

CR 90-157

CERTIFICATE

STATE OF WISCONSIN)
)SS
DEPARTMENT OF HEALTH AND SOCIAL SERVICES)

I Patricia A. Goodrich, Secretary of the Department of Health and Social Services and custodian of the official records of the Department, do hereby certify that the annexed rules relating to start-up grants for before-school and after-school day care programs for children ages 4 to 11 were duly approved and adopted by this Department on November 12, 1990.

I further certify that this copy has been compared by me with the original on file in the Department and that this copy is a true copy of the original, and of the whole of the original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department at the State Office Building, 1 W. Wilson Street, in the city of Madison, this 12th day of November 1990.

SEAL:



Patricia A. Goodrich, Secretary
Department of Health and Social Services

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ORDER OF THE
DEPARTMENT OF HEALTH AND SOCIAL SERVICES
CREATING RULES

To create HSS 55.81, relating to start-up grants for before-school and after-school day care programs for children ages 4 to 11.

Analysis Prepared by the Department of Health and Social Services

The Legislature in 1989 Wisconsin Act 122 appropriated \$240,000 for the fiscal year beginning July 1, 1990 for start-up grants for before-school and after-school services for children 4 to 11 years of age who would otherwise be unsupervised. Section 46.03(7)(cm)2 a, Stats., as created by Act 122, requires that the grants be awarded according to administrative rules promulgated by the Department. This order creates rules for awarding those grants. The rules establish eligibility criteria for grants, application requirements, grant amount limits, and requirements for the use of grant funds.

The Department's authority to create these rules is found in s. 46.03(7)(cm)2a, Stats., as created by 1989 Wisconsin Act 122. The rules interpret s. 46.03(7)(cm)2, Stats., as created by 1989 Wisconsin Act 122.

SECTION 1. HSS 55.81 is created to read:

HSS 55.81 START-UP GRANTS FOR BEFORE-SCHOOL AND AFTER-SCHOOL SERVICES.

(1) **AUTHORITY AND PURPOSE.** This section is promulgated under the authority of s. 46.03(7)(cm)2 a, Stats., for the purpose of establishing conditions and procedures for the provision of start-up grants for before-school and after-school day care programs for children ages 4 to 11.

(2) **APPLICABILITY.** This section applies to school districts and private nonprofit organizations making application for start-up grants under this section.

(3) **EXCEPTION TO A RULE.** The department may make an exception to any nonstatutory condition or procedure for approving a start-up grant when it is shown to the department's satisfaction that granting the exception is beneficial to the health, safety and welfare of children.

(4) **DEFINITIONS.** In this section:

(a) "After-school academic or recreation programs" means day care programs established or contracted for to provide structured academic instruction or participation in structured recreational activities for children 4 to 11 years of age after school hours.

(b) "Before-school and after-school day care services" means care and supervision of children 4 to 11 years of age before school, after school, during school holidays or during school vacations.

(c) "Department" means the Wisconsin department of health and social services.

(d) "Division" means the department's division of community services.

(e) "Family day care" means the care and supervision of no more than 8 children for less than 24 hours in a place other than the child's own home.

(f) "In-home day care" means care in the child's own home by someone other than the child's parents on a routine planned basis for a period less than 24 hours.

(g) "Program administration" means the management, support and overhead costs of the nonprofit organization or school district that are allocated to the before-school and after-school day care services or after-school academic or recreation program funded by a start-up grant.

(h) "RFP" means a request for proposals, a document released by the department to solicit applications for start-up grants, and which defines who may apply for funding, application procedures, review criteria, and procedures for appealing rejection of an application.

(i) "Satellite system" means family day care providers, in-home day care providers or a combination of both which are centrally organized, coordinated, and administered.

(j) "Start-up grants" means money payments to an approved applicant to be used for development or expansion of before-school or after-school day care services. The grants are not loans.

(5) APPLICATION FOR START-UP GRANTS. (a) An applicant for a grant shall be:

1. A school district or private nonprofit organization for a grant to establish or expand before-school or after-school day care services or after-school recreation programs; or

2. A school district for a grant to establish or expand after-school academic programs.

(b) The department shall solicit applications for start-up grants by preparing an RFP, publishing legal notice of the availability of the RFP in the official state newspaper, and distributing copies of the RFP upon request. The department shall consult with the Wisconsin department of public instruction in developing the RFP.

(c) Application shall be made in accordance with the format specified in the RFP.

(d) A proposal submitted in response to the RFP shall describe a broad-based planning process involving schools, child care providers, parents and community organizations.

(e) The school district or private nonprofit organization making application shall:

1. Provide information on the level of existing services and the unmet demand for the specific service to be provided in the area proposed in the plan; and

2. Submit written assurance to the department that the service to be provided will meet the requirements for licensing of day care centers for children under ch. HSS 45 or ss. HSS 55.01 to 55.37 [ch. HSS 46] or for day camps for children under ss. HSS 55.40 to 55.44 [ch. HSS 47], as appropriate, if the service is required by law to be licensed.

Note: Prospective applicants may obtain the RFP by writing or phoning the Bureau of Children, Youth and Families, Division of Community Services, P.O. Box 7851, Madison, Wisconsin 53707, 608-266-3036.

(6) AMOUNT OF START-UP GRANTS. (a) A grant for a single program site may not exceed \$10,000.

(b) A grant to a single school district or nonprofit program operating programs at 3 or more sites may not exceed \$30,000.

(7) USE OF START-UP GRANTS. (a) A program or service shall be provided on the premises of a public or private school attended by some or all of the children who participate in the program or service, unless the applicant demonstrates that there is no space available in the school for the service or program and the school provides transportation to the alternative site. A school may provide transportation through an agreement with the start-up grant recipient.

(b) The amount of a grant may not exceed 80% of the cost of establishing the service or program, including in-kind contributions. The applicant shall agree to provide 20% in matching funds or in-kind contributions.

(c) No more than 7% of the grant may be used for program administration.

(d) Notwithstanding par. (a), a grant may be used to establish a satellite system of day care programs to provide before-school and after-school day care services.

(e) Grants may be used to:

1. Finance a specific purchase or budget item related to operating costs, including but not limited to:

a. Structural changes to meet licensing or certification codes;

b. Necessary equipment to begin or improve operation; and

c. The salary of a staff person or persons for a period not to exceed 12 months; or

2. Finance a percentage of the total operating budget for a 12-month period or less.

(8) START-UP GRANTS FOR SATELLITE SYSTEMS OF DAY CARE. (a) An application from a school district or private nonprofit organization proposing to develop a satellite system of family day care shall demonstrate the extent to which the system will meet before-school and after-school day care needs.

(b) The satellite system shall have centralized administration which shall include:

1. Recruitment, evaluation and training of the providers which will be part of the system;

2. Ongoing training to upgrade the system itself and the quality of the care given;

3. A person who coordinates and supervises the day care providers in the system and gives or makes available consultation to them on a planned, ongoing basis;

4. An evaluation and approval of each child served and a central file of pertinent data on each child and family; and

5. Centralized bookkeeping.

(c) The applicant shall provide a plan for transporting children between the school and the satellite day care sites.

(9) AWARD OF GRANTS. (a) The department shall appoint a panel of reviewers to review and rate proposals and recommend awards based on conditions and criteria set out in this section. The panel shall include a representative from the department of public instruction.

(b) The department shall make awards based on the following criteria:

1. Documentation of unmet demand for services;

2. Demonstrated ability of applicant to effectively administer the grant award;

3. Documentation by the applicant of continued support for the services or program after the start-up period; and

4. Any other criterion specified in the RFP.

(c) The department shall notify in writing all applicants for grants of award decisions. Notification shall be made within 60 days after receipt of a complete application for a grant.

(d) Grant awards shall be contingent upon the signing by both parties of an agreement drawn up by the department. Grant awards may be made in a lump sum payment or a series of agreed upon payments over time.

(10) TIME LIMIT. No subsidy from a start-up grant may extend beyond a 12-month period from the effective date of a signed agreement.

The rules contained in this order shall take effect on the first day of the month following their publication in the Wisconsin Administrative Register as provided in s.227.22(2), Stats.

Wisconsin Department of Health and
Social Services

Dated: November 12, 1990

By: Patricia A. Goodrich
Patricia A. Goodrich
Secretary

Seal:

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