

## DCF 251.04 Operational requirements.

### (1) TERMS OF A LICENSE.

*See Appendix J Resources List, Collaborative Child Care Program – Frequently Asked Questions for information on how and when the licensing rules affect collaborations between child care centers, public or private schools and/or Head Start programs.*

*See DCF 252.11 (5) – AMENDING A LICENSE.*

(a) The number of children at a group child care center at any one time may not exceed the number for which the center is licensed.

(b) The age of children served by a center may not be younger or older than the age range specified in the license.

*LICENSING A PROGRAM THAT SERVES CHILDREN OVER AGE 7. Section 48.65, Wis. Stats., requires programs that provide care to 4 or more children under age 7 to be licensed. Centers who serve a mix of children both under and over age 7 must decide whether to license the entire program or only the portion of the program that serves children under age 7. If the center chooses to license the entire program, the entire program is subject to the licensing rules. If the center chooses to license only the portion of the program that serves children under age 7, the program must provide separate space and staff for the group of children over age 7. The groups of children under age 7 and the groups of children age 7 and over may not be mingled because the care of the older children impacts health safety, and welfare of children in licensed care.*

*If children 7 years of age and older are served in the same space with children less than 7 years of age, a license for the actual age range to be served within the licensed capacity is issued. Developmentally appropriate equipment and supplies must be available. See DCF 251.095 – EXCEPTIONS AND ADDITIONAL REQUIREMENTS FOR CARE OF SCHOOL-AGE CHILDREN.*

*A license may be granted for the care of children through age 17. If a provider wishes to care for a child above or below the specified age on the license, an exception should be requested. For example, a provider who is licensed up to age 12 and wishes to care for one child age 14. The exception must be granted prior to caring for a child above or below the ages specified on the license*

(c) The hours, days and months of a center's operation may not exceed those specified in the license.

*Licensed hours: Authorized hours specified on the license certificate within which the center may provide child care services.*

*Hours of Operation: Hours within the terms of the license during which children are actually in the care of the center. Operational hours may vary depending on community needs.*

(2) ADMINISTRATION. A group child care center licensee shall do all of the following:

(a) Comply with all laws governing the facility and its operation.

**Note:** Under the state public accommodation law, s. 106.52(3), Stats., as well as federal statutes and regulations related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

*DISCRIMINATION: The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-422-6889 or the US Department of Health and Human Services, Office for Civil Rights 800-368-1019 (voice) or 800-537-7697 (TDD) or see the ADA website [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm) to file a complaint. See Appendix J Resources List; Together Children Grow – Quality Child Care for Children with Special Needs.*

*CAREGIVER BACKGROUND CHECKS: 2009 Wisconsin Act 76 modified the requirements for caregiver background checks. The modifications include the following requirements:*

- The licensee (or the president of a corporation's board of directors) must submit a background information disclosure form to the department each year when requested by the department. A caregiver background check is conducted on the licensee once per year.*
- The licensee must submit a background information disclosure form for each minor caregiver and each person who lives in the center who is age 12 and above to the department every year. The department conducts the caregiver background check on all minor caregivers and any adults who live in center once per year.*
- Licensees are billed for caregiver background checks once a year unless the licensee has submitted an authorization to have background check fees deducted from any Wisconsin Shares payments.*

- Licensees must collect a background information disclosure form for any employees, substitutes or volunteers who are used to meet the staff-to-child ratios before the person begins to work and every year thereafter. The licensee conducts the caregiver background check and completes any subsequent investigation necessary.
- The law specifies convictions that may result in a permanent bar, a bar for 5 years after completion of any sentence, a bar until rehabilitation approval has been granted or a bar that does not permit a person to hold a license or certification.
- Information on these changes can be found on the department's website: [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).

(b) Comply with all requirements of this chapter.

(c) Ensure that all information provided to the department is current and accurate.

(d) If residing in another state, designate in writing, as part of the application under s. DCF 251.12(2), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements of this chapter.

*See DCF 251.11(2) – INITIAL APPLICATION FOR A PROBATIONARY LICENSE. In circumstances where Migrant Councils operate licensed programs in Wisconsin on a seasonal basis, the person representing the Migrant Council may be considered to be a WI resident during the period of time that program operates in WI. The Wisconsin residence address must be provided.*

(e) Meet, upon request of the department, with a licensing representative on matters pertaining to the license.

(f) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due to the department.

(g) Submit to the department a certificate of insurance reflecting:

*An insurance binder has the same intent as a certificate of insurance but may be issued by the insurance company prior to initial licensing and will be accepted until the certificate is issued.*

*It is recommended that the department be listed as a certificate holder so automatic notice will be sent to the department if coverage is canceled by the insurance firm or subsequent coverage is not obtained through failure of the licensee to pay the premiums.*

*Child care centers operated by the University of Wisconsin system and technical colleges are not required to submit certificates of insurance to the department since coverage is provided by statute for programs, employees and agents.*

1. Current dates of coverage for all of the following:

a. General liability insurance which provides coverage with limits of not less than \$25,000 for each person and total limits of \$75,000 for each occurrence.

b. Vehicle liability insurance, when transportation is provided by the center, with minimums no less than those specified in s. 121.53, Stats.

*See DCF 251.03(4g) DEFINITION – CENTER-PROVIDED TRANSPORTATION.*

c. Non-owned vehicle liability insurance when transportation is provided in vehicles not owned by the center, excluding public transportation vehicles and chartered vehicles, with minimums no less than those specified in s. 121.53, Stats.

*Examples of non-owned vehicle transportation are:*

- Children transported in personal vehicle of employee for field trip, portal-to-portal or for emergency situations.
- Children transported in personal vehicles of parents or other persons for field trips. If parents transport only their own children for a field trip, non-owned insurance coverage is not required.
- Children transported in vehicles donated by other agencies, but not owned by the center, such as churches, community groups, or the Red Cross.

*The Commissioner of Insurance recommends that centers carry a non-owned vehicle liability policy / rider even when the center only uses public transportation for field trips or portal-to-portal transportation.*

*Non-owned insurance coverage may be obtained as a rider to vehicle insurance coverage, or may be obtained as an extension to general liability coverage without vehicle insurance coverage, but must specifically appear on the certificate as such. A common practice of insurance carriers is to issue a multi-peril policy covering general liability, property and non-owned vehicle coverage.*

*A written contract between a private transportation or bus company is recommended.*

**251.04(2)(g)2.**

2. An indication that pets are included in the liability coverage if cats or dogs are permitted in areas of the center accessible to children during the hours of operation.

*The certificate of insurance as specified in (g) above must indicate that coverage includes cats and dogs if applicable.*

(h) Develop, submit to the department for review and implement written policies on the following subjects:

*Policy review will consist of ensuring that policies address all required subjects and that they do not conflict with licensing rules. If further clarification is needed the policy will be sent back to the licensee. The Policy Checklist – Group Child Care Centers is available to assist in writing policies and contains items that are recommended to be included in center policies. The policy checklist is available on the department's website: [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov). Centers should periodically review their existing policies and procedures to determine whether they conflict with the licensing rules or to determine whether any changes are required to reflect current procedure. Any conflicts must be resolved. Copies of policy changes must be submitted to the department at the time the policy is changed. Licensees are reminded at continuation that if they have not previously submitted policy changes, they should do so with the continuation materials. The Policy Checklist – Group Child Care Centers must be sent to the department at the time the policies are submitted for review. Parent contracts are recommended but not required. If contracts are used, submit a copy with the written policies and procedures.*

1. Fee payments and refunds.

*Dollar amounts (fees) do not need to be included in a fee policy. Whether or not refunds are given, and under what circumstances, must be included. It is recommended that centers utilize a contract that includes the requirements for payment of fees.*

2. Personnel, including job descriptions, 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. When a professional license held by an employee has been denied, revoked, restricted or otherwise limited.

3. Discharge of enrolled children.

*The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-422-6889 or the U.S. Department of Health and Human Services, Office for Civil Rights 800-368-1019 (voice) or 800-537-7697 (TDD) or see the ADA website [https://www.ada.gov/filing\\_complaint.htm](https://www.ada.gov/filing_complaint.htm) to file a complaint.*

(i) Develop, submit to the department for approval and implement as approved written policies and plans, consistent with the requirements of this chapter, on the following subjects:

*While awaiting department approval, the responsibility for ensuring that policies and plans are implemented and meet the requirements of this chapter remains with the licensee. The policy checklist includes items that are recommended be addressed in center policies. The policy checklist is available on the department's website [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).*

1. Admission.

2. Health care. If the center is licensed to care for children under one year of age, Sudden Infant Death Syndrome risk reduction procedures shall be included.

*See DCF 251.09(2)(b) INFANT & TODDLER – INDIVIDUAL SLEEP PATTERNS; 251.09(1)(k) INFANT & TODDLER – BEDDING, 251.09(1)(L) INFANT & TODDLER – SOFT MATERIALS IN CRIBS; and DCF 251.09(2)(bm) INFANT & TODDLER – SLEEP POSITION*

3. Education.
4. Nutrition.
5. Child guidance including appropriate ways to manage crying, fussing or distraught children.

*See Appendix J Resources List, Managing Crying Fussing or Distraught Children.*

6. Contingency plans to be followed in the event of a fire, tornado, missing child or other emergency.

*SEE DCF 251.03 (10M) DEFINITIONS – EMERGENCY. For more information on contingency plans, see:*

- *Wisconsin Emergency Management <http://emergencymanagement.wi.gov>.*
- *Child Care Information Center, 2109 S Stoughton Rd., Madison, WI 53716, <https://dcf.wisconsin.gov/ccic> or toll free at 1-800-362-7353.*

7. Continuing education of staff.

8. Orientation of new staff and volunteers.

9. Transportation, if the center will transport children either on field trips or on a regular schedule. The policy shall include a procedure to ensure that no child is left unattended in a vehicle.

*At a minimum, the transportation policy should include the following:*

- *Procedure for inspecting vehicle for safety and for ensuring that any required vehicle safety alarm is in operating condition*
- *Procedure for loading, unloading and tracking children being transported*
- *Procedure for ensuring the child is released to a responsible adult*
- *Procedure for tracking children during an emergency*
- *Behavior management techniques for use with children being transported*
- *Procedure on the use of a cellular phone or other wireless communication device by the driver*
- *Procedure for sharing information with the driver on any special needs that a child being transported may have and the plan for how those needs are to be met.*

- (j) Ensure that all published statements such as brochures and publicity releases are accurate.

(k) Post the child care license near the entrance or in some other conspicuous area of the center that is visible to the public.

(L) Post next to the child care center license the results of the most recent licensing inspection, including any rule violations cited by the department and any notice of enforcement action including, license revocation or denial and any stipulations, conditions, exceptions, or exemptions that affect the license.

*The Noncompliance Statement & Correction Plan form or the Statement of Compliance is the result of the most recent licensing inspection.*

(m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(n) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in the board chairperson or a person aged 10 and above becomes a household member.

*2011 Wisconsin Act 76 modified the requirements for caregiver background checks. The modifications included requirements that:*

- *Background Information Disclosure (BID) forms for the licensee or board chairperson, persons aged 12 and above who reside in a child care center, and minor caregivers be submitted to the department annually. The department will notify a center when a BID form is due.*
- *If a new individual begins to reside in the child care center, a BID form must be submitted.*
- *Failure to disclose information requested on a BID form may result in a permanent bar that prohibits a person from holding a license or certification, residing in or working in a regulated child care program under s. 48.685(5)(br) Wis. Stats.*
- *Fees for background checks completed by the department will be billed once a year unless the licensee submits an authorization to deduct fees from child care subsidy payments. A copy of this authorization is available from the Caregiver Background Unit by calling 608-266-8001 or from the department's website [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).*

(o) 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.

*s. 48.685(6)(am) Wis. Stats. requires a licensee to submit a Background Information Disclosure form to the department for a person age 12 and above who resides in a child care center.*

**Note:** For more information about caregiver background checks refer to the administrative rule under ch. DCF 12. Information on how to obtain a copy of the Background Information Disclosure form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

**251.04(2)(p)**

(p) Submit a current delegation of administrative authority signed by the licensee that outlines the organizational structure and designates, in a chain of command form, those persons on the premises in charge of the center for all hours of operation.

**(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 the care of the center 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 of the licensee becoming aware of the medical treatment.

**Note:** The licensee may use either the department's form, Accident Report – Child Care Centers, or the licensee's own form to report incidents, accidents or deaths. 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.

*"Professional medical treatment" means being seen for evaluation and/or treatment by a health care professional such a physician, physician assistant, dentist, nurse, EMT, etc.*

*It is recommended that a center include information on the details of what happened to cause the injury when making the written report. Examples of details that should be included in this report are: date and time, detailed description of what caused the injury, any witnesses, what action was taken by the provider at the time of the incident or accident.*

(b) Any damage to the premises which may affect compliance with this chapter, within 24 hours after the occurrence.

(c) A change in the administrator or center director of a child care center, within 30 days after the change.

(d) A change of any program service, at least 5 days prior to the change.

(e) Statistical data required by the department on forms provided by the department.

(f) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

**Note:** The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(g) Any known convictions, pending charges or other offenses of the licensee, child care center employees or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day.

**Note:** See s. DCF 251.04(8) on reporting suspected child abuse, s. DCF 251.04(c) on maintaining a center medical log book and s. DCF 251.07(6)(a)2. on logging injuries in a center medical log.

*2011 Wisconsin Act 76 included several modifications to the caregiver background check requirements.*

*Licensees are required to notify the department if a licensee, employee, person residing in the child care center or any other person subject to a caregiver background check has a delinquency adjudication or pending delinquency petition. Delinquency adjudications and petitions occur when the individual is a minor at the time of the activity. See Appendix J Resources List, Caregiver Background Checks – Frequently Asked Questions.*

*Questions about Caregiver Background Checks can be directed to the department's caregiver background unit at 608-266-8001.*

(h) Any change in room usage, such as changing the way rooms are primarily used by children or using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(i) Any incident related to a child who leaves the premises of the center without the knowledge of the provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the occurrence.

(j) Any suspected abuse or neglect of a child by an employee or volunteer that was reported under s. DCF 251.04(8)(a) or any inappropriate discipline of a child by an employee or volunteer including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, during the child's hours of attendance within 24 hours after the occurrence.

(k) Any incident involving law enforcement within 24 hours after the occurrence that:

1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.
2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(L) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

**Note:** See s. DCF 251.11(5)(a) for items that affect a condition of the license.

**Note:** It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

*Remodeling that involves a kitchen or remodeling that includes any mechanical modification may require a plan review by the Department of Safety and Professional Services (formerly the Department of Commerce) plan reviewers.*

*The addition or removal of large playground structures is considered remodeling or construction that must be reported.*

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

*See DCF 251.04(4)(a)1. – PARENT NOTIFICATION OF A COMMUNICABLE DISEASE, DCF 251.07(6)(e) – COMMUNICABLE DISEASE and Appendix J Resources List; Communicable Disease Chart. Some of these diseases must be reported to the local public health department. Names of children with communicable diseases may not be shared with other families. Contact the local health department for further information.*

(n) Any change in meal preparation arrangements or transportation services at least 5 calendar days before the change. Centers adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals on the premises.

**(4) PARENTS.**

(a) The center administrator shall notify the parents of an enrolled child of all of the following:

1. When their child has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 and transmitted through normal contact.

*See DCF 251.04 (3) (m) – REPORTING COMMUNICABLE DISEASES TO THE DEPARTMENT and DCF 251.07 (6)(e) – COMMUNICABLE DISEASE. See Appendix J Resources List; Communicable Disease Chart. Some of these diseases must be reported to the local public health department. Parents of children exposed to any reportable communicable diseases appearing on this chart must be notified of the exposure. Names of children with communicable disease may not be shared with other families.*

*Examples of those diseases not transmitted through normal contact are HIV/AIDS, Hepatitis B and C and sexually transmitted diseases.*

*Contact the local health department for further information.*

*See Appendix J Resources List, Communicable Disease Chart.*

2. Immediately, if the child becomes ill or is injured seriously enough to require professional medical treatment.

*Any head injury is considered serious and parents should be notified immediately.*

3. When they pick up the child or when the child is delivered, if the child sustains a minor injury.
4. Of the date, time and destination of any field trip which requires the use of a vehicle.

*The options for meeting this rule are:*

1. *The Field Trip or Other Activity Notification/Permission – Child Care Centers form or a similar center-created form that will be used for each child on each field trip; OR*
2. *A blanket permission form signed by parents that covers all field trips involving use of a vehicle; and notification to parents of the date, time and destination of the field trip for each child prior to each trip.*

(b) The center shall permit parents to visit and observe at any time during the center's hours of operation, unless access is prohibited or restricted by court order.

*When access is prohibited or restricted by court order, permission to pick up or contact the child is also affected. To prohibit or restrict access, the center must have a copy of the court order on file at the center. Further information about parental rights may be obtained from [www.legalexplorer.com](http://www.legalexplorer.com).*

**251.04(4)(c)**

(c) The center shall make opportunities available at least twice each year for parent and staff communication regarding the child's adjustment to the program, and the child's growth and development.

**Note:** When a child care worker or a parent has concerns about a child's growth or development, a referral to a Birth-to-Three agency or the local public school should be considered to determine if the child is eligible for special services. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area.

*See Appendix J Resource List; Together Children Grow – Quality Child Care for Children with Special Needs.*

(d) If religious training is part of the center program, reference to the religious component shall be included in any publicity and in the education policy. This information shall be shared with parents.

(e) The center shall provide a summary of this chapter to the parents of each child upon the child's enrollment.

**Note:** Copies of a summary of this chapter may be obtained from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353.

*The document entitled "Your Guide to Regulated Child Care Programs" is the summary referenced in this rule. The document is available on the department's website at: [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).*

(f) A copy of this chapter shall be posted or available in an area of the center where parents are likely to see it.

(g) A copy of the child care policies of the center shall be made available to the parents in an area of the center accessible to parents. Personnel policies need not be included.

**(5) STAFF RECORDS.**

(a) The licensee shall maintain a file on each employee which is available for examination by the licensing representative at the center. An employee's file shall include all of the following:

*Files for staff must be available on the employee's first day of work. When a center utilizes substitutes from an agency that is not the licensee, the agency may be responsible for collecting and maintaining the required staff file information on the substitute. The licensee is responsible for ensuring that the required information is present in the file and that the file is available for review by the licensing representative.*

*Information contained in a staff file may be transferred with a staff person if s/he started to work at a new/different location operated by the same licensee. A new orientation is required.*

*At the time of initial licensure, staff files including documentation of educational requirements are required for the person who is identified as the center administrator and the person who is identified as the center director.*

*Background Check information required under subdivisions 2. and 3. below, continuing education documentation required under subdivision 5. below, and documentation of the days and hours a person is included in the staff to child ratios required under 8. below is not required to be kept in the individual's personnel file; however, these records must be readily available for review by the licensing specialist.*

*Licensees wishing to maintain electronic files on staff should assure the following: the files must be available for review by the licensing specialist during a licensing visit; electronic files must contain all the required information including the appropriate department-required forms; emergency contact information and any pertinent health information is immediately available to all staff without having to access electronic information.*

1. The employee's name, address, date of birth, education, position, previous work experience in child care including reason for leaving previous positions, and the name, address and telephone numbers of persons to be notified in an emergency.

**Note:** The licensee may use the department's form, Staff Record – Child Care Centers, or the licensee's own form for recording staff information. 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.

*See s. 111.31 – 111.395 Wis. Statutes Wisconsin Fair Employment Law. It is not illegal to ask for age or date of birth on an employment form. Employers are prohibited from using age as a basis for discharging or failing or refusing to hire an individual and are prohibited from discriminating in compensation, terms, conditions or privileges of employment because of age. See [www.dwd.wisconsin.gov](http://www.dwd.wisconsin.gov) for more information.*

2. A background information disclosure form, completed prior to the employee's first day of employment and every 4 years thereafter, that does not reveal any information which may preclude the person's employment under s. 48.685, Stats., or ch. DCF 12.

**Note:** The department's form, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

*2009 Wisconsin Act 76 modified the background check law to require a completed background information disclosure form be completed annually.*

3. A complete caregiver background check as specified in s. 48.685, Stats., and ch. DCF 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

*2009 Wisconsin Act 76 modified the background check law to require a caregiver background check be completed annually and specifies convictions that result in a permanent bar, a bar for 5 years following completion on any sentence, a bar unless rehabilitation approval is granted or a bar that prohibits a person from holding a license or certificate.*

A complete caregiver background check (CBC) consists of:

- Background Information Disclosure (BID) form.
- Report from the Department of Justice (DOJ).
- A report on letterhead from the State of Wisconsin called "Results to Caregiver Background Check that contains information collected from various databases on offenses (other than criminal offenses) that might affect a person's eligibility to operate or to be employed by a licensed child care center including nurse aide directory; caregiver findings of abuse or neglect of an adult client or misappropriation of a client's property; denials or revocations of operating licenses for child programs; rehabilitation review findings; Department of Regulation and Licensing (DRL) status of professional credentials, licenses or certificates.

*If a center has an employee who has resided outside of Wisconsin within the past three years the center will need to make a good faith effort to obtain a CBC from that state. Child care centers are eligible to conduct a FBI fingerprint check through the Volunteers for Children Act which will meet the requirement for an out of state check. Information on how to obtain information on fingerprint checks done under the Volunteers for Children Act through the Department of Justice is available on the Department of Justice website: [www.doj.wisconsin.gov](http://www.doj.wisconsin.gov)*

*The final disposition of any criminal charge included on the Crimes Table available on the DCF website; [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov) should be obtained to determine whether a bar or prohibition against employment present. A reasonable effort to obtain the criminal complaint and judgment of conviction for a crime identified in the Introduction to Appendix A of DHS 12 (see appendix G) should be made, if the conviction occurred within the previous 5 years. The licensee may use the form, Caregiver Background Checks – Substantially Related Investigation Report form to document whether a conviction substantially relates to the person's job or the care of children. This form is available on the department's website, [www.dcf.wisconsin.gov](http://www.dcf.wisconsin.gov).*

*It is recommended to check the sex offender registry at <http://www.familywatchdog.us/> and circuit court access at [www.wcca.wicourts.gov](http://www.wcca.wicourts.gov), as these may contain additional information.*

*If the BID reveals no barred offenses, the person may begin working with supervision immediately. Caregivers may not work without supervision until the complete CBC has been completed. It is recommended that the licensee complete the CBC as soon as possible after hiring a new employee to ensure that any necessary investigation can be completed within the 60-day time frame.*

*A release of confidentiality form or other consent form is not required to request criminal records from the Criminal Investigation Bureau of the WI Department of Justice.*

*If a center employee is less than 18 years of age, the department will conduct the CBC. The completed BID form for a minor caregiver and the appropriate fees shall be submitted to the Caregiver Background Unit, Room E200, P.O. Box 8916, Madison, WI 53708-8916.*

*See Appendix J Resources List, Caregiver Background Checks – Frequently Asked Questions and Appendix H, Chapter DHS 12 Caregiver Background Checks.*

4. The physical examination report required under s. DCF 251.05(1)(L)1.

*See DCF 251.05(1)(L)1. STAFF HEALTH EXAMINATION – REQUIREMENTS.*



**251.04(5)(a)5.**

5. A certificate from The Registry documenting that the person has met the educational qualifications for the position if the person has worked as a teacher, director or administrator at the center for at least 3 months. A copy of an educator's license issued by the department of public instruction as a teacher may substitute for a certificate from The Registry. For persons not required to have a Registry certificate including assistant teachers and a teacher, center director or administrator who has not worked for the center for more than 3 months, documentation of the person's educational qualifications shall be on file.

*A teaching license does not need to be current. Teacher licenses issued by other states are acceptable.*

*A person holding a substitute, paraprofessional or teaching assistant license issued by DPI must have a Registry certificate indicating that they meet the requirements for the position held.*

*A copy of an individual's learning record obtained from The Registry may be used to document completion of entry-level training for those persons who are not required to have a Registry certificate on file.*

*To check the progress of a Registry certificate, log into The Registry website using the ID number and password assigned. You may notice one of the following designations next to the applicant's name:*

- *Signed In: Applied for a password only but has not started the application process.*
- *Submitted: Submitted the application, registry waiting on documentation*
- *In Process: Registry is reviewing documentation*
- *Pending: Registry is waiting for further documentation (something did not match up)*

*Registry certificates are not required to be renewed. Course completion post cards for department-approved, entry-level training may not replace a Registry Certificate indicating a person's placement on the career ladder.*

6. Documentation of orientation and continuing education received under s. DCF 251.05(2).

**Note:** The licensee may use either the Department's form, Staff Continuing Education Record – of Child Care Centers, or the licensee's own form to document the completion of continuing education. The licensee may use either the Department's form, Staff Orientation Checklist – Group Child Care Centers, or the licensee's own form to document completion of staff orientation. Information on how to obtain Department's forms is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

*The Registry certificate or a print-out from the individual's learning record maintained by the Registry may be used to document continuing education.*

7. Documentation of training in shaken baby syndrome prevention taken before beginning work if the person will provide care and supervision to children under age 5.

*Completion of the non-credit, department-approved courses called Introduction to the Child Care Profession and Fundamentals of Infant and Toddler Care taken after July 1, 2005 will meet this requirement. The Assistant Child Care Teacher course taken at the high school level that results in a certificate of completion issued by the Department of Public Instruction also meets this requirement. Documentation that one of these courses was completed after 7/1/05 is all that is required to demonstrate that training in shaken baby syndrome prevention was completed. The Registry certificate or a print-out of the person's learning record from The Registry may be used to document completion of training in shaken baby syndrome prevention.*

8. Documentation of days and hours worked when the person was included in the staff-to-child ratio.

*Documentation includes the classroom where the staff person worked.*

(b) Adults who work at the center and who are compensated from sources other than the center, and student teachers, shall meet the staff record requirements specified in par. (a)1., 2. and 3.

*Teachers provided by a school district to a program operated in collaboration with a licensed child care center are not required to maintain staff records with the center. However, at a minimum, it is recommended that emergency contact information for school district employees be kept at the center.*

*See Appendix J Resources List, Collaborative Child Care Programs – Frequently Asked Questions.*

**(6) CHILDREN'S RECORDS.**

(a) The licensee shall maintain a current written record obtained prior to the child's first day of attendance or subsequent re-enrollment at the center on each child enrolled and shall make the record available to the licensing representative on request. Each record shall include all of the following:

*Centers are not required to maintain a file on children who attend a collaborative child care program as a 4-year old kindergarten student unless that child is also enrolled in the child care program. At a minimum it is recommended that the center maintain emergency contact information and any special health or medical information pertaining to a specific child on file. All other children enrolled in the center must have a file that contains the items specified in this subsection. See Appendix J Resources List, Collaborative Child Care Programs – Frequently Asked Questions.*

See Appendix E required items for group child care centers and Appendix I INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS. In some instances the rule allows centers to develop and use their own forms. If a center chooses to develop its own forms, all the information specified in the rule is required to be collected. Forms are available from DCF website:

[www.dcf.wisconsin.gov/childcare/licensed/forms](http://www.dcf.wisconsin.gov/childcare/licensed/forms).

Licensees wishing to maintain electronic files on children should assure the following: the files must be available for review by the licensing specialist during a licensing visit; electronic files must contain all the required information including the appropriate department-required forms; emergency contact information and any pertinent health information is immediately available to all staff without having to access electronic information.

Administrative rules do not relate to the office management or record-keeping techniques of a center. Required records must be maintained for the length of time the child is enrolled, be on the premises for children in care and be available to the licensing specialist for review. It is recommended that the date of discharge be added to the child's record and that the center retain records for 3 years after a child is discharged.

1. Enrollment information consisting of:
  - a. The name and birthdate of the child.
  - b. The full names of the child's parents.

Enrollment information should include both parents if applicable. When access is prohibited or restricted by court order, permission to call for the child is also affected. To prohibit or restrict access, the center must have a copy of the court order on file at the center.

- c. The child's home address and telephone number.
- d. An address and telephone number where a parent can be reached while the child is in care.
- e. The name, address, telephone number and relationship to the child of a person to be notified in an emergency when a parent cannot be reached immediately.
- f. The name, address and telephone number of a physician or medical facility caring for the child.
- g. The names, addresses and telephone numbers of persons other than a parent authorized to call for the child or to accept the child who is dropped off.

If no one is authorized to pick up a child, a notation of "none" should be indicated.

A center may not stop a non-custodial parent from picking up a child. If parental access is denied, a current copy of the court order must be on file at the center.

- h. The child's first day of attendance at the center.

In part-day preschool or before and after school care situations where children may be enrolled on a 9- or 10-month semester basis, the first day of attendance shall be the first time the child attends (initial enrollment) and is considered the first date of attendance regardless of subsequent re-enrollments.

If the center practice is to secure a new enrollment form once per year or each fall, the center should maintain the child's original enrollment form with the initial attendance date in the current file. The first day of attendance needs to be maintained in the child's file for as long as the child is enrolled in the program so that an accurate measurement of compliance with immunization and physical examination rules can be made by the licensing staff.

- i. For an infant or toddler, a current statement from the parent about the infant or toddler's habits of eating, sleeping, toileting and communication, and specific techniques which appear to comfort the child.

**Note:** See s. DCF 251.09(1)(am) which specifies what written information must be obtained from the parent of an infant or toddler. The licensee may use either the department's form, Intake for Child under 2 Years – Child Care Centers, or the licensee's own form for recording information about each child under 2 years of age. 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.

The correct rule cite in this note is DCF 251.09(1)(am). See DCF 251.09(1)(b) INFANT & TODDLER – LOCATION & SHARING INTAKE INFORMATION.

2. Written consent from the parent for emergency medical care or treatment.

**Note:** The licensee may use either the department's form, Child Care Enrollment, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. 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.

3. Authorization from the parent to transport the child to and from the center, when transportation is provided.

**251.04(6)(a)3. Note:**

**Note:** The licensee may use either the department's form, Transportation Permission – Child Care Centers, or the licensee's own form to obtain authorization to transport children to and from the Center. 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.

*See DCF 251.08(2)(b)1., 2., and 3 – EMERGENCY INFORMATION CARRIED DURING TRANSPORTATION. If more than one vehicle is used to transport children, the emergency information must be carried in each vehicle.*

4. Authorization from the parent for the child to participate in and be transported for field trips and other activities, if these are part of the center's program.

**Note:** The licensee may use either the department's form, Field Trip or Other Activity Notification/Permission, or the licensee's own form for securing parental information. The department's form, Child Care Enrollment, also contain authorization from a parent to participate in field trips if the center chooses to use that form. 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.

*Emergency information should be carried for the children during walking field trips.*

5. Authorization from the parent outlining the plan for a child to come to the center from school, home or other activities or to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or transported by the center.

**Note:** The licensee may use either the department's form, Alternate Arrival/Release Agreement – Child Care Centers, or the licensee's own form for securing the parent's authorization. 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.

*The center should plan for situations when a child fails to arrive as scheduled from school or another activity. A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Enrollment form. If a child is transported by a school bus, taxi or transportation agency that may have various individuals providing the transportation, the written agreement should specify the transportation agency as the authorized pick-up or drop-off "person."*

*Children coming to the center from school or going from the center to school within the same school building do not need this authorization. Going to and from any other activity within the school requires an authorization.*

6. Documentation of each child's health history on a form provided by the department.

**Note:** The department's form, Health History and Emergency Care Plan is used for health history information. Information on how to obtain the form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

*See DCF 251.07(6) (k)5. – HEALTH HISTORY INFORMATION. The center's procedure for sharing a child's health history may include keeping a copy of the form with the child.*

6m. Documentation of each child's immunization history.

**Note:** The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain the form is available on the department's website, <http://dcf.wisconsin.gov>, or from any regional licensing office in Appendix A.

*See DCF 251.07(6)(L)–IMMUNIZATIONS. Under s. 252.04, Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.*

7. Specific informed written consent from the parent for each incident of participation by a child in any research or testing project.

**Note:** The licensee may use either the department's form, Informed Consent for Observation or Testing by an Outside Agency – Child Care Centers, or the licensee's own form for securing the parent's written consent. 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.

8. The health examination report required under s. DCF 251.07(6)(k)3.

*Evidence of a health exam may include a form (e.g., HealthCheck provider form or department form, Child Health Report – Child Care Centers) or a printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam. No exception is required for the use of a form or report that is not the department's form.*

*If a center changes ownership, a child enrolled for care under the previous owner who remains in care at the same location under the new owner is not required to obtain a new physical exam.*

*Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.*

(b) The licensee shall maintain a current, accurate written record of the daily attendance and date of birth of each child for the length of time the child is enrolled in the program. The actual time of arrival and departure for each child shall be recorded if hours of arrival and departure vary among children.

**Note:** The form, Daily Attendance Record – Child Care, may be used to record 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.

*See DCF 251.05 (3) (f) CHILD TRACKING PROCEDURE.*

*A child must be signed in when the child arrives and signed out when the parent arrives to pick up the child. The center is responsible for children (i.e., knowing their whereabouts) from the time the parent, guardian or responsible person brings the child to a center staff. Parents or legal guardians are responsible for the child until the child is safely in the classroom or received by center staff.*

*When the center provides transportation, attendance must be kept for each child that reflects the time of transportation and the time a child is at the center. There may be 2 attendance records kept when children are transported. One record could reflect attendance during transportation and the other could reflect attendance while the child is at the center. Attendance records must include the actual time of pick-up and/or drop-off.*

*If the child is transported by means other than center-provided transportation, the transporter is responsible for the child until the child is received by or placed in the vehicle by center staff. If a child is not received directly by center or school staff, an authorization for the time the child is moving between the transporter and center staff must be signed by the parent/legal guardian.*

*Birthdates are not required to be on the daily attendance record, but must be readily accessible to the licensing specialist.*

*The daily attendance record could be a sign-in / sign-out book completed by either the parents or the center. However, the center is responsible for making sure that this record is accurate. Centers may have a central sign-in/sign-out book and another method to track children by room or provider.*

*For questions related to attendance reporting for WI Shares child care subsidy purposes, contact the local child care coordinator.*

(c) The licensee shall maintain a log or logs for medication and injury and shall record daily any injuries received by a child or medication dispensed to a child, as follows:

*Not every injury will be apparent immediately. A good rule of thumb is to record every accident / incident. For example, a child bumps his/her head and no mark or bump is readily apparent but there is the potential for a mark, bump or bruise to develop. This accident should be recorded.*

*Any head injury is considered serious and parents should be notified immediately.*

*See DCF 251.04(7)(b) ACCESS TO RECORDS & REPORTS – PARENTS. To protect a child’s confidentiality, centers are strongly encouraged to have separate entries for each child involved in an incident such as biting. When parents ask to review the medical log book, the center should have a procedure for ensuring that a parent reviewing the record for his/her own child does not see information about another child in care.*

*In addition to providing accountability to the parents and the department, bound books and recordings as specified may be admissible in court as evidence in case of civil suit.*

*The log should be kept as long as the center is in operation.*

*See Appendix J Resources List, Medical Log – Directions for Use.*

1. The log shall be in a book with stitched binding with pages that are lined and numbered. The pages may not be removed or lines skipped.

2. Entries shall be made in ink on the date of occurrence and shall be dated and signed or initialed by the person making the entry.

**Note:** See s. DCF 251.07(6)(f) and (j) for information on recording entries in the center medical log book.

**(7) CONFIDENTIALITY.** The licensee is responsible for the compliance of child care center employees and volunteers with s. 48.78, Stats., and this subsection. The licensee shall ensure that:

*It is recommended that the center have a policy regarding the use of photos and social or electronic media that may use a child’s name or picture.*

**251.04(7)(a)**

(a) Persons having access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This does not apply to:

1. The parent or a person authorized in writing by the parent to receive the information.
2. Any agency assisting in planning for the child when informed written parental consent has been given.
3. Agencies authorized under s. 48.78, Stats.

*A child care center may share confidential information regarding an individual in care to a public school, social welfare or law enforcement agency or the Department of Children and Families. A social welfare agency is a county department of social or human services, an Indian tribal social service agency or agent or a licensed child welfare agency under contract with the county department. A law enforcement agency is a sheriff or police department.*

(b) A parent, upon request, has access to all records and reports maintained on his or her child.

*Every parent has a right to their child's school, medical, and dental records. The only exceptions to this rule are if a court specifically orders that a parent does not have access to the records. It is recommended that a copy of such an order be on file at the center. Further information about parental rights to children's records may be obtained from [www.legalexplorer.com](http://www.legalexplorer.com).*

(c) All records required by the department under this chapter for licensing purposes are available to the licensing representative.

**(8) REPORTING CHILD ABUSE.**

(a) A licensee, employee or volunteer at a child care center who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02(1) and 48.981(1), Stats., shall immediately contact the county department of social services or human services or a local law enforcement agency, as required by s. 48.981, Stats.

*Licensees, employees and volunteers are mandated reporters under the law.*

- *A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to contact the proper authority (county department of social or health and human services or law enforcement.) immediately.*
- *The witness or the person who has reasonable knowledge to suspect that a child has been abused or neglected should be the person to make the report.*
- *When in doubt, report the suspected abuse or neglect.*
- *Because child to child contact may be determined to be abuse, child to child sexual contact must be reported.*

*A report to the licensing specialist does not meet this requirement. See DCF 251.04(8)(a) MANDATED REPORTING – CHILD ABUSE & NEGLECT*

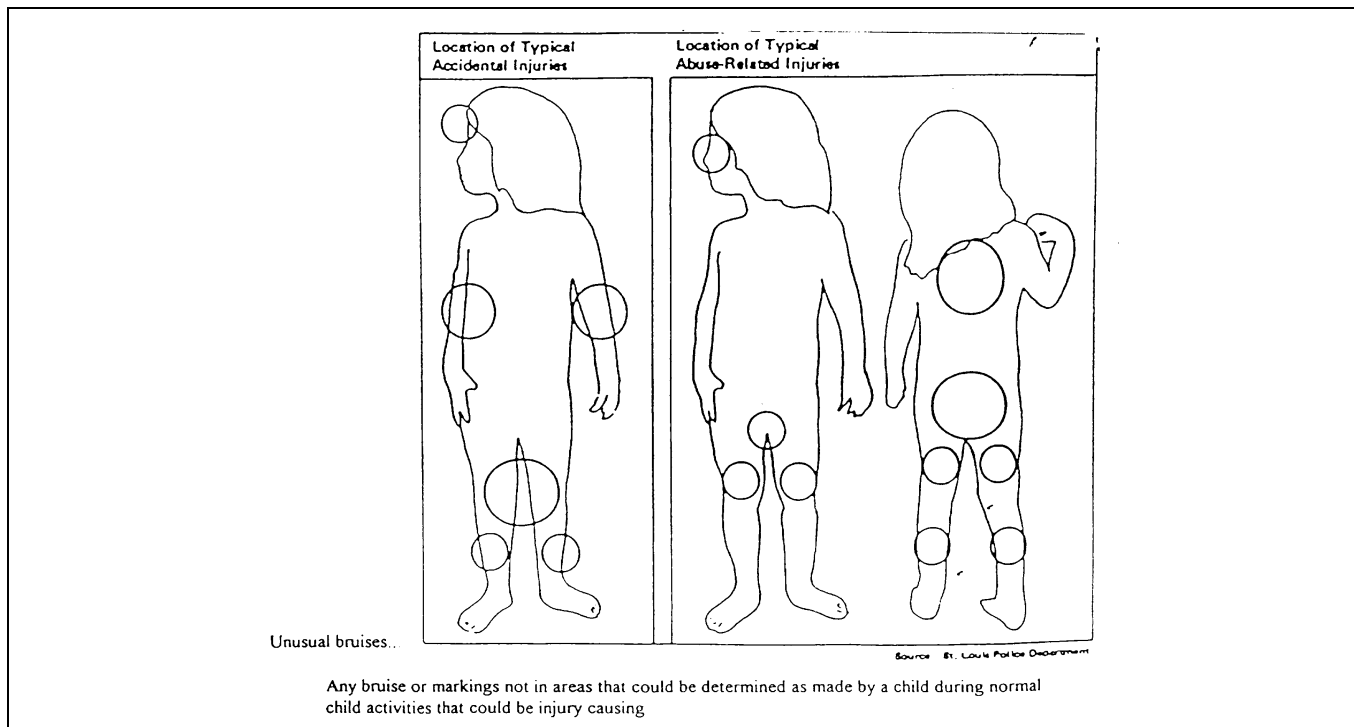
(b) The licensee, shall ensure that every employee and volunteer who comes in contact with the children at the child care center has received training every 2 years in all of the following:

*See DCF 251.05 (2)(a) STAFF ORIENTATION – DEVELOP, IMPLEMENT, DOCUMENT. This rule requires that a review of child abuse and neglect laws and center reporting procedures be included in orientation and completed in the first week of employment.*

*The Department's Mandated Reporter Online Training available at <http://wcwpds.wisc.edu/mandatedreporter/> may be used to meet this requirement. As of August 1, 2012 any of the following trainings in addition to the Mandated Reporter On-line Training may be used to meet this requirement: Suspected Child Abuse and Neglect – Mandated Reporter Training (SCAN-MRT); Strengthening Families or Darkness to Light (also known as Stewards of Children). Strengthening Families or Darkness to Light training taken prior to August 1, 2012 did not contain information on identification and reporting of child abuse and neglect and may not be used to meet this requirement. A review of the department's publication "It Shouldn't Hurt To Be a Child" may also be used to meet the requirement. See Appendix J Resources List, It Shouldn't Hurt to Be a Child. Training may also involve local child protective services, local law enforcement agencies or other agencies that provide continuing education experiences. Training may be counted as continuing education. Documentation could be a certificate of attendance at a formal training, completing the continuing education form or having the employee initial and date the brochure upon review.*

*The Department approved, entry-level course called Introduction to the Child Care Profession contains training in the identification and reporting of child abuse and neglect and may be used to meet the requirement for 2 years after the completion date of the course.*

1. Child abuse and neglect law.
2. How to identify children who have been abused or neglected.



3. The procedure for ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

**Note:** Failure of the licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect. Information related to child abuse may be obtained from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353.

**Note:** See s. DCF 251.04(3)(j) on reporting suspected abuse of a child by a staff member to the department.