

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4897

BY DELEGATE S. BROWN

[Introduced February 11, 2020; Referred to the
Committee on Health and Human Resources then
Finance]

1 A BILL to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a
 2 new section, designated §49-2-125a, relating to the establishment of a Child Care Access
 3 Work Group; making legislative findings; establishing the work group within the
 4 Department of Health and Human Resources; defining membership; specifying duties;
 5 requiring the submission of a report; providing for administration, support, and
 6 reimbursement of members; and providing for automatic termination of the group.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-125a. Child care access working group; findings; membership; administration; duties; report; termination.

1 (a) (1) The Legislature finds that child care is a sector that is critical to the vitality and
 2 economic security of our state and communities and families, and that families in West Virginia
 3 face significant barriers to accessing and affording high quality child care. The Legislature finds
 4 that West Virginia’s committed caregivers and state investments and advancements in our quality
 5 rating and improvement system ensure that quality, culturally relevant child care supports
 6 children’s healthy development and prepares them for success in school and in life. The
 7 Legislature recognizes that provider diversity and cultural relevance are fundamental components
 8 of quality, and that parent choice is a priority throughout the state’s early learning system.

9 (2) The Legislature finds that the cost of quality child care is unaffordable for many families
 10 and state support is needed to ensure that all children and families in West Virginia can access
 11 safe, enriching child care.

12 (3) The Legislature recognizes that expanding access to quality child care requires
 13 ensuring that the market of child care providers is prepared to meet existing and expanded
 14 demand. The Legislature finds that the market of child care providers is shrinking, that child care
 15 deserts are emerging, and that fewer providers are offering services to needy families, as the
 16 costs, associated with ensuring safe, healthy environments where children are loved and learning,

17 are unaffordable to families and underfunded by subsidy rates. The Legislature additionally finds
18 that child care providers are unable to recruit and retain a qualified workforce because there are
19 not sufficient resources to competitively compensate qualified caregivers; that wages in the
20 industry remain among the lowest of all professions, at or near minimum wage, even as the
21 relationship between a child and a qualified caregiver is of paramount importance to parents; and,
22 according to a rapidly accumulating body of brain science, it is foundational to supporting healthy
23 development.

24 (4) Therefore, the Legislature intends to promote high quality child care from diverse
25 providers that is accessible and affordable to all families of West Virginia's children ages birth to
26 five by:

27 (A) Capping family child care expenses at seven percent of a family's income for
28 subsidized child care; and

29 (B) Establishing the goal of universal child care access for all West Virginia families by
30 2025.

31 (b) (1) The Child Care Access Work Group is established within the Department of Health
32 and Human Resources. Work group membership shall consist of the secretary of the department
33 or his or her representative, and an additional eight members, appointed by the Governor,
34 representing:

35 (A) Three child care center providers;

36 (B) Two child care workers;

37 (C) A parent representative;

38 (D) An early learning advocacy organization; and

39 (E) An early learning policy expert.

40 (F) The secretary of the department or his or her representative.

41 (2) The secretary or his or her representative shall preside as chair of the working group
42 and may schedule meetings of the work group or smaller groups thereof as the secretary deems

43 appropriate.

44 (3) Meetings of the work group shall not require a quorum except that a quorum of at least
45 six members shall be required for the adoption of the final report and recommendations of the
46 work group.

47 (c) The work group shall:

48 (1) Develop a regional mechanism to measure the cost of quality that can be used to
49 determine child care subsidy rates;

50 (2) Consider how the measure of area median income could be used in place of federal
51 poverty level when determining eligibility for child care subsidy;

52 (3) Evaluate compensation for child care workers, including consideration of pay scale
53 changes, to achieve pay parity with K-12 teachers by January 1, 2025. In conducting its
54 evaluation, the work group shall further develop policy recommendations for the department that:

55 (A) Endeavor to preserve and increase racial and ethnic equity and diversity in the child
56 care workforce and recognize the value of cultural competency and multilingualism;

57 (B) Include a salary floor that supports recruitment and retention of a qualified workforce
58 in every early learning setting, determined by an analysis of fields that compete to recruit workers
59 with comparable skills, competencies, and experience of early childhood educators;

60 (C) Index salaries for providers against the salary for a typical preschool lead teacher,
61 differentiating base compensation for varying levels of responsibility within the early childhood
62 workplace including consideration of center directors, assistant directors, lead teachers, assistant
63 teachers, paraprofessionals family child care owners, and family home assistants;

64 (D) Incentivize advancements in relevant higher education credentials and credential
65 equivalencies, training, and years of experience, by increasing compensation for each of these,
66 including early learning certificates, associate degrees, bachelors' degrees, masters' degrees,
67 and doctoral degrees;

68 (E) Develop credential equivalencies and criteria, including certified demonstration of

69 competencies developed through apprenticeships, peer learning models, community-based
70 training, and other strategies;

71 (F) Consider a provider's years of experience in the field and years of experience at his or
72 her current site;

73 (G) Differentiate subsidy rates by region; and

74 (H) Provide additional compensation to providers serving a high proportion of children with
75 outstanding and special needs, providers demonstrating additional linguistic or cultural
76 competency, and providers serving populations furthest from opportunity, including:

77 (i) Families enrolled in early childhood education and assistance programs;

78 (ii) Underserved geographic communities;

79 (iii) Underserved ethnic or linguistic communities;

80 (iv) Underserved age groups such as infants and toddlers; and

81 (v) Populations with specialized health or educational needs.

82 (d) Members of the committee, other than the Secretary of the Department of Health and
83 Human Resources, are entitled to the same daily per diem allowance and reimbursement for their
84 expenses as is authorized for members of the Legislature in accordance with the performance of
85 their interim duties as provided in §4-2A-7 of this code.

86 (e) Staff support for the work group shall be provided by the Department of Health and
87 Human Resources.

88 (f) By July 1, 2022, the work group must submit its findings and required implementation
89 plan to the Governor and to the Legislature.

90 (g) The Child Care Access Work Group shall terminate and this section shall expire
91 December 1, 2022.

NOTE: The purpose of this bill is to establish a Child Care Access Work Group to evaluate the availability and costs of child care centers across the state and to make recommendations regarding access, credentialing, and subsidies to improve access to

child care.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.