

DCF 250.02 Applicability.

(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all family child care centers, but does not include any of the following:

Note: Section 48.65 (2), Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons employed to come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, villages, towns, school districts, and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement for 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.

(a) Care and supervision of children in a program that operates no more than 4 hours a week.

Centers occasionally 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 notified in writing 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.

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

(c) Care and supervision while the parents are on the premises and are engaged in shopping, recreation or other non-work activities.

Non-working parents on the 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.

An organization may use the premises of a licensed child care center for occasional care for conferences or other activities when the center is not in operation. An example of this usage would be occasional weekends or evenings. An exception is not required.

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

(e) Care and supervision in emergency situations.

"Emergency situation" means a scenario where there is an unforeseen circumstance that poses a significant risk or threat to the safety or wellbeing of individuals involved that requires immediate attention. Examples can include but are not limited to severe weather, national emergency, natural disasters, and security threats.

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

(g) 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.

250.02(2)

(2) EXCEPTION TO THE REQUIREMENT. The department may grant an exception to a requirement of this chapter when a family child care center demonstrates to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the pertinent provision in this chapter.

The Exception Request form is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; a signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative plan to meet the intent of the rule.

The exception to the rule may not be implemented until the exception request has been approved by the department.

Failure to comply with the conditions of the exception could result in withdrawal of the exception and/or initiation of other enforcement actions, such as forfeiture or revocation of the license.

Note: A request for an exception to a requirement of this chapter should be sent to the regional licensing representative of the Department's Division of Early Care and Education. See Appendix A for addresses of the regional offices.