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Division of Early Care and Education
Bureau of Early Care Regulation

August 31, 2016

BECR Memo 2016-04

To: Certified Child Care Operators
From: Mark Andrews, Director
Bureau of Early Care Regulation
RE: Child Care Rule Revisions

A handwritten signature in blue ink that reads "Mark Andrews".

This memo is to alert you to some minor revisions to DCF 202 Certification Rules. The updated rules are located on the DCF website:

http://docs.legis.wisconsin.gov/code/admin_code/dcf/201_252/202.pdf

REVISIONS TO DCF 202

Changes to DCF 202 repealed outdated language, refers to “certification agencies” rather than “county and tribal agencies”, clarified requirements for “operators versus “providers” and updated requirements for certified child care. The most notable changes to DCF 202 are outlined below:

1. The requirement for tuberculosis screening has been amended to be consistent with child care licensing requirements by eliminating the requirement at recertification and adding a requirement for screening of all child care providers (i.e. substitutes, volunteers, employees), in addition to the applicant/operator.

DCF 202.08 (1) (a) 3. Each family and in-home child care operator shall demonstrate that he or she is free from tuberculosis prior to initial certification and recertification. ~~The~~ Each family and in-home child care provider shall demonstrate that he or she is free from tuberculosis prior to the date the provider begins working with children. For a child care operator, including a child care provider who is also a child care operator, the certification agency may accept results of a test administered up to 12 months before the application date. For a child care provider who is not also a child care operator, the certification agency may accept the results of a test administered up to 12 months before the date the provider began working with children.

2. The requirement for posting emergency telephone numbers has been amended to include the telephone number for the child protective services agency.

DCF 202.08 (2) (g) The home shall have at least one telephone in working order with a list of emergency numbers posted by each telephone, including numbers for the rescue squad, police, fire station, emergency medical care, child protective services agency, and poison control center. The certification agency may prohibit the use of a cellular phone as a primary phone. If a cellular phone is used as a primary phone, it shall be operational during the hours of child care.

3. The requirement regarding a child's health examination report has been amended to require the report to be on an electronic printout or on a department provided form and adds a "note" regarding the department's form.

DCF 202.08 (4) (b) The physical examination report shall be made on an electronic printout from a licensed physician, physician assistant, or health check provider or on a form provided by the department that is signed and dated by a licensed physician, a physician assistant, or a health check provider.

NOTE: The department's form, Child Health Report – Child Care Centers, or an electronic printout from a medical professional may be used to document a health examination. Information on how to obtain the department's form is available on the department's website, <http://dcf.wisconsin.gov>, or from the certification agency.

4. Requirements for operators versus providers has been clarified as follows:

DCF 202.04 (6) (a) The certification agency responsible for certification of ~~a provider~~ an operator shall be determined by the geographic area in which the child care is provided.

DCF 202.04 (6) (b) Certification issued to ~~a provider~~ an operator by a certification agency shall be accepted as valid by all other agencies authorized to certify providers.

DCF 202.08 (1) (b) 2. b. A certification agency may require up to 5 hours of annual continuing education by a Level I (regular) certified ~~provider~~ operator each year following Level I (regular) certification.

DCF 202.08 (2) (o) If the child care is provided in a rental property, the ~~provider~~ operator shall obtain permission from ~~his or her~~ the landlord to operate a child care business.

VEHICLE SAFETY ALARM RULES

In addition to the changes outlined above the Department has recently added rules that relate to vehicle safety alarms. Vehicle safety alarms have been required to be in vehicles used to transport children in care since 2009 Wisconsin Act 19 was implemented on August 1, 2009. Previous to the promulgation of the rules, violations of vehicle alarm requirements were cited under the rule that requires certified operators to be in compliance with all laws. Effective August 1, 2016, any violations of vehicle alarm requirements will be cited under DCF 202.08 or DCF 202.09 as follows:

DCF 202.08 (9) (f) 1. (Family Child Care) A vehicle is equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

- a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.*
- b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.*
- c. The vehicle is used to transport children in care.*

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm is in good working order each time the vehicle is used for transporting children to or from a child care home.

DCF 202.09 (12) (h) 1. (School-Age Care) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply:

- a. The vehicle is owned or leased by a child care operator or a contractor of a child care operator.*
- b. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.*
- c. The vehicle is used to transport children in care.*

2. No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

3. The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a certified school-age child care program.

Information on the required vehicle safety alarm is available here:

http://dcf.wi.gov/childcare/licensed/pdf/provider_child_safety_alarms.pdf

ADMINISTRATIVE CODE DCF 12 REPLACES DHS 12

Prior to the promulgation of DCF 12, the Department used DHS 12 to implement some provisions of the Caregiver Background Check law. DCF 12.03 requires use of the Background Information Disclosure (BID) form prescribed by the department to be completed to obtain information about a person's background from the person. The DHS BID form has now been replaced by a DCF BID form.

DCF 12: http://docs.legis.wisconsin.gov/code/admin_code/DCF/001_020/12

DCF BID Forms:

English: <http://dcf.wisconsin.gov/forms/doc/2978.docx>

Spanish: <http://dcf.wisconsin.gov/forms/doc/2978s.docx>

Hmong: <http://dcf.wisconsin.gov/forms/doc/2978h.docx>

Please contact your certification worker if you have questions regarding these changes.