

Back-to-School Guidance for Child Care Providers

Fall 2020

Updated 8/25/2020

The Department of Children and Families (DCF) recognizes there will be vast differences in learning environments for school-age children this fall as independent school districts statewide respond to the COVID-19 pandemic. DCF is prepared to work with child care providers, school districts, and community partners as they identify specific child care needs in their communities and work to meet those needs.

DCF staff have the resources and the ability to work with existing providers to expedite temporary relocations of programs that may be unable to operate in their usual location and to open additional locations for existing providers. This work is already underway in each region as DCF staff work with child care providers and school districts who are collaborating to meet the unique needs in their community. Existing providers should contact their regional licensing specialist to discuss their plans for this fall, even if they are not yet finalized. This will allow DCF staff and the provider to review options and identify any items that could be addressed ahead of time to avoid unnecessary delays.

Exception Requests

Per DCF administrative rules, licensees may also request exceptions to any rule requirements. Requests will be reviewed on a case-by-case basis by the regional licensing specialist and their supervisor, in accordance with the DCF exception review process. **A [written exception request](#) will need to include the licensee's alternate plan for meeting the intent of the specific rule for which the request is submitted, ensuring the health, safety, and welfare of children is still met.** It is important to note that [DCF](#) does not have the authority to grant exceptions to state statute or to another agency's administrative rule or requirement.

Note: DCF has received several inquiries about capacity exceptions for licensed family child care providers. DCF will not grant exception requests for family child care providers to exceed the maximum capacity of children in care.

Background Checks

For [new licensees](#), after required background checks are completed, DCF staff are prepared to expedite the initial licensing process, working in conjunction with local consultants to ensure new licensees receive necessary start-up and pre-licensing technical assistance, while also becoming operational as quickly and safely as possible. Prior to submitting an application for licensure, prospective child care licensees or employees may request their own background check through the [iChildCare Portal](#) at any time.

A current trend identified at the regional level in the past few weeks is that the general public, including school districts, lacks adequate information about licensing requirements. In many cases, this causes confusion and unnecessary delays in potential programs becoming operational.

The following guidance documents were previously created and continue to be accurate.

- [Badger Bounce Back: Best Practices and Recommendations](#)
- [Badger Bounce Back: Best Practices for Child Care Providers - Frequently Asked Questions](#)
- [DCF #19: Updated guidance on child care centers providing care during COVID-19](#)

Additional frequently asked questions, found below, are helpful as child care providers and school districts navigate school-age children returning to school.

FREQUENTLY ASKED QUESTIONS

New Child Care Programs

- 1. We are an independent business (dance studio, karate studio, etc.) that would like to offer care for school-age children who will be learning virtually either all or part of the time. Do we need a license?**

It depends. Wisconsin Statute [48.65](#) requires a license when 4 or more children under the age of 7 years, who are not related to the provider per [48.65\(2\)](#), are in care. If you will be offering care to children younger than age 7, contact the [regional licensing office](#) to speak with a licensing specialist for more information.

- 2. Our local school district has asked us to operate child care in their building. Do we need a license?**

It depends. Wisconsin Statute 48.65 requires a license when 4 or more children under the age of 7 years, who are not related to the provider per 48.65(2), are in care. If you will be offering care to children younger than age 7, contact the [regional licensing office](#) to speak with a licensing specialist for more information.

- 3. We are a local school district and wish to establish a child care center in a school building, to be operated by the school district and not by an outside entity. Do we need a license?**

Per s. 120.13 (14), Wis. Stat., programs operated by a school board are exempt from licensure. However, if you wish to serve families who receive child care assistance through the [Wisconsin Shares Child Care Subsidy Program](#), the program is required to be monitored by DCF for compliance with basic health and safety requirements. Contact the [regional licensing office](#) to speak with a licensing specialist for more information.

If you are asking an outside entity to operate child care in a school building, that entity will need to apply for a license. Contact the regional licensing office to speak with a licensing specialist for more information.

Current Providers

- 1. We are a group child care center. What is required for programming when much of the day (about 3 or so hours) will need to be virtual schooling?**

DCF 251.07 (1) (a) only requires that programming be suitable for the developmental level of each child and each group of children. Providing opportunities for virtual learning and

supporting other school work would be considered suitable for the developmental level of school-age children. Per 251.07 (1) (b) 1. through 3., there should still be a flexible balance of other activity, including outdoor activities, throughout the day.

- 2. We are a group child care center and might have instances where school-age children are overlapping, i.e. the afternoon group of children gets dropped off prior to the morning group of children leaving the center.**

Programs will need to work with their [regional licensing specialist](#) to increase the center capacity for situations where children in care are overlapping during times throughout the day.

- 3. Will the department entertain exceptions to the director requirements for group child care centers over 50 children that would expand program capacity to meet community need and take school-age children?**

Contact your [regional licensing specialist](#) to discuss your specific situation.

- 4. Our program typically operates in a school building, but the district is not allowing us to operate in the building this year due to the pandemic. What are our options?**

Contact your [regional licensing specialist](#) and reach out to community partners to discuss options for a temporary relocation of your program. Be sure to discuss your plans with your licensing specialist prior to securing alternate space to ensure the location meets all applicable requirements. In many cases, a building inspection may be required.

DCF staff are prepared to work with existing providers to expedite temporary relocations in an attempt to get programs operational by the start of the school year.

- 5. Our program is operating at capacity, but we would like to open an additional location to serve school-age children. What is the process?**

Determine your additional location. Contact your [regional licensing specialist](#) to discuss your plans and to request application materials and to discuss a timeline. DCF staff are prepared to work with existing providers to expedite applications for additional locations in an attempt to get programs operational by the start of the school year.

- 6. Our licensed before and after school program would like to operate full days this year. What do we need to do?**

Contact your [regional licensing specialist](#) to request an amendment to your licensed hours.

- 7. We have some directors that are overseeing four part-day programs now, that during this time will need to be full-time programs, how will we address that?**

Contact your [licensing specialist](#) to discuss the possibility of an exception.

8. Can a qualified assistant teacher supervise a group of children who are in a virtual learning environment or engaged in other school-related activities out of the direct supervision of a child care teacher?

Commentary under DCF 251.055(1)(b) allows qualified assistant teachers to temporarily supervise a group of children away from direct supervision of the qualified child care teacher. This may be an option when some kids are in virtual school and the others may need to be in other activity.

9. I'm a licensed family child care provider. May I care for more than 8 children at one time?

Other requirements apply when 9 or more children are in care, including commercial building codes, local zoning requirements and administrative rules for group child care. Contact your [regional licensing specialist](#) for more information if you are interested in pursuing a group child care license.

10. I'm a licensed family child care provider with a total daily attendance of 8 children. Two of the children are school-age and typically would only attend fewer than 3 hours/day during the school year. Due to the school district's reopening plan, these children need care all day part- or full-time. May they be in care more than 3 hours per day?

If the number of children in care at any time will not exceed 8, contact your [regional licensing specialist](#) to discuss requesting an exception to DCF 250.055(2)(b).

Note: DCF has received several inquiries about capacity exceptions for licensed family child care providers. DCF will not grant exception requests for family child care providers to exceed the maximum capacity of children in care.

11. I'm a family child care provider and DCF 250.055(1)(h) doesn't allow providers to be engaged in any other activity or occupation during the hours of operation of the center, including homeschooling or virtual school. Can I have my own children at home with me or school-age children in care attending virtual school?

The Department is considering that child care providers are *assisting* children with school work when they're doing their virtual learning at the center and not providing the *main instruction*. The school district teachers are still responsible for the curriculum and instruction, not the child care provider. The provider is there to assist the child like they would with any homework and there is no licensing rule that prohibits this.

12. What are the programming requirements for programming for school-age children in a family child care?

DCF 250.07 (1) (a) only requires the programming be suitable for the developmental level of children. Providing opportunities for virtual learning and supporting other school work would be considered suitable for the developmental level of school-age children. Per 250.07 (1) (b) 1. through 3., there should still be a flexible balance of other activity, including outdoor activities, throughout the day.

13. We are a licensed day camp and only usually operate in the summer. We would like to offer care year-round. What are our options?

Contact your [regional licensing specialist](#) to discuss a license amendment. Be prepared to identify how the day camp programming will continue to be seasonal and oriented to the out-of-doors throughout the year.

14. Do I need to update my policies to reflect any changes?

Yes. Programs will need to revise policies to reflect current practices, including but not limited to, changes in ages served or other terms of the license, transportation changes, programming, and health policies.