



Monitoring Guide for Wisconsin's Licensed Child Care Programs

June 2021

Bureau of Early Care Regulation

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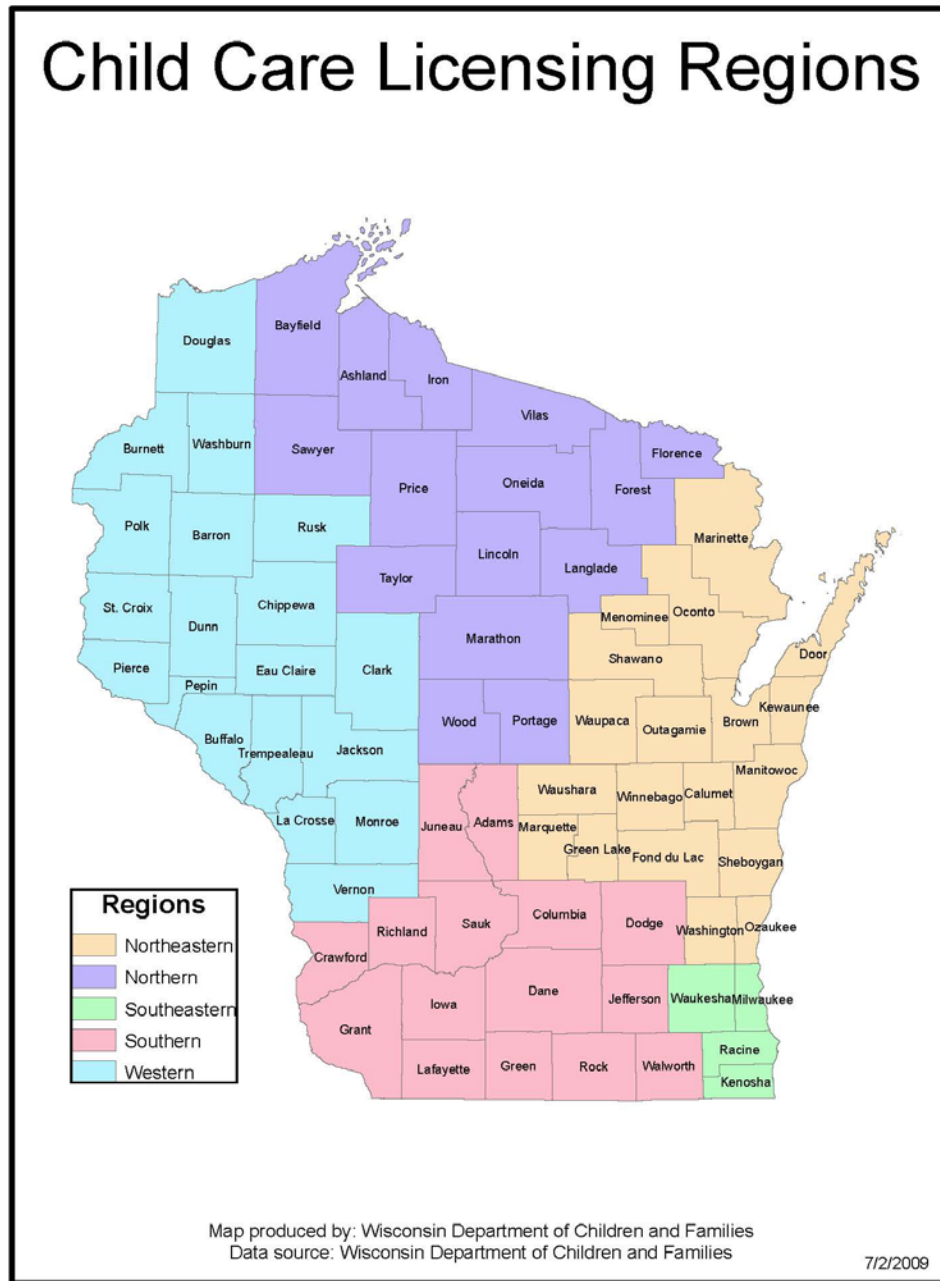
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Bureau of Early Care Regulation Regional Office Map



Bureau of Early Care Regulation Contacts

The Bureau of Early Care Regulation (BECR) is committed to ensuring a fair, consistent, professional application of child care regulations. If you have questions or concerns, please contact your [BECR Regional Office](#) or you may contact the BECR Central Office in Madison.

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Overview of Regulated Child Care

The mission of the Bureau of Early Care Regulation (BECR), located within the Department of Children and Families (DCF), is to promote and protect the health, safety, and welfare of children in child care settings. DCF has statutory authority, delegated to BECR, to regulate child care programs under [Chapter 48, Wis. Stats.](#) Regulation provides the foundation for safe child care centers by assuring that regular background checks, onsite inspections and investigations of complaints are carried out consistently throughout the state.

BECR conducts regular onsite visits to group and family child care centers and day camps to ensure that applicable licensing statute and administrative rule requirements are met. BECR also monitors certified child care providers in Milwaukee County and delivers training and consultation to certifiers employed by counties, tribes, and subcontracted agencies in the balance of the state. BECR monitors facilities subject to the following administrative rule requirements:

- [DCF 250 - Family Child Care Centers](#) – Centers that provide care and supervision for 4 to 8 children under age 7.
- [DCF 251 - Group Child Care Centers](#) – Centers that provide care and supervision for 9 or more children under age 7.
- [DCF 252 - Day Camps](#) - Camps caring for 4 or more children three years of age or older in a seasonal program oriented to the out-of-doors for periods less than 24 hours a day.
- [DCF 202 - Certified Providers](#) - Providers caring for 1- 3 children under age 7, but may care for a group maximum of 6 that includes day care children ages 7 and older and/or their own/related children under the age of 7. Care is generally provided in a private home setting.

In addition to these four types of regulated child care programs, BECR staff are responsible for annual monitoring of Wisconsin's license exempt public school programs. These are child care programs operated by or under contract with public school districts and receiving [Wisconsin Shares](#). Pursuant to Wis. Stat. § 120.13(14), a child care program established and provided by a school board is not required to be licensed but must comply with the applicable standards governing the operation of licensed group child care centers in Wisconsin, as provided under Wis. Admin. Code § DCF 251.

In general, BECR is responsible for carrying out the following activities:

- License and provide assistance to new child care license applicants;
- Provide regular onsite monitoring of licensed and license exempt providers to assure compliance with administrative rules;
- Provide technical assistance, consultation, ongoing training and resources to child care providers;
- Conduct complaint investigations of licensed centers and follow up on accident and incident reports from centers;
- Conduct complaint investigations of unlicensed facilities that may be required to be licensed because of the number of children in care and could be providing child care illegally;
- Conduct background checks on licensees, household members, and staff.

This guide describes the monitoring process for probationary and regular child care and day camp license holders. Note that this monitoring guide does not address monitoring requirements for license exempt public school programs or certified child care programs. More information on certified child care can be found on the [Child Care Certification](#) home page.

Monitoring Probationary and Regular Child Care and Day Camp Licensees

A. Monitoring Process for Probationary Licensees

1. Application Process

BECR contracts with the [Supporting Families Together Association](#) (SFTA), a private, non-profit agency, to provide start-up pre-licensing assistance to licensed child care applicants. SFTA contracts with [child care resource and referral agencies](#) in the state who offer pre-licensing technical consultants to assist new applicants for licensure.

Once the applicant is ready, s/he submits the required license application materials to the appropriate BECR regional office. BECR regional licensing staff review the application, the initial licensing study checklist, and all other related materials. The Child Care Background Unit collects and reviews background check information. Through this process, a determination is made as to whether the applicant is eligible for child care licensure.

Once the applicant is determined eligible for licensure, a licensing specialist schedules and conducts an initial onsite licensing study visit to gather more information from the applicant. Licensing specialists must make at least one onsite visit to a center prior to the issuance of a probationary license. In many cases, the licensing specialist will complete two onsite visits during the application period to provide technical assistance and to verify compliance with the applicable rule requirements.

At the initial onsite licensing study visit, the licensing specialist reviews the initial licensing checklist that was completed and submitted by the applicant with the license application. The licensing specialist verifies whether each rule requirement is met, not met or not applicable to that center.

The licensing specialist measures all areas inside and outside the building to determine the amount of usable space available to children. This calculation is used to determine the maximum licensed capacity of the center. The licensing specialist also assesses equipment and materials, and the number of toilets and washbasins available. The amount of usable indoor and outdoor space, the number of toilets and washbasins, and the amount of equipment and materials available are all considered in determining the actual capacity of the program.

The licensing specialist conducts an exit interview at the conclusion of each onsite licensing study visit. S/he discusses his/her observations and describes which items in the checklist are not in compliance with the licensing rules. The licensing specialist provides the applicant with a document indicating those rules that the applicant will need to meet prior to issuance of a probationary license. This documentation of unmet rules is either left with the applicant at the conclusion of the site visit or will be sent to the applicant.

2. Issuance of the Probationary License

Once the applicant has indicated that all applicable rules have been met and this has been verified by the licensing specialist, and licensed capacity has been determined, the licensing specialist calculates the licensing fee. The six-month probationary license can be issued once BECR receives the applicant's licensing fee.

3. Monitoring During the Six-Month Probationary Period

Once the six-month probationary license has been issued, the licensing checklist or the electronic checklist is used to monitor compliance with rules during the probationary period. The licensing specialist will make at least two onsite visits to the center during the six-month probationary period to review all rules on the licensing checklist.

At the end of the initial six-month probationary license period, the licensing specialist must do one of the following:

- Issue a regular, non-expiring license; or
- Issue a second, six-month probationary license; or
- Deny the application for the regular license.

B. Monitoring Process for Licensees with Regular, Non-Expiring Licenses

1. Issuance of a Regular License

When an applicant has successfully completed the probationary period, BECR issues a regular, non-expiring license to the center. Although this license does not expire, the licensee must submit fees and complete required forms every two years at the time of license continuation to update the BECR licensing specialist on the current operations of the center or camp. Once the regular, non-expiring license is issued, the licensing specialist is responsible for assigning the center to a monitoring plan and conducting regular onsite monitoring visits.

2. BECR Determines the Minimum Number of Visits to Conduct Annually

BECR has established guidelines for the minimum number of onsite visits that licensing specialists are expected to make to child care centers during specific timeframes in order to monitor for compliance with licensing administrative rules.

3. BECR Conducts Unannounced Monitoring Visits

BECR licensing specialists conduct regular routine monitoring of child care centers for the purpose of determining the center's compliance with all applicable administrative rules. **This is achieved primarily through unannounced, onsite monitoring visits. The licensing specialist must review the center's compliance with all administrative rules that apply to a center over the course of each two-year licensing period.**

While reviewing the operation of the center, the licensing specialist documents his/her observations of the center's compliance with the administrative rules by completing an electronic checklist, indicating the rules that are met, unmet, and not applicable for the particular center under review.

4. What to Expect During the Monitoring Visit

An onsite visit may be brief or may involve a lengthy, in-depth compliance inspection.

Upon arrival at the center, the licensing specialist will inform the licensee of the reason that s/he is there to conduct a visit on that day. If necessary, the licensing specialist will offer photo identification, particularly when the center has new staff or when a new licensing specialist has been assigned to the center.

Monitoring usually begins with an initial observational walk-through of the center by the licensing specialist. The walk-through provides the licensing specialist with an overall impression of the center and may point to specific areas of the administrative rule that will require more thorough monitoring.

While in the center, the licensing specialist will be professional and approachable. There is an expectation that BECR licensing staff and the licensee treat each other as professionals, free of discrimination, and with fairness, courtesy, dignity, consideration, and respect. The licensing specialist will make every effort to prevent the interruption of normal center operations whenever s/he is making an unannounced visit.

During the visit, the licensing specialist may silently observe the center operations, review records and inspect physical space while documenting his or her observations. The licensing specialist may ask to review a sample of staff or children's records for completeness. S/he will likely observe the playground and check equipment used by the children. The licensing specialist will often ask clarifying questions of the licensee, director or staff members so that s/he has a complete understanding of how the center and each classroom functions, before forming conclusions regarding compliance with rules. The licensing specialist may inspect other areas of the home or facility that may not be used for child care to check for any safety concerns that could affect children in care.

The licensee may have a witness of the licensee's choosing present to observe and document a visit. However, the visit begins when the licensing specialist arrives.

5. BECR Conducts Other Types of Visits

In addition to regular, routine monitoring for compliance with the licensing rules, licensing specialists may make other onsite visits to licensed child care centers, and some of these visits may be announced. For example, a licensee may request technical assistance and will make arrangements for a convenient time for the licensing specialist to visit. The licensing specialist may make an unannounced visit to conduct a complaint investigation or to follow up on an incident or accident that the licensee has reported to BECR. Other reasons for visits may be to verify that previously cited violations have been corrected or to ensure that the issues described in an enforcement action have been addressed. A visit may be made to issue an amendment to the license or to check in prior to license continuation.

6. Health and Safety Review Required Annually

In addition to a required review of all administrative rules over a two-year period, the licensing specialist will review a subset of administrative rules for compliance annually, as part of the regular monitoring visit. This subset of the rules is comprised of administrative rules included in 10 health and safety areas identified in the federal Child Care and Development Block Grant (CCDBG) and by DCF as critical to ensuring child health and safety protections.

7. Visit Conclusion

The licensing specialist will offer an exit interview at the end of each visit so that s/he can report the results of the visit to the licensee or the licensee's designee. S/he will discuss what was observed and why certain rules will be cited based on those observations. If time permits, the licensing specialist may offer technical assistance on what might be done to correct the violation.

Licensing specialists will also remind the licensee that BECR is interested in receiving feedback on the services licensing staff provide to licensed child care centers.

The licensing specialist should direct the licensee to look for the [Provider Customer Satisfaction Survey](#) link located on the DCF child care Internet page (and also included on the Compliance Statement form). The person completing the survey is assured anonymity.

8. Documentation of Visit Results

The licensing specialist documents his/her observations of the center's compliance with the administrative rules by completing an electronic checklist, indicating the rules that are met, unmet and not applicable for the particular center under review. The documentation entered into the electronic checklist also identifies the reason for the visit and the specific description of rule violations observed during the visit.

The information entered into the electronic checklist is automatically synchronized into a database that stores child care information. If violations are cited, the descriptive rule violation information entered into the electronic checklist is automatically transferred into a form titled Noncompliance Statement and Correction Plan. If no violations will be cited, this information is transferred into a form titled Compliance Statement.

9. Noncompliance Statement and Correction Plan

When one or more violations are observed, a Noncompliance Statement and Correction Plan documenting all violations that are cited on the visit is issued. The licensing specialist will send it via email or regular mail following the visit. The licensee is required to complete the correction plan section of the Noncompliance Statement and Correction Plan form, describing how the violations will be corrected and when. S/he submits the correction plan to the licensing specialist within 10 days of receipt of the form.

The Noncompliance Statement and Correction Plan, including the licensee's plan for correcting the violations, is displayed on the [Regulated Child Care and YoungStar Public Search website](#) for a three year period. The licensee is also required to post the Noncompliance Statement and Correction Plan at the center near the license so that it is visible to parents and visitors.

The licensing specialist will verify correction of the violations cited on the Noncompliance Statement and Correction Plan, usually at the next onsite visit.

10. Compliance Statement

If no violations are cited by the licensing specialist, s/he issues a form titled Compliance Statement which documents that no violations were observed on the day of the visit. The Compliance Statement is also displayed on the Regulated Child Care and YoungStar Public Search website for a three-year period. The licensee is also required to post the results at the center near the license.

C. Serious and/or Repeat Violations

Every rule is important to the quality of the child care program, but some administrative rules are more directly related to assuring that children are safe in child care settings. BECR has identified those rule requirements that, when violated, are likely to pose the most serious threat to the health, safety, and welfare of children in care. [The list of serious violations in family and group child care](#) is located on the DCF Internet.

A **repeat violation** is a violation that is cited more than once within a two-year period beginning from the date it was first cited. Repeat violations include the following:

- A violation cited on a Noncompliance Statement and Correction Plan that remains uncorrected by the licensee after the expected correction date for the violation; or
- A violation that was cited on a Noncompliance Statement and Correction Plan and verified as corrected but is subsequently found to again be in violation within the two-year period.

When citing a rule violation, the licensing specialist pays particular attention to whether or not the rule requirement is considered a serious and repeat violation. Serious and repeat violations may be an indication that additional monitoring visits are necessary. Depending on the number of serious and repeat violations cited on a single monitoring visit and whether the serious violations are also repeat violations, the licensing specialist may be required to initiate an order to correct or other enforcement action.

D. Regulated Child Care and YoungStar Public Search Website

The Department of Children and Families maintains a public search website that displays regulatory and YoungStar information regarding child care centers in Wisconsin. Any member of the public can access the public search website to view information about a child care center, including a map of center locations and center-specific information such as hours of operation, capacity, YoungStar rating, visit results as reflected in the compliance and noncompliance statements, correction plans submitted by the licensee, etc. The link to the public search website is [Child Care Finder](#).

E. Progressive Enforcement Actions

For a small percentage of child care centers, compliance with all of the administrative rules can be challenging. Progressive enforcement actions refer to a series of directives authorized in statute that may be initiated by licensing staff to gain compliance with administrative rules. Enforcement actions require that the center takes action to correct a situation and achieve compliance, or more serious actions may be taken, including revocation of the license.

Enforcement actions are posted on the public search website. These are formal notices, sent certified and regular mail, and include an explanation of the appeal rights that are available to the licensee. Enforcement actions may be appealed with the Division of Hearings and Appeals, in the Wisconsin Department of Administration. The types of enforcement actions that may be initiated are described below.

Warning Letter

The warning letter is not technically an enforcement action but is used to call attention to the seriousness of the licensee's violation history, prior to actually initiating enforcement action. The licensing staff must consider attaching a warning letter to a noncompliance statement whenever previous efforts to gain compliance through issuance of one or more noncompliance statements have failed.

Order

An order is an enforcement action taken by BECR that compels a licensee through a formal, written directive, to take necessary steps to comply with statute and/or administrative code.

An order is issued under the following circumstances:

- In certain serious circumstances, an order is immediately issued in conjunction with a noncompliance statement at the initial discovery of one or more serious violations.
- One or more violations cited in a noncompliance statement and, if issued, the warning letter, have not been corrected in a reasonable timeframe, as established by the licensing specialist and s/he believes the order is needed to bring about licensee compliance.
- At least four repeat, serious violations are cited during a single monitoring visit.

Forfeiture

A forfeiture is a fiscal penalty that may be taken by BECR against a licensee or any other person (i.e., an unlicensed provider) who violates a provision of licensure or administrative rule. Forfeitures may be assessed in amounts of \$10 to \$1,000 per day, per violation. The licensing specialist usually issues a forfeiture as the next enforcement step after an order has been issued and a follow-up inspection verifies that the order has not been complied with by the specified time or has been violated.

Direct Forfeiture

The licensing specialist issues a direct forfeiture immediately for one or more violations not associated with previously issued orders. A direct forfeiture is issued in the most severe circumstances when the health, safety, and welfare of children in care is threatened, such as when a child is injured in care. Usually, an order to correct the violation is issued with the direct forfeiture.

Temporary License Suspension

The licensing specialist may issue a license suspension that temporarily suspends a license to operate a family or group child care center or day camp for not more than two weeks. This enforcement action requires that the licensee temporarily close the licensed facility and cease accepting any child for care during the license suspension period while the licensee makes necessary corrections to achieve compliance with the statute and/or administrative rule.

A temporary suspension of the license is initiated when the statute and/or rule violation is serious enough to require immediate correction and there is a reasonable expectation that the correction can and will be achieved within a two-week timeframe. If the correction is not made within the two-week closure period, surrender of the license or a revocation is likely.

Denial

The BECR regional licensing manager, with the concurrence of BECR director, may issue a license denial when an applicant for licensure does not meet minimum licensure requirements, or the applicant has been issued one or two probationary licenses and monitoring during the probationary period reveals a pattern of violations or substantial noncompliance that gives the licensing specialist reasonable concern for the safety of children in care.

Revocation

The BECR regional licensing manager, with the concurrence of the BECR director, may revoke a license for various serious statutory and administrative rule violations, including:

- Repeat violation of a provision of licensure after the imposition of a penalty;
- Substantial violation of a provision of licensure;
- A direct threat to the health, safety, or welfare of children in care;
- Repeated violation of a rule, provision or order that is the same or similar to one related to licensure;
- Failure to apply for license continuance;
- Outstanding forfeitures that prevent license continuation;
- A decision not to continue a license because of an action that constitutes substantial failure to protect and promote the health, safety, and welfare of a child;
- Evidence that the licensee, a household member, an employee, or person with regular contact with children in care, has been convicted of a serious crime as defined under Wis. Stat. § 48.685(1)(c), or is the subject of a finding by a governmental agency of neglect or abuse of a client, or misappropriation of a client's property, or child abuse or neglect.

Summary Suspension

The BECR regional licensing manager, with the concurrence of the BECR director, may decide that immediate closure of a center is needed. In this case, a summary suspension of the license is issued, based on one or more of the following factors:

- Failure of the licensee to provide environmental protections for the children, such as heat, water, electricity or telephone service.
- 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.
- 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.

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- 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 or has been determined by a child protective services agency or law enforcement agency to have abused or neglected a child.
- 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.

F. Impact of Enforcement Action on YoungStar Participation

[YoungStar](#) is Wisconsin's child care quality rating and improvement system. If the licensee's compliance issues are so severe that it is necessary to revoke, summarily suspend or deny a regular license, the licensee is deemed to be out of regulatory compliance and may no longer participate in YoungStar, or receive Wisconsin Shares (child care subsidy funds). If the licensee appeals the enforcement action, s/he may continue to operate during appeal proceedings, but the center is considered out of regulatory compliance, resulting in a YoungStar one star rating and ineligibility for Wisconsin Shares payments.

G. Complaint Visits

Complaint intake, screening, and investigation are among the most critical functions performed by licensing specialists. All complaints are treated seriously. Complaints alert licensing staff to possible problems at centers that may not be apparent during routine monitoring visits or, in the case of unlicensed and potential illegal child care, may not otherwise come to the attention of licensing staff.

A complaint is legally defined as an allegation of a violation of Wis. Stat. § 48 and/or the relevant administrative code. BECR only investigates complaint allegations that fall within the bureau's regulatory authority, so the allegations must be related to licensing rule requirements or to facilities that are suspected of illegally operating without a license.

The BECR regional licensing specialist is responsible for examining the nature of a complaint and determining which allegations relate to licensing administrative rules, which allegations should be referred to other agencies, and which allegations may not be subject to any governmental intervention. Once these jurisdictional issues are clear and referrals have been made, BECR staff are required to investigate any complaint that involves or potentially involves a violation of one or more administrative rule requirements. Following completion of the complaint investigation, the licensing specialist determines whether the complaint is substantiated or unsubstantiated; that is, based on a complaint investigation, either a rule violation is issued or a rule violation will not be issued. The licensee is notified of the results of the complaint investigation. If requested, the results of the complaint may be shared with the complainant.

When a rule violation has been substantiated through the complaint investigation, a Noncompliance Statement and Correction Plan is issued and the licensee must initiate corrective action as soon as possible. Other enforcement actions, up to and including revocation of the license, may be initiated as well.

H. Incident and Accident Reports

The licensing specialist reviews required reports to the Department and may conduct a follow-up investigation to determine whether licensing violations have occurred, or a situation exists that has the potential to cause harm to a child.

The licensing specialist must take appropriate follow-up action in response to a report of an incident, accident, injury or death including:

- Deciding on the appropriate investigative response, which may vary from no investigation to a desk review to an extensive onsite investigation;
- Making a determination as to whether one or more rule violations was a factor in the incident, accident, injury or death;
- Making a determination on the subsequent regulatory action to take, ranging from none to citing one or more violations to revocation of the license.

I. Background Check Law

The Background Check Law was enacted to protect vulnerable persons in regulated settings such as licensed child care centers. The law specifies the following:

- Those serious crimes that bar individuals from owning, working at or living at a regulated child care facility;
- When a background check is required and the frequency thereafter;
- When the form is required;
- The databases that must be checked to complete a r background check.

Visit the [Licensing Background Check Requirements page](#) for more information on the Background Check Law and how it impacts a child care provider or day camp.