

Most Frequently Cited Rule Violations

(Developed by the Bureau of Early Care Regulation -revised 1/2015)

Wisconsin emphasizes a collaborative partnership with child care providers to help insure children receive quality care when enrolled in a licensed child care program. The licensing rules were developed to protect the health, safety and well-being of children in licensed child care settings and to provide a foundation for building a quality child care program.

Licensing specialists make periodic, unannounced visits to each center to monitor for compliance with the licensing rules. When violations of the rules are found, the center is issued a Statement of Non-Compliance (CFS-294) that specifies the exact violation and requires the center to complete a Plan of Correction stating what steps will be taken to correct the violation and prevent re-occurrence of similar violations.

Frequently Cited Rule Violations

Compliance with Laws. DCF 250.04(2)(a) and DCF 251.04(2)(a):

This rule is used in part when there has been a change in statute that affects child care providers and the administrative rules have not yet been updated to incorporate the statutory changes.

Violations that might be cited under this rule include:

- o Caregiver Background Checks – Annual submittal of Background Information Disclosure forms are complete, submitted on time and appropriately filed;
- o Vehicle Safety Alarms;
- o Carbon monoxide detectors in single or two-family residences for family child care programs.

Current Accurate Daily Attendance. DCF 250.04 (6)(b) and DCF 251.04 (6)(b):

This rule requires programs to track when a child arrives or leaves the program and includes the exact time of arrival or departure.

Staff Training. DCF 250.05 (1)(b) and DCF 251.05 (1) and (2): This rule addresses minimum training requirements for staff such as having a current CPR and AED certificate, maintaining the required amount of continuing education hours and other required training such as child abuse and neglect identification and reporting procedures, SIDS risk reduction and SBS prevention.

Useful Tips to Maintain Compliance

Compliance Tip: READ THE MEMOS!

Whenever a law is enacted, the Bureau of Early Care Regulation (BECR) mails and posts on the Child Care ListServe a memo describing what the law requires and what providers must do to remain in compliance.

All DCF memos are available on the following website:
<http://dcf.wisconsin.gov/memos/BRL/BRLINDEX.htm>.

Compliance Tip: In order to know who is in your care at any given moment, a system for documenting a child's arrival and departure time is necessary. Different methods may work for settings, however having a staff member greet each child at arrival and sign them into care is a good way to build relationships with parents and welcome the child to show them you are happy that s/he is there. Likewise, connecting at the end of the day to wish each family a pleasant evening and signing the child out of care can help keep your attendance records accurate. We recommend keeping the attendance form nearby during the busy arrival and departure times so that you don't have to look for it when a child leaves for the day.

Compliance Tip: Having good record-keeping systems in place that can trigger a reminder for training due will go a long way in preventing violations of these rules. Using an electronic calendar can help prompt the center to remember when training is due. Taking advantage of on-line training opportunities can be a great way to keep continuing education current.

Most Frequently Cited Rule Violations (continued)

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Child Tracking Procedure. DCF 250.05(3)(L) and DCF 251.05(3)(f):

This rule requires a provider to know the name, age and whereabouts of each child in care at any given time to ensure children's safety.

Compliance Tip: Knowing where each child in your care is at all times can be tricky in either a home setting or a group setting. Losing track of a child can happen in a family child care program when the provider is in the kitchen preparing a meal and the children are playing in another area of the home or in a group setting when a child leaves a classroom to go outside or the group moves to a new location. There are many methods a program could use to track a child's whereabouts during the day. For example, frequently comparing the number of children present to the number of children signed-in at that time might work in a family setting, while having a list of children present and adding or crossing names off the list might work better in a group setting. Whatever tracking method you use, remember that you must know both the number of children and the names of all children present at any given time.

Condition of the premises. DCF 250.06 (5) and DCF 251.06 (5)(a):

This rule requires the center be regularly maintained to provide a clean and sanitary environment that is in good repair and free from litter and vermin.

Compliance Tip: scheduling frequent checks for issues related to the condition and maintenance of the building or grounds and having a plan that ensures timely restoration of issues identified will help keep this type of issue from becoming more extensive and expensive to address. For example, checking window screens for holes and repairing them immediately can keep them from getting bigger which would lead to the possibility of allowing "vermin" in, and will help avoid full replacement of the entire screen.

Likewise, a regular cleaning schedule and frequent checks to common high-traffic areas such as entryways, sidewalks, porches and classroom areas for issues that may lead to harmful conditions and correcting before they become dangerous will keep the children in your care safe and avoid violations to the rule.

Flaking or Deteriorating Paint. DCF 250.06 (2)(k) and DCF 251.06 (5)(b)1:

This rule brings attention to flaking or deteriorating paint which can indicate a more serious issue related to water seepage or general maintenance of the building. **Buildings built before 1978** may have additional issues related to the possibility of lead-based paint on the walls, windows and/or trim.

Compliance Tip: Noticing and repainting areas quickly when paint appears to be flaking or deteriorating can keep a center looking clean and well-maintained. Timely attention to paint issues can help to prevent larger, more expensive projects in the future. We recommend keeping left-over paint after painting a room, labeling it with the date and the color, and storing the partially filled paint cans in a space inaccessible to children but available for touch-ups.

Most Frequently Cited Rule Violations (continued)

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Staff and Child Records. DCF 250.04(5) and (6) and DCF 251.04(5) and (6): This rule requires records for staff and children be reviewed and updated regularly.

Compliance Tip: Keeping child and staff records up-to-date can feel like a never-ending and sometimes overwhelming process. However, having a records-maintenance system in place will help to ensure you are able to make contact with parents when necessary, determine which staff members may be due for an annual caregiver background check, and will help with the overall daily management of the program. Some centers use computers to help with this task and there are many computer programs written specifically for child care center business management. For those centers that lack access to computers or choose to use a manual system to track documents, a simple system could include the use of checklists that must be completed before a staff or child record is filed. The Bureau of Early Care Regulation has developed optional forms such as the Staff Record Checklist (CFS-1675A) and the Child Record Checklist (CFS-1675) that could be used as a tool to ensure that all required items are in each staff or child's file. The Bureau has also developed forms (some required by rule, others that are optional) to help providers meet the requirements of licensing rules when, they are collecting, organizing and maintaining important information about children families and staff. All forms can be found on the Department of Children and Families website at: <http://dcf.wisconsin.gov/childcare/licensed/Forms.htm>

Access to Materials Potentially Harmful to Children. DCF 250.06(2)(c) and DCF 251.06(2)(d): This rule requires all materials labeled "Keep out of reach of children" or those that may otherwise cause harm to a child be kept securely away from children. This includes items such as knives, cleaning products, bath and beauty aids such as shampoo and conditioner, matches, insecticides, power tools, grills, lawnmowers, and any item labeled combustible or flammable.

Compliance Tip: Doing a daily sweep of areas (including kitchens, bathrooms, cupboards and countertops) to check for items that could cause harm is one way to make sure that there are no potentially harmful materials accessible to children. Having designated areas for storing these types of materials and making sure that when a potentially harmful item is used it is returned to the proper storage area can also be helpful in protecting the children.

Hazards. DCF 250.06 (2)(e) and DCF 251.06 (2)(a): This rule requires attention to situations that can present a hazard to children including access to recalled products, unsafe conditions such as cords hanging down within a child's reach, items presenting a choking hazard being accessible to children, or standing water in an outdoor area.

Compliance Tip: Being aware of conditions in and around the center is the best way to identify possible hazardous situations and taking steps to mitigate those hazards. Subscribing to the Department of Agriculture, Trade and Consumer Protection's Keep Kids Safe newsletter http://datcp.wi.gov/Consumer/Product_Safety/Children_Recalls_and_Advice/Keep_Your_Kids_Safe_Newsletter/ is a good way to stay up-to-date with on recalled products, and scheduling frequent checks for possible hazardous situations in both indoor and outdoor environments and having a plan to correct these hazards in a timely manner will keep children safe, prevent injuries, and avoid violations of the rule.

Most Frequently Cited Rule Violations (continued)

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Emergency Planning and Drills. DCF 250.06(3), DCF 250.06 (4)(a) and DCF 251.06(4)(j): This rule requires regular drills be conducted that include children and staff.

Compliance Tip: No one wants to believe that a fire or other emergency will occur at their facility, but planning ahead and conducting emergency drills regularly will help children and staff respond appropriately should an emergency occur. The more prepared a program is, the better-equipped that program will be to take all necessary steps to keep everyone safe. The emergency plan required for all child care centers should address situations such as evacuation for a fire, plans for an electrical outage or loss of heat or water, and plans for a lost or missing child. Each part of the plan should carefully consider all possible needs during an emergency. For example, if there is a need to evacuate the building, where will you go, and how will you get there?, What needs to be taken with and who is responsible for preparing and grabbing those items? How will you contact parents? What advance preparations need to be made for non-mobile children or children with special needs? It's best to choose a consistent date to run emergency drills such as the first or last day of the month and be sure to vary the times the plan is practiced so that all staff and children are involved. Emergency drills help children become familiar with the response plan just in case you need to implement it so that they know what to do and how to respond as calmly and effectively as possible.

Close supervision of each child. DCF 250.05 (3)(i) and DCF 251.05 (3)(c): The child care licensing rules require that children be closely supervised to guide behavior and activities as well as to insure safety and prevent harm.

Compliance Tip: Sometimes, room arrangement can impact a provider's ability to guide behavior and insure safety. Outside play areas may present a particular challenge because there is usually more open space for children to move around quickly and that may make it more difficult to monitor what each child is doing. It's important to carefully consider the possible barriers presented by furniture and equipment when setting up the indoor and outdoor spaces, paying particular attention to the ability of the provider to easily scan all areas and respond quickly if necessary. Clearly identifying active and quiet areas can help children easily identify which areas may be safer to play in depending on the chosen activity. Placing yourself in the room or area being used so that you can see all of the children simultaneously, and planning ahead for some of the more predictable situations that occur throughout a typical day can reduce the possibility of supervision challenges. For example, toileting and diapering could be done either before or after outside time and a portable phone or answering machine can allow the provider to maintain supervision of the children while also attending to business needs.