



WISCONSIN LEGISLATIVE COUNCIL RULES CLEARINGHOUSE

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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 02-007

AN ORDER to repeal DWD 55.04 (3) (f), 55.05 (4) and 55.08 (2) (h); to renumber DWD 55.05 (5) and 55.08 (1) (b) 1. and 2. and (8) (a) 4., 5. and 6.; to renumber and amend DWD 55.06; to amend DWD 55.01 (1) and (2), 55.02 (1) and (4m), 55.04 (3) (b), (5) (a), (7) (b) 2. c. and d. and (9) and 55.08 (1) (a) 3. and (b) 2. a., (2) (c) (intro.) and 3., (d), (e), (f), (g) and (k), (5) (i), Table (5) (i), (7) (b), (8) (a) 2., 3. and 5. and (12) (c) and (f) (intro.); to repeal and recreate DWD 55.05 (3); and to create DWD 55.02 (3m), 55.04 (6) (c) and (7) (b) 2. h. and 3. d., 55.06 (1) (d) to (h), (2) and (3), 55.08 (1) (b) 1. and 2., (2) (cm) (e) 1., 2. and 3. and (o), (4) (i) and (j), (7) (d) to (j), (8) (a) 4. and 8., (9) (d) and (e), (11) (c) and (d) and (12) (g), (h) and (i), relating to day care certification.

Submitted by **DEPARTMENT OF WORKFORCE DEVELOPMENT**

01-15-02 RECEIVED BY LEGISLATIVE COUNCIL.

02-11-02 REPORT SENT TO AGENCY.

RS:AS:tlu;ksm

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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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.]

2. Form, Style and Placement in Administrative Code

a. In s. DWD 55.04 (3) (b), the comma following "persons" in the first sentence should be underscored.

Also, the period at the end of the last sentence should not be underscored. This comment also applies to ss. DWD 55.05 (2) and 55.08 (5) (i), (7) (b) and (8) (a) 2. and 5.

b. In s. DWD 55.04 (5) (a), the period at the end of the last sentence should be stricken.

c. In s. DWD 55.04 (7) (b) 2. c., "~~for~~" should immediately follow "orientation."

d. In s. DWD 55.04 (7) (b) 2. d., the phrase "recertification, or a provider move to a new location" should follow the stricken-through material.

e. In s. DWD 55.04 (7) (b) 2. h., the word "a" should be inserted before the phrase "criminal history."

f. In s. DWD 55.05 (1), "employee" should be replaced with "employe employee." Also, "non-client" should be replaced with "nonclient" to reflect the rule's current text.

g. In s. DWD 55.05 (2), the phrase "is denied, revoked, or not renewed" should follow the word "information."

h. In SECTION 18, “, as renumbered, is” should be inserted in the treatment clause following “and.” Also, the order of SECTIONS 18 and 19 should be reversed.

i. In SECTION 23, the treatment clause should read “DWD 55.08 (1) (b) 1. is renumbered DWD 55.08 (1) (b) 2. a. and, as renumbered, is amended to read:” and the text of SECTION 27 should be placed in SECTION 23.

j. In s. DWD 55.08 (1) (b) 1., “regular” and “provisional” are placed in parentheses, but earlier in the chapter they are separated by commas. The drafter should use one style.

k. Section DWD 55.08 (1) (b) 2. must include introductory text for the subsequent subdivision paragraphs. Also, “(intro.)” should be inserted at the end of the citation.

l. In s. DWD 55.08 (2) (e) (intro.), “-” should be inserted after “children” in the last sentence.

m. In the table for s. DWD 55.08 (6), an asterisk should be inserted before the footnote to the first part of the table. Also in that footnote, the comma following “adopted” should be underscored. In the second part of the table, the headings need to be realigned.

n. In SECTION 42, the treatment clause should read: “DWD 55.08 (8) (a) 4., 5. and 6. are renumbered DWD (8) (a) 5., 6. and 7. and, as renumbered, DWD 55.08 (8) (a) 5. is amended to read:” and the text from SECTION 43 should be placed in SECTION 42.

4. Adequacy of References to Related Statutes, Rules and Forms

a. In s. DWD 55.05 (2), a period should be inserted after “5.”

b. In s. DWD 55.08 (7) (f), “par.” should be replaced with “paragraph.”

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

a. On the second page of the analysis, the word “for” in the second line should be replaced by the word “from.”

b. In s. DWD 55.02 (4m), “and” should be deleted.

c. In s. DWD 55.04 (6) (c), it would be helpful if a cross-reference or note were included to indicate where information about department-approved certification training could be obtained.

d. In s. DWD 55.04 (7) (b) 2. h., the phrase “separate from” is not clear in that it suggests that perhaps there must be a physical separation between persons cared for under separate licenses. Perhaps the text could be modified to indicate that the applicant holds a separate license or certification to care for children or adults.

e. In s. DWD 55.04 (9), "county" in the second sentence should be stricken or a reference to tribal agencies should be inserted.

f. Section DWD 55.05 (3) provides that certification may be denied, suspended, revoked or nonrenewed. Section DWD 55.06 (4) provides for an appeal process if a certification is denied, suspended, revoked, or nonrenewed. Presumably, the appeal process in s. DWD 55.06 (4) applies to the actions taken under s. DWD 55.05 (3). If so, s. DWD 55.06 (4) should clearly specify any provision in ch. DWD 55 to which it applies.

Scott McCallum
Governor

Jennifer Reinert
Secretary



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**State of Wisconsin
Department of Workforce Development**

February 28, 2002

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: 02-007

Rule number: DWD 55

Relating to: Day Care Certification

Dear Senator Risser and Representative Jensen:

I have enclosed proposed rules in final draft form and a rule report as required by s. 227.19(3), Stats., for referral to the appropriate legislative standing committees. If you have any questions regarding this matter, please do not hesitate to contact us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jennifer Reinert', written in a cursive style.

Jennifer Reinert
Secretary

Scott McCallum
Governor

Jennifer Reinert
Secretary



State of Wisconsin

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Department of Workforce Development

Rule Analysis for Legislative Review

**Proposed rules relating to day care certification
Chapter DWD 55
CR 02-007**

Need for rules

The proposed rules amend the certification requirements for child care providers who provide care and supervision of children whose care is subsidized under s. 49.155, Stats. The rules incorporate the requirement in 2001 Wisconsin Act 16 that all certified providers and their employees and volunteers receive training in the most current medically accepted methods of preventing sudden infant death syndrome if they will be providing care and supervision for children under one year of age.

Public hearing response

A public hearing was held in Madison on February 15, 2002. A summary of comments received and the department's response is attached.

Response to Legislative Council staff recommendations

The department accepted all comments except comment 5.f., regarding the appeal process if a certification is denied, suspended, revoked, or nonrenewed. The renumbered DWD 55.06(4) applies to any action taken under Chapter DWD 55. This has not been confusing to certifiers and the department does not want to raise questions by altering the language.

Final regulatory flexibility analysis

The proposed rule applies to certified day care providers who generally are small businesses. The department directly notified 4500 certified day care providers of the proposed rule changes and received comments from 15 providers. Many of their comments were in support of the proposed rules. The department generally responded to provider's concerns except where the safety of the children in care outweighed these concerns.

Department contacts

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State of Wisconsin
Department of Workforce Development
Division of Workforce Solutions

DWD 55
Day Care Certification

The Wisconsin Department of Workforce Development proposes an order to repeal DWD 55.04(3)(f), 55.05(4), and 55.08(2)(h); to renumber DWD 55.05(5), 55.08(1)(b)1., 55.08(1)(b)2., 55.08(8)(a)4., 55.08(8)(a)5., and 55.08(8)(a)6.; to renumber and amend DWD 55.06; to amend DWD 55.02(1), 55.02(4m), 55.04(3)(b), 55.04(5)(a), 55.04(7)(b)2.c., 55.04(7)(b)2.d., 55.04(9), 55.05(1), 55.05(2), 55.08(1)(a)3., 55.08(1)(b)2.a., 55.08(2)(c)(intro), 55.08(2)(c)2., 55.08(2)(c)3., 55.08(2)(d), 55.08(2)(e), 55.08(2)(f), 55.08(2)(g), 55.08(2)(k), 55.08(5)(i), Table 55.08(5)(i), 55.08(7)(b), 55.08(8)(a)2., 55.08(8)(a)3., 55.08(8)(a)5., 55.08(12)(c), and 55.08(12)(f)(intro); to repeal and recreate DWD 55.05(3); and to create 55.02(3m), 55.04(6)(c), 55.04(7)(b)2.h., 55.04(7)(b)3.d., 55.06(1)(d), 55.06(1)(e), 55.06(1)(f), 55.06(1)(g), 55.06(1)(h), 55.06(2), 55.06(3), 55.08(1)(b)1., 55.08(1)(b)2., 55.08(2)(cm), 55.08(2)(e)1., 55.08(1)(b)2., 55.08(2)(cm), 55.08(2)(e)1., 55.08(2)(e)2., 55.08(2)(e)3., 55.08(2)(o), 55.08(4)(i), 55.08(4)(j), 55.08(7)(d), 55.08(7)(e), 55.08(7)(f), 55.08(7)(g), 55.08(7)(h), 55.08(7)(i), 55.08(7)(j), 55.08(8)(a)4., 55.08(8)(a)8., 55.08(9)(d), 55.08(9)(e), 55.08(11)(c), 55.08(11)(d), 55.08(12)(g), 55.08(12)(h), and 55.08(12)(i), relating to day care certification.

Analysis Prepared by the Department of Workforce Development

Statutory authority: ss. 49.155(1d)(a), as amended by 2001 Wisconsin Act 16, and 227.11, Stats.

Statutes interpreted: ss. 49.155 and 48.651, Stats.

The proposed rules amend the certification requirements for child care providers who provide care and supervision of children whose care is subsidized under s. 49.155, Stats.

Training on SIDS prevention. The rules incorporate the requirement in 2001 Wisconsin Act 16 that all certified providers and their employees and volunteers receive training in the most current medically accepted methods of preventing sudden infant death syndrome if they will be providing care and supervision for children under one year of age. The provider, employee, or volunteer must receive this training before the provider is certified or the employment or volunteer work commences.

Certification process. The rules on the certification process are amended to require that the applicant's references not be related to the applicant. The county or tribal certification agency shall check references prior to granting the initial certification and may check references at certification renewal. The results of the TB test that is required prior to certification may be from a test given up to one year before the application date. The county or tribal agency will conduct an on-site inspection of the place where child care will be provided before certification or within 30 days following certification, recertification, or a provider's move to a new location. If the

applicant has a separate license or certification to care for children or adults, such as foster care or adult care, the county or tribal agency will request a statement from the appropriate regulating agency indicating that the regulating agency approves a child care business in the applicant's home. The request shall include a request for permission for the licensed or certified caregiver to release information necessary for criminal history record search for residents and clients in the applicant's home. The county or tribal certification agency shall provide information on child care and the certification system to applicants prior to initial certification. The information shall include materials on sudden infant death syndrome, child development, positive discipline, health and safety, and nutrition. The proposed rules also create a requirement that all new workers in a child care certification agency complete the department-approved training during the first 6 months of employment.

Certification denial, suspension, revocation, or refusal to renew. The proposed rules create additional reasons for which a county or tribal agency may deny, suspend, or revoke, or refuse to renew certification and discontinue payment, including the provider submits false attendance records to the child care subsidy administrative agency, the provider fails to cooperate with the certifying agency, the applicant's license or certificate to care for children or adults has been denied or revoked, the provider misrepresents or withholds information, or the provider denies the day care certification worker access to the premises to monitor compliance with the certification standards. The certifying agency shall require a provider to submit a new application for certification if the provider's previous certification was denied, revoked, or not renewed. The certifying agency may refuse to accept a new application for 2 years after the date of the denial, revocation, or refusal to renew the certification. A provider whose certification has been revoked twice for non-compliance with the certification standards shall be permanently barred from certification.

Level I training. The proposed rule specifies that the 15 hours of child care training that regular Level I certified providers receive shall include information on child growth and development, positive discipline, child abuse and neglect, interpersonal relationships, daily schedule, health and safety, sudden infant death syndrome, business practices, and nutrition.

Provider's home. The standards for the provider's home are amended to provide that firearms and ammunition shall be stored in separate, locked areas that are inaccessible to the children. Concrete and asphalt shall be prohibited under climbing equipment, swings, and slides. In-ground pools, on-ground pools with rigid sides, hot tubs, and large outdoor trampolines may not be used during hours of care and shall be inaccessible to children by use of a permanent barrier or other preventive measure. Wading pools may be used if the water is changed daily and the pool is disinfected daily. "Wading pool" is defined as a shallow pool, capable of being dumped to change water, and used primarily for small children. Pets that may pose any risk to the children shall be restricted from indoor and outdoor areas used for day care. The certifying agency may prohibit the use of a cellular phone as a primary phone. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care. If the child care is provided in a rental property, the provider shall obtain permission from his or her landlord to operate a child care business. The requirement that water be tested for lead when a public water supply is not available is repealed because it has been found to be unnecessary and is not required of licensed child care providers.

Child health care. The standards on child health care are amended to require that the provider change a child's diaper on an easily cleanable surface that is cleaned with soap and

water and a disinfectant solution after each use. The provider shall clean a child's superficial wound with soap and water only and protect it with a band-aid or bandage.

Supervision. The standards on supervision are amended to require that the provider's attendance records include the arrival and departure times for each child and that attendance records are stored at least 3 years.

Provider interaction with children. The standards on a provider's interaction with the children are amended to specify the following:

- Prohibited discipline that is frightening to a child includes binding or trying to restrict the child's movement or enclosing the child in a confined space such as a closet, basement, locked room, box, or similar cubicle.
- The provider shall provide positive guidance and redirection for the children and set clear limits for the children.
- The provider shall help each child develop self-control, self-esteem, and respect for the rights of others.
- The provider may not use time-out periods that exceed 5 minutes. For purposes of this paragraph, a "time-out" is an interruption of unacceptable behavior by the removal of the child from the situation.
- The provider may not punish a child for lapses in toilet training.
- The provider shall respond promptly to a crying infant or toddler's needs.
- The provider shall provide physical contact and attention to each infant and toddler throughout the day, including holding, rocking, talking to, singing to, and taking on walks inside and outside the home.
- The provider shall periodically change the position and location in the room of a non-walking child who is awake.

Children's activities. The standards on children's activities and equipment are amended to clarify that the requirement that each child engage in outdoor activities daily, weather permitting, includes infants and toddlers. The provider shall encourage each child to play with a variety of toys and equipment. Activities shall include opportunities for each child to be involved in a variety of activities during a week, including opportunities for play that enhance creativity, language development, use of large and small motor skills, and imagination. Activities shall also include reading to the children each day. There shall be opportunities for a non-walking child who can creep or crawl to move freely in a safe, clean, open, warm, and uncluttered area during each day.

Transporting children. The standards on transporting children are amended to require that a provider ensure that a written permission slip signed by a parent or guardian is on file and children are not left unattended in a vehicle.

Rest. The standards on rest are amended to require that each infant be placed to sleep on his or her back to reduce the risk of sudden infant death syndrome, unless otherwise directed by the child's physician. All sleeping arrangements for children under one year of age shall use firm mattresses and may not use soft bedding materials, such as comforters, pillows, fluffy blankets, or stuffed toys. A safe crib or playpen shall be available for each child under one year of age to use for napping.

Provider–parent communication. The standards on provider-parent communication are amended to require that the provider use information obtained on the department-provided “day care intake for child under 2 years” form, which collects essential information for infants and toddlers, to individualize the program of care for each child under 2 years of age. The provider shall inform a child’s parent of any disciplinary action taken or any injury to the child that occurred during day care hours. The provider shall also inform the parent in writing whether the premises are covered by a day care liability insurance policy.

Monitoring compliance. The provider shall permit a day care certification worker to conduct home inspections to monitor compliance with the certification standards.

SECTION 1. DWD 55.02 (1) is amended to read:

DWD 55.02(1) "Agency" has the same meaning as "county or tribal agency."

SECTION 2. DWD 55.02 (3m) is created to read:

DWD 55.02 (3m) "Complaint" means an alleged violation of s. DWD 55.08 or 55.09.

SECTION 3. DWD 55.02 (4) is amended to read:

DWD 55.02 (4) "County or tribal agency" means a county department of social services established under s. 46.215 or 46.22, Stats., ~~or~~ a county department of human services established under s. 46.23, Stats., ~~and includes~~ or a tribal agency.

SECTION 4. DWD 55.02 (4m) is created to read:

DWD 55.02 (4m) "Day care certification worker" means a person employed by a county, a governing body of a federally-recognized American Indian tribe, or an agency under contract with a county or tribe whose duties include determination of eligibility for day care certification.

SECTION 5. DWD 55.04 (3)(b) is amended to read:

DWD 55.04 (3)(b) *References.* The applicant shall submit with the application the names and addresses of at least two persons, not related to the applicant, who can attest to the applicant's good character and ability to care for children. The county or tribal agency shall require references of all applicants and shall contact references by phone or letter ~~before certifying an applicant~~ prior to granting initial certification.

SECTION 6. DWD 55.04 (3)(f) is repealed.

SECTION 7. DWD 55.04 (5) (a) and (b) are amended to read:

DWD 55.04 (5) (a) *Level I, ~~regular,~~ (regular) certification.* Level I, ~~regular,~~ (regular) certification may be issued only after the provider has demonstrated compliance with all certification standards including training. Level I, ~~regular,~~ (regular) certification shall be for a period of 2 years and shall be renewed upon application if the provider continues to comply with the certification standards under s. DWD 55.08 or 55.09. ~~A provider is not eligible to be issued Level I, regular, certification if the provider is related to all the children in the provider's care.~~

(b) *Level II, ~~or provisional,~~ (provisional) certification.* Level II, ~~or provisional,~~ (provisional) certification may be issued only after the provider has demonstrated compliance with all certification standards under s. DWD 55.08, except standards for training under s. DWD 55.08 (1) (b). Level II, ~~or~~

~~provisional~~, (provisional) certification shall be for a period of 2 years and shall be renewed upon application if the provider continues to comply with the certification standards, except standards for training under s. DWD 55.08 (1) (b).

SECTION 8. DWD 55.04 (6) (c) is created to read:

DWD 55.04 (6) (c) The county or tribal agency shall ensure that each new day care certification worker completes the department-approved certification training during the first 6 months of employment.

SECTION 9. DWD 55.04 (7)(b)2.c. is amended to read:

DWD 55.04 (7)(b)2.c. Provide ~~orientation for~~ information on child care and the certification system to applicants for prior to initial certification to explain how the certification system works. The information shall include materials on sudden infant death syndrome, child development, positive discipline, health and safety, and nutrition.

Note: Contact Wisconsin Child Care Information Center at 1-800-362-7353 for information on available materials.

SECTION 10. DWD 55.04 (7)(b)2.d. is amended to read:

DWD 55.04 (7)(b)2.d. Conduct an on-site inspection of the place where child care will be provided before certification or within 30 days following initial certification, ~~of the place where child care will be provided by a provider who has applied for certification or has been certified~~ recertification, or a provider's move to a new location.

SECTION 11. DWD 55.04 (7)(b)2.h. is created to read:

DWD 55.04 (7)(b)2.h. Request a statement from the appropriate regulating agency indicating that the regulating agency approves a child care business in the applicant's home if the applicant has a separate license or certification to care for children or adults, including foster care or adult care. The request shall include a request for permission for the licensed or certified caregiver to release information necessary for a criminal history record search for residents and clients in the applicant's home.

SECTION 12. DWD 55.04(7)(b)3.d. is created to read:

DWD 55.04(7)(b)3.d. Update provider references at certification renewal.

SECTION 13. DWD 55.04(9) is amended to read:

DWD 55.04(9) CERTIFICATION DECISION AFTER BACKGROUND REVIEW. The county or tribal agency shall conduct background reviews in accordance with s. 48.685, Stats. For guidance in resolving issues that arise in particular cases, the county or tribal agency shall follow ch. HFS 12, and the crimes table incorporated into ch. HFS 12, and shall apply the standards ~~which~~ that apply to licensed day care facilities.

SECTION 14. DWD 55.05 (1) is amended to read:

DWD 55.05 (1) The county or tribal agency shall follow the requirements for criminal history and child abuse record search that are contained in s. 48.685, Stats., and ch. HFS 12, and the crimes table incorporated into ch. HFS 12, and shall apply the standards ~~which~~ that apply to licensed day care facilities, except the county or tribal agency shall require any prospective or current ~~employe~~ employee, contractor under the control of the certified day care provider, or nonclient resident who has or is expected to have access to clients to submit the completed background information form to the county or tribal agency. In applying the provisions relating to rehabilitation decisions, all decisions and review procedures shall be made and conducted by the county or tribal agency.

SECTION 15. DWD 55.05 (2) is amended to read:

DWD 55.05 (2) Each county or tribal agency shall maintain its records concerning each person ~~who is denied a~~ whose certificate due to the review of background information is denied, ~~revoked, or not renewed for a reason specified in s. 48.685 (4m)(a) 1. to 5., Stats.~~ revoked, or not renewed for a reason specified in s. 48.685 (4m)(a) 1. to 5., Stats. The county or tribal agency shall report this information to the department's office of child care. The county or tribal agency shall immediately report the receipt of an application for rehabilitation review and the results of each rehabilitation review to the office of legal counsel of the department of health and family services.

SECTION 16. DWD 55.05 (3) is repealed and recreated to read:

DWD 55.05 (3) The county or tribal agency may deny, suspend, revoke, or refuse to renew certification and discontinue payment for care if the certified day care operator, day care program employee, provider, assistant to the provider, substitute provider, or person living in the family day care provider's home is the subject of a court finding that the person has abandoned his or her child; has inflicted emotional damage or sexual or physical abuse on a child; or has

neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care, or shelter so as to seriously endanger the physical health of a child.

SECTION 17. DWD 55.05 (4) is repealed.

SECTION 18. DWD 55.05 (5) is renumbered DWD 55.06 (1).

SECTION 19. DWD 55.06 is renumbered DWD 55.06 (4) and, as renumbered, is amended to read:

DWD 55.06 (4) ~~APPEAL.~~ If a county or tribal agency denies, suspends, revokes or refuses to renew a certification, the county or tribal agency shall notify the provider in writing and give reasons for the action. The action is reviewable pursuant to ch. 68, Stats., which provides for administrative review of the decisions of local agencies. Tribal agencies shall use an appeal process equivalent to the process in ch. 68, Stats.

SECTION 20. DWD 55.06 (1) (d), (e), (f), (g), (h) are created to read:

DWD 55.06 (1) (d) The provider submits false attendance records to the child care subsidy administrative agency.

DWD 55.06 (1) (e) The provider fails to cooperate with the certifying agency.

DWD 55.06 (1)(f) The applicant's license or certificate to care for children or adults has been denied or revoked.

DWD 55.06 (1)(g) The provider misrepresents or withholds information.

DWD 55.06 (1)(h) The provider denies the day care certification worker access to the premises to monitor compliance with the certification standards.

SECTION 21. DWD 55.06 (2) and (3) are created to read:

DWD 55.06 (2) The certifying agency shall require a provider to submit a new application for certification if the provider's previous certification was denied, revoked, or not renewed for a reason in s. DWD 55.05 or s. DWD 55.06 (1). The certifying agency may refuse to accept a new application for 2 years after the date of the denial, revocation, or refusal to renew the certification.

DWD 55.06 (3) A provider whose certification has been revoked twice for noncompliance with the certification standards in s. DWD 55.08 or 55.09 shall be permanently barred from certification.

SECTION 22. DWD 55.08 (1) (a)3. is amended to read:

DWD 55.08 (1) (a)3. A provider shall demonstrate that he or she is free from tuberculosis prior to certification. The agency may accept results of a test administered up to 12 months before the application date.

SECTION 23. DWD 55.08 (1) (b)1. is renumbered DWD 55.08(1)(b)2.a., and, as renumbered, is amended to read:

DWD 55.08 (1)(b)2.a. A Level I (regular) certified provider under s. DWD 55.04 (5) (a) shall have completed 15 hours of child care training approved by the county or tribal agency responsible for certification prior to Level I (regular) certification. The training shall include information on child growth and development, positive discipline, child abuse and neglect, interpersonal relationships, daily schedule, health and safety, sudden infant death syndrome, business practices, and nutrition.

SECTION 24. DWD 55.08 (1) (b)1. is created to read:

DWD 55.08 (1) (b)1. 'Level I (regular) and Level II (provisional).' All providers and all employees, substitutes, and volunteers of a provider who provide care and supervision for children under one year of age shall receive training in the most current medically accepted methods of preventing sudden infant death syndrome before the date on which the provider is certified or the employment or volunteer work commences.

SECTION 25. DWD 55.08 (1)(b)2. is renumbered DWD 55.08 (1)(b)2.b.

SECTION 26. DWD 55.08 (1)(b)2.(intro) is created to read:

DWD 55.08(1)(b)2. 'Level I (regular).' The following apply to Level I (regular) certified providers:

SECTION 27. DWD 55.08 (2) (c) (intro), 55.08 (2) (c) 2., and 55.08 (2) (c) 3. are amended to read:

DWD 55.08 (2) (c) The home shall be free of hazards and ~~the following~~ items that shall be kept inaccessible to the children include, but are not limited to, the following:

2. Cleaning supplies, poisons, and insecticides.
3. Guns, ammunition, knives, scissors, and sharp objects.

SECTION 28. DWD 55.08 (2) (cm) is created to read:

DWD 55.08 (2) (cm) Fire arms and ammunition materials shall be stored in separate, locked areas that are inaccessible to children.

SECTION 29. DWD 55.08 (2) (d) and 55.08 (2) (e)(intro) are amended to read:

DWD 55.08 (2) (d) Indoor and outdoor areas used for child care shall include sufficient space for play and for activities ~~which~~ that meet the developmental needs of the children in care.

DWD 55.08 (2) (e) Outdoor play areas shall be free of hazards and shall be fenced or the provider shall take special measures to ensure the safety of the children, including the following:

SECTION 30. DWD 55.08 (2) (e) 1., 55.08 (2) (e) 2., and 55.08 (2) (e) 3. are created to read:

DWD 55.08 (2) (e) 1. Concrete and asphalt shall be prohibited under climbing equipment, swings, and slides.

DWD 55.08 (2) (e) 2. In-ground pools, on-ground pools with rigid sides, hot tubs, and large outdoor trampolines may not be used during hours of care and shall be inaccessible to children by use of a permanent barrier or other preventive measure.

DWD 55.08 (2) (e) 3. Wading pools may be used if the water is changed daily and the pool is disinfected daily. In this subdivision, "wading pool" means a shallow pool, capable of being dumped to change water, and used primarily for small children.

SECTION 31. DWD 55.08 (2) (f) and (g) are amended to read:

DWD 55.08 (2) (f) Pets that are kept in the home shall be tolerant of children and vaccinated against rabies. Pets that may pose any risk to the children shall be restricted from indoor and outdoor areas used for day care.

DWD 55.08 (2) (g) The home shall have at least one telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the rescue squad, police, fire station, emergency medical care, and poison control center. The certifying agency may prohibit the use of a cellular phone as a primary phone. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care.

SECTION 32. DWD 55.08 (2) (h) is repealed.

SECTION 33. DWD 55.08 (2) (k) is amended to read:

DWD 55.08 (2) (k) When a public water supply is not available, the water shall be tested and found to be bacteriologically safe and to have safe nitrate ~~and lead~~ levels by a laboratory certified under 42 CFR 493 (CLIA) prior to or within 3 months of initial certification and at least every 2 years.

SECTION 34. DWD 55.08 (2) (o) is created to read:

DWD 55.08 (2) (o) If the child care is provided in a rental property, the provider shall obtain permission from his or her landlord to operate a child care business.

SECTION 35. DWD 55.08 (4) (i) and (j) are created to read:

DWD 55.08 (4) (i) The provider shall change a child's diaper on an easily cleanable surface that is cleaned with soap and water and a disinfectant solution after each use.

DWD 55.08 (4) (j) The provider shall clean a child's superficial wound with soap and water only and protect it with a band-aid or bandage.

SECTION 36. DWD 55.08 (5) (i) is amended to read:

DWD 55.08 (5) (i) The provider shall keep a written record of the daily hours of attendance of each child in care, including the arrival and departure time for each child. Attendance records shall be kept for at least 3 years.

SECTION 37. DWD Table 55.08 (6) is amended to read:

**Table 55.08 (6) MAXIMUM NUMBER OF CHILDREN IN CERTIFIED DAY CARE
A. WHEN ALL CHILDREN ARE 2 YEARS OF AGE OR OLDER**

Related Children Under 7 years of Age	Additional <u>Non-related</u> Children Under 7 years of age	Additional Children Ages 7 to <u>11 and older</u>	Maximum Number of Children*
0	3	Additional children	6
1	3	ages 7 through age	6
2	3	12 <u>(if special needs</u>	6
3	3	<u>up to 19)</u> may be cared for	6
4	2	as long as the maximum	6
5	1	total number of children	6
6	0	is not exceeded	6

*The maximum number does not include the provider's natural, adopted, or foster children 7 years of age and older.

B- WHEN CHILDREN UNDER THE AGE OF 2 YEARS ARE PRESENT

Number of Children Under 2 Years of Age	Maximum Number of Children*
0	6
1	6
2	6
3	5
4	4

*The maximum number does not include the provider's natural, adopted or foster children 7 years of age and older. **Note:** Under s. 48.65 (1), Stats., if a provider takes care of 4 or more children under the age of 7 who are not related to the provider, for compensation, the provider must obtain from the department a license to operate a day care center.

SECTION 38. DWD 55.08 (7) (b) is amended to read:

DWD 55.08 (7) (b) May not hit, spank, pinch, shake or inflict any other form of corporal punishment on the child, or use any discipline ~~which~~ that is frightening to the child, including binding or trying to restrict the child's movement or enclosing the child in a confined space such as a closet, basement, locked room, box, or similar cubicle.

SECTION 39. DWD 55.08 (7) (d) to (j) are created to read:

DWD 55.08 (7) (d) Shall provide positive guidance and redirection for the children and set clear limits for the children.

DWD 55.08 (7) (e) Shall help each child develop self-control, self-esteem, and respect for the rights of others.

DWD 55.08 (7) (f) May not use time-out periods that exceed 5 minutes. For purposes of this paragraph, a "time-out" is an interruption of unacceptable behavior by the removal of the child from the situation.

DWD 55.08 (7) (g) May not punish a child for lapses in toilet training.

DWD 55.08 (7) (h) Shall respond promptly to a crying infant or toddler's needs.

DWD 55.08 (7) (i) Shall provide physical contact and attention to each infant and toddler throughout the day, including holding, rocking, talking to, singing to, and taking on walks inside and outside the home.

DWD 55.08 (7) (j) Shall periodically change the position and location in the room of a non-walking child who is awake.

SECTION 40. DWD 55.08 (8)(a)2., and 3. are amended to read:

DWD 55.08 (8)(a)2. Both indoor and, weather permitting, outdoor activities for each child daily, including infants and toddlers.

DWD 55.08 (8)(a) 3. Opportunities and encouragement for each child to play with a variety of toys and equipment.

SECTION 41. DWD 55.08 (8)(a) 4., 5., and 6. are renumbered DWD 55.08(8)(a) 5., 6., and 7. respectively and as renumbered DWD 55.08 (8)(a) 5. is amended to read:

DWD 55.08 (8)(a) 5. Opportunities for each child to be involved in a variety of activities during a week, including opportunities for play that enhance creativity, language development, use of large and small motor skills, and imagination.

SECTION 42. DWD 55.08 (8)(a)4. is created to read:

DWD 55.08 (8)(a) 4. Reading to the children each day.

SECTION 43. DWD 55.08 (8)(a)8. is created to read:

DWD 55.08 (8)(a) 8. Opportunities for a non-walking child who can creep or crawl to move freely in a safe, clean, open, warm, and uncluttered area during each day.

SECTION 44. DWD 55.08 (9) (d) and (e) are created to read:

DWD 55.08 (9) (d) A written permission slip signed by a parent or guardian is on file.

DWD 55.08 (9) (e) Children are not left unattended in a vehicle.

SECTION 45. DWD 55.08 (11) (c) and (d) are created to read:

DWD 55.08 (11) (c) To reduce the risk of sudden infant death syndrome, each infant shall be placed to sleep on his or her back, unless otherwise directed by the child's physician. All sleeping arrangements for children under one year of age shall use firm mattresses and may not use soft bedding materials, such as comforters, pillows, fluffy blankets, or stuffed toys.

DWD 55.08 (11) (d) A safe crib or playpen shall be available for each child under one year of age to use for napping.

SECTION 46. DWD 55.08 (12) (c) and (f)(intro) are amended to read:

DWD 55.08 (12) (c) Developing written information ~~which~~ that specifies the charge for child care and the expected frequency of payment for the service.

DWD 55.08 (12) (f)(intro) Using an enrollment form ~~which~~ that includes:

SECTION 47. DWD 55.08 (12) (g), (h), and (i) are created to read:

DWD 55.08 (12) (g) Using information obtained on the department-provided “day care intake for child under 2 years” form, which collects essential information for infants and toddlers, to individualize the program of care for each child under 2 years of age.

DWD 55.08 (12) (h) Informing a child’s parent of any disciplinary action taken or any injury to the child that occurred during day care hours.

DWD 55.08 (12) (i) Informing the parent in writing whether the premises are covered by a day care liability insurance policy.

SECTION 48. DWD 55.08 (14) and (15) are created to read:

DWD 55.08 (14) MANDATORY CHILD ABUSE REPORTING. A provider who has reasonable cause to suspect that a child in his or her day care has been abused or neglected or that the child has been threatened with abuse or neglect and that abuse or neglect will occur shall immediately inform the county social or human services department, local law enforcement, or other organization designated in s. 48.981, Stats.

DWD 55.08 (15) MONITORING COMPLIANCE. The provider shall permit a day care certification worker to conduct home inspections to monitor compliance with the certification standards.

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.

Summary of Public Hearing
Proposed rules relating to Day Care Certification

Chapter DWD 55
CR 02-007

A public hearing was held in Madison on February 15, 2002.

Comments were received from:

- | | |
|---|---|
| 1. Tamera Kuchenbecker, Certified Day Care Provider
Winnebago County
Neenah | 10. Virene Cramer, Certified Day Care Provider
Marathon County
Wausau |
| 2. Grace Butler, Previously certified day care provider, revoked twice
Milwaukee County
Milwaukee | 11. Andrea Neuber, Certified Day Care Provider
Winnebago County
Menasha |
| 3. Kristy Schomisch, Certified Day Care Provider
Outagamie County
Appleton | 12. Amy Marohl, Certified Day Care Provider
La Crosse County
La Crosse |
| 4. Renae Wentworth, Certified Day Care Provider
Grant County
Boscobel | 13. Michelle Peterka, Certified and Licensed Day Care Provider
Marathon County
Birnawood |
| 5. Sandra Shorey, Certified Day Care Provider
Marathon County
Weston | 14. Carol Ahlers, Licensed Day Care Provider
Washington County
West Bend |
| 6. Elaine Bethel, Day Care Certifier
Outagamie County
Appleton | 15. Gladys Barber, Certified Day Care Provider
Eau Claire County
Eau Claire |
| 7. Wendy Hahn, Certified Day Care Provider
Dane County
Madison | 16. Jacqueline Purdy, Certified Day Care Provider
Milwaukee County
Milwaukee |
| 8. Teresa McMorris, Certified Day Care Provider
Racine County
Racine | 17. Stacey Love
Racine County
Racine |
| 9. Meghan Schubbe, Parent who has a child in a certified/licensed home.
Waukesha County
Waukesha | 18. Simone DeVore, UW-MSN, Dept. of Rehabilitation Psychology and Special Education
Dane County
Madison |

The following registered support for the proposed rules but did not comment:

1. Gina Minor, Certification Specialist, Community Coordinated Child Care
 Dane County
 Madison
2. Kerry Pavloski, Certification Specialist, Community Coordinated Child Care
 Dane County
 Madison
3. Julie Vickman, Childcare Specialist, Community Childcare Connections
 Oconto County
 Oconto
4. Joyce Stoegbauer, Child Care Coordinator, Oconto DHS
 Oconto County
 Oconto
5. Suzan Dybul, Day Care Certifier/Quality Assurance, Milwaukee County Department of Human Services
 Milwaukee County
 Milwaukee

The following registered against the rules but did not comment:

1. Keittl Kuchenbecker
 Winnebago County
 Neenah

Comments	Department response	Name of person commenting
Supports the proposed rules	The department agrees.	Kristy Schomisch Renae Wantworth Sandra Shorey Jacqueline Burdy
Opposes all proposed rules. Thinks that there should be rules for parents on child rearing.	The department disagrees. The department has a statutory obligation to regulate providers who care for children who receive subsidy payments.	Virene Cramer
Denials/revocations DWD 55.06(3): Opposes rule that would permanently bar a certified provider if the provider was denied/revoked twice due to non-compliance. This is a very severe punishment for providers who feel that they have been treated unjust.	The department disagrees. The current rules mandates certifying agencies to follow Chapter 68, Stats., for certification appeals. This chapter gives providers an adequate chance to be heard.	Grace Butler
Supports proposed denial rules DWD 55.06	The department agrees.	Tamara Kuchenbecker Andrea Neuber

Comments	Department response	Name of person commenting
SIDS prevention DWD 55.08(1)(b) 1. Supports the new rule	The department agrees.	Tamara Kuchenbecker Andrea Neuber
Training DWD 55.08(1)(b) 2a. Proposes child abuse awareness training	The department agrees. The new rule proposal requires child abuse and neglect to be covered in the 15-hour certification course.	Kristy Schomisch
Training requirement should include less "paper-work" related topics.	The department disagrees. The new rule proposal added many child care related requirements such as child growth and development, positive discipline, child abuse and neglect, interpersonal relationships, daily schedule, health and safety, SIDS and nutrition. Only "paper-work" related item proposed is business practices.	Tamara Kuchenbecker Andrea Neuber
Add training requirement on special needs	The department disagrees. The department supports existing training requirement as the minimum standard.	Simone DeVore
Home environment DWD 55.08 (2)(c) Should be stricter guidelines for cleanliness	The department agrees in part. Sanitation related rules were added for diapering and using wading pools.	Tamara Kuchenbecker Andrea Neuber
Supports proposed safety rules	The department agrees.	Tamara Kuchenbecker
Opposes prohibition on use of pools other than wading pools	The department disagrees. Pools are an unacceptable hazard for groups of young children. Risks include an accidental drowning, sanitation concerns, and injuries from slippery surfaces.	Tamara Kuchenbecker Andrea Neuber Wendy Hahn Gladys Barber Meghan Schubbe
Proposes that ponds and water structures to be added to the pool information	The department disagrees. Ponds and water structures are covered by general rule on outdoor hazards.	Elaine Bethel
Opposes the prohibition of use of trampolines	The department disagrees. Serious injuries can occur when using large trampolines.	Meghan Schubbe Tamara Kuchenbecker Andrea Neuber

Comments	Department response	Name of person commenting
<p>Time-outs DWD 55.08(7)(f): Opposes "time-out" definition. The proposed definition does not give the provider authority to remove a child who is out of control from the situation that is possibly harmful to others.</p>	<p>The department agrees. The department revised the language to allow time-outs that do not exceed 5 minutes..</p>	<p>Tamara Kuchenbecker Andrea Neuber Kristy Schomisch Amy Marohl Sandra Shorey Carol Ahlers Teresa McMorris</p>
<p>Activities and equipment DWD 55.08(8)(a): Opposes daily reading because the children might not want to read every day.</p>	<p>The department disagrees. Reading enhances children's literacy and school readiness skills.</p>	<p>Tamara Kuchenbecker Andrea Neuber</p>
<p>Require sorting toys by age appropriateness to eliminate the toy box concept with toys for all ages in one box.</p>	<p>The department disagrees. If there is a safety concern for small children accessing potentially dangerous toys, the certifier has the authority to request the provider to place these toys inaccessible to younger children.</p>	<p>Elaine Bethel</p>
<p>Transportation DWD 55.08(9)(d) and (e): Supports proposed rules</p>	<p>The department agrees.</p>	<p>Tamara Kuchenbecker Andrea Neuber</p>
<p>Injury/disciplinary action reporting DWD 55.08(12)(h): Should have providers inform parents about disciplinary action taken or injury in writing instead of verbally.</p>	<p>The department disagrees. A verbal notice is a reasonable minimum standard.</p>	<p>Elaine Bethel</p>
<p>Liability Insurance DWD 55.08 (12)(i) Opposes enclosing amount on the liability insurance coverage. Supports that the provider will inform the parent whether they carry a day care liability or not.</p>	<p>The department agrees. This proposal will be reworded so that the provider will inform the parents in writing whether the premises are covered by a day care liability insurance policy.</p>	<p>Tamara Kuchenbecker Andrea Neuber Amy Marohl Michelle Peterka Jacqueline Purdy Teresa McMorris</p>
<p>Monitoring compliance DWD 55.08(15): Supports surprise visits</p>	<p>The department agrees. The current rule allows certifying agencies to conduct monitoring visits to the certified home either announced or unannounced.</p>	<p>Tamara Kuchenbecker Andrea Neuber</p>
<p>Add stricter language on monitoring compliance that includes "the entire home where day care is provided"</p>	<p>The department disagrees. The current proposed rule language is sufficient.</p>	<p>Elaine Bethel</p>

TAMERA L. KUCHENBECKER

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Sunday February 3, 2002

Dear Dept. of Workforce Development,

A few days ago, I received the hearing information on February 15, 2002. I would greatly appreciate a chance to be heard by our government. In reading the imposed new rules I must agree with the majority of them and commend you for finally deciding to toughen up some of the criteria that allows us to become certified. At the same time, I completely disagree with others. Listed below are my facts, views and possible re-wording along with a few critical points that you might have simply overlooked.

Training on SIDS prevention. It is wonderful!

Certification process. This is a great start but I feel that surprise visits should continue for the entire time the home is certified. I also feel that stricter guidelines for cleanliness and transportation should be implemented. I further feel that the surprise inspections will help eliminate providers that are not complying. I further feel that these visits will help to build a greater understanding to state officials just how much weight of the W-2 program we certified providers carry.

Certification denial, suspension, revocation, or refusal to renew. It is great.

Level 1 training. This is long over do. The other training that is required is mostly on contracts/paperwork. This as far as I am concerned is completely worthless. I have an attorney along with an accountant that will always let me know if I need to change something. The training has nothing to do with the children and the children after all, are why we are certified.

Providers home. The firearms and concrete under play equipment should be common sense. I feel if you have to have firearms in your home, the ammunition should be in a completely locked separate location. As for the pool, hot tub and trampoline goes, I strongly am objecting to this part of the rules. I recently moved into a home that was almost three years in the planning. We installed a 41x21-foot oval above ground pool. The pool is decked and gated, as per the state and county building codes. The hot tub has a locked cover. The Easter bunny a few years ago gave my kids a trampoline. He left a letter to all of them confirming that he knew that I would never allow this without the safety net that surrounds the trampoline. He also told all the kids that my rule of only two kids allowed on at a time would be followed or he would come and take it back. I feel that some rules you are trying to implement should simply be left up to the provider, the providers insurance company and the parents. I have been certified for a little over seven years and have had two injuries. One injury was stitches, due to falling from a play set and hitting a head on the wood. The other was when a child got her fingers pinched in a door. It seems to me that you are taking so much away from the kids if you implemented these new rules. For years, I took the kids a few times a week to one of the public pools. All my girls wore big bright yellow bows in their hair and the boys all had to wear bright yellow shirts. The bright color allowed me to try to keep track of them. The key word is try. Every inquiry I receive about my childcare program is made aware of the pool, hot tub, and pets. I do not take children under the age of two at this point, due to how unfair it would be to all the other kids that enjoy the amenities my childcare has to offer. These possible rule changes need to be left up to the provider, providers insurance company and parents. The fact is that if the parent trusts the provider's capabilities why should the state interfere with that bond. If you put into place the new rules you might as well put another rule concerning no sand, play equipment, roller blades and bikes considering these things statistically create more injuries. While we are at it, why don't we take all the doors off the rooms and eliminate all the stairs. How will you address a certified provider that lives on a lake? If the rules are implemented, I will have no alternative but to drop my certification. I will however continue to provide childcare. If this is what I am forced to do the only ones that will be hurt, are the subsidy kids I care for. Most of the subsidy kids I have cared for over the years have already faced many disappointments and now you want to take more away.

Child health care. This is fine but this should be common sense.

*T. Kuchenbecker
page 1*

February 4, 2002

Supervision. I am not sure why this is under supervision. I have every book from day one of childcare.

Provider interaction with children. Most of this section is fine except for wording. If you have a child, that is harming another child. We have to physically hold on to the perpetrator to prevent more harm to the other child. Let us face it. Some times talking and reasoning with a kid does not stop them. Time-outs, for age three and under for unacceptable behavior typically does not work. In some cases however when the child has older siblings the child can and does understand time outs. I feel your wording needs to read, if a child under the age of three responds to time-outs, the time-out can not be longer than three minutes. I further feel that a time out time for over the age of five should be in five-minute increments. I further feel that during that time, a child verbal communication pertaining to the unacceptable behavior. I also have found that while in time-out, my kids that are capable of writing sentences benefit from writing about the unacceptable behavior, along with what they could have done differently. In general I do not feel that this should even be included in a government guideline.

Children's activities. This is fine to put into writing if you would like. Let us consider a few things before you do. If on Thursday this week, I did not get a chance to read to Molly. Maybe because Joey was not interested in sitting still or Molly was screaming because I was holding Joey. The provider is in the hot seat by Molly's mom as per your wording. Different age groups of kids require different activities. At the same time if Joey does not want to do an activity but Molly does it totally depends on the child's mood and level of cooperation. If you have children of your own living at home you know first hand that the older kids sometimes have to put up with activities they not necessarily want to do and vice versa. Sometimes you have to go with the flow. There isn't anything you can do about it. By putting things into writing, sometimes your starve the same mouth your trying to feed. I feel if frequent surprise visits are implemented, lack of good judgement will be found. This will clear out the questionable providers.

Transporting. This is how I have always done it.

Rest. This has always been the way that it is done.

Provider-parent communication. In general, this is what I do. I strongly disagree with providing anyone with the amount of insurance coverage I have on the premises. This is simply another way to tell people how much they can sued me for. What you have to remember is that this is my home. It is not anyone's business what I am insured for or my families worth.

Monitoring compliance. This is great!

Listed below are three areas I feel need addressing.

1) Certified providers pay is either by the week or by the hour not a combination of the two. If the state chooses to pay us by the hour, then we pay us by the hour at the county's maximum rate. If the state chooses to cap the weekly rate then the state should pay that weekly rate if the child is there or not and eliminate the hourly rate completely. If the hourly rates our abolished then the state has to realize that the certified providers are allowed to be open 16 hours per day while the licensed providers are open 12 hours. The state needs to compensate us certified providers for the extra hours. The state then needs to realize that the certified providers care for the majority of the kids in the county collecting subsidy. We need to be, compensated for all the extra type of care we provide for these kids that desperately need our love and consistency. When you implemented the weekly cap in August, I lost well over \$125.00 per week from my income. In turn as of January 15, 2002, the subsidy parent's co-pays reflected the difference. Implementing the difference in the co-pays was a hard choice for me as a provider. I have bills to pay, and knew that I needed to start charging the difference. It left three children that had been in my care for two and a half years seeking new childcare. Here is an example of one of the children: $\$3.25$ county max. per. hour x 55 authorized hrs. = $\$178.75$. The county subsidy pays $\$2.41$ per hour to 50 hours + $\$3.01$ per hour for 5 hours = $\$135.55$. Take $\$178.75$ my rate - $\$135.55$ new cap rate for subsidy families = $\$43.20$ difference. This is what the parent's co-pay ended up to be for one of her three children. I am paid by the hour, not by the week. I also do not get paid if the kids are not here! The licensed providers are paid the weekly cap rate, even if the child is there 10 hours. At this point, licensed providers would like nothing more but to see us certified providers gone. This would them give them a complete monopoly on in-home care. What they fail to realize is that we are larger in numbers and we provide care for the majority of the subsidy kids. I further want to state that some of these subsidy kids take an unbelievable amount of time and patients to get to a stable consistent plateau. My enrollment records will show that when a new subsidy family is added the numbers of children I care for on a full time basis falls. I know from experience that they will need the majority of my time to start out with so I adjust accordingly. To re-cap, either I am paid by the hour or I am paid by the week no matter how many hours the kids are here. It cannot be both or it will show up in the co-pays of the parents that can least afford to pay it.

February 4, 2002

2) I feel very strongly that all collections of co-pays should be the responsibility of the county providing the subsidy for the family. The providers should not have to continuously try and collect, track down and file suit to be paid. Pay us first and collect from them your self. If they qualify for subsidy and a provider accepts the family then the state should pay the provider. I can tell you that a lot of providers be it licensed, certified or a group center avoid taking subsidy kids due to all the caps and payment problems be it parental or state. The only ones hurt by this are the ones that need the most care. We have to remember, all these kid's dreams and hopes are part of the future. We as the providers are only part of the past. Are dreams and hopes should have been met. If we do not make a difference now for these kids they will most likely follow in the same footsteps and patterns that the parents have. Correct me if I am wrong but Is this not what the W-2/subsity program was put into place for?

3) Why is the break down of under the age of 7 and age 7 and over? Over the years, I have asked why this is the age breakdown and not one individual can explain it. It should be under the age of 5 and age 5 and older. When a child goes to kindergarten, they change dramatically. They learn so much in the first weeks of school about rules and consequences. They become much less needy of individual care. They want to do everything themselves and strive to learn everything that's shown to them. This age breakdown for the certified and licensed providers needs to be evaluated differently. At this point the licensed providers are allowed two more children then us certified providers. Most children go to some type of pre-school from age 4 until they start school. In most cases, the smaller children are napping in the afternoon. This would be great time for us providers to care for the kids that attended kindergarten or pre-school in the morning. I receive calls constantly from parents looking for part time care in the afternoons for the younger kids and after school for the older ones. In all the cases, the age break down would put me over in the lower age breakdown for about two hours. After so many years of providing good care, the providers could earn a different age breakdown. This would allow us to care for up to two part time afternoon kids. You could even lower the number of children for the first year or two for new providers This would then help to eliminate some of the questionable providers because of the surprise visits.

I just realized the length this letter has reached. I cannot however apologize for any of the length. All of this is so important. I absolutely love what I do and will not give up making a difference in a child's life. I will however not continue watching our most important asset of the world stomped on. Our children! I will be attending this hearing and hope that I will be allowed to be heard.

Sincerely,



Tamera L. Kuchenbecker

Butler

I Grace Butler

I Grace Butler was a Daycare provider who was concerned with the changes in the certifications. I disagree with the statement that was made in the section of certification denial, suspension, revocation, or refusal to renew.

I was one of those Daycare providers, who has been revoked twice. The first revocation happen to me because I had the first level of my house certified, and my daycare children were in the basement with me. When at that time one of the inspectors came out for one of their visit. I confessed to the inspector, because I knew what I had done was wrong.

I went through a process that was ask of me, so my daycare could be reinstated. I worked the whole two weeks. Within the third week, I received another letter of revocation. At that time I could understand of how that could happen. The letter stated "Failure of my home meeting Minimum Safety Standards." I still couldn't understand what went wrong. During my reinstatement Mrs. Willis an Inspector, came to my home on a announced visit. I. Butler

Mrs. Willis passed the things that were needed to pass, Mrs. Willis also told me that everything was okay. In the meanwhile I was told to call Diana Bean to set up an appointment with her. Diana Bean was coming out to show me the things that I needed, so I could be certified in my basement. Diana came to my house. I was not doing daycare business, I had my grandchildren with me, but they were not enrolled, and I can prove that.

Diana came out as a Technical Assistance person, and she was telling me that she was here to help me. At the same time she was acting as a licensed inspector. Diana did not mention that she was here to inspect my center. She just mentioned that she was here to show me what was needed to be done within each child's file, and the codes that were needed to be done in the basement for the future.

In the second decision of my notes, they stated that Diana Bean came out to my home as an unannounced visit, which is a false statement, we had an appointment in the decision. They also stated that there were some issues handling and coping with the behavior with multiple

of children, and I only had two kids
which were my grandchildren.

I feel that I was being disrespected,
deceived, and the decision was unjust.
By me being a daycare provider, I
disagree with that, because I feel that
~~anyone~~ anyone that gets revoked twice,
the decision should be made only
if it is severe. I have made changes
and put a lot of my time into my
basement, since I have been out of
the daycare business.

Thank You!

Liane Butler

2225 W. Hopkins

Milwaukee, WI

53206

(414) 449-9847

Schomisch

-----Original Message-----

From: Dave and Kristy Schomisch [mailto:dkschom@yahoo.com]

Sent: Saturday, February 02, 2002 2:31 PM

To: Zweifel, Pirkko

Subject: Child Care Certification Hearing

I would like to respond to the letter I received in the mail from you. I have been a certified daycare provider for two years in Outagamie County. I am writing you because of my concern with the text regarding the section on "provider interaction with children". The text defining a "time-out" is a concern for me. It states that "a time-out is an interruption of unacceptable behavior by the removal of the child from the situation." If a child is hitting or hurting another child how do you stop the child from hitting, biting, etc. without removing the child from the situation? I think that this a very serious subject and the wording should be specific as to what is required by the provider. The definition of a "time-out" is too vague. I have children of all ages in my daycare. As we all know a one and two year old may hit or bite another child out of anger. If I can't remove a child from this situation what else am I to do? I also believe that "removing" a child helps the child who hit, bit, etc. understand that "if I hit, I get taken away from what I am doing". I have read several books that state a child will start to understand "why" they are on a time-out between 2 1/2 to three years. I guess I always thought that a "time-out" is when a child is told to stay on a chair or in a separate area from where the other children are playing. I don't make a child sit on a chair too often in my daycare BUT if a child is hurting another child I do remove a child from the situation along with a verbal reminder that "we don't hit". To remove a child or redirect a child from hitting is the only way I can think helps a child and STOPS unacceptable behavior. Unfortunately redirecting a child doesn't always work and this when I believe they need to be removed.

I also disagree that a three year old child should have to sit for over three minutes. Again, from what I have read, a time-out should be no longer than the age of the child (i.e. a three year old should only be on a time out for three minutes- AND the time-out should start once the child on the time-out has stopped crying.) If you are going to make rules for discipline/ time-outs I believe they need to be specific.

Another concern of mine is child abuse and neglect from parents. I took a 15 hour course at the Fox Valley Tech in Appleton in order to receive my daycare certification. I did receive information on all the areas required under the section "Level 1 training". However, I received information on child abuse and neglect but I don't think this was given enough focus. At this time there is now a requirement to take a course on the training on SIDS prevention but there isn't anything required on abuse and neglect. I think this is very important and we need to focus more time on this too.

I have read all of the proposed rules and I agree with everything that is stated and proposed (with the exception of the vagueness regarding "time-outs"). I take my job very serious and I feel that everything proposed is VERY important to a child's physical and emotional development.

If you would like to contact me I can be reached at (920) 996-0978. Thank you for your time in this matter.

3. Schomisch

-----Original Message-----

From: Renae & Mark Nelson [mailto:rmnelson@mwt.net]

Sent: Saturday, February 02, 2002 9:03 PM

To: Zweifel, Pirkko

Subject: in regards to a letter

Hello!

I recently recieved a letter stating the changes to come for Certified Child Care Providers. I tried looking on the DWD web site to write my reactions but couldn't find the hearing spot for it, so I'm writing to you.

I happen to be certified and Licensed. I agree with everything that you are looking to change. I do have to say that the rules are like the licensing rules so a certified provider won't be much different from a licensed provider.

I can see you having some comments from certified providers. In my opinion, those certified providers who have complaints are not interested in providing Quality Care for children and their families. I apologize, but those who complaine I feel are lazy.

Go for the changes! Our children need the best car they can get and if it means the new rules then more power to you!

Renae Wentworth
Renae's Family Day Care
107 Beindley Street
Boscobel WI 53805
608/375-7428
rmnelson@mwt.net
or
wentworthrn@netscape.net

4. Wentworth

Shorey

6103 Connie Lane
Weston, WI 54476

February 4, 2002

Pirkko Zweifel
Human Resources Program Coordinator
DWD Office of Child Care
201 East Washington Avenue
Madison, WI 53707-7935

Re: Day Care Certification Rule Changes-DWD 55

Dear Mr. Zweifel:

This letter is in response to the considerable changes to the day care certification rules being proposed by the DWD. It is my intention and my wish that this correspondence be given the same consideration as a personal testimony, since my presence at the hearing is not possible due to the hours of operation of my day care program.

The majority of the proposed changes sound very well thought out and beneficial to the children, families, providers, and the overall operation of certified day care programs. It is encouraging, as a provider and a mother, to see the state working toward constant quality improvement of this system. Thank you for this! Your attention to the very important and ever-changing issue of day care is greatly appreciated. Having said this, I am concerned about some of the changes being proposed and hope that you will take these concerns into consideration before approving the suggested modifications to the current day care certification rules.

My first concern is regarding the issue of Level 1 training. I am concerned that providers who are currently certified and have met the criteria that they were required to meet when they achieved this status are going to lose this status without the chance to be "grandfathered" or at least be given ample time to get the additional training required. Maybe more appropriate wording for this change could include the following verbage: "Providers who currently hold valid certification will be given a period of time not to exceed X months (insert a fair time frame that allows the provider to choose from various date/time options) in which they have the opportunity to complete the additional training that would be required to fulfill this new requirement. Full certification status will remain in effect for the provider during this grace period." This appears to be a solution that would satisfy the state's desire to have providers complete more training, while allowing the providers a fair chance and ample time to meet this criteria.

S. Shorey,
Page 1

Additionally, I have concerns about a portion of the changes recommended regarding provider interaction with children. While I feel as though the majority of these changes are also beneficial to all parties involved, I am concerned about the change regarding "time-out". I am curious as to the reason or research done that would warrant this change. As the current regulations are now, providers are limited to giving "time-out" to only children over the age of two. This is a bit of a stretch already, as children generally have the capacity to know and recognize right from wrong well before this age.

The parents in my program have already begun to voice concern for the policy as it currently exists because their children are nearing the age of two and they are already using "time-out" as a "next step" to redirection at home. These parents want consistency used when disciplining their children and would like me to be able to provide consistency at my home. They are concerned that waiting until the age of three gives little to no option for discipline once redirection is attempted. This form of discipline is much more effective with children when you begin once you recognize their understanding of right from wrong, ideally before they begin to explore their independence and refuse to cooperate with "time-out". Once children learn that it (time-out) is just another form of redirecting, their negative behaviors have the potential to become a game without a further consequence to encourage more positive behavior. "Time-out" provides a next step to let the child know that the behavior needs to be corrected. It also provides an opportunity for the child to learn at an early age how to walk away from a negative situation. This is a skill that is greatly needed before they enter a preschool or Kindergarten setting and is one that they will use for many years to come.

Helping our young children learn to remove themselves from a negative situation is a positive lesson that we, as daycare providers, can help parents teach these precious gifts from God. If "time-out" is used in this manner for positive reasons, I am not sure why it is seen as inappropriate for a child 2 years of age or older. On the other hand, if there are problems with the way "time-out" is currently being used (excessive or inappropriate use), then this problem should be addressed. Unnecessary regulations on those providers who are willing, able and eager to use "time-out" as a tool to teach and encourage more positive behaviors are unfair. Please give this issue serious consideration and research before changing this portion of the rules for provider interaction with children.

I sincerely appreciate the opportunity to voice my concerns regarding these proposed changes and hope that this written testimony is given adequate consideration before any decisions are made for permanent changes to the certification rules. Thank you again for your dedication to the continual quality improvement of our day care system.

Respectfully submitted,

Sandra K. Shorey
Owner, Helping Hands Certified Family Daycare

Cc: Gigi Heinz, Child Care Connection
Mary Goetsch, Marathon County Social Services

S. Shorey
page 2

Bethel

certifier

-----Original Message-----

From: Elaine Bethel [mailto:BethelED@co.outagamie.wi.us]

Sent: Friday, February 08, 2002 8:42 AM

To: Zweifel, Pirkko

Subject: REgarding changes to Day Care Certification

Dear Pirkko,

I have a couple of additional idea's and a question. Under Providers home I would like to see ponds and water structures be added to the pool information. I find people are putting in ground ponds in their yards. I have one provider that I had put a fence around it because it was in the line of the walk to her fenced in play area. It must have been about 2 feet deep and had a water fall. I have another provider who has one and he will put a wire grate over the base where the water pools so that children cannot fall in.

I would also like to see a provision that all toys must be sorted and offered by age appropriateness to eliminate the toy box concept with toys for all ages in one box.

I have a question regarding "time outs" . I do believe that you should be able to have an interruption of unacceptable behavior by removal of the child from the situation even at age 2. It would seem to me that a time out is really the removal of a child to an isolated or boring area for a set amount of time as a disciplinary measure. Not sure but it seems to me that you should be able to remove the child. Even re-direction would be an interruption of unacceptable behavior. Just some idea's on this.

I would like the provider to inform parents in writing of disciplinary action or injury to a child and signed by provider and parent.

Under monitoring compliance I would like the words added "the entire home where day care is provided" to the home inspection.

Thanks for taking time to look this over.

Elaine Bethel, Outagamie County

G. Bethel

Hahn

From: Wbhahn@aol.com
Sent: Monday, February 11, 2002 1:36 PM
To: Pridgen, Elaine
Subject: proposed day care certification

I wrote to you earlier regarding the proposed changes for certified providers. As I have been reading over the paper these things come to mind: SIDS training is a great idea! What is written about the certification process seems foreign to me. I am certified through the 4-C's in Madison. What you have written here seems to be what they already do. What is Level 1 training? I am already required to receive 5 hours a year. I received the 80 hr. courses back in the mid 80's to teach pre-school. In terms of the provider's home; I have an above ground pool and hot tub that are fenced away from my back yard. If I understand these new rules, my own family cannot use these during my work hours. I think that is unfair. Since I do day care for my grandchildren into the evening hours we enjoy many swims after my day at work. I feel very strongly about this issue. I certainly can understand not wanting small children in a pool but my daughter has taught lessons to the neighbor kids in the past. As for the rest of the statements, I question where these are coming from? Maybe I am naive but they seem like common sense to me. What is monitoring? We receive visits from our certifying agency. Thank you for taking the time to listen to one persons point of view. Wendy Hahn

W. Hahn

Pridgen, Elaine

From: Meghan Schubbe [Meghan.Schubbe@WCOM.COM]
Sent: Friday, February 15, 2002 3:44 PM
To: Pridgen, Elaine
Cc: 'ME'
Subject: Chapter DWD 55 / Day Care Certification

Elaine,

Thank you for allowing me an extension until Monday morning to send my comments.

I am writing in regard to the hearing on Child Care Certification scheduled for 2/15/02. After reviewing the criteria listed, specifically, the section titled "Provider's Home", I am very concerned about the change in criteria.

Currently, my two children attend an in-home licensed and certified day care program. The daycare they attend is very structured and follows a yearly schedule which is broken down into monthly curriculum. It has been a regular activity of the summer program for my children to participate in swimming lessons. I have found this program extremely important and helpful in the lives of my children. They have learned the importance of water safety without a sense of water fear which many children suffer from and later hinders their ability to learn to swim. The daycare provider is fully trained in water safety and CPR, as are all assistants that work with the program. I am appalled that this program may be taken away based on the suggested criteria. If the children are monitored at all times and the parents sign a permission form, allowing their child to participate in such a program, the pool should be permitted on the premises and used during daycare hours. When the children are not utilizing the pool, it is securely locked up and surrounded by a 5 foot wooden fence. It would be my recommendation to allow in-ground and on-ground pools to be used during the hours of care, provided that the provider adhere to set guidelines of safety, such as an alarm on the pool, and a permanent barrier for when the pool is not in use.

It would also be my recommendation that the use of trampolines be allowed, provided that the provider follow set guidelines of safety, such as a high quality padding and constant supervision. The trampoline is found to improve immune systems, balance, and fine motor skills. I can not explain the anticipation that my children feel at the end of each day in the summer, knowing that they will be able to jump on the trampoline during their last hour at daycare. It has only proven as a positive influence in the lives of my own children. Under set guidelines and parent permission it should be allowed to remain on the grounds and in use during the daycare hours.

If we start by banning the use of pools and trampolines in daycare, we open up the system to further restrictions which would also

hinder the development and growth of our children. Are swings and slides next? I strongly urge the DWD to not take away the use of pools and trampolines during daycare hours, but as a compromise, perhaps put in place strong guidelines and mandatory permission forms, from parents, for their children to participate in such activities. Thank you for the opportunity to voice my concerns.

Meghan Schubbe
2227 Fox River Pkwy
Waukesha, WI 53189
262.542.5774

Cramer

I am writing in regard to your changes in day care certification rules.

First of all, in my opinion there should be more rules for the parents that are on social service such as spending time, especially with infants, and taking their own children outdoors. They should change their children and keep them clean. They should also feed them nutritious meals instead of fast food foods pizza etc. Take care of their children so they are not sick all the time, due to improper dress, no rest and poor eating habits. They come to day care on Mondays, very sick & tired by Wednesday the day care provider has them back to good health and their bottoms are healed, then come Friday it starts all over again.

Also the type of discipline ←

In your new rules you should also adjust your pay accordingly. I do not have any children on the systems due to the pay & regulations. The last child I had which ended in November, without 2 weeks notice, I was being paid \$2.10 an hour. 65¢ less than I get for unregulated day care. and less hassel. At this time I have almost \$10,000.00 on the books from people on social service. I took them to small claims court but got nothing Very Unfair. One client went on a trip for 2 weeks to Virginia. She owed me \$2,500.00 for child care which she would pay, when she got ~~back~~ ^{caught}. Then she got a house didn't have to make a down payment. Got a grant to fix it up but moved to another county. I then called social service and explained the situation. They made her sign a paper that she would pay \$100.00 a ~~day~~ month until it was paid off or she would not get any help if she didn't pay. Two days later she had a ~~new~~ ^{different}

through
social service

provided and then got fired at her job so she was given provisional Certification, then Certified and then licensed. All she paid was \$100.00 to me. Her son at the time was 8 and had been touching girls on the bus and was called on that, Then he was fondleing his Cousin in the bath tub. and by my house was always trying to grab the girls Crotches - Not a thing was done about it. The Mother is Ester Jean Shelton from Merrill. Social Service never did anything more to retrieve my monies

As far as telling them how much insurance Coverage you have that is ridiculous. In this day and age when everyone is sue happy. They would ~~you~~ be suing for every little scratch their child got. I think the state should provide health insurance for day care providers as well as an liability insurance if they want to have that rule.

As far as taking them outside everyday. I think providers spend more time outdoors with the children then parents do. I read to the children almost everyday but the parents never do. Whose children are they? Again I say make stricter rules for parents. Let them give us a written statement of their coverage.

How many times have the children been injure at home and the parents didn't even wash out the dirt or put a bandaid on. I suggest you throw all your New Rules for Certification and start

checking on the parents. When we get as much as the ^{money} Parents then think about changing regulations

Verena Cramer

I could give you 6 pages ^{of more} of neglect that I reported in my 38 years - 30 Certified & deregulated that not a

ANDREA D. NEUBER
1695 PLANK RD.
MENASHA, WI 54952

February 8, 2002

Dear Dept. of Workforce Development,

After receiving your notice informing us providers of the upcoming state hearing for child care provider changes, and speaking with fellow providers, I must say that I agree with majority of them and commend you for deciding to toughen up some of the criteria that allows us to be certified. At the same time, I completely disagree with others. Listed below are some of my facts and views.

Training on SIDS prevention: This is wonderful. I believe it will give many providers information they had not known prior to the class.

Certification Process: This is great but I feel that surprise visits should continue the entire time our homes are certified. I feel these surprise visits will help eliminate providers that are not complying. I also feel that stricter guidelines for cleanliness should be implemented.

Certification denial, suspension, revocation or refusal to renew: This is great.

Level I Training: This is one of the main issues that need to be addressed and changed. I was flabbergasted that the majority of training was on paperwork and not children... and situations that can arise with parents and how to deal with them in a positive way. After all, your child care children are an extension of your own family and everyone should walk away feeling that it was a great experience, especially the children. The care of the children was briefly covered along with nutrition. As far as I am concerned, the majority of the class should be on what you are proposing and not all of the paperwork they are covering in these classes. Right now it is not a child care class, it is more of a paperwork/taxes class. That is what we have accountants for. The training really has nothing to do with the children, who are the reason we are certified.

Provider's Home: The firearms and concrete under play equipment should be common sense. Ammunition should be locked away in a completely separate area from the firearm. As for the pool and trampoline, I strongly object to this part of the rules. A friend of mine, who is also a certified child care provider, owns a pool in which myself and child care kids visit 2-3 times a week during the summer. My child care parents think this is wonderful. What an asset to our programs to be able to use her pool. There is no worry about the over-crowded public pools and extra danger they could be in there. The children are well supervised by both of us. I feel this should not be even up for discussion and should be left up to the provider, the provider's insurance company and the parents. I have not even interviewed one set of parents that does not think it is a wonderful asset to our programs. The majorities of families do not have access to a private pool and do not have the extra money to pay for admission to the public pools and taking away this opportunity of a lifesaving skill is beyond my comprehension. Why, would you do this? The only reason I can think of would be because of a provider who has a pool and is not supervising the children in the pool and therefore must not be supervising them at most other times and should have their certification taken away permanently. As for the trampoline, I own a 15 x 15 foot-enclosed moonwalk and the parents think this is the neatest thing. The moonwalk guidelines allow up to 14 children to jump at a time, which we do not even allow when we rent the equipment out. We only allow 4-6 children at a time in the moonwalk. The children know the rules and know they are being watched and supervised and also know they will not be allowed to have the great fun inside if rules aren't followed. Again, I strongly feel that some rules you are trying to implement should simply be left up to the provider, the providers insurance company and the parents...who think their children greatly benefit from these amenities.

Child Health Care: Common sense, common sense, common sense.

Supervision: Why would this be under supervision? Seeing that the majority of the certification class is paperwork, anyone leaving the class and not knowing this, was clearly not paying attention.

11. Neuber
page 1

ANDREA D. NEUBER
1695 PLANK RD.
MENASHA, WI 54952

Provider interaction with children: Most of this section is great, except a few areas in which should be reworded but mostly not even included. Sometimes talking, reasoning and explaining unacceptable behavior does not end the behavior. I feel children should have timeouts for bad behavior in understanding that there are consequences for their behavior. I also feel that in general, the majority of children respond wonderfully to timeouts. Perhaps your wording should read, if a child under the age of three needs and responds to a time out, the time out can be no longer than one minute per age. During this time, the child should be talked with about the unacceptable behavior and the circumstances surrounding the situation. I certainly feel that if a child has not been reprimanded for bad behavior by the age of three, he or she already knows that it is acceptable to behave in certain ways towards others, be it other children, adults and their own parents. It must be reinforced that unacceptable behavior and actions will not be tolerated. In general, I feel this should not even be included in a government guideline.

Children's activities: For the most part this section is great. Although I do not agree with putting into writing that you must read to the children everyday. Most days the children in my care are busy with playing, dressing up, singing, dancing, coloring, playing games, doing worksheets, writing on paper or dry erase board, role playing, building tents/forts, and "reading" out loud and/or silently to themselves and other times they do not choose to be read to. Other days they enjoy being read to. You must go with the flow with children because they learn so much about life through play. By the age of 5, most are children are enrolled into kindergarten where they are put into a learning environment that forces them to sit down quietly and listen to the stories and books that are read to them and to quietly do the work that is put in front of them if it is not group time to talk and do the studies. Why then, are you trying to put a rule into writing that is realistically, unreal for children under the age of 5 or even children at all, who are home, on their own turf and want to enjoy their world of play and imagination. Simply put, children will be read to when they want a book to be read to them. Sure, I can read a book out loud every day of the week, but that will not mean that they will hear, see or look at it while it's being read. Therefore, I have followed your rules, but it still did not affect the child who was unwilling to be read to. Perhaps all that really needs to be done is having frequent surprise visits that will clear out the questionable providers.... in certified, licensed and in group day care centers.

Transporting: This is what I have always done, and each day that I know I am taking the kids on errands or a trip, the parents are notified at pick up the day before or drop off the day of.

Rest: This is the way I have always done it.

Provider-Parent Communication: I agree with this except the proposed law on insurance coverage. Each parent does know that I have coverage on my child care business, (it is covered in my interviews) but I strongly disagree that we should provide them with the amount of coverage we have. This is just another way to let people know how much we can be sued for if a situation arises. This should definitely not be made a law.

Monitoring Compliance: This is great.

There are a few other issues that I would like to address.

1. Certified providers should be paid either by the week or by the hour, not a combination of the two. If the state chooses to pay by the week, then it should be by the week, not by the hour and capped at a weekly rate. This is outrageous. The rules are specified that certified providers can care for up to 16 hours and licensed providers for up to 12 hours per day. Therefore, you cannot cap us at a licensed rate and not pay us for hours that children can legally be in our care. By doing this you are forcing us to make parents on the W-2 program make co-payments they cannot afford; after all, the reason they are on the program in the first place is because they don't have the income to support the family they have created. However, I do feel that every provider should make a W-2 parent pay a co-pay of anywhere between 25 cents to \$1.00 an hour. These parents need to realize that everything will not be handed to them because of the choices and circumstances they have allowed themselves to be in. But I do think for those who certainly cannot afford that \$1.00

ANDREA D. NEUBER
1695 PLANK RD.
MENASHA, WI 54952

per hour co-pay for 1 to 3 children the state needs to be paying us providers at the maximum rate allotted per child by the hour. They cannot get ahead and better themselves on a program that in the end, is not working for them.

2. The county should collect the co-pay to the provider from the parent to prove that they are in fact making the required co-payments, budgeting their income properly and proving to the county that they are benefiting from the W-2 program and trying to better themselves and their families; not using and/or taking advantage of the program just because they fall under the income breakdown for it. We do enough for these families that need their children to be in stable, loving and structured care giving homes, and it should not be our responsibility to have to continuously try and collect and/or file suit to be paid. These children are constantly being hurt because of the choices of the parents, and the sooner the parents realize what has to be done and they are held accountable for, the sooner the cycle is broken. These children are the futures parents and if they aren't shown what is right from childhood, then all of us lose hope for what can finally be. After all, wasn't the W-2 program put into place so that these families could make a better home for their children, and not take advantage of the system and those who work for the system?

I thank you for allowing us providers to voice our opinions on all of the proposed laws you are trying to put into affect, it is so important. Although I feel a few of the laws you are trying to put into affect do not even belong there, should not even be touched and if they are you definitely need to reword them. At the same time other laws will definitely help to weed out the questionable providers. I strongly feel you do need to listen to each one of us providers, be it by letter or attendance of the hearing; as we are the persons working so hard to take care of these children, and we should be involved like this and our opinions heavily considered in these laws. Perhaps you should also consider taking votes from us providers as to what laws should and should not be put into affect. I am sure the majority of us agree with many of the things you are proposing while like I said, at the same time, others should not be touched. I also feel that by putting some of these into writing you will be forcing many excellent providers to drop their certifications, even though we will not stop caring for the children and making a difference in a child's life.

Sincerely,

Andrea Neuber

Andrea Neuber

Marohl

-----Original Message-----

From: Mike/Amy Marohl [mailto:mmarohl@charter.net]

Sent: Saturday, February 02, 2002 6:51 PM

To: Zweifel, Pirkko

Subject: Daycare Certification Rule Change

Dear Pirkko Zweifel,

I received the new Day Care Certification Rule Change and have some questions for you about them.

Provider's Home: "Pets that may pose any risk to the children shall be restricted from indoor and outdoor areas used for day care". I need to know what this means for my daycare. I am county certified and have 1 dog and 2 cats. Is is any type of pets because any pet could pose a risk to a child or just pets that are not tolerable of children? If it is for all pets then can I have my pets in areas that the children are not for example, outside when the children are inside or vice versa? The children do go outside so if dogs are not allowed to be outside even when the children are not out there because it IS an area used for day care, then I would not be able to have the dog.

Provider Interacting With Children: "The Provider may not use time-out periods for a child under 3 years of age. A provider may use time-outs that do not exceed 5 minutes for a child who is 3 years old or older. A 'Time-out' is defined as an interruption of unacceptable behavior by the removal of the child from the situation." Right now I have two 2 year olds who have a hard time sharing and sometimes get so caught up in emotion that they will get physical, I have been removing them from the situation, which the state now calls it a time-out. Now, would I have to let them hit eachother and hurt eachother when I feel like I want to keep these children safe because they are not 3 yet? Does it mean I can't pick them up and move them even if they are so caught up in emotion that they would not listen to my requests for them to stop fighting. How can I teach them it is not acceptable if I can't use my actions to stop it?

Children's Activities: About taking infants and toddlers outside daily, weather permitting. Can you please tell me what type of weather would be permitting and what wouldn't and do I have to wake sleeping infants or toddlers to get everyone outside. Some days we don't make it outside even though the weather is nice because I care for infants and they do not sleep at the same time and there is a rule that children should be allowed to rest undisturbed so if there is a rule they must go outside and they all sleep at different times, wouldn't I need to sacrifice someone's sleep on a day like that or is the sleep of the one child more important than all of them getting outside?

Parent-Provider Communication: "The provider shall also inform the parent in writing of the amount of insurance coverage on the premises." There are a lot of greedy people out there. Aren't we asking to be sued if I have a much greater amount of coverage than the average provider? I don't think I should have to say how much I am covered for, maybe just the company that covers me could be good enough?

12. Marohl

Peterka

-----Original Message-----

From: Michelle [mailto:biblegirl16@g2a.net]

Sent: Monday, February 04, 2002 4:53 PM

To: Zweifel, Pirkko

Subject: Changing rules?

My name is Michelle Peterka and I am currently Lic. and cert. Family provider some of the new rules would be good seems to be closer to Lic. rules but The area of change I do not agree with is Provider-parent communication: States The provider shall give parents in writing the amount of insurance we carry, I feel if we give parents that information that is holding up a red flag saying sue me I have this much coverage. This coverage should be confidential between my ins and me. Ins is supposed to be optional for providers not a regulation. Look at the world today it's sue happy, this would give parents a leverage to say I'm suing you for this and that. Most of the other things is good causes to keep order and protection of children and family. Level of training is good but you have to remember where does the line draw between family lic. and cert. provider. Something's should be done with the pay for all providers, one client could make one amount for one age group but the next provider could be paid higher but the first provider has more training and is better quality program that's not fair. People wonder why there is a high turn over rate being under paid for the job is why.

The other issue about denial of a application for two years, this should go by what rules were broke and set them in stone so people know. You do have some fly by night providers I attend the meetings for cont. education and allot of home providers don't attend they slip back and think they don't need this. It's very important to stay intuned to changing times and new ways of doing things. Sorry for rambling but the worst thing you could do is tell someone how much coverage you have. Telling them you have coverage is OK but how much is crossing the line.

Thank you for your time

Michelle

13. Peterka

Ahlers

-----Original Message-----

From: Carol Ahlers [mailto:kraftqueen57@yahoo.com]

Sent: Thursday, February 14, 2002 11:28 AM

To: Zweifel, Pirkko

Subject:

Ms Zweife: This e-mail is in regards to the changes in time-outs for children ages 2-3 this really stinks kids need time-out as well as redirection. If kids continue to do the same thing over and over with out never getting a time out they will see it's okay to do this . The state tells us if a child is to hard to control we should call the parents and ask them to pick them up after so many calls they won't have a job and I won't have a business. I feel time-outs are the answer also a stong communication with the parents. Even as adults we need to leave situations at times to rethink. Thank You

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<http://greetings.yahoo.com>

K. Ahlers

Barber

From: Gladys Barber [gbarber@ecol.net]
Sent: Friday, February 08, 2002 10:03 AM
To: Pridgen, Elaine
Subject: Swimming Pools

I have been teaching children to dog paddle in my swimming pool for the last 12 years. We swim for an hour or so every day when the weather permits.

I have an above ground pool with the water 3-1/2 to 4 feet deep. I check the chlorine everyday. My pool is just as safe if not safer than any public pool. It is certainly safer than any in-ground pool since it does not have the powerful returns that sometime suck children in.

I do not take babies or children still in diapers into the pool. All my children wear life jackets. They aren't even allowed on the pool deck or in the sunroom without life jackets.

One of the reasons the older kids want to come back every summer is for the swimming.

My parents have requested that I write and try to get this regulation amended.

15. Barber

Purdy, Jacqueline

From: Purdy, Jacqueline
 Sent: Thursday, February 14, 2002 9:02 AM
 To: 'DWDES@dwd.state.wi.us'
 Cc: 'zweifpi@dwd.state.wi.us'
 Subject: Day Care Certification Rule Change-DWD55

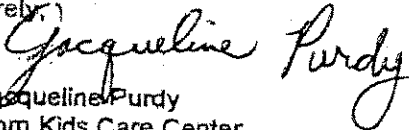
It is my opinion that the proposed rules for Certified Child Care are in the best interest of the children. This is a very good thing. Quality care is and should be our first priority in providing child care services.

With that in mind as our goal and/or objective, please consider an increase and or reorganization in the compensation to the certified provider through W-2. It costs money to provide a good quality child care program. Certified providers do not get compensation from W-2 for absences, sick days or any day the children are not in attendance; however a licensed provider may provide poor or "that will do" quality of care and they are paid by the week whether the child attends or not. Considering the new changes are presently a requirement for licensed providers, it seems reasonable to also provide the same compensation or at least a raise from the present system of compensation. The cost to remodel the home or business to become licensed, provide furniture, curriculums, books, toys, equipment, etc. is rising higher and higher. Some Certified providers are hindered by the cost to reconstruct an exit in the lower level of the home, yet they provide good quality care within the limits of the space approved for service. Our children are well worth the expense and all the new rules.

- ** Is it possible for the certified provider to receive a raise from W-2?
- ** Is it possible to allow grants that are already in place to be used for improvements to the structure of the home and/or business? Is it possible for new grants to be created for the purpose of meeting the structure requirements?
- ** Is it possible for the certified provider to be able to care for more than 6 children at a time?
- ** Is it possible for the certified provider to receive pay for days the children are not in attendance from W-2 contracts?

Please consider the possibilities that would help the certified provider improve the quality of care and service to the clients. After you have considered the possibilities, please allow them to become apart of the regulations. One other question...Why do you feel it is necessary to tell the exact amount of insurance coverage a provider carries on the premises? I would like to understand the reasoning behind telling anyone how much insurance coverage a person has. Insurance coverage is a good business practice; however I cannot see the logic in announcing the exact amount to others. Too much information can be harmful if misused by opportunistic individuals. Please explain. I would appreciate any further dialogue, comments, suggestions, or information from you. Thank you for the opportunity to speak on these matters.

Sincerely,



Ms. Jacqueline Purdy
 Kingdom Kids Care Center
 5669 N. 72nd Street
 Milwaukee, WI 53218

(414) 536-0591 after 6:00pm M-F
 or leave a message

Post-It® Fax Note	7671	Date	2/15/02	# of pages	1
To	Ms. Pirikka Zwielfel	From	Jacqueline Purdy		
Co./Dept.	DWD	Co.	Kingdom Kids Care Ctr		
Phone #	(608) 261-4595	Phone #	(414) 286-8864		
Fax #	(608) 261-6968	Fax #	(414) 286-0202		

16. Purdy

Pridgen, Elaine

From: Zweifel, Pirkko
Sent: Monday, February 18, 2002 9:14 AM
To: Pridgen, Elaine
Subject: FW: child care certification training

Hi Elaine:

Simone DeVore approached me last week re: the rule change. I assumed that she was aware of the deadline and did not mention it in my reply to her. I told her this morning that if she gets it in by the end of the day, we'll accept it. Here are her comments:

-----Original Message-----

From: Simone DeVore [mailto:sjdevore@students.wisc.edu]
Sent: Monday, February 18, 2002 9:09 AM
To: Zweifel, Pirkko
Subject: child care certification training

Dear Pirkko Zweifel,

I am writing in regards to the new child care certification training requirement regulations that you are revising. I am currently studying the process by which parents locate, choose, and maintain child care for their children with disabilities. I am finding that parents who raise children with disabilities have great difficulties finding and maintaining child care for their children. The main reason for this is that child care providers do not have enough training in the area of disability studies. The parents report that most providers act overwhelmed and shocked when they are approached about caring for a child with disabilities. Research has shown that childcare providers who have training in disability studies and who include children with special needs provide better quality care overall. They have a better understanding of child development in general and have better skills in observing children and supporting their growth and development by providing meaningful learning activities and know how to provide positive behavioral supports. I urge you to include training on effective interviewing with parents who have children with disabilities and training on how to build partnerships with parents who need care for their children with disabilities. This training would help all providers. And when a parent of a child with special needs calls, the providers will not be overwhelmed but know how to interact and work with the family. In light of the Americans with Disabilities Act (ADA) and the Individuals with Disabilities Education Act, Part C (IDEA) I think it is very important to include more training in the area of disability studies. Childcare providers also need a good understanding of the laws such as ADA and IDEA that apply to their practices.

Please, contact me if you have any questions.

Sincerely,

Simone DeVore

UW-Madison

Department of Rehabilitation Psychology and Special Education

432 N.Murray Street

FISCAL ESTIMATE

DOA-2048 N(R03/97)

- ORIGINAL
- UPDATED
- CORRECTED
- SUPPLEMENTAL

Subject

Day care certification

Fiscal Effect

State: No State Fiscal Effect

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

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

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

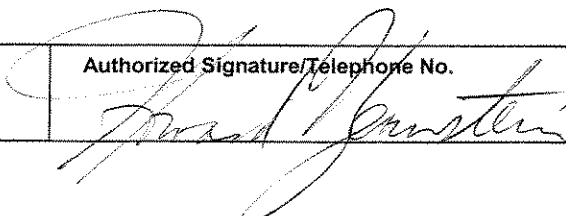
The proposed rule changes affect county and tribal child care certification agencies but the changes have no significant fiscal effect.

Long-Range Fiscal Implications

None

Agency/Prepared by: (Name & Phone No.)
DWD/Elaine Pridgen 267-9403

Authorized Signature/Telephone No.



Date

1/15/02

FISCAL ESTIMATE WORKSHEET

2001 Session

Detailed Estimate of Annual Fiscal Effect
DOA-2047 (R10/94)

ORIGINAL UPDATED
 CORRECTED SUPPLEMENTAL

LRB or Bill No./Adm. Rule No. DWD 55	Amendment No.
---	---------------

Subject
Day Care Certification

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)		0 (FTE)	0 (- FTE)
State Operations - Other Costs		0	0 -
Local Assistance		0	0 -
Aids to Individuals or Organizations		0	0 -
TOTAL State Costs by Category		\$0	\$ -
B. State Costs by Source of Funds			
GPR		\$0	\$0-
FED		0	0 -
PRO/PRS		0	0 -
SEG/SEG-S		0	0 -
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 Eamed			-
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/ Elaine Pridgen 267-9403

Authorized Signature/Telephone No.

Howard Prud'homme 267-9427

Date

1/15/02