Early childhood education.

Sponsored by: Joint Education Interim Committee

A BILL

for

AN ACT relating to early childhood education; providing that the department of education and the department of family services shall administer early childhood education services; transferring specified early childhood education programs, functions and positions; requiring reports; making conforming statutory changes; requiring formation of a working group; authorizing rulemaking; repealing a conflicting provision; and providing for effective dates.

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

Section 1.

(a) On July 1, 2022, the functions within the department of health and department of workforce services that administer early childhood education programs shall be

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transferred to the department of education and the department of family services. Early childhood education programs transferred to the department of education shall include educational services for children with developmental disabilities administered by the department of health including the Individuals with Disabilities Education Act (IDEA) part C, early intervention, and part B section 619, preschool and any department of workforce service programs that coordinate the work of early childhood education programs in the state. The programs transferred to the department of family services shall include Wyoming quality counts administered by the department of workforce services and home visiting programs within the public health division administered by the department of health, provided that no positions, personnel, property or equipment associated with the home visiting programs shall be transferred from the department of health under this section. All positions, personnel, property, equipment and authority in programs transferred to the department of education or the department of family services by this act shall be under the control of the department of education or the department of family services.
(b) Notwithstanding any conflicting provision of law, on July 1, 2022, the governor shall transfer to the department of education and the department of family services those positions, personnel, property and equipment within the department of health and the department of workforce services as necessary to implement the provisions of this act. The department of education, department of health, department of family services and department of workforce services shall work collaboratively to develop recommendations to the governor regarding which positions, personnel, property and equipment shall be transferred to implement this act.

(c) The department of education, department of health, department of family services and department of workforce services shall work collaboratively to develop appropriate budget requests for the 2023-2024 biennial budget that reflect the transfer of positions, personnel, property, equipment and authority mandated by this act.

(d) The department of education, department of health, department of family services and department of
workforce services shall report at least every three (3) months to the joint education interim committee on:

(i) Any statutory amendments, rule and procedural amendments and other regulatory amendments necessary to further implement the transfer of programs and functions as required by this act for enactment or adoption prior to July 1, 2022; and

(ii) Any other issues or factors relevant to the transfer of programs and functions as required by this act.

(e) The state superintendent shall convene a working group comprised of stakeholders from the regional developmental preschool system, stakeholders from other early childhood education providers, representatives from the department of health, the department of workforce services and the department of family services to assure the successful transition and change in governance related to developmental preschools. The report under subsection (d) of this section shall specifically include any issues or findings identified by the working group related to developmental preschools under this subsection.
(f) The joint education interim committee shall consider the reports it receives under this section, along with early childhood education stakeholder input, and develop legislation it deems appropriate for consideration by the legislature during the 2022 budget session.

(g) The validity of any rule, regulation, contract, agreement or other obligation relating to early childhood education is not affected by this act through June 30, 2022.

(h) The department of education shall report to the joint education interim committee not later than October 1 of each year beginning in 2023 and ending in 2027 on early childhood education programs transferred to the department of education under this section. The report shall include:

(i) Information on the number of formal complaints filed related to early childhood education programs;
(ii) An annual update on the number of students first identified as having a disability in kindergarten;

(iii) The number of services provided in high needs student categories, reported by region.

Section 2. W.S. 14-3-204(a)(ix), 14-3-427(d)(v), 14-6-227(d)(v), 21-2-202(a) by creating a new paragraph (xl), 21-2-701(a)(i), 21-2-705(d) and 35-1-622(b) are amended to read:

14-3-204. Duties of local child protective agency.

(a) The local child protective agency shall:

(ix) Refer a child receiving department services who is under the age of six (6) years to the department of health, division of education's developmental disabilities preschool program for educational and developmental screening and assessment; and

14-3-427. Predisposition studies and reports.
(d) In addition to the persons listed in subsection (c) of this section, the court may appoint one (1) or more of the following persons to the multidisciplinary team:

(v) If the predispositional study indicates a parent or child has special needs, an appropriate representative of the department of health's substance abuse, mental health or developmental disabilities division or department of education's developmental disabilities preschool program who has knowledge of the services available in the state's system of care that are pertinent to those identified needs;

14-6-227. Predisposition studies and reports.

(d) In addition to the persons listed in subsection (c) of this section, the court may appoint one (1) or more of the following persons to the multidisciplinary team:

(v) If the predispositional study indicates a parent or child has special needs, an appropriate representative of the department of health's substance abuse, mental health or developmental disabilities division
or department of education's developmental disabilities preschool program who has knowledge of the services available in the state's system of care that are pertinent to those identified needs;

21–2–202. Duties of the state superintendent. (a) In addition to any other duties assigned by law, the state superintendent shall:

(xl) Be the state authority for early childhood education programs. The state superintendent shall:

(A) Administer all early childhood education programs overseen by the state;

(B) To the extent permissible under federal law, administer early childhood education funding programs and coordinate early childhood education programs and funding with the goal of improving the quality of early childhood education in the state;
(C) Facilitate attainment of the goals of the state's public school system through effective implementation of early childhood education programs;

(D) Provide a comprehensive network of programs and facilities to educate preschool children with developmental disabilities;

(E) Establish minimum standards and approve policies and procedures for programs and facilities receiving state funds that educate preschool children with developmental disabilities and other early childhood education programs receiving state funds;

(F) Create a division or section within the department to assist in the administration of responsibilities under this paragraph;

(G) Contract with community boards, public agencies and private agencies to purchase only those developmental preschool services funded by the legislature.

(a) As used in this act:

(i) "Division" means a division or section as within the department of education or department of family services that is assigned responsibilities for programs of for children with developmental disabilities, department of health or early education grant programs;

21-2-705. Fund allocation.

(d) All funds received by the state from the federal government pursuant to section 619(c) and reserved by the state pursuant to section 619(f) of the federal Individuals with Disabilities Education Act shall be distributed by the state department of education to the division. To the extent not prohibited by federal law, funds distributed under this subsection shall be expended in a manner jointly determined by the department of education and the division for direct services to children with disabilities eligible for services under federal law.
35-1-622. Department; budget requests; purchase of service contracts; local match.

(b) The department shall contract with community boards, public agencies and private agencies to purchase only those services funded by the legislature on a statewide basis. Funds contracted for under this act, other than funds for developmental preschool services, shall not exceed ninety percent (90%) of the total nonfederal expenditures for human services programs by any community board or public agency. For developmental preschool services the local match requirement shall be three percent (3%).

Section 3. W.S. 21-2-703(c) is repealed.

Section 4.

(a) Except as provided in subsection (b) of this section, this act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.
(b) Sections 2 and 3 of this act are effective July 1, 2022.

(END)