



BECR ANNUAL REPORT: CHILD CARE LICENSING AND CERTIFICATION ACTIVITY January – December 2020

The mission of the Bureau of Early Care Regulation (BECR) is to promote and protect the health, safety and welfare of children in child care settings. BECR works to ensure licensing requirements are met through inspections of licensed family and group child care centers, day camps, public school operated programs, and certified child care programs in Milwaukee County. BECR also provides training and consultation to child care certifiers employed by counties, tribes and subcontracted agencies outside of Milwaukee County.

Types of regulated child care include:

- Certified Family Child Care (care for up to 3 children under age 7, but may care for a group maximum of 6 that includes day care children ages 7 and older and/or the provider's own/related children under the age of 7)
- Licensed Family Child Care (up to 8 children under the age of 7)
- Licensed Group Child Care (9 or more children under the age of 7)
- Day Camp (seasonal program for 4 or more children ages 3 and older)
- Public school operated child care programs (operated by or under contract with public school districts)

Response to COVID-19

- Beginning March 5, 2020, DCF's Child Care Listserv began to send twice-weekly emails directly to providers across Wisconsin on topics related to the pandemic and the field of early childhood care in general. A total of 95 informational emails provided the latest news on topics of vital interest to child care centers, each containing reminders, updates, and connections to important resources.
- On March 13, 2020, Governor Evers signed Executive Order #72, granting DCF the authority to waive certain rules during the public health crisis to allow programs to continue to provide safe, regulated care to the children of essential workers. The waiver ended May 13, 2020.
- During the Governor's Safer at Home Order, BECR developed guidance for the opening of temporary, emergency care centers within healthcare facilities to ensure that healthcare workers had access to child care.
- A COVID-19 dashboard was created on the DCF website with convenient, up-to-date, researched guidance for providers and families to help them navigate recommended procedure and policy during the pandemic. The guidance was updated regularly with answers to frequently asked questions and new guidance as the Badger Bounce Back plan was introduced and implemented statewide.



- BECR developed criteria for utilizing virtual videoconferencing software to conduct remote monitoring and complaint investigations for areas that had high COVID transmission rates.
- To ensure the safety of children in care, as well as that of providers and licensing specialists, and to prevent the transmission of COVID-19, BECR implemented guidance regarding when to conduct on-site visits and what additional precautions must be taken by licensing specialists.
- Due to the closure of Fieldprint fingerprinting sites and child care facilities statewide, the Background Check Unit conducted interim name-based DOJ background checks to grant temporary eligibility to prospective child care employees. BECR informed providers of the requirement to conduct fingerprint background checks on those employees when the facilities were back to full-time, safe operational status.
- BECR coordinated the delivery of critical supplies for child care providers including face shields, face masks, infrared thermometers, hand sanitizer, cleaning supplies, gloves, diapers, and baby wipes.
- Licensing and certification specialists provided technical assistance to providers on evolving best practices, current COVID-19 national and local response guidance, conducting virtual visits with providers by telephone and videoconferencing.
- BECR applied for and received a waiver from the Office of Child Care to pause annual on-site inspection of health and safety rules in 2020. Licensing specialists resumed this work in October 2021.

2020 Summary

- BECR conducted over 4,500 visits, including on-site monitoring and remote virtual visits to licensed and public-school operated programs. Licensing staff verified compliance with administrative rules, provided technical assistance, completed over 1,000 complaint investigations of licensed and unlicensed programs, and reviewed and closed nearly 2,800 self-reported incidents, injuries, and communicable diseases involving children in licensed care.
- BECR issued more than 500 enforcement actions.
- Local counties, tribes, subcontracted agencies and BECR southeastern regional staff completed over 500 certification monitoring activities in 2020.
- BECR licensing specialists reviewed over 820,000 rules at licensed child care centers. Approximately 99% of the rules reviewed by BECR were met by licensed centers, with slightly more than 1% resulting in a violation.
- BECR completed and implemented an emergency rule revision to ensure the Department's licensing and certification rules complied with the health and safety requirements found in the Child Care and Development Block Grant (CCDBG) Reauthorization Act of 2014. The revision also regrouped rules that addressed the same topics in different places, eliminated duplicative revisions, corrected errors, incorporated state statutory requirements, and clarified language to ensure consistent implementation and administration of the health and safety requirements.



- BECR staff completed 37,989 annual DOJ background checks and 12,374 FBI fingerprint background checks in 2020, despite issues with Fieldprint fingerprinting site access due to COVID-19.
- Ten computer-based training modules for licensing staff are offered on the internal DCF training website. Topics include use of authority, vehicle safety alarms, complaint investigations and enforcements. Additional training addressing background checks is accessible on the public Child Care Background Check website.

The remainder of this report provides information on numbers of regulated child care centers, capacity, estimated number of children served, new applications, monitoring, complaint and enforcement activity, serious injuries and deaths, frequently cited violations, and background checks.

Licensed Providers, Capacity and Estimated Enrolled Children

As of December 31, 2020, there were 3,848 licensed child care centers and day camps in Wisconsin. Of the 3,848 licensed centers, 57% (2,213) were licensed group centers, 40% (1,536) were licensed family centers and 3% (99) were licensed day camps. The overall number of licensed child care facilities operating in 2020 decreased by close to 2% compared to the number of facilities operating in 2019 (3,902). The number of group child care centers decreased by 1% between 2019 and 2020, while the number of family child care centers dropped by 3% during this same period. The number of day camps remained nearly the same during this period.

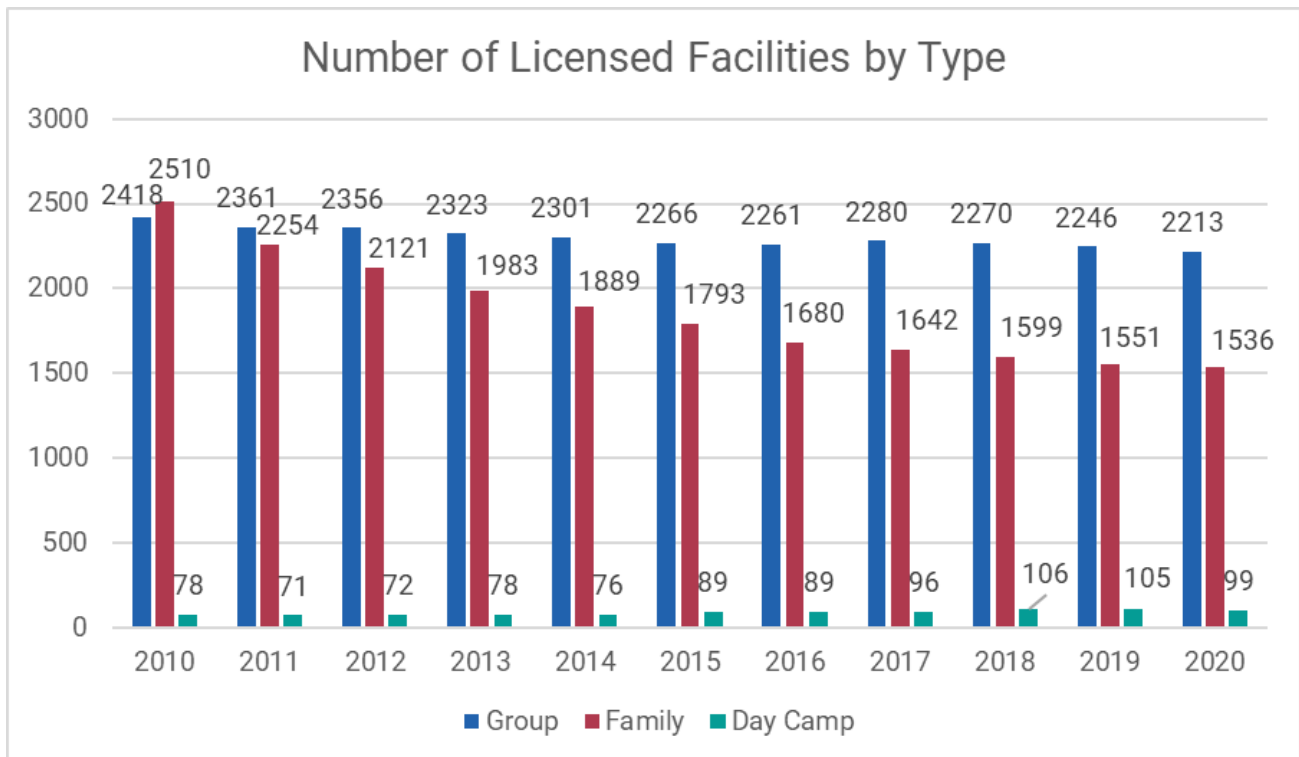
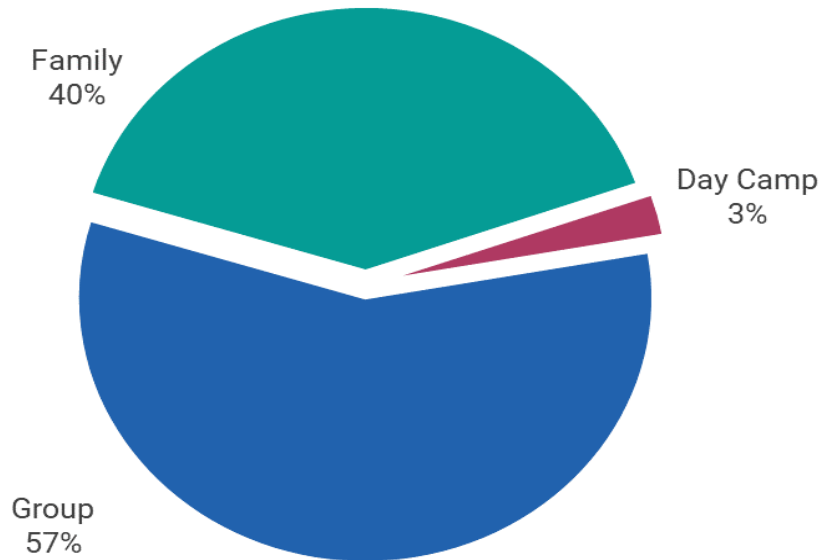
An estimated 232,726 children were served in licensed child care centers and day camps in 2020. The following charts show the number of licensed providers and capacity in 2020, estimated enrolled children, and the change over time in number and total capacity of providers. Actual capacity and enrollment fluctuated greatly throughout the pandemic due to programs closing temporarily.

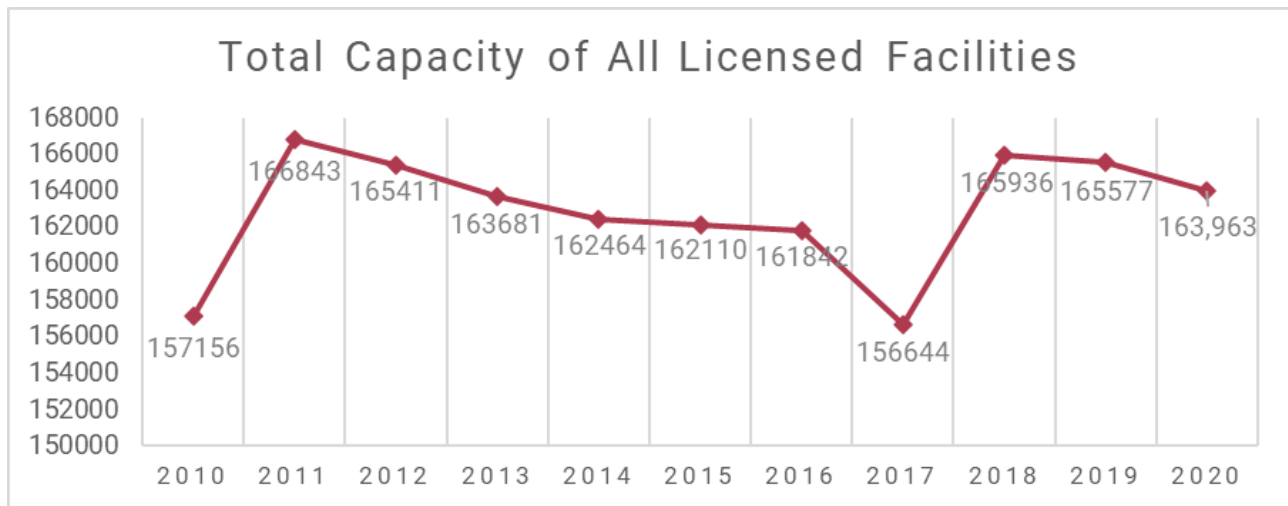
	Total No. of Providers	Total Daytime Capacity	Total Night-time Capacity	Estimated Number of Enrolled Children*
Licensed Group	2,213	142,491	8,759	201,163
Licensed Family	1,536	12,208	2,260	19,242
Licensed Day Camps	99	9,264	0	12,321
TOTAL	3,848	163,963	11,019	232,726

**The estimated number of enrolled children in licensed care is calculated by multiplying licensed capacity by 1.33. Due to part-time care, licensed slots are often filled by more than one child.*



Licensed Child Care in Wisconsin





Public-School Operated Programs

Wisconsin’s public school operated programs are child care programs operated by or under contract with public school districts. Pursuant to Wis. Stat. § 120.13(14), a child care program established and provided by a school board is not required to be licensed but must comply with the applicable child care licensing standards governing the operation of licensed group child care centers. BECR is the designated state agency responsible for monitoring public-school operated programs receiving Wisconsin Shares. As of December 31, 2020, there were 186 public-school operated programs subject to annual monitoring by BECR licensing specialists. When operating, these programs had a capacity of 23,908 children.

New Applications

During 2020, the BECR regional office staff received and processed 347 new applications for licensure, an increase of nearly 49%. Of these applications, BECR approved 291 of them (84%). There were 199 applications to provide certified care during this same period, an increase of 16%. Of these applications, 146 applications (75%) were approved.

Licensing Monitoring Activities

There are 50 BECR licensing/certification specialists (47.55 full-time equivalent) responsible for monitoring licensed centers, public school operated programs and Milwaukee County certified providers. Each specialist’s caseload includes a mix of providers. As of December 2020, the average caseload is 84 child care programs per specialist.



Throughout the year, BECR staff is involved in opening new and relocated licensed child care centers, closing licensed centers and conducting routine monitoring of others. Child care centers and camps must be visited at least once per year by a licensing specialist to monitor for compliance with the administrative rules. In practice, the average number of visits to centers is nearly two per year. Licensing specialists also complete an annual review of all health and safety rules identified as critical to the protection of children in care.

Despite challenges due to the ongoing COVID-19 pandemic, BECR staff completed 5,319 monitoring activities for licensed and public-school operated programs to monitor, provide technical assistance, verify compliance, review accident/incident reports and investigate complaints. An additional 116 visits were made to unregulated child care locations in response to allegations of unlicensed care. In addition, licensing specialists attempted 198 visits in which they were unable to gain entry during the center’s licensed hours of operation. The following table shows the number of visits/reviews of child care providers in 2020 by reason type.

Purpose of the Visit/Review	Number
Monitoring for Licensing	1,838
Complaint Regarding Licensed Center	1,275
Desk Review – Licensing	810
Other Contact/No Site Visit	655
Initial Licensing Study	434
Attempted Visit	198
Complaint Regarding Unlicensed Center	116
Technical Assistance for Licensed Facility or Public-School Operated Program	102
Enforcement Action Compliance Verification	60
License Amendment	57
Offsite Record Review	56
Pre-licensing Technical Assistance	15
Vehicle Alarm Check Only	9
Verification of CFS-294	8
TOTAL NUMBER OF VISITS/REVIEWS	5,633

Complaints

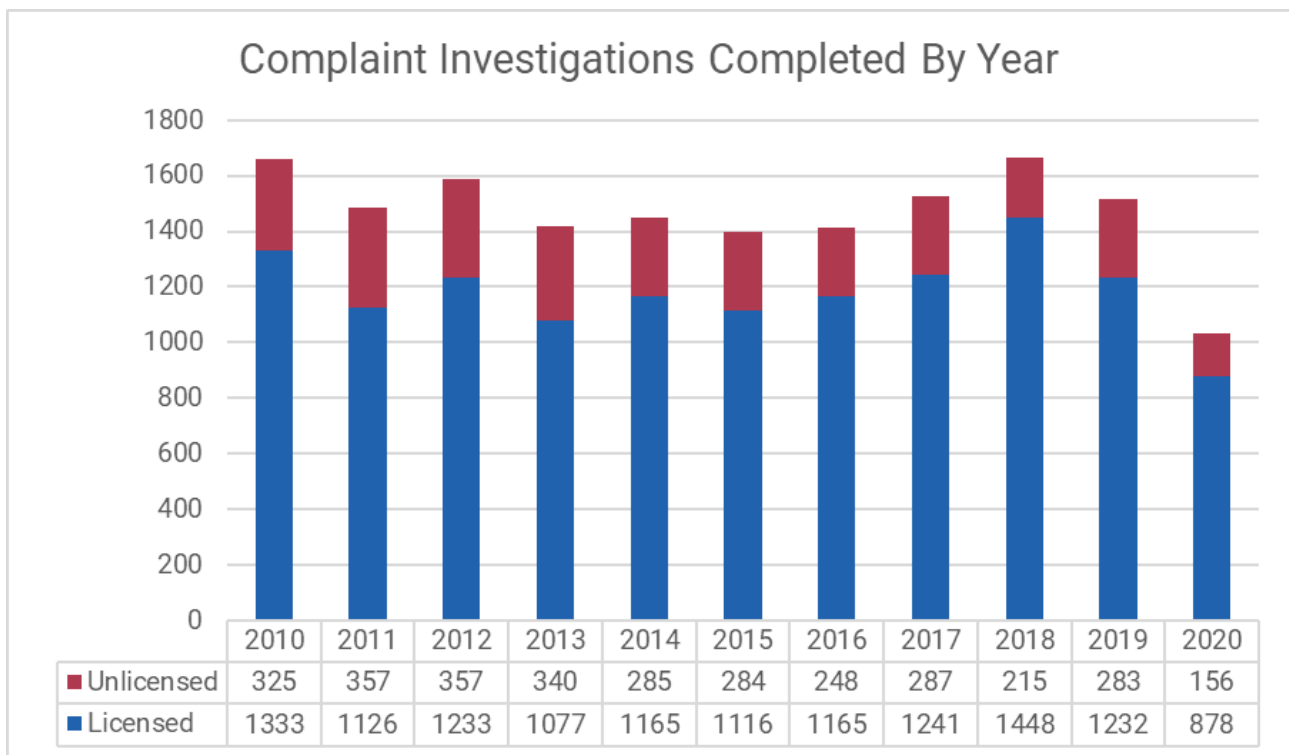
BECR received 882 complaints concerning licensed child care centers in 2020. This compares to 1,232 complaints in 2019, a decrease of 28% between 2019 and 2020. BECR substantiated 326 complaints regarding licensed child care, while 552 complaints were unsubstantiated. A complaint is considered substantiated when at least one of the allegations contained in the complaint results



in issuance of a rule violation. BECR received 160 complaints alleging unlicensed child care in 2020. BECR closed 156 of these complaints, with 104 unsubstantiated and 52 substantiated.

The following two charts reflect the number and status of complaints, and the variation in number of complaints over time.

	Received	Closed	Substantiated	Unsubstantiated
Unlicensed Complaints	160	156	52 (32%)	104 (65%)
Licensed Complaints	882	878	326 (37%)	552 (63%)

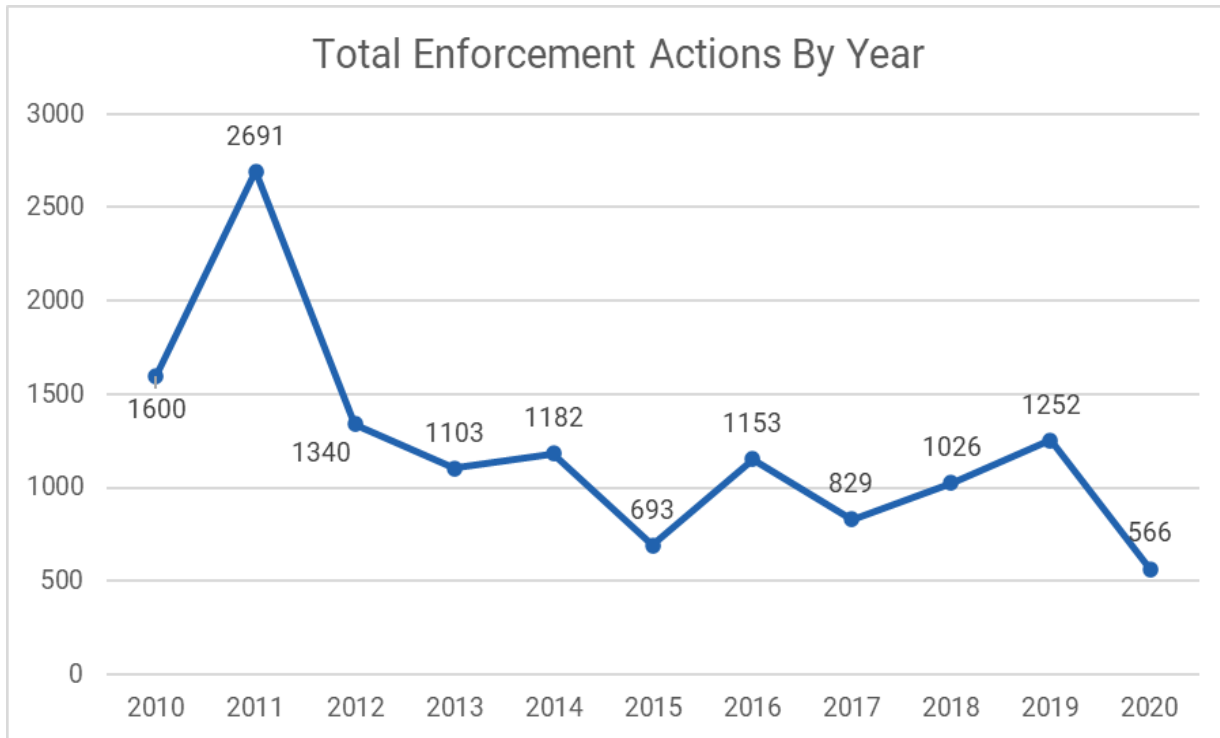


Licensing Enforcement Actions

Enforcement actions are initiated when, because of the severity of violations and/or a pattern of repeated violations, the health, safety and welfare of children in care is at risk. Progressive enforcement refers to a series of actions taken to gain compliance with administrative rules when previous efforts, such as citing the violation or providing technical assistance, have not worked. Enforcement actions are authorized in statute and can ultimately lead to revocation of a license. In



2020, there were 566 enforcement actions. The following two charts show total number of licensing enforcement actions since 2010 and the types of enforcement actions issued in 2020.



Note: Warning Letters issued to licensees for failing to submit an annual Background Information Disclosure form, a new statutory requirement at that time, caused the significant spike in 2011.

Licensing Enforcements Issued in 2020	
Orders/Stop Operating Orders	169
Warning Letters	166
Forfeitures/Direct Forfeitures	126
Revocations	68
Second Probationary License Due to Noncompliance	18
Denials	15
Summary/Temporary Suspensions	4
TOTAL	566



Most Frequently Cited Licensed Child Care Rule Violations

In 2020, the top five most frequently cited rule violations in **licensed family child care centers** were:

- Continuation License – Applications Materials Submission
- Current, Accurate Daily Attendance Record
- Child Record – Enrollment and Health History Forms
- Access to Materials Potentially Harmful to Children
- Regular License – Application Submission Date

In 2020, the top five most frequently cited rule violations in **licensed group child care centers** were:

- Continuation License – Applications Materials Submission
- Staff Record – Physical Examination
- Supervision of Children
- Child Tracking Procedure
- Medical Log – Reviewing Injury Records

In 2020, the top five most frequently cited rule violations in **day camps** were:

- License Continuation – Time Frame to Submit Materials
- Child Record – Immunization History
- Staff File – Pre-Camp Training (tie)
- Child Tracking Procedure (tie)
- Accessible Toxic Substances, Power Tools (tie)
- Drinking Water Availability (tie)

Attachment A provides a listing of the twenty most frequently cited licensed child care rule violations in family and group centers and day camps in 2020.

Serious Injuries and Deaths in Child Care

There were 1,044 serious injuries (injuries that required medical evaluation and/or treatment) in licensed, public-school operated programs, and certified child care centers in 2020. There were 918 injuries in licensed group child care, 61 injuries in licensed family child care, 29 in day camps, 11 in public-school operated programs, and 7 in certified care. During the same year, there were three deaths in licensed child care centers and one death in a public-school operated program.

Seventeen referrals for child protective services investigation resulted in a substantiated finding of child abuse or neglect.



Number and Capacity of Certified Child Care Centers

As of December 31, 2020, there were 504 certified family child care providers. This is an increase from 482 providers in 2019. Certified child care providers were positioned to serve an estimated 3,024 children in 2020. The following table shows the number of certified child care centers and estimated number of children enrolled in certified care in 2020.

	Total No. of Providers	Maximum Group Size	Allowable Number of Children Under the Age of 7	Estimated Number of Enrolled Children*
Certified Family	504	6	3	3,024

**The estimated number of enrolled children in certified family care is calculated by multiplying the number of providers by the maximum group size of 6.*

Certified Provider Monitoring

Monitoring of certified family child care is conducted by BECR licensing specialists (for Milwaukee County certified programs) and certifiers employed by the counties, tribes and subcontracted agencies in the balance of the state. Certifiers completed 524 monitoring activities of certified centers in 2020 to monitor, provide technical assistance, verify compliance and investigate complaints. Certified providers must receive one unannounced monitoring visit each year. In addition to the 524 completed monitoring activities of certified centers in 2020, certifiers attempted 23 visits to centers throughout the year but were unable to gain access.

The following table shows the number of visits made to certified child care centers in 2020 by reason type.

Purpose of the Visit	Number
Initial Provider Visit	166
Annual Visit/Monitoring/294 Verification/Other	130
Desk Review/Off Site Record Review/No Site Visit/Other Contact	78
Re-Certification Visit	65
Relocation Visit	29
Technical Assistance Visit	27
Attempted Visit	23
Complaint Visit	18
Vehicle Alarm Check	8
Expired Re-Certification Visit	3
TOTAL	547



The following table shows the enforcement actions issued to certified programs in 2020.

Certification Enforcements Issued in 2020	
Warning Letters	11
Revocations	3
Suspensions	3
Denials	2
TOTAL	19

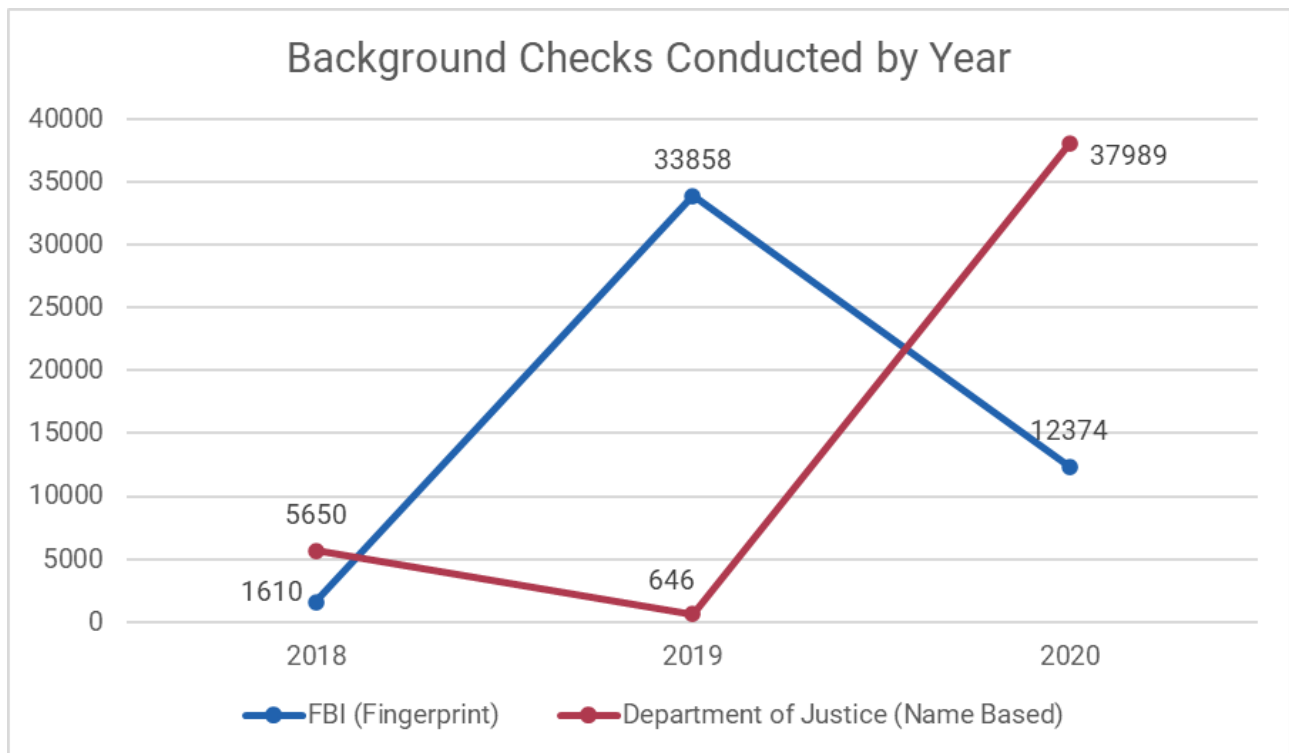
Child Care Background Check History

As of October 1, 2018, the BECR Child Care Background Unit (CBU) implemented new background check provisions required under the federal Child Care Development and Block Grant (CCDBG) Reauthorization Act of 2014. All licensees and operators of child care centers, caregiver and noncaregiver employees, and household members age 18 or older must undergo a DCF fingerprint background check every five years to be eligible to operate, work at, or reside in a child care center. In 2019, the single largest number of FBI background checks were processed by the CBU to bring all centers into compliance with existing staff and household members.

Background Check Process and Progress in 2020

In the spring and summer of 2020, many Fieldprint fingerprinting locations were closed due to the pandemic, which impacted the ability of individuals to submit their digital fingerprints for background checks. During this time, the CBU conducted name-based background checks to determine temporary eligibility for new individuals wanting to operate, work at, or reside in a child care center. Once Fieldprint locations re-opened, the CBU informed providers that it was resuming the fingerprint requirements and individuals with temporary eligibility were required to complete their fingerprint background check. Wisconsin received a federal waiver to extend the CCDBG deadline until 2021 for completing FBI background check requirements for all existing child care employees.

In 2020 the CBU completed 12,374 FBI fingerprint background checks and 37,989 name-based Wisconsin Department of Justice background checks.





Attachment A

Twenty Most Frequently Licensing Rule Violations – 2020

Violation Code	Description	Total
251.11(4)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION	207
251.05(2)(a)3.a.	STAFF RECORD - PHYSICAL EXAMINATION	178
251.055(1)(a)	SUPERVISION OF CHILDREN	152
251.055(1)(f)	CHILD TRACKING PROCEDURE	148
250.11(5)(b)	CONTINUATION LICENSE - APPLICATION MATERIALS SUBMISSION DATE	135
251.07(6)(dm)4.	MEDICAL LOG - REVIEWING INJURY RECORDS	104
251.05(3)(c)	CARDIOPULMONARY RESUSCITATION TRAINING	101
251.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	99
251.05(2)(a)2.	STAFF RECORD - COMPLETED BACKGROUND CHECK	90
251.04(8)(b)	BIENNIAL TRAINING - CHILD ABUSE & NEGLECT	89
251.06(2)(d)	ACCESS TO MATERIALS POTENTIALLY HARMFUL TO CHILDREN	89
251.06(2)(a)	POTENTIAL SOURCE OF HARM ON PREMISES	85
251.05(4)(a)	STAFF ORIENTATION - DEVELOP, IMPLEMENT, DOCUMENT	83
251.09(1)(c)	INFANT & TODDLER - DOCUMENTING CHANGES IN DEVELOPMENT	83
250.04(6)(b)	CURRENT, ACCURATE DAILY ATTENDANCE RECORD	79
251.06(9)(d)2.a.	FOOD STORAGE - DRY FOOD	79
250.04(6)(a)1.	CHILD RECORD - ENROLLMENT & HEALTH HISTORY FORMS	77
251.05(2)(a)6.	STAFF RECORD - DAYS & HOURS WORKED	70
251.06(2)(i)	DETERIORATING PAINT	69
251.05(2)(a)1.	STAFF RECORD - PERSONAL INFORMATION	66
251.05(2)(a)4.a.	STAFF RECORD - REGISTRY CERTIFICATE	66