

Department of Children and Families
Agency Report
Large Family Child Care Centers and Assistant Child Care Teachers
Clearinghouse Rule 26-010
DCF 250, 251, 252

Basis and Purpose of the Proposed Rule

The rule incorporates the assistant child care teacher language from Act 15 in DCF 251; creates a large family child care home in DCF 250, as directed in Act 15; and creates assistant provider and assistant counselor positions in DCF 250 and 252, with qualifications similar to those of an assistant child care teacher under Act 15.

Public Hearing Summary and Department Responses

A public hearing was held via Zoom on February 18, 2026, with 300 attendees. Comments on the proposed rule were received from the following:

- | | |
|---|--|
| 1. Sarah Fleming
Family child care center
Kaukauna | 2. Sarah Cohan
Family child care center
Waukesha |
| 3. Teresa Estes
Family child care center
Ripon | 4. Donna Grant
Family child care center
Wisconsin Dells |
| 5. Brianna Pizur
Family child care center
Mondovi | 6. Elise Weigert
Family child care center
Sheboygan |
| 7. Nicole
Family child care center | 8. Tonya Redditt
Family child care center
Milwaukee |
| 9. Zakia Raymond
Family child care center
Milwaukee | 10. Michelle Envick
Family child care center
Chippewa Falls |
| 11. Melissa Anderson
Family child care center
Fennimore | 12. Cleanna Johnson
Family child care center
Milwaukee |
| 13. Shakia
Family child care center | 14. Tara Ebben
Family child care center and President
of WI Family Child Care Center Assn
Schiocton |

15. Barbara Schneeberger
Family child care center
Ashland

16. Brandon and Sarah Lehrer
Parents
Milwaukee

17. Jack Miller
Building Plan and Product Reviewer
DSPS

18. Linda Eisele
WI Out of School Time Alliance

19. Christine Larson Salerno
YMCA of Greater Waukesha County

A number of providers commented on the changes to staff ratios for group child care centers made in 2025 Wisconsin Act 15. These comments are not included in this summary of comments on the department's proposed rule.

Comment number designates the commenter.

DCF 250.03 (1m) and (17g) and 250.05 (3) (bm) Lead and assistant provider definitions and education requirements

Comment (2): I like the differentiation and definitions of lead provider and assistant provider. Not all employees need to know how to run a family child care center. This is a HUGE win for finding qualified assistants.

DCF 250.03 (9) Definition of family child care center

Comment (17): The proposed changes to the definition of "family child care center" puts it out of compliance with Wisconsin Uniform Dwelling Code at SPS 320.02 (1) (cm).

Department response: Act 15 modified s. 66.1017 (1) (a), Stats., to define a "family child care home" as "a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 12 children." Act 15 also modified SPS 361.02 (3) (g), so it provides that a one- or two-family dwelling in which a public or private day care center for 12 or fewer children is located is not subject to the commercial building code under chs. SPS 361 to 366.

DCF 250.04 (6) (a) 4. Operational requirements; children's records; physical exam

Comment (1): Can records of a child's physical exam every 3 months if they are under 2 years of age be changed to 18 months of age, so there aren't different ages for different things?

Department response: The physical exam records requirements are based on the frequency of well-child visits recommended by the American Academy of Pediatrics.

DCF 250.05 (3) (bm) Staff; assistant providers

Comment (16): I am against assistant providers who are 16 years old. It is too much responsibility, particularly with the learning loss and complex legacy of the pandemic.

Comment (19): I support allowing 16 year olds to be assistant providers.

Department response: The department is interpreting the Act 15 change to allow group child care centers to have child care teachers who are 16 years of age as legislative intent to allow

providers who are 16 years of age in all licensed child care programs. A family child care licensee will have the flexibility to determine what is best for their program. A provider who is under 18 years of age cannot be left alone with children.

DCF 250.055 (2) Supervision and grouping of children; grouping of children

Comment (1): What is the maximum number of children that 2 providers can care for?

Department response: DCF 250.055 (2) (a) provides that at no time may more than 12 children be in the care of the center. The number of children that a center may actually care for will depend on the ages of the children. A licensee will need to use the calculator on the department's webpage to determine the specifics. This limit is also subject to DCF 250.055 (2) (c) 2., which provides that if 2 providers are caring for 8 children under 18 months of age, the center may only enroll additional children who are 5 years of age and older.

Comment (3): I think the provider-to-child ratio should be increased 10 to 12 children for one provider. Some states allow providers with more education and experience to have a larger capacity.

Comment (4): I think the provider-to-child ratio should be 9 children for one provider with only one child being under one year of age and the rest being any age.

Comment (3) and (4): I cannot afford to pay a full-time assistant if I can only have 12 children.

Comment (3),(5),(8),(11),(12): I support the large family centers and the ratio changes. I get calls from parents all the time; this will help keep siblings together; I will be able to care for school-age siblings on no-school days; I will be able to care for more 4-year-olds for Get Kids Ready.

Comment (6): The August 1 effective date is a problem because I wanted to enroll more children for Get Kids Ready, which begins July 1.

Comment (7): Will we need to get rezoned? If we are approved for 8, are we approved for 12?

Comment (13): Does the assistant provider need to be 18 years of age if the center has 12 children?

Comment (1),(14),(17): The department should also change the restriction on caring for no more than 2 children under 2 years of age on a lower level to no more than 2 children under 18 months.

Comment (15): I would never want to care for 12 kids in a family child care, but I support the ratio change to 18 months and having a few more kids during transitions and when school is out.

Comment (16): I do not support large family centers. It is hard enough to get insurance with up to 8 children. Open a group center instead.

Comment (2): Are you also going to change DCF 250.05 (3) (f), 250.055 (2) (d), 250.06 (4) (e), and 250.09 (1) (c) 1. from 2 years of age to 18 months of age?

Department responses

- The planned effective date of August 1, 2026, cannot be changed due to the time needed for automation changes.

- A change in zoning is not required to become a large family center. 2015 Wisconsin Act 15 revised the commercial building code in SPS 361.02 (3) (g) to exclude child care centers that care for fewer than 13 children. There will be changes to the child care license required through the department.
- An assistant provider who is 16 or 17 years of age may be one of the providers at a center that is caring for 12 children, but there must be another provider on the premises who is at least 18 years of age.
- The department’s definition of “toddler” is one to 2 years of age. The requirement for training on the care of infants and toddlers in DCF 250.05 (3) (f) and the requirement for a completed form with information to individualize care for infants and toddlers under DCF 250.09 (1) (c) 1. are not changed.
- An interconnected smoke detection system when one or more children under the age of 2 are cared for on a level that is 6 feet above or below ground level is required under DCF 250.06 (4) (a) 2. and will not be changing. DCF 250.06 (4) (e) duplicates this provision and is being repealed.
- The department agrees to change DCF 250.055 (2) (d) from under 2 years of age per provider to under 18 months of age per provider when care is more than 6 feet above or below ground level.

Rule revision

DCF 250.055 (2) (d) When care is provided on a level that is more than 6 feet above or below ground level, no more than 2 children under ~~2 years~~ 18 months of age per provider may be in care.

DCF 251.03 (13) Definitions; group child care center

Comment (19): Why is the minimum number of children in a group center changed from 9 to 13?

Department response: When the maximum number of children in a family center was 8, the minimum for a group center was 9. Now that the maximum for a family center is 12, the minimum for a group center is 13.

DCF 251.055 (2) (d) Supervision and grouping of children

Comment (17): DCF 251.055 (2) (d) is amended two times with contradictory language.

Department response

- The first change to DCF 251.055 (2) (d) is expected to be effective on August 1, 2026, when this rule is effective. The second change will be effective August 1, 2027.
- The changes to DCF 251.055 (2) (d) are related to the staff ratio changes in DCF 251.055 (2) (e) that were made in 2025 Wisconsin Act 15. The Act 15 change is a pilot program that ends on August 1, 2027, and the related DCF 251.055 (2) (d) will revert to the previous language on the same date.

Table DCF 251.06 Minimum number of washbasins and toilets required in group child care centers

Comment (17): The rule has numbers that are less than the commercial building code minimum number of lavatories in separate sex toilet rooms for the day care use as required in IBC Table 2902.1, which is a minimum one lavatory per 15 occupants over age 30 months or fraction thereof.

Department response: The department agrees to update the table. This should not affect providers since they need to comply with the building code and get building inspection approval.

Revised Table DCF 251.06

TABLE 251.06 Minimum Number of Washbasins and Toilets Required in Group Child Care Centers		
Maximum Number of Children for Which the Center is Licensed	Number of Toilets	Number of Washbasins
13 – 15	2	1
16 – 25	2	2
26 – 30	3	2
31 – 40	3	3
41 – 45	4	3
46 – 55	4	4
56 – 75	5	5

DCF 251.094 (5) Staff in school-age programs; school-age group leader

Comment (18): The proposed rule allows a group leader to be hired at age 16. The group leader’s role is to plan, implement, and supervise the daily activities of a group of children. Even working under supervision, that is a lot of responsibility for a 16 year old.

Comment (19): I am in strong support of allowing a school-age group leader to be 16 years old.

Department response: The rule requires the group leader to *work with* the program leader to plan, implement, and supervise the daily activities for a group of children. The group leader will learn from experienced colleagues as they perform their duties.

DCF 251.094 (6) Staff in school-age programs; school-age program aide

Comment (18): I am concerned about the elimination of school-age program aides. This is the appropriate place for 16-year-olds to be hired in school-age programs. In recent years, staff are facing children with challenging behaviors, mental health issues, developmental challenges, and compromised family dynamics, all which require skilled and knowledgeable staff.

Department response: The department agrees to keep program aides and school-age program aides in the rule as an option for licensed providers.

Rule revision: The repeal of language in DCF 250.03 (26m), 250.05 (3) (gm), 251.03 (25m) and (27r), 251.05 (2) (a) 4. d., and 251.094 (6) has been removed from the proposed rule.

DCF 252.42 (2) (dm) Assistant camp counselors

Comment (19): I support the creation of assistant camp counselors who are a minimum of 16 years old.

Responses to Legislative Council Rules Clearinghouse Comments

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

Comment 5. a.: The definitions of “physician” and “physician assistant” are repealed because these terms are now defined in ch. 990, Stats., which applies to the construction of all laws.

Comment 5. c.: DCF 250.06 (4) (e) is repealed because it duplicates DCF 250.06 (4) (a) 2.

Changes to the Analysis or to the Fiscal Estimate

The analysis was revised to remove language about repealing program aides and school-age program aides and to respond to Clearinghouse comments 5. a. and c.

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.

Department Contacts

Ragen Shapiro, Legislative Advisor
ragen.shapiro@wisconsin.gov
(608) 235-1890

Daria Hall, Policy Initiatives Advisor
Division of Early Care and Education
daria.hall@wisconsin.gov
(414) 270-4743