

Department of Children and Families

Agency Report

Child Care Certification and Licensing Compliance with Federal CCDF Requirements

Clearinghouse Rule 26-009

DCF 202, 250, 251, 252

Basis and Purpose of the Proposed Rule

The proposed rule brings the department’s child care certification and licensing rules into compliance with the requirements of the Child Care and Development Fund.

Public Hearing Summary and Department Responses

A public hearing was held via Zoom on February 18, 2026. Comments at the hearing and written comments were received from the following:

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| 1. Guiliana Martin
Summer Program Director
Ethic Indoor/OAW Indoor Sports Complex
New Berlin | 2. Jason Heuer
Kettle Moraine YMCA
Senior Director of School Age and Day
Camp |
| 3. Christine Larson Salerno
YMCA of Greater Waukesha County | 4. Melissa Chapman
Group child care center
Watertown |
| 5. Michelle Envick
Family child care center
Chippewa Falls | |

Comment number designates commenter.

DCF 250.04 (8) Operational requirements; reporting child abuse or neglect

Comment (5): Are providers still mandatory reporters outside their hours of care?

Department response: This depends on the circumstances. The changes to the language on reporting child abuse and neglect bring the rule into closer conformity with s. 48.981, Stats., which provides that child care providers are mandatory reporters for a child who is known or seen by the provider in the course of their professional duties. If a child care provider learns about suspected abuse or neglect because of their role as a child care provider, they must report it.

DCF 251.04 (8) Operational requirements; reporting child abuse or neglect

Comment (3): I am concerned that child abuse and neglect reporting requirement is too broad. What is considered a threat? Is “I’ll leave without you if you don't get in the car right now?” a threat?

Department response: Under s. 48.981, Stats., and DCF 251.04 (8), the mandatory reporting requirement for threats applies only if the provider knows or has reasonable cause to suspect that the child has been threatened with abuse or neglect *and that abuse or neglect will occur.*

DCF 251.05 (4) (a) Staff; staff development; orientation

Comment (4): I think the pediatric first aid training requirement is a great addition.

DCF 252.42 Personnel; continuing education

Comment (2): I do not think that the federal regulation requiring continuing education for child care providers, teachers, and directors applies to camp counselors. I also do not think they need it. I have never experienced any concerns with camp counselors that would have been addressed by continuing education. Also, keeping track of the paperwork is an unnecessary burden on them and the camp director. The continuing education requirement should only apply to camp directors.

Comment (3): I am concerned about continuing education requirement for camp counselors. This will cause undue tracking for the director because many camp counselors do not return.

Department response: 45 CFR 98.44 (b) provide that the Lead Agency (DCF) must describe in the Plan its established requirements for pre-service or orientation (to be completed within three months) and *ongoing professional development for caregivers*, teachers, and directors of child care providers of services for which assistance is provided under the CCDF that, to the extent practicable, align with the State framework.

45 CFR 98.2 defines a “caregiver” as an individual who provides child care services directly to an eligible child on a person-to-person basis.

A camp counselor is a caregiver who provides child care services directly to an eligible child on a person-to-person basis.

Responses to Legislative Council Rules Clearinghouse Comments

All Clearinghouse comments were accepted or rendered moot by revisions, except the following:

Comment (2) (a): Young child is more appropriate than toddler.

Comment (5) (d): Licensure applies to the licensee and date of hire applies to staff, so there is no need to specify the earlier or later of these two events.

Comment (5) (g): “County department” is a defined term in DCF 202.

Changes to the Analysis or to the Fiscal Estimate

In the first sentence of the summary, “issued by” was changed to “relating to” in response to Clearinghouse comment 4. a., regarding the CCDF federal regulations.

Final Regulatory Flexibility Analysis

The rule affects small businesses as defined in s. 227.114 (1), Stats., but will not have a significant economic impact on a substantial number of businesses.

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