

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1107

Introduced by Day, 49.

Read first time January 19, 2022

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to social services; to amend section 68-1206,
- 2 Revised Statutes Supplement, 2021; to change provisions relating to
- 3 provider reimbursement for an absent child; and to repeal the
- 4 original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Supplement, 2021, 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, 2021, 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, 2023, or (ii) one hundred thirty
17 percent of the federal poverty level on and after October 1, 2023.

18 (b) As part of the provision of social services authorized by this
19 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, 2023, or one hundred thirty percent of the federal
29 poverty level on and after October 1, 2023, 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, 2023, or one hundred eighty-five percent of the
7 federal poverty level on and after October 1, 2023. 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 (c) For the period beginning July 1, 2021, through September 30,
21 2023, funds provided to the State of Nebraska pursuant to the Child Care
22 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such
23 act and sections existed on March 24, 2021, shall be used to pay the
24 costs to the state resulting from the income eligibility changes made in
25 subdivisions (2)(a) and (b) of this section by Laws 2021, LB485. If the
26 available amount of such funds is insufficient to pay such costs, then
27 funds provided to the state for the Temporary Assistance for Needy
28 Families program established in 42 U.S.C. 601 et seq. may also be used.
29 No General Funds shall be used to pay the costs to the state resulting
30 from the income eligibility changes made in subdivisions (2)(a) and (b)
31 of this section by Laws 2021, LB485, for the period beginning July 1,

1 2021, through September 30, 2023.

2 (d) The Department of Health and Human Services shall collaborate
3 with a private nonprofit organization with expertise in early childhood
4 care and education for an independent evaluation of the income
5 eligibility changes made in subdivisions (2)(a) and (b) of this section
6 by Laws 2021, LB485, if private funding is made available for such
7 purpose. The evaluation shall be completed by December 15, 2023, and
8 shall be submitted electronically to the department and to the Health and
9 Human Services Committee of the Legislature.

10 (3) In determining the rate or rates to be paid by the department
11 for child care as defined in section 43-2605, the department shall adopt
12 a fixed-rate schedule for the state or a fixed-rate schedule for an area
13 of the state applicable to each child care program category of provider
14 as defined in section 71-1910 which may claim reimbursement for services
15 provided by the federal Child Care Subsidy program, except that the
16 department shall not pay a rate higher than that charged by an individual
17 provider to that provider's private clients. The provider may bill the
18 full authorized amount for times that the child is absent on a scheduled
19 day as permitted by federal regulations under 45 C.F.R. 98.45. The
20 schedule may provide separate rates for care for infants, for children
21 with special needs, including disabilities or technological dependence,
22 or for other individual categories of children. The schedule may also
23 provide tiered rates based upon a quality scale rating of step three or
24 higher under the Step Up to Quality Child Care Act. The schedule shall be
25 effective on October 1 of every year and shall be revised annually by the
26 department.

27 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
28 2021, is repealed.