

### DCF 251.03 Definitions. In this chapter:

**(1g)** “Abusive head trauma” means a serious type of head injury, including shaken baby syndrome, that is caused by shaking, throwing, hitting, slamming, or jerking.

**(1r)** “Administrator” means the person responsible to the licensee for management of the group child care center.

**(2)** “Assistant child care teacher” means a child care worker who works under the supervision of a child care teacher and who meets the qualifications under s. DCF 251.05 (3) (g).

**(2m)** “Background check request form” means a form prescribed by the department on which a person completes required information for the child care background check under s. 48.686, Stats., and ch. DCF 13.

**Note:** Form DCF-F-5296, Background Check Request, is available on the department’s website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

**(3)** “Care” means providing for the safety and the developmental needs of a child in a group child care center.

**(4)** “Center director” means the person who is responsible to the licensee for the supervision of the center’s program for children and for the supervision of the center’s staff and who meets the qualifications under s. DCF 251.05 (3) (e).

**(4g)** “Center-provided transportation” means transportation provided in a vehicle owned, leased or contracted for by the center or in volunteer or staff-owned vehicles regardless of whether the driver is reimbursed for the use of the vehicle.

*Transportation provided by rideshare companies, such as Uber or Lyft, is contracted transportation and therefore is considered to be center-provided transportation.*

**(4m)** “Center-provided vehicle” means a vehicle owned or leased by the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

**(4r)** “Child care background check” means the requirements in s. 48.686, Stats., and ch. DCF 13.

**(5)** “Child care teacher” means a child care worker who plans, implements, and supervises the daily activities for a designated group of children and who meets the qualifications under s. DCF 251.05(3)(f).

**(6)** “Child care worker” means in a group child care center, a child care teacher or assistant child care teacher, or in a school-age program, a school-age program leader or school-age group leader.

**(8)** “Complaint” means an allegation that a provision of this chapter or of ch. 48, Stats., has been violated.

**(8g)** “Credit” means recognition for completing a course from an institution of higher education.

*See Appendix D Resources List: Credit to Hours Conversion – Technical Colleges and Universities.*

**(8r)** “Crib” means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

**(9)** “Department” means the Wisconsin department of children and families.

**(10)** “Division” means the department’s division of early care and education.

**(10g)** “Early childhood education” means the teaching of children who are 8 years of age or less.

**(10m)** “Emergency” means unforeseen circumstances that require immediate attention.

**(10s)** “EPSDT provider” means a provider of health assessment and evaluation services that is eligible to be certified under s. DHS 105.37 (1) (a).

*DHS 105.37 Early and Periodic Screening, Diagnosis and Treatment (EPSDT) providers. (1) EPSDT Health Assessment and Evaluation Services. (a) Eligible providers. The following providers are eligible for certification as providers of EPSDT health assessment and evaluation services:*

1. Physicians
2. Outpatient hospital facilities
3. Health maintenance organizations
4. Visiting nurse associations
5. Clinics operated under a physician’s supervision
6. Local public health agencies
7. Home health agencies
8. Rural health clinics
9. Native American health agencies
10. Neighborhood health centers

*See DCF 251.03 (23) – DEFINITION - PHYSICIAN.*

**(11)** “Field trip” means any experience a child has away from the premises of the center, while under the care of center staff, whether a child walks or is transported.

**(11g)** “Fit and qualified” means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

- (a) Abuse of alcohol or drugs.
- (b) A history of a civil or criminal conviction or administrative rule violation that is substantially related to the care of children, as determined under s. DCF 13.05.
- (c) Exercise of unsound judgment.
- (d) A history of civil or criminal offenses or any other action that demonstrate an inability to manage financial resources or the activities of a center.

**(11r)** “Full day center” means a center that accepts children for care for 5 or more consecutive hours in a day.

*See DCF 251.03(22g) – DEFINITION – PART DAY CENTER.*

**(12)** “Group” means a specific number of children who have a regularly assigned child care worker and who are cared for in the same self-contained room or area at the center.

### DCF 251.03(13)

(13) "Group child care center" or "center" means a facility where a person for less than 24 hours a day provides care and supervision for 9 or more children who are not related to the provider.

See Wis. Stats. 48.65.

*Centers may be licensed for 24-hour care. See DCF 251.055 (1) (D) – PROVIDER – 12 HOUR CARE LIMIT and DCF 251.055 (1) (E) – CHILD – 14 HOUR CARE LIMIT.*

(13m) "Hazard" means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

(14) "Hours of operation" means the hours within the terms of the license during which children are actually in the care of the center.

(14g) "In care" means the center is providing supervision, either on or off the premises, including during center-provided transportation, for the safety and the developmental needs of the child or children.

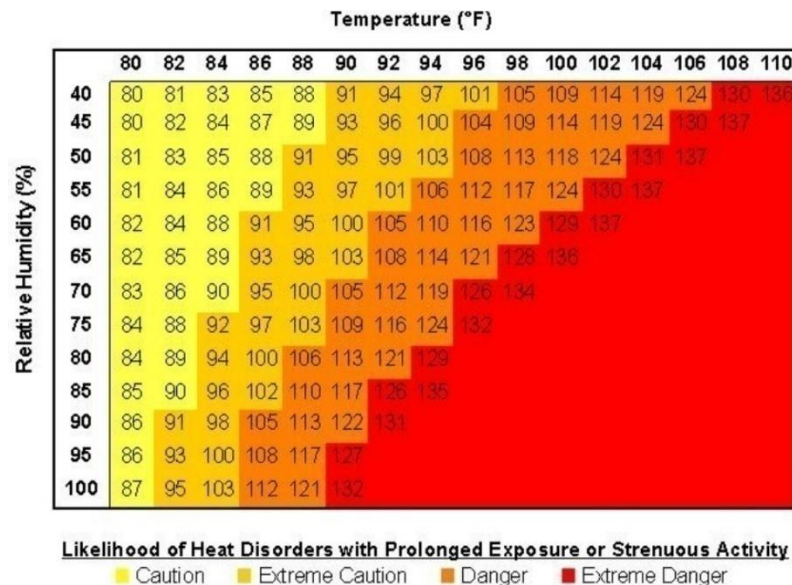
(14r) "Inclement weather" means stormy or severe weather such as any of the following:

(a) Heavy rain.

(b) Temperatures above 90 degrees Fahrenheit.

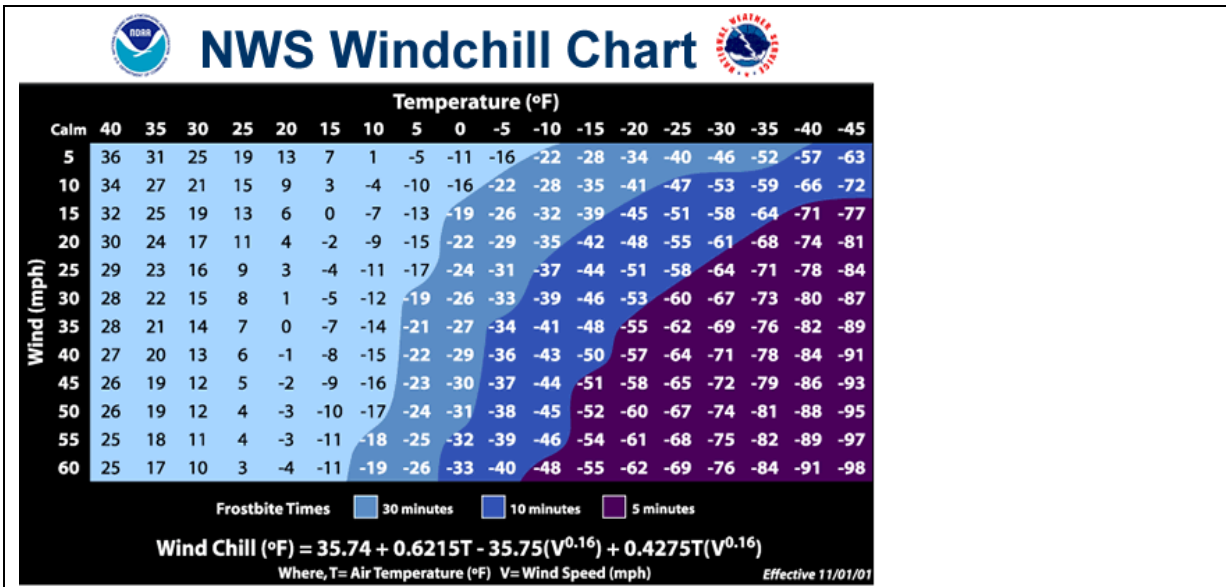
*The heat index (HI) is an index that combines air temperature and relative humidity in an attempt to determine the human-perceived equivalent temperature – how hot it feels – termed the felt air temperature.*

NOAA's National Weather Service Heat Index



(c) Wind chills of 0 degrees Fahrenheit or below for children age 2 and above.

(d) Wind chills of 20 degrees Fahrenheit or below for children under age 2.



(15) "Infant" means a child under one year of age.

(16) "Institution of higher education" means an educational institution which meets all of the following criteria except, in the case of a business school or technical institution, par. (c):

- (a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
- (b) Is legally authorized to provide a program of education beyond secondary education;
- (c) Provides an education program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward that degree; and
- (d) Is accredited by a nationally recognized accrediting agency or association or, if not accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are accredited, for credit on the same basis as if transferred from an institution that is accredited.

(16m) "Licensed hours" means the authorized hours specified on the license certificate and letter of transmittal within which the center may provide child care services.

(17) "Licensee" means the corporation, individual, partnership, limited liability company, or non-incorporated association or cooperative that has legal and financial responsibility for the operation of a child care center and for meeting the requirements of this chapter.

(18) "Licensing representative" means a department employee responsible for licensing group child care centers.

*A person monitoring a group child care center for purposes of department initiatives (such as child care subsidy) is also considered a licensing representative.*

(19) "Night care" means any care that is offered by a licensed group child care center between 10:00 p.m. and 5:00 a.m.

(20) "Parent" means either "parent" as defined in s. 48.02 (13), Stats., or "guardian" as defined in s. 48.02 (8), Stats.

(21) "Parent cooperative" means a center organized by parents for their preschool children in which the parents have decision-making authority to establish and change policy, program and personnel practices.

## **251.03(22)**

**(22)** "Parochial or private school" means an educational program which meets all the criteria specified under s. 118.165 (1), Stats., or as determined by the superintendent of public instruction under s. 118.167, Stats.

*s. 118.165, Wis. Stats., Private Schools*

*(1) An institution is a private school if its education program meets all of the following criteria:*

- (a) The primary purpose of the program is to provide private or religious-based education.*
- (b) The program is privately controlled.*
- (c) The program provides at least 875 hours of instruction each school year.*
- (d) The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. The subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program's religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program's religious doctrines.*
- (e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 188.15(1)(a) and (am), Wis. Stats.*
- (f) The pupils in the institution's educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under s. 48.60(1), Wis. Stats.*

*(2) An institution may request the state superintendent to approve the institution's educational program as a private school. The state superintendent shall base its approval solely on the criteria under sub. (1).*

*s. 118.167, Wis. Stats., Private school determination by state superintendent. If an association that regulates or accredits private education institutions in this state submits an affidavit to the state superintendent attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the state superintendent finds that the institution does meet or exceeds all of the criteria under s. 118.165, the state superintendent shall determine that the institution is a private school. If at any time the state superintendent finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, the state superintendent may withdraw the determination.*

**(22g)** "Part day center" means a center where a defined group of children attend for a specified period of time that is less than 5 consecutive hours in length.

*For example: A group of children are enrolled for a session that operates from 9:00 a.m. to 12:00 p.m. and a different group of children are enrolled for a session that is scheduled from 12:00 p.m. to 3:00 p.m. This program is considered a part-day program because no session lasts longer than 5 hours and a different and distinct group of children are enrolled in each session.*

**(22r)** "Physical Restraint" means the use of physical force to restrict the free movement of all or part of a child's body.

**(23)** "Physician" has the meaning prescribed in s. 448.01 (5), Stats.

*Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the board and holding a license granted by the board. A chiropractor or physician assistant does not meet the definition for physician.*

**(24)** "Physician assistant" has the meaning prescribed in s. 448.01 (6), Stats.

**(25)** “Premises” means the tract of land on which a center is located, including all buildings and structures on that land.

**(25m)** “Program aide” means a person who works under the supervision of a child care teacher and assists with daily activities and maintenance of the program, such as preparing and participating in program activities and cleaning the premises.

**(26)** “Regularly assigned child care worker” means a child care worker who is assigned to a specific group of children in a self-contained room or area.

*“Regularly assigned child care worker” applies to assistant child care teachers and child care teachers.*

**(26m)** “Representative of the department” means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

**(26r)** “School-age administrator” means a person who is responsible for the overall organizational management, including personnel, finance, physical plant, and the implementation of policies and procedures for a school-age program.

**(27)** “School-age child” means a child 5 years of age or older who is enrolled in a public school or a parochial or other private school.

**(27c)** “School-age director” means a person who is responsible for the management and implementation of the program for the school-age children; supervision of the staff, including recruitment, hiring, and training; oversight for regulatory compliance; and development of policies and procedures.

**(27g)** “School-age group leader” means a person who works under the supervision of a school-age program leader and helps plan, implement, and supervise daily activities for a designated group of school-age children.

**(27n)** “School-age program” means a program in a group child care center that serves only school-age children before and after school, on non-school days, and during the summer.

**(27r)** “School-age program aide” means a person who works under the direct supervision of a school-age program leader and assists with daily activities and maintenance of the school-age program, such as preparing and participating in program activities and cleaning the premises.

**(27w)** “School-age program leader” means a person who plans, implements, and supervises the daily activities for a designated group of school-age children, communicates with families, works with the community, and coordinates staff in a school-age program.

**(28)** “Self-contained room or area” means a room separated by permanent walls or an area separated by permanent or portable partitions or dividers acting as a visual barrier for children which is reserved for a group of children and contains the indoor equipment and furnishings required for that group.

## 251.03(28) continued

*Following are some of the ways a self-contained room or area may be used.*

- *All the equipment and furnishings (both in variety and quantity) required for a group of children are available in the room or area with consideration to the ages of children in care. See DCF 251.09 (4) (B) – INFANT & TODDLER – SINKS IN SELF-CONTAINED AREA.*
- *The room or area is set up with a number of interest centers and the quantity of equipment required for the group is met. Moreover, additional rooms or areas are available to the group on a daily basis to meet the variety requirement. Groups may rotate between two or more self-contained rooms or areas. Maximum group size and staff-to-child ratios must be maintained.*

**(28m)** “Shaken baby syndrome” or “SBS” means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

*See DCF 251.03(1G) – DEFINITION – ABUSIVE HEAD TRAUMA.*

**(29)** “Sleeping bag” means a padded fabric bag that is closed or capable of being closed on three sides.

**(29g)** “Substitute” means a person who replaces a regularly scheduled person and meets the requirements under s. DCF 251.05 (3) (i).

**(29m)** “Sudden infant death syndrome” or “SIDS” means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

**(30)** “Supervision of children” means guidance of the behavior and activities of children for their health, safety and well-being by child care workers who are within sight and sound of the children.

**(31)** “Supervision of staff” means guidance of the behavior and activities of center employees which may include provision of instructions to carry out activities for limited periods of time out of sight or hearing of the supervisor.

**(32)** “Toddler” means a child at least one year of age but less than 2 years of age.

**(33)** “Universal precautions” means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health services centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

**Note:** “Standard precautions” for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at <http://www.osha.gov>. Information is also available from the Child Care Information Center, 1-800-362-7353.

**(34)** “Volunteer” means a person who is not paid, but agrees to give time, with or without reimbursement for expenses, to transport children attending a group child care center or to work in a group child care center.

**(35)** “Wading pool” means a shallow pool, with sides 15 inches or less in height, capable of being dumped to change water and used primarily for small children.