

DCF 251.055 Supervision and grouping of children.

(1) SUPERVISION.

(a) Each child shall be supervised by a child care worker who is within the sight and sound of the children to guide the children's behavior and activities, prevent harm, and ensure safety.

See DCF 251.03(30) – DEFINITION – SUPERVISION OF CHILDREN and DCF 251.055(2)(g) – NAPTIME – SUPERVISION.

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

Video cameras may not be used in place of staff to supervise children.

(b) At least one child care teacher shall supervise each group of children, except as provided in par. (c).

This rule must be used in relation to the definition of group. When only one child care worker is required for the number of children in care, that person must meet the qualifications of a child care teacher. When ratios require a second child care worker with a group, that person must meet at least the qualifications of an assistant child care teacher. See DCF 251.05(3)(g)3. – ASSISTANT TEACHER QUALIFICATIONS IN PARENT COOPERATIVE.

A qualified assistant child care teacher may temporarily supervise a group of children outside the direct supervision of a child care teacher under certain situations, such as taking children to the bathroom, taking children to the bus, taking a group of children to the outdoor play space while the other children are still getting ready. See 251.03(31) – DEFINITION – SUPERVISION OF STAFF.

(c) Assistant child care teachers who are at least 18 years of age and have completed the training required for the position may provide sole supervision to a group of children in full-day centers for opening and closing hours, not to exceed the first 2 hours and the last 2 hours of center operation, and during the center's designated naptime, not to exceed 2 hours.

(d) A child care worker may not provide care for children at the center for more than 12 hours in any 24-hour period.

(e) A child may not be in care for more than 14 hours in any 24-hour period.

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

(f) The center shall implement and adhere to a procedure to ensure that the number, names, and whereabouts of children in care are known to assigned child care workers at all times.

At all times during the center's hours of operation, each classroom staff must have a written or documented system to determine how many children are present and the names of the children that are present. This includes during transportation and field trips. Ensure that staff have a process to know the whereabouts of children throughout the day, including transitions, bathroom times, outdoor times, and emergency drills. The procedure should include name-to-face verification of the children using the attendance roster or a similar listing.

251.055(1)(f) continued

See DCF 251.04 (3) (i) – REPORT – LOST OR MISSING CHILD.

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

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

(h) The center shall implement a procedure to contact a parent if a child is absent from the center without prior notification from the parent.

(i) No person under 18 years of age shall be left in sole charge of a child.

(j) No licensee, employee, volunteer, or other individual in contact with children may consume alcoholic beverages or any non-prescribed controlled substance specified in ch. 961, Stats., on the premises of the center or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the center's operation.

Section 961.01 (4), Wis. Stats., defines "controlled substance" as a drug, substance or immediate precursor in schedules I through V of subchapter II. Broadly, this covers marijuana, narcotic drugs, opium and opiates, opium poppy, and poppy straw. For definitions of terms and a list of pharmaceuticals which are specifically controlled, see Chapter 961, Wis. Stats.

(2) GROUPING OF CHILDREN.

(a) The maximum number of children in a group may not exceed the number specified in Table 251.055.

(b) The ratio of child care workers to children may not be less than the minimum number of child care workers to children specified in Table 251.055.

TABLE DCF 251.055		
Maximum Group Size and Minimum Number of Child Care Workers in Group Child Care Centers		
Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 18 months	1:4	8
18 months to 2½ Years	1:7	14
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	26
5 Years and Over	1:18	36

(c) When there is a mixed-age group, the required staff-to-child ratios in Table 251.055 shall be adjusted on a pro rata basis in accordance with the ages of the children in the group.

Note: The licensee may use the department's form, *Child Care Staff-To-Child Ratio Worksheet - Group Child Care Centers*, to adjust the staff-to-child ratio. Forms are available on the department's website at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

See Appendix D Resources List: Staff-to-Child Ratio Worksheet Group Child Care Centers.

(d) When infants and toddlers are part of a mixed-age group, the size of the group may not exceed 8.

Children under age 2 may transition into an older age group as long as the new group size does not exceed 8 children and the child's second birthday is no more than 2 weeks prior to the transition date. Transition of a child to a new age group needs to be planned and discussed with parents prior to the transition if the room has been approved for children under 2 years of age.

See DCF 251.09 (1) (D) – INFANT & TODDLER – ASSIGNMENT TO A ROOM & CAREGIVER.

(e) When the group of children is a mixed age group of children 18 months and older, the group size shall be determined by the number of children that can be cared for by 2 child care workers with the required staff-to-child ratios in Table 251.055 adjusted on a pro rata basis in accordance with the ages of the children in the group.

(f) Maximum group size does not apply to field trips, outdoor play areas, and areas of the center reserved exclusively for eating. Staff-to-child ratios shall be maintained in those settings.

This rule applies to all age groups, including infants and toddlers.

An area of the center that is used for other purposes (i.e. a classroom or large motor room) throughout the day may be reserved exclusively for eating at designated times. Maximum group size does not apply when the room is used for eating.

(g) During naptime, an adjustment in group size and staff-to-child ratios in Table 251.055 may be made as follows:

1. One child care worker shall be within sight or sound of each group of sleeping children, except as provided in s. DCF 251.09 (1) (m).

Electronic listening devices may be allowed for supervising sleeping children under 2 years of age who sleep in cribs. Consideration should be given to the quality of the device, proximity/accessibility of staff, and noise levels in other areas that may interfere with staff's ability to hear. Video cameras are not allowed in place of staff supervision.

Dark sleeping rooms that play loud music do not meet sight and sound supervision requirements.

2. Staff-to-child ratios shall be maintained in the center during naptime.

See DCF 251.03 (30) – DEFINITION – SUPERVISION OF CHILDREN and DCF 251.055 (2) (k) – STAFF-TO-CHILD RATIOS – COUNTING SUPPORT STAFF

Support staff, such as cooks, clerical staff, custodians, or the center director, may be counted in the adult-to-child ratios during naptime providing the staff person is aware that they may be called upon, has been oriented to his/her responsibilities, and agrees to be available during that time. A support staff used to maintain ratios during naptime may be counted for one position at a time. Verification of a person's awareness that the center is using that person to count in the staff-to-child ratio during naptime may be made through interview or written documentation.

As children wake up from a nap, child care workers must provide supervision to the awake children and maximum group size and staff-to-child ratios must be met at all times. For example, when a group of 3-year-old children are napping, only 1 person is required when 10 or fewer children are awake. As soon as the 11th child wakes up, 2 staff persons (at least 1 person must be a child care teacher) must be present to provide supervision.

3. Maximum group size requirements do not apply to napping groups.

251.055(2)(g)3. continued

When a center has a separate nap room for infants and toddlers, maximum group size does not apply and one child care worker must be within sight or sound when all children are sleeping. See DCF 251.055 (2) (g) 1. – NAPTIME – STAFF-TO-CHILD RATIO AND SUPERVISION.

4. As children wake, sight and sound supervision and staff-to-child ratios in Table 251.055 shall be maintained for awake children.

(h) When 8 or fewer children are present in a center, there shall be a second adult available to come to the center within 5 minutes for emergencies. The center shall maintain a signed and dated statement from that person, including an address and telephone number, certifying that the person is available and agrees to serve if needed.

Current availability should be updated periodically to confirm the person's continuing availability. The address should be evaluated in terms of distance and length of time that would be required to reach center in an emergency. Staff members must be informed about and have access to current contact information for the emergency contact person. Telephone confirmation with the second adult may be utilized as a compliance check.

If the emergency contact person is not an employee of the center and the qualified staff person must leave the premises, parents should be called and children should be picked up.

(i) In a center with 9 or more children present, there shall be at least 2 adults available in the center at all times. At least one of the adults shall be a child care worker directly involved in the supervision and care of the children.

When 9 or more children are present in a center, but a second worker is not required by the staff-to-child ratio, a second adult must be available in the building, such as secretary, minister, cook, etc. The second adult should be aware that they may be asked for assistance in the case of an emergency.

(j) When 9 or more children are on a field trip there shall be at least 2 child care workers accompanying the children and the staff-to-child ratios in Table DCF 251.055 shall be maintained. At least one of the child care workers shall be a child care teacher.

(k) Support staff, such as clerical, housekeeping, and food service staff, may only be considered in determining whether the required staff-to-child ratios are met at any of the following times:

1. During those hours when they give full attention to the care and supervision of children if they meet the qualifications of a child care worker.

2. During naptime when children are sleeping.

(L) Child care workers shall be free of non-classroom duties when they are counted in meeting the staff-to-child ratios.

Classroom duties could include routine daily housekeeping in the classroom, such as dusting, floor sweeping, table/chair washing, straightening the room, putting out bag lunches with milk, preparing snack in the room, etc., if these are part of the job responsibility prescribed by the center and the staff person is able to maintain supervision as required under DCF 251.055 (1) (a).

In centers where space used by children is used for other purposes after the hours of operation, prohibited non-classroom duties include moving furnishings and equipment into storage before children have departed.

If support staff are used as child care workers, the schedule of differing job responsibilities in relation to staff-to-child ratios must be determined. An example may be a child care worker who prepares a snack or meal which requires no more than 10 minutes time and who is immediately accessible in case of emergency is still considered to be a child care worker while performing these tasks. If food preparation takes more than 10 minutes and/or removes the child care worker from immediate availability, the child care worker is considered to be support staff for that time period and does not count in determining staff-to-child ratios.

(m) Children of staff who attend the center and who are on the premises for supervision and care shall be included in determining group size and staff-to-child ratios.