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Division of Early Care and Education

DCF 251

LICENSING RULES FOR GROUP CHILD CARE CENTERS

effective January 1, 2009, and including updates from 2015 WI Act 132 effective February 6, 2016, CR 16-014 effective July 1, 2016, and CR 14-028 effective August 1, 2016.

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PREFACE

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Effective January 1, 2009, and including updates from 2015 WI Act 132 effective February 6, 2016, CR 16-014 effective July 1, 2016, and CR 14-028 effective August 1, 2016.

Section 48.65, Stats., requires that persons operating child care centers which provide care and supervision for 4 or more children under age 7 years for less than 24 hours a day be licensed. The statutes also require the Department of Children and Families to establish rules which must be met in order to qualify for a license and which protect and promote the health, safety and welfare of the children in the care of the child care center.

Chapter DCF 251 is the rule governing Group Child Care Centers, which provide care and supervision to 9 or more children for less than 24 hours a day. There are also other rules governing the out-of-home care of children. DCF 250 is the rule for Family Child Care Centers where care and supervision is provided for between 4 and 8 children under age 7. DCF 252 is the rule for day camps which are licensed child care centers that provide an experience in a seasonal program oriented to the out-of-doors for periods of less than 24 hours a day.

Licensing rules should not be confused with certification for public funding of child care providers who care for between 1 and 3 children under age 7.

Clearly, the fact that a child care center is licensed in no way diminishes the responsibility of parents for vigilance in ensuring that their children are receiving care which protects their physical well-being and encourages healthy intellectual and emotional development.

Whenever the rules in this chapter indicate that materials such as an application for licensure, a request for exception to a specific rule or a complaint about a center are to be sent to or requested from the Department, please refer to Appendix A which identifies the appropriate regional licensing office serving the county in which the center is located.

There is a header on each page that contains the rule cite for the section of the rule beginning on that page. A table of contents and an index are also included in this document as are appendices that contain key statutes related to the child care rules, a copy of DCF 12 (administrative rules governing caregiver background checks), a list of items needed for a group child care center and other appendices referenced in the rule.

This publication may be duplicated. It is available from the Department's web page http://dcf.wisconsin.gov/childcare/licensed/Index.HTM.

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DCF 251.01 Authority and purpose. This chapter is promulgated under the authority of s. 48.67, Stats., to establish licensing requirements under s. 48.65, Stats., for group child care centers for children. The purpose of this chapter is to protect the health, safety and welfare of children being cared for in group child care centers.

DCF 251.02 Applicability.

(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. This chapter applies to all group child care centers, whether the facility in which the child care and supervision are provided is known as a day care center, nursery school or preschool, head start or school-age child care program, or by any other designation, but it does not apply to the following:

(a) Care and supervision of children in a program, including religious education classes, which operates no more than 4 hours a week.

(b) Group lessons to develop a talent or skill, such as dance or music lessons, social group meetings and activities and group athletic activities.

(c) Care and supervision while the child's parent is on the premises and is engaged in shopping, recreation or other non-work activities.

(d) Care and supervision provided at the site to the child of a recipient of temporary assistance to needy families or Wisconsin works who is involved in orientation, enrollment or initial assessment prior to the development of an employability plan or the child care is provided where parents are provided training or counseling.

(e) Seasonal programs of 10 days or less duration in any 3-month period, including day camps, vacation bible schools and holiday child care programs.

(f) Care and supervision in emergency situations.

(g) Care and supervision while the child's parent is employed on the premises if the child receives care and supervision for no more than 3 hours a day.

Note: Section 48.65, Stats., exempts parents, guardians and certain other relatives; public and parochial (private) schools; persons who come to the home of the child's parent to provide care for less than 24 hours per day; and counties, cities, towns, school districts and libraries that provide programs for children primarily intended for social or recreational purposes from the requirement of a license. As specified under s. 49.155(4), Stats., or s. DCF 201.04(1), programs, other than those operated by public schools, are required to be licensed by the department or certified by a county agency in order to be eligible to receive a child care subsidy. To be eligible for child care subsidy payments under s. 49.155(4), Stats., or DCF 201.04(1), programs, other than those operated by public schools, may be required to be licensed by the department or certified by a county agency.

(2) EXCEPTION TO A REQUIREMENT. The department may grant an exception to a requirement of this chapter when it is demonstrated to the satisfaction of the department that granting the exception will not jeopardize the health, safety or welfare of any child served by the center. A request for an exception shall be in writing, shall be sent to the department and shall include justification for the requested action and a description of any alternative provision planned to meet the intent of the requirement.

Note: A request for an exception to a requirement of this chapter should be sent to the licensing representative at the appropriate field office of the Department's Division of Early Care and Education. See Appendix A for addresses of the regional offices.

DCF 251.03 Definitions. In this chapter:

(1) "Administrator" means the person responsible to the licensee for management of the group child care center.

(2) "Assistant child care teacher" means a child care worker who works under the supervision of a child care teacher and who meets the qualifications under s. DCF 251.05(1)(g).

(3) "Care" means providing for the safety and the developmental needs of a child in a group child care center.

(3m) "Caregiver background check" means the retrieval of information about an individual's past criminal conduct pursuant to s. 48.685, Stats., and ch. DCF 12 that may bear on the suitability of that individual to assume a child caregiving role or have regular contact with children at the center.

(4) "Center director" means the person who is responsible to the licensee for the supervision of the center's program for children and for the supervision of the center's staff and who meets the qualifications under s. DCF 251.05(1)(e).

(4g) "Center-provided transportation" means transportation provided in a vehicle owned, leased or contracted for by the center or in volunteer or staff-owned vehicles regardless of whether the driver is reimbursed for the use of the vehicle.

(4m) "Center-provided vehicle" means a vehicle owned or leased by the center or a vehicle owned by the licensee or an employee that is used to transport children, but does not include a vehicle owned and driven by a parent or volunteer.

(5) "Child care teacher" means a child care worker who plans, implements, and supervises the daily activities for a designated group of children and who meets the qualifications under s. DCF 251.05(1)(f).

(6) "Child care worker" means a child care teacher or assistant child care teacher in a group child care center.

(8) "Complaint" means an allegation that a provision of this chapter or of ch. 48, Stats., has been violated.

(8m) "Course for credit" means a course that is worth at least 2 credits from an institution of higher education.

(8r) "Crib" means a bed for an infant or young child that is enclosed on 4 sides including play pens and portable cribs.

(9) "Department" means the Wisconsin department of children and families.

(10) "Division" means the department's division of early care and education.

(10m) "Emergency" means situations such as: fire, tornado, flood, extreme outdoor heat or cold, loss of building service including, no heat, water, electricity, or telephone, threats to the building or its occupants, lost or missing children or a circumstance such as a medical emergency, illness or other situation requiring immediate attention that may be disruptive to a child or children in the care of the center.

(11) "Field trip" means any experience a child has away from the premises of the center, while under the care of center staff, whether a child walks or is transported.

(11g) "Fit and qualified" means displaying the capacity to successfully nurture and care for children and may include consideration of any of the following:

(a) Abuse of alcohol or drugs.

(b) A history of a civil or criminal conviction or administrative rule violation that substantially relates to caring for children, as described in ch. DCF 12.

(c) Exercise of unsound judgment.

(d) A history of civil or criminal offenses or any other action that demonstrate an inability to manage financial resources or the activities of a center.

(11r) "Full day center" means a center that accepts children for care for 5 or more consecutive hours in a day.

(12) "Group" means a specific number of children who have a regularly assigned child care worker and who are cared for in the same self-contained room or area at the center.

(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 or more children who are not related to the provider.

(13m) "Hazard" means a potential source of harm that can jeopardize the health, safety or well-being of children in care.

(14) "HealthCheck provider" means a provider of health assessment and evaluation services eligible to be certified under s. DHS 105.37(1)(a).

(14g) "In care" means enrolled in the center, with the center providing supervision, either on or off the premises, for the safety and the developmental needs of the child or children.

(14r) "Inclement weather" means stormy or severe weather such as any of the following:
(a) Heavy rain.
(b) Temperatures above 90 degrees Fahrenheit.
(c) Wind chills of 0 degrees Fahrenheit or below for children age 2 and above.
(d) Wind chills of 20 degrees Fahrenheit or below for children under age 2.

(15) "Infant" means a child under one year of age.

(16) "Institution of higher education" means an educational institution which meets all of the following criteria except, in the case of a business school or technical institution, par. (c):
(a) Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;
(b) Is legally authorized to provide a program of education beyond secondary education;
(c) Provides an education program for which it awards a bachelor's degree or provides not less than a 2-year program which is acceptable for full credit toward that degree; and
(d) Is accredited by a nationally recognized accrediting agency or association or, if not accredited, is an institution whose credits are accepted, on transfer, by not less than 3 institutions which are accredited, for credit on the same basis as if transferred from an institution that is accredited.

(17) "Licensee" means the corporation, individual, partnership or non-incorporated association or cooperative which has legal and financial responsibility for the operation of a child care center and for meeting the requirements of this chapter.

(18) "Licensing representative" means a department employee responsible for licensing group child care centers.

(18m) "Mildly ill" means a child who has a common, temporary illness that is non-progressive in nature and is not listed on the communicable disease chart in appendix A of ch. DHS 145.

(19) "Night care" means any care that is offered by a licensed group child care center between 9:00 p.m. and 5:00 a.m.

(20) "Parent" means either "parent" as defined in s. 48.02(13), Stats., or "guardian" as defined in s. 48.02(8), Stats.

(21) "Parent cooperative" means a center organized by parents for their preschool children in which the parents have decision-making authority to establish and change policy, program and personnel practices.

(22) "Parochial or private school" means an educational program which meets all the criteria specified under s. 118.165(1), Stats., or as determined by the superintendent of public instruction under s. 118.167, Stats.

(22g) "Part day center" means a center where a defined group of children attend for a specified period of time that is less than 5 consecutive hours in length.

(22r) "Physical Restraint" means the use of physical force to restrict the free movement of all or part of a child's body.

(23) "Physician" has the meaning prescribed in s. 448.01(5), Stats.

(24) "Physician assistant" has the meaning prescribed in s. 448.01(6), Stats.

(25) "Premises" means the tract of land on which a center is located, including all buildings and structures on that land.

(26) "Regularly assigned child care worker" means a child care worker who is assigned to a specific group of children in a self-contained room or area for not less than 5 hours per day.

(26m) "Representative of the department" means a department employee or a representative from an agency the department contracts with to provide pre-licensing services.

(27) "School-age child" means a child 5 years of age or older who is enrolled in a public school or a parochial or other private school.

(28) "Self-contained room or area" means a room separated by permanent walls or an area separated by permanent or portable partitions or dividers acting as a visual barrier for children which is reserved for a group of children and contains the indoor equipment and furnishings required for that group.

(28m) "Shaken baby syndrome" or "SBS" means a severe form of brain injury that occurs when an infant or young child is shaken or thrown forcibly enough to cause the brain to rebound against his or her skull.

(29) "Sleeping bag" means a padded fabric bag that is closed or capable of being closed on three sides.

(29g) "Substitute" means a person who replaces a regularly scheduled person and meets the requirements under s. DCF 251.05(1)(j).

(29m) "Sudden infant death syndrome" or "SIDS" means the sudden death of an infant under one year of age that remains unexplained after a thorough case investigation, including performance of a complete autopsy, examination of the death scene and a review of the clinical history.

(30) "Supervision of children" means guidance of the behavior and activities of children for their health, safety and well-being by child care workers who are within sight and sound of the children.

(31) "Supervision of staff" means guidance of the behavior and activities of center employees which may include provision of instructions to carry out activities for limited periods of time out of sight or hearing of the supervisor.

(32) "Toddler" means a child at least one year of age but less than 2 years of age.

(33) "Universal precautions" means measures taken to prevent transmission of infection from contact with blood or other potentially infectious material, as recommended by the U.S. public health services centers for disease control and adopted by the U.S. occupational safety and health administration (OSHA) as 29 CFR 1910.1030.

Note: "Standard precautions" for infection control measures incorporate universal precautions. Information on the OSHA requirements related to standard or universal precautions is available on the OSHA web site at http://www.osha.gov. Information is also available from the Child Care Information Center, 1-800-362-7353.

(34) "Volunteer" means a person who is not paid, but agrees to give time, with or without reimbursement for expenses, to transport children attending a group child care center or to work in a group child care center.

(35) "Wading pool" means a shallow pool, with sides 15 inches or less in height, capable of being dumped to change water and used primarily for small children.

DCF 251.04 Operational requirements.

(1) TERMS OF A LICENSE**.**

(a) The number of children at a group child care center at any one time may not exceed the number for which the center is licensed.

(b) The age of children served by a center may not be younger or older than the age range specified in the license.

(c) The hours, days and months of a center's operation may not exceed those specified in the license.

(2) ADMINISTRATION**.** A group child care center licensee shall do all of the following:

(a) Comply with all laws governing the facility and its operation.

Note: Under the state public accommodation law, s. 106.52(3), Stats., as well as federal statutes and regulations related to use of federal funding, and some local anti-discrimination ordinances, denying admission on the basis of race, handicap, religion or certain other characteristics may be illegal.

(b) Comply with all requirements of this chapter.

(c) Ensure that all information provided to the department is current and accurate.

(d) If residing in another state, designate in writing, as part of the application under s. DCF 251.12(2), a Wisconsin resident who is responsible on behalf of the licensee for ensuring compliance with all requirements of this chapter.

(e) Meet, upon request of the department, with a licensing representative on matters pertaining to the license.

(f) Prior to receiving or continuing a license, complete all application forms and pay all fees and forfeitures due to the department.

(g) Submit to the department a certificate of insurance reflecting

1. Current dates of coverage for all of the following:

a. General liability insurance which provides coverage with limits of not less than $25,000 for each person and total limits of $75,000 for each occurrence.

b. Vehicle liability insurance, when transportation is provided by the center, with minimums no less than those specified in s. 121.53, Stats.

c. Non-owned vehicle liability insurance when transportation is provided in vehicles not owned by the center, excluding public transportation vehicles and chartered vehicles, with minimums no less than those specified in s. 121.53, Stats.

2. An indication that pets are included in the liability coverage if cats or dogs are permitted in areas of the center accessible to children during the hours of operation.

(h) Develop, submit to the department for review and implement written policies on the following subjects:

1. Fee payments and refunds.

2. Personnel, including job descriptions, hours of work, lunch and break times, holidays, vacations, sick leaves, leaves of absence, probationary periods, performance evaluations, grievance procedures and the disciplinary process. The personnel policy shall contain a procedure that requires staff to notify the licensee and the licensee to notify the department as soon as possible but no later than the next business day when any of the following occurs:

a. The employee has been convicted of a crime.

b. The employee has been or is being investigated by any governmental agency for any other act, offense, or omission, including an investigation related to the abuse or neglect or threat of abuse or neglect, to a child or other client, or an investigation related to misappropriation of a client's property.

c. The employee has a substantiated governmental finding against them for abuse or neglect of a child or adult or for misappropriation of a client's property.

d. When a professional license held by an employee has been denied, revoked, restricted or otherwise limited.

3. Discharge of enrolled children.

(i) Develop, submit to the department for approval and implement as approved written policies and plans, consistent with the requirements of this chapter, on the following subjects:

1. Admission.

2. Health care. If the center is licensed to care for children under one year of age, Sudden Infant Death Syndrome risk reduction procedures shall be included.

3. Education.

4. Nutrition.

5. Child guidance including appropriate ways to manage crying, fussing or distraught children.

6. Contingency plans to be followed in the event of a fire, tornado, missing child or other emergency.

7. Continuing education of staff.

8. Orientation of new staff and volunteers.

9. Transportation, if the center will transport children either on field trips or on a regular schedule. The policy shall include a procedure to ensure that no child is left unattended in a vehicle.

(j) Ensure that all published statements such as brochures and publicity releases are accurate.

(k) Post the child care license near the entrance or in some other conspicuous area of the center that is visible to the public.

(L) Post next to the child care center license the results of the most recent licensing inspection, including any rule violations cited by the department and any notice of enforcement action including, license revocation or denial and any stipulations, conditions, exceptions, or exemptions that affect the license.

(m) Ensure that any action, by commission or omission, or any condition or occurrence relating to the operation or maintenance of the child care center does not adversely affect the health, safety or welfare of any child under the care of the licensee.

(n) Submit to the department by the department's next business day a completed Background Information Disclosure form and appropriate caregiver background check fees when there is a change in the board chairperson or a person aged 10 and above becomes a household member.

(o) Submit to the department by the department's next business day a completed Background Information Disclosure form for each current household member who turns age 10.

Note: For more information about caregiver background checks refer to the administrative rule under ch. DCF 12. Information on how to obtain a copy of the Background Information Disclosure form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(p) Submit a current delegation of administrative authority signed by the licensee that outlines the organizational structure and designates, in a chain of command form, those persons on the premises in charge of the center for all hours of operation.

(3) REPORTS. The licensee shall report to the department all of the following. If the report is made by telephone, the licensee shall submit a written report to the appropriate regional licensing office within 5 business days of the incident. Fax, e-mail, and letter are acceptable ways of filing a written report:

(a) Any death of a child in the care of the center or any incident or accident that occurs while the child is in the care of the center that results in an injury that requires professional medical treatment within 48 hours of the licensee becoming aware of the medical treatment.

Note: The licensee may use either the department's form, Accident Report — Child Care Centers, or the licensee's own form to report incidents, accidents or deaths. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) Any damage to the premises which may affect compliance with this chapter, within 24 hours after the occurrence.

(c) A change in the administrator or center director of a child care center, within 30 days after the change.

(d) A change of any program service, at least 5 days prior to the change.

(e) Statistical data required by the department on forms provided by the department.

(f) If requested by the department, a plan of correction for cited violations of this chapter or ch. 48, Stats., in a format specified by the department. The department shall receive the plan of correction by the date the department specifies and be approved by the department licensing representative.

Note: The licensing representative will notify the licensee if a plan of correction is required and provide the plan of correction format with the notification.

(g) Any known convictions, pending charges or other offenses of the licensee, child care center employees or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day.

Note: See s. DCF 251.04(8) on reporting suspected child abuse, s. DCF 251.04(6)(c) on maintaining a center medical log book and s. DCF 251.07(6)(a) 2. on logging injuries in a center medical log.

(h) Any change in room usage, such as changing the way rooms are primarily used by children or using rooms not previously approved for use at least 20 working days prior to the change. Changes in room usage shall be approved by the department prior to the change.

(i) Any incident related to a child who leaves the premises of the center without the knowledge of the provider or any incident that results in a provider not knowing the whereabouts of a child in attendance at the center within 24 hours of the occurrence.

(j) Any suspected abuse or neglect of a child by an employee or volunteer that was reported under s. DCF 251.04(8)(a) or any inappropriate discipline of a child by an employee or volunteer including any incident that results in a child being forcefully shaken or thrown against a surface, hard or soft, during the child's hours of attendance within 24 hours after the occurrence.

(k) Any incident involving law enforcement within 24 hours after the occurrence that:

1. Involves a licensee, a household resident or an employee of the center in an incident that causes, or threatens to cause, physical or serious emotional harm to an individual, including a child in the care of the center.

2. Involves any traffic-related incident where a person responsible for the violation transports children in the care of the center.

(L) Any construction or remodeling on the premises that has the potential to affect an area accessible to children or a condition of the license. Notification shall be provided in writing before the construction or remodeling begins.

Note: See s. DCF 251.11(5)(a) for items that affect a condition of the license.

Note: It is recommended that the licensee check with the local municipality to determine whether a building permit is required before beginning any construction or remodeling.

(m) Any confirmed case of a communicable disease reportable under ch. DHS 145 in a child enrolled at the child care center or a person in contact with children at the center within 48 hours.

(n) Any change in meal preparation arrangements or transportation services at least 5 calendar days before the change. Centers adding meal preparation after an initial license has been issued shall document compliance with building codes related to kitchens before beginning to prepare meals on the premises.

(4) PARENTS.

(a) The center administrator shall notify the parents of an enrolled child of all of the following:

1. When their child has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 and transmitted through normal contact.

2. Immediately, if the child becomes ill or is injured seriously enough to require professional medical treatment.

3. When they pick up the child or when the child is delivered, if the child sustains a minor injury.

4. Of the date, time and destination of any field trip which requires the use of a vehicle.

(b) The center shall permit parents to visit and observe at any time during the center's hours of operation, unless access is prohibited or restricted by court order.

(c) The center shall make opportunities available at least twice each year for parent and staff communication regarding the child's adjustment to the program, and the child's growth and development.

Note: When a child care worker or a parent has concerns about a child's growth or development, a referral to a Birth-to-Three agency or the local public school should be considered to determine if the child is eligible for special services. Wisconsin has an information and referral service for persons with questions or concerns about a child's development called First Step that is available to the public 24 hours a day, 7 days a week. When a call is placed to First Step at 1-800-642-7837, the caller will learn about early intervention services as well as other related services in the area.

(d) If religious training is part of the center program, reference to the religious component shall be included in any publicity and in the education policy. This information shall be shared with parents.

(e) The center shall provide a summary of this chapter to the parents of each child upon the child's enrollment.

Note: Copies of a summary of this chapter may be obtained from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353.

(f) A copy of this chapter shall be posted or available in an area of the center where parents are likely to see it.

(g) A copy of the child care policies of the center shall be made available to the parents in an area of the center accessible to parents. Personnel policies need not be included.

(5) STAFF RECORDS.

(a) The licensee shall maintain a file on each employee which is available for examination by the licensing representative at the center. An employee's file shall include all of the following:

1. The employee's name, address, date of birth, education, position, previous work experience in child care including reason for leaving previous positions, and the name, address and telephone numbers of persons to be notified in an emergency.

Note: The licensee may use the department's form, Staff Record — Child Care Centers, or the licensee's own form for recording staff information. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. A background information disclosure form, completed prior to the employee's first day of employment and every 4 years thereafter, that does not reveal any information which may preclude the person's employment under s. 48.685, Stats., or ch. DCF 12.

Note: The department's form, Background Information Disclosure, is used for reporting background information. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. A complete caregiver background check as specified in s. 48.685, Stats., and ch. DCF 12 including the results of any subsequent investigation related to information obtained as part of the background check within 60 days of employment and every 4 years thereafter.

4. The physical examination report required under s. DCF 251.05(1)(L)1.

5. A certificate from The Registry documenting that the person has met the educational qualifications for the position if the person has worked as a teacher, director or administrator at the center for at least 3 months. A copy of an educator's license issued by the department of public instruction as a teacher may substitute for a certificate from The Registry. For persons not required to have a Registry certificate including assistant teachers and a teacher, center director or administrator who has not worked for the center for more than 3 months, documentation of the person's educational qualifications shall be on file.

6. Documentation of orientation and continuing education received under s. DCF 251.05(2).

Note: The licensee may use either the Department's form, Staff Continuing Education Record — Child Care Centers, or the licensee's own form to document the completion of continuing education. The licensee may use either the Department's form, Staff Orientation Checklist — Group Child Care Centers, or the licensee's own form to document completion of staff orientation. Information on how to obtain Department's forms is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

7. Documentation of training in shaken baby syndrome prevention taken before beginning work if the person will provide care and supervision to children under age 5.

8. Documentation of days and hours worked when the person was included in the staff-to-child ratio.

(b) Adults who work at the center and who are compensated from sources other than the center, and student teachers, shall meet the staff record requirements specified in par. (a)1., 2. and 3.

(6) CHILDREN'S RECORDS.

(a) The licensee shall maintain a current written record obtained prior to the child's first day of attendance or subsequent re-enrollment at the center on each child enrolled and shall make the record available to the licensing representative on request. Each record shall include all of the following:

1. Enrollment information consisting of:

a. The name and birthdate of the child.

b. The full names of the child's parents.

c. The child's home address and telephone number.

d. An address and telephone number where a parent can be reached while the child is in care.

e. The name, address, telephone number and relationship to the child of a person to be notified in an emergency when a parent cannot be reached immediately.

f. The name, address and telephone number of a physician or medical facility caring for the child.

g. The names, addresses and telephone numbers of persons other than a parent authorized to call for the child or to accept the child who is dropped off.

h. The child's first day of attendance at the center.

i. For an infant or toddler, a current statement from the parent about the infant or toddler's habits of eating, sleeping, toileting and communication, and specific techniques which appear to comfort the child.

Note: See s. DCF 251.09(1)(am) which specifies what written information must be obtained from the parent of an infant or toddler. The licensee may use either the department's form, Intake for Child under 2 Years — Child Care Centers, or the licensee's own form for recording information about each child under 2 years of age. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. Written consent from the parent for emergency medical care or treatment.

Note: The licensee may use either the department's form, Child Care Enrollment, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. Authorization from the parent to transport the child to and from the center, when transportation is provided.

Note: The licensee may use either the department's form, Transportation Permission — Child Care Centers, or the licensee's own form to obtain authorization to transport children to and from the Center. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

4. Authorization from the parent for the child to participate in and be transported for field trips and other activities, if these are part of the center's program.

Note: The licensee may use either the department's form, Field Trip or Other Activity Notification / Permission, or the licensee's own form for securing parental information. The department's form, Child Care Enrollment, also contain authorization from a parent to participate in field trips if the center chooses to use that form. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5. Authorization from the parent outlining the plan for a child to come to the center from school, home or other activities or to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or transported by the center.

Note: The licensee may use either the department's form, Alternate Arrival/Release Agreement — Child Care Centers, or the licensee's own form for securing the parent's authorization. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

6. Documentation of each child's health history on a form provided by the department.

Note: The department's form, Health History and Emergency Care Plan is used for health history information. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

6m. Documentation of each child's immunization history.

Note: The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

7. Specific informed written consent from the parent for each incident of participation by a child in any research or testing project.

Note: The licensee may use either the department's form, Informed Consent for Observation or Testing by an Outside Agency — Child Care Centers, or the licensee's own form for securing the parent's written consent. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

8. The health examination report required under s. DCF 251.07(6)(k)3.

(b) The licensee shall maintain a current, accurate written record of the daily attendance and date of birth of each child for the length of time the child is enrolled in the program. The actual time of arrival and departure for each child shall be recorded if hours of arrival and departure vary among children.

Note: The form, Daily Attendance Record — Child Care, may be used to record a child's daily attendance. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(c) The licensee shall maintain a log or logs for medication and injury and shall record daily any injuries received by a child or medication dispensed to a child, as follows:

1. The log shall be in a book with stitched binding with pages that are lined and numbered. The pages may not be removed or lines skipped.

2. Entries shall be made in ink on the date of occurrence and shall be dated and signed or initialed by the person making the entry.

Note: See s. DCF 251.07(6)(f) and (j) for information on recording entries in the center medical log book.

(7) CONFIDENTIALITY. The licensee is responsible for the compliance of child care center employees and volunteers with s. 48.78, Stats., and this subsection. The licensee shall ensure that:

(a) Persons having access to children's records do not discuss or disclose personal information regarding the children and facts learned about the children and their relatives. This does not apply to:

1. The parent or a person authorized in writing by the parent to receive the information.

2. Any agency assisting in planning for the child when informed written parental consent has been given.

3. Agencies authorized under s. 48.78, Stats.

(b) A parent, upon request, has access to all records and reports maintained on his or her child.

(c) All records required by the department under this chapter for licensing purposes are available to the licensing representative.

(8) REPORTING CHILD ABUSE.

(a) A licensee, employee or volunteer at a child care center who knows or has reasonable cause to suspect that a child has been abused or neglected as defined in ss. 48.02(1) and 48.981(1), Stats., shall immediately contact the county department of social services or human services or a local law enforcement agency, as required by s. 48.981, Stats.

(b) The licensee, shall ensure that every employee and volunteer who comes in contact with the children at the child care center has received training every 2 years in all of the following:

1. Child abuse and neglect law.

2. How to identify children who have been abused or neglected.

3. The procedure for ensuring that known or suspected cases of child abuse or neglect are immediately reported to the proper authorities.

Note: Failure of the licensee to report known or suspected child abuse or neglect does not lessen the legal duty of a child care employee to report known or suspected cases of child abuse or neglect. Information related to child abuse may be obtained from the Child Care Information Center, 2109 S. Stoughton Rd., Madison, WI 53716, 1-800-362-7353.

Note: See s. DCF 251.04(3)(j) on reporting suspected abuse of a child by a staff member to the department.

DCF 251.05 Staffing.

(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF.

(a) *Competency.* A child care worker, including the center administrator, center director, child care teachers, assistant teachers, and volunteers counted in the staff to child ratio shall be physically, mentally and emotionally able to provide responsible care for all children including children with disabilities.

(b) *Shaken baby syndrome prevention training.* Except for a volunteer who is not counted in staff-to-child ratios, each child care worker including the administrator, center director, teachers, assistant teachers, and substitutes who provide care and supervision to children under 5 years of age shall receive department-approved training in shaken baby syndrome and impacted babies and appropriate ways to manage crying, fussing or distraught children. The training shall be completed by one of the following methods:

1. Complete the department-approved, in-person training on shaken baby syndrome prevention and impacted babies before the date on which the child care worker begins to work with children under age 5 years.

2. View a department-approved video or complete a department-approved, web-based course on shaken baby syndrome prevention before the date on which the child care worker begins to work with children under age 5 years and complete a department-approved, in-person training within 6 months of beginning to work with children under age 5.

Note: Department-approved training in shaken baby syndrome prevention is included in the department-approved non-credit courses called *Introduction to the Child Care Profession* and *Fundamentals of Infant and Toddler*, if the course was taken after 7/1/05. Information on department-approved training in shaken baby syndrome is available from the Child Care Information Center at 800-362-7353.

(c) *Cardiopulmonary resuscitation training.* All employees in regular contact with children shall obtain and maintain a current certificate of completion for infant and child cardiopulmonary resuscitation and automated external defibrillator use from an agency approved by the department within 6 months after beginning to work with children. Volunteers included in determining staff-to-child ratios shall obtain a certificate of completion in infant and child cardiopulmonary resuscitation after volunteering for 240 hours. The time spent obtaining or renewing cardiopulmonary resuscitation training may be counted towards the required continuing education hours.

(d) *Administrator.*

1. The licensee may act as administrator of a group child care center. If the licensee does not act as administrator, the licensee shall designate a person or persons to be the administrator or administrators of the center. The administrator shall be responsible for the center's management, including personnel, finance, physical plant and the day to day operation of the center.

2. An administrator shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. Before a person assumes the position of administrator, the person shall have both of the following:

a. One year of experience as a manager or satisfactory completion of one credit or non-credit department-approved course in business or program administration.

b. One year of experience as a center director or child care teacher in a licensed child care center or kindergarten or satisfactory completion of one non-credit department-approved course or one course for credit in early childhood education or its equivalent.

4. If the board of a parent cooperative is responsible for management of a center, the requirements under subds. 2., and 3., do not apply.

5. Within one year of assuming the position, each administrator shall complete at least 10 hours of training in supervision or personnel management, if the administrator has not previously received that training. The training may be counted as part of the annual continuing education requirement.

(e) *Center director.*

1. The licensee may act as the center director. If the licensee does not act as center director, the licensee shall designate a person or persons to be the center director for each center location.

2. The center director shall be responsible for the supervision of the planning and implementation of the center's program for children, the supervision of staff at the center, staff meetings and orientation and continuing education for the staff.

3. A center director shall be employed on one of the following schedules:

a. At least 10 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 50 or fewer children.

b. At least 20 hours a week for the exclusive purpose of carrying out center director responsibilities in a single full-day center location licensed for 51 or more children.

4. A center director for a program licensed to serve 50 or fewer children shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

c. Have at least 80 full days or 120 half days of experience as a teacher or assistant teacher in a licensed child care center or other approved setting.

d. Prior to beginning to work as a center director have completed at least one of the following training requirements:

i. Two non-credit department-approved courses in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

ii. Two courses for credit in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

iii. Forty eight credits from an institution of higher education with at least 3 credits in early childhood education and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

iv. A certificate from The Registry indicating the person is on Registry Level 12 or above.

v. A one-year child care diploma from an institution of higher education.

vi. An associate degree in early childhood education or child care from an institution of higher education.

vii. Child development associate (CDA) credential issued by the council for early childhood professional recognition and within one year of assuming the position, one course in the Wisconsin Child Care Administrator Credential or its equivalent.

viii. A bachelor degree from an institution of higher education in early childhood education or child development or a license from the Wisconsin department of public instruction to act as a kindergarten, pre-kindergarten or early childhood (regular or special education) teacher.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl.

e. Complete at least 10 hours of training in supervision or personnel management within one year of assuming the position of center director, if the director has not previously received that training. The training may be counted as part of the annual continuing education requirement.

5. A center director for a program licensed to serve 51 or more children shall:

a. Be at least 21 years of age.

b. Have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

c. Have at least 2 years of experience as a child care teacher or center director in a licensed child care center or other approved setting.

d. Prior to beginning to work as a center director have completed one of the following training requirements:

i. Four non-credit department-approved courses in early childhood education or its equivalent and within 3 years of assuming the position the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.

ii. Four courses for credit in early childhood education from an institution of higher education and within 3 years of assuming the position, the Wisconsin Child Care Administrator Credential. Up to two courses in the Wisconsin Child Care Administrator Credential may be used to meet the early childhood education requirement, if taken prior to beginning to work as a center director.

iii. An associate degree in early childhood education or child care from an institution of higher education.

iv. A bachelor degree in early childhood education from an institution of higher education or a license from Wisconsin department of public instruction to act as a kindergarten, pre-kindergarten or early childhood (regular or special education) teacher.

v. A certificate from The Registry indicating the person is on Registry Level 14 or above.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl.

(f) *Child care teacher.*

1. A child care teacher shall plan, implement and supervise the daily activities for a group of children.

2. A person who is a child care teacher shall be at least 18 years of age and have completed high school or its equivalent as determined by the Wisconsin department of public instruction.

3. A person who is a child care teacher shall document at least 80 full days or 120 half days of experience as an assistant child care teacher in a licensed child care center or other approved early childhood setting.

4. Prior to assuming the position, a person hired to be a child care teacher shall be qualified by having completed one of the following:

a. Two non-credit department-approved courses in early childhood education.

b. Two courses for credit in early childhood education or its equivalent from an institution of higher education.

Note: *Introduction to the Child Care Profession* and *Skills and Strategies for the Child Care Teacher* are the names of the non-credit courses approved by the Department to meet entry level training requirements for a child care teacher.

c. Certificate from The Registry indicating that the person is qualified as a child care teacher.

d. Forty-eight credits from an institution of higher education with at least 3 credits in early childhood education or its equivalent.

e. A one-year child care diploma from an institution of higher education.

f. An associate degree in early childhood education or child care from an institution of higher education.

g. Child development associate credential issued by the council for early childhood professional recognition.

h. Certificate from American Montessori Society, Association Montessori International, or Montessori Accreditation Council for Teacher Education.

i. A bachelor degree in education from an institution of higher education or a license from the Wisconsin department of public instruction to act as a teacher.

Note: Information on how to obtain or renew a Wisconsin department of public instruction teacher license is available on the DPI website, http://dpi.wi.gov/tepdl.

j. Certificate from the bureau of apprenticeship standards as a child development specialist.

(g) *Assistant child care teacher.*

1. An assistant child care teacher shall work under the supervision of a child care teacher with a group of children.

2. A person hired to be assistant child care teacher shall be qualified in one of the following ways:

a. The person shall be at least 18 years old and have satisfactorily completed one non-credit department-approved course in early childhood education or completes that training within 6 months after assuming the position.

Note: *Introduction to the Child Care Profession* is the name of the non-credit course approved by the Department to meet the entry level training requirements for a child care assistant teacher. Information on agencies offering the department-approved course is available on the department's website at http://dcf.wisconsin.gov.

b. The person shall be at least 18 years old and have satisfactorily completed one course for credit in early childhood education or its equivalent at an institution of higher education, or is enrolled in that course within 6 months after assuming the position.

c. The person shall have satisfactorily completed an assistant child care teacher training program approved by the Wisconsin department of public instruction.

3. A parent serving as an assistant child care teacher in a center operated by a parent cooperative is exempt from the training requirements under subd. 2.

(h) *Non-credit course criteria.* Non-credit courses offered to meet the non-credit course requirements specified in this subsection shall contain the components prescribed by the department and shall be approved by the department before being offered. The department may at any time withdraw its approval of a non-credit course. Instructors of non-credit department-approved courses shall be approved by the department prior to teaching a course.

251.05(1)(h)Note:

Note: Information on the components prescribed by the department may be obtained by contacting one of the regional licensing offices in Appendix A. A list of agencies approved to offer non-credit department-approved courses is available on the department's website at http://dcf.wisconsin.gov.

(i) *Certificate.* Each administrator, center director and child care teacher shall obtain a certificate from The Registry (the Wisconsin early childhood professional recognition system) within 3 months after assuming the position. An administrator, a center director and teachers in a school-age only program shall obtain a certificate from The Registry within 6 months after assuming the position. Persons holding a teacher license issued by the department of public instruction are not required to obtain a Registry certificate.

Note: Information on obtaining a certificate from The Registry is available at http://www.the-registry.org or 608-222-1123.

(j) *Substitutes.*

1. When a regular required staff member is absent from a center, there shall be a substitute who is at least 18 years of age.

2. A substitute who is employed by the same licensee for more than 240 hours shall obtain at least one non-credit, department approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a substitute. A substitute who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.

3. The center director or designee shall maintain a record of the days and hours worked by each substitute child care worker.

(k) *Volunteers and student teachers.*

1. Volunteers and student teachers shall participate in the orientation required under sub. (2)(a).

2. A volunteer who is used to meet staff-to-child ratios shall obtain at least one non-credit, department-approved course or be currently enrolled in training to meet this requirement before completing 240 hours of work as a volunteer. A volunteer who provides care and supervision to children under age 5 shall have completed department-approved training in shaken baby syndrome as specified under par. (b) before working with children.

Note: *Introduction to the Child Care Profession* is the non-credit course approved by the department to meet this requirement.

3. A volunteer who is not used to meet staff to child ratios shall have training in child care programming and procedures before working with children. The training shall include the responsibilities of the volunteer, general child supervision techniques, a review of the daily schedule and general health and safety practices including meal or snack preparation, dishwashing, toileting, personal hygiene and emergency evacuation procedures. This includes volunteers working in a center operated by a parent cooperative.

4. The center director or designee shall coordinate the volunteer program and keep on file documentation of the hours worked by volunteers who are used to meet staff to child ratios.

5. Student teachers who are not employed by the child care center may not be used to meet the staff to child ratios during the time the person is working as a student teacher.

(L) *Health examination.*

1. Except as provided under subd. 2., persons who work directly with children, except volunteers, shall have a health examination within 12 months before beginning work at a specific child care center or within 30 days after beginning work at the center. The results of the examination shall be stated on a form provided by the department. The report shall be dated and signed by a licensed physician, physician assistant or HealthCheck provider. The report shall indicate all of the following:

a. That the person is free from illness detrimental to children, including tuberculosis.

b. That the person is physically able to work with young children.

Note: The department's form, Staff Health Report — Child Care Provider, is used for recording physical examination information. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

2. The health examination requirement under subd. 1. does not apply to a person who requests an exemption from the department in writing. The exemption is granted based on adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with a bona fide religious sect or denomination.

3. No licensee, employee, volunteer, visitor or parent with symptoms of serious illness or a communicable disease transmitted through normal contact reportable under ch. DHS 145 which presents a safety or health risk to children may be in contact with the children in care.

4.a. No licensee, employee, volunteer, visitor or parent whose behavior gives reasonable concern for the safety of children may be in contact with the children in care.

b. The department may require a licensee, employee or other person in contact with the children whose behavior gives reasonable concern for the safety of children to submit to an examination by a licensed mental health professional as a condition of licensure or employment.

Note: See also DCF 251.11(1)(f) which requires a written statement from a physician or licensed mental health professional when there is reason to believe that the physical or mental health of a person may endanger children in care.

5. No person with a health history of typhoid, paratyphoid, dysentery or other diarrheal disease may work in a center until it is determined by appropriate tests that the person is not a carrier of the disease.

(2) Staff development.

(a) *Orientation.* Except as provided under subd. 12., each center shall develop and implement a written orientation program which all new employees, substitutes and regularly scheduled volunteers shall complete and document within their first week at the center. The orientation program shall cover all of the following:

1. Review of this chapter.

2. Review of center policies required under s. DCF 251.04(2)(h) and (i).

3. Review of the center contingency plans required under s. DCF 251.04(2)(i), including fire and tornado evacuation plans and the operation of fire extinguishers.

4. First aid procedures.

5. Job responsibilities in relation to the job description.

6. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures and universal precautions for handling body fluids.

Note: A copy of the universal precautions may be obtained from the Child Care Information Center by calling 800-362-7353.

7. Schedule of activities of the center.

8. Review of child abuse and neglect laws and center reporting procedures.

9. The procedure for ensuring that all child care workers know the children assigned to their care and their whereabouts at all times including during center-provided transportation.

10. Child management techniques.

11. Procedure for sharing information related to a child's special health care needs including any physical, emotional, social or cognitive disabilities with any child care worker who may be assigned to care for that child throughout the day.

12. Review of procedures to reduce the risk of sudden infant death syndrome prior to an employee's or volunteer's first day of work, if the center is licensed to care for children under one year of age.

13. The procedure to contact a parent if a child is absent from the center without prior notification from the parent.

14. Information on any special needs a child enrolled in the center may have and the plan for how those needs will be met.

Note: The licensee may use the department's form, Staff Orientation Checklist — Group Child Care Centers, for documenting staff orientation. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) *Staff meetings.* To ensure that staff have the opportunity to receive pertinent information and clarification of problems and issues, each center shall conduct staff meetings at least 9 times in a calendar year or one time for each month of center operation and document that staff meetings have been held.

(c) *Continuing education.*

1. Each administrator, center director and child care worker who works more than 20 hours a week shall participate in at least 25 hours of continuing education each year.

2. Each administrator, center director and child care worker who works 20 or fewer hours a week shall participate in at least 15 hours of continuing education each year.

3. Continuing education hours may be used to meet the continuing education requirement during the year in which the hours are earned and for the 2 years following that year.

4. Continuing education courses taken for credit through an institution of higher education may be used to meet the continuing education requirement during the year the credits were earned and for the following 2 years.

5. Assistant child care teachers who are currently enrolled in their first entry level course are not required to earn continuing education hours for that calendar year.

7. Types of training acceptable to meet continuing education requirements shall be limited to:

a. Formal courses resulting in credits or continuing education units.

b. Workshops, conferences, seminars, lectures, correspondence courses and home study courses.

c. Training offered by the child care center through the use of guest or staff trainers.

d. Documented observation time in other early childhood programs.

8. Continuing education experiences may be in the areas of early childhood education, child development, child guidance, health, caring for children with special needs, first aid, nutrition as it pertains to child development, supervision of staff or the business or administrative aspects of the operation of a child care center or in communication skills.

9. Independent reading and watching of educational materials may be counted for up to 5 hours of continuing education per year for each person required under par. (c)1. to have 25 hours of continuing education, and up to 2.5 hours of continuing education per year for each person required under par. (c)2. to have 15 hours of continuing education.

Note: The licensee may use either the department's form, Staff Continuing Education Record — Child Care Centers, or the licensee's own form to document the completion of continuing education. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(d) *Food service personnel orientation and training.* The center shall provide food service personnel with the orientation under par. (a) and shall document annual training of at least 4 hours in kitchen sanitation, food handling and nutrition.

(3) SUPERVISION.

(a) At least one child care teacher shall supervise each group of children.

(b) Assistant child care teachers who are at least 18 years of age and have completed the training required for the position may provide sole supervision to a group of children in full-day centers for opening and closing hours, not to exceed the first 2 hours and the last 2 hours of center operation.

(c) Each child shall be closely supervised by a child care worker who is within the sight and sound of the children to guide the children's behavior and activities, prevent harm and assure safety.

(d) A child care worker may not provide care to children at the center more than 10 hours in any 24-hour period.

(e) A child may not be in care more than 12 hours in any 24-hour period.

(f) The center shall implement a procedure to ensure that the number, names and whereabouts of children in care are known to assigned child care workers at all times.

(g) A child may not be released to any person who has not been previously authorized by the parent.

(h) The center shall implement a procedure to contact a parent if a child is absent from the center without prior notification from the parent.

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

(4) STAFFING AND GROUPING.

(a) The maximum number of children in a group may not exceed the number specified in Table 251.05-D.

(b) The ratio of child care workers to children may not be less than the minimum number of child care workers to children specified in Table 251.05-D.

TABLE DCF 251.05-D
Maximum Group Size and Minimum Number of Child Care Workers in Group Child Care Centers

Age of Children	Minimum Number of Child Care Workers to Children	Maximum Number of Children in a Group
Birth to 2 Years	1:4	8
2 years to 2½ Years	1:6	12
2½ Years to 3 Years	1:8	16
3 Years to 4 Years	1:10	20
4 Years to 5 Years	1:13	24
5 Years to 6 Years	1:17	34
6 Years and Over	1:18	36

(c) When 8 or fewer children are present in a center, there shall be a second adult available within 5 minutes for emergencies. The center shall maintain a signed and dated statement from that person, including address and telephone number, certifying that the person is available and agrees to serve if needed.

(d) Maximum group size does not apply to field trips, outdoor play areas and areas of the center reserved exclusively for eating, however staff-to-child ratios shall be maintained in those settings.

(e) During naptime, an adjustment in group size and staff-to-child ratios in Table 251.05-D may be made as follows:

1. One child care worker shall be within sight or sound of each group of sleeping children. If at least one child is awake, sight and sound supervision of awake children is required.

2. Adult-to-child ratios shall be maintained in the center during naptime.

3. Maximum group size requirements do not apply to napping groups.

(f) When there is a mixed-age group, the staff-to-child ratio shall be adjusted on a prorata basis, according to age.

Note: The licensee may use the department's form, Child Care Staff-To-Child Ratio Worksheet — Group Child Care Centers, to adjust the staff-to-child ratio. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(g) When infants and toddlers are part of a mixed-age group, the size of the group may not exceed 8.

(h) When the group of children is a mixed age group of children 2 years and older, the group size shall be determined by the number of children that can be cared for by 2 child care workers as determined by the staff-to-child prorata requirement under par. (f).

(i) In a center with 9 or more children present, there shall be at least 2 adults available in the center at all times. At least one of the adults shall be a child care worker directly involved in the supervision and care of the children.

(j) When 9 or more children are on a field trip there shall be at least 2 child care workers accompanying the children and the staff-to-child ratios in Table DCF 251.05-D shall be maintained. At least one of the child care workers shall be a child care teacher.

(k) Support staff, such as clerical, housekeeping and food service staff, may only be considered in determining the staff-to-child ratios:

1. During those hours when they give full attention to the care and supervision of children.

2. If they meet the qualifications for a child care worker.

(L) Child care workers shall be free of non-classroom duties when they are counted in meeting the staff-to-child ratios.

(m) Children of staff who attend the center and who are on the premises for supervision and care shall be included in determining group size and staff-to-child ratios.

DCF 251.06 Physical plant and equipment.

(1) BUILDING.

(a) The building in which a center is located shall comply with applicable state and local building codes. The licensee shall maintain a report of inspection of the building, which specifies that the building meets the applicable Wisconsin commercial building codes for use as a group child care center.

Note: Inspections can be obtained from a commercial building inspector certified by the Department of Safety and Professional Services in accordance with ch. SPS 305, "Licenses, Certifications, and Registration," or a Wisconsin architect registered in accordance with chapter A-E 3, Architect Registration, or a Wisconsin engineer registered in accordance with chapter A-E 4, Professional Engineer Registration.

Note: Local authorities should be consulted to obtain any required zoning clearances or building permits.

(b) The department shall be given written notice of proposed construction, remodeling of existing space or change in rooms to be used by children prior to the initiation of the changes.

Note: Alterations, additions or changes of use to commercial buildings may require submittal of plans to and approval by the Department of Safety and Professional Services or its agent before commencing construction. It is recommended that an architect or engineer be consulted prior to the beginning of any construction to determine whether plans must be submitted. When a center chooses to prepare meals on the premises after the initial building inspection has been completed, a new inspection may be necessary to ensure that the applicable commercial building codes related to kitchens have been met.

(c) Space designated for use by children may only be used by children and staff and may not be used for other purposes while the center is open.

(d) The inside temperature may not be less than 67°F.

(e) If the inside temperature exceeds 80°F., the licensee shall provide for air circulation with fans or by other means.

(2) PROTECTIVE MEASURES.

(a) The indoor and outdoor premises shall be free of hazards including any recalled products.

Note: Lists of recalled products are available on the department of agriculture, trade and consumer protection website at http://datcp.state.wi.us/core/consumerprotection/consumerprotection.jsp or by contacting the United States consumer products safety commission (US CPSC) at 1-800-638-2772.

(b) Steam radiators, fireplaces, wood burning stoves, electric fans, electric outlets, electrical heating units and hot surfaces, such as pipes, shall be protected by screens or guards so that children cannot touch them.

(c) Firearms, ammunition and other potentially dangerous items may not be kept on the premises.

(d) Materials harmful to children, including power tools, flammable or combustible materials, insecticides, matches, drugs and other articles hazardous or poisonous to children shall be in properly marked containers and stored in areas inaccessible to children.

(e) A motor vehicle shall be immediately available at the center at all times in case of an emergency if a public or private rescue or emergency vehicle cannot arrive at the center within 10 minutes of a phone call.

(f) The center shall have a working telephone or access to a working telephone on the premises during hours of operation, with a list of emergency telephone numbers, including telephone numbers for the local rescue squad, fire department, police department or other law enforcement agency, poison control center and emergency medical service posted near each telephone. In this paragraph, "telephone" does not include a pay telephone requiring payment to reach the operator or a telephone in a locked room.

(g) Stairs, walks, ramps and porches shall be maintained in a safe condition and free from the accumulation of water, ice or snow.

(h) Smoking is prohibited on the premises of the center when the children are present.

Note: See s. DCF 251.03(25) for the definition of premises.

(i) A licensee, employee, volunteer or other individual in contact with children may not consume alcoholic beverages or any non-prescribed controlled substance specified in ch. 961, Stats., on the premises of the center or be under the influence of any alcohol or non-prescribed controlled substance, during the hours of the center's operation.

(j) Children may not be allowed in an area where power tools are in use.

(k) A hot tub located in a room or area accessible to children shall have a visible, locked, rigid cover or be enclosed by a locked fence at least 4 feet tall. The lock shall be installed so that the lock is inaccessible to children.

(L) If a hot tub is located in a room or area not intended for use by children, access to the room or area shall be controlled through the use of a visibly locked door. The lock shall be installed so that the lock is inaccessible to children.

(3) EMERGENCIES. Each center shall have a written plan for responding to a fire, a tornado, a tornado warning, a missing child or other emergency. A center shall do all of the following:

(a) Post the fire evacuation and tornado plan and practice implementing the fire evacuation plan monthly. Tornado drills shall be conducted monthly from April through October.

(b) Make sure that all staff members know what their duties are if there is a fire, tornado, tornado warning, missing child or other emergency.

(c) Keep a written record of dates and times of all fire and tornado drills practiced.

Note: The licensee may use the department's form, Fire, Safety and Emergency Response Documentation — Group Child Care Centers, to record dates and times of the monthly fire or tornado practice. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(4) FIRE PROTECTION.

(a) Each fire extinguisher on the premises of a center shall be operable at all times, inspected once a year by a qualified person and bear a label indicating its present condition and date of the last inspection.

(b) All staff members shall be instructed in and knowledgeable about the use of the fire extinguishers.

(c) Each floor used by children shall have at least 2 exits.

(d) Exits and exit passageways shall have a minimum clear width of 3 feet and be unobstructed by furniture or other objects.

(e) An extension cord may not be used permanently with an appliance.

(f) No more than 2 electrical appliances may be plugged into any one wall outlet.

(g) The door to the basement and furnace room shall be closed.

(h) Areas under stairs may not be used for storage.

(i) All exit lights shall be lit at all times.

(j) Fire alarms, alarm systems and smoke detectors shall be maintained in good working order. Fire alarms and smoke detectors shall be used to conduct monthly fire evacuation drills. Fire alarms and smoke detectors shall be tested weekly and a record kept of the test results.

Note: The licensee may use the department's form, Fire, Safety, and Emergency Response Documentation — Group Child Care Centers, to document the results of the weekly testing of fire alarms and smoke detectors. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(k) Unvented gas, oil or kerosene space heaters are prohibited.

(5) SANITATION.

(a) The premises shall be free from litter, clean and in good repair.

(b)1. There shall be no flaking or deteriorating paint on exterior or interior surfaces in areas accessible to children.

2. No lead-based paint or other toxic finishing material may be used.

(c) Garbage containers in the building shall be rigid, covered, watertight and emptied daily or more often as needed. Compactors need not be emptied daily. Garbage and refuse stored out of doors shall be kept in leak-proof containers equipped with tight-fitting covers and shall be disposed of as necessary to prevent decomposition or overflow.

(d) Furnishings, toys, cots and other equipment shall be washed or cleaned when they become soiled. Eating surfaces shall be washed and sanitized before and after each use.

(e)1. Toilet rooms and fixtures shall be in a sanitary condition at all times.

2. Potty chair receptacles shall be emptied and rinsed and the potty chair and receptacle shall be disinfected immediately after each use with a chlorine bleach solution of one tablespoon to one quart of water, made fresh daily.

(f) Windows and doors that are used for ventilation shall be screened.

(g) The premises shall be maintained to prevent the entrance or harborage of vermin.

(6) WATER.

(a) A safe supply of drinking water shall be available to children at all times from a drinking fountain of the angle jet type or by use of disposable cups. Common use of drinking cups is prohibited.

(b) If the center gets its water from a private well, the following shall apply:

1. Water samples from the well shall be tested annually for lead and bacteria by a laboratory certified under ch. ATCP 77. The laboratory report shall be available to the department upon request.

2. A center serving children under 6 months of age shall have the water tested annually for nitrate levels.

Note: Section NR 809.11 sets the maximum allowable level of nitrate-nitrogen in public drinking water at 10 milligrams per liter (10 parts per million).

3. If water test results indicate the water contains high levels of lead or is bacteriologically unsafe, the water shall be appropriately treated and re-tested until it is determined to be safe. Bottled water shall be used until the water is determined to be safe. If the water tests above the maximum allowable level of nitrates, bottled water shall be used for infants under 6 months of age.

Note: Centers using a private well that serves at least 25 of the same people over 6 months of the year are considered to have a non-transient non community water system (NTNC) and must be in compliance with Chapter NR 809, Safe Drinking Water Act Standards. Contact the nearest Department of Natural Resources from the list at: www.dnr.state.wi.us/org/caer/cs/ServiceCenter/SSbyRegion.html

(7) INDOOR SPACE.

(a) The space used by children shall be no less than 35 square feet of usable floor space for each child, exclusive of passageways, kitchens, bathrooms, coat storage areas, offices, storage areas, isolation quarters, staff room, furnace room, parts of rooms occupied by stationary equipment, and areas not at all times available to children, including areas used exclusively for large muscle activity, napping or eating.

(b) There shall be additional storage space for cots, bedding, supplies and equipment not in use.

(8) FURNISHINGS.

(a) Furnishings shall be durable and safe, with no sharp, rough, loose or pointed edges.

(b) Tables and seating shall be scaled to the proper height and size for the children's comfort and reach.

(c)1. Except as provided in subd. 2., in a center where meals are served, seating shall be at least equal to the licensed capacity of the center, excluding infants, so that the children can be served at the same time, and there shall be space at a table for each child.

2. In a center where meals are served in a central lunchroom, seating and tablespace shall be at least equal to the number of children to be served in a shift.

(d) Shelves shall be provided for equipment and supplies in rooms used by children. Equipment and supplies shall be arranged in an orderly fashion so that children may select, use and replace items.

(e) There shall be sufficient storage space for clothing and personal belongings to accommodate the clothing and personal belongings of as many children as are in the licensed capacity of the center. For children 2 years of age and older, the space for outer garment storage shall be at child level.

(f) A safe, washable cot, bed, two-inch thick mat or sleeping bag shall be provided for each child 12 months old or older who naps or sleeps.

(g) A safe, washable crib or playpen shall be provided for use of each child less than 12 months old who naps or sleeps. A crib or playpen shall be washed and disinfected between changes in occupancy.

Note: See Appendix D for information on safe cribs and playpens.

(9) KITCHENS.

(a) *Equipment and utensils.*

1. When meals are prepared or heated on the premises, the kitchen shall be equipped with a microwave or stove with an oven, a refrigerator, a sink and utensils that are necessary to prepare and serve meals. The sink shall be used exclusively for food preparation and dishwashing.

1m. Centers preparing or serving only snacks are not required to have a sink unless dishes or utensils requiring dishwashing are used. Centers preparing or serving only snacks are not required to have a microwave or stove unless the snacks served require heating. Refrigerators are required if the center serves milk or other perishable snacks.

2. All equipment and utensils shall have smooth, hard surfaces, be easily cleanable, in good repair, durable, non-toxic and free of cracks, seams, chips and roughened areas, and shall be maintained in a clean and sanitary condition.

3. Food preparation tables shall be durable, and surfaces shall be smooth, non-absorbent and easily cleanable.

4. After cleaning, utensils shall be stored in a clean, dry place and protected from contamination.

5. Single-service utensils shall be non-toxic, stored in a clean, dry place, kept covered, and may not be reused.

6. Infant bottles and nipples may not be reused without first being cleaned and sanitized.

(b) *Dishwashing procedures.*

1. All kitchen utensils and food contact surfaces used for preparation, storage or serving of food shall be thoroughly cleaned and sanitized after each use.

2. All utensils and dishes shall be scraped, sorted and prewashed under running water.

3. For manual washing of dishes and utensils, a 3-step procedure shall be used:

a. Wash in water between 110° and 125°F., using an effective soap or detergent.

b. Rinse by immersing dishes and utensils in clean, hot water to remove soap or detergent.

c. Sanitize by submerging dishes and utensils for at least 2 minutes in 1½ teaspoons of bleach per gallon of water or another solution of a sanitizer approved by the department.

4.a. If a center uses a commercial dishwasher to clean dishes and utensils, the dishwasher shall have a readily visible temperature gauge located in the wash compartment. If the dishwasher is a spray type or immersion type dishwasher, a temperature gauge shall also be located in the rinse water line.

b. Wash at 130 degrees Fahrenheit to 150 degrees Fahrenheit for at least 20 seconds, using an effective cleaning agent, and rinse and sanitize at 180 degrees Fahrenheit for 10 seconds or more, using an automatic rinse injector.

c. When using a spray-type dishwashing machine, the dishes and utensils shall be washed, rinsed and sanitized in the dishwasher according to the manufacturer's operating instructions. A chemical sanitizer shall be used in the final rinse.

5. If the center uses a home-type dishwasher to clean dishes and utensils, the dishes and utensils shall be washed and rinsed in the dishwasher and sanitized by submerging dishes and utensils for at least 2 minutes in 1½ teaspoons of bleach per gallon of water or other solution approved by the department.

6. All dishes and utensils shall be air-dried in racks or baskets or on drain boards.

Note: A list of approved sanitizers is available from the Department of Health Services, Division of Public Health, P.O. Box 2659, Madison, WI 53701-2659.

(c) *Food sources.*

1. Food shall be clean, wholesome, free from spoilage, free from adulteration or misbranding and safe for human consumption. Meat, poultry, fish, molluscan shellfish, eggs and dairy products shall be from an inspected source.

2. Only milk and milk products which are pasteurized and meet the Grade A milk standards of the Wisconsin department of agriculture, trade, and consumer protection may be served or used.

3m. Meals shall be prepared on the premises, in a central kitchen operated by the child care center or in another location that has been inspected by a representative of a state agency.

Note: Chapter ATCP 75, subch. III addresses restaurants and other public eating establishments. Chapter ATCP 75, subch. II, addresses retail food establishments.

4. Food in dented, bulging or leaking cans, or cans without labels, may not be used.

5. Hermetically sealed, non-acid or low-acid food which has been processed in a place other than a commercial food processing establishment may not be used.

(d) *Food storage.*

1. Foods shall be stored at temperatures which protect against spoilage. The following measures shall be taken to prevent spoilage:

a. Perishable and potentially hazardous food which includes all custard-filled and cream-filled pastries, milk and milk products, meat, fish, shellfish, gravy, poultry stuffing and sauces, dressings, salads containing meat, fish, eggs, milk or milk products, and any other food or food product likely to spoil quickly if not kept at the proper temperature shall be continuously maintained at 40°F. or below or 150°F. or above, as appropriate, except during necessary periods of preparation and service.

b. Each refrigeration unit shall be maintained at 40°F. or lower and each freezing unit shall be maintained at 0°F. or lower.

c. Each cold storage facility shall be equipped with a clearly visible accurate thermometer.

d. Food shall be covered while refrigerated, except when being cooled.

2. Foods not requiring refrigeration shall be stored in clean, dry, ventilated and lighted storerooms or areas which shall be protected from contamination by sewage, wastewater backflow, condensation, leakage or vermin. In addition:

251.06(9)(d)2.a.

a. Dry foods, such as flour, sugar, cereals and beans shall be stored in bags with zip-type closures or metal, glass or food-grade plastic containers with tight-fitting covers and shall be labeled. In this paragraph, "food grade plastic" means any plastic material used in the manufacture of dishes or utensils which has been found not harmful to human health by the national sanitation foundation.

b. Foods stored in the basement shall be stored at least 8 inches above the floor, and food stored in other areas shall be stored high enough above the floor to provide for air circulation and to facilitate cleaning.

(e) *Cleaning aids.*

1. Poisonous and toxic materials, including cleaning supplies, bleaches and insecticides, shall be labeled and stored in cabinets used for no other purpose and shall be inaccessible to children.

2. Cleaning aids such as mops, broom and buckets shall be clean and shall be stored outside of food preparation or food storage areas.

(f) *Food handling.*

1. Raw fruits and vegetables shall be washed before being served or cooked.

2. Food returned from individual plates or from dining tables shall be discarded.

3. Leftover prepared food which has not been served shall be dated, refrigerated promptly and used within 36 hours, or frozen immediately for later use.

4. Food delivery vehicles shall be equipped with clean containers or cabinets to store food while in transit. Containers for cold food shall be capable of maintaining the temperature at or below 40°F. and containers for hot food shall be capable of maintaining the temperature at or above 150°F.

5. Potentially hazardous frozen foods shall be thawed in the refrigerator, under cold running water or on the defrost setting in a microwave oven. No potentially hazardous frozen food may be thawed by leaving it at room temperature.

(g) *Food service personnel.*

1. Personnel who help prepare meals shall:

a. Be at least 18 years of age.

b. Wear clean clothing and effective hair restraints such as hair nets or caps.

c. Wash their hands with soap and warm running water before starting work, before and after handling food, and after using the toilet. Hands shall be dried with single use towels.

2. No one with an open or infected wound or sore may work in the food preparation area unless the wound or sore is covered and, if it is on a hand, a nonporous glove is worn on that hand.

(10) WASHROOM AND TOILET FACILITIES.

(a) A group child care center shall provide at least the number of washbasins and toilets with plumbing indicated in Table 251.06. Urinals may be substituted for up to 1/3 of the total required toilets.

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 to 25	2	1
26 to 40	3	2
41 to 55	4	2
56 to 70	5	3

(b) When a center is licensed for more than 70 children, one additional toilet shall be provided for each additional 15 children or fraction thereof and washbasins shall be provided in the ratio of one for every 2 additional toilets and urinals or fraction thereof.

(c) Children under the age of 30 months need not be included when determining the required fixtures under par. (a). However, in all cases, at least one toilet and one washbasin shall be provided.

(d) If potty chairs are used for children under 30 months of age, the potty chairs shall be provided in a ratio of one for every 4 children or fraction thereof.

(e) Steps or blocks shall be provided if washbasins and toilets are not proportioned to the size of the children.

(f) Soap, toilet paper, disposable paper towels or blower-type air dryers and a wastepaper container shall be provided and accessible to children using the facilities.

(g) Toilet room door locks shall be openable from the outside and the opening device shall be readily accessible to the staff.

(11) OUTDOOR PLAY SPACE.

(a) *Requirement for outdoor play space.* A center shall have outdoor play space if children are present for more than 3 hours per day or if outdoor play is included in the center program.

(b) *Required features of outdoor play space.* Except when an exemption is requested and is approved by the department under par. (c), a center shall comply with all of the following requirements for outdoor play space:

1. The outdoor play space shall be on the premises of the center.

2. There shall be at least 75 square feet of outdoor play space for each child 2 years of age or older using the space at a given time.

3. There shall be at least 35 square feet of outdoor play space for each child under 2 years of age using the space at a given time except as provided in subd. 4.

4. The total outdoor play space of a center shall accommodate not less than 1/3 of the number of children for which the center is licensed or shall be a minimum of 750 square feet, whichever is greater. The number of children under one year of age need not be included for purposes of computing the minimum required outdoor play space if the center provides spaces in wheeled vehicles such as strollers and wagons equal to the number of children under one year of age.

5. An energy-absorbing surface, such as loose sand, pea gravel or pine or bark mulch, in a depth of at least 9 inches is required under climbing equipment, swings and slides and in a fall zone of 4 feet beyond and whenever play equipment is 4 feet or more in height. Shredded rubber and poured surfacing shall be installed to the manufacturer's specifications based on the height of the equipment.

6. The outdoor play space shall be well-drained and shall be free of hazards such as uncovered wells, cisterns and unused appliances. Structures such as playground equipment, railings, decks and porches accessible to children that have been constructed with CCA treated lumber shall be sealed with an exterior oil based sealant or stain. Wood containing creosote, including railroad ties, may not be accessible to children.

7. The boundaries of the outdoor play space shall be defined by a permanent enclosure not less than 4 feet high to protect the children. Fencing, plants or landscaping may be used to create a permanent enclosure.

8. Concrete and asphalt are prohibited under climbing equipment, swings and slides.

Note: The Consumer Products Safety Commission has a publication entitled Handbook for Public Playground Safety, Pub. No. 325 which provides information on playground safety guidelines designed to help child care centers build safe playgrounds. To obtain copies of this publication and a related public playground safety checklist, contact the Consumer Products Safety Commission at www.cpsc.gov or 1-800-638-2772.

(c) *Exemption for off-premises play space.*

1. In this paragraph, "main thoroughfare" means a heavily traveled street or road used by vehicles as a principal route of travel.

1m. If a center has no outdoor play space available on the premises of the center, the licensee may request an exemption from the requirements under par. (b) for a center's outdoor play space.

2. A request for an exemption under subd. 1m. shall be in writing and shall be accompanied by a plan for outdoor play space which does all the following:

a. Identifies and describes the location to be used, the travel distance from the center to that location and the means of transporting the children to that location.

b. Provides for adequate supervision of the children as specified in Table 251.05-D.

c. Provides for daily vigorous exercise in the out-of-doors for the children.

d. Describes the arrangements to meet the toileting and diapering needs of the children.

e. Affirms the center's compliance with the requirements included in subds. 3. to 6.

Note: Send the request for an exemption and the off-premises outdoor play space plan to the appropriate regional office in Appendix A.

3. The off-premises outdoor play space shall be free of hazards such as bodies of water, railroad tracks, unfenced in-ground swimming pools, heavily wooded areas and nearby highways and main thoroughfares.

4. There shall be at least 75 square feet of outdoor play space for each child 2 years of age or older using the space at a given time, and at least 35 square feet of outdoor play space for each child under 2 years of age using the space at a given time.

5. No climbing equipment, swing or slide in the play space may have concrete or asphalt under it.

6. When the off-premises outdoor play space is reached by walking, the center shall transport children under 3 years of age in wheeled vehicles, such as strollers or wagons, with a seating capacity equal to the number of children under 3 years of age to be transported.

7. A center's plan for use of an off-premises outdoor play space is subject to approval by the department. Within 30 days after receipt of a plan and request for an exemption from the requirements of par. (b), the department shall either approve the plan and grant the exemption or not approve the plan and therefore deny the request for exemption. The department shall notify the center in writing of its decision and, if it does not grant an exemption, shall state its reasons for not granting the exemption.

8. If any circumstance described in an approved plan for use of off-premises outdoor play space changes or if any condition for plan approval is not met or is no longer met, the department may withdraw its approval of the plan and cancel the exemption. A center with an approved plan shall immediately report to the department's licensing representative any significant change in any circumstance described in the plan.

(12) SWIMMING AREAS.

(a) Above-ground and in-ground swimming pools, and beaches on the premises may not be used by children in care. Swimming pools shall be enclosed by a 6-foot fence with a self-closing, self-latching door. Spaces between the vertical posts of the fence shall be 4 inches or less. Access to a beach shall be restricted by a 6-foot fence.

(b) A wading pool on the premises may be used if the water is changed and the pool is disinfected daily. Supervision and staff-to-child ratio requirements under s. DCF 251.05(3) and (4) shall be met.

(c) A wading pool, pool, water attraction or beach that is not located on the center premises may be used by children, if all the following conditions are met:

1. The construction and operation of the pool shall meet the requirements of chs. SPS 390 and ATCP 76 for public swimming pools. A beach shall comply with any applicable local ordinance.

2. Certified lifesaving personnel shall be on duty.

3. While children are in the water of a pool, wading pool, water attraction or beach, staff-to-child ratios for child care workers who can swim shall be:

a. For children under 3 years of age: 1:1.

b. For children 3 years of age: 1:4.

c. For children 4 and 5 years of age: 1:6.

d. For children 6 years of age and older: 1:12.

4. When a mixed age group of children are swimming, the staff-to-child ratio shall be adjusted based on the number of children in the water and each child's age.

Note: A worksheet to help calculate the staff to child ratio for mixed aged groupings during swimming is available from the department. Requests may be made to the licensing representative or regional licensing office listed in Appendix A.

5. A child shall be restricted to the area of the pool or beach that is within the child's swimming ability.

6. If some of the children are in the water and others are not, there shall be at least 2 child care workers supervising the children. One child care worker shall supervise the children who are in the water, and the other child care worker shall supervise children who are not in the water.

DCF 251.07 Program.

(1) PROGRAM PLANNING AND SCHEDULING.

(a) Each group child care center shall have a written program of activities which are suitable for the developmental level of each child and each group of children. The program shall provide each child with experiences which will promote all of the following:

Note: The Wisconsin Model Early Learning Standards are voluntary standards that were designed to help centers develop programs and curriculum to help ensure that children are exposed to activities and opportunities that will prepare them for success in school and into the future. The Standards are primarily intended as guidance on developmentally appropriate expectations and are not intended to be used as a checklist to gauge a child's progress. The Standards are based on scientific research. Copies of the Wisconsin Model Early Learning Standards are available on the Wisconsin Early Childhood Collaborating Partners website at http://www.collaboratingpartners.com/ or through the Child Care Information Center at 1-800-362-7353.

1. Self-esteem and positive self-image.
2. Social interaction.
3. Self-expression and communication skills.
4. Creative expression.
5. Large and small muscle development.
6. Intellectual growth.
7. Literacy.

Note: With parental consent and consultation, it is recommended that centers who care for children who have an Individualized Family Service Plan (IFSP) or an Individualized Education Program (IEP) coordinate programming activities with the local school district or Birth to Three agency.

(b) The program schedule shall be planned to provide a flexible balance each day of:

1. Active and quiet activities.
2. Individual and group activities.
3. Indoor and if the center is in operation more than 3 hours per day, outdoor activities.

(c) Television may be used only to supplement the daily plan for children. No child may be required to watch television. Other activities shall be available.

(d) Routines such as toileting and eating and intervals between activities shall be planned to avoid keeping children waiting in lines or assembled in large groups.

(e) The program shall provide all of the following:

1. Reasonable regularity in eating, napping and other routines.
2. Daily periods when a variety of experiences are concurrently available for the children to select their own activities.
3. Protection from excess fatigue and over stimulation.
4. If a center is in operation for more than 3 hours per day, daily outdoor activities except during inclement weather or when not advisable for health reasons.

(f) Child care workers shall give children individual attention.

(g) A center that is open in the early morning and late afternoon shall have a written plan for activities which meet the individual needs of the children during those time periods. The plan shall include:

1. Provision of opportunities for the children to rest and eat.
2. Use of materials and engagement in activities which for the most part do not duplicate materials or activities planned for the major part of the program.

(h) The program as implemented shall reflect the center's written policies.

(2) CHILD GUIDANCE.

(a) In this subsection:

1. "Time-out period" means removing the child from the situation in a non-humiliating manner and placing the child in a designated location in order to interrupt the child's unacceptable behavior.
2. "Redirection" means directing the child's attention to a different program activity.

(b) Each child care center shall have a written policy which provides for positive guidance, redirection and the setting of clear-cut limits for the children. The policy shall be designed to help a child develop self-control, self-esteem and respect for the rights of others.

(c) If a center uses time-out periods to deal with unacceptable behavior, time-out periods may not exceed 5 minutes and the procedure shall be included in the center's child guidance policy.

(d) Use of time-out periods is prohibited for children under 3 years of age.

(e) Actions that may be psychologically, emotionally or physically painful, discomforting, dangerous or potentially injurious are prohibited. Examples of prohibited actions include all of the following:

1. Spanking, hitting, pinching, shaking, slapping, twisting, throwing or inflicting any other form of corporal punishment.

2. Verbal abuse, threats or derogatory remarks about the child or the child's family.

3. Physical restraint, binding or tying to restrict movement or enclosing in a confined space such as a closet, locked room, box or similar cubicle.

4. Withholding or forcing meals, snacks or naps.

5. Actions that are cruel, aversive, frightening or humiliating to the child.

(f) A child may not be punished for lapses in toilet training.

Note: Inappropriate discipline of a child by a staff member must be reported to the department within 24 hours after the occurrence under s. DCF 251.04(3)(j).

(3) EQUIPMENT.

(a) Indoor and outdoor play equipment shall be safe. The equipment shall be:

1. Scaled to the developmental level, size and ability of the children.

2. Of sturdy construction with no sharp, rough, loose, protruding, pinching or pointed edges, or areas of entrapment, in good operating condition, and anchored when necessary.

3. Placed to avoid danger of injury or collision and to permit freedom of action.

4. Placed over an energy-absorbing surface, when equipment is 4 feet or more in height.

(b) A center shall provide equipment and supplies according to the following criteria:

1. Child development shall be fostered through selection of a variety of equipment that will:

a. Provide large muscle development.

b. Provide construction activities and for development of manipulative skills.

c. Encourage social interaction.

d. Provide intellectual stimulation.

e. Encourage creative expression.

2. A center shall provide sufficient indoor play equipment to allow each child a choice of at least 3 activities involving equipment when all children are using equipment.

3. A center shall provide sufficient outdoor play equipment to allow each child at least one activity involving equipment when all children are using equipment.

(c) The quantity of indoor and outdoor play equipment specified in par. (b) 2. and 3. shall be provided based on the maximum licensed capacity of the center.

(d) Equipment and materials which reflect an awareness of cultural and ethnic diversity shall be provided.

Note: Information on selecting play equipment is available from the Child Care Information Center, 1-800-362-7353.

(e) Children using play equipment shall be closely supervised to prevent injuries.

(f) Trampolines and inflatable bounce surfaces on the premises shall not be accessible to children and shall not be used by children in care.

(4) REST PERIODS.

(a) A child under 5 years of age in care for more than 4 hours shall have a nap or rest period.

(b) Child care workers shall permit a child who does not sleep after 30 minutes and a child who awakens to get up and to have quiet time through the use of equipment or activities which will not disturb other children.

(c) Each child who has a nap or rest period shall be provided with an individual bed, cot, sleeping bag, 2 inch thick mat, crib or playpen which is placed at least 2 feet from the next sleeping child. Cribs or cots may be placed end-to-end if a solid partition separates children and an aisle not less than 2 feet in width is maintained between cribs and cots.

(d) Each child shall be provided with an individually identified sheet and blanket or sleeping bag which may be used only by that child until it is washed.

(e) Bedding shall be maintained and stored in a clean and sanitary manner, replaced immediately if wet or soiled and washed at least after every 5 uses.

(5) MEALS AND SNACKS.

(a) *Food.*

1. Food shall be provided by the center based on the amount of time children are present as specified in Table 251.07.

TABLE 251.07
Meal and Snack Requirements for each Child in a Group Child Care Center

Time a Child is Present	Number of Meals and Snacks
At least 2½ but less than 4 hours	1 snack
At least 4 but less than 8 hours	1 snack and 1 meal
At least 8 but less than 10 hours	2 snacks and 1 meal
At least 10 or more hours	2 meals and 2 or 3 snacks

2. Center-provided transportation time shall be included in determining the amount of time children are present for the purposes of subd. 1.

3. Food shall be served at flexible intervals, but no child may go without nourishment for longer than 3 hours.

4. Each meal and snack served shall meet the U.S. department of agriculture child care food program minimum meal requirements.

Note: See Appendices B and C for information on the U.S. department of agriculture child and adult care food program minimum meal requirements.

5. Menus for meals and snacks provided by the center shall:

a. Be posted in the kitchen and in a conspicuous place accessible to parents.

b. Be planned at least one week in advance, dated and kept on file for 3 months.

c. Be available for review by the department.

d. Include diverse types of foods.

6. Any changes in a menu as planned shall be recorded on the copies of the menu kept on file and posted for parents.

6m. When snacks are provided by parents for all children, a record of the snack served shall be posted in an area accessible to parents.

7. Enough food shall be prepared for each meal so that second portions of vegetables or fruit, bread and milk are available to children.

8. When food for a child is provided by the child's parent, the center shall provide parents with information about requirements for food groups and quantities specified by the U.S. department of agriculture child care food program minimum meal requirements.

Note: See Appendix B and C for information on the U.S. department of agriculture child care food program minimum meal requirements.

9. A special diet, based on a medical condition, excluding food allergies, but including nutrient concentrates and supplements, may be served only upon written instruction of a child's physician and upon request of the parent.

9m. A special diet based on a food allergy may be served upon the written request of the parent.

10. Cooks, staff members, child care workers and substitutes having direct contact with the children shall be informed about food allergies and other allergies of specific children.

(b) *Mealtime.*

1. Staff shall sit at the table with the children during mealtime.

2. Meals shall be served with time allowed for socialization.

(6) HEALTH.

(a) *Observation.*

1. Each child upon arrival at a center shall be observed by a staff person for symptoms of illness and injury. For an apparently ill child, the procedure under par. (c) shall be followed.

2. Any injury to a child or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care shall be recorded in a medical log book and reported immediately to the administrator or other person in charge of the center.

(b) *Isolation.* A center shall have an isolation area for the care of children who appear to be ill. If the area is not a separate room, it shall be separated from space used by other children by a partition, screen or other means.

(c) *Ill child procedure.* The following procedures shall apply when a child with an illness or condition, such as vomiting or diarrhea, having the potential to affect the health of other persons is observed in the child care center:

1. The child shall be isolated.

2. The child in the isolation area shall be provided with a bed, crib or cot and a sheet and blanket or sleeping bag, with a staff member within sight and hearing of the child, except that for sessions of up to 4 hours a kindergarten mat may be provided for the isolation room instead of a bed, crib or cot. Isolation shall be used until the child can be removed from the center.

3. The child's parent, or a designated responsible person when a parent cannot be reached, shall be contacted as soon as possible after the illness is discovered, and arrangements shall be made for removal of the child from the center.

(d) *Care of a mildly ill child.* A child who is mildly ill may be cared for at the center when all of the following conditions are met:

1. The space for the care of a mildly ill child shall be a self-contained room and shall be separate from children who are well.

2. The room shall have a sink with hot and cold running water.

3. The parent consents in writing.

4. The written health policy of the center allows a mildly ill child to remain at the center.

5. The center follows and implements procedures in a written plan for the provision of care to mildly ill children approved and signed by a licensed physician, or a pediatric or family nurse practitioner which covers all of the following:

a. Admissions and exclusions.

b. Staffing.

c. Staff training.

d. Monitoring and evaluation.

e. Programming.

f. Infectious disease control.

g. Emergency procedures.

6. Medical consultation is available from a physician or local health department in establishing policy for the management of mildly ill children.

(e) *Communicable disease.*

1. A child with a reportable communicable disease specified in ch. DHS 145 may not be admitted to or be permitted to remain in a child care center during the period when the disease is communicable.

2. When it is determined that a person in contact with children or a child enrolled in a child care center has a reportable communicable disease under ch. DHS 145, such as German measles, infectious hepatitis, measles, mumps, or meningitis, the local public health officer, the department and the parents of exposed children shall be notified..

3. An employee, volunteer or a child may be readmitted to the group child care center if there is a statement from a physician that the condition is no longer contagious or if the person has been absent for a period of time equal to the longest usual incubation period for the disease as specified by the department.

Note: The Wisconsin Department of Health Services, Division of Public Health, has developed materials that identify those communicable diseases that are required to be reported to the local public health officer. These materials also provide additional guidance on the symptoms of each disease and information on how long an infected child must be excluded from the center. The materials include a communicable disease chart and exclusion guidelines for child care centers. Copies of the communicable disease chart or the exclusion guidelines for child care centers are available from the Child Care Information Center at 800-362-7353.

(f) *Medications.*

1. Center staff may give prescription or non-prescription medication, such as pain relievers, teething gels or cough syrup, to a child only under the following conditions:

a. A written authorization that includes the child's name and birthdate, name of medication, administration instructions, medication intervals and length of the authorization dated and signed by the parent is on file. Blanket authorizations that exceed the length of time specified on the label are prohibited.

Note: The department's form, Authorization to Administer Medication — Child Care Centers, is used to obtain the parent's authorization to provide medications. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

b. The medication is in the original container and labeled with the child's name and the label includes the dosage and directions for administration.

c. A written record, including type of medication given, dosage, time, date and the name or initials of the person administering the medication, shall be made in the center medical log book on the same day that the medication is administered.

Note: See s. DCF 251.04(6)(c) on maintaining a center medical log book.

2. Sunscreen and insect repellent may only be applied upon the written authorization of the parent. The authorization shall include the ingredient strength of the sunscreen or repellent. Authorizations shall be reviewed every 6 months and updated as necessary. If sunscreen or insect repellent is provided by the parent, the sunscreen or repellent shall be labeled with the child's name. The recording of the application of sunscreen or insect repellent is not necessary.

3. Medication shall be stored so that it is not accessible to the children.

4. Medication requiring refrigeration shall be kept in the refrigerator in a separate, covered container clearly labeled "medication".

5. All medication for a child in care shall be administered by the center as directed on the label and as authorized by the parent.

6. No medication intended for use by a child in the care of the center may be kept at the center without a current medication administration authorization from the parent.

(g) *Health precautions.*

1. Bodily secretions such as runny noses, eye drainage and coughed-up matter shall be wiped with a disposable tissue used once and placed in a plastic-lined container. Whoever does the wiping shall wash his or her hands immediately.

2. Bodily secretions on surfaces shall be washed with soap and water and disinfected with a bleach solution of one tablespoon bleach to one quart of water, made fresh daily. Hands shall be washed immediately.

3. Children shall be protected from sunburn with protective clothing, if not protected by sunscreen.

4. Children shall be clothed to assure body warmth and comfort.

(h) *Universal precautions.*

1. Center staff shall adopt universal precautions when exposed to blood and blood-containing body fluids and injury discharges of all children.

2. All persons exposed to blood or blood-containing body fluids and tissue discharges shall wash their hands immediately with soap and warm running water.

3. Single use disposable gloves shall be worn if there is contact with blood-containing body fluids or tissue discharges. Hands shall be washed with soap and water after removal of gloves. Gloves shall be discarded in plastic bags.

4. For spills of vomitus, urine, feces, blood or other body fluids, center staff shall clean and disinfect the floors, walls, bathrooms, tabletops, toys, kitchen countertops and diaper changing tables.

(i) *Personal cleanliness.*

1. A child's hands shall be washed with soap and warm running water before meals and snacks and after toileting or diapering. A child's hands and face shall be washed after meals.

2. Persons working with children shall wash their hands with soap and warm running water before handling food, and after assisting with toileting and after wiping bodily secretions from a child with a disposable tissue.

3. Cups, eating utensils, toothbrushes, combs and towels may not be shared and shall be kept in a sanitary condition.

4. Wet or soiled clothing and diapers shall be changed promptly from an available supply of clean clothing.

5. Applicable rules under s. DCF 251.09(4) shall apply to child care workers when children 2 years of age and older require attention for diapering and toileting.

6. If running water is not immediately available when outdoors or on field trips, soap and water-based wet wipes may be used. When running water becomes available, hands must be washed immediately with soap and running water.

7. Disinfecting hand sanitizers may not replace the use of soap and water when washing hands.

(j) *Injuries.*

1. Written permission from the parent to call a child's physician or refer the child for medical care in case of injury shall be on file at the center. The center shall contact the parent as soon as possible after an emergency has occurred or, if the injury is minor, when the parent picks up the child.

2. A center shall identify a planned source of emergency medical care, such as a hospital emergency room, clinic or other constantly staffed facility, and shall advise parents about the designated emergency medical facility.

3. A center shall establish and follow written procedures for bringing a child to an emergency medical care facility and for treatment of minor injuries.

4. First aid procedures shall be followed for serious injuries.

5. Each center shall have a supply of bandages, tape, and Band-Aids.

6. Superficial wounds shall be cleaned with soap and water only and protected with a bandaid or bandage.

7. Suspected poisoning shall be treated only after consultation with a poison control center.

8. A daily record of injuries shall be kept in the medical log book.

9. Records of injuries shall be reviewed by the director or designated person with staff every 6 months in order to ensure that all possible preventive measures are being taken. There shall be documentation in the medical log book that reviews have taken place.

Note: See s. DCF 251.04(6)(c) on maintaining a medical log book.

(k) *Health examination and history.*

1. Each child under 2 years of age shall have an initial health examination not more than 6 months prior to nor 3 months after being admitted to a center, and a follow-up health examination at least once every 6 months thereafter.

2. Each child 2 years of age and older shall have an initial health examination not more than one year prior to nor later than 3 months after being admitted to the center, and a follow-up health examination at least once every 2 years thereafter. School-age children are not required to have a health exam.

3. The health examination report shall be made on an electronic printout from a licensed physician, physician assistant, or HealthCheck provider or on a form provided by the department that is signed and dated by a licensed physician, physician assistant, or HealthCheck provider.

Note: The department's form, Child Health Report — Child Care Centers, or an electronic printout from a medical professional may be used to document a health examination. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

Note: A HealthCheck provider is a medical professional associated with or employed by an outpatient hospital facility, a health maintenance organization, a visiting nurse association, a clinic operated under a physician's supervision, a local public health agency, a home health agency, a rural health clinic, an Indian health agency or a neighborhood health center.

4. The health examination requirement under subd. 1. or 2. does not apply if the parent of a child requests in writing that the department grant an exemption based upon the parent's adherence to religious belief in exclusive use of prayer or spiritual means for healing in accordance with the teachings of a bona fide religious sect or denomination.

5. A child's health history on a form prescribed by the department completed by the child's parent shall be on file at the center by the first day of attendance. Information contained on the health history form shall be shared with any child care worker assigned to care for the child.

Note: The department's form, Health History and Emergency Care Plan, is used to record a child's health history. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(L) *Immunization.* The center shall maintain a record of immunizations for each child to document compliance with s. 252.04, Stats., and ch. DHS 144.

Note: The form, Day Care Immunization Record, may be used to record immunization information. An electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used in place of the Day Care Immunization Record. Information on how to obtain the form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(7) PETS AND ANIMALS.

(a) Animals shall be maintained in good health and appropriately immunized against rabies. Rabies vaccinations shall be documented with a current certificate from a veterinarian.

Note: Service animals used to assist persons with a disability are not considered pets when they are used as a service animal.

(b) Animals that pose any risk to the children shall be restricted from the indoor and outdoor areas used by children.

(c) Licensees shall ensure that parents are aware of the presence of pets and animals in the center. If pets and animals are allowed to roam in areas of the center occupied by children, written acknowledgement from the parents shall be obtained. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center.

(d) Reptiles, amphibians, turtles, ferrets, poisonous animals, psittacine birds, exotic and wild animals may not be accessible to children.

Note: Psittacine birds are hooked-billed birds of the parrot family that have 2 toes forward and 2 toes backward and include parrots, macaws, grays, lovebirds and cockatoos.

(e) All contact between pets or animals and children shall be under the close supervision of a child care worker who is close enough to remove the child immediately if the pet or animal shows signs of distress or the child shows signs of treating the pet or animal inappropriately.

(f) Pets in classrooms shall be confined in cages while food is being prepared or served in the classroom. Pets, cages and litter boxes are prohibited in kitchens, lunch rooms, and food storage areas. Pet and animal feeding dishes, excluding water dishes, and litter boxes may not be placed in areas accessible to children.

(g) Indoor and outdoor areas accessible to children shall be free of animal excrement.

(h) If dogs or cats are allowed in areas of the center accessible to children, the certificate of insurance required under s. DCF 251.04(2)(g) shall indicate the number and types of pets covered by the insurance.

(i) Licensees shall ensure that the center is in compliance with all applicable local ordinances regarding the number, types and health status of pets or animals.

(8) MISCELLANEOUS ACTIVITIES. A center which includes in its program watercraft, riflery, archery or horseback riding shall comply with the applicable requirements under s. DCF 252.44(8), (9) and (11).

DCF 251.08 Transportation.

(1) APPLICABILITY. This section applies to all center-provided transportation of children, including both regularly scheduled transportation to and from the center and transportation for field trips that are under the auspices of the center.

(2) GENERAL.

(a) The center shall be responsible for a child between the time the child is placed in a vehicle until the child reaches his or her destination and is released to a person responsible for the child.

(b) The following emergency information shall be carried in the vehicle for each child transported:

1. An address and telephone number where a parent or other adult can be reached in an emergency.

2. The name, address, and telephone number of the child's physician or medical facility.

3. Written consent from the child's parent for emergency medical treatment.

Note: The licensee may use either the department's form, Transportation Permission — Child Care Centers, or the licensee's own form to obtain consent of the child's parent for emergency medical treatment. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(c) Smoking is prohibited in the vehicle while children are being transported.

(d) The center administrator shall submit a copy of any accident report to the department within 5 days after the occurrence of an accident involving a vehicle transporting children.

(3) DRIVER.

(a) The driver of a center-provided vehicle shall be or have all of the following:

1. At least 18 years of age.

2. A valid Wisconsin operator's license for the type of vehicle driven.

3. At least one year of experience as a licensed driver.

(b) The licensee shall obtain a copy annually of the driving record for each driver of a center-provided vehicle and shall place the record in the staff file. The licensee shall review each driving record to ensure that the driver has no accidents or traffic violations that would indicate that having children ride with the driver could pose a threat to the children.

Note: Information on how to obtain driver license records can be obtained by contacting the Department of Transportation at 608-261-2566 or http://www.dot.wisconsin.gov/drivers/drivers/points/abstract.htm.

(c) A driver whose driving record poses a threat to the children may not transport children.

(4) VEHICLE.

(a) A vehicle used to transport children shall be:

1. Registered in Wisconsin.

2. Clean, uncluttered and free of obstructions on the floors, aisles and seats.

3. Enclosed. Children may not be transported in a truck except in the cab.

(b)1. Each child who is under 1 year of age or who weighs less than 20 pounds shall be properly restrained in a rear-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

2. Each child who is at least 1 year of age but less than 4 years of age or who weighs at least 20 pounds but less than 40 pounds shall be properly restrained in a forward-facing individual child car safety seat when being transported in a vehicle as specified in s. 347.48, Stats.

3. Each child who is at least 4 years of age but less than 8 years, weighing not more than 80 pounds or taller than 4 feet 9 inches shall be properly restrained in a shoulder-positioning child booster seat when being transported in a vehicle as specified in s. 347.48, Stats.

4. Each child who is not required to be transported in an individual child car safety seat or booster seat when being transported in a vehicle shall be properly restrained by a seat belt. Each adult in the vehicle shall be properly restrained by a seat belt. Seat belts may not be shared.

5. Children transported in school buses or vehicles built to school bus standards shall be properly seated according to the manufacturer's specifications.

(c) Passenger doors shall be locked at all times when a vehicle transporting children is moving.

(d) Children under age 13 may not ride in the front seat of a vehicle.

(5) VEHICLE CAPACITY AND SUPERVISION.

(a) Children may not be left unattended in a vehicle.

(b) When children are transported in a vehicle, there shall be at least one adult supervisor in addition to the driver in either of the following circumstances:

1. There are more than 3 children who are either under 2 years of age or have a disability which limits their ability to respond in an emergency.

2. There are more than 10 children under 5 years of age in the vehicle.

(c) After transporting a child to his or her destination, an adult shall wait until the child enters the building or is in the custody of an adult designated by the parent, unless otherwise authorized by the parent of a school-age child.

(d) A seat in the vehicle shall be provided for each child. In a vehicle not required to have seat belts, the manufacturer shall determine the capacity of the vehicle.

(e) The center shall develop and implement a procedure to ensure that all children exit the vehicle after being transported to a destination.

(6) REGULARLY SCHEDULED TRANSPORTATION.

(a) When regularly scheduled transportation is provided by a center, the center shall maintain the following information in writing at the center and in each vehicle:

1. A list of children transported.

2. The transportation route and scheduled stops.

3. The name and address of the person authorized to receive a child if the child is dropped off at a place other than the child's residence.

4. Procedures to be followed when the parent or designated authorized adult is not at home to receive the child.

(b) The center shall maintain written safety precautions to be followed and implemented when transporting children with disabilities or children who have a limited ability to respond in an emergency.

(c) When transportation services are contracted or chartered, the name, address and telephone number of the contracting firm and the name of a representative of the firm who may be contacted after hours shall be on file at the center.

(7) CENTER VEHICLES.

(a) A center-provided vehicle shall be in safe operating condition. Except for licensed contract motor carrier vehicles, the licensee shall provide the department evidence of the vehicle's safe operating condition at 12-month intervals on a form the department provides. Licensed contract motor carrier vehicles shall comply with all applicable standards for those vehicles.

Note: The department's form, Vehicle Safety Inspection, is used to record evidence of the vehicle's safe operating condition. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) A center-provided vehicle, other than a licensed contract motor carrier, shall be equipped with a first aid kit.

(8) CHILD CARE VEHICLE SAFETY ALARM.

(a) A vehicle shall be equipped with a child safety alarm that prompts the driver to inspect the vehicle for children before exiting if all of the following conditions apply.

1. The vehicle is owned or leased by a licensee or a contractor of a licensee.

2. The vehicle has a seating capacity of 6 or more passengers plus the driver. The seating capacity of the vehicle shall be determined by the manufacturer.

3. The vehicle is used to transport children in care.

(b) No person may shut off a child safety alarm unless the driver first inspects the vehicle to ensure that no child is left unattended in the vehicle.

(c) The child safety alarm shall be in good working order each time the vehicle is used for transporting children to or from a center.

Note: Information on the required vehicle safety alarm is available in the "child care licensing/information for providers" section of the department website at http://dcf.wisconsin.gov.

DCF 251.09 Additional requirements for infant and toddler care.

(1) APPLICABILITY AND GENERAL REQUIREMENTS.

(a) Group child care centers providing care and supervision to infants and toddlers shall comply with the additional requirements of this section.

(am) Prior to admission, an interview shall be conducted with a child's parent or guardian to obtain written information which will aid child care workers in individualizing the program of care for the child. Information shall include all of the following:

1. Schedule of meals and feeding.
2. Types of food introduced and timetable for new foods.
3. Toileting and diapering procedures.
4. Sleep and nap schedule.
5. The child's way of communicating and being comforted.
6. Developmental and health history.

Note: The licensee may use the department's form, Intake for Child Under 2 Years — Child Care Centers, or the licensee's own form to record information for individualizing the program of care for each child. Information on how to obtain the department's form is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

(b) Admission information for an infant or toddler shall be on file in the room or area to which the child is assigned and shall be known to the child care worker.

(c) Child care workers shall document changes in a child's development and routines every 3 months based on discussion with the parent.

(d) Each infant and toddler shall be cared for by a regularly assigned child care worker in a specific self-contained room or area. Infants and toddlers may not be transferred to the care of another child care worker or another group or room in order to adjust group sizes or staff-to-child ratios, except under one of the following circumstances:

1. During the first 2 hours and the last 2 hours of center operation.
2. When the number of children in a group is one or 2 children to one child care worker.

(e) The regularly assigned child care teacher and assistant child care teacher for each group of infants and toddlers shall have a minimum of 10 hours of training in infant and toddler care approved by the department within 6 months after assuming the position. If the training is not part of the required entry-level training under s. DCF 251.05(1)(f) or (g), it shall be obtained through continuing education.

(f) Infants and toddlers are restricted to first floors and ground floors having direct grade-level exits unless the building is in compliance with all applicable building codes that permit children to be cared for on other levels. The building inspection report on file with the licensing office shall indicate that children under 2 years of age may be cared for on other levels of the center.

(g) Safety gates shall be provided at open stairways.

(h) For centers licensed on or after January 1, 2009, the space occupied by cribs shall be deducted in determining the 35 square feet space requirement under s. DCF 251.06(7)(a) for each child.

(i) The number of children under one year of age admitted at any one time may not exceed the number of cribs and playpens.

(j) Cribs and playpens shall contain a tight fitting mattress and any mattress covering shall fit snugly over the mattress. Water beds may not be used by children under age 2.

(k) Sheets or blankets used to cover the child shall be tucked tightly under the mattress and shall be kept away from the child's mouth and nose.

(L) Children under one year of age may not sleep in a crib or playpen that contains soft materials such as sheepskins, pillows, fluffy blankets, bumper pads or stuffed animals.

(2) DAILY PROGRAM.

(a) Child care workers shall respond promptly to a crying child's needs.

(b) Each infant and each toddler shall be allowed to form and follow his or her own pattern of sleeping and waking.

(bm) Each child under one year of age shall be placed to sleep on his or her back in a crib unless otherwise specified in writing by the child's physician. The child shall be allowed to assume the position most comfortable to him or her when able to roll over unassisted.

(c) Emphasis in activities shall be given to play as a learning and growth experience.

(d) Throughout the day each infant and each toddler shall receive physical contact and attention such as being held, rocked, talked to, sung to and taken on walks inside and outside the center.

(e) Routines relating to activities such as taking a nap, eating, diapering and toileting shall be used as occasions for language development and other learning experiences.

(f) When a non-mobile child is awake, the child care worker shall change the child's body position and location in the room periodically. Non-mobile children who are awake shall be placed on their stomach occasionally throughout the day.

(g) The non-walking child who can creep or crawl shall be given opportunities during each day to move freely by creeping and crawling in a safe, clean, open, warm and uncluttered area.

(h) Child care workers shall encourage infants and toddlers to play with a wide variety of safe toys and objects.

(i) Infants and toddlers shall be taken outdoors for part of each day except during inclement weather or when this is not advisable for health reasons.

(j) Equipment shall be provided to take infants and toddlers out of doors for a walk.

(k) An adult-size rocking chair or other adult-size chair shall be provided for each child care worker for the purpose of holding and rocking children.

(3) FEEDING.

(a) Child care workers shall do all of the following:

1. Feed each infant and each toddler on the child's own feeding schedule.

2. Ensure that food and formula brought from home are labeled with the child's name and dated, and are refrigerated if required.

3. Ensure that formula prepared by the center is of the commercial, iron-enriched type and mixed according to the manufacturer's directions.

4. Except as provided in subd. 6., provide formula or breast milk to all children under 12 months of age.

6. Provide a type of milk other than a type under subd. 4., or a milk substitute, only on the written direction of the child's physician.

7. Discard leftover milk or formula after each feeding and rinse bottles after use.

8. Offer drinking water to infants and toddlers several times daily.

9. Hold a child unable to hold a bottle whenever a bottle is given. Bottles may not be propped.

10. Cover, date and refrigerate commercial baby food containers which are opened and foods prepared in the center which are stored. If not used within 36 hours, leftover food shall be discarded.

11. Hold or place a child too young to sit in a high chair in an infant seat during feeding. Wide-based high chairs, hook-on chairs or infant seats with safety straps shall be provided for children who are not developmentally able to sit at tables and chairs.

12. Encourage children to experiment with self-feeding with their hands and spoons. Eating utensils and cups shall be scaled to the size and developmental level of the children.

13. Offer a variety of nourishing foods to each child, such as cereal, vegetables, fruit, egg yolks and meat, according to the child's developmental level and the parent's feeding schedule.

14. Refrain from feeding a child directly from commercial food containers.

15. Refrain from heating breast milk in a microwave oven.

(b) Procedures for heating infant formula, milk and food in a microwave oven shall be posted near the microwave oven. Child care workers shall follow the posted procedures for heating food, milk and formula.

(4) DIAPERING AND TOILETING.

(a) Child care workers shall do all of the following:

1. Plan toilet training in cooperation with the parent so that a child's toilet routine is consistent between the center and the child's home, except that no routine attempts may be made to toilet train a child under 18 months of age.

2. Change wet or soiled diapers and clothing promptly.

3. Change each child on an easily cleanable surface which is cleaned with soap and water and a disinfectant solution after each use with a chlorine bleach solution of one tablespoon bleach to one quart of water, made fresh daily, or a quaternary ammonia product prepared in accordance with label directions.

251.09(4)(a)3.Note:

Note: A quaternary ammonia product is any of a group of compounds in which a central nitrogen atom is joined to four organic radicals and one acid radical, used as antiseptics and disinfectants. Benzalkonium chloride, dimethyl benzyl ammonium chloride, and dodecyl dimethyl ammonium chloride are the names of some common ammonium compounds that might identify a product as a quaternary ammonium product. The chemical name for bleach is sodium hypochlorite.

4. If the diapering surface is above floor level, provide a barrier or restraint to prevent falling. A child may not be left unattended on the diapering surface.

5. Place disposable soiled diapers and gloves, if used, in a plastic-lined, hands-free, covered container immediately.

6. Place parent-supplied soiled cloth diapers in labeled plastic bags which are kept separate from other clothing.

7. Place center-supplied soiled cloth diapers in a plastic-lined, covered container for washing by a commercial diaper service.

8. Remove soiled diapers from containers as needed but at least daily for washing or disposal. Containers shall be washed and disinfected daily.

9. Wash hands with soap and running water before and after each diapering or assistance with toileting routines. For children under one year, hands may be washed with soap and a fabric or paper washcloth.

10. Apply lotions, powders or salves to a child during diapering only at the specific written direction of the child's parent or the child's physician. The directions on use shall be posted in the diaper changing area. Recording the use of lotions, powders or salves during diapering in the medical log book is not required.

11. Wash the child's diaper area before each diapering with a disposable or fabric towel used only once.

(b) Each self-contained classroom or area serving infants or toddlers who are diapered shall have a sink with hot and cold running water which is not used for food preparation or dishwashing within the room or area.

(c) There shall be a solid barrier between the diapering area and any food preparation area.

(d) There shall be a supply of dry and clean clothing and diapers sufficient to meet the needs of all the children at the center.

DCF 251.095 Exceptions and additional requirements for care of school-age children.

(1) APPLICABILITY. This section applies to group child care centers that serve only school-age children and group child care centers that serve school-age children in groups separate from children who are under 5 years of age. This section does not apply to group child care centers where school-age children are served in groups with children under 5 years of age.

(2) EXCEPTIONS FOR GROUP CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN. All requirements under ss. DCF 251.04 to 251.08 and 251.11 apply to group child care centers serving school-age children except for the following requirements:

(a) Section DCF 251.06(2)(b) but only in regard to protection of electrical outlets.

(b) Section DCF 251.06(8)(d) and (e) relating to shelves and storage space for clothing and personal belongings.

(c) Section DCF 251.06(11)(b)7. concerning a permanent enclosure of outdoor space. If hazards exist, such as traffic or bodies of water, the boundaries of outdoor play space shall be made known to the children.

(d) Section DCF 251.05(1)(g)2., relating to training for assistant child care teachers.

(e) Section DCF 251.05(3)(b), relating to supervision of children, does not apply to children 8 years of age and older in the child care center.

(3) EXCEPTIONS FOR GROUP CHILD CARE CENTERS SERVING ONLY SCHOOL-AGE CHILDREN IN SCHOOL BUILDINGS. The following requirements do not apply to group child care centers serving only school-age children in school buildings currently in use as school buildings:

(a) Section DCF 251.05(1)(g)2., relating to training for assistant child care teachers.

(b) Section DCF 251.06(1)(a) on maintaining a building inspection report.

(c) Section DCF 251.06(4)(a) on fire extinguishers.

(d) Section DCF 251.06(4)(j) on testing smoke detectors and fire alarms.

(dm) Section DCF 251.06(5)(c) on the requirement that garbage containers be covered. All other requirements of this section shall be met.

(e) Section DCF 251.06(6)(b) on testing well water.

Note: The requirements in pars. (b) to (e) do not apply to centers serving only school-age children in school buildings because school buildings are covered in chs. SPS 361 to 365 and NR 109.

(4) ADDITIONAL REQUIREMENTS FOR GROUP CHILD CARE CENTERS SERVING SCHOOL-AGE CHILDREN.

(a) *Supervision.*

1. A center serving school-age children is responsible for the health, safety and well-being of a child between the time the child arrives at the center and the time the child is released to the parent or to another activity which is specifically authorized in writing by the parent.

2. The center shall have on file an agreement, signed by the parent, which specifies the attendance schedule to be followed and authorizes the child's release to activities away from the center.

Note: The licensee may use either the department's form, Alternate Arrival/Release Agreement — Child Care Centers, or the licensee's own form for securing the parent's signed agreement. Information on how to obtain the department's form is-available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

3. School-age children 8 years of age and older may be authorized by staff to participate in center-sponsored activities in the child care center away from direct supervision by center staff.

5. School-age children 8 years of age and older may move between groups if a tracking method is implemented to ensure that child care workers know the whereabouts of each child assigned to the worker's care.

(b) *Staff qualifications.*

1. The administrator of a center serving only school-age children shall meet the requirements in s. DCF 251.05(1)(d)2. or department-approved experience, credits or courses in elementary education, physical education, child guidance or recreation or other department-approved training.

2. A center director or child care teacher of a center serving only school-age children shall meet the requirements of s. DCF 251.05(1)(e) or (f), as appropriate, or shall substitute for those requirements department-approved experience, credits or approved courses in elementary education, physical education, child guidance, recreation or other department-approved training.

3. Each assistant child care teacher shall meet the requirements in s. DCF 251.05(1)(g) or shall have satisfactorily completed at least 10 hours of training approved by the department in the care of school-age children within 6 months after assuming the position.

(c) *Program.* A center serving school-age children shall have a planned program which provides a change from the routine of school through provision of:

1. Rest and quiet areas.

2. Recreational activities, including outdoor and active play.

3. Freedom for children to select and plan their own activities.

(d) *Meals and snacks.*

1. Children enrolled in school who are attending the center when a meal or snack is served shall be offered the meal or snack.

2. School-age children present after school shall be served a snack.

DCF 251.10 Additional requirements for night care.

(1) APPLICABILITY. Group child care centers which operate during any period of time between 9:00 p.m. and 5:00 a.m. shall comply with the additional requirements of this section.

(2) GENERAL REQUIREMENTS.

(a) A center offering night care may serve no more than 20 children at any one time between 9:00 p.m. and 5:00 a.m. unless the building is equipped with emergency lighting supplied by a stand-by power source.

(b) When the same premises are used for the operation of both day care and night care, the number of children during any overlapping of the day care and night care periods may not exceed the maximum licensed capacity of the center.

(c) Minimum staff-child ratios and group sizes as specified in s. DCF 251.05(4) shall be maintained during night care.

(d) All child care workers on duty shall remain awake, available, within call and able to respond to the needs of the children during night care.

(e) The parent or center shall provide each child in night care with an individually labeled sleeping garment and a toothbrush.

(3) PROGRAM.

(a) Child care staff shall work with a child's parent to coordinate how the child spends his or her time during night care at the center with the family's schedule.

(b) A center offering night care shall provide a self-contained room away from sleeping children where an awake child can engage in activities.

(c) An evening and morning schedule of program activities shall be planned for the hours that children in night care are awake.

(d) School-age children shall have an opportunity to read or do school work.

(4) PREVENTIVE MEASURES.

(a) Child care workers shall be given training in techniques of evacuating sleeping children in an emergency during orientation to the job.

(b) Centers operating during hours of darkness shall provide emergency lighting, such as an operable flashlight, for each self-contained room used by children.

(c) Fire evacuation drills shall be practiced during night care hours at least 2 times per year.

(5) FEEDING.

(a) Breakfast shall be served to all children in care for the night, unless the parent specifies otherwise.

(b) A nighttime snack shall be available to all children in care.

(c) A child present at the time the evening meal is served shall be served the evening meal.

(6) SLEEP.

(a) Children who attend the center for the evening hours but not the whole night shall have an opportunity to sleep, as needed.

(b) Sleep routines for individual children shall be based on information provided by the parents.

(c) A bed, crib or cot with sheets and blankets or a sleeping bag, individual to each child, shall be provided in night care.

(d) The center shall maintain a supply of extra sleeping garments and bedding for emergencies and accidents.

(e) Children under 2 years of age in night care shall sleep in cribs.

DCF 251.11 Licensing administration.

(1) GENERAL CONDITIONS FOR APPROVAL OF LICENSE.

(a) A facility that provides care on a regular basis to 9 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.

(b) Prior to receiving a license, an applicant for a license under this chapter shall complete all application forms truthfully and accurately and pay all fees and forfeitures due to the department.

(c) The department may refuse to issue or continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fine or forfeitures.

(d) Persons licensed to operate a group child care center shall be responsible, mature individuals who are fit and qualified. In determining whether an applicant is fit and qualified, the department shall consider any history of civil or criminal violations or other offenses substantially related to the care of children by the applicant, owner, manager, representative, employee, center resident or other individual directly or indirectly participating in the operation of the group child care center. A determination of being unfit and unqualified includes substantiated findings of child abuse or neglect under ch. 48, Stats., or substantiated abuse under ch. 50, Stats., or under similar statutes in another state or territory whether or not it results in a criminal charge or conviction.

(e) The department shall issue a group child care license to an applicant within 60 working days after receipt and department approval of a properly completed application, satisfactory department investigation and determination that the applicant is fit and qualified. Continued licensure requires a licensee to remain fit and qualified.

(f) If the department has reason to believe that the physical or mental health of any person associated with the care of children at the center or any household resident of the center might endanger children in care, the department may require that a written statement be submitted by a physician or, if appropriate, by a licensed mental health professional that shall certify the condition of the individual and the possible effect of that condition on the group child care center or the children in care.

(g) The department may deny or revoke the license if the examination specified under par. (f) gives the department reasonable concern for the care of children.

(h) The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years. An applicant is deemed ineligible to submit an application for a license and a licensee may not hire an employee within 2 years from the date an applicant or employee had a child care license revoked or denied.

(i) The department shall consider a licensee who fails to submit any of the materials described in sub. (3) or (4) by the expiration or continuation date of a license to have surrendered his or her license and to no longer hold title to the license. The former licensee may not continue to operate the child care center.

(2) INITIAL APPLICATION FOR A PROBATIONARY LICENSE.

(a) An applicant for a license shall participate in pre-licensing technical assistance towards the completion of the initial licensing study checklist with a representative of the department prior to submitting an application for a license.

Note: 1. Information on how to obtain pre-licensing technical assistance is available from the appropriate Division of Early Care and Education regional office in Appendix A. The department will provide the application form to a license applicant upon completion of the pre-licensing technical assistance.

2. An initial licensing study checklist includes a list of those licensing rules that must be met before a license can be issued. A copy of the checklist is available from a representative of the department or from the appropriate regional office in Appendix A.

(b) An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating.

(c) An applicant for an initial license shall include all the following with the application form:

1. The license fee required under s. 48.65(3)(a), Stats.

2. A completed background information disclosure form provided by the department for the applicant. If the center is or will be located in a residence, a completed background information disclosure form shall be submitted for any household member aged 10 and above.

3. A statement from a representative of the department that details the results of any pre-licensing technical assistance.

4. A statement from the applicant that indicates the center is in compliance with all applicable items in this chapter.

5. A copy of all the policies required under s. DCF 251.04(2)(h) and (i) and a completed copy of the group child care policy checklist provided by the department.

Note: Information on how to obtain a copy of the Group Child Care Policy Checklist is available on the department's website, http://dcf.wisconsin.gov, or from any regional licensing office in Appendix A.

5g. The articles of incorporation and by-laws if the licensee is organized as a corporation, association or cooperative. If the licensee is a limited liability company, articles of organization shall be submitted.

5r. 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.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(d) Upon submission of a complete application, the department shall conduct an investigation to determine whether the applicant is eligible for a license.

(e) If the department determines that the applicant is eligible for a license, the department shall issue a probationary license having a 6-month duration. A probationary license may be renewed for one 6-month period.

(f) If the department determines that an application does not comply with the applicable requirements of this chapter or the department's investigation determines that the applicant is not eligible for a license, the department may deny the application.

(3) OBTAINING A REGULAR LICENSE.

(a) At least 30 days before the expiration date of a probationary license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license application.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s. 48.715(3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

5. Any changes to the delegation of administrative authority if not previously submitted.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

(b) If the department determines that the applicant has met the minimum requirements for a license under s. 48.67, Stats., and if the applicant has paid any applicable fees under ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any applicable penalty under s. 48.76, Stats., the department shall issue a regular license. Regular licenses shall be reviewed and continued for a 2-year period.

(4) CONTINUING A REGULAR LICENSE.

(a) A regular license shall be valid indefinitely, unless suspended or revoked by the department or surrendered by the licensee.

(b) At least 30 days before the continuation review date of the license, an applicant for license renewal shall submit to the department the following materials:

1. A completed license continuation application.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

3. The license renewal fee under s. 48.65(3)(a), Stats., and any forfeiture due and owing under s. 48.715(3), Stats., or penalty under s. 48.76, Stats.

4. Any changes to center policies, if not previously submitted.

5. Any changes to the delegation of administrative authority if not previously submitted.

6. Any other materials determined by the department as necessary to complete the department's licensing investigation.

Note: The department will supply a copy of the form, License Application — Group Child Care Centers, prior to the continuation date of the license.

(c) If the department determines that the licensee has met the minimum requirements for a license under s. 48.67, Stats., has paid the applicable fees referred to in ss. 48.65 and 48.685(8), Stats., any forfeiture under s. 48.715(3)(a), Stats., and any penalty under s. 48.76, Stats., the department shall continue the license for an additional 2 years.

(5) AMENDING A LICENSE.

(a) A licensee shall submit to the department a written request for an amendment to the license if the licensee wishes to change any of the following aspects of the license:

1. A change in the licensed capacity of the center.
2. The age range of the children.
3. The hours of the center's operation.
4. The days of the week the center is in operation.
5. The months of the year the center is in operation.
6. The name of the center.

(b) A licensee may not make a change that affects a condition of the license under par. (a) without the prior written approval of the department.

(c) A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership.

Note: The department's form, License Application — Group Child Care Centers, is used to apply for a new license. The department will provide an application when notified by the licensee that the center will move to a new location.

(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.

(6) ADDITIONAL LICENSE. A licensee applying for a license for an additional center location shall demonstrate compliance with this chapter in the operation of the existing center he or she operates and compliance with rules for any other facility licensed by the department and operated by the licensee. The licensee shall pay any fines, forfeitures or other fees due and owing under s. 48.715, Stats., or s. 48.65, Stats., on other facilities licensed by the department before the department issues an additional license.

(7) LICENSE DENIAL OR REVOCATION.

(a) The department may deny, revoke or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on a license if the applicant or licensee, a proposed or current employee, a volunteer or any other person having regular contact with the children, has or has been any of the following:

1. The subject of a pending criminal charge for an action that substantially relates to the care of children or activities of the center.
2. Convicted of a felony, misdemeanor or other offense or action that substantially relates to the care of children or activities of the center.
3. Determined to have abused or neglected a child pursuant to s. 48.981, Stats., or has been determined to have committed an offense which substantially relates to the care of children or the activities of the center.
4. The subject of a substantiated finding of misconduct in the department's nurse aide registry under s. DHS 129.10.
5. The subject of a court finding that the person has abandoned his or her child, has inflicted sexual or physical abuse on a child or has neglected or refused, for reasons other than poverty, to provide necessary care, food, clothing, medical or dental care or shelter for his or her child or ward or a child in his or her care so as to seriously endanger the physical health of the child.
6. Had a child care license or certification revoked or denied within the last 5 years.
7. Violated any provision of this chapter or ch. 48, Stats., or fails to meet the minimum requirements of this chapter.
8. Made false statements or withheld information.

Note: Examples of charges and offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children are: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials; and interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

(b) The department may deny, revoke, refuse to renew or suspend a license, initiate other enforcement actions specified in this chapter or in ch. 48, Stats., or place conditions on the license if the applicant or licensee is not fit and qualified as determined under sub. (1).

Note: See DCF 251.03(11g) for the definition of "fit and qualified." Examples of charges, actions or offenses the department will consider in making a determination under this paragraph that an act substantially relates to the care of children include the following: abuse or neglect of a child; sexual assault; abuse of a resident of a facility; a crime against life and bodily security; kidnapping; abduction; arson of a building or of property other than a building; robbery; receiving stolen property from a child; a crime against sexual morality, such as enticing a minor for immoral purposes or exposing a minor to harmful materials, interfering with the custody of a child. The list is illustrative. Other types of offenses may be considered.

(c) The department shall deny or refuse to continue or revoke a license if the applicant or licensee has failed to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses or other expenses related to the support of a child or former spouse or for the failure of the applicant or licensee to comply, after appropriate notices, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5), Stats., and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857, Stats. Notwithstanding s. 48.72, Stats., an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857, Stats., and not as provided in s. 48.72, Stats.

(d) The department shall deny an application for the issuance or continuation of a license or revoke a license if the department of revenue certifies under s. 73.0301, Stats., that the applicant or licensee is liable for delinquent taxes. An action taken under this subsection is subject to review only as provided under s. 73.0301(5), Stats., and not as provided in s. 48.72, Stats.

(8) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE.

(a)1. If the department decides under sub. (7) to deny the grant of a license or to revoke a license, the department shall notify the applicant or licensee in writing of its decision and the reasons for that decision.

2. If the department revokes a license, the effective date of the revocation shall be either immediately or 30 days after the date of the notice, based on the criteria under s. 48.715(4m)(a) and (b), Stats., unless the decision is appealed under sub. (10).

(b) Upon receipt of the notice in par. (a) and during any revocation or denial procedures that may result, a group child care center may not accept for care any child not enrolled as of the date of receipt of the notice without the written approval of the department.

(9) SUMMARY SUSPENSION OF A LICENSE.

(a) Under the authority of s. 227.51(3), Stats., the department shall summarily suspend a license and close a group child care center when the department finds that the public health, safety or welfare requires emergency action and incorporates a finding to that effect into its order. A finding of a requirement for summary suspension of the license may be based on any of the following:

1. Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.

2. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of or has a pending charge for a crime against life or bodily security.

3. The licensee, an employee, a volunteer or any other person in regular contact with the children in care has been convicted of a felony, misdemeanor or other offense that substantially relates to the care of children or activities of the center or has a pending charge that substantially relates to the care of children or activities of the center.

4. The licensee, employee, volunteer or any other person in regular contact with the children in care is the subject of a current investigation for alleged child abuse or neglect pursuant to s. 48.981, Stats., or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.

5. The licensee or a person under the supervision of the license has committed an action or has created a condition relating to the operation or maintenance of the child care center that directly threatens the health, safety or welfare of any child under the care of the licensee.

(b) An order summarily suspending a license and closing a group child care center may be a verbal order by a licensing representative of the department. Within 72 hours after the order takes effect, the department shall either permit the reopening of the center or proceed under sub. (7) or (8) to revoke the license. A preliminary hearing shall be conducted by the department of administration's division of hearings and appeals, within 10 working days after the date of the initial order to close, on the issue of whether the license shall remain suspended during revocation proceedings.

(10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE.

(a) Any person aggrieved by the department's decision to deny a probationary or regular license or to revoke a license may request a hearing on that decision under s. 227.42, Stats. The request for a hearing shall be in writing and submitted to the department of administration's division of hearings and appeals. The request for a hearing shall be sent to the division of hearings and appeals within 10 days after the date of the notice under sub. (8). A request for a hearing is considered filed upon its receipt by the division of hearings and appeals. A request for a hearing transmitted by facsimile to the division of hearings and appeals shall be considered filed on the date and time imprinted by the division's facsimile machine on the transaction report that accompanies the document. Documents received by facsimile after midnight local time shall be deemed filed on the first following business day.

Note: A request for hearing should be submitted by mail to the Division of Hearings and Appeals, P.O. Box 7875, Madison, Wisconsin 53707-7875, or should be delivered to the Division at 5005 University Ave., Room 201, Madison, Wisconsin. Hearing requests may be faxed to 608-264-9885. A copy of the request should be sent to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The division of hearings and appeals shall conduct an administrative hearing under s. 227.42, Stats., within 30 calendar days after receipt of the request for the administrative hearing, unless any of the following occurs:

1. The aggrieved person consents to an extension of that time period.

2. The petitioner withdraws the request in writing.

3. The petitioner agrees in writing to accept an informal resolution of the appeal.

4. The petitioner abandons the hearing request. The division of hearings and appeals shall determine that abandonment has occurred when the petitioner, without good cause, fails to appear personally or by representative at the time and place set for the hearing or scheduled pre-hearing matters. Abandonment may also be deemed to have occurred when the petitioner or the authorized representative fails to respond within a reasonable time to correspondence from the division regarding the hearing or when the petitioner is not at an agreed-upon telephone number at the agreed time.

(c) The division of hearings and appeals:

1. Shall consider and apply all standards and requirements of this chapter.

2. Issue a decision no later than 30 calendar days after holding the hearing, unless both parties agree to a later date.

3. May dismiss the petition if it determines that the petitioner has abandoned the request pursuant to par. (b)4.

(d) If, under s. HA 3.09, the division of hearing and appeals issues a proposed decision, both parties may file comments on the decision with the division of hearings and appeals within 15 calendar days from the date of the proposed decision's issuance. At the close of the comment period, the division shall forward a decision and comments to the secretary for issuance of a final decision, and the secretary shall issue the final decision within 30 calendar days thereafter. The decision of the division of hearings and appeals administrative law judge, if adopted by the secretary, constitutes the final decision of the department.

DCF 251.12 Complaints, inspections and enforcement actions.

(1) COMPLAINTS.

(a) Anyone having a complaint about a licensed or illegally operating group child care center may submit that complaint to the department by telephone, letter or personal interview. A representative of the department shall investigate every complaint. If requested by the complainant, the department shall provide the complainant a written report of the investigation findings.

Note: A complaint should be sent, phoned or delivered to the appropriate Division of Children and Family Services regional office listed in Appendix A.

(b) The licensee may not discharge an employee because that employee has reported violations of this chapter to the representative of the department.

(2) INSPECTION.

(a) Pursuant to s. 48.73, Stats., the department may visit and inspect any group child care center at any time during licensed hours of operation. A department licensing representative shall have unrestricted access to the premises identified in the license, including access to children served and staff records and any other materials or other individuals having information on the group child care center's compliance with this chapter.

(b) At least once per year, the department shall inspect each vehicle that is required to have a child safety alarm under s. DCF 251.08(8)(a) to determine whether the child safety alarm is in good working order.

(3) ENFORCEMENT ACTION. The department may order any sanction or impose any penalty on a licensee in accordance with s. 48.685, 48.715 or 48.76, Stats.

APPENDIX A
REGIONAL OFFICES OF THE DIVISION OF EARLY CARE AND EDUCATION

The Department of Children and Families licenses child care centers through five Division of Early Care and Education regional offices. Below are addresses and phone numbers of the regional offices and related counties.

REGIONS	COUNTIES
Northeastern Regional Office 200 North Jefferson, Suite 411 Green Bay, WI 54301 Gen: (920) 448-5312 Fax: (920) 448-5306	Brown, Calumet, Door, Fond du Lac, Green Lake, Kewaunee, Manitowoc, Marinette, Marquette, Menominee, Oconto, Outagamie, Ozaukee, Shawano, Sheboygan, Washington, Waupaca, Waushara, Winnebago
Northern Regional Office 2187 North Stevens Street, Suite C Rhinelander, WI 54501 Gen: (715) 365-2500 Fax: (715) 365-2517	Ashland, Bayfield, Florence, Forest, Iron, Langlade, Lincoln, Marathon, Oneida, Portage, Price, Sawyer, Taylor, Vilas, Wood
Southeastern Regional Office 141 NW Barstow, Room 104 Waukesha, WI 53188-3789 Gen: (262) 521-5100 Fax: (262) 521-5314	Kenosha, Milwaukee, Racine, Waukesha
Southern Regional Office 1 West Wilson Street, Room 655 P.O. Box 8947 Madison, WI 53708-8947 Gen: (608) 266-2900 Fax: (608) 261-7824	Adams, Columbia, Crawford, Dane, Dodge, Grant, Green, Iowa, Jefferson, Juneau, Lafayette, Richland, Rock, Sauk, Walworth
Western Regional Office 610 Gibson Street, Suite 2 Eau Claire, WI 54701-3696 Gen: (715) 836-2185 Fax: (715) 836-2516	Barron, Buffalo, Burnett, Chippewa, Clark, Douglas, Dunn, Eau Claire, Jackson, LaCrosse, Monroe, Pepin, Pierce, Polk, Rusk, St. Croix, Trempealeau, Vernon, Washburn

APPENDIX B

CACFP MEAL PATTERN REQUIREMENTS - AGES 1 to 12

	Age 1 & 2	Age 3, 4 & 5	Age 6 up to 12
BREAKFAST			
1. Milk, fluid	1/2 cup	3/4 cup	1 cup
2. Juice[a] or fruit or vegetable **or**	1/4 cup	1/2 cup	1/2 cup
Fruit(s) or vegetable(s)	1/4 cup	1/2 cup	1/2 cup
3. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc.[b]	1/2 serving	1/2 serving	1 serving
Cereal: Cold dry	1/4 cup or 1/3 oz.[c]	1/3 cup or 1/2 oz.[c]	3/4 cup or 1 oz.[c]
Cereal: Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
LUNCH OR SUPPER			
1. Milk	1/2 cup	3/4 cup	1 cup
2. Meat or meat alternate:			
Meat, poultry, fish, cheese	1 oz.	1+1/2 oz.	2 oz.
Alternate protein products[g]	1 oz.	1+1/2 oz.	2 oz.
Yogurt: plain or flavored, unsweetened or sweetened	4 oz. or 1/2 cup	6 oz. or 3/4 cup	8 oz. or 1 cup
Egg	1/2 egg	3/4 egg	1 egg
Cooked dry beans or peas	1/4 cup	3/8 cup	1/2 cup
Peanut butter or other nut or seed butter	2 Tbsp.	3 Tbsp.	4 Tbsp
Peanuts or soynuts or tree nuts or seeds	1/2 oz. = 50%[d]	3/4 oz. = 50%[d]	1 oz. = 50%[d]
3. Vegetable and/or fruit[e] (at least two)	1/4 cup total	1/2 cup total	3/4 cup total
4. Grains/Breads:[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc.[b]	1/2 serving	1/2 serving	1 serving
Cereal, Hot cooked	1/4 cup total	1/4 cup	1/2 cup
Cereal, Cold dry	1/4 cup or 1/3 oz.[c]	1/3 cup or 1/2 oz.[c]	3/4 cup or 1 oz.[c]
Cooked pasta or noodle products	1/4 cup	1/4 cup	1/2 cup
SUPPLEMENT Select two of the following four components:			
1. Milk	1/2 cup	1/2 cup	1 cup
2. Juice[a,f] or fruit or vegetable **or**	1/2 cup	1/2 cup	3/4 cup
Fruit(s) or vegetable(s)	1/2 cup	1/2 cup	3/4 cup
3. Grains/Breads[b]			
Bread	1/2 slice	1/2 slice	1 slice
Cornbread, biscuits, rolls, muffins, etc.[b]	1/2 serving	1/2 serving	1 serving
Cereal: Cold dry	1/4 cup or 1/3 oz.[c]	1/3 cup or 1/2 oz.[c]	3/4 cup or 1 oz.[c]
Cereal: Hot cooked	1/4 cup	1/4 cup	1/2 cup
4. Meat or meat alternate:			
Meat, poultry, fish, cheese	1/2 oz.	1/2 oz.	1 oz.
Alternate protein products[g]	1/2 oz.	1/2 oz.	1 oz.
Egg, Large[h]	1/2 egg	1/2 egg	1/2 egg
Cooked dry beans or peas	1/8 cup	1/8 cup	1/4 cup
Peanut butter or other nut or seed butter	1 Tbsp.	1 Tbsp	2 Tbsp
Peanuts or soynuts or tree nuts or seeds	1/2 oz.	1/2 oz.	1 oz.
Yogurt: plain or flavored, unsweetened or sweetened	2 oz. or 1/4 cup	2 oz. or 1/4 cup	4 oz. or 1/2 cup

[a] Must be full strength fruit or vegetable juice.

[b] Bread, pasta or noodle products, and cereal grains shall be whole grain or enriched, cornbread, biscuits, rolls, muffins, etc., shall be made with whole grain or enriched meal or flour.

[c] Either volume (cup) or weight (oz.), whichever is less.

[d] No more than 50% of the requirement shall be met with tree nuts or seeds. Tree nuts and seeds shall be combined with another meat/meat alternate to fulfill the requirement. For purpose of determining combinations, 1 oz. of nuts or seeds is equal to 1 oz. of cooked lean meat, poultry or fish.

[e] Serve 2 or more kinds of vegetable(s) and/or fruit(s). Full strength vegetable or fruit juice may be counted to meet not more than one-half of this requirement.

[f] Juice may not be served when milk is the only other component.

[g] Alternate protein products may be used as acceptable meat alternates.

h One-half egg meets the required minimum amount (one-ounce or less) of meat alternate.

APPENDIX C
CACFP MEAL PATTERN REQUIREMENTS - BIRTH THROUGH 11 MONTHS

The infant meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

The minimum quantity of food shall be provided to the infant, but may be served during a span of time consistent with the infant's eating habits.

Birth Through 3 Months	4 Through 7 Months	8 Through 11 Months
BREAKFAST 4- 6 fl. oz. formula[1] or breast milk [5,6]	4-8 fl. oz. formula[1] or breast milk [5,6] 0-3 T. infant cereal[2] (optional)	6-8 fl. oz. formula[1], breast milk [5,6] 2-4 T. infant cereal[2] 1-4 T. fruit and/or vegetable
LUNCH OR SUPPER 4- 6 fl. oz. formula[1] or breast milk [5,6]	4-8 fl. oz. formula[1] or breast milk 0-3 T. infant cereal[2] (optional) 0-3 T. fruit and/or vegetable (optional)	6-8 fl. oz. formula[1], breast milk [5,6] 2-4 T. infant cereal[2] and/or 1-4 T. meat, fish, poultry, egg yolk, or cooked dry beans or peas, or $^1/_2$-2 oz. cheese or 1-4 oz. cottage cheese, cheese food, or cheese spread 1-4 T. fruit and/or vegetable
SNACK 4- 6 fl. oz. formula[1] or breast milk [5,6]	4-6 fl. oz. formula[1] or breast milk [5,6]	2-4 fl. oz. formula[1], breast milk, or fruit juice[3] 0-$^1/_2$ bread or 0-2 crackers (optional)[4]

[1] Shall be iron-fortified infant formula.
[2] Shall be iron-fortified dry infant cereal.
[3] Shall be full-strength fruit juice.
[4] Shall be from whole-grain or enriched meal or flour.
[5] It is recommended that breast milk be served in place of formula from birth through 11 months.
[6] For some breast-fed infants who regularly consume less than the minimum amount of breast milk per feeding, a serving of less than the minimum amount of breast milk may be offered, with additional breast milk offered if the infant is still hungry.

Required Guidelines for Infant Meal Pattern

Definition of Infant. Any child less than 12 months of age.
Definition of Infant Formula. Infant formula defined by USDA is "any iron-fortified infant formula intended for dietary use as a sole source for food for normal healthy infants served in liquid state at manufacturer's recommended dilution".
Infant Formula/Breast Milk. The decision regarding feeding infants breast milk or the type of infant formula is one for the infant's doctor and parents/guardian to make together.
Definition of Optional. Optional foods must be served as each infant becomes developmentally ready for the specified foods.

APPENDIX D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY

CPSC Document # 5020

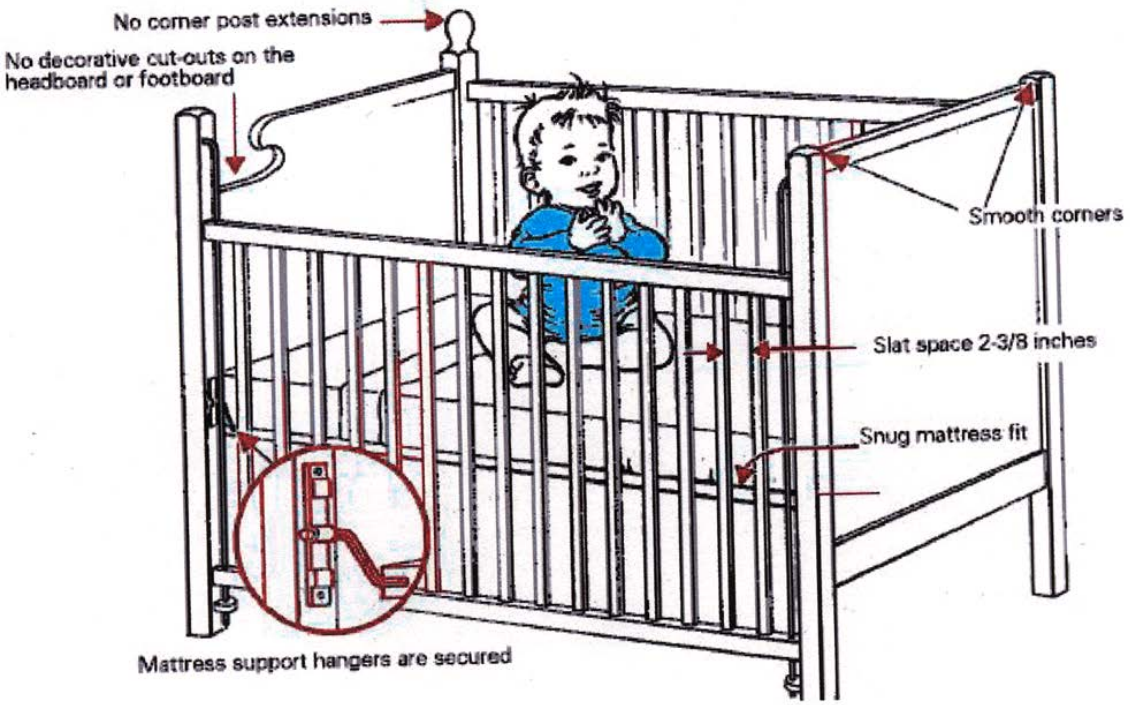
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

A safe crib is the best place to put a baby to sleep. Look for a crib with a certification seal showing that it meets national safety standards.

If a crib does not meet these guidelines, it may not be used by children enrolled in your child care center. To protect all children, destroy it and replace it with a safe crib.

A safe crib has:

- No missing, loose, broken, or improperly-installed screws, brackets, or other hardware on the crib or the mattress support.
- No more than 2 3/8 inches between crib slats so a baby's body cannot fit through the slats.
- A firm, snug-fitting mattress so a baby cannot get trapped between the mattress and the side of the crib.
- No corner posts over 1/16 of an inch above the end panels (unless they are over 16 inches high for a canopy) so a baby cannot catch clothing and strangle.
- No cutout areas on the headboard or foot board so a baby's head cannot get trapped.
- A mattress support that does not easily pull apart from the corner posts so a baby cannot get trapped between mattress and crib.
- No cracked or peeling paint to prevent lead poisoning.
- No splinters or rough edges.



APPENDIX E
REQUIRED ITEMS FOR GROUP CHILD CARE CENTERS

A. Items to be Submitted to Regional Office at Time of Initial Application

1. All fees and forfeitures due to the department. [251.04(2)(f)]
2. Completed form, *Initial License Application – Group Child Care Centers* and all requested supporting documentation. [251.11(2)(b); 251.11(2)(c)6.]
3. The license fee required under s. 48.65(3)(a), Wis. Stats. Note: The license fee is based on capacity and will be determined after the licensing specialist makes the onsite visit. The license fee must be submitted prior to the license being issued. [251.11(2)(c)1]
4. Supporting documentation regarding organization structure: [251.11(2)(c)5g; 251.11(2)(c)6.]
   a. Articles of Organization and Operating Agreement AND a list of the full name and address of each partner / member if the applicant is organized as a partnership or limited liability company.
   b. Articles of Incorporation AND a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors, its committees and its officers if the applicant is organized as a corporation or church.
5. Completed form, *Background Information Disclosure* (BID), for the legally responsible individual and, if the center will be located in a residence, any household member aged 12 and above and any applicable fees. [251.11(2)(c)2; s. 48.685(8)] Note: An applicant who fails to submit a complete BID form, who knowingly provides false information on the BID form, or who knowingly omits information from the BID form may be subject to denial of the application for regulatory approval. [DCF 12.09(2)]
   - If your business type is Individual / Sole Proprietor or Limited Liability Company – Sole Proprietor, the legally responsible individual is the individual who is applying for the child care license.
   - If your business type is Corporation or Church, the legally responsible individual is the president of the governing board.
   - If your business type is Limited Liability Company – Corporation, Limited Liability Company – Partnership, or Partnership, all members of the LLC or Partnership are required to fulfill this requirement unless the Articles of Organization or Operating Agreement identifies a manager on whom the CBC will be run.
6. A completed and signed Substitute W-9 Taxpayer Identification Number (TIN) Verification form (DOA-6448). See the instructions on the back of the form if you have questions when filling it out. [251.11(2)(c)6.]
7. A current written delegation of administrative authority signed by the licensee that outlines the organizational structure and designates, by position or name, those persons on the premises who are in charge of the center for all hours of operation. [251.11(2)(c)5r]
8. If your water source is a private well, a copy of the results of the water test for lead and bacteria. Include nitrate level test if you will provide care for infants under 6 months of age. [251.06(6)(b); 251.11(2)(c)6.]
9. A diagram of the outdoor play space which indicates dimensions, enclosures, and the location of all buildings and bodies of water on the premises. [251.11(2)(c)6.]
10. A diagram of the floor plan of the total interior space which indicates all spaces that will be used by the center, the dimensions, exits and room usage. [251.11(2)(c)6.]
11. A building inspection report evidencing compliance with the applicable building codes. [251.06(1)(a); 251.11(2)(c)6.]
12. If dogs, cats or ferrets are on the premises, current rabies immunization certificates from a veterinarian. [251.07(7)(a); 251.11(2)(c)6.]
13. Proof of liability insurance on the child care business. Include an indication covering the presence of dogs and cats if pets will be allowed in areas of the center accessible to children. [251.04(2)(g); 251.07(7)(h)]

14. Completed form, *Vehicle Safety Inspectio*n, and proof of vehicle liability insurance for each vehicle used to transport children in care if applicable. [251.04(2)(g); 251.08(7)(a); 251.11(2)(c)6.]
15. A copy of all the policies required under 251.04(2)(h) and (i) and a completed form, *Policy Checklist – Group Child Care Centers*. [251.11(2)(c)5.]
16. Completed form, *Initial Licensing Checklist – Group Child Care Centers*, that has been signed not more than 14 days prior to submitting, that details the results of any prelicensing technical assistance, and indicates the center is in compliance with all applicable rules. [251.11(2)(a); 251.11(2)(c)3.; 251.11(2)(c)4.]
17. If meals will prepared off premises by another agency, a copy of that location's kitchen inspection report by a state agency. [251.06(9)(c)3m.; 251.11(2)(c)6.]
18. If you plan to provide care to mildly ill children, a copy of the written plan for provision of care to mildly ill children. [251.07(6)(d); 251.11(2)(c)6.]
19. If the center will provide night care (any period of time between 9:00 p.m. and 5:00 a.m.), a copy of the written plan to evacuate sleeping children in an emergency. [251.11(2)(c)6.]
20. If the center has no available on-premises play space, a request for an exemption to use off-premises play space and the plan for using that space. [251.06(11)(c)2.; 251.11(2)(c)6.]
21. If the center uses a beach on the premises, a report from the local municipality indicating the beach complies with any local ordinance. [251.06(12)(c)1.; 251.11(2)(c)6.]

An applicant for a license shall submit an application at least 60 days before the date proposed for the center to begin operating. [251.11(2)(b)]

The department may not process an application for a license if the applicant has had a license or certification to operate a child care center revoked or denied within the last 2 years. [251.11(1)(h)]

The department may deny a license or a probationary license to any person who has had a license or a probationary license revoked within the previous 5 years. [251.11(7)(a)6.]

The department may refuse to issue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. [251.11(1)(c)]

B. <u>Items to be Submitted to Regional Office at Time of License Continuation</u>

1. All fees and forfeitures due to the department. [251.04(2)(f)]
2. The license renewal fee and any forfeiture or penalty due to the department. [251.11(3)(a)3.; 251.11(4)(b)3.]
3. Completed form, *License Continuation*, and all requested supporting documentation. [251.11(3)(a)1.; 251.11(4)(b)1.]
4. Completed form, *Background Information Disclosure (BID)*, for any persons aged 12 and above who live in the center where care is provided but are not already listed in the Household Members section of the *License Continuation* form. [12.08(2)(b); 251.11(3)(a)2; 251.11(4)(b)2.; s. 48.685(6)(b)1.]
5. If you are organized as a corporation or church, a list that provides the name, title, address, telephone number and dates of office of each member of the board of directors / governing board. [12.08(2)(a); 251.11(3)(a)6.; 251.11(4)(b)6]
6. The current written delegation of administrative authority, signed by the licensee, that describes the organizational structure and designates, in a chain of command form, those persons on the premises who are in charge of the center for all hours of operation. [251.11(3)(a)5 or 251.11(4)(b)5.]
7. A current list of all program staff (e.g., administrator, center director, child care teachers, assistant child care teachers) that includes each person's name, job title, birthdate, date of initial employment, and Registry status. [251.11(3)(a)6.; 251.11(4)(b)6.]
8. A current list of support staff (e.g. cooks, maintenance personnel, etc.) that includes each person's name, job title, birthdate, and date of initial employment. [251.11(3)(a)6.; 251.11(4)(b)6.]
9. If you have made changes, but have not yet submitted them to the department, the most current copy of the center's policies that reflect current practices and a completed form, *Policy Checklist – Group Child Care Centers*. [251.11(3)(a)4.; 251.11(4)(b)4.]

10. If the center gets its water from a private well, a copy of the results of the current tests for bacteria, for lead, and for nitrate level if center is licensed to care for infants under 6 months of age. Bacteria and nitrate tests are required annually; lead tests are required every 3 years. [251.06(6)(b); 251.11(3)(a)6.; 251.11(4)(b)6.]
11. If the center provides meals to the children in care, and the meals are prepared off premises by another agency, a copy of the off-premises kitchen's report of inspection by a state agency. [251.06(9)(c)3m.; 251.11(3)(a)6.; 251.11(4)(b)6.]
12. If there are pets on the premises, a current certificate from a veterinarian documenting rabies immunization for each cat, dog or ferret located on the premises of the center. [251.07(7)(a); 251.11(3)(a)6.; 251.11(4)(b)6.]
13. A current certificate of general liability insurance. If dogs and cats are allowed in areas of the center accessible to children, the certificate should specifically indicate coverage for dogs and cats. 251.04(2)(g)1.a.; 251.04(2)(g)2; 251.11(3)(a)6.; 251.11(4)(b)6.]
14. If transportation is provided by the center, a current certificate of vehicle liability insurance with minimums no less that those specified in s. 121.53, Stats. [251.04(2)g.; 251.11(3)(a)6.; 251.11(4)(b)6.]
15. If transportation is provided by the center, completed form, *Vehicle Safety Inspection*, for any center owned or operated vehicle used to transport children. [251.08(7)(a); 251.11(3)(a)6.; 251.11(4)(b)6.]

An applicant for license continuation shall submit the requested materials at least 30 days before the expiration / continuation of the license. [251.11(3)(a) or 251.11(4)(b)]

The department may refuse to continue a license if another center operated by the licensee is in substantial non-compliance with the licensing rules or has any outstanding fines or forfeitures. [251.11(1)(c)]

C. <u>Items to be Kept in Children's Files</u>

1. Completed form, *Child Care Enrollment*, or the licensee's own form that includes all of the following shall be on file prior to the child's first day of attendance. [251.04(6)(a)1.]
   a. The name and birthdate of the child.
   b. The full names of the child's parents.
   c. The child's home address and telephone number.
   d. An address and telephone number where a parent can be reached while the child is in care.
   e. The name, address, telephone number and relationship to the child of a person to be notified in an emergency when a parent cannot be reached immediately.
   f. The name, address and telephone number of a physician or medical facility caring for the child.
   g. The names, addresses and telephone numbers of persons other than a parent authorized to call for the child or to accept the child who is dropped off.
   h. The child's first day of attendance at the center.
2. For infants and toddlers, completed form, *Intake for Child Under 2 Years – Child Care Centers*, or the licensee's own form that includes all of the following shall be on file prior to admission. [251.04(6)(a)1.i.; 251.09(1)(am)]
   a. Schedule of meals and feeding.
   b. Types of food introduced and timetable for new foods.
   c. Toileting and diapering procedures.
   d. Sleep and nap schedule.
   e. The child's way of communicating and being comforted.
   f. Developmental and health history.
3. Changes in an infant or toddler's development and routines shall be documented every 3 months based on discussion between the child care worker(s) and the parent(s). [251.09(1)(c)]
4. Completed form, *Child Care Enrollment*, or the licensee's own form documenting consent from the parent for emergency medical care or treatment shall be on file prior to the child's first day of attendance. [251.04(6)2.]
5. Written acknowledgement from the parents confirming they are aware of the presence of pets and animals if pets and animals are allowed to roam in areas of the center occupied by children. [251.07(7)(c)]

6. If transportation is provided, completed form, *Transportation Permission – Child Care Centers*, or the licensee's own form obtaining authorization from the parent to transport the child to and from the center, shall be on file prior to the child's first day of attendance. [251.04(6)3.]
7. Completed form, *Field Trip or Other Activity Notification / Permission*, for securing authorization from the parent for the child to participate in and be transported for field trips and other activities if these are part of the center's program, shall be on file prior to the child's first day of attendance. [251.04(6)(a)4.]
8. Completed form, *Alternate Arrival / Release Agreement – Child Care Centers*, or the licensee's own form to obtain authorization from the parent outlining the plan for a child to come to the center from school, home or other activities or to go from the center to school, home or other activities unless the child is accompanied by a parent or other authorized person or transported by the center shall be on file prior to the child's first day of attendance. [251.04(6)5.]
9. Completed form, *Health History and Emergency Care Plan – Child Care Centers*, documenting the child's health history shall be on file prior to the child's first day of attendance. [251.04(6)6]
10. A report documenting the results of the child's most recent physical exam signed and dated by a licensed physician, physician assistant, or HealthCheck provider shall be on file prior to the child's first day of attendance. Note: Evidence of a health exam may include the department form, *Child Health Report – Child Care Centers*, or an electronic printout from a medical professional. [251.07(6)(k)]
11. Documentation of immunization history shall be on file prior to the child's first day of attendance. Note: The form, *Day Care Immunization Record*, or an electronic printout from the Wisconsin Immunization Registry or other registry maintained by a health care provider may be used to meet this requirement. [251.04(6)6m.; 251.07(6)(L)]
12. Completed form, *Informed Consent for Observation or Testing by an Outside Agency — Child Care Centers*, or the licensee's own form to obtain specific informed written consent from the parent for each incident of participation by a child in any research or testing project. [251.04(6)7.]
13. Completed form, *Authorization to Administer Medication – Child Care Centers*, or the licensee's own form that includes the child's name and birthdate, name of medication, administration instructions, medication intervals and length of the authorization dated and signed by the parent to obtain written authorization if the center will give prescription or non-prescription medication to children. [251.07(6)(f)1.a.]
14. Written authorization from the parent to apply sunscreen or insect repellant. Authorization shall include the brand and ingredient strength, and shall be reviewed every 6 months and updated as necessary. [251.07(6)(f)2.]
15. Written parental consent for the center to care for the child when mildly ill if the center will be licensed to care for mildly ill children. [251.07(6)(d)3.]
16. Written authorization from child's physician if a child under age 1 is to be put to sleep in a position other than on his or her back in a crib. [251.09(2)(bm)]
17. Written authorization from the child's physician if an infant/toddler must be provided with a type of milk or milk substitute other than formula or breast milk. [251.09(3)6.]
18. Written authorization from child's physician if the parent requests the child be provided with a special diet based on a medical condition, excluding food allergies but including nutrient concentrates and supplements. [251.07(5)(a)9.]
19. Written request from the parent if the child must be provided with a special diet based on a food allergy. [251.07(5)(a)9m.]
20. Specific written directions from the parent or the child's physician if lotions, powders or salves are to be applied during diapering. [251.09(4)(a)10.]

Required records must be maintained for the length of time the child is enrolled, be on the premises for children in care and be available to the licensing specialist for review. It is recommended that the date of discharge be added to the child's record and that the center retain records for 3 years after a child is discharged. [251.04(6)(a); 251.04(7)(c)]

D. <u>Items to be Kept in Staff Files</u>

1. Completed form, *Staff Record – Child Care Centers*, or the licensee's own form that includes all of the following shall be obtained prior to the employee's first day of work and kept current thereafter. [251.04(5)(a)1.]
   a. Employee name, address, and date of birth.
   b. The name, address and telephone numbers of persons to be notified in an emergency.
   c. Educational qualifications.
   d. Previous work experience in child care including reason for leaving previous positions.
   e. Position title.
2. Completed form, *Background Information Disclosure*, obtained prior to the first day of work. [12.03(1); 251.04(5)(a)2]
3. Documentation of all required entry-level training / experience shall be on file prior to the employee's first day of work. [251.04(5)(a)5.]
4. Documentation of training in shaken baby syndrome prevention if the person will provide care and supervision to children under age 5 shall be on file prior to the employee's first day of work. [251.04(5)(a)7.; 251.05(1)(b)]
5. Completed form, *Staff Orientation Checklist – Group Child Care Centers*, or the licensee's own form documenting that the employee received an orientation within the first week at the center, and that the orientation included all of the following: [251.04(5)(a)6.; 251.05(2)(a)]
   a. Review of chapter DCF 251.
   b. Review of center policies required under s. DCF 251.04(2)(h) and (i).
   c. Review of the center contingency plans required under s. DCF 251.04(2)(i), including fire and tornado evacuation plans and the operation of fire extinguishers.
   d. If your center operates during any period of time between 9:00 p.m. and 5:00 a.m., training in techniques of evacuating sleeping children in an emergency. [251.10(4)(a)]
   e. First aid procedures.
   f. Job responsibilities in relation to the job description.
   g. Training in the recognition of childhood illnesses and infectious disease control, including handwashing procedures and universal precautions for handling body fluids.
   h. Schedule of activities of the center.
   i. Review of child abuse and neglect laws and center reporting procedures.
   j. The procedure for ensuring that all child care workers know the children assigned to their care and their whereabouts at all times including during center-provided transportation.
   k. Child management techniques.
   l. Procedure for sharing information related to a child's special health care needs including any physical, emotional, social or cognitive disabilities with any child care worker who may be assigned to care for that child throughout the day.
   m. Review of procedures to reduce the risk of sudden infant death syndrome prior to an employee's or volunteer's first day of work, if the center is licensed to care for children under one year of age.
   n. The procedure to contact a parent if a child is absent from the center without prior notification from the parent.
   o. Information on any special needs a child enrolled in the center may have and the plan for how those needs will be met.
6. Completed form, *Staff Health Report – Child Care Provider*, that was completed within 12 months prior to, or 30 days after, the person became licensed or began working with children that indicates that the person is free from illness detrimental to children, including tuberculosis, and that the person is physically able to work with young children. [251.04(5)(a)4.; 251.05(1)(L)]

7. Completed Caregiver Background Check (CBC) as specified in s. 48.685, Wis. Stats., and ch. DCF 12 for employees 18 and older; adults compensated from other sources; substitute caregivers and volunteers age 18 and older used to meet staff to child ratios completed within 60 days of employment and annually thereafter. The most recent background information shall be maintained and made available for inspection by authorized persons. [s. 48.685(2)(b); s. 48.685(2)(d); 251.04(5)(a)3.]
   a. A criminal history search from the records maintained by the department of justice.
   b. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.
   c. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.
   d. Information maintained by the department regarding any final determination under s. 48.981(3)(c)5m. or if a contested case hearing is held on such a determination, any final decision under s. 49.981(3)(c)5p. that the person has abused or neglected a child.
   e. Information maintained by the department of health services under this section and under ss. 48.623(6)(am)2. and (bm)5., 48.651(2m), 48.75(1m), 48.979(1)(b), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity, for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subd. 1.e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subd. 1.e., the entity need not obtain the information specified in subd. 1.a. to d.
   f. Information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.
   g. If the person who is the subject of the search is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, the licensee shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in s. 48.685(2)(b)1.a. [48.685(2)(bm)]
   h. If the licensee is participating, or wishes to participate, in the Wisconsin Shares Child Care Subsidy Program, proof that a fingerprint check has been run through the federal bureau of investigation.[48.685(2)(br)]
8. For each administrator, center director, and child care teacher who has been in the position for 3 months, a certificate from The Registry (the Wisconsin early childhood professional recognition system) documenting that the person has met the educational qualifications for the position. For school-age only programs, the administrator, center director and teachers shall obtain a certificate within 6 months after assuming the position. Persons holding a teacher license issued by the department of public instruction are not required to obtain a certificate. [251.05(1)(i)]
9. Current certificate of completion for infant and child cardiopulmonary resuscitation and automated external defibrillator use from an agency approved by the department shall be obtained within 6 months after beginning to work with children and kept current thereafter. [251.05(1)(c)]
10. Documentation that the Center Director has obtained any additional training required under 251.05(1)(e)4.d., 4.e., or 5.d.
11. Documentation of the days and hours a substitute, employee or volunteer has been employed to meet the applicable staff-to-child ratio. [251.04(5)(a)8.; 251.05(1)(k)4.]
12. Completed form, *Staff Continuing Education Record – Child Care Centers*, or licensee's own form documenting completion of the annual continuing education requirement. [251.04(5)(a)6.]
13. For food service personnel, documentation of annual training of at least 4 hours in kitchen sanitation, food handling, and nutrition. [251.05(2)(d)]

E. Items to be Provided to Parents

1. A summary of Chapter DCF 251 Group Child Care Centers shall be provided to parents of each child upon enrollment. Paper copies of the brochure "*Your Guide to Regulated Child Care – Your Summary of the Child Care Rules*" may be obtained from the Child Care Information Center by calling 1-800-362-7353, and the PDF print-on-demand version is available from the department's website at http://dcf.wisconsin.gov. [251.04(4)(e)]
2. When food is provided by the parent, provide parents with information about requirements for food groups and quantities specified by the USDA child care food program minimum meal requirements. [251.07(5)(a)8.]

F. Items Required to be Posted in an Area of the Center Accessible to Parents

1. The Group Child Care License certificate. [251.04(2)(k)]
2. The results of the most recent licensing inspection. [251.04(2)(L)]
   a. Non Compliance Statement and Correction Plan
   b. Compliance Statement
3. Any notice of enforcement action issued by the Department. [251.04(2)(L)]
   a. Orders
   b. Forfeiture Letters
   c. Notice of Revocation
   d. Notice to Deny
4. Any stipulations, conditions, exceptions or exemptions that affect the license. [251.04(2)(L)]
5. A copy of Chapter DCF 251 Group Child Care Centers. [251.04(4)(f)]
6. A copy of the center's child care policies and procedures. [251.04(4)(g)]
7. A copy of the menus for meals and snacks provided by the center (including any changes to the planned menu). [251.07(5)(a)5.a.; 251.07(5)(a).6.]
8. When snacks are provided by parents for all children, a record of the snack served. [251.07(5)(a)6m]

G. Notifications to Parents

1. Illness / Injury:
   a. The center administrator shall notify the parents of an enrolled child when their child has been exposed to a diagnosed or suspected communicable disease reportable under ch. DHS 145 and transmitted through normal contact. [251.04(4)(a)1.; 251.07(6)(e)2.]
   b. The center administrator shall notify the parents of an enrolled child when their child becomes ill or is injured seriously enough to require professional medical treatment. The parents shall be notified immediately. Note: Any head injury is considered an "emergency," and parents should be notified as soon as possible. [251.04(4)(a)2.]
   c. The center administrator shall notify the parents of an enrolled child if their child sustains a minor injury. The parents shall be notified when they pick up the child or when the child is delivered. [251.04(4)(a)3.]
2. The center administrator shall notify the parents of an enrolled child of any field trip that will require the use of a vehicle. [251.04(4)(a)4]
3. If a child is absent from the center without prior notification from the parent, the parents shall be notified in accordance with center policy. [251.05(3)(h)]
4. Parent communication.
   a. The center shall make opportunities available at least twice each year for parent and staff communication regarding the child's adjustment to the program, and the child's growth and development. [251.04(4)(c)]
   b. Child care workers shall document changes in an infant / toddler's development and routines every 3 months based on discussion with the parent. [251.09(1)(a)6(c)]
   c. The plan for transitioning a child from the infant / toddler group into a new age group needs to be discussed with parents prior to the transition. [251.09(1)(a)6(d)]
5. If pets are added after a child is enrolled, parents shall be notified in writing prior to the pets' addition to the center. [251.07(7)(c)]

H. <u>Other Required Items</u>

1. Current, accurate, written attendance records that include time of arrival, time of departure for each child for the duration of time the child is enrolled in the program. Note: The form, *Daily Attendance Record – Child Care Centers*, can be used to meet this requirement. [251.04(6)(b)]
2. Log or logs for recording all medication given (type of medication, dosage, time, date, and the name or initials of the person administering the medication) and any injury to a child or evidence of unusual bruises, contusions, lacerations or burns received by a child in or out of center care. The log shall be in a book with stitched binding and lined and numbered pages. Entries shall be made in ink on the date of occurrence and shall be dated and signed or initialed by the person making the entry. There shall be documentation in the medical log that reviews have taken place every 6 months, and the logs should be kept as long as the center is in operation. [251.04(6)(c); 251.07(6)(a)2.; 251.07(6)(f)1.c.; 251.07(6)(j)8.251.07(6)(j)9.]
3. Documentation that staff meetings have been held at least 9 times in a calendar year or one time for each month of center operation. [251.05(2)(b)]
4. Post the fire evacuation and tornado plan. [251.06(3)(a)]
5. Completed form, *Fire Safety and Emergency Response Documentation – Group Child Care Centers*, or the licensee's own form for documenting:
   a. Weekly fire alarm and smoke detector tests. [251.06(4)(j)]
   b. A written record of dates and times of all fire and tornado drills practiced. [251.06(3)(c)]
   c. Annual fire extinguisher inspection. 251.06(4)(a)
6. Emergency numbers including local rescue squad, fire department, police department or other law enforcement agency, poison control center and emergency medical service shall posted near each telephone. [251.06(2)(f)]
7. Procedures for heating infant formula, milk and food in a microwave shall be posted near the microwave. [251.09(3)(b)]
8. If a child's parent or physician has submitted specific written direction to apply lotions, powders or salves to a child during diapering, the directions on use shall be posted in the diaper changing area. [251.09(4)(a)10.]

I. <u>Reporting to the Department</u> All information provided to the department shall be current and accurate. [251.04(2)(c)]

1. DCF 251.04(3) requires that certain circumstances be reported to the department. Initial reports for these items can be made by telephone, but a written report is required within 5 business days of the incident. Written reports can be made by fax, email or letter.
   a. Any death of a child in the care of the center or any incident or accident that occurs while the child is in the care of the center that results in an injury that requires professional medical treatment within 48 hours of the licensee becoming aware of the medical treatment.
   b. Any damage to the premises which may affect compliance with Chapter DCF 251 within 24 hours after the occurrence.
   c. A change in the administrator or center director of a child care center within 30 days after the change.
   d. A change of any program service at least 5 days prior to the change.
   e. Statistical data required by the department on forms provided by the department.
   f. If requested by the department, a plan of correction for cited violations of DCF 251 or ch. 48, Stats., in a format specified by the department.
   g. Any known convictions, pending charges or other offenses of the licensee, child care center employee, or other person subject to a caregiver background check which could potentially relate to the care of children at the center or activities of the center by the department's next business day. See DCF 12.08 Reporting requirements.
2. The licensee shall report as soon as possible, but no later than the department's next business day, when a person aged 12 and older begins residing at, or is expected to reside at, the center. Notification must include a completed form, *Background Information Disclosure*. [12.08(2)(a)1.; 12.08(2)(b)1.; 251.04(2)(n)]

3. The licensee shall report as soon as possible, but no later than the department's next business day, when a current household member turns 12 years of age. Notification must include a completed form, *Background Information Disclosure*. [12.08(2)(a)2.; 12.08(2)(b)1.; 251.04(2)(o)]
4. The licensee shall report as soon as possible, but no later than the department's next business day, when a current household member turns 18 years of age. Notification must include a completed form, *Background Information Disclosure*. [12.08(2)(a)3.; 12.08(2)(b)1.]
5. The licensee shall report as soon as possible, but no later than the department's next business day, when a corporation or limited liability company designates a new person to be subject to the caregiver background check. Notification must include a completed form, *Background Information Disclosure*. [12.08(2)(a)4.; 12.08(2)(b)1.; 251.04(2)(n)]
6. The licensee shall report as soon as possible, but no later than the department's next business day, when a caregiver under s. DCF 12.02(4)(a) or a household member changes his or her name. [12.08(2)5.]
7. The center administrator shall submit a copy of any accident report to the department within 5 days after the occurrence of an accident involving a vehicle transporting children. [251.08(2)(d)]
8. A center with an approved plan for use of off-premises outdoor play space shall immediately report to the department any significant change in any circumstance described in the plan. [251.06(11)(c)8.]
9. A licensee may not move the center to a new location or change ownership of the center without notifying the department at least 30 days prior to the change. A new application and license is required when a center moves or changes ownership. [251.11(5)(c)]

APPENDIX F
KEY STATUTES RELATED TO LICENSING OF CHILD CARE CENTERS

This appendix is based upon the updated 2013-14 Wisconsin Statues & Annotations published August 1, 2016. Updated through 2015 Wisconsin Act 392 and all Supreme Court Orders entered before August 1, 2016. Only pertinent portions of the statutes are included here and were obtained at http://folio.legis.state.wi.us. Action by the legislature may result in changes to these statutes. Only printed volumes are Official Text under s. 35.18(2), Wis. Stats.

48.02 Definitions. In this chapter, unless otherwise defined:

(8) "Guardian" means the person named by the court having the duty and authority of guardianship.

(13) "Parent" means a biological parent, a husband who has consented to the artificial insemination of his wife under s. 891.40, or a parent by adoption. If the child is a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, "parent" includes a person acknowledged under s. 767.805 or a substantially similar law of another state or adjudicated to be the biological father. "Parent" does not include any person whose parental rights have been terminated. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "parent" means a biological parent, an Indian husband who has consented to the artificial insemination of his wife under s. 891.40, or an Indian person who has lawfully adopted an Indian child, including an adoption under tribal law or custom, and includes, in the case of a nonmarital child who is not adopted or whose parents do not subsequently intermarry under s. 767.803, a person acknowledged under s. 767.805, a substantially similar law of another state, or tribal law or custom to be the biological father or a person adjudicated to be the biological father, but does not include any person whose parental rights have been terminated.

(15) "Relative" means a parent, stepparent, brother, sister, stepbrother, stepsister, half brother, half sister, brother-in-law, sister-in-law, first cousin, 2nd cousin, nephew, niece, uncle, aunt, stepuncle, stepaunt, or any person of a preceding generation as denoted by the prefix of grand, great, or great-great, whether by blood, marriage, or legal adoption, or the spouse of any person named in this subsection, even if the marriage is terminated by death or divorce. For purposes of the application of s. 48.028 and the federal Indian Child Welfare Act, 25 USC 1901 to 1963, "relative" includes an extended family member, as defined in s. 48.028(2)(am), whether by blood, marriage, or adoption, including adoption under tribal law or custom. For purposes of placement of a child, "relative" also includes a parent of a sibling of the child who has legal custody of that sibling.

48.48 Authority of department.

(10) To license child welfare agencies and day care centers as provided in s. 48.66(1)(a).

48.65 Day care centers licensed; fees.

(1) No person may for compensation provide care and supervision for 4 or more children under the age of 7 for less than 24 hours a day unless that person obtains a license to operate a child care center from the department. To obtain a license under this subsection to operate a child care center, a person must meet the minimum requirements for a license established by the department under s. 48.67, meet the requirements specified in s. 48.685, and pay the license fee under sub. (3). A license issued under this subsection is valid until revoked or suspended, but shall be reviewed every 2 years as provided in s. 48.66(5).

(2) This section does not include any of the following:

(a) A parent, grandparent, greatgrandparent, stepparent, brother, sister, first cousin, nephew, niece, uncle, or aunt of a child, whether by blood, marriage, or legal adoption, who provides care and supervision for the child.

(am) A guardian of a child who provides care and supervision for the child.

(b) A public or parochial school or a tribal school.

(c) A person employed to come to the home of the child's parent or guardian for less than 24 hours a day.

(d) A county, city, village, town, school district or library that provides programs primarily intended for recreational or social purposes.

(3)(a) Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 4 to 8 children, the child care center must pay to the department a biennial fee of $60.50. Except as provided in par. (c), before the department may issue a license under sub. (1) to a child care center that provides care and supervision for 9 or more children, the child care center must pay to the department a biennial fee of $30.25, plus a biennial fee of $16.94 per child, based on the number of children that the child care center is licensed to serve. A child care center that wishes to continue a license issued under sub. (1) shall pay the applicable fee under this paragraph by the continuation date of the license. A new child care center shall pay the applicable fee under this paragraph no later than 30 days before the opening of the child care center.

(b) A child care center that wishes to continue a license issued under par. (a) and that fails to pay the applicable fee under par. (a) by the continuation date of the license or a new child care center that fails to pay the applicable fee under par. (a) by 30 days before the opening of the child care center shall pay an additional fee of $5 per day for every day after the deadline that the child care center fails to pay the fee.

(c) An individual who is eligible for a fee waiver under the veterans fee waiver program under s. 45.44 is not required to pay a fee under par. (a) for a license under sub. (1).

48.66 Licensing duties of the department.

(1)(a) Except as provided in s. 48.715(6) and (7), the department shall license and supervise child welfare agencies, as required by s. 48.60, group homes, as required by s. 48.625, shelter care facilities, as required by s. 938.22, and child care centers, as required by s. 48.65. The department may license foster homes, as provided by s. 48.62, and may license and supervise county departments in accordance with the procedures specified in this section and in ss. 48.67 to 48.74. In the discharge of this duty the department may inspect the records and visit the premises of all child welfare agencies, group homes, shelter care facilities, and child care centers and visit the premises of all foster homes in which children are placed.

(c) A license issued under par. (a) or (b), other than a license to operate a foster home or secured residential care center for children and youth, is valid until revoked or suspended. A license issued under this subsection to operate a foster home or secured residential care center for children and youth may be for any term not to exceed 2 years from the date of issuance. No license issued under par. (a) or (b) is transferable.

(2) The department shall prescribe application forms to be used by all applicants for licenses from it. The application forms prescribed by the department shall require that the social security numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are individuals, other than an individual who does not have a social security number and who submits a statement made or subscribed under oath or affirmation as required under sub. (2m)(a)2., be provided and that the federal employer identification numbers of all applicants for a license to operate a child welfare agency, group home, shelter care facility, or child care center who are not individuals be provided.

(2m) (a) 1. Except as provided in subd. 2., the department shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is an individual to provide that department with the applicant's social security number, and shall require each applicant for a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center who is not an individual to provide that department with the applicant's federal employer identification number, when initially applying for or applying to continue the license.

2. If an applicant who is an individual does not have a social security number, the applicant shall submit a statement made or subscribed under oath or affirmation to the department that the applicant does not have a social security number. The form of the statement shall be prescribed by the department. A license issued in reliance upon a false statement submitted under this subdivision is invalid.

(b) If an applicant who is an individual fails to provide the applicant's social security number to the department or if an applicant who is not an individual fails to provide the applicant's federal employer identification number to the department, that department may not issue or continue a license under sub. (1)(a) to operate a child welfare agency, group home, shelter care facility, or child care center to or for the applicant unless the applicant is an individual who does not have a social security number and the applicant submits a statement made or subscribed under oath or affirmation as required under par. (a)2.

(c) The subunit of the department that obtains a social security number or a federal employer identification number under par. (a)1. may not disclose that information to any person except to the department of revenue for the sole purpose of requesting certifications under s. 73.0301 and to the department of workforce development for the sole purpose of requesting certifications under s. 108.227 or on the request of the subunit of the department that administers the child and spousal support program under s. 49.22(2m).

(3) The department shall prescribe the form and content of records to be kept and information to be reported by persons licensed by it.

(5) A child welfare agency, group home, child care center, or shelter care facility license, other than a probationary license, is valid until revoked or suspended, but shall be reviewed every 2 years after the date of issuance as provided in this subsection. At least 30 days prior to the continuation date of the license, the licensee shall submit to the department an application for continuance of the license in the form and containing the information that the department requires. If the minimum requirements for a license established under s. 48.67 are met, the application is approved, the applicable fees referred to in ss. 48.68(1) and 48.685(8) are paid, and any forfeiture under s. 48.715(3)(a) or penalty under s. 48.76 that is due is paid, the department shall continue the license for an additional 2-year period, unless sooner suspended or revoked. If the application is not timely filed, the department shall issue a warning to the licensee. If the licensee fails to apply for continuance of the license within 30 days after receipt of the warning, the department may revoke the license as provided in s. 48.715(4) and (4m)(b).

48.67 Rules governing child welfare agencies, day care centers, foster homes, treatment foster homes, group homes, shelter care facilities, and county departments. The department shall promulgate rules establishing minimum requirements for the issuance of licenses to, and establishing standards for the operation of, child welfare agencies, child care centers, foster homes, group homes, shelter care facilities, and county departments. Those rules shall be designed to protect and promote the health, safety, and welfare of the children in the care of all licensees. The department shall consult with the department of safety and professional services, the department of public instruction, and the child abuse and neglect prevention board before promulgating those rules. For foster homes, those rules shall include the rules promulgated under s. 48.62(8). Those rules shall include rules that require all of the following:

(1) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under one year of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, training in the most current medically accepted methods of preventing sudden infant death syndrome. The rules shall provide that any training in those methods that a licensee has obtained in connection with military service, as defined in s. 111.32(12g), counts toward satisfying the training requirement under this subsection if the licensee demonstrates to the satisfaction of the department that the training obtained in that connection is substantially equivalent to the training required under this subsection.

(2) That all child care center licensees, and all employees and volunteers of a child care center, who provide care and supervision for children under 5 years of age receive, before the date on which the license is issued or the employment or volunteer work commences, whichever is applicable, the training relating to shaken baby syndrome and impacted babies required under s. 253.15(4)(a) or (c).

(3)(a) That all child care center licensees, and all employees of a child care center, who provide care and supervision for children have current proficiency in the use of an automated external defibrillator, as defined in s. 256.15(1)(cr), achieved through instruction provided by an individual, organization, or institution of higher education that is approved under s. 46.03(38) to provide such instruction or through instruction obtained by the licensee in connection with military service, as defined in s. 111.32(12g), if the licensee demonstrates to the satisfaction of the department that the instruction obtained in that connection is substantially equivalent to the instruction provided by a person approved under s. 46.03(38).

48.68 Investigation of applicant; issuing of license.

(1) After receipt of an application for a license, the department shall investigate to determine if the applicant meets the minimum requirements for a license adopted by the department under s. 48.67 and meets the requirements specified in s. 48.685, if applicable. In determining whether to issue or continue a license, the department may consider any action by the applicant, or by an employee of the applicant, that constitutes a substantial failure by the applicant or employee to protect and promote the health, safety, and welfare of a child. Upon satisfactory completion of this investigation and payment of the fee required under s. 48.615(1)(a) or (b), 48.625(2)(a), 48.65(3)(a), or 938.22(7)(b), the department shall issue a license under s. 48.66(1)(a) or, if applicable, a probationary license under s. 48.69 or, if applicable, shall continue a license under s. 48.66(5). At the time of initial licensure and license renewal, the department shall provide a foster home licensee with written information relating to the monthly foster care rates and supplemental payments specified in s. 48.62(4), including payment amounts, eligibility requirements for supplemental payments, and the procedures for applying for supplemental payments.

48.685 Criminal history and child abuse record search. (1) In this section:

(ag)1. “Caregiver” means any of the following:

a. A person who is, or is expected to be, an employee or contractor of an entity, who is or is expected to be under the control of the entity, as defined by the department by rule, and who has, or is expected to have, regular, direct contact with clients of the entity.

am. A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

b. A person who has, or is seeking, a license, certification or contract to operate an entity, who is receiving, or is seeking, payment under s. 48.623(6)(am) for operating an entity, or who is seeking payment under s. 48.623(6)(bm) for operating an entity.

2. "Caregiver" does not include a person who is certified as an emergency medical technician under s. 256.15 if the person is employed, or seeking employment, as an emergency medical technician and does not include a person who is certified as a first responder under s. 256.15 if the person is employed, or seeking employment, as a first responder.

(am) "Client" means a person who receives direct care or treatment services from an entity or from a caregiver specified in par. (ag)1.am.

(ar) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract, including a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979 has been facilitated by the entity.

(av) "Direct contact" means face-to-face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(b) "Entity" means a child welfare agency that is licensed under s. 48.60 to provide care and maintenance for children, to place children for adoption, or to license foster homes; a foster home that is licensed under s. 48.62; an interim caretaker to whom subsidized guardianship payments are made under s. 48.623(6); a person who is proposed to be named as a successor guardian in a successor [subsidized] guardianship agreement under s. 48.623(2); a group home that is licensed under s. 48.625; a shelter care facility that is licensed under s. 938.22; a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14); a child care provider that is certified under s. 48.651; an organization that facilitates delegations of the care and custody of children under s. 48.979; or a temporary employment agency that provides caregivers to another entity.

(bm) "Nonclient resident" means a person who resides, or is expected to reside, at an entity or with a caregiver specified in par. (ag)1.am., who is not a client of the entity or caregiver, and who has, or is expected to have, regular, direct contact with clients of the entity or caregiver.

(br) "Reservation" means land in this state within the boundaries of a reservation of a tribe or within the bureau of Indian affairs service area for the Ho-Chunk Nation.

(c) “Serious crime” means any of the following:

1. A violation of s. 940.19(3), 1999 stats.

2. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.12, 940.19(2), (4), (5) or (6), 940.22(2) or (3), 940.225(1), (2) or (3), 940.285(2), 940.29, 940.295, 942.09(2), 948.02(1) or (2), 948.025, 948.03(2) or (5)(a)1., 2., 3., or 4., 948.05, 948.051, 948.055, 948.06, 948.07, 948.08, 948.085, 948.11(2)(a) or (am), 948.12, 948.13, 948.21(1), 948.30, or 948.53.

3. A violation of s. 940.302(2) if s. 940.302(2)(a)1. b. applies.

3m. For purposes of licensing a person to operate a child care center under s. 48.65, certifying a child care provider under s. 48.651, or contracting with a person under s. 120.13(14) to operate a child care center, or of permitting a person to be a caregiver or nonclient resident of such a child care center or child care provider, any violation listed in subds. 1. to 3. or sub. (5)(br) 1. to 7.

4. A violation of the law of any other state or United States jurisdiction that would be a violation listed in subd. 1., 2., 3., or 3m. if committed in this state.

(2)(am) The department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.b., a nonclient resident of an entity, and a person under 18 years of age, but not under 12 years of age, who is a caregiver of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651:

1. A criminal history search from the records maintained by the department of justice.

2. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

3. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

4. Information maintained by the department regarding any final determination under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. Information maintained by the department of health services under this section and under ss. 48.623(6)(am) 2. and (bm) 5., 48.651(2m), 48.75(1m), 48.979(1)(b), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity, for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an

entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subdivision indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subdivision, the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board need not obtain the information specified in subds. 1. to 4.

(ar) In addition to obtaining the information specified in par. (am) with respect to a person who has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13(14) to operate a child care center, a nonclient resident of such an entity, or a person under 18 years of age, but not under 12 years of age, who is a caregiver of such an entity, the department, a county department, an agency contracted with under s. 48.651(2), or a school board shall obtain information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.

(b)1. Every entity shall obtain all of the following with respect to a caregiver specified in sub. (1)(ag)1.a. or am. of the entity and with respect to a nonclient resident of a caregiver specified in sub. (1)(ag)1.am. of the entity:

a. A criminal history search from the records maintained by the department of justice.

b. Information that is contained in the registry under s. 146.40(4g) regarding any findings against the person.

c. Information maintained by the department of safety and professional services regarding the status of the person's credentials, if applicable.

d. Information maintained by the department regarding any final determination under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, any final decision under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

e. Information maintained by the department of health services under this section and under ss. 48.623(6)(am) 2. and (bm) 5., 48.651(2m), 48.75(1m), 48.979(1)(b), and 120.13(14) regarding any denial to the person of a license, continuation or renewal of a license, certification, or a contract to operate an entity, or of payments under s. 48.623(6) for operating an entity, for a reason specified in sub. (4m)(a)1. to 5. and regarding any denial to the person of employment at, a contract with, or permission to reside at an entity or of permission to reside with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in sub. (4m)(b)1. to 5. If the information obtained under this subd. 1. e. indicates that the person has been denied a license, continuation or renewal of a license, certification, a contract, payments, employment, or permission to reside as described in this subd. 1.e., the entity need not obtain the information specified in subd. 1.a. to d.

2. In addition to obtaining the information specified in subd. 1. with respect to a caregiver specified in sub. (1)(ag)1.a. of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, the child care center or child care provider shall obtain information that is contained in the sex offender registry under s. 301.45 regarding whether the person has committed a sex offense that is a serious crime.

4. Subdivisions 1. and 2. do not apply with respect to a nonclient resident or person under 18 years of age, but not under 12 years of age, who is a caregiver of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651 and with respect to whom the department, a county department, an agency contracted with under s. 48.651(2), or a school board is required under par. (am)(intro.) to obtain the information specified in par. (am)1. to 5.

(bb) If information obtained under par. (am) or (b)1. indicates a charge of a serious crime, but does not completely and clearly indicate the final disposition of the charge, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to determine the final disposition of the charge. If a background information form under sub. (6)(a) or (am) indicates a charge or a conviction of a serious crime, but information obtained under par. (am) or (b)1. does not indicate such a charge or conviction, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and the final disposition of the complaint. If information obtained under par. (am) or (b)1., a background information form under sub. (6)(a) or (am), or any other information indicates a conviction of a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013 obtained not more than 5 years before the date on which that information was obtained, the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity shall make every reasonable effort to contact the clerk of courts to obtain a copy of the criminal complaint and judgment of conviction relating to that violation.

(bd) Notwithstanding pars. (am) and (b)1., the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board is not required to obtain the information specified in par. (am)1. to 5., and an entity is not required to obtain the information specified in par. (b)1. a. to e., with respect to a person under 18 years of age whose background information form under sub. (6)(am) indicates that the person is not ineligible to be employed at, contracted with, or permitted to reside at an entity or permitted to reside with a caregiver specified under sub. (1)(ag)1.am. of the entity for a reason specified in sub. (4m)(b)1. to 5. and with respect to whom the department, county department, contracted agency, child welfare agency, school board, or entity otherwise has no reason to believe that the person is ineligible to be employed, contracted with, or permitted to reside at an entity for any of those reasons. This paragraph does not preclude the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board from obtaining, at its discretion, the information specified in par. (am)1. to 5. with respect to a person described in this paragraph who is a nonclient resident or a prospective nonclient resident of an entity.

(bg) If an entity employs or contracts with a caregiver for whom, within the last year, the information required under par. (b)1. a. to c. and e. has already been obtained by another entity, the entity may obtain that information from that other entity, which shall provide the information, if possible, to the requesting entity. If an entity cannot obtain the information required under par. (b)1. a. to c. and e. from another entity or if an entity has reasonable grounds to believe that any information obtained from another entity is no longer accurate, the entity shall obtain that information from the sources specified in par. (b)1. a. to c. and e.

(bm) If the person who is the subject of the search under par. (am), (ar), or (b)1. is not a resident of this state, or if at any time within the 3 years preceding the date of the search that person has not been a resident of this state, or if the department, county department, agency contracted with under s. 48.651(2), child welfare agency, school board, or entity determines that the person's employment, licensing, or state court records provide a reasonable basis for further investigation, the department, county department, contracted agency, child welfare agency, school board, or entity shall make a good faith effort to obtain from any state or other United States jurisdiction in which the person is a resident or was a resident within the 3 years preceding the date of the search information that is equivalent to the information specified in par. (am)1., (ar), or (b)1. a. The department, county department, contracted agency, child welfare agency, school board, or entity may require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(br) If the person who is the subject of a search under par. (am) or (b)1. has, or is seeking, a license to operate a child care center under s. 48.65, certification as a child care provider under s. 48.651, or a contract under s. 120.13(14) to operate a child care program, or is an adult nonclient resident or caregiver of such an entity, and if the entity is receiving, or wishes to receive, payment under s. 49.155 for providing child care services, the department, county department, agency contracted with under s. 48.651(2), or school board shall require the person to be fingerprinted on 2 fingerprint cards, each bearing a complete set of the person's fingerprints, or by other technologies approved by law enforcement agencies, unless the person has previously been fingerprinted under this paragraph. The department of justice may provide for the submission of the fingerprint cards or fingerprints by other technologies to the federal bureau of investigation for the purposes of verifying the identity of the person fingerprinted and obtaining records of his or her criminal arrests and convictions.

(d) Every entity shall maintain, or shall contract with another person to maintain, the most recent background information obtained on a caregiver under par. (b). The information shall be made available for inspection by authorized persons, as defined by the department by rule.

(3)(a) Subject to par. (am), every 4 years or at any time within that period that the department, a county department, or a child welfare agency considers appropriate, the department, county department, or child welfare agency shall request the information specified in sub. (2)(am)1. to 5. for all caregivers specified in sub. (1)(ag)1.b. who are licensed, certified, or contracted to operate an entity, or who are receiving payments under s. 48.623(6)(am) for operating an entity, and for all persons who are nonclient residents of such a caregiver.

(am)1. Every year or at any time within that period that the department, a county department, an agency contracted with under s. 48.651(2), or a school board considers appropriate, the department, county department, contracted agency, or school board shall request the information specified in sub. (2)(am)1. to 5. and (ar) for all caregivers specified in sub. (1)(ag)1.b. who are licensed under s. 48.65 to operate a child care center, certified as a child care provider under s. 48.651, or contracted under s. 120.13(14) to operate a child care center, for all persons who are nonclient residents of such a caregiver, and for all persons under 18 years of age, but not under 12 years of age, who are caregivers specified in sub. (1)(ag)1.a. of such a caregiver.

2m. Annually, by January 1, the department shall submit a report to the appropriate standing committees of the legislature under s. 13.172(3) describing the information collected under subd. 1. with respect to caregivers specified in sub. (1)(ag)1.b. who are licensed under s. 48.65 to operate a child care center, certified as a child care provider under s. 48.651, or contracted under s. 120.13(14) to operate a child care center, specifically any information indicating that such a caregiver is ineligible under sub. (4m)(a) to be so licensed, certified, or contracted, and describing any action taken in response to the receipt of information under subd. 1. indicating that such a caregiver is so ineligible.

(b) Subject to par. (bm), every 4 years or at any time within that period that an entity considers appropriate, the entity shall request the information specified in sub. (2)(b)1. a. to e. for all persons who are caregivers specified in sub. (1)(ag)1.a. or am. of the entity and for all nonclient residents of a caregiver specified in sub. (1)(ag)1.am. of the entity.

(bm) Every year or at any time within that period that a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 considers appropriate, the child care center or child care provider shall request the information specified in sub. (2)(b)1. a. to e. and 2. for all persons who are caregivers specified in sub. (1)(ag)1.a. of the child care center or child care provider who are 18 years of age or over.

(3m) Notwithstanding subs. (2)(b)1. and (3)(b), if the department, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board has obtained the information required under sub. (2)(am) or (3)(a) or (am) with respect to a person who is a caregiver specified in sub. (1)(ag)1.b. and that person is also an employee, contractor, or nonclient resident of an entity, the entity is not required to obtain the information specified in sub. (2)(b)1. or (3)(b) with respect to that person.

(4) An entity that violates sub. (2), (3) or (4m)(b) may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(4m)(a) Notwithstanding s. 111.335, and except as provided in par. (ad) and sub. (5), the department may not license, or continue or renew the license of, a person to operate an entity, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may not certify a child care provider under s. 48.651, a county department or a child welfare agency may not license, or renew the license of, a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may not provide subsidized guardianship payments to an interim caretaker under s. 48.623(6)(am) or to a person seeking those payments as a successor guardian under s. 48.623(6)(bm), and a school board may not contract with a person under s. 120.13(14), if the department, county department, contracted agency, child welfare agency, or school board knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, that the person has been

convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.

3. That a unit of government or a state agency, as defined in s. 16.61(2)(d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a final determination has been made under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, a final decision has been made under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(ad) The department, a county department, or a child welfare agency may license a foster home under s. 48.62; the department may license a child care center under s. 48.65; the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may certify a child care provider under s. 48.651; the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments to an interim caretaker under s. 48.623(6)(am) or to a person seeking those payments as a successor guardian under s. 48.623(6)(bm); and a school board may contract with a person under s. 120.13(14), conditioned on the receipt of the information specified in sub. (2)(am) and (ar) indicating that the person is not ineligible to be licensed, certified, provided payments, or contracted with for a reason specified in par. (a)1. to 5.

(b) Notwithstanding s. 111.335, and except as provided in sub. (5), an entity may not employ or contract with a caregiver specified in sub. (1)(ag)1.a. or am. or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1)(ag)1.am. of the entity if the entity knows or should have known any of the following:

1. That the person has been convicted of a serious crime or, if the person is a caregiver or nonclient resident of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, that the person has been convicted of a serious crime or adjudicated delinquent on or after his or her 12th birthday for committing a serious crime or that the person is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday.

3. That a unit of government or a state agency, as defined in s. 16.61(2)(d), has made a finding that the person has abused or neglected any client or misappropriated the property of any client.

4. That a final determination has been made under s. 48.981(3)(c) 5m. or, if a contested case hearing is held on such a determination, a final decision has been made under s. 48.981(3)(c) 5p. that the person has abused or neglected a child.

5. That, in the case of a position for which the person must be credentialed by the department of safety and professional services, the person's credential is not current or is limited so as to restrict the person from providing adequate care to a client.

(c) If the background information form completed by a person under sub. (6)(am) indicates that the person is not ineligible to be employed or contracted with for a reason specified in par. (b)1. to 5., an entity may employ or contract with the person for not more than 60 days pending the receipt of the information sought under sub. (2)(am) or (b)1. If the background information form completed by a person under sub. (6)(am) indicates that the person is not ineligible to be permitted to reside at an entity or with a caregiver specified in sub. (1)(ag)1.am. for a reason specified in par. (b)1. to 5. and if an entity otherwise has no reason to believe that the person is ineligible to be permitted to reside at an entity or with that caregiver for any of those reasons, the entity may permit the person to reside at the entity or with the caregiver for not more than 60 days pending receipt of the information sought under sub. (2)(am) or (b)1. An entity shall provide supervision for a person who is employed, contracted with, or permitted to reside as permitted under this paragraph.

(5)(a) Subject to pars. (bm) and (br), the department may license to operate an entity, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may certify under s. 48.651, a county department or a child welfare agency may license under s. 48.62, the department in a county having a population of 750,000 or more or a county department may provide subsidized guardianship payments under s. 48.623(6), and a school board may contract with under s. 120.13(14) a person who otherwise may not be licensed, certified, or contracted with for a reason specified in sub. (4m)(a)1. to 5., and an entity may employ, contract with, or permit to reside at the entity or permit to reside with a caregiver specified in sub. (1)(ag)1.am. of the entity a person who otherwise may not be employed, provided payments, contracted with, or permitted to reside at the entity or with that caregiver for a reason specified in sub. (4m)(b)1. to 5., if the person demonstrates to the department, the county department, the contracted agency, the child welfare agency, or the school board or, in the case of an entity that is located within the boundaries of a reservation, to the person or body designated by the Indian tribe under sub. (5d)(a) 3., by clear and convincing evidence and in accordance with procedures established by the department by rule or by the tribe that he or she has been rehabilitated.

(br) For purposes of licensing a person to operate a child care center under s. 48.65, certifying a child care provider under s. 48.651, or contracting with a person under s. 120.13(14) to operate a child care center or of permitting a person to be a nonclient resident or caregiver specified in sub. (1)(ag)1.a. of a child care center or child care provider, no person who has been convicted or adjudicated delinquent on or after his or her 12th birthday for committing any of the following offenses or who is the subject of a pending criminal charge or delinquency petition alleging that the person has committed any of the following offenses on or after his or her 12th birthday may be permitted to demonstrate that he or she has been rehabilitated:

1. An offense under ch. 948 that is a felony, other than a violation of s. 948.22(2) or 948.51(2).

2. A violation of s. 940.19(3), 1999 stats., or of s. 940.19(2), (4), (5), or (6) or 940.20(1) or (1m), if the victim is the spouse of the person.

3. A violation of s. 940.01, 940.02, 940.03, 940.05, 940.06, 940.21, 940.225(1), (2), or (3), 940.23, 940.305, 940.31, 941.20(2) or (3), 941.21, 943.10(2), or 943.32(2).

3m. Except for purposes of permitting a person to be a nonclient resident or caregiver specified in sub. (1)(ag)1.a. of a child care center or child care provider, a violation of s. 943.201, 943.203, or 943.38(1) or (2); a violation of s. 943.34(1), 943.395(1), 943.41(3)(e), (4)(a), (5), (6), or (6m),

943.45(1), 943.455(2), 943.46(2), 943.47(2), 943.50(1m), or 943.70(2)(a) or (am) or (3)(a) that is a felony; or an offense under subch. IV of ch. 943 that is a felony.

4. A violation of sub. (2), (3), (4m)(b), or (6), if the violation involves the provision of false information to or the intentional withholding of information from the department, a county department, an agency contracting under s. 48.651(2), a school board, or an entity.

5. An offense involving fraudulent activity as a participant in the Wisconsin Works program under ss. 49.141 to 49.161, including as a recipient of a child care subsidy under s. 49.155, or as a recipient of aid to families with dependent children under s. 49.19, medical assistance under subch. IV of ch. 49, food stamps benefits under the food stamp program under 7 USC 2011 to 2036, supplemental security income payments under s. 49.77, payments for the support of children of supplemental security income recipients under s. 49.775, or health care benefits under the Badger Care health care program under s. 49.665.

6. A violation of s. 125.075(1), 125.085(3)(a)2., 125.105(2)(b), 125.66(3), 125.68(12), 940.09, 940.19(2), (4), (5), or (6), 940.20, 940.203, 940.205, 940.207, 940.25, or 943.23(1g), a violation of s. 948.51(2) that is a felony under s. 948.51(3)(b) or (c), a violation of s. 346.63(1), (2), (5), or (6) that is a felony under s. 346.65(2)(am) 4. to 7., or (f), (2j)(d), or (3m), or an offense under ch. 961 that is a felony, if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am) or (b)1.

7. A violation of s. 948.22(2), if the person completed his or her sentence, including any probation, parole, or extended supervision, or was discharged by the department of corrections, less than 5 years before the date of the investigation under sub. (2)(am) or (b)1., unless the person has paid all arrearages due and is meeting his or her current support obligations.

(5c)(a) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the department, an agency contracted with under s. 48.651(2), or a child welfare agency that he or she has been rehabilitated may appeal to the secretary or his or her designee. Any person who is adversely affected by a decision of the secretary or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(b) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the county department that he or she has been rehabilitated may appeal to the director of the county department or his or her designee. Any person who is adversely affected by a decision of the director or his or her designee under this paragraph has a right to appeal the decision under ch. 68.

(c) Any person who is permitted but fails under sub. (5)(a) to demonstrate to the school board that he or she has been rehabilitated may appeal to the state superintendent of public instruction or his or her designee. Any person who is adversely affected by a decision of the state superintendent or his or her designee under this paragraph has a right to a contested case hearing under ch. 227.

(5d)(a) Any Indian tribe that chooses to conduct rehabilitation reviews under sub. (5) shall submit to the department a rehabilitation review plan that includes all of the following:

1. The criteria to be used to determine if a person has been rehabilitated.

2. The title of the person or body designated by the Indian tribe to whom a request for review must be made.

3. The title of the person or body designated by the Indian tribe to determine whether a person has been rehabilitated.

3m. The title of the person or body, designated by the Indian tribe, to whom a person may appeal an adverse decision made by the person specified under subd. 3. and whether the Indian tribe provides any further rights to appeal.

4. The manner in which the Indian tribe will submit information relating to a rehabilitation review to the department so that the department may include that information in its report to the legislature required under sub. (5g).

5. A copy of the form to be used to request a review and a copy of the form on which a written decision is to be made regarding whether a person has demonstrated rehabilitation.

(b) If, within 90 days after receiving the plan, the department does not disapprove the plan, the plan shall be considered approved. If, within 90 days after receiving the plan, the department disapproves the plan, the department shall provide notice of that disapproval to the Indian tribe in writing, together with the reasons for the disapproval. The department may not disapprove a plan unless the department finds that the plan is not rationally related to the protection of clients. If the department disapproves the plan, the Indian tribe may, within 30 days after receiving notice of the disapproval, request that the secretary review the department's decision. A final decision under this paragraph is not subject to further review under ch. 227.

(5g) Beginning on January 1 1999, and annually thereafter, the department shall submit a report to the legislature under s. 13.172(2) that specifies the number of persons in the previous year who have requested to demonstrate that they have been rehabilitated under sub. (5)(a), the number of persons who successfully demonstrated that they have been rehabilitated under sub. (5)(a) and the reasons for the success or failure of a person who has attempted to demonstrate that he or she has been rehabilitated.

(5m) Notwithstanding s. 111.335, the department may refuse to license a person to operate an entity, a county department or a child welfare agency may refuse to license a foster home under s. 48.62, the department in a county having a population of 750,000 or more or a county department may refuse to provide subsidized guardianship payments to a person under s. 48.623(6), and an entity may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the entity or with a caregiver specified in sub. (1)(ag)1.am. of the entity if the person has been convicted of an offense that is not a serious crime, but that is, in the estimation of the department, county department, child welfare agency, or entity, substantially related to the care of a client. Notwithstanding s. 111.335, the department may refuse to license a person to operate a child care center, the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) may refuse to certify a child care provider under s. 48.651, a school board may refuse to contract with a person under s. 120.13(14), and a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 may refuse to employ or contract with a caregiver or permit a nonclient resident to reside at the child care center or child care provider if the person has been convicted of or adjudicated delinquent on or after his or her 12th birthday for an offense that is not a serious crime, but that is, in the estimation of the department, county department, contracted

agency, school board, child care center, or child care provider, substantially related to the care of a client.

(6)(a) Except as provided in this paragraph, the department shall require any person who applies for issuance, continuation, or renewal of a license to operate an entity, [750,000] a county department or a child welfare agency shall require any person who applies for issuance or renewal of a license to operate a foster home under s. 48.62, and the department in a county having a population of 750,000 or more or a county department shall require any person who applies for subsidized guardianship payments under s. 48.623(6) to complete a background information form that is provided by the department. The department shall require any person who applies for issuance, but not continuation, of a license to operate a child care center under s. 48.65, a school board shall require any person who proposes to contract, but not renew a contract, with the school board under s. 120.13(14), and the department in a county having a population of 750,000 or more, a county department, or an agency contracted with under s. 48.651(2) shall require any child care provider who applies for initial certification, but not renewal of that certification, under s. 48.651 to complete a background information form that is provided by the department.

(am) Except as provided in this paragraph, every 4 years an entity shall require all of its caregivers and all nonclient residents of the entity or of a caregiver specified in sub. (1)(ag)1.am. of the entity to complete a background information form that is provided to the entity by the department. A child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or a child care provider that is certified under s. 48.651 is exempt from the 4-year requirement, but shall require any new caregiver or nonclient resident to complete a background information form that is provided to the child care center or child care provider by the department.

(b)1. For caregivers who are licensed by the department, for persons under 18 years of age, but not under 12 years of age, who are caregivers of a child care center that is licensed under s. 48.65 or established or contracted for under s. 120.13(14) or of a child care provider that is certified under s. 48.651, for persons who are nonclient residents of an entity that is licensed by the department, and for other persons specified by the department by rule, the entity shall send the background information form to the department.

2. For caregivers who are licensed or certified by a county department or an agency contracted with under s. 48.651(2), for persons who are nonclient residents of an entity that is licensed or certified by a county department or an agency contracted with under s. 48.651(2), and for other persons specified by the department by rule, the entity shall send the background information form to the county department or contracted agency.

3. For caregivers who are licensed by a child welfare agency, for persons who are nonclient residents of an entity that is licensed by a child welfare agency and for other persons specified by the department by rule, the entity shall send the background information form to the child welfare agency.

4. For caregivers who are contracted with by a school board, for persons who are nonclient residents of an entity that is contracted with by a school board and for other persons specified by the department by rule, the entity shall send the background information form to the school board.

(c) A person who provides false information on a background information form required under this subsection may be required to forfeit not more than $1,000 and may be subject to other sanctions specified by the department by rule.

(7) The department shall do all of the following:

(c) Conduct throughout the state periodic training sessions that cover criminal background investigations; reporting and investigating misappropriation of property or abuse or neglect of a client; and any other material that will better enable entities to comply with the requirements of this section.

(d) Provide a background information form that requires the person completing the form to include his or her date of birth on the form.

(8) The department, the department of health services, a county department, an agency contracted with under s. 48.651(2), a child welfare agency, or a school board may charge a fee for obtaining the information required under sub. (2)(am) or (ar) or (3)(a) or (am), for providing information to an entity to enable the entity to comply with sub. (2)(b)1. or (3)(b), or for obtaining and submitting fingerprints under sub. (2)(bm) or (br). The fee may not exceed the reasonable cost of obtaining the information or of obtaining and submitting fingerprints. No fee may be charged to a nurse aide, as defined in s. 146.40(1)(d), for obtaining or maintaining information or for obtaining and submitting fingerprints if to do so would be inconsistent with federal law.

48.69 Probationary licenses. Except as provided under s. 48.715(6) and (7), if any child welfare agency, shelter care facility, group home, or child care center that has not been previously issued a license under s. 48.66(1)(a) applies for a license, meets the minimum requirements for a license established under s. 48.67, and pays the applicable fee referred to in s. 48.68(1), the department shall issue a probationary license to that child welfare agency, shelter care facility, group home, or child care center. A probationary license is valid for up to 6 months after the date of issuance unless renewed under this section or suspended or revoked under s. 48.715. Before a probationary license expires, the department shall inspect the child welfare agency, shelter care facility, group home, or child care center holding the probationary license and, except as provided under s. 48.715(6) and (7), if the child welfare agency, shelter care facility, group home, or child care center meets the minimum requirements for a license established under s. 48.67, the department shall issue a license under s. 48.66(1)(a). A probationary license issued under this section may be renewed for one 6-month period.

48.70 Provisions of licenses.

(1) GENERAL. Each license shall state the name of the person licensed, the premises included under the license, the maximum number of children who can be received and their age and sex and such additional information and special conditions as the department may prescribe.

48.715 Sanctions and penalties.

(1) In this section, "licensee" means a person who holds a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, shelter care facility, group home, or child care center.

(2) If the department provides written notice of the grounds for a sanction, an explanation of the types of sanctions that may be imposed under this subsection and an explanation of the process for appealing a sanction imposed under this subsection, the department may order any of the following sanctions:

(a) That a person stop operating a child welfare agency, shelter care facility, group home, or child care center if the child welfare agency, shelter care facility, group home, or child care center is without a license in violation of s. 48.66(1)(a) or a probationary license in violation of s. 48.69.

(b) That a person who employs a person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years terminate the employment of that person within 30 days after the date of the order. This paragraph includes employment of a person in any capacity, whether as an officer, director, agent or employee.

(c) That a licensee stop violating any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(d) That a licensee submit a plan of correction for violation of any provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67.

(e) That a licensee implement and comply with a plan of correction provided by the department or previously submitted by the licensee and approved by the department.

(f) That a licensee close the intake of any new children until all violations of the provisions of licensure under s. 48.70(1) and the rules promulgated by the department under s. 48.658(4)(a) or 48.67 are corrected.

(g) That a licensee provide training for the licensee's staff members as specified by the department.

(3) If the department provides written notice of the grounds for a penalty, an explanation of the types of penalties that may be imposed under this subsection, and an explanation of the process for appealing a penalty imposed under this subsection, the department may impose any of the following penalties against a licensee or any other person who violates a provision of licensure under s. 48.70(1) or rule promulgated by the department under s. 48.658(4)(a) or 48.67 or who fails to comply with an order issued under sub. (2) by the time specified in the order:

(a) A daily forfeiture amount per violation of not less than $10 nor more than $1,000. All of the following apply to a forfeiture under this paragraph:

1. Within the limits specified in this paragraph, the department may, by rule, set daily forfeiture amounts and payment deadlines based on the size and type of facility or agency and the seriousness of the violation. The department may set daily forfeiture amounts that increase periodically within the statutory limits if there is continued failure to comply with an order issued under sub. (2).

2. The department may directly assess a forfeiture imposed under this paragraph by specifying the amount of that forfeiture in the notice provided under this subsection.

3. A person against whom the department has assessed a forfeiture shall pay that forfeiture to the department within 10 days after receipt of notice of the assessment or, if that person contests that assessment under s. 48.72, within 10 days after receipt of the final decision after exhaustion of administrative review or, if that person petitions for judicial review under ch. 227, within 10 days after receipt of the final decision after exhaustion of judicial review. The department shall remit all forfeitures paid under this subdivision to the secretary of administration for deposit in the school fund.

4. The attorney general may bring an action in the name of the state to collect any forfeiture imposed under this paragraph that has not been paid as provided in subd. 3. The only contestable issue in an action under this subdivision is whether or not the forfeiture has been paid.

(b) Suspension of the licensee's license for not more than 2 weeks.

(c) Refusal to continue a license or a probationary license.

(d) Revocation of a license or a probationary license as provided in sub. (4).

(4) If the department provides written notice of revocation and the grounds for revocation as provided in sub. (4m) and an explanation of the process for appealing a revocation under this subsection, the department may revoke a license issued under s. 48.66(1)(a) or a probationary license issued under s. 48.69 for any of the following reasons:

(a) The department has imposed a penalty on the licensee under sub. (3) and the licensee or a person under the supervision of the licensee either continues to violate or resumes violation of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section forming any part of the basis for the penalty.

(b) The licensee or a person under the supervision of the licensee has committed a substantial violation, as determined by the department, of a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section.

(c) The licensee or a person under the supervision of the licensee has committed an action or has created a condition relating to the operation or maintenance of the child welfare agency, shelter care facility, group home, or child care center that directly threatens the health, safety, or welfare of any child under the care of the licensee.

(d) The licensee or a person under the supervision of the licensee has violated, as determined by the department, a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that is the same as or similar to a rule promulgated under s. 48.658(4)(a) or 48.67, a provision of licensure under s. 48.70(1), or an order under this section that the licensee or a person under the supervision of the licensee has violated previously.

(e) The licensee has failed to apply for a continuance of the license within 30 days after receipt of the warning under s. 48.66(5).

(4g)(a) If a person who has been issued a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child care center is convicted of a serious crime, as defined in s. 48.685(1)(c) 3m., or if a caregiver specified in s. 48.685(1)(ag)1.a. or a nonclient resident, as defined in s. 48.685(1)(bm), of the child care center is convicted or adjudicated delinquent for committing a serious crime on or after his or her 12th birthday, the department shall revoke the license of the child care center immediately upon providing written notice of revocation and the grounds for revocation and an explanation of the process for appealing the revocation.

(b) If a person who has been issued a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child care center is the subject of a pending criminal charge alleging that the person has committed a serious crime, as defined in s. 48.685(1)(c) 3m., or if a caregiver specified in s. 48.685(1)(ag)1.a. or a nonclient resident, as defined in s. 48.685(1)(bm), of the child care center is the subject of a pending criminal charge or delinquency petition alleging that the person has committed a serious crime on or after his or her 12th birthday, the department shall immediately suspend the license of the child care center until the department obtains information regarding the final disposition of the

charge or delinquency petition indicating that the person is not ineligible to be licensed to operate a child care center.

(4m)(a) For a revocation under sub. (4)(a) or (d), the department shall provide to the licensee written notice of the revocation and the grounds for revocation not less than 30 days before the date of the revocation. The revocation will take effect only if the violation on which the revocation is based remains substantially uncorrected at the end of the 30-day notice period.

(b) For revocations under sub. (4)(b), (c) or (e), the department may revoke the license or probationary license immediately upon written notice to the licensee of the revocation and the grounds for revocation.

(5) The department may deny a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to any person who has had a license under s. 48.66(1)(a) or a probationary license under s. 48.69 revoked within the previous 5 years.

(6) The department shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, and the department of corrections shall deny, suspend, restrict, refuse to renew, or otherwise withhold a license under s. 48.66(1)(b) to operate a secured residential care center for children and youth, for failure of the applicant or licensee to pay court-ordered payments of child or family support, maintenance, birth expenses, medical expenses, or other expenses related to the support of a child or former spouse or for failure of the applicant or licensee to comply, after appropriate notice, with a subpoena or warrant issued by the department or a county child support agency under s. 59.53(5) and related to paternity or child support proceedings, as provided in a memorandum of understanding entered into under s. 49.857. Notwithstanding s. 48.72, an action taken under this subsection is subject to review only as provided in the memorandum of understanding entered into under s. 49.857 and not as provided in s. 48.72.

(7) The department shall deny an application for the issuance or continuation of a license under s. 48.66(1)(a) or a probationary license under s. 48.69 to operate a child welfare agency, group home, shelter care facility, or child care center, or revoke such a license already issued, if the department of revenue certifies under s. 73.0301 that the applicant or licensee is liable for delinquent taxes or if the department of workforce development certifies under s. 108.227 that the applicant or licensee is liable for delinquent unemployment insurance contributions. An action taken under this subsection is subject to review only as provided under s. 73.0301(5) or 108.227(5) and not as provided in s. 48.72.

48.72 Appeal procedure. Except as provided in s. 48.715(6) and (7), any person aggrieved by the department's refusal or failure to issue, renew, or continue a license or by any action taken by the department under s. 48.715 has the right to an administrative hearing provided for contested cases in ch. 227. To receive an administrative hearing under ch. 227, the aggrieved person shall send to the department a written request for a hearing under s. 227.44 within 10 days after the date of the department's refusal or failure to issue, renew, or continue a license or the department's action taken under s. 48.715. The department shall hold an administrative hearing under s. 227.44 within 30 days after receipt of the request for the administrative hearing unless the aggrieved person consents to an extension of that time period. Judicial review of the department's decision may be had by any party in the contested case as provided in ch. 227.

48.73 Inspection of licensees. The department may visit and inspect each child welfare agency, foster home, group home, and child care center licensed by the department, and for that purpose shall be given unrestricted access to the premises described in the license.

48.735 Immunization requirements; day care centers. The department, after notice to a child care center licensee, may suspend, revoke, or refuse to continue a child care center license in any case in which the department finds that there has been a substantial failure to comply with the requirements of s. 252.04.

48.737 Lead screening, inspection and reduction requirements; day care centers. The department, after notice to a child care provider certified under s. 48.651, or a child care center that holds a license under s. 48.65 or a probationary license under s. 48.69, may suspend, revoke, or refuse to renew or continue a license or certification in any case in which the department finds that there has been a substantial failure to comply with any rule promulgated under s. 254.162, 254.168, or 254.172.

48.74 Authority of department to investigate alleged violations. Whenever the department is advised or has reason to believe that any person is violating any of the provisions of ss. 48.60, 48.62, 48.625 or 48.65, it shall make an investigation to determine the facts. For the purposes of this investigation, it shall have authority to inspect the premises where the violation is alleged to occur. If it finds that the person is violating any of the specified sections, it may either issue a license if the person is qualified or may institute a prosecution under s. 48.76.

48.76 Penalties. In addition to the sanctions and penalties provided in s. 48.715, any person who violates s. 48.60, 48.62, 48.625, 48.63 or 48.65 may be fined not more than $500 or imprisoned for not more than one year in county jail or both.

48.77 Injunction against violations. In addition to the penalties provided in s. 48.76, the circuit courts shall have jurisdiction to prevent and restrain by injunction violations of s. 48.60, 48.62, 48.625, 48.63 or 48.65. It shall be the duty of the district attorneys, upon request of the department, to institute action for such injunction under ch. 813.

48.78 Confidentiality of records.

(1) DEFINITION. In this section, unless otherwise qualified, "agency" means the department, a county department, a licensed child welfare agency, or a licensed child care center.

(2)(a) No agency may make available for inspection or disclose the contents of any record kept or information received about an individual who is or was in its care or legal custody, except as provided under sub.(2m) or s. 48.371, 48.38(5)(b) or (d) or (5m)(d), 48.396(3)(bm) or (c) 1r., 48.432, 48.433, 48.48(17)(bm), 48.57(2m), 48.93, 48.981(7), 938.396(2m)(c) 1r., 938.51, or 938.78 or by order of the court.

(ag) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the request of the child, if 14 years of age or over, to the parent, guardian, legal custodian, or child, unless the agency

determines that inspection of the record by the child, parent, guardian, or legal custodian would result in imminent danger to anyone.

(aj) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the request of a parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, upon the request of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, or upon the request of an unborn child's guardian ad litem, to the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem, unless the agency determines that inspection of the record by the parent, guardian, legal custodian, expectant mother, or unborn child's guardian ad litem would result in imminent danger to anyone.

(am) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of the child who is the subject of the record or upon the written permission of the child, if 14 years of age or over, to the person named in the permission if the parent, guardian, legal custodian, or child specifically identifies the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(ap) Paragraph (a) does not prohibit an agency from making available for inspection or disclosing the contents of a record, upon the written permission of the parent, guardian, or legal custodian of a child expectant mother of an unborn child who is the subject of the record, or of an expectant mother of an unborn child who is the subject of the record, if 14 years of age or over, and of the unborn child's guardian ad litem, to the person named in the permission if the parent, guardian, legal custodian, or expectant mother, and unborn child's guardian ad litem, specifically identify the record in the written permission, unless the agency determines that inspection of the record by the person named in the permission would result in imminent danger to anyone.

(b) Paragraph (a) does not apply to the confidential exchange of information between an agency and another social welfare agency, a law enforcement agency, a health care provider, as defined in s. 146.81(1)(a) to (p), a public school, or a private school regarding an individual in the care or legal custody of the agency. A social welfare agency that obtains information under this paragraph shall keep the information confidential as required under this section and s. 938.78. A law enforcement agency that obtains information under this paragraph shall keep the information confidential as required under ss. 48.396(1) and 938.396(1)(a). A health care provider that obtains information under this paragraph shall keep the information confidential as provided under s. 146.82. A public school that obtains information under this paragraph shall keep the information confidential as required under s. 118.125, and a private school that obtains information under this paragraph shall keep the information confidential in the same manner as is required of a public school under s. 118.125. Paragraph (a) does not apply to the confidential exchange of information between an agency and officials of a tribal school regarding an individual in the care or legal custody of the agency if the agency determines that enforceable protections are provided by a tribal school policy or tribal law that requires tribal school officials to keep the information confidential in a manner at least as stringent as is required of a public school official under s. 118.125.

(c) Paragraph (a) does not prohibit the department or a county department from using in the media a picture or description of a child in the guardianship of the department or a county department for the purpose of finding adoptive parents for that child.

(d) Paragraph (a) does not prohibit the department of health services or a county department from disclosing information about an individual formerly in the legal custody or under the supervision of that department under s. 48.34(4m), 1993 stats., or formerly under the supervision of that department or county department under s. 48.34(4n), 1993 stats., to the department of corrections, if the individual is at the time of disclosure any of the following:

1. The subject of a presentence investigation under s. 972.15.

2. Under sentence to the Wisconsin state prisons under s. 973.15.

4. On probation to the department of corrections under s. 973.09.

5. On parole under s. 302.11 or ch. 304 or on extended supervision under s. 302.113 or 302.114.

(e) Notwithstanding par. (a), an agency shall, upon request, disclose information to authorized representatives of the department of corrections, the department of health services, the department of justice, or a district attorney for use in the prosecution of any proceeding or any evaluation conducted under ch. 980, if the information involves or relates to an individual who is the subject of the proceeding or evaluation. The court in which the proceeding under ch. 980 is pending may issue any protective orders that it determines are appropriate concerning information made available or disclosed under this paragraph. Any representative of the department of corrections, the department of health services, the department of justice, or a district attorney may disclose information obtained under this paragraph for any purpose consistent with any proceeding under ch. 980.

(g) Paragraph (a) does not prohibit an agency from disclosing information about an individual in its care or legal custody on the written request of the department of safety and professional services or of any interested examining board or affiliated credentialing board in that department for use in any investigation or proceeding relating to any alleged misconduct by any person who is credentialed or who is seeking credentialing under ch. 448, 455 or 457. Unless authorized by an order of the court, the department of safety and professional services and any examining board or affiliated credentialing board in that department shall keep confidential any information obtained under this paragraph and may not disclose the name of or any other identifying information about the individual who is the subject of the information disclosed, except to the extent that redisclosure of that information is necessary for the conduct of the investigation or proceeding for which that information was obtained.

(h) Paragraph (a) does not prohibit the department, a county department, or a licensed child welfare agency from entering the content of any record kept or information received by the department, county department, or licensed child welfare agency into the statewide automated child welfare information system established under s. 48.47(7g) or the department from transferring any information maintained in that system to the court under s. 48.396(3)(bm). If the department transfers that information to the court, the court and the director of state courts may allow access to that information as provided in s. 48.396(3)(c) 2.

(j) Paragraph (a) does not prohibit an agency from disclosing information to any public or private agency in this state or any other state that is investigating a person for

purposes of licensing the person to operate a foster home or placing a child for adoption in the home of the person.

(k) Paragraph (a) does not prohibit the department of children and families from providing to the department of revenue, upon request, information concerning a recipient of payments under s. 48.57(3m) or (3n) or aid under s. 48.645, including information contained in the electronic records of the department of children and families, solely for the purposes of administering state taxes, including verifying a claim for a state tax refund or a refundable state tax credit, and collecting debts owed to the department of revenue. Any information obtained by the department of revenue under this paragraph is subject to the confidentiality provisions specified in s. 71.78.

48.981 Abused or neglected children and abused unborn children.

(2) PERSONS REQUIRED TO REPORT.

(a) Any of the following persons who has reasonable cause to suspect that a child seen by the person in the course of professional duties has been abused or neglected or who has reason to believe that a child seen by the person in the course of professional duties has been threatened with abuse or neglect and that abuse or neglect of the child will occur shall, except as provided under subs. (2m) and (2r), report as provided in sub. (3):

13. A public assistance worker, including a financial and employment planner, as defined in s. 49.141(1)(d).

18. A child care worker in a child care center, group home, or residential care center for children and youth.

19. A child care provider.

(e) No person making a report under this subsection in good faith may be discharged from employment, disciplined or otherwise discriminated against in regard to employment, or threatened with any such treatment for so doing.

(3) REPORTS; INVESTIGATION.

(a) Referral of report.

1. A person required to report under sub. (2) shall immediately inform, by telephone or personally, the county department or, in a county having a population of 750,000 or more, the department or a licensed child welfare agency under contract with the department or the sheriff or city, village, or town police department of the facts and circumstances contributing to a suspicion of child abuse or neglect or of unborn child abuse or to a belief that abuse or neglect will occur.

(4) IMMUNITY FROM LIABILITY. Any person or institution participating in good faith in the making of a report, conducting an investigation, ordering or taking of photographs or ordering or performing medical examinations of a child or of an expectant mother under this section shall have immunity from any liability, civil or criminal, that results by reason of the action. For the purpose of any proceeding, civil or criminal, the good faith of any person reporting under this section shall be presumed. The immunity provided under this subsection does not apply to liability for abusing or neglecting a child or for abusing an unborn child.

(6) PENALTY. Whoever intentionally violates this section by failure to report as required may be fined not more than $1,000 or imprisoned not more than 6 months or both.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency.

(2) DUTIES AND POWERS OF LICENSING DEPARTMENTS.

(a) Each licensing department and the supreme court, if the supreme court agrees, shall enter into a memorandum of understanding with the department of revenue under sub. (4)(a) that requires the licensing department or supreme court to do all of the following:

1. Request the department of revenue to certify whether an applicant for a license or license renewal or continuation is liable for delinquent taxes. With respect to an applicant for a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision. This subdivision does not apply to the department of transportation with respect to licenses described in sub. (1)(d) 7.

2. Request the department of revenue to certify whether a license holder is liable for delinquent taxes. With respect to a holder of a license granted by a credentialing board, the department of safety and professional services shall make a request under this subdivision.

(b) Each licensing department and the supreme court, if the supreme court agrees, shall do all of the following:

1. a. If, after a request is made under par. (a)1. or 2., the department of revenue certifies that the license holder or applicant for a license or license renewal or continuation is liable for delinquent taxes, revoke the license or deny the application for the license or license renewal or continuation. The department of transportation may suspend licenses described in sub. (1)(d) 7. in lieu of revoking those licenses. A suspension, revocation or denial under this subd. 1. a. is not subject to administrative review or, except as provided in subd. 2. and sub. (5)(am), judicial review. With respect to a license granted by a credentialing board, the department of safety and professional services shall make a revocation or denial under this subd. 1. a. With respect to a license to practice law, the department of revenue shall not submit a certification under this subd. 1. a. to the supreme court until after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies.

b. Mail a notice of suspension, revocation or denial under subd. 1. a. to the license holder or applicant. The notice shall include a statement of the facts that warrant the suspension, revocation or denial and a statement that the license holder or applicant may, within 30 days after the date on which the notice of denial, suspension or revocation is mailed, file a written request with the department of revenue to have the certification of tax delinquency on which the suspension, revocation or denial is based reviewed at a hearing under sub. (5)(a). With respect to a license granted by a credentialing board, the department of safety and professional services shall mail a notice under this subd. 1. b. With respect to a license to practice law, the department of revenue shall mail a notice under this subd. 1. b. and the notice shall indicate that the license holder or applicant may request a hearing under sub. (5)(a) and (am) and that the department of revenue shall submit a certificate of delinquency to suspend, revoke, or deny a license to practice law to the supreme court after the license holder or applicant has exhausted his or her remedies under sub. (5)(a) and (am) or has failed to make use of such remedies. A notice sent to a person who holds a license to practice law or who is an applicant for a license to practice law shall also indicate that the department of revenue may not submit a certificate of delinquency to the supreme court if the license holder or applicant pays the delinquent tax in full or enters into an agreement with the department of revenue to satisfy the delinquency.

2. Except as provided in subd. 2m., if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after a hearing

under sub. (5)(a), affirm a suspension, revocation or denial under subd. 1. a. A license holder or applicant may seek judicial review under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County, of an affirmation of a revocation or denial under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall make an affirmation under this subdivision.

2m. With respect to a license to practice law, if notified by the department of revenue that the department of revenue has affirmed a certification of tax delinquency after any requested review under sub. (5)(a) and (am), decide whether to suspend, revoke, or deny a license to practice law.

3. If a person submits a nondelinquency certificate issued under sub. (5)(b)1., reinstate the license or grant the application for the license or license renewal or continuation, unless there are other grounds for suspending or revoking the license or for denying the application for the license or license renewal or continuation. If reinstatement is required under this subdivision, a person is not required to submit a new application or other material or to take a new test. No separate fee may be charged for reinstatement of a license under this subdivision. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

4. If a person whose license has been suspended or revoked or whose application for a license or license renewal or continuation has been denied under subd. 1. a. submits a nondelinquency certificate issued under sub. (3)(a)2., reinstate the license or grant the person's application for the license or license renewal or continuation, unless there are other grounds for not reinstating the license or for denying the application for the license or license renewal or continuation. With respect to a license granted by a credentialing board, the department of safety and professional services shall reinstate a license or grant an application under this subdivision.

(c) 1. Each licensing department and the supreme court may require a holder of a license to provide the following information upon request:

a. If the license holder is an individual and has a social security number, the license holder's social security number.

am. If the applicant is an individual and does not have a social security number, a statement made or subscribed under oath or affirmation that the applicant does not have a social security number. The form of the statement shall be prescribed by the department of children and families. A license issued in reliance upon a false statement submitted under this subd. 1. am. is invalid.

b. If the license holder is not an individual, the license holder's federal employer identification number.

2. A licensing department may not disclose any information received under subd. 1. a. or b. to any person except to the department of revenue for the purpose of requesting certifications under par. (a)1. or 2. in accordance with the memorandum of understanding under sub. (4) and administering state taxes, to the department of workforce development for the purpose of requesting certifications under s. 108.227(2)(a)1. or 2. in accordance with the memorandum of understanding under s. 108.227(4) and administering the unemployment insurance program, and to the department of children and families for the purpose of administering s. 49.22.

(5) HEARING.

(a) The department of revenue shall conduct a hearing requested by a license holder or applicant for a license or license renewal or continuation under sub. (2)(b)1. b. or by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b) to review a certification or determination of tax delinquency that is the basis of a denial or revocation of a license in accordance with this section or of a certificate, certification or recertification under s. 73.03(50) or 73.09(7m). A hearing under this paragraph is limited to questions of mistaken identity of the license or certificate holder or applicant and of prior payment of the delinquent taxes for which the department of revenue certified or determined the license or certificate holder or applicant is liable. At a hearing under this paragraph, any statement filed by the department of revenue, the licensing department or the supreme court, if the supreme court agrees, may be admitted into evidence and is prima facie evidence of the facts that it contains. Notwithstanding ch. 227, a person entitled to a hearing under this paragraph is not entitled to any other notice, hearing or review, except as provided in par. (am) and sub. (2)(b) 2.

(am) If a person who holds a license to practice law or who is an applicant for a license to practice law receives a hearing under par. (a) to review a certification or determination of tax delinquency that is the basis for a denial, suspension, or revocation of a license to practice law and such certification or determination is affirmed as a result of the hearing under par. (a), the person may seek judicial review of the certification or determination of tax delinquency under ss. 227.52 to 227.60, except that the review shall be in the circuit court for Dane County.

(b) After a hearing conducted under par. (a) or, in the case of a determination related to a license to practice law, after a hearing under par. (a) or, if the hearing is appealed, after judicial review under par. (am), the department of revenue shall do one of the following:

1. Issue a nondelinquency certificate to a license holder or an applicant for a license or license renewal or continuation if the department determines that the license holder or applicant is not liable for delinquent taxes. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50) or 73.09(7m)(b), the department shall grant a certification or recertification or reinstate a certification if the department determines that the applicant or certificate holder is not liable for delinquent taxes, unless there are other grounds for denying the application or revoking the certification.

2. Provide notice that the department of revenue has affirmed its certification of tax delinquency to a license holder; to an applicant for a license, a license renewal or a license continuation; and to the licensing department or the supreme court, if the supreme court agrees. For a hearing requested by an applicant for certification or recertification or a certificate holder under s. 73.03(50), or 73.09(7m)(b), the department of revenue shall provide notice to the applicant or certificate holder that the department of revenue has affirmed its determination of tax delinquency.

101.123 Smoking prohibited.

(2) PROHIBITION AGAINST SMOKING.

(a) Except as provided in sub. (3), no person may smoke in any of the following enclosed places:

1r. Child care centers.

8d. Common areas of multiple-unit residential properties.

(d) No person may smoke at any of the following outdoor locations:

2. Anywhere on the premises of a child care center when children who are receiving child care services are present.

(8) PENALTIES.

(d) Except as provided in par. (dm) or (em), any person in charge who violates sub. (2m)(b) to (d) shall be subject to a forfeiture of $100 for each violation.

253.15 Shaken baby syndrome and impacted babies.

(4) Training for child care providers.

(a) Before an individual may obtain a license to operate a child care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a child care program under s. 120.13(14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or that is provided by a nonprofit organization arranged by the department to provide that training.

(c) Before an employee or volunteer of a child care center licensed under s. 48.65, a child care provider certified under s. 48.651, or a child care program established under s. 120.13(14) may provide care and supervision for children under 5 years of age, the employee or volunteer shall receive training relating to shaken baby syndrome and impacted babies that is approved or provided by the department or the certifying county department or agency contracted with under s. 48.651(2) or that is provided by a nonprofit organization arranged by the department or that county department or contracted agency to provide that training.

347.48 Safety belts and child safety restraint systems.

(4) CHILD SAFETY RESTRAINT SYSTEMS REQUIRED; STANDARDS; EXEMPTIONS.

(ag) In this subsection:

1. "Child booster seat" means a child passenger restraint system that meets the applicable federal standards under 49 CFR 571.213 and is designed to elevate a child from a vehicle seat to allow the vehicle's safety belt to be properly positioned over the child's body.

2. "Designated seating position" has the meaning given in 49 CFR 571.3.

3. "Properly restrained" means any of the following:

a. With respect to par. (as) 1. and 2., fastened in a manner prescribed by the manufacturer of the child safety restraint system which permits the system to act as a body restraint but does not include a system in which the only body restraint is a safety belt of the type required under sub. (1).

b. With respect to par. (as) 3., wearing a safety belt consisting of a combination lap belt and shoulder harness approved by the department under sub. (2) and fastened in a manner prescribed by the manufacturer of the safety belt so that the safety belt properly fits across the child's lap and the center of the child's chest in a manner appropriate to the child's height, weight, and age that permits the safety belt to act as a body restraint.

c. With respect to par. (as) 4., fastened in a manner prescribed by the manufacturer of the system which permits the system to act as a body restraint.

(am) No person may transport a child under the age of 8 in a motor vehicle unless the child is restrained in compliance with par. (as) in a safety restraint system that is appropriate to the child's age and size and that meets the standards established by the department under this paragraph. The department shall, by rule, establish standards in compliance with applicable federal standards, including standards under 49 CFR 571.213, for child safety restraint systems.

(as) A child under the age of 8 years who is being transported in a motor vehicle shall be restrained as follows:

1. If the child is less than one year old or weighs less than 20 pounds, the child shall be properly restrained in a rear-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

2. Subject to subd. 1., if the child is at least one year old and weighs at least 20 pounds but is less than 4 years old or weighs less than 40 pounds, the child shall be properly restrained as provided in subd. 1. or properly restrained in a forward-facing child safety restraint system, positioned at a designated seating position in a back passenger seat of the vehicle if the vehicle is equipped with a back passenger seat.

3. Subject to subds. 1. and 2., if the child is at least 4 years old but less than 8 years old, weighs at least 40 pounds but not more than 80 pounds, and is not more than 57 inches in height, the child shall be properly restrained as provided in subd. 2. or properly restrained in a child booster seat.

4. Subject to subds. 1. to 3., if the child is less than 8 years old, the child shall be properly restrained as provided in subds. 1. to 3. or properly restrained in a safety belt approved by the department under sub. (2).

(b) The department may, by rule, exempt from the requirements under pars. (am) and (as) any child who because of a physical or medical condition or body size cannot be placed in a child safety restraint system, child booster seat, or safety belt.

(c) This subsection does not apply if the motor vehicle is a motor bus, school bus, taxicab, moped, motorcycle or is not required to be equipped with safety belts under sub. (1) or 49 CFR 571.

(d) Evidence of compliance or failure to comply with pars. (am) and (as) is admissible in any civil action for personal injuries or property damage resulting from the use or operation of a motor vehicle but failure to comply with pars. (am) and (as) does not by itself constitute negligence.

948.53 Child unattended in child care vehicle.

(1) DEFINITIONS. In this section:

(a) "Child care provider" means a child care center that is licensed under s. 48.65(1), a child care provider that is certified under s. 48.651, or a child care program that is established or contracted for under s. 120.13(14).

(b) "Child care vehicle" means a vehicle that is owned or leased by a child care provider or a contractor of a child care provider and that is used to transport children to and from the child care provider.

(2) NO CHILD LEFT UNATTENDED.

(a) No person responsible for a child's welfare while the child is being transported in a child care vehicle may leave the child unattended at any time from the time the child is placed in the care of that person to the time the child is placed in the care of another person responsible for the child's welfare.

(b) Any person who violates par. (a) is guilty of one of the following:

1. A Class A misdemeanor.

2. A Class I felony if bodily harm is a consequence.

3. A Class H felony if great bodily harm is a consequence.

4. A Class G felony if death is a consequence.

APPENDIX G
DCF 12 CAREGIVER BACKGROUND CHECKS

DCF 12.01 Purpose and scope.
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DCF 12.01 Purpose and scope.

(1) This chapter is promulgated under the authority of ss. 48.67 (intro.), 48.685, 49.155(1d), and 227.11(2)(a), Stats., to specify procedures necessary to implement background checks required under s. 48.685, Stats., for caregivers and nonclient residents at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

Note: For further information on the scope of the caregiver background check, see s. DCF 12.02 for definitions of terms used in this subsection.

(2) Sections DCF 12.05 to 12.08 do not apply to an entity that facilitates delegations of the care and custody of children under s. 48.979, Stats., unless the entity is also licensed by the department.

Note: The department recommends that an unlicensed entity voluntarily comply with relevant provisions in ss. DCF 12.05, 12.06, and 12.08.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.02 Definitions. In this chapter:

(1) "Agency" means the department, a county department, a certification agency, a child−placing agency, or a school board that establishes or contracts for a child care program under s.120.13(14), Stats.

(2) "Background information disclosure" means the form prescribed by the department on which a person provides information for purposes of the caregiver background check.

Note: DCF−F−2978−E, *Background Information Disclosure*, is available in the forms section of the department's website at http://dcf.wisconsin.gov or from an agency or entity.

(3) "Bar" means any of the following:

(a) A barrier to a person's eligibility for regulatory approval, employment, or contract as a caregiver.

(b) A barrier to a person's nonclient residency at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(4) "Caregiver" means any of the persons specified in s. 48.685(1)(ag), Stats., and any of the following:

(a) A person who has, or is seeking, regulatory approval.

(b) A person who is, or is expected to be, an employee, a temporary employee, a student participating in a clinical or practicum at an entity as part of his or her curriculum, or a contractor of an entity if all of the following apply:

1. The person is, or is expected to be, under the control of the entity.

2. The person has, or is expected to have, regular, direct contact with clients of the entity.

(c) A person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been, or is expected to be, facilitated by an entity.

Note: Section 48.685(1)(ag)2., Stats., provides that "caregiver" does not include an emergency medical technician or a first responder.

(5) "Caregiver background check" means the requirements in s. 48.685, Stats.

(6) "Certification agency" means the department in a county having a population of 750,000 or more or any county, person, or tribe that has a contract with the department to certify child care providers under s. 48.651(2), Stats., in a particular county or tribal area.

(7) "Child−placing agency" means a person that is licensed under ch. DCF 54.

Note: A child−placing agency is an entity and may also be an agency. A tribe may be licensed as a child−placing agency under ch. DCF 54 or may provide similar services under tribal law.

(8) "Client" means a person who receives direct care or treatment services from an entity or from a caregiver specified in s. DCF 12.02(4)(c). "Client" includes all of the following:

(a) An adopted child for whom adoption assistance payments are being made under s. 48.975, Stats.

(b) A child for whom subsidized guardianship payments are being made under s. 48.623, Stats.

(c) A person who is 18 to 21 years old, is receiving independent living services under 42 USC 677(a) from an agency, is no longer placed in out−of−home care, and is residing in the foster home in which he or she was previously placed.

Note: Most types of "clients" are not specified in this definition because the phrase "a person who receives direct care or treatment services from an entity" clearly applies to them. For further information, see the definition of "entity" in s. DCF 12.02(14).

(9) "Contractor" means, with respect to an entity, a person, or that person's agent, who provides services to the entity under an express or implied contract or subcontract. "Contractor" includes a person who has staff privileges at the entity and a person to whom delegation of the care and custody of a child under s. 48.979, Stats., has been facilitated by the entity.

(10) "County department" means a county department of social services established under s. 46.22, Stats., or a county department of human services established under s. 46.23, Stats.

(11) "Department" means the department of children and families.

(12) "Direct contact" means face−to−face physical proximity to a client that affords the opportunity to commit abuse or neglect of a client or to misappropriate the property of a client.

(13) "Division of hearings and appeals" means the division of hearings and appeals within the department of administration.

(14) "Entity" means any of the following:

(a) A residential care center for children and youth that is required to be licensed as a child welfare agency under s. 48.60, Stats., and is licensed under ch. DCF 52 to provide care and maintenance for children and youth in its physical or legal custody.

(b) A child−placing agency.

(c) A foster home.

(d) An interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s.

DCF 55.12.

(e) A person who meets all of the following conditions:

1. The person is seeking payments under s. 48.623(6)(bm), Stats.

2. The person has entered into a subsidized guardianship agreement under s. 48.623(2), Stats., following the death or incapacity of a guardian who had named the person as a prospective successor guardian.

3. The person has not been appointed as a successor guardian by a court under s. 48.977(5m), Stats.

(f) A group home that is required to be licensed under s. 48.625, Stats., and is licensed under ch. DCF 57.

(g) A shelter care facility licensed under s. 938.22, Stats., and ch. DCF 59.

(h) A child care center that is licensed under s. 48.66, Stats.

(i) A child care provider that is certified under s. 48.651, Stats.

(j) A child care program established or contracted for under s. 120.13(14), Stats.

(k) A temporary employment agency that provides caregivers to another entity.

(L) An organization that facilitates delegations of the care and custody of children under s. 48.979, Stats., except as provided in s. DCF 12.01(2).

(m) Any other entity included in s. 48.685(1)(b), Stats.

Note: See s. 48.57(3p), Stats., for information on background checks required for kinship care.

(15) "Final substantiated finding" means all of the following:

(a) A final determination made after January 1, 2015, that a person has abused or neglected a child under s. 48.981(3)(c) 5m., Stats., and s. DCF 40.04 if the final determination has not been reversed or modified on appeal.

(b) A determination made before January 1, 2015, that a person has abused or neglected a child under s. 48.981(3)(c)4., 2011 Stats., if the determination has not been reversed or modified on appeal.

Note: The date in a statutory citation means that was the last edition of the statutes in which that provision appears.

(16) "Foster home" means a facility operated by a person who is required to be licensed under s. 48.62, Stats., and is licensed under ch. DCF 56, including a home operated by a person seeking adoption assistance under s. 48.975, Stats., and a home operated by a person seeking subsidized guardianship payments under s. 48.623, Stats.

(17) "Home study" means an assessment to determine whether an applicant is fit and qualified to care for a child and whether the physical environment of the applicant's home is safe and healthy for all occupants.

(18) "Nonclient resident" means a person who meets all of the following criteria:

(a) The person is 12 years of age or over.

(b) The person resides, or is expected to reside, at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(c) The person is not a client of the entity or of the caregiver specified in s. DCF 12.02(4)(c).

(d) The person has, or is expected to have, regular, direct contact with clients of the entity or of the caregiver specified in s. DCF 12.02(4)(c).

Note: Examples of "nonclient residents" include household members in foster homes, family child care centers, and certified child care homes.

(19) "Person" has the meaning specified in s. 990.01(26), Stats.

Note: Section 990.01(26), Stats., provides that "person" includes all partnerships, associations and bodies politic or corporate.

(20) "Regular, direct contact with clients" means contact that is scheduled, planned, expected, or otherwise a result of the person's role or relationship with the client.

(21) "Regulatory approval" means any of the following:

(a) Issuance, continuation, or renewal of a license by the department under s. 48.66, Stats.

(b) Issuance or renewal of a license to operate a foster home by the department, a county department, or a child−placing agency under s. 48.75, Stats.

(c) Issuance or renewal of certification by a certification agency under s. 48.651, Stats.

(d) Approval of the person subject to the caregiver background check for a child care program to be established or contracted for by a school board under s. 120.13(14), Stats.

(e) Approval of a person to be an interim caretaker who receives subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.

(f) Approval of a person who is seeking to be a successor guardian and to receive subsidized guardianship payments under s. 48.623(6)(bm), Stats.

(g) Approval of pre−adoptive applicants for a home study for the purpose of adopting a child.

(h) Approval of a home study by the department, a county department, a child−placing agency, or a tribe for a person seeking adoption assistance under s. 48.975, Stats.

(22) "Rehabilitation review" means an agency process under which a person who has a bar may seek approval for any of the following:

(a) Regulatory approval.

(b) Employment or contract with an entity to be a caregiver for the entity.

(c) Residency at an entity or with a caregiver specified in s. DCF 12.02(4)(c).

(23) "School board" means the board that has the powers specified in s. 120.13, Stats., for the schools of a school district.

(24) "Serious crime" means the offenses specified in s. 48.685(c), Stats., and all of the following:

(a) The offenses specified in s. 48.685(5)(bm), Stats., if any of the following apply:

1. The affected entity is a foster home.

2. The affected person is an interim caretaker who is receiving, or is seeking, subsidized guardianship payments under s. 48.623(6)(am), Stats., and s. DCF 55.12.

3. The affected person is seeking payment under s. 48.623(6)(bm), Stats.

4. The subject of the background check is seeking regulatory approval of a home study under sub. (21)(g) or (h) or is a nonclient resident of a person seeking regulatory approval of a home study.

(b) For entities and approvals specified in par. (a)1., 2., and 3., "serious crime" includes the offenses specified in s. 48.685(5)(bm) ., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless the person has demonstrated rehabilitation under s. DCF 12.13 or 12.14. This paragraph applies to all of the following:

1. A person seeking regulatory approval to be a caregiver specified in s. DCF 12.02(4)(a) on or after July 1, 2016 if the regulatory approval is not a continuation or renewal of an approval the person has on July 1, 2016.

2. A person seeking employment or a contract to be a caregiver specified in s. DCF 12.02(4)(b) with an entity on or after July 1, 2016 if the person is not employed or contracted as a caregiver with that same entity on July 1, 2016.

3. A person seeking nonclient residency at an entity if the person is not a nonclient resident at that entity on July 1, 2016.

(c) For a child care center that is licensed under s. 48.66, Stats.; a child care provider that is certified under s. 48.651, Stats.; and a child care program established or contracted for under s. 120.13(14), Stats., "serious crime" includes the offenses specified in s. 48.685(5)(br)6. and 7., Stats., after the waiting period for eligibility to demonstrate rehabilitation, unless a person has demonstrated rehabilitation under s. DCF 12.13 or 12.14. This paragraph applies to the persons specified in par. (b)1., 2., and 3.

Note: Tables that list serious crimes applicable to each program are available in the program regulatory sections of the department website at http://dcf.wisconsin.gov.

For group homes, residential care centers, child−placing agencies, and shelter facilities, see the child welfare licensing/background checks section of the department website.

For foster homes, adoption home studies, adoption assistance, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website.

For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(25) "Tribe" means a federally−recognized American Indian tribe or band in this state.

(26) "Under the control of the entity" means that an entity does all of the following:

(a) Determines whether a person who is employed by or under express or implied contract with the entity and who has regular, direct contact with clients served by the entity may provide care, treatment, or other similar support service functions to clients.

(b) Directs or oversees one or more of the following:

1. The policies or procedures the person must follow in performing his or her duties.

2. The conditions under which the person performs his or her duties.

3. The tasks the person performs.

4. The person's work schedule.

5. The supervision or evaluation of the person's work or job performance, including imposing discipline and rewarding performance.

6. The compensation the person may receive for performing his or her duties.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.03 Background information disclosure. In this chapter:

(1) REQUIRED FORM. Each agency and entity shall use and require use of the background information disclosure prescribed by the department to be completed to obtain information about a person's background from the person as provided in s. 48.685(6), Stats.

Note: DCF−F−2978−E, *Background Information Disclosure*, is available in the forms section of the department's website at http://dcf.wisconsin.gov or from an agency or entity.

(2) CHILD WELFARE ENTITIES. Each agency and entity specified in s. DCF 12.02(14)(a) to (g) shall require the background information disclosure to be completed by caregivers and nonclient residents no more than 120 days before the agency or entity submits a request for information required under s. 48.685(2)(am) or (b) and (3)(a) or (b), Stats.

(3) MAINTAINING CONFIDENTIALITY. Each agency and entity shall retain all completed department background information disclosures in a manner that ensures prompt retrieval of the forms for inspection and shall comply with applicable federal and state confidentiality laws.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.04 Contracting for caregiver background checks. (1) CONTRACT. An entity may enter into a contract with any other entity or with a person, temporary employment agency, college, university, or vocational school to obtain the information required under s. 48.685(2), (3), or (6), Stats.

(2) DOCUMENTATION.

(a) An entity that enters into a contract under sub. (1) shall retain a copy of the agreement.

(b) An entity that enters into a contract under sub. (1) shall obtain from the entity, person, temporary employment agency, college, university, or vocational school that conducts the search for information required under s. 48.685(2) or (3), Stats., all of the following for each person who is the subject of a search:

1. A copy of the completed background information disclosure if completion of the background information disclosure is required under s. 48.685(6), Stats.

2. The results of the search required under s. 48.685(2) or (3), Stats.

(c) The entity shall retain the most recent documentation received under par. (b) for caregivers that the entity employs or contracts with, so the documentation may be promptly retrieved and reviewed by the agency that regulates the entity.

Note: For child−placing agencies, the record retention period in par. (c) only applies to contracting for background checks of employees and contractors of the agency. Different record retention requirements apply for records on foster parents.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.05 Obtaining armed forces information.

(1) If a person who is the subject of a caregiver background check served in a branch of the U.S. armed forces within the previous 3 years, including any reserve component, the agency or entity shall make every reasonable effort to obtain the discharge status of that person, either from the discharge papers issued to the person or from the armed forces branch in which the person served.

(2) The agency or entity shall document the efforts made to obtain the discharge status of the person.

(3) If the discharge status of the person is other than honorable, the agency or entity shall obtain information on the nature and circumstances of the discharge.

Note: The information from the armed forces may include relevant military court findings or information relevant to making a determination of whether an applicant is fit and qualified.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.06 Determining whether other offenses are substantially related.

(1) CAREGIVERS. To determine whether a caregiver's conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to the care of a client or the activities of a program for purposes of s. 48.685(5m), Stats., an agency or entity shall consider all of the following:

(a) In relation to the job or caregiving role, all of the following:

1. The nature and scope of the caregiver's client contact.

2. The scope of the discretionary authority and independent judgment the caregiver has to make decisions or take actions that affect the care of clients.

3. The opportunity caregiving presents for committing similar crimes.

4. The extent to which acceptable caregiving performance requires the trust and confidence of clients and the parents or guardians of clients.

5. The amount and type of supervision received.

(b) In relation to the criminal conviction or delinquency adjudication, all of the following:

1. Whether intent is an element of the crime.

2. Whether the elements or circumstances of the crime are related to the job or caregiving duties.

3. Any pattern of criminal convictions or delinquency adjudications

4. The extent to which the crime relates to clients or other vulnerable persons

5. Whether the crime involves violence or a threat of harm

6. Whether the crime is of a sexual nature

(c) In relation to the person, all of the following:

1. The number and type of crimes for which the person has been convicted or adjudicated delinquent.

2. The length of time between the conviction or delinquency adjudication and the decision affecting regulatory approval, employment, or contract.

3. The person's employment history, including references, if available.

4. The person's participation in or completion of pertinent programs of a rehabilitative nature.

5. The person's probation, extended supervision, or parole status.

6. The person's ability to perform or to continue to perform the job or caregiving role consistent with the safe and efficient operation of the program and the confidence of clients and the parents or guardians of clients.

7. The age of the person on the date the crime was committed.

(2) NONCLIENT RESIDENTS. To determine whether a nonclient resident's criminal conviction or delinquency adjudication for an offense that is not a serious crime is substantially related to a nonclient resident's access to clients or the activities of a program for purposes of s. 48.685(5m), Stats., an agency shall consider all of the following:

(a) In relation to nonclient residency, all of the following:

1. The nature and scope of the nonclient resident's contact with clients or activities of the program.

2. The opportunity nonclient residency presents for committing similar crimes.

3. The amount and type of supervision of the nonclient resident.

(b) In relation to the criminal conviction or delinquency adjudication, all of the following:

1. Whether intent is an element of the crime.

2. Whether the elements or circumstances of the crime involve access to clients or activities of the program.

3. Any pattern of criminal convictions or delinquency adjudications.

4. The extent to which the crime relates to clients or other vulnerable persons.

5. Whether the crime involves violence or a threat of harm.

6. Whether the crime is of a sexual nature.

(c) In relation to the person, all of the following:

1. The number and type of crimes for which the person has been convicted or adjudicated delinquent.

2. The length of time between the conviction or delinquency adjudication and the determination affecting nonclient residency.

3. The person's participation in or completion of pertinent programs of a rehabilitative nature.

4. The person's probation, extended supervision, or parole status.

5. The age of the person on the date the crime was committed.

(3) DOCUMENTATION.

(a) An agency shall document how it reached the determination under sub. (1) that the criminal conviction or delinquency adjudication of a caregiver under s. DCF 12.02(4)(a) is or is not substantially related to care of a client or activities of the program.

(b) An agency shall document how it reached the determination under sub. (2) that the criminal conviction or delinquency adjudication of a nonclient resident is or is not substantially related to access to clients or activities of a program.

(c) An entity shall document how it reached a determination under sub. (1) that a criminal conviction or delinquency adjudication of a caregiver specified in s. DCF 12.02(4)(b) is or is not substantially related to the care of a client or activities of a program.

Note: Form DCF−F−CFS2261−E, *Caregiver Background Checks Substantially Related Investigation Report*, is available, but is optional, for documentation of the determination as required in sub. (3). If a home study is required for foster care licensure, subsidized guardianship, or adoption approval, county departments and child− placing agencies must include documentation of the determination in the home study.

An agency or entity is required to determine whether a criminal conviction or delinquency adjudication for an offense that is not a "serious crime" as defined in s. DCF 12.02(24) is substantially related to the care of children or the activities of the program. It may be helpful to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction as part of that investigation and determination. Section 48.685(2)(bb), Stats., requires an agency or entity to contact the appropriate clerk of court to obtain a copy of the criminal complaint and judgment of conviction for a violation of s. 940.19(1), 940.195, 940.20, 941.30, 942.08, 947.01(1), or 947.013, Stats., if the conviction was within the past 5 years.

A person who was refused employment or who had his or her employment terminated and believes he or she may have been discriminated against, may file a complaint under s. 111.335, Stats., with the Equal Rights Division, Department of Workforce Development, P.O. Box 8928, Madison, WI 53708−8928 or telephone 608−266−6860.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.07 Child welfare denial and revocation information. Each county department and child−placing agency shall provide the department with written information about each person for whom the county department or child−placing agency denied or revoked regulatory approval specified in s. DCF 12.02(21)(b), (e), (f), (g), or (h) for a reason specified in s. 48.685(4m), Stats. The county department or child−placing agency shall provide the

information in an automation system prescribed by the department or on a form prescribed by the department.

Note: County departments and child−placing agencies with direct access to eWiSACWIS, the department's child welfare automation system, enter the information into the system. Child−placing agencies that do not have direct access to eWiSACWIS provide the information on Form DCF−F−CFS2191, *Negative Action Notice*, which is available in the forms section of the department's website, dcf.wisconsin.gov. Send the completed form to Out−of−Home Care Section, DCF/DSP, P.O. Box 8916, Madison, WI 53708−8916.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.08 Reporting requirements.

(1) ENTITY REPORTING OF OFFENSE. An entity shall report to the agency that gave regulatory approval as soon as the entity knows, or should have known, that any of the following apply to a caregiver or nonclient resident at the entity:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 12th birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s. 16.61(2)(d), Stats., made a finding that the person has abused or neglected a client or misappropriated the property of a client.

(h) If a position requires a person to be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

(2) OTHER ENTITY REPORTING.

(a) An entity shall report to the agency that gave regulatory approval as soon as possible, but no later than the agency's next business day, if any of the following occurs:

1. A person who is age 12 or over and is not a client begins residing at, or is expected to reside at, an entity.

2. A person who is residing at the entity and is not a client turns 12 years of age.

3. A nonclient resident turns 18 years of age.

4. A corporation or limited liability company designates a new person to be subject to the caregiver background check.

5. A caregiver under s. DCF 12.02(4)(a) or a nonclient resident at the entity changes his or her name.

(b)1. When a change specified under par. (a) 1. to 4. occurs regarding an entity, the entity shall submit a completed background information disclosure for the new person subject to the caregiver background check to the agency as soon as possible, but no later than the agency's next business day.

2. Notwithstanding par. (a) 3., a nonclient resident in a child care center licensed under s. 48.66, Stats., or with a child care provider certified under s. 48.651, Stats., is not required to complete a background information disclosure if all of the following apply:

a. The nonclient resident is turning, or has recently turned, 18 years of age.

b. The nonclient resident previously submitted a completed background information disclosure to the department or certification agency.

(3) ENTITY POLICY. An entity shall include in its personnel or operating policies a provision that requires a person who is a caregiver specified in s. DCF 12.02(4)(b) to notify the entity as soon as possible, but no later than the entity's next working day, if any of the following apply:

(a) The person is the subject of a delinquency petition alleging that the person committed a serious crime on or after his or her 12th birthday.

(b) The person has been adjudicated delinquent on or after his or her 12th birthday for committing any crime.

(c) The person is the subject of a pending criminal charge alleging that the person committed a serious crime.

(d) The person has been convicted of any crime.

(e) A final substantiated finding has been made that the person abused or neglected a child.

(f) A finding that is comparable to a final substantiated finding has been made in any other jurisdiction.

(g) A unit of government or a state agency as defined in s. 16.61(2)(d), Stats., has made a finding that the person has abused a client or misappropriated the property of a client.

(h) If a position requires a person to be credentialed by the department of safety and professional services, the person has been denied a credential or had a credential restricted or otherwise limited.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.09 Sanctions.

(1) ENTITY.

(a) An entity that commits any of the following acts may be subject to one or more of the sanctions specified in par. (b):

1. Hires, employs, or contracts with a caregiver or permits a nonclient resident to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) if the entity knows, or should know, that the caregiver or nonclient resident is barred under s. 48.685(4m)(b) or that a nonclient resident is ineligible for residency under s. 48.685(5m), Stats.

2. Violates any provision in s. 48.685, Stats., or this chapter regarding caregivers specified in s. DCF 12.02(4)(b) or (c), including requiring completion of a background information disclosure as required under s. 48.685(6), and conducting the caregiver background check as required under s. 48.685(2) and (3), Stats.

3.a. Knows, or should know, that a nonclient resident at the entity failed to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the applicable agency.

b. Knows, or should know, that a nonclient resident of a caregiver specified in s. DCF 12.02(4)(c) failed to complete and submit the background information disclosure to the entity specified in s. DCF 12.02(14)(L) as required under s. 48.685(6), Stats., or that a nonclient resident knowingly gave false information on or knowingly omitted information from the background information disclosure submitted to the entity specified in s. DCF 12.02(14)(L).

4. Fails to complete and submit the background information disclosure to the applicable agency as required under s. 48.685(6), Stats.

5. Knowingly gives false information on or knowingly omits information from the background information disclosure submitted to the applicable agency.

6. Fails to comply with applicable reporting requirements under s. DCF 12.08(1) or (2).

7. Fails to have a policy on reporting changes as required in s. DCF 12.08(3).

(b) Any of the following sanctions may be imposed on an entity that commits any of the acts described in par. (a):

1. Denial, revocation, nonrenewal, suspension, or termination of regulatory approval.

2. Specific conditions or limitations placed on the regulatory approval.

3. A forfeiture of not more than $1,000.

4. A requirement that the entity develop a written plan that specifies corrections that will be made to personnel screening practices, obtain agency approval of the correction plan, and implement the correction plan.

5. Attendance at agency−designated training on personnel screening or other appropriate training at entity expense.

(2) APPLICANT. An applicant for regulatory approval who does any of the following may be subject to denial of an application for regulatory approval:

(a) Fails to complete and submit a background information disclosure to the appropriate agency.

(b) Knowingly provides false information on or knowingly omits information from the background information disclosure submitted to the agency.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.10 Rehabilitation reviews by agencies.

(1) An agency shall conduct a rehabilitation review for a person who requests a rehabilitation review if the person is eligible under 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person who has, or is seeking, regulatory approval from the agency as a caregiver specified in s. DCF 12.02(4)(a).

(b) A person who is, or is expected to be, a caregiver specified in s. DCF 12.02(4)(b) for an entity that is regulated by the agency.

(c) A person who is, or is expected to be, a nonclient resident at an entity that is regulated by the agency.

(2) Notwithstanding sub. (1), the department shall conduct rehabilitation reviews for a person who requests a rehabilitation review if the person is eligible under s. 48.685(5), Stats., and s. DCF 12.11 and is any of the following:

(a) A person to whom delegation of the care and custody of a child under s. 48.979 has been, or is expected to be, facilitated by an entity.

(b) A person who is, or is expected to be, a nonclient resident of a person specified in par. (a).

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.11 Eligibility to request rehabilitation review.

(1) A person who is not eligible under s. 48.685(4m), Stats., to receive regulatory approval, to be employed as a caregiver, to contract with an entity to be a caregiver, or to reside at an entity or with a caregiver specified in s. DCF 12.02(4)(c) may request a rehabilitation review, unless any of the following apply:

(a) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685(5)(bm) or (br), Stats.

(b) The person is not permitted to demonstrate rehabilitation for the applicable offense under s. 48.685(5)(bm) or (br), Stats., during a waiting period that has not ended.

Note: Tables listing barring offenses and the availability of rehabilitation review for each offense are in the applicable program regulatory sections of the department website at http://dcf.wisconsin.gov.

For group homes, residential care centers, child−placing agencies, and shelter facilities, see the child welfare licensing/background checks section of the department website.

For foster homes, adoption home studies, and subsidized guardianship, see the foster care/related statutes and administrative rules section of the department website. For child care, see the child care regulation/child care licensing or child care certification sections of the department website.

(c) Within the preceding 12 months, an agency denied the person's request for rehabilitation approval, and the new request is for the same type of regulatory approval, job function, or nonclient resident status with the same level of direct contact with clients or unsupervised access to clients.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.12 Applying for rehabilitation review. To apply for rehabilitation review, a person who is eligible to request rehabilitation review under s. DCF 12.11 shall do all of the following:

(1) Obtain a rehabilitation review application on a form prescribed by the department and submit the completed application to the applicable agency.

Note: Form DCF−F−419 *Rehabilitation Review Application Instructions*, is available in the forms section of the department website, http://dcf.wisconsin.gov.

(2) Submit any supporting documents and information required by the rehabilitation review application to the applicable agency.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.13 Agency rehabilitation review process. In this chapter:

(1) TIME FRAME. If the application is not complete or any supporting documents or information required in the application are not submitted within 90 days after the date the application was first received by the applicable agency, the request for a rehabilitation review shall be denied, unless the person requesting the rehabilitation review provides a good cause explanation.

(2) REHABILITATION REVIEW PANEL. If a person who is eligible for rehabilitation review under s. DCF 12.11 submits an application that is complete under s. DCF 12.12 no later than the deadline in sub. (1), the applicable agency shall appoint a review panel of at least 2 persons to review the information submitted. The panel may request additional information from the person requesting the review or from other agencies or persons familiar with the person.

(3) REQUESTER APPEARANCE.

(a) The person requesting the rehabilitation review shall have an opportunity to appear before the review panel to present information and answer any questions the panel members may have.

(b) The person's appearance before the review panel may be in person, by telephone, or other technology approved by the agency.

(4) REHABILITATION DECISION FACTORS. After reviewing the information obtained, the review panel shall decide whether the person who is the subject of the rehabilitation review has demonstrated by clear and convincing evidence that he or she is rehabilitated for purposes

of receiving regulatory approval, employment as a caregiver, contracting with an entity to be a caregiver, or residing at an entity or with a caregiver specified in s. DCF 12.02(4)(c). The panel shall consider at least the following factors, as applicable:

(a) Personal references and comments from employers, persons, and agencies familiar with the applicant and statements from therapists, counselors, and other professionals.

(b) Evidence of successful adjustment to, compliance with, or proof of successful completion of parole, extended supervision, probation, incarceration, or work release privileges.

(c) Any investigations or enforcement actions by a regulatory agency for substantial noncompliance with applicable laws.

(d) Any subsequent contacts with law enforcement agencies, including arrests, charges, convictions, pending criminal or civil arrest warrants, civil judgments, or other legal enforcement actions or injunctions against the person.

(e) Any aggravating or mitigating circumstances surrounding the barring crime, act, or offense.

(f) Evidence of rehabilitation, such as public or community service, volunteer work, recognition by other public or private authorities for accomplishments or efforts or attempts at restitution, and demonstrated ability to develop positive social interaction and increased independence or autonomy of daily living.

(g) The age of the person at the time of the offense and the amount of time between the crime, act, or offense and the request for rehabilitation review.

(h) Whether the person is on the sexual offender registry under s. 301.45, Stats., or on a similar registry in another jurisdiction.

(i) A victim's impact statement, if appropriate.

(j) The person's employment history, including evidence of acceptable performance or competency and dedication to the person's profession.

(k) The nature and scope of the person's contact with clients in the position requested.

(L) The degree to which the person would be directly supervised or working independently in the position requested.

(m) The opportunity presented for someone in the position to commit similar offenses.

(n) The number, type, and pattern of offenses committed by the person.

(o) Successful participation in or completion of recommended rehabilitation, treatment, or programs.

(p) Unmet treatment needs.

(q) The person's veracity.

(5) REVIEW PANEL DECISION.

(a) *Scope.* An agency may grant rehabilitation approval only within the scope of its regulatory authority.

(b) *Deferral.* A review panel may defer a final decision for a period of not more than 6 months, unless the person who is the subject of the rehabilitation review agrees to a longer time period.

(c) *Written decision.* The review panel shall issue a written decision that includes the following information, as applicable:

1. 'Approval.' An approval shall state all of the following:

(a) The type of entity to which the decision applies.

(b) The types of approval that were requested and are approved in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at an entity.

(c) Any conditions or limitations placed on the approval.

Note: Examples of limited approval include approval for employment doing only certain job functions or approval to care for a specific child only.

2. 'Deferral.' A deferral shall state the reason for the deferral and the date that the review panel will reconvene to review any new information affecting the request.

3. 'Denial.' A denial shall include all of the following:

(a) The type of entity to which the decision applies.

(b) The types of approval that were requested and are denied in the decision, such as regulatory approval, employment as a caregiver, contract to be a caregiver, or nonclient residency at an entity.

(c) The reason for the denial.

(d) Notice that the person may appeal the denial and a summary of the appeal process under s. 48.685(5c), Stats., and s. DCF 12.14.

(6) REVIEW PANEL DECISION DISTRIBUTION.

(a) The review panel shall send its decision to the person who is the subject of the rehabilitation review and, if requested, a copy to entities specified by that person.

(b) Within 10 days after sending a rehabilitation review decision to the person who is the subject of the rehabilitation review, the review panel for an agency shall send all of the following to the department:

1. A copy of the review panel's decision.

2. A copy of the person's application under s. DCF 12.12(1).

3. A completed rehabilitation review panel decision report on a form prescribed by the department.

Note: Form DCF−F−418−E, *Rehabilitation Review Panel Decision Report*, is available in the forms section of the department website at http://dcf.wisconsin.gov. The materials should be sent to the Office of Legal Counsel, Department of Children and Families, P. O. Box 8916, Madison, WI 53708−8916.

(7) RETENTION OF REHABILITATION DECISION DOCUMENTATION.

(a) The agency shall retain a copy of the written decision by the rehabilitation review panel and any decisions from filed appeals that may result.

(b) The agency shall retain a copy of the rehabilitation review request and all materials or information obtained or notes made as part of the rehabilitation review decision for at least 10 years after the decision is made and any appeals are finalized.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.14 Appealing a rehabilitation review panel's denial.

(1)(a) A person who is denied rehabilitation approval may submit a written request for review of the decision under s. 48.685(5c), Stats., within 10 days after the date of the written decision by the rehabilitation panel. No new evidence may be submitted.

(b) A person who appeals under this subsection shall bear the burden of proving, by a preponderance of the evidence, that the rehabilitation review panel for the agency erroneously exercised its discretion in deciding that the person did not show sufficient evidence to demonstrate that he or she is rehabilitated.

Note: Pursuant to s. 48.685(5c), Stats., submit an appeal to the following, as appropriate:

1. To appeal a denial by a rehabilitation review panel for the department, a certification agency, or a child−placing agency, send the request to the Department of Children and

Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708−8916.

2. To appeal a denial by a rehabilitation review panel for a county department, send the request to the director of the appropriate county department or his or her designee.

3. To appeal a denial by a rehabilitation review panel for the school board, send the request to the Superintendent of the Department of Public Instruction, 125 South Webster Street, Madison, WI 53703; or call (608) 266−3390.

(2) A person who receives an adverse decision from the secretary of the department or his or her designee under sub. (1) may request a contested case hearing under ch. 227, Stats., and ch. HA 1 within 10 days after the date of the written decision by the department.

Note: Send a request for a contested case hearing to the Division of Hearings and Appeals, 5005 University Avenue, Room 201, Madison, Wisconsin, 53705−5400. The fax number of the division is (608) 264−9885.

(3) A person who receives an adverse decision from a county department director or his or her designee has the right to appeal the decision under ch. 68, Stats.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.15 Withdrawal of rehabilitation approval.

(1) COMPLIANCE WITH APPROVAL CONDITIONS. A person whose rehabilitation is approved shall comply with any conditions and limitations imposed with that approval.

(2) CRITERIA FOR WITHDRAWAL. An agency that granted a person a rehabilitation approval may withdraw the rehabilitation approval if the person has done any of the following:

(a) The person has failed to comply with or abide by any conditions or limitations imposed with the rehabilitation approval.

(b) The person knowingly submitted false information or withheld pertinent information that could have or would have affected the review panel's decision to grant the rehabilitation approval.

(3) INFORMING THE GRANTING AGENCY. An entity or agency that becomes aware that a person has violated the conditions or limitations of a rehabilitation approval that was granted by another agency shall inform the agency that granted the approval of the violation.

(4) WITHDRAWAL NOTICE. If an agency withdraws a rehabilitation approval, it shall issue a written notice that explains the reasons for the withdrawal and informs the person whose approval has been withdrawn that he or she may appeal as provided in s. DCF 12.14.

(5) REPORTING TO THE DEPARTMENT. If an agency withdraws rehabilitation approval and the withdrawal results in a bar to regulatory approval, employment as a caregiver, contracting with an entity to be a caregiver, or residing at an entity, the agency that withdraws the rehabilitation approval shall immediately report the withdrawal to the department.

Note: Send reports of withdrawn rehabilitation approval to Department of Children and Families, Office of Legal Counsel, P.O. Box 8916, Madison, WI 53708−8916.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

DCF 12.16 Permissive acceptance of a rehabilitation approval. In this chapter:

(1) SCOPE.

(a) An agency may accept a rehabilitation approval granted to a person by another agency if the previous rehabilitation approval applies to the same type of entity and the same type of approval.

Note: For example, a certification agency in County B may accept a rehabilitation approval to be a nonclient resident in a certified child care home if a certification agency in County A granted the same type of approval

(b) A certification agency may accept a rehabilitation approval granted to a person by the department if the previous rehabilitation approval applies to the same type of approval for a child care center that is licensed to care for 4 to 8 children under s. 48.66, Stats.

(c) An agency that accepts a rehabilitation approval granted by another agency shall enforce any limitations or conditions that were included in the approval if the conditions or limitations imposed by the agency that granted the approval have not been terminated or have not expired.

(d) A rehabilitation approval granted by a tribe that conducts rehabilitation reviews pursuant to a plan approved under s. 48.685(5d), Stats., may not be accepted.

Note: Rehabilitation approvals granted by a tribe under this chapter may be accepted.

(2) PROCESS.

(a) If an agency learns that a person has had a previous rehabilitation review, the agency shall contact the department to request a copy of the rehabilitation decision and information on the status of any rehabilitation approval.

(b) If the previous rehabilitation review decision was an approval and the approval has not been withdrawn, the agency shall determine whether the approval is eligible to be accepted under sub. (1).

(c) If the previous rehabilitation approval is eligible to be accepted under sub. (1), the agency shall determine whether to accept or deny the previous approval.

(3) INELIGIBILITY OR DENIAL. If an agency determines that a person's previous rehabilitation approval may not be accepted under sub. (1) or the agency denies an eligible rehabilitation approval under sub. (2)(c), the agency shall inform the person of his or her right to submit an application for a new rehabilitation review under s. DCF 12.12 and shall process a submitted application under s. DCF 12.13.

History: CR 16−014: cr. Register June 2016 No. 726, eff. 7−1−16.

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APPENDIX H
CHILD CARE STAFF-TO-CHILD RATIO WORKSHEET

DEPARTMENT OF CHILDREN AND FAMILIES
Division of Early Care and Education

dcf.wisconsin.gov

Staff-To-Child Ratio Worksheet
Group Child Care Centers

Use of form: Use of this form is voluntary. Group child care centers may use this form to determine the maximum number of children in a group and to ensure compliance with DCF 251.05(4). Please note that the staff-to-child ratio when swimming is different from the ratios presented on this form. The department's form DCF-F-2465 Staff-to-Child Ratio While Swimming Worksheet may be used to ensure compliance with DCF 251.07(12)(c)3. and 4.

Instructions: Add the number of children in each age group to column 2; multiply the numbers in column 2 by the numbers in column 3 to arrive at the numerical weight for each age group and add those weights to column 4. Add together all of the numbers in column 4 to get the total numerical weight of the group. Evaluate the total numbers of children in the group and the total numerical weight of the group to determine how many groups and how many staff are required.

Date – Calculations Completed (mm/dd/yyyy)	Time of Day (hh:mm) ☐ A.M. ☐ P.M.	Name – Classroom
Name – Teacher		Hours worked (hh:mm) ☐ A.M. ☐ P.M. – ☐ A.M. ☐ P.M.
Name – Second Teacher or Assistant Teacher		Hours worked (hh:mm) ☐ A.M. ☐ P.M. – ☐ A.M. ☐ P.M.

1 Age - Child	2 Number of Children in Age Group		3 Numerical Weight for Age Group		4 Weight in Age Group Column 2 x Column 3
* Birth to 2 years	_____	x	.25	=	_____
2 years	_____	x	.167	=	_____
2 ½ years	_____	x	.125	=	_____
3 years	_____	x	.10	=	_____
4 years	_____	x	.077	=	_____
** 5 years	_____	x	.059	=	_____
** 6 years and over	_____	x	.056	=	_____
Total number of children in the group	_____		Total numerical weight of the group		_____

Ratio: One staff member is required for a group of children whose total numerical weight equals 1.04 or less. Any total numerical weight below .05 is considered statistically insignificant and should be dropped. For example, if the total numerical weight is 1.05 or above, two staff persons are required; however, if the total numerical weight is 1.04, drop the .04 and only one staff member is required.

Group: Per DCF 251.05(4)(h), the number of children in a group may not exceed the maximum number of children that can be cared for by 2 staff members as determined by the staff-to-child ratio formula. *Per 251.05 (4)(g), when infants and toddlers are part of a group, the maximum group size may not exceed 8. **If the group is made up of all school-age children (age 5 and above), the maximum group size may not exceed 36.

SIGNATURE – Person Completing Form	Date Signed

EXAMPLES

Group 1	• 3 children age 4 years	x	.077	=	.231	**Ratio:** The total numerical weight of the group is greater than 1.04, so 2 child care workers are required.
	• 16 children age 5 years	x	.059	=	.944	**Group:** No more than 2 child care workers are required, and no infants or toddlers are included, so 1 group is fine.
	Total numerical weight of Group 1				**1.175**	
Group 2	• 1 child age 1 year	x	.25	=	.25	**Ratio:** The total numerical weight of the group does not exceed 1.04, so 1 child care worker is required.
	• 1 child age 2 years	x	.167	=	.167	**Group:** No more than 2 child care workers are required, and the group, which includes infants / toddlers, does not exceed 8, so 1 group is fine.
	• 5 children age 2 ½ years	x	.125	=	.625	
	Total numerical weight of Group 2				**1.042**	
Group 3	• 14 children age 3 years	x	.10	=	1.40	**Ratio:** The total numerical weight of the group is greater than 2.04, so 3 child care workers are required.
	• 10 children age 4 years	x	.077	=	.77	**Group:** More than 2 child care workers are required, so Group 3 will need to be split into 2 separate groups of children.
	• 3 children age 5 years	x	.059	=	.177	
	Total numerical weight of Group 3				**2.347**	

DCF-F-CFS0078-E (R. 09/2013)

APPENDIX I
INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS

WISCONSIN DEPARTMENT OF CHILDREN AND FAMILIES

dcf.wisconsin.gov

Division of Early Care and Education

Instructions for Obtaining Forms
Group Child Care (GCC) and Family Child Care (FCC) Centers

Listed below are some of the most frequently used forms and publications for licensed child care centers. There are two categories: 1) forms that are required to be used to comply with licensing rules, and 2) forms that are not required to be used to comply with licensing rules but have been designed to contain all the required information and are recommended for use. Several of our forms and publications are also available in Spanish and Hmong.

To access our forms and publications, visit the Bureau of Early Care Regulation Child Care Forms & Publications page at http://dcf.wisconsin.gov/files/publications/pdf/3038.pdf . If you can't find what you are looking for on the BECR page, check the Department of Children and Families forms repository at http://dcf.wisconsin.gov/forms and the publications repository at http://dcf.wisconsin.gov/publications. To open documents on these websites, you will need Microsoft Word or Adobe Acrobat.

If you do not have access to the Internet, or if you can't find the item you are looking for, contact your regional licensing office.

FORM NO.	FORM TITLE	REQUIRED
DCF-F-CFS0104	Alternate Arrival / Release Agreement – Child Care Centers	
DCF-F-CFS0059	Authorization to Administer Medication – Child Care Centers	FCC
DCF-F-2975	Background Information Disclosure	FCC, GCC
DCF-F-CFS2344	Building Inspection Report – Child Care Centers	
DCF-F-CFS2261	Caregiver Background Check Substantially Related Investigation Report	
DCF-F-CFS0062	Child Care Enrollment	FCC
DCF-F-CFS0060	Child Health Report – Child Care Centers	***
DCF-F-CFS1675	Child Record Checklist – Child Care Centers	
DCF-P-PFS4085	Collaborative Child Care Programs – Frequently Asked Questions	
DCF-F-CFS0053A	Continuing Education Record – Child Care Centers	
DCF-F-CFS2114	Continuing Education Record – Independent Reading / Video Viewing	
DCF-F-2438	Daily Attendance Record – Child Care Centers	FCC
F-44192	Day Care Immunization Record	***
DCF-P-PFS4091	Entry-Level Non-Credit Courses for Licensed Child Care	
DCF-P-0066	Entry-Level Training Requirements – Group Child Care Centers	
DCF-F-CFS0058	Field Trip or Other Activity Notification / Permission – Child Care Centers	
DCF-F-CFS2345	Health History and Emergency Care Plan	FCC, GCC
DCF-F-CFS0055	Incident Report – Child Care Centers	
DCF-F-CFS0057	Informed Consent for Observation or Testing by an Outside Agency – Child Care Centers	
DCF-F-CFS0061	Intake for Child Under 2 Years – Child Care Centers	FCC
DCF-P-PFS0101	It Shouldn't Hurt To Be a Child. . .but Sometimes It Does	
DCF-F-CFS0069	Licensing Checklist – Family Child Care Centers DCF 250	
DCF-F-CFS0063	Licensing Checklist – Group Child Care Centers DCF 251	
DCF-F-CFS2356	Policy Checklist – Family Child Care Centers	**
DCF-F-CFS2048	Policy Checklist – Group Child Care Centers	**
DCF-P-2562	Potential Barriers to Obtaining a Child Care Center License	
DCF-F-CFS0297	Request for Exception	
DCF-F-CFS0460	Safety and Emergency Response Documentation – Family Child Care Centers	
DCF-F-CFS0543	Safety and Emergency Response Documentation – Group Child Care Centers	
DCF-F-CFS0054	Staff Health Report – Child Care Provider	FCC; GCC
DCF-F-CFS2255	Staff Orientation Checklist – Family Child Care Centers	FCC
DCF-F-CFS2026	Staff Orientation Checklist – Group Child Care Centers	
DCF-F-CFS2051	Staff Record Checklist – Family Child Care Centers	
DCF-F-CFS1675A	Staff Record Checklist – Group Child Care Centers	
DCF-F-CFS0053	Staff Record – Child Care Centers	FCC
DCF-F-2465	Staff-To-Child Ratio While Swimming Worksheet – Group and Family Child Care	
DCF-F-CFS0078	Staff-To-Child Ratio Worksheet – Group Child Care Centers	
DCF-F-CFS0056	Transportation Permission – Child Care Centers	
DCF-F-CFS0052	Vehicle Safety Inspection	FCC; GCC
DCF-F-CFS2027	Volunteer Training Confirmation – Group Child Care Centers	
DCF-P-2436	Your Guide to Regulated Child Care – Your Summary of the Child Care Rules	FCC, GCC

** Only required when policies are created or revised and copies are submitted to the department.

*** Department will accept electronic printouts from physician's office and WI Immunization Registry in place of the department forms.

The Department of Children and Families (DCF) is an equal opportunity employer and service provider. If you have a disability and need to access this information in an alternate format, or need it translated to another language, contact the Bureau of Early Care Regulation at 608-266-9314 (general) or 888-692-1382 (TTY). For civil rights questions call 608-422-6889 (general) or 711 (TTY).

DCF-P-PFS3038 (R. 09/2016)

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