

1999 DRAFTING REQUEST

Assembly Amendment (AA-AB133)

Received: 06/5/99

Received By: yacketa

Wanted: As time permits

Identical to LRB:

For: Legislative Fiscal Bureau

By/Representing: Doty

This file may be shown to any legislator: NO

Drafter: yacketa

May Contact:

Alt. Drafters:

Subject: Public Assistance - Wis works
Children - day care

Extra Copies:

Pre Topic:

LFB:.....Doty -

Topic:

Local child care administration

Instructions:

See Attached;

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/1	yacketa 06/7/99	ygeller 06/8/99	martykr 06/9/99	_____	lrb_docadmin 06/9/99		

FE Sent For:

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23. LFB Paper #1089. Alternative 2a. Increase funding for child care start-up and expansion grants by \$33,600 FED annually to reflect historical expenditures.

24. LFB Paper #1089. Alternative 2b. Decrease funding for child care quality improvement grants by \$300,000 FED annually to reflect expenditures in recent years.

25. LFB Paper #1089. Alternative 2c. Decrease funding for the local child care resource and referral (CCRR) agencies by \$300,000 FED annually to reflect recent changes in activity.

26. LFB Paper #1089. Alternative 3b. Eliminate the local child care resource and referral grant program and decrease funding by \$3,400,000 FED annually. Instead, provide \$1,000,000 FED annually for grants to address problems associated with child care for sick children.

27. LFB Paper #1089. Alternative 3d. Eliminate the revolving loan program for child care start-up and expansion and decrease funding by \$3,200,000 FED in 1999-00.

28. LFB Paper #1089. Alternative 3e. Eliminate the child care careers education program and decrease funding by \$1,000,000 FED in 1999-00 and \$2,500,000 FED in 2000-01.

29. LFB Paper #1090. Alternative 2. Maintain current law regarding local child care administration.

30. LFB Paper #1091. Alternative 2. Delete the Governor's recommendation and allow the child care careers coordinator position to terminate on December 31, 1999. Reduce funding by \$22,800 FED in 1999-00 and \$45,600 FED in 2000-01 to reflect the elimination of the position.

31. LFB Paper #1092. Alternative 2. Eliminate the Governor's provision. Instead, modify current law relating to partial community service job (CSJ) placements by specifying in the statutes that the monthly grant amount would be prorated as follows: (a) for an assignment of work activities up to 10 hours per week, the grant amount would be prorated by 1/3; (b) for an assignment of work activities of 10 to 15 hours per week, by 1/2; (c) for an assignment of work activities of 15 to 20 hours per week, by 2/3; and (d) for an assignment of work activities in excess of 20 hours per week, the grant amount would be \$673. Specify that the grant amount would be based on the financial employment planner's determination of the appropriate number of hours for a participant at the time of the application process or a regularly-scheduled review. Require DWD to implement the partial CSJ provisions within three months after the bill's general effective date.

32. LFB Paper #1093. Delete the Governor's recommendation and repeal the current provisions regarding the wage-paying community service job pilot program in Milwaukee County.

33. LFB Paper #1095. Alternative 2. Modify the bill to eliminate the current 60-day residency requirement, and instead specify that, in order to be eligible for a W-2 subsidized employment position or job access loan, an individual must be a resident of Wisconsin. Under this option, if the Department determines through monitoring of the program and with specific data that

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Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873

June 1, 1999

Joint Committee on Finance

Paper #1090

TANF

Child Care Administration by W-2 Agencies (DWD -- Economic Support and Child Care)

[LFB 1999-01 Budget Summary: Page 689, #19]

CURRENT LAW

Currently, when a parent applies for child care assistance, eligibility is determined by the Wisconsin Works (W-2) agency. Once an individual has been determined as eligible for a child care subsidy, the W-2 agency is required to refer the individual to a county department of social or human services. The county departments assist eligible individuals by: (a) determining an individual's copayment; (b) providing a voucher or otherwise reimbursing child care providers; and (c) assisting parents to identify and select appropriate child care. In addition, the county departments administer the child care assistance program by: (a) setting maximum reimbursement rates for providers; (b) certifying providers not licensed by the state and supplying information to such providers; and (c) refusing to pay providers who have been convicted of crimes that relate to the care of children. In addition, the county departments have certain responsibilities related to criminal history and child abuse record background checks of providers and their employees.

GOVERNOR

Allow DWD to require a W-2 agency, tribal governing body or county department of social or human services to administer the child care assistance program in that county, with the exception of counties with a population of 500,000 or more (Milwaukee County), in which case DWD would have to require the W-2 agency to administer the program. This provision would first apply to W-2 agencies that enter into or renew contracts on the effective date of the bill. The entity required by DWD to administer the child care program would be referred to as the "administering agency."

Under the bill, the administering agency would conduct the child care activities now done by the county departments, with one exception. The bill would allow DWD to select either the administering agency or local child care resource and referral (CCRR) agency to set the maximum child care reimbursement rates for licensed providers. The rates for certified providers would be set by the administering agency under the bill.

DISCUSSION POINTS

1. Currently, the county department and the W-2 agency are the same entity in 63 counties, which allows parents to work with a single agency to receive child care benefits. In the other nine counties, including Milwaukee, where the county department and the W-2 agency are separate entities, parents are required to work with the W-2 agency for eligibility to be determined and then, if approved, work with the county for the subsidy to be authorized, the copayment amount to be determined and for other child care assistance.
2. The administration indicates that the bill recommendation was made so that parents in Milwaukee County would only have to work with a single agency for all child care services. It would also allow W-2 participants to work with only the W-2 agency for both W-2 program and child care benefits. Of all Milwaukee County families who were authorized to receive child care benefits for April, 34.8% were also W-2 participants.
3. Since the W-2 child care program began in September of 1997, concerns have been expressed regarding Milwaukee County's administration of the program, particularly parents not receiving timely access to child care, child care providers not being paid, the certifying of questionable providers and county responses to provider inquiries. In addition, Milwaukee County was not able to provide reliable child care data.
4. The administration also indicated that having separate entities administer the child care program results in a lack of communication and accountability, which has made it difficult to determine the cause of problems and how these problems could be resolved.
5. DWD would be permitted, but not required, to appoint the W-2 agency as the administering agency for child care in all counties other than Milwaukee. It was indicated that because child care participation in the other eight counties is relatively small, the problems associated with having separate entities responsible for the child care program have not been as significant. It is likely that DWD would continue to retain the county department as the administering agency in the other counties.
6. The existing child care administration contracts with the 63 county departments that are also the W-2 agency are separate from the W-2 program contracts and are not part of the profit calculation. If the bill provision is approved, the child care administration contract with the W-2 agencies in Milwaukee County would also be separate from, or an addendum to, the W-2 program contracts and would not factor into the profit calculation.

7. Representatives for Milwaukee County have indicated that the County should retain its current role in the child care program. In 1998, the County took actions to resolve the problems noted above by assigning additional staff and taking other measures to speed up the subsidy authorization process, visiting certified providers with subsidy-funded children and increasing training and technical assistance for providers. County staff have also been placed in the W-2 offices in order to speed up the authorization process and to be available for program participants. In addition, Milwaukee County converted its child care payment and data system to the statewide Client Assistance for Reemployment and Economic Support (CARES) system in March of this year, which should improve the quality of the county's data.

8. In addition, Milwaukee County representatives have indicated that transferring the child care administrative functions to the W-2 agencies in order to create a single administrative agency for W-2 participants would only impact about one-third of child care beneficiaries (as noted above, 34.8% of Milwaukee County's child care recipients also participate in the W-2 program). The County has located staff in the W-2 offices in order to assist these individuals.

9. Since Milwaukee County has made efforts to improve its administration of the child care program and has only recently become part of the state's CARES system, an alternative to the Governor's recommendation could be to maintain current law. Milwaukee County's performance could continue to be monitored and if concerns persist, the functions could be transferred to the W-2 agencies in the future.

10. The bill inadvertently omitted a cross-reference related to the definition of an "administering agency." If the Governor's recommendation is adopted, the bill should be modified to correct this error.

ALTERNATIVES

1. Adopt the Governor's recommendation to allow DWD to require a W-2 agency, tribal governing body or county department of social or human services to administer the child care assistance program in that county and direct DWD to require the W-2 agency in Milwaukee County to administer the program. Add a cross-reference under the definition of "administering agency."

2. Maintain current law.

Prepared by: Kelsie Doty

DOA:.....Sajna – Child care administration by W-2 agencies

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

HEALTH AND HUMAN SERVICES

CHILDREN

Under current law, if a Wisconsin works (W-2) agency (the agency responsible for administering W-2 in a particular region) determines that a person is eligible for a child care subsidy, the W-2 agency must refer that person to the county department of social services or the county department of human services (county department). The county department determines, in accordance with a schedule developed by the department of workforce development (DWD), the amount of the person's copayment for child care; provides a child care subsidy, either in the form of a voucher or a direct payment to the child care provider; and helps the person identify available and appropriate child care. The county department also sets maximum reimbursement rates for child care providers and certifies certain child care providers. Finally, under current law, a county department is responsible for conducting a background investigation of child care providers prior to certifying them.

This bill permits DWD to require either a county department or a W-2 agency to administer the child care subsidy program, except that in counties with a population of 500,000 or more, DWD must require a W-2 agency to administer the child care subsidy program in that county. Under the bill, whichever entity administers the program is responsible for determining the copayment amount, providing the subsidy, conducting background investigations on and certifying child

care providers and identifying available and appropriate child care for subsidy recipients. County departments, however, retain the responsibility for setting maximum reimbursement rates for child care providers.

For further information see the *local* fiscal estimate, which will be printed as an appendix to this bill.

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

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1 SECTION 1. 48.651 (1) of the statutes is renumbered 48.651 (1m), and 48.651
2 (1m) (intro.) and (a), as renumbered, are amended to read:

3 48.651 (1m) (intro.) Each ~~county department~~ certifying agency shall certify,
4 according to the standards adopted by the department of workforce development
5 under s. 49.155 (1d), each day care provider reimbursed for child care services
6 provided to families determined eligible under s. 49.155 (1m), unless the provider is
7 a day care center licensed under s. 48.65 or is established or contracted for under s.
8 120.13 (14). Each ~~county~~ certifying agency may charge a fee to cover the costs of
9 certification. To be certified under this section, a person must meet the minimum
10 requirements for certification established by the department of workforce
11 development under s. 49.155 (1d), meet the requirements specified in s. 48.685 and
12 pay the fee specified in this section. The ~~county~~ certifying agency shall certify the
13 following categories of day care providers:

14 (a) Level I certified family day care providers, as established by the department
15 of workforce development under s. 49.155 (1d). No ~~county~~ certifying agency may
16 certify a provider under this paragraph if the provider is a relative of all of the
17 children for whom he or she provides care.

18 SECTION 2. 48.651 (1g) of the statutes is created to read:

1 48.651 (1g) In this section, “certifying agency” means a county department, a
2 tribal governing body or a Wisconsin works agency, as defined in s. 49.001 (9),
3 whichever the department of workforce development requires under s. 49.155 (3) (a)
4 to administer the child care subsidy program under s. 49.155.

5 **SECTION 3.** 48.651 (2m) of the statutes is amended to read:

6 48.651 (2m) Each ~~county department~~ certifying agency shall provide the
7 department with information about each person who is denied certification for a
8 reason specified in s. 48.685 (2) (a) 1. to 5.

9 **SECTION 4.** 48.653 of the statutes is amended to read:

10 **48.653 Information for day care providers.** The department shall provide
11 each day care center licensed under s. 48.65 and each ~~county~~ certifying agency, as
12 defined in s. 48.651 (1g), providing child welfare services with a brochure containing
13 information on basic child care and the licensing and certification requirements for
14 day care providers. Each ~~county agency~~ certifying agency shall provide each day care
15 provider that it certifies with a copy of the brochure.

16 **SECTION 5.** 48.685 (1) (a) of the statutes is renumbered 48.685 (1) (at).

17 **SECTION 6.** 48.685 (1) (am) of the statutes is created to read:

18 48.685 (1) (am) “Certifying agency” has the meaning given in s. 48.651 (1g).

19 **SECTION 7.** 48.685 (2) (a) (intro.) of the statutes is amended to read:

20 48.685 (2) (a) (intro.) Notwithstanding s. 111.335, and except as provided in
21 par. (ad) and sub. (5), the department may not license, or continue or renew the
22 license of, a person to operate an entity, a ~~county department~~ certifying agency may
23 not certify a day care provider under s. 48.651, a county department or a child welfare
24 agency may not license, or renew the license of, a foster home or treatment foster
25 home under s. 48.62 and a school board may not contract with a person under s.

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1 120.13 (14), if the department, county department, child welfare agency, certifying
2 agency or school board knows or should have known any of the following:

3 SECTION 8. 48.685 (2) (ad) of the statutes is amended to read:

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4 48.685 (2) (ad) The department, a county department or a child welfare agency
5 may license a foster home or treatment foster home under s. 48.62, a county
6 department certifying agency may certify a day care provider under s. 48.651 and a
7 school board may contract with a person under s. 120.13 (14), conditioned on the
8 receipt of the information specified in par. (am) indicating that the person is not
9 ineligible to be certified or contracted with for a reason specified in par. (a) 1. to 5.

10 SECTION 9. 48.685 (2) (am) (intro.) of the statutes is amended to read:

11 48.685 (2) (am) (intro.) Subject to subd. 5. and par. (bd), the department, a
12 county department, a child welfare agency, a certifying agency or a school board shall
13 obtain all of the following with respect to a person specified under par. (a) (intro.) and
14 a person specified under par. (ag) (intro.) who is a nonclient resident or prospective
15 nonclient resident of an entity and shall obtain the information specified in subds.
16 1. to 5. with respect to a person specified in par. (ag) (intro.) who is under 18 years
17 of age, but not under 12 years of age, and who is an employe, prospective employe,
18 contractor, prospective contractor, nonclient resident or prospective nonclient
19 resident of a day care center that is licensed under s. 48.65 or established or
20 contracted for under s. 120.13 (14) or of a day care provider that is certified under s.
21 48.651:

22 SECTION 10. 48.685 (2) (am) 5. of the statutes is amended to read:

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23 48.685 (2) (am) 5. Information maintained by the department under this
24 section and under ss. 48.651 (2m), 48.75 (1m) and 120.13 (14) regarding any denial
25 to the person of a license, continuation or renewal of a license, certification or a

1 contract to operate an entity for a reason specified in par. (a) 1. to 5. and regarding
2 any denial to the person of employment at, a contract with or permission to reside
3 at an entity for a reason specified in par. (ag) 1. to 5. If the information obtained
4 under this subdivision indicates that the person has been denied a license,
5 continuation or renewal of a license, certification, a contract, employment or
6 permission to reside as described in this subdivision, the department, a county
7 department, a child welfare agency, a certifying agency or a school board need not
8 obtain the information specified in subds. 1. to 4.

9 **SECTION 11.** 48.685 (2) (b) 4. of the statutes is amended to read:

661, 16 10 48.685 (2) (b) 4. Subdivision 1. does not apply with respect to a person under
→ 11 18 years of age, but not under 12 years of age, who is an employe, prospective
662 12 employe, contractor, prospective contractor, nonclient resident or prospective
l. 5 13 nonclient resident of a day care center that is licensed under s. 48.65 or established
14 or contracted for under s. 120.13 (14) or of a day care provider that is certified under
15 s. 48.651 and with respect to whom the department, a ~~county department~~ certifying
16 agency or a school board is required under par. (am) (intro.) to obtain the information
17 specified in par. (am) 1. to 5.

18 **SECTION 12.** 48.685 (2) (bd) of the statutes is amended to read:

19 48.685 (2) (bd) Notwithstanding pars. (am) and (b) 1., the department, a county
20 department, a child welfare agency, a certifying agency or a school board is not
21 required to obtain the information specified in par. (am) 1. to 5., and an entity is not
22 required to obtain the information specified in par. (b) 1. a. to e., with respect to a
23 person under 18 years of age whose background information form under sub. (6) (am)
24 indicates that the person is not ineligible to be employed, contracted with or
25 permitted to reside at an entity for a reason specified in par. (ag) 1. to 5. and with

1 respect to whom the department, county department, child welfare agency, certifying
2 agency, school board or entity otherwise has no reason to believe that the person is
3 ineligible to be employed, contracted with or permitted to reside at an entity for any
4 of those reasons. This paragraph does not preclude the department, a county
5 department, a child welfare agency, a certifying agency or a school board from
6 obtaining, at its discretion, the information specified in par. (am) 1. to 5. with respect
7 to a person described in this paragraph who is a nonclient resident or a prospective
8 nonclient resident of an entity.

9 **SECTION 13.** 48.685 (2) (bm) of the statutes is amended to read:

10 48.685 (2) (bm) If the person who is the subject of the search under par. (am)
11 or (b) 1. is not a resident of this state, or if at any time within the 3 years preceding
12 the date of the search that person has not been a resident of this state, the
13 department, county department, child welfare agency, certifying agency, school
14 board or entity shall make a good faith effort to obtain from any state in which the
15 person is a resident or was a resident within the 3 years preceding the date of the
16 search information that is equivalent to the information specified in par. (am) 1. or
17 (b) 1. a.

18 **SECTION 14.** 48.685 (3) (a) of the statutes is amended to read:

19 48.685 (3) (a) Every 4 years or at any time within that period that the
20 department, a county department, a child welfare agency, a certifying agency or a
21 school board considers appropriate, the department, county department, child
22 welfare agency, certifying agency or school board shall request the information
23 specified in sub. (2) (am) 1. to 5. for all persons who are licensed, certified or
24 contracted to operate an entity and for all persons specified in par. (ag) (intro.) [sub.
25 (2) (ag) (intro.)] who are nonclient residents of an entity and shall request the

1 information specified in sub. (2) (am) 1. to 5. for all persons under 18 years of age,
2 but not under 12 years of age, who are employes, contractors or nonclient residents
3 of a day care center that is licensed under s. 48.65 or established or contracted for
4 under s. 120.13 (4) or of a day care provider that is certified under s. 48.651.

5 **SECTION 15.** 48.685 (3m) of the statutes is amended to read:

6 48.685 (3m) Notwithstanding subs. (2) (b) 1. and (3) (b), if the department, a
7 county department, a child welfare agency, a certifying agency or a school board has
8 obtained the information required under sub. (2) (am) or (3) (a) with respect to a
9 person specified in sub. (2) (a) (intro.) and that person is also an employe, contractor
10 or nonclient resident of an entity, the entity is not required to obtain the information
11 specified in sub. (2) (b) 1. or (3) (b) with respect to that person.

12 **SECTION 16.** 48.685 (5) (a) of the statutes is amended to read:

13 48.685 (5) (a) The department may license to operate an entity, a county
14 ~~department~~ certifying agency may certify under s. 48.651, a county department or
15 a child welfare agency may license under s. 48.62 and a school board may contract
16 with under s. 120.13 (14) a person who otherwise may not be licensed, certified or
17 contracted with for a reason specified in sub. (2) (a) 1. to 5., and an entity may employ,
18 contract with or permit to reside at the entity a person who otherwise may not be
19 employed, contracted with or permitted to reside at the entity for a reason specified
20 in sub. (2) (ag) 1. to 5., if the person demonstrates to the department, the county
21 department, the child welfare agency or the school board by clear and convincing
22 evidence and in accordance with procedures established by the department by rule
23 that he or she has been rehabilitated.

24 **SECTION 17.** 48.685 (5c) (bm) of the statutes is created to read:

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1 48.685 (5c) (bm) Any person who is permitted but fails under sub. (5) (a) to
2 demonstrate to a Wisconsin works agency, as defined in s. 49.001 (9), that he or she
3 has been rehabilitated may appeal to the secretary of workforce development or his
4 or her designee. Any person who is adversely affected by a decision of the secretary
5 or his or her designee under this paragraph has a right to a contested case hearing
6 under ch. 227.

7 **SECTION 18.** 48.685 (5m) of the statutes is amended to read:

8 48.685 (5m) Notwithstanding s. 111.335, the department may refuse to license
9 a person to operate an entity, a county department or a child welfare agency may
10 refuse to license a foster home or treatment foster home under s. 48.62, and an entity
11 may refuse to employ, contract with or permit to reside at the entity a person specified
12 in sub. (2) (ag) (intro.) if the person has been convicted of an offense that the
13 department has not defined as a “serious crime” by rule promulgated under sub. (7)
14 (a), or specified in the list established by rule under sub. (7) (b), but that is, in the
15 estimation of the department, child welfare agency, or entity, substantially related
16 to the care of a client. Notwithstanding s. 111.335, the department may refuse to
17 license a person to operate a day care center, a ~~county department~~ certifying agency
18 may refuse to certify a day care provider under s. 48.651, a school board may refuse
19 to contract with a person under s. 120.13 (14), a day care center that is licensed under
20 s. 48.65 or established or contracted for under s. 120.13 (14) and a day care provider
21 that is certified under s. 48.651 may refuse to employ, contract with or permit to
22 reside at the day care center or day care provider a person specified in sub. (2) (ag)
23 (intro.) if the person has been convicted of or adjudicated delinquent on or after his
24 or her 12th birthday for an offense that the department has not defined as a “serious
25 crime” by rule promulgated under sub. (7) (a), or specified in the list established by

1 rule under sub. (7) (b), but that is, in the estimation of the department, ~~county~~
2 ~~department~~ certifying agency, school board, day care center or day care provider
3 substantially related to the care of a client.

4 **SECTION 19.** 48.685 (6) (a) of the statutes is amended to read:

5 48.685 (6) (a) The department shall require any person who applies for
6 issuance, continuation or renewal of a license to operate an entity, a ~~county~~
7 ~~department~~ certifying agency shall require any day care provider who applies for
8 initial certification under s. 48.651 or for renewal of that certification, a county
9 department or a child welfare agency shall require any person who applies for
10 issuance or renewal of a license to operate a foster home or treatment foster home
11 under s. 48.62 and a school board shall require any person who proposes to contract
12 with the school board under s. 120.13 (14) or to renew a contract under that
13 subsection, to complete a background information form that is provided by the
14 department.

15 **SECTION 20.** 48.685 (6) (b) of the statutes is renumbered 48.685 (6) (b) 1. and
16 amended to read:

17 48.685 (6) (b) 1. For persons specified ~~under~~ in par. (a) who are licensed by the
18 department, for persons specified in par. (am) 1. who are under 18 years of age, but
19 not under 12 years of age, and who are employes, prospective employes, contractors
20 or prospective contractors of a day care center that is licensed under s. 48.65 or
21 established or contracted for under s. 120.13 (4) or of a day care provider that is
22 certified under s. 48.651, for persons specified in par. (am) 2. who are nonclient
23 residents or prospective nonclient residents of an entity that is licensed by the
24 department, and for other persons specified by the department by rule, the entity
25 shall send the background information form to the department. For all other persons

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1 specified in par. (am) 1., the entity shall maintain the background information form
2 on file for inspection by the department, county department, child welfare agency,
3 certifying agency or school board, whichever is applicable.

4 2. For persons specified ~~under~~ in par. (a) who are licensed ~~or certified~~ by a
5 county department, for persons specified in par. (am) 2. who are nonclient residents
6 or prospective nonclient residents of an entity that is licensed ~~or certified~~ by a county
7 department and for other persons specified by the department by rule, the entity
8 shall send the background information form to the county department.

9 3. For persons specified ~~under~~ in par. (a) who are licensed by a child welfare
10 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective
11 nonclient residents of an entity that is licensed by a child welfare agency and for
12 other persons specified by the department by rule, the entity shall send the
13 background information form to the child welfare agency.

14 5. For persons specified ~~under~~ in par. (a) who are contracted with by a school
15 board, for persons specified in par. (am) 2. who are nonclient residents or prospective
16 nonclient residents of an entity that is contracted with by a school board and for other
17 persons specified by the department by rule, the entity shall send the background
18 information form to the school board. ~~For all other persons specified under par. (am)~~
19 ~~1., the entity shall maintain the background information form on file for inspection~~
20 ~~by the department, county department, child welfare agency or school board,~~
21 ~~whichever is applicable.~~

22 **SECTION 21.** 48.685 (6) (b) 4. of the statutes is created to read:

23 48.685 (6) (b) 4. For persons specified in par. (a) who are certified by a certifying
24 agency, for persons specified in par. (am) 2. who are nonclient residents or prospective
25 nonclient residents of an entity that is certified by a certifying agency and for other

1 persons specified by the department by rule, the entity shall send the background
2 information form to the certifying agency.

3 **SECTION 22.** 48.685 (8) of the statutes is amended to read:

4 48.685 (8) The department, a county department, a child welfare agency, a
5 certifying agency or a school board may charge a fee for obtaining the information
6 required under sub. (2) (am) or (3) (a). The fee may not exceed the reasonable cost
7 of obtaining the information. No fee may be charged to a nurse's assistant, as defined
8 in s. 146.40 (1) (d), for obtaining or maintaining information if to do so would be
9 inconsistent with federal law.

10 **SECTION 23.** 49.143 (2) (em) of the statutes is renumbered 49.143 (2) (em) 1. and
11 amended to read:

680
ll 1-8 12 49.143 (2) (em) 1. ~~Determine~~ Except as provided in subd. 2., determine
13 eligibility for child care assistance under s. 49.155 and refer eligible families to
14 county departments under s. 46.215, 46.22 or 46.23 for child care services.

15 **SECTION 24.** 49.143 (2) (em) 2. of the statutes is created to read:

16 49.143 (2) (em) 2. If required under s. 49.155 (3) (a) or (am), certify child care
17 providers under s. 48.651 and administer child care assistance under s. 49.155.

18 **SECTION 25.** 49.155 (1) (ad) of the statutes is created to read:

684
ll 4-10 19 49.155 (1) (ad) "Administering agency" means the county department, a tribal
20 governing body or the Wisconsin works agency that is required by the department
21 under sub. (3) (a) or (am) to administer child care assistance under this section.

22 **SECTION 26.** 49.155 (1) (aj) of the statutes is created to read:

23 49.155 (1) (aj) "County department" means a county department under s.
24 46.215, 46.22 or 46.23.

684
ll 14-19 25 **SECTION 27.** 49.155 (1) (am) of the statutes is amended to read:

1 49.155 (1) (am) “Level I certified family day care provider” means a day care
2 provider certified under s. 48.651 (1) (1m) (a).

3 SECTION 28. 49.155 (1) (b) of the statutes is amended to read:

4 49.155 (1) (b) “Level II certified family day care provider” means a day care
5 provider certified under s. 48.651 (1) (1m) (b).

6 SECTION 29. 49.155 (3) (title) of the statutes is amended to read:

7 49.155 (3) (title) COUNTY CHILD CARE ADMINISTRATION.

8 SECTION 30. 49.155 (3) (a) of the statutes is repealed and recreated to read:

9 49.155 (3) (a) Except as provided in par. (am), the department may require a
10 Wisconsin works agency, a tribal governing body or a county department to
11 administer child care assistance under this section. If the department requires a
12 county department to administer child care assistance under this section, the
13 Wisconsin works agency shall refer an individual who has been determined eligible
14 under sub. (1m) to the county department for child care assistance.

15 SECTION 31. 49.155 (3) (am) of the statutes is created to read:

16 49.155 (3) (am) In a county with a population of 500,000 or more, the
17 department shall require a Wisconsin works agency in that county to administer
18 child care assistance under this section.

19 SECTION 32. 49.155 (3) (b) (intro.) of the statutes is amended to read:

20 49.155 (3) (b) (intro.) ~~The county department under s. 46.215, 46.22 or 46.23~~
21 ~~shall administer child care assistance under this section. In administering child care~~
22 ~~assistance under this section, the county department under s. 46.215, 46.22 or 46.23~~
23 administering agency shall do all of the following:

24 SECTION 33. 49.155 (3m) (a) of the statutes is amended to read:

1 49.155 (3m) (a) The department shall reimburse child care providers or shall
2 distribute funds to ~~county departments under s. 46.215, 46.22 or 46.23~~
3 administering agencies for child care services provided under this section and to
4 private nonprofit agencies that provide child care for children of migrant workers.

5 **SECTION 34.** 49.155 (3m) (c) of the statutes is amended to read:

6 49.155 (3m) (c) From the funds distributed under par. (a), ~~a county~~ an
7 administering agency may provide child care services itself, purchase child care
8 services from a child care provider, provide vouchers to an eligible parent for the
9 payment of child care services provided by a child care provider, reimburse an eligible
10 parent for payments made by the parent to a child care provider for child care
11 services, adopt, with the approval of the department, any other arrangement that the
12 county considers appropriate or use any combination of these methods to provide
13 child care.

14 **SECTION 35.** 49.155 (3m) (d) of the statutes is amended to read:

15 49.155 (3m) (d) No funds distributed under par. (a) may be used to provide care
16 for a child by a person who resides with the child, unless the ~~county~~ administering
17 agency determines that the care is necessary because of a special health condition
18 of the child.

19 **SECTION 36.** 49.155 (6) (a) of the statutes is amended to read:

20 49.155 (6) (a) Subject to review and approval by the department, each ~~county~~
21 administering agency or local agency, as defined in s. 49.134 (1) (b), whichever the
22 department selects, shall establish the maximum reimbursement rate for licensed
23 child care services provided under this section. ~~A county~~ An administering agency
24 or local agency shall set the rate so that at least 75% of the number of places for

1 children within the licensed capacity of all child care providers in that county can be
2 purchased at or below that maximum rate.

3 **SECTION 37.** 49.155 (6) (b) of the statutes is amended to read:

4 49.155 (6) (b) Subject to review and approval by the department, each ~~county~~
5 administering agency shall set a maximum reimbursement rate for Level I certified
6 family day care providers for services provided to eligible individuals under this
7 section. The maximum rate set under this paragraph may not exceed 75% of the rate
8 established under par. (a).

9 **SECTION 38.** 49.155 (6) (c) of the statutes is amended to read:

10 49.155 (6) (c) Subject to review and approval by the department, each ~~county~~
11 administering agency shall set a maximum reimbursement rate for Level II certified
12 family day care providers for services provided to eligible individuals under this
13 section. The maximum rate set under this paragraph may not exceed 50% of the rate
14 established under par. (a).

15 **SECTION 39.** 49.155 (7) (a) of the statutes is renumbered 49.155 (7), and 49.155
16 (7) (intro.), (a) and (b), as renumbered, are amended to read:

17 49.155 (7) REFUSAL TO PAY CHILD CARE PROVIDERS. (intro.) The department or
18 ~~the county department under s. 46.215, 46.22 or 46.23~~ administering agency may
19 refuse to pay a child care provider for child care provided under this section if any
20 of the following applies to the child care provider, employe or person living on the
21 premises where child care is provided:

22 (a) The person has been convicted of a felony or misdemeanor that the
23 department or ~~county department~~ administering agency determines substantially
24 relates to the care of children.

1 (b) The person is the subject of a pending criminal charge that the department
2 or ~~county department~~ administering agency determines substantially relates to the
3 care of children.

4 **SECTION 9357. Initial applicability; workforce development.**

5 (1) CHILD CARE ADMINISTRATION. The treatment of sections 48.651 (1), (1g) and
6 (2m), 48.653, 48.685 (1) (am), (2) (a) (intro.), (ad), (am) (intro.) and 5., (b) 4., (bd) and
7 (bm), (3) (a), (3m), (5) (a), (5c) (bm), (5m), (6) (a) and (8) and 49.155 (1) (am) and (b),
8 (3) (a), (am) and (b) (intro.), (3m) (a), (c) and (d), (6) (a), (b) and (c) and (7) (a) of the
9 statutes, the renumbering and amendment of sections 48.685 (6) (b) and 49.143 (2)
10 (em) of the statutes and the creation of sections 48.685 (6) (b) 4. and 49.143 (2) (em)
11 2. of the statutes first apply to Wisconsin works agencies that entered into or renew
12 contracts on the effective date of this subsection.

13 (END)

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State of Wisconsin
1999 - 2000 LEGISLATURE

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LFB:.....Simpson - Local child care administration

FOR 1999-01 BUDGET — NOT READY FOR INTRODUCTION

LFB AMENDMENT

TO 1999 ASSEMBLY BILL 133 AND 1999 SENATE BILL 45

1 At the locations indicated, amend the bill as follows:

2 1. Page 653, line 24: delete the material beginning with that line and ending
3 with page 655, line 6. ✓

4 2. Page 658, line 6: delete lines 6 to 8. ✓

5 3. Page 658, line 11: delete "agency." and substitute "agency". ✓

6 4. Page 658, line 12: delete "a certifying agency". ✓

7 5. Page 658, line 14: delete "county department certifying agency" and
8 substitute "county department". ✓

9 6. Page 658, line 20: delete the material beginning with that line and ending
10 with page 659, line 2. ✓

11 7. Page 660, line 2: delete "a certifying agency". ✓

- 1 **8.** Page 660, line 12: delete lines 12 to 23. ✓
- 2 **9.** Page 661, line 6: delete the material beginning with that line and ending
3 with page 662, line 5. ✓
- 4 **10.** Page 662, line 10: delete "certifying agency". ✓ (2)
- 5 **11.** Page 662, line 17: delete ", a certifying agency". ✓
- 6 **12.** Page 662, line 19: delete ", certifying agency". ✓
- 7 **13.** Page 663, line 3: delete the material beginning with that line and ending
8 with page 665, line 11. ✓
- 9 **14.** Page 665, line 19: delete the material beginning with that line and ending
10 with page 667, line 6. ✓
- 11 **15.** Page 667, line 8: delete ", a". ✓
- 12 **16.** Page 667, line 9: delete "certifying agency". ✓
- 13 **17.** Page 680, line 1: delete lines 1 to 8. ✓
- 14 **18.** Page 684, line 4: delete lines 4 to 10. ✓
- 15 **19.** Page 684, line 14: delete lines 14 to 19. ✓
- 16 **20.** Page 689, line 6: delete the material beginning with that line and ending
17 with page 690, line 4. ✓
- 18 **21.** Page 690, line 18: delete the material beginning with that line and ending
19 with page 692, line 15. ✓
- 20 **22.** Page 1464, line 23: delete the material beginning with that line and
21 ending with page 1465, line 7. ✓

22

(END)



State of Wisconsin
1999 - 2000 LEGISLATURE

LRBb0543/1
TAY:jlg:km

LFB:.....Doty - Local child care administration

FOR 1999-01 BUDGET - NOT READY FOR INTRODUCTION

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21 ending with page 1465, line 7.

22

(END)