

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 538**

4 (By Senators Plymale, Stollings, Jenkins and Foster)

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6 [Originating in the Committee on Health and Human Resources;
7 reported February 22, 2012.]

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11 A BILL to amend and reenact §49-2E-2 of the Code of West Virginia,
12 1931, as amended; and to amend said code by adding thereto a
13 new section, designated §49-2E-2a, all relating to removing
14 the requirement that program standards for registered family
15 child care homes and all licensed programs be included as part
16 of the rule to implement a quality rating and improvement
17 system; and requiring instead that the secretary establish and
18 maintain these standards.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §49-2E-2 of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted; and that said code be amended by adding
22 thereto a new section, designated §49-2E-2a, all to read as
23 follows:

24 **ARTICLE 2E. QUALITY RATING AND IMPROVEMENT SYSTEM.**

1 **§49-2E-2. Creation of statewide quality rating system; legislative**
2 **rule required; minimum provisions.**

3 (a) The Secretary of the Department of Health and Human
4 Resources shall propose rules for legislative approval in
5 accordance with the provisions of article three, chapter
6 twenty-nine-a of this code to implement a quality rating and
7 improvement system. The quality rating and improvement system
8 shall be applicable to licensed child care centers and facilities
9 and registered family child care homes. If other types of child
10 care settings, such as school-age child care programs, become
11 licensed after the implementation of a statewide quality rating and
12 improvement system, the secretary may develop quality criteria and
13 incentives that will allow the other types of child care settings
14 to participate in the quality rating and improvement system. The
15 rules shall include, but are not limited to, the following:

16 (1) A four-star rating system for registered family child care
17 homes and a four-star rating system for all licensed programs,
18 including family child care facilities and child care centers, to
19 easily communicate to consumers four progressively higher levels of
20 quality child care. One star ~~indicating~~ indicates meeting the
21 minimum acceptable standard and four stars ~~indicating~~ indicate
22 meeting or exceeding the highest standard. The system shall
23 reflect the cumulative attainment of the standards at each level
24 and all lesser levels. ~~Provided, That any~~ A program accredited by

1 the National Association for the Education of Young Children or the
2 National Association for Family Child Care, as applicable, shall
3 automatically be awarded four-star status;

4 ~~(2) Program standards for registered family child care homes
5 and program standards for all licensed programs, including family
6 child care facilities and child care centers. that are Each divided
7 into four levels of attributes that progressively improve the
8 quality of child care beginning with basic state registration and
9 licensing requirements at level one through achievement of a
10 national accreditation by the appropriate organization at level
11 four. Participation beyond the first level is voluntary. The
12 program standards shall be categorized using the West Virginia
13 State Training and Registry System Core Knowledge Areas or its
14 equivalent;~~

15 ~~(3)~~ (2) Accountability measures that provide for a fair,
16 valid, accurate and reliable assessment of compliance with quality
17 standards, including, but not limited to:

18 (A) Evaluations conducted by trained evaluators with
19 appropriate early childhood education and training on the selected
20 assessment tool and with a demonstrated inter-rater reliability of
21 eighty-five percent or higher. The evaluations shall include an
22 on-site inspection conducted at least annually to determine whether
23 programs are rated correctly and continue to meet the appropriate
24 standards. The evaluations and observations shall be conducted on

1 at least a statistically valid percentage of center classrooms,
2 with a minimum of one class per age group;

3 (B) The use of valid and reliable observation and assessment
4 tools, such as environmental rating scales for early childhood,
5 infant and toddler, school-age care and family child care as
6 appropriate for the particular setting and age group;

7 (C) An annual self-assessment using the proper observation and
8 assessment tool for programs rated at two stars; and

9 (D) Model program improvement planning ~~shall be~~ designed to
10 help programs improve their evaluation results and level of program
11 quality.

12 (b) The rules required pursuant to this section shall include
13 policies relating to the review, reduction, suspension or
14 disqualification of child care programs from the quality rating and
15 improvement system.

16 (c) The rules shall provide for implementation of the
17 statewide quality rating system effective July 1, 2011, subject to
18 section four of this article.

19 **§49-2E-2a. Required program standards for registered family child
20 care homes and other license programs.**

21 A requirement that the Secretary establish and maintain
22 program standards for registered family child care homes and
23 program standards for all licensed programs, including family child
24 care facilities and child care centers. Each set of standards shall

1 be divided into four levels of attributes that progressively
2 improve the quality of child care beginning with basic state
3 registration and licensing requirements at level one through
4 achievement of a national accreditation by the appropriate
5 organization at level four. Participation beyond the first level
6 is voluntary. The program standards shall be categorized using the
7 West Virginia State Training and Registry System Core Knowledge
8 Areas or its equivalent. The program standards for registered
9 family child care centers required by this section are not required
10 to be set forth in the legislative rules set forth in section two
11 of this article.

NOTE: The purpose of this bill is to remove the requirement that program standards for registered family child care homes and all licensed programs be included as part of the rule to implement the quality rating and improvement system and require, instead, that the secretary establish and maintain these standards.

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