



2023 ASSEMBLY BILL 390

September 1, 2023 - Introduced by Representatives GOEBEN, HURD, BINSFELD, BRANDTJEN, EDMING, GREEN, GUNDRUM, GUSTAFSON, MAGNAFICI, MAXEY, MURPHY, O'CONNOR, PENTERMAN, PETERSEN, PETRYK, PLUMER, ROZAR, SCHMIDT, SORTWELL, STEFFEN, SUMMERFIELD, SWEARINGEN and VANDERMEER, cosponsored by Senators BALLWEG and STROEBEL. Referred to Committee on Children and Families.

1 **AN ACT relating to:** modifying administrative rules relating to assistant child
2 care teachers.

Analysis by the Legislative Reference Bureau

Under current law, the Department of Children and Families regulates child care providers and is required to promulgate rules to carry out that function. Under rules promulgated by DCF, a person hired to be an assistant child care teacher must be at least 18 or 17 years old, depending on the qualifications the person meets. An assistant child care teacher or school-age group leader who is at least 18 years old and has completed the training required for the position may provide sole supervision to a group of school-age children for up to 45 minutes if there is a qualified school-age program leader or child care teacher on the premises, and an assistant child care teacher may provide sole supervision to a group of children in full-day centers for up to two hours during opening and closing hours and during the center's designated naptime.

This bill modifies the DCF rules to lower the minimum age at which a person may become an assistant child care teacher or school-age group leader from 17 to 16 and to lower the minimum age at which an assistant child care teacher or school-age group leader may provide sole supervision to a group of children from 18 to 16. The bill also removes the restrictions that a supervising assistant child care teacher may provide sole supervision to a group of children in full-day centers only during opening and closing hours and during the center's designated naptime and only for up to two hours and that a supervising school-age group leader or assistant child

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care teacher may provide sole supervision to a group of school-age children only for up to 45 minutes.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** DCF 251.05 (3) (g) 2. a. of the administrative code is amended to
2 read:

3 DCF 251.05 **(3)** (g) 2. a. Be at least ~~18~~ 16 years old and have satisfactorily
4 completed 2 credits in early childhood education or its equivalent within 6 months
5 after assuming the position.

6 **SECTION 2.** DCF 251.05 (3) (g) 2. b. of the administrative code is amended to
7 read:

8 DCF 251.05 **(3)** (g) 2. b. Be at least ~~18~~ 16 years old and have satisfactorily
9 completed one, non-credit department-approved course in early childhood
10 education within 6 months after assuming the position.

11 **SECTION 3.** DCF 251.05 (3) (g) 2. c. of the administrative code is amended to
12 read:

13 DCF 251.05 **(3)** (g) 2. c. Be at least ~~17~~ 16 years of age and have satisfactorily
14 completed an assistant child care teacher training program approved by the
15 Wisconsin department of public instruction, 2 credits in early childhood education
16 or its equivalent, or a noncredit department-approved course in early childhood
17 education.

18 **SECTION 4.** DCF 251.055 (1) (c) of the administrative code is amended to read:

19 DCF 251.055 **(1)** (c) Assistant child care teachers who are at least ~~18~~ 16 years
20 of age and have completed the training required for the position may provide sole
21 supervision to a group of children in full-day centers ~~for opening and closing hours,~~

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1 ~~not to exceed the first 2 hours and the last 2 hours of center operation, and during~~
2 ~~the center's designated naptime, not to exceed 2 hours.~~

3 **SECTION 5.** DCF 251.055 (1) (i) of the administrative code is amended to read:

4 DCF 251.055 (1) (i) No person under ~~18~~ 16 years of age shall be left in sole
5 charge of a child.

6 **SECTION 6.** DCF 251.095 (2m) (d) of the administrative code is amended to read:

7 DCF 251.095 (2m) (d) Notwithstanding s. DCF 251.055 (1) (c), a school-age
8 group leader who has completed the training required under s. DCF 251.094 (5) (c)
9 3. or an assistant child care teacher who has completed the training required under
10 s. DCF 251.05 (3) (g) 2. and is age ~~18~~ 16 or over may provide sole supervision for a
11 group of school-age children ~~for no more than 45 minutes~~ if there is a qualified
12 school-age program leader or child care teacher on the premises.

13 **SECTION 7. Effective date.**

14 (1) Notwithstanding s. 227.265, this act takes effect on the day after
15 publication.

16 (END)