

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 939**

Introduced by Mello, 5.

Read first time January 13, 2016

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to infants and juveniles; to amend section
- 2 43-3401, Reissue Revised Statutes of Nebraska, and section 43-3402,
- 3 Revised Statutes Cumulative Supplement, 2014; to adopt the Nebraska
- 4 Early Childhood Advantage Act; to harmonize provisions; and to
- 5 repeal the original sections.
- 6 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 1 to 7 of this act shall be known and may be  
2 cited as the Nebraska Early Childhood Advantage Act.

3           Sec. 2. For purposes of the Nebraska Early Childhood Advantage Act:

4           (1) Department means any state agency implementing home-visiting  
5 programs; and

6           (2) Home-visiting program means a state-funded or state-administered  
7 standards-based program that:

8           (a)(i) Is grounded in relevant, empirically based best practices and  
9 knowledge that has comprehensive home-visiting standards that ensure  
10 high-quality service delivery and continuous quality improvement and  
11 follows with fidelity a program manual or design that specifies the  
12 purpose, outcomes, duration, and frequency of services that constitute  
13 the program;

14           (ii) Provides services to families of young children that elect to  
15 participate;

16           (iii) Utilizes a variety of culturally relevant, developmentally  
17 appropriate strategies;

18           (iv) Connects families to additional services that support parents;

19           (v) Promotes child well-being and prevents adverse childhood  
20 outcomes;

21           (vi) Promotes parental competence, child health, and good  
22 development by building long-term relationships with families and  
23 optimizing the relationships between parents and children in their home  
24 environments; and

25           (vii) Provides for the collection and analysis of data about program  
26 performance and outcomes at the state aggregate level, county aggregate  
27 level, provider level, and participant level.

28           (b) Home-visiting program does not include:

29           (i) A one-time home visit or infrequent home visits with no  
30 intention of long-term services, such as a program that provides one home  
31 visit for all newborn children;

1        (ii) Services delivered through an individualized family service  
2 plan or an individualized education program as defined in the federal  
3 Individuals with Disabilities Education Act, 20 U.S.C. 1401, as such  
4 section existed on January 1, 2016;

5        (iii) Services initiated by a report to the Division of Children and  
6 Family Services of the Department of Health and Human Services or by  
7 court order; or

8        (iv) Programs in which home visiting is supplemental to other  
9 services.

10        Sec. 3. (1) Departments that provide home-visiting programs may  
11 jointly adopt and promulgate rules and regulations by which the home-  
12 visiting programs shall operate. The departments shall provide a  
13 framework for service delivery and accountability across all home-  
14 visiting programs to promote a continuum of care that targets families at  
15 the greatest risk for experiencing adverse childhood outcomes.

16        (2) A home-visiting program shall provide face-to-face visits by  
17 specially trained parent educators to provide home-based family support  
18 services.

19        (3) Home-visiting programs shall work in partnership to serve  
20 children, thereby maximizing the opportunities for families to receive  
21 services that best fit their needs.

22        (4) A home-visiting program shall achieve two or more of the  
23 following:

24        (a) Improve prenatal, maternal, infant, or child health outcomes,  
25 including, but not limited to, indicators such as premature birth rates,  
26 substance abuse, and tobacco use;

27        (b) Reduce entry into the child welfare system;

28        (c) Improve positive parenting and relationship skills;

29        (d) Improve parental self-sufficiency, including increased  
30 employment and educational attainment;

31        (e) Improve children's readiness to succeed in school; and

1        (f) Improve children's social, emotional, cognitive, language, and  
2 physical development, including efforts at early identification of  
3 delays.

4        Sec. 4. A department shall work with community partners,  
5 researchers, model developers, program providers, and interested private  
6 entities to develop processes that provide for a greater ability to  
7 collaborate and share best practices and information as necessary and  
8 appropriate.

9        Sec. 5. When a department authorizes funds through payments,  
10 contracts, or grants that are used for home-visiting programs, the  
11 funding agreement, contract, or grant shall include language regarding  
12 home visiting that is consistent with the Nebraska Early Childhood  
13 Advantage Act.

14        Sec. 6. Departments administering home-visiting programs, providers  
15 of home-visiting services, and experts in home-visiting program  
16 evaluation shall:

17        (1) Jointly develop an outcomes measurement plan which includes  
18 indicators related to the objectives established in section 3 of this act  
19 in order to monitor outcomes for children and families receiving home-  
20 visiting programs and determine the efficiency of home-visiting program  
21 implementation;

22        (2) Complete and submit the outcomes measurement plan for state-  
23 funded home-visiting programs by January 1, 2017, to the Governor and the  
24 Clerk of the Legislature and complete and submit an updated plan every  
25 five years thereafter. The plans shall be submitted electronically to the  
26 Legislature; and

27        (3) Develop a process for collecting and reporting outcomes measures  
28 to maintain privacy and security.

29        Sec. 7. Beginning December 1, 2018, and annually thereafter, a  
30 department may allocate up to five percent of the home-visiting program's  
31 annual budget to provide for administrative costs associated with

1 submitting an annual outcomes report to the Governor and the Clerk of the  
2 Legislature. The report to the Legislature shall be submitted  
3 electronically. The report shall include:

4 (1) Achieved outcomes as agreed upon and described in the previously  
5 submitted outcomes measurement plan pursuant to section 6 of this act for  
6 all home-visiting programs;

7 (2) Combined program data regarding (a) the cost per family served,  
8 (b) the number of families served, (c) demographic data on families  
9 served, and (d) the number and type of home-visiting programs that the  
10 departments have funded; and

11 (3) Recommendations for quality improvements and future home-  
12 visiting program investments.

13 Sec. 8. Section 43-3401, Reissue Revised Statutes of Nebraska, is  
14 amended to read:

15 43-3401 The Early Childhood Interagency Coordinating Council is  
16 created. The council shall advise and assist the collaborating agencies  
17 in carrying out the provisions of the Early Intervention Act, the  
18 Nebraska Early Childhood Advantage Act, the Quality Child Care Act,  
19 sections 79-1101 to 79-1104, and other early childhood care and education  
20 initiatives under state supervision. Membership and activities of the  
21 council shall comply with all applicable provisions of federal law.  
22 Members of the council shall be appointed by the Governor and shall  
23 include, but not be limited to:

24 (1) Parents of children who require early intervention services,  
25 early childhood special education, and other early childhood care and  
26 education services; and

27 (2) Representatives of school districts, social services, health and  
28 medical services, family child care and center-based early childhood care  
29 and education programs, agencies providing training to staff of child  
30 care programs, resource and referral agencies, mental health services,  
31 developmental disabilities services, educational service units, Head

1 Start, higher education, physicians, the Legislature, business persons,  
2 and the collaborating agencies.

3 Terms of the members shall be for three years, and a member shall  
4 not serve more than two consecutive three-year terms. Members shall be  
5 reimbursed for their actual and necessary expenses, including child care  
6 expenses, with funds provided for such purposes through the Early  
7 Intervention Act, the Quality Child Care Act, and sections 79-1101 to  
8 79-1104.

9 Members of the Nebraska Interagency Coordinating Council serving on  
10 July 13, 2000, shall constitute the Early Childhood Interagency  
11 Coordinating Council and shall serve for the remainder of their terms.  
12 The Governor shall make additional appointments as required by this  
13 section and to fill vacancies as needed. The Governor shall set the  
14 initial terms of additional appointees to result in staggered terms for  
15 members of the council. The Department of Health and Human Services and  
16 the State Department of Education shall provide and coordinate staff  
17 assistance to the council.

18 Sec. 9. Section 43-3402, Revised Statutes Cumulative Supplement,  
19 2014, is amended to read:

20 43-3402 With respect to the Early Intervention Act, the Nebraska  
21 Early Childhood Advantage Act, the Quality Child Care Act, and sections  
22 79-1101 to 79-1104, the Early Childhood Interagency Coordinating Council  
23 shall serve in an advisory capacity to state agencies responsible for  
24 early childhood care, ~~and~~ education, and home-visiting programs as  
25 defined in section 2 of this act including care for school-age children,  
26 in order to:

27 (1) Promote the policies set forth in the Early Intervention Act,  
28 the Nebraska Early Childhood Advantage Act, the Quality Child Care Act,  
29 and sections 79-1101 to 79-1104;

30 (2) Facilitate collaboration with the federally administered Head  
31 Start program;

1           (3) Make recommendations to the Department of Health and Human  
2 Services, the State Department of Education, and other state agencies  
3 responsible for the regulation or provision of early childhood care, ~~and~~  
4 education, and home-visiting programs on the needs, priorities, and  
5 policies relating to such programs throughout the state;

6           (4) Make recommendations to the lead agency or agencies which  
7 prepare and submit applications for federal funding;

8           (5) Review new or proposed revisions to rules and regulations  
9 governing the registration or licensing of early childhood care and  
10 education programs;

11           (6) Study and recommend additional resources for early childhood  
12 care, ~~and~~ education, and home-visiting programs; ~~and~~

13           (7) Report biennially to the Governor and Legislature on the status  
14 of early intervention and early childhood care and education in the  
15 state. The report submitted to the Legislature shall be submitted  
16 electronically. Such report shall include (a) the number of license  
17 applications received under section 71-1911, (b) the number of such  
18 licenses issued, (c) the number of such license applications denied, (d)  
19 the number of complaints investigated regarding such licensees, (e) the  
20 number of such licenses revoked, (f) the number and dollar amount of  
21 civil penalties levied pursuant to section 71-1920, and (g) information  
22 which may assist the Legislature in determining the extent of cooperation  
23 provided to the Department of Health and Human Services by other state  
24 and local agencies pursuant to section 71-1914; and -

25           (8) Report annually as required by section 7 of this act.

26           Sec. 10. Original section 43-3401, Reissue Revised Statutes of  
27 Nebraska, and section 43-3402, Revised Statutes Cumulative Supplement,  
28 2014, are repealed.