

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 856

FINAL READING

Introduced by Fredrickson, 20; Jacobson, 42; Raybould, 28; Ibach, 44;
Hughes, 24; Conrad, 46; Dungan, 26.

Read first time January 03, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to the child care subsidy program; to amend
- 2 section 68-1206, Revised Statutes Supplement, 2023; to change
- 3 eligibility requirements; and to repeal the original section.
- 4 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Supplement, 2023, is
2 amended to read:

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

11 (2)(a) As part of the provision of social services authorized by
12 section 68-1202, the department shall participate in the federal child
13 care assistance program under 42 U.S.C. 9857 et seq., as such sections
14 existed on January 1, 2023, and provide child care assistance to families
15 with incomes up to (i) one hundred eighty-five percent of the federal
16 poverty level prior to October 1, 2026, or (ii) one hundred thirty
17 percent of the federal poverty level on and after October 1, 2026.

18 (b)(i) ~~(b)~~ As part of the provision of social services authorized by
19 this section and section 68-1202, the department shall participate in the
20 federal Child Care Subsidy program. A child care provider seeking to
21 participate in the federal Child Care Subsidy program shall comply with
22 the criminal history record information check requirements of the Child
23 Care Licensing Act. In determining ongoing eligibility for this program,
24 ten percent of a household's gross earned income shall be disregarded
25 after twelve continuous months on the program and at each subsequent
26 redetermination. In determining ongoing eligibility, if a family's income
27 exceeds one hundred eighty-five percent of the federal poverty level
28 prior to October 1, 2026, or one hundred thirty percent of the federal
29 poverty level on and after October 1, 2026, the family shall receive
30 transitional child care assistance through the remainder of the family's
31 eligibility period or until the family's income exceeds eighty-five

1 percent of the state median income for a family of the same size as
2 reported by the United States Bureau of the Census, whichever occurs
3 first. When the family's eligibility period ends, the family shall
4 continue to be eligible for transitional child care assistance if the
5 family's income is below two hundred percent of the federal poverty level
6 prior to October 1, 2026, or one hundred eighty-five percent of the
7 federal poverty level on and after October 1, 2026. The family shall
8 receive transitional child care assistance through the remainder of the
9 transitional eligibility period or until the family's income exceeds
10 eighty-five percent of the state median income for a family of the same
11 size as reported by the United States Bureau of the Census, whichever
12 occurs first. The amount of such child care assistance shall be based on
13 a cost-shared plan between the recipient family and the state and shall
14 be based on a sliding-scale methodology. A recipient family may be
15 required to contribute a percentage of such family's gross income for
16 child care that is no more than the cost-sharing rates in the
17 transitional child care assistance program as of January 1, 2015, for
18 those no longer eligible for cash assistance as provided in section
19 68-1724.

20 (ii) A licensed child care program that employs a member of an
21 eligible household shall make reasonable accommodations so that the
22 eligible applicant or adult household member is not a primary caregiver
23 to such applicant's or adult household member's child. If reasonable
24 accommodation cannot be made, the department shall allow the applicant or
25 adult household member to receive child care assistance for the
26 applicant's or adult household member's child including when the
27 applicant or adult household member is the primary caregiver for such
28 child.

29 (iii) A licensed child care provider eligible for the child care
30 subsidy may enroll the household member's child in a child care program
31 other than the household member's child care program to receive child

1 care assistance.

2 (iv) Subdivisions (2)(b)(ii) and (2)(b)(iii) of this section shall
3 become operative on July 1, 2025. The department shall promulgate rules
4 and regulations consistent with these subdivisions.

5 (c) For the period beginning July 1, 2021, through September 30,
6 2026, funds provided to the State of Nebraska pursuant to the Child Care
7 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such
8 act and sections existed on January 1, 2023, shall be used to pay the
9 costs to the state resulting from the income eligibility changes made in
10 subdivisions (2)(a) and (b) of this section by Laws 2021, LB485. If the
11 available amount of such funds is insufficient to pay such costs, then
12 funds provided to the state for the Temporary Assistance for Needy
13 Families program established in 42 U.S.C. 601 et seq. may also be used.
14 No General Funds shall be used to pay the costs to the state, other than
15 administration costs, resulting from the income eligibility changes made
16 in subdivisions (2)(a) and (b) of this section by Laws 2021, LB485, for
17 the period beginning July 1, 2021, through September 30, 2026.

18 (d) The Department of Health and Human Services shall collaborate
19 with a private nonprofit organization with expertise in early childhood
20 care and education for an independent evaluation of the income
21 eligibility changes made in subdivisions (2)(a) and (b) of this section
22 by Laws 2021, LB485, if private funding is made available for such
23 purpose. The evaluation shall be completed by July 1, 2024, and shall be
24 submitted electronically to the department and to the Health and Human
25 Services Committee of the Legislature.

26 (3) In determining the rate or rates to be paid by the department
27 for child care as defined in section 43-2605, the department shall adopt
28 a fixed-rate schedule for the state or a fixed-rate schedule for an area
29 of the state applicable to each child care program category of provider
30 as defined in section 71-1910 which may claim reimbursement for services
31 provided by the federal Child Care Subsidy program, except that the

1 department shall not pay a rate higher than that charged by an individual
2 provider to that provider's private clients. The schedule may provide
3 separate rates for care for infants, for children with special needs,
4 including disabilities or technological dependence, or for other
5 individual categories of children. The schedule may also provide tiered
6 rates based upon a quality scale rating of step three or higher under the
7 Step Up to Quality Child Care Act. The schedule shall be effective on
8 October 1 of every year and shall be revised annually by the department.

9 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
10 2023, is repealed.