

SENATE FILE NO. SF0096

Early childhood education.

Sponsored by: Senator(s) Rothfuss, Coe, Landen and Pappas
and Representative(s) Bovee, Brown,
Connolly, Kinner, Northrup, Paxton and
Sommers

A BILL

for

1 AN ACT relating to early childhood education; providing
2 that the department of education shall administer early
3 childhood education services; transferring specified early
4 childhood education programs and functions; mandating the
5 governor make necessary transfers; requiring planning;
6 requiring reports; transferring statutory authority
7 regarding early childhood education programs; repealing an
8 inapplicable provision; and providing for effective dates.

9

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

11

12 **Section 1.**

13

1 (a) On July 1, 2019, the functions within the
2 department of family services, department of health and
3 department of workforce services that administer early
4 childhood education programs are transferred to the
5 department of education. Early childhood education programs
6 transferred to the department of education shall include
7 preschool services for children with developmental
8 disabilities administered by the department of health, any
9 early childhood education grant programs administered by
10 the department of health, department of family services or
11 department of workforce services and any department of
12 health, department of family services or department of
13 workforce service programs that coordinate the work of
14 early childhood education programs in the state. All
15 positions, personnel, appropriations, property, equipment
16 and authority in programs transferred to the department of
17 education by this act are under the control of the
18 department of education.

19

20 (b) Notwithstanding any conflicting provision of law,
21 on July 1, 2019, the governor shall transfer those
22 positions, personnel, appropriations, property and
23 equipment within the department of family services,

1 department of health and the department of workforce
2 services to the department of education as necessary to
3 implement the provisions of this act. The governor shall
4 report to the legislature not later than July 31, 2019
5 regarding positions, personnel, appropriations, property
6 and equipment transferred under this act. The department of
7 education, department of health, department of family
8 services and department of workforce services shall work
9 collaboratively to develop recommendations to the governor
10 regarding which positions, personnel, appropriations,
11 property and equipment shall be transferred to implement
12 this act. The department of education shall report to the
13 joint education interim committee regarding its
14 recommendations no later than November 1, 2018.

15

16 (c) Additionally, no later than November 1, 2018, the
17 department of education, department of health, department
18 of family services and department of workforce services
19 shall report to the joint education interim committee on:

20

21 (i) Any statutory amendments, rule and procedural
22 amendments and other regulatory amendments necessary to

1 further implement the transfer of programs and functions as
2 required by this act; and

3

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

6

7 (c) The joint education interim committee shall
8 consider the reports it receives under this section and
9 develop legislation it deems appropriate for consideration
10 by the legislature in the 2019 general session.

11

12 (d) The validity of any rule, regulation, contract,
13 agreement or other obligation relating to early childhood
14 education is not affected by this act.

15

16 **Section 2.** W.S. 9-2-102(a)(intro), 14-3-204(a)(ix),
17 14-3-427(d)(v), 14-6-227(d)(v), 21-2-202(a) by creating a
18 new paragraph (xxxviii), 21-2-701(a)(i), 21-2-705(d) and
19 35-1-622(b) are amended to read:

20

21 **9-2-102. Department of health; duties and**
22 **responsibilities; state grants.**

23

1 (a) The department of health is the state mental
2 health authority, the developmental disabilities authority
3 and the substance abuse authority, except that the
4 department of health shall not be the state authority for
5 the education of children with developmental disabilities
6 before entering kindergarten. The department through its
7 divisions has the following duties and responsibilities to:

8
9 **14-3-204. Duties of local child protective agency.**

10
11 (a) The local child protective agency shall:

12
13 (ix) Refer a child receiving department services
14 who is under the age of six (6) years to the department of
15 ~~health, division of~~ education's developmental disabilities
16 preschool program for educational and developmental
17 screening and assessment; and

18
19 **14-3-427. Predisposition studies and reports.**

20
21 (d) In addition to the persons listed in subsection
22 (c) of this section, the court may appoint one (1) or more
23 of the following persons to the multidisciplinary team:

1

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

10

11 **14-6-227. Predisposition studies and reports.**

12

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

16

17 (v) If the predispositional study indicates a
18 parent or child has special needs, an appropriate
19 representative of the department of health's substance
20 abuse, mental health or developmental disabilities division
21 or department of education's developmental disabilities
22 program who has knowledge of the services available in the

1 state's system of care that are pertinent to those
2 identified needs;

3

4 **21-2-202. Duties of the state superintendent.**

5

6 (a) In addition to any other duties assigned by law,
7 the state superintendent shall:

8

9 (xxxviii) Be the state authority for early
10 childhood education programs. The state superintendent
11 shall:

12

13 (A) Administer all state early childhood
14 education programs;

15

16 (B) To the extent permissible under federal
17 law, administer early childhood education funding programs
18 and coordinate early childhood education programs and
19 funding with the goal of improving the quality of early
20 childhood education in the state;

21

1 (C) Facilitate attainment of the goals of
 2 the state's public school system through effective
 3 implementation of early childhood education programs;

4
 5 (D) Provide a comprehensive network of
 6 programs and facilities to educate children with
 7 developmental disabilities;

8
 9 (E) Establish minimum standards and approve
 10 policies and procedures for programs and facilities
 11 receiving state funds that educate preschool children with
 12 developmental disabilities and other early childhood
 13 education programs receiving state funds;

14
 15 (F) Create a division or section within the
 16 department to assist in the administration of
 17 responsibilities under this paragraph.

18
 19 **21-2-701. Definitions.**

20
 21 (a) As used in this act:

22

1 (i) "Division" means a division or section as
2 assigned responsibilities for programs of children with
3 developmental disabilities, department of ~~health~~education;
4

5 **21-2-705. Fund allocation.**
6

7 (d) All funds received by the state from the federal
8 government pursuant to section 619(c) and reserved by the
9 state pursuant to section 619(f) of the federal Individuals
10 with Disabilities Education Act shall be distributed by the
11 ~~state department of education to the division. To the~~
12 ~~extent not prohibited by federal law, funds distributed~~
13 ~~under this subsection shall be expended in a manner jointly~~
14 ~~determined by the department of education and the~~ division
15 for direct services to children with disabilities eligible
16 for services under federal law.
17

18 **35-1-622. Department; budget requests; purchase of**
19 **service contracts; local match.**
20

21 (b) The department shall contract with community
22 boards, public agencies and private agencies to purchase
23 only those services funded by the legislature on a

1 statewide basis. Funds contracted for under this act,
2 ~~other than funds for developmental preschool services,~~
3 shall not exceed ninety percent (90%) of the total
4 nonfederal expenditures for human services programs by any
5 community board or public agency. ~~For developmental~~
6 ~~preschool services the local match requirement shall be~~
7 ~~three percent (3%).~~

8

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

10

11 **Section 4.**

12

13 (a) Except as provided in subsection (b) of this
14 section, this act is effective July 1, 2019.

15

16 (b) Section 1 of this act is effective immediately
17 upon completion of all acts necessary for a bill to become
18 law as provided by Article 4, Section 8 of the Wyoming
19 Constitution.

20

21

(END)