specify  
18 what services will be provided under the contract and the  
19 outcome measures to be achieved to allow the department to  
20 determine compliance with contract provisions, the services  
21 provided, the outcomes achieved and to determine the extent  
22 of statewide needs based on the reports received.

23

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

8  
9       (k) The department, in rating facilities for quality  
10 and making payments to facilities pursuant to this article,  
11 shall not discriminate against any facility due to  
12 religious orientation, affiliation or instruction or the  
13 lack thereof. No state funds shall be used for materials  
14 for religious instruction, salaries and benefits for staff  
15 primarily engaged in religious instruction, or for any  
16 other incremental cost of religious instruction or  
17 observances. Any facility receiving state funds shall be  
18 prepared to demonstrate, if audited, that sufficient  
19 nongovernmental funds were available to cover all expenses  
20 of religious instruction or observance.

21  
22       (m) For purposes of this article:  
23



1 (i) "Department" means the department of  
2 workforce services;

3  
4 (ii) "Facility" means child caring facility as  
5 defined in W.S. 14-4-101(a)(vi)(D) and (K).<sup>+</sup>

6  
7 ~~(iii) "Task force" means a joint task force of~~  
8 ~~employees of the department of workforce services and~~  
9 ~~department of family services appointed by the governor.~~

10  
11 **14-4-202. Quality rating system.**

12  
13 (a) The department shall establish by rule and  
14 regulation a process for evaluating and rating the quality  
15 of facilities.

16  
17 (b) Any facility as defined in W.S. 14-4-201(m)  
18 serving three (3) or more children, any other facility  
19 including preschools and developmental preschools, and  
20 facilities that are exempt from licensing under W.S.  
21 14-4-101, but which choose voluntarily to become licensed,  
22 may apply to the department to be evaluated and rated.

23

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

14 **\*\*\* STAFF COMMENTS \*\*\***

15 The provision relating to providing consumers  
16 with rating information was left unresolved by  
17 the Committee at the last meeting. The issue is  
18 which part or parts of the rating system should  
19 be public record.  
20

21 **\*\*\* STAFF COMMENTS \*\*\***

22 The following was amended based upon the report  
23 of the task force. The department was tasked  
24 with establishing 4-5 parameters to be used to  
25 determine 4 levels of quality assessment.  
26

27 (i) The learning environment, including a  
28 developmentally appropriate curriculum and support for  
29 positive cognitive and social development;

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

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

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

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

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

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

1                   ~~(A) Programs that provide health care and~~  
2 ~~health care coverage;~~

3

4                   ~~(B) Programs that offer educational and~~  
5 ~~workforce training services;~~

6

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

10

11                   ~~(D) Public health nurse infant home~~  
12 ~~visitation program; and~~

13

14                   ~~(E) Developmental preschools as defined in~~  
15 ~~W.S. 21-2-701.~~

16

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

23

1           14-4-203. ~~Quality incentive payments~~ Early childhood  
2 scholarships for families.

3  
4           (a) In consideration of the facility providing  
5 quality care to children as described in this article and  
6 using established best practices as defined by rule and  
7 regulation of the department, the department may provide  
8 monthly ~~quality incentive payments~~ early childhood  
9 scholarships for families to the facility participating  
10 voluntarily in the quality rating system and achieving a  
11 rating of level two (2) or higher. The calculation of the  
12 payment for quality services shall be based on a sliding  
13 fee scale which shall consider ~~equally the percentage of at~~  
14 ~~risk children served by a provider~~ the family income of the  
15 child, number of children being served who are within the  
16 family income level established, a regional cost adjustment  
17 and the quality level the provider has achieved. ~~and the~~  
18 ~~volume of business at each provider.~~ The department shall  
19 use the per child reimbursement levels as provided on the  
20 table entitled "Early Childhood Scholarships for Families"  
21 in the report to the Quality Childcare Committee dated  
22 November 1, 2006, with a single income eligibility level  
23 adjusted to reflect:

24

1           (i) An income at percent of the federal  
2 poverty level for the applicable family size; and

3

4

**\*\*\* STAFF COMMENTS \*\*\***

5           The use of the FPL was designated by the  
6 Committee. The following are two options  
7 requested for adjusting the FPL by region within  
8 Wyoming.

9

10           (ii) An adjustment for each county weighted by  
11 application of the "family economic self-sufficiency  
12 standard" to the self-sufficiency level determined for each  
13 county. The weighing shall be done by application of the  
14 self-sufficiency level of a two (2) parent, two (2)  
15 preschool children family.

16

**\*\*\* STAFF COMMENTS \*\*\***

17           The exact application of the FRL and FESS was  
18 not specified by the Committee; rather the  
19 Committee asked for options from the department  
20 showing different eligibility levels and  
21 associated costs. The last sentence was simply  
22 chosen as a placeholder; the category listed is  
23 not even one specified by FESS. The reason for  
24 inclusion was to point out that a single  
25 comparator or single average comparator must be  
26 selected by the Committee. A citation to the  
27 FESS study must be inserted.

28

29

OR

30           (ii) An adjustment for each region of the state  
31 by application of the Wyoming cost-of-living index computed

1 by the division of economic analysis, department of  
2 administration and information.

3  
4 ~~(b) For purposes of this section, children are~~  
5 ~~considered at risk if they meet one (1) or more of the~~  
6 ~~following criteria:~~

7  
8 ~~(i) The child has physical, cognitive, social or~~  
9 ~~emotional disabilities or delays in development;~~

10  
11 ~~(ii) The household's income is below a~~  
12 ~~percentage of the federal poverty level determined by the~~  
13 ~~task force;~~

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~~ Early childhood  
11 scholarships for families under this section shall be paid  
12 for each eligible licensed child care slot and shall not  
13 exceed fifty percent (50%) of the current statewide market  
14 rate for child care as established by the market rate  
15 survey required to be conducted by the department of family  
16 services under the provisions of 45 C.F.R. 98.43 of the  
17 code of federal regulations or a similar section  
18 subsequently adopted.

19   **\*\*\* STAFF COMMENTS \*\*\***

20           **The Committee requested the department to develop**  
21 **options to replace this cap with an income test.**  
22 **The department is developing an amendment to be**  
23 **presented to the Committee.**  
24

25           (d) Facilities receiving payments pursuant to this  
26 section shall report monthly to the department the total



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

11 **\*\*\* STAFF COMMENTS \*\*\***

12 The Committee did not direct staff to amend the  
13 language bolded in the preceding section and it  
14 is not inconsistent with the actions of the  
15 Committee. The department has requested that the  
16 language be discussed at the meeting.

17  
18 **\*\*\* STAFF COMMENTS \*\*\***

19 There was some uncertainty as to whether the  
20 Committee's directive was that the budget request  
21 for family scholarships be based upon the  
22 specified table, or whether the department may  
23 request increases in the budget. Thus the last  
24 sentence of the following is in bold.

25  
26 (e) The funds necessary to support the payments under  
27 this section shall be included in the department's budget  
28 request prepared pursuant to W.S. 9-2-1014. The budget  
29 request shall be calculated in accordance with the  
30 provisions of this section. **The budget request may reflect**

1 the department's recommended adjustments to the family  
2 eligibility criteria, the scholarship amount, or both.

3  
4 **14-4-204. Professional development ~~incentives~~grants.**

5  
6 (a) The department by rule and regulation shall  
7 ~~establish incentives~~ provide educational scholarship grants  
8 to ~~encourage~~ assist the staff of participating facilities  
9 to attain certificates or degrees in early childhood  
10 development or a related field. ~~These incentives may~~  
11 ~~include scholarships and salary enhancements~~. Payments  
12 under this section shall be conditioned upon:  
13

14 (i) The recipient of the ~~incentive~~ scholarship  
15 entering into a written agreement to work for the  
16 participating facility for at least one (1) year after  
17 receiving the certificate 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~~ a scholarship  
3 pursuant to this section shall immediately repay all funds  
4 provided to the recipient pursuant to this article,  
5 together with attorney fees and costs incurred in  
6 collection, if the recipient breaches the contract required  
7 by paragraph (a)(i) of this section.

8

9 **14-4-205. Technical assistance and business**  
10 **management assistance; and ~~quality support~~ capacity**  
11 **enhancement grants.**

12

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

19

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

24

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

5  
6           (iii) ~~Quality support grants~~ Capacity  
7 enhancement grants shall not be used for capital  
8 construction or purchase of land or buildings;

9  
10           (iv) Grants to any one (1) facility shall not  
11 exceed three thousand dollars (\$3,000.00) per child;

12  
13           (v) To be eligible for a capacity enhancement  
14 grant the facility shall demonstrate that the child for  
15 which the grant will be used is either eligible for a  
16 scholarship under W.S. 14-4-203 or is eligible to receive  
17 assistance under the Child Care Development Fund 45 C.F.R.  
18 98 or a similar provision subsequently adopted.

19  
20           (b) The ~~department of family services and~~ department  
21 ~~of workforce services~~ shall provide technical assistance to  
22 facilities on best practices for management of child caring  
23 facilities as follows:

24



1       (c) The council shall employ a child care business  
2 specialist to provide business management services to child  
3 care facilities qualifying under W.S. 14-4-201 through 14-  
4 4-206. The services may be provided through classroom  
5 training and individual consultations. The council shall  
6 provide for the delivery of those services through each of  
7 its regional offices.

8  
9       **14-4-206. Parental education and public awareness.**

10  
11       (a) The department shall develop and distribute  
12 materials to:

13  
14           (i) Promote knowledge of the quality child care  
15 system;

16  
17           (ii) Promote an understanding of the benefits  
18 that accrue to children, families and communities from  
19 quality child care programs, as based upon the latest  
20 findings in research reports and studies;

21  
22           (iii) Promote the advantages of parents  
23 personally providing care for their own children whenever  
24 possible;

1

2 (iv) Promote parent involvement in their child's  
3 development and provide information and activities to  
4 parents or caretakers to promote early childhood learning  
5 and development at home; and

6

7 (v) Emphasize the importance of parental  
8 responsibility and the involvement of the family in quality  
9 early childhood development.

10

11 **Section 2.** W.S. 14-4-207 and 14-4-208 are created to  
12 read:

13

**\*\*\* STAFF COMMENTS \*\*\***

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19

**The following are from last session's law. The provisions were in a noncodified section. They are being codified here, with amendments. For this version only, the changes from last year's session laws are shown in strike and underline.**

20

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

21

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

1

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

4

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

7

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

12

13 (iv) Public awareness activities;

14

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

21

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

24



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

3 \*\*\* STAFF COMMENTS \*\*\*

4 The following provides for an informal grievance  
5 process. The Committee did not resolve how the  
6 process was to interplay with any right to a  
7 contested case hearing/judicial review. Also,  
8 the law indicates payments under the program are  
9 not entitlements under 14-4-201(d), by explicitly  
10 stating that payments are subject to legislative  
11 appropriation for the program. If the Committee  
12 wishes to be more explicit, language previously  
13 used in another law, which could be adjusted, is  
14 as follows:

15  
16 Eligibility for assistance under the program  
17 created by this section shall not constitute an  
18 entitlement and services shall be provided under  
19 this section only to the extent funds are  
20 available.  
21

22 **14-4-208. Grievance process.**

23  
24 Upon implementation of the child care facilities  
25 rating system, the department shall establish a grievance  
26 ~~board to hear public comments on~~ process for complaints  
27 relating to the quality child care system. ~~and shall~~  
28 ~~provide a convenient system for citizens to file~~  
29 ~~grievances. The task force shall recommend parameters for~~  
30 ~~the operation of the grievance board.~~ The grievance process  
31 shall be conducted in accordance with rules and regulations  
32 promulgated by the department. The process shall be  
33 informal, and the Wyoming Rules of Evidence shall not

1 apply. ~~A report of all comments regarding the quality child~~  
2 ~~care system and the action taken, if any, by the department~~  
3 ~~in response to those comments shall be included in the~~  
4 ~~department's annual report to the oversight committee.~~

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)