

DCF 251.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for group child care centers for children. The purpose of this chapter is to protect the health, safety and welfare of children being cared for in group child care centers.

DCF 251.02 Applicability.

(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all group child care centers, whether the facility in which the child care and supervision are provided is known as a day care center, nursery school or preschool, head start or school-age child care program, or by any other designation, but it does not apply to the following:

(a) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

(b) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities and group athletic activities.

(c) Care and supervision while the child's parent is on the premises and is engaged in shopping, recreation or other non-work activities.

Non-working parents on premises means a care situation in which a parent of every child in care is on the premises. Centers serving industry, college, university or employer-based child care where parents may be employed or attending classes on the same premises must be licensed.

ADMINISTRATIVE EXEMPTION TO LICENSING: An organization may use the premises of a licensed child care center for occasional exempt care for conferences or other activities when the center is not in operation. An example of this usage would be occasional weekends or evenings.

Centers offering after-hours care/activities for children on the premises of a licensed center (such as parent date nights, shopping, etc.) may do so provided that the parents are informed that the center is not licensed during that time period. If the center wishes to operate during this time as a licensed facility, an exception must be requested. Note: Centers should also check with their insurance company to ensure coverage during this time.

(d) Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families or Wisconsin works who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

This program is also known as W-2.

(e) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible schools and holiday child care programs.

(f) Care and supervision in emergency situations.

(g) Care and supervision while the child's parent is employed on the premises if the child receives care and supervision for no more than 3 hours a day.

Note: Section 48.65, Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons who come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement of a license. As specified under s. 49.155(4), Stats., or s. DCF 201.04(1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy. To be eligible for child care subsidy payments under s. 49.155(4), Stats., or DCF 201.04(1), programs, other than those operated by public schools, may be required to be licensed by the department or certified by a county agency.