

# DCF 250 Licensing Rules for Family Child Care Centers

Training for providers on the  
January 1, 2009  
licensing rules revisions

A Message  
From  
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Early Care and Education

## General topics

- ❖ The rule number has changed from HFS 45 to DCF 250. Numbering within the rule remains the same.
- ❖ New rule books (gold cover) will be sent to providers and additional rule books will be available for purchase
- ❖ Rules became effective on Jan 1, 2009 although some rules have a delayed effective date specified in the rule.
- ❖ If you have questions, please talk with your licensing specialist.

# Operational Requirements

DCF 250.04 (2) (e) Policies will need review and may require updating. The policy template has been revised and is available on the DCF website. Submit additions/revisions to the licensing specialist at license continuation along with the revised policy checklist (available on the website).

- ❖ Add information to the admission policy about the procedure to notify a parent if a child is absent without prior notification.
- ❖ Add information to the transportation policy about the procedure to ensure that no child is left unattended in the vehicle.

DCF 250.04 (2) (L) and (m) Submit a background information disclosure form when a new household member is present or when a current household member turns age 10.

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Rules reference on slides include

DCF 250.04 (2) (e) Develop, submit to the department for compliance review, implement and provide to the parents written policies and procedures related to all of the following:

1. Enrollment and discharge of enrolled children.
2. Fee payment and refunds.
3. Child and provider absences, including a procedure to contact a parent if a child is absent from the center without prior notification from the child's parent.
4. Children's and staff's health care, including those policies and procedures pertaining to SIDS risk reduction, if the center is licensed to care for children under one year of age.
5. Nutrition
6. Daily activities of the children.
7. Child guidance, including appropriate ways to manage crying, fussing or distraught children.
8. Transportation of children for any purpose including field trips. The policy shall include a procedure to ensure that no child has been left unattended in a vehicle.
9. Religious instruction or practices, if any.
10. Information related to the numbers, types and location of pets or other animals located on the premises of the center and the type of access the children will have to the pets.

DCF 251.04 (2) (L) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when a person aged 10 and above becomes a household member.

DCF 250.04 (2) (m) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current household member who turns age 10.

# Operational Requirements

DCF 250.04 (3) Reports – If a report is phoned in, it must be followed up with a written report in 5 business days.

- ❖ Injuries or incidents that occur while the child is in the care of the center and result in a child being seen by a medical professional must be reported to the licensing specialist
- ❖ New requirement – confirmed case of a reportable communicable disease must be reported to licensing specialist. A list of communicable diseases that must be reported is available from the Child Care Information Center at 1-800-362-7353 or from the website [http://www.dpi.state.wi.us/ccic/pdf/cd\\_chart.pdf](http://www.dpi.state.wi.us/ccic/pdf/cd_chart.pdf)

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Rules address on slide

DCF 250.04 (3) REPORTS. The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail and letter are acceptable ways of filing a written report:

(a) Any death of a child in care, or any incident or accident that occurs while the child is in the care of the center that results in an injury that requires professional medical treatment, within 48 hours after the occurrence.

(m) Any confirmed case of a communicable disease reportable under ch. HFS 145 in a child enrolled in the child care center or a person in contact with children at the center within 48 hours.

## Operational Requirements continued

### DCF 250.04 (5) Staff files

- ❖ A annual driving record must be in the file for any person transporting children.
- ❖ Registry Certificate - Required for a person who receives a license on or after 1/1/09 or a person who begins to work with children on or after 1/1/09. If a person who is currently licensed moves, a Registry certificate is required.

### DCF 250.04 (6) Child files – The provider's own children under age 7 are required to have a child file with all the specified information.

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**(5) STAFF RECORDS.** The licensee shall maintain a file for each provider, employee, or substitute and make the file available for review by the licensing representative. The file shall contain all of the following:

(i) For persons who transport children, a copy of the person's driver's license and driving record that is obtained by the licensee under s. DCF 250.08(3)(b).

(k) For persons licensed or beginning work with children on or after January 1, 2009, a certificate from The Registry. Substitutes are not required to have a Registry certificate until they have worked for 240 hours.

**(6) CHILDREN'S RECORDS.** (a) The licensee shall maintain a current written record at the center on each child enrolled, including the provider's own children under age 7, and shall make the record available to the licensing representative on request. Each record shall include all of the following:

# Operational Requirements continued

## DCF 250.04 (6) (b) Attendance Reporting

- ❖ **All family child care centers must use the department-provided Daily Attendance Record form.** This form was sent to all licensed providers and will be available as an appendix in the back of the rule book.
- ❖ Attendance must be accurate throughout the day. Children must be signed in and out as they arrive and depart.
- ❖ Only sections A and B are required to be completed. The space for a parent signature is not required, however we recommend that parents review the information and sign the form weekly.
- ❖ Form may be used to document when the provider is counted in the staff-to-child ratio as required under DCF 250.05 (5) (d).
- ❖ Form will be accepted to meet requirements on attendance reporting for child care subsidy and Child and Adult Care Food Program.

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(b) The licensee shall maintain a current, accurate written record of the daily attendance on a form prescribed by the department that includes the actual time of arrival and departure for each child for the length of time the child is enrolled in the program.

**Note:** The department's form, Daily Attendance Record – Child Care, is used for recording a child's daily attendance. Information on how to obtain the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

# Staffing

## DCF 250.05 (1) (b) Qualifications

- ❖ New licensees must have completed a course in early childhood education (Introduction to the Child Care Profession) and a course in business practices (Fundamentals of Family Child Care) before a license may be issued
- ❖ Additional providers required to meet staff to child ratios must have orientation and training in Shaken Baby Syndrome prevention before beginning work. Additional providers required to meet the staff to child ratios have 6 months to complete the remaining training.
- ❖ CPR training must include training in the use of an Automated External Defibrillator (AED) and be taken from an approved agency when current certificate needs renewal.
- ❖ Providers must have completed training in the care of infants and toddlers (Fundamentals of Infant and Toddler Care) within 6 months of obtaining a license or beginning to work with children if the center is licensed to care for children under age 2.

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## (1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

### (b) Training.

- 1.a. A provider shall have satisfactorily completed 3 credits of broad-based early childhood training or a non-credit course in caring for children approved by the department before receiving a license or working with children.

**Note:** The non-credit course called *Introduction To The Child Care Profession* is the non-credit course in caring for children that has been approved by the department. Acceptable broad-based early childhood education courses taken for credit include child development, child psychology or introduction to early childhood education. Information on agencies offering department-approved courses is available on the department's website at <http://dcf.wisconsin.gov>.

1. b. A person licensed or beginning to work with children after January 1, 2009 shall have satisfactorily completed a non-credit course in operating a child care business approved by the department or its equivalent before becoming licensed or working with children.

**Note:** The non-credit course entitled *Fundamentals of Family Child Care* is the non-credit course in operating a child care business that has been approved by the department. Information on agencies offering the department-approved course is available on the department's website at <http://dcf.wisconsin.gov>.

2. If more than one provider is required to meet the staff-to-child ratios, each additional provider shall meet the training requirements as specified under this paragraph.
5. A provider shall obtain within 6 months of licensure or date of hire and maintain a current certificate of completion for a department-approved course in infant and child cardiopulmonary resuscitation including training in the use of an automated external defibrillator. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.
6. Within 6 months of becoming licensed or working in a center licensed to care for children under age 2, a provider shall have completed at least 10 hours of department-approved training in the care of infants and toddlers.

# Staffing continued

DCF 250.05 (2) Orientation – Added review of center policies, licensing rules, the procedure to contact a parent if the child is absent without prior notification and a review of DHS 12.07 (1) which requires a provider to notify the licensee no later than the provider's next working day of any convictions, investigations, substantiated finding of abuse or neglect or status change of a professional license related to a caregiver background check. The orientation documentation form has been revised.

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## (2) STAFF DEVELOPMENT.

(a) *Orientation of employees, volunteers and substitutes.* Each employee, volunteer, or substitute shall receive an orientation before beginning work. The orientation shall be documented on a form provided by the department and kept in the employee file. The orientation shall cover all of the following:

1. Names and ages of all the children in care.
2. Current arrival and departure information for each child enrolled including the names of people authorized to pick up the child.
3. A review of children's records including emergency contact information.
4. Specific information relating to children's special health care needs including medications, disabilities or special health conditions.
5. Procedures to reduce the risk of sudden infant death syndrome, if the center is licensed to care for children under one year of age.
6. An overview of the daily schedule including meals, snacks, nap and any information related to the eating and sleep schedules of infants and toddlers enrolled in the center.
7. A review of the center's procedures for dealing with emergencies.
8. The procedure for reporting suspected abuse and neglect of a child.
9. The plan for evacuating sleeping children, if the center is licensed to care for children between the hours of 9 PM and 5 AM.
10. The procedure to contact a parent if a child is absent from the center without prior notification of the absence from the parent.
11. Review of center policies required under s. DCF 250.04(2)(e).
12. Review of this chapter.
13. Review of s. DHS 12.07(1) which requires a provider to notify the licensee as soon as possible but no later than the provider's next working day when any of the following occurs:
  - a. The provider has been convicted of a crime.
  - b. The provider has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect, or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
  - c. The provider has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.
  - d. A professional license held by a provider has been denied, revoked, restricted or otherwise limited.

# Staffing continued

## DCF 250.05 (3) Supervision

- ❖ Implement a procedure to ensure that name, number and whereabouts are known to the provider at all times. Procedure can be verbal.
- ❖ Provider must be outside with children providing sight and sound supervision when there is a wading pool with water in it in an area accessible to children.

## DC250.05 (4) Staffing and Grouping

- ❖ Change in the staff-to-child ratio chart that addresses how many additional school-age children (rather than children in 1<sup>st</sup> grade or above) may be present for 3 or fewer hours. (The definition of a school-age child is a child who is age 5 and enrolled in a public or private school.)

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### (3) SUPERVISION.

(L) The licensee shall implement a procedure to ensure that the number, names and whereabouts of children in care are known to the provider at all times.

(m) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool with water in it is present in the outdoor play space specified in s. HFS 45.06(11)(b).

### (4) STAFFING AND GROUPING.

#### Table DCF 250.05

#### Maximum Number of Children in Family Child Care per Provider

Children Under 2 Years of Age	Children 2 Years of Age and Older	Maximum Number of Additional School-age Children In Care For Fewer Than 3 Hours a Day	Maximum Number of Children
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6

# Physical Plant

## DCF 250.06 (2) (e) Indoor and Outdoor Hazards

- ❖ Recalled products are considered a hazard. Providers encouraged to get lists of recalled products from the WI Dept of Ag, Trade and Consumer Protection or the US Consumer Products Safety Commission. Licensing staff will not conduct a detailed review of equipment and materials to determine whether any items have been recalled. It is the licensee's responsibility to ensure that they know what products have been recalled and remove them from the areas occupied by children.

## DCF 250.06 (7) (b) 6.c. Exiting from an upstairs duplex

- ❖ Family Child Care centers located in the upstairs unit of a duplex must have 2 doorway exits. One exit must lead directly to ground. The second exit must lead to the ground or balcony or platform which has an area of at least 25 square feet, is at least 4 feet long and is not more than 15 feet above the ground. The balcony or platform does not need to lead to the ground). Consult with your licensing specialist if your program is located in the upper unit of a duplex.

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## (2) PROTECTIVE MEASURES.

(e) The center's indoor and outdoor child care space shall be free of hazards including any recalled products.

**Note:** Lists of recalled products are available on the Department of Agriculture, Trade and Consumer Protection website at <http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp> or by contacting the United States Consumer Products Safety Commission (US CPSC) at 1-800- 638-2772.

## (7) EXITS, DOORS AND WINDOWS.

6. The secondary exit shall be one of the following:

- A door or stairway that provides unobstructed travel to the outside of the building at street or ground level.
- A door or stairway leading to a platform or roof with railings complying with sub. (2)(g), which has an area of at least 25 square feet, is at least 4 feet long, and is not more than 15 feet above ground level.
- Except in an upstairs duplex, a window that is not more than 46 inches above the floor, capable of being opened from the inside without the use of tool or removal of a sash, and which has a nominal window opening size of at least 20 inches in width and 24 inches in height. A center located in the upstairs unit of a duplex shall have 2 exits leading directly to the ground floor or to a platform as described in subd. 6. a. and b.

# Physical Plant continued

## DCF 250.06 (11) (b) 4. Permanent Enclosure on Outdoor Play Space

- ❖ All centers are required to have a permanent enclosure that is at least 4 feet high and prevents children from leaving the area. The enclosure could be a fence, landscaping or plants. If there is no permanent enclosure in place as of 1/1/09, talk with your licensing specialist. A licensee will have until 1/1/10 to provide an enclosure.
- ❖ The enclosed area must contain at least 75 sq. ft per child (600 sq. ft. if 8 children will use the play space at one time).
- ❖ Talk with your licensing specialist if you currently do not have a permanent enclosure. The licensing specialist will have materials available that can help you decide what type of permanent enclosure will meet the requirements of the rule.

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### **(11) OUTDOOR SPACE.**

*(b) Required features of outdoor play space.* Except when an exemption is requested and approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

2. There shall be at least 75 square feet of outdoor place space for each child using the space at a given time. A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.
4. A permanent enclosure not less than 4 feet high shall be provided to protect the safety of children in care. Fencing, plants or landscaping may be used to create a permanent enclosure. Programs licensed prior January 1, 2009 have until January 1, 2010 to install a permanent enclosure.

# Program

DCF 250.07 (3) (e) Trampolines and inflatable bounce surfaces may not be accessible to children and may not be used by children in care. (Bouncy chairs and inflatable slides are not considered bounce surfaces.)

DCF 251.07 (6) (f) Medication

- ❖ Medications must be administered as directed on the label and authorized by the parent.
- ❖ If medication is stored at the center, there must be a current authorization from the parent on file. If no current authorization, medication must be removed from the premises.

DCF 250.07 (6) (g) Soap and water based wet wipes may be used to wash hands when outdoors or on field trips in place of soap and running water. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

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## **(3) EQUIPMENT.**

(e) Trampolines and inflatable bounce surfaces on the premises shall not be in areas accessible to children and may not be used by the children in care.

## **(6) HEALTH.**

(f) *Medications.*

5. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

6. Medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

(g) *Personal cleanliness.*

1. b. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands shall be washed immediately with soap and running water.

c. Disinfecting hand sanitizers may not replace the use of soap and water for washing hands.

## Program continued

### Transportation

DCF 250.07 (7) (f) **Pets must be confined to cage or kennel if they are in a food preparation or serving area while food is being prepared or served.**

DCF 250.08 (3) (b) and (c) **Driving Records for any person transporting children need to be obtained annually, kept on file and reviewed by the licensee. A driver whose driving record poses a threat to the children may not transport children.**

DCF 250.08 (5) **Car Safety Seat requirements added**

DCF 250.08 (6) (e) **Must implement a procedure to ensure that all children exit a vehicle**

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#### **(7) PETS AND ANIMALS.**

(f) Pets are prohibited in any food preparation or serving area when food is being prepared or served unless the pet is confined in a cage or kennel. Litter boxes are prohibited in any food preparation, storage or serving areas. Litter boxes and animal feeding dishes, excluding water dishes, may not be placed in areas accessible to children.

#### **DCF 250.08 Transportation.**

##### **(3) DRIVER.**

(b) The licensee shall obtain a copy of the driving record for each driver annually and place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

(c) A driver whose driving record poses a threat to the children may not transport children.

##### **(5) SEAT BELTS.**

(a) Each child who is less than 1 year of age or 40 who weighs less than 20 pounds being transported in a vehicle shall be properly seated and restrained in an a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

(b) Each child who is at least one year old but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48 Stats.

(c) Each child who is at least 4 years old but less than 8 years of age, who weighs less than 80 pounds or who is 4 feet 9 inches tall or less shall be properly restrained in a shoulder positioning child booster seat when being transported in a vehicle as specified in s. 347.48 Stats.

(d) Each child who is not required to be in an individual child car safety seat or booster seat required under par. (a), (b) or (c) when being transported shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

##### **(6) VEHICLE CAPACITY AND SUPERVISION.**

(e) The licensee shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

## DCF 250.095

### Additional Requirements when the licensee is not providing care to children for at least 50% of licensed hours of operation

- ❖ New section
- ❖ If the licensee is other than an individual, the “licensee” under this section will be the person identified on the application as the “owner/president of the governing board”.
- ❖ Examples of the types of programs where this new section might apply include when the licensee holds another job or the licensee operates more than one center and hires a person to provide the care to children

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**HFS 45.095 Additional requirements when the licensee is not providing care to children at least 50% of the licensed hours of center operation.** A licensee who does not provide care and supervision to children at least 50% of the hours of a center’s operation shall comply with the following requirements:

**(1)** The licensee shall complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center’s operation.

## Licensee not providing care at least 50% of licensed hours

- ❖ Licensee must complete at least one course in Child Care Administrator Credential within 1 year
- ❖ Personnel policies, job descriptions and staff meetings required
- ❖ Licensee must be at the center for at least 30 hours per month to provide oversight to program and staff. May be counted in staff-to-child ratio during the 30 hours on-site.

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**(1)** The licensee shall complete at least one course from the Wisconsin Professional Credential for Child Care Administrators program within one year from the initial date that the licensee is not providing care and supervision for at least 50% of the hours of the center's operation **(2)** The licensee shall be responsible for the following:

- (a) Management, finance, physical plant, and day-to-day operations of the center.
- (b) Supervision of the planning and implementation of the center's program for children.
- (c) Supervision of center staff, including the following duties:
  1. Implement and maintain a written job description for each staff position.
  2. Implement and maintain a written personnel policy that addresses hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures, and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible, but no later than the next business day, when any of the following occurs:
    - a. The employee has been convicted of a crime.
    - b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.
    - c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.
    - d. A professional license held by the employee has been denied, revoked, restricted, or otherwise limited.
  3. Ensure that each employee is familiar with the employee's job description, personnel policies, and applicable licensing rules.
  4. Conduct staff meetings at least 9 times in a calendar year and document that the meetings have been held.
  5. Ensure staff compliance with continuing education requirements.

**(3)** The licensee shall be at the center for at least 30 hours per month for the exclusive purpose of carrying out licensee responsibilities in sub. (2).

## For more Information

- Contact your licensing specialist for assistance.
- Visit the Bureau of Early Care Regulation website at <http://dcf.wisconsin.gov/childcare/licensed/Index.HTM>