

DCF 251.04 Operational requirements.

(1) TERMS OF A LICENSE.

See Appendix D 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 251.11 (5) – AMENDING A LICENSE.

(a) The number of children in care at any one time may not exceed the licensed capacity of the center.

(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 or the license should be amended. For example, if a provider who is licensed up to age 12 wishes to care for one child age 14, the exception or amendment must be approved by the center's assigned Licensing Specialist 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.

See DCF 251.03(14) – DEFINITION – HOURS OF OPERATION.

See DCF 251.03(16m) – DEFINITION – LICENSED HOURS.

(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., federal law related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, disability, religion, or certain other characteristics may be illegal.

WISCONSIN SHARES COMPLIANCE: This rule requires centers to comply with the subsidy requirements found in Ch. 49, Wis. Stats., and DCF 201.

251.04(2)(a) Note: continued

DISCRIMINATION: The DCF Equal Opportunity Office 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 to file a complaint.

- (b) Comply with all requirements of this chapter.
- (bm) Comply with all conditions placed on the license.
- (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 251.11 (2) and (3), 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 the Governor’s Council on Migrant Labor operate licensed programs in Wisconsin on a seasonal basis, the person representing the Governor’s Council on Migrant Labor may be considered to be a Wisconsin resident during the period of time that program operates in Wisconsin. 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 that meets the following conditions:

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. The certificate of insurance shall have coverage dates for all of the following types of insurance:
 - a. General liability insurance with limits of not less than \$25,000 for each person and not less than \$75,000 for each occurrence.
 - b. Vehicle liability insurance with minimums not less than the amounts specified under s. 121.53, Stats., if transportation is provided by the center.

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

- c. Vehicle liability insurance for non-owned vehicles with minimums not less than the amounts specified under s. 121.53, Stats., if transportation is provided in vehicles that are not owned by the center and are not public transportation vehicles or chartered vehicles.

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.
- Children transported in rideshare vehicles, such as Uber or Lyft.

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.

2. The certificate of insurance shall indicate 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.

(h) Develop, submit to the department, and implement written policies consistent with the requirements of this chapter on all of the following subjects:

The Policy Checklist – Group Child Care Centers is available to assist in writing policies and contains items that are both required and recommended to be included in center policies. The policy checklist is available on the department’s website, 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.

It is recommended that policy revisions be dated.

1. Fee payments and refunds.

It is recommended that centers utilize a contract that includes the requirements for payment of fees.

Per DCF 201.038 (5) (a), a provider must have a written payment agreement with each parent that receives Wisconsin Shares Child Care Subsidy.

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.

251.04(2)(h)2.b.

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.

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4. Admission.

5. Health care. If the center is licensed to care for children under one year of age, the policies shall include procedures to reduce the risk of sudden infant death syndrome.

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

6. Education.

7. Nutrition, including accommodating children with food allergies.

8. Child guidance, including appropriate ways to manage crying, fussing, or distraught children.

See Appendix D Resources List: Managing Crying, Fussing or Distraught Children.

9. Emergency 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 emergency plans, see:

- Wisconsin Department of Military Affairs, Division of Emergency Management, <https://dma.wi.gov/DMA/wem>.
- Wisconsin Department of Children and Families, Emergency Preparedness and Response in Child Care webpage, www.dcf.wisconsin.gov/ccregulation/emergencyprep.
- Child Care Information Center, <https://dcf.wisconsin.gov/ccic>, 1-800-362-7353.

10. Continuing education for staff.

11. Orientation of new staff and volunteers.

12. 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.

Pursuant to DCF 251.08 (4) (b), 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)1. Post next to the child care license all of the following:

a. The current licensing statement of compliance or a noncompliance statement and correction plan, including any rule violations the department has not verified as corrected and in compliance.

b. Any notice from the department regarding rule violations, such as a warning letter or enforcement action.

c. Any stipulations, conditions, temporary closures, exceptions, or exemptions that affect the license.

2. All items posted as required under this paragraph shall be visible to parents.

(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 check request form if any of the following occurs:

Licensees submit a Background Check Request (BCR) for themselves to their regional offices. Licensees submit BCRs and others through the Child Care Provider Portal (CCPP).

Per s. 48.686 (2) (ab), Wis. Stats., each child care program shall submit a request to the department for a background check prior to the date on which the individual becomes a caregiver or household member.

Per s. 48.686 (4m) (c) individuals may not begin working or residing at the child care center until they receive preliminary eligibility. New employees or new household members may begin working or residing at a child care center with preliminary eligibility results but they must be under supervision of someone with final eligibility until the new employee or household member receives final eligibility.

Licensees are reminded to remove an individual from their facility's profile in the CCPP when the individual no longer resides or is employed at the center. Failure to do so may result in the facility being charged for subsequent automated child care background checks being conducted on inactive individuals.

In the event of a name change, individuals should submit a new BCR including any alias used in the past.

1. A change in the board president or chairperson.

Licensees must submit a Background Check Request (BCR) form to their regional office when there is a change in board president. Licensees must submit a BCR for all other employees through the Child Care Provider Portal (CCPP).

2. A corporation or limited liability company designates a new person to be subject to the background check.

3. A household member turns 18 years of age, unless the household member has previously submitted a background check request form.

251.04(2)(n)4.

4. A household member turns age 10 years of age.

Licensees should enter all household members into the Child Care Provider Portal (CCPP). When a household member turns 10 years of age, DCF will then contact the licensee and request a Background Check Request form be completed. Licensees should verify that Background Check Request form information for all household members age 10 years and older are entered in the CCPP.

(o) Submit to the department a completed background check request form for each potential household member prior to the date on which the person becomes a household member, unless the person is less than 10 years of age.

Licensees should enter all household members into the Child Care Provider Portal (CCPP). When a household member turns 10 years of age, DCF will then contact the licensee and request a Background Check Request form be completed. Licensees should verify that Background Check Request form information for all household members age 10 years and older are entered in the CCPP.

Note: The Background Check Request form is available electronically through the Child Care Provider Portal or at <https://dcf.wisconsin.gov/forms>. A paper version is available from any regional licensing office listed in Appendix A.

(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 incident or accident that occurs while the child is in the care of the center that results in professional medical evaluation within 24 hours of the licensee becoming aware of the medical evaluation.

Note: The licensee may use either the department's form, Incident Report – Child Care Centers, or the licensee's own form to report incidents or accidents. The form is available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

The Incident Report Form – Regulated Child Care is the preferred format for the report; however, other forms will be accepted as alternatives. 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, the child's name and date of birth, the parent's information, a detailed description of what caused the injury, any witnesses, and what action was taken by the provider at the time of the incident or accident.

(am) Any death of a child in care, within 24 hours after the death.

Note: The licensee may use either the department's form, *Incident Report - Child Care Centers*, or the licensee's own form to report the death of a child in care. The department's form is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

(ar) Any injury caused by an animal to a child in care, within 24 hours after the incident.

If an animal bites a child, whether the animal is owned by the center or not, the parent shall be notified and procedures for treatment of an injury shall be followed. It is recommended a veterinarian be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. It is also recommended parents be notified of any action taken by the veterinarian, as well as the name, address, and telephone number of the veterinarian who was consulted.

(b) Any damage to the premises that may affect compliance with this chapter, or any incident at the premises that results in the loss of utility services, within 24 hours after the occurrence.

Damage to any child care space on the premises that might affect the use of child care space must be reported. Examples of such damage includes storm damage, flooding, and power outages.

(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, including expected temporary closures lasting more than 2 weeks, at least 5 days prior to the change.

Temporary closings lasting more than 2 weeks are considered a change in program service.

(dm) Unexpected closures lasting more than 2 weeks, within 24 hours after the center has been closed for a 2-week period.

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

Other state agencies, such as the Department of Health Services, may also occasionally request statistical data.

(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, group child care center employees or other person subject to a child care background check that could potentially relate to the care of children at the center or activities of the center by the department's next business day.

(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), 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.

(jm) Any prohibited actions specified in s. DCF 251.07 (2) (e) by an employee or volunteer to a child in care, within 24 hours after the incident.

(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.

251.04(3)(L) Note:

Note: Alterations, additions, or changes of use to commercial buildings may require submittal of plans to and approval by the Department of Safety and Professional Services or its agent before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction or remodeling to determine whether plans must be submitted.

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 plan reviewers.

The addition or removal of 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 center or a person in contact with children at the center, within 24 hours after the center is notified of the diagnosis. The licensee shall also notify the local health department within 24 hours after the center is notified of the diagnosis.

See DCF 251.04 (4) (a) 1. – PARENT NOTIFICATION OF A COMMUNICABLE DISEASE and DCF 251.07 (6) (e) – COMMUNICABLE DISEASE. See Appendix D Resources List: Childhood Communicable Diseases Chart, which identifies the diseases that must be reported to the local public health department. The Department of Health Services’ website also contains the current list of reportable diseases: <https://www.dhs.wisconsin.gov/disease/reporting.htm>.

COVID-19 is considered a communicable disease. If there is a case of COVID-19 in the center that is associated with a hospitalization or pediatric death, providers must follow all reporting requirements.

Names of children with communicable diseases may not be shared with other families. There are penalties for disclosure of HIV antibody test results without consent. See s. 146.025, Wis. Stats. A person’s HIV status is confidential and may not be shared with others.

The center must work with the health department to ensure that all necessary measures are taken to protect the children in care.

(n) Any change in meal preparation arrangements, 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.

See DCF 251.06 (9) (C) 3M – FOOD PREPARATION LOCATION REQUIREMENTS.

(o) Any change in transportation services, at least 5 calendar days prior to the change.

This also includes providing or contracting transportation services for field trips.

(4) PARENTS.

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

1. The child has been exposed to a confirmed case of a communicable disease reportable under ch. DHS 145 and transmitted through normal contact. Notification shall occur when the information becomes known to the center.

See DCF 251.04 (3) (m) – REPORTING COMMUNICABLE DISEASES TO THE DEPARTMENT and DCF 251.07 (6) (e) – COMMUNICABLE DISEASE. See Appendix D Resources List: Wisconsin Communicable Diseases Chart. The Department of Health Services’ website also contains the current list of reportable diseases: <https://www.dhs.wisconsin.gov/disease/reporting.htm>.

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.

2. Notification shall be made immediately and shall provide sufficient detail to reasonably apprise the parent in all of the following situations:

- a. The child becomes ill.
- b. The child needs professional evaluation of an injury.
- c. The child experiences a head injury, has a seizure, consumes incorrect breastmilk, consumes food or drink that may contain the child's allergen, consumes or comes in contact with poisonous materials, or is given incorrect medication. For purposes of this subd. 2. C., a "head injury" means a bump, blow, or jolt to the head.

Incorrect medication includes the wrong type of medication, the wrong dose of medication, and medication not given at the correct time.

d. The child's whereabouts are unknown to the assigned provider.

See DCF 251.03 (26) – DEFINITION – REGULARLY ASSIGNED CHILD CARE WORKER.

e. The child was subject to child guidance that is prohibited under s. DCF 251.07 (2) (e) and (f).

3. The child has sustained a minor injury that does not appear to require professional medical evaluation. Notification may be made when the child is picked up at the center or delivered to the parent or other authorized person.

4. The child will be going on a field trip that is not part of the regularly scheduled program. Notification of the date, time, and destination shall be prior to the field trip.

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, such as the Child Care Enrollment form used to meet the requirement under DCF 251.04(6)(a), 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. It is recommended that the policies should include notification to parents that they are permitted to visit and observe during hours of operation. Refer also to DCF 251.04(7)(b) ACCESS TO RECORDS & REPORTS – PARENTS.

(c) The center shall offer conferences 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 Well Badger Resource Center that is available to the public 24 hours a day, 7 days a week. When a call is placed to Well Badger Resource Center at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area.

251.04(4)(c) Note: continued

See Appendix D Resources List: Together Children Grow – Quality Child Care for Children with Special Needs.

(d) The center shall notify parents of any religious training that is part of the center's program. The reference to the religious component shall be included in any publicity and in the education policy.

(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, www.ccic.wi.gov, 1-800-362-7353.

The document titled "Your Guide to Regulated Child Care Programs" is the summary referenced in this rule. It is available on the department's website at: 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.

(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:

A child care center must have all required information on children enrolled in the program, including those children who attend only for 4K. This includes enrollment information, immunization records, health examination reports, and other information required under the licensing rules. Records may be shared between the child care center and the school district, but they must be available for review at the child care site by the DCF licensing specialist. The DCF licensing specialist will monitor a center's compliance with children's records.

See Appendix D Resources List: Collaborative Child Care Programs – Frequently Asked Questions.

See Appendix D Resources List for Required Items for Group Child Care Centers and Instructions for Obtaining Department Forms. 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: <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

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 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.

See Wis. Stat. s. 49.155 (6m); Wisconsin child care subsidy rules require child care providers retain the written daily attendance records for at least 3 years after the child's last day of attendance.

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 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 licensing representative can make an accurate measurement of compliance with immunization and physical examination rules.

- 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.

- 4. Authorization from the parent for the child to participate in field trips and other off-premises 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*, the department's form, *Child Care Enrollment*, or the licensee's own form for securing parental permission. Forms are available on the department's website, <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

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, such as the Child Care Enrollment form used to meet the requirement under DCF 251.04(6)(a), 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.*

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

251.04(6)(a)5.

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.

A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Care 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. Health history information that includes all the following:

a. The name and birthdate of the child.

b. The full names of the child's parents.

c. A telephone number where the parent can be reached while the child is in care.

d. The name, address, and telephone number of the physician or medical facility caring for the child.

e. The child's medical conditions, such as asthma, cerebral palsy, diabetes, epilepsy, food allergies, or gastrointestinal or feeding concerns. If the child has a milk allergy, a statement from a medical professional indicating an acceptable alternative.

f. If the child has a medical condition, triggers that may cause a problem, signs or symptoms for the child care worker to watch for, steps a child care worker should follow, when to call a parent regarding symptoms, when the condition requires emergency medical care, and identification of all child care workers who have received specialized training or instructions to help treat symptoms.

Note: The licensee may use the department's form, DCF-F-CFS2345, Health History and Emergency Care Plan, or the licensee's own form for obtaining the information.

Recommended methods for sharing a child's health history information with staff include but are not limited to reviewing files during new staff orientation, staff meetings, reviewing child information with staff when they are moved to a new classroom, etc.

6m. Documentation that indicates the child's immunization history is in compliance with s. 252.04, Stats., and ch. DHS 144.

Note: To record immunization information, use either an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider or the Department of Health Services Form F-44192, *Child Care Immunization Record*. The form is available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

Under s. 252.04, Wis. 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.

Immunization records are required to be on file for school-age children unless the child care center is operated on the school's premises and the child care center has approved access to the school's vaccination records.

The Student Immunization Law s. 252.04 (2), Stats., sets minimum requirements for children attending child care centers. The immunization history must indicate that the child has received at least the first dose of each immunization required for the child's age or that the immunization requirement is waived for that child.

If a parent claims a religious or personal conviction exemption, the parent may check the appropriate box and sign the Child Care Immunization Record form in place of providing an immunization history. Immunization requirements may also be waived upon signature of a physician that the child should not be immunized for health reasons, as indicated on the Child Care Immunization Record form.

For children whose immunization record is not submitted within 30 school days of admission; whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; or who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date), there are two courses of action for the center:

1. *As required by Wisconsin law and administrative rule, the center will notify the district attorney that a child has failed to comply with immunization requirements.*

OR

2. *The child who fails to comply with immunization requirements will be discharged (excluded) from the center until such time as immunization requirements are met.*

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. Documentation of each child's most recent physical examination in accordance with the following schedule:

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.

a. Each child under 2 years of age shall have an initial health examination not more than 6 months prior to not more than 3 months after being admitted to the center, and a follow-up examination at least once every 6 months thereafter.

b. Each child who is at least 2 years of age but who is not 5 years of age or older shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to a center, and a follow-up health examination at least once every 2 years thereafter.

c. Children 5 years of age and older are not required to have a health exam.

d. A health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or other EPSDT provider or on a form provided by the department that is signed and dated by a licensed physician, physician assistant, or other EPSDT provider.

See DCF 251.03 (10s) – DEFINITION – EPSDT PROVIDER.

Note: To document a health examination, use either an electronic printout from a medical professional or the department's Form DCF-F-CFS0060, *Child Health Report – Child Care Centers*. The department's form is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

251.04(6)(b)

(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 251.055 (1) (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.

A center may use the department’s Daily Attendance Record – Child Care Centers form, may choose to use their own paper form, or may use an electronic form or system to capture the same information included on the department’s Daily Attendance Record form. No exception is necessary. 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 ensuring 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. It is the child care program/provider’s responsibility to be able to access the electronic form to respond to the Licensing Specialist’s request to review information.

Regardless of the format of the record, 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.

Each enrolled child’s date of birth must be included on each daily attendance record to ensure appropriate staff-to-child ratios.

The attendance record must be up-to-date and must include each time a child is checked in and out of care at the facility throughout the day (e.g., preschool, swim lessons, etc.).

It is recommended that entries on the Daily Attendance Record be made in ink. If a time was entered incorrectly or by mistake, it is recommended that the incorrect information be struck through and initialed by the person correcting the error.

The child should be signed in for actual hours of care. If a center is licensed for more than 12 hours, times documented should include AM and PM designation.

When the center provides transportation, the attendance tracking requirements apply. 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 once the child is placed in the vehicle or until the child is received 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.

Wisconsin Child Care Subsidy rules require child care providers to retain the written daily attendance records for at least 3 years after the child’s last day of attendance. For questions related to attendance reporting for WI Shares child care subsidy purposes, contact the local child care coordinator.

(c) If children are transported by the center to or from the child's home or school, the licensee shall maintain a daily attendance record that includes the actual time the child was picked up or dropped off

(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 involving children enrolled at the child care center.

(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 licensed child care facility 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.

"Relative" is defined by s. 28.02(15), stats., as a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, step-uncle, step-aunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce.

(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, and any video recordings of their child. The only exception to this rule is if a court specifically orders that a parent does not have access to the records. To prohibit or restrict access, the center must have a copy of the court order on file at the center.

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

(8) REPORTING CHILD ABUSE OR NEGLECT. 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.

Licenseses, employees, and volunteers are mandated reporters under the law.

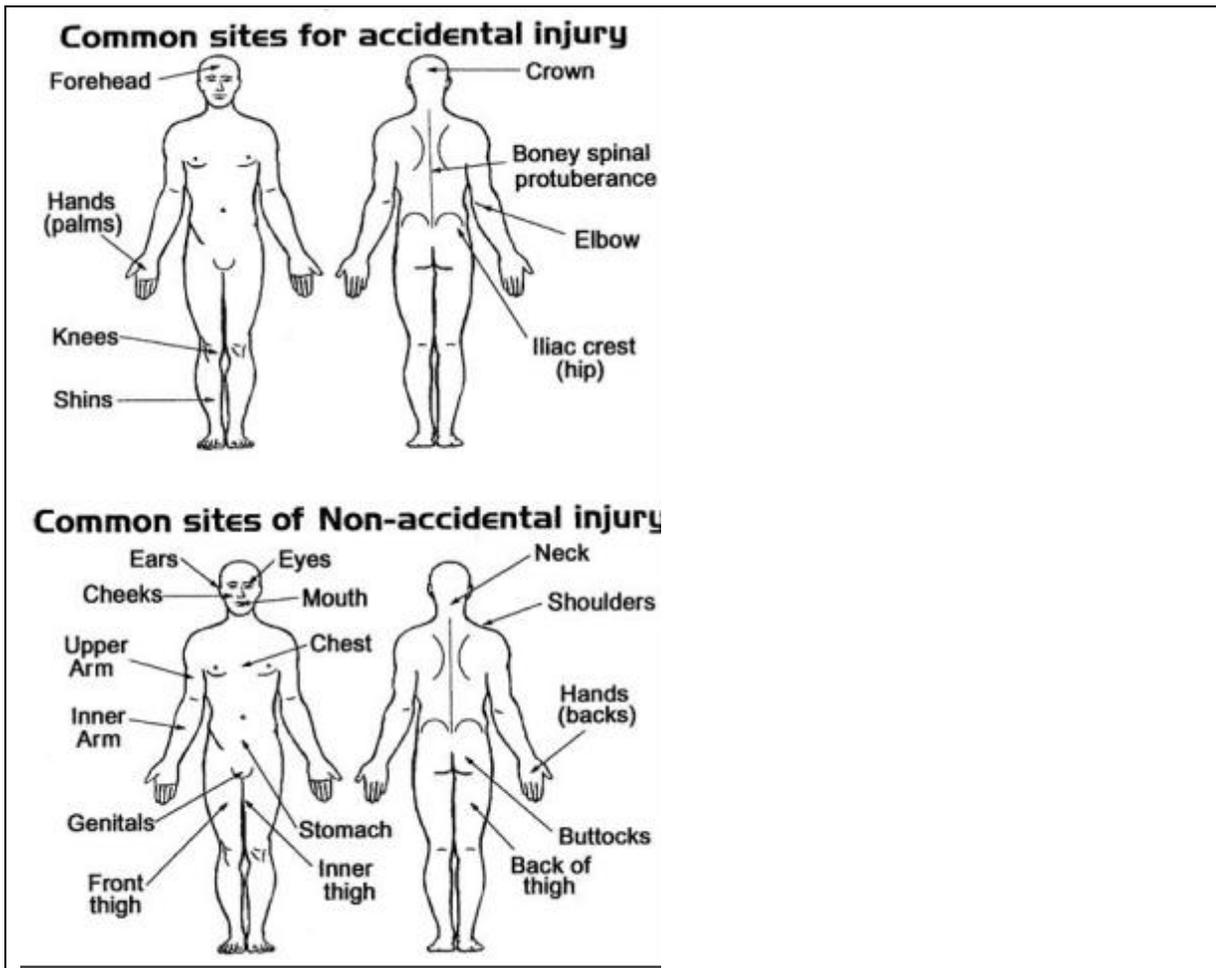
251.04(8) continued

- A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to immediately contact the proper authority (county department of social or health and human services or law enforcement).
- 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.
- Because child to child contact may be determined to be abuse, child to child sexual contact must be reported.

When in doubt, report the suspected abuse or neglect. Section 48.981 (6), Wis. Stats., states that if a mandated reporter fails to report suspected child abuse or neglect, you may be fined up to \$1,000, imprisoned for up to 6 months, or both. In addition, a mandated reporter who fails to report suspected child abuse or neglect may receive a bar to owning and/or working in a licensed child care and future licensing applications may be denied.

A report to the licensing specialist does not meet this requirement.

Note: Child care workers are required to report known or suspected child abuse or neglect as specified above. Reporting to the licensee does not lessen this legal duty if the licensee fails to report as specified above. Information related to child abuse or neglect may be obtained from the Child Care Information Center, <https://dcf.wisconsin.gov/ccic>, 1-800-362-7353.



Note 2: See s. DCF 251.04 (3) (j) on reporting suspected abuse of a child by a staff member to the department.