



## Notice of Intent to Adopt Rules

A copy of the proposed rules may be obtained at <http://rules.wyo.gov>

Revised May 2018

<b>1. General Information</b>		
a. Agency/Board Name* <b>Department of Family Services</b>		
b. Agency/Board Address <b>2300 Capitol Avenue, Hathaway Bldg., 3rd Fl</b>	c. City <b>Cheyenne</b>	d. Zip Code <b>82002</b>
e. Name of Agency Liaison <b>Corrine Livers</b>	f. Agency Liaison Telephone Number <b>307-777-6068</b>	
g. Agency Liaison Email Address <b>corrine.livers@wyo.gov</b>		
h. Date of Public Notice <b>9/24/18</b>	i. Comment Period End Date <b>11/8/18</b>	
j. Public Comment URL or Email Address: <b>corrine.livers@wyo.gov</b>		
k. Program <b>Early Childhood Community Partnership Grant</b>		
* <input type="checkbox"/> By checking this box, the agency is indicating it is exempt from certain sections of the Administrative Procedure Act including public comment period requirements. Please contact the agency for details regarding these rules.		
<b>2. Legislative Enactment</b>		
For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.		
a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?		
<input type="checkbox"/> No. <input type="checkbox"/> Yes. Please provide the Chapter Numbers and Years Enacted (eg: 2015 Session Laws Chapter 154):		
<b>3. Rule Type and Information</b>		
a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter. <i>Please use the Additional Rule Information form for more than 10 chapters, and attach it to this certification.</i>		
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
<b>1</b>	<b>Early Childhood Community Partnership Grant</b>	
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

#### 4. Public Comments and Hearing Information

a. A public hearing on the proposed rules has been scheduled.  No.  Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

b. What is the manner in which interested persons may present their views on the rulemaking action?  
 By submitting written comments to the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

A public hearing will be held if requested by 25 persons, a government subdivision, or by an association having not less than 25 members. Requests for a public hearing may be submitted:

- To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

c. Any person may urge the Agency not to adopt the rules and request the Agency to state its reasons for overruling the consideration urged against adoption. Requests for an agency response must be made prior to, or within thirty (30) days after adoption, of the rule, addressed to the Agency and Agency Liaison listed in Section 1 above.

#### 5. Federal Law Requirements

a. These rules are created/amended/repealed to comply with federal law or regulatory requirements.  No.  Yes. Please complete the boxes below.

Applicable Federal Law or Regulation Citation:

Indicate one (1):

- The proposed rules meet, but do not exceed, minimum federal requirements.  
 The proposed rules exceed minimum federal requirements.

Any person wishing to object to the accuracy of any information provided by the Agency under this item should submit their objections prior to final adoption to:

- To the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_

#### 6. State Statutory Requirements

a. Indicate one (1):

- The proposed rule change *MEETS* minimum substantive statutory requirements.  
 The proposed rule change *EXCEEDS* minimum substantive statutory requirements. Please attach a statement explaining the reason that the rules exceed the requirements.

b. Indicate one (1):

- The Agency has complied with the requirements of W.S. 9-5-304. A copy of the assessment used to evaluate the proposed rules may be obtained:  
 By contacting the Agency at the physical and/or email address listed in Section 1 above.  
 At the following URL: \_\_\_\_\_  
 Not Applicable.

**7. Additional APA Provisions**

a. Complete all that apply in regards to uniform rules:

- These rules are not impacted by the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j).
- The following chapters do not differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j):

\_\_\_\_\_ (Provide chapter numbers)

- These chapters differ from the uniform rules identified in the Administrative Procedure Act, W.S. 16-3-103(j) (see Statement of Principal Reasons).

\_\_\_\_\_ (Provide chapter numbers)

b. Checklist

- The Statement of Principal Reasons is attached to this Notice and, in compliance with Tri-State Generation and Transmission Association, Inc. v. Environmental Quality Council, 590 P.2d 1324 (Wyo. 1979), includes a brief statement of the substance or terms of the rule and the basis and purpose of the rule.
- If applicable: In consultation with the Attorney General's Office, the Agency's Attorney General representative concurs that strike and underscore is not required as the proposed amendments are pervasive (Chapter 3, *Types of Rules Filings*, Section 1, Proposed Rules, of the Rules on Rules).

**8. Authorization**

a. I certify that the foregoing information is correct.

<i>Printed Name of Authorized Individual</i>	Thomas O. Forslund
<i>Title of Authorized Individual</i>	Director
<i>Date of Authorization</i>	6-12-18

## **Wyoming Department of Family Services**

### **Early Childhood Community Partnership Grant**

#### **STATEMENT OF REASONS**

The Wyoming Department of Family Services (DFS) is repealing Chapter 1 Early Childhood Community Partnership Grant (ECCPG) administrative rules. In the 2014 Wyoming Session Law, the Legislature directed that \$655,000.00 be available for the period of July 1, 2014 and ending June 30, 2016 to establish a community grant program through which communities would act out activities to ensure that all of their children are ready to be successful in school. The ECCPG Rules were enacted pursuant to that Session Law. The administration of the program no longer requires Rules and the budget footnote it operated under no longer exists. The ECCPG rules contain outdated provisions, such as a lapsed timeframe for grant awards, and provisions which are not relevant to the current administration of the ECCPG. Also, the ECCPG is no longer funded through the State General Fund (SFG); it is funded exclusively with 100% federal funds. DFS is authorized under the Public Assistance and Social Services Act, W.S. 42-2-101 et seq., W.S. 42-2-103 (b)(iii) and (xiii), and the Wyoming Administrative Procedures Act, W.S. 16-3-101 et seq. to promulgate rules and regulations.

#### **Chapter 1:**

- Chapter 1 – Section 1 through 12 on pages 1 through 10: Repealed.

# **Early Childhood Community Partnership Grant**

## **Chapter 1**

Repealed

**Early Childhood Community Partnership Grant**  
**Chapter 1**

Section 1. — **Authority.** These rules of the Department of Family Services (DFS) are promulgated pursuant to Enrolled Act No. 41, 2014 Budget Session.

Section 2. — **Purpose.** These rules have been adopted to provide further development of community based early childhood efforts, including the development of grant application procedures, determining grant eligibility, grant selection, development of procedures for distribution of grants, determination of grant reporting and the procedure for failure to perform.

Section 3. — **Severability.** If any provision of these rules is declared unconstitutional or beyond the authority conferred upon DFS by the Wyoming Legislature, the remaining provisions shall not be affected.

Section 4. — **Definitions.**

(a) — “Applicant” means a person or organization seeking funding for the Early Childhood Community Partnership Grant.

(b) — “Application” means the form developed by the Early Childhood Community Partnership Grant Committee, which a person or vested community stakeholder uses to submit a request for funding.

(c) — “Capital Construction” means the process of construction, modification, replacement, repair, remodeling or renovation of a structure (object).

(d) — “Care taking” means a service provided for families on behalf of children and parents; and designed to supplement daily parental care.

(e) — “Community Partnership” means a group of people who are working toward the same common goal.

~~(f) — “Early Childhood” means the years between one (1) and eight (8) years of age.~~

~~(g) — “Early Childhood Community Partnership Grant Administrator” means the agency or agency director with whom DFS shall contract to provide oversight of the Early Childhood Community Partnership Grants. The Administrator shall provide technical assistance for the Early Childhood Community Partnership Grantees as well as approve the form of assessment used by the grantee, make policy recommendations, assist with monitoring and provide coordination of reporting to the Early Education Community Partnership Grant Committee and DFS.~~

~~(h) — “Early Childhood Community Partnership Grant Committee” means a group of individuals consisting of personnel from the Department of Education, DFS, Department of Workforce Services, Department of Health, Wyoming Kids First, statewide non-profit agencies and early childhood professionals whom DFS designates to serve in an advisory role for the Early Childhood Community Partnership Grant selection, administration and evaluation.~~

~~(i) — “Early Learning Guidelines” means the Wyoming guidelines available to parents, caregivers, early childhood professionals and policy makers about development and early learning in the first three (3) years of life, which were produced by the Wyoming Early Learning Guidelines Task Force (2011), which can be found at: <https://sites.google.com/a/wyo.gov/early-childcare-and-licensing/child-care-1/home/dfs-in-your-community/child-care-resources/childcare-licensing-rules/parents-1>~~

~~(j) — “Early Learning Foundations” means the Wyoming foundations for children three (3) through five (5), which support Wyoming’s young learners so they not only learn reading, writing, and mathematics, but also become critical thinkers and problem solvers in academic and social situations, which were produced by the Wyoming Early Learning Foundations Committee (2013), which can be found at: <https://sites.google.com/a/wyo.gov/early-childcare-and-licensing/child-care-1/home/dfs-in-your-community/child-care-resources/childcare-licensing-rules/parents-1>~~

~~(k) — “Educational Programs” means an early childhood organization or group that works with young children to prepare them for formal education.~~

~~(l) — “Quorum” means a minimum of four (4) individuals including a minimum of one (1) DFS representative.~~

~~(m) — “Strategic Priorities” means objectives ranked by importance in achieving a strategic goal.~~

~~(n) — “Technical Assistance” means providing advice, assistance and training.~~

~~(o) — “Work” means activities, projects or events conducted to prepare children for formal education.~~

~~Section 5. — **General Provisions.** The Early Childhood Community Partnership Grant is available to school districts or other nonprofit service providers for developing, enhancing and sustaining high quality early childhood education programs, including programs targeting educationally disadvantaged children. Grants shall be targeted at educational programs and not caretaking.~~

~~Section 6. — **Grant Limitations.**~~

~~(a) — Grant applicant:~~

~~(i) — Shall be eligible for a maximum of \$50,000 that shall be used to supplement, not supplant, early childhood work; and~~

~~(ii) — Shall receive funding for one (1) time during the grant period.~~

~~Section 7. — **Unallowable Costs.**~~

~~(a) — The grant funds shall not be used for the following:~~

~~(i) — Capitol construction;~~

~~(ii) — Caretaking;~~

~~(iii) — Payment of bad debts, or interest payments as a result of credit agreements;~~



~~(iv) — Payment of stipends to program participants without prior authorization from DFS;~~

~~(v) — Payment of ongoing basic needs (i.e. cash, food or housing);~~

~~(vi) — Payment of basic needs (i.e. housing, beds) for minors in secure facilities;~~

~~(vii) — Payment of equipment costs that exceed or are disproportionate in relation to the cost of service delivery;~~

~~(viii) — Purchase of alcohol; or~~

~~(ix) — Services/materials determined to be inappropriate in their relation to program delivery.~~

**Section 8. — ~~Early Childhood Community Partnership Grant Requirements.~~**

~~(a) — Applicant eligibility.~~

~~(i) — To be eligible an applicant shall:~~

~~(A) — Provide an in-kind and/or monetary match of 25% of total funds requested;~~

~~(B) — Provide a completed application;~~

~~(C) — Provide accurate reports to DFS; and~~

~~(D) — Be a community level school district, agency and/or non-profit organization with:~~

~~(1) — The capacity to facilitate, or a history that demonstrates facilitation of, broad based community collaboration with the intent to provide services to all children and their families to ensure that children are ready to be successful in school;~~

~~(II) — A focus to serve children with educational disadvantages;~~

~~(III) — A demonstrative and in depth knowledge of the early education system in their community;~~

~~(IV) — Good standing with the Secretary of State; and~~

~~(V) — Good standing with DFS, Department of Health, Workforce Services, Wyoming Department of Education.~~

**Section 9. — Application.**

~~(a) — The grant application shall be filled out completely and shall include:~~

~~(i) — A project proposal that clearly expresses and depicts the applicant's and the community's commitment to ensure that all children are ready to be successful in school by:~~

~~(A) — Facilitating regular and on going communication and collaboration between the community's early childhood stakeholders including broad outreach to and participation from families, kindergarten teachers, school district administrators, early childhood education professionals and teachers, and health professionals, and others;~~

~~(B) — Obtaining data and strengths based evaluation from the community to inform and evaluate actions; and~~

~~(C) — Providing support to work with and for children who are educationally or otherwise disadvantaged.~~

~~(ii) — A community description that:~~

~~(A) — Offers insightful information about the community, including: definition of community boundaries and the population that shall be served with grant funds, defining characteristics of the identified community, and an overview of community needs and existing resources that includes data and strengths based~~

evaluation.

~~(iii) — An overview of existing and planned community partnerships that details:~~

~~(A) — Existing or past efforts to engage early childhood partners in the community as well as the strategy for continued broad-based community engagement. Partners shall include, but not be limited to: families, early childcare and education professionals and teachers, kindergarten teachers, school district administrators, and school district staff; and~~

~~(B) — Documentation from past collaborative meetings to show purpose, attendance and/or clear agendas for communication (if applicable) as well as the strategy for broad-based community partnerships and correspondence.~~

~~(iv) — A list and narrative of the actions and outcomes that connects to the community's needs and commitment to ensure that all children are ready to be successful in schools. Actions may include, but are not limited to work that:~~

~~(A) — Engages and supports parents and families while honoring their role as a child's first and most important teacher;~~

~~(B) — Brings together early childhood stakeholders to work together to promote and provide for a seamless transition into the school setting;~~

~~(C) — Considers the community and family contexts in which children grow up, and works then to connect families, health and other community elements to ensure children are ready to be successful in school;~~

~~(D) — Develops a two-tiered approach to implement the Wyoming Early Learning Guidelines and the Wyoming Early Learning Foundations (one tier for early childhood professionals and one tier for families); and~~

~~(E) — Encourages and promotes high-quality early childhood education programs, environments and opportunities that are accessible by both children and families, and that cut across the following developmental domains:~~

- ~~(I) — Creative Arts;~~
- ~~(II) — Language Development;~~
- ~~(III) — Literacy Knowledge and Skills;~~
- ~~(IV) — Logic and Reasoning;~~
- ~~(V) — Mathematics Knowledge and Skills;~~
- ~~(VI) — Physical Development and Health;~~
- ~~(VII) — Science Knowledge and Skills;~~
- ~~(VIII) — Social and Emotional Development; and~~
- ~~(IX) — Social Studies Knowledge and Skills.~~

~~(v) — A request for any technical assistance and/or training that would increase and support the communities work to achieve positive outcomes in the action plan.~~

~~(vi) — A Cost Proposal which includes:~~

~~(A) — A detailed operational budget showing expenditures and income as well as an in-kind and/or monetary match of 25% of total funds requested; and~~

~~(B) — A budget narrative.~~

**Section 10. — Grant Award Process.**

~~(a) — Each application shall be reviewed by a quorum of the Early Childhood Community Partnership Grant Committee (Committee).~~

~~(i) — Only completed applications shall be evaluated.~~

~~(ii) — DFS shall award grants after reviewing recommendations from the committee. DFS shall have the final decision.~~

~~(iii) — The Early Childhood Community Partnership Grant Administrator shall provide monitoring of and resources for the Early Childhood Community Partnership Grantees as well as make policy recommendations to DFS.~~

~~(iv) — DFS shall have the right to conduct a cost analysis of the proposer's budget proposal. The analysis shall include a review of the associated costs based on the technical content of their submission.~~

~~(v) — Prior to final selection of a grantee, proposers may be asked to submit additional information in order to clarify their proposals.~~

~~(vi) — Grant awards shall be made during the 2014-2015 school year through contracts with DFS.~~

~~(vii) — DFS shall determine whether to award all or a portion of the funds requested.~~

**Section 11. — Grantee Responsibilities.**

~~(a) — Grantee shall agree to the following terms of the Early Childhood Community Partnership Grant:~~

~~(i) — Carry out work in their grant proposal to ensure that children in their community are ready to be successful in school in a manner that is consistent with the needs of the local community, including partnerships with other early childhood systems to enhance outcomes and avoid duplication;~~

~~(ii) — Maintain in good standing with DFS, Department of Health, Workforce Services and the Department of Education; and~~

~~(iii) — Accept and implement any technical assistance provided by the Early Childhood Community Partnership Grant Administrator.~~

~~(b) — The grantee shall have the ability to:~~

~~(i) — Immediately produce documentation which verifies the number of children, families and/or community members reached through grant actions;~~

~~(ii) — Work with the Early Childhood Community Partnership Grant Administrator to determine an approved form of assessment; and~~

~~(iii) — Immediately produce all documentation and assessments supporting the actions and outcomes to DFS and the Early Childhood Community Partnership Grant Administrator.~~

~~(c) — The grantee shall document the impact of work for young children and families:~~

~~(i) — The grantee shall provide on-going documentation and evidence of positive impact for young children and families. If an action does not achieve the intended outcome, communities shall demonstrate the learning that occurred as a result, and any subsequent adjustments in actions that are necessary to realize the intended outcomes; and~~

~~(ii) — The grantee shall demonstrate the ability to document, coordinate and integrate work with direct project costs and expected outcomes that best meet the intent of the funding.~~

#### **Section 12. ~~Termination of Grant.~~**

~~(a) — DFS reserves the right to:~~

~~(i) — Terminate the contract if the Early Childhood Community Partnership Grantee demonstrates fiscal irresponsibility as defined by DFS; and~~

~~(ii) — Terminate the contract if the Early Childhood Community Partnership Grantee fails to perform in accordance with the conditions of the application and/or contract.~~

~~(b) — Any grantee who is terminated from the grant program shall repay to DFS the grant amount. The repayment shall be, made, or a repayment agreement shall be~~

~~signed, within 30 days of the date on which the applicant receives notice of termination from the program from DFS.~~

~~(c) A failure to repay funds provided under this grant shall result in the following:~~

~~(i) Referral of the case to the Attorney General for appropriate legal action; and~~

~~(ii) The participant being placed on the list of individuals who are not in good standing with the State agencies.~~