

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 329

Introduced by Bolz, 29.

Read first time January 16, 2019

Committee: Health and Human Services

1 A BILL FOR AN ACT relating to child care; to amend sections 68-1206 and
2 71-1912, Reissue Revised Statutes of Nebraska; to change provisions
3 relating to child care assistance provided as part of the provision
4 of social services; to change provisions relating to licensure under
5 the Child Care Licensing Act; and to repeal the original sections.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 68-1206 (1)(a) ~~(1)~~ The Department of Health and Human Services
4 shall administer the program of social services in this state. The
5 department may contract with other social agencies for the purchase of
6 social services at rates not to exceed those prevailing in the state or
7 the cost at which the department could provide those services. The
8 statutory maximum payments for the separate program of aid to dependent
9 children shall apply only to public assistance grants and shall not apply
10 to payments for social services.

11 (b) As part of the provision of social services authorized by
12 section 68-1202, the department shall participate in the federal Child
13 Care Subsidy ~~child care assistance program established under 42 U.S.C.~~
14 ~~9857 618~~, as such section existed on January 1, 2019 ~~2013~~, and provide
15 child care assistance to families with incomes up to one hundred sixty-
16 five ~~twenty-five~~ percent of the federal poverty level ~~for FY2013-14 and~~
17 ~~one hundred thirty percent of the federal poverty level for FY2014-15 and~~
18 ~~each fiscal year thereafter.~~

19 (2)(a) ~~(2)~~ As part of the provision of social services authorized by
20 this section and section 68-1202, the department shall participate in the
21 federal Child Care Subsidy program. In determining ongoing eligibility
22 for this program, ten percent of a household's gross earned income shall
23 be disregarded after twelve continuous months on the program and at each
24 subsequent redetermination.

25 (b) At redetermination of eligibility, occurring no more often than
26 permitted under 42 U.S.C. 9858c(c)(2)(N)(i)(I) ~~if a family's income~~
27 ~~exceeds one hundred thirty percent of the federal poverty level~~, the
28 family shall continue to receive transitional child care assistance ~~for~~
29 ~~up to twenty-four consecutive months or until the family income exceeds~~
30 two hundred ~~one hundred eighty-five~~ percent of the federal poverty level.
31 ~~If a family's income falls to one hundred thirty percent of the federal~~

1 ~~poverty level or below, the twenty-four-month time limit in this~~
2 ~~subsection shall cease to apply until the family becomes eligible for~~
3 ~~transitional child care assistance.~~ The amount of such child care
4 assistance shall be based on a cost-shared plan between the recipient
5 family and the state and shall be based on a sliding-scale methodology. A
6 recipient family may be required to contribute a percentage of such
7 family's gross income for child care that is no more than the cost-
8 sharing rates in the transitional child care assistance program as of
9 January 1, 2015, for those no longer eligible for cash assistance as
10 provided in section 68-1724. Initial program eligibility standards shall
11 not be impacted by the provisions of this subsection.

12 (3) In determining the rate or rates to be paid by the department
13 for child care as defined in section 43-2605, the department shall adopt
14 a fixed-rate schedule for the state or a fixed-rate schedule for an area
15 of the state applicable to each child care program category of provider
16 as defined in section 71-1910 which may claim reimbursement for services
17 provided by the federal Child Care Subsidy program, except that the
18 department shall not pay a rate higher than that charged by an individual
19 provider to that provider's private clients. The schedule may provide
20 separate rates for care for infants, for children with special needs,
21 including disabilities or technological dependence, or for other
22 individual categories of children. The schedule may also provide tiered
23 rates based upon a quality scale rating of step three or higher under the
24 Step Up to Quality Child Care Act. The schedule shall be effective on
25 October 1 of every year and shall be revised annually by the department.

26 Sec. 2. Section 71-1912, Reissue Revised Statutes of Nebraska, is
27 amended to read:

28 71-1912 (1) Before issuance of a license, the department shall
29 investigate or cause an investigation to be made, when it deems
30 necessary, to determine if the applicant or person in charge of the
31 program meets or is capable of meeting the physical well-being, safety,

1 and protection standards and the other rules and regulations of the
2 department adopted and promulgated under the Child Care Licensing Act.
3 The department shall ~~may~~ investigate the character of applicants and
4 licensees, any member of the applicant's or licensee's household, and the
5 staff, ~~and employees,~~ and prospective staff of programs by making a
6 national criminal history record information check. The department may at
7 any time inspect or cause an inspection to be made of any place where a
8 program is operating to determine if such program is being properly
9 conducted. Any fee charged by the department for the cost of processing
10 applications and administering a criminal background check as required by
11 this section, consistent with 42 U.S.C. 9858f, shall not exceed the
12 actual cost to the department for processing and administration.

13 (2) All inspections by the department shall be unannounced except
14 for initial licensure visits and consultation visits. Initial licensure
15 visits are announced visits necessary for a provisional license to be
16 issued to a family child care home I, family child care home II, child
17 care center, or school-age-only or preschool program. Consultation visits
18 are announced visits made at the request of a licensee for the purpose of
19 consulting with a department specialist on ways of improving the program.

20 (3) An unannounced inspection of any place where a program is
21 operating shall be conducted by the department or the city, village, or
22 county pursuant to subsection (2) of section 71-1914 at least annually
23 for a program licensed to provide child care for fewer than thirty
24 children and at least twice every year for a program licensed to provide
25 child care for thirty or more children.

26 (4) Whenever an inspection is made, the findings shall be recorded
27 in a report designated by the department. The public shall have access to
28 the results of these inspections upon a written or oral request to the
29 department. The request must include the name and address of the program.
30 Additional unannounced inspections shall be performed as often as is
31 necessary for the efficient and effective enforcement of the Child Care

1 Licensing Act.

2 Sec. 3. Original sections 68-1206 and 71-1912, Reissue Revised

3 Statutes of Nebraska, are repealed.