

## PUBLIC NOTICE

### Intent to Amend Rules Wyoming Department of Workforce Services

Public notice is hereby given that the Department of Workforce Services (DWS) intends to file amended rules pursuant to W.S. § 14-4-204 and the Wyoming Procedures Act as W.S. § 16-3-101 *et seq.* The proposed rules meet minimum substantive statutory requirements.

#### Chapter 1 – WY Quality Counts! Educational Development Program

The Department of Workforce Services (DWS) is amending these rules to better execute the duties and obligations authorized by W.S. §16-3-101 *et seq* in executing the functions of a Quality Child Care program in Wyoming.

A public hearing will be held if requested by 25 persons by a governmental subdivision, or by an association having not less than 25 members.

Copies of the proposed rules may be obtained upon request from DWS at the address listed below or from our website at [www.wyqualitycounts.org](http://www.wyqualitycounts.org).

The Department of Workforce Services welcomes all comments and suggestions on these proposed rules. The public comment period is planned from March 17, 2010, through 5:00 pm April 30, 2010. Any person may urge the Agency not to adopt these rules and may request that the Agency state its reason(s) for overruling the consideration urged against adoption. Comments regarding these proposed rules must be submitted in writing, during the comment period, via our address or fax number found below or through our email address – [jriema@state.wy.us](mailto:jriema@state.wy.us).

Jerimiah L. Rieman  
Policy and Legislative Advisor  
Department of Workforce Services  
122 West 25<sup>th</sup> Street, Herschler Building, 2-E  
Cheyenne, WY 82002  
Fax (307) 777-5857

Interested Parties may request a statement of the Department's position regarding each comment and the action taken as a result of the comments prior to or within thirty (30) days after adoption of the rules. Requests must be submitted to the above mentioned address.

Dated: March 17, 2010

Joan K. Evans, Director  
Department of Workforce Services

## TABLE OF CONTENTS

Section 1.	Authority.	1-1
Section 2.	Purpose.	1-1
Section 3.	Definitions.	1-1
Section 4.	General Provisions.	1-2
Section 5.	Educational Development Scholarships.	1-3
Section 6.	Continuing Education Grants.	1-16
Section 7.	<del>Severability</del> <u>Waiver of Repayment.</u>	1-22
Section 8.	<u>Severability</u>	<u>1-23</u>

**DEPARTMENT OF WORKFORCE SERVICES**  
**BUSINESS TRAINING AND OUTREACH DIVISION**

**CHAPTER 1**

**WY QUALITY COUNTS! EDUCATIONAL DEVELOPMENT PROGRAM**

Section 1. **Authority.** The Department of Workforce Services (DWS) is authorized under the DWS Act W.S. §9-2-2601(c), W.S. §9-2-2602(b)(vi) and the Wyoming Administrative Procedures Act, W.S. §16-3-101 *et seq* to promulgate rules and regulations to be used by the DWS in the discharge of its functions.

Section 2. **Purpose.** The WY Quality Counts! Educational Development Program provides funding for training of owners and staff of child care facilities. W. S. §14-4-204 refers to these services as Educational Development Scholarships and Continuing Education Grants.

Section 3. **Definitions.**

(a) “Apprenticeship Program for Child Care Development Specialists” is a training program registered with the U.S. Department of Labor, Office of Apprenticeship, which is developed specifically for individuals employed in the child care industry.

(b) “Child Care Facility” means any person who operates a business to keep or care for any minor at the request of the parents, legal guardians or an agency which is responsible for the child and includes group day care agencies and day or hourly nurseries, nursery schools, kindergartens or any other preschool establishment not accredited by the state board of education. [See W. S. §14-4-101(a)(vi)(D) or (K)].

(c) “Child Development Associate (CDA) Certificate” is a standardized, nationally-recognized credential administered by the Council for Professional Recognition that provides evidence of a basic level of competence for individuals working in the child care industry.

(d) “Continuing Education Grants” provide funds to upgrade the skills of child care workers to enhance the quality of child care provided by the industry.

(e) “Continuous Enrollment” applies to Section 5(b)(i)(B)(III) below and means enrollment in at least one (1) credit hour in each of two (2) semesters of a fall, spring, or summer semester within the course of a year based on enrollment date.

(f) “Educational Development Scholarships” provide scholarship funds intended to encourage individuals working in the child care industry to enroll in and complete formal education that will enhance the quality of child care provided by the industry.

(g) “Good Standing” means satisfactory adherence to and completion of all program requirements in rules.

(h) “Major Medical Occurrence” shall be determined by a written statement from a licensed medical practitioner that verifies a participant is no longer capable of participating in the WY Quality Counts! Educational Development Program.

(i) “Mandatory Employment” is required for each individual for whom funds are paid for training in the Educational Development Program. The required length of the mandatory employment is specified for each type of program in these rules.

(j) “Participant” is an individual who has applied and been approved for services under these rules.

(k) “Remedial Education Classes” refer to Math and English classes (below 1000 level) required by the applicable college to enter into the approved degree program.

(l) “Repayment Requirements” refers to the mandatory requirement for a participant, who fails to adhere to and complete all program requirements specified in these rules, to repay all funds provided on behalf the participant.

(m) “Satisfactory Completion” means to meet all terms and requirements for a degree, certification or training program.

(n) “Satisfactory Performance” means fulfillment of and adherence to all terms and requirements of a program.

(o) “Workforce Development Training Fund (WDTF)” is a program administered by DWS that provides Wyoming businesses with funds to train their workers. Wyoming businesses have the opportunity to enhance their employee’s skills and to meet the training needs of Wyoming’s industries through WDTF funds.

(p) “WY Quality Counts!” is the DWS name for the Quality Child Care program found in Title 14, Article 2 of the Wyoming Statutes.

#### Section 4. **General Provisions.**

##### (a) Educational Development Scholarships

(i) Educational Development Scholarships provide funds intended to encourage individuals working in the child care industry to enroll in and complete formal education that will enhance the quality of child care provided by the industry. The program will fund three (3) types of training:

(A) Scholarships for Remedial Education, Associate Degrees, Bachelors Degrees and Post-Graduate Endorsements;

(B) Scholarships for the Apprenticeship Program for Child Care Development Specialists; and

(C) Scholarships for the Child Development Associate (CDA) Certificate.

(b) Continuing Education Grants

(i) Continuing Education Grants provide funds to upgrade the skills of child care owners and staff to obtain continuing education training in early childhood development or related topics.

Section 5. **Educational Development Scholarships.**

(a) General Provisions

(i) Participant Eligibility

(A) An eligible participant is:

(I) An owner(s), ~~and/or~~ staff member, and/or contracted professional working for a minimum of fifteen (15) hours per week in a child care facility as defined in W.S. §14-4-101(a)(vi)(D) or (K);

(II) In good standing with the WY Quality Counts! Educational Development Program; and

(III) In good standing with the Workforce Development Training Fund (WDTF) Program.

~~(B) A participant who is enrolled in the WY Quality Counts! Educational Development Program may not be concurrently enrolled in a DWS WDTF training program.~~

(ii) Eligible Coursework

(A) Coursework that applies to the any of the following is eligible:

(I) Associates of Arts/Sciences/Applied Sciences in Early Childhood Education from a Wyoming Community College;

(II) Bachelor of Arts in Elementary Education with Birth-to-Eight Early Childhood Endorsement from the University of Wyoming;

(III) Bachelor of Science in Family and Consumer Sciences/Child Development Option from the University of Wyoming;

(IV) Degree/endorsements from other states comparable in educational requirements to the above from an accredited institution as defined by the Wyoming Department of Education; or

(V) Post-Graduate Birth-to-~~Five~~ Eight Early Childhood Endorsement from the University of Wyoming.

(VI) Post-Graduate Early Childhood Mental Health Certificate from the University of Wyoming.

(VII) Post-Graduate Early Childhood Special Education Endorsement from the University of Wyoming.

(B) Coursework or activities that apply to the:

(I) Registered Apprenticeship Program for Child Care Development Specialists, or

(II) Child Development Associate (CDA) credential administered by the Council for Professional Recognition.

(C) Remedial education classes required to enter eligible training in subsection (a)(ii)(A) and (a)(ii)(B) of this section.

(b) Types of Training

(i) Remedial Education, Associate Degrees, Bachelor Degrees and Post-Graduate Endorsements

(A) Scholarship Program Limitations. The scholarship participant shall:

(I) Be eligible for a maximum of one thousand dollars (\$1,000) per semester, and

(II) Receive assistance for a maximum of one hundred fifty (150) credit hours in a lifetime.

(B) Participant Requirements. The participant shall:

- (I) Enter into a contract with DWS for each semester;
- (II) Be officially enrolled in the educational institution for a minimum of one (1) credit hour per semester;
- (III) Maintain continuous enrollment during the duration of the program;
- (IV) Maintain a “2.0” or higher grade point average; and
- (V) Remain in good standing with both the formal educational institution and the WY Quality Counts! Educational Development Program.

(C) Allowable Training Costs. The following costs shall be allowed:

- (I) Tuition;
- (II) Books; and
- (III) Required fees.

(D) Application and Reporting Requirements. The scholarship participant shall:

- (I) Complete and submit an official DWS application:
  - (1.) Prior to the beginning of the semester of the formal education program, and
  - (2.) Beginning in 2008, at least forty-five (45) days prior and not more than one hundred ten (110) days prior to the beginning of each semester of the formal educational program;
- (II) Submit proof of approval of the coursework by the scholarship participant’s academic advisor with the application;
- (III) Provide proof of enrollment no later than forty-five (45) days after the beginning of each semester;
- (IV) Complete and submit ~~an official~~ a DWS-recognized training evaluation form no later than forty-five (45) days after completion of ~~the~~ one semester’s coursework per academic year;

(V) Provide proof of grades and good standing with the educational institution no later than forty-five (45) days from the time the information is available at the end of each semester; and

(VI) Agree to the repayment and mandatory employment requirements.

(E) Contract and Payment

(I) If the scholarship program application is approved and funds are available, DWS shall enter into a contract with the approved scholarship participant each semester.

(II) Scholarship funds shall be paid directly to the educational institution.

(F) Mandatory Employment Requirements

(I) The scholarship participant shall agree to work for or contract with a child care facility as defined in Section 3(b) above for a mandatory employment period after receiving the certificate, endorsement or degree from the approved formal education program.

(II) The mandatory employment period shall be:

(1.) One thousand (1,000) hours of employment for an Associates Degree which shall be completed within eighteen (18) months after receiving the degree from the approved formal education program;

(2.) Two thousand (2,000) hours of employment for a Bachelor's Degree which shall be completed within twenty-four (24) months after receiving the degree from the approved formal education program; and

(3.) Seven hundred-fifty (750) hours of employment for a Post-Graduate Endorsement which shall be completed within twelve (12) months after receiving the degree from the approved formal education program.

(III) The mandatory employment period shall begin:

(1.) The month immediately after receiving the degree or endorsement from the approved formal education program; or

(2.) When the child care facility is closed during the summer, the first day the child care facility reopens in the fall.

(IV) When the participant is laid off due to lack of work, the scholarship participant shall obtain employment with another child care facility as defined in Section 3(b) and complete any remaining mandatory employment period hours.

(G) Termination from the Scholarship Program. The scholarship participant shall be terminated from the scholarship program if the participant, during the program, fails to:

(I) Maintain enrollment;

(II) Remain in good standing with the formal educational institution and the WY Quality Counts! Educational Development Program;

(III) Meet the grade level requirements;

(IV) Provide verification documents on time; or

(V) Meet the mandatory employment requirements.

(H) Repayment Requirements

(I) Any scholarship participant who is terminated from the scholarship program may submit a Waiver of Repayment as defined in Section 7., or, shall repay to DWS that portion of funds that were paid to the educational institution on his/her behalf for expenses accruing during or after the semester in which the recipient breached the contract, including attorney fees and costs incurred in collection. The repayment shall be made, or a repayment agreement shall be signed, within thirty (30) days of the date on which the scholarship participant receives notice of termination from the program from DWS.

(II) Failure to repay scholarship funds as requested shall result in:

(1.) Referral of the case to the Attorney General for appropriate legal action, and

(2.) The participant being placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program.

~~(III) A participant may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when the participant:~~

- ~~(1.) Experiences a major medical occurrence;~~
- ~~(2.) Is activated for military service;~~
- ~~(3.) Is deceased; or~~
- ~~(4.) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

(ii) Apprenticeship Program for Child Care Development Specialists

(A) Apprenticeship Program Limitations. The apprenticeship participant shall be eligible for one thousand five hundred dollars (\$1,500) annually, for a maximum of three thousand dollars (\$3,000) in funding for the apprenticeship program.

(B) Participant Requirements. The participant shall:

(I) Enter into a contract with DWS for the duration of the program;

(II) Be officially enrolled in:

(1.) The registered apprenticeship program for Child Care Development Specialists, and

(2.) The formal educational institution;

(III) Maintain continuous enrollment through the duration of the contract;

(IV) Maintain a “2.0” or higher grade point average; and

(V) Remain in good standing with both the apprenticeship program and the WY Quality Counts! Educational Development Program.

(C) Allowable Training Costs. The following costs shall be allowed:

(I) Tuition;

(II) Books; and

(III) Required fees.

(D) Application and Reporting Requirements. The apprenticeship participant shall:

(I) Complete and submit an official DWS application:

(1.) Prior to the beginning of the apprenticeship program, and

(2.) Beginning in 2008, at least forty-five (45) days prior and not more than one hundred ten (110) days prior to the beginning of the apprenticeship program;

(II) Submit proof of approval of the coursework by the apprenticeship participant's advisor with the application;

(III) Provide proof of enrollment no later than forty-five (45) days after the beginning of the apprenticeship program;

(IV) Complete and submit ~~an official~~ a DWS-recognized training evaluation form no later than forty-five (45) days after completion of the apprenticeship program;

(V) Provide proof of grades and good standing with the educational institution no later than forty-five (45) days from the time the information is available at the end of each semester; and

(VI) Agree to the repayment and mandatory employment requirements.

(E) Contract and Payment

(I) If the apprenticeship application is approved and funds are available, DWS shall enter into a contract with the approved apprenticeship participant for the length of the program.

(II) Apprenticeship program funds shall be paid directly to the educational institution.

(F) Mandatory Employment Requirements

(I) The apprenticeship participant shall agree to work for a child care facility as defined in Section 3(b) above for a mandatory employment period upon completion of the apprenticeship program.

(II) The mandatory employment period shall be one thousand (1,000) hours of employment which shall be completed within twelve (12) months.

(III) The mandatory employment period shall begin:

(1.) The month immediately after the apprenticeship program has been completed, or

(2.) When the child care facility is closed during the summer, the first day the child care facility reopens in the fall.

(IV) When the participant is laid off due to lack of work, the apprenticeship participant shall obtain employment with another child care facility as defined in Section 3(b) above and complete any remaining mandatory employment period hours.

(G) Termination from the Apprenticeship Program. The apprenticeship participant shall be terminated from the apprenticeship program if the participant, during the program, fails to:

(I) Maintain enrollment;

(II) Remain in good standing with the formal educational institution and the WY Quality Counts! Educational Development Program;

(III) Meet the grade level requirements;

(IV) Provide verification documents on time; or

(V) Meet the mandatory employment requirements.

(H) Repayment Requirements

(I) Any scholarship participant who is noncompliant with and/or terminated from the scholarship program may submit a Waiver of Repayment as defined in Section 7., or, shall repay to DWS that portion of funds that were paid to the educational institution on his/her behalf for expenses accruing during or after the semester in which the recipient breached the contract, including attorney fees and costs incurred in collection. The repayment shall be made, or a repayment agreement shall be signed, within thirty (30) days of the date on which the scholarship participant receives notice of termination from the program from DWS.

(II) Failure to repay apprenticeship funds as requested shall result in:

(1.) Referral of the case to the Attorney General for appropriate legal action, and

(2.) The participant being placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program.

~~(III) A participant may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when the participant:~~

~~(1.) Experiences a major medical occurrence;~~

~~(2.) Is activated for military service;~~

~~(3.) Is deceased; or~~

~~(4.) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

(iii) Child Development Associate (CDA) Certificate

(A) CDA Program Requirements

(I) The CDA may be obtained through any setting that meets the standards of the Council for Professional Recognition and is approved by DWS.

(II) An approved CDA program shall consist of one of the following:

(1.) Advisor services and the coursework provided on a community basis;

(2.) Advisor services provided to individuals taking coursework through a Wyoming Community College; or

(3.) Advisor services provided to individuals who are independently taking the coursework.

(B) CDA Program Limitations

(I) The CDA participant shall be eligible for a maximum of ~~one thousand five hundred~~ two thousand dollars (~~\$1,500~~) (\$2,000) for allowable costs.

(II) The cost for an instructor shall not exceed three thousand dollars (\$3,000) per CDA program.

(III) The CDA program shall fund:

(1.) The initial CDA certificate;

(2.) Renewal of the CDA certificate; and

(3.) Second setting CDA certificates, if required by the child care facility.

(C) Participant Requirements. The participant shall:

(I) Enter into a contract with DWS for the duration of the CDA program;

(II) Be officially enrolled in a DWS approved CDA program;

(III) Maintain continuous enrollment during the program;

(IV) Achieve satisfactory performance; and

(V) Remain in good standing with both the approved CDA program and the WY Quality Counts! Educational Development Program.

(D) Allowable Costs

(I) The following training costs shall be allowed:

(1.) Tuition;

(2.) Advisor fee;

(3.) Books;

(4.) Required fees;

(5.) CDA packet; and

(6.) CDA assessment fee.

(II) The child care facility's administration costs which include bookkeeping, reporting and record keeping, shall be allowed, but shall not exceed five percent (5%) of the total training costs.

(E) CDA Contractor Application. Entities who wish to provide or support a CDA program shall complete and submit an official DWS ~~grant~~ contractor application at least forty-five (45) days prior and not more than one hundred ten (110) days prior to the beginning of the CDA program.

(F) CDA Contractor Contract and Payment

(I) If the ~~grant~~ contractor application is approved and funds are available, DWS shall enter into a contract with the approved CDA contractor.

(II) The funds shall be paid directly to the entity that provides:

(1.) Advising services, and/or

(2.) Approved coursework.

(G) Participant Application and Reporting Requirements. The CDA participant shall:

(I) Complete and submit an official DWS application:

(1.) Prior to the beginning of the CDA program,  
and

(2.) Beginning in 2008, at least forty-five (45) days prior and not more than one hundred ten (110) days prior to the beginning of the CDA program;

(II) Submit proof of approval and acceptance into a DWS approved CDA program with the application;

(III) Complete and submit ~~an official~~ a DWS-recognized training evaluation form no later than forty-five (45) days after completion of the coursework;

(IV) Provide proof of completion and a copy of the CDA certificate no later than forty-five (45) days from the time the information is available;  
and

(V) Agree to the repayment and mandatory employment requirements.

(H) Mandatory Employment Requirements

(I) The CDA participant shall agree to work for a child care facility as defined in Section 3(b) above for a mandatory employment period upon completion of the approved CDA program.

(II) The mandatory employment period shall be five hundred (500) hours of employment for each CDA certificate, CDA certificate renewal or second setting certificate provided through the CDA program, and shall be completed within twelve (12) months.

(III) The mandatory employment shall begin:

(1.) The month immediately after ~~receiving~~ completion of the CDA certificate course work, or

(2.) When the child care facility is closed during the summer, the first day the child care facility reopens in the fall.

(IV) When the participant is laid off due to lack of work, the CDA participant shall obtain employment with another child care facility as defined in Section 3(b) and complete any remaining mandatory employment period hours.

(I) Termination from the CDA Program. The CDA participant shall be terminated from the CDA program if the participant, during the program, fails to:

(I) Maintain enrollment;

(II) Remain in good standing with the CDA program and the WY Quality Counts! Educational Development Program;

(III) Meet performance requirements;

(IV) Provide verification documents on time;

(V) Successfully obtain the CDA certificate; or

(VI) Meet the mandatory employment requirements.

(J) Participant Repayment Requirements

(I) Any CDA participant who is noncompliant with and/or terminated from the CDA program may submit a Waiver of Repayment as defined

\_\_\_\_\_ shall repay to DWS the following funds that were paid to the CDA program on his/her behalf during the program, including attorney fees and costs incurred in collection. The repayment shall be made, or a repayment agreement shall be signed, within thirty (30) days of the date on which the CDA participant receives notice of termination from the program from DWS including:

- (1.) Advisor fee;
- (2.) Books;
- (3.) Required fees;
- (4.) CDA packet; and
- (5.) CDA assessment fee.

(II) Failure to repay CDA funds as requested shall result in:

(1.) Referral of the case to the Attorney General for appropriate legal action, and

(2.) The participant being placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program.

~~(III) A participant may seek a waiver of repayment by submitting to DWS, a written waiver request with verification attached, when the participant:~~

- ~~(1.) Experiences a major medical occurrence;~~
- ~~(2.) Is activated for military service;~~
- ~~(3.) Is deceased; or~~
- ~~(4.) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

(K) CDA Contractor Requirements. The CDA Contractor shall submit an official DWS final report form within ninety (90) days after completion of the CDA program that provides documentation of the following for each participant:

- (I) Satisfactory completion of training;

(II) Completion of ~~an official~~ a DWS-recognized training evaluation form; and

(III) Completion and receipt of the CDA certificate.

(L) CDA Contractor Repayment Requirements

(I) Failure to submit a final report within ninety (90) days shall result in the CDA contractor being placed on the list of CDA program contractors that are not in good standing with the WY Quality Counts! Educational Development Program.

(II) Any CDA Contractor that fails to meet the contract requirements of the CDA program shall repay to DWS all funds that were paid to them during the program, including attorney fees and costs incurred in collection. The repayment shall be made, or a repayment agreement shall be signed, within thirty (30) days of the date on which the CDA contractor receives notice of termination from the program from DWS.

(III) Failure to repay CDA funds as requested shall result in:

(1.) Referral of the case to the Attorney General for appropriate legal action, and

(2.) The contractor being placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program.

~~(IV) A CDA contractor may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when a contractor or participant:~~

~~(1.) Experiences a major medical occurrence;~~

~~(2.) Is activated for military service;~~

~~(3.) Is deceased; or~~

~~(4.) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

## Section 6. Continuing Education Grants.

(a) Participant Eligibility

(i) An eligible participant is:

(A) An owner(s) and/or staff member working for a minimum of fifteen (15) hours in a child care facility as defined in W.S. §14-4-101(a)(vi)(D) or (K);

(B) In good standing with the WY Quality Counts! Educational Development Program; and

(C) In good standing with the WDTF program.

(ii) A participant who is enrolled in the WY Quality Counts! Educational Development Program may not be concurrently enrolled in a DWS WDTF training program.

(b) Eligible Training for Continuing Education Grants. To be eligible, the training shall:

(i) Be training that is not normally provided by the child care facility;

(ii) Upgrade a participant's current skill level;

(iii) Have a direct relationship to the participant's occupation;

(iv) Provide a skill upgrade that enables the child care facility to remain competitive in the industry;

(v) Be completed in a maximum of six (6) weeks; and

(vi) Enhance the quality of the child care provided by the child care facility in at least one of the following program competencies:

(A) Health, Nutrition and Safety;

(B) The Active Learning Environment;

(C) Child Growth and Development;

(D) Guidance and Discipline;

(E) Family Relationships;

(F) Program Management;

(G) Professionalism; or

(H) Uniqueness and Cultural Diversity.

(c) Grant Limitations

(i) The child care facility shall not substitute funds normally provided for training or funds obtained from another source with Continuing Education Grant Funds.

(ii) The grant funding limit per participant shall be one thousand dollars (\$1,000.00) per state fiscal year (July 1 – June 30).

(d) Allowable Training Costs

(i) The following training costs shall be allowed:

(A) Direct training costs include, but are not limited to, tuition, registration, class fees and class materials directly related to the training;

(B) Travel costs include transportation, lodging and meals directly related to the training, based on the standard Meals and Incidental Expenses rate;

(C) Instructor's fees and travel costs where the instructor is brought in for the training by the child care facility and is not an employee of the child care facility; and

(D) Fees for continuing education units and certifications that may be obtained during training.

(ii) The following training costs shall not be allowed:

(A) Participant wages and fringe benefits;

(B) The child care facility's administration costs which include, but are not limited to, bookkeeping, reporting and record keeping;

(C) The child care facility's cost of preparing a Continuing Education Grant application;

(D) Purchased, rented or leased equipment;

(E) Instructor's fees and travel costs where the instructor is an employee of the child care facility;

(F) Assessments, testing and certification exams that are not included in the training; and

(G) Capital construction of any kind.

(e) Child Care Facility Contribution. The child care facility approved for a Continuing Education Grant shall be required to pay ten percent (10%) of approved allowable training costs. The remaining ninety percent (90%) of approved allowable training costs shall be the total grant award.

(f) Child Care Facility Application. The child care facility shall complete and submit an official DWS grant application at least forty-five (45) days prior and not more than one hundred ten (110) days prior to the beginning of the scheduled training date.

(g) Child Care Facility Contract and Payment

(i) If the grant application is approved and funds are available, DWS shall enter into a contract with the approved child care facility.

(ii) The grant funds shall be paid directly to the approved child care facility.

(h) Participant Requirements. The participant shall:

(i) Enter into contract with DWS;

(ii) Satisfactorily complete the training;

(iii) Complete and submit ~~an official~~ a DWS-recognized training evaluation form no later than forty-five (45) days after completion of the training; and

(iv) Agree to the repayment and mandatory employment requirements.

(i) Mandatory Employment Requirements

(i) The participant shall agree to work for the participating child care facility for a mandatory employment period upon completion of the training.

(ii) When the cost of training for the individual is:

(A) Five hundred dollars (\$500) or less, the mandatory employment period shall be one hundred (100) hours and shall be completed within six (6) months; and

(B) More than five hundred dollars (\$500), the mandatory employment period shall be two hundred fifty (250) hours and shall be completed within nine (9) months.

(iii) The mandatory employment period shall begin:

(A) The month immediately after the training has ended, or

(B) When the child care facility is closed during the summer, the first day the child care facility reopens in the fall.

(iv) In the event that the child care facility closes, the participant shall obtain employment with another child care facility as defined in Section 3(b) and complete any remaining mandatory employment period hours.

(v) When the participant is laid off due to lack of work, the participant shall obtain employment with another child care facility as defined in Section 3(b) and complete any remaining mandatory employment period hours.

(j) Child Care Facility Reporting Requirements

(i) The child care facility shall submit an official DWS final report form within forty-five (45) days after completion of the mandatory employment period that provides documentation of the following for each participant:

(A) Satisfactory completion of training;

(B) Completion of ~~an~~ a DWS ~~official~~ -recognized training evaluation form; and

(C) Completion of the mandatory employment period.

(ii) Failure to submit a final report within forty-five days shall result in the child care facility being placed on the list of child care facilities that are not in good standing with the WY Quality Counts! Educational Development Program.

(k) Participant Repayment Requirements

(i) If the participant fails to satisfactorily complete the training, fulfill the mandatory employment requirement or submit a completed training evaluation, the participant shall submit a Waiver of Repayment as defined in Section 7., or,:

(A) In the case were the child care facility has paid the training provider and payment is nonrefundable, repay to DWS all grant funds that were paid on the participant's behalf, together with attorney fees and costs incurred in collection, and

(B) In the case were the child care facility has not yet paid the training provider or the payment is refundable, be placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program until the child care facility has repaid the funds.

(ii) Failure to repay the funds as required shall result in:

(A) Referral of the case to the Attorney General for appropriate legal action, and

(B) The participant being placed on the list of individuals who are not in good standing with the WY Quality Counts! Educational Development Program.

~~(iii) A participant may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when the participant:~~

~~(A) Experiences a major medical occurrence;~~

~~(B) Is activated for military service;~~

~~(C) Is deceased; or~~

~~(D) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

(l) Child Care Facility Repayment Requirements

(i) When the grant funds have been paid to the child care facility by DWS and the child care facility has not made payment to the training provider, or the child care facility has made payment to the training provider but the payment is refundable, the child care facility shall submit a Waiver of Repayment as defined in Section 7., or,:

(A) Notify DWS, in writing, as soon as possible of a participant's withdrawal or absence from the training event, and

(B) Repay to DWS the grant funds associated with the participant(s) who did not attend the training event.

(ii) When the grant funds have been paid to the child care facility by DWS and the child care facility has made a nonrefundable payment to the training provider, the child care facility shall notify DWS in writing, along with verification that the non-refundable payment was made, as soon as possible of a participant's withdrawal or absence from the training event.

(iii) When the grant funds have been paid to the child care facility by DWS and the child care facility, for any reason, withdraws or cannot participate in the approved training event, or perform the duties of the child care facility as described in the contract with DWS, the child care facility shall:

(A) Notify DWS, in writing, as soon as possible of the cancellation from the training event, and

(B) Repay all of the grant funds for the training event to DWS.

(iv) Failure to repay the funds as required shall result in:

(A) Referral of the case to the Attorney General for appropriate legal action, and

(B) The child care facility being placed on the list of child care facilities that are not in good standing with the WY Quality Counts! Educational Development Program.

~~(v) A child care facility may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when a participant:~~

~~(A) Experiences a major medical occurrence;~~

~~(B) Is activated for military service;~~

~~(C) Is deceased; or~~

~~(D) Encounters an emergency, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.~~

#### Section 7. Waiver of Repayment.

(a) A scholarship participant, grant recipient, CDA Contractor or child care facility may seek a waiver of repayment by submitting, to DWS, a written waiver request with verification attached, when a participant, recipient, contractor or facility employee:

(i) Experiences a major medical occurrence;

(ii) Is activated for military service or has a spouse activated for or relocated in military service;

(A) Is deceased; or

(B) Encounters an emergency or hardship, involving her/himself or an immediate family member, that reasonably precludes the ability to complete the approved coursework.

Section 7 8. **Severability.** If any provision or provisions of this rule shall be held to be invalid, illegal, unenforceable or in conflict with the law of any jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.