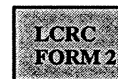


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CLEARINGHOUSE REPORT TO AGENCY

[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 98-205

AN ORDER to repeal DWD 56.02 (1), (8), (11) and (13) to (16), 56.03 (4), 56.04 (1) (a) to (i), (2) and (3) (b) 3. and 4. and (d), 56.05 (2) and (5), 56.07 and 56.08 (2) (a) and (c); to amend DWD 56.01, 56.02 (3), (4), (9), (10) and (17), 56.03 (3) (title) and (3), 56.04 (1) (intro.) and (3) (a) (intro.), 1. and 2. and (b) 1., 56.04 (4) (a) and (b) 1. (intro.) and a. and (7) (title), 56.05 (1), 56.06 (1) (a) 1. and (2) (c), 56.08 (1) (a) and (c), (2) (b) and (3) (a) 5.; to repeal and recreate DWD 56.04 (4) (e) and Table DWD 56.08 (1) (c); and to create DWD 56.02 (23) and (24), 56.04 (7) (c) and 56.08 (1) (d), relating to the administration of day care funds.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

12-14-98 RECEIVED BY LEGISLATIVE COUNCIL.
01-15-99 REPORT SENT TO AGENCY.

RS:PS;jal;wu

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)]

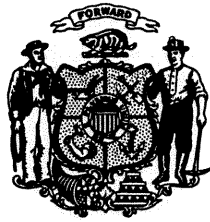
Comment Attached YES NO

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CLEARINGHOUSE RULE 98-205

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

The analysis and SEC. 1 of this rule cite s. 49.155 (1g), Stats., as statutory authority for the rule. That provision governs the distribution of child care funds for various purposes related to the Wisconsin Works (W-2) Program. That provision makes no mention of rules, nor do any other provisions relating to the W-2 Program require promulgation of rules regarding distribution of child care funds. Therefore, it is suggested that the department retain the cite that was deleted in SEC. 1, to s. 227.11 (2), Stats., which confers general rule-making authority on state agencies. Specifically, the reference should be to s. 227.11 (2) (a), Stats. The note following s. 1.02 (2) (a), Manual, states that if the only source of authority an agency can cite is the general s. 227.11 (2) (a) authority, the agency should also cite the specific statute or statutes relating to the rule's substance. Therefore, it is appropriate to retain the cite to s. 49.155 (1g), Stats.

2. Form, Style and Placement in Administrative Code

a. In the treatment clause to SEC. 10, the "(3)" in the citation "(3) (b) 1." should be deleted. The same comment applies to the second "(3)" in the treatment clause to SEC. 11 and to the second "(4)" in the treatment clause to SEC. 12. Also in the treatment clause to SEC. 12, a period should be inserted after the "1".

b. SECTIONS 20 and 21 could be combined into a single SECTION, as they contain two subsections of the same rule section which are affected by the same treatment. [See s. 1.04 (2) (a) 4., Manual.]

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

a. Section 1.02 (2) (b), Manual, provides that the plain language analysis to a rule should contain sufficient detail to enable the reader to understand the content of the rule and the changes made, if any, in existing rules. The analysis to this rule would be improved if it contained additional information in the following areas. First, the second paragraph states that numerous changes are made to reflect the statutory changes affecting child care programs. However, no example of the "numerous changes" are given. Second, the third paragraph of the analysis states that the definition of the term "family" is changed in this rule. However, no explanation is provided as to why the change is being made. Third, a number of provisions of current ch. DWD 56 are repealed entirely in this rule. The analysis should include brief mention of the provisions repealed and the rationale for their repeal.

b. In the fourth paragraph of the analysis, it appears that the last word should be "provider."

c. In s. DWD 56.02 (10) (a), the terms "kinship care parent" and "treatment foster parent" are used without definition. Those terms are not defined in current ch. DWD 56, nor in the two relevant definitions provisions in ch. 49, Stats. [ss. 49.001 and 49.11, Stats.] The term "kinship care relative" is defined in s. 48.57 (3m) (a). Perhaps that term could be used and reference could be included to that statutory provision. There does not appear to be a statutory or rule definition of "treatment foster parent."

d. Section DWD 56.02 (10) (b) uses the term "nonmarital co-parent" without definition. Reference could be included to the statutory definition of that term in s. 49.141 (1) (i), Stats. Also, the term "co-parent" is hyphenated in par. (b), but not in par. (d) of s. DWD 56.02 (10). Since the term is not hyphenated in the statute, it should not be hyphenated in the rule.

e. In s. DWD 56.02 (17), for consistency with the statutory definition of "parent" in s. 49.155 (1) (c), the word "custodial" should be inserted prior to the first occurrence of "parent" on line 2. Also, should a kinship care parent be included in the definition of "parent" in this rule? Note that a kinship care parent is included in the definition of "family" in sub. (10) (a).

f. In s. DWD 56.02 (24), the note should conclude with quotation marks.

g. In s. DWD 56.04 (3) (b) 1., the phrase "orientation" should be inserted after the word "training" on line 2.

h. The last sentence of s. DWD 56.04 (4) (a) states that a child care administrative agency *shall* offer vouchers to each parent approved for child care funding. This unequivocal statement appears to conflict with the language in s. DWD 56.04 (4) (b) 1. a., which states that a child care administrative agency shall offer a voucher to each eligible parent *to the extent that*

funds are available. These two statements appear to be inconsistent and should be reviewed and reconciled.

i. In s. DWD 56.04 (4) (e), should the word "or" be inserted after the word "services" on line 2? As currently written, this sentence does not make sense. Also, the word "tribe" should be replaced by the word "tribal."

j. The first line of s. DWD 56.05 (1) replaces the phrase "county and tribal agency" with the phrase "child care administrative agency." However, on line 3, the phrase "county or tribal agency" is retained. Should that phrase be replaced by "child care administrative agency," which is defined in s. DWD 56.02 (3) as a county agency, a tribal agency or any other agency which has a contract with the department to administer child care funds? Alternatively, is it the department's intent that only a county or a tribal child care administrative agency, but not another agency which contracts with the department to administer child care funds, be permitted to subcontract for administration of child care funds with the approval of the department?

k. In SEC. 17, s. DWD 56.05 (5) is repealed. That provision required a county to establish a waiting list for parents who could not be accommodated by available low-income child care funds under s. 49.132, 1995 Stats. Is it the department's intent that waiting lists will no longer be kept under the W-2 child care program whose funds are administered under s. 49.155 (1g)?

l. In SECS. 24 and 26 respectively, s. DWD 56.08 (2) (a) and (c) are repealed. With the repeal, the only remaining language in sub. (2) is in par. (b), which states that "this subsection" applies to all parents who receive child care financial assistance under s. 49.175 (1) (o), Stats. Since there is no other remaining language in sub. (2), the meaning of this provision is unclear. Is the intent that the parent copayment responsibilities delineated in sub. (1) and the adjustments to the copayment schedules set forth in sub. (3) are to be applicable to all parents who receive child care financial assistance under s. 49.175 (1) (o), Stats.? If so, the language currently in sub. (2) (b) would more logically come at the beginning of s. DWD 56.08, so it is clear to which families the copayment language applies.

State of Wisconsin Department of Workforce Development

ADMINISTRATION OF DAY CARE FUNDS

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 56.02(1), (8), (11), and (13) to (16), 56.03(4), 56.04(1)(a) to (i), (2), (3)(b)3. and 4. and (d), 56.05(2) and (5), 56.07, and 56.08(2)(a) and (c); to amend DWD 56.01, 56.02(3), (4), (9), (10), and (17), 56.03(3)(title) and (3), 56.04(1)(intro.), (3)(a)(intro.), 1. and 2. and (3)(b)1., 56.04(4)(a) and (b)1.(intro.) and a., and (7)(title), 56.05(1), 56.06(1)(a)1. and (2)(c), 56.08(1)(a) and (c), (2)(b) and (3)(a)5.; to repeal and recreate DWD 56.04(4)(e) and Table DWD 56.08(1)(c); and to create DWD 56.02(23) and (24), 56.04(7)(c), 56.08(1)(d), relating to the administration of day care funds.

Analysis

Authority for rule. sec. 49.155(1g), Stats.

#1 - This provision doesn't mention rules. It speaks of distribution of cc funds. Should be a provision with prom of rules - is nothing else. ch 227. prev

Statute interpreted. sec. 49.155(1g), Stats.

This proposed rule amends and updates the administrative rules relating to the administration of funds distributed by the Department of Workforce Development to child care administrative agencies, which include county agencies, tribal agencies and any other agencies which have contracts with DWD for the administration of child care funds.

Such as...
Numerous changes are made to reflect the statutory changes affecting child care programs. Cross references to discontinued programs such as AFDC and JOBS are removed and correct references to the current statutes and programs such as W-2 are added.

The term "family" is currently defined as "one or more adults and children, related by blood or law and residing in the same household. Where adults other than spouses reside together, each is considered a separate family, except for a nonmarital parent." The proposed rule changes the definition of "family" to mean the following persons living in a household: a custodial parent, kinship care parent, foster parent, treatment foster parent, legal custodian or person acting in the place of parent; a spouse or nonmarital co-parent; all minor children for whom the custodial parent or the spouse has legal responsibility or legal custody or provides care and maintenance; and any minor children of a nonmarital coparent.

Under the current rule, child care administrative agencies are directed to recoup overpayments to child care providers, but the rule does not authorize any program sanctions to assist in the recovery of overpayments. The proposed rule specifically allows a child care administrative agency, after first giving notice, to stop new child care authorizations for or payments to a provider until the provider has corrected a violation of certification or licensing requirements. In the case of the recovery of overpayments, the child care agency is allowed, again after first giving

notice, to offset the amount of the overpayment to be recovered against any amount owed to the provided.

The table of child care copayments in the rule is updated to reflect the most recent revisions which were announced in the Administrative Register of August 31, 1998.

A number of changes were not made to the rule as of 8/31/98. These changes were not made because of the time constraints of the rulemaking process.

SECTION 1. DWD 56.01 is amended to read:

DWD 56.01 This chapter is promulgated under the authority of ss. ~~49.132 (2)(b), (2r) (d),~~ *41*
~~(4) (d) and (e) 2. and (5) (e) and 227.11 (2),~~ *addition of*
s. 49.155(1g), Stats., to provide definitions, *to section 1.*
 procedures and standards for the administration of child care funds, ~~including the distribution to~~
~~county agencies of low income child care funds under s. 49.132 (4) (a), Stats., the use of those~~
~~funds by county or tribal agencies or JOBS administrative agencies and the eligibility of parents~~
~~for low income child care for their children.~~ This chapter applies to the department, county and
 tribal agencies, ~~JOBS administrative~~ Wisconsin works agencies, private agencies under contract to
 administer child care funds, both licensed and certified providers of child care and eligible parents.

SECTION 2. DWD 56.02(1), (8), (11) and (13) to (16) are repealed.

SECTION 3. DWD 56.02(3), (4), (9), (10) and (17) are amended to read:

DWD 56.02(3) "Child care administrative agency" means a county agency, a tribal
 agency, ~~JOBS administrative agency, food stamp employment and training program administrative~~
 agency or any other agency ~~having~~ which has a contract with the department to administer child
 care funds.

(4) "Child care funds" means funding allocated by the state to child care administrative
 agencies for child care purposes under s. ~~49.132 (3), 49.191, 49.193, 49.26 or 49.27 s.~~
49.155(1g), Stats.

(9) "Employability plan" means a plan approved by a ~~JOBS administrative~~ Wisconsin works agency or a food stamp employment and training program with an identified employment goal, a description of activities to be completed by the participant and a description of supportive services to be provided to the participant.

(10) "Family" means ~~one or more adults and children, related by blood or law and residing in the same household. Where adults other than spouses reside together, each is considered a separate family, except for a nonmarital parent~~ any of the following persons living in a household:

(a) A custodial parent, a kinship care parent, a foster parent, a treatment foster parent, a legal custodian, or a person acting in the place of a parent.

(b) A spouse or a nonmarital co-parent.

(c) Minor children for whom the custodial parent or the spouse has legal responsibility or legal custody, or for whom the custodial parent or spouse provides care and maintenance.

(d) Minor children of a nonmarital coparent.

(17) "Parent" has the meaning ~~prescribed given in s. 49.132(1)(e) 49.155(1)(c), Stats.,~~ namely, a ^{custodial} parent, guardian, foster parent, treatment foster parent, legal custodian or person acting in place of a parent. ~~In this subsection, "person acting in place of a parent" means a person to whom the child is related in one of the ways listed in s. HSS 201.17(1) and who has the child under his or her care as provided in s. HSS 201.17(2).~~

SECTION 4. DWD 56.02(23) and (24) are created to read:

DWD 56.02(23) "Wisconsin works" or "W-2" has the meaning given in s. 49.141(1)(p),

Stats.

NOTE: Sec. 49.141(1)(p), Stats., provides: "Wisconsin works" means the assistance program for families with dependent children, administered under ss. 49.141 to 49.161."

Handwritten notes:
- 1/6?
- 1/5?
refer to stat 49.141 (1)(i)
coparent - direct
what abt kinship? same parent? see TT (a)
5

(24) "Wisconsin works agency" or "W-2 agency" has the meaning given in s. DWD 12.03(38).

NOTE: Sec. DWD 12.03(38), Wis. Adm. Code, provides: "Wisconsin works agency" or "W-2 agency" means a person, county agency, tribal governing body, or a private agency contracted under s. 49.143, Stats., by the department to administer the Wisconsin works program under ss. 49.141 to 49.161, Stats., and this chapter. If no contract is awarded under s. 49.143, Stats., "Wisconsin works agency" means the department.

SECTION 5. DWD 56.03(3)(title) is amended to read:

DWD 56.03(3) ASSISTANCE TO COUNTIES, TRIBES AND JOBS

~~ADMINISTRATIVE W-2 AGENCIES.~~

SECTION 6. DWD 56.03(3) is amended to read:

DWD 56.03(3) The department shall provide information and technical assistance to county and tribal agencies and ~~JOBS administrative~~ W-2 agencies regarding administration of the child care funding program.

SECTION 7. DWD 56.03(4) is repealed. *funds distributed*

SECTION 8. DWD 56.04(1)(intro.) is amended to read:

DWD 56.04(1)(intro.) This section applies to ~~all of the following~~ child care funding sources under s. 49.175(1)(o), Stats. and the child care administrative agencies responsible for administration of those funds: *pub asst. & local asst fund. - cr. Act 27*
direct cc svcs.

SECTION 9. DWD 56.04(1)(a) to (i) and (2) are repealed. *W-2 funds are provided*

SECTION 10. DWD 56.04(3)(a)(intro.), 1. and 2. and (3)(b)1. are amended to read:

DWD 56.04(3)(a)(intro.) A child care administrative agency may pay for child care services ~~from~~ provided by any of the following child care providers:

1. Providers licensed by the department of health and family services under ch. HSS 45 or

2. Providers certified by a county or tribal agency under standards specified in s. HFS 55.61 or 55.62 DWD 55.08 or 55.09.

(b)1. The care is an arrangement for parents in training, orientation or counseling programs and the child care is provided at the training or counseling site.

SECTION 11. DWD 56.04(3)(b)3. and 4. and (3)(d) are repealed.

SECTION 12. DWD 56.04(4)(a) and (4)(b)1(intro.) and a. are amended to read:

DWD 56.04(4)(a) A child care administrative agency shall provide child care services directly, provide child care services by contracting with child care providers, or provide vouchers to parents for the purchase of child care services ~~or, in accordance with par. (e), reimburse parents upon presentation of a receipt from the provider or make payments to parents.~~ The child care administrative agency shall offer vouchers to each parent approved for child care funding.

Handwritten notes:
X HFS
orientation
SECTION 11
SECTION 12
X
DWS...
every applic...
parent...
approved

(b) 1. A child care administrative agency shall ~~use a portion of its child care funds and may use all of its child care funds to~~ provide vouchers to eligible parents, as follows:

a. A child care administrative agency shall offer a voucher to each eligible parent to the extent that ~~allocated~~ funds are available.

SECTION 13. DWD 56.04(4)(e) is repealed and recreated to read:

DWD 56.04(4)(e) The department may reimburse a county, tribe or W-2 agency for direct child care services ^{or ?} child care costs incurred on-site or for contracted child care approved in advance by the department. Reimbursement rates for contracts shall be negotiated by the county, tribe or W-2 agency and approved by the department.

Handwritten notes:
vs.
This seems...
need...
consider...

SECTION 14. DWD 56.04(7)(title) is amended to read:

DWD 56.04(7)(title) RECOUPMENT AND SANCTIONS.

SECTION 15. DWD 56.04(7)(c) is created to read:

Handwritten notes:
?
X

DWD 56.04(7)(c) When a child care administrative agency has given notice to a provider that the provider is in violation of licensing or certification rules, and the provider has not corrected the violation, the child care administrative agency may take one or more of the following steps:

1. The child care administrative agency may stop issuing new authorizations for child care to the provider.
2. The child care administrative agency may stop making payments to the provider until the provider has corrected the violation.
3. If the provider has not repaid an overpayment, the child care administrative agency may recover the overpayment by making an offset from current or future funds under its control that are payable to the provider.

SECTION 16. DWD 56.05(1) is amended to read:

DWD 56.05(1) Each ~~county and tribal~~ child care administrative agency shall administer child care funds specified in s. DWD 56.04 (1) in accordance with the requirements set forth in this section. A county or tribal agency may subcontract for administration of child care funds with the approval of the department.

SECTION 17. DWD 56.05(2) and (5) are repealed.

SECTION 18. DWD 56.06(1)(a)1. and (2)(c) are amended to read:

DWD 56.06(1)(a)1. Except as provided in subd. 2., a ~~county or tribal~~ child care administrative agency shall annually set child care rates in accordance with the policies and procedures set out in this section unless the department sets maximum rates for a multicounty area which includes the particular county or tribal area.

DWD 56.08(3)(a)5. A change in economic factors affecting the cost of child care to the state, such as an increase in the demand for child care financial assistance under s. ~~49.141(2)(b)~~ 49.175(1)(o), Stats.

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.

(End)

Table DWD 56.08(1)(c) - Child Care Co-Payment Schedule for Licensed and Certified Care

Look down the column of the appropriate family size until you find the gross family monthly income level at or just less than the family income. Look to the right to find the appropriate co-payment by family and type of care.

FAMILY SIZE	Gross Monthly Family Income										WEEKLY LICENSED CARE CO-PAY AMOUNT					WEEKLY CERTIFIED CARE CO-PAY AMOUNT							
											CHILDREN IN SUBSIDIZED CARE:					CHILDREN IN SUBSIDIZED CARE:							
	2	3	4	5	6	7	8	9	10	or more	1	2	3	4	5	6	or more	1	2	3	4	5	6
70% FPL	\$633	\$796	\$960	\$1,123	\$1,286	\$1,450	\$1,613	\$1,776	\$1,940	\$2,103	\$2,266	\$2,429	\$2,592	\$2,755	\$2,918	\$3,081	\$3	\$6	\$10	\$13	\$16	\$18	\$20
75% FPL	\$678	\$853	\$1,028	\$1,203	\$1,378	\$1,553	\$1,728	\$1,903	\$2,078	\$2,253	\$2,428	\$2,603	\$2,778	\$2,953	\$3,128	\$3,303	\$4	\$7	\$11	\$15	\$18	\$21	\$24
80% FPL	\$723	\$910	\$1,097	\$1,283	\$1,470	\$1,657	\$1,843	\$2,030	\$2,217	\$2,403	\$2,590	\$2,777	\$2,964	\$3,151	\$3,338	\$3,525	\$6	\$9	\$13	\$17	\$20	\$23	\$26
85% FPL	\$769	\$967	\$1,165	\$1,364	\$1,562	\$1,760	\$1,959	\$2,157	\$2,355	\$2,553	\$2,751	\$2,949	\$3,147	\$3,345	\$3,543	\$3,741	\$7	\$11	\$15	\$18	\$22	\$25	\$28
90% FPL	\$814	\$1,024	\$1,234	\$1,444	\$1,654	\$1,864	\$2,074	\$2,284	\$2,494	\$2,704	\$2,914	\$3,124	\$3,334	\$3,544	\$3,754	\$3,964	\$9	\$14	\$18	\$22	\$25	\$28	\$31
95% FPL	\$859	\$1,081	\$1,302	\$1,524	\$1,746	\$1,967	\$2,189	\$2,411	\$2,632	\$2,854	\$3,076	\$3,298	\$3,520	\$3,742	\$3,964	\$4,186	\$11	\$17	\$22	\$28	\$31	\$33	\$35
100% FPL	\$904	\$1,138	\$1,371	\$1,604	\$1,838	\$2,071	\$2,304	\$2,538	\$2,771	\$3,004	\$3,237	\$3,470	\$3,703	\$3,936	\$4,169	\$4,402	\$13	\$18	\$24	\$30	\$33	\$35	\$37
105% FPL	\$949	\$1,194	\$1,439	\$1,684	\$1,929	\$2,174	\$2,419	\$2,664	\$2,909	\$3,154	\$3,399	\$3,644	\$3,889	\$4,134	\$4,379	\$4,624	\$15	\$20	\$26	\$31	\$33	\$35	\$37
110% FPL	\$995	\$1,251	\$1,508	\$1,765	\$2,021	\$2,278	\$2,535	\$2,791	\$3,048	\$3,305	\$3,562	\$3,819	\$4,076	\$4,333	\$4,590	\$4,847	\$17	\$22	\$28	\$33	\$35	\$37	\$39
115% FPL	\$1,040	\$1,308	\$1,576	\$1,845	\$2,113	\$2,381	\$2,650	\$2,918	\$3,186	\$3,454	\$3,722	\$3,990	\$4,258	\$4,526	\$4,794	\$5,062	\$18	\$24	\$30	\$35	\$37	\$39	\$41
120% FPL	\$1,085	\$1,365	\$1,645	\$1,925	\$2,205	\$2,485	\$2,765	\$3,045	\$3,325	\$3,605	\$3,885	\$4,165	\$4,445	\$4,725	\$5,005	\$5,285	\$20	\$26	\$31	\$37	\$39	\$41	\$42
125% FPL	\$1,130	\$1,422	\$1,714	\$2,005	\$2,297	\$2,589	\$2,880	\$3,172	\$3,464	\$3,756	\$4,048	\$4,340	\$4,632	\$4,924	\$5,216	\$5,508	\$22	\$28	\$33	\$39	\$41	\$42	\$44
130% FPL	\$1,175	\$1,479	\$1,782	\$2,085	\$2,389	\$2,692	\$2,995	\$3,299	\$3,602	\$3,905	\$4,208	\$4,511	\$4,814	\$5,117	\$5,420	\$5,723	\$24	\$30	\$37	\$43	\$45	\$48	\$50
135% FPL	\$1,221	\$1,536	\$1,851	\$2,166	\$2,481	\$2,796	\$3,111	\$3,426	\$3,741	\$4,056	\$4,371	\$4,686	\$5,001	\$5,316	\$5,631	\$5,946	\$26	\$33	\$41	\$48	\$50	\$55	\$57
140% FPL	\$1,266	\$1,593	\$1,919	\$2,246	\$2,573	\$2,899	\$3,226	\$3,553	\$3,879	\$4,206	\$4,533	\$4,860	\$5,187	\$5,514	\$5,841	\$6,168	\$28	\$35	\$42	\$50	\$52	\$57	\$59
145% FPL	\$1,311	\$1,649	\$1,988	\$2,326	\$2,664	\$3,003	\$3,341	\$3,679	\$4,018	\$4,356	\$4,694	\$5,032	\$5,370	\$5,708	\$6,046	\$6,384	\$30	\$37	\$44	\$52	\$54	\$59	\$61
150% FPL	\$1,356	\$1,706	\$2,056	\$2,406	\$2,756	\$3,106	\$3,456	\$3,806	\$4,156	\$4,506	\$4,856	\$5,206	\$5,556	\$5,906	\$6,256	\$6,606	\$31	\$39	\$46	\$54	\$56	\$61	\$63
155% FPL	\$1,401	\$1,763	\$2,125	\$2,486	\$2,848	\$3,210	\$3,571	\$3,933	\$4,295	\$4,656	\$5,017	\$5,378	\$5,739	\$6,100	\$6,461	\$6,822	\$33	\$41	\$48	\$55	\$57	\$63	\$65
160% FPL	\$1,447	\$1,820	\$2,193	\$2,567	\$2,940	\$3,313	\$3,687	\$4,060	\$4,433	\$4,806	\$5,179	\$5,552	\$5,925	\$6,298	\$6,671	\$7,044	\$35	\$42	\$50	\$57	\$59	\$65	\$66
165% FPL	\$1,492	\$1,877	\$2,262	\$2,647	\$3,032	\$3,417	\$3,802	\$4,187	\$4,572	\$4,957	\$5,342	\$5,727	\$6,112	\$6,497	\$6,882	\$7,267	\$36	\$44	\$52	\$59	\$61	\$66	\$68
170% FPL	\$1,537	\$1,934	\$2,330	\$2,727	\$3,124	\$3,520	\$3,917	\$4,314	\$4,710	\$5,107	\$5,504	\$5,901	\$6,298	\$6,695	\$7,092	\$7,489	\$37	\$46	\$54	\$61	\$63	\$68	\$70
175% FPL	\$1,582	\$1,991	\$2,399	\$2,807	\$3,216	\$3,624	\$4,032	\$4,441	\$4,849	\$5,257	\$5,665	\$6,073	\$6,481	\$6,889	\$7,297	\$7,705	\$38	\$48	\$55	\$63	\$65	\$70	\$72
180% FPL	\$1,628	\$2,048	\$2,468	\$2,888	\$3,308	\$3,728	\$4,148	\$4,568	\$4,988	\$5,408	\$5,828	\$6,248	\$6,668	\$7,088	\$7,508	\$7,928	\$39	\$50	\$57	\$65	\$66	\$72	\$74
185% FPL	\$1,673	\$2,104	\$2,536	\$2,968	\$3,399	\$3,831	\$4,263	\$4,694	\$5,126	\$5,557	\$5,988	\$6,419	\$6,850	\$7,281	\$7,712	\$8,143	\$40	\$52	\$59	\$66	\$68	\$74	\$76
190% FPL	\$1,718	\$2,161	\$2,605	\$3,048	\$3,491	\$3,935	\$4,378	\$4,821	\$5,265	\$5,708	\$6,151	\$6,594	\$7,037	\$7,480	\$7,923	\$8,366	\$42	\$54	\$61	\$68	\$70	\$76	\$78
195% FPL	\$1,763	\$2,218	\$2,673	\$3,128	\$3,583	\$4,038	\$4,493	\$4,948	\$5,403	\$5,858	\$6,313	\$6,768	\$7,223	\$7,678	\$8,133	\$8,588	\$43	\$55	\$63	\$70	\$72	\$78	\$80
200% FPL	\$1,808	\$2,275	\$2,742	\$3,208	\$3,675	\$4,142	\$4,608	\$5,075	\$5,542	\$6,009	\$6,476	\$6,943	\$7,410	\$7,877	\$8,344	\$8,811	\$44	\$57	\$65	\$72	\$74	\$80	\$82

NOTE: The copayment rate for the following categories of parents is found by selecting the lowest income line (70% FPL) and then finding the copayment listed, under either licensed care or certified care, for the appropriate number of children: foster parents, kinship care parents, and minor teen parents who are not Learnfare participants.

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

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July 15, 1999

JUL 16 REC'D

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: 98-205

Rule number: DWD 56

Relating to: Administration of Day Care Funds

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules and a rule report for referral to the appropriate legislative standing committees. The report consists of a summary of the public hearing comments and the agency response, Legislative Council Rules Clearinghouse Report and the agency response, a fiscal estimate, and a regulatory flexibility analysis.

If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

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

Linda Stewart, Ph.D.
Secretary



State of Wisconsin
Department of Workforce Development

Rules in Final Draft Form

Rule No.: DWD 56

Relating to: Administration of Day Care Funds

State of Wisconsin

Department of Workforce Development

ADMINISTRATION OF DAY CARE FUNDS

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 56.02(1), (8), (11), (15), and (16), 56.03(4), 56.04(1)(a) to (i), (2), (3)(b)3. and 4. and (3)(d), 56.05(2), 56.07, and 56.08(2); to amend DWD 56.01, 56.02(3), (4), (9), (10), and (17), 56.03(3)(title) and (3), 56.04(1)(intro.), (3)(a)(intro.), 1. and 2. and (3)(b)1., 56.04(4)(a) and (b)1.(intro.) and a., and (7)(title), 56.05(1) and (5)(a) and (d), 56.06(1)(a)1. and (2)(c), 56.08(1)(a) and (c), (2)(b) and (3)(a)5.; to repeal and recreate DWD 56.02 (13) and (14), 56.04(4)(e) and Table DWD 56.08(1)(c); and to create DWD 56.02(20m), (23) and (24), 56.04(7)(c), 56.08(1)(d), relating to the administration of day care funds.

Analysis

Authority for rule. sec. 227.11(2)(a), Stats.

Statute interpreted. sec. 49.155(1g), Stats.

This proposed rule amends and updates the administrative rules relating to the administration of funds distributed by the Department of Workforce Development to child care administrative agencies, which include county agencies, tribal agencies and any other agencies which have contracts for the administration of child care funds.

The rule sets policies for the W-2 child care subsidy fund including rate-setting, payment methods, parental choice, eligibility redetermination, and recoupment. Cross references to discontinued programs such as AFDC and JOBS are removed and correct references to the current statutes and programs such as W-2 are added. The rule changes will bring the rule in compliance with the sunseting of the Low Income Child Care funding source and make minor adjustments in policies to come into compliance with new statutes.

The term "family" has been redefined to have the same meaning as "Wisconsin works group," as provided 49.141(1)(s), Stats. With this change, an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent, any nonmarital coparent or spouse of the individual who resides in the same household, and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent will be in the same child care assistance group for purposes of income eligibility and copayment responsibility.

Under the current rule, child care administrative agencies are directed to recoup overpayments to child care providers, but the rule does not authorize any program sanctions to assist in the recovery of overpayments. The proposed rule specifically allows a child care administrative agency, after first giving notice, to stop new child care authorizations for or payments to a provider until the provider has corrected a violation of certification or licensing requirements. In the case of the recovery of overpayments, the child care agency is allowed, again after first

giving notice, to offset the amount of the overpayment to be recovered against any amount owed to the provider.

The table of child care copayments in the rule is updated to reflect the most recent revisions which were announced in the Administrative Register of May 1, 1999.

SECTION 1. DWD 56.01 is amended to read:

DWD 56.01 This chapter is promulgated under the authority of ~~ss. 49.132 (2)(b), (2r) (d), (4) (d) and (e) 2. and (5) (e) and 227.11 (2),~~ s. 49.155(1g), Stats., to provide definitions, procedures and standards for the administration of child care funds, ~~including the distribution to county agencies of low income child care funds under s. 49.132 (4) (a), Stats., the use of those funds by county or tribal agencies or JOBS administrative agencies and the eligibility of parents for low income child care for their children.~~ This chapter applies to the department, county and tribal agencies, ~~JOBS administrative~~ Wisconsin works agencies, private agencies under contract to administer child care funds, both licensed and certified providers of child care and eligible parents.

SECTION 2. DWD 56.02(1), (8), (11), (15) and (16) are repealed.

SECTION 3. DWD 56.02(3), (4), (9), and (10) are amended to read:

DWD 56.02(3) "Child care administrative agency" means a county agency, a tribal agency, ~~JOBS administrative agency, food stamp employment and training program administrative agency~~ or any other agency having which has a contract with the department to administer child care funds.

(4) "Child care funds" means funding allocated by the state to child care administrative agencies for child care purposes under ~~s. 49.132 (3), 49.191, 49.193, 49.26 or 49.27 s.~~ 49.155(1g), Stats.

(9) “Employability plan” means a plan approved by a ~~JOBS administrative~~ Wisconsin works agency or a food stamp employment and training program with an identified employment goal, a description of activities to be completed by the participant and a description of supportive services to be provided to the participant.

(10) “Family” ~~means one or more adults and children, related by blood or law and residing in the same household. Where adults other than spouses reside together, each is considered a separate family, except for a nonmarital parent~~ has the same meaning as “Wisconsin works group” as given in s. 48.141(1)(s), Stats.

NOTE: Sec. 48.141(1)(s), Stats., provides: “‘Wisconsin works group’ means an individual who is a custodial parent, all dependent children with respect to whom the individual is a custodial parent and all dependent children with respect to whom the individual’s dependent child is a custodial parent. ‘Wisconsin works group’ includes any nonmarital coparent or any spouse of the individual who resides in the same household as the individual and any dependent children with respect to whom the spouse or nonmarital coparent is a custodial parent. ‘Wisconsin works group’ does not include any person who is receiving benefits under s. 49.027(3)(b).”

SECTION 4. DWD 56.02(13) and (14) are repealed and recreated to read:

(15m) “Kinship care relative” has the meaning given in s. 48.57 (3m) (a), Stats.

NOTE: Sec. 48.57 (3m) (a), Stats., provides: “‘Kinship care relative’ means a stepparent, brother, sister, stepbrother, stepsister, first cousin, nephew, niece, aunt, uncle or any person of a preceding generation as denoted by the prefix of grand, great or great-great, whether by consanguinity, direct affinity or legal adoption, or the spouse of any person named in this paragraph, even if the marriage is terminated by death or divorce.”

DWD(16m) “Nonmarital coparent” has the meaning given in s. 49.141 (1) (i), Stats.

NOTE: Sec. 49.141 (1) (i), Stats., provides “‘Nonmarital coparent’ means, with respect to an individual and a dependent child, a parent who is not married to the individual, resides with the dependent child and is either an adjudicated parent or a parent who has signed and filed with the state registrar under s. 69.15(3)(b)3. a statement acknowledging paternity.”

SECTION 5. DWD 56.02(17) is amended to read:

(17) “Parent” has the meaning ~~prescribed~~ given in s. 49.132(1)(e) 49.155(1)(c), Stats., ~~namely, a parent, guardian, foster parent, treatment foster parent, legal custodian or person acting~~

~~in place of a parent. In this subsection, “person acting in place of a parent” means a person to whom the child is related in one of the ways listed in s. HSS 201.17 (1) and who has the child under his or her care as provided in s. HSS 201.17 (2).~~

Note: Sec. 49.155(1)(c), Stats., provides: “Notwithstanding s. 49.141 (1)(j), ‘parent’ means a custodial parent, foster parent, treatment foster parent, legal custodian or person acting in place of a parent.”

SECTION 6. DWD 56.02(20m) is created to read:

DWD 56.02(20m) “Treatment foster parent” means a person required to be licensed under s. 48.62(1)(b), Stats.

NOTE: Sec. 48.62(1)(b), Stats., provides: “Any person who receives, with or without transfer of legal custody, 4 or fewer children into a home to provide care and maintenance and structured, professional treatment for those children shall obtain a license to operate a treatment foster home from the department, a county department or a licensed child welfare agency as provided in s. 48.75.”

SECTION 7. DWD 56.02(23) and (24) are created to read:

DWD 56.02(23) “Wisconsin works” or “W-2” has the meaning given in s. 49.141(1)(p), Stats.

NOTE: Sec. 49.141(1)(p), Stats., provides: “‘Wisconsin works’ means the assistance program for families with dependent children, administered under ss. 49.141 to 49.161.”

(24) “Wisconsin works agency” or “W-2 agency” has the meaning given in s. DWD 12.03(38).

NOTE: Sec. DWD 12.03(38), Wis. Adm. Code, provides: “‘Wisconsin works agency’ or ‘W-2 agency’ means a person, county agency, tribal governing body, or a private agency contracted under s. 49.143, Stats., by the department to administer the Wisconsin works program under ss. 49.141 to 49.161, Stats., and this chapter. If no contract is awarded under s. 49.143, Stats., ‘Wisconsin works agency’ means the department.”

SECTION 8. DWD 56.03(3)(title) is amended to read:

DWD 56.03(3) ASSISTANCE TO COUNTIES, TRIBES AND JOBS

~~ADMINISTRATIVE~~ W-2 AGENCIES.

SECTION 9. DWD 56.03(3) is amended to read:

DWD 56.03(3) The department shall provide information and technical assistance to county ~~and~~ tribal agencies and ~~JOBS administrative~~ W-2 agencies regarding administration of the child care funding program.

SECTION 10. DWD 56.03(4) is repealed.

SECTION 11. DWD 56.04(1)(intro.) is amended to read:

DWD 56.04(1)(intro.) This section applies to ~~all of the following~~ child care funding sources under s. 49.175(1)(o), Stats., and the child care administrative agencies responsible for administration of those funds.

SECTION 12. DWD 56.04(1)(a) to (i) and (2) are repealed.

SECTION 13. DWD 56.04(3)(a)(intro.), 1. and 2. and (b)1. are amended to read:

DWD 56.04(3)(a)(intro.) A child care administrative agency may pay for child care services ~~from~~ provided by any of the following child care providers:

1. Providers licensed by the department of health and family services under ch. HSS 45 or 55.

2. Providers certified by a county or tribal agency under standards specified in s. ~~HFS 55.61 or 55.62~~ DWD 55.08 or 55.09.

(b)1. The care is an arrangement for parents in training, orientation or counseling programs and the child care is provided at the training, orientation or counseling site.

SECTION 14. DWD 56.04(3)(b)3. and 4. and (3) (d) are repealed.

SECTION 15. DWD 56.04(4)(a) and (b)1.(intro.) and a. are amended to read:

DWD 56.04(4)(a) A child care administrative agency shall provide child care services directly, provide child care services by contracting with child care providers, or provide vouchers

to parents for the purchase of child care services ~~or, in accordance with par. (e), reimburse parents upon presentation of a receipt from the provider or make payments to parents. The child care administrative agency shall offer vouchers to each parent approved for child care funding.~~

(b) 1. A child care administrative agency shall ~~use a portion of its child care funds and may use all of its child care funds to~~ provide vouchers to eligible parents, as follows:

a. A child care administrative agency shall offer a voucher to each eligible parent to the extent that ~~allocated~~ funds are available.

SECTION 16. DWD 56.04(4)(e) is repealed and recreated to read:

DWD 56.04(4)(e) The department may reimburse a county, tribal or W-2 agency for direct child care services or child care costs incurred on-site or for contracted child care approved in advance by the department. Reimbursement rates for contracts shall be negotiated by the county, tribe or W-2 agency and approved by the department.

SECTION 17. DWD 56.04(7)(title) is amended to read:

DWD 56.04(7)(title) RECOUPMENT AND SANCTIONS.

SECTION 18. DWD 56.04(7)(c) and (d) are created to read:

DWD 56.04(7)(c) If a child care administrative agency has given notice to a provider that the provider is in violation of licensing or certification rules and the provider has not corrected the violation or if the provider submits false attendance reports, the child care administrative agency may take one or more of the following steps:

1. The child care administrative agency may stop issuing new authorizations for child care to the provider.
2. The child care administrative agency may stop making payments to the provider until the provider has corrected the violation.

3. If the provider has not repaid an overpayment, the child care administrative agency may recover the overpayment by making an offset from current or future funds under its control that are payable to the provider.

(d) When a child care administrative agency stops authorizations or payments to a provider under par. (c), the child care administrative agency shall provide written notice to the parent as soon as possible before the effective date of the sanction.

SECTION 19. DWD 56.05(1) is amended to read:

DWD 56.05(1) Each ~~county and tribal~~ child care administrative agency shall administer child care funds specified in s. DWD 56.04 (1) in accordance with the requirements set forth in this section. A ~~county or tribal~~ child care administrative agency may subcontract for administration of child care funds with the approval of the department.

SECTION 20. DWD 56.05(2) is repealed.

SECTION 21. DWD 56.05(5)(a) and (d) are amended to read:

DWD 56.05(5) WAITING LIST. (a) If funding is not sufficient to meet the needs of all parents eligible for child care assistance under s. ~~49.132(4)~~, 49.155, Stats., a county shall establish a waiting list for parents who cannot be accommodated by available funding. The waiting list shall include a parent's name, address and phone number, priority status, the date of the parent's application, and the number and ages of children needing child care.

(d) The county shall submit information to the department upon request on the number of parents on the waiting list and the number and ages of the children on the waiting list, ~~by category of eligibility under s. DWD 56.07.~~

SECTION 22. DWD 56.06(1)(a)1. and (2)(c) are amended to read:

DWD 56.06(1)(a)1. Except as provided in subd. 2., a ~~county or tribal~~ child care administrative agency shall annually set child care rates in accordance with the policies and procedures set out in this section unless the department sets maximum rates for a multicounty area which includes the particular county or tribal area.

(2)(c) To the extent permitted by federal statutes and regulations, maximum rates for certified family day care shall comply with s. ~~49.132(4)(dg) and (dm)~~ 49.155(6)(b) and (c), Stats.

SECTION 23. DWD 56.07 is repealed.

SECTION 24. DWD 56.08(1) (intro), (a) and (c) are amended to read:

DWD 56.08 (1) SCHEDULE. The department shall set a schedule for parent copayment responsibilities ~~which meet the following criteria:~~ for all parents who receive child care financial assistance under s. 49.175 (1) (c), Stats. The schedule will meet the following criteria:

DWD 56.08(1)(a) All families will have a copayment responsibility, unless prohibited by state or federal law.

NOTE: Sec. 49.26(1)(e), Stats., prohibits copayment responsibility for minor teen parents who are Learnfare participants. 7 U.S.C. 2015 prohibits copayment responsibility for participants in the Food Stamp Employment and Training program.

DWD 56.08(1)(c) The ~~initial~~ copayment schedule is provided by Table DWD 56.08(1)(c).

NOTE: This copayment schedule is current as of (effective date of rule). DWD may make future adjustments to the schedule as described in sub. (3).

SECTION 25. Table DWD 56.08(1)(c) is repealed and created to read:

[insert Table DWD 56.08(1)(c) here]

SECTION 26. DWD 56.08(1)(d) is created to read:

DWD 56.08(1)(d) For a family that is authorized for child care for a foster care child only, a kinship care child only, or for minor teen parents who are not Learnfare participants, the department shall set the copayment amount at the lowest copayment tier in Table DWD 56.08(1)(c).

SECTION 27. DWD 56.08(2) is repealed.

SECTION 28. DWD 56.08(3)(a)5. is amended to read:

DWD 56.08(3)(a)5. A change in economic factors affecting the cost of child care to the state, such as an increase in the demand for child care financial assistance under s. ~~49.141(2)(b)~~ 49.175(1)(o), Stats.

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.

(End)

Child Care Co-Payment Schedule for Licensed and Certified Care

Look down the column of the appropriate family size until you find the gross family monthly income level at or just less than the family income. Look to the right to find the appropriate co-payment by family and type of care.

	Gross Monthly Family Income										WEEKLY LICENSED CARE CO-PAY AMOUNT					WEEKLY CERTIFIED CARE CO-PAY AMOUNT				
	FAMILY SIZE										CHILDREN IN SUBSIDIZED CARE:					CHILDREN IN SUBSIDIZED CARE:				
	2	3	4	5	6	7	8	9	10 or more	1	2	3	4	5 or more	1	2	3	4	5 or more	
70% FPL	\$645	\$810	\$974	\$1,139	\$1,303	\$1,468	\$1,632	\$1,797	\$1,961	\$5	\$9	\$14	\$18	\$23	\$3	\$6	\$10	\$13	\$16	
75% FPL	\$691	\$868	\$1,044	\$1,220	\$1,396	\$1,573	\$1,749	\$1,925	\$2,101	\$5	\$11	\$16	\$21	\$26	\$4	\$7	\$11	\$15	\$18	
80% FPL	\$737	\$925	\$1,113	\$1,301	\$1,489	\$1,677	\$1,865	\$2,053	\$2,241	\$8	\$13	\$18	\$24	\$29	\$6	\$9	\$13	\$17	\$20	
85% FPL	\$783	\$983	\$1,183	\$1,383	\$1,582	\$1,782	\$1,982	\$2,182	\$2,381	\$11	\$16	\$21	\$26	\$32	\$7	\$11	\$15	\$18	\$22	
90% FPL	\$830	\$1,041	\$1,253	\$1,464	\$1,676	\$1,887	\$2,099	\$2,310	\$2,522	\$13	\$20	\$26	\$33	\$39	\$9	\$14	\$18	\$23	\$28	
95% FPL	\$876	\$1,099	\$1,322	\$1,545	\$1,769	\$1,992	\$2,215	\$2,438	\$2,662	\$16	\$24	\$32	\$39	\$48	\$11	\$17	\$22	\$28	\$33	
100% FPL	\$922	\$1,157	\$1,392	\$1,627	\$1,862	\$2,097	\$2,332	\$2,567	\$2,802	\$18	\$26	\$34	\$42	\$50	\$13	\$18	\$24	\$30	\$35	
105% FPL	\$968	\$1,215	\$1,461	\$1,708	\$1,955	\$2,202	\$2,448	\$2,695	\$2,942	\$21	\$29	\$37	\$45	\$53	\$15	\$20	\$26	\$31	\$37	
110% FPL	\$1,014	\$1,272	\$1,531	\$1,789	\$2,048	\$2,306	\$2,565	\$2,823	\$3,082	\$24	\$32	\$39	\$48	\$55	\$17	\$22	\$28	\$33	\$39	
115% FPL	\$1,060	\$1,330	\$1,600	\$1,871	\$2,141	\$2,411	\$2,681	\$2,952	\$3,222	\$26	\$34	\$42	\$50	\$58	\$18	\$24	\$30	\$35	\$41	
120% FPL	\$1,106	\$1,388	\$1,670	\$1,952	\$2,234	\$2,516	\$2,798	\$3,080	\$3,362	\$29	\$37	\$45	\$53	\$61	\$20	\$26	\$31	\$37	\$42	
125% FPL	\$1,152	\$1,446	\$1,740	\$2,033	\$2,327	\$2,621	\$2,915	\$3,208	\$3,502	\$32	\$39	\$48	\$55	\$63	\$22	\$28	\$33	\$39	\$44	
130% FPL	\$1,198	\$1,504	\$1,809	\$2,115	\$2,420	\$2,726	\$3,031	\$3,337	\$3,642	\$34	\$44	\$53	\$62	\$71	\$24	\$30	\$37	\$43	\$50	
135% FPL	\$1,244	\$1,562	\$1,879	\$2,196	\$2,513	\$2,831	\$3,148	\$3,465	\$3,782	\$37	\$48	\$58	\$69	\$79	\$26	\$33	\$41	\$48	\$55	
140% FPL	\$1,290	\$1,619	\$1,948	\$2,277	\$2,606	\$2,935	\$3,264	\$3,593	\$3,922	\$39	\$50	\$61	\$71	\$82	\$28	\$35	\$42	\$50	\$57	
145% FPL	\$1,336	\$1,677	\$2,018	\$2,359	\$2,699	\$3,040	\$3,381	\$3,722	\$4,062	\$42	\$53	\$63	\$74	\$84	\$30	\$37	\$44	\$52	\$59	
150% FPL	\$1,383	\$1,735	\$2,088	\$2,440	\$2,793	\$3,145	\$3,498	\$3,850	\$4,203	\$45	\$55	\$66	\$76	\$87	\$31	\$39	\$46	\$54	\$61	
155% FPL	\$1,429	\$1,793	\$2,157	\$2,521	\$2,886	\$3,250	\$3,614	\$3,978	\$4,343	\$48	\$58	\$69	\$79	\$90	\$33	\$41	\$48	\$55	\$63	
160% FPL	\$1,475	\$1,851	\$2,227	\$2,603	\$2,979	\$3,355	\$3,731	\$4,107	\$4,483	\$50	\$61	\$71	\$82	\$92	\$35	\$42	\$50	\$57	\$65	
165% FPL	\$1,521	\$1,909	\$2,296	\$2,684	\$3,072	\$3,460	\$3,847	\$4,235	\$4,623	\$51	\$63	\$74	\$84	\$95	\$36	\$44	\$52	\$59	\$66	
170% FPL	\$1,567	\$1,966	\$2,366	\$2,765	\$3,165	\$3,564	\$3,964	\$4,363	\$4,763	\$53	\$66	\$76	\$87	\$98	\$37	\$46	\$54	\$61	\$68	
175% FPL	\$1,613	\$2,024	\$2,435	\$2,847	\$3,258	\$3,669	\$4,080	\$4,492	\$4,903	\$54	\$68	\$79	\$90	\$100	\$38	\$48	\$55	\$63	\$70	
180% FPL	\$1,659	\$2,082	\$2,505	\$2,928	\$3,351	\$3,774	\$4,197	\$4,620	\$5,043	\$56	\$70	\$82	\$92	\$103	\$39	\$50	\$57	\$65	\$72	
185% FPL	\$1,705	\$2,140	\$2,575	\$3,009	\$3,444	\$3,879	\$4,314	\$4,748	\$5,183	\$58	\$72	\$84	\$95	\$105	\$40	\$52	\$59	\$66	\$74	
190% FPL	\$1,751	\$2,198	\$2,644	\$3,091	\$3,537	\$3,984	\$4,430	\$4,877	\$5,323	\$59	\$74	\$87	\$98	\$108	\$42	\$54	\$61	\$68	\$76	
195% FPL	\$1,843	\$2,256	\$2,714	\$3,172	\$3,630	\$4,089	\$4,547	\$5,005	\$5,463	\$61	\$76	\$90	\$100	\$111	\$43	\$55	\$63	\$70	\$78	
200% FPL	\$1,843	\$2,313	\$2,783	\$3,253	\$3,723	\$4,193	\$4,663	\$5,133	\$5,603	\$63	\$78	\$92	\$103	\$113	\$44	\$57	\$65	\$72	\$79	

NOTE: The copayment rate for the following categories of parents is found by selecting the lowest income line (70%) FPL and then finding the copayment listed, under either licensed care or certified care, for the appropriate number of children: foster parents, kinship care parents, and minor teen parents who are not Learnfare participants.

Tommy G. Thompson
Governor

Linda Stewart
Secretary



State of Wisconsin

Department of Workforce Development

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Response to Legislative Council Clearinghouse Report

Clearinghouse Rule No.: 98-205
Rule No.: DWD 56
Relating To: Administration of Day Care Funds

Agency contact person for substantive questions.

Name: Dave Edie
Title: Director, DWD Office of Child Care
Telephone No. 266-6946

Legislative Council report recommendations accepted in whole.

Yes No

1. Review of statutory authority (s.227.15(2)(a))
 - a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

2. Review of rules for form, style and placement in administrative code (s.227.15(2)(c))
 - a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

3. Review rules for conflict with or duplication of existing rules (s.227.15(2)(d))
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
4. Review rules for adequate references to related statutes, rules and forms (s.227.15(2)(e))
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
5. Review language of rules for clarity, grammar, punctuation and plainness (s.227.15(2)(f))
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
6. Review rules for potential conflicts with, and comparability to, related federal regulations (s.227.15(2)(g))
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached
7. Review rules for permit action deadline (s.227.15(2)(h))
- a. Accepted
 - b. Accepted in part
 - c. Rejected
 - d. Comments attached

Comment:

5k. The waiting list provision was initially deleted because all applicants are being served under the W-2 child care program. The provision has been retained to accomodate future need for a waiting list.

Public Hearing Comment and Agency Response

Department of Workforce Development

Rule number: DWD 56
Related to: Administration of Day Care Funds

Hearing location: GEF 1, Room 400X, Madison
Hearing date: January 15, 1999

Comment in Sup. Opp.	For info.	Exh no.	Presenter, group represented, city	Comments/Recommendations	Agency Response
X		1	Carol Medaris Wisconsin Council on Children and Families Madison	<p>1. Definition of "family" is confusing and too loose.</p> <p>2. Insert "custodial" in parent definition as in statute</p> <p>3. Rule should authorize reimbursement of parents for child care as allowed in statute</p> <p>4. Rule should provide for payment for child care by person residing in the child's household when care necessary because of child's special health needs.</p> <p>5a. Foster parents and kinship care relatives should not have any copayment responsibility.</p> <p>b. Minor teen parents who are not Learnfare participants are not listed as having the lowest copayment as they should be. Rule should go further and not require any copayment.</p> <p>c. Rule does not specify that Learnfare teens and participants in the Food Stamp Employment and Training Program have no copayment responsibility.</p>	<p>1. Agree. Changed meaning to "Wisconsin works group" as defined in s. 49.141(1)(s), Stats.</p> <p>2. Agree</p> <p>3. Disagree. Statute allows, but does not require, reimbursement of parents. Department's automated system pays providers directly.</p> <p>4. Disagree. Statute clearly allows these payments so rule language is not necessary.</p> <p>5a. Disagree. Department policy is that all families will have a copayment responsibility. Foster parents and kinship care relatives copayment amount is at the lowest tier of the copayment table.</p> <p>b. Teen parents who are not Learnfare participants have been added to list of families having the lowest copayment.</p> <p>c. Agree. Note referring to statutes that prohibit copayments for Learnfare teens and FSET participants has been added to rule providing that all families have a copayment responsibility unless prohibited by state or federal law.</p>

Public Hearing Comment and Agency Response

Department of Workforce Development

Page 2 of 2

Rule number: DWD 56
Related to: Administration of Day Care Funds

Hearing location: GEF 1, Room 400X, Madison
Hearing date: January 15, 1999

Comment in Sup. Opp.	For info.	Exh no.	Presenter group represented	Comments/Recommendations	Agency Response
X		2	Patricia DeLessio Legal Action of Wisconsin, Inc. Milwaukee	6. Family definition confusing 7. Rule should allow for reimbursement of parents for child care payments. 8. Notice should be provided to parent or guardian when authorization or payments to provider are stopped for violation of certification rules 9. See 5 a, b, and c above on copayment responsibility	6. See 1 above 7. See 3 above 8. Agree. Notice provision has been incorporated. 9. See 5 a, b, and c above on copayment responsibility
	X		Pirkko Zweifel Community Coordinated Child Care		

FINAL REGULATORY FLEXIBILITY ANALYSIS

Department of Workforce Development

CLEARINGHOUSE RULE NO. : 98-205
RULE NO.: DWD 56
RELATING TO: Administration of Day Care Funds

Final regulatory flexibility analysis not required. (Statement of determination required.)

Certified day care operators will be affected by the rule change, but the rule will not have a significant economic impact because there is no material change from current procedures.

1. Reason for including or failing to include the following methods for reducing impact of the rule on small businesses: Less stringent compliance or reporting requirements; less stringent schedules or deadlines for compliance or reporting requirements; simplification of compliance or reporting requirements; establishment of performance standards to replace design or operational standards; exemption from any or all requirements.
2. Issues raised by small businesses during hearings, changes in proposed rules as a result of comments by small businesses and reasons for rejecting any alternatives suggested by small businesses.
3. Nature and estimated cost of preparation of any reports by small businesses.
4. Nature and estimated cost of other measures and investments required of small businesses.
5. Additional cost to agency of administering or enforcing a rule which includes any of the methods in 1. for reducing impact on small business.
6. Impact on public health, safety and welfare caused by including any of the methods in 1. for reducing impact on small businesses.

FISCAL ESTIMATE WORKSHEET

1997 Session

Detailed Estimate of Annual Fiscal Effect
DCA-2047 (R 07/97)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.
DWD 56

Amendment No.

Subject
Administration of day care funds

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)	(FTE)	(- FTE)
State Operations - Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
TOTAL State Costs by Category	\$0	\$ -0
B. State Costs by Source of Funds		
GPR	\$	\$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
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/ASD Howard Bernstein 266-9427

Authorized Signature/Telephone No.
Howard Bernstein 266-9427

Date
12/14/98

FISCAL ESTIMATE
DOA-2048 E (R 07/97)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No.

DWD 56

Amendment No. if Applicable

Subject

Administration of day care funds

Fiscal Effect

State: No State Fiscal Effect

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

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

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

Decrease Costs

Local: No local government costs

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Ch. 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

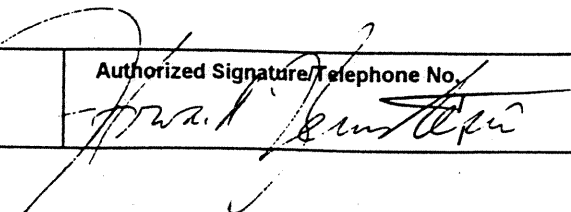
All costs to the Department and local governments for these program changes were included in the 1997-1999 biennial budget act, 1997 Wisconsin Act 27. There are no additional costs for state government or local governments as a result of the promulgation of these administrative rule changes.

Long-Range Fiscal Implications

None.

Agency/Prepared by: (Name & Phone No.)
DWD/ASD Howard Bernstein 266-9427

Authorized Signature/Telephone No.



Date

12/14/98