WISCONSIN
ADMINISTRATIVE CODE

Division of Early Care and Education

DCF 251

LICENSING RULES FOR GROUP CHILD CARE CENTERS
With Commentary

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.

DCF-P-PFS4024 R. 12/2016

PREFACE

DCF 251
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With Commentary

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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TABLE OF CONTENTS

DCF 251.01 Authority and purpose. **1**

DCF 251.02 Applicability. **1**
(1) INCLUDED AND EXCLUDED CARE ARRANGEMENTS. 1
(2) EXCEPTION TO A REQUIREMENT.. 1

DCF 251.03 Definitions. In this chapter: **3**

DCF 251.04 Operational requirements. **8**
(1) TERMS OF A LICENSE. 8
(2) ADMINISTRATION 12
(4) PARENTS. 13
(5) STAFF RECORDS. 14
(7) CONFIDENTIALITY 19
(8) REPORTING CHILD ABUSE. 20

DCF 251.05 Staffing. **22**
(1) RESPONSIBILITIES AND QUALIFICATIONS OF STAFF. 22
(2) STAFF DEVELOPMENT 30
(3) SUPERVISION. 33
(4) STAFFING AND GROUPING. 34

DCF 251.06 Physical plant and equipment. **36**
(1) BUILDING. 36
(2) PROTECTIVE MEASURES. 37
(3) EMERGENCIES 39
(4) FIRE PROTECTION. 40
(5) SANITATION. 41
(6) WATER. 42
(7) INDOOR SPACE. 43
(8) FURNISHINGS. 44
(9) KITCHENS. 44
(10) WASHROOM AND TOILET FACILITIES. 47
(11) OUTDOOR PLAY SPACE. 48
(12) SWIMMING AREAS. 50

DCF 251.07 Program. **52**
(1) PROGRAM PLANNING AND SCHEDULING. 52
(2) CHILD GUIDANCE. 54
(3) EQUIPMENT. 55
(4) REST PERIODS. 56
(5) MEALS AND SNACKS. 57
(6) HEALTH. 58
(7) PETS AND ANIMALS. 64
(8) MISCELLANEOUS ACTIVITIES 65

DCF 251.08 Transportation. **66**
(1) APPLICABILITY 66
(2) GENERAL. 66
(3) DRIVER. 66
(4) VEHICLE. 67
(5) VEHICLE CAPACITY AND SUPERVISION. 68
(6) REGULARLY SCHEDULED TRANSPORTATION. 68
(7) CENTER VEHICLES. 69
(8) CHILD CARE VEHICLE SAFETY ALARM. 69

DCF 251.09 Additional requirements for infant and toddler care. **70**
(1) APPLICABILITY AND GENERAL REQUIREMENTS. 70
(3) FEEDING. 72
(4) DIAPERING AND TOILETING. 74
(1) APPLICABILITY 76
(2) EXCEPTIONS FOR GCC SERVING ONLY SCHOOL-AGE CHILDREN 76
(3) EXCEPTIONS FOR GCC SERVING ONLY SCHOOL-AGE CHILDREN IN SCHOOL BUILDINGS 76
(4) ADDITIONAL REQUIREMENTS FOR GCC SERVING SCHOOL-AGE CHILDREN. 76

DCF 251.10 Additional requirements for night care. 78
(1) APPLICABILITY 78
(2) GENERAL REQUIREMENTS. 78
(3) PROGRAM. 78
(4) PREVENTIVE MEASURES. 78
(5) FEEDING. 78
(6) SLEEP. 78

DCF 251.11 Licensing administration. 80
(1) GENERAL CONDITIONS FOR APPROVAL OF LICENSE. 80
(2) INITIAL APPLICATION FOR A PROBATIONARY LICENSE. 80
(3) OBTAINING A REGULAR LICENSE. 81
(4) CONTINUING A REGULAR LICENSE. 82
(5) AMENDING A LICENSE. 82
(6) ADDITIONAL LICENSE 83
(7) LICENSE DENIAL OR REVOCATION. 83
(8) EFFECT OF NOTICE TO DENY OR REVOKE A LICENSE. 84
(9) SUMMARY SUSPENSION OF A LICENSE. 84
(10) APPEAL OF DECISION TO DENY OR REVOKE A LICENSE. 85

DCF 251.12 Complaints, inspections and enforcement actions. 86
(1) COMPLAINTS. 86
(2) INSPECTION. 86
(3) ENFORCEMENT ACTION 86

APPENDIX A Regional Offices of the Division of Early Care and Education 87

APPENDIX B CACFP Meal Pattern Requirements – Ages 1 to 12 88

APPENDIX C CACPF Meal Pattern Requirements – Birth Through 11 Months 90

APPENDIX D CPSC Your Used Crib Could Be Deadly 91

APPENDIX E Required Items for Group Child Care Centers 92

APPENDIX F Key Statutes Related to Licensing of Child Care Centers 99

APPENDIX G DHS 12 Caregiver Background Checks 113

APPENDIX H Child Care Staff-To-Child Ratio Worksheet 120

APPENDIX I Instructions for Obtaining Department Forms 121

APPENDIX J Resource List 122

INDEX 123

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.

Centers offering after-hours care / activities for children on the premises of a licensed center (such as parent date nights, shopping, etc.) may do so provided that the parents are notified in writing that the center is not licensed during that time period. If the center wishes to operate during this time as a licensed facility, an exception must be requested. Note: Centers should also check with their insurance company to ensure coverage during this time.

(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.

Non-working parents on premises means a care situation in which a parent of every child in care is on the premises. Centers serving industry, college, university or employer-based child care where parents may be employed or attending classes on the same premises must be licensed.

An organization may use the premises of a licensed child care center for occasional care for conferences or other activities when the center is not in operation. An example of this usage would be occasional weekends or evenings. An exception is not required.

(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.

251.02(2) Note: continued

The Request for Exception form is the preferred format for the request. A request in the form of correspondence will be accepted as an alternative. The exception request must include the rule number for which the exception is being requested; the signature of the licensee or the person previously delegated in writing by the licensee to have the authority to sign official documents or correspondence; and the alternative protection(s) to be provided in lieu of meeting the rule.

Action on implementation of the exception request may not be taken by the licensee until an affirmative response is received from the department.

Failure to comply with the conditions of the exception may result in withdrawal of the exception and/or initiation of other enforcement actions such as forfeiture or revocation of the license.

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.

See Appendix J Resources List; Caregiver Background Checks – Frequently Asked Questions. To contact the Caregiver Background Unit call 608-266-8001.

(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.

See Appendix J Resources List, Credit to Hours Conversion – Technical Colleges and Universities.

(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.

251.03(11r)

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

See DCF 251.03(22g) – DEFINITION – PART DAY CENTER. A full day center means a center where a group of children may attend 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.

See Wis. Stats. 48.65.

(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).

DHS 105.37 Certification of early and periodic screening, diagnosis and treatment (EPSDT) providers. (1) EPSDT Health Assessment and Evaluation Services. (a) Eligible providers. The following providers are eligible for certification as providers of EPSDT health assessment and evaluation services:
1. Physicians
2. Outpatient hospital facilities
3. Health maintenance organizations
4. Visiting nurse associations
5. Clinics operated under a physician's supervision
6. Local public health agencies
7. Home health agencies
8. Rural health clinics
9. Indian health agencies
10. Neighborhood health centers
11. Doctor of osteopathy, M.D., D.P., P.A.

The professional identification of the person signing the form should be clearly stated on the form: i.e., M.D., R.N., P.A. etc. The professional affiliation should also be stated if other than an M.D. or P.A. working under the supervision of an M.D. Chiropractors are not authorized to give physical examinations.

See DCF 251.05(1)(L)1. STAFF HEALTH EXAMINATION – REQUIREMENTS and 251.07(6)(k)3. HEALTH EXAMINATION – DOCUMENTATION.

(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.

Children are considered "in care" during times when they are being transported via center provided transportation

See DCF 251.08 (1) – TRANSPORTATION RULES APPLICABILITY

(14r) "Inclement weather" means stormy or severe weather such as any of the following:

The air quality index is an index for reporting daily air quality. It tells you how clean or polluted the air around you is and what associated health effects might be a concern. The higher the AQI value is the greater the level of air pollution and the greater the health concern. For example, children who have asthma may be affected playing outdoors when the index reaches 101 – 150. See DCF 251.07(1)(e)4. – DAILY OUTDOOR PLAY TIME. See Appendix J Resources List; Child Care Weather Watch – Wisconsin.

(a) Heavy rain.

(b) Temperatures above 90 degrees Fahrenheit.

The heat index (HI) is an index that combines air temperature and relative humidity in an attempt to determine the human-perceived equivalent temperature — how hot it feels, termed the felt air temperature.

NOAA's National Weather Service Heat Index

Temperature (°F)

Relative Humidity (%)	80	82	84	86	88	90	92	94	96	98	100	102	104	106	108	110
40	80	81	83	85	88	91	94	97	101	105	109	114	119	124	130	136
45	80	82	84	87	89	93	96	100	104	109	114	119	124	130	137	
50	81	83	85	88	91	95	99	103	108	113	118	124	131	137		
55	81	84	86	89	93	97	101	106	112	117	124	130	137			
60	82	84	88	91	95	100	105	110	116	123	129	137				
65	82	85	89	93	98	103	108	114	121	128	136					
70	83	86	90	95	100	105	112	119	126	134						
75	84	88	92	97	103	109	116	124	132							
80	84	89	94	100	106	113	121	129								
85	85	90	96	102	110	117	126	135								
90	86	91	98	105	113	122	131									
95	86	93	100	108	117	127										
100	87	95	103	112	121	132										

Likelihood of Heat Disorders with Prolonged Exposure or Strenuous Activity

Caution · Extreme Caution · Danger · Extreme Danger

(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.

NWS Windchill Chart

Temperature (°F)

Wind (mph) / Calm	40	35	30	25	20	15	10	5	0	-5	-10	-15	-20	-25	-30	-35	-40	-45
5	36	31	25	19	13	7	1	-5	-11	-16	-22	-28	-34	-40	-46	-52	-57	-63
10	34	27	21	15	9	3	-4	-10	-16	-22	-28	-35	-41	-47	-53	-59	-66	-72
15	32	25	19	13	6	0	-7	-13	-19	-26	-32	-39	-45	-51	-58	-64	-71	-77
20	30	24	17	11	4	-2	-9	-15	-22	-29	-35	-42	-48	-55	-61	-68	-74	-81
25	29	23	16	9	3	-4	-11	-17	-24	-31	-37	-44	-51	-58	-64	-71	-78	-84
30	28	22	15	8	1	-5	-12	-19	-26	-33	-39	-46	-53	-60	-67	-73	-80	-87
35	28	21	14	7	0	-7	-14	-21	-27	-34	-41	-48	-55	-62	-69	-76	-82	-89
40	27	20	13	6	-1	-8	-15	-22	-29	-36	-43	-50	-57	-64	-71	-78	-84	-91
45	26	19	12	5	-2	-9	-16	-23	-30	-37	-44	-51	-58	-65	-72	-79	-86	-93
50	26	19	12	4	-3	-10	-17	-24	-31	-38	-45	-52	-60	-67	-74	-81	-88	-95
55	25	18	11	4	-3	-11	-18	-25	-32	-39	-46	-54	-61	-68	-75	-82	-89	-97
60	25	17	10	3	-4	-11	-19	-26	-33	-40	-48	-55	-62	-69	-76	-84	-91	-98

Frostbite Times: 30 minutes · 10 minutes · 5 minutes

$$\text{Wind Chill (°F)} = 35.74 + 0.6215T - 35.75(V^{0.16}) + 0.4275T(V^{0.16})$$

Where, T= Air Temperature (°F) V= Wind Speed (mph)

Effective 11/01/01

(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.

251.03(17)

(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.

A licensee may also include a Limited Liability Company (LLC).

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

A person monitoring a group child care center for purposes of child care subsidy is also considered a licensing representative.

(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.

s. 118.165, Wis. Stats., Private Schools
(1) An institution is a private school if its education program meets all of the following criteria:
(a) The primary purpose of the program is to provide private or religious-based education.
(b) The program is privately controlled.
(c) The program provides at least 875 hours of instruction each school year.
(d) The program provides a sequentially progressive curriculum of fundamental instruction in reading, language arts, mathematics, social studies, science and health. The subsection does not require the program to include in its curriculum any concept, topic or practice in conflict with the program's religious doctrines or to exclude from its curriculum any concept, topic or practice consistent with the program's religious doctrines.
(e) The program is not operated or instituted for the purpose of avoiding or circumventing the compulsory school attendance requirement under s. 188.15(1)(a), Wis. Stats.
(f) The pupils in the institution's educational program, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than 2 months of summer vacation, or the institution is licensed as a child welfare agency under s. 48.60(1), Wis. Stats.
(2) An institution may request the state superintendent to approve the institution's educational program as a private school. The state superintendent shall base its approval solely on the criteria under sub. (1).

s. 118.167, Wis. Stats., Private school determination by state superintendent. If an association that regulates or accredits private education institutions in this state submits an affidavit to the state superintendent attesting that the institution meets or exceeds all of the criteria under s. 118.165 and the state superintendent finds that the institution does meet or exceeds all of the criteria under s. 118.165, the state superintendent shall determine that the institution is a private school. If at any time the state superintendent finds that an institution determined to be a private school under this section no longer meets the criteria under s. 118.165, the state superintendent may withdraw the determination.

(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.

For example: A group of children are enrolled for a session that operates from 9:00 a.m. to 12:00 p.m. and a different group of children are enrolled for a session that is scheduled from 12:00 p.m. to 3:00 p.m. This program is considered a part-day program because no session lasts longer than 5 hours and a different and distinct group of children are enrolled in each session.

(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.

Physician means an individual possessing the degree of doctor of medicine or doctor of osteopathy or an equivalent degree as determined by the board and holding a license granted by the board. A chiropractor does not meet the definition for physician.

(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.

"Regularly assigned child care worker" applies to assistant child care teachers and child care teachers.

(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.

Following are some of the ways a self-contained room or area may be used.

1. *All the equipment and furnishings (both in variety and quantity) required for a group of children are available in the room or area. Note: Some considerations to this expectation might apply. For example, a room or area might not contain large muscle equipment if a furnished gym were available on a regular basis to the group.*
2. *The room or area is set up with a number of interest centers and the quantity of equipment required for the group is met. Moreover, additional rooms or areas are available to the group on a daily basis to meet the variety requirement. Groups may rotate between two or more self-contained rooms or areas. Maximum group size and staff-to-child ratios must be maintained.*

(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.

See Appendix J Resources List, Collaborative Child Care Program – Frequently Asked Questions for information on how and when the licensing rules affect collaborations between child care centers, public or private schools and/or Head Start programs.

See DCF 252.11 (5) – AMENDING 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.

LICENSING A PROGRAM THAT SERVES CHILDREN OVER AGE 7. Section 48.65, Wis. Stats., requires programs that provide care to 4 or more children under age 7 to be licensed. Centers who serve a mix of children both under and over age 7 must decide whether to license the entire program or only the portion of the program that serves children under age 7. If the center chooses to license the entire program, the entire program is subject to the licensing rules. If the center chooses to license only the portion of the program that serves children under age 7, the program must provide separate space and staff for the group of children over age 7. The groups of children under age 7 and the groups of children age 7 and over may not be mingled because the care of the older children impacts health safety, and welfare of children in licensed care.

If children 7 years of age and older are served in the same space with children less than 7 years of age, a license for the actual age range to be served within the licensed capacity is issued. Developmentally appropriate equipment and supplies must be available. See DCF 251.095 – EXCEPTIONS AND ADDITIONAL REQUIREMENTS FOR CARE OF SCHOOL-AGE CHILDREN.

A license may be granted for the care of children through age 17. If a provider wishes to care for a child above or below the specified age on the license, an exception should be requested. For example, a provider who is licensed up to age 12 and wishes to care for one child age 14. The exception must be granted prior to caring for a child above or below the ages specified on the license

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

Licensed hours: Authorized hours specified on the license certificate within which the center may provide child care services.

Hours of Operation: Hours within the terms of the license during which children are actually in the care of the center. Operational hours may vary depending on community needs.

(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.

DISCRIMINATION: The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-266-5335 or the US Department of Health and Human Service, Office of Civil Rights 800-514-0301 (voice) or 800-514-0383 (TTY) or see the ADA website https://www.ada.gov/filing_complaint.htm to file a complaint. See Appendix J Resources List; Together Children Grow – Quality Child Care for Children with Special Needs.

CAREGIVER BACKGROUND CHECKS: 2009 Wisconsin Act 76 modified the requirements for caregiver background checks. The modifications include the following requirements:

- *The licensee (or the president of a corporation's board of directors) must submit a background information disclosure form to the department each year when requested by the department. A caregiver background check is conducted on the licensee once per year.*
- *The licensee must submit a background information disclosure form for each minor caregiver and each person who lives in the center who is age 12 and above to the department every year. The department conducts the caregiver background check on all minor caregivers and any adults who live in center once per year.*
- *Licensees are billed for caregiver background checks once a year unless the licensee has submitted an authorization to have background check fees deducted from any Wisconsin Shares payments.*

- *Licensees must collect a background information disclosure form for any employees, substitutes or volunteers who are used to meet the staff-to-child ratios before the person begins to work and every year thereafter. The licensee conducts the caregiver background check and completes any subsequent investigation necessary.*
- *The law specifies convictions that may result in a permanent bar, a bar for 5 years after completion of any sentence, a bar until rehabilitation approval has been granted or a bar that does not permit a person to hold a license or certification.*
- *Information on these changes can be found on the department's website: www.dcf.wisconsin.gov.*

(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.

See DCF 251.11(2) – INITIAL APPLICATION FOR A PROBATIONARY LICENSE. In circumstances where Migrant Councils operate licensed programs in Wisconsin on a seasonal basis, the person representing the Migrant Council may be considered to be a WI resident during the period of time that program operates in WI. The Wisconsin residence address must be provided.

(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:

An insurance binder has the same intent as a certificate of insurance but may be issued by the insurance company prior to initial licensing and will be accepted until the certificate is issued.

It is recommended that the department be listed as a certificate holder so automatic notice will be sent to the department if coverage is canceled by the insurance firm or subsequent coverage is not obtained through failure of the licensee to pay the premiums.

Child care centers operated by the University of Wisconsin system and technical colleges are not required to submit certificates of insurance to the department since coverage is provided by statute for programs, employees and agents.

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.

See DCF 251.03(4g) DEFINITION – CENTER-PROVIDED TRANSPORTATION.

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.

Examples of non-owned vehicle transportation are:

- *Children transported in personal vehicle of employee for field trip, portal-to-portal or for emergency situations.*
- *Children transported in personal vehicles of parents or other persons for field trips. If parents transport only their own children for a field trip, non-owned insurance coverage is not required.*
- *Children transported in vehicles donated by other agencies, but not owned by the center, such as churches, community groups, or the Red Cross.*

The Commissioner of Insurance recommends that centers carry a non-owned vehicle liability policy / rider even when the center only uses public transportation for field trips or portal-to-portal transportation.

Non-owned insurance coverage may be obtained as a rider to vehicle insurance coverage, or may be obtained as an extension to general liability coverage without vehicle insurance coverage, but must specifically appear on the certificate as such. A common practice of insurance carriers is to issue a multi-peril policy covering general liability, property and non-owned vehicle coverage.

A written contract between a private transportation or bus company is recommended.

251.04(2)(g)2.

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.

The certificate of insurance as specified in (g) above must indicate that coverage includes cats and dogs if applicable.

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

Policy review will consist of ensuring that policies address all required subjects and that they do not conflict with licensing rules. If further clarification is needed the policy will be sent back to the licensee. The Policy Checklist – Group Child Care Centers is available to assist in writing policies and contains items that are recommended to be included in center policies. The policy checklist is available on the department's website: www.dcf.wisconsin.gov.

Centers should periodically review their existing policies and procedures to determine whether they conflict with the licensing rules or to determine whether any changes are required to reflect current procedure. Any conflicts must be resolved.

Copies of policy changes must be submitted to the department at the time the policy is changed. Licensees are reminded at continuation that if they have not previously submitted policy changes, they should do so with the continuation materials. The Policy Checklist – Group Child Care Centers must be sent to the department at the time the policies are submitted for review.

Parent contracts are recommended but not required. If contracts are used, submit a copy with the written policies and procedures.

1. Fee payments and refunds.

Dollar amounts (fees) do not need to be included in a fee policy. Whether or not refunds are given, and under what circumstances, must be included. It is recommended that centers utilize a contract that includes the requirements for payment of fees.

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.

The DCF Civil Rights Unit investigates all discrimination complaints that are submitted to DCF by its clients and customers that are based on practices prohibited by relevant state and federal civil rights laws. Contact the DCF Equal Opportunity Office at 608-266-5335 or the US Department of Health and Human Service, Office of Civil Rights; 800-514-0301 (voice) or 800-514-0383 (TTY) or the ADA website https://www.ada.gov/filing_complaint.htm to file a complaint.

(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:

While awaiting department approval, the responsibility for ensuring that policies and plans are implemented and meet the requirements of this chapter remains with the licensee.

The policy checklist includes items that are recommended be addressed in center policies. The policy checklist is available on the department's website www.dcf.wisconsin.gov*.*

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.

See DCF 251.09(2)(b) INFANT & TODDLER – INDIVIDUAL SLEEP PATTERNS; 251.09(1)(k) INFANT & TODDLER – BEDDING, 251.09(1)(L) INFANT & TODDLER – SOFT MATERIALS IN CRIBS; and DCF 251.09(2)(bm) INFANT & TODDLER – SLEEP POSITION

3. Education.
4. Nutrition.
5. Child guidance including appropriate ways to manage crying, fussing or distraught children.

See Appendix J Resources List, Managing Crying Fussing or Distraught Children.

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

SEE DCF 251.03 (10M) DEFINITIONS – EMERGENCY. For more information on contingency plans, see:
- *Wisconsin Emergency Management http://emergencymanagement.wi.gov.*
- *Child Care Information Center, 2109 S Stoughton Rd., Madison, WI 53716, https://dcf.wisconsin.gov/ccic or toll free at 1-800-362-7353.*

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.

At a minimum, the transportation policy should include the following:
- *Procedure for inspecting vehicle for safety and for ensuring that any required vehicle safety alarm is in operating condition*
- *Procedure for loading, unloading and tracking children being transported*
- *Procedure for ensuring the child is released to a responsible adult*
- *Procedure for tracking children during an emergency*
- *Behavior management techniques for use with children being transported*
- *Procedure on the use of a cellular phone or other wireless communication device by the driver*
- *Procedure for sharing information with the driver on any special needs that a child being transported may have and the plan for how those needs are to be met.*

(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.

The Noncompliance Statement & Correction Plan form or the Statement of Compliance is the result of the most recent licensing inspection.

(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.

2011 Wisconsin Act 76 modified the requirements for caregiver background checks. The modifications included requirements that:
- *Background Information Disclosure (BID) forms for the licensee or board chairperson, persons aged 12 and above who reside in a child care center, and minor caregivers be submitted to the department annually. The department will notify a center when a BID form is due.*
- *If a new individual begins to reside in the child care center, a BID form must be submitted.*
- *Failure to disclose information requested on a BID form may result in a permanent bar that prohibits a person from holding a license or certification, residing in or working in a regulated child care program under s. 48.685(5)(br) Wis. Stats.*
- *Fees for background checks completed by the department will be billed once a year unless the licensee submits an authorization to deduct fees from child care subsidy payments. A copy of this authorization is available from the Caregiver Background Unit by calling 608-266-8001 or from the department's website www.dcf.wisconsin.gov.*

(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.

s. 48.685(6)(am) Wis. Stats. requires a licensee to submit a Background Information Disclosure form to the department for a person age 12 and above who resides in a child care center.

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.

251.04(2)(p)

(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.

"Professional medical treatment" means being seen for evaluation and/or treatment by a health care professional such a physician, physician assistant, dentist, nurse, EMT, etc.

It is recommended that a center include information on the details of what happened to cause the injury when making the written report. Examples of details that should be included in this report are: date and time, detailed description of what caused the injury, any witnesses, what action was taken by the provider at the time of the incident or accident.

(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(c) on maintaining a center medical log book and s. DCF 251.07(6)(a)2. on logging injuries in a center medical log.

2011 Wisconsin Act 76 included several modifications to the caregiver background check requirements. Licensees are required to notify the department if a licensee, employee, person residing in the child care center or any other person subject to a caregiver background check has a delinquency adjudication or pending delinquency petition. Delinquency adjudications and petitions occur when the individual is a minor at the time of the activity. See Appendix J Resources List, Caregiver Background Checks – Frequently Asked Questions. Questions about Caregiver Background Checks can be directed to the department's caregiver background unit at 608-266-8001.

(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.

Remodeling that involves a kitchen or remodeling that includes any mechanical modification may require a plan review by the Department of Safety and Professional Services (formerly the Department of Commerce) plan reviewers.

The addition or removal of large playground structures is considered remodeling or construction that must be reported.

(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.

See DCF 251.04(4)(a)1. – PARENT NOTIFICATION OF A COMMUNICABLE DISEASE, DCF 251.07(6)(e) – COMMUNICABLE DISEASE and Appendix J Resources List; Communicable Disease Chart. Some of these diseases must be reported to the local public health department. Names of children with communicable diseases may not be shared with other families. Contact the local health department for further information.

(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.

See DCF 251.04 (3) (m) – REPORTING COMMUNICABLE DISEASES TO THE DEPARTMENT and DCF 251.07 (6)(e) – COMMUNICABLE DISEASE. See Appendix J Resources List; Communicable Disease Chart. Some of these diseases must be reported to the local public health department. Parents of children exposed to any reportable communicable diseases appearing on this chart must be notified of the exposure. Names of children with communicable disease may not be shared with other families.

Examples of those diseases not transmitted through normal contact are HIV/AIDS, Hepatitis B and C and sexually transmitted diseases.

Contact the local health department for further information.

See Appendix J Resources List, Communicable Disease Chart.

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

Any head injury is considered serious and parents should be notified immediately.

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.

The options for meeting this rule are:

1. *The Field Trip or Other Activity Notification/Permission – Child Care Centers form or a similar center-created form that will be used for each child on each field trip; OR*
2. *A blanket permission form signed by parents that covers all field trips involving use of a vehicle; and notification to parents of the date, time and destination of the field trip for each child prior to each trip.*

(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.

When access is prohibited or restricted by court order, permission to pick up or contact the child is also affected. To prohibit or restrict access, the center must have a copy of the court order on file at the center. Further information about parental rights may be obtained from www.legalexplorer.com.

251.04(4)(c)

(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.

See Appendix J Resource List; Together Children Grow – Quality Child Care for Children with Special Needs.

(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.

The document entitled "Your Guide to Regulated Child Care Programs" is the summary referenced in this rule. The document is available on the department's website at: www.dcf.wisconsin.gov.

(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:

Files for staff must be available on the employee's first day of work. When a center utilizes substitutes from an agency that is not the licensee, the agency may be responsible for collecting and maintaining the required staff file information on the substitute. The licensee is responsible for ensuring that the required information is present in the file and that the file is available for review by the licensing representative.

Information contained in a staff file may be transferred with a staff person if s/he started to work at a new/different location operated by the same licensee. A new orientation is required.

At the time of initial licensure, staff files including documentation of educational requirements are required for the person who is identified as the center administrator and the person who is identified as the center director.

Background Check information required under subdivisions 2. and 3. below, continuing education documentation required under subdivision 5. below, and documentation of the days and hours a person is included in the staff to child ratios required under 8. below is not required to be kept in the individual's personnel file; however, these records must be readily available for review by the licensing specialist.

Licensees wishing to maintain electronic files on staff should assure the following: the files must be available for review by the licensing specialist during a licensing visit; electronic files must contain all the required information including the appropriate department-required forms; emergency contact information and any pertinent health information is immediately available to all staff without having to access electronic information.

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.

See s. 111.31 – 111.395 Wis. Statutes Wisconsin Fair Employment Law. It is not illegal to ask for age or date of birth on an employment form. Employers are prohibited from using age as a basis for discharging or failing or refusing to hire an individual and are prohibited from discriminating in compensation, terms, conditions or privileges of employment because of age. See www.dwd.wisconsin.gov for more information.

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.

251.04(5)(a)2.Note:

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.

2009 Wisconsin Act 76 modified the background check law to require a completed background information disclosure form be completed annually.

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.

2009 Wisconsin Act 76 modified the background check law to require a caregiver background check be completed annually and specifies convictions that result in a permanent bar, a bar for 5 years following completion on any sentence, a bar unless rehabilitation approval is granted or a bar that prohibits a person from holding a license or certificate.

A complete caregiver background check (CBC) consists of:

- *Background Information Disclosure (BID) form.*
- *Report from the Department of Justice (DOJ).*
- *A report on letterhead from the State of Wisconsin called "Results to Caregiver Background Check that contains information collected from various databases on offenses (other than criminal offenses) that might affect a person's eligibility to operate or to be employed by a licensed child care center including nurse aide directory; caregiver findings of abuse or neglect of an adult client or misappropriation of a client's property; denials or revocations of operating licenses for child programs; rehabilitation review findings; Department of Regulation and Licensing (DRL) status of professional credentials, licenses or certificates.*

If a center has an employee who has resided outside of Wisconsin within the past three years the center will need to make a good faith effort to obtain a CBC from that state. Child care centers are eligible to conduct a FBI fingerprint check through the Volunteers for Children Act which will meet the requirement for an out of state check. Information on how to obtain information on fingerprint checks done under the Volunteers for Children Act through the Department of Justice is available on the Department of Justice website: www.doj.wisconsin.gov

The final disposition of any criminal charge included on the Crimes Table available on the DCF website; www.dcf.wisconsin.gov should be obtained to determine whether a bar or prohibition against employment present. A reasonable effort to obtain the criminal complaint and judgment of conviction for a crime identified in the Introduction to Appendix A of DHS 12 (see appendix G) should be made, if the conviction occurred within the previous 5 years. The licensee may use the form, Caregiver Background Checks – Substantially Related Investigation Report form to document whether a conviction substantially relates to the person's job or the care of children. This form is available on the department's website, www.dcf.wisconsin.gov.

It is recommended to check the sex offender registry at http://www.familywatchdog.us/ and circuit court access at www.wcca.wicourts.gov, as these may contain additional information.

If the BID reveals no barred offenses, the person may begin working with supervision immediately. Caregivers may not work without supervision until the complete CBC has been completed. It is recommended that the licensee complete the CBC as soon as possible after hiring a new employee to ensure that any necessary investigation can be completed within the 60-day time frame.

A release of confidentiality form or other consent form is not required to request criminal records from the Criminal Investigation Bureau of the WI Department of Justice.

If a center employee is less than 18 years of age, the department will conduct the CBC. The completed BID form for a minor caregiver and the appropriate fees shall be submitted to the Caregiver Background Unit, Room E200, P.O. Box 8916, Madison, WI 53708-8916.

See Appendix J Resources List, Caregiver Background Checks – Frequently Asked Questions and Appendix H, Chapter DHS 12 Caregiver Background Checks.

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

See DCF 251.05(1)(L)1. STAFF HEALTH EXAMINATION – REQUIREMENTS.

251.04(5)(a)5.

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.

A teaching license does not need to be current. Teacher licenses issued by other states are acceptable.

A person holding a substitute, paraprofessional or teaching assistant license issued by DPI must have a Registry certificate indicating that they meet the requirements for the position held.

A copy of an individual's learning record obtained from The Registry may be used to document completion of entry-level training for those persons who are not required to have a Registry certificate on file.

To check the progress of a Registry certificate, log into The Registry website using the ID number and password assigned. You may notice one of the following designations next to the applicant's name:

- *Signed In: Applied for a password only but has not started the application process.*
- *Submitted: Submitted the application, registry waiting on documentation*
- *In Process: Registry is reviewing documentation*
- *Pending: Registry is waiting for further documentation (something did not match up)*

Registry certificates are not required to be renewed. Course completion post cards for department-approved, entry-level training may not replace a Registry Certificate indicating a person's placement on the career ladder.

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 – of 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.

The Registry certificate or a print-out from the individual's learning record maintained by the Registry may be used to document continuing education.

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.

Completion of the non-credit, department-approved courses called Introduction to the Child Care Profession and Fundamentals of Infant and Toddler Care taken after July 1, 2005 will meet this requirement. The Assistant Child Care Teacher course taken at the high school level that results in a certificate of completion issued by the Department of Public Instruction also meets this requirement. Documentation that one of these courses was completed after 7/1/05 is all that is required to demonstrate that training in shaken baby syndrome prevention was completed. The Registry certificate or a print-out of the person's learning record from The Registry may be used to document completion of training in shaken baby syndrome prevention.

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

Documentation includes the classroom where the staff person worked.

(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.

Teachers provided by a school district to a program operated in collaboration with a licensed child care center are not required to maintain staff records with the center. However, at a minimum, it is recommended that emergency contact information for school district employees be kept at the center.

See Appendix J Resources List, Collaborative Child Care Programs – Frequently Asked Questions.

(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:

Centers are not required to maintain a file on children who attend a collaborative child care program as a 4-year old kindergarten student unless that child is also enrolled in the child care program. At a minimum it is recommended that the center maintain emergency contact information and any special health or medical information pertaining to a specific child on file. All other children enrolled in the center must have a file that contains the items specified in this subsection. See Appendix J Resources List, Collaborative Child Care Programs – Frequently Asked Questions.

See Appendix E required items for group child care centers and Appendix I INSTRUCTIONS FOR OBTAINING DEPARTMENT FORMS FOR GROUP CHILD CARE CENTERS. In some instances the rule allows centers to develop and use their own forms. If a center chooses to develop its own forms, all the information specified in the rule is required to be collected. Forms are available from DCF website: www.dcf.wisconsin.gov/childcare/licensed/forms.

Licensees wishing to maintain electronic files on children should assure the following: the files must be available for review by the licensing specialist during a licensing visit; electronic files must contain all the required information including the appropriate department-required forms; emergency contact information and any pertinent health information is immediately available to all staff without having to access electronic information.

Administrative rules do not relate to the office management or record-keeping techniques of a center. 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.

1. Enrollment information consisting of:

a. The name and birthdate of the child.

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

Enrollment information should include both parents if applicable. When access is prohibited or restricted by court order, permission to call for the child is also affected. To prohibit or restrict access, the center must have a copy of the court order on file at the center.

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.

If no one is authorized to pick up a child, a notation of "none" should be indicated.

A center may not stop a non-custodial parent from picking up a child. If parental access is denied, a current copy of the court order must be on file at the center.

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

In part-day preschool or before and after school care situations where children may be enrolled on a 9- or 10-month semester basis, the first day of attendance shall be the first time the child attends (initial enrollment) and is considered the first date of attendance regardless of subsequent re-enrollments.

If the center practice is to secure a new enrollment form once per year or each fall, the center should maintain the child's original enrollment form with the initial attendance date in the current file. The first day of attendance needs to be maintained in the child's file for as long as the child is enrolled in the program so that an accurate measurement of compliance with immunization and physical examination rules can be made by the licensing staff.

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.

The correct rule cite in this note is DCF 251.09(1)(am). See DCF 251.09(1)(b) INFANT & TODDLER – LOCATION & SHARING INTAKE INFORMATION.

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.

251.04(6)(a)3. Note:

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.

See DCF 251.08(2)(b)1., 2., and 3 – EMERGENCY INFORMATION CARRIED DURING TRANSPORTATION. If more than one vehicle is used to transport children, the emergency information must be carried in each vehicle.

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.

Emergency information should be carried for the children during walking field trips.

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.

The center should plan for situations when a child fails to arrive as scheduled from school or another activity. A parent may authorize other persons to drop-off or pick-up a child through a note or on the Child Enrollment form. If a child is transported by a school bus, taxi or transportation agency that may have various individuals providing the transportation, the written agreement should specify the transportation agency as the authorized pick-up or drop-off "person."

Children coming to the center from school or going from the center to school within the same school building do not need this authorization. Going to and from any other activity within the school requires an authorization.

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.

See DCF 251.07(6) (k)5. – HEALTH HISTORY INFORMATION. The center's procedure for sharing a child's health history may include keeping a copy of the form with the child.

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.

See DCF 251.07(6)(L)–IMMUNIZATIONS. Under s. 252.04, Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.

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.

Evidence of a health exam may include a form (e.g., HealthCheck provider form or department form, Child Health Report – Child Care Centers) or a printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam. No exception is required for the use of a form or report that is not the department's form.

If a center changes ownership, a child enrolled for care under the previous owner who remains in care at the same location under the new owner is not required to obtain a new physical exam.

Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.

(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.

See DCF 251.05 (3) (f) CHILD TRACKING PROCEDURE.

A child must be signed in when the child arrives and signed out when the parent arrives to pick up the child. The center is responsible for children (i.e., knowing their whereabouts) from the time the parent, guardian or responsible person brings the child to a center staff. Parents or legal guardians are responsible for the child until the child is safely in the classroom or received by center staff.

When the center provides transportation, attendance must be kept for each child that reflects the time of transportation and the time a child is at the center. There may be 2 attendance records kept when children are transported. One record could reflect attendance during transportation and the other could reflect attendance while the child is at the center. Attendance records must include the actual time of pick-up and/or drop-off.

If the child is transported by means other than center-provided transportation, the transporter is responsible for the child until the child is received by or placed in the vehicle by center staff. If a child is not received directly by center or school staff, an authorization for the time the child is moving between the transporter and center staff must be signed by the parent/legal guardian.

Birthdates are not required to be on the daily attendance record, but must be readily accessible to the licensing specialist.

The daily attendance record could be a sign-in / sign-out book completed by either the parents or the center. However, the center is responsible for making sure that this record is accurate. Centers may have a central sign-in/sign-out book and another method to track children by room or provider.

For questions related to attendance reporting for WI Shares child care subsidy purposes, contact the local child care coordinator.

(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:

Not every injury will be apparent immediately. A good rule of thumb is to record every accident / incident. For example, a child bumps his/her head and no mark or bump is readily apparent but there is the potential for a mark, bump or bruise to develop. This accident should be recorded.

Any head injury is considered serious and parents should be notified immediately.

See DCF 251.04(7)(b) ACCESS TO RECORDS & REPORTS – PARENTS. To protect a child's confidentiality, centers are strongly encouraged to have separate entries for each child involved in an incident such as biting. When parents ask to review the medical log book, the center should have a procedure for ensuring that a parent reviewing the record for his/her own child does not see information about another child in care.

In addition to providing accountability to the parents and the department, bound books and recordings as specified may be admissible in court as evidence in case of civil suit.

The log should be kept as long as the center is in operation.

See Appendix J Resources List, Medical Log – Directions for Use.

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:

It is recommended that the center have a policy regarding the use of photos and social or electronic media that may use a child's name or picture.

251.04(7)(a)

(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.

A child care center may share confidential information regarding an individual in care to a public school, social welfare or law enforcement agency or the Department of Children and Families. A social welfare agency is a county department of social or human services, an Indian tribal social service agency or agent or a licensed child welfare agency under contract with the county department. A law enforcement agency is a sheriff or police department.

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

Every parent has a right to their child's school, medical, and dental records. The only exceptions to this rule are if a court specifically orders that a parent does not have access to the records. It is recommended that a copy of such an order be on file at the center. Further information about parental rights to children's records may be obtained from www.legalexplorer.com.

(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.

Licensees, employees and volunteers are mandated reporters under the law.

- *A mandated reporter who witnesses or who has reasonable knowledge to suspect that a child has been abused or neglected is required to contact the proper authority (county department of social or health and human services or law enforcement.) immediately.*
- *The witness or the person who has reasonable knowledge to suspect that a child has been abused or neglected should be the person to make the report.*
- *When in doubt, report the suspected abuse or neglect.*
- *Because child to child contact may be determined to be abuse, child to child sexual contact must be reported.*

A report to the licensing specialist does not meet this requirement. See DCF 251.04(8)(a) MANDATED REPORTING – CHILD ABUSE & NEGLECT

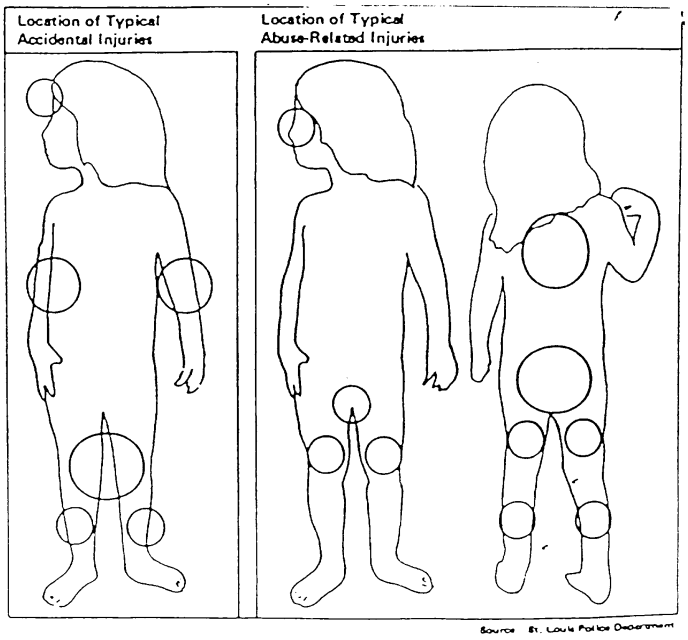
(b) The licensee, shall ensure that every employee and volunteer who comes in contact with the children at the child care center has received training every 2 years in all of the following:

See DCF 251.05 (2)(a) STAFF ORIENTATION – DEVELOP, IMPLEMENT, DOCUMENT. This rule requires that a review of child abuse and neglect laws and center reporting procedures be included in orientation and completed in the first week of employment.

The Department's Mandated Reporter Online Training available at http://wcwpds.wisc.edu/mandatedreporter/ may be used to meet this requirement. As of August 1, 2012 any of the following trainings in addition to the Mandated Reporter On-line Training may be used to meet this requirement: Suspected Child Abuse and Neglect – Mandated Reporter Training (SCAN-MRT); Strengthening Families or Darkness to Light (also known as Stewards of Children). Strengthening Families or Darkness to Light training taken prior to August 1, 2012 did not contain information on identification and reporting of child abuse and neglect and may not be used to meet this requirement. A review of the department's publication "It Shouldn't Hurt To Be a Child" may also be used to meet the requirement. See Appendix J Resources List, It Shouldn't Hurt to Be a Child. Training may also involve local child protective services, local law enforcement agencies or other agencies that provide continuing education experiences. Training may be counted as continuing education. Documentation could be a certificate of attendance at a formal training, completing the continuing education form or having the employee initial and date the brochure upon review.

The Department approved, entry-level course called Introduction to the Child Care Profession contains training in the identification and reporting of child abuse and neglect and may be used to meet the requirement for 2 years after the completion date of the course.

1. Child abuse and neglect law.
2. How to identify children who have been abused or neglected.



Unusual bruises...

Any bruise or markings not in areas that could be determined as made by a child during normal child activities that could be injury causing

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.

Exceptions will not be granted for staff who do not meet entry-level training qualifications.

(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:

A Registry Certificate that indicates Shaken Baby Syndrome prevention training is acceptable as evidence that a person has completed the department-approved training.

If a certificate of completion is used to document completion of the required shaken baby syndrome prevention training the certificate must contain all of the following items: Printed (typed) name of student; Printed (typed) name of training agency; Printed (typed) date the training was taken; Printed (typed) name of approved trainer; Printed (typed) name of training; and Signature of the approved trainer.

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 Toddle*r, 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.

Substitutes and volunteers counted in staff-to-child ratios are not required to have CPR training until they have worked in a center for 240 hours or 6 months whichever is later.

All staff (employees) in regular contact with children in care are required to have CPR training. For example, if a cook, maintenance person or administrative assistant has regular contact with children, then that cook, maintenance person, driver or administrative assistant would need CPR training. Regular contact means that the person comes into contact with children on a regular basis, even if that contact is in a classroom supervised by teaching staff. Student teachers and volunteers who are not counted in the staff-to-child ratios are not considered staff and do not need to have CPR training.

The Department of Health Services, Bureau of Emergency Medical Services (BEMS) approves agencies to offer the CPR with Automated External Defibrillator (AED) training as required by the statutes. A list of currently approved agencies is available on the BEMS website: http://dhs.wisconsin.gov/ems/License_certification/CPR.htm. The training must result in a certificate of completion. If the certificate of completion does not have a date specifying the length of time for which it is valid, the CPR training must be renewed every year.

If the center does not serve infants, the CPR training may be child/adult CPR.

(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.

One person could fill more than one position (such as administrator and center director) provided that person meets the qualifications for each position and all applicable rules.

If a center wishes to have two persons filling the position of administrator, each with training in only one component (business or Early Childhood), an exception may be considered based on their plan as to how they will make decisions. Job descriptions should reflect this situation.

The Child Care Information Center has resources available to assist in writing job descriptions https://dcf.wisconsin.gov/ccic or toll free at (800) 362-7252.

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.

A General Education Diploma (GED) or High School Equivalency Diploma (HSED) is equivalent to a high school diploma.

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.

A course from the Wisconsin Child Care Administrator Credential will meet this requirement. After January 1, 2009, there is no non-credit, department-approved course available that will meet this requirement. See commentary under DCF 252.04(1)(h).

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.

The non-credit, department-approved course called Introduction to the Child Care Profession will meet this requirement as will a broad-based course for credit such as child development or child psychology.

See commentary under DCF 252.04(1)(h) and Appendix J; Entry Level Courses – Early Childhood Professionals.

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.

The 10 hours may include the department-approved 10-hour Administrator's course, Course One in the WI Child Care Administrator Credential (Administration/Supervision in Early Childhood Programs: Role and Responsibilities), or a combination of training opportunities such as conferences, workshops or correspondence courses.

(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.

If a center wishes to have two persons filling the position of director; they both need to be fully qualified. A plan as to how the job duties assigned and how the required hours for completing assigned duties will be divided should be identified in the job description.

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:

See DCF 251.03(22g) – DEFINITION OF A "PART-DAY" PROGRAM. All part-day programs must have a person who meets the qualifications and fulfills the duties of a center director. The center director in this case is not required to be on site for a set number of hours as indicated under a. and b. below.

A part-day program remains part day even when operating full time during vacations.

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.

251.05(1)(e)4.b.

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

A General Education Diploma (GED) or High School Equivalency Diploma (HSED) is equivalent to a high school diploma.

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:

A combination of non-credit, department-approved and credit-based courses may be used to meet the entry-level training requirements. At least one course must be broad-based. See Appendix J; Entry Level – Early Childhood Professionals and Entry Level – School-Age Professionals.

The entry-level courses that meet the requirements for family child care providers and experience as a family child care provider may be counted when evaluating the entry-level education requirements for a director of a center serving 50 or fewer children.

"Full-time work experience" means working directly with children for 4 or more hours per day; "half-time work experience" means providing child care for at least 2 hours per day, but less than 4 hours.

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.

Introduction to the Child Care Profession and Skills and Strategies for the Child Care Teacher are the names of the two non-credit department-approved courses that may be used to meet this requirement.

Correspondence courses and on-line courses are available from technical colleges and private agencies approved to offer non-credit courses. See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses.

Any of the first 5 courses in the Wisconsin Child Care Administrator Credential may be used to meet the requirement for one additional course. Child Care Administrator or Director Credentials that are credit based and issued by another state are considered equivalent to the Wisconsin credential. When one course is required, a course in program administration taken as part of an associate or bachelor degree in early childhood education may be taken in place of a course in the Wisconsin Child Care Administrator Credential. No exception is necessary. See Appendix J Resources List, Wisconsin Child Care Administrator Credential.

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.

At least one course in early childhood education must be broad-based. "Broad-based courses" means an overview-type course, such as a credit course in child development, child psychology or early childhood education curriculum such as kindergarten or nursery school curriculum. See Appendix J Resources List; Entry Level – Early Childhood Professionals and Entry Level School-Age Professionals.

A narrow-based course such as Health and Nutrition, Children's Literature or a Teaching Methods course may be used to fill the entry-level requirements for additional courses.

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.

See DCF 251.04(5)(a)5. STAFF FILE–REGISTRY CERTIFICATE, EDUCATIONAL QUALIFICATIONS. The Registry certificate must indicate that the person is qualified for the position held. See Appendix J Resources List, The Registry Career Levels.

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.

A person who holds a Department of Public Instruction (DPI) teaching license from Wisconsin or another state for Kindergarten and up or has a 4-year degree in education meets the early childhood education requirements as center director in a center licensed for 50 or fewer children.

251.05(1)(e)4.d.viii. Note:

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.

See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses. See Appendix J Resources List, Credit to Hours Conversion – Technical Colleges and Universities.

This 10 hours may include the department-approved 10-hour Administrator's course, Course One in the WI Child Care Administrator Credential (Administration/Supervision in Early Childhood Programs: Role and Responsibilities), or through a combination of training opportunities such as conferences, workshops or correspondence courses

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.

Experience in a family child care center may not be counted towards the experience requirement for the center director of a center licensed to care for 51 or more children.

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

A combination of non-credit, department-approved and credit-based courses may be used to meet the entry-level training requirements. At least one course must be broad-based.

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.

Introduction to the Child Care Profession and Skills and Strategies for the Child Care Teacher are the non-credit, department-approved courses that will meet the requirement for 2 of the 4 courses in this rule. Prior to January 1, 2009, there were 2 additional non-credit, department-approved courses called Center Administrator and Center Director that could be taken to meet the requirement for four non-credit, department-approved courses. The Center Director and Center Administrator courses, taken prior to January 1, 2009, may continue to be used to meet the requirement for four courses. However, after January 1, 2009, the non-credit Center Director and Center Administrator courses are no longer approved. In place of these courses, any two courses in the Child Care Administrator Credential may be substituted.

Transcripts alone do not indicate a person has obtained an administrator credential. The person must have an indication on the Registry Certificate or a copy of the credential certificate to indicate that the credential has been obtained.

See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses and see Appendix J Resources List, Wisconsin Child Care Administrator Credential.

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.

At least one course in early childhood education must be broad-based. "Broad-based courses" means an overview-type course, such as a credit course in child development, child psychology or covering early childhood education curriculum such as kindergarten or nursery school curriculum. See Appendix J Resources List; Entry Level – Early Childhood Professionals and Entry Level – School-Age Professionals.

When more than one course is required and the requirement will be met by credit-based courses, narrow-based courses such as Health and Nutrition, Children's Literature or a Teaching Methods course may be accepted to fill the entry-level requirements for additional courses.

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.

A teaching license from another state which indicates the person is qualified as a teacher for children from birth through age 8 is acceptable. No exception is necessary.

251.05(1)(e)5.d.v.

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

See DCF 251.04 (5)(a)5. STAFF FILE – REGISTRY CERTIFICATE, EDUCATIONAL QUALIFICATIONS.

The Registry certificate must indicate that the person is qualified for the position. See Appendix J Resources List, The Registry Career Levels.

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.

A General Education Diploma (GED) or High School Equivalency Diploma (HSED) is equivalent to a high school diploma.

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.

"Full-time work experience" means working directly with children for 4 or more hours per day; "half-time work experience" means providing child care for at least 2 hours per day, but less than 4 hours. Experience in unregulated care settings is not acceptable.

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 combination of non-credit, department-approved and credit-based courses may be used to meet the entry-level training requirements. At least one course must be broad-based. See Appendix J Resources List; Entry Level – Early Childhood Professionals and Entry-Level – School-Age Professionals.

a. Two non-credit department-approved courses in early childhood 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 the entry level training requirements for a child care teacher.

Correspondence courses and on-line courses are available from technical colleges and private agencies approved to offer non-credit courses. See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses.

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

At least one course in early childhood education must be broad-based. "Broad-based courses" means an overview-type course, such as a credit course in child development, child psychology or covering early childhood education curriculum such as kindergarten or nursery school curriculum. See Appendix J Resources List; Entry Level Courses – Early Childhood Center Staff and Entry-Level Courses – School-Age Center Staff http://www.the-registry.org/Portals/0/Documents/Resources/Entry_Level_Course_%20list_Early_Childhood.pdf.

When more than one course is required and the requirement will be met by credit-based courses, narrow-based courses such as Health and Nutrition, Children's Literature or a Teaching Methods course may be used to meet the requirement for an additional course.

See DCF 251.03(8m) DEFINITION – COURSE FOR CREDIT.

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.

The course in early childhood education must be broad-based. "Broad-based courses" means an overview-type course, such as a credit course in child development, child psychology or covering early childhood education curriculum such as kindergarten or nursery school curriculum. See Appendix J Resources List; Entry Level – Early Childhood Professionals and Entry-Level – School-Age Professionals.

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.

Other Montessori teacher training organizations approved by the Montessori Accreditation Council (MACTE) include: American Montessori Society (AMS), National Center for Montessori Education, AMI, Montessori St. Nicholas, London Montessori Center, Montessori Institute of America, International Association Montessorians, Pan American Montessori Society. If program staff received training from a training organization approved by MACTE, this training would be acceptable.

A certificate of completion from the International Montessori Society for a correspondence course in Primary Level (2-6) will meet the education requirements for a child care teacher. The individual with such a certificate will still need to meet the experience component.

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.

See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses.

The Registry maintains a database that lists available training opportunities, including entry-level courses, which can be found at www.the-registry.org.

Evidence of completion of current enrollment in a child care course must be available within 6 months after assuming the position.

The 40-hour Family Child Care Course (or module 1 – Family Child Care Certification and module 2 – Family Child Care Licensing) taken prior to September 1, 2003, may be accepted in place of the Introduction to the Child Care Profession course.

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.

The course in early childhood education must be broad-based. "Broad-based courses" means an overview-type course, such as a credit course in child development, child psychology or covering early childhood education curriculum such as kindergarten or nursery school curriculum. See Appendix J Resources List; Entry Level – Early Childhood Professionals and Entry-Level – School-Age Professionals.

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

High school courses that meet the entry-level training requirements will result in a certificate issued by the Department of Public Instruction (DPI) – a grade report or high school transcript is not sufficient. A certificate will be issued when both grade and attendance meet the specifications designated by DPI. Licensing specialists will accept only the DPI certificate, not grade reports.

If a person believes they took the DPI course while in high school, but no longer has the certificate, the person should submit and application for a Registry certificate. The Registry has a list of all students who completed the DPI-approved course since the program's inception in 1999. The Registry certificate will indicate that the person is qualified as an assistant and the person's learning record will include the DPI approved course.

A minor under age 18 may work as an assistant upon completion of a DPI-approved course. These individuals may never be left in sole supervision of children including the first and last 2 hours of operation.

SEE DCF 251.05 (3)(i). PERSON IN SOLE CHARE OF CHILDREN – MINIMUM AGE and DCF 251.05 (3)(b) SUPERVISION – OPENING AND CLOSING HOURS.

251.05(1)(g)3.

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.

Parents serving as assistant child care teachers in centers other than parent co-op must meet the requirements under 251.05(1)(g).

(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.

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.

The department has approved the following non-credit courses as meeting the requirements for entry-level training for a child care provider:

- *Introduction to the Child Care Profession (course for administrators, assistant teachers, substitutes, volunteer counted in staff-to-child ratios and the 1st broad-based course for teachers and center directors). The 40-hour family child care course taken prior to Sept 1, 2003, may be accepted in lieu of the Introduction to the Child Care Profession course.*
- *Skills and Strategies for the Child Care Teacher (2nd course for teachers and directors in a center licensed for 50 or fewer children).*
- *Center (Program) Director (40 hours or more). No longer approved. Taken prior to January 1, 2009, this course may be used as one of the 4 courses required for a center director of a large child care center licensed to care for 51 or more children.*
- *Center Administrator (40 hours or more). No longer approved. Taken prior to January 1, 2009, this course may be used as one of the 4 courses required for a center director of a large child care center licensed to care for 51 or more children or as the one course in business required for a center administrator.*
- *10-hour Administrator course (meets the 10 hours of training in supervision or personnel management for administrators or center directors).*
- *Fundamentals of Infant and Toddler Care (persons working with children under age 2).*
- *10-hour School-age Assistant Child Care Worker (meets the requirements for an assistant teacher in a school-age only program).*

Beginning July 1, 2000, all persons who complete a department-approved non-credit course offered by a private agency used to meet entry-level qualifications are issued a certificate of completion from The Registry. The certificate of completion issued by the Registry, information contained on the individual's learning record maintained by The Registry or a Registry certificate indicating the person has met the qualifications for the position held are the only documentation of successful course completion that will be accepted for department-approved courses offered by private agencies taken after July 1, 2000.

Successful completion of entry-level courses taken through an institution of higher education will be documented on a transcript.

High school courses that meet the entry-level training requirements will result in a certificate issued by the Department of Public Instruction—a grade report or high school transcript is not sufficient. A person holding a DPI paraprofessional or teacher aide license will need to document that they have completed the appropriate entry level training.

See Appendix J Resources List, Agencies Approved to Offer Non-Credit, Department-Approved Courses.

(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.

See DCF 251.04(5)(a)5. STAFF FILE–REGISTRY CERTIFICATE, EDUCATIONAL QUALIFICATIONS. The certificate from the Registry does not need to be renewed in order to meet the licensing rule.

Prior to the receipt of the Registry Certificate, new employees must have evidence of qualifications on file.

To check the progress of a Registry certificate, log into The Registry website using the ID number and password assigned. You may notice one of the following designations next to the applicant's name:

- *Signed In: Applied for a password only but have not started the application process.*
- *Submitted: Submitted the application, registry waiting on documentation*
- *In Process: Registry is reviewing documentation*
- *Pending: Registry is waiting for further documentation (something did not match up)*

Students enrolled at a technical college, private college or university who work in a child care program operated by the college, private college or university have an additional 3 months to obtain a registry certificate.

251.05(1)(i) Note:

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.

If someone is scheduled to work in a classroom on a regular basis, they must be qualified. If an individual is replacing a regularly-scheduled employee as a substitute, the center must be able to demonstrate who the regularly-scheduled person in that classroom is during those hours. If there is no regularly-scheduled person except the "substitute" then, by default, the "substitute" is the regularly-scheduled person and must meet the qualifications for that position.

Evidence that substitutes are available may be obtained by reviewing personnel records, including Background Information Disclosure forms, the caregiver background check reports, health examination forms, payroll or time cards or by observation.

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.

The 240 hours is cumulative, not each year. Training must be completed at the time the individual reaches 240 hours.

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.

The 240 hours is cumulative, not each year. Except as specified above, training must be completed at the time the individual reaches 240 hours.

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.

The use of the Background Information Disclosure form is recommended for volunteers who are not counted in staff-to-child ratios. A check of the Sex Offender Registry (http://offender.doc.state.wi.us/public/) and the Circuit Court Access (http://wcca.wicourts.gov/index.xsl) websites is recommended.

The form titled: Volunteer Training Confirmation – Group Child Care Centers is not a required form; however, use of this form will help the licensee ensure compliance with this section. Documentation of training should be kept on file at the center.

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:

251.05(1)(L)1. continued

HealthCheck Provider means:
1. *Physicians.*
2. *Outpatient hospital facilities.*
3. *Health maintenance organizations.*
4. *Visiting nurse associations.*
5. *Clinics operated under a physician's supervision.*
6. *Local public health agencies.*
7. *Home health agencies.*
8. *Rural health clinics.*
9. *Indian health agencies.*
10. *Neighborhood health centers.*
11. *Doctor of osteopathy, M.D., D.O., P.A.*

Chiropractors are not authorized to give physical examinations.

See DCF 251.07(6)(k)3. HEALTH EXAMINATION – DOCUMENTATION. An initial physical exam and TB test is required. Subsequent physical exams and TB tests are not required.

An employee who works for a single licensee with multiple sites may use the original physical exam or TB test. No exception is necessary.

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

There are 2 different types of TB testing that will meet this requirement—Mantoux Skin test and Quantiferon Gold Blood Assay test. If either test indicates previous exposure to tuberculosis, further evaluation by a physician must be done. A written statement from the physician that the person does not have active TB is required.

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.

The Christian Science faith is the only religion that qualifies under this exemption. Evidence of exemption is presented through a Christian Science form entitled Application for Exemption from Physical Examinations and Immunization.

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:

See DCF 251.04(5)(a)6. STAFF FILE – ORIENTATION & CONTINUING EDUCATION. Completion must be documented on an orientation form which is initialed and dated by the staff person and trainer. The department's form Staff Orientation Checklist – Group Child Care Centers will meet this requirement, but is not required.

In addition to the items specified in this section, orientation may be modified to address specific jobs. For example, orientation for a driver might include responsibilities of the driver such as emergency evacuation of the vehicle, operating and inspecting any vehicle safety alarm, guiding children's behavior while in the vehicle, supervising children while transporting and communication procedures between the vehicle and the center. The orientation for a cook might include safe food handling procedures, sanitizing food contact surfaces, portion sizing and menu planning.

1. Review of this chapter.

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

Procedures that should be addressed include:
- *Emergency procedures followed in bringing a child to emergency medical care.*
- *Routine procedures for treatment of minor injuries.*
- *First aid measures for serious accidents.*
- *Planned source of emergency medical care.*

Training in first aid procedures does not mean a formal first aid course is required. The First Aid Chart prepared by the Committee on Accident Prevention and the Subcommittee on Accidental Poisoning, American Academy of Pediatrics is recommended as an appropriate training tool. Contact the American Academy of Pediatrics at (888)227-1770 or www.aap.org/bookstore.

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.

See DCF 251.04 (8)(b) BIENNIAL TRAINING – CHILD ABUSE AND NEGLECT.

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.

Procedure should include how center will ensure that all children have exited the vehicle into the physical care of a staff person or another responsible person (e.g., physical walk through of the vehicle, alarms at the rear of the vehicle that require a person to walk to the back to manually shut off alarm, check off list of children who are on the vehicle and who have left the vehicle and been delivered to a caregiver); and should be followed whenever children are being transported.

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.

The procedure to contact a parent when a child is absent without prior notification must include how and when parents will be notified; and should include how long after a child's normal or scheduled starting time the notification will be attempted (e.g., a child is scheduled to arrive at 7:30 a.m., center waits until 8 a.m. to contact parent if the child did not arrive). The procedure does not require that the center talk with or track down a parent to notify. Messages can be left on an answering machine or voice mail or with an emergency contact person. It is recommended that the center document attempts to notify a parent.

If center provides transportation services from home to center, procedure should address how the center is to be notified that a child is not attending that day (e.g., sign in the window of the home that child is not attending, prior notification to the center that child not attending, a second adult on the vehicle walks to the door to pick up the child, told at the door that child is not attending, etc.).

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.

251.05(2)(b)

(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.

Centers that operate for 10-12 months shall conduct staff meetings a minimum of 9 times in a calendar year. Centers that operate for 9 months or less shall conduct a staff meeting for each month of operation.

Staff meeting dates shall be available to the licensing specialist.

Only that portion of a staff meeting related to training of child care staff may be counted as continuing education. Center business topics do not count towards continuing education hours.

(c) *Continuing education*.

There is no formal approval process through licensing for continuing education. If the licensing specialist has a question about the appropriateness of a continuing education experience, the decision on whether to count that experience should be based on the individual's response to the question, "How does this continuing education experience/course apply to your position?" Continuing education that relates to another position with the center (such as a director's responsibilities) may be counted as continuing education even if it does not directly relate to the care of children.

Continuing education experiences that help qualify a child care worker for another position in a center may be counted as part of the required continuing education until that person assumes the new position (e.g., a child care teacher could take the courses for center director and count those courses toward continuing education while remaining a teacher in the center). Once the person assumes a director position, those courses would count toward meeting the entry-level qualifications as a center director.

Technical assistance received as part of the YoungStar program may be counted as continuing education for the individual(s) who participated in the technical assistance. For example, if the technical consultant met with the director, only the director may count the technical assistance as continuing education. If the technical consultant met with staff of a particular age group or classroom, only those staff may count the technical assistance as continuing education. The formal rating observation for YoungStar may not be counted as continuing education.

The director may count the courses in the Wisconsin Child Care Administrator Credential as continuing education

The department does not approve agencies or trainers for continuing education. However, the Registry's Professional Development Approval System (PDAS) provides a platform for insuring that training providers have met certain qualifications and that training topics are taught by qualified instructors. To find continuing education training see The Registry's website: www.the-registry.org.

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.

Whether centers choose to use a continuing education year individual to each staff (e.g., 1 year from date of hire) or they choose to use a common continuing education year (e.g., the fiscal year or the calendar year), it is recommended that the same type of continuing education year be used consistently for all staff.

Staff who work only during the summer months need only participate in 6 hours of continuing education.

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.

In determining the number of hours an employee works, all paid hours should be used.

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.

Courses in the Wisconsin Child Care Administrator Credential taken for entry-level training to meet the requirement for a center director may be used to meet the continuing education requirements as specified in this rule.

See Appendix J Resources List, Credit to Hours Conversion – Technical Colleges and Universities.

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.

See Appendix J Resources List, Credit to Hours Conversion – Technical Colleges and Universities.

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.

Book reports, magazine article reviews and reviews of video tapes pertaining to child care issues independently completed by staff may be substituted for up to 5 hours of the 25-hour requirement for full-time staff and 2.5 hours for part-time staff.

A report on the video, book, etc., that includes at least the information requested on the form, Continuing Education Record – Independent Reading/Video Viewing, must be completed and placed in the employee file. While not required, this form may be used to document independent reading and watching of educational materials.

Time spent doing research in the Child Development Associate (CDA) process can be counted as a part of these allowed hours. Time spent putting together the portfolio in the CDA process does not count toward continuing education.

A staff trainer is one who has received training or who has developed expertise in a special area and who shares that expertise with other staff through a formal presentation. A staff trainer may not count the time spent providing a presentation towards the continuing education requirement, but the time spent gathering information for use during the presentation may be counted.

(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.

The requirement for annual training in kitchen sanitation, food handling and nutrition applies to individuals who prepare food. Individuals who only serve food are not required to obtain this training.

A formal course in food handling is not required. Technical Colleges offer food handler courses. The USDA Child Adult Care Food Program (CACFP) offers training that will meet this requirement to centers who are receiving CACFP funding. Continuing education in excess of the 4 hours per year may be carried over for the 2 years following the year it was obtained. See DCF 251.05(2)(c)3. CONTINUING EDUCATION–CARRY OVER HOURS.

(3) SUPERVISION.

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

This rule must be used in relation to the definition of group. When only one child care worker is required for the number of children in care, that person must meet the qualifications of a child care teacher. When ratios require a second child care worker with a group, that person must meet at least the qualifications of an assistant child care teacher. See DCF 251.05(1)(g)3. ASSISTANT TEACHER QUALIFICATIONS IN PARENT COOPERATIVE.

A qualified assistant child care teacher may remove part of the group for individualized activities while working under the supervision of the child care teacher. See 251.03(31) DEFINITION – SUPERVISION OF STAFF.

(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.

See DCF 251.03(30) DEFINITION – SUPERVISION OF CHILDREN and DCF 251.05(4)(e)1. NAPTIME – SUPERVISION.

Video cameras may not be used in lieu of staff to supervise children.

(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.

An exception may be granted to a child care center for a child or children to be in care for more than 12 hours in a 24-hour period if a local business or corporation operates a 12-hour work shift for their employees or if the Department determines that granting an exception would support the circumstances and the family. The exception does not need to be individual to each child if the exception is granted in relation to employees of a specific business. A written parental request for care in excess of 12 hours must be on file at the center.

251.05(3)(f)

(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.

At all times throughout the day (hours of operation), each classroom staff must have a written or documented system to determine how many children are present and the names of the children that are present. This includes during transportation and field trips. See DCF 251.04(3)(i) REPORT – LOST OR MISSING CHILD.

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

The center may accept an authorization by email, fax or telephone call. The Department recommends a center document a telephone call authorization and that identification of the person picking up a child be checked.

(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.

Current availability should be updated periodically to confirm the person's continuing availability. The address should be evaluated in terms of distance and length of time which would be required to reach center in an emergency. Staff members must be informed about and have access to current contact information for the emergency contact person. Telephone confirmation with the second adult may be utilized as a compliance check.

(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.

This rule applies to all age groups, including infants and toddlers.

An area of the center that is used for other purposes (i.e. a classroom or large motor room) throughout the day may be reserved exclusively for eating at designated times. Maximum group size does not apply when the room is used for eating.

(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.

Electronic listening devices may be allowed for supervising sleeping children under 2 years of age who sleep in cribs. Consideration should be given to the quality of the device, proximity/accessibility of staff and noise levels in other areas that may interfere with staff's ability to hear. Video cameras are not allowed in place of staff supervision.

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

See DCF 251.03(30) DEFINITION – SUPERVISION OF CHILDREN. Support staff such as cooks, clerical staff, custodians or the center director may be counted in the adult-to-child ratios during naptime providing the staff person is aware that they may be called upon, has been oriented to his/her responsibilities and agrees to be available during that time. A support staff used to maintain ratios during naptime may be counted for one position at a time. Verification of a person's awareness that the center is using that person to count in the staff-to-child ratio during naptime may be made through interview or written documentation.

As children awaken from nap, child care workers must provide close supervision to the awake children and maximum group size and staff-to-child ratios must be met at all times. For example, when a group of 3 year old children are napping, only 1 person is required when 10 or fewer children are awake. As soon as the 11th child wakes up, 2 staff persons (at least 1 person must be a child care teacher) must be present to provide close supervision.

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

When a center has a separate nap room for infants and toddlers, maximum group size does not apply and one child care worker must be within sight or sound when all children are sleeping. See DCF 251.05(4)(e)1. NAPTIME – STAFF-TO-CHILD RATIO AND SUPERVISION.

(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.

See Appendix H, Child Care Staff-to-Child Ratio Worksheet.

When using the Child Care Staff-to-Child Ratio Worksheet (found in Appendix H or on the department's website https://dcf.wisconsin.gov), any total numerical weight below .05 is considered statistically insignificant and should be dropped. If the total numerical weight is 1.05 or above, two staff persons are required. If the total numerical weight is 1.04, drop the .04 and only 1 staff member is required.

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

Children turning age 2 may transition into an older age group as long as the new group size does not exceed 8 children and the child's second birthday is no more than 2 weeks prior to the transition date. Transition of a child to a new age group needs to be planned, and discussed with parents prior to the transition.

(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.

When nine or more children are present in a center, but a second worker is not required by the staff-to-child ratio, a second adult must be available in the building, such as secretary, minister, cook, etc. The second adult should be aware that they may be asked for assistance in the case of an emergency.

(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.

Classroom duties could include routine daily housekeeping in the classroom such as dusting, floor sweeping, table/chair washing, straightening the room, putting out bag lunches with milk, preparing snack in the room, etc., if these are part of the job responsibility prescribed by the center and do not consume the full attention of the staff person.

In centers where space used by children is used for other purposes after the hours of operation, prohibited non-classroom duties include moving furnishings and equipment into storage before children have departed.

If support staff are used as child care workers, the schedule of differing job responsibilities in relation to staff-to-child ratios must be determined. An example may be a child care worker who prepares a snack or meal which requires no more than 10 minutes time and who is immediately accessible in case of emergency is still considered to be a child care worker while performing these tasks. If food preparation takes more than 10 minutes and/or removes the child care worker from immediate availability, the child care worker is considered to be support staff for that time period and does not count in determining 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.

A license may not be issued until the building is in compliance with all applicable commercial building codes as evidenced by a copy of the Building Inspection Report form or a letter from a registered architect or engineer or from a commercial building inspector certified by the Department of Safety and Professional Services (formerly the Department of Commerce). The Building Inspection Report or letter must indicate that all applicable commercial building codes have been met. If any codes listed are designated "not met," all necessary modifications must be completed before the license is issued. The correct Occupancy category (usually Group E or Group I-4) must be identified on the inspection report. Arrangements for inspections and reports are the responsibility of the applicant / licensee.

The applicant should contact the Wisconsin Department of Safety and Professional Services (DSPS) to determine if plan submittal is necessary prior to requesting an inspection or engaging in any building renovations. Contact the DSPS Plan Review office at http://dsps.wi.gov/Plan-Review or email questions to DspsSbPlanSchedule@wi.gov.

The person requesting an inspection should ask for assistance in determining whether any modifications are necessary to ensure that the building meets the applicable commercial building codes. Group child care centers will typically need to meet the "I-4" building codes. Under certain circumstances, a building may meet the "E" codes.

A building inspection is not required for 4 year olds served in a school that also has a 4 year old kindergarten

USE OF A BUILDING THAT WAS PREVIOUSLY LICENSED AS A CHILD CARE CENTER: If a building was previously licensed as a child care center (and not renovated or used for another purpose in between occupancies by a licensed child care center) a copy of the most recent fire inspection report by the local fire department is all that is required to show proof that the building is in compliance with the applicable building codes. Fire departments generally conduct fire prevention inspections at least once in each non-overlapping 6-month period per calendar year.

CHANGE OF USE: A change of use in a building may require that modifications be made depending on the type of change that will occur. The International Existing Building Code chapter of the Commercial Building Codes may provide guidance on change of use situations.

Some situations such as those listed below might require the building owner to consult with an architect or engineer to determine whether any modifications are necessary.

- *Program not previously licensed to care for children under age 2 ½ would like to modify their license to care for infants and toddlers.*
- *Program proposes to expand or move into a previously unused part of a building. The part of the building that will be newly designated for child care center use must be inspected for compliance with the current applicable Commercial Building Codes and this rule.*
- *Program intends to remodel existing child care space and the remodeling will affect structural strength, fire hazard, internal circulation or exits of existing building or structure, electrical systems or plumbing additions.*

If a building has a change of use (depending on the size of the building), plans may need to be submitted to the DSPS Plan Approval section prior to the modifications being made. Only plans affecting those areas being altered must be submitted for a plan review.

The installation of a wood burning stove, carpeting or other materials into an existing child care center must be done in conformance with the building code requirements.

Amendments to the license or approval of any new space may not be granted until compliance with the Commercial Building Codes is verified by documentation from a municipality (an occupancy permit) or an architect, engineer or DSPS certified commercial building inspector.

FOR CONSTRUCTION OF NEW BUILDINGS TO BE USED AS CHILD CARE CENTERS: A plans approval application (SB-1 & 8) with instructions for plans approval must be obtained from and submitted to a DSPS plan reviewer with appropriate fees. Certified cities are authorized by DSPS to do plans approval for buildings containing 50,000 cubic feet total volume and alterations to buildings containing less than 100,000 cubic feet total volume. See the DSPS website for information about plan reviews http://dsps.wi.gov/Plan-Review.

The City of Milwaukee is certified for examination and approval of all buildings and structures regardless of size, with the exception of State-owned buildings.

In some communities an occupancy permit demonstrating compliance with building and zoning codes may be required.

(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.

The rule is intended to cover a wide variety of situations such as, but not limited to:

1. *Space used by children may not be used as access for other places of business or other programs like organizations that may use the same building when the children are present.*
2. *Parking lots used as outdoor play space may not be used as parking lots with moving vehicles while children are using the space.*
3. *Space allocated as self-contained classrooms or areas may not be used for meetings or other purposes by outside groups during hours of operation.*
4. *Bathrooms allocated for children's use during hours of operation may be used by children including school children and center personnel only.*
5. *School-age programs in school buildings, where space may be used for other functions alternate space must be approved and available for use. No exception necessary.*

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

The licensing specialist may determine the temperature in a room as follows:

- *Temperature is to be measured at 24 inches above the floor level.*
- *Infant and Toddler Rooms: Measure 6 inches above the floor.*
- *Room without windows: Temperature taken in center of a room.*
- *Room with windows: Temperature taken one foot away from windows and at the center of room and then averaged.*
- *All rooms designated as child care space must comply with the 67 degrees Fahrenheit minimum.*

According to the Commercial Building Code, the installation of portable space heaters shall not be used to achieve compliance with the minimum indoor temperature of 67 degrees Fahrenheit under 2009 IMC 309.1 Space-heating systems.

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

Air conditioning may be used to provide air circulation. Caution should be exercised regarding placement and condition of fans. Opening windows is not sufficient to circulate the air.

(2) PROTECTIVE MEASURES.

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

See DCF 251.03 (13m) DEFINITION – HAZARD. It is the licensee's responsibility to ensure that they are aware of any recalled products and to remove them from the areas occupied by children.

ASBESTOS: If there is suspicion of asbestos hazard, inspection and testing is required and appropriate containment and abatement practices should be employed. The Department of Natural Resources has an asbestos abatement specialist who can provide additional direction and information on Div. 2 – Asbestos Abatement Section 02080 in relation to air monitoring exposure levels and clean-up procedures. For a list of DNR offices see www.dnr.wisconsin.gov.

MOLD: If there is a musty odor or you can see mold growth, steps should be taken to identify the source of the moisture causing the mold. The local public health department or the Wisconsin Focus on Energy Program (1-800-762-7077) may be able to help find a consultant who specializes in building assessments to analyze the building and suggest remediation remedies.

RADON: Testing is recommended but not required.

WATER TEMPERATURE: A temperature between 100 and 105 degrees Fahrenheit is recommended. The maximum hot water temperature should not exceed 120 degrees Fahrenheit. Scald prevention devices are recommended.

POISONOUS PLANTS: See Appendix J Resources List, Common Plants – What's Poisonous.

SPRAY DISINFECTANTS: Use of spray disinfectants on garbage containers and other surfaces in the building is not recommended due to the potential for irritation to mucous membranes in young children.

See DCF 251.06 (11)(b) 6. OUTDOOR PLAY SPACE – POTENTIAL SOURCE OF HARM.

251.06(2)(a) Note:

Note: Lists of recalled products are available on the department of agriculture, trade and consumer protection website at http://datcp.state.wi.us/core/consumer-protection/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.

Tamper resistant electrical outlets do not need to be covered by guards. No exception is necessary.

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

When group child care for 9 or more children occurs in a residence, an exception may be granted for the storage of guns / rifles and ammunition belonging to the home / residents when alternative protections are provided —e.g., locked storage or area totally inaccessible to children at all times.

(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.

Under this rule, inaccessible is defined as difficult to obtain or out of reach of children. Safety latches are an acceptable method to make them inaccessible.

Any items labeled "poisonous" or "keep out of reach of children" and items in spray can are considered harmful to children and may not be accessible to children.

Antibacterial hand soap is not recommended. Refill containers of antibacterial soap may not be accessible to children.

There may be times when a program wishes to use an item labeled "keep out of reach of children" for an organized art/science activity. These types of activities are permitted as long as the activity is closely supervised by a child care worker who is readily available to assist the children if necessary. The use of these materials for art/science projects should be based on the ages and developmental levels of children using the materials e.g. it would not be appropriate for infants or toddlers to use shaving cream as a finger painting medium because they may put their hands in their mouths to "taste" the shaving cream.

See Appendix J, Resources List; Common Plants – What's Poisonous.

(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.

If a center is located in a community with 911 services, the only phone numbers required to be posted are 911 and poison control. The statewide toll-free phone number for poison control is 1-800-222-1222.

It is recommended that the street address for the center be posted near the telephone, and it is recommended that the phone number for the local child protective services agency be available near the phone as well.

A working telephone is defined as a phone that is capable of making and receiving phone calls. Cell phones and cordless phones may be used as the only phone in a center if the phone is charged and there are no dead spots in the center that would prohibit calls from being received or made. If a cell phone or cordless phone is used as the only working phone in a center, the emergency numbers need to be conspicuously posted in a readily visible area. Cell phones must remain at the center when children are present at the center. When all the children are on a field trip, the cell phone may be taken on the field trip.

(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.

2009 WI Act 12 banned smoking in all public places and workplaces, regardless of whether the building is publically or privately owned.

Use of an electronic smoking device or electronic cigarette (e-cigs) is prohibited on the premises when children are present.

When a child care center is located in a building that houses other separate businesses or is used during child care hours for other purposes, the premises includes the indoor and outdoor spaces that have been specifically identified as part of the child care program.

See DCF 251.08(2)(c) SMOKING IN VEHICLE.

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.

Section 961.01(4), Wis. Stats., defines "controlled substance" as a drug, substance or immediate precursor in schedules I through V of Subchapter II. Broadly, this covers marijuana, narcotic drugs, opium and opiates, opium poppy and poppy straw. For definitions of terms and a list of pharmaceuticals which are specifically controlled, see Chapter 961, Wis. Stats.

(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:

The center emergency plan should address all the emergencies identified in DCF 251.03 (10m) that might occur at the center (e.g., if the center is not located in an area that is subject to floods, the emergency plan does not need to address floods). The plan should include staff member duties and responsibilities; exiting on all levels used by children in care; reunification plans to ensure that parents know when and where to pick up children, special situations that may affect evacuation including accommodating infants, toddlers or a child with special needs who may require additional assistance, and identifying items that are recommended to be with the staff—such as attendance list, emergency cards, flashlight, battery-operated radio or cell phone. Information on developing emergency plans can be obtained from local fire Departments, local emergency management or the Child Care Information Center at https://dcf.wisconsin.gov/ccic or 1-800-362-7353.

Use of a one-exit basement as an emergency shelter during tornadoes and similar emergencies is allowed. Use of a one-exit level is prohibited for any other purpose.

Licensing staff may ask centers to conduct a fire or tornado drill during a site visit. Fire departments are required under section SPS 314.01(13)(b)3. to conduct inspections "at least once in each non-overlapping 6-month period per calendar year" unless a different frequency is established in a first class city, or by a local ordinance, or by a department special order.

(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.

It is recommended that the evacuation diagram (fire and tornado) be posted in every room near the exit door.

Evacuation drills must be practiced using the appropriate warning device—i.e., local alarm or interconnected or battery-operated smoke detectors. If a building has a fire protection system (sprinklers) that does not have an audible signaling device, the use of a battery-operated smoke detector is recommended. Other types of manual signaling devices are not recommended as the goal is to accustom the children to hearing a sound that might be triggered in a real emergency. The tornado evacuation area should be accessible and free of hazards during tornado season.

Children are not required to exit the building completely during a fire drill in winter or inclement weather; however they should be directed to proceed to the nearest exit and staff should review with the children how an actual fire would affect the program. Children shall not take the time to put on their coats before evacuating a building.

Both fire and tornado evacuations should be practiced on a varied schedule developed by the center.

Tornadoes can occur at any time of year, but peak months in Wisconsin are during the summer. The National Weather Service continuously broadcasts updated weather warnings and forecasts that can be received by NOAA Weather Radios. Television and radio are also excellent sources of warning information. Contact local fire department or emergency government to determine the safest place in the building during a tornado warning.

See DCF 251.10(4) (c) NIGHT CARE – FIRE EVACUATION DRILLS.

(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.

Staff responsibilities during fire, tornado and other emergencies should be defined in the contingency plans required under DCF 251.04(2)(i)6. Licensing specialists may verify that staff know what their duties are in a fire, tornado or other emergency by reviewing the orientation checklist, interviews with staff or having the center conduct a drill while the licensing specialist is present.

251.06(3)(c)

(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.

The written record must contain the time of day and length of the time the drill took to complete. The recommended goal for exiting time is less than 2 minutes.

(4) FIRE PROTECTION.

Fire departments are required under section SPS 314.01(13)(b)3. to conduct inspections "at least once in each non-overlapping 6-month period per calendar year" unless a different frequency is established in a first class city, or by a local ordinance, or by a Department special order.

(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.

For questions regarding the type and numbers of fire extinguishers, the center may consult the local fire department. It is the responsibility of the licensee to ensure that the extinguishers are inspected by a commercial fire safety company or fire department and appropriately tagged.

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

Priority should be given to immediate evacuation of children. Get out and stay out.

(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.

"Extension cord" means a cord set consisting of a length of flexible cord with an attachment plug at one end and a cord connector, which permits the connection of one or more attachment plugs, at the other end. Extension cords shall only be permitted for temporary use with portable appliances, hand tools or fixtures; shall be of a 3-wire grounding type when used in conjunction with devices equipped with 3-prong grounding-type attachment plugs; and shall serve only one portable appliance, hand tool or fixture.

"Surge Suppression Devices" (e.g., surge protectors, circuit breaker bars) means an electrical device designed to protect a piece of equipment against the harmful effects of power surges, spikes and sudden outages consisting of an attachment plug and a length of flexible cord terminating in an enclosure in which are mounted one or more receptacles with supplementary over-current protection, switches, indicator lights, transient voltage surge suppressors, or electromagnetic interference filters. Small "portable" appliances such as computers, televisions, microwaves, aquariums, etc. may use UL listed surge suppression devices having the ability to limit an electric current above the appliance's rating.

Extension cords and surge suppression devices must be listed by UL or another approved nationally recognized testing agency; many not be used with large appliances such as full-size refrigerators and shall be protected from physical impact and environmental damage; may not be multiplied or plugged into one another; and may not be attached to structures or placed under doors or floor coverings.

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

See par. (e) above for information regarding surge suppression devices such as circuit breaker bars and surge protectors.

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

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

Metal objects such as chairs and certain toys may be stored under stairs. Combustible materials such as paper, cardboard, wood, cloth, rubber and many plastics and hazardous equipment holding or conveying flammable liquids, gases or toxic gases are prohibited under stairs unless the fire inspector provides written authorization to permit storage under stairs.

(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.

An alarm system may also be called a fire protection system or sprinkler system. When a building has sprinklers, there may or may not be pull stations or individual alarms in the building. Fire alarm (protection) systems or sprinkler systems must be monitored for operating order by a qualified monitoring agency. Evidence of operating condition could be a monitoring record obtained from the qualified monitoring agency.

Smoke detectors or fire alarms need only a monthly test due to changes in the commercial building codes. No exception is necessary. If the building has smoke detectors or individual alarm stations, those smoke detectors or alarm stations must be used during fire drills and tested monthly to ensure they remain in operating condition.

The fire evacuation drill can be the monthly test of the smoke detection system provided the building system is used to sound the alert.

Individual alarm units in a multi-station interconnected fire alarm system should be tested on a rotating basis. The requirement for testing applies regardless of a connection to a local fire station or other monitoring service.

It is recommended that If there is no audible alarm present in the building, a battery-operated smoke detector or similar device must be used to conduct fire drills so that children become familiar with the sound of a fire or smoke signaling device.

Requests for exceptions will be considered on a case by case basis when using a building fire alarm or smoke detection system would disrupt a larger organization such as a nursing home, school or community center.

SEE DCF 251.095 (3)(d) SCHOOL-AGE RULE EXEMPTIONS – TESTING ALARMS IN SCHOOL BUILDINGS.

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

Vented gas, oil or kerosene space heaters, pellet stoves or other stoves that use alternative fuels may be used if they are installed according to manufacturer recommendations. It is recommended that written documentation of proper installation be obtained from the installer, an insurance agent, the local fire department or a building inspector.

Electric space heaters should have an automatic shut off and should not be used near flammable materials.

See DCF 251.06(2) (b) ELECTRICAL OR HOT SURFACE PROTECTION.

(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.

The rule does not require that the whole room or total outside wall be refinished. The area of flaking or deteriorating paint should be refinished in a manner that protects the children in care.

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

Administrative Rule DHS 163 applies to child care centers when renovation or repair is made to any surface where 6 sq. ft. or more of interior paint or 20 sq. ft. of exterior paint is disturbed in a building that was built prior to 1978. Any renovation or repair that involves windows in a building built prior to 1978 must also be conducted in accordance with DHS 163. See Appendix J Resources List; Renovate Right – Important Lead Hazard Information for Families, Child Care Providers and Schools.

(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.

Garbage refers to food waste. Containers for non-food waste do not require covers.

Garbage containers should be rigid and impervious to vermin. Storage of garbage out of doors in plastic or paper bags only is not permitted.

251.06(5)(d)

(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.

Eating surface includes tables and high chairs. "Washed and sanitized" involves a two-step process. Products including a cleaner and sanitizer must be used two times—the first to clean the surface and the second to sanitize the surface. See Appendix J Resources List; Cleaning, Sanitizing and Disinfecting in Child Care.

See Appendix J Resources List, Cleaning, Sanitizing and Disinfecting in Child Care Centers. Only approved sanitizers may be used for eating surfaces and food preparation surfaces.

Some bleach is now being sold with a higher concentration of sodium hypochlorite than was previously available (8.25% sodium hypochlorite solution versus the formerly available bleach solution of 5.25%-6%). The 8.25% solution is being produced by both brand name companies as well as companies that produce generic products. Several companies have indicated that they have discontinued manufacturing the 5.25%-6% sodium hypochlorite bleach solution and it will no longer be available at many stores. If you use bleach with a higher concentration of sodium hypochlorite it must be an EPA registered product and the label instructions must be followed when using the bleach for disinfecting or sanitizing.

Children should not be at the table when staff are sanitizing.

(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.

If a window is locked, it is not used for ventilation and does not need a screen.

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

Vermin could be any of various insects such as flies, roaches or lice or any of various disease-carrying animals such as rats, birds, bats, mice or weasels. This list is illustrative.

The exterior of the building should be free of openings around cables and utilities, under doors or broken windows. The garbage storage area should be free of litter, rubbish piles, burrow holes and droppings and should be rodent proof. Metal containers are recommended.

Suspected infestations require the services of a commercial pest control service. Evidence of the provision of a pest control service may be provided by written contract or receipt.

An integrated pest management program is recommended to reduce exposure to pesticides. See https://www.epa.gov/managing-pests-schools/introduction-integrated-pest-management for more information.

(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.

When a drinking fountain is used, the water supply shall be of sufficient volume and height so the person's mouth need not come in contact with the fountain's spout.

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

The licensee is responsible for the water tests and making the reports available. The DNR website has information on testing private wells www.dnr.wi.gov.

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.

Tests for lead levels in water are only required every 3 years per the Safe Drinking Water requirements through the Department of Natural Resources. No exception is necessary.

Bacterial testing is required yearly.

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.

251.06(6)(b)3. Note:

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

The State Plumbing Codes require that any plumbing system in any building be provided with water from a known potable and bacteriologically safe source [SPS 382.10 (2)(a) Every building intended for human occupancy shall be provided with an adequate, safe and potable water supply.] The use of bottled water is allowed only on a very temporary basis until a complying water supply is provided.

If the water tests high in nitrates, the center must still obtain an annual water test for nitrates.

If the water is bacteriologically unsafe or has high lead levels, it must be treated and retested.

If water is bacteriologically unsafe, bottled water shall be used for hand washing and laundering in addition to drinking and cooking.

Contact the DNR Bureau of Drinking Water and Groundwater for more information at www.dnr.wisconsin.gov.

(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.

USABLE SPACE: Self-contained rooms or areas are used to determine licensed maximum capacity. Other space in the center, as specified in rule, is not used to determine licensed capacity. See DCF 251.03(28) DEFINITION – SELF-CONTAINED ROOM OR AREA and DCF 251.03 (12) DEFINITION – GROUP.

CALCULATIONS TO DETERMINE AVAILABLE INDOOR SPACE FOR CAPACITY: To determine the licensable capacity based on indoor square footage, measurements of the spaces used by the children must be taken. Measurements should be calculated using a length times width (L x W) formula. Inches will be converted to a decimal for ease of multiplication. If the space to be measured does not easily adapt to L x W formula, the space should be broken down into more easily defined squares and rectangles. Triangle-shaped spaces can be calculated using a 1/2L x W formula.

Each room will be measured with a maximum room capacity determined. If the calculations result in a number with a decimal point, the number of children to be accommodated in that space should reflect the whole number with the decimal amount dropped. To obtain the maximum allowable children in the center, based on indoor space only, the individual room capacities are added together. Actual capacity may be different from the maximum capacity taking into account numbers 1 – 9 below.

Documentation of licensable capacity for the facility file and the licensee should be in the form of a letter outlining the measurements taken, deductions made and calculations done or a diagram of the indoor space including measurements, deductions and calculations.

The licensable capacity of a center is based on a number of determinations. The actual licensed capacity of a center will take all determinations into account. Following are the items that must be considered when determining the maximum capacity of a center:

1. *Amount of square footage of self-contained rooms or areas used by the children*
2. *Number of toilets and washbasins available to children [See DCF 251.06(10)(a)]*
3. *Staff–to–child ratio and maximum group size [See DCF 251.05(4)(a) & (b)]*
4. *Amount of equipment present [See DCF 251.07(3)(c)]*
5. *Amount of cots, mats or sleeping bags available, if applicable [See DCF 251.07(4)(c)]*
6. *Space occupied by all cribs including play pens, portable cribs or pack and plays regardless of whether the cribs are taken down to make additional room when not in use [See DCF 251.09(1)(h)]*
7. *Square footage of outdoor play space unless an exemption has been requested and approval given [See DCF 251.06(11)(b)]*
8. *Storage space for children's clothing and personal belongings so that each child in the licensed capacity has a storage space [See DCF 251.06(8)(e)]*
9. *The qualification of the directors [See DCF 251.05(1)(c)]*

Licensees are responsible for reporting changes in room usage and the removal and/or addition of equipment to rooms. A center's capacity may be adjusted based on a recalculation of available space.

Information on the available space should be reviewed by the licensing specialist periodically to ensure that the space available to children has not changed due to the addition or removal of deductible equipment/furnishings from a room or area. Any changes that would reduce a center's capacity based on a recalculation of available space should be discussed with the licensing chief.

251.06(7)(a) continued

In measuring the space, the area under the stairs of the room should not be counted.

LOFTS: Lofts that are connected or attached to the building may not be counted as additional play space for determination of licensed capacity unless the loft has been inspected and approved by a private or certified building inspector under SPS 321.22 Wood Frame Floors.

PASSAGEWAYS AND HALLS: In passageways and halls that exceed the minimum required width for a passageway or hall (3 feet or larger depending on number of occupants in building), the additional space may not be counted as space to increase the licensed capacity.

(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.

It is recommended that the seat on the chair should be 10" below the table top.

(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.

Where only snacks are served, table and chair space for each child is not required if snacks are served in shifts or cafeteria style.

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.

Stable shelving should be supplied in a quantity sufficient to accommodate the amount of play equipment needed to meet the rule for each self-contained classroom / area and group. It is recommended that centers do not use toy boxes with hinged covers because the cover may fall and trap or injure a child.

(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.

Since December 28, 2012, all full or non-full size cribs used in child care are required to meet new federal requirements for overall crib safety. See the Consumer Products Safety Commission website www.cpsc.gov*.*

(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.

See Appendix J Resource List, Cleaning, Sanitizing and Disinfecting in Child Care Centers. Only bleach or an approved sanitizer may be used to sanitize dishes and food preparation or service areas.

See Appendix J Resources List; Cleaning, Sanitizing and Disinfecting in Child Care Settings. Some bleach is now being sold with a higher concentration of sodium hypochlorite than was previously available (8.25% sodium hypochlorite versus the formerly available bleach concentration of 5.25%). If a program uses a bleach solution with a higher concentration of sodium hypochlorite it must be an EPA registered product and it must be diluted based on label instruction for sanitizing dishes, utensils, food preparation areas as well as food service surfaces.

It is recommended that eating utensils be age and developmentally appropriate to the children.

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.

Single service refers to cups, containers, lids or closures, plates, knives, forks, spoons, etc. intended by the manufacturer for one-time, one-person use and then to be discarded.

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.

Some bleach is now being sold with a higher concentration of sodium hypochlorite than was previously available (8.25% sodium hypochlorite versus the formerly available bleach concentration of 5.25%). If a program uses a bleach solution with a higher concentration of sodium hypochlorite it must be an EPA registered product and it must be diluted based on label instruction for sanitizing dishes, utensils, food preparation areas as well as food service surfaces.

See Appendix J Resources List, Cleaning, Sanitizing and Disinfecting in Child Care Centers. Only bleach or an approved sanitizer may be used to sanitize dishes and food preparation or service areas.

See Appendix J Resources List; Cleaning, Sanitizing and Disinfecting in Child Care Settings.

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.

Dishes washed in a commercial dishwasher are sanitized by the use of a chemical sanitizer in the rinse cycle or by heat. In these instances, if a chemical sanitizer is used, the 180 degree Fahrenheit sanitizing cycle is not required.

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.

Sanicycles may not substitute for the requirement for sanitizing dishes unless the center can document that the hot water (Sanicycle) booster with the home-type dishwasher can raise the temperature of the rinse water to a temperature of no less than 180 degrees Fahrenheit for ten seconds or more.

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.

Fresh produce may be purchased from farmers markets. Home-raised eggs are acceptable with parental notification and food program permission, if participating in CACFP.

If there is an expiration or "use by" date on a package, the food must be used prior to that date. If there is a "sell by" date on a package, the food must be used within 3 days after that date. If there is a "best by" date on a package the food must be used within 7 days of that date. Canned foods with a date printed on the can by the manufacturer must be used by the date indicated on the can. Best practice standards would recommend that food be used by the date on the package regardless of whether the date is an expiration, use by, sell by or best by date.

See Appendix J Resources List; Safe Food Storage.

251.06(9)(c)2.

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.

The Division of Public Health conducts inspections of public school kitchens for the Department of Public Instruction. Private school kitchens may not be inspected by another state agency unless that kitchen holds a restaurant license. Restaurants, hospitals and nursing homes and other residential agencies licensed by the Department of Health Services or the Department of Children and Families have their kitchens inspected by the licensing agency. A copy of any applicable license and the most recent inspection report is required.

The licensing specialist is the representative of the Department of Children and Families who conducts the inspection when a central kitchen operated by the licensee prepares food for other centers owned by the licensee. Agencies preparing, transporting and serving food may need a retail food establishment license. Contact the Department of Agriculture, Trade and Consumer Protection for information about obtaining a retail food establishment license www.datcp.wisconsin.gov.

See DCF 251.06 (9)(f)4. FOOD – DELIVERY VEHICLES & CONTAINERS.

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.

Wisconsin Food Code has modified the required hot temperature from 150 degrees Fahrenheit to 135 degrees Fahrenheit. No exception is necessary.

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.

A refrigerator that includes a freezer requires two thermometers—one for the refrigerator portion and one for the freezer portion.

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:

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.

Labels must include contents. Containers holding food that can be reliably and unmistakably identified such as dry pasta is not required to be labeled with the contents, but must be labeled with the date of placement in the container. If the original label on the food packaging indicates EXPIRATION, USE BY, BEST BY or SELL BY date, that date must be indicated on the label.

It is acceptable to store bread and buns in their original containers.

Reusing milk jugs for food or beverage storage is not acceptable.

A plastic container that originally contained nonfood products may not be food-grade plastic. A single-use plastic container used by the processor to package food may be reused for food storage if container is smooth, easily cleanable and durable (e.g., Cool whip and deli containers).

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.

See the Safe Food Storage document referenced in Appendix J Resources List for more information https://dcf.wisconsin.gov/files/ccregulation/cclicensing/commentary/safe-food-storage.pdf.

Food that has been removed from the kitchen is considered served and may not be reused. Milk that is in the original container may be reused.

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.

Wisconsin Food Code has modified the required hot temperature from 150 degrees Fahrenheit to 135 degrees Fahrenheit. No exception is necessary.

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.

Potentially hazardous frozen food includes all of the following: 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.

See Appendix J Resources List; Safe Food Storage.

(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.

Persons preparing food must use a hair net or cap to prevent hair from coming in contact with food during preparation.

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.

Individual cloth towels shall only be used once and then must be laundered.

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

251.06(10)(b)

(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 the 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.

Liquid soap that is not labeled “keep out of reach of children” is recommended. See DCF 251.07(6)(i)3. CONDITION & SHARING OF PERSONAL CARE ITEMS

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

Tape may not be used to keep a lock open.

The phrase "toilet room door locks" refers to the outside exit toilet room door. Individual stalls should have crawl space underneath the door.

(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.

Three hours means three consecutive hours of operation with the same children in care.

Part-day preschools, nursery schools and school-age programs are not required to have outdoor play space if each session is 3 hours or less than in length. If a part-day program chooses to provide an outdoor play experience, all the requirements of this section must be met.

(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.

ENERGY-ABSORBING SURFACES: An energy-absorbing surface of at least 9 inches in depth is required underneath and within a 4 foot fall zone around each piece of playground equipment if the distance between the designated play space on each piece of playground equipment and the surface below is 4 feet or more.

If swings are present on the playground, the highest point in the trajectory of an occupied swing shall be considered when determining whether an energy-absorbing surface is required.

Information on safety specifications for playground equipment can be found in the standards of the American Society for Testing and Materials (ASTM F1487-95).

Close supervision is critical when children are using playground equipment because children may climb to areas other than the designated play space on each piece of playground equipment.

School age programs located in school buildings, including 4-year old kindergarten (4K) programs do not need 9 inches of energy absorbing material under and around the playground 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.

"Free of hazards" is a discretionary rule to cover a wide variety of hazardous conditions which may occur including, but not limited to, basement stairwells not protected by a fence or gate, lawn sprinkler valve boxes recessed several inches below ground with no cover, broken glass or cans, holes, fences or enclosures with an opening that allows passage of an object that is larger than 4 inches in diameter, sharp edges or points near adjacent climbing equipment, etc.

Roof-top playgrounds must always be inspected and approved prior to use by a Department of Safety and Professional Services inspector or designated certified commercial building inspector.

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.

See DCF 251.06(12)(a) ON PREMISES SWIMMING POOL OR BEACH – USE & ENCLOSURE; DCF 251.06(12) (b) WADING POOL; DCF 251.06(2)(k) HOT TUB – COVERED OR FENCED; DCF 251.06(2)(L) HOT TUB – VISIBLY LOCKED DOOR; DCF 251.03(30) DEFINITION – SUPERVISION OF CHILDREN; DCF 251.095(2)(c) SCHOOL-AGE EXCEPTIONS WHEN OPERATING IN A SCHOOL BUILDING.

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

Asphalt and concrete are unsuitable for use under and around playground equipment UNLESS required as a base for a shock-absorbing unitary material that meets ASTM requirements and manufacturer recommendations.

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.

Exemptions will not be issued to programs that have available on-site play space that is suitable for children’s use.

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.

251.06(11)(c)8.

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.

To adequately protect children when a pool is on the child care center premises, the following steps must be taken:

1. *If access to the pool is through a gate, the gate must be closed and visibly locked during the licensed hours of the center.*
2. *If the pool is accessible through a door from the child care building, that door must be closed with a visible lock during the licensed hours of the center, and an alarm must be in place at the door to signal that someone has entered the pool area. Above-ground and in-ground swimming pools on the premises may not be used by children in care and 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.*
3. *Locks shall be located so that the locks cannot be opened by the children.*

Floating pool alarm devices are not acceptable in lieu of the above protections, because they only work AFTER a disturbance to the pool's surface.

If the pool is located inside the fenced area of the outdoor play space, it must be enclosed as described above unless an exception under DCF 251.06(12)(a) has been requested and approved. The free-standing wall of an above-ground pool may not serve as an enclosure unless it is 6 feet in height and not climbable. If a ladder is present, the ladder must be removed or raised up so that it is inaccessible to the children.

The area around the pool must be kept free of toys or equipment that would allow a child to climb or otherwise gain access to the pool area.

A stipulation shall be signed and posted specifying the protections that will always be in place during hours of operation.

There may be some programs such as YMCAs that have a swimming pool on the premises of the center. The pool is designed primarily for community or member use. These programs may also have a swimming component as part of the child care program. An exception for the use of these pools may be granted on a case-by-case basis with the approval of the licensing chief/supervisor. Criteria for considering an exception request to allow the use of these pools must include assurances that all the items under DCF 251.06(12)(c) will be met and that an appropriate supervision plan is in place.

Centers that have a beach on the premises should consult with the licensing specialist to determine the best way to restrict the children's access to the beach. An exception may be issued after review of the alternative protections proposed by the center to meet the intent of the rule.

(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.

See DCF 251.03 (35) DEFINITION – WADING POOL.

The provider must be able to demonstrate that the pool can be easily dumped, appropriately cleaned and disinfected daily.

The American Academy of Pediatrics, in the book Caring for Our Children – National Health and Safety Performance Standards for Out of Home Care, states that the use of wading pools for children is not recommended. Standing water is a breeding source of bacteria and insects that carry disease. Instead, sprinklers, hoses or water tables may be used as an alternative for water play.

(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:

DHS 172.03 (53) In part, "Water attraction" means a public facility with design and operational features that provide patron recreational activity other than conventional swimming and involves partial or total immersion of the body. Types of water attractions include activity pools, interactive play attractions, leisure rivers, plunge pools, vortex pools, vanishing edge pools, waterslides, runout slides, drop slides, pool slides, wave pools, zero-depth entry pools, and any public pool with play features. This does not include splash pads.

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.

When the center provides a lifeguard, the lifeguard cannot be counted in staff-to-child ratios.

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:

Swimming ratios do not apply to organized swim lessons, but staff-to-child ratios under TABLE DCF 251.05 – D must be maintained in or near the pool area.

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.

The department's form DCF-F-2465 Staff to Child Ratio while Swimming Worksheet is available on the DCF website www.dcf.wisconsin.gov*.*

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

Either the center or a child's parent may determine a 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.

It is recommended that centers develop and implement a written policy to specify procedures for supervision of children while using public locker rooms and bathrooms.

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.

At the time of initial licensing, a written program of activities must be available for review. The program of activities should include all types of activities specified under paragraphs (a), (b) and (c).

The written program of activities may be on a daily, weekly or monthly basis and based on the planning technique of each center (e.g., unit, goal-oriented, theme, or daily lesson planning). It may also include a daily schedule.

The written program of activities or daily, weekly or monthly lesson plans should reflect the center education policy and program activities related to the developmental goals within rules.

See Appendix J Resources List; Together Children Grow – Quality Child Care for Children with Special Needs.

1. Self-esteem and positive self-image.

Examples of activities which will encourage self-esteem and positive self-image:

1) Group activities such as games and songs where children's names are used. 2) Use of the child's name when speaking to the child or participating in group activities. 3.) Display of children's art work with names or of photographs of children at a child's eye level. 4) Activities involving books, pictures and other authentically representative learning materials relating to minorities as well as majority enrollment of the community, and cultural, ethnic and sexual differences. Dramatic-play activities involving the use of mirrors, multi-cultural dolls, dress up clothes representing both sexes and other props. 5) Thoughtful verbal recognition of the child's ideas, expressions and contributions.

2. Social interaction.

Examples of activities which will encourage social interaction:

1) Social-dramatic play such as housekeeping, store, truck or block role enactments such as astronaut, doctor, police officer. 2) Self-selected cooperative play experiences which give children opportunities to interact. 3) Mealtime conversation. 4) For infants - proximity to one another outside of cribs. 5) Selected activities for children age 3 and older in small groups as such cooking, science, nature, circle games.

3. Self-expression and communication skills.

Examples of activities which will encourage self-expression and communication skills:

1) Non-directed creative-art experiences. 2) Asking questions to elicit responses from children. 3) Encouraging children to participate in discussions and give attention to each speaker, including, planning for the day, field trips, etc. 4) Providing opportunities throughout the day for children to converse and share ideas with others. 5) Activities which will allow a child to enlarge his/her listening and speaking vocabulary. 6) Use of stories, poems, nursery rhymes, picture and child-made books. 7) Language development activities. 8) Auditory discrimination games and activities. 9) Labeling of objects, feelings, actions, expressions. 10) Puppet play, flannel boards. 11) Creative dramatics. 12) Meal time conversation.

4. Creative expression.

Examples of activities which will encourage creative expression:

1) Wide range of music, dance and movement activities. 2) Sand, water and block play. 3) Non-directive use of non-limiting materials such as clay, paint, crayons. 4) Woodworking. 5) Involvement with a variety of tools, materials, processes and techniques which involve the exploration of line, shape, color and texture.

5. Large and small muscle development.

Examples of activities which will encourage large and small muscle development:

1) Large Muscle: Use of large muscle equipment such as wooden hollow blocks, balls, climbing equipment, wheel toys, etc; group activities (musical or non-musical) involving physical activity such as marching, skipping, jumping, dancing, physical fitness activities, tumbling, running; games that facilitate understanding of how our bodies move and that develop coordination, balance, strength, endurance. 2) Small Muscle: Use of equipment and materials requiring manipulative skill such as puzzles, small interlocking blocks, peg and lacing boards, etc.

6. Intellectual growth.

Examples of activities which encourage intellectual growth:

1) Science activities. 2) Sensory experience such as tactile, auditory, smelling activities. 3) Discrimination activities involving symbols, shapes, colors, serration, categorizing, matching, etc. 4) Reading and math readiness activities. 5) Language development activities. 6) Practical life experiences such as putting on-clothes, tying shoes, sweeping, creating order in the room. 7) Activities involving problem solving and memory skills. 8) Opportunities to explore the environment and find developmentally appropriate challenges.

7. Literacy.

Examples of activities which encourage literacy:

1) Reading to children. 2) Use of flannel board stories. 3) Puppets. 4) Reading readiness activities such as letter, name, color and shape recognition. 5) Language development activities. 6) Book making activities. 7) Journaling and other writing opportunities. 8) Labeling items in the classroom.

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.

Daily physical activity is an important part of preventing childhood obesity. Some evidence also suggests that children may be able to learn better during or immediately after bursts of physical activity due to improved attention and focus. It is recommended that the center promote children's active play every day. Children should have ample opportunity to do vigorous activities such as running, climbing, dancing, skipping and jumping. This could include two or three occasions of active play outdoors each day, weather permitting; two or more structured or adult-led activities or games that promote movement over the course of the day in both indoor and outdoor settings, opportunities during transitions to use movement skills such as hopping like a bunny to the bathroom and continuous opportunities to develop and practice age-appropriate gross motor and movement skills.

(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.

If used, television programs should compliment daily schedules/activities. Children's videotapes and DVDs may be used, but they may not constitute a major portion of the programming for children. Media should be rated to the age and developmental level of the child. It is recommended that children over age 2 years of age be restricted to no more than 30 minutes of "screen time" each day. This includes time spent watching television, videos and sitting by a computer. It is recommended that children under age 2 not watch television or videos.

(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.

The center may determine what would constitute a situation when it is not advisable to go outside for health reasons. Center policies should reflect what would prohibit a child from going outside for health reasons: i.e., a written request by a parents or a written statement by a medical professional. If a center policy allows children to remain inside for health reasons, the center must insure that applicable staff-to-child ratios and group size remain in compliance. It is recommended that the center consider the availability of appropriate play materials and activities for the child remaining inside.

See DCF 251.03 (14r) DEFINITION – INCLEMENT WEATHER. In the written health policy, the center determines the temperatures when children will go outside with no more than a 5 to 10 degree variation of the temperatures included in the definition. No exception is necessary as long as the variation is no more than 5 to 10 degrees.

251.07(1)(e)4. continued

It is recommended that children have time to play outdoors two times each day for at least 30 minutes per session unless the weather is inclement. Consideration must be given to other conditions on the playground and include available shade, drinking water, protection from wind, etc.

See also DCF 251.09(2)(i) INFANT & TODDLER – OUTDOOR TIME.

See Appendix J Resources List; Child Care Weather Watch – Wisconsin.

(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.

See Appendix J Resources List, Early Years Are Learning Years – Time Out for "Time-out."

Time out (by whatever name) is an interruption of unacceptable behavior by the removal of the child from the situation. Time out may be used if:

1. *Use is identified in the center child guidance policy for specified types of behavior which child care workers wish to stop.*
2. *The behaviors are identified to children.*
3. *The child is within sight and sound and under the supervision of an adult.*
4. *The reason for the time out is explained to the child.*
5. *The time out is short, not more than one minute per year of age (not to exceed 5 minutes). The child is praised after the completion of the time out.*

2. "Redirection" means directing the child's attention to a different program activity.

Redirection and positive guidance are more than distraction.

(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.

"Verbal abuse" is defined to mean profane, insulting or coarse language sometimes but not always delivered in a loud or threatening manner or language which is ego deflating, causing loss of self-esteem.

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.

See DCF 251.03 (22r) DEFINITION – PHYSICAL RESTRAINT.

- *Physical restraint does not include:*
- *Briefly holding a child in order to calm or comfort the child.*
- *Holding a child's hand or arm to escort the child from one area to another.*
- *Moving a disruptive child who is a danger to him/herself/others and is unwilling to leave the area when other methods such as talking to the child have been unsuccessful.*
- *Intervening or breaking up a fight.*

Enclosing a child in a high chair, crib and/or pack and play to restrict a child's movement is prohibited.

The use of a weighted vest or blanket is not considered a restraint as long as the child is able to remove the vest or blanket him/herself whenever the child chooses.

If a child has an outburst that puts him /herself or another person in danger of harm, the center has the responsibility to protect the child and others from danger. Once a child has an outburst, it is recommended that the center work with the parents to develop a plan to help manage the child's behavior in a way that does not include use of physical restraint. The center may want to refer the child to the pediatrician, Birth-to-3 agency, local public school or a mental health professional for an evaluation.

In limited circumstances, an exception for the use of a physical restraint of an individual child may be considered if the child has had an evaluation that resulted in an Individualized Family Service Plan (IFSP) or Individual Educational Plan (IEP). The following conditions must be met:

- *The IFSP or IEP indicates the use of a physical restraint as one part of a plan to help the child learn to manage his / her behaviors.*
- *The center identifies a person(s) who will be assigned the responsibility of implementing the restraint.*
- *The person assigned to implement the restraint receives appropriate training in use of a restraint.*
- *The center documents the use of the restraint and the situation leading to the use of the restraint.*
- *The exception is reviewed and re-approved periodically (recommended every 3 – 4 months).*
- *A copy of the documentation related to a restraint is submitted to the department within 10 days of the use of the restraint.*
- *A copy of the IFSP or IEP shall be available to staff working with the child.*

4. Withholding or forcing meals, snacks or naps.

Children may be encouraged to try different foods but cannot be forced to try all foods or to finish one food prior to receiving additional servings of other foods. Milk cannot be withheld until the end of the meal.

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

Aversive "behavior modification" techniques are prohibited (except time outs as specified above).

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

(3) EQUIPMENT.

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

It is recommended that guardrails on lofts or climbing structures meet American Society of Testing and Materials (ASTM) standards. The guardrail should be installed in order to prevent climbing and should not include more than one horizontal bar as part of the top rail.

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.

Examples of unsafe play equipment include, but are not limited to: 1) Metal toys with sharp edges. 2) Play equipment that is coming apart. 3) Hard plastic toys which have broken sharp edges. 4) Slides or rocking boats with protruding screws. 5) Swing sets with chains that are rusting through. 6) Permanently installed outdoor equipment that is not safely anchored.

Certain pull toys may have a cord or string the length of which may present a strangling hazard to a child. Strings on cribs and pull toys should not be longer than 12 inches so that cords cannot be wrapped around necks.

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.

Platform height may be no higher than 4 feet if surface below is not impact absorbing. Manufacturer recommendation for energy absorbing surfaces around and under equipment must be followed. At a minimum, four inch thick gymnastic landing mats are recommended, however 2 inch thick tumbling (panel) mats are acceptable. Carpet is not considered an energy-absorbing surface. Maximum indoor platform height is recommended to be no more than 6 feet or developmentally appropriate for the age of the children using it.

See DCF 251.06(11)(b)8. OUTDOOR PLAY SPACE – PROHIBITED SURFACES.

Lofts that are free standing and not connected or attached to the building are considered to be play equipment. If a loft is used for quiet activities and has steps to reach the upper level, energy-absorbing surface is not required. If the way to get to the loft is other than steps i.e. rung or rope ladder and the landing is 4 feet or more from the floor, then an energy-absorbing surface is required.

If the loft is used as climbing equipment or for active play, energy-absorbing surface is always required.

251.07(3)(b)

(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.

Age-appropriate books must be available for teachers to use with children and must also be available for children to use themselves. These may be one and the same or different sets of books. These may be center-owned or library-supplied books or a combination of both. The recommended amount is at least one book for every two children.

e. Encourage creative expression.

Consumable art supplies such as, but not limited to, crayons, paper, paste or glue, paint, clay or play dough, finger paint, collage materials, etc., including the necessary and appropriate non-consumable accessories such as paint brushes, scissors, sponges, etc should be available to children. Children under the age of 2 years must be allowed to use appropriate art supplies under the close supervision of a child care worker.

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.

Outdoor equipment may be permanently installed or equipment may be taken outdoors from the inside or a combination of both.

(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.

Examples of equipment and materials that reflect cultural and ethnic diversity include multi-cultural dolls, and puzzles and other toys, pictures, posters and music that reflect varying cultures and exposure to foods from different cultures and ethnic groups.

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.

If children who are five years of age and older sleep at the parent's request, the rules on rest periods apply. It is recommended that the parent's request for a nap period for children age 5 and above be written and kept in the child's file.

Children are not required to lie down in order to have a rest period. A rest period could be a time of solo play such as reading books, working puzzles or other solitary quiet activities.

(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.

See DCF 251.05(4)(e) ADJUSTMENT TO GROUP SIZE AND STAFF-TO-CHILD RATIOS DURING NAPTIME.

Children who are awake shall have sight and sound supervision by a child care worker and children who do not sleep or awaken before other children must be allowed off their sleeping surface and given a choice of activities in a reasonably lighted area.

(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.

See DCF 251.09(2)(bm) INFANT & TODDLER – SLEEP POSITION. See DCF 251.03 (29) DEFINITION – SLEEPING BAG.

Cots, sleeping bags and 2-inch thick mats, shall be long enough so the child's head or feet do not rest off the pad.

Sleeping bags or 2" thick mats may be provided by the center or the parent.

STACK CRIBS: If stacked cribs are provided, the following conditions must be met:

- *Only children under seven months of age or not yet standing may use a stacked crib.*
- *Cribs must comply with the appropriate standards for safe cribs established by the Consumer Product Safety Commission*

The number of beds, cots, 2" thick mats and/or cribs must be at least equal to the licensed capacity for children under 5 years of age unless sleeping bags are provided by parents for children one year and older.

(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.

Children may share bedding if it has been laundered between uses by the different children. Each mat, cot, or crib mattress shall be covered with the child's individual sheet for exclusive use by that child. No child shall sleep on a bare uncovered surface. A towel or other fabric that covers the surface of the cot or mat may be used in place of a sheet. A large, adult-sized blanket may be used as both sheet and blanket on a mat or cot if is placed under and over the child. Seasonally appropriate covering such as sheets or blankets that are sufficient to maintain adequate warmth shall be provided to the child while on the bed, cot, mat.

(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.

Bedding includes sheets and blankets and sleeping bags.

Storage in a "clean and sanitary manner" means protection from dust and dirt, particularly the surface which would come in contact with the child.

Cots that are stacked should not have bedding for an individual child hanging over the edge of the cot. If bedding is not stored on the cot, the center must have alternate manner to keep the bedding stored in such a manner that the sleeping surface is not exposed. Cots should be covered with a clean sheet, blanket or other cover that is not used as bedding for a child during times when the cots are not in use. Sleeping bags should be rolled up so that the inside sleeping surface is not exposed. Sleeping bags do not need to be stored inside an individual storage bag or container. Pillows should be stored on a child's individual cot or rolled up in the child's sleeping bag.

If bedding is provided by parents, a supply of center-provided sheets and blankets or sleeping bags should be available for emergencies such as illness or soiling.

Bedding used by an ill child is considered soiled.

(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.

The 3-hour determination is from the beginning of a snack or meal to the beginning of the next snack or meal.

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

According to changes to the minimum meal requirements specified by the USDA, milk served to children over age 2 must be 1% or fat-free (skim) milk. Only 100% fruit or vegetable juice may be served to meet USDA Child and Adult Care Food Program requirements for a fruit or vegetable serving. Other beverages may be served (such as water) in addition to the required components.

When a program which operates for fewer than 2½ hours chooses to serve a snack or has a snack provided by parents, the snack must meet the requirements for snacks.

251.07(5)(a)4. continued

If meals are served pre-plated all the required food items and amounts of food must be served to the child at the same time. For example, a 4 year old child must receive at the minimal on his/her plate for a noon meal the following: 1 ½ oz meat/meat alternate; a total of ½ cup of at least 2 different fruit/vegetable items (e.g., ¼ cup peaches and ¼ cup mashed potatoes); ½ slice bread; and ¾ cup milk. The milk must be served with the meal and may not be withheld.

If meals are served family style all the required food items amounts must be made available. For example there are ten 4 year old children present which requires a total of 2 ½ cups each of two types of fruit/vegetable. The menu has broccoli so at a minimum there should be 2 ½ cups cooked broccoli available. Since the children may not consume the entire 2 ½ cups, the center may bring 2 cups to the dining area, and keep the remaining ½ cup cooked broccoli in the kitchen in case the children want it. Milk must be served with the meal and may not be withheld.

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.

"Diverse types of foods" means menus which would not be repeated within a one-week time frame.

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.

The amounts indicated on the CACFP minimum meal requirements are used for determining amounts of food that must be prepared and are not considered "helpings." It is recommended that small portions of all food items be served and that seconds be available.

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.

Examples of special diets are: feeding tubes, diabetic, gluten free, etc. Pediasure or Ensure may be used as part of a special diet.

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.

After providing any assistance necessary to the children, child care workers assigned to the group of children should sit with children during meals. Staff working with infants and young toddlers who must be fed or given a great deal of assistance with self-feeding are not required to sit with the children.

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.

See DCF 251.04 (6)(c) MEDICAL LOG – DOCUMENTATION and Appendix J Resources List; Medical Log – Directions for Use.

(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.

A small open area in a classroom could be used as an isolation area if there is a means to keep other children away from the ill child.

(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:

Examples of illnesses or conditions which may affect the health of other persons and would require a child to be sent home until medical evaluation allows inclusion include: unusual lethargy, uncontrolled coughing, persistent crying, difficulty breathing, wheezing, or other unusual signs.

See Appendix J Resources List, Communicable Disease Chart. The center's health policy should specify which symptoms would require removal of the child from the facility.

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.

A 2" thick mat may be used in an isolation area.

Bedding used by an ill child is considered soiled. It is recommended that the bed, crib, cot or 2" thick mat be cleaned after use by an ill child.

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:

Care of ill children at the center must be specifically authorized as a condition in the letter of license transmittal. Care of ill children may occur in a separate licensed center location or in a separate room which is designed specifically and solely for the care of ill children.

If a program for ill children exists in a hospital, the program need not be licensed if the hospital admits the sick children as outpatients on a daily basis.

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.

251.07(6)(e)

(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.

Only those diseases preceded by an asterisk (*) on the Communicable Disease Chart must be reported to the department or local health officer. Parents of exposed children are not required to be notified if the disease is not reportable to the local public health officer and the department. There are penalties for disclosure of HIV antibody test results without consent. See s. 146.025, Wis. Stats. A person's HIV status is confidential and may not be shared with others.

The licensing specialist and the center will work with the health department to ensure that all necessary measures are taken to protect the children in care.

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:

These rules allow prescriptive and non-prescriptive medication to be administered by the center under controlled circumstances as specified. Center health policy may be more stringent than the rule, allowing no medication or only prescription medication. This policy should be included in the written health policy which is shared with parents upon admission. A written authorization from the parent is required to be on-site for each incident and is time limited. Center should ensure that any requirements of the Americans with Disabilities Act are met.

An anti-itch preparation or lip balm may be applied to children upon authorization from the parent. The parent should supply the preparation. The preparation should be labeled with the child's name. The authorization should include the name of the product and the instructions for administration. The application information does not need to be recorded in the center medical log.

See DCF 251.09(4)(a)10. INFANT & TODDLER – DIAPERING LOTIONS, POWDERS, SALVES.

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.

It is recommended that medication authorization forms should be kept with the medication during the administration period and maintained in the child's file once the administration period has passed.

Medication used to treat chronic illnesses or conditions such as asthma or diabetes may be authorized by a physician for an unspecified length of time. No separate doctor's authorization for a chronic condition or illness, other than the prescription label, is required. Over-the-counter medications used to treat an on-going condition such as seasonal allergies need to be prescribed by the child's physician or authorized in writing by the child's physician. The written authorization must be in the child's file. The authorization from the parent should be reviewed and re-signed when there are any changes or the prescription renewed. The parent should include information on the specific triggers that may signify the necessity for the authorized medication on the child's health history form. It is recommended that prescription medication be checked periodically to ensure that the expiration date of the medication has not passed.

Blanket authorizations are not allowed for non-prescription pain relievers, cough and cold remedies, etc. and may not be pre-signed by parents. The medication authorization must be time specific and follow the guidelines and prescription end (or renewal date) given on the medication container.

The center may develop its own form or may accept a written authorization from the parent in the form of a note, but either format must include the child's name and date of birth, the name of the medication and administration instructions, the medication interval and the length of the authorization and it must be signed and dated by the parent. The parent's authorization may not exceed the time specified on the label of the medication (usually 7 – 10 days).

251.07(6)(f)1.a. Note:

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.

The directions on the medication should be followed according to the age group specifications. Center policies may limit administering medication exceeding age group specifications. The rule requires that the dosage instructions must be included on the medication label. For some types of over the counter medications, such as Tylenol or cold syrup, the label instructions indicate that a physician should be consulted for children under a certain age (typically under age 2). The Authorization to Administer Medication form includes a statement to be initialed by the child's parent indicating the child's physician has been consulted and the dosage instructions are consistent with the physician's recommendation. A parent's authorization may not exceed the time specified on the label of the medication (usually 7 – 10 days).

The American Academy of Pediatrics recommends that over-the-counter multi-symptom cold products not to be used for children under the age of 6.

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.

Alternatives to traditional insect repellants (e.g. Skin-so-soft, repellants containing citronella or homeopathic ingredients, etc) may be used if authorized in writing by the parent.

If a new ingredient strength will be used, a new authorization is required.

The center health policy should address at what age children can self-apply these items, and the procedure for ensuring that the application is done in a way that will protect the children.

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".

Medications should be stored at temperatures in accordance with label instructions.

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.

If a medication authorization from the parent is in disagreement with the label instructions, the label instructions take precedence unless there is written authorization from the physician indicating a different dose or time frame.

A medication past its expiration date as indicated on the label may not be administered to a child.

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.

Leftover medication or medication past its expiration date should be returned to the parent or discarded in a safe manner after the duration of the illness.

(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.

See Appendix J Resource List, Fact Sheet on Universal Precautions and Standard Precautions for Child Care Centers.

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.

251.07(6)(h)2.

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.

"Single-use, disposable gloves" means non-porous gloves without obvious seams made out of latex, natural rubber or plastic in various forms.

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.

See Appendix J Resource List, Fact Sheet on Universal Precautions and Standard Precautions for Child Care Centers. See Appendix J Resource List, OSHA Regulations on Bloodborne Pathogens. The Occupational Safety and Health Administration (OSHA) is responsible for enforcing its standards.

Some bleach products now contain a higher concentration of sodium hypochlorite (8.25% sodium hypochlorite versus the formerly available bleach solution of 5.25%-6%). Follow label directions for the correct ratio of bleach to water solution that should be used with the higher concentration products. See Appendix J Resource List, Cleaning, Sanitizing and Disinfecting in Child Care Settings.

Care should be used with the disposal of gloves and soiled items.

(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.

Washing in a common bucket or pan is allowed after certain activities such as finger painting, if this preliminary washing is to eliminate excess paint.

Infants hands may be washed with a single-use fabric, cloth, or paper wipe containing soap and water. Children age one and over must use soap and running water to wash hands. Staff shall assist children under age 3 with washing their hands and faces after eating. Children over age 3 may wash their own hands and faces after eating, if necessary.

The maximum hot water temperature should not exceed 120 degrees Fahrenheit and a temperature between 100 and 105 degrees Fahrenheit is recommended. Scald prevention devices are recommended.

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.

Single-use towels and wash cloths are recommended.

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.

The correct rule cite is DCF 251.09(4)(a).

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.

Any head injuries are considered a serious emergency and parents should be contacted as soon as possible.

A minor injury is one that can be treated at the center such as bruises, scrapes, slivers, etc.

It is recommended that a reputable children's first aid manual or chart be readily available in the center for use by staff. See Appendix J Resource List, Get Medical Help Immediately.

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.

The center may advise parents about the designated emergency medical facility by posting this information in a visible place in the center or putting the information in policies or handbooks shared with parents.

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.

See DCF 251.04(3)(a) REPORT – INCIDENT OR ACCIDENT. See Appendix J Resource List, Get Medical Help Immediately.

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.

See DCF 251.07 (6)(f) – MEDICATION ADMINISTRATION. Since the administering of non-prescriptive medication must be at specific parent direction for each incident, no medication (including anti-bacterial creams or ointments) may be given to the child by the center for injuries.

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

Activated charcoal or any other vomit-inducing substance may only be used with authorization from the poison control center. Statewide Poison Control toll free number is (800) 222-1222. Calling 911 does not automatically connect the caller with poison control. See Appendix J Resources List, Common Plants – What's Poisonous.

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.

If a center changes ownership, a child enrolled for care under the previous owner who remains in care at the same location under the new owner is not required to obtain a new physical exam. No exception is necessary.

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.

The use of the department's form "Child Health Report – Child Care" is not required if there is other evidence of a health exam in the child's file. Other evidence may include a HealthCheck provider form or a printout from a child's medical record that includes the date of the exam, the child's name and the name of the health professional who conducted the exam. No exception is required for the use of a form or report that is not the department's Child Health Report form.

Doctors of Osteopathy may perform physical examinations. Chiropractors are prohibited by statute from performing physical examinations.

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.

The Christian Science faith is the only religion that qualifies under this exemption. Evidence of exemption is presented through a Christian Science form entitled Application for Exemption from Physical Examinations and Immunization.

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.

See DCF 251.05(2)(a)11. STAFF ORIENTATION – SPECIAL HEALTH CARE NEEDS.

251.07(6)(k)5. Note:

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.

Under s. 252.04, Wis. Stats., and ch. DHS 144, the immunization record for each child must be on file no later than 30 school days (6 calendar weeks) after the first day of a child's attendance.

If children are attending a public, parochial or private school and are enrolled in a school-age child care program at the school of attendance, the immunization record is not required to be on file at the child care. Immunization records are required to be on file for school-age children attending a program that is not located at the child's school of attendance.

The Student Immunization Law, s. 140.05(16), Wis. Stats, sets minimum immunization requirements for children attending child care center.

The immunization history must indicate that the child has received at least the first dose of each required immunization (if appropriate for the age of the child) or that the immunization requirement is to be waived for that child by a compliance alternative.

If a parent claims a religious or personal conviction exemption, the parent may check the appropriate box and sign the Day Care Immunization Record form in lieu of providing an immunization history. Immunization requirements may also be waived upon signature of a physician that the child should not be immunized for health reasons as indicated on the Day Care Immunization Record form.

Children who have not received subsequent doses of vaccine appropriate to their age must receive such subsequent doses within one year of the first day of attendance and must notify the child care center in writing as each dose is received.

When children are "in the process" of being immunized (i.e., the child has received some DPT and Polio doses but not all that are required for the child's age), the center should request a note from the child's health care provider that the child is "on schedule" for immunizations and the date for the next scheduled dose. This note should be attached to the child's child care center immunization record. A follow up on this scheduled immunization should be done by the center using the center's health record keeping system.

In situations where one of the following conditions exists—(A) Children do not submit an immunization record within 30 school days (6 weeks) of admission; (B) Children whose record at 30 school days after admission indicates that they do not have at least the first dose of each required vaccine; (C) Children who fall behind schedule (i.e., do not obtain an immunization which their health care provider has indicated is due on a certain date)—there are two courses of action that a center may take.

1. *The center may notify the district attorney that the child has failed to comply with immunization requirements as authorized by Wisconsin law and administrative rule.*
2. *The child who fails to comply with immunization requirements may be discharged (excluded) from the center until such time as immunization requirements are met.*

(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.

Dogs, cats and ferrets must be vaccinated against rabies as documented by a current vaccination certificate. Other immunizations frequently given to dogs and cats are to prevent disease which is not communicable to children. Initial rabies immunization for dogs should be administered by five months of age and within one year after the initial immunization. Initial rabies immunization for cats should be administered at 8 – 12 weeks of age and within one year after initial immunization. Initial rabies immunization for ferrets should be administered at 12 weeks. Subsequent immunizations are to be administered at intervals stated on the certificate of vaccination. If no date is specified, the dog shall be vaccinated within three years of the previous vaccination, as specified in s. 95.21(2) Wis. Stats. Wisconsin law does not allow persons to vaccinate their own animals for rabies.

Pets suspected of being ill or infested with external lice, fleas and ticks or internal worms shall be removed from the center.

251.07(7)(a) Note:

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.

Examples of aggressive behaviors are: showing teeth, growling, snapping, excessive barking, lunging, hissing, biting, hair standing up on the animals back or tail between legs.

Due to the risk of exposing children to salmonella and other diseases, chickens and ducks may not be in areas accessible to children under age 5 unless access to the animals is controlled, the parents acknowledge in writing that the children will be allowed to have contact with the animals and the children wash their hands immediately after touching the animals.

(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.

Visits to petting zoos are permitted. Having pets or animals brought into the center to expose children to animals needs to be done carefully to ensure that children and animals are protected. It is recommended that parents be notified in advance when an animal will visit.

(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.

"Not accessible" means the animal may not have any physical contact with the children, including the children reaching over or through a barrier to touch the animal.

(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.

In the event that an animal bites a child, the parent shall be notified and a veterinarian shall be contacted by center personnel to determine a course of action in the diagnosis of possible rabies in the animal. Procedures for emergency care of children shall be followed. Parents shall be notified of any action taken by the veterinarian, as well as the name, address and telephone number of the veterinarian who was consulted.

(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.

See DCF 251.03 (4g) DEFINITION – CENTER-PROVIDED TRANSPORTATION. Center-provided transportation could be provided in a center owned or leased vehicle, through a contract with another agency to provide the driver and vehicle or utilize employees, parents or volunteers to transport children.

If a child care center contracts (either verbally or in writing) with a bus company or another agency to provide transportation services for children enrolled in the center, the rules in this section apply to the bus company or other agency. This includes centers that utilize a school bus company to provide field trip transportation services. A written contract between the center and the transportation company is recommended. The licensee is responsible for ensuring that all applicable rules are met.

This rule does not apply when a center contracts for regularly scheduled transportation to and from the local school district school with the local school district bus company if the parent has authorized the release of the child to the school bus company. The Alternate Arrival / Release Agreement form may be used to obtain authorization from the parent to have the local school bus company provide the transportation. Information on how to obtain forms can be found in Appendix E.

(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.

See DCF 251.04 (6)(b) DAILY ATTENDANCE RECORD. If the center picks up a child from his/her home or a designed pick-up or drop-off point, the daily attendance record must indicate the actual time the child was picked up and/or dropped off. Daily vehicle attendance records may be separate from the daily attendance record maintained to indicate when the child is at the center.

See DCF 251.05 (3)(h) PROCEDURE TO CONTACT A PARENT IF A CHILD IS ABSENT FROM THE CENTER WITHOUT PRIOR NOTIFICATION. If the center provides transportation services from the child's home to the center, the procedure should address how the center is to be notified that a child is not attending that day (i.e. sign in the window of the home that the child is not attending, prior notification to the center that the child is not attending, a second adult on the vehicle walks to the door to pick up the child and is told that the child is not attending, etc.) If the center is not notified that a child will not attend, the parent must be notified if the child does not arrive at the center as expected.

(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.

A copy of the child's current enrollment form will also contain the information required under this rule.

(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:

See DCF 251.03 (4m) DEFINITION – CENTER-PROVIDED VEHICLE.

1. At least 18 years of age.

No exceptions will be granted.

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

The status of a person's driver license may be checked on-line through the WI Department of Transportation website: https://trust.dot.state.wi.us/occsin/occsinservlet?whoami=statusp1. License suspensions and revocations do not result in loss of the actual license card. The person may have a driver's license card that has not expired and still have the license suspended or revoked.

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.

It is recommended that the licensee obtain a copy of the driving record prior to the person beginning to drive to insure that there is nothing on the driving record that would indicate a concern.

Examples of offenses that a driver could pose a threat to the children include but are not limited to the following: multiple violations for speeding or moving vehicle violations, convictions in the past 2 years for operating under the influence of alcohol or a controlled substance, refusal to submit to chemical testing, reckless or inattentive driving. Other offense may also be considered when determining whether a driver poses a threat to the children.

(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.

Vehicles appropriately licensed in another state may be used to transport children without an exception.

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.

See Appendix J Resource List; Car Safety Seat Information. All child safety restraints sold in the USA are required to comply with the dynamic testing requirements of the Federal Motor Vehicle Safety Standard (FMVSS) #213, Child Restraint Systems. The National Highway Traffic Safety Administration (NHTSA) has developed an ease of use rating system of child safety restraints to help provide information about which child safety seat may be most appropriate for a child. See www.nhtsa.gov/Safety/CPS for more information on child safety restraints. Most child safety seats have an expiration date embossed in plastic on the bottom of the seat. Seats may not be used past their expiration date.

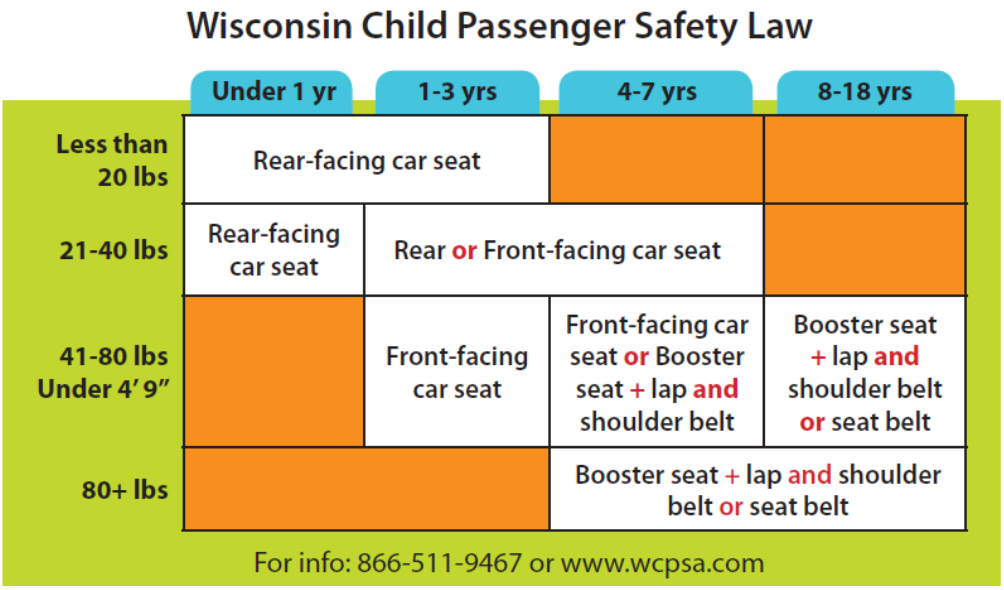
Information on Recalled Car Safety Seats can be found at http://www-odi.nhtsa.dot.gov/owners/SearchChildSeats.

An integrated car safety seat may be used by children who meet the age, height and/or weight requirements identified by the manufacturer of the vehicle.

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.

251.08(4)(b)3. continued



Information on the Wisconsin Child Passenger Safety Law can be found on the Department of Transportation website: http://wisconsindot.gov/Documents/safety/education/child-safety/cps-law-card.pdf. See Appendix J Resource List; Car Safety Seat Information.

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:

Regularly-scheduled transportation is transportation scheduled at fixed intervals: for example,
- *Transportation that is provided once a month for X number of months for a specific purpose.*
- *Transportation that is scheduled from school to center or from center to school on a fixed schedule.*
- *Transportation that is from home to the center or from the center to home on a fixed schedule.*

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.

See Appendix J Resource List, Transporting Children in 10+ Passenger Vehicles To and From School. The use of a 9 – 15 passenger vehicle to transport children is not recommended. Federal law prohibits schools, school systems or child care programs transporting children to and from schools to purchase or lease a new 9 – 15 passenger van if it will be significantly used by the school, school district or child care program to transport preschool and school-aged children to or from school or an event related to school. More information is available on the National Highway Transportation Safety Administration website: www.nhtsa.gov.

The Vehicle Safety Inspection form is to be signed by the owner/employee of a bona fide repair business such as garage, auto repair shop or service station. Name of repair business should appear on vehicle inspection form in addition to signature. Signatures of persons not associated with a firm doing repair business with the public will not be acceptable. If inspection report indicates needed repairs, vehicle must be repaired and inspection form must note the indicated repair or replacement has been completed.

The State Patrol conducts safety inspections of school busses. A sticker on the bus is evidence that the bus has been inspected. Head Start programs may submit a copy of the Federal Inspection required by the Head Start Performance standards in place of the vehicle safety inspection form. No exception is necessary.

If a vehicle used to transport children has been involved in an accident, the department may request evidence that the vehicle is in safe operating condition.

See DCF 251.03 (4m) DEFINITION – CENTER-PROVIDED VEHICLE.

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

The first aid kit should include bandages, gauze, tape and gloves.

(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.

Updates on a child's development and routines could be made on the written information (Infant/Toddler Intake) obtained from the parent or any other system to document changes that will ensure an exchange of information between child care workers and parents at intervals no greater than 3 months.

Special emphasis is given to changes in sleeping/nap patterns, dietary needs, i.e., new foods, cup, utensils or self-feeding skills introduced and introduction of toilet training when age appropriate.

(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:

Children turning age 2 may transition into an older age group as long as the new group size does not exceed 8 and the child's second birthday is no more than 2 weeks prior to the transition date. Transition to a new age group needs to be planned and discussed with parents prior to the transition.

1. During the first 2 hours and the last 2 hours of center operation.

When groups of children are combined, older children may be transferred to the infant or toddler room with the appropriate play equipment.

2. When the number of children in a group is one or 2 children to one child care worker.

See DCF 251.05 (4) TABLE 251.05-D MAXIMUM GROUP SIZE AND MINIMUM NUBER OF CHILD CARE WORKERS IN GROUP CHILD CARE CENTERS. The intent of this rule is to ensure that infants and toddlers remain in a consistent, familiar environment with regularly assigned caregivers, therefore when the space in a room will accommodate a maximum of 4 children, children may be transferred to another group/room when the number of children under age 2 in that space is one or two. When the space is licensed for 8 children, and only one or two children under age 2 who are regularly assigned to that space are in attendance, the children may be transferred to another group.

(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.

See DCF 251.05(1)(f) QUALIFICATIONS – CHILD CARE TEACHER and DCF 251.05(1)(g) QUALIFICATIONS – ASSISTANT CHILD CARE TEACHER. The non-credit, department-approved course that will meet this requirement is called Fundamentals of Infant and Toddler Care. See Appendix J Resource List; Agencies Approved to Offer Non-Credit Entry-Level Training.

(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.

Safety gates should be installed at the bottom and/or top of stairs, depending on where children are. Gates may be installed a maximum of 18" from the bottom step or about 3 steps up taking into consideration the landing surface.

(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.

Centers may take cribs down when cribs are not in use, but this will not increase the space available in determining capacity.

(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.

Swaddling of infants is permitted if requested by the parent.

If the child pulls the blanket out during nap time the provider must ensure that that blanket is kept away from the child's mouth and nose. The use of blanket sleepers or sleep sacks is recommended.

(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.

Fluffy blankets such as quilts and comforters contain more than one layer of fabric or batting.

(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.

There shall be no specifically scheduled nap time for all infants as a group.

As children begin to mature, a child's schedule will be changed to slowly eliminate the a.m. nap and slowly integrate the child into the center schedule. Priority shall be given to the individual eating and sleep needs of the child.

(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.

If a child falls asleep in a swing or car seat, the child must be removed from the swing or car seat and placed to sleep on his or her back in a crib.

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

The center shall individualize the program of care for each child in order to respond to the child's developmental rhythms and the parent's schedule.

Teacher-directed group learning activities is an inappropriate developmental learning technique for infants and toddlers.

251.09(2)(c) continued

Examples of appropriate activities are: peek-a-boo and other object permanence games; pat-a-cake and other imitation games; cause and effect activities; stimulating sensory and body feelings through touching, cuddling, rocking etc.; finger games for finger and hand control; creating barriers for crawling under and over; practical life experiences.

(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.

The child's location in the room should be changed from one area of the room to another to ensure differing views of the room and the people, children and objects in it. The awake non-mobile child should be changed from back to front position or vice versa or changed from prone to propped up position in an infant seat.

(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.

Infant/toddler rooms are to be equipped with play equipment according to the developmental level of the children in that room. Since children under 2 years of age are not always able to select their own playthings from shelving, this equipment should be made available to them for play.

(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.

Center provided and maintained selection of warm outer garments is recommended for children whose parents do not provide appropriate clothing for out-of-doors.

There is no definite set of guidelines that would prevent a child from going outside for health reasons. A child who is too ill to go outside is too ill to be in attendance at the center. Center policies should reflect what would prohibit a child from going outside for health reasons (e.g., a verbal or written request by a parent or a written statement by a medical professional). See DCF 251.07(1)(e)4. DAILY OUTDOOR ACTIVITIES.

(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.

A written authorization signed by the parent and the child's physician is necessary if the child is to be fed on a schedule that is not the child's own schedule.

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

Breast milk must be labeled with the child's name and dated. A formula container will usually indicate a "use by" date. To ensure that the formula remains in good condition and maintains the required nutritional value, any unused formula MUST be discarded after the "use by" date on the container.

Multiple bottles pre-made should be dated to ensure they are used according to manufacturer's directions.

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.

It is recommended that the unused, expressed breast milk be discarded after 48 hours if refrigerated or after three months if frozen. Unused frozen breast milk which has been thawed in the refrigerator should be used within 24 hours. It is recommended that frozen breast milk be thawed under lukewarm running water or in the refrigerator. Once thawed, breast milk should be warmed, if desired, under warm running water. Breast milk should not be warmed in the microwave.

See Appendix J Resource List; Ten Steps to Breastfeeding Friendly Child Care Centers.

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.

It is recommended that thawed breast milk or formula that has been out of the refrigerator for more than 1 hour or a bottle (or cup) that has been fed to the child for a period that exceeds 1 hour from the beginning of the feeding should be discarded. Partially consumed bottles or cups of formula or milk may not be placed in the refrigerator for later consumption. Freshly expressed breast milk (not frozen) that has not been served to a child may remain at room temperature for up to 8 hours.

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

It is recommended that water not be given to infants under six months of age unless authorized by the child's physician. Older infants and toddlers may be offered water several times a day, especially if outside in the summer or in a very hot environment while inside. Offering water at meals is appropriate when children are actually eating food.

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.

The requirement for a safety strap is intended to prevent a child from standing up in the high chair and falling out and to prevent a child from slipping down and under the tray. At a minimum, the safety strap should be a T shape for all seats.

See DCF 251.07(2)(e)3. PROHIBITED ACTIONS – PHYSICAL RESTRAINT, RESTRICTION, ENCLOSURE. A high chair, feeding table or seat may not to be used as a form of punishment or a method to restrict activity. A child is only to use the chair for meal / snack times or planned activities.

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.

Age-appropriate solid food, including cereal should be given to a child by spoon only. Age-appropriate solid food should not be fed in a bottle unless there is written authorization from the child's physician.

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.

Breast milk should not be warmed in a microwave.

See Appendix J Resource List, Suggested Procedures for Warming Refrigerated Infant Formula.

251.09(4)

(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.

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.

Placement of the diaper changing surface should include consideration of the ability of the person changing the diaper to see the other children in the room or area to be able to provide supervision of all children.

An easily cleanable surface may be a changing table, a plastic covered mat, a plastic covered mattress or any other surface that is impervious to water and capable of being disinfected with a bleach solution.

A disinfectant that is not bleach or a quaternary ammonia product may be used without an exception if the label indicates that it is EPA approved as a hospital-grade disinfectant.

Some bleach is now being sold with a higher concentration of sodium hypochlorite than was previously available (8.25% sodium hypochlorite versus the formerly available bleach concentration of 5.25 %-^%). If a program uses a bleach solution with a higher concentration of sodium hypochlorite to disinfect diaper changing surfaces it must be an EPA registered product and it must be diluted based on label instruction for disinfection.

All products must be used in a two-step procedure. First soap and water to rid the surface of any organic material and then the disinfectant is to be used. Products containing both a cleaner and a bleach or quaternary ammonia, such as Clorox cleanup products, must be applied using the 2-step process.

See Appendix J Resource List, Cleaning, Sanitizing and Disinfecting in Child Care Settings.

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.

A hands-free diaper disposal container will prevent the lid of the container from becoming contaminated with bacteria that may be found on the gloves used during the diaper change procedure and in urine and fecal material. Care should be taken to keep children away from the diaper disposal container.

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

Both the Center for Disease Control and the American Academy of Pediatrics recommend that soiled cloth diapers and training pants not be rinsed. The fecal contents may be placed in the toilet, but diapers and training pants should not be rinsed in the toilet.

Bags used for soiled clothes must be kept out of the reach of children.

It is recommended that reusable waterproof coverings (wrap or pullover) used with cloth diapers be changed after every use.

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.

The American Academy of Pediatrics recommends that height for a barrier be 8 inches or a distance barrier be 18 inches.

(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:

Children enrolled in a 4-year old kindergarten as part of a program offered by a local school district may be considered school-age for the purposes of the exceptions to the licensing rules as contained in this section.

(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:

Children enrolled in a 4-year old kindergarten as part of a program offered by a local school district may be considered school-age for the purposes of the exceptions to the licensing rules as contained in this section.

(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.

See DCF 251.05 (3)(c) CLOSE SUPERVISION OF CHILDREN. School-age children under age 8 must be supervised by a child care worker at all times.

This rule permits children 8 years of age or older to be outside the sight and sound supervision of a child care worker if they are engaged in center-sponsored activities such as using the bathroom, allowing a child to work on homework in an adjacent room, sending a child to another classroom with a message for a child care worker. The licensing rules that require a child care worker to know the whereabouts of children at all times remains in effect. See DCF 251.05 (3)(f) CHILD TRACKING PROCEDURE. At no time should staff allow any child, or group of children, to be in jeopardy by not knowing where they are or what they are doing.

With a parent's written agreement, a child may be excused from the center to assist a teacher in a classroom or attend a social group meeting such as scouts in the school building. The Alternate Arrival/Release form may be used to secure the parent's agreement for these types of activities.

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.

A center director of a school-age only program licensed to care for 50 or fewer children who has a 4-year degree in education or recreation is not required to obtain 1 course in the Wisconsin Child Care Administrator Credential.

A center director of a school-age only program licensed to care for 51 or more children who has a 4-year degree in education or recreation is not required to obtain the Wisconsin Child Care Administrator Credential.

The 10 hours of training in the care of school-age children required for a school-age assistant child care worker may not be used to meet entry-level training requirements for a school-age teacher or center director. Experience gained as a school-age assistant child care worker may be counted towards the experience requirement.

See Appendix J Resource List; Entry Level – School-Age Professionals and Entry Level – Early Childhood Professionals.

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.

This rule does not apply if the center is not licensed past 10:00 p.m.

(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.

See DCF 251.03 (8r) DEFINITION – CRIB. Manufacturer's specifications for height and weight of children using cribs must be followed.

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.

Note 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:

The licensee of a center is required to sign any documents. The licensee may designate another individual to sign on the licensees behalf.

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.

The board president of a corporation is considered the licensee for purposes of a caregiver background check. The board president may designate another member of the board as the individual who will have a background check completed on behalf of the corporation.

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) 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.

The licensee of a center is required to sign any documents. The licensee may designate another individual to sign on the licensee's behalf.

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.

The licensee of a center is required to sign any documents. The licensee may designate another individual to sign on the licensee's behalf.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

The board president of a corporation is considered the licensee for purposes of a caregiver background check. The board president may designate another member of the board as the individual who will have a background check completed on behalf of the corporation.

Background Information Disclosure forms and applicable fees must be submitted to the department when requested.

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.

251.11(3)(b)

(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.

The licensee of a center is required to sign any documents. The licensee may designate another individual to sign on the licensees behalf.

2. Any completed background information disclosure forms required under s. 48.685, Stats., including any applicable fees.

The board president of a corporation is considered the licensee for purposes of a caregiver background check. The board president may designate another member of the board to be the individual who will have a background check completed on behalf of the corporation.

Background Information Disclosure forms and applicable fees must be submitted to the department when requested.

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.

251.11(5)(c) Note:

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.

If a facility moves from one location to another location on a temporary basis with the intent to relocate back to the original location within the current licensing period, a written request to the licensing specialist must be made to request the temporary relocation. No new fee will be charged if there is no increase in capacity at the new location. A letter will be issued permitting the licensee to operate temporarily at the new location under the conditions of their current license. Permission to operate at a temporary location will not be granted to facilities that do not intend to relocate back to the original location or for reoccurring changes.

Programs serving school-age children (primarily in school buildings) may regularly move to a different location during summer hours. In these situations, when the move is done on a yearly basis, the license should indicate the address that the program will be located at for the majority of the year. A condition will be added to the license (and printed on the certificate) that indicates the regular move location. The licensee must notify the department prior to the move the actual dates the program will be at the alternate location.

It is recommended that the center check with local zoning authorities prior to moving to a new location to determine if a zoning variance is required.

(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.

Changes to the Wisconsin Statutes (s. 48.715(4g) Stats.) in 2009 specified that the department shall immediately suspend the license of a child care center if the licensee, a household member or a caregiver is the subject of a pending criminal charge for a serious crime under s. 48.685 (1) Stats. and the department shall immediately revoke the license of a child care center if the licensee, a household member or a caregiver has been convicted of a serious crime under s. 48.685(1) Stats.

251.11(7)(b)

(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

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Chapter DCF 251

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

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APPENDIX B
CACFP Meal Pattern Requirements – Ages 1 to 12

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Chapter DCF 251

APPENDIX B

CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12

The meal pattern shall contain, as a minimum, each of the following components in the amounts indicated for the specific age group.

	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]
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

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CACFP MEAL PATTERN REQUIREMENTS – AGES 1 to 12

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]
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
CACPF Meal Pattern Requirements – Birth Through 11 Months

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Chapter DCF 251

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 breastfed 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
CPSC Your Used Crib Could Be Deadly

Published under s. 35.93, Wis. Stats., by the Legislative Reference Bureau.

Chapter DCF 251

APPENDIX D

CONSUMER PRODUCTS SAFETY COMMISSION (www.cpsc.gov)

Your Used Crib Could Be DEADLY

CPSC Document # 5020

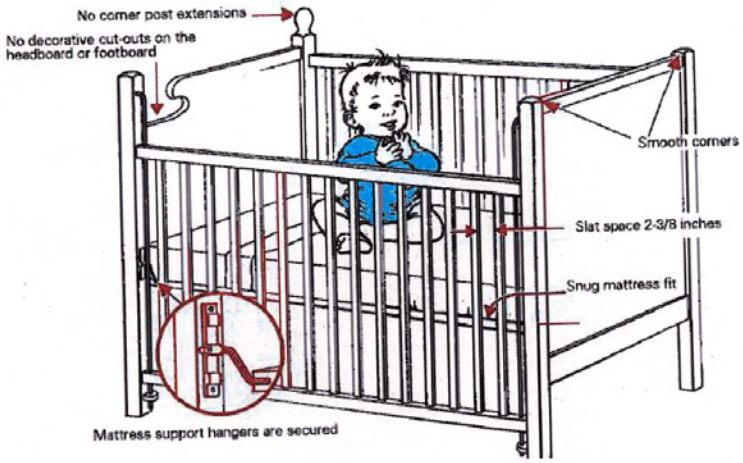
An unsafe used crib could be very dangerous for a baby. Each year, about 50 babies suffocate or strangle when they become trapped between broken crib parts or in cribs with older, unsafe designs.

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.



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APPENDIX E
Required Items for Group Child Care Centers

A. <u>Items to be Submitted to Regional Office at Time of Initial Application</u>

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. Items to be Kept in Children's Files

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. <u>Items to be Provided to Parents</u>

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. Other Required Items

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. **Reporting to the Department** 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. [2015]

(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. [2015] The department shall have authority:

(10) To license child welfare agencies and child care centers as provided in s. 48.66(1)(a).

48.65 Child care centers licensed; fees. [2011]

(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. [2013]

(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, child care centers, foster homes, group homes, shelter care facilities, and county departments. [2015] 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. [2009]

(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. [2015]

(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. [2009] 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. [2009]

(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. [2013]

(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. [2005] 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. [2009] 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; child care centers. [2009] 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; child care centers. [2009] 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. [1979] 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. [1993] 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. [1979] 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. [2015]

(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. [2015]

(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.

66.1017 Family child care homes. [2015]

(1) In this section:

(a) "Family child care home" means a dwelling licensed as a child care center by the department of children and families under s. 48.65 where care is provided for not more than 8 children.

(b) "Municipality" means a county, city, village or town.

(2) No municipality may prevent a family child care home from being located in a zoned district in which a single-family residence is a permitted use. No municipality may establish standards or requirements for family child care homes that are different from the licensing standards established under s. 48.65. This subsection does not prevent a municipality from applying to a family child care home the zoning regulations applicable to other dwellings in the zoning district in which it is located.

73.0301 License denial, nonrenewal, discontinuation, suspension and revocation based on tax delinquency. [2015]

(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. [2015]

(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. [2015]

(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. [2011]

(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. [2009]

(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
Register June 2016 No. 726, eff. 7-1-16.

DCF 12.01 Purpose and scope.
DCF 12.02 Definitions.
DCF 12.03 Background information disclosure.
DCF 12.04 Contracting for caregiver background checks.
DCF 12.05 Obtaining armed forces information.
DCF 12.06 Determining whether other offenses are substantially related.
DCF 12.07 Child welfare denial and revocation information.
DCF 12.08 Reporting requirements.
DCF 12.09 Sanctions.
DCF 12.10 Rehabilitation reviews by agencies.
DCF 12.11 Eligibility to request rehabilitation review.
DCF 12.12 Applying for rehabilitation review.
DCF 12.13 Agency rehabilitation review process.
DCF 12.14 Appealing a rehabilitation review panel's denial.
DCF 12.15 Withdrawal of rehabilitation approval.
DCF 12.16 Permissive acceptance of a rehabilitation approval.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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).

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.

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.

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.

DCF 12.14 Appealing 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.

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.

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.

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

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)

APPENDIX J
RESOURCES LIST

To obtain copies of the materials listed below, visit the DCF Child Care Licensing Rules and Manuals website: https://dcf.wisconsin.gov/cclicensing/rules or contact the Child Care Information Center at 1-800-362-7353

1. Agencies Approved to Offer Non-Credit Entry-Level Training
2. Credit To Hour Conversion – Technical Colleges And Universities
3. Caregiver Background Checks – Frequently Asked Questions
4. Collaborative Child Care Program – Frequently Asked Questions
5. Wisconsin Child Care Administrator Credential
6. The Registry Career Levels
7. Together Children Grow – Quality Child Care for Children with Special Needs
8. It Shouldn't Hurt To Be A Child
9. Medical Log – Directions For Use
10. Suggested Procedures for Warming Refrigerated Infant Formula
11. Get Medical Help Immediately
12. Communicable Disease Chart
13. Car Safety Seat Information
14. Common Plants – What's Poisonous
15. Fact Sheet On Universal Precautions And Standard Precautions For Child Care Centers
16. OSHA Regulations On Bloodborne Pathogens
17. Transporting Children In 10+ Passenger Vans To And From School
18. Early Years Are Learning Years – Time Out For "Time Out"
19. Managing Crying, Fussing or Distraught Children
20. Child Care Weather Watch – Wisconsin
21. Cleaning, Sanitizing and Disinfecting in Child Care Centers
22. Renovate Right – Important Lead Hazard Information for Families, Child Care Providers and Schools
23. Safe Food Storage
24. Entry Level Courses – Early Childhood Professionals
25. Entry Level Courses – School-age Professionals
26. Ten Steps to Breastfeeding Friendly Child Care Centers

INDEX

A

Accident
- Reporting ... 12
- Vehicle ... 66

Activities ... 52
Additional Center ... 83
Administration ... 8
Administrator ... 3
- Continuing education ... 32
- Report change ... 12
- Responsibilities and qualifications ... 22, 28
- School-age care ... 77

Admission
- Infant and toddler ... 70
- Mildly ill child ... 59
- Policy ... 10

Age of Children ... 8, 82
Alcohol ... 39
Allergies ... 58
Alternate Arrival / Release Agreement ... 18
Amendments to License ... 82
Animals ... 64
Application
- Initial license ... 80
- License continuation ... 82

Archery ... 65
Assistant Child Care Teacher ... 3
- Continuing education ... 32
- Infants and toddlers ... 71
- Responsibilities and qualifications ... 22, 27
- School-age care ... 77
- Supervision ... 33

Attendance ... 19
Authority ... 81, 82

B

Baby Food ... 73
Background Information Disclosure ... 11, 14, 81
Basement
- Door ... 40
- Food storage ... 47

Bed ... 59
- Furnishings ... 44
- Isolation area ... 59
- Night care ... 79
- Rest periods ... 56
- Water beds ... 71

Bedding
- Isolation area ... 59
- Maintenance, cleanliness ... 57
- Night care ... 79
- Storage ... 44

Birds ... 65
Board of Directors ... 11
Bottles ... 45, 73
Breakfast ... 78
Building
- Construction, remodeling ... 13
- Infant and toddler care ... 71
- Night care ... 78
- Requirements ... 36
- School-age care ... 76

C

Capacity
- Amending a license ... 82
- Night care ... 78
- Terms of license ... 8
- Vehicle ... 68

Cardiopulmonary Resuscitation ... 22
Care ... 3
Caregiver Background Check ... 3
- Board chairperson, household member ... 11
- Reporting convictions, charges, offenses ... 12
- Staff records ... 15

Center Director ... 3
- Continuing education ... 32
- Report change ... 12
- Responsibilities and qualifications ... 22, 23, 28
- School-age care ... 77

Center-Provided Transportation ... *See* Transportation
Center-Provided Vehicle ... *See* Transportation
Certificate
- CPR ... 22
- Insurance ... 9
- Rabies vaccination ... 64
- The Registry ... 28

Chairs ... 44, 72
Change
- Administrator ... 12
- Board chairperson ... 11
- Center director ... 12
- Household member ... 11
- Meal preparation ... 13
- Menu ... 58
- Off-premises play space plan ... 50
- Program service ... 12
- Remodeling ... 37
- Room usage ... 12, 37
- Transportation services ... 13

Child Abuse and Neglect
- Reporting ... 20
- Training ... 20

Child Care Teacher ... 3
- Continuing education ... 32
- Responsibilities and qualifications ... 22, 26, 28
- School-age care ... 77

Child Care Worker ... 3
Child Guidance ... 54
- Policy ... 11

Child Guidance Policy ... 54
Children's Records ... 16
Cleaning Aids ... 47
Cleanliness ... 41, 57, 62
Clerical Staff ... 35
Clothing
- Available supply ... 62, 75, 79
- Storage space ... 44
- Sun protection ... 61
- Wet or soiled ... 74

Combs ... 62

Communicable Disease
Child in care ... 60
Contact with children in care ... 30
Notifying parents ... 13, 60
Reporting to department ... 13, 60
Reporting to local health department ... 60
Returning to the center ... 60
Communication
Infants and toddlers ... 70
Parents ... 14
Program ... 52
Complaints ... 3, 86
Confidentiality ... 19
Construction ... 13, 37
Continuing Education
Child abuse and neglect ... 20
CPR ... 22
Infants and toddlers ... 71
Requirements ... 32
Continuing Education Policy ... 11
Controlled Substance ... 39
Cook ... *See* Food Service Personnel
Cots
Furnishings ... 44
Isolation area ... 59
Night care ... 79
Rest periods ... 56
Sanitation ... 42
Storage ... 44
Course for Credit ... 3
CPR ... See Cardiopulmonary Resuscitation
Creativity
Equipment ... 56
Program ... 52
Cribs ... 3
Furnishings ... 44
Isolation area ... 59
Mattress, covering ... 71
Night care ... 79
Rest periods ... 56

D

Days of Operation ... 8, 82
Death Reporting ... 12
Denial ... 83
Developmental History ... 70
Diapering
Infants and toddlers ... 74
Personal cleanliness ... 62
Timeliness ... 62
Diets ... 58
Director ... *See* Center Director
Discharge Policy ... 10
Discipline ... See Child Guidance
Discrimination ... 8
Dishwashing ... 45
Disinfecting
Bodily secretions ... 61
Diaper pail ... 74
Diapering surface ... 74
Furnishings ... 44
Hand sanitizers ... 62
Potty chair ... 42
Wading pools ... 50
Disposable Cups ... 42
Drinking Water ... 42, 73
Driver of Vehicle ... 66
Drugs (non-rescribed controlled substance) ... 39

E

Early Learning Standards ... 52
Education Policy ... 11, 14
Emergency ... 3
Information carried in vehicle ... 66
Lighting ... 78
Parental consent ... 17
Parental notification ... 62
Planned source of care ... 62
Policies, plans ... 11, 39, 69
Telephone numbers ... 38
Vehicle availability ... 38
Enclosure ... 49
Exception to Rule ... 1
Exit Lights ... 40
Extension Cord ... 40

F

Fee Payment and Refund Policy ... 10
Feeding
Infants and toddlers ... 70, 72
Night care ... 78
Fence ... 49
Field Trip ... 3
Authorization ... 18
Group size ... 34
Handwashing ... 62
Notification ... 13
Staff-to-child ratio ... 35
Fire Evacuation ... 39, 78
Fire Protection ... 40
Firearms ... 38
First Aid
Injuries ... 63
Fit and Qualified ... 80, 84
Flashlight ... 78
Food
Allergy ... 58
Handling ... 47
Infants and toddlers ... 72
Meals and snacks ... 57
Night care ... 78
Preparation area ... 44, 65, 75
School-age care ... 77
Sources ... 45
Storage ... 46, 65
Food Service Personnel
Inform about allergies ... 58
Orientation and training ... 33
Responsibilities and qualifications ... 47
Staff-to-child ratios ... 35
Formula ... 72
Frozen Foods ... 47
Furnace Room Door ... 40
Furnishings
Requirements ... 44
Sanitation ... 42

G

Garbage Containers ... 41
General Liability Insurance ... 9
Grouping ... 4
  Infants and toddlers ... 70
  Night care ... 78
  Requirements ... 34
  School-age care ... 77
  Supervision ... 33
  Swimming ... 51
Guns ... 38

H

Handwashing
  Diapering and toileting ... 75
  Field trips ... 62
  Food service personnel ... 47
  Health precautions ... 61
  Personal cleanliness ... 62
  Universal precautions ... 62
Harmful Materials ... 38
Hazards ... 4
  Food storage ... 46
  Indoor and outdoor premises ... 37
  Off-premises outdoor play space ... 49
  Outdoor play space ... 49
Health Care
  Policy ... 10
  Requirements ... 58
Health Care Policy ... 59
Health Examination
  Children ... 63
  Staff ... 29
Health History and Emergency Care Plan ... 18, 63
High Chair ... 73
Horseback Riding ... 65
Hot Tub ... 39
Hours of Operation ... 8, 82

I

Ill Child Procedure ... 59
Immunization ... 18, 64
In Care ... 4
Inclement Weather ... 4, 53, 72
Individual Attention ... 54
Individualized Program ... 70
Indoor Space ... 43
Infants and Toddlers ... 5, 7
  Bottles ... 45
  Grouping ... 35
  Nitrates ... 42
  Requirements for care ... 70
Injury
  Medical log ... 19
  Observation ... 58
  Procedures ... 62
  Reporting to department ... 12
  Reporting to parents ... 13
Insect Repellent ... 61
Insecticide ... 38, 47
Inspection
  Building ... 36, 71
  Fire extinguishers ... 40
  Licensing ... 11, 86
  Vehicle ... 69
Institution of Higher Education ... 5
Insurance
  General and vehicle liability ... 9
  Pets ... 65
Intellectual Growth ... 53
Isolation ... 59

J

Job Description ... 10, 31

K

Kitchens ... 44

L

Large Muscle Development
  Equipment ... 56
  Program ... 52
Laws ... 8
Lead-Based Paint ... 41
Leftovers ... 47, 73
Liability Insurance ... 9
License
  Amending ... 82
  Continuation application ... 82
  Denial or revocation ... 83
  Initial application ... 80
  Posting requirements ... 11
  Summary suspension ... 84
  Terms ... 8
Licensed Capacity ... 8, 82
Licensee ... 6
Literacy ... 53

M

Manipulative Skills Equipment ... 56
Meals and Snacks
  Infants and toddlers ... 72
  Night care ... 78
  Requirements ... 57
  School-age care ... 77
Medication
  Recording administration ... 19
  Requirements ... 60
  Storage ... 61
Medication and Injury Log
  Entries ... 59, 61, 63
  Requirements ... 19
  Review and documentation ... 63
Menu ... 58
Mildly Ill Child ... 6, 59
Milk
  Formula or breast milk ... 73
  Portions ... 58
  Standards ... 46
  Substitutes ... 73
Mixed-Age Group ... 35, 51
Months of Operation ... 8, 82

N

Napping
- Furnishings ... 44
- Group size and staff-to-child ratio ... 34
- Requirements ... 56

Night Care ... 6, 78
Non-Mobile Child ... 72
Non-Owned Vehicle Liability Insurance ... 9
Nutrition Policy ... 11

O

Orientation
- Documentation ... 16
- Employees, substitutes, regularly-scheduled volunteers ... 30
- Evacuating sleeping children ... 78
- Food service personnel ... 33
- Policy ... 11
- Volunteers and student teachers ... 29

Outdoor Play
- Activities ... 53
- Equipment ... 55
- Group size and staff-to-child ratios ... 34
- Infants and toddlers ... 72
- Space requirements ... 48

P

Paint ... 41
Paper Towel ... 48
Parent ... 6
- Access to center ... 13
- Access to child records ... 20
- Notifications ... 13, 34, 59, 60, 62, 65
- Opportunity for communication ... 14, 70

Parent Cooperative ... 6, 23, 28, 29
Parental Consent
- Alternate arrival / release ... 18, 76
- Authorized pickup persons ... 34
- Care of mildly ill child ... 59
- Field trip ... 18
- Lotions, powders, salves ... 75
- Medical care ... 17, 62
- Medication administration ... 60
- Release of confidential information ... 20
- Research or testing ... 18
- Sunscreen or insect repellent ... 61
- Transportation ... 17

Personal Cleanliness ... 62
Personnel Policy ... 10
Pets ... 64
Physical Exam
- Children ... 63
- Staff ... 29

Physical Restraint ... 54
Plan of Correction ... 12
Playpen
- Furnishings ... 44
- Quantity ... 71
- Rest periods ... 56

Poison ... 38, 47, 63, 65
Policies
- Available to parents ... 14
- Development ... 10
- Reflective of program ... 54

Pools ... 50
Posting
- Conditions, exceptions, exemptions ... 11
- Diapering lotions, powders, salves ... 75
- Fire evacuation and tornado plan ... 39
- License certificate ... 11
- Licensing rule DCF 251 ... 14
- Menus ... 58
- Microwave heating procedures ... 73
- Results of most recent licensing visit ... 11

Potty Chair
- Disinfecting ... 42
- Quantity ... 48

Power Tools ... 39
Premises ... 7
Protective Measures ... 37
Publicity ... 11, 14

Q

Qualifications
- Administrator ... 22
- Assistant child care teacher ... 27
- Center director ... 23
- Child care teacher ... 26
- Continuing education ... 32
- CPR certificate ... 22
- Documentation ... 16, 28
- Food service personnel ... 47
- Health examination ... 29
- SBS prevention ... 22
- School-age care ... 77
- Substitute ... 29
- Volunteer and student teacher ... 29

R

Recording
- Application of lotions, powders, etc. ... 75
- Attendance ... 19
- Medication and injury ... 19, 59, 61, 63

Records
- Access ... 20, 86
- Children ... 16
- Confidentiality ... 20
- Driving ... 66
- Fire alarms, smoke detectors ... 41
- Fire and tornado drills ... 40
- Immunizations ... 64
- Menus ... 58
- Staff ... 14
- Substitute hours ... 29
- Volunteer hours ... 29

Refrigerator ... 44, 46
Registry ... 28
Religious Training ... 14
Remodeling ... 13, 37

Reports
To county department 20, 60
To department 12, 50, 60, 66
To parents 13, 60
Reptiles 65
Research or Testing Project 18
Rest Periods 56
Revocation 83
Riflery 65
Routines
Documenting changes 70
Infants and toddlers 71
Night care 78
Programming 53
School-age care 77
Toilet training 74

S

Safety Gates 71
Safety Measures
Drinking water 42
Emergency lighting 78
Energy-absorbing surface 48, 55
Exit lights 40
Fire protection 40
Food handling 47
Food storage 46
Stairs, walks, ramps, porches 38
Telephone 38
Transporting children with disabilities 69
Vehicle availability 38
Vehicle restraints 67
Written response plans 39
Sanitation 41
Bedding 57
Bottles and nipples 45
Dishwashing 45
Food contact surfaces 45
Hand sanitizers 62
Kitchen equipment and utensils 44
Personal care items 62
SBS ..... *See* Shaken Baby Syndrome
Schedule
Infants and toddlers 70
Night care 78
Program 53
School-age care 76
School-Age Care 7, 76
Screens
Hot surface 38
Isolation area 59
Windows and doors 42
Seat Belt 68
Second Adult 34
Self-Contained Room 7
Infants and toddlers 70
Mildly ill care 59
Night care 78
Shaken Baby Syndrome 7
Department-approved training 22
Documentation of training 16
Reporting to department 12
Substitutes 29
Volunteers 29
Sidewalks 38
SIDS
Risk reduction procedures 10
Single Use Gloves 62
Single Use Towels 47
Single-Service Utensils 45
Sinks
Diapering 75
Meal preparation 44
Mildly ill care 59
Sleep Position 71
Sleeping
Evacuating children 78
Night care 78
Rest periods 56
Staffing and grouping 34
Sleeping Bag 7
Furnishings 44
Isolation area 59
Night care 79
Rest periods 56
Sleeping Garment 78
Small Muscle Development
Equipment 56
Program 52
Smoke Detectors 41
Smoking 38
Snacks
Equipment and utensils 44
Night care 78
Requirements 57
School-age care 77
Snow Removal 38
Soap 48, 62
Social Interaction
Equipment 56
Mealtimes 58
Program 52
Space
Change in use 37
Deduction for cribs 71
Exclusive use 37
Indoor requirements 43
Outdoor requirements 48
Staff Meetings 32
Staff Records 14
Staffing
Development 30
Ratios 34
Responsibilities and qualifications 22
Supervision 33
Stairs
Maintenance 38
Safety gates 71
Storage 40
Storage
Cleaning aids 47
Clothing, personal belongings 44
Cots, bedding, supplies, equipment 44
Food 46
Requirements 40
Student Teacher 29
Substitutes 7, 29
Summary Suspension 84

Sunscreen 61
Supervision 7, 33
Assistant child care teacher 27, 33
Field trip 35
General requirements 33
Naptime 34
Pets or animals 65
School-age care 76
Staffing and grouping 34
Swimming 50
Vehicles 68
Support Staff 35
Swimming Areas 50

T

Tables 44
Telephone 38
Television 53
Temperature
Dishwashing 45
Food handling 47
Food storage 46
Inside 37
Outdoor - inclement weather 53
Terms of License 8
Testing
Fire alarms and smoke detectors 41
Health 30
Water 42
Written consent 18
The Registry 28
Thermometer
Cold storage 46
Dishwashers 45
Time Out 54
Toilet
Facilities 47
Sanitation 42
Toilet Training 74
Toothbrush 62, 78
Tornado Drill 39
Toys
Equipment 56
Program - infants and toddlers 72
Sanitation 42
Transportation
Center-provided 3, 66
Center-provided vehicle 3
Change in service 13
Parental authorization 17
Policy 11

U

Universal Precautions 7, 31, 61
Urinals 47
Utensils
Infants and toddlers 73
Kitchen 44
Single-service 45

V

Vehicle
Availability 38
Capacity and supervision 68
Center-provided 3
Emergency information 66
Food delivery 47
Insurance 9
Requirements 67, 69
Vehicle Liability Insurance 9
VEHICLE SAFETY ALARM 69, 86
Visits
Department 86
Parents 13
Volunteers 7
Responsibilities and qualifications 22

W

Wading Pool 7, 50, 51
Washbasins 47
Wastepaper Container 48
Water 42
Watercraft 65
Well 42
Windows 42

Z

Zoning 36