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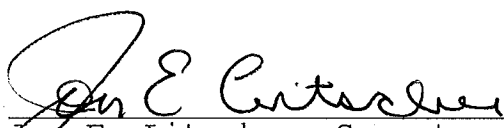
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STATE OF WISCONSIN)
)
DEPARTMENT OF EMPLOYMENT RELATIONS) SS

I, Jon E. Litscher, Secretary of the Department of Employment Relations and custodian of the official records, certify that the annexed rules, relating to grants to day care providers, were duly approved and adopted by this Department on July 10, 1991.

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

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the Department of Employment Relations at 137 E. Wilson Street in the city of Madison, this 10th day of July, 1991.



Jon E. Litscher, Secretary
Department of Employment Relations

9-1-91

ORDER OF THE SECRETARY
OF THE DEPARTMENT OF EMPLOYMENT RELATIONS
ADOPTING RULES

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To create ER 4, relating to grants to day care providers.

ANALYSIS PREPARED BY THE DEPARTMENT OF EMPLOYMENT RELATIONS

S. 230.048, Stats., authorizes the Department of Employment Relations to make grants to day care providers in connection with day care facilities located at or near a place of employment for state employes. S. 230.048 (4), Stats., requires the Department to promulgate rules to develop criteria regarding (a) the way a day care provider must set or subsidize fees charged for day care services based on the employe's ability to pay and (b) the selection of the day care providers that receive grants.

The Secretary's statutory authority to promulgate these rules is found in ss. 230.048 (4) and 230.04 (5), Stats. The rules interpret and administer s. 230.048, Stats.

The significant provisions of the proposed rule are:

An individual, business or organization may apply for a grant by submitting an application to the department.

In order to qualify for a grant, an applicant must meet minimum requirements which include possession of a day care license, approval or certification from the Department of Health and Social Services, giving priority in enrollment to the children of state employes, assessing fees on ability to pay and filing a plan to achieve financial self-sufficiency.

The factors to be used by the department in reviewing grant applications are parental involvement on the governing body, flexibility of hours, parental visitation, prior day care center experience, day care services to be offered, staffing, the need for additional day care services for the children of state employes and the proximity of the applicant to other grant recipients.

Grant recipients are required to set fees according to a state employe's ability to pay, which may be a sliding fee schedule, a program of scholarships and grants, other methods or a combination of these options.

The department is given authority to visit and inspect day care facilities that have received or are applying for grants. Financial and fee plans may not be changed without departmental approval.

TEXT OF PROPOSED RULE

SECTION 1. Chapter ER 4 is created to read:

Chapter 4

GRANTS TO DAY CARE PROVIDERS

ER 4.01 PURPOSE. The purpose of this chapter is to establish standards for the implementation of s. 230.048, Stats., which authorizes the department to make grants to day care providers in connection with day care facilities located at or near a place of employment for state employes.

ER 4.02 DEFINITIONS. In this chapter:

(1) "Applicant" means an individual, business, corporation, partnership, nonincorporated association, cooperative or nonprofit organization applying for a grant under this chapter. "Applicant" includes a cooperative of state employes organized under ch. 185, Stats., to provide day care for their children.

(2) "Department" means the department of employment relations.

ER 4.03 REQUIREMENTS FOR GRANTS. (1) The department may award a grant under s. 230.048, Stats., to an applicant that meets the requirements of sub. (2). An applicant shall apply for a grant by submitting an application to the department.

Note: Application materials may be obtained at no charge from the Department of Employment Relations, P.O. Box 7855, Madison, WI 53707-7855.

(2) No applicant may receive a grant under this chapter unless:

(a) The applicant has obtained or is in the process of applying for a license, approval or certification to operate a family day care center under ch. HSS 45 or a group day care center under ch. HSS 55.

(b) The applicant agrees to provide day care services for children of state employes and agrees to give priority in enrollment to the children of state employes.

(c) The applicant files with the department a plan for establishing or subsidizing the fees charged per child according to a state employe's ability to pay under s. ER 4.05.

(d) The applicant files with the department a financial plan demonstrating that the applicant is unable to provide day care services for children of state employes without a grant under this chapter and that the applicant will be completely self-sufficient within one year of the start of providing day care services for the children of state employes.

(e) The applicant has not received and is not scheduled to receive a grant under this chapter for day care services in connection with the same day care facility location.

(f) The applicant has designated a site at which day care services will be provided that is at or within five miles of a place of employment for state employes, unless waived by the department.

ER 4.04 REVIEW OF APPLICATIONS. (1) In addition to the requirements under s. ER 4.03, the department shall consider the following factors in awarding grants:

(a) The extent to which the parents of enrolled children serve on the facility's governing board or advisory body.

(b) The extent to which the facility maintains flexible hours to accommodate employment schedules.

(c) The extent to which parental visitation is encouraged.

(d) The applicant's prior experience in providing day care services.

(e) The day care services to be offered and the staffing plan to be used.

(f) The proximity of other applicants which have received grants under s. 230.048, Stats., and the need for additional day care services for the children of state employes in the area.

(2) The department may visit and inspect an applicant's designated site at which day care services will or are being provided, before or after a grant is made. Advance notice of the inspection is not required.

(3) The department shall notify applicants by mail of whether an application has been approved or disapproved.

(4) The duration of a grant under this chapter is one year.

ER 4.05 FEES. (1) A recipient of a grant under this chapter shall set or subsidize fees according to the state employe's ability to pay as measured by the financial resources and obligations of the state employe.

(2) In order to comply with sub. (1), the facility may use one or more of the following:

(a) A sliding scale fee schedule.

(b) Tuition scholarships or grants to subsidize fees, if other sources of financial assistance are not available to parents.

(c) Any other methods approved by the department.

ER 4.06 CHANGE IN PLANS A recipient of a grant under this chapter may not change the plans filed under s. ER 4.03 (2) (c) or (d) during the year in which a grant was received unless the recipient receives the prior approval of the department.

EFFECTIVE DATE

As provided in s. 227.22 (2), Stats., the rule contained in this order takes effect on the first day of the month following publication in the Wisconsin Administrative Register.

Dated: 7/22/91

Agency: Jon E. Citscher
SECRETARY
DEPARTMENT OF EMPLOYMENT
RELATIONS

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State of Wisconsin

Tommy G. Thompson
Governor

Jon E. Litscher
Secretary



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P.O. Box 7855
Madison, WI 53707-7855
(608) 266-9820

DEPARTMENT OF EMPLOYMENT RELATIONS

July 22, 1991

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Bureau**

Gary L. Poulson, Assistant Revisor
Revisor of Statutes Bureau
2nd Floor
119 Martin Luther King, Jr. Blvd.
Madison, WI 53703

Dear Mr. Poulson:

Attached is a corrected, certified copy of an administrative rule order of the Department of Employment Relations, ER 4, relating to Grants to Day Care Providers.

The text contained in this corrected copy is the same language submitted to the presiding officers of the Assembly and Senate on May 13, 1991 in the form of Clearinghouse Rule 91-1.

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Jon E. Litscher".

Jon E. Litscher
Secretary

cc: Secretary of State