

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Workforce Development by section(s)

103.005(1), Stats., the Department of Workforce Development creates; amends;

repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter(s):

DWD 58
(Number)

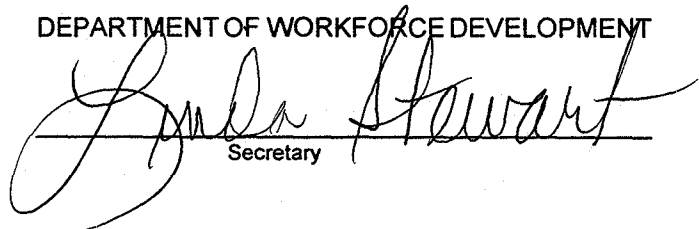
CHILD CARE QUALITY STANDARDS AND GRANTS
(Title)

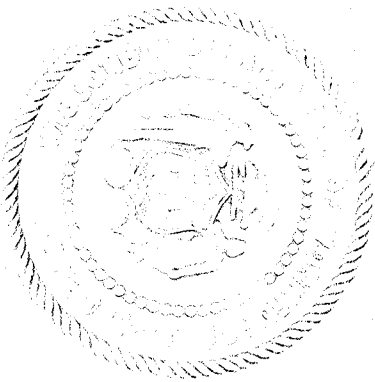
The attached rules shall take effect on June 1 1997 pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin this

date: April 15, 1997

DEPARTMENT OF WORKFORCE DEVELOPMENT

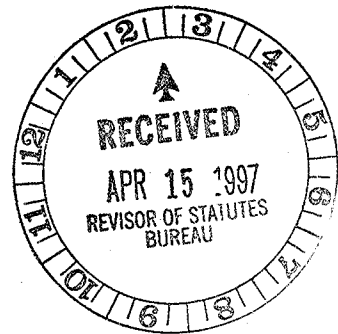

Secretary



ADM-6055(R 08/96)



RULES in FINAL DRAFT FORM



Rule No.: DWD 58

Relating to: CHILD CARE QUALITY STANDARDS AND GRANTS

ORDER OF THE
DEPARTMENT OF WORKFORCE DEVELOPMENT
CREATING RULES

To create ch. DWD 58, relating to higher quality of care standards for child care providers and the administration of staff retention grants for providers who meet the higher quality of care standards and quality improvement grants for providers who need assistance in meeting the higher quality of care standards.

Analysis Prepared by the Department of Workforce Development

This rulemaking order establishes, as required by s. 49.132(5)(e), Stats., higher quality of care standards for child care than the standards required for licensure of group day care centers under s. 48.65, Stats., and ch. DWD 55 or family day care centers under s. 48.65, Stats., and ch. HSS 45, or the standards required for certified day care under s. 48.651, Stats., and ch. DWD 55. Compliance with the higher standards is a prerequisite for eligibility for a family day care center or a group day care center to receive a child care staff retention grant under s. 49.137(2), Stats. Centers that need assistance to meet the higher quality of care standards may apply for a quality improvement grant under s. 49.137(3), Stats.

The higher quality of care standards included in this order for group day care centers are the accreditation standards of the National Association for the Education of Young Children and additional specified licensing, personnel policy, staff qualifications and staff improvement standards. The higher quality of care standards included in this order for family day care centers are the accreditation standards of the National Association for Family Child Care or the Wisconsin Early Childhood Association or the operator having a child development associate credential from the Council for Early Childhood Professional Recognition and additional specified licensing, personnel policy, provider qualifications and staff improvement standards.

The Department's authority to create these rules is found in ss. 49.132(5)(e) and 227.11(2)(a), Stats. The rules interpret s. 49.132(5)(e), Stats., and s. 49.137, Stats., as affected by 1995 Wisconsin Acts 27 and 289.

SECTION 1. Section HSS 55.90 is repealed.

SECTION 2. Chapter DWD 58 is created to read:

CHAPTER DWD 58
CHILD CARE QUALITY STANDARDS AND GRANTS

DWD 58.01 CHILD CARE QUALITY IMPROVEMENT. (1) **AUTHORITY AND PURPOSE.** This section is promulgated under the authority of ss. 49.132(5)(e) and 227.11(2)(a), Stats., to establish quality of care standards for group day care centers and family day care centers that are higher than the standards set out in ch. HSS 45 and ch. DWD 55, and to establish criteria and procedures for the administration of the grant program under s. 49.137(2), Stats., for child care providers who meet the higher quality of care standards, and for administration of the grant program under s. 49.137(3), Stats., for child care providers who need assistance in meeting those standards.

(2) **APPLICABILITY.** This section applies to the department, to any agency the department may designate or contract with to administer the grant program under this section and to all applicants and recipients of grants under this section.

(3) **EXCEPTION.** The department upon written request of an applicant or recipient of a grant under this section may grant an exception to any nonstatutory requirement in this section if the department determines that granting the exception will not jeopardize the health, safety or welfare of any child and that the exception will improve the quality of child care.

DWD 58.02 DEFINITIONS. In this section:

(1) "Accreditation" means:

(a) For a group day care center, accreditation by the national academy of early childhood programs, a division of the national association for the education of young children; and

(b) For a family day care center, accreditation by the national association for family child care or the Wisconsin early childhood association or receipt of a child development associate credential for family day care from the council for early childhood professional recognition.

(2) "Chapter 1 concentration area" means a school district eligible to receive grants under 20 USC 2701 et. seq.

(3) "Child development associate" means a competency-based credential issued by the national council for early childhood professional recognition.

(4) "Day care center" means a facility operated by a child care provider licensed under s. 48.65, Stats., or established or contracted for under s. 120.13(14), Stats., that provides care and supervision for 4 or more children under 7 years of age for less than 24 hours a day.

(5) "Eligible for publicly funded child care" means family income at or below 75 percent of the state median income or any other standard established in s. 49.132, Stats.

(6) "Enforcement action" means action taken by the division's bureau of regional operations causing surrender of license due to threat of revocation, license denial or non-renewal, issuance of an order under s. 48.715(2), Stats., license revocation, forfeiture, referral to law enforcement, emergency closing or any other sanction authorized under s. 48.715, Stats.

(7) "Family day care center" means a day care center that provides care and supervision for 4 to 8 children.

(8) "Group day care center" means a day care center that provides care and supervision for 9 or more children.

(9) "High population county" means a county with a population of over 300 people per square mile.

(10) "High poverty area" means a county with 25 or more AFDC cases per thousand population.

(11) "Licensing standards" means the standards under s. 48.65, Stats., which must be met in order for a license to be granted to a group day care center or family day care center.

(12) "Low population county" means a county with a population of fewer than 30 people per square mile.

(13) "Quality improvement grant" means a grant made under s. 49.137(3), Stats., and s. DWD 58.05 to a day care center.

(14) "Staff retention grant" means a grant made under s. 49.137(2), Stats., and s. DWD 58.05 to a day care center.

DWD 58.03 HIGHER QUALITY STANDARDS FOR GROUP DAY CARE CENTERS. To be eligible for a grant under s. DWD 58.05, a group day care center shall:

(1) Have been licensed under ch. DWD 55 for at least one year;

(2) Have had no enforcement action taken against it for at least 3 years; and

(3) Shall submit a plan for meeting the following standards if it is applying for a quality improvement grant, or shall meet the following standards if it is applying for a staff retention grant:

(a) The center is accredited by the national association for the education of young children, as documented by a certificate of accreditation;

Note: For a copy of the National Association for the Education of Young Children's Accreditation Criteria & Procedures of the National Academy of Early Childhood Programs (Washington, DC: rev. ed., 1991), write National Association for the Education of Young Children, 1509 16th Street, NW, Washington, DC 20036. That publication may be consulted at the Department's Office of Child Care, at the Revisor of Statutes Bureau or in the Secretary of State's Office.

(b) The center has written job descriptions and written personnel policies that include provisions for compensation with increments based on staff performance and additional child care professional development, and that cover staff resignations and terminations, benefits and grievance procedures. A collective bargaining agreement may satisfy this requirement;

(c) The center has benefit packages for teachers, program directors and administrators which include annual paid leave and sick leave or personal needs leave, and medical insurance. One or more other benefit options such as retirement, subsidized child care or education benefits may be substituted for or combined with medical insurance. A collective bargaining agreement may satisfy this requirement;

(d) All child care teachers at the center shall be qualified under s. HSS 46.05(1)(d) shall have a minimum of a child development associate credential or a one-year degree in early childhood education or child development or equivalent or is completing a training plan to meet these standards within one year of the date of initial accreditation;

(e) The program director at the center shall be qualified under s. HSS 46.05(1)(c) and shall have a minimum of a bachelor of arts degree in early childhood education or child development and at least 3 years of full-time teaching experience with young children or equivalent or is completing a training plan to meet this standard within one year after the date of initial accreditation;

(f) The center conducts an annual program evaluation that examines the adequacy of staff compensation and benefits and rates of staff turnover, and subsequently develops and updates a plan to increase salaries and benefits to assure the recruitment and retention of qualified staff; and

(g) Staff turnover at the center in the last 12 months is 20 percent or less or the center has a plan to meet this standard.

DWD 58.04 HIGHER QUALITY STANDARDS FOR FAMILY DAY CARE CENTERS. To be eligible for a grant under s. 58.05, a family day care center shall:

(1) Have been licensed under ch. HSS 45 for at least one year ;

(2) Have had no enforcement action taken against it for at least 3 years; and

(3) Shall submit a plan for meeting the following standards if it is applying for a quality improvement grant, or shall meet the following standards if it is applying for a staff retention grant:

(a) The center is accredited by the national association of family day care or the Wisconsin early childhood association, or the operator has a child development associate credential for family day care.

Note: For a copy of the National Association for Family Child Care accreditation standards, write National Association for Family Child Care Accreditation Program, 3717 E. Ridge Drive, Nashville, TN 37211. For a copy of the Wisconsin Early Childhood Association's Family Child Care Accreditation Criteria and Procedures (Madison, WI: 1992), write Wisconsin Early Childhood Association, 1245 East Washington Ave., Suite 260, Madison, WI 53703. For a copy of standards for a child development associate credential, write Council for Early Childhood Professional Recognition, CDA National Credentialing Program, 1341 G Street, NW, Suite 400, Washington, DC 20005-3105. Those publications may be consulted at the Department's Office of Child Care, at the Revisor of Statutes Bureau or in the Secretary of State's Office.

(b) The center has a written policy that when an assistant or substitute is employed, there shall be a written agreement with that person on personnel matters, which includes a job description and covers compensation, benefits, resignation and termination procedures and grievance procedures.

(c) The center has a written policy that when assistants and substitutes are employed, hiring practices are not discriminatory.

(d) The center has a written policy that there will be a written contract with parents which provides for paid leave annually for the provider as well as leave for sickness or personal needs.

(e) The center provides medical insurance for employees. Other options, such as retirement, subsidized child care or educational benefits may be substituted for or combined with medical insurance.

(f) If the family day care provider is qualified under s. HSS 45.04(1), the provider has a minimum of a child development associate credential for family day care or one-year degree in early childhood education or child development or equivalent or is completing a training plan to meet this standard within one year after the date of accreditation.

(g) The center conducts an annual program evaluation with participation of parents, which includes discussion of the provider's income and benefits.

DWD 58.05 STAFF RETENTION AND QUALITY IMPROVEMENT GRANTS. (1) Availability of grants. Grants are available for child care providers who meet the higher quality of care standards under ss. DWD 58.03 or 58.04 to improve the retention of skilled and experienced child care staff and to assist in meeting the higher quality of care standards.

(2) Application. Application for a staff retention or quality improvement grant shall be made in response to a request for proposals issued by the department's division of community services and in accordance with the application forms and application instructions included in the request for proposals.

(3) Use of funds. Funds awarded to eligible group day care centers or family day care homes under this subsection may only be used to defray costs that are directly related to attaining or maintaining the higher quality standards specified in ss. DWD 58.03 and 58.04.

(4) Evaluation criteria. A quality improvement or staff retention grant application either from or on behalf of a licensed group day care center or a licensed family day care home shall be evaluated using all of the following criteria to determine if the applicant meets or will meet the higher quality standards and intends to use grant funds to retain trained staff or to meet the higher quality standards:

(a) The project objectives are consistent with the purpose of the grant program and address the achievements of high quality standards and retention of trained staff;

(b) Staff assigned to the project are qualified to accomplish the objectives;

(c) The work plan is clear and tied to realistic and achievable objectives;

(d) The applicant's budget request is clear and accurate and the proposed uses and amounts of requested funds are reasonable for the scope of the project and the number of children served at sites involved in the project; and

(e) Other criteria as set out in the department's request for proposals.

(5) Geographic priority areas. All applications meeting eligibility and submission requirements shall be reviewed and priority points may be awarded for services located in one or more of the following areas but not for both subd. (c) and (d) areas:

(a) A chapter 1 concentration area;

(b) A high poverty county;

(c) A high population county; or

(d) A low population county.

Tommy G. Thompson
Governor
Linda Stewart
Secretary



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State of Wisconsin Department of Workforce Development

April 15, 1997

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 W. Wilson St.
Madison, Wisconsin 53703-3233

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO.: 94-122

RULE NO.: DWD 58

RELATING TO: CHILD CARE QUALITY STANDARDS AND GRANTS

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is included for permanent rules. A fiscal estimate and fiscal estimate worksheet is included with an emergency rule.

Respectfully submitted,

A handwritten signature in cursive script that reads "Linda Stewart".

Linda Stewart
Secretary

