

## Chapter DCF 204

### GRANTS SUPPORTING COMMUNITY CHILD CARE INITIATIVES

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**Note:** Chapter DWD 59 was renumbered to chapter DCF 204 under s. 13.92 (4) (b) 1., Stats., Register November 2008 No. 635.

**DCF 204.01 Authority and purpose.** This chapter is promulgated under the authority of s. 49.137 (4m), Stats., to administer a program that awards grants to local governments and tribes to improve the supply, accessibility, and quality of child care.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02.

**DCF 204.02 Definitions.** In this chapter:

(1) “Application” means a request for funding under this chapter made in response to an RFP.

(2) “Child care” means licensed care under s. 48.65, Stats., certified care under s. 48.651, Stats., care provided under s. 49.155 (3m) (c), Stats., or care provided under s. 120.13 (14), Stats.

**Note:** Section 49.155 (3m) (c), Stats., was repealed.

(3) “Department” means the department of children and families.

(4) “Federal fiscal year” means October 1 of one year to September 30 of the following year.

(5) “Federal medical assistance percentage” has the meaning given in 42 USC 1396d(b).

**Note:** The federal medical assistance percentage for each state in a given federal fiscal year is determined by the federal Department of Health and Human Services and published in the *Federal Register*.

(6) “Local government” means a public sub–state jurisdiction that is located in Wisconsin and has governing and taxing authority, including counties, municipalities, public school districts, and technical college districts.

(7) “Locally–generated revenues” includes local taxes and does not include state or federal aids or shared revenue.

(8) “Low–income” means a household income at or below the maximum level established in the Wisconsin state plan for temporary assistance to needy families under 42 USC 602.

(9) “RFP” or “request for proposals” means a paper or electronically published and distributed document announcing the availability of funds, the requirements for obtaining and using the funds, and necessary procedures to be considered for funding under this chapter.

(10) “Tribe” means any federally–recognized American Indian nation that is located in Wisconsin.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; correction in (3) made under s. 13.92 (4) (b) 6., Stats., Register November 2008 No. 635.

**DCF 204.03 Department powers and duties.** (1) The department may grant federal funds available under 42 USC 618 to local governments and tribes that comply with 42 USC 618, 42 USC 9858–9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(2) The department shall publish a request for proposals for community child care initiatives.

(3) The department shall reject, or modify to bring into compliance, applications in which all or part of the local government or tribe’s match expenditure or commitment fails to meet the

requirements of 42 USC 618, 42 USC 9858–9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(4) The department shall reject, or modify to bring into compliance, applications in which all or part of the local government or tribe’s plan on use of the grant funds fails to meet the requirements of 42 USC 618, 42 USC 9858–9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP.

(5) The department shall establish and periodically update a formula that allocates a percentage of available funds for residents of each county of the state based equally on the county’s:

(a) Percentage of the state’s low–income children as estimated by the United States census bureau.

(b) Percentage of the state’s births for the most recent 3–year period for which resident birth data by county is published by the department of health services.

(6) The department shall award and manage grants to maintain compliance with 42 USC 618, 42 USC 9858–9858q, 45 CFR Parts 98 and 99; this chapter; and the RFP, including the following:

(a) Awarding grants pursuant to s. DCF 204.07.

(b) Monitoring compliance with match and spending requirements.

(c) Adjusting grant amounts as needed.

(7) The department may reallocate underspent or unawarded funds as permitted by 42 USC 618, 42 USC 9858–9858q, 45 CFR Parts 98 and 99, and in a manner consistent with this chapter and the RFP.

(8) The department may require other measures to ensure compliance with 42 USC 618, 42 USC 9858–9858q, and 45 CFR Parts 98 and 99, as interpreted by the federal department of health and human services; state child care policy; and to maximize federal dollars received by the state.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; CR 06–095: am. (6) (a) Register November 2006 No. 611, eff. 12–1–06; corrections in (5) (b) and (6) (a) made under s. 13.92 (4) (b) 6. and 7., Stats., Register November 2008 No. 635.

**DCF 204.04 Applicants.** (1) INITIAL GRANTS. Any local government or tribe that is located in Wisconsin may submit an application for an initial grant under s. DCF 204.07.

(2) CONTINUING GRANTS. Any recipient of an initial grant may apply for a continuing grant under s. DCF 204.07 if a continuing grant RFP is offered.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; CR 06–095: am. (1), r. and recr. (2), Register November 2006 No. 611, eff. 12–1–06; corrections made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

**DCF 204.05 Match requirement.** A local government or tribe that applies for funds under this chapter shall certify that matching expenditures represent expenditures eligible for federal match as required under 42 USC 9858–9858q, 45 CFR Parts 98 and 99, this chapter, and the RFP. The department shall determine the minimum match expenditure to be either the federal medical assistance percentage for Wisconsin for the federal fiscal year in which the match expenditure occurs or a higher percentage rate needed to meet the state’s match requirements under 45 CFR 98.53 and 45 CFR 98.63 as affected by ss. 20.437 (2) (cm) and (md) and 49.175 (1) (qm), Stats. The department may round this

percentage of required match to the nearest higher percentage that will allow the match amount to be expressed in whole dollars. A match expenditure shall comply with the following criteria:

(1) A match expenditure shall be from locally-generated revenues or federal revenues specifically authorized by federal law to be used as match to federal funds.

**Note:** 42 USC 5305(a)(9) provides that funds from the federal Community Development Block Grant under 42 USC 5301 to 5321 may be used as match.

(2) A match expenditure under this chapter may not be used as match to any other state or federal funds, except that the local share of public school costs specified under the state's school aid formula shall not be considered as match to other state funds.

(3) A match expenditure shall be made during the required matching period provided in 45 CFR 98.60(d)(3) and identified in the RFP.

(4) A match expenditure shall be made for qualifying child care services and programs, including programs with the following purposes:

(a) Providing low-income working families with financial resources to find and access quality child care for their children.

(b) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(c) Providing parents with a broad range of options in addressing their child care needs.

(d) Improving the quality of and coordination among child care programs and early childhood development programs.

(e) Increasing the availability of early childhood development care services and before- and after-school care services.

(f) Educating consumers about child care.

(g) Improving the health and safety aspects of child care, including regulation of child care.

(h) Providing crisis respite child care to children in protective services cases or in need of protective services.

(i) Other items permitted under 42 USC 9858–9858q.

(5) Expenditures for public pre-kindergarten programs or pre-school programs operated by public school districts may not exceed 20% of the total match expenditure for each application.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; emerg. am. (intro.), eff. 10–7–03; CR 03–101: am. (intro.) Register March 2004 No. 579, eff. 4–1–04; CR 06–095: am. (intro.) and (4) (a), Register November 2006 No. 611, eff. 12–1–06; correction in (intro.) made under s. 13.92 (4) (b) 7., Stats., Register November 2008 No. 635.

**DCF 204.06 Use of grant funds. (1) ALLOWABLE USES.** A local government or tribe may use grant funds received under this chapter in any of the following ways:

(a) Enhancing the quality and increasing the supply of child care for all families, including those who receive no direct assistance under s. 49.155, Stats.

(b) Providing parents with a broad range of options in addressing their child care needs.

(c) Improving the quality of and coordination among child care programs and early childhood development programs.

(d) Increasing the availability of early childhood development care services and before- and after-school care services.

(e) Educating consumers about child care.

(f) Improving the health and safety aspects of child care, including regulation of child care.

(g) Providing crisis respite child care to children in protective services cases or in need of protective services.

(2) **NONALLOWABLE USES.** A local government or tribe may not use grant funds received under this chapter in any of the following ways:

(a) Purchase of real estate.

(b) Construction or major remodeling.

(c) Kindergarten to 12<sup>th</sup> grade public education or care services provided to students during the regular school day.

(d) Direct purchase or payment of child care services, unless the child is receiving or is in need of protective services, as determined by the county or tribal authority for child protective services.

(e) Public pre-kindergarten.

(f) Sectarian purposes or activities.

(3) **LIMIT ON ADMINISTRATIVE COSTS.** The department may limit the amount of grant funding that may be spent on administrative costs to a percentage no higher than 15%.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; CR 06–095: r. and recr. (3), Register November 2006 No. 611, eff. 12–1–06.

**DCF 204.07 Amount of grants. (1) INITIAL GRANT.** If initial grants are awarded, the amount of an initial grant shall be based on the following:

(a) The amount requested by the applicant.

(b) The amount of match identified by the applicant.

(c) The amount of funding allocated to the county or counties proposed for service by the applicant.

(d) The amount of funding requested by all applicants proposing to serve residents of the county or counties involved.

(e) The amount of funding available due to reallocation from other counties.

(f) No initial grant may be awarded if the amount of the grant would be less than \$500.

(2) **CONTINUING GRANTS.** (a) A continuing grant may be offered to a local government or tribe for up to 3 funding cycles after the initial grant was awarded.

(c) A local government or tribe may be eligible for a continuing grant if both of the following apply:

1. The local government or tribe is proposing to continue the same program that was funded by the initial grant.

2. The local government or tribe complied with all requirements associated with the initial grant.

(d) If the local government or tribe is eligible for a continuing grant and funding is available, the department may fund a request for a continuing grant:

1. Before initial grants are funded.

2. At a level up to 200% of the initial grant if match requirements are met.

(e) The amount of a continuing grant may be adjusted to reflect the following:

2. The applicant's record of completing previous match or spending agreements under this program.

3. Other aspects of the applicant's record of doing business with the department.

**History:** CR 02–010: cr. Register July 2002 No. 559, eff. 8–1–02; emerg. am. (1) (intro.) and (2) (d) 2., cr. (1) (f), r. (2) (b) and (e) 1., eff. 10–7–03; CR 03–101: am. (1) (intro.) and (2) (d) 2., cr. (1) (f), r. (2) (b) and (e) 1. Register March 2004 No. 579, eff. 4–1–04; CR 06–095: am. (1) (intro.), (2) (a) and (d) 2., Register November 2006 No. 611, eff. 12–1–06.