



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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CLEARINGHOUSE REPORT TO AGENCY

[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

CLEARINGHOUSE RULE 02-010

AN ORDER to create chapter DWD 59, relating to grants supporting community child care initiatives.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

01-31-02 RECEIVED BY LEGISLATIVE COUNCIL.

02-28-02 REPORT SENT TO AGENCY.

RNS:LR:ksm;tlu

LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached YES NO

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached YES NO

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached YES NO

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS
[s. 227.15 (2) (e)]

Comment Attached YES NO

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached YES NO

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached YES NO

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached YES NO



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CLEARINGHOUSE RULE 02-010

Comments

[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]

1. Statutory Authority

Section DWD 59.03 (8) provides that the department "may require other measures to ensure compliance with federal law and state child care policy, maximize federal dollars received by the state, and ensure consistent management of grant funds." Pursuant to s. 49.137 (4m), Stats., these provisions must be specified by rule.

2. Form, Style and Placement in Administrative Code

- a. In s. DWD 59.04 (2) (c), "shall" should replace "must."
- b. In s. DWD 59.07 (2), the first sentence should be renumbered par. (a), and the subsequent paragraphs should be renumbered accordingly.
- c. Section DWD 59.07 (2) (b) and (c) could be consolidated into one paragraph because all of these requirements appear to address the issue of the level of funding for continuing grants.

4. Adequacy of References to Related Statutes, Rules and Forms

- a. Several places in ch. DWD 59 refer to the applicant meeting the "requirements of federal law." This "federal law" should be specifically referenced to put the applicant on notice regarding what federal requirements the applicant must comply with.

b. Section DWD 59.03 (6) (a) references "continuing" grants. A cross-reference to the provisions in s. DWD 59.07 (2) should be included.

c. Section DWD 59.05 (1) references a requirement that match expenditures shall be from "federal revenues specifically authorized by federal law to be used as a match to federal funds." It should be clarified what revenues authorized by federal law may be used as a match to federal funds.

d. Section DWD 59.05 (4) (h) should specifically reference 42 U.S.C. s. 9858e, since this seems to be the only statutory section that has relevant information regarding items that can be funded with the grant money.

e. Section 59.06 (2) (b) prohibits a tribe and a local government from using grant funds for construction or major remodeling. However, 42 U.S.C. s. 9858m (c) (6) allows tribes, in some cases, to utilize grant funds for remodeling projects. This should be corrected in the rule.

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. DWD 59.02 (7), the term "revenue sharing" should be replaced with "shared revenue."

b. Section DWD 59.03 (2) provides that the department shall "periodically" publish a request for proposals for community child care initiatives. First, there should be more specificity as to when this request for proposals shall be published. Second, the term "request for proposals" should be replaced with "RFP," since that acronym is used consistently in all other parts of the rule.

c. Section DWD 59.03 (3) and (4) provides that the department shall "modify" certain applications. Can it be clarified under what conditions, and how applications would be modified and what happens to the application once it is modified?

d. Section DWD 59.03 (5) (b) provides that part of the formula for allocation of funds will be based on the percentage of the state's "recent" births. The time period for "recent" births should be more specific.

e. Section DWD 59.04 (2) (a) provides that an application must "certify" the match funds required for the requested amount. How are match funds "certified"? Does this mean that all of the funds have to be identified and raised prior to submission of the application? This same comment applies throughout the rule wherever a certification of match funds is referenced.

f. In s. DWD 59.04 (2) (b), how would one qualify as a "grant partner"?

g. In s. DWD 59.04 (2) (c), what is a "matching partner"? How does this differ from a "grant partner" in the prior paragraph?

h. Section DWD 59.04 (2) (c) refers to "the collaborative." It is unclear what this means. Is it a group of two or more local governments or tribes that collaborate on an application? If so, this should be specified.

i. Section DWD 59.05 (3) requires a match expenditure to be made "during the required matching period." This time period should be more specific.

j. Section DWD 59.05 (5)'s meaning is unclear. Does this mean that money that is already being spent on public pre-kindergarten and pre-school programs can also be applied to the match expenditure requirements? If so, this seems to conflict with other provisions of the rule, including s. DWD 59.05 (2).

k. In s. DWD 59.06 (1) (intro.), should the words "any of" be inserted prior to "the following ways," to clarify that an applicant does not need to perform all of the listed functions? Also see sub. (2) (intro.).

l. The provisions in s. DWD 59.06 (1), allowable uses, seem to provide different uses for the grant funds than are specified for the match funds in s. DWD 59.05 (4). Why would match funds be used for different purposes than grant funds? Can these two requirements be combined?

m. Section DWD 59.06 (2) (e) prohibits using grant funds for "public pre-kindergarten services." What are these services?

n. Section DWD 59.07 (2) refers to "funding cycles." What does a funding cycle consist of?

o. Section DWD 59.07 (2) (b) requires the department to fund a request for a continuing grant in accordance with the listed provisions. Does the department intend to commit to the specified amount in each case? If this is not the intent of the rule, the word "shall" should be modified.

State of Wisconsin
Department of Workforce Development
Division of Workforce Solutions

Grants Supporting Community Child Care Initiatives

Chapter DWD 59

The Wisconsin Department of Workforce Development proposes an order to create chapter DWD 59, relating to grants supporting community child care initiatives.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.137 (4m), as created by 2001 Wisconsin Act 16, and 227.11, Stats.

Statute interpreted: s. 49.137 (4m), Stats., as created by 2001 Wisconsin Act 16

Relevant federal law: 42 USC 618; 42 USC 9858

In July 2000, the Joint Finance Committee approved expenditure authority for a new program that allows the Department of Workforce Development to utilize monies available from federal child care and development block grant funds to award grants to local governments that can identify and certify the required match. Statutory authority for the program was included in 2001 Wisconsin Act 16 at s. 49.137 (4m), Stats.

The proposed rules specify the eligibility criteria and procedures for awarding the grants under s. 49.137 (4m), Stats. The department shall periodically publish a request for proposals for community child care initiatives. Any local government or tribe that is located in Wisconsin may submit an application. A single application may be submitted by a local government or tribe that certifies all the match funds required for the requested grant amount. A cooperative application may be submitted by several local governments or tribes that submit a package of otherwise single applications that individually identify match and request separate agreements with the department. A collaborative application may be submitted by one local government or tribe on behalf of two or more local governments or tribes that provide matching funds.

A local government or tribe that applies for funds must certify matching expenditures. The minimum match expenditure required under federal law is the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs. The department may round this percentage of required match to the nearest higher full percentage point. A match expenditure must be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds. A match expenditure may not be used as match to any other state or federal funds, must be made during the required matching period, and must be made for

qualifying child care services and programs, including programs with the following purposes:

- Providing low-income families with financial resources to find and access quality child care for their children.
- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.
- Providing parents with a broad range of options in addressing their child care needs.
- Improving the quality of and coordination among child care programs and early childhood development programs.
- Increasing the availability of early childhood development care services and before- and after-school care services.
- Educating consumers about child care.
- Improving the health and safety aspects of child care, including regulation of child care.
- Other items permitted under 42 USC 9858 to 9858q.

Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

A local government or tribe may use grant funds received under this chapter in the following ways:

- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.
- Providing parents with a broad range of options in addressing their child care needs.
- Improving the quality of and coordination among child care programs and early childhood development programs.
- Increasing the availability of early childhood development care services and before- and after-school care services.
- Educating consumers about child care.
- Improving the health and safety aspects of child care, including regulation of child care.
- Providing crisis respite child care to children in protective services cases or in need of protective services.

A local government or tribe may not use grant funds received under this chapter for purchase of real estate; construction or major remodeling; kindergarten to 12th grade public education or care services provided to students during the regular school day; direct purchase or payment of child care services, unless the child is receiving or is in need of protective services; or public pre-kindergarten services.

A local government that is awarded a grant based on a single application may not spend more than 5% of the grant on administrative costs. The department may allow a

local government that is awarded a grant based on a cooperative application to spend up to 10% of the grant on administrative costs. The department may allow a local government or tribe that is awarded a grant based on a collaborative application to spend up to 15% of the grant on administrative costs.

The available grant funds will be allocated for residents of each county of the state based equally on the county's percentage of the state's low-income children and percentage of the state's recent births. The amount of an initial grant will be determined based on the amount requested by the applicant, the amount of match identified by the applicant, the amount of funding allocated to the county or counties proposed for service by the applicant, the amount of funding requested by all applicants proposing to serve residents of the county or counties involved, and the amount of funding available due to reallocation from other counties.

A continuing grant may be offered to a local government or tribe for 2 funding cycles after the initial grant was awarded. A local government or tribe may be eligible for a continuing grant if the local government or tribe is proposing to continue the same program that was funded by the initial grant and the local government or tribe complied with all requirements associated with the initial grant. If the local government or tribe is eligible for a continuing grant and funding is available, the department shall fund a local government or tribe's request for a continuing grant before initial grants are funded and at a level of 75 percent of the initial grant if matching requirements are met. Additional funds may be provided if the applicant identifies sufficient match and funds are available under initial grant rules. The amount of a continuing grant may be adjusted to reflect the applicant's record of completing previous match or spending agreements under this program and other aspects of the applicant's record of doing business with the department.

SECTION 1. Chapter DWD 59 is created to read:

Chapter DWD 59

GRANTS SUPPORTING COMMUNITY CHILD CARE INITIATIVES

DWD 59.01 Authority and purpose. This chapter is promulgated under the authority of s. 49.137 (4m), Stats., to administer a program that awards grants to local governments and tribes to improve the supply, accessibility, and quality of child care.

DWD 59.02 Definitions. In this chapter:

(1) "Application" means a request for funding under this chapter made in response to an RFP.

(2) "Child care" means licensed care under s. 48.65, Stats., certified care under s. 48.651, Stats., care provided under s. 49.155 (3m)(c), Stats., or care provided under 120.13 (14), Stats.

(3) "Department" means the department of workforce development.

(4) "Federal fiscal year" means October 1 of one year to September 30 of the following year.

(5) "Federal medical assistance percentage" has the meaning given in 42 USC 1396d(b).

Note: The federal medical assistance percentage for each state in a given federal fiscal year is determined by the federal Department of Health and Human Services and published in the *Federal Register*.

(6) "Local government" means a public sub-state jurisdiction that is located in Wisconsin and has governing and taxing authority, including counties, municipalities, public school districts, and technical college districts.

(7) "Locally-generated revenues" includes local taxes and does not include state or federal aids or revenue sharing. *shared revenue* (5)

(8) "Low-income" means a household income at or below the maximum level established in the Wisconsin state plan for temporary assistance to needy families under 42 USC 602.

(9) "RFP" or "request for proposals" means a paper or electronically published and distributed document announcing the availability of funds, the requirements for obtaining

political subdivision? city village town county

and using the funds, and necessary procedures to be considered for funding under this chapter.

(10) "Tribe" means any federally-recognized American Indian nation that is located in Wisconsin.

DWD 59.03 Department powers and duties. (1) The department may grant federal funds available under 42 USC 618 to local governments and tribes that comply with federal law, this chapter, and the RFP.

(2) The department shall periodically publish a request for proposals for community child care initiatives.

(3) The department shall reject or modify applications where all or part of the local government or tribe's match expenditure or commitment fails to meet the requirements of federal law, this chapter, and the RFP.

(4) The department shall reject or modify applications where all or part of the local government or tribe's plan on use of the grant funds fails to meet the requirements of federal law, this chapter, and the RFP.

(5) The department shall establish and periodically update a formula that allocates a percentage of available funds for residents of each county of the state based equally on the county's:

(a) Percentage of the state's low-income children as estimated by the United States census bureau.

(b) Percentage of the state's recent births as reported by the department of health and family services.

(6) The department shall award and manage grants to maintain compliance with federal law, this chapter, and the RFP, including the following:

(a) Awarding initial and continuing grants. *X-ref 59.07(2)*

(b) Monitoring compliance with match and spending requirements.

(c) Adjusting grant amounts as needed.

(7) The department may reallocate underspent or unawarded funds as permitted by federal law and in a manner consistent with this chapter and the RFP.

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(8) The department may require other measures to ensure compliance with federal law and state child care policy, maximize federal dollars received by the state, and ensure consistent management of grant funds.

DWD 59.04 Applicants. (1) ELIGIBLE APPLICANTS. Any local government or tribe that is located in Wisconsin may submit an application for funds under this chapter.

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(2) TYPES OF APPLICATIONS. (a) *Single application.* A single application may be submitted by a local government or tribe that certifies all the match funds required for the requested grant amount. An application from multiple departments within the same local government or tribe shall be considered a single application.

(b) *Cooperative application.* A cooperative application may be submitted by several local governments or tribes that submit a package of otherwise single applications that individually identify match and request separate agreements with the department. Cooperative applicants shall identify their grant partners and indicate a plan to cooperatively develop services.

(c) *Collaborative application.* A collaborative application may be submitted by one local government or tribe on behalf of two or more local governments or tribes that provide matching funds. The submitting local government or tribe must be a matching partner and shall be the designated contract manager for the collaborative.

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DWD 59.05 Match requirement. A local government or tribe that applies for funds under this chapter shall certify matching expenditures as required under federal law, this chapter, and the RFP. The minimum match expenditure required under federal law is the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs. The department may round this percentage of required match to the nearest higher full percentage point. A match expenditure shall comply with the following criteria:

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(1) A match expenditure shall be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds.

Note: 42 USC 5305(a)(9), provides that funds from the federal Community Development Block Grant under 42 USC 5301 to 5321 may be used as match.

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(2) A match expenditure under this chapter may not be used as match to any other state or federal funds.

(3) A match expenditure shall be made during the required matching period.

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(4) A match expenditure shall be made for qualifying child care services and programs, including programs with the following purposes:

(a) Providing low-income families with financial resources to find and access quality child care for their children.

(b) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(c) Providing parents with a broad range of options in addressing their child care needs.

(d) Improving the quality of and coordination among child care programs and early childhood development programs.

(e) Increasing the availability of early childhood development care services and before- and after-school care services.

(f) Educating consumers about child care.

(g) Improving the health and safety aspects of child care, including regulation of child care.

(h) Other items permitted under 42 USC 9858 to 9858g.

9858e seems to be only relevant

(5) Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

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DWD 59.06 Use of grant funds. (1) ALLOWABLE USES. A local government or tribe may use grant funds received under this chapter in the following ways:

(a) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(b) Providing parents with a broad range of options in addressing their child care needs.

(c) Improving the quality of and coordination among child care programs and early childhood development programs.

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- (d) Increasing the availability of early childhood development care services and before- and after-school care services.
- (e) Educating consumers about child care.
- (f) Improving the health and safety aspects of child care, including regulation of child care.
- (g) Providing crisis respite child care to children in protective services cases or in need of protective services.

(2) **NONALLOWABLE USES.** A local government or tribe may not use grant funds received under this chapter in the following ways:

- (a) Purchase of real estate.
- (b) Construction or major remodeling.) *4* *42 USC § 9858m(c)6*
- (c) Kindergarten to 12th grade public education or care services provided to students during the regular school day.
- (d) Direct purchase or payment of child care services, unless the child is receiving or is in need of protective services, as determined by the county or tribal authority for child protective services.

- allows for buy ins in some cases.

(e) Public pre-kindergarten services. *7. ? 5*

except as provided in...

(3) **LIMIT ON ADMINISTRATIVE COSTS.** (a) A local government that is awarded a grant based on a single application may not spend more than 5% of the grant on administrative costs.

2 ed. replace or eliminate duplication of language

(b) The department may allow a local government that is awarded a grant based on a cooperative application to spend up to 10% of the grant on administrative costs.

(c) The department may allow a local government or tribe that is awarded a grant based on a collaborative application to spend up to 15% of the grant on administrative costs.

DWD 59.07 Amount of grants. (1) INITIAL GRANT. The amount of an initial grant shall be based on the following:

- (a) The amount requested by the applicant.
- (b) The amount of match identified by the applicant.

(c) The amount of funding allocated to the county or counties proposed for service by the applicant. *X-ref 59.03(5) (3), Weston formula*

(d) The amount of funding requested by all applicants proposing to serve residents of the county or counties involved.

(e) The amount of funding available due to reallocation from other counties.

(2) CONTINUING GRANTS. A continuing grant may be offered to a local government or tribe for 2 funding cycles after the initial grant was awarded. *what is a funding cycle? (5)*

(a) A local government or tribe may be eligible for a continuing grant if both of the following apply:

1. The local government or tribe is proposing to continue the same program that was funded by the initial grant.

2. The local government or tribe complied with all requirements associated with the initial grant.

(b) If the local government or tribe is eligible for a continuing grant and funding is available, the department shall fund a request for a continuing grant: *locked in ~~the~~ specific one, extent? (5)*

1. Before initial grants are funded.

2. At a level of 75 percent of the initial grant if match requirements are met.

Additional funds may be provided if the applicant identifies sufficient match and funds are available under initial grant rules.

(c) The amount of a continuing grant may be adjusted to reflect the following:

1. The applicant's record of completing previous match or spending agreements under this program.

2. Other aspects of the applicant's record of doing business with the department.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

FISCAL ESTIMATE

DOA-2048 N(R03/97)

- ORIGINAL
- CORRECTED
- UPDATED
- SUPPLEMENTAL

Subject

Grants supporting child care initiatives

Fiscal Effect

State: No State Fiscal Effect

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- Increase Existing Appropriation
- Decrease Existing Appropriation
- Create New Appropriation
- Increase Existing Revenues
- Decrease Existing Revenues

- Increase Costs - May be possible to Absorb Within Agency's Budget Yes No
- Decrease Costs

Local: No local government costs

- | | | |
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| 1. <input type="checkbox"/> Increase Costs
<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
2. <input type="checkbox"/> Decrease Costs
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<input type="checkbox"/> Permissive <input type="checkbox"/> Mandatory
4. <input type="checkbox"/> Decrease Revenues
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<input type="checkbox"/> Towns <input type="checkbox"/> Villages <input type="checkbox"/> Cities
<input type="checkbox"/> Counties <input type="checkbox"/> Others _____
<input type="checkbox"/> School Districts <input type="checkbox"/> WTCS Districts |
|--|--|--|

Fund Sources Affected

- GPR
- FED
- PRO
- PRS
- SEG
- SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

Section 49.137 (4m), Stats., authorizes a program that may increase revenue for local governments that receive a grant. The proposed rules specify procedural information for awarding the grants but have no fiscal effect.

Long-Range Fiscal Implications

Agency/Prepared by: (Name & Phone No.)
DWD/Elaine Pridgen 267-9403

Authorized Signature/Telephone No.

Paul J. Swanson - 266-9427

Date

1/30/02

FISCAL ESTIMATE WORKSHEET

2001 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 59

Amendment No.

Subject
Grants supporting community child care initiatives

I. One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

0

II. Annualized Costs:	Annualized Fiscal impact on State funds from:	
	Increased Costs	Decreased Costs
A. State Costs by Category		
State Operations - Salaries and Fringes	\$0	\$0 -
(FTE Position Changes)	0 (FTE)	0 (- FTE)
State Operations - Other Costs	0	0
Local Assistance	0	0
Aids to Individuals or Organizations	0	0
TOTAL State Costs by Category	\$0	\$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	\$0	\$0-
FED	0	0
PRO/PRS	0	0
SEG/SEG-S	0	0
III. State Revenues - Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Rev.	Decreased Rev.
GPR Taxes	\$	\$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
TOTAL State Revenues	\$0	\$0-

NET ANNUALIZED FISCAL IMPACT

	STATE	LOCAL
NET CHANGE IN COSTS	\$0	\$0
NET CHANGE IN REVENUES	\$0	\$0

Agency/Prepared by: (Name & Phone No.)
DWD/ Elaine Pridden 267-9403

Authorized Signature Telephone No.

Date

[Handwritten Signature] 267-9403 4/5/02

Scott McCallum
Governor

Jennifer Reinert
Secretary



OFFICE OF THE SECRETARY

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Madison, WI 53707-7946
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**State of Wisconsin
Department of Workforce Development**

April 10, 2002

President of the Senate
220 South, State Capitol
Madison, Wisconsin 53702

Speaker of the Assembly
211 West, State Capitol
Madison, Wisconsin 53702

Notice of Administrative Rules in Final Draft Form

Clearinghouse rule number: 02-10

Rule number: DWD 59

Relating to: Grants supporting community child care initiatives

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer Reinert'. The signature is written in a cursive, flowing style.

Jennifer Reinert
Secretary

Scott McCallum
Governor

Jennifer Reinert
Secretary



State of Wisconsin

Department of Workforce Development

OFFICE OF THE SECRETARY

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Rule Analysis for Legislative Review

Proposed rules relating to grants supporting community child care initiatives
Chapter DWD 59
CR 02-010

Need for rules

The proposed rules specify the procedure by which the department will award grants to local governments and tribal governing bodies for programs to improve the quality of child care, pursuant to s. 49.137(4m), Stats.

Public hearing response

A public hearing was held in Madison on February 26, 2002. A summary of comments received and the department's response is attached.

Response to Legislative Council staff recommendations

The department's response is attached.

Final regulatory flexibility analysis

The proposed rules do not affect small business as defined in s. 227.14, Stats.

Fiscal Impact

Section 49.137 (4m), Stats., authorizes a program that may increase revenue for local governments that receive a grant. The proposed rules specify procedural information for awarding the grants but have no fiscal effect.

Department contacts

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Office of Child Care
Division of Workforce Solutions
266-6946

Elaine Pridgen
Administrative Rules Coordinator
Office of Legal Counsel
267-9403

State of Wisconsin
Department of Workforce Development
Division of Workforce Solutions

Grants Supporting Community Child Care Initiatives

Chapter DWD 59

The Wisconsin Department of Workforce Development proposes an order to create chapter DWD 59, relating to grants supporting community child care initiatives.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.137 (4m), Stats., as created by 2001 Wisconsin Act 16, and 227.11, Stats.

Statute interpreted: s. 49.137 (4m), Stats., as created by 2001 Wisconsin Act 16

Relevant federal law: 42 USC 618; 42 USC 9858; 45 CFR Part 98 and 99

In July 2000, the Joint Finance Committee approved expenditure authority for a new program that allows the Department of Workforce Development to utilize monies available from federal child care and development block grant funds to award grants to local governments that can identify and certify the required match. Statutory authority for the program was included in 2001 Wisconsin Act 16 at s. 49.137 (4m), Stats.

The proposed rules specify the eligibility criteria and procedures for awarding the grants under s. 49.137 (4m), Stats. The department shall publish a request for proposals for community child care initiatives. Any local government or tribe that is located in Wisconsin may submit an application. A single application may be submitted by a local government or tribe that certifies all the match funds required for the requested grant amount. A cooperative application may be submitted by several local governments or tribes that submit a package of otherwise single applications that individually identify match and request separate agreements with the department. A collaborative application may be submitted by one local government or tribe on behalf of two or more local governments or tribes that provide matching funds.

A local government or tribe that applies for funds must certify matching expenditures. The minimum match expenditure required under federal law is the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs. The department may round this percentage of required match to the nearest higher full percentage point. A match expenditure must be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds. A match expenditure may not be used as match to any other state or federal funds, must be made during the required matching period, and must be made for

qualifying child care services and programs, including programs with the following purposes:

- Providing low-income families with financial resources to find and access quality child care for their children.
- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.
- Providing parents with a broad range of options in addressing their child care needs.
- Improving the quality of and coordination among child care programs and early childhood development programs.
- Increasing the availability of early childhood development care services and before- and after-school care services.
- Educating consumers about child care.
- Improving the health and safety aspects of child care, including regulation of child care.
- Providing crisis respite child care to children in protective services cases or in need of protective services.
- Other items permitted under 42 USC 9858 to 9858q.

Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

A local government or tribe may use grant funds received under this chapter in the following ways:

- Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.
- Providing parents with a broad range of options in addressing their child care needs.
- Improving the quality of and coordination among child care programs and early childhood development programs.
- Increasing the availability of early childhood development care services and before- and after-school care services.
- Educating consumers about child care.
- Improving the health and safety aspects of child care, including regulation of child care.
- Providing crisis respite child care to children in protective services cases or in need of protective services.

A local government or tribe may not use grant funds received under this chapter for purchase of real estate; construction or major remodeling; kindergarten to 12th grade public education or care services provided to students during the regular school day; direct purchase or payment of child care services, unless the child is receiving or is in need of protective services; or public pre-kindergarten.

A local government that is awarded a grant based on a single application may not spend more than 5% of the grant on administrative costs. The department may allow a local government that is awarded a grant based on a cooperative application to spend up to 10% of the grant on administrative costs. The department may allow a local government or tribe that is awarded a grant based on a collaborative application to spend up to 15% of the grant on administrative costs.

The available grant funds will be allocated for residents of each county of the state based equally on the county's percentage of the state's low-income children and percentage of the state's births for the most recent 3-year period for which data by county has been published by the Department of Health and Family Services. The amount of an initial grant will be determined based on the amount requested by the applicant, the amount of match identified by the applicant, the amount of funding allocated to the county or counties proposed for service by the applicant, the amount of funding requested by all applicants proposing to serve residents of the county or counties involved, and the amount of funding available due to reallocation from other counties.

A continuing grant may be offered to a local government or tribe for 2 funding cycles after the initial grant was awarded. No more than 75 percent of the statewide funds available for the funding cycle may be used for continuing grants. A local government or tribe may be eligible for a continuing grant if the local government or tribe is proposing to continue the same program that was funded by the initial grant and the local government or tribe complied with all requirements associated with the initial grant. If the local government or tribe is eligible for a continuing grant and funding is available, the department may fund a local government or tribe's request for a continuing grant before initial grants are funded and at a level of 75 percent of the initial grant if matching requirements are met. Additional funds may be provided if the applicant identifies sufficient match and funds are available under initial grant rules. The amount of a continuing grant may be adjusted to reflect the applicant's record of completing previous match or spending agreements under this program and other aspects of the applicant's record of doing business with the department.

SECTION 1. Chapter DWD 59 is created to read:

Chapter DWD 59

GRANTS SUPPORTING COMMUNITY CHILD CARE INITIATIVES

DWD 59.01 Authority and purpose. This chapter is promulgated under the authority of s. 49.137 (4m), Stats., to administer a program that awards grants to local governments and tribes to improve the supply, accessibility, and quality of child care.

DWD 59.02 Definitions. In this chapter:

(1) "Application" means a request for funding under this chapter made in response to an RFP.

(2) "Child care" means licensed care under s. 48.65, Stats., certified care under s. 48.651, Stats., care provided under s. 49.155 (3m)(c), Stats., or care provided under 120.13 (14), Stats.

(3) "Department" means the department of workforce development.

(4) "Federal fiscal year" means October 1 of one year to September 30 of the following year.

(5) "Federal medical assistance percentage" has the meaning given in 42 USC 1396d(b).

Note: The federal medical assistance percentage for each state in a given federal fiscal year is determined by the federal Department of Health and Human Services and published in the *Federal Register*.

(6) "Local government" means a public sub-state jurisdiction that is located in Wisconsin and has governing and taxing authority, including counties, municipalities, public school districts, and technical college districts.

(7) "Locally-generated revenues" includes local taxes and does not include state or federal aids or shared revenue.

(8) "Low-income" means a household income at or below the maximum level established in the Wisconsin state plan for temporary assistance to needy families under 42 USC 602.

(9) "RFP" or "request for proposals" means a paper or electronically published and distributed document announcing the availability of funds, the requirements for obtaining

and using the funds, and necessary procedures to be considered for funding under this chapter.

(10) "Tribe" means any federally-recognized American Indian nation that is located in Wisconsin.

DWD 59.03 Department powers and duties. (1) The department may grant federal funds available under 42 USC 618 to local governments and tribes that comply with 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(2) The department shall publish a request for proposals for community child care initiatives.

(3) The department shall reject, or modify to bring into compliance, applications in which all or part of the local government or tribe's match expenditure or commitment fails to meet the requirements of 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(4) The department shall reject, or modify to bring into compliance, applications in which all or part of the local government or tribe's plan on use of the grant funds fails to meet the requirements of 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(5) The department shall establish and periodically update a formula that allocates a percentage of available funds for residents of each county of the state based equally on the county's:

(a) Percentage of the state's low-income children as estimated by the United States census bureau.

(b) Percentage of the state's births for the most recent 3-year period for which resident birth data by county is published by the department of health and family services.

(6) The department shall award and manage grants to maintain compliance with 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP, including the following:

(a) Awarding initial and continuing grants pursuant to s. DWD 59.07 (1) and (2).

(b) Monitoring compliance with match and spending requirements.

(c) Adjusting grant amounts as needed.

(7) The department may reallocate underspent or unawarded funds as permitted by 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99, and in a manner consistent with this chapter and the RFP.

(8) The department may require other measures to ensure compliance with 42 USC 618, 42 USC 9858-9858q, and 45 CFR Parts 98 and 99, as interpreted by the federal department of health and human services; state child care policy; and to maximize federal dollars received by the state.

DWD 59.04 Applicants. (1) ELIGIBLE APPLICANTS. Any local government or tribe that is located in Wisconsin may submit an application for funds under this chapter.

(2) TYPES OF APPLICATIONS. (a) *Single application.* A single application may be submitted by a local government or tribe that certifies that all the match funds identified in the grant application represent expenditures eligible for federal match, as required in 45 CFR 98.53(e)(1)(i). An application from multiple departments within the same local government or tribe shall be considered a single application.

(b) *Cooperative application.* A cooperative application may be submitted by several local governments or tribes that submit a package of otherwise single applications that individually identify match and request separate agreements with the department. Cooperative applicants shall identify the other local governments or tribes whose applications are part of the cooperative application and indicate a plan to cooperatively develop services. Each local government or tribe whose application is part of the cooperative application shall certify that all the match funds identified in the grant application represent expenditures eligible for federal match, as required in 45 CFR 98.53(e)(1)(i).

(c) *Collaborative application.* A collaborative application may be submitted by one local government or tribe on behalf of two or more local governments or tribes that provide matching funds. The submitting local government or tribe shall be one of the local governments or tribes that certifies match and shall be the designated contract manager for the collaborative application. Each local government or tribe that provides matching funds in a collaborative application shall certify that all the match funds

identified in the grant application represent expenditures eligible for federal match, as required in 45 CFR 98.53(e)(1)(i).

DWD 59.05 Match requirement. A local government or tribe that applies for funds under this chapter shall certify that matching expenditures represent expenditures eligible for federal match as required under 42 USC 618, 42 USC 9858-9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP. The minimum match expenditure required under 42 USC 618 is the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs. The department may round this percentage of required match to the nearest higher full percentage point. A match expenditure shall comply with the following criteria:

(1) A match expenditure shall be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds.

Note: 42 USC 5305(a)(9), provides that funds from the federal Community Development Block Grant under 42 USC 5301 to 5321 may be used as match

(2) A match expenditure under this chapter may not be used as match to any other state or federal funds, except that the local share of public school costs specified under the state's school aid formula shall not be considered as match to other state funds.

(3) A match expenditure shall be made during the required matching period provided in 45 CFR 98.60(d)(3) and identified in the RFP.

(4) A match expenditure shall be made for qualifying child care services and programs, including programs with the following purposes:

(a) Providing low-income families with financial resources to find and access quality child care for their children.

(b) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(c) Providing parents with a broad range of options in addressing their child care needs.

(d) Improving the quality of and coordination among child care programs and early childhood development programs.

(e) Increasing the availability of early childhood development care services and before- and after-school care services.

(f) Educating consumers about child care.

(g) Improving the health and safety aspects of child care, including regulation of child care.

(h) Providing crisis respite child care to children in protective services cases or in need of protective services.

(i) Other items permitted under 42 USC 9858-9858q.

(5) Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

DWD 59.06 Use of grant funds. (1) ALLOWABLE USES. A local government or tribe may use grant funds received under this chapter in any of the following ways:

(a) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(b) Providing parents with a broad range of options in addressing their child care needs.

(c) Improving the quality of and coordination among child care programs and early childhood development programs.

(d) Increasing the availability of early childhood development care services and before- and after-school care services.

(e) Educating consumers about child care.

(f) Improving the health and safety aspects of child care, including regulation of child care.

(g) Providing crisis respite child care to children in protective services cases or in need of protective services.

(2) NONALLOWABLE USES. A local government or tribe may not use grant funds received under this chapter in any of the following ways:

(a) Purchase of real estate.

(b) Construction or major remodeling.

(c) Kindergarten to 12th grade public education or care services provided to students during the regular school day.

(d) Direct purchase or payment of child care services, unless the child is receiving or is in need of protective services, as determined by the county or tribal authority for child protective services.

(e) Public pre-kindergarten.

(f) Sectarian purposes or activities.

(3) LIMIT ON ADMINISTRATIVE COSTS. (a) A local government that is awarded a grant based on a single application may not spend more than 5% of the grant on administrative costs.

(b) The department may allow a local government that is awarded a grant based on a cooperative application to spend up to 10% of the grant on administrative costs.

(c) The department may allow a local government or tribe that is awarded a grant based on a collaborative application to spend up to 15% of the grant on administrative costs.

DWD 59.07 Amount of grants. (1) INITIAL GRANT. The amount of an initial grant shall be based on the following:

(a) The amount requested by the applicant.

(b) The amount of match identified by the applicant.

(c) The amount of funding allocated to the county or counties proposed for service by the applicant.

(d) The amount of funding requested by all applicants proposing to serve residents of the county or counties involved.

(e) The amount of funding available due to reallocation from other counties.

(2) CONTINUING GRANTS. (a) A continuing grant may be offered to a local government or tribe for 2 funding cycles after the initial grant was awarded.

(b) No more than 75 percent of the statewide funds available for the funding cycle may be used for continuing grants under this section.

(c) A local government or tribe may be eligible for a continuing grant if both of the following apply:

1. The local government or tribe is proposing to continue the same program that was funded by the initial grant.

2. The local government or tribe complied with all requirements associated with the initial grant.

(d) If the local government or tribe is eligible for a continuing grant and funding is available, the department may fund a request for a continuing grant:

1. Before initial grants are funded.
2. At a level of 75 percent of the initial grant if match requirements are met.

Additional funds may be provided if the applicant identifies sufficient match and funds are available under initial grant rules.

(e) The amount of a continuing grant may be adjusted to reflect the following:

1. The requirements under paragraph (b) of this subsection.
2. The applicant's record of completing previous match or spending agreements under this program.
3. Other aspects of the applicant's record of doing business with the department.

EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

Summary of Public Hearing

Proposed rules relating to grants supporting child care initiatives

Chapter DWD 59 CR 02-10

A public hearing was held in Madison on February 26, 2002. The record remained open until February 28, 2002, for the receipt of written comments. One person appeared at the hearing and 5 additional written comments were received.

Comments were received from:

1. Christine Bruenig, Public Policy Committee Chair; Jane Penner-Hoppe, Executive Director
Wisconsin Child Care Resource and Referral Network Public Policy Committee
2. Karen Recka, Executive Director
Community Child Care Connections, Inc.
Green Bay
3. Dotty Lillo, Director
Child Care Partnership Resource and Referral
Eau Claire
4. Kathy Burns, Early Childhood Outreach Specialist
Kenosha County Human Services
5. Sandy Kolodziejski
Bad River Tribe Department of Social Services
6. Kathleen Curphy, Campus Administrator
Moraine Park Technical College
Beaver Dam

Copies of the written comments are attached.

Comments	Department response	Name of person commenting
Supports the program and the proposed rules	The department agrees.	Christine Breunig and Jane Penner-Hoppe Karen Recka Dotty Lillo
Supports recognition of importance of collaboration and coordination in the proposed rules	The department agrees.	Christine Breunig and Jane Penner-Hoppe
Supports continuation funding	The department agrees.	Christine Breunig and Jane Penner-Hoppe Karen Recka Kathy Burns
Continuation funding requests should be fully funded if the grantee has met all the requirements during the first grant cycle.	The department disagrees. The 75% "hold harmless" provision allows initial applicants to develop grant plans with assurance of a level of continued funding if the grant proposal is approved for funding. This assurance needs to be balanced against the need to reserve some funds for initial grants. Initial grants are the only way that new applicants and new projects can participate in the program. If all projects funded have assurance of 100% continued funding, new applicants may have no opportunity for funding.	Kathy Burns
What is the rationale for the 2-year continuation funding limit?	Programs may be funded for longer than 3 years. Under the 2-year continuation funding provision, the department will fund existing programs at a level of 75% of the initial grant before funding is allocated to new programs. After the 2-year continuation period, a program may continue to be funded under the "initial grant" provision.	Sandy Kolodziejski

Comments	Department response	Name of person commenting
It's difficult for small communities to come up with the level of match required in the proposed rules.	The match level in the proposed rules is the minimum required under federal law. Small communities often have to piece together match funds from a variety of activities that affect child care. Examples include county funds spent on child care certification, school district transportation to child care facilities, technical college child care classes, library story hours or trips to child care facilities, a public health nurse's time in child care facilities, and a county extension agent's time spent on child care.	Kathy Curphy

To: Barb Siefvater, Office of Child Care, DWD

From: Wisconsin Child Care Resource and Referral Network Public Policy Committee

Date: February 26, 2002

We appreciate this opportunity to provide written testimony on the administrative rules for the locally matched grant funds supporting Community Child Care Initiatives. We are submitting this testimony on behalf of the 17 CCR&R's that serve Wisconsin's 72 counties and the tribes. The roles of the CCR&R's is to assist parents identify and locate quality child care; provide professional development and support for child care providers/educators; work with employers to meet child care needs; serve as a key resource of data collection regarding supply and demand through out the state.

The grant program allowed under Wisconsin Act 16 at s.49.137 (4m) has provided the opportunity for effective collaboration between local CCR&R agencies, local unites of government and other partners to develop new and innovative programs that meet and impressive array of early education and care needs in Wisconsin. We are particularly pleased that you have underscored the importance of collaboration and coordination in the development of this grant program. Collaborative programs developed through these funds include development of substitute pools for child care providers; development of health consultant positions within local child care settings; consumer education programs (i.e.: Think Big, Start Small campaign); enhanced training and mentoring opportunities. Many additional programs that meet local needs have also been developed.

We support the continuation of the use of these funds in a manner that continues to promote collaborative opportunities for the development of programs that meet early education and care needs in a flexible and locally based manner. We would like to see that programs started in year 1 and 2 of this grant process will continue to have the opportunity for funding according to administrative rules set forth in this document.

If we can provide further documentation or support please contact Public Policy Committee Chair, Christine Breunig (608-271-9181) or WCCR&R Executive Director, Jane Penner-Hoppe (608-271-1230).

Breunig

Community Childcare Connections, Inc.
621 Pine Street
Green Bay, WI 54301

Barb Steifvater
Dept. of Workforce Development
201 E. Washington Ave.
P.O. Box 7946
Madison, WI 53707-7946

February 26, 2002

Thank you for the opportunity to provide written comment on the administrative rules for the grants Supporting Community Child Care Initiatives..Chapter DWD 59.

The grant program has allowed Community Childcare Connections to collaborate with three administrative agencies to provide enhanced child care resource and referral services, consumer education opportunities in our community, advanced services to low income families, and enhanced training opportunities to child care providers. The relationships and the programs that have built have touched the lives of families in Brown and Oconto counties.

Community Childcare Connections, Inc. supports the continuation of grant funds to enhance the quality of child care for all families through enhanced referral services, consumer education, enhanced training opportunities for child care providers and the increasing the options for child care.

Community Childcare Connections, Inc. supports the rule addressing continuation funding. It is refreshing to see support for programs that have already started to address the community's needs. Continuation funding is very necessary for the infrastructure of the early childhood community.

Thank you for your time. If I can be of any further assistance, please do not hesitate to call.

Sincerely,

Karen Recka
Executive Director

Recka

February 25, 2002

Dear Sir,

Re: Certification rule for child care

Please consider requiring continued education in every county in the state of Wisconsin for certified providers to raise the quality of care.

Re: Local Pass-Through

Thank you for the local pass-through dollars. This is a vital component resulting in raising the quality of child care in Wisconsin.

Our resource and referral office has benefited from the services of the Quality Improvement Specialists. These specialists work directly with child care providers to improve the environment and interactions with young children. They also work with businesses to create a strong work/family link.

Child Care Partnership Resource and Referral is dedicated to enhancing the lives of young children through quality child care services. Last year, CCPR&R provided referrals for 1271 parents and placed 1908 children in child care, enabling those parents to begin or remain in the workforce.

Thank you for considering more ways to raise the quality of child care in Wisconsin.

Sincerely,

Dotty Lillo, director
Child Care Partnership Resource and Referral

Dotty Lillo

Lillo

Pridgen, Elaine

From: Stiefvater, Barbara
Sent: Friday, March 01, 2002 9:25 AM
To: Pridgen, Elaine
Cc: Edie, Dave
Subject: FW: Testimony regarding the Public Hearing for Grants Supporting Community Child Care Initiatives

Additional comment on the DWD 59 rule. The comment period is now closed. Did we receive any additional written comments?

-----Original Message-----

From: Kathy Burns [mailto:KBurns@co.kenosha.wi.us]
Sent: Thursday, February 28, 2002 3:28 PM
To: Stiefvater, Barbara
Subject: Testimony regarding the Public Hearing for Grants Supporting Community Child Care Initiatives

The Kenosha County Division of Children and Family Services would like the following statement included as testimony:

The Kenosha County Division of Children and Family Services supports the continuation of the Locally Matched Child Care Development Grant program as outlined by the Department of Workforce Development, with the following exception: If recipients request continuation grants to support or enhance existing programming, these requests should be fully funded if the grantee has met all the requirements during the first grant cycle.

Thanks, Barb

Kathy Burns
Early Childhood Outreach Specialist
Kenosha County Human Services Bldg
8600 Sheridan Road
Kenosha, WI 53143
262-697-4628
email: kburns@co.kenosha.wi.us

Pridgen, Elaine

From: Sandy Kolodziejcki [bamoozhe@cheqnet.net]
Sent: Thursday, February 21, 2002 11:27 AM
To: Stiefvater, Barbara
Subject: Comments on Proposed Rules/Public Hearing on 2/28/02 Supporting Community Child Care Initiatives

Re the continuing grant section: what is the rationale for the 2 year (continuing) funding cycle limit? It seems that if a local government or Tribe has the locally-generated revenues to match, and the Federal government still has CCDF funds that can be drawn down by certifying a match, it's better to allow a community to benefit rather than not drawing down.

Unless I'm reading it wrong and the wording is meant that one specific type of program can only get up to 2 year's in continuation dollars? If that's the case, I can agree with that, you don't want to give a sense of permanency to a program that may not be able to be continued.

Thanks for the opportunity to comment.

3/4/02

Kolodziejst

Response to Legislative Council Comments

Proposed rules relating to grants supporting community child care initiatives

DWD 59
CR02-10

Response to Comment 1:

The phrase "as interpreted by the federal Department of Health and Social Services" was added and "ensure consistent management of grant funds" was deleted.

Response to Comment 2c:

No change. Section DWD 59.07(2)(c) addresses the criteria for eligibility for continuing grants and s. DWD 59.07(2)(d) addresses the level of funding for continuing grants.

Response to Comment 4c:

No change. The proposed rule is based on the federal regulation on matching funds at 45 CFR 98.53(e)(1)(iii), which states "not Federal funds, or are Federal funds authorized by Federal law to be used to match other Federal funds."

Response to Comment 4d:

No change. There are numerous federal statutory sections with relevant information regarding items that can be funded with grant money.

Response to Comment 4e:

No change. 42 USC 9858m(c)(6) refers to direct tribal funding and not funds distributed by DWD.

Response to Comment 5b:

The word "periodically" was removed.

Response to Comment 5l:

No change. The match criteria are as broad as possible. The criteria on use of grant funds are slightly narrower based on advice from the federal Administration for Children and Families and expressed state legislative intent that this program should not compete with other child care subsidy programs.

Response to Comment 5m:

The word "services" was removed.

Response to Comment 5n:

No change. The department believes that the term "funding cycle" is clear to the intended audience.

Other comments were accepted.