

DCF 250.055 Supervision and grouping of children.**(1) SUPERVISION.**

(a) Each child shall be supervised by a provider to guide the child's behavior and activities, prevent harm, and ensure safety.

Electronic monitoring devices may be used for supervising sleeping children only. Consideration should be given to the quality of the device, proximity, and accessibility of provider and noise levels that may interfere with the provider's ability to hear.

See DCF 250.03 (33) – DEFINITION – SUDDEN INFANT DEATH SYNDROME; DCF 250.03 (34) – DEFINITION – SUPERVISION; DCF 250.055 (1) (m) – SUPERVISION OF CHILDREN WHILE OUTDOORS; and DCF 250.07 (7) (e) – PETS & ANIMALS – SUPERVISION.

(b) A provider shall be awake at all times when children are in care.

(c) No individual provider may care for children for more than 16 hours in any 24-hour period.

A license may be granted for more than 16 hours in a 24-hour period if a second qualified provider cares for and supervises children after 16 hours.

See DCF 250.05 (2) (c) – STAFF FILE – DAYS, HOURS WORKED.

(d) No child may be in care for more than 14 hours in any 24-hour period.

An exception may be granted to a child care center for a child or children to be in care for more than 14 hours in a 24-hour period if a local business or corporation operates a 14-hour work shift for their employees or if the department determines that granting an exception would support the circumstances and the family. The exception does not need to be individual to each child if the exception is granted in relation to employees of a specific business. A written parental request for care in excess of 14 hours must be on file at the center.

(e) At least one provider who has completed the training required under s. DCF 250.05 (3) (b) shall supervise children at all times, except when a substitute is providing care. A substitute shall meet the requirements under s. DCF 250.05 (3) (c) and (4) (a).

(f) No person under 18 years of age may be left in sole charge of the children.

(g) The center shall have a written plan reviewed by the department for ensuring supervision of the children in an emergency or during a provider's absence.

See DCF 250.03 (7) – DEFINITION – EMERGENCY BACK-UP PROVIDER; DCF 250.04 (2) (e) 3. – POLICY SUBMITTED AND IMPLEMENTED – ABSENCES; and DCF 250.05 (4) (b) – EMERGENCY BACK-UP PROVIDER – ORIENTATION.

(h) A provider may not be engaged in any other activity or occupation during the hours of operation of the center when children are in care, except for daily maintenance of the home.

Daily maintenance of the home does not include time-consuming tasks which would prevent the provider from supervising and interacting with children. Acceptable tasks include dusting, floor sweeping, meal preparation, clean up, and laundry.

Home-based occupations may not be practiced during hours of operation.

HOME SCHOOLING or CHILDREN ATTENDING a VIRTUAL (ONLINE) SCHOOL: Home schooling is defined in Wis. Stat. § 115.001(3g) as "a program of educational instruction provided to a child by the child's parent or guardian or by a person designated by the parent or guardian. An instructional program provided to more than one family unit does not constitute a home-based private educational program." A virtual school or cyber school describes an institution that teaches courses entirely or primarily through online methods. The program must provide 875 hours of instruction in a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health each school year.

250.055(1)(h) continued

Licensed family child care in a home where the provider's own children are receiving home-based education or virtual schooling may be permitted through an exception if the following conditions are met:

- *The department is notified in writing that home-schooling or attendance through a virtual school is occurring.*
- *Home-schooling does not primarily take place during hours of center operation.*
- *Home-schooling and virtual attendance does not interfere with the family child care programming or the supervision of children in care.*

(i) The licensee may not combine the care of children enrolled in the child care center with foster care of other non-related children or adults without the prior written approval of both licensing agencies.

Written approval must be obtained from the foster care licensing agency, and a stipulation must be signed by the licensee.

Combining treatment foster care and family child care will not be approved.

Care of adult family members will be reviewed on a case-by-case basis.

(j) During the hours of the center's operation, no provider or any other person in contact with children in care may consume or be under the influence of beverages containing alcohol or any non-prescribed controlled substance specified in ch. 961, Stats.

(k) A child may not be released to any person who has not been previously authorized by the parent to receive the child.

The Department recommends the center document any verbal authorizations. It is also recommended that the center check the photo identification of the person picking up the child.

(L) The licensee shall implement and adhere to 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 and provide sight and sound supervision of the children, unless the children are playing inside the enclosed outdoor area on the premises specified under s. DCF 250.06 (11) (b).

Exceptions will be considered for reasonable accommodations for providers with visual or audio impairment. Requests for exception must be submitted to the provider's regional licensing office. The Exception Request form is available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

The provider may supervise school-age children in or outside of the enclosed area from within the house if the provider is within sight or sound and the children have been informed of the boundaries. The provider must be able to guide the behavior and activities of the children as specified in the definition of supervision under DCF 250.03 (34).

It is expected that children will play inside any enclosed area on the premises. If children are riding tricycles or other riding toys on a driveway or sidewalk or using sidewalk play items such as sidewalk chalk, they may play outside the enclosed area on an occasional basis.

(n) A provider shall be outside with children providing sight and sound supervision of the children when a wading pool containing water is present in the outdoor play space specified in s. DCF 250.06 (11) (b).

(2) GROUPING OF CHILDREN.

(a) At no time may more than 8 children be in the care of the center. This limitation applies to all of the following:

250.055(2)(a)1.

1. All children under 7 years of age, including a provider's own children.

All licensing rules apply to the provider's own children under age 7 including DCF 250.07(2)(a) – GUIDING CHILDREN'S BEHAVIOR; DCF 250.08(6) and (7) regarding transportation of children; and DCF 250.09 regarding care of infants and toddlers.

See DCF 250.03(28) – DEFINITION – PROVIDER'S OWN CHILDREN.

2. All children 7 years of age or older who are not a provider's own children.

See DCF 250.03(9) – DEFINITION – FAMILY CHILD CARE CENTER.

Overlap periods in which more than 8 children are in care is a violation of the rule.

If a child under age 18 is used as a volunteer, they must be outside the licensed age range and be able to go home at any time. The volunteer must meet all volunteer requirements and, as with any staff, the licensee is ultimately responsible for the care and supervision of the children and the acts and omissions of the volunteer.

VISITING CHILDREN: There may be times when neighborhood or school playmates are on the premises to visit the provider's own children. The licensing specialist may ask for additional information to determine whether the child is in care of the licensed provider.

Children age 7 or older who visit the child care center to play with children in care (not the provider's own children), or to act as a "helper" for the provider, are considered to be in the care of the provider.

There may be occasions when a non-resident adult will visit the child care center bringing along their own children under the age of 7. Children must be properly supervised when a provider is visiting with another adult. Appropriate consideration must be given to the children's activities during these visits.

Individual situations will be evaluated on a case-by-case basis.

JOINT ACTIVITIES WITH MORE THAN ONE LICENSED/CERTIFIED PROVIDER: Licensing rules do not permit family child care centers to exceed the number for which the center is licensed.

As an alternative to meeting at a family child care center, it is recommended that providers planning activities for multiple groups of children use a location off the premises of a licensed family child care center, e.g., the public library or a local park. These types of activities off the premises of a licensed facility are considered field trips.

- (b) The maximum number of children that one provider may care for is specified in Table 250.055.

A child who is enrolled in a 4-year-old kindergarten (4K) program may be considered a school-age child once the child turns age 5, even if this occurs during the 4K school year.

An exception may never be granted to exceed the licensed capacity of 8 children.

- (c) If the size of the group or the age distribution of the children exceeds the number that may be served by one provider, an additional qualified provider shall be present.

Note: For example, if there are 3 children under 2 years of age present at one time and 5 children between the 2 years of age and 6 years of age present, a second provider is required. At no time may the maximum number of children in care exceed 8.

See DCF 250.05 (3) (d) – PROVIDER TRAINING – ADDITIONAL REQUIRED PROVIDER; DCF 250.05 (2) – STAFF FILE – MAINTENANCE & AVAILABILITY.

250.055(2)(c) Note: continued

The qualified second provider may be a person under the age of 18 who has successfully completed the Wisconsin Department of Public Instruction's (DPI) approved Assistant Child Care Teacher course, documented by a certificate from DPI. This person may not be left in sole charge of children.

(d) When care is provided on a level that is more than 6 feet above or below ground level, no more than 2 children under 2 years of age per provider may be in care.

The number of children under the age of 2 years is per provider, not per level of the center. If there is more than one provider with the children, no more than a total of 4 children under 2 years of age may be in the care of the center when care is provided on a level that is more than 6 feet above or below the ground level.

Note: Section DCF 250.06 (4) (e) requires an interconnected smoke detection system in operating condition if one or more children under 2 years of age will be cared for in a location that is more than six feet above or below the ground level.

Table DCF 250.055			
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 Permitted at One Time
0	8	0	8
1	7	0	8
2	5	1	8
3	2	3	8
4	0	2	6