

No. 544, S.]

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### CHAPTER 591

AN ACT to create 20.670 (25) and 51.37 of the statutes, relating to community day services for the mentally handicapped.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 20.670 (25) of the statutes is created to read:

20.670 (25) DAY CARE FOR MENTALLY HANDICAPPED. On July 1, 1961, \$8,000 and annually beginning July 1, 1962, \$16,000 to provide state aids authorized by s. 51.37.

SECTION 2. 51.37 of the statutes is created to read:

51.37 COMMUNITY CARE SERVICES FOR THE MENTALLY HANDICAPPED. (1) CREATION. The state department of public welfare shall create a program relating to the establishment of community day care programs for the mentally handicapped and providing for state grants-in-aid to local communities to encourage and assist in the development and operation of training, habilitative and rehabilitative services for the mentally handicapped.

(2) TITLE. This section may be cited as the "Community Day Care Services for the Mentally Handicapped" section.

(3) PURPOSE. It is the purpose of this section to:

(a) Foster training, habilitative and rehabilitative services through the establishment and improvement of public and private day care programs for the mentally handicapped, including mentally retarded, emotionally disturbed and epileptics, at the community level.

(b) Stimulate and assist communities to develop and support such services according to individual community needs.

(c) Provide state consultative staff services to communities to assist in planning, establishing and operating community day care services for the mentally handicapped.

(d) Provide a permanent system of state grants-in-aid to match funds used to establish and operate local day care services for the mentally handicapped.

(e) Authorize the director of public welfare, hereafter cited as the director, to establish standards relating to the establishment and operation of community day care services for the mentally handicapped under state grants-in-aid.

(4) COMMUNITY DAY CARE SERVICES FOR THE MENTALLY HANDICAPPED. The director may make grants to assist cities, counties, towns, villages, or any combination thereof, or any nonprofit corporation in the establishment and operation of local day care programs for the mentally handicapped to provide the following services:

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(a) Collaborative and co-operative services with public health, educational, vocational, welfare and other groups for programs for the training, habilitation and rehabilitation of mentally handicapped individuals.

(b) Training, habilitative and rehabilitative services for individuals who are mentally handicapped, particularly for those who have received prior services in an in-patient facility.

(c) Informational and educational services to the general public, lay and professional groups.

(5) ESTABLISHMENT OF DAY CARE SERVICES FOR THE MENTALLY HANDICAPPED. Any county, city, town, village or any combination thereof, or any nonprofit corporation representing an area of over 50,000 population, or upon consent of the director, may establish community day care services and staff them with persons who meet the department of public welfare standards of qualification.

(6) COMMUNITY DAY CARE SERVICES BOARD. (a) *Representative board of directors.* Except in counties having a population of 500,000 or more, every county, city, town or village, or combination thereof, or any nonprofit corporation establishing and administering a community day care program shall, before it may qualify under this section, establish a representative governing and policymaking board of directors, called a community day care services board, which shall be charged with the operation and administration of the day care program concerned. In counties maintaining a mental health clinic board such board may serve as the community day care services board. The board of directors shall be composed of not less than 7 nor more than 11 persons of recognized ability and demonstrated interest in the problems of the mentally handicapped, except that no more than 2 persons shall be appointed from any one group or interest in the community, but where a county singly (or in combination under par. (b) 2) establishes such a program such restriction on appointments from the county board membership shall not apply where an appointee is also a member of another group or interest in the community. Subject to the foregoing limitations, county board members may be appointed to said board of directors notwithstanding the provisions of s. 66.11 (2). In counties having a population of 500,000 or more, the county day care program shall be governed by the board of public welfare as established in s. 46.21 who shall constitute the local board of directors.

(b) *Appointments to the board.* 1. When any county, city, town or village singly establishes such a program, the governing body of such political subdivision shall appoint the board of directors, and all actions of the board of directors are subject to the review and approval of the governing body.

2. When any combination of the political subdivisions referred to in this section establishes such a program, a representative board of directors, as defined in this section, shall be appointed and be subject to the review and approval of the governing bodies of such political subdivisions, in a manner acceptable to all concerned. The director shall not authorize the granting of funds to any combination of political subdivisions until such political subdivisions have drawn up a detailed contractual agreement defining the program and the plans for operation. If in the opinion of the director the contractual agreement is not adequate, he may deny the granting of funds.

3. When any nonprofit corporation establishes and administers a day care service for the mentally handicapped, the corporation shall appoint a representative board of directors as herein defined, and this board shall be responsible for the operation and administration of the day care program.

(c) *Term of office.* The term of office for any member of a board of directors shall be for 3 years, except that, of the members first appointed,

at least one-third shall be appointed for a term of one year; at least one-third for a term of 2 years; and the remainder for a term of 3 years. Vacancies shall be filled for unexpired terms in the same manner as original appointments. Any board member may be removed from office by the appointing authority.

(7) **POWERS AND DUTIES OF THE COMMUNITY DAY CARE SERVICES BOARD.** Subject to the provisions of this section and the rules of the director, each board of directors shall have the following powers and duties:

(a) Appoint the administrator of the community day care program, who shall be responsible to the board in the operation of the program.

(b) With the co-operation of the administrator, define the program and formulate the necessary policies to implement the program.

(c) Establish salaries and personnel policies for the program.

(d) Review and evaluate the services of the day care program to assure conformance with the basic plan and budget, including periodic reporting to the director, local public officials, the program administrator and the public and when indicated make recommendations for changes in program and services.

(e) Assist in arranging and promoting local financial support for the program from private and public sources.

(f) Assist in arranging co-operative working agreements with other health, vocational and welfare services, public and private, and with other related agencies.

(g) Establish fee schedules based upon ability to pay.

(h) Review the fiscal practices, the annual plan and budget, and make recommendations.

(8) **GRANTS-IN-AID.** (a) *Formula.* The director is authorized to make state grants-in-aid which shall be based upon 40 per cent state and 60 per cent local sharing of the total expenditure for: 1. salaries; 2. contract facilities and services; 3. operation, maintenance and service costs; 4. per diem and travel expense of members of the community day care service boards; and 5. other expenditures specifically approved and authorized by the director. The grants may not be used to match other state or federal funds which may be available to day care services. No grant shall be made for capital expenditures.

(b) *Eligible to apply.* Any county, city, town or village, or any combination thereof, or nonprofit corporation administering a community day care program established under sub. (5), may apply for the assistance provided by this section by submitting annually to the director its plan and budget for the next fiscal year. No program shall be eligible for a grant hereunder unless its plan and budget have been approved by the director.

(c) *Functions of department; allocation of funds.* At the beginning of each fiscal year the director shall allocate available funds to the community day care programs for disbursement during the fiscal year in accordance with such approved plans and budgets. The director shall from time to time during the fiscal year review the budgets and expenditures of the various programs and, if funds are not needed for a program to which they were allocated, he may, after reasonable notice and opportunity for hearing, withdraw such funds as are unencumbered and reallocate them to other day care programs. He may withdraw funds from any program which is not being administered in accordance with its approved plan and budget.

(d) *Promulgate rules.* The director, with the approval of the state board of public welfare, shall promulgate rules governing eligibility of community day care programs to receive state grants, prescribing standards for qualifications of personnel and quality of professional service and for in-service training and educational leave programs for personnel, salaries, eligibility for service so that no person is denied service on the basis of

race, color or creed, or inability to pay, provide for establishment by the local community day care service board of fee schedules and provide such other requirements as are necessary to carry out the purpose of this section.

(9) OTHER POWERS AND DUTIES OF THE STATE DEPARTMENT OF PUBLIC WELFARE. (a) Review and evaluate local programs and the performance of professional, administrative and other personnel and make recommendations thereon to boards and program administrators.

(b) Provide consultative staff service to communities to assist in ascertaining local needs and in planning and establishing and operating community day care programs for the mentally handicapped.

(10) OTHER POWERS OF COUNTY BOARDS OF SUPERVISORS. County boards are authorized to appropriate county funds for the operation of any community day care program for the mentally handicapped, including non-profit corporations, established under sub. (5), if the legislature finds that the expenditure of county funds for the support of such programs is for a public purpose.

Approved October 26, 1961.

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