

State of Wisconsin
Department of Children and Families
Child Care Certification and Licensing Compliance
with Federal CCDF Requirements
Clearinghouse Rule 26-009
DCF 202, 250, 251, and 252

The statement of scope for this rule, SS 027-25, was approved by the Governor on April 10, 2025, published in Register 832A2 on April 14, 2025, and approved by Secretary Jeff Pertl on April 28, 2025.

The Wisconsin Department of Children and Families proposes **to repeal** ss. DCF 202.02 (14); **to renumber** s. DCF 202.08 (4m) (e) 4. and 5.; **to amend** ss. DCF 202.04 (3) (b) 3. d., 202.08 (4m) (a) 1. c., (e) 2., (5) (e), (9) (e) (intro.) and b., and (14), 250.04 (8), 250.06 (3) (a) 2. and (b), 251.04 (8), 251.06 (3) (a) 2., 252.07 (3) (a), 252.42 (3) (a) 9., 252.43 (2) (a), (3) (a) 2., and (b); **to repeal and recreate** ss. DCF 202.08 (2) (e) 7. a. and b. and (4m) (a) 2.; and **to create** ss. DCF 202.02 (20x), 202.08 (10) (b) 3. e., (4) (p), (4m) (a) 1.d., (e) 4m., 5m. and 7. to 10., (5) (em), and (9) (e) 10., 250.05 (3) (em), 250.06 (3) (a) 5., 251.05 (3) (cg), 251.06 (3) (a) 5., 252.41 (1) (f) 13., 252.42 (1) (a) 7., (3) (bm), (em) and (3m), and 252.43 (3) (a) 5., (am) and (bm), relating to child care certification and licensing compliance with federal Child Care Development Fund (CCDF) requirements.

Analysis Prepared by the Department of Children and Families

Statutory authority: Sections 48.651 (1d) and 48.67 (1m), Stats.

Statutes interpreted: Sections 48.65, 48.651, and 48.67 (1m), Stats.

Related statutes and rules: NA

Explanation of Agency Authority

Section 48.67 (1m), Stats., 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 48.651 (1d), Stats., provides that the department shall promulgate rules establishing standards for the certification of child care providers.

Summary of the Rule

The proposed rules bring the department's child care certification and licensing rules in to compliance with federal regulations relating to the Child Care Development Fund.

Changes to DCF 202, *Child Care Certification*, include the following:

- Specifying bodies of water and vehicular traffic when addressing hazards.
- Including volunteer practice drills and continuity of operations in the rule on emergencies.

- Creating a requirement for staff to complete a training in pediatric first aid procedures within 3 months after certification, licensure, or date of hire.

Changes to DCF 250, *Family Child Care Centers*, and DCF 251, *Group Child Care Centers and Child Care Programs Established or Contracted For by School Boards*, include the following:

- Including volunteer practice drills and continuity of operations in the rule on emergencies.
- Creating a requirement for staff to complete a training in pediatric first aid procedures within 3 months after certification, licensure, or date of hire.

Changes to DCF 252, *Day Camps for Children*, include the following:

- Specifying bodies of water and vehicular traffic when addressing hazards.
- Including volunteer practice drills and continuity of operations in the rule on emergencies.
- Creating a requirement for staff to complete a training in pediatric first aid procedures within 3 months after certification, licensure, or date of hire.
- Creating a new requirement of continuing education for staff.

Summary of Factual Data and Analytical Methodologies

The rule brings the child care certification and licensing rules in chs. DCF 202, 250, 251, and 252 into conformity with federal requirements.

Summary of Related Federal Law

45 CFR 98.41, Health and Safety Requirements

45 CFR 98.41 (a) (1) (i) to (xi) requires that each state or tribal lead agency have health and safety requirements applicable to child care providers that include the following:

- Building and physical premises safety, including identification of and protection from hazards, bodies of water, and vehicular traffic.
- Prevention of shaken baby syndrome, abusive head trauma, and child maltreatment
- Emergency preparedness and response planning that includes procedures for evacuation, relocation, shelter-in-place and lock down, staff and volunteer emergency preparedness training and practice drills, communication and reunification with families, continuity of operations, and accommodation of infants and toddlers, children with disabilities, and children with chronic medical conditions.
- Pediatric first aid and cardiopulmonary resuscitation.

45 CFR 98.44, Training and Professional Development

45 CFR 98.44 (b) (1) requires a pre-service training or an orientation training that is completed within 3 months for child care providers, teachers, and directors and that covers the following:

- The health and safety standards in 45 CFR 98.41 (a) (1) (i) to (xi), specifying the critical health and safety training that must be completed before caring for children unsupervised.
- Child development, including the major domains (cognitive, social, emotional, physical development and approaches to learning).

45 CFR 98.44 (b) (2) requires an annual minimum number of hours of ongoing professional development for child care providers, teachers, and directors that maintains and updates the health and safety training in 45 CFR 98.41 (a) (1) (i) to (xi).

Comparison to Adjacent States

As a condition of receiving funding from the federal Child Care Development Fund, all states must ensure that the provisions in 45 CFR 98.40 to 98.49 are applicable to child care services provided within the state.

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

The rule makes changes required under federal regulations.

Agency Contact

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Rule text

SECTION 1. DCF 202.02 (14) is repealed.

SECTION 2. DCF 202.02 (20x) is created to read:

DCF 202.02 (20x) “Toddler” means a child who is at least one year of age but less than 2 years of age.

SECTION 3. DCF 202.04 (3) (b) 3. d. is amended to read:

DCF 202.04 (3) (b) 3. d. Child development, positive child guidance, and health and safety, including ~~first-aid-pediatric first aid~~ and nutrition.

SECTION 4. DCF 202.08 (1) (b) 3. e. is created to read:

DCF 202.08 (1) (b) 3. e. Training in pediatric first aid procedures.

SECTION 5. DCF 202.08 (2) (e) 7. is repealed and recreated to read:

DCF 202.08 (2) (e) 7. a. To protect children from bodies of water, vehicular traffic, and other hazards that can cause bodily injury, an outdoor play area shall either have a permanent enclosure of fencing, plants, or landscaping that is not less than 4 feet high or a provider shall be outside with children and providing active sight and sound supervision when the children are outside.

b. Notwithstanding subd. a., the certification agency may require an operator's outdoor play area to have a permanent enclosure that is not less than 4 feet high.

SECTION 6. DCF 202.08 (4) (p) is created to read:

DCF 202.08 (4) (p) Soiled diapers and other biocontaminants shall be disposed of in a plastic-lined, covered container and the contents of the container shall be disposed of daily.

SECTION 7. DCF 202.08 (4m) (a) 1. c. is amended to read:

DCF 202.08 (4m) (a) 1. c. Ensuring that the needs of all children are met, including ~~children under 2 years of age~~ infants and toddlers, children with disabilities, and children with chronic medical conditions.

SECTION 8. DCF 202.08 (4m) (a) 1. d. is created to read:

DCF 202.08 (4m) (a) 1. d. Continuity of operations, including steps the operator will take to demonstrate they are prepared to resume business, when possible, following an emergency.

SECTION 9. DCF 202.08 (4m) (a) 2. is repealed and recreated to read:

DCF 202.08 (4m) (a) 2. At least annually, the operator shall do all of the following:

a. Review the plan under subd. 1.

b. Practice the fire evacuation plan and the tornado plan with providers, volunteers, and enrolled children and maintain a written record of the dates and times the plans are practiced.

SECTION 11. DCF 202.08 (4m) (e) 2. is amended to read:

DCF 202.08 (4m) (e) 2. A review of children’s records, including enrollment forms and parent and emergency contact information.

SECTION 12. DCF 202.08 (4m) (e) 4. and 5. are consecutively renumbered as DCF 202.08 (4m) (e) 6. and 11.

SECTION 13. DCF 202.08 (4m) (e) 4m., 5m., and 7. to 10. are created to read:

DCF 202.08 (4m) (e) 4m. If the operator is certified to care for infants, procedures to reduce the risk of sudden infant death syndrome.

5m. The prevention and control of infectious diseases, including diapering, handwashing, and immunizations.

7. The handling and storage of hazardous materials and disposal of biocontaminants.

8. Pediatric first aid procedures.

9. Child abuse and neglect laws and reporting procedures.

10. Building and physical premises safety.

SECTION 14. DCF 202.08 (5) (e) is amended to read:

DCF 202.08 (5) (e) Each child shall be closely supervised by a provider to guide the child’s behavior and activities; prevent harm from vehicular traffic, bodies of water, and other hazards; and ~~assure~~ ensure safety of children at all times.

SECTION 15. DCF 202.08 (5) (em) is created to read:

DCF 202.08 (5) (em) Constant, active sight and sound supervision shall be maintained during field trips away from the home to protect children from harm, including vehicular traffic, bodies of water, and other hazards and to provide child guidance.

SECTION 16. DCF 202.08 (9) (e) (intro.) and 6. are amended to read:

DCF 202.08 (9) (e) (intro.) Before a driver who is not the operator first transports children, the operator shall review precautions in transporting children, including all of the following with the driver:

6. ~~First~~ Pediatric first aid procedures.

SECTION 17. DCF 202.08 (9) (e) 10. is created to read:

DCF 202.08 (9) (e) 10. A written emergency plan to be followed in case of accidents, serious illness, severe weather alerts, and other relevant information. The emergency plan shall remain in the possession of the driver while en route.

SECTION 18. DCF 202.08 (14) is amended to read:

DCF 202.08 (14) MANDATORY CHILD ABUSE OR NEGLECT REPORTING. A provider who knows or has reasonable cause to suspect that a child ~~in care~~ who is known or seen by the provider in the course of their professional duties has been abused or neglected or that the child has been threatened with abuse or neglect and that abuse or neglect will occur shall immediately inform the county department or in a county having a population of 750,000 or more, the department, local law enforcement, or other organization designated in s. 48.981 (3) (a), Stats.

SECTION 19. DCF 250.04 (8) is amended to read:

DCF 250.04 (8) REPORTING CHILD ABUSE OR NEGLECT. A licensee or provider who knows or has reasonable cause to suspect that a child who is known or seen by the licensee or provider in the course of their professional duties has been abused or neglected ~~as defined in ss. 48.02 (1) and 48.981 (1), Stats.,~~ or that the child has been threatened with abuse or neglect and that abuse or neglect of the child will occur, shall immediately contact the county department of social

services ~~or~~ under s. 46.22, Stats.; the county department of human services under s. 46.23, Stats.;
or in a county having a population of 750,000 or more, the department; or a local law
enforcement agency, in compliance with s. 48.981 (3) (a), Stats.

SECTION 20. DCF 250.05 (3) (em) is created to read:

DCF 250.05 (3) (em) Within 3 months after licensure or date of hire, each licensee and provider shall complete a training in pediatric first aid procedures.

SECTION 21. DCF 250.06 (3) (a) 2. is amended to read:

DCF 250.06 (3) (a) 2. Ensuring that the needs of ~~children under age 2~~ infants and toddlers,
children with chronic medical conditions, and children with disabilities are met.

SECTION 22. DCF 250.06 (3) (a) 5. is created to read:

DCF 250.06 (3) (a) 5. Continuity in operations, including steps the center will take to demonstrate that they are prepared to resume business, when possible, following an emergency.

SECTION 23. DCF 250.06 (3) (b) is amended to read:

DCF 250.06 (3) (b) The center shall practice the fire evacuation plan monthly, and the tornado plan monthly from April to October, with ~~the~~ all volunteers, employees, and enrolled children and shall document when the plans were practiced.

SECTION 24. DCF 251.04 (8) is amended to read:

DCF 251.04 (8) REPORTING CHILD ABUSE OR NEGLECT. A licensee, employee, or volunteer at a child care center who knows or has reasonable cause to suspect that a child who is known or seen by the licensee, employee, or volunteer in the course of their professional or volunteer duties has been abused or neglected ~~as defined in ss. 48.02 (1) and 48.981 (1), Stats.,~~ or that the child has been threatened with abuse or neglect and that abuse or neglect of the child will occur

shall immediately contact the county department of social services ~~or~~ under s. 46.22, Stats.; the county department of human services under s. 46. 23, Stats.; or in a county having a population of 750,000 or more, the department; or a local law enforcement agency, as required by s. 48.981 (3) (a), Stats.

SECTION 25. DCF 251.05 (3) (cg) is created to read:

DCF 251.05 (3) (cg) All employees in regular contact with children shall complete a training in pediatric first aid procedures within 3 months after beginning to work with children in care. Volunteers included in determining staff-to-child ratios shall complete a training in pediatric first aid procedures by the time they have volunteered for a total of 240 hours. The time spent completing the training may be counted towards the required continuing education hours under sub. (4) (c).

SECTION 26. DCF 251.06 (3) (a) 2. is amended to read:

DCF 251.06 (3) (a) 2. Ensuring the needs of ~~children under 2 years of age~~ infants and toddlers, children with chronic medical conditions, and children with disabilities are met.

SECTION 27. DCF 251.06 (3) (a) 5. is created to read:

DCF 251.06 (3) (a) 5. Continuity of operations, including steps the center will take to demonstrate that they are prepared to resume business, when possible, following an emergency.

SECTION 28. DCF 251.06 (3) (b) 2. and 3. are amended to read:

DCF 251.06 (3) (b) 2. Practice the fire evacuation plan monthly, and tornado drills monthly from April to October, with all volunteers, employees, and enrolled children.

3. Ensure that all ~~staff members~~ employees and volunteers know what their duties are if there is an emergency.

SECTION 29. DCF 252.07 (3) (a) is amended to read:

DCF 252.07 (3) (a) A licensee, counselor, employee, or volunteer at a day camp who knows or has reasonable cause to suspect that a child who is known or seen by the provider in the course of their professional or volunteer duties has been abused or neglected ~~as defined in s. 48.02 (1) or (12g), Stats.,~~ or who has reason to believe that the child has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall immediately contact the county department of social services under s. 46.22, Stats.; the county department of human services under 46.23, Stats.; in a county having a population of 750,000 or more, the department; or a local law enforcement agency, in compliance with s. 48.981 (3) (a), Stats.

SECTION 30. DCF 252.41 (1) (f) 13. and 252.42 (1) (a) 7. are created to read:

DCF 252.41 (1) (f) 13. Continuing education for staff.

DCF 252.42 (1) (a) 7. Documentation of compliance with continuing education requirements under sub. (3) (g).

SECTION 31. DCF 252.42 (3) (a) 9. is amended to read:

DCF 252.42 (3) (a) 9. Training in the use of fire extinguishers and recognition of local poisonous plants, snakes, and other potential hazards on the premises, such as vehicular traffic, and procedures to be followed to protect the children from these hazards.

SECTION 32. DCF 252.42 (3) (em) and (3m) are created to read:

DCF 252.42 (3) (em) All camp staff in regular contact with children, including the camp director and each counselor, shall complete a training in pediatric first aid procedures prior to working with children in care. The pediatric first aid may be included in pre-camp training.

(3m) CONTINUING EDUCATION. (a) Except as provided in par. (b), each camp director and camp counselor shall participate in at least 8 hours of continuing education annually.

(b) Notwithstanding, par. (a), each camp director and camp counselor who works fewer than 8 months per year shall participate in the equivalent of at least one hour of continuing education per month of employment as a camp director or camp counselor.

(c) Any continuing education hours or courses for credit completed that exceed the annual requirement for the year may be used to meet the annual requirement in the 2 years following completion.

(d) The types of trainings acceptable to meet continuing education requirements shall be any of the following:

1. Formal courses resulting in credits or continuing education units.
2. Workshops, conferences, seminars, lectures, correspondence courses, and home study courses.
3. Trainings offered by the day camp by guest or staff trainers.
4. Documented observation time in other early childhood programs.
5. Web-based training.
6. Independent reading.
7. Viewing educational materials, including videos, lesson plans, and websites.
8. For participants in the YoungStar program, technical assistance under s. 48.659, Stats.

(e). Continuing education may be in any of the following topics:

1. Prevention and control of infectious diseases.
2. Medication administration.
3. Prevention of and response to emergencies due to food and allergic reactions.
4. Identification of and protection from hazards.

5. Building and physical premises safety.
6. Emergency preparedness and response planning.
7. Handling and storage of hazardous materials.
8. Handling and disposing of biocontaminants.
9. Child growth and development.
10. Caring for children with disabilities.
11. Guiding children's behavior.
12. Nutrition.
13. Physical activity.
14. Transportation and safety.
15. Identification and reporting of suspected child abuse or neglect.
16. Cardiopulmonary resuscitation.
17. First aid.
18. Business operations.
19. Any other topic that promotes child development or protects children's health or safety.

(f) Each camp director or camp counselor shall have documentation of their 12-month period for meeting the annual continuing education requirements and begin a new training year in the same month each year.

SECTION 34. DCF 252.43 (2) (a) and (3) (a) 2. are amended to read:

DCF 252.43 (2) (a) Children shall be protected from indoor and outdoor hazards, including vehicular traffic and any recalled products.

(3) (a) 2. Procedures for ensuring that the needs of children with chronic medical conditions and children with disabilities are met.

SECTION 35. DCF 252.43 (3) (a) 5. and (am) are created to read:

DCF 252.43 (3) (a) 5. Continuity of operations, including steps the day camp will take to demonstrate that they are prepared to resume business, when possible, following an emergency.

(am) Practice the emergency evacuation plans and tornado drills monthly during day camp operation with all staff, volunteers, and enrolled children.

SECTION 36. DCF 252.43 (3) (b) is amended to read:

DCF 252.43 (3) (b) Each staff member and volunteer shall be informed and knowledgeable about their duties in the event of an emergency and the appropriate evacuation routes.

SECTION 37. DCF 252.43 (3) (bm) is created to read:

DCF 252.43 (3) (bm) Keep a written record of dates and times all fire and tornado drills are practiced.

SECTION 38. 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.