



Legislation Text

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Fiscal Note

The proposed ordinance amendments updates the Child Care Program to reflect current job titles, current agency names, document identities, areas examined for accreditation, eligibility for tuition assistance, and the City's reimbursement cap. The reimbursement cap increases from not exceeding the City rate for such programs to 150 percent of the City rate. No City appropriation is required with the adoption of the ordinance amendments. Any funding level changes to the Child Care Program will be included in future operating budgets subject to Common Council approval.

Title

Amending Section 3.12(10) of the Madison General Ordinances to update the ordinance and makes substantive changes to the Child Care Program.

Body

DRAFTER'S ANALYSIS: The amendments update the ordinance to reflect current job titles, current agency names and document identities. The amendment also makes substantive changes to the program. The amendment also updates and changes the areas examined for accreditation. Furthermore, it increases the reimbursement cap from no more than the City rate for such programs to 150% of the City rate. The amendment would also provide a broader array of eligibility for tuition assistance.

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The Common Council of the City of Madison do hereby ordain as follows:

Subsection (10) entitled "Child Care Program" of Section 3.12 entitled "Department of Planning and Community and Economic Development" of the Madison General Ordinances is amended to read as follows:

(10) Child Care Program.

- (a) Purpose. A Child Care Unit is hereby established in the Office of Community Services Community Development Division to serve the health, safety and welfare of the public by promoting those functions which cannot be provided entirely by the private sector; to improve the quality of family life; to protect parental choice in selecting from a variety of quality child care environments; to protect the growth, development, happiness and health of young children; to provide referral and supportive services to child care consumers and providers; and to provide assistance to those families with the greatest human and economic need.
  - 1. The specific aims of the Child Care Program shall be two-fold:
    - a. To provide a variety of support services to assist parents and child care providers who request such services in order to improve the quality of and available availability of child care services; and
    - b. To provide financial assistance to those families, children, and child care providers with the greatest human and economic need.
  - 2. These objectives may be accomplished through:
    - a. Accreditation of child care providers that meet standards established by the Community Services Supervisor Community Development Program Manager;
    - b. Providing in-service training and technical assistance to child care providers;
    - c. Providing loans to child care providers for improvement of facilities, services, or methods;
    - d. Providing grants for improvement, implementation, services, or expansion;

- e. Providing tuition aid to those families and children with great economic or human need related to child care;
- f. Providing information, and referral for child care consumers and providers.  
Further, such aims shall be accomplished in a manner which ensures parental participation in the policy formation of the child care program, and provides public accountability in the use of public resources.

(b) Definitions.

- 1. The term "child care program" as used in this ordinance shall mean child care/child development provided by a corporation at a single location.
- 2. The term "afterschool child school-age care program" as used in this ordinance shall mean child care/child development provided for school age children by a corporation or family child care providers as a supplement to school attendance hours, for four (4) or fewer hours each day.
- 3. The term "family child care" home program as used in this ordinance shall mean child care/child development provided for eight (8) or fewer children at one time and located in the dwelling unit of the child care provider.
- 4. The term "full child care" as used in this ordinance shall mean child care provided for five (5) or more hours each day.
- 5. The term "half day child care" shall mean child care provided for less than five (5) hours each day.
- 6. The "actual cost of care" shall be calculated as the actual expenditures for the preceding quarter, divided by the average number of full time equivalent service units actually provided for the same period as used in this ordinance shall mean the rate charged by child care programs to families for the care of children.
- 7. The term "parent" as used in this ordinance shall mean parent, guardian, or legal custodian as defined in Wis. Stat. ch. 48.02, or guardian of the person appointed under Wis. Stat. ch. 880.01.

(c) Accreditation. The following shall be the standards for accreditation of child care programs:

- 1. Organizational Prerequisites for Eligibility for Accreditation.
  - a. In order to be eligible for City accreditation and participation in the Child Care purchase of service system, a child care program must be organized in one of two ways; it may be incorporated as a single service, child care program or it may be a service component of a multi-service corporation. In either case, the corporation shall be registered with the Secretary of State as a corporation within the meaning of Wis. Stat. chs. 180, 181, and 183.

A government-sponsored child care program is eligible if it is directly administered by a government agency or public educational body which has authority to contract and to sue and be sued, or if it is administered through a contract between such a government agency or educational body and an accredited child care program.
  - i. If the private child care program is a single service corporation, registered with the Secretary of State as a nonprofit corporation under Wis. Stat. § 181, it shall be governed by a Board of Directors. The Board shall have a minimum of five (5) members. A minimum of one-third ( $\frac{1}{3}$ ) of those members shall be parents of children who are currently enrolled in the program or whose children have been enrolled in the program in the past year. The members shall be chosen in a process in which all parents of children currently enrolled have a fair opportunity to participate. The Board shall have final authority over the budget, program and the hiring, supervision, and termination of the corporation's staff administrator.
  - ii. If the private child care program is part of a larger, multi-service corporation, registered with the Secretary of State as a nonprofit

corporation under Wis. Stat. ch. 181, it shall:

- A. Be governed by a Board of Directors.
  - B. The child care program of the multi-service corporation shall ensure parental participation by parents of children currently enrolled in the child care program, and provide public accountability in the use of public resources. The child care program shall have processes that ensure parent participation regarding the budget and structure of the child care program and hiring, supervision, and termination of the chief administrator of the child care program. No multi-service corporation shall allocate to its child care program an amount less than the program's gross income in tuition and fees. Parents of the child care program shall be entitled to inspect and receive copies of any papers or documents of a multi-service corporation which pertain to the funding or operation of the child care program within a reasonable time after requesting the same in writing.
- iii. If the child care program is a business corporation, registered with the Secretary of State under Wis. Stat. ch. 180, or a government-sponsored child care program, its Board of Directors or its governing body shall ensure parental participation by parents of children currently enrolled in the child care program in the policy formation of the child care program, and provide public accountability in the use of public resources. The child care program shall have processes that ensure parent participation regarding budget and structure of the child care program and hiring, supervision, and termination of the chief administrator of the child care program. Parents of children enrolled in the child care program shall be entitled to inspect and receive copies of any papers or documents of the corporation which pertain to the funding or operation of the child care program within a reasonable time after requesting the same in writing.
- b. If the child care program is designed to serve primarily drop-in or transient clients, the requirement of parent representatives on the Board of Directors or Child Care Committee, as set forth in Section 3.12(9)(c)1.a.i. and ii.B. above, is fulfilled when at least one half ( $\frac{1}{2}$ ) or more of the required number consists of parents who now use the service or have used it within the last year, and the remainder are parents who use child care services, although not necessarily the services of that particular program.
  - c. The child care program shall be governed by a Board of Directors whose officers and members are not chosen for any religious or sectarian purpose. All staff including teachers must be selected on a nondiscriminatory basis without regard to religious beliefs or affiliation.
  - d. The child care program shall exhibit no religious bias in enrollment, nor shall the program exhibit religious bias in instructional policies, practices and materials.
  - e. The child care program shall be currently in compliance with all rules governing child care centers and family child care homes (where applicable) established by the Wisconsin Department of Safety and Professional Services Children and Families.
  - f. Further, if a program is categorized as a family child care home program, that program shall be affiliated with accredited by a larger umbrella organization which meets the above organizational prerequisites a. through e. The umbrella organization shall provide accreditation of family child care homes, referral of children, supervision of program activities, and training of staff.
  - g. If a corporation locates its child care program outside the City of Madison, but

- provides service to residents of Madison, it may be accredited for the limited purpose of providing service to tuition aid recipients. Such programs shall not be eligible for grants, loans, or in-service training and technical assistance.
2. Standards of Quality for Four Different Types of Child Care: Afterschool School-age, Full Day, Part Day and Family Child Care. In order to obtain City accreditation, a child care program must be determined by the Office of Community Services Community Development Division to meet the organizational prerequisites identified above and must obtain a "satisfactory" rating (reasonable compliance) on meet standards of quality as determined by the Community Services Supervisor Community Development Program Manager, such standards to be based (whenever applicable) on the Rules for Licensing Child Care Centers and Family Child Care Homes for Children of the Wisconsin Department of Safety and Professional Services Licensing Rules for Group Child Care Centers and the Licensing Rules for Family Child Care Centers by the Wisconsin Department of Children and Families. To obtain accreditation a Child Care Program must obtain at least a "satisfactory" rating (attain and maintain reasonable compliance) in each of the following specific areas:
    - a. Organization and administration;
    - b. Personnel;
    - c. Physical plant and furnishings;
    - d. Program;
    - e. Interactional setting.
      - a. Leadership.
      - b. Agency management.
      - c. Interactions among teachers and children.
      - d. Curriculum.
      - e. Personnel.
      - f. Staff and family relationships.
      - g. Physical environment.
      - h. Health and safety.
      - i. Nutrition and food service.Standards of quality shall be subject to annual review. Additions or modifications shall take effect sixty (60) days after notification of all accredited programs.
  3. Procedure for Accreditation.
    - a. The Office of Community Services Community Development Division shall inform all licensed day care child care programs in Madison of the opportunity for City accreditation and make available the prerequisites, standards and procedures for application for accreditation.
    - b. Child care programs shall apply for City accreditation through the office City Child Care Unit.
    - c. The Office Child Care Unit shall determine eligibility for accreditation by verifying that the program meets the organizational prerequisites and the standards of quality.
    - d. Accreditation by the Office Child Care Unit shall be made annually. If accreditation is denied, the Office Child Care Unit must inform each applicant of the basis of denial within ten (10) working days after the Office Child Care Unit has made the decision. Denials shall state areas in which improvements must be made before application can be resubmitted. Application for accreditation shall be permitted no more than two (2) times in one year.
    - e. i. The applicant shall not be certified accredited if the Office Child Care Unit determines that the applicant either does not meet the organizational prerequisites or does not meet the quality standards, or has refused to supply the Office Child Care Unit with sufficient

- information. In such cases, the Office Child Care Unit shall inform the applicant in writing of its determination not to certify accredit, and shall include the reasons therefore.
- ii. The applicant, by written request made within thirty (30) days of receipt of such a determination, may have it reviewed by the Office Child Care Unit. The request for review shall state the ground or grounds upon which the applicant contends that the determination should be modified or reversed. The office Child Care Unit shall complete its review within fifteen (15) days of receipt of such request. The time for review may be extended by agreement of the applicant and the Office Child Care Unit. The applicant may file with the request for review, or within the time agreed, written evidence and argument in support of the application for accreditation. If the applicant intends to request an exception, as provided in Subsubparagraph vi., the request for review must state that an exception will be requested, and the reason or reasons for the request.
  - iii. The Office Child Care Unit may affirm, reverse or modify its determination, and shall provide the applicant with a copy of its decision on review, which shall state the reasons for such decision. The decision shall advise the applicant of his/her right to appeal the decision to the Early Childhood Care and Education Committee. The Office Child Care Unit has no authority to grant an exception under Subsubparagraph vi. but if the applicant has requested an exception, the decision shall contain the Office's Child Care Unit's recommendation on the request, and the reasons for the recommendation.
  - iv. If the applicant files an appeal of the Office's Child Care Unit's decision on review with the City Clerk within thirty (30) days of notice of such decision, the Early Childhood Care and Education Committee shall provide the applicant a hearing. Such hearing shall be held within fifteen (15) days after such appeal is filed, and the applicant shall be notified of the hearing date at least ten (10) days before such hearing.
  - v. At the hearing, the applicant and the Office Child Care Unit may be represented by counsel and may present evidence and call and examine witnesses and cross-examine witnesses of the other party. Such witnesses shall be sworn by the person conducting the hearing. The Early Childhood Care and Education Committee may issue subpoenas. The person conducting the hearing or another person at his/her direction shall take notes of the testimony and shall mark and preserve all exhibits.
  - vi. Within twenty (20) days of completion of the appeal hearing by the Early Childhood Care and Education Committee, and the filing of briefs, if any, the Board Committee shall mail or deliver to the applicant its written determination, including the reason therefore. Such determination shall be a final administrative determination, and is appealable to the courts. The Board Committee is authorized to grant an exception to the technical requirements of accreditation, in those specific instances when the Board Committee determines that such an exception would be in accord with the spirit and intent of the accreditation requirements, but only if the applicant requests an exception as part of its request for review under Subsubparagraph ii., and states reasons why an exception should be granted.
  - vii. The procedure outlined above is intended to constitute compliance with the provisions of Wis. Stat. ch. 68, entitled "Municipal Administrative

Procedure."

- f. City accreditation may be suspended or revoked by the Supervisor of Community Services Community Development Program Manager when he or she has reason to believe that the terms and conditions of the accreditation are being violated or for interference with the Office Child Care Unit in performing the duties prescribed by this ordinance. The Supervisor Manager shall inform the corporation of such suspension or revocation in writing, and shall include the reasons therefore. Procedures for review of such suspension or revocation shall be the same as those provided in Subparagraph e. of this Paragraph.
4. Probationary Accreditation.
- a. When the Supervisor of Community Services Community Development Program Manager determines that an certified day care accredited child care program no longer meets the standards of quality, the program may request that instead of suspending or revoking accreditation, the Supervisor Manager place the program on probationary accreditation status. Probationary accreditation may not be granted unless all of the following standards are met:
    - i. In the opinion of the Supervisor of Community Services Community Development Program Manager, the child care program is capable of correcting the deficiency.
    - ii. The deficiency does not jeopardize the health, safety, or welfare of the children cared for in the program.
    - iii. The staff and administration of the day child care program recognize the deficiency and have prepared a written plan, approved by the Supervisor of Community Services Community Development Program Manager, for its correction.
  - b. Probationary accreditation status may be granted only once during each accreditation review. Such status may be granted only for a specified time, which shall not exceed ninety (90) days, and which shall not be extended. If the child care program fails to meet all standards of quality at the end of the probationary accreditation period, its accreditation shall be revoked. After such revocation, the program may not apply for accreditation until six (6) months after the date of revocation, or until the program certifies in writing that all standards are met, whichever is sooner.
  - c. No child care program which fails to meet the organizational prerequisites contained in Sec. 3.12(9)(c)1. of this ordinance, may receive probationary accreditation status.
  - d. While a child care program has probationary accreditation status, it may continue to serve children eligible for tuition aid under Sec. 3.12(9)(g) of this ordinance, if such children were already being served on the date when the probationary status was imposed. No new children eligible for tuition aid will be referred until all deficiencies are corrected and accreditation is restored.
  - e. All parents of children eligible for tuition aid being served by a child care provider placed on probationary accreditation status shall be notified in writing by the Supervisor of Community Services Community Development Program Manager.
  - f. A child care program which is placed on probationary accreditation status may apply is ineligible for day child care grants under Sec. 3.12(9)(f) of this ordinance. No grant funds may be released, however, until the probationary status is concluded and accreditation is granted. If the grant was approved by the Early Childhood Care and Education Committee before probationary accreditation was imposed, no grant funds shall be released until the probationary status is concluded and accreditation is granted.
  - g. Notwithstanding the provisions of subparagraph f. above, grant funds may be

- released to a program on probationary accreditation status if the Supervisor of Community Services Community Development Program Manager determines that such grant is necessary for correcting the program's deficiency and if the Early Childhood Care and Education Committee approves.
- h. Denial by the Supervisor of Community Services Community Development Program Manager of a program's request for probationary accreditation status, and failure of a program to be certified accredited at the conclusion of its probationary accreditation status may be appealed to the Early Childhood Care and Education Committee as provided in Sec. 3.12(10)(c)3.e. of this ordinance. No other action regarding probationary accreditation status is appealable.
- (d) In-Service Training and Technical Assistance. In-service training and technical assistance may be provided by the Office of Community Services Community Development Division to child care providers for the purpose of upgrading improving their facilities and programs.
  - (e) Loans. The Supervisor of Community Services Community Development Program Manager, with the advice and consent of the Early Childhood Care and Education Committee, may authorize loans to nonprofit accredited child care programs or to nonprofit child care programs meeting the organizational prerequisites which have made application for accreditation. Loans shall be used to make staff, program and environmental improvements. No funds shall be expended for any sectarian purpose or activity including but not limited to religious worship or instruction and construction, repair or remodeling of facilities owned by a religious organization. Criteria for loans shall be:
    - 1. Aptness of program to consumer needs;
    - 2. Overall program quality as established by consumer comment and City accreditation standards;
    - 3. Fiscal efficiency and feasibility of budget in light of program goals;
    - 4. Projected ability to repay loans;
    - 5. Provision of service to groups with special, unserved needs;
    - 6. Demonstration of loan use as an appropriate public priority.
  - (f) Grants. The Community Services Supervisor, Community Development Program Manager with the advice and consent of the Early Childhood Care and Education Committee, may authorize grants to nonprofit or government-sponsored certified accredited child care programs, or to any program if the Supervisor of Community Services Community Development Program Manager determines that the grant is necessary to enable the program to meet accreditation requirements. No funds shall be expended for any sectarian purpose or activity including but not limited to religious worship or instruction and construction, repair or remodeling of facilities owned by a religious organization that are used for other than solely for the benefit of the child care activities otherwise eligible for funding under this ordinance. Programs must apply for accreditation and shall meet the organizational prerequisites. Criteria for grants shall be:
    - 1. Aptness of program to consumer needs;
    - 2. Overall program quality as established by consumer comment and City accreditation standards;
    - 3. Fiscal efficiency and feasibility of budget in light of program goals;
    - 4. Provision of service to groups with special unserved needs;
    - 5. Demonstration of grant use as appropriate public priority.
  - (g) Tuition Aid. Tuition aid may be provided to eligible applicants for payment of child care costs to child care programs which are City accredited as provided in this ordinance. The Supervisor of Community Services Community Development Program Manager, at least once each year, with the advice of the Early Childhood Care and Education Committee, shall allocate available tuition aid funds to the following categories of eligible applicants: (1) applicants who need child care because of a special need, as defined in Sec. 3.12(9)(g)2. of this ordinance; (2) applicants who need child care because of employment; and (3) applicants who need child care because of training. The Supervisor Manager may authorize disbursement of tuition aid to eligible

applicants provided that, upon finding that an applicant is eligible for tuition aid, the Supervisor Manager shall estimate the total amount necessary to provide such aid to that applicant for the rest of the calendar year; or such period of time as approved by the Common Council. He or she shall then cause that amount to be administratively encumbered. At the end of each calendar quarter, the Supervisor Manager shall prepare a report to the Early Childhood Care and Education Committee and Common Council, specifying the number and category of applications received and the amounts encumbered in each category. If, based on such report, it appears that funds allocated for one or more categories may be exhausted while funds allocated for other categories remain unencumbered, the Supervisor, with the advice of the Early Childhood Care and Education Committee, shall be authorized to transfer funds from one to another category of eligibility. This amendment shall become effective January 1, 1981.

When the total estimated sums required to provide tuition aid are approximately equal to the amount appropriated in the Budget to provide such aid, no additional applicants shall be accepted into the program, but their applications may be on a waiting list.

If any recipients of tuition aid cease to be eligible, or are eligible for lesser amounts of tuition aid, the Supervisor Manager shall cause the necessary adjustments to be made in the amounts administratively encumbered. When sufficient funds are available to provide tuition aid to additional applicants until the end of the calendar year, he or she may then process additional applications, in the order of the date of application.

1. Standard Tuition Aid.
  - a. The applicant must be the parent of the child for whom the tuition aid is sought;
  - b. The applicant must be a resident of the City of Madison for six (6) months prior to application for such tuition aid;
  - cb. The child for whom tuition aid is sought must be of child care age, between 0 and the completion of elementary fifth (5th) grade or its equivalent;
  - dc. The parent(s), legal guardian(s), or custodian(s) and all other resident household adults able to care for the child, and with whom the child resides, must be unable to provide care and supervision because of employment, training or a combination thereof.
    - i. For the purpose of this provision, "employment" includes only paid employment totaling an average of at least twenty (20) hours per week.
    - ii. For the purpose of this provision, "training" includes attendance in a course of study leading to a high school diploma or its equivalent, an accredited trade school or apprenticeship program, a training program supported by the City of Madison, United Way or other entity deemed appropriate by the Community Development Program Manager, and credits in post-secondary education sufficient to acquire an associate degree.
  - ed. The applicant must be currently ineligible to receive other forms of child care assistance such as AFDC child care reimbursement or Purchase of Care Wisconsin Shares child care subsidy.
  - fe. The applicant must meet the income criteria established by the Common Council.
2. Special Needs Circumstance Tuition Aid.
  - a. An applicant who is a Madison resident and who is income eligible but who fails to meet the other rules of eligibility shall be eligible if the Supervisor of Community Services Community Development Program Manager determines he or she meets the Special Need Circumstance for Child Care criteria.
  - b. The Supervisor of Community Services Community Development Program Manager, with the advice and consent of the Early Childhood Care and Education Committee, shall establish special needs circumstance criteria. Such criteria shall be based on the needs of the family, environmental hazard,

- emergency, or unusual, pressing, or extreme circumstances. The purpose of Special Needs Circumstance Tuition Aid is to provide assistance where child care is an essential element in protecting family stability.
- c. The Supervisor of Community Services Community Development Program Manager may authorize deduction of expenses related to the applicant's special need (such as the cost of physical therapy) for the purpose of determining income eligibility and family contribution.
3. Appeal of Eligibility Determination. If the Office Child Care Unit determines that the applicant is ineligible for tuition aid, the Office Child Care Unit shall inform the applicant in writing, including the reasons for such determination. Such determination is subject to review and appeal, according to the procedures set forth in Subparagraph e., Paragraph 3. of Subdivision (c) of this ordinance.
  4. Classification of Need. Families shall be classified as needing full time, part time, or afterschool-age care based on the periods of time children need care and the distribution of those periods throughout the day and the week.
  5. Calculation of Rate.
    - a. The City Rate for full-day child care and full-day family child care shall be calculated as the average of all City accredited full-day and full-day family child care program fees to the public for children over three (3) years old.
    - b. The City Rate for half-day child care shall be calculated at sixty percent (60%) of the City Rate for full-day child care.
    - c. The City Rate for full-day toddler care and full-day family toddler care shall be calculated as the average of all City accredited full-day child care and full-day family child care program fees to the public for children three (3) years old and younger. The rate applies through the payment period in which the child reaches her/his third birthday.
    - d. The City Rate for half-day toddler care shall be calculated at sixty percent (60%) of the City Rate for full-day toddler care.
    - e. The Early Childhood Care and Education Committee is authorized to establish a City Rate for infant care, which rate shall be no greater than one hundred fifty percent (150%) of the City Rate for toddler care. For purposes of this section, an infant is a child younger than two (2) years old, and the rate applies through the payment period in which the child reaches her/his second birthday.
    - f. The City Rate for half-day infant care shall be calculated at sixty percent (60%) of the City Rate for full-day infant care.
    - g. The Early Childhood Care and Education Committee is authorized to establish a City rate for care of children whose parent or parents have been determined by the Community Services Supervisor to meet the Special Need for Child Care criteria, as provided in Subsection (3)(g)2. of this ordinance with special needs. The rate shall be no greater than one hundred fifty percent (150%) of the City rate for children more than three (3) years old.
    - h. The City Rate for afterschool-age care shall be calculated as the average of all City accredited afterschool-age care program fees to the public.
    - i. The City Rate shall be the basis for calculating the City share for each individual tuition aid recipient.
    - j. The City Rate shall be calculated each October 1.
    - kj. In no case is the City share to exceed one hundred fifty percent (150%) the City Rate.
    - lk. In no case is the City share to exceed the program's fee to the public.
    - ml. In programs offering sliding scales, the program's fee shall be calculated as the maximum fee received by a program at the time of accreditation.
    - n. In no case is the City share to exceed the actual cost of care.

- om. The applicant will be required to submit a verified income statement. Tuition aid recipients must submit such statement regularly, as the Supervisor of Community Services Community Development Program Manager may require. The applicant may report a change in income at any time and request review of his/her payment level.
- 6. Payment Formula. The determination of payments to an applicant for tuition aid will be based on a formula established by the Common Council. The payment scale shall be revised as necessary.
- (h) Contracts. The City may contract with accredited child care programs for child care provided for eligible applicants, provided that:
  - 1. In at least one of the five immediately preceding school years, at least 25% of the total enrollment in the child care program has consisted of children who receive publicly funded child care assistance; and
  - 2. The Supervisor of Community Services Community Development Program Manager determines that the contract will help preserve the availability of child care service in the neighborhood.

The Early Childhood Care and Education Committee shall establish rules and procedures to be followed by the Supervisor of Community Services Community Development Program Manager in administering the contract program.”