

Monitoring Guide for Wisconsin's Regulated Child Care Programs

Bureau of Early Care Regulation

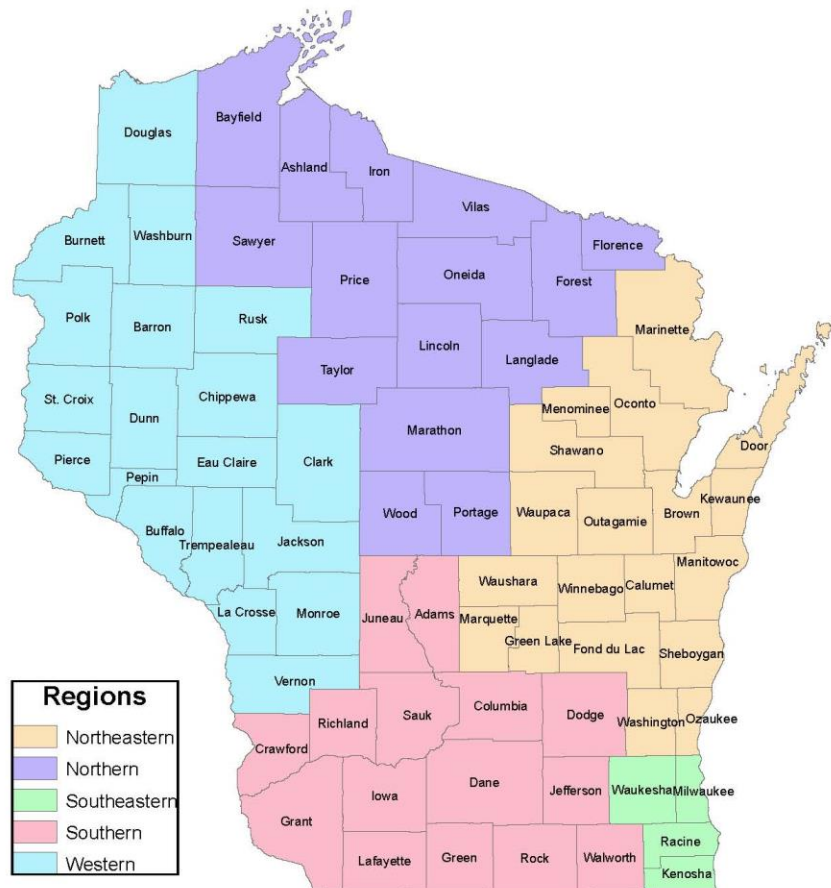


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Bureau of Early Care Regulation
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Bureau of Early Care Regulation Regional Office Map

Child Care Licensing Regions



Map produced by: Wisconsin Department of Children and Families
Data source: Wisconsin Department of Children and Families

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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.

BECR monitors approximately 4,000 licensed group, family, and day camp providers and oversees local agencies that certify approximately 800 providers who provide certified care. Nearly 200 license exempt public school programs receive annual visits by BECR staff. Together, licensed, certified, and license exempt child care programs served nearly 238,000 children in Wisconsin in 2017.

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 caregiver background checks on licensees, household members, and staff.

BECC 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.

Part I below describes the monitoring process for probationary and regular child care and day camp license holders. The monitoring process for license exempt public school programs is described in Part II, beginning on page 17. Note that this monitoring guide does not address monitoring requirements for certified child care programs. More information on certified child care can be found on the [Child Care Certification](#) home page.

PART I. Monitoring Probationary and Regular Child Care and Day Camp Licensees

A. Monitoring Process for Probationary Licensees

1. Application Process

All applicants interested in child care licensure receive start-up pre-licensing assistance from [Supporting Families Together Association](#) (SFTA). DCF contracts with this private, non-profit agency to help applicants prepare for the license application process. 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 Caregiver 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. Only certain rules can be reviewed and documented as met prior to issuance of a probationary license. For example, the licensing specialist cannot observe the applicant caring for children at this point in the process, but can assess other aspects of the operation, such as usable indoor and outdoor physical space.

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 may be sent to the applicant within 10 business days of the visit.

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 is again used to monitor compliance with rules during the probationary period. The licensing specialist must review all rules on the licensing checklist, although it is not necessary to recheck items monitored and met before issuance of the probationary license.

The licensing specialist will make at least one onsite visit to the center within the first three months of issuance of the six-month probationary license and one or more onsite visits in the last three months of the six-month probationary period.

At the end of the initial six-month probationary license period (or one-year probationary period for day camps), 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. These guidelines are based on the size and compliance history of the center.

A licensing specialist will visit smaller centers (capacity is less than 50) at least one time per year, while larger centers usually receive at least two visits per year. It is not

uncommon for the licensing specialist to visit more frequently than is required. For example, this may be because a center has had a complaint filed against it, has requested technical assistance, or additional visits are needed to ensure that all applicable rules are monitored.

Sometimes a facility requires more intensive monitoring because the facility has had regulatory compliance issues. The licensing specialist may visit more frequently for a limited time, until those issues are addressed. This would be required when a warning letter for violations has been issued, when the center has been cited for 20 or more violations at a single monitoring visit, or there are other compliance issues of unusual concern to the licensing specialist. In particular, more visits will be made by the licensing specialist when s/he issues a warning letter for no access to the center (after two attempts) or an enforcement action has been issued, such as an order, forfeiture or two-week closure.

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.**

Areas for review include record keeping, staffing, physical plant and equipment, programming, meals and snacks, outdoor space, transportation, child guidance, etc.

While reviewing the operation of the center, the licensing specialist documents each program's compliance with licensing rules using the appropriate center-specific licensing checklist. This checklist identifies all administrative rules applicable to the particular type of center under review (for example, group or family, or day camp). 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 may inform the licensee of the reason that s/he is there to conduct a visit on that day. For example, the licensing specialist may indicate s/he will also be conducting an investigation of a complaint received by BECR, in addition to conducting the annual routine monitoring visit. 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. Sometimes s/he will interact with staff or the children in care, if the interaction is not disruptive to the program. The licensing specialist may ask to review a sample of staff or children's records for completeness and may want to sit in a separate area, away from center activities, while reviewing records. S/he will likely observe the playground and check equipment used by the children. The licensing staff 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 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 May Conduct 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.

The licensing specialist may leave a business card with contact information if the information needs to be updated. If requested, the licensing specialist will inform the licensee of the name and contact information of the licensing specialist's supervisor.

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 may leave the form with the licensee at the end of the visit, or send it via email or regular mail immediately 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. Sometimes the licensee can submit written materials to the licensing specialist who can verify that the violations have been corrected through the review of the submitted materials.

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

When determining how and when to address compliance issues in a center and whether additional attention and action may be necessary to bring a center into compliance with the rule requirements, the licensing specialist considers the seriousness of the violations s/he is citing and whether a rule has been repeatedly violated at the center.

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, beyond what is minimally required. 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. The licensing specialist may believe that because of the severity of the rule violations and/or a pattern of repeated violations, the health and safety of children is at risk. 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. Enforcements are initiated when previous efforts, such as citing the violation or providing technical assistance, have not worked. 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. The licensing specialist will weigh whether the licensee has been given a reasonable amount of time to correct the violations and has shown a serious effort to address the violations prior to issuing the warning letter.

The warning letter may be issued if:

- The licensing specialist is citing one or more serious violations or
- Numerous violations are cited or
- One or more repeat violations are cited or
- Telephone service to the facility is unavailable or

- The licensing specialist has made two failed attempts to gain entrance to the facility for onsite monitoring.
- **Order**

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 chief, 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 chief, 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 chief, 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.

- 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.

A complaint is legally defined as an allegation of a violation of Wis. Stat. § 48 and/or the relevant administrative code. BECR regional offices receive complaints about child care centers by telephone, letter, email, and in person. 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.

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. Complaints may come from a variety of sources, such as parents and other family members, neighbors, center staff, social service and law enforcement personnel, other community members and anonymous sources.

Because complainants may be unfamiliar with the licensing rules, complaints are not always related to licensing requirements and may not be within the jurisdiction of BECR. 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 either at an onsite exit interview or by phone. 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

As required in licensing rules, family and group child care and day camp licensees must report to BECR any death of a child in care or any incident or accident that occurs to a child in care that results in an injury that requires professional medical treatment. The licensing specialist will review the report 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 report of a death, accident, or incident necessitates that the licensing specialist take appropriate follow-up action 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 accident, incident 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 as a caregiver, or living at a regulated child care facility;
- When an initial caregiver background check is required and the frequency thereafter;
- When an initial [Background Information Disclosure \(BID\)](#) form is required;
- The criminal databases that must be checked to complete a caregiver background check.

Visit the [Licensing Background Check Requirements page](#) for more information on the Background Check Law and how it affects a licensed provider.

PART II. Monitoring License Exempt Public School Programs

A. Overview

Wis. Stat § 120.13(14) requires that school boards that establish and provide or contract for the provision of child care programs must meet the standards for licensed group child care centers established in Wis. Admin. Code § DCF 251. With the 2014 reauthorization of the federal Child Care and Development Block Grant (CCDBG), annual inspection of license exempt public school programs by qualified staff became a condition of receiving federal child care subsidy funds (known in Wisconsin as Wisconsin Shares). Beginning in the fall of 2016, all child care programs operated or contracted by a public school that wish to be eligible to receive Wisconsin Shares on behalf of an eligible family or that participate in Wisconsin's quality rating improvement system (YoungStar) must be monitored annually for compliance with a subset of Wis. Admin. Code § DCF 251. Beginning in 2016, BECR was designated the state agency responsible for monitoring license exempt public school child care programs.

Public school child care programs that do not participate in Wisconsin's YoungStar program are not eligible for Wisconsin Shares and therefore not subject to the annual monitoring requirement.

Inspections of public school programs by BECR ensure that there is consistent oversight by qualified staff to protect and promote the health, safety, and welfare of children in care in these programs. The monitoring requirement also ensures that these public school programs comply with other CCDBG requirements, such as mandated reporting of certain incidents and injuries, and thorough background checks on caregiver staff employed in the programs.

B. Application to be Monitored

Public school programs participating in YoungStar can access information on the DCF Internet [public schools page](#). This web page explains the [CCDBG](#) requirements and the BECR monitoring process and expectations.

Each public school location that participates in YoungStar completes and submits to the BECR regional office a form titled Information Required to Monitor School-Operated License Exempt Child Care Centers. This form must be signed by the person designated responsible for oversight of the program, usually the school board president. Such oversight must ensure compliance with the licensing requirements in Wis. Admin. Code § DCF 251. Once the completed form is received by the BECR regional office, a BECR licensing specialist is assigned to the public school program and s/he will contact the program to set up the initial announced introductory onsite visit. The initial announced onsite visit is made within the first 12-month period following receipt of the form.

C. Initial Introductory Onsite Visit

An initial announced onsite visit occurs approximately one year before the first annual monitoring visit in which the licensing specialist will begin monitoring for compliance with a

subset of the group child care rules, referred to as the Annual Health and Safety Rules. This subset of rules covers administrative rules in 10 health and safety areas identified in the CCDBG legislation, as well as additional rules identified in Wisconsin as critical to health and safety protections for children in care.

The first onsite introductory visit is a chance for public school program staff to meet the licensing specialist and for the licensing specialist to make an initial assessment of the program's compliance with those particular health and safety administrative rules that will be part of an annual review. S/he will explain to program staff what the future monitoring visits will entail. Technical assistance may also be offered, if appropriate. BECR staff strive to work in partnership with each license exempt program and will assist the program in identifying strengths as well as areas where program improvements can be made.

The initial visit to the public school program is scheduled for a time that is convenient for program staff. Staff will be given a minimum of five business days advance notice before an announced visit is made. When scheduling the visit, the licensing specialist will provide the staff with an estimate of the time that s/he will be onsite and will make every attempt to arrange the timing of the visit to best accommodate the program schedule and the schedules of staff.

The licensing specialist will prepare staff for the visit by indicating what will be covered during the initial visit and who should be present. It is not necessary for children to be present at the initial announced visit.

Upon arrival, the licensing specialist will introduce him or herself and provide a business card with contact information. The licensing specialist will describe the monitoring process, including how often to expect a monitoring visit, and how much time a monitoring visit may take. S/he will note that visit results should be posted at the center after each monitoring visit and that the program can respond to violations that may be cited by drafting and submitting a correction plan for each violation. If they do so, the correction plan should be posted as well. Submittal of a correction plan is not mandatory for public school programs, however.

The licensing specialist then conducts a walk-through of the center and assesses the program's compliance with each identified rule while recording his/her observations on a paper checklist form. The licensing specialist indicates administrative rules that are met or not applicable for the license exempt program and leaves unmet rules blank. S/he also records comments describing how the program is out of compliance. This assessment will establish the program's "baseline"; that is, the rule requirements that are currently already met at the program, and those rules that are not met and will need to be reviewed for compliance at a subsequent visit.

At the end of the initial onsite visit, the licensing specialist will discuss his/her observations with the program director (or person in charge on the day of the visit) and provide a copy of the completed paper checklist form, identifying the results of the walk-through. If it is not possible to make a copy of the checklist onsite, it is sent electronically or via US mail to the program within 10 business days of the visit. Either way, the licensing specialist will provide the program with the document to identify those rules that will need to be met at future monitoring visits in order to be in compliance with health and safety standards. The licensing specialist may offer

technical assistance on ways to comply with the unmet rules observed on that day and will also share positive impressions with staff.

The copy of the paper checklist completed at the initial onsite visit will be reviewed by the licensing specialist when making the first annual monitoring visit to the license exempt program.

D. What to Expect During the Annual Monitoring Visits

To meet federal requirements, BECR licensing specialists must conduct a minimum of one monitoring visit per year to each public school program participating in YoungStar. All public school programs participating in YoungStar must receive the annual inspection required in the CCDBG legislation, regardless of whether children receiving Wisconsin Shares are currently enrolled in the program. (Head Start programs operated by school districts that are not participating in YoungStar are not monitored by BECR.) The annual visit may be announced or unannounced.

At each annual monitoring visit to a public school program, the BECR licensing specialist will review the program's compliance with the Annual Health and Safety Rules. Areas for review will include record keeping, staffing, physical plant and equipment, programming, meals and snacks, outdoor space, child guidance, etc. While reviewing the program, the licensing specialist documents compliance with rules using the Annual Health and Safety Rule checklist, indicating the rules that are met, unmet and not applicable for the program.

Upon arrival, the licensing specialist will begin by informing staff of the reason s/he is there to conduct a visit on that day. Most often, the reason will be to conduct the annual monitoring of the program. However, if a complaint about the public school program was received, the licensing specialist may indicate s/he will be conducting an investigation of complaint allegations. If necessary, the licensing specialist will offer photo identification, particularly when there are new staff or when a new licensing specialist has been assigned to the program.

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 and may point to specific areas that will require more thorough monitoring.

During the visit, the licensing specialist may silently observe the program operations, review records and inspect physical space while documenting his or her observations. Sometimes s/he will interact with staff or the children in care, if the interaction is not disruptive to the program. The licensing specialist may ask to review a sample of staff or children's records and may want to sit in a separate area, away from center activities, while reviewing records. S/he will likely observe the playground and check equipment used by the children. The licensing specialist will often ask clarifying questions of the director or staff members so that s/he has a complete understanding of how the program and each classroom functions, before forming conclusions regarding compliance with health and safety rules.

While in the center, the licensing specialist will be professional and approachable. There is an expectation that BECR licensing staff and the public school staff will treat each other as

professionals, free of discrimination, and with fairness, courtesy, dignity, consideration, and respect. The licensing specialist makes every effort to prevent the interruption of normal program operations whenever s/he is making a visit.

The licensing specialist may leave a business card with contact information if the information needs to be updated. If requested, the licensing specialist will provide the name and contact information of the licensing specialist's supervisor.

E. Visit Conclusion and Follow-up

The licensing specialist offers an exit interview at the end of each visit with the person in charge on the day of the visit. S/he will discuss what was observed and why certain rules may be cited based on those observations. If time permits, the licensing specialist may offer technical assistance on what might be done to correct one or more violations or suggest other available resources. Public school program staff are not required to participate in an exit interview.

Monitoring results for public school programs must be documented in writing for parents, the public, and public school officials. The results of each annual visit are recorded and shared with the program on the Compliance Statement-Public School Operated Child Care Program form or Noncompliance Statement and Correction Plan - Public School Operated Child Care Program form. The Compliance Statement is used to document that no violations were observed at the visit. The Noncompliance Statement and Correction Plan is completed by the BECR licensing specialist to enumerate and document all violations identified at the program at the time of the onsite monitoring visit. Both reports must be posted at the program. (**Note:** Beginning in the fall of 2018, these reports will also be posted on the Regulated Child Care and YoungStar Public Search website.)

When no violations are cited, no follow-up is expected of program staff. When one or more violations are cited, the licensing specialist explains that staff may wish to develop and submit a plan for correcting the violations, though public school programs are not required to create and submit a correction plan to BECR to address violations. Licensing specialists do not verify correction of the cited violations until the next routine annual visit.

The Compliance Statement and the Noncompliance Statement and Correction Plan are mailed, emailed, or hand delivered to the public school program no more than 10 business days from the date of the site visit during which one or more violations are cited or no violations are cited.

A public school program cannot formally appeal a violation through the Division of Hearings and Appeals. However, if disputes arise regarding a cited violation that the licensing specialist cannot resolve, the licensing specialist will refer the program to the BECR regional licensing chief for resolution.

There is no statutory authority for BECR to impose an enforcement action on a public school program for serious, numerous, or repeat violations. However, in cases in which a public school program is substantially noncompliant, and the health, safety, and welfare of children may be at risk, BECR licensing staff will contact school board officials and may make a referral to the Child Care Subsidy and Technical Assistance Line to assess whether Wisconsin Shares

authorizations should be continued.

F. Self-Reports

Public school programs are required to self-report to BECR certain incidents and injuries, including any incidents or accidents that occur while a child is in care and result in professional medical evaluation, any death of a child in care, and several other occurrences at the center or involving persons at the center that could potentially put children at risk. A follow-up review regarding the incident may be required if it is possible that one or more health and safety rules that are part of the Annual Health and Safety Rules have been violated.

The report of a death, accident, or incident necessitates that the licensing specialist take appropriate follow-up action including:

- Deciding on the appropriate investigative response, which may range 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 accident, incident, or death;
- Making a determination on the subsequent regulatory action to take, ranging from none to citing one or more violations to making a referral to the Child Care Subsidy and Technical Assistance Line, who will further assess whether Wisconsin Shares authorizations should be continued.

G. Complaints about Public School Programs

BECR investigates complaint allegations concerning a public school program if the allegations are related to rules contained in the Annual Health and Safety Rules. Complaint allegations received by BECR but unrelated to rules included in the Annual Health and Safety Rules are referred to the public school program and/or school district representative for follow-up. A BECR regional licensing specialist examines the nature of each complaint and determines which allegations relate to administrative rules contained in the Annual Health and Safety Rules, which allegations should be referred to the public school program or to other agencies, and which allegations may not be subject to any governmental intervention.

Complaints alert staff to possible problems that may not be apparent during routine monitoring visits or may not otherwise come to the attention of licensing staff. BECR regional offices receive complaints by telephone, letter, email, and in person and the complaints may come from a variety of sources, including parents and other family members, neighbors, center staff, social service and law enforcement personnel, other community members and anonymous sources.

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 will be issued or a rule violation will not be issued. The public school program is notified of the results of the complaint investigation either at an onsite exit interview or by phone. 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.

H. Serious and/or Repeat Violations

When determining how to address compliance issues in a public school program and whether additional attention and action may be necessary to bring the program into compliance with the rule requirements, the licensing specialist considers the seriousness of the violations s/he is citing and whether a rule has been repeatedly violated at the center.

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 the care of public school programs. The list of [serious violations in group child care](#) is located on the BECR 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 program 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 repeat or serious violation. Repeat and serious violations may be an indication that additional monitoring visits are necessary, beyond what is minimally required.

I. Regulated Child Care and YoungStar Public Search Website

DCF maintains a public search website that displays regulatory and YoungStar information regarding child care centers in Wisconsin. Beginning in the fall of 2018, visit results to public school programs will be posted on the Regulated Child Care and YoungStar Public Search website. The public search website is also known as the [Child Care Finder](#). Any member of the public can access the public search site 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 in response to the statements, etc.

J. Background Check Law

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

- Those serious crimes that bar individuals from owning, working as a caregiver, or living at a regulated child care facility;
- When an initial caregiver background check is required and the frequency thereafter;
- When an initial [Background Information Disclosure \(BID\)](#) form is required;

- The criminal databases that must be checked to complete a caregiver background check.

Visit the [Licensing Background Check Requirements page](#) for more information on the Background Check Law and how it affects a public school program.

K. If the Public School Program Discontinues YoungStar Participation

The requirement to be monitored annually by BECR ends when a public school program discontinues participation in YoungStar and eligibility for Wisconsin Shares reimbursement ends. The public school program must inform BECR and the county agency that administers Wisconsin Shares when they decide to end their YoungStar participation. The program must also instruct parents to contact the Wisconsin Shares agency to end their own authorizations with the public school program. As a follow-up, BECR will also send a letter to the county Wisconsin Shares agency to confirm that the program has ended Wisconsin Shares participation.