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State of Wisconsin
Department of Workforce Development

Report From Agency

Rule Analysis for Legislative Review

Proposed Rules Relating to Child Care Certification
Chapter DWD 55
CR 007-071

Basis and Purpose of the Proposed Rules

Chapter DWD 55 provides standards that apply to a certified child care operator who is reimbursed for child care services provided to a family determined eligible for the child care subsidy under s. 49.155, Stats., unless the child care provider is licensed by the Department of Health and Family Services under s. 48.65, Stats., or established or contracted with the Department of Public Instruction under s. 120.13 (14), Stats. A child care provider who provides care and supervision for 4 or more children under the age of 7 for less than 24 hours for compensation is required to be licensed. A certified child care operator may provide child care services for 1 to 3 unrelated children, care in the child's home, or care for school-age children and receive reimbursement for the child care services from state or federal funds.

The proposed rules implement statutory requirements regarding training on shaken baby syndrome and restraints for children in motor vehicles. The rules also update requirements regarding the certification process, qualifications for child care operators and providers, the home for providing family child care, child health care, supervision, activities and equipment, provider and parent communication, and school-age child care programs.

Public Hearing Summary

A public hearing was held on August 15, 2007. A summary of public comments and the Department's responses is attached.

Response to Legislative Council Staff Recommendations

The Department's response to Legislative Council staff recommendations is attached.

Changes to Analysis Prepared under s. 227.14 (2), Stats.

Additions

- Shaken baby syndrome training exception for a volunteer who does no sole supervision of a child.

- Methods by which shaken baby syndrome training may be completed.
- A rationale for allowing a backdated certificate of approval to the date that the county or tribal agency received the applicant's completed application.
- Before requiring an evaluation and written statement by a physician or licensed mental health professional of any person associated with care of children or a

household resident, the county or tribal agency must document the reason it has to believe that the person may endanger children in care.

- The county or tribal agency shall approve a substitute, employee, or volunteer if the agency has verification that the substitute, employee, or volunteer has met the standards regarding the criminal history and child abuse record search and completed the training on sudden infant death syndrome and shaken baby syndrome.
- The requirements regarding a child with a reportable communicable disease apply if the child care operator or a provider is aware that the child has the disease.

Modifications

- The county or tribal agency shall either approve or deny an application for certification or recertification within 60 days after receiving a completed application and satisfactory investigation and determination that the applicant is fit. The previous version allowed 60 days after completion of the above-mentioned requirements in addition to the determination that standards in s. DWD 55.08 or 55.09 have been met, including an inspection of the premises. The inspection will now occur within the 60-day period.
- A child care operator must report changes that affect eligibility as soon as possible but no later than the county or tribal agency's next working day. The previous version required changes to be reported no later than the operator's next working day.
- The requirement that a basement that is used for child care have two exits will first apply to child care operators who hold a certification on the effective date of the rule on the date that is two years from the effective date of the rule. The requirement that a basement that is used for child care have two exits will first apply to new applicants for certification on the effective date of the rule.
- The premises may not have any chipping, peeling, or deteriorating paint on exterior or interior surfaces in areas accessible to children. The prohibition on use of lead-based paint was removed.

Withdrawals

- Requirement that a child care operator charge the same rates for publicly-funded parents and private pay parents.
- Requirement that the child care operator not discriminate based on socio-economic status.

Final Regulatory Flexibility Analysis

The proposed rule affects small businesses but does not have a significant economic impact on a substantial number of small businesses as defined in s. 227.114 (1), Stats.

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