



YoungStar

Frequently Asked Questions: Regulatory Compliance

March 3, 2017

*Note: Almost all questions have been revised since June 10, 2013; questions that have been **substantially revised** or **added** since the last update are highlighted.*

YoungStar is a 5 Star quality rating and improvement system that supports child care and school-age care providers in the areas of education, learning environment & curriculum, business & professional practices and the health & well-being of children. Through this rating system the state addresses several key issues in Wisconsin's child care system. YoungStar:

- Focuses on improving outcomes for children by improving the overall quality of care
- Creates multiple pathways to professional development opportunities and better quality for child care and school-age programs
- Creates a clear, understandable tool for parents to choose quality child care
- Creates incentives and provides support for programs to improve services, particularly for low-income children
- Improves accountability for the Wisconsin Shares system

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Answers: Regulatory Compliance

REG-1. What is regulated child care?

"Regulated" means child care is either:

¹ DCF's *Regulated Child Care and YoungStar Public Search* website helps families search for safe, quality child care in Wisconsin: <http://childcarefinder.wisconsin.gov/Search/BasicSearch.aspx>

- Certified by the County/Tribe or Milwaukee Early Care Administration (MECA),
- Licensed by the State, **or**
- Operated by a public school board.

Note: To be eligible to receive Wisconsin Shares payments from families, providers must be regulated.

Licensed Child Care

Under Wisconsin law, no person may provide care and supervision for four 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 program from DCF. This **does not** include:

- A relative or guardian of a child who provides care and supervision for the child
- A public or parochial school
- A person employed to come to the home of the child's parent or guardian for less than 24 hours a day
- A county, city, village, town, public school district, or library that provides programs primarily intended for recreational or social purposes

There are 3 different categories of state licensed child care:

- **Licensed Family Child Care Centers** provide care for up to eight children. This care is usually in the provider's home.
- **Licensed Group Child Care Centers** provide care for nine or more children. These centers are usually located somewhere other than a residence and may be small or large in size.
- **Licensed Day Camps** are seasonal programs that provide experiences for four or more children. These programs usually operate in an outdoor setting.

Find more information on DCF Child Care Licensing at:

<https://dcf.wisconsin.gov/cclicensing>

Certified Child Care

There is a *voluntary* form of regulation in Wisconsin for those child care programs that are not required to be licensed. This type of regulation is called certification. Counties/Tribes certify child care homes and some school-age child care programs. Certified care is available for those families who wish to receive a child care subsidy, but who do not choose to use licensed care.

Find more information on DCF Child Care Certification at:

<https://dcf.wisconsin.gov/cccertification>

Exempt from Regulation

Public and private schools that operate early childhood programs are exempt from licensing oversight. These programs are regulated by public school boards and are required to meet the state child care licensing *standards*, even though they are not required to be officially licensed.

Care in the child's own home is also exempt.

Note: Programs operated by private or parochial schools *must be licensed* in order to receive payments from families participating in the **Wisconsin Shares Subsidy Program.**

REG-2. Is there a relationship between YoungStar and regulation?

Local YoungStar offices and state staff will confirm regulatory compliance through an automated transfer of data from licensing, certification, and the Wisconsin Shares program. Programs out of regulatory compliance cannot move above 1 Star and are not eligible to receive Wisconsin Shares payments from families.

Beyond this confirmation of regulatory status, YoungStar functions are independent of regulation.

DCF's child care licensing program promotes the health, safety, and welfare of children in licensed child care. DCF licensing specialists continue to regularly visit child care programs to assure compliance with the child care rules and regulations in *DCF 251: Licensing Rules for Group Child Care Centers* and *DCF 250: Licensing Rules for Family Child Care Centers*, at:

<https://dcf.wisconsin.gov/cclicensing/rules>

Once regulatory bodies are satisfied with a program's basic conditions of health, safety, and welfare, YoungStar goes above and beyond to support child care programs in offering *high quality* programming. To assist with this goal, DCF contracted with the YoungStar Consortium² to provide services through 11 local YoungStar offices. These offices adjust staffing to deliver technical assistance, coaching, mentoring, and training to child care programs, as well as conduct YoungStar Technical Ratings and YoungStar Formal Ratings with Observation.

Licensing staff do not determine YoungStar ratings, and simply remaining in regulatory compliance does not give a program any additional YoungStar points. Instead, programs earn YoungStar points by aligning their programs to the quality criteria described in the *Evaluation Criteria* documents:

<https://dcf.wisconsin.gov/youngstar/providers/point-detail>

REG-3. Do regulations require that child care staff have training in order to work with children?

Regulations

Regulations require all child care providers to have training in:

- Early childhood education
- Shaken baby syndrome (SBS) prevention
- Sudden infant death syndrome (SIDS) risk reduction procedures
- Infant/child cardiopulmonary resuscitation (CPR) and automated electronic defibrillator (AED) procedures

Child care teachers in group child care centers need additional early childhood training, and group child care center directors and administrators and family child care providers need training in the business-related aspects of operating a business. Group child care teachers and center directors also need to have experience in a licensed program before beginning to work in a program.

YoungStar

YoungStar goes above and beyond licensing requirements to recognize that higher levels of education lead to higher quality care. Because staff education is one of the most consistent

predictors of quality in an early childhood or school-age setting, a program earns more YoungStar points if staff have higher levels of education, as explained in the *YoungStar Quality Indicator Point Detail* documents:

<https://dcf.wisconsin.gov/youngstar/providers/point-detail>

REG-4. How is a program's "regulatory history" established?

Each program that is licensed by DCF or certified by the certifying agency agrees to comply with administrative rules intended to protect children in care. Licensing specialists from DCF and certification workers from local certifying agencies make periodic, announced and unannounced, on-site visits to licensed and certified programs, during which time the regulator observes the operation of the program and notes any areas in which the program is out of compliance with selected administrative rules. Observation of any violation of administrative rule is documented at the visit. Through this process, the program is alerted to existing violations and is required to take prompt, appropriate corrective action to safeguard children in care.

Regulatory history is also established through complaint investigations conducted by DCF staff and certification workers. Since licensing specialists and certification workers cannot visit and observe each program's operations daily, information from parents and others regarding what is happening at a program is critical.

Also included in a licensed program's regulatory history are enforcement actions. Enforcement actions, authorized in licensing statute, are sanctions or penalties that may be taken by DCF to address violations of administrative rules of licensed programs. Through the use of enforcement actions, such as orders and forfeitures, DCF can compel licensees to correct violations and come into compliance with minimum regulatory requirements. A licensee can dispute an enforcement action taken by the DCF by appealing the action through the Division of Hearings and Appeals.

REG-5. What should families consider when reviewing a program's regulatory history?

In reviewing the regulatory history of a program, families should keep in mind that the presence of violations and enforcement actions in the program's regulatory history is not the whole story. It is rare to find a regulated program that has never been cited for a rule violation. Many factors can influence a regulatory history, including the size of the program, the length of time the program has been operating, and the qualifications of the staff. Families should consider some of the following questions when they review the program's regulatory history:

- a. What is the YoungStar rating?
- b. What is the nature of the violation? Was the violation related to safety, record keeping, staff-to-child ratios? Every rule is important to the quality of the program, but some rules are more directly related to the safety of children.
- c. Is the program being repeatedly cited for the same violation? What is the program doing to correct the violation? Is the program making timely efforts to correct the violation?
- d. Is there an extensive history of multiple violations, or are the violations infrequent?
- e. What enforcement actions (for licensed programs only) have been taken and for what reasons? How has the licensed program responded to these actions?
- f. What do other families say about the program?
- g. What is the program's plan of correction? What can the program tell families about the violations and plans to correct them?

Tips for Choosing Child Care was developed by DCF to help families make the very important decision of locating a child care arrangement that is right for them. DCF encourages families to consider this guidance, in combination with the information available through YoungStar, when considering the program that best meets the needs of their children, as well as their own family needs.

- *Tips for Choosing Child Care:* <http://supportingfamiliesogether.org/child-care-resource-referral-agencies/>
- YoungStar Information: <https://dcf.wisconsin.gov/youngstar>

DCF also encourages families to talk with the programs they are considering. Families may also contact the local Child Care Resource and Referral office:

<http://supportingfamiliesogether.org/member-directory/>

REG-6. What is a violation, and what violations are considered the most serious?

A rule violation, also referred to as a noncompliance, is a formal, written statement that the licensee or certified operator is not in compliance with a specific administrative rule.

Every administrative rule is important to the quality of the program, but some administrative rules are more directly related to assuring that children are safe in child care settings. DCF 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.

When citing a rule violation, the licensing specialist pays particular attention to whether or not the rule requirement is included on the serious violation list. Depending on the number of serious violations cited on a single monitoring visit and whether the serious violations are also repeat violations, the licensing specialist may be required to initiate enforcement action.

DCF intends to eventually identify which violations are classified as serious violations for **licensed** child care programs shown on this public search website. Review the list of serious violations in **licensed** family and group child care at:

<https://dcf.wisconsin.gov/cclicensing/seriousviolations>

REG-7. Is there a relationship between YoungStar ratings and the number of violations?

It is rare to find a regulated program that has never been cited for a rule violation, and not all violations represent the same threat to the health and safety of children in care. Many factors will influence the actions that must be taken to achieve compliance, including the program's record on correcting violations, the seriousness of the violations, the size of the program, the length of time the program has been operating, and the qualifications of the staff.

A program is considered to be out of regulatory compliance for YoungStar when it has had its license or certification revoked, denied, or suspended or it has been suspended from participating in the Wisconsin Shares program (<https://dcf.wisconsin.gov/wishares>). This may happen if DCF or the certifying agency determines that a program has failed to correct previous violations or the program has put the health and safety of children in care at risk.

REG-8. How is "regulatory compliance" defined, and what happens with YoungStar and Wisconsin Shares if a provider is out of compliance?

The definition of regulatory compliance depends on whether a provider is licensed, certified, or exempt.

Licensed

Notification: Licensed providers are considered to be out of regulatory compliance upon receipt of notice from the Department of Children and Families that the program has 1) been revoked; 2) been denied a license; or 3) has had its license suspended.

YoungStar: For programs found to be out of regulatory compliance, the star rating is changed to 1 Star. If the provider subsequently becomes reinstated, the rating will be changed to 2 Star.

Wisconsin Shares Suspension: If a provider's Wisconsin Shares authorizations have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

Right to Appeal: All three regulatory actions (revocation, denial, and suspension) have an associated appeal right, as described in Ch. 227, *Wis. Stats.*³ In the case of revocations, denials, and license suspensions, a program remains out of regulatory compliance and at 1 Star until the regulatory enforcement action is resolved. Any future participation in the Wisconsin Shares program depends upon the conditions articulated in the final ruling or the settlement of the revocation case.

Continued Operations During an Appeal: If the program continues to operate during an appeal, the provider is placed on a waiting list for YoungStar consultation services. These providers are not eligible to receive any services from YoungStar until services have been provided to all other providers who requested services and are currently in regulatory compliance.

Certified

Notification: Certified providers are considered to be out of regulatory compliance upon receipt of notice from the certifying agency that the program has been suspended, revoked, or denied re-certification.

YoungStar: If a certified provider has had certification revoked or suspended, the provider is automatically removed from YoungStar. If the provider appeals the decision, the provider's rating is changed to 1 Star. If the provider subsequently becomes reinstated, the rating will be changed to 2 Star.

Wisconsin Shares Suspension: If a provider's Wisconsin Shares authorizations have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

Right to Appeal: Programs have an associated appeal right, as described in Ch. 227, *Wis. Stats.*³

Continued Operations During an Appeal: If the program continues to operate during an appeal, the provider is placed on a waiting list to receive YoungStar consultation services. These providers are not eligible to receive services from YoungStar until services have been provided to all other providers who requested services and are currently in regulatory compliance.

Exempt

A child care program run by a public school is exempt from DCF licensing oversight. Therefore, such a program could not be placed at a 1 Star due to revocation of regulation.

Child care programs run by public schools (or private schools) are required to meet the state child care licensing *standards*, even though these programs are exempt from DCF licensing oversight. A public school board would learn of instances where standards were not met if these instances were reported by parents or others.

³ Chapter 227 Administrative Procedure and Review: <http://docs.legis.wisconsin.gov/statutes/statutes/227.pdf>

Wisconsin Shares Suspension: If a program's Wisconsin Shares authorizations have been ended due to a suspension from the Wisconsin Shares child care subsidy program, the provider's rating is changed to 1 Star. The provider remains at 1 Star until the term of the YoungStar Contract expires. At that time the provider is removed from YoungStar.

REG-9. If there is a complaint regarding a regulated child care program, where should it be directed?

Anyone can report a complaint to DCF (<https://dcf.wisconsin.gov/cclicensing/contacts>) concerning a *licensed or unlicensed program*. When DCF is alerted to potential violations of administrative rule, licensing staff conduct a thorough investigation. If the complaint is substantiated, the violations are documented, and the program is expected to take prompt corrective action.

Complaints concerning *certified* child care programs shall be made to the local certifying agency, at:

<https://dcf.wisconsin.gov/cccertification/cc-directories>

REG-10. Why doesn't DCF's Child Care Search⁴ display positive observations made by the regulators?

The role of DCF is to protect the health, safety and welfare of Wisconsin's children in care through periodic monitoring of child care programs. DCF licensing specialists and certifying agencies conduct regular inspections of regulated programs to assure compliance with administrative rule requirements, the minimal standards established through statutory requirements. The expectation is that regulated programs meet these minimum standards at all times. The website shows the compliance information collected at these monitoring visits.

YoungStar ratings, however, provide the consumer with information on the *quality* of care being provided to children, based on an assessment of the program's education qualifications and training, learning environment and curriculum, business and professional practices, and child health and well-being practices.

DCF recognizes that many child care programs go well beyond the minimum standards required to maintain licensure or certification. We encourage child care programs to publicize their many extra efforts to provide quality early care in a safe and nurturing environment. Families looking for child care are encouraged to visit the programs they are considering to see firsthand what each program has to offer.

⁴ DCF's *Regulated Child Care and YoungStar Public Search* website helps families search for safe, quality child care in Wisconsin: <http://childcarefinder.wisconsin.gov/Search/BasicSearch.aspx>