

**State of Wisconsin
Department of Children and Families**

Large Family Child Care Centers and Assistant Child Care Teachers

DCF 250, 251, and 252

The statement of scope for this rule, SS 059-25, was approved by the Governor on September 11, 2025, published in Register 837A3 on September 15, 2025, and approved by Secretary Jeff Pertl on October 7, 2025.

The Wisconsin Department of Children and Families proposes **to repeal** ss. DCF 250.03 (24), (25) and (26m), 250.05 (3) (d) and (gm), 250.06 (4) (e), 250.095 (1) and (2) (c) 4., 251.03 (23), (24), (25m), and (27r), 251.05 (3) (gm), 251.094 (5) (c) 2. and (6), and 252.04 (2); **to amend** ss. DCF 250.03 (7), (8), (9), and (15) (c) and (d), 250.05 (2) (c), (3) (b) (intro.), (c), (cm), and (4) (a) (intro.), 250.055 (1) (e) and (2) (a) (intro.), 250.06 (1) (b) 1., (11) (b) 2., and (12) (b), 250.07 (1) (b) (intro.), 250.08 (1) (b) (intro.), 250.095 (3), 250.10 (2) (b), 251.03 (13), (14) (c) and (d), (14) (c) and (d), 251.05 (2) (a) 4. d., (3) (g) 1. and 2. (intro.), a., b., and c., 251.055 (2) (d), 251.055 (2) (d), Table 251.06, 251.094 (5) (c) (intro.) and 1., 251.11 (1) (a), 252.04 (8), 252.42 93) (c) 2., 252.425 (1) (i), and 252.44 (8) (c); **to repeal and recreate** ss. DCF 250.03 (27), 250.05 (3) (a), Table DCF 250.055, 251.03 (2), (5), (11r), (27n), and (27w), and 252.42 (2) (d); and **to create** ss. DCF 250.03 (1m) and (17g), 250.05 (3) (bm), 250.055 (1) (em) and (2) (b) and (c), 250.11 (2) (am), (3) (c) 8m., (cm), (4) (a) 7m, (5) (b) 7m, and (6) (d), 252.04 (1m) and (16g), 252.42 (2) (dm), and 252.425 (1) (am) and (cm), relating to large family child care centers and assistant child care teachers.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.67 (1m), Stats., as affected by 2025 Wisconsin Act 15

Statutes interpreted: Sections 48.65 (4) and 48.67 (1m) and (2m) Stats., as affected by 2025 Wisconsin Act 15

Related statutes and rules: SPS 361.02 (3) (g) and DCF 251.055 (2) (e), as affected by 2025 Wisconsin Act 15

Explanation of Agency Authority

Section 48.67 (1m), Stats., as affected by 2025 Wisconsin Act 15, provides that the department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child care centers. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees.

Section 48.67 (2m), Stats., as created by Act 15, provides that the department shall establish a category of *large family child care centers* that provide care and supervision for 4 to 12 children. The department shall regulate these large family child care centers in the same way that it regulates family child care centers that provide care and supervision for 4 to 8 children, including the maximum number of children per provider, except for all of the following:

- The department shall prohibit a large family child care center from authorizing more than 2 providers to provide care and supervision for children at one time.

- The department may regulate a large family child care center differently than a family child care center that provides care and supervision for 4 to 8 children to the extent necessary to safely accommodate a larger group of children.

Section 48.65 (4), Stats., as created by Act 15, provides that the licensee of a group child care center may hire an *assistant child care teacher* who is at least 16 years old and who completes one of the following training requirements within the first 6 months after assuming the position:

- Two credits in early childhood education or its equivalent.
- One non-credit, department-approved course in early childhood education.
- An assistant child care teacher training program approved by the department of public instruction.

An assistant child care teacher who has completed the required training and is *at least 18 years* old may provide *sole supervision* to a group of children in a group child care center as follows:

- In a full-day center, if there is a child care teacher on the premises, 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.
- In a school-age program, if there is a school-age program leader or child care teacher on the premises, for no more than 45 minutes.

Summary of the Rule

DCF 250, Family Child Care Centers

The proposed rule makes the following changes to the licensing requirements for family child care centers:

- Creates an assistant provider position that will work under the supervision of a lead provider and be at least 16 years of age, similar to the qualifications for an assistant child care teacher in a group center under Act 15.
- Increases the capacity of a family center from 8 to 12 children, as directed by Act 15.
- Revises staff-to-child ratios to allow flexibility if there is one provider and to improve clarity on ratios if there are 2 providers. The age 2 cutoff is revised to 18 months of age.
- Clarifies that a substitute or volunteer that is used to meet the required staff-to-child ratio shall meet the training requirements by the time the substitute or volunteer has worked in the center for a total of 240 hours
- For a licensee who is not providing care for at least 50% of a center's hours, clarifies that the requirement to be at the center for at least 30 hours per month applies during the center's hours of operation.

DCF 251, Group Child Care Centers

The proposed rule makes the following changes to the licensing requirements for group child care centers:

- Incorporates the provisions on assistant child care teachers from s. 48.65 (4), Stats., as created by Act 15.
- Revises the minimum age of a school-age group leader from 18 years to 16 years.
- Repeals program aides and school-age program aides.
- Increases the minimum capacity of a group center from 9 to 13.

- Temporarily revises “infant and toddler” and “age 2” to “18 months of age” in the definition of “inclement weather” and in a ratio-related provision in DCF 251.055 (2) (d) to reflect the Act 15 revision of ratios in DCF 251.055 (2) (e). Act 15 reverts DCF 251.055 (2) (e) back to age 2 on August 1, 2027, and the related provisions will also revert back.

DCF 252, Day Camps for Children

The proposed rule creates an assistant counselor position for day camps. An assistant counselor will work under the supervision of a lead counselor and be at least 16 years of age, similar to an assistant child care teacher for group centers under Act 15.

Summary of Factual Data and Analytical Methodologies

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 the qualifications for an assistant child care teacher under Act 15.

Summary of Related Federal Law

There is no applicable federal law.

Comparison to Adjacent States

Minnesota

An assistant child care teacher must be at least 18 years of age, have a high school diploma, and complete 6 credits early childhood education prior to working with children. The capacity of a family child care home is 14 children with 2 providers.

Illinois

An assistant child care teacher must have a high school diploma. They can provide sole supervision if they are over 18 years of age and all children in the group are 2 years of age or older. The capacity of a family child care home is 8 children.

Iowa

An assistant teacher must be at least 16 years of age and is not required to have a high school diploma. The capacity of a child care home is 16 children with 2 providers.

Michigan

An assistant teacher must be at least 16 years of age, is not required to have a high school diploma, and no early childhood education is required prior to working with children. A family child care home has a capacity of 6, and a large family child care home has a capacity of 12 and 2 providers are required.

Effect on Small Businesses

The rule will affect small businesses, including child care providers that are small businesses as defined in s. 227.114 (1), Stats. The effect will be minimal.

Analysis Used to Determine Effect on Small Businesses

Most child care providers are small businesses.

Agency Contact

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Place Where Comments are to be Submitted and Deadline for Submission

Comments may be submitted to Elaine Pridgen, Department of Children and Families, 201 W. Washington Ave, P.O. Box 8916, Madison, WI, 53708-8916 or dcfpublichearing@wisconsin.gov. The comment deadline is February 18, 2026.

Rule text

SECTION 1. DCF 250.03 (1m) is created to read:

DCF 250.03 (1m) “Assistant provider” means a provider who works under the supervision of a lead provider.

SECTION 2. DCF 250.03 (7), (8), (9), and (15) (c) and (d) are amended to read:

DCF 250.03 (7) “Emergency back-up provider” means a designated adult available within 5 minutes of the premises who can provide assistance in the event an emergency occurs that requires a lead provider to leave the premises occasionally for a short period of time.

(8) “Employee” means any adult person who is compensated to provide care and supervision of children enrolled in a family child care center, ~~including a helper or assistant to a child care provider.~~

(9) “Family child care center” or “center” means a facility where a person provides care and supervision for less than 24 hours a day for at least 4 and not more than ~~8~~ 12 children who are not related to the provider.

(15) (c) Wind chills of 0 degrees Fahrenheit or below for children age ~~2~~ 18 months and above.

(d) Wind chills of 20 degrees Fahrenheit or below for children under ~~the~~ age ~~2~~ of 18 months.

SECTION 3. DCF 250.03 (17g) is created to read:

DCF 250.03 (17g) “Lead provider” means a provider who meets the requirements specified in s. DCF 250.05 (3) (b).

SECTION 4. DCF 250.03 (24), (25), and (26m) are repealed.

SECTION 5. DCF 250.03 (27) is repealed and recreated to read:

DCF 250.03 (27) “Provider” has the meaning given in s. 48.67 (1b), Stats., and includes a lead provider or an assistant provider.

SECTION 6. DCF 250.05 (2) (c) is amended to read:

DCF 250.05 (2) (c) Documentation of the actual hours a provider, substitute, employee, or volunteer worked if the hours were used to meet the applicable staff-to-child ratio under Table s. DCF 250.055 (2) (b) and (c).

SECTION 7. DCF 250.05 (3) (a) is repealed and recreated to read:

DCF 250.05 (3) (a) A provider shall be physically, mentally, and emotionally able to provide responsible care to all children, including children with disabilities.

SECTION 8. DCF 250.05 (3) (b) (intro.) is amended to read:

DCF 250.05 (3) (b) (intro.) Before ~~receiving a license or~~ beginning to work with children in care, a ~~licensee or~~ lead provider shall be at least 18 years of age and satisfactorily complete one of the following:

SECTION 9. DCF 250.05 (3) (bm) is created to read:

DCF 250.05 (3) (bm) An assistant provider shall meet all of the following conditions:

1. Be at least 16 years old.
2. Work under the supervision of a lead provider with a group of children.

3. Satisfactorily complete at least one of the following within 6 months after assuming the position:

- a. Two credits in early childhood education or its equivalent.
- b. One noncredit, department-approved course in early childhood education.

Note: *Introduction to the Child Care Profession* is the noncredit course that is approved by the department to meet the entry level training requirements for an assistant provider. Information on agencies offering the department-approved course is available on the department's website at <https://dcf.wisconsin.gov>.

- c. An assistant child care teacher training program approved by the department of public instruction.

SECTION 10. DCF 250.05 (3) (c) and (cm) are amended to read:

DCF 250.05 (3) (c) A substitute or volunteer that is used to meet the required staff-to-child ratio shall meet the training requirements specified in par. ~~(b)~~(bm) by the time the substitute or volunteer has worked in the center for a total of 240 hours.

(cm) A volunteer that is used to meet the required staff-to-child ratios under s. DCF 250.055 (2) (b) and (c) shall be at least 18 years of age.

SECTION 11. DCF 250.05 (3) (d) and (gm) are repealed.

SECTION 12. DCF 250.05 (4) (a) (intro.) is amended to read:

DCF 250.05 (4) (a) (intro.) *Orientation of employees, volunteers, and substitutes.* ~~Each~~ The licensee shall provide each provider, employee, volunteer, or substitute ~~shall receive with~~ an orientation before the individual begins to work with children in care. The orientation shall be documented on a form initialed and dated by the staff person and ~~trainer~~ licensee. The orientation shall cover all of the following:

SECTION 13. DCF 250.055 (1) (e) is amended to read:

DCF 250.055 (1) (e) At least one lead provider who has completed the training required under s. DCF 250.05 (3) (b) shall supervise children at all times, except ~~when a substitute is providing care. A substitute shall meet the requirements under s. DCF 250.05 (3) (c) and (4) (a) as provided in par. (em).~~

SECTION 14. DCF 250.055 (1) (em) is created to read:

DCF 250.055 (1) (em) *Substitutes*. If a substitute is providing care and 2 providers are required to meet staff-to-child ratios, at least one provider who has completed the training required under s. DCF 250.05 (3) (b) or (bm) shall supervise children at all times.

SECTION 15. DCF 250.055 (2) (a) (intro.) is amended to read:

DCF 250.055 (2) (a) (intro.) At no time may more than 8 12 children be in the care of the center. This limitation applies to all of the following:

SECTION 16. DCF 250.055 (2) (b) and (c) are repealed and recreated to read:

DCF 250.055 (2) (b) A licensee shall do all of the following to determine if more than one provider is required for a group of children:

1. For each child in the group, determine the numerical weight for the child's age group based on Table DCF 250.055.
2. Add the total of all of the numerical weights for the children in the group.
3. If the total of the numerical weights is 1.2 or less, one provider may care for the group.
4. If the total of the numerical weights is more than 1.2, two providers are required.
 - (c) 1. If one provider is caring for 4 children who are under the age of 18 months, the center may only enroll additional children who are 5 years of age and older.
 2. If 2 providers are caring for 8 children under the age of 18 months, the center may only enroll additional children who are 5 years of age and older.

SECTION 17. Table DCF 250.055 is repealed and recreated to read

Table DCF 250.055
Maximum Numerical Weight of 1.2 for One Provider

Age of Children	Numerical Weight for Age Group
Birth to 17 months	.25
18 months to 1 year and 11 months	.187
2 years to 4 years and 11 months	.125
5 years and older	.056

Note: To determine the number of providers required for a group of children, the licensee may use the online calculator available on the department's website <https://dcf.wisconsin.gov/cclicensing/TBD> or the worksheet, *Child Care Provider-To-Child Ratio Worksheet - Family Child Care Centers*, that is available at <https://dcf.wisconsin.gov/cclicensing/ccformspubs>.

SECTION 18. DCF 250.06 (1) (b) 1. is amended to read:

DCF 250.06 (1) (b) 1. A center shall have at least 35 square feet of usable floor space per child. Usable floor space for children does not include passageways, bathrooms, lockers, storage areas, the furnace room, the part of the kitchen occupied by stationary equipment, ~~and~~ space occupied by furniture that is not intended for children's use, ~~and areas not available to children for all hours of operation.~~

SECTION 19. DCF 250.06 (4) (e) is repealed.

SECTION 20. DCF 250.06 (11) (b) 2. and (12) (b) are amended to read:

DCF 250.06 (11) (b) 2. There shall be at least 75 square feet of outdoor play space for each child using the space at a given time. ~~A center with a licensed capacity of 8 children is required to have a minimum of 600 square feet.~~

(12) (b) A wading pool on the premises may be used if the water is changed daily and the pool is disinfected daily. Supervision requirements and staff-to-child ratios under s. DCF 250.05 ~~(3) and (4)~~ 250.055 (1) and (2) shall be met.

SECTION 21. DCF 250.07 (1) (b) (intro.) is amended to read:

DCF 250.07 (1) (b) (intro.) A lead provider shall plan daily activities according to the age and developmental level of each child in care and shall include a flexible balance of all of the following:

SECTION 22. DCF 250.08 (1) (b) (intro.) is amended to read:

DCF 250.08 (1) (b) (intro.) The following requirements do not apply to transportation provided in vehicles owned and driven by parents or volunteers who are not counted in the staff-to-child ratios ~~specified in Table under s. DCF 250.055 (2) (b) and (c):~~

SECTION 23. DCF 250.095 (1) and (2) (c) 4. are repealed.

SECTION 24. DCF 250.095 (3) is amended to read:

DCF 250.095 (3) The licensee shall be at the center for at least 30 hours per month during the center's hours of operation for the exclusive purpose of carrying out licensee responsibilities in sub. (2).

SECTION 25. DCF 250.10 (2) (b) is amended to read:

DCF 250.10 (2) (b) Minimum staff-to-child ratios and group sizes under Table s. DCF 250.055 (2) shall be maintained during night care.

SECTION 26. DCF 250.11 (2) (am) is amended to read:

DCF 250.11 (2) (am) An applicant for a license to operate a family child care center shall be an individual who is at least 18 years of age.

SECTION 27. DCF 250.11 (3) (c) 8m., (cm), (4) (a) 7m., (5) (b) 7m., and (6) (d) are created to read:

DCF 250.11 (3) (c) 8m. A written delegation of administrative authority signed by the licensee. The delegation of administrative authority shall describe the organizational structure of the center and identify by position or name those persons on the premises who are in charge of the center for all hours of operation.

(cm) Before receiving a probationary license, a license applicant shall satisfactorily complete the same course or credential that is required for a lead provider under s. DCF 250.05 (3) (b).

(4) (a) 7m. Any changes to the delegation of administrative authority.

(5) (b) 7m. Any changes to the delegation of administrative authority.

(6) (d) A licensee proposing to increase the licensed capacity of a center shall demonstrate compliance with this chapter in the operation of the existing center and compliance with rules for any other facility licensed by the department and operated by the licensee.

SECTION 28. DCF 251.03 (2), (5), and (11r) are repealed and recreated to read:

DCF 251.03 (2) “Assistant child care teacher” has the meaning given in s. 48.65 (4) (a) 1., Stats.

(5) “Child care teacher” has the meaning given in s. 48.65 (4) (a) 2., Stats.

(11r) “Full day center” has the meaning given in s. 48.65 (4) (a) 3., Stats.

SECTION 29. DCF 251.03 (13) and (14) (c) and (d) are amended to read:

DCF 251.03 (13) “Group child care center” or “center” means a facility where a person for less than 24 hours a day provides care and supervision for 9 13 or more children who are not related to the provider.

(14) (c) Wind chills of 0 degrees Fahrenheit or below for children age 2 18 months and above.

(d) Wind chills of 20 degrees Fahrenheit or below for children under the age 2 of 18 months.

SECTION 30. DCF 251.03 (14) (c) and (d) as affected by this rule are amended to read:

DCF 251.03 (14) (c) Wind chills of 0 degrees Fahrenheit or below for children age ~~18 months~~ 2 and above.

(d) Wind chills of 20 degrees Fahrenheit or below for children under ~~the age of 18 months~~ 2.

SECTION 31. DCF 251.03 (23), (24), and (25m) are repealed.

SECTION 32. DCF 251.03 (27n) is repealed and recreated to read:

DCF 251.03 (27n) “School-age program” has the meaning given in s. 48.65 (4) (a) 4., Stats.

SECTION 33. DCF 251.03 (27r) is repealed.

SECTION 34. DCF 251.03 (27w) is repealed and recreated to read:

DCF 251.03 (27w) “School-age program leader” has the meaning given in s. 48.65 (4) (a) 5., Stats.

SECTION 35. DCF 251.05 (2) (a) 4. d. and (3) (g) 1. and 2. (intro.), a., b., and c. are amended to read:

DCF 251.05 (2) (a) 4. d. For persons not required to have a certificate from the Wisconsin Registry, including assistant child care teachers, ~~program aides~~, school-age group leaders, ~~school-age program aides~~, meal preparation personnel, substitutes, volunteers, and student teachers and a child care teacher, center director, administrator, school-age administrator, school-age director, or school-age program leader who has not worked for the center for more than 6 months, documentation of the person’s educational qualifications.

(3) (g) 1. An assistant child care teacher shall be at least 16 years of age and work under the supervision of a child care teacher with a group of children.

2. (intro.) Except as provided under subd. 3., a person hired to be assistant child care teacher shall ~~be qualified in~~ have satisfactorily completed one of the following ~~ways~~ ways within 6 months after assuming the position:

- a. ~~Be at least 18 years old and have satisfactorily completed 2~~ Two credits in early childhood education or its equivalent within 6 months after assuming the position.
- b. ~~Be at least 18 years old and have satisfactorily completed one non-credit~~ One, noncredit department-approved course in early childhood education ~~within 6 months after assuming the position~~.
- c. ~~Be at least 17 years of age and have satisfactorily completed an~~ An assistant child care teacher training program approved by the Wisconsin department of public instruction, ~~2 credits in early childhood education or its equivalent, or a noncredit department-approved course in early childhood education.~~

SECTION 36. DCF 251.05 (3) (gm) is repealed.

SECTION 37. DCF 251.055 (2) (d) is amended to read:

DCF 251.055 (2) (d) When ~~infants and toddlers~~ children under the age of 18 months are part of a mixed-age group, the size of the group may not exceed 8.

SECTION 38. DCF 251.055 (2) (d) as affected this rule is amended to read:

DCF 251.055 (2) (d) When ~~children under the age of 18 months~~ infants and toddlers are part of a mixed-age group, the size of the group may not exceed 8.

SECTION 39. Table DCF 251.06 is amended to read:

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
9 or 10	1	1
11 13 to 25	2	1
26 to 40	3	2
41 to 55	4	2
56 to 70	5	3

SECTION 40. DCF 251.094 (5) (c) (intro.) and 1. are amended to read:

DCF 251.094 (5) (c) (intro.) A school-age group leader shall meet either the qualifications of an assistant child care teacher under s. DCF 251.05 (3) (g) ~~2.~~ or ~~3.~~ or meet all the following conditions:

1. Be at least ~~18~~ 16 years of age.

SECTION 41. DCF 251.094 (5) (c) 2. and (6) are repealed.

SECTION 42. DCF 251.11 (1) (a) is amended to read:

DCF 251.11 (1) (a) A facility that provides care on a regular basis to ~~9~~ 13 or more children under the age of 7 years shall be deemed to be providing care for compensation and shall be licensed as a group child care center.

SECTION 43. DCF 252.04 (1m) is created to read:

DCF 252.04 (1m) “Assistant counselor” means a counselor who works under the direct supervision of a lead counselor.

SECTION 44. DCF 252.04 (8) is amended to read:

DCF 252.04 (8) “Counselor” or “camp counselor” means a ~~staff member~~ lead counselor or an assistant counselor who works directly with children.

SECTION 45. DCF 252.04 (16g) is created to read:

DCF 252.04 (16g) “Lead counselor” means a counselor who meets the qualifications under s. DCF 252.42 (2) (d).

SECTION 46. DCF 252.04 (22) is repealed.

SECTION 47. DCF 252.42 (2) (d) is repealed and recreated to read:

DCF 252.42 (2) (d) *Lead counselors.* A lead counselor shall meet the following conditions:

1. Be at least 18 years of age.
2. Have a high school diploma or the equivalent, as determined by the department of public instruction.

SECTION 48. DCF 252.42 (2) (dm) is created to read:

DCF 252.42 (2) (dm) *Assistant counselors.* An assistant counselor shall meet the following conditions:

1. Be at least 16 years of age.
2. Work under the supervision of a lead counselor with a group of children.

SECTION 49. DCF 252.42 (3) (c) 2. is amended to read:

DCF 252.42 (3) (c) 2. The volunteer works under the supervision of a lead counselor who has met the training requirements specified in par. (b).

SECTION 50. DCF 252.425 (1) (am) and (cm) are created to read:

DCF 252.425 (1) (am) At least one lead counselor shall supervise each group of children.

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

SECTION 49. DCF 252.425 (1) (i) is amended to read:

DCF 252.425 (1) (i) When 9 or more children are present at the camp, there shall be at least 2 adults employees available at all times and at least one of the adults employees shall be a lead counselor.

SECTION 50. DCF 252.44 (8) (c) is amended to read:

DCF 252.44 (8) (c) There shall be at least one adult in each boat who is a competent swimmer as determined by the waterfront supervisor. When children are using single-seat boats, such as kayaks, a counselor who is a competent swimmer and at least 18 years of age shall be close enough to the children to provide assistance if necessary.

SECTION 51. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Administrative Register, as provided in s. 227.22 (2) (intro.), Stats., except SECTION 30 and 38 shall be effective on August 1, 2027.