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Governor Scott Walker  
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Date: January 29, 2014

To: Members of the Assembly Children and Families Committee

From: Sara Buschman, Assistant Deputy Secretary

Re: Department Position on AB 677 – In Support

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Representative Krug and Assembly Children and Families Committee members,

Thank you for the opportunity to testify on AB 677. My name is Sara Buschman and I am the Assistant Deputy Secretary at the Wisconsin Department of Children and Families (DCF). With me is Kris Randal, the Administrator of the Division of Family and Economic Security at DCF; Judy Norman-Nunnery, the Administrator of the Division of Early Care and Education; and Randy Keys, DCF's Chief Legal Counsel.

The Department would like to thank the Chairman and the committee members for their review this session of our rule chapters in the Right the Rules project. While AB 677 eliminates several obsolete chapters and streamlines language to reflect changes in our programs' structure and execution, it is by no means meant to reflect a complete review of changes needed in the Department's rule chapters. The Department has undertaken steps to begin a more in depth internal review of our rule chapters to identify sections that may require more complex revisions. We look forward to continuing this conversation when the committee reconvenes next session.

AB 677 modifies the following:

**1. DCF Chapter 54 – Child Placing Agencies**

The Legislative Audit Bureau (LAB) audited DCF's oversight of Child Placing Agencies in 2013. In the LAB report released in October 2013, they recommended that DCF revise Chapter 54, relating to child placing agencies application submission deadlines, to be consistent with Wisconsin Statute 48.66(5). DCF 54 currently requires the application to be submitted 3 weeks prior to the expiration of the current license. Their recommendation was to require child-placing agencies to submit their applications at least 30 days prior to the continuation date, which is the timeline specified under statute 48. This change reflects that recommendation.

## **2. DCF Chapter 110 - Transitional Jobs for Low-Income Adults**

AB 677 eliminates this obsolete chapter. The Transitional Jobs Demonstration project ended on June 30, 2013. Given its completion and the repeal of the authorizing statute, Chapter DCF 110 is obsolete and should be repealed in its entirety.

## **3. DCF Chapter 121 - Public Assistance Record Retention**

AB 677 eliminates this obsolete chapter, which had its origins in the late 1970s when county agencies were required to retain public assistance records. The rule has changed little over the past 30 years and failed to keep pace with significant changes in technology and the creation of new federal regulations.

Few paper records exist anymore, and files are stored in the centralized electronic file repository maintained by the Department of Health Services and DCF as part of the CARES system. Federal statutes and regulations relating to electronic data security, data sharing, and privacy now provide a comprehensive regulatory framework that dictates how the department has to handle both electronic and the few remaining paper records. Because of these extensive federal regulations, a state rule is no longer needed.

## **4. DCF Chapter 202 – Child Care Certification**

AB 677 amends this chapter to repeal inconsistent and outdated components of the rule:

- a. This bill amends DCF Chapter 202 to refer to certification agencies rather than just county and tribal agencies. This change is necessary because some counties contract out for certification.
- b. 2009 Wisconsin Act 28 provided for the state takeover of Wisconsin Shares, the state's child care subsidy program, from Milwaukee County. As a part of this takeover, a new child care provider services unit in Milwaukee County was established, otherwise known as the Milwaukee Early Care Administration (MECA).

Due to this administrative change, practices have changed as well. DCF 202 has not been updated to reflect the establishment of MECA. AB 677 modifies Chapter 202 to reflect current practices, resolve the mismatch between the statute and the rule, and clarify authority for the department and providers.

- c. DCF 202.08 Standards for Family Child Care and In-Home Child Care-Home Requirements
  - i. The bill repeals a portion of this rule to remove outdated material that required child care operator compliance by June 1, 2010.
  - ii. This bill adds the requirement that the phone number for Child Protective Services (CPS) be posted near the phone where other emergency phone numbers, such as the rescue squad, police, fire station, emergency medical care, and poison control center, must be posted. This addition will help

providers quickly reach the appropriate person if they need to contact CPS.

- iii. AB 677 reduces provider regulation by removing the tuberculosis (TB) test requirement upon recertification and clarifying who is subject to a TB test based on the Center for Disease Control (CDC) guidelines. Providers would still need to show that they are free from TB prior to certification. The bill also amends DCF rules to allow a certification agency to accept the results of a TB test administered up to 12 months prior to the date the provider began working with children if later than the certification date.
- iv. This bill clarifies that the operator, rather than the provider as in current rule, must have the landlord's permission to operate a certified family child care program in a rental property. The provider can be a certified child care operator or an employee or volunteer of the child care operator whereas the operator is the person, corporation, or partnership that has legal and financial responsibility for the operation of a child care program and for meeting the requirements under this chapter.

## **5. DCF Chapter 250 - Licensing Rules for Family Child Care Centers**

- a. Operational Requirements – Terms of License
  - i. AB 677 amends this portion of the rule to address only business insurance and drops the requirement that the provider must provide written information to parents on vehicle insurance. This provision is no longer needed due to 2009 Wisconsin Act 28 which requires all motorists have vehicle insurance.
- b. Operational Requirements – Children's Reports
  - i. Child care centers must record children's enrollment information and health history on several DCF forms. The rule references only one DCF form. AB 677 amends the rule to reference more than one form.

## **6. DCF Chapter 251 - Licensing Rules for Group Child Care Centers**

- a. There are a number of places in Chapter 251 where the incorrect rule is referenced. AB 677 corrects those erroneous references.
- b. Before a non-school age child is admitted to a child care center, the child must have a health exam. Chapter 251 requires the health exam to be on a DCF form that is then signed and dated by a physician, physician assistant or HealthCheck provider. AB 677 allows for an alternate way to document a child's health examination via an electronic printout.

Thank you for the opportunity to testify on this legislation. We are happy to take any questions from the committee.